

Quaker briefing for parliamentarians: Overseas Operations Bill

Overview

The Quaker Concern for the Abolition of Torture ([Q-CAT](#)) is a registered charity campaigning for the elimination of torture and all such ill-treatment. We are led by our faith to care for the spiritual wellbeing of both the victims and perpetrators of torture. Quakers in Britain believe the Overseas Operations Bill will have a significant, negative impact on our values of truth, justice and peace – in the UK and abroad.

What you can do

Please help us raise our concerns with ministers and other parliamentarians. We ultimately want the Bill to be paused so that the government can reconsider how best to protect armed forces personnel, civilians and wider society. If the Bill cannot be paused, we would like it to be amended to remove its most serious threats to human rights, including the time limits on prosecution.

Our concerns about the Bill

We believe the Bill is unjustifiable and ineffective. It will result in a lack of justice, transparency and honesty. The [Joint Committee on Human Rights](#) (JCHR) and the [House of Lords Constitution Committee](#) reports provide evidence of this. We are concerned that the Bill:

1. Undermines international law

Globally agreed international laws govern countries' activities. They are essential to sustain accountability and justice between nations. They enhance world security. We believe that the Bill will undermine the requirement of the government to uphold international standards in relation to human rights and culpability for war crimes. This will result in a loss of protection for those engaged in armed conflict – the military, detainees and civilians living in the area of conflict. The Bill undermines the Geneva Conventions, the European Convention on Human Rights and the UN Convention against torture.

The Bill adds nothing to the effectiveness of prosecution for serious human rights violations. It is likely to impede it instead, for example by: restricting time limits; seeking a presumption against prosecution of serious human rights violations; and the triple lock requirements. It will damage our standing in the world and the reputation of our troops.

2. Does not protect troops

The horrors of war bring long-term physical, mental and spiritual suffering to all those involved. The Bill does not address the reality that troops can become morally disengaged during deployment and so become more likely to commit atrocities. Nor does it address the duty of care to personnel who have committed such crimes and those who are their victims. This stance carries no moral weight: none for the guilt of the soldiers and the commanders, none for the loss of their services' proud history of serving with honour.

The Bill seems unlikely to decrease the number of preventable military deaths in the field. It seems more likely to allow avoidance of accountability of troops for war crimes and for errors

made by senior people in the MoD and military. This costs lives and blocks the opportunity for review and reorganisation, as happened with the [Iraq Land Rovers](#).

3. Does not protect civilians

International law establishes obligations to observe the protective rights of civilians in war. Over the years extremely serious wrong-doings have been committed by the UK armed forces overseas, with [some still being uncovered](#). Investigations have lacked independence and been inadequately funded. The human cost to all involved is staggering. The failure to uphold our obligations to truth and justice wreaks a spiritual toll on all involved. This Bill will weaken the ability of those harmed to achieve justice.

4. Not needed to tackle repeat investigations

As the chair of JCHR has pointed out, the repeat investigations that some MPs object to are largely a result of poor investigations that lack sufficient independence. The minister was unable to give the JCHR examples of any cases where he believed the courts have failed or refused to use their powers to strike out unmeritorious claims.

5. Weakens the rule of law

The rule of law protects people from criminality and abuses of power, however imperfectly. No-one is above the law in this country, the military included. Without recourse to law the conditions are set for the growth of tyranny, scapegoating and suppression. Rhetoric by ministers and MPs about 'vexatious claims' undermines respect for the rule of law.

6. Decreases public scrutiny

The Bill decreases the public's ability to scrutinise the government's decision-making. Without scrutiny there can be no justice, restitution or appropriate sanctions, and problems in structure and training cannot be addressed. Poor scrutiny undermines democratic accountability and ultimately our security.

Further information

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