



Joint Committee on Human Rights

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9 November 2010

Rt Hon Liam Fox MP
Secretary of State for Defence
MOD Ministerial Correspondence Unit
5th Floor, Zone A
Main Building
Whitehall, London
SW1A 2HB

Dear Liam,

Implementation of judgments: Al-Saadoon and Mufdhi v UK, App No 61498/08

The Joint Committee on Human Rights is continuing its practice of reviewing the implementation of judgments from the European Court of Human Rights (ECtHR) and the domestic courts finding the UK to be in breach of the European Convention on Human Rights (ECHR). In this context we welcome the recent publication of the Government's response to our predecessor Committee's Report, *Enhancing Parliament's role in relation to human rights judgments*, published earlier this year.

This case involved a decision by the UK to return two Iraqis accused of murdering two UK Armed Forces personnel to Iraqi custody for trial. Both men were at risk of being subjected to the death penalty. The ECtHR found a violation of Article 3 ECHR, Articles 13 and 34 ECHR.

The Government response explained that the Government had requested that the case be referred to the Grand Chamber. Although the case is not final, the Government response explains that the Government continue to seek assurances that the men will not be subjected to the death penalty and reports that the Government are satisfied that the Iraqi authorities are abiding by existing assurances in relation to their treatment. We acknowledge that release of the two detainees might raise countervailing Article 2 issues.

We would be grateful for an update on progress in this case. In particular, we would be grateful for further information on the steps taken by Government to secure assurances from the Iraqi authorities as to the treatment of the applicants in this case.

I would be grateful for a response by **30 November 2010**. I would be grateful if you could provide a copy of your response in Word format, to assist with publication.

Dr Hywel Francis
Chair, Joint Committee on Human Rights