

UNITED KINGDOM

Army Barracks Deaths: Families Demand Justice

Introduction

Since 1990, at least 1,748 members of the United Kingdom (UK) Armed Forces have lost their lives through “non-natural” causes in or around barracks.¹ Many of these soldiers died as a result of road accidents.² However, of the total figure given above, almost 200 deaths were the result of discharge of firearms.³ Two hundred deaths have been described as self-inflicted.⁴ In this context, Amnesty International is concerned at those deaths of UK Armed Forces personnel that have occurred in recent years in non-combat situations in and around army barracks in circumstances which remain disputed.

In addition, of great concern to Amnesty International are the deaths of those members of the UK Armed Forces who were under 18 years of age. According to UK Ministry of Defence (MoD) figures made available to the organization in 1999, between 1982 and 1999 the MoD recorded 88 deaths of under-18s in non-combat circumstances.

¹ See the Early Day Motion 63 entitled “Army Deaths” originally tabled by Kevin McNamara MP, available on line at http://www.parliament.the-stationery-office.co.uk/pa/cm/cm200203/cm200203cm030204/halltext/30204h01.htm#30204h01_head0. As of going to print, 174 Members of the UK Parliament had signed the Early Day motion urging the UK government to establish a tribunal of inquiry into the deaths in non-combat circumstances of UK Armed Forces personnel.

² See the Westminster Hall Debates for 4 February 2003 available online at http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cm200203cm030204/halltext/30204h01.htm#30204h01_head0. According to figures from the UK Ministry of Defence, between 1984 and 2001 there were 445 recorded suicides in the armed services.

³ In June 2001, for example, a verdict of accidental death was returned at the inquest into the death of Wayne Richards, a 17-year-old recruit shot dead while training in March 2000. Richard King, 22, was shot dead in February 1998 because of a mix-up of blank and live ammunition during a night exercise at Sennybridge, Powys. Robert Hawksley, 29, and Martin Bailey, 25, were shot by friendly fire in 1994 during an exercise in Canada; Chris Kelly, 26, was shot dead during a mock battle in Kenya in 1994. Mark Richards was shot during a live firing exercise in Belize in 1992. (“Roll call of deaths during military exercises”, *The Guardian*, 1 April 2000.)

⁴ See at 1 *supra*.

Amnesty International is unconditionally opposed to the deployment of people under the age of 18 in hostilities, irrespective of whether such deployment amounts to direct or indirect participation in hostilities, and whether it be undertaken on behalf of governmental forces or armed groups.⁵ The UK currently has the lowest deployment age in Europe and it is the only European country that has routinely sent under-18s into armed conflict situations. The organization is also unconditionally opposed to the recruitment of people under the age of 18 in the armed forces, be it “voluntary” or through conscription. In this connection, Amnesty International considers that recruitment of under-18s to the armed forces is, *per se*, an activity which ultimately jeopardizes the mental and physical integrity of anyone below the age of 18.⁶ The organization believes that the UK authorities are obliged to take special measures to ensure the protection of children’s physical and mental integrity and continues to urge the UK government to increase the minimum age of recruitment and deployment to 18.⁷

Amnesty International’s concerns

In recent years, Amnesty International has received serious allegations regarding some of the deaths of UK Armed Forces personnel in non-combat circumstances. The organization is concerned that the circumstances surrounding many of these fatalities

⁵ See, *inter alia*, Amnesty International documents: “UNITED KINGDOM - U-18s: Report on Recruitment and Deployment of Child Soldiers”(AI Index: EUR 45/057/2000) , and “UNITED KINGDOM - U-18s: Child Soldiers at risk” (AI Index: EUR 45/056/2000), both published on 7 November 2000 and available on line at [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR450572000ENGLISH/\\$File/EUR4505700.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR450572000ENGLISH/$File/EUR4505700.pdf) and [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR450562000ENGLISH/\\$File/EUR4505600.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/EUR450562000ENGLISH/$File/EUR4505600.pdf), respectively.

⁶ In November 2000, Amnesty International recommended to the UK authorities that under-18s should not become members of the UK Armed Forces, and pointed out that they could maintain civilian status during training. The organization indicated that separate training facilities could be arranged for under-18s, which would, among other things, protect them from possible characterization as lawful targets, and would avoid the problem of withdrawing them from units which have to be deployed.

⁷ In September 2000, the UK signed the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflicts. Amnesty International understands that UK is about to deposit its instrument of ratification of the Optional Protocol with the UN Secretary General at the UN Headquarters, New York. Amnesty International was informed that from September 2002 the army would no longer deploy anyone below the age of 18 years on “hostile” operations outside the UK. By the end of 2002, the Royal Navy and the Royal Air Force had not made a similar policy change. However, procedures were said to have been developed for the three services -- the Army, the Royal Navy and the Royal Air Force -- which would, as a rule, remove or replace anyone under the age of 18 during preparation for operations where there was deemed to be a “greater than low probability of them having to take part in, or be put at risk by, hostilities”.

continue to be disputed. Some of these allegations refer to possible unlawful killings, either intentional or as a result of negligence, through, for example, the misuse of lethal weapons; deaths during strenuous training exercises;⁸ and self-inflicted deaths, at times following bullying and other ill-treatment, including sexual harassment by other soldiers and/or by superiors.⁹

In addition, questions have been raised about the adequacy and effectiveness of the authorities' response to these fatalities and the serious allegations that have arisen about them. Amnesty International has received reports that, in a number of cases, the UK authorities have failed to take adequate measures to ensure prompt, thorough, independent and impartial investigations into these deaths, and to address the disputed circumstances in which they have been said to have taken place.

