UNITED KINGDOM[1]

Contents

Legislation — Prisoners of War

☛ *Armed Forces Act 2011*

The *Armed Forces Act 2011* entered into force on 3 November 2011. The Act's history as the Armed Forces Bill was discussed earlier[2] with an emphasis on Clause 23. The issue raised in the context of this Clause was the obligation of the United Kingdom under Articles 82 and 102 of *Geneva Convention Relative to the Treatment of Prisoners of War*[3] to subject prisoners of war detained by UK forces to UK service law and the same courts and procedures as UK armed forces.

UK armed forces are subject to the regime set out in the *Armed Forces Act 2006* but a different regime is applicable to prisoners of war. That regime is contained in the *Prisoners of War (Discipline) Regulations 1958* in the *Royal Warrant Governing the Maintenance of Discipline among Prisoners of War 1958*.[4] As discussed earlier, the Regulations set out a *sui generis* regime, which is not the same as the regime under the *Armed Forces Act 2006*. As the *Armed Forces Act 2006* repealed and replaced the *Army Act 1955*, under which the 1958 Regulations were enacted, it is now necessary to amend this duality of regimes in order to bring the outdated 1958 Regulations into line with Articles 82 and 102 GCIII. Hence, the current duality of regimes does not meet the requirements of GCIII.

To this end, Clause 23 of the *Armed Forces Act 2011* inserts a new section 371A into the *Armed Forces Act 2006*, which in turn gives Her Majesty the power to issue a Royal Warrant applying the relevant provisions of the *Armed Forces Act 2006* (or provisions equivalent thereto) to prisoners of war. To date, no Royal Warrant has been issued.

Cases — Scope of United Kingdom Convention Jurisdiction

[1] Caroline Harvey, Research Fellow at University of Oxford.
[2] 13 *YIHL* (2010) p. 623.
[3] Opened for signature 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950) ('GCIII').
[4] War Office, *Manual of Military Law* (London, HMSO 1958) Part II, Appendix XXVII, pp. 369-418.

☛ *Smith v Ministry of Defence* [2011] EWHC 1676 (QB)

In this case, two categories of claims were brought relating to deaths or injuries of British soldiers on active duty in Iraq.

The 'Snatch Land Rover' claims arose out of three deaths occurring in separate incidents due to the explosion of IEDs next to Snatch Land Rover vehicles. It was alleged that the defendant had breached Article 2 of the *European Convention on Human Rights* by procuring and deploying vehicles that were not appropriately armoured for use where there was a foreseeable risk of IEDs and therefore by failing to take reasonable steps to protect soldiers.

The 'Challenger' claims relate to the friendly fire incident in March 2003 between two British Challenger II tanks, in which one soldier died and two were injured. The defendant alleged a breach of the common law duty of care on the basis of a failure to ensure that the Challenger II tanks were properly equipped with available devices that on balance of probabilities would have prevented the incident and also on the basis of a failure to ensure proper vehicle recognition training for British soldiers.

The main issue in respect of the 'Snatch Land Rover' claims was whether Article 2 could be invoked with regard to a death occurring outside the UK's *European Convention on Human Rights* jurisdiction on the basis that the alleged failure to take reasonable steps had occurred within the jurisdiction and if so, a secondary issue arose as to the scope of the Article 2 obligation.

The court rejected the claim that the soldiers had been within the UK's *European Convention on Human Rights* jurisdiction at the relevant time, examining three decisions. First, the court recalled the European Court of Human Rights' (ECtHR) decision in *Bankovic v Belgium*,[5] in which it held that:

> [the European Court of Human Rights'] recognition of the exercise of extra-territorial jurisdiction by a contracting state is exceptional; it has done so when the respondent state, through the effective control of the relevant territory and its inhabitants abroad as a consequence of military occupation or through the consent, importation or acquiescence of the government of that territory, exercises all or some of the public powers normally to be exercised by that government.[6]

Secondly, the court noted the domestic decision in *Al-Skeini*[7] (the subsequent ECtHR decision is set out below in this contribution) in which it was found that the exceptions to extensions of the UK's ECtHR jurisdiction extended to conduct on a UK military base only and not to conduct outside military bases. Thirdly, the court examined *Smith v Oxfordshire*,[8] in which Article 1 was again found not to encompass off-base duties. The court concluded 'on the clear authority of *Bankovic* as considered and applied in *Al-Skeini* and *Smith v Oxfordshire*, the deceased in the Snatch Land Rover claims were not within the UK's Convention jurisdiction at the material time, and that accordingly the

