



PRESS RELEASE

The International Criminal Court must investigate UK military abuses against Iraqi detainees from 2003 to 2008 as war crimes

Berlin/London 10 January 2014 The European Center for Constitutional and Human Rights (ECCHR) together with Public Interest Lawyers Birmingham UK (PIL) today submitted a Communication to the Office of the Prosecutor of the International Criminal Court (ICC) in The Hague requesting action with respect to the abuse and mistreatment of Iraqi detainees by UK military forces. With 250 pages of factual and legal analysis, ECCHR and PIL conclude that the systemic abuse against detainees during the UK's presence in Iraq meets the threshold of war crimes. Therefore, ECCHR and PIL urge the ICC to open formal investigations into the UK regarding those most responsible for these abuses, as the UK has failed to sufficiently investigate and prosecute its high ranking civilian and military officials. In particular, Secretary of State Defense Geoffrey Hoon, and former Minister of State for the Service Personnel Adam Ingram knew or should have known of the widespread patterns of abuse, and turned a blind eye to them.

“Our lawyers' team exhausted all domestic remedies and even won the historic cases Al-Jedda and Al-Skeini at the European Court of Human Rights in Strasbourg but there is still total impunity for the higher officials involved in the systematic torture and prisoners' abuse“, stated Solicitor Phil Shiner (PIL).

Over 400 Iraqi former detainees have brought allegations to PIL of grave mistreatment committed during the five years which the UK and Multinational Forces operated in Iraq, from 2003 to 2008. Together, ECCHR and PIL have chosen 85 representative cases for analysis within their Communication to the ICC. A review of the witness testimony and evidence brought by these victims, along with testimony from other former detainees represented by PIL, the reporting of international organizations and media outlets, and the public inquiries conducted in the UK all lend support to the Communication's findings of systemic torture and various degrading abuse techniques. Specifically, PIL and ECCHR concluded that detainees were typically subjected to abuses in order to prepare them for interrogation.

In 2006, the Office of the Prosecutor (OTP) of the ICC declined to open a formal investigation into UK military abuses in Iraq. After preliminary fact-finding the OTP concluded that there was a reasonable basis to believe that the war crimes of willful killing and inhuman treatment had been committed by UK forces in Iraq, but that those crimes were not of sufficient gravity to justify a formal investigation. At that time, the OTP found quantitative criteria to be the key consideration and assumed only 4 to 12 victims of willful killing and a limited number of victims of inhumane treatment, “totaling in all less than 20 persons”. However, the OTP explicitly stated that its decision not to investigate could be reconsidered in light of new information.

Eight years later, it is clear that an investigation by the OTP is not only proper, but compelling. Hundreds of abuse allegations, spanning across time, technique and location indicate that the UK military had a sustained policy of committing abuse against Iraqi detainees in order to prepare them for interrogation. This alone warrants the ICC to intervene.

Furthermore, proceedings within the UK have been lacking in number, and in quality. UK officials have been all too reluctant to prosecute or investigate the high ranking officials for the systemic abuses committed in Iraq. As such, the Office of the Prosecutor of the ICC must now begin an investigation into war crimes committed against Iraqi detainees by the UK, in order to identify and hold accountable those most responsible for these crimes.

“The International Criminal Court in The Hague is the last resort for victims of torture and mistreatment to achieve justice“, stated Wolfgang Kaleck (ECCHR). “Double standards in international criminal justice must end. War crimes and other severe violations of human rights must be investigated and prosecuted, regardless of whether they are committed by the most powerful.”

ECCHR and PIL will present the Communication with the support of Prof. William A. Schabas (Middlesex University, London) at two events in London and in Berlin.

London:

Tuesday 14th January 2014

6.30pm – 8.00pm

The Law Society, 113 Chancery Lane, London, WC2A 1PL

Berlin:

Wednesday 15th January 2014

7 pm – 8.30 pm

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