

Thanks BAFF for the ongoing coverage of the Troubles Bill and related muddles. As the Federation's original chairman and currently assisting with the ongoing BAFF restructuring, I thought it would be worth reminding ourselves of the Federation's position over the years on the applicability of law to military operations - and especially on so-called 'legacy investigations' taking place years after the alleged events.

Other organisations will have their own points of view, but the basic priorities for a representative membership body like BAFF are the legitimate interests of our members and, by extension, the generality of armed forces serving personnel and veterans.

It's common enough on social media and news-media reader pages to see comments like 'I have never been in the military so it's not for me to judge their actions' - while in effect actually making a judgement.

For our part, we have never argued that while troops are on operations, 'anything goes'.

A BAFF spokesman made these comments to the BBC Today programme in June 2011 about the Iraq Historic Allegations Inquiry (IHAT) :

The people making these accusations have to put up or shut up. It is almost impossible to imagine that justice can be done after the amount of time that has passed. Our members are wondering about the motivation of this inquiry. Is it a sop to 'Human Rights' opinion, or is it actually aimed towards reaching a conclusion?

[\[BAFF link\]](#)

And in September 2011 our spokesman was quoted in the Sunday Telegraph:

Obviously any allegations of misconduct against members of the Armed Forces need to be taken seriously and properly investigated.

Our concern is that some of the allegations being investigated by IHAT have little or no evidential basis and that even if there were indications that something had occurred, it is now far too long after the events for there to be any realistic chance of a just resolution.

What we cannot condone is a 'fishing expedition' by IHAT in which service personnel are asked to inform on each other.

BAFF takes the view that the work of IHAT should be reviewed by an outside authority, and that if it is determined that the investigations are unlikely to result in prosecutions, IHAT should be disbanded and a line drawn under its work.

[\[BAFF link\]](#)

We didn't confine ourselves to comment, but set up a package of basic initial professional advice from an English law firm for any BAFF member approached by the IHAT or Northmoor

investigators, even as a witness.

Speaking personally, I welcome The Telegraph's campaign on these issues, as I did in 2011. Currently we're seeing a daily round of distinguished contributors on that subject, and it is The Telegraph which the latest being Gen David Petraeus US Army (retired), a true friend of British forces.

Again speaking personally, I don't agree with every single sentence which has been written in an effort to bolster the campaign. What gets labelled 'lawfare' isn't always a wicked campaign against British forces.

Sometimes we might be risking the suspicion that 'The lady doth protest too much.' General Petraeus, however, makes strong points which I would like to say more about later.

Petraeus also has something to say about what has been revealed in the documents uncovered by The Telegraph in connection with the Al-Sweady group of claims:

Ultimately, the question is not whether the United Kingdom should uphold the rule of law. It must. The question is how best to ensure that its legal architecture supports, rather than inadvertently constrains, the effectiveness of those it asks to serve. The maximalist approach championed by the UK's Chief Legal Advisor to the Government does not appear to meet this challenge.

If BAFF permits I would like to add my own thoughts on one aspect of the revealed emails from the Rt Hon Lord Hermer KC who has been the Attorney General since 2024.

My comments might be a little more nuanced - I've been a lawyer as well as having been a reservist on operations - I also been involved with human rights on behalf of the troops - but I'm disgusted by the apparent bias against our country's armed forces personnel as revealed in one of said emails.