



Seeking Reparation for Torture Survivors

TOP UK COURT ORDERS PROBE INTO MOUSA TORTURE DEATH

PRESS STATEMENT

[LONDON, 13 June 2007]

REDRESS, the international human rights organisation with a mandate to help torture survivors obtain justice, welcomes today's ruling by the Appellate Committee of the House of Lords that Baha Mousa's death at the hands of British troops in Iraq can be considered under the Human Rights Act of 1998.

Hotel receptionist Baha Mousa (26) was tortured over a 36 hour period in Basra and found to have 93 separate injuries to his body. He died from asphyxia, and since 2004 his father has been trying through the UK courts to get a public inquiry. **REDRESS** was one of the organisations intervening in the House of Lords supporting Mr Mousa's claim.

The Law Lords have found that where a public authority such as the British Army has the power to operate outside of the UK legitimately (for example with the consent of another State), it is to be treated as far as possible in the same way as when it operates at home. This means that a proper, independent and impartial investigation into the death of Baha Mousa is required, even though the acts took place in Iraq. This is an especially significant ruling for the family following the acquittal of all the soldiers court-martialled in connection with the death, apart from one who pleaded guilty to a charge of inhumane treatment and who was jailed for twelve months in April this year.

"Today's decision will give a huge boost to the family who have been fighting for years now to find out what happened to Baha Mousa and who is responsible for his torture and death. Regrettably, the court martial raised more questions than it answered, and now there must be an effective investigation getting to the bottom of this tragedy once and for all," said Carla Ferstman, **REDRESS'** Director.

"The effect of this ruling will rightly have far-reaching consequences for all those detained by UK soldiers anywhere in the world. Torture and other forms of ill-treatment will only be eradicated when those responsible know they will be held to account."

The UK Government had conceded that the European Convention on Human Rights applied to Baha Mousa because he was in British Army custody when he died, but had then argued that his father could not demand a proper inquiry through the UK's courts under the Human Rights Act, and could only do so through the European Court of Human Rights in Strasbourg. This argument was rejected by four out of five Law Lords.

This case also involved five other Iraqi civilians killed at the hands of British troops in Southern Iraq who had been shot and fatally wounded by members of UK armed forces in the course of street patrols. Here the Law Lords unanimously found that there was an insufficient jurisdictional link between the victims and the UK to engage the European Convention. It thus distinguished these deaths from that of Baha Mousa who had died in custody, and ruled that the relatives of the five were not entitled to an inquiry under the Convention. This was the same approach taken in the Court of Appeal, which like the Law Lords today had also ruled that Baha Mousa's father was entitled to a proper inquiry.

Interveners: The organisations intervening before the Law Lords were The Aire Centre, Amnesty International, The Association for the Prevention of Torture, The Bar Human Rights Committee, British Irish Rights Watch, Interights, Justice, Kurdish Human Rights Project, Liberty, and The Redress Trust. The organisations were represented, pro bono, by Keir Starmer QC, Richard Hermer, Charles Banner and Azeem Suterwalla, all of Doughty Street Chambers, and Raju Bhatt of Bhatt Murphy Solicitors.

Note: **REDRESS** was founded by a British torture survivor in 1992. Since then, it has consistently fought for the rights of torture survivors and their families in the UK and abroad. It takes legal challenges on behalf of survivors, works to ensure that torturers are punished and that survivors and their families obtain remedies for their suffering. **REDRESS** cooperates with civil society groups around the world to eradicate the practice of torture once and for all and to ensure that survivors can move forward with their lives in dignity. It has intervened in a range of leading torture cases. More information on our work is available on our website: www.redress.org.

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