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UK/Iraq: UK government must investigate unlawful killings

The UK is obliged to comply with its international and domestic legal obligations, including the conducting of effective, prompt, impartial, independent and thorough investigations into allegations of six unlawful killings in Iraq, Amnesty International said after today's judgement of the High Court of England and Wales. The judgement concerned the death of Iraqi civilians at a time when the United Kingdom (UK) was recognized as an occupying power in Iraq. Five were shot dead in separate armed incidents involving UK troops and the sixth, Baha Mousa, died in a military prison in UK custody.

The High Court found in favour of Baha Mousa's family holding that both the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA) apply and that inquiries conducted so far into his death did not satisfy the requirements of the ECHR.

"The UK government must conduct a full, independent, effective, impartial, independent and thorough investigation into the death in custody of Baha Mousa, including into allegations that he died as a result of being tortured or otherwise ill-treated while in the custody of the UK," Amnesty International said.

However, Amnesty International considers disturbing the High Court's finding in relation to the other five cases. The UK had at the relevant time effective control over the Iraqi territory in which the deaths took place. In spite of this, the High Court held that neither the ECHR nor the HRA were applicable. Amnesty International considers that this is inconsistent with the UK's obligations under international law.

"Both the ECHR and the HRA were applicable to the territory of Iraq over which the UK exercised effective control as a result of its status as occupying power. Therefore, the UK is obliged to comply with its international and domestic legal obligations to investigate all allegations of unlawful killings," the organization said.

Public Document

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