

Reform UK should clarify a potentially far-reaching proposal to give members of the Armed Forces immunity from prosecution for actions taken during combat operations.

The proposal has now been stated more than once by Reform's Shadow Home Secretary Zia Yusuf and published on Reform UK's own website. In the absence of specific defence or legal affairs spokespeople for the party, Mr Yusuf must be assumed to represent party policy on these matters.

Reform's annual conference in Birmingham has ended without, so far as BAFF can establish, any further explanation of what that immunity would mean or where its limits would lie.

BAFF is politically non-partisan. We do not support or oppose any political party, and our membership will inevitably include people with a wide range of political views. Our concern here is solely with a proposal which directly affects serving personnel and veterans and raises important questions about military law and discipline.

What Reform has proposed

Mr Yusuf made his recent comments in the context of very real concerns – **which we share** – about repeated and prolonged investigations of serving and former personnel.

Referring to warnings from Brigadier Ed Butler, President of the SAS Regimental Association, about the effect of what he described as "lawfare", Mr Yusuf criticised proceedings arising from Northern Ireland and referred to the Afghanistan Inquiry, where former Special Forces personnel may be required to give evidence.

He said:

"There is an ongoing effort to disarm Britain by prosecuting our most courageous and elite warfighters.

"Reform will take the opposite approach. We will grant immunity from prosecution to British Armed Forces for actions taken during combat operations. We will have their backs."

This was not simply an isolated or hastily worded social-media post. Reform subsequently published the statement on its own website and Mr Yusuf separately repeated the central proposition on X:

A Reform government will grant immunity from prosecution to His Majesty's Armed Forces for actions taken during combat operations. We will have their backs.

The policy also has a longer history than these recent statements. When Reform launched its Veterans for Reform initiative in January 2026, Mr Yusuf announced that a Reform government would "grant immunity from prosecution for all our armed forces for actions during combat operations", adding that personnel could only be prosecuted if the Defence

Secretary expressly authorised it.

That qualification is potentially important, but it has not appeared in Mr Yusuf's more recent statements or in Reform's article published on 1 September. We have seen no indication that it has been formally withdrawn, and Reform should clarify whether it remains part of the policy.

A legitimate problem

There is a serious issue underlying Mr Yusuf's intervention.

BAFF has previously expressed concern about the repeated investigation of serving personnel and veterans, particularly many years after the events concerned and where cases are reopened without significant new evidence.

Those concerns are not confined to Reform supporters. Concerns surrounding investigations and prosecutions arising from Northern Ireland have been politically contentious for many years, while the current Afghanistan Inquiry has again focused attention on the position of personnel whose operational conduct is examined long after the events concerned.

Service personnel are entitled to fair treatment. There is a legitimate debate to be had about safeguards against repeated investigation, extraordinary delay and the reopening of cases without genuinely significant new evidence.

But protection against those things is not the same as immunity from prosecution.

A significant change from 2024?

BAFF examined the Armed Forces proposals in the political parties' manifestos before the 2024 General Election.

Reform's *Contract with You* then promised a new Armed Forces Justice Bill which would:

"Protect our servicemen and women on active duty inside and outside the UK from civil law and human rights lawyers."

The proposed Bill would also have created an Armed Forces watchdog to fast-track complaints and appeals concerning housing and welfare.

That wording itself left questions unanswered, but it did not, so far as we can establish, propose immunity from criminal prosecution for conduct during combat operations.

Mr Yusuf's present proposal therefore appears to go significantly further than the policy Reform put before voters in 2024.

Who would decide whether a prosecution could proceed?

The qualification included when the policy was announced in January – that prosecution could proceed if expressly authorised by the Defence Secretary – raises questions of its own.

In what circumstances would the Defence Secretary authorise a prosecution? What offences would be covered? What criteria would be applied?

There is already a precedent for requiring ministerial consent in some cases involving alleged offences on overseas operations. Under the Overseas Operations (Service Personnel and Veterans) Act 2021, the consent of the Attorney General is required for certain prosecutions.

There is, however, an important distinction. The Attorney General is one of the Government's Law Officers and gives or withholds consent in that legal capacity. The Defence Secretary is the minister responsible for the department and for defence policy, and decisions taken by the Defence Secretary, the MOD or the chain of command could themselves form part of the background to events under investigation.

That does not necessarily make Reform's proposed safeguard wrong, but it does reinforce the need for the party to explain how it would work and how decisions about prosecution would be protected from an actual or perceived conflict of interest.

Military operations are subject to law

Members of the British Armed Forces remain subject to the law when they deploy on operations.

That is not an impediment artificially imposed on them by lawyers. Obedience to the Law of Armed Conflict and adherence to lawful orders are fundamental elements of British military discipline. Service personnel are themselves required to refuse a manifestly unlawful order.

Most operational uses of lethal force are, of course, entirely lawful. But there can be allegations of conduct which would be criminal wherever it occurred: deliberately killing a prisoner or civilian, torture, rape or other grave breaches of the laws governing armed conflict.

The fact that alleged conduct occurred during a combat operation cannot by itself determine whether it was lawful. Sometimes that is precisely the question which an investigation and, where the evidence justifies it, a court must determine.

Nor does the maintenance of legal standards operate only for the benefit of alleged victims. **A credible system of military justice also protects the overwhelming majority of British Service personnel who carry out difficult and dangerous duties lawfully.**

Criticism from veterans

The breadth of Mr Yusuf's wording has also attracted criticism from politicians with military experience.

Conservative shadow defence minister Stuart Anderson, a veteran of operational service, has said that although he strongly opposes the Government's Northern Ireland Troubles legislation, "no one should be above the law".

He specifically argued that the Law of Armed Conflict must continue to apply and gave rape as an obvious example of an offence for which a soldier should not receive immunity.

Another Conservative defence spokesman and former Royal Marine, David Reed MP, has also criticised the proposal, emphasising the importance of military discipline and accountability.

Their political affiliation is not the point. The substance of the objection is.

Reform should clarify its position

Reform UK is now a significant political party with aspirations to form a government. Its proposals concerning the Armed Forces should therefore be treated as serious statements of policy rather than dismissed as political rhetoric.

There is ample room for debate about how better to protect serving personnel and veterans against repeated investigations, unreasonable delay and cases being reopened without substantial new evidence.

Indeed, BAFF agrees those are issues which deserve the most serious attention.

But immunity from criminal prosecution for actions during combat operations is a very different proposition.

If Reform does **not** intend its proposed immunity to cover credible allegations of murder, torture, rape, war crimes or other serious criminal conduct during operations, it should say so and explain where the boundary would lie.

It should also clarify whether the January proposal that prosecution could proceed with the express authority of the Defence Secretary remains part of its policy, and, if so, explain how that safeguard would operate.

If, on the other hand, Reform does intend its proposed immunity to extend to any offences, that should equally be made clear.

Supporters may respond that of course the immunity wouldn't extend to 'private' offences - but what is their view of torture in the name of questioning - or the deliberate killing of unarmed detainees alleged to have a hand in terrorism?

These are hypothetical situations, but a minority of social media commentators appear to argue that both extrajudicial execution and the torture of prisoners are perfectly acceptable during conflict.

Reform should clarify Armed Forces immunity proposal

Reform's annual conference would have provided an obvious opportunity to clarify an important new policy affecting the Armed Forces. That opportunity has passed without any clarification that we have been able to identify.

The questions therefore remain.