Some of the bereaved families have expressed concern to Amnesty International about the initial investigations into the deaths of their relatives conducted by the UK Royal Military Police's Special Investigation Branch, alleging that they were severely flawed. As a result, some families have called for those responsible for the mishandling of such investigations to be brought to book.

*"We feel that the only way to address the mishandling is to have those people come before an independent board of inquiry. We need to find out who and what is behind the deaths of our children and who is conspiring to hide the evidence of their misdeeds."*¹⁰ A statement by the families in June 2002.

Amnesty International is concerned that the UK authorities, including primarily the UK Armed Forces and the MoD, have not responded adequately to the concerns expressed by bereaved families. Some of the bereaved families have expressed concern at the difficulties they have encountered in establishing how their relatives died. Some families have expressed their concern to Amnesty International

⁸ For example, in October 1998 a 16-year-old Royal Marine drowned during a river-crossing exercise on Dartmoor in Devon. Graham Holmes, 23, of the Royal Military Academy in Sandhurst, died from heat exhaustion in July 1998, during a six-mile run carrying 18kg (40lb) of equipment; Andrew Charnock collapsed also from heat exhaustion in July 1997, during a 30-mile run on Dartmoor, Lympstone, carrying a rifle and 22lb full pack.

⁹ For example, in 1997, an inquiry was opened into the death of David McKenna, a 19-year-old who killed himself at Dreghorn barracks in 1995, in Edinburgh, after allegedly being bullied by his fellow soldiers. The family lawyer maintained that the soldier's death may have been avoided, had an adequate system of dealing with complaints been in place; he called for a review of army procedures.

¹⁰ "Call for inquiry on guardsmen", by Stewart Payne, filed on 11 June 2002 and available online at [http://www.telegraph.co.uk/news/main.jhtml:\\$sessionid\\$2ATZUTVCSRPNDOFIOMESFFOAVCBO0IV0?xml=/news/2002/06/11/nsold11.xml](http://www.telegraph.co.uk/news/main.jhtml:$sessionid$2ATZUTVCSRPNDOFIOMESFFOAVCBO0IV0?xml=/news/2002/06/11/nsold11.xml).

about the secrecy surrounding complaints against the military. In this connection, the organization is concerned that the compulsory signing by recruits of the Official Secrets Act 1989 -- combined with the Queen's Regulations -- intimidate recruits and pose a significant obstacle to service personnel communicating their problems or complaints to or seeking help from agencies outside the armed forces.¹¹ The claim by the MoD that such regulations are not intended to be unduly restrictive and should not prevent personnel from airing grievances to other agencies as appropriate does not appear to be understood by young soldiers.¹² In carrying out its research on UK child soldiers, Amnesty International was faced with a virtual wall of silence by former/serving young recruits, some of whom stated that they were "not allowed" or were "too scared" to speak to representatives of the organization.

Reportedly, the difficulties encountered by some of the bereaved families were at times the direct result of -- or were compounded by -- the Armed Forces' attitude and actions. In many cases, and even in those where the cause of death is not disputed, the Armed Forces are said to have closed ranks against the families of the deceased.

Amnesty International believes that such serious allegations paint a pattern in which the UK authorities appear to be failing to comply with their domestic and international human rights obligations -- including their obligations to ensure the right to life, and the right to an effective remedy before a national authority against human rights violations -- guaranteed in treaties to which the UK is a state party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (see legal standards section below).¹³ In particular, under international and domestic human rights law, the UK authorities are under an obligation to conduct prompt, thorough, impartial and independent investigations into all cases of deaths where legitimate concerns about the circumstances surrounding the fatality have been raised.¹⁴

¹¹ Queen's Regulations and Administrative Instructions place certain restrictions on individuals, in order to "maintain operational effectiveness and good order and discipline". They do not prevent personnel from airing their grievances to the chain of command or "other agencies, as appropriate". They also emphasize that under the Official Secrets Act 1989 people are prohibited from divulging official information acquired during their service. Further regulations prohibit the disclosure of information which may conflict with the interests of the Service.

¹² MoD letter to Amnesty international, of 1 December 1999.

¹³ The Human Rights Act 1998 fails to give effect domestically to Article 13 of the (European) Convention for the Protection of Human Rights and Fundamental Freedoms guaranteeing the right to an effective remedy against any violation of Convention rights. See the Human Rights Act 1998, available online at <http://www.hmso.gov.uk/acts/acts1998/19980042.htm>

¹⁴ See, *inter alia*, the judgments by the European Court of Human Rights in the cases of *Jordan*, *McKerr*, *Kelly and others*, *Shanaghan v. the United Kingdom* and *McShane v. the United Kingdom* in

In light of the above-mentioned allegations, Amnesty International is concerned that a legitimate perception has arisen that there has been institutional collusion in, and cover-up of, such incidents. In turn, such perception is undermining public confidence in the UK Armed Forces and the MoD.

The organization considers that in order for the UK authorities to re-establish public confidence, they must heed the call -- by many families of members of the Armed Forces who have died in recent years in non-combat situations in disputed circumstances -- for a wide-ranging public inquiry into all such deaths since 1990. Amnesty International supports the families' call and urges the UK authorities to comply with it immediately.

Amnesty International is particularly concerned at the disputed circumstances of the deaths in recent years of four young soldiers (see cases below) at the Deepcut Army Barracks. The organization believes that the many unanswered questions raised by the disputed circumstances surrounding these deaths at Deepcut are a graphic illustration of the need for a public inquiry.

