

The Telegraph Road: England's Disastrous Human Rights Violations



10 Downing Street, London, England



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Table of Contents

Introduction	7
British Colonial Legacy of Abuses	8
India	9
Kenya	10
Egypt	10
Palestine	14
Iraq	19
War in Afghanistan 2001	20
War in Iraq 2003	23
The Phenomenon of Miscarriage of Justice in England	27
British Approach to Immigration	30
Racism	33
Conclusion	37

“Hundreds of thousands of flood victims huddled into makeshift camps in India and Nepal face major disease outbreaks if help fails to reach them quickly, say aid workers.”

The Telegraph, undated. Pictures gallery of the flood’s consequences available at the newspaper’s website:

<https://www.telegraph.co.uk/news/picturegalleries/worldnews/2669017/Floods-in-India-and-Nepal.html>

“It’s a win win situation.”

J.K. Rowling, Commencement Speech, Harvard University, 5 June 2008.

“I think it’s important that people continue to support the work of restore, because injuries, particularly burning, are extremely common. Something like a quarter of a million of accidents or other incidents take place every year. Which leave people severely scarred and often disfigured. And because the injuries are often not just physical, but they are psychological. Because a severe burn to the face can have a profound effect on people lives.”

HRH Prince Edward, the Duke of Kent KG FRS, Patron of Restore on reasons for supporting the organization.

“The 4th of June at Eton. On this great day the college presents itself with its own world, as its own world likes best to think of it: as the preserver of the English ruling class and the source of most of its virtues.”

Eton College Documentary, BBC, 1967.

“The biggest threat that we face is terrorism, Al-Qaeda...it’s all intelligence services...groups...only the British.”

Sir Robert John Sawers head of MI6; Andrew Parker, head of MI5; and Iain Lobban head of GCHQ speaking in British parliament, 7 November 2013.

“It’s safe.”

Peter Wall, head of British army, 2011 interview.

“Ffffff...because...confusion.”

Eric Hobsbawm, interviewed by Christopher Hitchens, Hay Festival, 25 May 2003.

“It has always been the plain...all together.”

John Major interview with Charlie Rose 18 April 2005 and presentation at Chatham House 14 February 2013.

“It’s just story...”

Alastair Campbell, Tony Blair’s campaign manager and Press Secretary.

Inside Downing Street, *BBC*, aired on *C-span* 22 September 2000.

<https://www.c-span.org/video/?159387-1/inside-10-downing-street>

“BBC reporter: there are some people who think that MI6 operates outside the law, a sort of rogue agency...”

MI6 agent: hmm...

BBC reporter: What reassurance could you give people that it operates within the law?

MI6 agent: Everything that we do must adhere to UK law.”

“What is life like for the real ‘James Bond’?”, *BBC Exclusive*, 26 October 2015.

<https://www.bbc.com/news/av/uk-34644273/bbc-exclusive-what-is-life-like-for-the-real-james-bond>

“Interviewer: It’s a good match, isn’t it?

Paul Gascgoine: Yeah, it’s a good match.”

1991 halftime interview with the English footballer.

“I was just a good fucking liar. I’d pretend I was playing poker when I was doing the charlie. You can play poker for days, and I used to play poker, so she would phone up and I’d say I was playing poker. I was a pig, you know. I was a professional rat. Unless I’d told everyone, it would have gone to the grave.”

English snooker player Jimmy White interviewed by the Guardian’s Decca Aitkenhead “Jimmy White: ‘If I didn’t think I could win the world title, I’d stop playing’”, 7 November 2014.

“The British public are generally proud of their country’s role in colonialism and the British Empire, according to a new poll...David Cameron has previously said the Empire should be ‘celebrated’.”

Jon Stone, “British people are proud of colonialism and the British Empire, poll finds”, *The Independent*, 19 January 2016.

There's progress now where there once was none, where there once was none, then everything came along.

Although no one understood, we were holding back the flood learning how to dance the rain.

There was more of them than us now they'll never dance again.

Take That, *The Flood*, 2010 Progress Album.

“When it’s all over, what will I be?...our troops will fight on, and we shall never surrender.”
Churchill, 2017 film.

“A reputation”

Queen Elizabeth, somewhere in London.

“If you can think of anything the UK is doing, either overseas or relating to UK interests overseas, the Foreign Office is probably involved.”

UK Foreign Office promotional video, 2013.

Introduction

1. This report focuses on England's human rights and international law violations at home and abroad. It relates to British colonial legacy in Africa, India, and the Middle East; British participation in the wars of Afghanistan (2001) and Iraq (2003); the nature of the rule of law in the country, including the character of the British police, prisons, and the phenomenon of miscarriage of justice; England's approach to immigration; and racism in the country.
2. British political culture is plainly simple.¹ At the heart of it are two political parties: the Tories and Labor. The first dominates the armed forces (who possess several submarines with a second strike capacity in response to a possible long range missile attack against London),² the country's intelligence agencies, mainly MI6, MI5, and GCHQ, and the national political agenda through the Office of Prime Minister. Labor are left with insignificant opposition and are currently led by becausian situational Marxist Jeremy Corbyn.
3. According to a 2016 poll 44% considered that Britain's long and often brutal colonial legacy overseas is a source of pride while British Prime Minister David Cameron noted that "it should be celebrated." The wars in Afghanistan (2001) and Iraq (2003) lack sound basis in international law. With respect to the latter leading legal authorities in England have underscored its illegality. The country's rule of law has suffered from several setbacks through the recurrence of miscarriage of justice given the police's interrogation methods and malicious handling of evidence.
4. Britain is an unsympathetic country for immigrants, particularly from Eastern Europe, Pakistan, and India. The Guardian newspaper described Home Secretary Theresa May's

¹ The United Kingdom of Great Britain and Northern Ireland is composed of England, Wales, Scotland and Northern Ireland. Since 1999 Wales and Scotland have gained various degrees of autonomy from England. Between 1968 – 1998 British armed forces had been engaged in frequent confrontations in Northern Ireland with Irish armed groups and mass protests in what is known as "The Troubles". Northern Ireland has its own assembly. Scotland, Wales, and Northern Ireland are situational regions. England is not. The English Labor party has traditionally considered itself more Scottish than English for obvious political reasons. This bizarre political structure is reflected in sports: while in the Olympics the United Kingdom competes as one team except for Northern Ireland which contests with Ireland, in football competitions each region has its own team, uniform, and national anthem.

² See, for example, Jessica Finn et al "Royal Navy's \$1.3bn submarine was locked in a deadly game of 'hide and seek' with Russian hunter- killer ships for days before air strikes on Syria", *MailOnline*, 15 April 2018; Alan Tovey, "Royal Navy's nuclear submarines face £6bn black hole", *The Telegraph*, 22 May 2018; "On board Vanguard-class submarine HMS Vigilant, in pictures", *The Telegraph* ("HMS Vigilant is one of the UK's fleet of four Vanguard class nuclear-powered ballistic missile submarines carrying the Trident nuclear missile system. We take a tour through the living quarters, weapon's room and corridors of one of the UK's most powerful vessels."), <https://www.telegraph.co.uk/news/uknews/defence/12113023/On-board-Vanguard-class-submarine-HMS-Vigilant-in-pictures.html>

(2012 – 2016) immigration policies as ‘unjust, inhumane, and incompetent’.³ Racism is endemic in England chronicled by various commissions of inquiry and human rights reports. The British police again excelled in crystallizing this social phenomenon. The Macpherson report (1999) into the police’s investigation of the Stephen Lawrence racial murder (1993) determined conclusively the existence of institutional racism in England:

The conclusions to be drawn from all the evidence in connection with the investigation of Stephen Lawrence's racist murder are clear. There is no doubt but that there were fundamental errors. The investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers. A flawed MPS review failed to expose these inadequacies. The second investigation could not salvage the faults of the first investigation.⁴

British Colonial Legacy of Abuses

5. Many British people continue to perceive their country’s colonial past in positive terms portraying it as governed not only by commercial interests, but also by introducing modern and democratic forms of governance. The BBC has systematically represented any criticism of this past in cynical terms. In a special BBC five episodes series on British empire aired in 2012, it opened with mild criticism of this past “much of the empire was built on greed and a lust for power” while its actual objective had been to justify it “but the British came to believe they had a moral mission too. A mission to civilize the world”.⁵ The program asserted that “at its height Britain ruled over a quarter of the world’s population.” British historian Jon Wilson wrote for the BBC four years later that the country’s experience in India (1858 - 1947) was not at all self-driven or authoritarian:

But this image of order and control is a fiction, which belies the reality of life in British India. For 200 years, from the mid 18th Century to independence and partition in 1947, the British presided over a regime that was chaotic, violent, driven by uncontrolled passions and profoundly wracked by anxiety.

The British never intended to rule India.⁶

³ Editorial, “The Guardian view on May’s immigration regime: unjust, inhumane, and incompetent”, *The Guardian*, 2 May 2018. See also, Matthew Taylor, “Racism on the rise in Britain”, *The Guardian*, 27 May 2014.

⁴ The Stephen Lawrence Inquiry, 15 February 1999, Chapter 46, para.1. See also “The Macpherson report: summary”, *The Guardian*, 24 February 1999; Duncan Campbell, “Gang hunted after bus stop race killing”, *The Guardian*, 24 April 1993. In 2003 Labour Home Secretary David Blunkett (2001 - 2004) criticized the the report’s use of the term ‘institutional racism’ regarding the police’s conduct: Sarah Womack, “Blunkett signals retreat on race”, *The Telegraph*, 15 January 2003.

