

British court martial bares war crimes against Iraqi civilians

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Three British soldiers went before a court martial in Germany last week on charges of indecency, assault and sexually humiliating Iraqi civilians at a storage depot outside the southern city of Basra in May 2003. The trial has been described as Britain's Abu Ghraib, with the alleged offences recalling the earlier exposure of abuse at the US prison in Iraq.

The case against the three soldiers—Corporal Daniel Kenyon and Lance Corporals Mark Cooley and Darren Larkin—rests largely upon photographs showing beatings and forced simulation of sex acts between Iraqi civilians held captive for looting. A shop assistant at a photographic store in Staffordshire, England, handed the photos over to police after a fusilier had brought them in to be developed.

Two of the men have pleaded not guilty to all charges, while the third, Lance Corporal Larkin, pleaded guilty to one charge of assaulting an Iraqi civilian, but denied another charge of forcing two Iraqi males to undress in front of others. Larkin was photographed standing on the legs and shoulders of an Iraqi man bound in a cargo net, as if he were riding a surfboard. As in the recent trial of a US soldier in the Abu Ghraib torture case, the not-guilty pleas are based on the claim that the soldiers were carrying out orders.

The trial has so far revealed that the alleged abuses took place in May 2003 at an aid camp known as Camp Bread Basket, under the command of Major Dan Taylor. In a practice that breached the Geneva Convention, Taylor ordered troops to detain looters and “work them hard.” Photographs taken at the camp show Iraqis undertaking forced runs while carrying crates filled with dried milk power above their heads.

Defence lawyers suggest that Taylor created a climate that sanctioned the abuse under an operation code-named “Ali Baba,” which was supposedly designed to

deter looting. Taylor told the court martial, “It was a massive storage depot. We had food, clothing, vehicle parts and masses of grain. But we had problems with looters and thieves that began as world food aid started being delivered to the camp in the last weeks of April 2003.”

Predictably, senior military commanders have insisted that the alleged abuses are merely the product of bad individuals and should not reflect upon the British army or its mission in Iraq. This has not prevented demands for commanding officers to be placed on trial, especially given that operation Ali Baba contravened the Geneva Convention.

Claims that this was an isolated incident were undermined by the testimony of Lieutenant Colonel Nicholas Mercer, a legal services expert for the army in Iraq. Mercer told the board of seven officers trying the case that abuse of detained civilians was not confined to Camp Bread Basket. Rather, it was so pervasive that he was compelled to issue an order on May 20, 2003—after the incident under trial—prohibiting soldiers from assaulting civilians and ordering them to treat Iraqis “with humanity and dignity at all times.”

Mercer said, “The army took 3,000 prisoners of war on the battlefield and 1,000 more were civilians. There was no difficulty with them, but, once we moved into an occupation situation, things changed. There were a number of allegations made that these people were not being treated as they should. We heard that there were problems, not just at the Bread Basket camp.”

The officer described in detail the breakdown in law and order that took place following the ousting of the Saddam Hussein regime, with “hundreds of people looting.” But he claimed that soldiers had been given clear guidelines on how to treat prisoners and detained civilians, including being shown a 10-minute training

video that was also screened at the hearing.

Joseph Giret, representing Corporal Kenyon, argued that the soldier was the victim of his senior officer who had issued orders for him to detain prisoners and work them hard. In an argument that is expected to form the basis of the defence case, Giret said, "The only reason Cpl. Kenyon is in the dock stems from those who gave the order to implement Operation Ali Baba."

Prosecution lawyers have admitted that Taylor's order to "work prisoners hard" was in breach of the Geneva Convention. The court martial heard that Taylor's superior officers were aware he had issued an order that defied the Convention, but had decided not to take legal action against him. Judge Advocate Michael Hunter insisted that the court martial would not attempt to deal with alleged breaches of the Geneva Convention. "We are not here to decide issues of international law," he said.

Whatever the outcome of the court martial, it can be safely predicted that the underlying causes of the abuse will not be addressed. It is not only Operation Ali Baba that stands in breach of the Geneva Convention, but the entire war and subsequent occupation of Iraq. The brutal actions depicted in the photographs before the court martial are symptomatic of an illegal war and brutal suppression of the Iraqi people.

British troops in southern Iraq are not confronted with an opposing army, but a population that is deeply hostile to the foreign occupation of their country. Under these conditions, a 10-minute video would do little to counter the months of psychological preparation of the troops for war.

For the US and British governments, the greatest concern is that the publication of the photographs on the eve of the January 30 Iraqi elections will underscore the antidemocratic nature of the foreign occupation and fuel the insurgency. The court martial has already been blamed for an intensification of attacks in southern Iraq, including a recent bombing at a British base that injured five soldiers. The group led by Jordanian Abu Musab al-Zarqawi claimed responsibility for the suicide bombing, declaring it a "response to the harm inflicted by British occupation forces on our brothers in prison."

The Blair government also fears the trial will increase resistance within Britain itself to demands for the deployment of more troops in Iraq.

On January 19, a soldier publicly announced his resignation from the Territorial Army in order to highlight discontent within the ranks of the TA. Lance Corporal George Solomou said as many as half of TA soldiers are uncomfortable or do not agree with the conflict. Describing the war as "bankrupt, unjust and immoral," Solomou said he would rather face jail than be forced to serve. Referring to others who felt uneasy about the war, he said, "The majority resign in the traditional way. They go quietly, saying they have got family problems. I want to act as a beacon, a rallying point for other soldiers. We don't have to go quietly. This war is wrong. I call upon other soldiers to conscientiously object."

The court martial is expected to last another two to three weeks. The accused soldiers face 10-year jail sentences if convicted.



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