Deaths in disputed circumstances at the Deepcut Army Barracks

In March 2002, 17-year-old Private (Pte) James Collinson was found dead, reportedly with a single shot to the head, at the Royal Logistics Corps headquarters in Deepcut, Surrey, England. Another 17-year-old, Pte Geoff Gray, had also been found dead with two shots in the head at the same barracks in September 2001. In June 2002, it emerged that two further deaths had occurred in 1995 at the Barracks, that of Pte Cheryl James, 18 years old, who had been found with a single bullet wound to the head; and that of 20-year-old Pte Sean Benton who had been found dead with five gunshot wounds.

The case of Pte James Collinson

Upon leaving school at the age of 16, James Collinson -- from Perth in Scotland -- sat the entrance exams to join the UK Army. At the age of 10, he had announced his desire to become a soldier to his parents. At the age of 12, James Collinson joined the local army cadet force. By September 2001, Pte James Collinson had joined the UK

which the Court concluded, among other things, that the UK had violated the applicants' right to life as a result of its failure to ensure effective investigations into their deaths.

Army and had spent 18 weeks in training. In January 2002, he was posted to Deepcut Barracks for his second phase of training.

On the night of 23 March 2002, after being sent out on patrol duties, Pte James Collinson was found dead, with a single gunshot wound to the head. He was only 17 years old when he died and had been at Deepcut Barracks for just six weeks.

The family of Pte James Collinson told Amnesty International that that night at Deepcut a wedding reception was underway, and that he had been charged with checking vehicles against a list of invited guests. More importantly, Pte James Collinson had gone out on guard duty unarmed. At the age of 17 years and three months, he would have been too young to be armed without the supervision of an Officer. As stated to the organization by the family of Pte James Collinson, Deepcut Barracks have a policy according to which no recruit under the age of 17 years and six months can carry weapons on guard duty. As a result, that night Pte James Collinson was armed only with a fluorescent vest and a torch. However when his lifeless body was discovered, he had an SA-80 rifle across his chest. The next day the family was told that Pte James Collinson had borrowed the rifle from one of his young colleagues and this was the weapon that had apparently been found on him.

With respect to this, the family of Pte James Collinson asked an Officer from the Royal Military Police's Special Investigation Branch (SIB) how it would have been possible for a recruit to have access to a lethal weapon for which he did not have authorization. As stated to Amnesty International, the reply they got was "we don't know what these young lads get up to out there on their own". The family refuses to accept such an answer, and wished it "had known about this lack of supervision at an earlier date before it was too late".

Photo caption: Pte James Collinson (private copyright)

A coroner's inquest into Pte James Collinson's death has not been held yet, thus an official cause of death has yet to be recorded. However, a second post-mortem examination, carried out on Pte James Collinson's body in late 2002 by forensic pathologists from Glasgow University in Scotland, reportedly found evidence that his rifle had been placed in his hand after he had died. This evidence includes the presence of indentation marks on his right hand which, given the absence of bruising, would appear to be consistent with his SA-80 rifle being forcibly pressed into his hand some time after his death, and evidence indicating that Pte James Collinson had

sustained a jaw fracture shortly before dying.¹⁵ The latter added to speculation that Pte James Collinson was involved in a violent struggle immediately prior to his death. The original post-mortem examination had not detected this fracture and it has been reported that it could have been sustained at the time of death due to the trauma to Pte James Collinson's head caused by the bullet wound. However, the family of Pte James Collinson has been advised by their own ballistic expert that such an explanation would be unlikely in his opinion.

Almost immediately after his death, the UK Army implied that Pte James Collinson had committed suicide, a theory that his family, friends, teachers and those who worked with him are said to dispute. The family is in possession of the report compiled following the original post-mortem examination on Pte James Collinson's body. They told Amnesty International that the report indicates that both Surrey Police and the SIB were satisfied that no other person was involved in Pte James Collinson's death. The report is dated 26 March 2002, that is merely three days after Pte James Collinson's death.

The family of Pte James Collinson has expressed concern to Amnesty International that his death had not actually been investigated until the investigation into the death of Pte Geoff Gray was reopened (see below). Surrey Police appear to be reluctant to admit to this. However, the family insists that the police investigation into Pte James Collinson's death appears to have been non-existent in the first few weeks. Yvonne Collinson, Pte James Collinson's mother, told Amnesty International that three weeks after her son's death, she finally managed to find a Surrey Police officer who had knowledge of his death and eventually persuaded him to go to see her and take a statement from her. Since she and her son had been together just before his death, she feels very strongly that her opinion as to her son's state of mind would be relevant to the police's investigation. Thus, she told Amnesty International of her dismay upon realizing that she had many more questions to ask of the police than they had to ask of her. In a statement to the organization she said: "I felt I was being brushed aside as an irate mother who wouldn't accept her son's apparent suicide".

His family believes that the UK Army has tried to cover up the circumstances surrounding his death. They consider the idea that Pte James Collinson may have taken his own life to be in stark contrast with their knowing -- among other things -- that he had been making plans to purchase his first car as a result of having recently

¹⁵ See [Gun placed in James' hand after he died](http://www.skylinegr.pwp.blueyonder.co.uk/news.html) - *Scottish Sunday Express* - 15th Dec 2002 by Tom Martin – available online at <http://www.skylinegr.pwp.blueyonder.co.uk/news.html>.

passed his driving test, and with him having told them that he intended to return to the family home for the Easter weekend to celebrate his sister's birthday.