⁵ Empire, *BBC*, February - March 2012.

⁶ Jon Wilson, “Viewpoint: The myth of ‘strong’ British rule in India”, *BBC*, 7 September 2016.

6. Similarly, English broadcaster Jeremy Paxman represented British rule in Sudan as being victimized, omitting General Gordon's repression of rebelling Sudanese.⁷ According to Paxman in *The Telegraph*:

Even the most exotic empire-builders have sunk from our minds. Charles Gordon is a good example. His unhinged mission to Khartoum and subsequent beheading raised him to saint-like status in Victorian Britain. A statue, showing the great martyr befezzed and cross-legged on a camel, was placed in the middle of the traffic at the main crossroads in Khartoum, to remind the Sudanese who was boss. At independence in 1956 they took it down and sent it back to England, where it was re-erected at the school in Woking founded at Queen Victoria's behest as a memorial to the general. It stands there, grey and unexpected, to this day.⁸

7. A 2016 poll showed that many Britons are proud of their country's colonial past, whereas British Prime Minister David Cameron stated that this history "should be celebrated".⁹

India

8. Plainly, there is much evidence to the contrary that demonstrates Britain's brutal rule overseas. My intention in this brief report is to highlight significant such behavior. Regarding India *The Telegraph* noted the armed crushing of India's Congress movement for independence:

Before Gandhi arrived on the scene, the independence movement was fragmented and confined to the literate city-based middle-classes but Gandhi's campaign made special effort to invite the participation of the poor.

People renounced their honorary titles, boycotted elections and did not co-operate with the government. Bonfires were made of foreign clothes and khadi (homespun cotton) became a symbol of freedom. Despite suppress measures employed by the British government, such as shooting and arresting demonstrators, the movement was a great success. By the end of 1921, nearly 3,000 political prisoners were in jail, including all important leaders...¹⁰

⁷ General Charles Gordon (1833 - 1885) - History, BBC, http://www.bbc.co.uk/history/historic_figures/gordon_general_charles.shtml

⁸ Jeremy Paxman, "What empire did for Britain", *The Telegraph*, 2 October 2011.

⁹ Jon Stone, "British people are proud of colonialism and the British Empire, poll finds", *The Independent*, 19 January 2016.

¹⁰ "Modern India: 1757 AD to 1947", *The Telegraph*, 1 January 2001. See also Peter Marshall, "British India and the 'Great Rebellion'", BBC, 17 February 2011 (on the 1857 India army rebellion against British authorities), http://www.bbc.co.uk/history/british/victorians/indian_rebellion_01.shtml

9. The British policy in India was resented by the Labor party in England.¹¹ The British excluded the most significant Indian political party the Congress which led the independence movement from a conference held in London with all other Indian political actors the purpose of which to discuss the country's future:

Sixty six Indians of all religions and of all parties except the Nationalist Congress will attend the round table conference at St. James's Palace, opening Oct. 20, it was announced tonight by the government. No invitation has been sent to Mahatma Ghandi, the Pandits Nehru, the Patel brothers, or Mrs. Naidu, all leaders of the civil disobedience campaign, but otherwise the list is as representative as possible, even at the risk of being unwieldy.¹²

Kenya

10. From the second half of the 19th century the British empire dominated vast territories in the African continent, including Egypt, East, West, and South Africa.¹³ Britain ruled Kenya in East Africa from 1895 until its independence in 1963. There, the British armed forces crushed militarily an uprising demanding freedom and held together with local allies tens of thousands in detention camps subjecting them to torture.¹⁴ In 2002 the a law suit was filed in ENgland against the British authorities for their alleged misconduct during the colonial period demanding compensation. The Telegraph reported about British resentment to this law suit quoting the son of a British soldier who fought against Kenyan freedom fighters who said the claim was "completely idiotic".¹⁵ Eleven years later the British government agreed to pay Kenyan victims compensation amounting to £19.9m.¹⁶
11. In addition to Sudan (1899-1955), British imperial presence in the Middle East was in Egypt (1882-1922/1954), Iraq (1917 - 1932 / 1941), and Palestine (1917 - 1947).

Egypt

12. Relations between Egyptian authorities on the one hand and British - French governments deteriorated sharply since 1869 over commercial interests relating to the Suez Canal which provided a shorter rout to India. This escalated in July 1882 to a bombardment of Egypt only by the British armed forces at Alexandria port destroying much of the city. By

¹¹ "Labor Quiets Lords on Indian Policies", *New York Times*, 6 November 1929.

¹² "Britain Convokes India Conference", *New York Times*, 11 September 1930.

¹³ See "The British Empire through Times", *BBC*, undated, http://www.bbc.co.uk/bitesize/ks3/history/uk_through_time/british_empire_through_time/revision/5/

¹⁴ See Caroline Elkins, *Imperial Reckoning - the Untold Story of Britain's Gulag in Kenya*, (Owl Books, 2005).

¹⁵ Daniel Foggo & Christian Steenberg, "Britain sued for millions by Mau Mau terrorists", *The Telegraph*, 10 November 2002.

¹⁶ "Mau Mau torture victims to receive £19.9m compensation from Britain", *The Telegraph*, 6 June 2013; Alan Cowell, "Britain to Compensate Kenyan Victims of Colonial - Era Torture", *New York Times*, 6 June 2013.

September 1882, the British forces conquered the country and remained in control of it despite Egypt being officially part of the Turkish empire.¹⁷ A report by the British army's Inspector General of Fortifications published in 1883 deemed the effectiveness of Egyptian defense lines as "overrated" by the British military.¹⁸



Alexandria in ruins as a result of British bombardment in July 1882

13. The British authorities in Egypt were hostile to Egyptian demands for independence demonstrated by the 1919 revolution exiling its most prominent leader Saad Zaghloul twice from the country. In 1919 to Malta and in 1921 to Seychelles.¹⁹ In April 1919 Zaghloul wrote in his memoir "Regardless of the nature of the events that occurred in Egypt following our departure, they were more cataclysmic than anyone could ever have predicted. They have turned the tables against the colonizing power and alerted the entire world to the fact that there is an oppressed nation calling out for justice."²⁰

¹⁷ British National Archives, British Battles, Egypt 1882, <http://www.nationalarchives.gov.uk/battles/egypt/aftermath.htm>. In modern terms there can be only one description for the British presence in Egypt: occupation.

¹⁸ Alexandria after the bombardment, British National Archives, WO 33/40 no.9 (n.d., c. 1883), <http://www.nationalarchives.gov.uk/battles/egypt/aftermath.htm>

¹⁹ Yunan Labib Rizk, "The cataclysm", *Al-Ahram Weekly*, 4-10 November 1999. See also Yunan Labib Rizk, "A Diwan of contemporary life (275)", *Al-Ahram Weekly*, 4-10 March 1999.

²⁰ Yunan Labib Rizk, "The cataclysm", *Al-Ahram Weekly*, 4-10 November 1999.



Saad Zaghloul, 1859 - 1927

14. On 26 January 1952 Cairo revolted against the British and their Egyptian allies in what became to be known as ‘Black Saturday’. It was a response to British killing of about 50 policemen at Ismailia police stations the day before.²¹ In 1954 Britain and Egypt signed a second army evacuation treaty replacing the 1936 agreement, according to which British armed forces would withdraw from the Suez Canal and Egypt within 20 months from date the treaty was signed. Articles 4 and 5 of the treaty stipulated a defense mechanism whereby Egypt would allow for British military presence in the country should an attack be launched against any of the Arab league states or against Turkey.²²
15. Following the World Bank’s refusal of a request for international loans to build the Aswan Dam, the Egyptian government decided in July 1956 to nationalize the Suez Canal Company.²³ This triggered a three states conspiracy to attack Egypt: Israel, France, and the United Kingdom. According to Laurie Milner of the BBC:

In October 1956, Mollet, Eden and Israeli Prime Minister David Ben-Gurion met at Sevres near Paris and concluded a secret agreement that Israel should attack Egypt, thereby providing a pretext for an Anglo-French invasion of Suez.²⁴

²¹ Amira Howeid, “Ordeals by fire”, *Al-Ahram Weekly*, 19-25 May 2016; Witness, “The Cairo Fire 1952”, *BBC*, 28 January 2014.

²² Agreement, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Egyptian Government regarding the Suez Canal Base, Cairo, 19 October 1954, ratified in Cairo on 6 December 1954.

²³ The Suez Crisis 1956, Office of the Historian - Department of State, <https://history.state.gov/milestones/1953-1960/suez>; Hossam Issa, “Suez and the end of the 200 - year war”, *Al-Ahram Weekly*, 24 - 30 November 2016.

²⁴ Laurie Milner, “The Suez Crisis”, *BBC*, 3 March 2011.

16. An article in *The Telegraph* perceived the Suez crisis as a matter of maintaining international order pursuant to different paradigms,²⁵ not the pursuit of commercial interests by Britain and France.²⁶



A British tank in Port Said, Egypt 1956



Anthony Eden, Left, welcomes the French Prime Minister, Guy Mollet, in March 1956

17. Another analysis in this newspaper observed that “the modern canal was opened in 1869. The 106-mile stretch offered trading ships the shortest route from Europe to Asia - dramatically cutting the journey around the Cape of Good Hope.”
18. The Israeli justification for the attack was the conduct of Palestinian guerrilla fighters operating from Egypt’s Sinai. Following a British - French ultimatum to the Egyptian government, the European countries attacked Egypt realizing a military success and diplomatic defeat. BBC’s Milner again:

Ben-Gurion then ordered General Moshe Dayan, his chief of staff to plan an attack on Egypt. On 29 October 1956, the Israeli attack was spearheaded by an airborne drop to seize control of the Mitla Pass. Heavy fighting followed.

