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**EUROPEAN CENTER FOR
CONSTITUTIONAL AND
HUMAN RIGHTS**



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BBC Panorama / Sunday Times investigation

We write to you following the BBC Panorama and Sunday Times joint investigation which found evidence the Ministry of Defence and some elements within the Armed Forces have repeatedly covered up evidence of war crimes in Iraq and Afghanistan.

The allegations of an apparent cover up are profoundly disturbing and a stain on the reputation of the United Kingdom as a global human rights leader. Adherence by the UK to international humanitarian law and accountability for breaches of it are important for the safety of UK forces in conflict.

The abuse reported includes serious allegations about British soldiers' involvement in the murder of children and torture and killing of civilians. The report found investigations into allegations of misconduct in Afghanistan (Operation Northmoor) and Iraq (Iraq Historic Allegations Team, IHAT) had established credible evidence of serious abuse. The report suggests this was covered up. In some cases, the report found senior officers misrepresented witnesses' accounts and failed to involve the service police; in others the service police conducted what were described as wholly inadequate investigations.

Significantly, the joint investigation also concludes that there was a systematic failure to investigate who gave the orders, and who might bear command responsibility, finding that IHAT detectives were blocked by the MoD from investigating the culpability of the chain of command.

Despite this evidence, these investigations were almost completely closed down by the then UK government in 2017. The government sought to justify the closure of IHAT because many of its investigations were based on cases brought by Phil Shiner, one of the solicitors who led the Iraq claims, and was struck off for misconduct. This shifted the spotlight off any potential wrongdoing by UK forces and officials. Now that Panorama and the Sunday Times have exposed potential political interference in specific cases and evident mishandling of the investigations, the next government must seize the opportunity to seek justice for victims and to remove the blemish these allegations bring to the general reputation of the Armed Forces.

The law demands – and victims deserve – that all credible allegations of abuse get effective, prompt, independent investigation. Where there is sufficient evidence and it is in the public interest, prosecution should follow. And yet the number of prosecutions related to Iraq and

Afghanistan has been vanishingly small. There has been no accountability whatsoever for senior officials who either ordered the abuses or turned a blind eye to them.

The Panorama and Sunday Times investigation reported detectives involved in Northmoor and IHAT had serious concerns that military prosecutors had declined to bring charges despite credible evidence that offences had been committed.

We are calling on whatever political party forms the next government to explicitly commit to:

- Prompt and effective investigation and action in response to allegations of cover-up and political interference made by Panorama and the Sunday Times;
- Ensuring all credible allegations that the MoD or members of the Armed Forces committed, aided or suppressed evidence of war crimes or other human rights abuses in these operations are subject to an adequate and effective investigation by a fully independent body and where appropriate prosecuted, without any political interference by any member of the government;
- Ensuring that all those responsible are held to account, including all those in the direct and indirect chain of command, such as senior officers and ministers responsible for the Armed Forces;
- Unequivocal co-operation with the International Criminal Court prosecutor in any investigation her office may hold into these, or any other allegations of war crimes by UK Armed Forces.

These revelations are timely. They expose the fundamental flaws in the MoD's most recent proposals to introduce a presumption against prosecution for offences committed by current or former members of the Armed Forces in the course of duty outside the UK, that took place more than ten years ago. The proposals would likely mean alleged offences such as those revealed by Panorama and The Sunday Times would never be independently investigated or prosecuted – effectively sanctioning impunity in the Armed Forces in violation of the UK's international obligations. The next government must uphold the rule of law and the principles of transparency and accountability. It is what justice requires.

Yours sincerely,

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