In April 2002, in a statement before the UK Parliament in response to a parliamentary question, the UK MoD confirmed that Pte James Collinson had died from a gunshot wound to the head while on guard duty at Deepcut Barracks. It also stated that a police investigation into the circumstances of his death was ongoing, thereby making it inappropriate to comment any further, and that once the inquest had been held an Army Board of Inquiry into Pte James Collinson's death would be convened.¹⁶ It is Amnesty International's understanding that such an inquiry would be of an internal nature, that is, exclusive to the UK Army.

The case of Pte Geoff Gray

Pte Geoff Gray from Hackney, East London, joined the UK Army in January 2001 on his 17th birthday. He had wanted to be a member of the Armed Forces since childhood. His family describes him as "a bright lively young man with a zest for life".¹⁷

On 17 September 2001 while on guard duty at the Deepcut Army Barracks, he was found dead with two bullet holes in his head. He was only 17 years old when he died.

At the inquest into Pte Geoff Gray's death held in March 2002, evidence was heard describing the following events. Early on the morning of 17 September 2001 gun shots were heard at Deepcut Barracks. A message was sent indicating that Pte Geoff Gray was missing. A patrol was sent to search for him. When the patrol arrived at his post, two other soldiers who were supposed to be patrolling with Pte Geoff Gray were told to stay in the guard hut -- purportedly as a result of the fact that they had apparently reacted nervously upon hearing the sound of shots being fired and at the news that Pte Geoff Gray had gone missing. It was intimated that they were in no fit state to carry out a search. The search party carried out a sweep of the area and fence. It is understood that at no time were soldiers more than arms' distance from the fence. Nothing was found. A further three searches were carried out amid reports of people

¹⁶ See statement made by Dr. Lewis Moonie on behalf of the UK Ministry of Defence to the UK Parliament in response to a parliamentary question on 22 April 2002 and available online at <http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020422/text/20422w02.htm>.

¹⁷ See the website set up by his family, entitled "Justice for Pte Geoff Gray", available online at <http://www.justice4ptegeoffgray.co.uk/>.

hearing a fence rattle and a sighting of an intruder running away. Still nothing was found. On the fifth sweep of the area, the lifeless body Pte Geoff Gray was discovered only 30cm away from the fence with two bullet wounds to the head.

Almost immediately after Pte Geoff Gray's death the UK Army reportedly asserted that he had committed suicide. Initial investigations were formally launched on 17 September 2001 by the civil police. However, the initial investigation was conducted predominantly by military police and found that there were no suspicious circumstances.

Photo caption: Pte Geoff Gray (private copyright)

The inquest into the circumstances of Pte Geoff Gray's death returned an "open" verdict after hearing evidence that Pte Geoff Gray had two gunshot wounds to the head and no evidence corroborating the theory that he had committed suicide. Furthermore, the coroner stated that he did not believe that the boy had taken his own life.

The family of Pte Geoff Gray does not believe that he committed suicide and considers that the UK Army has tried to cover up the circumstances surrounding his death.

In April 2002, in a statement before the UK Parliament in response to a parliamentary question, the UK MoD confirmed that Pte Geoff Gray had died from gunshot wounds to the head while on guard duty at the Deepcut Barracks but declined to make any further comments on the circumstances surrounding his death.¹⁸ The MoD also stated that evidence arising from the circumstances of Pte Geoff Gray's death would be considered by an internal UK Army Board of Inquiry whose purpose would be "to establish the facts and ascertain whether any shortcomings in service equipment or procedures caused or contributed to the incident leading to a death and, if necessary, make recommendations to prevent a recurrence".¹⁹ The statement further specified that such an inquiry would be "an internal investigation [...] not open to members of the public or the media..."; that once its investigation was completed, the Board of Inquiry would make available a copy of its report to the

¹⁸ See statement made by Dr. Lewis Moonie on behalf of the UK Ministry of Defence to the UK Parliament in response to a parliamentary question on 24 April 2002 and available online at <http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020424/text/20424w02.htm>.

¹⁹ *Ibid.*

family “subject to any minimum security/disclosure requirements” ; that it was likely that the inquiry would take some time and it was not possible to predict when the board would finalize its report.²⁰

The case of Pte Cheryl James

Pte Cheryl James from Llangollen, North Wales, was only 18 years of age when her lifeless body was discovered in woodland outside the Deepcut Barracks with a single gunshot wound to her forehead on 27 November 1995. She had joined the Army six months earlier. Reportedly, her body was found 90 feet outside the perimeter fence with her rifle beside her, near some woods opposite the guard post where she had been alone on a routine patrol.²¹

Photo caption: Pte Cheryl James (private copyright)

From the beginning the Army reportedly stated that she had taken her own life. In this connection, Pte Cheryl James’s family has expressed concern about the inadequacy of the original SIB’s investigation into their daughter’s death. Her parents maintain that they have Army documents dated 14 December 14 1995 which refer to Pte Cheryl James’s death as a suicide. However, the inquest into her death was not actually convened until a week later on 21 December and eventually the coroner recorded an “open” verdict.

The family believes that the Army assumed suicide in the case of their daughter's death from the very beginning, although both the Army and the MoD have consistently denied having made any such assumption. The family has documents showing that the SIB referred to Pte Cheryl James’s “apparent dislike of military life and personal problems” although in the very same document they also remark that she “showed no dislike of the Army whilst completing Phase 1 or Phase 2 [of her] training”. The family considers that as a result of their assumption any subsequent investigation was flawed. In this connection they told Amnesty International: “If you ‘know’ it is suicide then you have no reason to ‘prove’ that is the case.”