The next day, Britain and France issued ultimatums to both sides to stop the fighting immediately. The Israelis continued their operations, expecting an Egyptian counter-attack. Instead, Nasser’s army was withdrawing.

On 5 November, some three months and 10 days after Nasser had nationalized the canal, the Anglo-French assault on Suez was launched. It was preceded by an aerial bombardment, which grounded and destroyed the Egyptian Air Force.

Soon after dawn, soldiers of 3rd Battalion, the Parachute Regiment, dropped onto El Gamil airfield, while French paratroopers landed south of the Raswa bridges and at Port Fuad.

²⁵ Vernon Bogdanor, “The Suez crisis should have taught us brutal dictators are the real threat to world peace”, *The Telegraph*, 25 July 2016. The 1956 pictures of the British tank in Egypt and that of the Prime Ministers of Britain and France are from this article.

²⁶ See, for example, “Suez Traffic in ‘55 Highest in History”, *New York Times*, 1 July 1956; Hugh Thomas, “A symbol of progress, a focus of conflict”, *New York Times*, 17 March 1974; Louise Armitstead, “Suez: a trading history”, *The Telegraph*,

Within 45 minutes, all Egyptian resistance on the airfield had been overcome and Royal Naval helicopters were bringing in supplies. With El Gamil secured, the British Paras moved eastwards towards Port Said, meeting their first serious opposition en route. With air support, they overwhelmed the Egyptian forces then stopped and dug-in overnight because the beach area of Port Said was to be bombarded next day during the seaborne landing.

On 6 November, the sea and helicopter-borne assault went in. Royal Marine Commandos, together with British and French airborne forces supported by British tanks soon defeated the Egyptian forces, capturing men, vehicles and many of the newly purchased Czech- manufactured weapons.

At midnight on 6 November a cease-fire was called on the insistence of UN Secretary General Dag Hammarskjöld. The Anglo-French forces had reached El Cap, just south of Port Said, but were not yet in control of the entire canal when they were stopped. Militarily, the operation was well on its way to being a great success.

Politically, the intervention in Suez was a disaster. US President Dwight Eisenhower was incensed. World opinion, especially that of the United States, together with the threat of Soviet intervention, forced Britain, France and Israel to withdraw their troops from Egypt. In Britain too there had been widespread outrage.

A United Nations peacekeeping force was sent in to supervise the ceasefire and to restore order. The Suez Canal was cleared and reopened, but Britain in particular found its standing with the US weakened and its influence 'east of Suez' diminished by the adventure.²⁷

Palestine

19. British - Arab tensions in the Middle East were exacerbated by three sets of diplomatic documents: the Hussein - McMahon correspondence (14 July 1915 - 30 January 1916); the Sykes - Picot agreement of 16 May 1916; and the Balfour Declaration of 2 November 1917. The first relates to British - Arab purported negotiations over granting Arab sovereignty in areas controlled by the Ottoman empire and inhabited by Arabs, with unclear and unjustified ambiguity regarding the status of Palestine on the part of the British.²⁸ The second is a British - French agreement to allocate control in the Arab world territories under Ottoman administration, and widely considered in the region as the clearest symbol of colonial aspirations and domination.²⁹ The third is a declaration by the British Foreign

²⁷ Laurie Milner, "The Suez Crisis", *BBC*, 3 March 2011.

²⁸ The Hussein - McMahon Correspondence, British National Archives, <http://livelb.nationalarchives.gov.uk/first-world-war/a-global-view/the-middle-east/arabian-peninsula/>

²⁹ Juliette Desplat, "Dividing the bear's skin while the bear is still alive", British National Archives, 16 May 2016, <https://blog.nationalarchives.gov.uk/blog/dividing-bears-skin-bear-still-alive-1916-sykes-picot-agreement/>

Secretary Arthur James Balfour to the leader of the British Jewish Community Lord Rothschild regarding the right to establish a Jewish national home in Palestine:

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.'

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,

Arthur James Balfour.³⁰

20. Britain conquered Palestine from the Ottomans in 1917 during the First World War.³¹ It gained mandate over this territory pursuant to article 22 of the 1919 League of Nations Covenant and the League's Palestine Mandate which placed the pre-League's awkward, colonial, and illegal 1917 Balfour Declaration at the center of this mandate.³² Throughout British presence in Palestine (1917 - 1947) the Arab population expressed its desire for self-rule and rejected any organized political immigration to the country and Britain's support of it. There had been repeated Arab - Jewish clashes and British suppression of a three-year Arab revolt (1936 - 1939).

21. Already in June 1922 the British Secretary of State for the Colonies Winston Churchill provided the White Paper to address concerned Arab public opinion over the meaning and intentions behind the 1917 Balfour Declaration claiming that only part of Palestine should

³⁰ http://avalon.law.yale.edu/20th_century/balfour.asp. According to British estimates, in 1915 about 85% of Palestine's population were native Arabs: 590,000 out of 689,275. See William Cleveland & Martin Bunton, A History of the Modern Middle East, (Westview Press, 2013)(5th ed.), p.20.

³¹ See Palestine, Iraq and Cyprus, British National Archives, <http://www.nationalarchives.gov.uk/cabinetpapers/themes/palestine-british-interests.htm>

³² For the League of Nation's Palestine Mandate see: http://avalon.law.yale.edu/20th_century/palmanda.asp. For the League of Nations Covenant see: http://avalon.law.yale.edu/20th_century/leagcov.asp#art22.

be designated to realize the declaration adding the exclusive nature of the Jewish community which has not been granted a role in the country's administration. He also reaffirmed the validity of the declaration, generating an Arab rejection of British plans for Palestine:

They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded 'in Palestine.'...It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organization in Article IV of the Draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population, and contemplates that the organization may assist in the general development of the country, but does not entitle it to share in any degree in its government... So far as the Jewish population of Palestine are concerned it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears are unfounded, and that that Declaration, reaffirmed by the Conference of the Principle Allied Powers at San Remo and again in the Treaty of Sevres, is not susceptible of change.

During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organization for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew Press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious, and social organizations, its own language, its own customs, its own life, has in fact "national" characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on the sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection.

This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews. For the fulfillment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment. Hitherto the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000.³³



Winston Churchill with the High Commissioner of Palestine Herbert Samuel at a 1921 planting ceremony for the Hebrew University in Jerusalem. The British Secretary of State for the Colonies reaffirmed in the 1922 White Paper the centrality of the Balfour Declaration to his country's foreign policy in the Middle East.

22. Following mutual Arab - Jewish assaults and the British repression of Arab demonstrators in April 1936 a general strike was launched directed against the British authorities demanding an end to British biased policies and the termination of their occupation of

³³ British White Paper of June 1922, http://avalon.law.yale.edu/20th_century/brwh1922.asp In preparing this document Churchill rejected the representation claims of the Palestine Arab Delegation to London and insisted on the validity and centrality of the 1917 Balfour Declaration: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/48A7E5584EE1403485256CD8006C3FBE>. The delegation considered British presence in Palestine as an occupying force and demanded full independence "Whilst the position in Palestine is, as it stands to-day, with the British Government holding authority by an occupying force, and using that authority to impose upon the people against their wishes a great immigration of alien Jews, many of them of a Bolshevik revolutionary type, no constitution which would fall short of giving the People of Palestine full control of their own affairs could be acceptable." Churchill's policy was reaffirmed in a 1930 Lord Passfield White Paper which followed severe Arab - Jewish clashes a year earlier: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/1942D93E9658C5CE85256D44006D8764>, and in the 1939 White Paper subsequent to the Arab Revolt of 1936 - 1939: http://avalon.law.yale.edu/20th_century/brwh1939.asp

Palestine.³⁴ Termed the Arab Revolt of Palestine it would last for three years. The 1939 British White Paper issued in the context of this revolt repeated the established policy of the British regarding the 1917 Balfour Declaration and British commitment to Zionism anchored in the previous two White Papers of 1922 and 1930.³⁵

23. The British had ample colonial experience in crushing national protests and insurgencies against their rule as well as manuals guiding how to do so.³⁶ They did the same with the Palestine Arab revolt using disproportionate and illegal methods even according to governing international law standards of the time.³⁷ In one incident they destroyed many buildings in Jaffa leaving more than 6,000 Palestinian civilians homeless:

Beginning on 16 June 1936 and continuing in several phases to the end of the month, the British army, ostensibly to improve the sanitation system, cut wide pathways through the old city with large gelignite charges to allow military access to, and control of, a rebel-held area that had previously eluded military control. In the process, the army blew up between 220 and 240 multioccupancy buildings, rendering homeless up to 6,000 Palestinians, most of whom were left destitute, having been told by air-dropped leaflets on the morning of 16 June to vacate their homes by 21:00 hours of the same day.³⁸

24. According to the British National Army Museum Archive the objective of the British army during the mandate period had been “mainly directed against militant Arab groups opposed to this mass Jewish immigration. Violence reached a height with the Arab Revolt of 1936-39.”³⁹

25. After the Second World War tension had arisen between radical armed Jewish groups and the British authorities over the number of immigrants to be allowed in Palestine from Europe. In 1942 the police killed the leader of the Stern gang, while two years later in

³⁴ Report of the Royal Commission on Palestine 1936, 22 June 1937, pp.96-97, <http://www.nationalarchives.gov.uk/cabinetpapers/themes/near-middle-east.htm#Jewish%20immigration%20to%20Palestine>

³⁵ The 1939 White Paper: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/EB5B88C94ABA2AE585256D0B00555536>

³⁶ Matthew Hughes, “From Law and Order to Pacification: Britain’s Suppression of the Arab Revolt in Palestine, 1936 - 1939”, 39(2) *Journal of Palestine Studies*, pp.6-22, 7-9 (2010).