[5] (2007) 41 EHRR 1; 41 ILM (2002) p. 51.
[6] *Smith v Ministry of Defence* [2011] EWHC 1676 (QB), para. 35.
[7] Al-*Skeini v Secretary of State for Defence* [2007] UKHL 26.
[8] *R (Smith) v Secretary of State for Defence* [2010] UKSC 29 (30 June 2010).

claims cannot succeed.'[9] The court also rejected the claimants' argument based on the *Soering* case,[10] where it was found that the extradition of a West German national from the UK to the United States for a capital murder trial in Virginia on a charge of capital murder would give rise to a breach of Article 3 by the UK.

Despite dismissing the claims, and perhaps correctly anticipating a reversal of the domestic reasoning in *Al-Skeini* by the ECtHR, the Court went on to examine the issue of a substantive obligation with regard to equipment. It found that had the jurisdiction question been decided otherwise, it 'would not therefore have struck out the claims or entered summary judgment on the basis that no substantive obligation arose under Article 2 in relation to the supply of equipment, or that the failures upon which the claimants rely in that regard did not amount to a breach of a substantive Article 2 obligation.'[11] In light of the reversal of the jurisdiction reasoning in Al-Skeini by the ECtHR, these issues may be revisited.

The Court found otherwise in relation to the allegations relating to operational decisions made by commanders, referring in particular to Lord Brown's view in *Smith v Oxfordshire* that it was implausible that the ECtHR would 'scrutinise a contracting state's planning, control and execution of military operations to decide whether the state's own forces have been subjected to excessive risk (risk, that is, which is disproportionate to the objective sought)'.[12]

In relation to the Challenger claims, it was found that:

> There can be no doubt that the defendant is under a general duty to provide adequate training, suitable equipment and a safe system of work for members of the armed forces. Since the commencement of the Crown Proceedings (Armed Forces) Act 1987, the defendant has been subject to three types of tortious liability, vicarious liability (section 2(1)(a)), employer's liability (section 2(1)(b)) and occupier's liability (section 2(1)(c)), and Parliament, through Health and Safety Regulations (Personal Protective Equipment at Work Regulations 1992, the Provision of Use of Work Equipment Regulations 1998 and the Management of Health and Safety at Work Regulations 1999) made the defendant subject to duties to provide equipment, adequate training and safe systems of work for service personnel. The discharge of the common law duty of care and/or the statutory duties imposed under the regulations will commonly involve decisions as to procurement of equipment or deployment of resources. The fact that it does so does not of itself exclude liability. In relation to causes of action in negligence, the question in any particular case will be whether the circumstances are such that it would not be fair, just and reasonable to impose a duty of care. The answer to that question will be fact sensitive. It will depend upon inter alia, the nature of the equipment in issue, its expense, availability and a risk/benefit analysis.
>
> I am not therefore persuaded that the fact that the 'equipment' claims are likely to give rise to issues of procurement and allocation of resources, of itself demonstrates

[9] *Smith v Ministry of Defence* [2011] EWHC 1676 (QB), para. 40.
[10] *Soering v United Kingdom* (1989) 11 Eur. Ct. H.R. (ser. A).
[11] *Smith v Ministry of Defence* [2011] EWHC 1676 (QB), para. 80.
[12] Ibid., para 81.

> conclusively that it would not be fair, just and reasonable to impose the duties of care for which the claimants contend.[13]

With regard to the claims relating to training, the court was similarly not persuaded that the claims should fail in the context of pre-deployment training. In the context of in-theatre training, whether or not this fell within combat immunity was found to be an issue for the trial judge.

Cases — Scope of United Kingdom Convention Jurisdiction

☛ *Al-Skeini v United Kingdom* [2011] ECHR 55721/07

This case, involving claims brought on behalf of five Iraqi citizens killed by British soldiers in Basra, Iraq and a sixth who died after being mistreated by British soldiers at a British base, was discussed earlier.[14] The applicants sought judicial review of the Secretary of State for Defence's decision not to conduct independent inquiries into the deaths, not to accept liability for the deaths and not to pay just satisfaction. Although already at the High Court level it had been found that the scope of the *Human Rights Act 1998* extended to the death of one of the Iraqi citizens (Baha Mousa[15]) in a detention unit at a British military base on the basis of extraterritorial personal jurisdiction arising from the exercise of authority by State agents of party State,[16] both the Court of Appeal[17] and the House of Lords[18] had ruled that the *Human Rights Act 1998* did not extend to the deaths of five other Iraqi citizens (Hazim Al-Skeini, Muhammad Salim, Hannan Mahaibas Sadde Shmailawi, Waleed Sayay Muzban and Ahmed Jabbar Kareem Ali) killed in military operations in the field. They based their decision on the spatial jurisdiction principle as developed by the ECtHR in the *Bankovic* case.

