

More British troops face court martial: seven accused of Iraqi civilian murder

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Seven British soldiers are to face court martial over the murder of a civilian in southern Iraq in May 2003, UK Attorney General Peter Goldsmith announced Thursday, February 3.

The alleged murder took place on a roadside in al-U'Zayra, on 11 May, 2003, reportedly following a car chase near a checkpoint in the southern city of Basra.

According to a report in the *Daily Mail*, 18-year-old Nadhem Abdullah died after he was punched and hit with rifle butts. The seven soldiers, who served with the 3rd Parachute Regiment, are to be charged with murder and violent disorder.

Goldsmith named three of the defendants as Corporal Scott Evans, Private William Nerney and Daniel Harding, now a civilian. In a written statement to the House of Lords, the attorney general said that the other four would be named once they have been informed of the charges against them. No date has yet been set for the court martial or a preliminary hearing.

The latest charges come on top of a court martial of three British fusiliers under way in Germany for alleged abuses of civilian prisoners at an aid camp near Basra on May 15, 2003.

Those three soldiers—Corporal Daniel Kenyon and Lance Corporals Mark Cooley and Darren Larkin—faced multiple criminal charges, after photographs showing beatings and forced simulation of sex acts between Iraqi civilians held captive for looting were handed to police by a shop assistant at a photographic store in Staffordshire, England, after another 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, has 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.

It is indicative that these most recent cases relate to the period immediately following President George W. Bush's announcement of an end to major combat operations, when US and British forces were proclaimed to be hard at work "liberating" the people of Iraq.

During the court martial in Germany earlier this week, Lieutenant Colonel Nicholas Mercer, a legal services expert for the army, revealed that as the occupying forces sought to consolidate their grip over the country, more allegations of abuse of Iraqi civilians began to arise.

"The army took 3,000 prisoners of war on the battlefield and 1,000 more were civilians," Mercer said. "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 [aid] camp," he continued.

On February 3, the charge of forcing the Iraqi males to undress was dropped, leaving Larkin facing sentencing only for the assault charge, to which he has pleaded guilty.

A charge against Corporal Daniel Kenyon, of helping Larkin to force the men to strip, has also been dropped. The move means that no soldiers are now being charged with making the Iraqis strip before the photographs were taken. Kenyon and Cooley still face several other abuse charges, which they deny. Kenyon is accused of aiding and abetting unknown soldiers to force the Iraqi males to simulate sex acts. Cooley faces three charges, including posing for photographs as

though punching and kicking an Iraqi prisoner and driving a forklift truck with a detainee suspended from the forks.

The dropping of the charge came after a key prosecution witness changed his evidence under cross-examination earlier in the week, saying he was no longer sure whom it was he saw.

Corporal Jonathan Petrice—a colleague of the defendants—told the hearing that he was no longer sure that he had seen Larkin ordering the Iraqis to take off their clothes. He said the man he witnessed was dressed in combat trousers but he now knew that Larkin had been wearing boxer shorts after seeing a picture of him in newspapers. Petrice said: “It has just really conflicted me as to whether it was him or not.”

Evidence from Kenyon, the most senior of the accused, revealed that a 12-year-old boy was among those rounded up as part of “Operation Ali Baba,” launched to prevent looting at the camp. Senior officers have admitted that the operation in which troops were ordered to “work prisoners hard” was in breach of the Geneva Conventions. It is not yet clear if the boy witnessed the abuses alleged to have taken place.

A statement read to the court said that Kenyon admitted to the Royal Military police (RMP) that the Iraqi prisoners had been brought to him to be “mucked around a bit” and deterred from returning to the camp.

“There were four of them sat down, one was just a little kid, about 12 or 13. Instead of getting him to pick up boxes of milk we just told him to sit on the side,” Kenyon said in a statement read out to the panel of seven officers and a judge advocate, Michael Hunter.

Kenyon told the RMP he had tied up one of the detainees with a cargo net because the man had been “fidgeting” and looking in the back of military vehicles where weapons were stored. He later found the man balanced on a fork-lift truck being driven by one of his co-accused, Lance Corporal Mark Cooley.

Kenyon said he shouted: “Stop f***in’ muckin’ about”, and told L/Cpl Cooley to get the man down. He admitted not reporting the incident up the chain of command.

According to the statement, Kenyon was then alerted to another incident in which two of the Iraqis, who had been stripped, were being forced to simulate oral sex. “I really blew my top, I [signalled] to the Iraqis to put their clothes back on,” he said. “I got everyone together

... and told them that was well beyond the mark.”

Kenyon and his fellow defendants claim to have been following orders from superior offices. The army is keen to disprove this in an attempt to limit responsibility for the abuses to the lowest possible point in the chain of command. But nothing can now detract from the fact that the British army now faces a mass of accusations of humiliating, abusing and even murdering Iraqi civilians.

Five ongoing or completed cases involving alleged abuse by British troops have so far come to light. In addition to the seven members of the Parachute Regiment charged with murder and the Fusiliers on trial in Germany, they include the case against Private Alexander Johnston of the 1st Battalion of the King’s Own Scottish Borderers. Johnston pleaded guilty to the “negligent discharge” of his weapon on August 2, 2003, which resulted in the wounding of a 13-year-old boy. He was fined £750 and ordered to pay the victim £2000 compensation. He remains with his unit.

Kevin Williams of the 2nd Battalion Royal Tank Regiment is charged with the murder of Hassan Said in Ad-Dayr in southeastern Iraq, on or before August 3, 2003. Williams is due to appear before the Old Bailey in September.

Another eight cases are under consideration by the Army Prosecuting Authority, including two soldiers arrested in connection with the death of 17-year-old Ahmed Jabbar Kareem, who was allegedly beaten before drowning in Basra in May 2003.

Also under consideration is the case of the hotel receptionist Baha Mousa, who was arrested in a raid by the Queen’s Lancashire Regiment in September 2003 and died in custody.

A further 52 incidents are still to be investigated and Birmingham-based lawyer Phil Shiner has a further 40 potential civil cases of alleged abuse.



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