



27 January 2016

Rt Hon David Cameron MP
10 Downing Street
London
SW1A 2AA

Dear Prime Minister

Re: Ongoing IHAT investigations

We write to express serious concern regarding your statement of last week “that there is now an industry trying to profit from spurious claims lodged against our brave servicemen and women who fought in Iraq.”¹ We are similarly concerned about the Secretary of State for Defence Michael Fallon’s reported comment that individuals or law firms who bring these claims to light are “ambulance-chasing”². We regard both statements as ill-judged and inappropriate, as well as damaging to the important ongoing work of the Iraq Historical Allegations Team (IHAT).

As you know, the IHAT was set up to review allegations of abuse by UK armed forces against Iraqi civilians between 2003 and 2009. These include allegations of war crimes – crimes which are prohibited under international law and which the United Kingdom has clearly proscribed through its implementation of the International Criminal Court (ICC) statute and which the Government is thereby committed to combat wherever those crimes occur.

While many of these allegations are as yet unproven, they are extremely serious and surely require that you, the Ministry of Defence (MoD) and other parts of Government avoid any real or perceived interference with the investigative process. To say, as you did, that the “National Security Council will draw up a plan to stamp out this industry”³ could be construed as an executive comment on the strength or weakness of any particular allegation.

The MoD has also made complaints about certain law firms to the Solicitors Regulation Authority where matters are pending. Ministerial comments about “ambulance-chasing” and “spurious claims” can therefore easily give the impression that attempts are being made to influence those proceedings as well. An independent regulatory system already exists to penalise “fabricated claims” as you have put it.

Your assertion that “this Government will protect [our armed forces] from being hounded by lawyers over claims that are totally without foundation”⁴ also ignores the fact that some very serious crimes involving the UK army in Iraq have been exposed, such as the killing of Baha

¹ Statement 22 January 2016, available at: <https://www.facebook.com/DavidCameronOfficial/posts/1115509545140029>.

² The Telegraph, *Defence secretary Michael Fallon: suspend the human rights act to protect our troops*, 26 December 2015, available at: <http://www.telegraph.co.uk/news/politics/12070235/Defence-secretary-Michael-Fallon-suspend-the-human-rights-act-to-protect-our-troops.html>.

³ Note 1 above.

⁴ Note 1 above.

Mousa.⁵ And it ignores the millions of pounds which the MoD has already paid out in compensation to Iraqi civilians.⁶

We are mindful that the ICC prosecutor is considering whether or not to pursue a formal investigation into these allegations of crimes committed in Iraq. In that context, she may assess the independence of the IHAT process when considering whether the United Kingdom is willing and able to proceed genuinely with an investigation. We therefore urge you to allow the investigative process to run its course without further interference or any appearance of interference.

We would welcome the opportunity to discuss this matter with you or your officials at the earliest opportunity.

Kindly use as the address for correspondence Carla Ferstman, Director, REDRESS, 87 Vauxhall Walk, London SE11 5HJ.

Yours sincerely

FREEDOM FROM TORTURE

HUMAN RIGHTS WATCH

INTERNATIONAL COMMISSION OF JURISTS

INTERNATIONAL FEDERATION FOR HUMAN RIGHTS – FIDH

LEGAL ACTION WORLDWIDE – LAW

REDRESS

RIGHTS WATCH UK

⁵ <http://webarchive.nationalarchives.gov.uk/20120215203912/http://www.bahamousainquiry.org/report/index.htm>.

⁶ <http://www.channel4.com/news/cameron-to-clamp-down-on-spurious-claims-against-uk-forces>.