The ECtHR examined whether the UK was bound by its obligations under the Convention and found that the UK was bound with regard to the killings in Basra because of its assumption of authority and control in the area. Although the spatial jurisdiction principle from *Bankovic* was not overruled, the Grand Chamber based its decision on what the literature refers to as the 'State agent authority model', which may give rise to the extra-territorial application of the ECtHR (essentially as an exception to the spatial jurisdiction principle) where a Contracting State exercises 'elements of governmental authority' and 'public powers' normally exercised by a sovereign government. The Grand Chamber found:

> It can be seen, therefore, that following the removal from power of the Ba'ath regime and until the accession of the Interim Government, the United Kingdom

[13] Ibid., paras. 106–107.
[14] 7 *YIHL* (2004) pp. 600–601 (High Court decision); 8 *YIHL* (2005) pp. 522–525 (Court of Appeal decision); 10 *YIHL* (2007) pp. 446–447 (House of Lords decision).
[15] For details of the Article 2 investigation, see Comment on *Government Inquiry — Abuse of Iraqi Detainees by British Armed Forces: Baha Mousa Inquiry*.
[16] *R (Al Skeini) v Secretary of State for Defence* [2004] EWHC 2911 (Admin) (14 December 2004).
[17] *R (Al Skeini) v Secretary of State for Defence* (2005) EWCA Civ 1609.
[18] Al-*Skeini v Secretary of State for Defence* [2007] UKHL 26.

> (together with the United States) assumed in Iraq the exercise of some of the public powers normally to be exercised by a sovereign government. In particular, the United Kingdom assumed authority and responsibility for the maintenance of security in South East Iraq. In these exceptional circumstances, the Court considers that the United Kingdom, through its soldiers engaged in security operations in Basrah during the period in question, exercised authority and control over individuals killed in the course of such security operations, so as to establish a jurisdictional link between the deceased and the United Kingdom for the purposes of Article 1 of the Convention.
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> Against this background, the Court recalls that the deaths at issue in the present case occurred during the relevant period: the fifth applicant's son died on 8 May 2003; the first and fourth applicants' brothers died in August 2003; the sixth applicant's son died in September 2003; and the spouses of the second and third applicants died in November 2003. It is not disputed that the deaths of the first, second, fourth, fifth and sixth applicants' relatives were caused by the acts of British soldiers during the course of or contiguous to security operations carried out by British forces in various parts of Basrah City. It follows that in all these cases there was a jurisdictional link for the purposes of Article 1 of the Convention between the United Kingdom and the deceased. The third applicant's wife was killed during an exchange of fire between a patrol of British soldiers and unidentified gunmen and it is not known which side fired the fatal bullet. The Court considers that, since the death occurred in the course of a United Kingdom security operation, when British soldiers carried out a patrol in the vicinity of the applicant's home and joined in the fatal exchange of fire, there was a jurisdictional link between the United Kingdom and this deceased also.[19]

On this basis it was found that the UK had violated Article 2 in failing to carry out an independent and effective investigation in relation to the deaths of the first five individuals. The Grand Chamber noted that the public inquiry in relation to the sixth individual was ongoing.

This decision is likely to have far-reaching consequences. Whilst the concept of extra-territorial application of the *European Convention on Human Rights* as applied by the Grand Chamber was limited to circumstances where 'public powers' are assuming by occupying forces, and would hence not secure obligations in cases such as drone killings or Libya-style interventions, it does represent a broading of scope for claims to be brought with regard to deaths occurring in places where British military personnel do assume such powers.

The UK Government is currently considering this judgment and will outline its proposed action to implement it in due course.[20]

Cases — Rules Applicable to Internment

☛ *Al-Jedda v United Kingdom* [2011] ECHR 1092 (7 July 2011)

[19] Ibid., paras. 149–150.

[20] UK Ministry of Justice, *Responding to Human Rights Judgments: Report to the Joint Committee on Human Rights on the Government's Response to Human Rights Judgments 2010–11*, Cm 8162 (2011) p. 10.

