

Laws of war

Sir, Further to Robert Jenrick's claim that British special forces are "[killing rather than capturing terrorists](#)" because of human rights law (Oct 2), there has not been a single legal case that has second-guessed a commander's decisions on the battlefield. Where human rights laws do apply is if you take someone into your custody.

That is for very good reasons — look at what happened to the Iraqi hotel receptionist Baha Mousa, who was tortured and killed by British soldiers in Basra. If the European Convention on Human Rights had not applied we would never have found out what happened to him. Convention law does not mandate that detainees should be "set free", it requires that detainees are not tortured, murdered or "disappeared". That is something that a prospective party leader ought to support.

There is not a shred of evidence that any soldier accused of unlawful killing during an overseas operation has been concerned that human rights laws might have otherwise have required a detainee to be released. Convention law protects our forces fighting overseas and at home. None of the soldiers I know or their families will thank Jenrick for this contribution.

Emma Norton

Director, Centre for Military Justice

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