³⁷ Jacob Norris, “Repression and Rebellion: Britain’s Response to the Arab Revolt in Palestine of 1936 - 39”, 36(1) *Journal of Imperial and Commonwealth History*, pp.25 - 45 (2008).

³⁸ Matthew Hughes, “From Law and Order to Pacification: Britain’s Suppression of the Arab Revolt in Palestine, 1936 - 1939”, 39(2) *Journal of Palestine Studies*, p.10.

³⁹ Available at: <https://www.nam.ac.uk/explore/conflict-Palestine>

November 1944 the group assassinated British Minister for the Middle East Lord Moyne. All Jewish forces united against the British, including the Hagana and launched attacks against them triggering counter British police and military operations in 1945.⁴⁰ The 1946 Anglo - American Committee of Inquiry appointed by both governments reiterated earlier positions on the significance of the 1917 Balfour Declaration, the need to preserve the right for Jews to immigrate to Palestine negating the local and regional demography and geography.⁴¹

26. Although partition of Palestine to two states one Arab and the other Jewish had been mentioned in previous official British policy papers, this country abstained during the 1947 vote on such proposal at the U.N. General Assembly.⁴² The British position is therefore neither supportive nor against the establishment of a Jewish state in Palestine. If this is a shift from its White Papers positions on Palestine it could be understood in light of Zionist conduct in Palestine after the Second World War.

27. However, given Britain's alliance with France and Israel in the Suez crisis of 1956 against Egypt and its subsequent formal policy towards Israel the significance of the Jewish armed behavior against Britain in the 1940s in Palestine had been ignored. The same applies to the British abstention in the 1947 United Nations Palestine partition plan vote.⁴³

Iraq

28. Britain conquered Iraq from the Ottomans in 1917 during the First World War and gained mandate over the country through the League of Nations Covenant of 1919- 1920. Soon thereafter, in May 1920 Iraqis revolted against British rule demanding sovereignty and independence. The revolt continued for several years and was crushed by air bombardment policy called "aerial policing" adopted by none other than the British war secretary at the time Winston Churchill. The bombing caused severe, intentional and massive casualties among Iraqi civilians. In today's terminology this conduct qualifies as crimes against humanity. The BBC underscored the effectiveness of the bombardment policy:

⁴⁰ See: <https://www.nam.ac.uk/explore/conflict-Palestine>

⁴¹ Available at: http://avalon.law.yale.edu/subject_menus/angtoc.asp

⁴² U.N. General Assembly Resolution 181, 29 November 1947, <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/un%20general%20assembly%20resolution%20181.aspx>

⁴³ There could be tension between some American Jews on the one hand and Israeli Jews on the other arising from events during the Second World War reflected in the 1961 Eichmann Trial in particular. If it exists, this tension is manifested only in Israeli night clubs and implied in American country music. As such, it is invisible, has no regional or international political significance, and should be best described as ridiculous.

As far as the British government was concerned, the strategy was a pragmatic success. Iraq was subdued by a handful of RAF squadrons and a small force of troops. The RAF maintained its military control over Iraq until World War Two, even after Iraqi independence in 1932.

There was apparently little debate about the morality of bombing.

...

For the RAF though, the lessons of Iraq were doctrinal, not budgetary. They came to believe that bombing was enough to win a war. As the historian AJP Taylor put it: "Here was an independent strategy of the air. From this moment, it was accepted that bombs could not only quell tribal revolts, but could win a great war."⁴⁴



Arthur "Bomber" Harris of the British Royal Air Force participated in quelling the Iraqi revolt in the early 1920s and subsequently the Palestinian one in the second half of the 1930s.⁴⁵

War in Afghanistan 2001

29. Britain's participation with the United States in attacking Afghanistan on 7 October 2001 in the aftermath of the 11 September 2001 attacks in America and the failure of the Afghan government to meet President Bush's ultimatum regarding the closing of terrorist training camps⁴⁶ is illegal and amounts to an act of an aggression.⁴⁷

⁴⁴ Mark Pruszewicz, "The 1920s British air bombing campaign in Iraq", *BBC*, 7 October 2014.

⁴⁵ Picture from Leo McKinstry, "Bomber Harris thought the Dambusters' attacks on Germany 'achieved nothing'", *The Telegraph*, 15 August 2009.

⁴⁶ Brian Knowlton, "U.S. and U.K. Bomb Targets in Afghanistan: Bush: 'Battle Joined'", *New York Times*, 8 October 2001.

⁴⁷ On the crime of aggression under international law see Yoram Dinstein, *War, Aggression, and Self-Defense* (Cambridge University Press, 2005)(4th ed.), pp.117 - 150.

30. While the United States attack could be justified as an act of self-defense pursuant to article 51 of the United Nations Charter, no such pretext applies to Britain. In his speech to British citizens UK Prime Minister Tony Blair claimed that his country is acting in self - defense given that the 11 September 2001 attacks in the United States resulted in British casualties. He also added that even with no such casualties, Britain is justified to act in self - defense based on the general ramifications of this attack noting “I should say there is at present no specific credible threat to the United Kingdom that we know of, and that we have in place tried and tested contingency plans which are the best possible response to any further attempts at terror.”:

I also want to say very directly to the British people why this matters so much to Britain. First, let us not forget that the attacks of September 11 represented the worst terrorist outrage against British citizens in our history. The murder of British citizens, whether it happened overseas or not, is an attack upon Britain. But even if no British citizen had died, we would be right to act. This atrocity was an attack on us all, on people of all faiths and people of none. We know the al-Qaida network threaten Europe, including Britain, and indeed any nation throughout the world that does not share their fanatical views. So we have a direct interest in acting in our self defence to protect British lives.

It was an attack on lives and livelihoods. The airlines, tourism and other industries have been affected, and economic confidence has suffered with all that means for British jobs and business. Our prosperity and standard of living require us to deal with the terrorist threat.

We act also because the al-Qaida network and the Taliban regime are funded in large part on the drugs trade. Ninety per cent of all heroin sold in Britain originates from Afghanistan. Stopping that trade is, again, directly in our interests.⁴⁸

31. Based on this broad reasoning for initiating a military campaign against a foreign country, which advances general economic and criminal rationales, the world could easily enter to a state of military chaos because of the affected interests of any given state.

32. Blair also noted that the United States government had requested the military assistance of the British government in attacking Afghanistan.⁴⁹ This could be an activation of the

⁴⁸ “Text: Tony Blair’s statement”, *The Guardian*, 7 October 2001. See also Michael Smith et al, ““Be ready for a long, tough battle””, *The Telegraph*, 27 October 2001 (“The war in Afghanistan is the most difficult military operation undertaken by Britain since the Korean war, Admiral Sir Michael Boyce, Chief of Defence Staff, said yesterday.”).

⁴⁹ Britain’s notification to the U.N. Security Council on its attack of Afghanistan noted individual and collective self - defense pursuant article 51 in response to the 11 September 2001 attacks in the United States as a reason for its action with no additional specification. See Letter dated 7 October 2001 from the Charge’ d’affaires a.I. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council.

mechanism enumerated in article 5 of the 1949 North Atlantic Treaty (NATO) which establishes a possibility for collective self-defense⁵⁰ if one of the NATO states is subjected to an armed attack. Nevertheless, there are at least two difficulties with this rationale for Britain to attack Afghanistan: 1) the United States military capabilities hardly need anyone else to defeat any country in the world, let alone the Taliban regime in Afghanistan and its terrorist allies; 2) article 5 of the North Atlantic Treaty permits collective self - defense “to restore and maintain the security of the *North Atlantic area* (emphasis added - MD).”. The distance between Afghanistan, Europe and the United States places questions on the applicability of collective self - defense in the meaning of article 5 of the North Atlantic Treaty.

33. Subsequent payments made by the British government to Afghanistan as part of international contributions⁵¹ and the security arrangements established by the U.N. Security Council⁵² do not justify Britain’s illegal war against Afghanistan.
34. British forces have allegedly engaged in human rights and international humanitarian law violations in Afghanistan on a large scale. British human rights lawyers advocacy generated the establishment of a special investigative mechanism by the British military which expressed its resentment to the human rights activism. According to The Telegraph:

Johnny Mercer, a Conservative MP and a former Army captain who served in Helmand province, said he was staggered that the MoD was investigating alleged abuses in Afghanistan on such a scale... ‘That we are now prosecuting these same soldiers who we were asking to fire only when fired upon, to use the most minimal force necessary to preserve life, to bear huge personal risk of violent death and injury whilst fighting a violent insurgency on the Governments behalf, is physically painful to watch let alone be part of.’ Retired Colonel Tim Collins, who led British troops in Iraq, said the allegations against soldiers were being made by ‘parasitic lawyers’.⁵³

⁵⁰ On collective self-defense see Yoram Dinstein, *War, Aggression, and Self-Defense* (Cambridge University Press, 2005)(4th ed.), pp.252 - 277.

⁵¹ Ben Farmer et al, “Britain’s £180m annual aid budget to Afghanistan being wasted, MPs warn”, *The Telegraph*, 25 October 2012.

⁵² See, for example, U.N. Security Council resolution 1386 of 20 December 2001.