The passage of this case through the English courts has been discussed earlier.[21] Mr Al-Jedda was detained in Iraq. The main issue in the case was whether acts of British soldiers in Iraq committed as part of a Multi-National Force (MNF) authorised by the United Nations Security Council were attributable to the UK or to the United Nations. The Grand Chamber agreed with the House of Lords that the acts could not be attributed to the United Nations, holding:

> The Court does not consider that, as a result of the authorisation contained in Resolution 1511, the acts of soldiers within the Multi-National Force became attributable to the United Nations or — more importantly, for the purposes of this case — ceased to be attributable to the troop-contributing nations. The Multi-National Force had been present in Iraq since the invasion and had been recognised already in Resolution 1483, which welcomed the willingness of Member States to contribute personnel. The unified command structure over the force, established from the start of the invasion by the United States and United Kingdom, was not changed as a result of Resolution 1511. Moreover, the United States and the United Kingdom, through the Coalition Provisional Authority which they had established at the start of the occupation, continued to exercise the powers of government in Iraq. Although the United States was requested to report periodically to the Security Council about the activities of the Multi-National Force, the United Nations did not, thereby, assume any degree of control over either the force or any other of the executive functions of the Coalition Provisional Authority.[22]

The Grand Chamber then went on to examine the interrelationship between UN Security Council Resolutions and the *European Convention on Human Rights*, in which regard it found:

> the Court considers that, in interpreting its resolutions, there must be a presumption that the Security Council does not intend to impose any obligation on Member States to breach fundamental principles of human rights. In the event of any ambiguity in the terms of a Security Council Resolution, the Court must therefore choose the interpretation which is most in harmony with the requirements of the Convention and which avoids any conflict of obligations. In the light of the United Nations' important role in promoting and encouraging respect for human rights, it is to be expected that clear and explicit language would be used were the Security Council to intend States to take particular measures which would conflict with their obligations under international human rights law.[23]

The decision did not address the impact on obligations under the Convention where as a result of a UN Security Council Resolution control is in fact assumed.

The UK Government considering this judgment and will outline its proposed action to implement it in due course.[24]

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[21] 10 *YIHL* (2007) p. 448; 12 *YIHL* (2009) p. 680; 13 *YIHL* (2010) p. 631.
[22] *Al-Jedda v United Kingdom* [2011] ECHR 1092, para. 80 (7 July 2011).
[23] Ibid., para. 102.
[24] UK Ministry of Justice, *supra* n. 20.

Cases — Threshold for Risk of Torture When Cooperating with Countries Whose Practice Raises Questions as to Compliance with International Obligations/Permissibility of Hooding as an Interrogation Technique

☛ *Equality and Human Rights Commission v Prime Minister* [2011] EWHC 2401 (Admin); [2011] All ER (D) 12 (Oct)

This decision joined two applications for judicial review relating to a document entitled Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees ('Guidance') published by the UK Government in July 2010.

In the first application, the Equality and Human Rights Commission ('EHRC') claimed that the Guidance included provisions relating to torture and cruel, inhuman and degrading treatment formulated in such a way that they were unlawful. Paragraph 7 of the Guidance stated that:

> In circumstances where, despite efforts to mitigate the risk, a serious risk of torture at the hands of a third party remains, our presumption would be that we will not proceed [with co-operating with a country whose practice raises questions about their compliance with international legal obligations]. In the case of cruel, inhuman or degrading treatment or punishment, this will cover a wide spectrum of conduct and different considerations and legal principles may apply depending on the circumstances and facts of each case.

The EHRC argued that the threshold of a 'serious risk' of torture was too high and the test should be that of a 'real risk' but this was rejected.

The second claim was brought on behalf of an Iraqi, Alaa' Nassif Jassim al-Bazzouni, who had been subjected to hooding in 2006 in Iraq when detained by UK soldiers. Mr Al Bazzouni challenged the lawfulness of the following reference in the Annex to the Guidance to the hooding of detainees:

> In the context of this guidance, the UK Government considers that the following practices, *which is not an exhaustive list*, could constitute cruel, inhuman or degrading treatment or punishment:
>
> …
>
> (iii) methods of obscuring vision or hooding (except where these do not pose a risk to the detainee's physical or mental health **and** is necessary for security reasons during arrest or transit);

Mr Justice Keith noted that the 'Joint Doctrine Publication', referred to in the Guidance and which applied to all persons held by UK armed forces, contained in its 2006 version a footnote stating that '[t]he practice of hooding any captured or detained person is prohibited' and in its 2008 version included hooding under a list of techniques which were proscribed and 'MUST NEVER' be used as an interrogation technique. The 2008 version also referred to the possibility of requiring a captured or detained person to wear

blacked out goggles where it is necessary for operational reasons to obscure vision but also notes that '[t]he practice of hooding any captured or detained person is prohibited.'