Another concern expressed to Amnesty International by Pte Cheryl James’s family is the absence of basic forensic evidence connecting her death with her rifle. The family told Amnesty International that not even the most basic forensic evidence

²⁰ *Ibid.*

²¹ See article published on 28 May 2002 available online at <http://www.epolitix.com/bos/epxnews/00000000677E.htm>

supporting the self-inflicted death theory was presented at the inquest into their daughter's death. They maintain that the police have confirmed to them that no such evidence was in fact collected. In early 1996 the family wrote to the MoD asking a number of questions in relation to the forensics, such as whether a thumb print of Pte Cheryl James had been found on her rifle -- a piece of evidence which would have corroborated the suicide theory by connecting her death with the reported weapon. However, in its reply the MoD dismissed the family's line of questioning by stating that the rifle was a group weapon and that, therefore, no advantage would have been gained by obtaining a thumb print.

A further concern expressed by the family to Amnesty International pertains to the procedures for disposing of items/evidence and the related absence of any form of audit trail regarding disposal. In their daughter's case the bullet collected at the post-mortem examination has since disappeared. While there is a witness who says that the bullet was collected and labelled, no documentary evidence exists to indicate what happened to it subsequently.

In addition, Pte Cheryl James's family has expressed concern that the Army Board of Inquiry which followed the inquest was held in secret. Her parents were neither informed it was to be held, that it had been held, nor that it had been completed. It was only in September 1996, after nine months, that they received a copy of the report and realized that the Army Board of Inquiry had been held in January of that year and had reached the conclusion that Pte Cheryl James had committed suicide. Moreover, the conclusion of the Army Board of Inquiry was recorded despite one member of the three-person board registering a "Statement of Disagreement" on 19 January 1996. According to the family of Pte Cheryl James, who is in possession of a copy of such statement, the disagreement was on the basis that (1) the Board had intimated that Pte Cheryl James was immature, whereas the "Statement of Disagreement" states that there was nothing offered in evidence to support this assertion; and that (2) a recommendation regarding training had been deemed to be outside of the Terms of Reference of the inquiry. The "Statement of Disagreement" concluded:

"It is appreciated that the wider picture was looked at, however, there was nothing given in any form of evidence to suggest that the training of [Pte Cheryl James] was an inherent factor in her death. Therefore any suggestion of a recommendation for a radical review of training cannot be supported. I feel that the line of questioning from the outset was incorrect and improper, definitive statements were made of a misogynistic nature, which I felt were not conducive to the nature of the Board of Inquiry."

Amid allegations of a culture of bullying and ill-treatment being rife at Deepcut Barracks, in June 2002 it emerged that Pte Cheryl James had reportedly been forced into a sexual relationship with a senior officer. Terri Lewis, a former Lance Corporal at Deepcut Barracks, stated that "bullying at Deepcut was rife" and that sexual harassment by a sergeant may account for the death of Pte Cheryl James.²²

Since then, there have also been allegations that there had been 10 attempted suicides by young soldiers at Deepcut Barracks between the death of Pte Sean Benton in June 1995 and that of Pte Cheryl James in November of the same year.²³ The parents of Pte Cheryl James told Amnesty International that they are in possession of Army documents corroborating the allegations concerning the 10 attempted suicides. In this connection, the family expressed concern to Amnesty International that despite being faced with two alleged and 10 attempted suicides within a 19-week period the military authorities at Deepcut Barracks failed to instigate a thorough internal investigation. In addition, they also failed to ensure the involvement of the civil police in the SIB's investigation into their daughter's death. As early as 1995, Surrey Police had primacy over the Royal Military Police for the investigation of a death on military premises. Surrey Police have confirmed this to Pte Cheryl James's family. The family is also concerned that Surrey Police failed to adopt primacy over the investigation. Nevertheless, the family continues to insist that the military authorities at Deepcut should have insisted on the police being involved, particularly in light of the 10 attempted suicides in the short period between Pte Sean Benton's and Pte Cheryl James's deaths. The family of Pte Cheryl James told Amnesty International that the Commanding Officer at Deepcut failed to ensure the death was examined thoroughly; failed to give evidence to the Coroner's Court -- where the other attempted suicides were not even mentioned; and failed to give evidence to or attend the Board of Inquiry. He left Deepcut within two days of the Board of Inquiry's completion.

The family of Pte Cheryl James is prepared to accept that she may have committed suicide, but realizes now that they will never know for sure what happened. To them what is important is not only how she died but also why her death was not thoroughly investigated at the time.

²² See, *inter alia*, "Deepcut inquiry uncovers suicide bids", by Laura Burking, *Evening Standard* on 2 December 2002, available online at

<http://www.thisislondon.com/news/articles/2283580?source=Evening%20Standard>.

²³ *Ibid.*

“More than seven and a half years on, what we find most hurtful is that, because of their ineptitude, we will never, ever know for sure how our daughter died.” Des James, the father of Pte Cheryl James.

The case of Pte Sean Benton

Pte Sean Benton of Hastings, East Sussex, died at the Deepcut Barracks on 9 June 1995. He was only 20 years of age. Pte Sean Benton’s lifeless body was found with five gunshot wounds to the chest. His rifle lay near his body. An inquest into his death recorded a verdict of suicide.

More recently, serious allegations of bullying, beatings and other forms of physical assaults against Pte Sean Benton have emerged. It has been alleged that Pte Sean Benton had been targeted for special “treatment”. In addition, some of his contemporaries at Deepcut have stated that they remember seeing him battered and bruised. Pte Trevor Hunter, who was in the same training unit at Deepcut with Pte Sean Benton, told the BBC One investigative program *Panorama* that Pte Sean Benton had been subjected to serious bullying and physical assaults.²⁴ “He was thrown out of a second floor window to land on the grass below.” Lance Corporal Terri Lewis also made claims on the same program that Pte Sean Benton had tried to report to her a serious incident of assault but that she was in turn prevented from recording the complaint by a senior officer. She reportedly believes that Pte Sean Benton had been driven to commit suicide as a result of the serious bullying and beatings to which he had been subjected. The family has stated that the Army has denied that Pte Sean Benton was either bullied or beaten.