⁵³ Robert Mendick et al, “Exclusive: Now British troops face mass criminal investigation over Taliban claims”, *The Telegraph*, 22 September 2016. See also Larisa Brown, “Disgraced lawyer who hounded British Soldiers with false murder and torture claims gave his house, artwork, and cash to family to dodge a £7 million bill”, *Daily Mail*, 26 February 2018; Robert Mendick, “David Cameron’s bid to shut down criminal investigation into British troops ‘thwarted by Attorney General’”, *The Telegraph*, 18 September 2016; “Why are British troops fighting in Afghanistan?”, *Channel 4*, 7 March 2012.



Micheal Boyce, Chief of British Defense Staff during the Afghanistan (2001) and Iraq (2003) Wars⁵⁴

War in Iraq 2003

35. On 19 March 2003 the armies of the United States, Britain, and Australia launched a military attack against Iraq. The primary justification for this attack was Iraq's possession of weapons of mass destruction, long range missiles, and its connection to terrorist groups. U.N. Security Council resolution 1441 of 8 November 2002 recalled Iraq's inconsistencies and failures to report its weapons of mass destruction. No other resolution was obtained explicitly authorizing the use of force, mainly given France's opposition to adopt one.⁵⁵
36. Both the United State⁵⁶ and Britain⁵⁷ recalled the Iraqi regime's history to justify military action. There was no contemporary threat to international peace and security that justified military action like the one in the aftermath of Iraq's invasion of Kuwait in 1990.
37. The military attack against Iraq lacked a sound legal justification under international law and as such is illegal which constitutes an act of aggression by the participants in it: the United States, Britain, and Australia. The British Foreign Office Legal Adviser Sir Michael Wood expressed this opinion before the military attack against Iraq and before the Iraq Inquiry headed by Sir John Chilcot.⁵⁸ Further, the deputy legal adviser at the British Foreign Office Elizabeth Wilmshurst who resigned from her position over this issue testified before the British Iraq Inquiry that the British Attorney General Lord Goldsmith changed his legal view on the legality of the Iraq war in two months. Initially he opined that there was a need

⁵⁴ "Defence chief's Iraq war concern", *BBC*, 7 March 2004.

⁵⁵ Elaine Sciolino, "France to Veto Resolution on Iraq War, Chirac Says", *New York Times*, 11 March 2003.

⁵⁶ "Text: Bush's Speech on Iraq", *New York Times*, 18 March 2003.

⁵⁷ "Full Text: Tony Blair's Speech", *The Guardian*, 18 March 2003.

⁵⁸ "Chilcot inquiry: Iraq invasion had no 'legal basis in international law'", *The Telegraph*, 26 January 2010.

for an explicit U.N. Security Council resolution authorizing the use of force against Iraq, but eventually considered that no such resolution is required.⁵⁹



Sir Michael Wood, Legal Adviser for the British Foreign Office at the time of the Iraq war. A specific U.N. Security Council Resolution authorizing the use of force against Iraq was required.⁶⁰



Lord Goldsmith, British Attorney General at the time of the Iraq war. Changed his legal opinion from requiring a specific U.N. Security Council resolution to use force against Iraq to the contrary.⁶¹

⁵⁹ Helen Pidd et al, “Lord Goldsmith changed legal view of Iraq war in two months, says adviser”, *The Guardian*, 26 January 2010. See also “Full text: Iraq legal advice - the full text of the advice about the legality of war with Iraq given by the attorney general, Lord Goldsmith, to the prime minister, Tony Blair, on March 7 2003”, *The Guardian*, 28 April 2005.

⁶⁰ See Andrew Sparrow, “Government legal advisers give evidence to the Iraq war inquiry - live”, *The Guardian*, 26 January 2010, <https://www.theguardian.com/politics/blog/2010/jan/26/iraq-iraq-war-inquiry>; “Straw rejected advice that Iraq invasion was ‘unlawful’”, *BBC*, 26 January 2010; “Iraq inquiry: Jack Straw denies he ignored legal advice”, *The Telegraph*, 8 February 2010.

⁶¹ See Patrick Hennessy et al, “Now the Attorney General admits to an affair”, *The Telegraph*, 18 February 2007; Clare Dyer, “So Lord Goldsmith, what first attracted you to the £1m-a-year job at a US law firm”, *The Guardian*, 27 September 2007.

38. Despite this evidence before the Iraq inquiry, its consideration of the developing legal advice, and other findings regarding flawed intelligence on the existence of weapons of mass destruction in Iraq, it concluded that the legality of the Iraq war can only be decided by an international court.⁶²
39. The former Lord Chief Justice of England and Wales Lord Bingham of Cornhill also considered the war against Iraq illegal given the lack of explicit authorization by the U.N. Security Council:

The most powerful parts of the book are the chapters dealing with the international legal order and terrorism. He condemns the Iraq war of 2003 as illegal. His language in the book is considered, but the force of his conclusion inescapable. 'It is not at all clear to me what, if any, legal justification of its action the US government relied on . . . If I am right and the invasion of Iraq . . . was unauthorized by the security council, there was a serious violation of international law and the rule of law . . . It is, as has been said, 'the difference between the role of world policeman and world vigilante.'

'I took the view which Michael Wood and Elizabeth Wilmshurst [legal advisers to the Foreign Office in 2003] took – that it simply wasn't authorized,' he tells me.⁶³



Lord Bingham, Iraq war was illegal

40. Moreover, no weapons of mass destruction were found in Iraq after the removal of Saddam Hussein from power.⁶⁴The 2004 British and 2005 American reviews of intelligence on

⁶² The Iraq Inquiry Report, 6 July 2016, Volumes 4 and 5. See also Robert Mendick, "Chilcot report: How Britain's military was 'humiliated' - sent unprepared and ill - equipped to fight the Iraq war", *The Telegraph*, 6 July 2016; Nadia Khomami, "Chilcot report: legality of Iraq war was never part of inquiry, says expert", *The Guardian*, 4 July 2016; David Hughes, "Chilcot report: John Prescott says Iraq war was illegal", *The Independent*, 9 July 2016.

⁶³ Stephen Moss, "Iraq war was illegal, says former lord chief justice", *The Guardian*, 8 February 2010.

⁶⁴ "The Failure to Find Iraqi Weapons", *New York Times*, 26 September 2003; "Report concludes no WMD in Iraq", *BBC*, 7 October 2004.

weapons of mass destruction concluded that the pre-Iraq war declarations on the country's weapons of mass destruction capacities were not accurate.⁶⁵ The British Iraq inquiry concurred with this conclusion.⁶⁶ Nevertheless, former British Prime Minister John Major asserted in a 2005 interview with Charlie Rose that before the war Iraq possessed the purported weapons,⁶⁷ as did American Vice President Dick Cheney while interviewed by Bill O'Reilly in 2013.⁶⁸

41. Although an official British report determined that allegations lodged by Iraqi citizens against violations by the British army in Iraq had been based on poor evidence,⁶⁹ British and European courts found that such violations indeed took place. The British High Court granted compensation to four Iraqi civilians who had been mistreated by British forces in Iraq. In the case of Mr. Alseran the Court concluded:

Although unlawful under Iraqi law, the capture and initial detention of Mr Alseran by UK forces was in accordance with Geneva IV, compatible with article 5 of the European Convention and within the authority to detain conferred on UK forces. A claim in tort in respect of Mr Alseran's capture and initial detention is therefore barred by the doctrine of Crown act of state.

However, there was no lawful basis under international humanitarian law for Mr Alseran's subsequent internment at Camp Bucca. In these circumstances Mr Alseran should have been released when his case was reviewed, and his detention from 10 April until he was in fact released on 7 May 2003 violated article 5 of the European Convention. His detention during that period was also not within the scope of the authority to detain conferred on UK forces by the Crown and therefore gave rise to liability in tort.

Shortly after he was captured, Mr Alseran was assaulted by British soldiers who made him (and other prisoners) lie face down on the ground and ran over their backs. This assault gave rise to liability in tort and was inhuman and degrading treatment which violated article 3 of the European Convention. Mr Alseran's other allegations of mistreatment have not succeeded.⁷⁰

⁶⁵ Report of a Committee of Privy Counsellors, Review of Intelligence on Weapons of Mass Destruction, 2004, paras.397, 513, 527, 530; The Commission on the Intelligence Capabilities of the United States regarding Weapons of Mass Destruction, 31 March 2005, pp.110,130,146.

⁶⁶ The Iraq Inquiry Report, 6 July 2016, Volume 4 section 4.

⁶⁷ Charlie Rose interview of former British Prime Minister John Major, 18 April 2005.

⁶⁸ Bill O'reilly interview of former US Vice President Dick Cheney, *Fox*, 28 October 2013.

⁶⁹ Sir David Calvert-Smith, Review of the Iraq Historic Allegations Team, September 2016; Ben Farmer, "Iraq abuse claims 'often very poor' says former DPP", *The Telegraph*, 15 September 2016.

⁷⁰ HCJ Case No.: HQ 13X01906 & HQ 10X03739, *Kamil Najim Abdullah Alseran et al v. Ministry of Defense*, Judgment, 14 December 2017, para.333; Ian Cobain, "British troops breached Geneva conventions in Iraq, high court rules", *The Guardian*, 14 December 2017.