In examining the language of provision d(iii) of the Annex (quoted above) Mr Justice Keith found that the exception was 'ill-defined' and 'likely to be read by officers on the ground as permitting hooding' by foreign liaison services during arrest or transit and that the qualification that hooding must not pose a risk to the detainee's physical or mental health was likewise 'ill-defined' and also 'inherently unpredictable'. The judge found that provision d(iii) of the Annex was unworkable as the operation of the exception was too complex for officers to be able to give effect to it without risking personal liability. He concluded that it should be changed and gave Mr Al Bazzouni permission to bring his claim.

Cases — Call for an Investigation into the Treatment of Detainees in UK Custody Abroad

☛ *R (Mousa) v Secretary of State for Defence* [2011] EWCA Civ 1334, [2011] 47 LS Gaz R 19

This is an appeals decision arising out of the decision of the Divisional Court on an application for judicial review, discussed earlier.[25] In that application, Mr Ali Mousa (as a representative of a larger group of Iraqis) alleged that he had been subjected to ill treatment by British armed forces when detained in Iraq. He sought to compel the Secretary of State for Defence to hold an investigation in accordance with Article 3 of the *European Convention on Human Rights*.

In order to investigate these allegations, the Iraq Historic Allegations Team (IHAT) was established, which included members of the General Police Duties Branch, the Special Investigation Branch and the Military Provost Staff. The Iraq Historic Allegations Panel (IHAP) was also set up, which was tasked with ensuring proper and effective handling of information and with considering the conclusions of IHAT with a view to identifying broader issues to be brought to the attention of the Ministry of Defence.

The Divisional Court found that an immediate public inquiry was not necessary:

> It is possible that a public inquiry will be required in due course, but the need for an inquiry and the precise scope of the issues that any such inquiry should cover can lawfully be left for decision at a future date and had not ruled out the possibility that, in the light of the IHAT's investigations and the outcome of the existing public inquiries, a public inquiry into systemic issues might be required in due course.

The Court of Appeal overturned this. It found that on the basis that members of the Provost Branch were involved in both IHAT and in matters relating to the detention and internment of suspects in Iraq, IHAT lacked the requisite independence, which in turn compromised IHAP. The Court of Appeal concluded that that 'the practical independence of IHAT is, at least as a matter of reasonable perception, substantially compromised.' With regard to the 'wait and see' policy advanced on behalf of the Secretary of State for

[25] 13 *YIHL* (2010) p. 633.

Defence and accepted by the Divisional Court, this was found to be unacceptance as a result of IHAT's lack of independence:

> We can understand why the Divisional Court attached significance to the Baha Mousa Inquiry when coming to its conclusion on "wait and see" but that was in conjunction with the finding that IHAT is independent. However, it is not simply the benefit of hindsight or wisdom after the event that disposes us to the view that, at the time when the ongoing Baha Mousa Inquiry was being relied upon as part of the justification for "wait and see", it was entirely foreseeable that it would not and could not satisfy the Article 3 investigative obligation in relation to later allegations spreading over several years in various locations involving different units.

The Secretary of State was directed to reconsider how the Article 3 duty to undertake an effective investigation should be satisfied.

Government Inquiry — Abuse of Iraqi Detainees by British Armed Forces

☛ Baha Mousa Inquiry

This Inquiry, chaired by Sir William Gage, has been discussed earlier,[26] was established under the *Inquiries Act 2005* and concluded in 2011, with the Inquiry Report published on 8 September 2011.[27] The proceedings comprised 115 days of sitting with 277 witnesses giving oral evidence 101 witnesses providing written evidence. The subject of the inquiry was the abusive treatment of ten Iraqi detainees by British forces in Iraq resulting in physical and mental injuries to nine detainees and the death of one detainee, Mr Baha Mousa. This was described as an 'appalling episode of serious gratuitous violence' involving a 'very serious breach of discipline'. Mr Mousa had been hooded and forced to adopt stress positions — two techniques prohibited for over 30 years — and beaten, with a post-mortem examination showed that he had sustained 93 external injuries whilst in detention.