Photo caption: Pte Sean Benton (private copyright)

Amnesty International’s concerns about the initial investigations of the deaths at Deepcut Barracks

The Royal Military Police’s Special Investigation Branch (SIB) conducted the original investigations into all the above cases. Following its own internal inquiries, the army originally classified all four deaths as “intentional and self inflicted”. However, two of the three inquests so far held in these deaths returned “open”

²⁴ See “Fear and Violence at Deepcut”, Sunday 1 December, 2002, 12:57 GMT, available online at <http://news.bbc.co.uk/1/hi/programmes/panorama/2531237.stm>

verdicts; while a verdict of suicide was returned by the inquest in the remaining one (see cases above).

Although Surrey Police had been involved with the initial investigations conducted by the Army in each case, the bereaved families have expressed serious concern that the police's involvement at that stage was in fact inadequate. They claim that it amounted to no more than a formal supervision of investigations conducted exclusively by the military police and over which the latter had effective and total control. For instance, the family of Pte Cheryl James expressed concern to Amnesty International about the extremely vague involvement of Surrey Police in the initial investigation. They told the organization how, for example, they had not been able to establish the name of the civil police officer who had attended the Deepcut Barracks following their daughter's death. Similarly, it took three weeks for the family of James Collinson to finally manage to find out the identity of a single Surrey Police officer who had knowledge of their son's death.

Following the many unanswered questions and serious concerns raised by the families about the disputed circumstances surrounding each death, and their strenuous campaigning, Surrey Police in England agreed to a re-investigation of all four cases which is currently ongoing (see below). In the context of the re-investigations currently being conducted by Surrey Police, in August 2002 it emerged that Army logbooks containing the weapons' serial numbers and items of clothing in connection with the deaths of Pte Geoff Gray and Pte Sean Benton, which had been requested by the police investigative teams as evidence in their new inquiries, had in fact been destroyed by the Army. In the case of Pte James Collinson the logbook was eventually found. In the case of Pte Cheryl James, the family has no information regarding their daughter's logbook. However, the missing bullet only came to light this year (see Pte Cheryl James case above).

The MoD reportedly claims that these items were disposed of after the initial civilian and military inquiries had been completed and that it had no way of knowing the cases would be re-investigated. However, the fact that the initial investigation into the death of Pte James Collinson has not yet been completed raises serious questions about the adequacy of the MoD's explanation. Some of the families have also reported that they have been made aware that the destruction of logbooks for the armoury is not standard practice and that they are normally filed.

Late in 2002, the House of Commons Defence Select Committee was reportedly considering holding its own inquiry and is currently said to be awaiting the final reports from Surrey Police before announcing its decision.

The Surrey Police re-investigations of the deaths at Deepcut Barracks

On 30 April 2002, Surrey Police in England issued a statement announcing that they had decided to re-investigate the death of Pte Geoff Gray and had appointed Detective Chief Inspector Colin Sutton to carry out this task.²⁵ The police's decision followed their review of the case which in turn had been prompted by the concerns expressed by Pte Geoff Gray's family. The police also decided to charge Detective Sutton with the investigation into the death of Pte James Collinson.

Since then, Surrey Police have released no information about their re-investigation as a result of their fear of prejudicing any possible proceedings. A family liaison officer has been appointed and the police have pledged that full reports would be made available to the Coroner in due course irrespective of the outcome.

On 5 July 2002, Surrey Police issued another statement, very similar to the one issued in April 2002, this time concerning their decision to re-investigate the deaths of Pte Cheryl James and Pte Sean Benton and announcing that they had appointed Detective Chief Inspector Brian Boxall to carry out this task.²⁶ As with the decision to re-investigate the deaths of Pte Geoff Gray and Pte James Collinson, this one followed a meeting with the families of Pte Sean Benton and Pte Cheryl James and a so-called paper review of both cases. The statement clarifies that the re-investigation of their deaths was distinct from the one into the deaths of Pte James Collinson and Pte Geoff Gray, although it envisaged that the two investigating teams would work closely together.

Surrey Police have stated that the Army has been cooperating fully with their re-investigations which, the police insist, have been conducted independently of the Army and the MoD.

However, the family of Pte Cheryl James has expressed serious concerns as to whether the Surrey Police's re-investigation has been conducted impartially and independently of the Army. Their suspicion has arisen from the fact that the MoD has made statements during the course of the investigation purporting to amend,

²⁵ See the statement issued by Surrey Police on 30 April 2002, available online at <http://www.justice4ptegeoffgray.co.uk/>.

²⁶ See the statement issued by Surrey Police on 5 July 2002, available online at http://www.surrey.police.uk/news_item.asp?artid=1888.

review or improve procedures. Such procedures may have been, in the fullness of time, the object of criticism by the Surrey Police.

The family of Pte Cheryl James communicated their concerns to Surrey Police as early as January 2003. The family told Amnesty International that they had intimated to Surrey Police that they would 'make a formal complaint'. This was taken so seriously by Surrey Police that the Chief Constable travelled to see Pte Cheryl James's family on 23 January 2003. At that meeting, it transpired that there had been numerous meetings/briefings with/to the army by Surrey Police of which the family had not been made aware. The Chief Constable told Pte Cheryl James's family that such meetings/briefings were necessary. However, the family were not convinced by this. In the end, they have decided not to make a complaint because they were told that if a complaint were lodged then the entire investigation would have to be closed and handed over to another police force.