42. The British High Court rejected a request by a former senior officer in the Iraqi army to Prosecute British Prime Minister Tony Blair for the crime of aggression over the armed attack against Iraq.⁷¹ It did so because it is established precedent of British jurisprudence that there is no crime of aggression under British law.⁷²
43. The European Court of Human Rights considered that at the relevant time the British army was an occupying force in Iraq together with the United States⁷³ and that the British authorities failed to conduct an independent investigation into the death of Iraqi civilians caused by British soldiers.⁷⁴

The Phenomenon of Miscarriage of Justice in England

44. Miscarriage of justice in criminal trials is a crucial issue as it constitutes a reflection of a given society's character at managing its order and applying the rule of law fairly to all its members. The phenomenon of miscarriage of justice in England is established and systemic. According to a 2014 article in The Telegraph:

Miscarriages of justice will continue, says Dr Naughton, as long as our criminal justice system relies on unreliable forms of evidence, such as theories from expert witnesses, eyewitness identification and circumstantial evidence – all of which have been scientifically undermined.⁷⁵

45. Miscarriage of justice could take place as a result of non-disclosure of evidence by police or prosecution, fabrication of evidence, poor identification, overestimation of the evidential value of expert testimony, unreliable confessions due to police pressure, or psychological instability and misdirection by a judge during trial.⁷⁶ Despite two relevant pieces of legislation from 1984 and 1996 concerning fair criminal trials procedures the failings of the British investigative and prosecutorial authorities persisted generating a great potential for the occurrence of miscarriage of justice.
46. The Police and Criminal Evidence Act of 1984⁷⁷ regulated the conduct of police during arrest and gathering of evidence while the Criminal Procedure and Investigations Act of

⁷¹ Ben Farmer, "Tony Blair prosecution bid over Iraq war is blocked by High Court", *The Telegraph*, 31 July 2017.

⁷² HCJ Case No.: CO/1025/2017 *General Abdulwaheed Shannan Al Rabbat v. The Rt Hon Tony Blair et al*, Judgment, 31 July 2017.

⁷³ ECHR Case No. 55721/07 *Al-Skeini et al v. The United Kingdom*, Judgment, 7 July 2011, paras.149-150; see also Owen Bowcott, "Iraq abuse ruling by European court says UK failed human rights role", *The Guardian*, 7 July 2011.

⁷⁴ ECHR Case No. 55721/07 *Al-Skeini et al v. The United Kingdom*, Judgment, 7 July 2011, paras.168 - 177.

⁷⁵ Olivia Goldhill, "When innocent men go to jail: miscarriage of justice in Britain", *The Telegraph*, 4 September 2014.

⁷⁶ See, generally, "Life of Crime", *BBC*, http://news.bbc.co.uk/1/hi/english/static/in_depth/uk/2001/life_of_crime/miscarriages.stm

⁷⁷ Police and Criminal Evidence Act of 1984, <https://www.legislation.gov.uk/ukpga/1984/60/contents>

1996⁷⁸ proclaimed the duties during criminal investigations and the obligation to promptly and effectively disclose all relevant evidence to the defense. A 2017 joint review by the Criminal Justice Inspectorates and the Crown Prosecution Service Inspectorate found significant shortcomings by the British Crown Prosecution Service and police regarding their disclosure obligations:

The correct handling of unused material is essential if the criminal investigation and trial process is to be fair and just. The Criminal Cases Review Commission is concerned at the number of cases it has to deal with in which disclosure is a serious issue.

...

Whilst the disclosure regime is not complicated or difficult, this inspection has identified a number of issues which demonstrate non-adherence to the disclosure process. Rather than addressing non-compliance, our inspection has found a continuing decision by the police and CPS to accept the risk associated with poor disclosure practices and procedures in respect of disclosure handling for volume Crown Court work.⁷⁹

47. The Royal Commission's 1993 report on the British Criminal Justice System examined the gathering of evidence and interrogations methods by British police as well as the prosecution's practices in relying on and supervising the police's conduct with specific focus on miscarriage of justice. The issue of police interrogations was discussed in the context of the suspect's right to remain silent and whether any legal conclusions could be drawn from this behavior. The majority of the Commission's members opted to maintain the applicable legal norms denying the possibility that a right to remain silent could decrease false confessions and miscarriage of justice, keeping the possibility to draw adverse inference from not answering police questions during interrogation. The reasoning for this position is that providing a right to remain silent benefits experienced criminals while it encourages the police to pressure vulnerable ones to answer their questioning.⁸⁰
48. According to the British Criminal Cases Review Commission established by section 8 of the Criminal Appeals Act 1995, and commenced investigating miscarriages of justice in England, Wales and Northern Ireland two years after, until March 2018 of the 630 cases where appeals have been heard by the courts, 422 appeals have been allowed and 195

⁷⁸ Criminal Procedure and Investigations Act of 1996, <https://www.legislation.gov.uk/ukpga/1996/25/contents>

⁷⁹ HMCPSI & HMIC, Making it Fair: A Joint Inspection of the Disclosure of Unused Material in Volume Crown Court Cases, July 2017, p.33. For a British psychological analysis on providing false confessions during police interrogation see J. Pearse et al, "Police Interviewing and Psychological Vulnerabilities: Predicting the Likelihood of a Confession", 8(1) *Journal of Community & Applied Social Psychology*, 1-21 (1998). ("suspects were more likely to confess if they reported having consumed an illicit (non-prescribed) drug in the previous 24-hour period, and less likely to confess when interviewed in the presence of a legal adviser or if they had experience of prison or custodial remand. In this study younger suspects were also more likely to confess.")

⁸⁰ Royal Commission of Inquiry on the Criminal Justice System, 6 July 1993, pp.54-55, <https://www.gov.uk/government/publications/report-of-the-royal-commission-on-criminal-justice>

dismissed.⁸¹ The establishment of this Commission was pursuant to a recommendation made by the Royal Commission on the Criminal Justice System. Prior to this procedure the possibility to request a retrial alleging miscarriage of justice had been hurdled with unnecessary legal requirements.⁸²

49. There had been numerous high profile cases before British courts that defined the issue of miscarriage of justice.⁸³ The case of the Guildford four in which four individuals were convicted based on their confessions before British police for their ties to the IRA's bombing in a pub in Guildford, Surrey on 5 October 1975. The court of appeals quashed their conviction in 1989.⁸⁴ A special report by Court of Appeals Judge John May found that the police's interrogation methods were coercive and that they failed to report this conduct:

In the case of the Guildford Four it was accepted by the Crown in 1989 that in the course of investigating the case and taking statements from the accused some police officers failed to follow proper procedures, and that in giving evidence they failed to be wholly truthful...The material then in the possession of the Crown, including such explanations as the police officers concerned were then prepared to offer, cast such real doubt upon the reliability and veracity of the evidence upon which the prosecution was founded that it was inevitable that the convictions should be regarded as unsafe.⁸⁵

50. The conviction of two Northern Irish men for IRA membership and murder during the 'troubles' in that region was quashed in 2007 and they were awarded compensation by Britain's Supreme Court which placed limits on obtaining compensation for a quashed conviction.⁸⁶

⁸¹ Criminal Cases Review Commission Statistics, <https://ccrc.gov.uk/case-statistics/>

⁸² See Lord Chief Justice of England and Wales the RT Hon. The Lord Burnett of Maldon, Annual Lecture, Criminal Cases Review Commission, 2 November 2017.

⁸³ See, for example, Mark Oliver, "Miscarriage of justice", *The Guardian*, 15 January 2002; Steven Greer, "Miscarriages of Criminal Justice Reconsidered", 57:1 MLR, 58 - 74 (1994); Sam Jones, "'Long-standing miscarriages of justice in the UK'", *The Guardian*, 18 March 2009.

⁸⁴ See Kevin Toolis, "When British Justice Failed", *New York Times*, 25 February 1990.

⁸⁵ Report on the Inquiry into the Circumstances Surrounding the Convictions Arising out of the Bomb Attacks in Guildford and Woolich in 1974, 30 June 1994, p.299, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/235647/0449.pdf 1 see also "1991: Birmingham Six freed after 16 years", *BBC*, 14 March 1991, http://news.bbc.co.uk/onthisday/hi/dates/stories/march/14/newsid_2543000/2543613.stm

⁸⁶ UKSC *In the Matter of an Application by Eamonn MacDermott for Judicial Review (Northern Ireland) et al*, Judgment, 11 May 2011; Owen Bowcott et al, "Supreme court ruling redefines miscarriage of justice", *The Guardian*, 11 May 2011. See also Owen Bowcott, "Miscarriage of Justice victims unfairly denied compensation, court told", *The Guardian*, 8 May 2018.

51. There is a direct correlation between the state of British prisons and the conduct of the police towards suspects particularly in the interrogation period before trial commences. British prisons are overcrowded, underfunded, and suffer from staff shortage. Given the sharp increase in crime in the country and its prison population, the authorities' reaction to this acute problem has been inadequate.⁸⁷

British Approach to Immigration

“Teacher: I am Brown.

Immigrant student: Oh no. You are committing a mistake.

Teacher: A mistake?

Immigrant student: Yes please. You are not brown. We are brown. You are white.

Teacher: My name is Brown. I am your teacher.”

Mind Your Language, British TV Series, Episode 1, 1977.⁸⁸

52. British anti-immigration sentiment has a long tradition. In the 1960s Black and Asian immigrants were faced with blunt discrimination and denial of opportunity and integration.⁸⁹ Immigration from inside and outside Europe has caused alarm among British authorities, particularly the Tory establishment which dominates the country.⁹⁰ As usual the Tory party's newspaper The Telegraph led the British anti-immigration approach which was one of the main reasons behind triggering the Brexit vote and procedure. In January 2018 the newspaper reported about the ‘mass immigration’ from Europe, mainly Eastern Europe, which has had negative economic repercussion instigating the Brexit process.⁹¹ A month later the newspaper praised the Brexit process for reducing EU immigration into the country.⁹² In April The Telegraph celebrated two High Court Judges' critique of legal

⁸⁷ See Danny Shaw, “What is going wrong with the prison system?”, *BBC*, 26 January 2017.

