

# Britain: soldier charged with murder of Iraqi civilian

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A 21-year-old British soldier has been charged with the murder of an Iraqi civilian. Kevin Lee Williams, from the 2nd Royal Tank Regiment, appeared at Bow Street Magistrates' Court in London on September 7, accused of killing Hassan Sayyed Sabbah al-Battat in southern Iraq on August 3, 2003.

Sayyed, an Iraqi lawyer and father of nine children, died from gunshot wounds to his chest. According a legal affidavit filed by his sister, Hanna, Sayyed had been driving her and her mother to a doctor in Basra when he was shot.

Williams was granted conditional bail during the hearing and his trial date was set for September 28. In the meantime he is confined to barracks at Catterick Garrison, North Yorkshire.

Sayyed's case is one of 36 incidents drawn up by lawyers on behalf of families of Iraqi civilians killed by British soldiers, of which six have been referred to the High Court.

A total of 131 cases of death or injuries to Iraqi civilians have been investigated—82 of which relate to incidents over the past five months, during which US and British forces have faced increased popular resistance to their occupation of the country and the imposition of a puppet Iraqi administration.

Most of the charges have been dismissed, although the army is still investigating 46 Iraqi civilian fatalities. Two cases have led to charges against soldiers serving in Iraq. In June, four soldiers serving with the Royal Regiment of Fusiliers were charged with assault and indecent assault on Iraqi detainees, and in July Alexander Johnston from The King's Own Scottish Borderers was charged with unlawfully wounding a 13-year-old.

In Williams' case, it is thought to be the first time that civilian authorities have overruled a decision by

the military chain of command. Williams' then commanding officer, Lieutenant-Colonel Piers Hankinson, had dismissed the charges against him, but in May the Army Prosecuting Authority referred the case to the Attorney General, Lord Goldsmith.

In a statement, Goldsmith said, "This case, which involves an alleged unlawful killing by shooting of an Iraqi citizen during the course of an arrest, was brought to my attention after charges were dismissed by the soldier's commanding officer.

"This meant the case could not be tried by court martial. I referred it to the CPS [Crown Prosecution Service] who asked the Metropolitan Police for assistance in collecting further evidence."

The last occasion that a soldier was tried in a civilian court for murder during operational duties was the 1993 conviction in Belfast of Lee Clegg, from the Parachute Regiment, for killing a teenage joyrider and wounding her companion as they drove through a military checkpoint. The judge had ruled that Clegg was guilty of murder, as he had fired the last of four shots through the back of the car when it could no longer be construed as presenting a threat.

A campaign by the *Daily Mail* and the *Sun* newspapers led to Clegg being released on licence in 1995 and a retrial overturned his conviction, enabling him to return to active service.

So far press coverage of the charges against Williams has generally been low-key, although many give highly contradictory accounts of how and why Sayyed was shot—claiming that Williams had opened fire after the lawyer became involved in an altercation with another driver.

The *Sun*, however, seems intent on repeating its usual defence of any real or alleged abuse by the army. It wrote of "fury" and the army "reeling with rage" over

the charges against Williams. It quoted an unnamed “senior officer” fuming, “This has only happened because the government has decided we must be whiter-than-white, as a result of bad publicity surrounding prisoner abuse.

“It is a desperately sad day. The fear is politics is being put above the reality of soldiering. That is inexcusable.”

The *Sun* went on to claim that Williams had “shot a man smuggling anti-aircraft shells in a handcart as he fled an Army patrol,” and that “it is thought the shells were destined for Iraqi resistance fighters and for use against Allied invasion troops.”



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