

# JUSTICE PRESS RELEASE

JUSTICE  
59 Carter Lane  
London  
EC4V 5AQ  
(020) 7329 5100  
[www.justice.org.uk](http://www.justice.org.uk)

FOR IMMEDIATE RELEASE – 13 June 2007

## Iraqis in UK military custody covered by Human Rights Act

On Wednesday 13 June, the House of Lords ruled by a 4-1 majority that the Human Rights Act applies to Iraqis held in British military custody in southern Iraq.

In the case of *Al Skeini and others v Secretary of State for Defence*, Lord Rodger of Earlsferry said:

In the case of the sixth appellant, the deceased, Mr Baha Mousa, was taken to a detention unit in a British military base in Basra where, it is said, he was so brutally beaten by British troops that he died of his injuries. The Secretary of State accepts that, since the events occurred in the British detention unit, Mr Mousa met his death “within the jurisdiction” of the United Kingdom for the purposes of article 1 of [the European Convention on Human Rights]. (para 61 of judgment).

Baroness Hale of Richmond said:

[I]t has many times been said that the object of the Human Rights Act was to give people who would be entitled to a remedy against the United Kingdom in the European Court of Human Rights in Strasbourg a remedy against the relevant public authority in the courts of this country. The United Kingdom now accepts that it would be answerable in Strasbourg for the conduct of the British army while Mr Mousa was detained in a British detention unit in Basra. It would be consistent with the purpose of the Act to give his father a remedy against the army in the courts of this country (para 88 of judgment).

Eric Metcalfe, JUSTICE’s Director of Human Rights Policy, said:

**Human rights are not a burden on UK troops. Indeed, according to the government, human rights are the reason that UK forces are in Iraq in the first place.**

**Any reputation the UK may have for protecting human rights overseas means nothing unless its army does the same.**

For further information, ring Eric Metcalfe on 07939 119 369 (mobile) or 020 7762 6415 (direct line) or via email to [emetcalfe@justice.org.uk](mailto:emetcalfe@justice.org.uk)

### Notes for editors

1. JUSTICE, the UK section of the International Commission of Jurists, was part of a coalition of 11 human rights NGOs that intervened in the case, including the AIRE Centre, Amnesty International, the Association for the Prevention of Torture, the Bar Human Rights Committee, British Irish Rights Watch, Interights, the Kurdish Human Rights Project, the Law Society of England and Wales, Liberty and Redress. The interveners were represented pro bono by Keir Starmer QC, Richard Hermer, Charles Banner as counsel and Raju Bhatt of Bhatt Murphy solicitors.
2. JUSTICE and Liberty have been granted permission to intervene in another case involving an individual held in military custody in southern Iraq, to be heard by the House of Lords from 29-31 October. The case of *Al Jedda v Secretary of State for Defence* involves a dual UK/Iraqi national who is being detained under UN Security Council Resolution 1546.

Chairman of Council **Lord Goodhart QC**      Director **Roger Smith**  
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