The accounts given by the survivors included the use of a practice referred to as 'the choir' whereby soldiers moved among a circle of detainees hitting them in turn such that they cried out in pain in the manner of musical instruments. Many other instances of injury were evidenced before the Inquiry, including trophy photographing, rubbing petrol onto the face of a detainee and holding a lighter to his head, hooding, beatings and the use of stress positions.

Medical evidence was found 'to demonstrate beyond doubt that most, if not all, of the Detainees were the victims of serious abuse and mistreatment by soldiers during their detention'. The Report also found failures to report incidents of abuse. Importantly, the Inquiry found there was was 'a whole catalogue of systemic deficiencies both before and during the occupation of Iraq'[28] and 'a corporate failure by the [Ministry of Defence]'.[29]

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[26] 11 *YIHL* (2008) p. 580.
[27] Sir William Gage, *Report of the Baha Mousa Public Inquiry* (2011) <http://www.bahamousainquiry.org/report/index.htm>.
[28] Ibid., Vol III, p. 1334.
[29] Ibid., Vol III, p. 1330.

Defence Secretary Liam Fox accepted the long list of recommendations made in the Report except for the recommendation that shouting be banned during questioning. In a statement delivered by Mr Fox to Parliament on 8 September 2011, he said:[30]

> I want to make it clear that Baha Mousa was not a casualty of war. His death occurred as a detainee in British Custody — it was avoidable and preventable and there can be no excuses. There is no place in our Armed Forces for the mistreatment of detainees and there is no place for a perverted sense of loyalty that turns a blind eye to wrongdoing or erects a wall of silence to cover it up. If any Serviceman or woman, no matter the colour of uniform they wear, is found to have betrayed the values this country stands for and the standards we hold dear, they will be held to account.

Chief of the General Staff, General Sir Peter Wall, also responded to the Report, stating:[31]

> I would like to thank Sir William Gage for his thorough and challenging inquiry into the appalling circumstances surrounding the death of Mr Baha Mousa in British Army hands in Basra in September 2003, and for his comprehensive recommendations. As its professional head, I will take the lead in implementing the specific recommendations relating to the Army as soon as possible, in accordance with the direction of the Secretary of State for Defence. Indeed, as you would expect in light of events from eight years ago, since which we have been on operations continuously, many of the recommended changes are well advanced.

Government Inquiry — Alleged abuse of Iraqi detainees by British Armed Forces

☛ Al-Sweady Inquiry

As discussed earlier,[32] this Inquiry into allegations of human rights abuses of Iraqi nationals (including unlawful killing and mistreatment) by British soldiers in 2004 near Al-Majar after a firefight known as the Battle of Danny Boy was announced in a Written Ministerial Statement on 25 November 2009.

The work of the Inquiry is ongoing and a date for the commencement of oral hearings has not yet been announced.

Early Day Motion — Call for UN Mechanism to Ensure Truth, Accountability and Justice

☛ Sri Lanka

[30] United Kingdom, *Parliamentary Debates*, House of Lords, 8 September 2011, vol. 730, cols. 462–3 <http://www.mod.uk/DefenceInternet/AboutDefence/People/Speeches/SofS/20110908StatementOnTheReportIntoTheDeathOfMrBahaMousaInIraqIn2003.htm>.

[31] Sir Peter Wall, *CGS Responds to Baha Mousa Report* (2011) <http://www.army.mod.uk/news/23422.aspx>.

[32] 13 *YIHL* (2010) p. 634.

The following motion on Sri Lanka[33] (primary sponsor: Lee Scott; sponsors: Peter Bottomley, Martin Caton, Kelvin Hopkins, Siobhain McDonagh and John Pugh) received 65 signatures:

> That this House notes Channel 4's documentary, Sri Lanka's Killing Fields, broadcast on 14 June 2011, which features devastating new video evidence of war crimes during Sri Lanka's civil war; further notes that certain footage has been authenticated by the UN and has been declared as evidence of definitive war crimes by the UN Special Rapporteur on extra-judicial killings; condemns strongly the Sri Lankan government for dismissing outright the analysis of the UN Special Rapporteur and its unwillingness to engage in a proper accountability process; urges all hon. Members to view the Channel 4 documentary; supports the Government's policy of an independent investigation into these allegations; and calls on the UN to establish an independent, international mechanism to ensure truth, accountability and justice in Sri Lanka.

CAROLINE HARVEY

[33] House of Commons, 'Alleged War Crimes in Sri Lanka' (Early Day Motion 1882 tabled on 8 June 2011) <http://www.parliament.uk/edm/2010-12/1882>.