⁸⁸ See also “Born Abroad: an Immigration Map of Britain”, *BBC*, 2001, http://news.bbc.co.uk/2/shared/spl/hi/uk/05/born_abroad/html/overview.stm

⁸⁹ Rebecca Woods, “England in 1966: Racism and ignorance in the Midlands”, *BBC*, 1 June 2016; “Experience of immigrants in the Modern Era 1900 - present”, *BBC*, <https://www.bbc.com/education/guides/zwsbtyc/revision/1>

⁹⁰ See Dominic Casciani, “UK migration: What's really happening?”, *BBC*, 28 November 2014; Dominic Casciani, “Why migration is changing almost everything”, *BBC*, 6 March 2015; “10 charts explaining the UK's immigration system”, *BBC*, 2 May 2018.

⁹¹ David Goodhart, “Mass immigration has driven Britain into the economic doldrums. Here's how we fix it”, *The Telegraph*, 31 January 2018.

⁹² Harry Yorke et al, “Net migration from Europe falls below 100,000 for first time since 2012”, *The Telegraph*, 22 February 2018.

tactics to delay the deportation of illegal immigrants from the UK.⁹³ In May the conservative publication mapped the areas in Britain of foreign born residents.⁹⁴ The Guardian newspaper has described May's government immigration regime as 'unjust, inhumane, and incompetent'.⁹⁵

53. It has been argued that Eastern European immigrants in Britain have been subjected to racialization notwithstanding their purported belonging to the same 'race' of the receiving country.⁹⁶ Although there is evidence that Eastern European immigrants have not burdened British economy,⁹⁷ large portions of the British people have demonstrated hostility towards them.⁹⁸ Both British media, particularly its notorious Crown tabloids, and pragmatic considerations, have instigated attitudes towards the issue of immigration placing it at the top of the national political agenda.⁹⁹

54. It is estimated that in 2007 there were 6.2 million foreign born persons in England originating in large part from India (553,000), Poland (423,000), Ireland (410,000), Pakistan (357,900), Germany (255,300), Bangladesh (203,800), South Africa (194,500), China and Hong Kong (173,600), Jamaica (173,500), and the United States (170,600).¹⁰⁰ Immigrants originating from the European Union enjoy more citizenship and employment rights than non-European Union immigrants, but both categories of immigrants have been suffering from significant levels of discrimination and harassment.¹⁰¹ Ireland has

⁹³ Olivia Rudgard, "Immigration lawyers using delaying tactics to keep illegal immigrants in Britain, High Court says", *The Telegraph*, 26 April 2018.

⁹⁴ Steven Swinford et al, "The 77 areas with the biggest rise in the number of foreign born migrants", *The Telegraph*, 24 May 2018.

⁹⁵ Editorial, "The Guardian view on May's immigration regime: unjust, inhumane, and incompetent", *The Guardian*, 2 May 2018. See also, Matthew Taylor, "Racism on the rise in Britain", *The Guardian*, 27 May 2014.

⁹⁶ Jon Fox, "The experience of East European migrants in the UK suggests that there is racism towards newcomers regardless of racial difference", *LSE Blog*, http://eprints.lse.ac.uk/48602/1/blogs.lse.ac.uk-The_experience_of_East_European_migrants_in_the_UK_suggests_that_there_is_racism_towards_newcomers_re.pdf

⁹⁷ Jamie Doward et al, "Young, self-reliant, educated: portrait of UK's eastern European immigrants", *The Guardian*, 17 January 2017.

⁹⁸ Press Association, "British attitude harden towards immigrants", *The Guardian*, 17 June 2014.

⁹⁹ See Ben Page, British Attitudes to Immigration in the 21st Century, Transatlantic Council on Migration - Migration Policy Institute, 2009, <file:///C:/Users/Marwan%20Dalal/Downloads/TCM-BritishPublicOpinion.pdf>

¹⁰⁰ Eleonore Kofman et al, "The equality implications of being a migrant in Britain", Social Policy Research Center Middlesex University - Equality and Human Rights Commission, 2009, p.11.

¹⁰¹ Eleonore Kofman et al, "The equality implications of being a migrant in Britain", Social Policy Research Center Middlesex University - Equality and Human Rights Commission, 2009, pp.145 – 150.

traditionally provided high numbers of immigrants, but did not trigger a similar British reaction despite the established political tensions.¹⁰²

55. Non-EU immigrants have alarmed British authorities and establishment as well.¹⁰³ Despite inaccurate data British Home Secretary was quick to hail the drop in immigrants numbers in her speech to the Conservative Party in 2012.¹⁰⁴ Between 2000 and 2015 the percentage of immigrants in the UK has risen from less than 1% to about 5% for EU immigrants and from 3% to 5% for non-EU immigrants.¹⁰⁵

56. India and Pakistan have contributed the most significant numbers of immigrants to England from outside the European Union. British officials have accused the Indian authorities of using immigration as a stick to obtain better business deals.¹⁰⁶ Tension between the two countries over the issue of immigration required the negotiation of a treaty over the return of Indian immigrants from the UK amid fears of mass deportation.¹⁰⁷ Despite the need for qualified doctors, the British Home Office declined to grant visas to 400 skilled Indian doctors to enter and work in England.¹⁰⁸



¹⁰² Peter Savage, “Irish Immigrants on the decline in England and Wales”, *BBC*, 3 January 2013.

¹⁰³ See, for example, Stephen Pollard, “Immigration from non-EU countries is out of control, says Stephen Pollard”, *Daily Express*, 24 February 2018; Robert Right, “UK hits cap on letting in skilled non-EU migrants”, *Financial Times*, 30 January 2018; Raziye Akkoc, “Revealed: the real reasons immigrants come to the UK”, *The Telegraph*, 22 December 2014; Peter Dominiczak, “Most immigrants to the UK now come from China”, *The Telegraph*, 28 November 2013; James Kirkup, “British Indians: a remarkable story of success”, *The Telegraph*, 7 November 2015.

¹⁰⁴ See Brian Wheeler, “The truth behind UK migration figures”, *BBC*, 15 October 2012.

¹⁰⁵ “Migration to the UK”, *BBC*, 25 May 2017, <https://www.bbc.com/news/election-2017-40015269>

¹⁰⁶ James Rothwell, “India using immigration ‘as a stick to beat us with’ in Brexit trade talks”, *The Telegraph*, 13 April 2018.

¹⁰⁷ Rahul Bedi, “India rejects deal on return of illegal immigrants from UK amid fears of mass deportations”, *The Telegraph*, 9 May 2018.

¹⁰⁸ Telegraph Reporters, “NHS bosses attack immigration rules after dozens of Indian doctors refused entry to Britain”, *The Telegraph*, 27 April 2018.

Queen Elizabeth II and Indian Prime Minister Narendra Modi view items from the Royal Collection at Buckingham Palace, *The Telegraph*, 13 April 2018

57. Muslim immigrants to the UK, particularly from Pakistan,¹⁰⁹ have encountered institutional and public hostility as well. The *Telegraph* newspaper has stood out in its monitoring style of reporting about the Pakistani British community, often with cynical and antagonistic insinuations.¹¹⁰ A study by one of Open Society Foundations' offices has documented the policies towards this community in Britain and its self-perception as victimized and discriminated against by British authorities, media, cultural representation, and citizens.¹¹¹

Racism

"Let's just stick with this particular event. This is a serious issue. This is the death of a young man."

Sir Bernard Hogan-Howe, Met Police Commissioner on the killing of Mark Duggan by the police in Tottenham on 4 August 2011, Channel 4, 9 July 2014.

58. Racism in England is not a new phenomenon. The concept originally related to Black British citizens or immigrants and expanded to encompass various British 'ethnicities'. According to government data 87% of Britons are white and 13% are Black, Asian, Mixed or other ethnic group.¹¹² A 2002 special poll commissioned by the BBC found that more than half of British society believed they lived in a racist society, and 44% of those asked believed immigration has damaged Britain in the past 50 years.¹¹³ A recent government report concluded that racism is pervasive in Britain capturing education, employment, and housing.¹¹⁴

¹⁰⁹ Pakistanis form the largest Muslim community in Britain: Jawad Iqbal, "The diverse origins of Britain's Muslims", *BBC*, 18 January 2016.

¹¹⁰ See, for example, "Britain's Pakistani community", *The Telegraph*, 28 November 2008; John Bingham, "The 800,000 people living in Britain with little or no English", *The Telegraph*, 29 January 2014 ("It follows warnings that women from countries such as Pakistan and Bangladesh brought to the UK as wives are suffering some of the greatest levels of social exclusion."); Steve Bird, "Grooming gangs of Muslim men failed to integrate into British society", *The Telegraph*, 9 December 2017.

¹¹¹ Open Society Institute - EU Monitoring and Advocacy Program, *Muslims in the UK: Policies for Engaged Citizens*, pp.17-21 (2005). See also The Change Institute, *The Pakistani Muslim Community in England: Understanding Muslim Ethnic Communities*, March 2009, p.66 (while acknowledging the disadvantaged status of the Pakistani Muslim community in Britain, the report blames this community for its shortcomings), <http://webarchive.nationalarchives.gov.uk/20120920001118/http://www.communities.gov.uk/documents/communities/pdf/1170952.pdf>

¹¹² UK Government, *Ethnicity facts and figures*, <https://www.ethnicity-facts-figures.service.gov.uk/>

¹¹³ "Britain a 'racist society' - poll", *BBC*, 20 May 2002, http://news.bbc.co.uk/2/hi/uk_news/1993597.stm

¹¹⁴ "UK must act against race inequality, Theresa May says", *BBC*, 10 October 2017.

