

General Sir Nick Carter
Chief of the Defence Staff

2 August 2018

Dear General Carter,

As a human rights organisation working in Northern Ireland for the past thirty-seven years, we were interested to read the media reports of your briefing of journalists yesterday. You made particular reference to soldiers being investigated for possible misdeeds while serving in Northern Ireland. You were reported as saying:

“It is right and proper that if our soldiers have done something wrong then they should clearly be investigated,” he said. “But only if they have done something wrong. We need to have standards, we need to have values that people are held against otherwise we will lose the moral high ground.”

Of course, unless there is an effective investigation in any particular case, we cannot know whether the soldiers in question have done anything wrong. Where there are credible allegations against anyone, it is the legal duty of the appropriate authorities to carry out a human rights compliant investigation in the context of the presumption of innocence. We are sure you would support the rule of law in agreeing with that.

When it comes to “vexatious claims,” we would agree with you that any ill-founded claims should be discarded. Again however, only a proper investigation can determine the validity or otherwise of any claim. We are, however, concerned about the language you used in describing the action you proposed to take in regard to these unspecified “vexatious claims.” You said that these claims “will not happen on my watch. Absolutely not.” You further went on to say “I would absolutely stamp on any of that sort of activity.”

You were speaking in your capacity as Chief of the Defence Staff; we are unaware of any statutory or prerogative power that accrues to your post that would enable you to have any role whatsoever in deciding the course of criminal or any other investigations under law. We would be grateful for clarification on what legal grounds you intend to make such an intervention. As you will be aware the entire legal basis for Operation Banner was to uphold the rule of law and assist

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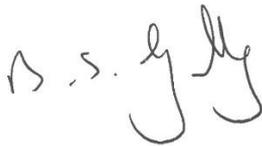
1st Floor, Community House
Citylink Business Park
6A Albert Street
Belfast, BT12 4HQ

Tel: (028) 9031 6000
Email: info@caj.org.uk
Website: www.caj.org.uk

democratically elected politicians in coming to an agreed resolution of the conflict. In contrast, on the face of it, your intention to “stamp on” what you regard as “vexatious” activity is either an unconstitutional threat to the rule of law or essentially meaningless but certainly inflammatory rhetoric.

In these circumstances, we would invite you to correct any misapprehension that the most senior military officer in the United Kingdom is arrogating to himself the power to take any action in respect of any independent legal proceedings or that you consider soldiers to be above the law. We are sure you would agree that in a constitutional democracy your role is to support the rule of law, not undermine it.

Yours sincerely,



Brian Gormally
Director