

The UK's Closure of Investigations into Alleged Torture and Inhuman Treatment in Iraq

Dr. Elizabeth Stubbins Bates

Dr. Elizabeth Stubbins Bates is a Junior Research Fellow in Law at Merton College, a Research Fellow at the [Oxford Institute of Ethics, Law and Armed Conflict](#) (ELAC), and an Early Career Fellow at the [Bonavero Institute of Human Rights](#).



Her research focuses on procedural obligations in international humanitarian law: its norms of implementation and enforcement. Dr. Stubbins Bates explores whether and how international humanitarian law norms might be better used to prevent violations of international law in armed conflict.

In her most recent article, published in the *International and Comparative Law Quarterly*, Dr. Stubbins Bates discovered that Ministry of Defence bodies have closed an indeterminate number of investigations into alleged torture or degrading treatment in Iraq based on their autonomous decision that the allegations were of minor significance. She found that the ways in which state officials used terminology was inconsistent with the lower threshold for inhuman or degrading treatment in European Court of Human Rights (ECHR), and with similar thresholds in international humanitarian law and international criminal law. She concluded that the closure of these investigations had largely neglected the investigatory obligations in each of these branches of international law, although the dataset is sharply limited by a lack of transparency. Where documents are publicly available, the facts alleged rarely appear alongside the decision to close investigations, and the exact number of investigations closed on this basis is unknown.

Dr. Stubbins Bates's research has been cited in the Joint Alternative Civil Society Report to the UN Committee against Torture on the UK's 6th periodic report as well as the Committee's Concluding Observations. She co-organised a conference at the Bonavero Institute to mark the first anniversary of the judgment in [Alseran and Others v. Ministry of Defence](#), and has shared her research with other non-governmental organisations working on the international criminal law aspects of UK state practice in Iraq. Dr. Stubbins Bates has also contributed research findings to a pending investigation by BBC *Panorama*, and has begun public engagement work with grassroots groups including Quaker Concern for the Abolition of Torture.

Dr. Stubbins Bates continues to explore whether the Ministry of Defence will change its investigatory practices based on her published research.