Deaths at other Army barracks

In recent years, information about other deaths of young soldiers in non-combat circumstances at other Army barracks around the UK has begun to emerge. For example, since 1994, a reported total of 23 soldiers have died at Catterick Garrison, in North Yorkshire, England, in non-combat situations.²⁷ Nineteen of these non-combat fatalities at Catterick reportedly occurred between September 1995 and September 2001.

In this connection, Amnesty International has received serious allegations about some of the above-mentioned fatalities at Catterick Barracks and the circumstances surrounding other deaths of Armed Forces personnel in non-combat situations in and around other Army barracks in the UK.²⁸ Some families of recruits based at these camps have made allegations of racial and sectarian abuse, rape and

²⁷ See, for example, the case of 22-year-old Pte William Beckley-Lines, who died at Catterick Barracks reportedly as a result of exhaustion following a training exercise in full combat gear and pack. See also the following fatalities: [Pte Richard J Robertson - Black Watch 1995](#); Fus M J Murray - RR Fusiliers; Pte C Needs - Green Howards; Pte B R Isherwood - Black Watch; [Pte Daniel M Farr - Prince of Wales Own 1997](#); Pte M D Meredith - Cheshire 1997; Pte RD Fleming - Para; [Rfn William N Beckley-Lines - Royal Green Jackets 1998](#); Pte AJ Elliott - Royal Anglian Sgt J Cutting - Cheshire; Cpl D Conway - Black Watch; Fus MJB Case - RR Fusiliers; LSgt CE Leech - Coldstream Guards; Rfn OM Alford - Royal Green Jackets; [Pte Alan Sharples - Queens Lancashire 2000](#); Pte JR Leadbetter - D & D; Cpl S Graham - A and SH; Gdsm PA Dennison - Irish Guards; and Rfn JI McKenzie - Royal Green Jacket

²⁸ See for example the cases of Paul Cochrane (see below), Ross Collins, Richard Donkin, Tony Green, Dale Little, Aled Martin Jones, Alfie Manship, Gary Riches, Richard Robertson, Alan Sharples, David Shipley and Christopher Young, all mentioned in the Early Day Motion 63 entitled "Army Deaths, at 1 *supra*.

intimidation.²⁹ In addition, some of the bereaved families have expressed concern at the apparent unwillingness of the Armed Forces and the MoD to clarify the circumstances surrounding the deaths of their relatives.

As a result, many families have joined the families of Pte James Collinson, Pte Geoff Gray, Pte Cheryl James and Pte Sean Benton in their campaign to ensure that the UK authorities establish a wide-ranging public inquiry into all non-combat deaths of Armed Forces personnel in disputed circumstances since 1990.

The case of Ranger Paul Cochrane

Paul Cochrane was a soldier in the 1st battalion of the Royal Irish Regiment (RIR). He died on 30 July 2001 at Drumadd Army Barracks in County Armagh, Northern Ireland. Ranger Paul Cochrane had dreamed of becoming a soldier since childhood. He had been in the RIR for less than two years, and at Drumadd Army Barracks for about six weeks before his death. According to his parents, Paul Cochrane was to be one of the youngest men, if not the youngest, put forward for promotion to Junior NCO (non-commissioned officer).

He was only 18 years of age when he reportedly took his own life by shooting himself in the mouth while speaking on the telephone with his father. Ranger Paul Cochrane left three suicide notes. One of the notes states that he had been forced into a corner by “bad men” and “I want you to get these people for forcing me into this corner, mum”. The parents of Ranger Paul Cochrane told Amnesty International that one note also refers to an audiotape on which they believe their son had secretly taped a meeting he had had in the afternoon prior to his death with a senior military officer. There is contradictory evidence as to what happened to the tape; it was reported that three days after his death a tape was discovered mangled and unintelligible in the grounds of the Drumadd Army Barracks.

Photo caption: Ranger Paul Cochrane (private copyright)

Ranger Paul Cochrane had been deemed unfit for duty in the days immediately preceding his death because of a severe ear infection of which he had been complaining for five weeks. Several tests carried out by Army medical personnel and

²⁹ See, for example, “*Inquiry calls grow after Echo investigation*”, by Liz Lamb, published in the Northern Echo newspaper on 24 May 2003 and available online at <http://www.rirbase.co.uk/files/news.asp>.

non-Army doctors had confirmed his illness. Ranger Paul Cochrane had sought permission from the military authorities to go on home leave. However, his request had been denied.

Ranger Paul Cochrane's parents have expressed their concern to Amnesty International at the circumstances surrounding their son's death. They told the organization that neither they nor other soldiers and friends of their son had any indication that he had been severely depressed or in a suicidal frame of mind in the days preceding his death. In particular, the parents of Ranger Paul Cochrane are questioning why he was so frightened; why he had possession of a weapon when he had been deemed unfit for duty; and what happened to the tape.

"Today, we still have had no explanation as to why a happy, talented boy should shoot himself." William Cochrane, Paul Cochrane's father.

Paul Cochrane's parents have also expressed their concern to Amnesty International that the military authorities' investigation into the circumstances surrounding their son's reported suicide was wholly inadequate. An inquest into the circumstances surrounding Ranger Paul Cochrane's death has been scheduled for September 2003. The initial investigation was conducted by the SIB with the assistance of the Police Service of Northern Ireland. A separate SIB investigation into his death concluded that there was insufficient evidence of his having been subjected to ill-treatment. The Army Board of Inquiry began its work reportedly in May 2002 and completed it a year later. This inquiry focussed specifically on training and procedures and reportedly omitted any possible military leadership issues linked to Ranger Paul Cochrane's death from its scrutiny. The Inquiry Board's report did not contain the report of the SIB investigation. Moreover, the parents have not been given other relevant reports, including forensic reports.

