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FOREIGN SERVICE MANUAL 2014-04-02 UK MILITARY PERSONNEL AS INDIVIDUALS ARE PROPERLY SUBJECT TO UK AND INTERNATIONAL LAW WHEREVER THEY SERVE AND THERE ARE PROCESSES TO ENSURE SCRUTINY OF THEIR INDIVIDUAL BEHAVIOUR AND LEGAL COMPLIANCE BUT IN THE LAST TEN YEARS LEGAL JUDGMENTS IN THE UK AND ELSEWHERE AGAINST THE MOD HAVE RAISED A NUMBER OF LEGAL ETHICAL AND PRACTICAL QUESTIONS FOR THE ARMED FORCES AND THEIR CONDUCT OF OPERATIONS THE GROWING NUMBER OF SUCH CHALLENGES IS LEADING TO A FEELING OF DISQUIET AMONGST MILITARY PERSONNEL AND INFORMED COMMENTATORS ABOUT THE EXTENT AND SCALE OF JUDICIAL INVOLVEMENT IN MILITARY MATTERS THERE ARE TWO ASPECTS OF THE USE OF HUMAN RIGHTS LAW IN MILITARY OPERATIONS THAT MOST CONCERN THE COMMITTEE THE EXTRATERRITORIAL APPLICATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS HAS ALLOWED CLAIMS IN THE UK COURTS FROM FOREIGN NATIONALS HOWEVER THE REQUIREMENT FOR FULL AND DETAILED INVESTIGATIONS OF EVERY DEATH RESULTING FROM AN ARMED CONFLICT IS PUTTING A SIGNIFICANT BURDEN ON THE MOD AND THE ARMED FORCES SECONDLY THERE HAS BEEN A FAILURE OF THE ACCEPTED PRINCIPLE OF COMBAT IMMUNITY MOST RECENTLY EVIDENCED IN THE SUPREME COURT MAJORITY JUDGMENT IN JUNE 2013 ALLOWING FAMILIES AND MILITARY PERSONNEL TO BRING NEGLIGENCE CASES AGAINST THE MOD FOR INJURY OR DEATH THIS SEEMS TO US TO RISK THE JUDICIALISATION OF WAR AND TO BE INCOMPATIBLE WITH THE ACCEPTED CONTRACT ENTERED INTO BY SERVICE PERSONNEL AND THE NATURE OF SOLDIERING

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