

REDRESS

Seeking Reparation for Torture Survivors

UK TROOPS IN IRAQ FACE INVESTIGATION INTO ALLEGATIONS OF TORTURE AND DEATH OF IRAQI CIVILIAN

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Today, the High Court ruled in *Al Skeini and Others v Secretary of State* that the Government must conduct an effective investigation into the death of Baha Mousa, an Iraqi civilian who died in British custody in Iraq.

REDRESS, an international human rights organisation with a mandate to assist torture survivors, intervened in this case in support of the claimants' argument that the misconduct of UK troops should not avoid proper scrutiny just because the acts took place outside of Europe.

In a landmark judgment, the High Court has now confirmed this: **the UK's obligations under the European Convention of Human Rights and the Human Rights Act can extend to outposts of the State's authority, including UK-operated prisons in Iraq.**

The cases concern the deaths of several civilians in south eastern Iraq last year after the official cessation of hostilities. One of the dead, Baha Mousa, was allegedly tortured to death by UK troops. The relatives are seeking a full investigation into the incidents, something which up until now has been sorely missing. The Court has found that the enquiries that have taken place into Baha Mousa's death are not adequate in terms of the implied procedural requirements of articles 2 and 3 of the European Convention.

*It is not enough for the military to investigate behind closed doors. There must be an **effective public investigation by an independent official body**: only such an investigation could reveal what really happened and who might be responsible. Family members must be kept fully informed of the process,* stated Carla Ferstman, REDRESS' Legal Director.

This case has far-reaching implications for States such as the UK who are committed to the eradication of torture and the protection of human rights, as **it obliges the Government to adopt the same high standards in investigating its conduct abroad as it does at home.**

The Court's judgment is also consistent with the concerns expressed by the United Nations Committee against Torture in its recent consideration of the UK's compliance with the Convention against Torture, that "the Convention protections extend to all territories under the jurisdiction of a State party and considers that this principle includes all areas under the de facto effective control of the State party's authorities".

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