59. Racism has been persistent in Britain for generations. Winston Churchill excelled in representing British supremacist views given his beliefs in Black inferiority and British Protestant higher value.¹¹⁵



Winston Churchill in British Parliament as depicted in *Darkest Hour* 2017 film¹¹⁶

60. The Race Relations Act of 1965 prohibited discrimination in some public resorts, precluding others and failed to consider discrimination as a criminal offence given the conservative's politics.¹¹⁷ Another law adopted in 1976 expanded the prohibition of discrimination on racial grounds including employment, education and housing as well.¹¹⁸ The 2000 amendment to this law obligated the police and other public authorities not to discriminate on racial basis.¹¹⁹
61. Despite this legislative effort, the issue of race inequality and harassment in Britain captured the country's attention frequently, mainly through high profile reports and investigative commissions into the conduct of British authorities, particularly the police.
62. On 10 - 12 April 1981 violent disorder erupted in Brixton, South London which is predominantly Black residential areas. Mass demonstrations, looting, and attacks against the police signified this disorder which was instigated by several incidents of clashes between the police and members in the Black community. The Black community had been disproportionately poor and a majority of its youth, 55%, unemployed. A report by Lord Scarman appointed by the Home Secretary documented the violations of both sides, and

¹¹⁵ Tom Heyden, "The 10 greatest controversies of Winston Churchill's career", *BBC*, 26 January 2015. See also Amy Iggulden, "The Churchill you didn't know", *The Guardian*, 28 November 2002.

¹¹⁶ See also Warren Dockter, "Winston Churchill's 10 most important speeches", *The Telegraph*, 26 January 2015.

¹¹⁷ Race Relations Act - 1965, article 1, <http://www.legislation.gov.uk/ukpga/1968/71/enacted>. See also "On This Day - 8 December 1965: New UK law 'not tough enough', *BBC*, http://news.bbc.co.uk/onthisday/hi/dates/stories/december/8/newsid_4457000/4457112.stm

¹¹⁸ Race Relations Act - 1976, <http://www.legislation.gov.uk/ukpga/1976/74/1992-10-16>

¹¹⁹ Race Relations (Amendment) Act - 2000, <http://www.legislation.gov.uk/ukpga/2000/34/contents>

described the disadvantageous realities of the Black community, particularly in South London.¹²⁰

63. The Macpherson report inquired the British authorities' investigation and prosecution of Stephen Lawrence's murder. A black man he was killed on 22 April 1993 by a group of white men in South East London in a clearly racially motivated crime. The report determined that:

The conclusions to be drawn from all the evidence in connection with the investigation of Stephen Lawrence's racist murder are clear. There is no doubt but that there were fundamental errors. The investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers. A flawed MPS review failed to expose these inadequacies. The second investigation could not salvage the faults of the first investigation.¹²¹

64. Racial discriminatory policies by British police against its own members have been frequent, as found by the 2004 Morris Inquiry commissioned by the police. This inquiry found that the British police lacked a proper understanding of diversity, and that previous policies in this regard were facing a backlash at the organization.¹²² The Home Office Commissioned Flanagan report of 2008 proposed significant reforms in British police structure and performance.¹²³

65. The shooting of Mark Duggan by police officers on 4 August 2011 sparked protests and sabotage across Britain, the worst in its history.¹²⁴ An inquest into this death concluded that his killing was lawful despite the victim not having possessed a gun in his hand at the time of shooting him. The inquest's jurors found that the police officers involved honestly and mistakenly believed that Duggan was holding a gun and used reasonable force in the circumstances.¹²⁵

¹²⁰ "The Scarman Report", *BBC*, 27 April 2004. See also Miranda Sawyer, "Ghetto Fabulous", *The Guardian*, 22 April 2005.

¹²¹ The Stephen Lawrence Inquiry, 15 February 1999, Chapter 46, para.1. See also "The Macpherson report: summary", *The Guardian*, 24 February 1999; Duncan Campbell, "Gang hunted after bus stop race killing", *The Guardian*, 24 April 1993. In 2003 Labour Home Secretary David Blunkett (2001 - 2004) criticized the the report's use of the term 'institutional racism' regarding the police's conduct: Sarah Womack, "Blunkett signals retreat on race", *The Telegraph*, 15 January 2003.

¹²² The Report of the Morris Inquiry - The Case for Change: People in the Metropolitan Police Service, 14 December 2004, pp.13-14, <http://www.policeauthority.org/Metropolitan/downloads/scrutinities/morris/morris-report.pdf>; James Sturcke, "Met race inquiry finds 'serious discrimination'", *The Guardian*, 14 December 2004, <https://www.theguardian.com/uk/2004/dec/14/race.ukcrime>. See also Nick Allen, "Met faces worst race crisis in a decade", *The Telegraph*, 27 June 2008.

¹²³ Sir Ronnie Flanagan, The Review of Policing Final Report, 2008, http://webarchive.nationalarchives.gov.uk/20080806123322/http://www.police.homeoffice.gov.uk/publications/policereform/Review_of_policing_final_report/

¹²⁴ See "Tottenham riot reminds north London of Broadwater Farm riot in 1985", *The Telegraph*, 7 August 2011.

¹²⁵ Inquest Touching Upon the Death of Mark Duggan, Form 2 - Record of Inquest, <http://webarchive.nationalarchives.gov.uk/20151002140003/http://dugganinquest.independent.gov.uk/> See also Matt

66. A subsequent inquiry determined that the police acted lawfully in using lethal force against Duggan who possessed a weapon and threw it away shortly before being shot by his assailants.¹²⁶ There was no forensic evidence linking Duggan to the alleged gun.¹²⁷ An appeal by Duggan's family against the inquest's conclusion was not successful.¹²⁸

67. British jails reflect racism in the country hosting a disproportionate number of black people. An investigation by the Commission for Racial Equality revealed a racist atmosphere among prisons staff and prisoners in contrast to applicable standards and procedures:

It is the conclusion of this formal investigation by the Commission for Racial Equality that the Service committed acts of unlawful racial discrimination. This happened against individual members of staff and individual prisoners. It also occurred in respect of the overall standards of delivery for the job it was created to perform, the care of prisoners, and in its employment practices.¹²⁹

68. Despite minor progress on the status of racial minorities in England, the country has placed structural discrimination and injustices that prevent realizing a fair society. The 2016 report of the Equality and Human Rights Commission provides comprehensive details of this reality. According to the Commission's Chair David Isaac CBE:

Our report also finds that race is the most commonly recorded motivation for hate crime in England and Wales, at 82 per cent of recorded motivations. This is the same in Scotland, although there racially motivated hate crime is at its lowest level since 2003/04.

...

Prodger, "Mark Duggan inquest: Why killing was deemed lawful", *BBC*, 8 January 2014; Greg Morgan, "Mark Duggan: a single death that sparked the riots", *The Telegraph*, 8 January 2014; Matthew Ryder, "Why so many find the Mark Duggan verdict hard to accept", *The Guardian*, 19 January 2014; Patrick Barkham et al, "Mark Duggan: profile of Tottenham police shooting victim", *The Guardian*, 8 August 2011.

¹²⁶ Caroline Davies et al, "Mark Duggan shooting: armed officers cleared of wrongdoing", *The Guardian*, 25 March 2015; Martin Evans, "Police cleared of wrongdoing in Mark Duggan shooting", *The Telegraph*, 25 March 2015. The Independent Police Complaints Commission had apologized for Duggan's family for wrongly telling the media that he had fired at police before he was shot: "Mark Duggan case: IPCC apologizes for 'wrong' shooting details", *BBC*, 17 January 2014.

¹²⁷ See the documentary "Lawful Killing: Mark Duggan - What Really Happened", *BBC One*, 2 December 2016.

¹²⁸ Diane Taylor, Mark Duggan family lose appeal against inquest's lawful killing verdict", *The Guardian*, 29 March 2017.

¹²⁹ Commission for Racial Equality, *Racial Equality in Prisons*, December 2003, pp.5, 9-13, 194, <http://www.statewatch.org/news/2003/oct/crePrisons.pdf>. See also Alan Travis, "Prisons boss calls racism inquiry findings shameful", *The Guardian*, 17 December 2003.

The evidence demonstrates inequalities experienced by ethnic minority communities across many areas of life in modern Britain, including education, employment and the criminal justice system. Poorer White communities also face continuing disadvantage. The persistent nature of these issues points to the existence of structural injustice and discrimination in our society.¹³⁰

Conclusion

69. The purpose of this report has been to briefly and succinctly demonstrate England's human rights and international law violations both at home and abroad. The country operates according to a peculiar constitutional arrangement. Its self-perception by its ruling elites as operating to realize fairness and justice domestically and internationally has no real evidentiary support. The contrary could be true. England's past and contemporary violations should raise a question mark at the validity of the government's proposition that goodness, humility, responsibility, and sacrifice are its main motivations.

¹³⁰ Equality and Human Rights Commission, Healing a divided Britain: the need for a comprehensive race equality strategy", 2016, p.5, https://www.equalityhumanrights.com/sites/default/files/healing_a_divided_britain_-_the_need_for_a_comprehensive_race_equality_strategy_final.pdf. For a special report on racial employment disparities in England see Business in the Community, Race at Work 2015, 2015, https://race.bitc.org.uk/system/files/research/race_equality_campaign_yougov_report_nov_2015_vfull_vfinal_e.pdf