In May 2003, the MoD reportedly launched an investigation into the command structure concerning serious allegations attesting to a climate of bullying, harassment and negligence by senior officers in failing to uphold their duty of care to their subordinates. The allegations centre on the regime of a particular RIR Colonel and his time at Drumadd Army Barracks, including at a time of Ranger Paul Cochrane's death. It has been reported in the media that questions raised at the Army Board of Inquiry into the circumstances of Paul Cochrane's death prompted the MoD's move. Neither the family nor their lawyer has been informed by the MoD of this development.

Since the death of their son, Paul Cochrane's parents have campaigned to reform the way in which deaths in the military are investigated. His family believes that his death was brought about by bullying and intimidation.

International human rights law relevant to the right to life

As a State Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the UK is obliged to respect human rights.³⁰ Among other rights relevant for present purposes, under the ECHR the UK is obliged to secure the right to life enshrined in Article 2 of Convention;³¹ the prohibition of torture or other ill-treatment guaranteed in Article 3 of the same instrument;³² the right to respect for private and family life set out in Article 8 of the ECHR;³³ and finally the right to an effective remedy before a national authority against violations of any Convention rights enshrined in Article 13 of the ECHR.³⁴

In a number of landmark judgments handed down in recent years in connection with

³⁰ Article 1 -- Obligation to respect human rights -- of the (European) Convention for the Protection of Human Rights and Fundamental Freedoms reads as follows: "[t]he High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.". The full text of the Convention is available online at <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

³¹ Article 2 -- Right to life -- of the ECHR reads as follows:

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection. *Ibid.*

³² Article 3 -- Prohibition of torture -- of the ECHR reads as follows: "[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment.", see at 30, *supra*.

³³ Article 8 -- Right to respect for private and family life -- of the ECHR reads as follows:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. See at 30, *supra*.

³⁴ Article 13 -- Right to an effective remedy -- reads as follows: "[e]veryone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.", see at 30, *supra*.

fatalities in which the circumstances were disputed, the European Court of Human Rights has outlined in detail the state's obligations in relation to the conduct of investigations into such deaths.³⁵

The European Court of Human Right considered that “shortcomings in transparency and effectivenessrun counter to the purpose identified by the domestic courts of allaying suspicions and rumours. Proper procedures for ensuring the accountability of agents of the State are indispensable in maintaining public confidence and meeting the legitimate concerns that might arise from the use of lethal force.”

In the above-mentioned cases, the Court ruled unanimously that the UK had violated the right to life. The judgments require that, procedurally, in order for the UK authorities to comply with the right to life, investigations must be prompt, thorough, independent and impartial and seen to be so. In turn, this means that those investigating the circumstances surrounding any death, in which the circumstances are disputed, must be totally independent of those against whom allegations have been made. In addition, the judgments require that there be a full public scrutiny and that the victims' families should be kept fully informed of the progress of the investigation, including by the prosecution authorities about decisions not to bring criminal charges.

In recent years, the jurisprudence of the European Court of Human Rights has also outlined analogous procedural requirements to give effect fully to the right not to be subjected to torture or inhuman or degrading treatment guaranteed in Article 3 of the ECHR.

³⁵ See *Hugh Jordan v. the United Kingdom*; *McKerr v. the United Kingdom*; *Kelly and others v. the United Kingdom*; *Shanaghan v. the United Kingdom*; and *McShane v. the United Kingdom*.

Amnesty International's recommendations.

In light of the organization's concerns, outlined above, in relation to non-combat deaths in disputed circumstances of UK Armed Forces personnel, Amnesty International calls on the UK authorities to implement the following recommendations as a matter of urgency:

- an independent and impartial public inquiry, with full powers to subpoena witnesses and order the disclosure of documents, should be immediately established to probe the serious allegations that have emerged about many of the non-combat deaths in disputed circumstances of Armed Forces personnel since at least 1990. The inquiry should be UK-wide and cover all sections and all ranks of the UK Armed Forces. It should invite and seek out the views of the families of the deceased and the opinions of experts. It should meet in public and publish its findings and recommendations. The inquiry needs to address and make recommendations about the context in which the above-mentioned deaths have taken place so that further fatalities may be prevented in the future;
- all deaths of UK Armed Forces personnel, the circumstances of which are disputed, should be investigated promptly, thoroughly, independently and impartially;
- the civil police should conduct and assume total control over such investigations;
- any allegation of serious human rights abuses in the Armed Forces should be investigated promptly, thoroughly, independently and impartially with a view to bringing those allegedly responsible to justice;
- as soon as a death of a member of the UK Armed Forces is reported, the family should be immediately informed of their right to have an independent pathologist present at the post-mortem examination;
- the bereaved families should be kept fully informed at all stages of the investigation;
- in cases in which no prosecutions are brought, the bereaved families should obtain full disclosure well in advance of the inquest;
- in relation to serious allegations of bullying, sexual harassment and other ill-treatment, the UK authorities must institute an effective, independent and impartial complaint mechanism with which complaints can be lodged without fear of reprisal (e.g. a military ombudsperson);

- in cases of human rights abuses the bereaved families should be entitled to reparation; and finally,
- Amnesty International renews its call on the UK authorities to ban the recruitment -- and deployment into hostilities at all times – of people under the age of 18 years into the UK Armed Forces.