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18 March 2020

**To: All Members of Parliament**

The Prime Minister has been clear about his determination to end the unrelenting cycle of vexatious legal claims undermining our Armed Forces and providing them with the best possible protection, through the introduction of legislation within the first hundred days.

That is why today we are introducing the Overseas Operations (Service Personnel and Veterans) Bill, which comprises those essential legal protections for both Armed Forces personnel and veterans serving on military operations overseas. The Bill will remove the uncertainty faced by our Service personnel and veterans. It also looks to the future, providing a better legal framework for any future overseas conflicts, recognising the unique burden and pressures placed on our personnel.

The measures in the Bill are a proportionate solution to the problem, and strike an appropriate balance between victims' rights and access to justice on the one hand, and fairness to those who defend this country on the other.

The Bill does not undermine the UK's commitment to human rights. We will continue to abide by our obligations in domestic and international law, including those under the European Convention on Human Rights, and fully intend to maintain our leading role in the promotion and protection of human rights, democracy, and the rule of law.

**Statutory presumption against prosecution**

The Bill will create a new 'triple lock' in order to give service personnel and veterans greater certainty that the unique pressures placed on them during overseas operations will be taken into account when deciding whether to prosecute for alleged historical offences. This 'triple lock' consists of:

- a presumption that once five years have elapsed from the date of an incident, it is to be exceptional for a prosecutor to determine that a Service person or veteran should be prosecuted for alleged offences on operations outside the UK;
- a requirement that prosecutors, when deciding whether to rebut the presumption, give particular weight to certain matters – including, in cases where there has already been a previous investigation, whether there is any compelling new evidence; and

- where a prosecutor determines that a case should proceed to trial, notwithstanding the presumption and the circumstances of the case, then the consent of the Attorney General must be obtained before a prosecution can proceed.

### **Time limit for bringing claims in relation to overseas operations**

These measures set an absolute time limit for bringing personal injury, death and human rights claims in respect of overseas operations of six years. Service personnel and veterans are often asked to provide evidence to defend claims and this measure will reduce the uncertainty that can hang over troops for years.

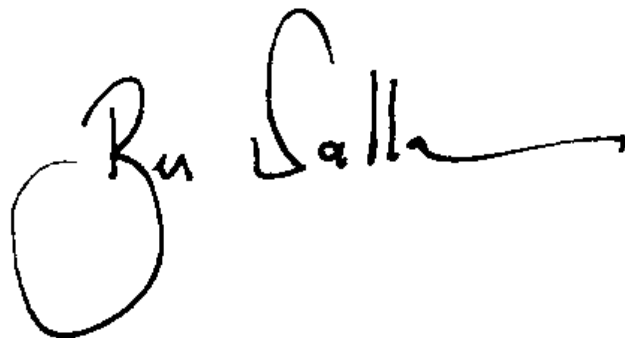
### **Derogation from the European Convention on Human Rights**

This measure ensures that all future governments are compelled to consider derogating from the European Convention on Human Rights (ECHR) in relation to significant overseas operations. This would enable full operational effectiveness and allow our service personnel to take difficult decisions confidently and promptly. We recognise, that under the ECHR, derogation is only possible if strict criteria are met and a decision to derogate will need to be assessed on a case-by-case basis. In the event of such a derogation, our Armed Forces will continue to operate to the highest standards and be subject to the rule of law.

Many of you, like me, will be eager to ensure also the equivalent protections of our veterans who served in Northern Ireland. Although this Bill cannot apply to operations within the United Kingdom, including those cases which took place during the Troubles, it is the first step in a wider package to ensure their equal treatment.

Addressing the legacy of Northern Ireland's past – delivering reconciliation whilst also ensuring that veterans who served in Northern Ireland are treated no less fairly than those who served overseas – will form the basis of separate legislation to be brought forward by the Northern Ireland Office. The legislation will deliver on the Government's commitment to legislate on this issue in the "New Decade, New Approach" deal. This will be brought forward in a timeframe which is broadly in line with the key stages of the passage of the Overseas Operations (Service Personnel and Veterans) Bill.

I know the high regard you have for our Armed Forces and I hope you will support the measures in this Bill. If you have any questions about the Bill, please don't hesitate to contact my office using [SofS-PrivateOffice@mod.gov.uk](mailto:SofS-PrivateOffice@mod.gov.uk).

A handwritten signature in black ink, appearing to read "Ben Wallace". The signature is written in a cursive, flowing style with a large initial 'B' and a long horizontal stroke at the end.

**THE RT HON BEN WALLACE MP**