



UK Mission
Geneva

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UN Special Rapporteur on Torture
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Note Verbale No. 233

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the response to communication OL GBR 6/2020, further to the letter dated 15 June 2020 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 14 August 2020

UN Special Rapporteur on Torture
Office of the United Nations High Commissioner for Human Rights

Annex

RESPONSE OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO COMMUNICATION OL GBR 6/2020 OF 15 JUNE 2020

From the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Dear Mr. Melzer,

Thank you for your letter of 15th June 2020 regarding the **Overseas Operations (Service Personnel and Veterans) Bill** (“the Bill”) in which you outlined your concerns regarding the provisions of the bill in relation to the United Kingdom’s obligations under international law and the impact of the proposed legislation on victims and their families. I am writing to address these concerns.

Firstly, I would like to clarify that the UK’s position on torture has not changed. The UK Government unreservedly condemns the use of torture and remains committed to its obligations under international humanitarian and human rights law, including the UN Convention against Torture. We do not participate in, solicit, encourage or condone the use of torture for any purpose and believe that preventing torture and tackling impunity for those who torture are essential components of safeguarding our security and integral to a fair legal system and the rule of law.

The Bill does not act as a pardon, amnesty or statute of limitations nor does it prevent investigations or prosecutions from taking place. Prosecutors will continue to have discretion on whether to prosecute for criminal offences including torture, following an investigation, on the basis of their assessment of the sufficiency of evidence, and whether a prosecution would be in the public interest.

The five years stated in the statutory presumption measure is not a statute of limitations. The presumption will apply after five years have passed from the date of an alleged offence, in the circumstances set out in Clause 1 of the Bill, however it will still be possible for prosecutors to make the decision to prosecute after this point. Six years for limitations on legal claims is considered a reasonable timeframe for claimants overseas to gather the necessary evidence to bring a claim as beyond this point witnesses’ recollections can fade, making it difficult both for the claimant to pursue and for the defendant to properly defend a claim. The time limits will continue to be calculated from either the date of the incident, or from the date of knowledge.

Moreover, the Bill does not deprive victims of torture and ill-treatment of their right to redress. Whilst victims may not always be able to report alleged offences quickly after the event, it is to the benefit both of alleged victims and alleged offenders that the investigation of allegations is conducted as expeditiously as possible, so that decisions on whether or not to prosecute are made without delay in the interest of all parties knowing the outcome of these proceedings.

The UK undertook a 12-week public consultation on our proposed legal protections measures in summer 2019 and received over 4,200 responses, including from legal professionals and organisations such as the International Committee of the Red Cross, Freedom From Torture and Quaker Concern for the Abolition of Torture. We are engaging with these organisations presently.

In summary, the United Kingdom continues to condemn the use of torture and remains committed to its obligations under international humanitarian and human rights law. The UK will continue in our leading role in the promotion and protection of human rights, democracy, and the rule of law globally.

Yours ever,

A handwritten signature in blue ink, appearing to read 'Rita French', is centered below the closing text.

Rita French
Ambassador for Human Rights
Deputy Permanent Representative
UK Mission, Geneva