

# British soldiers face war crimes charges for killing Iraqi civilians

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Three British soldiers face war crimes charges arising from the killing of an Iraqi civilian. Mr. Baha Mousa, a 26-year old hotel receptionist, was arrested in September 2003 and taken to British Army Headquarters in Basra, southern Iraq. He died the next day. A post mortem found strangulation marks, a broken nose and three broken ribs.

Corporal Donald Payne is charged with manslaughter and faces a second charge of “inhuman treatment of persons.” Two other soldiers from the Queen’s Lancashire Regiment, Lance Corporal Wayne Cowcroft and Private Darren Fallon, also face the same charge, which falls within the provisions of the International Criminal Court Act.

Four soldiers from the regiment, which had 620 soldiers stationed in Basra between June and November 2003, also face indictments arising from the killing of Mousa. Sergeant Kelvin Stace is charged with committing assault and Warrant Officer Mark Davies with neglecting to perform a duty. Major Michael Peebles and Colonel Jorge Mendonca, the senior officer in charge, face a charge of negligently performing a duty.

In a second case, four soldiers have been indicted for the death of Iraqi civilian Ahmed Jabber Kareem, who drowned after being detained in Basra in May 2003 on suspicion of looting. Sergeant Carle Selman, two guardsmen and an unnamed lance corporal face a manslaughter charge and are alleged to have beaten up the suspected looters before throwing them in a canal, where Kareem drowned.

An Irish Guardsman who served in Iraq in 2003 and who knows the soldiers charged with war crimes told the press, “Morale is going to hit rock bottom. The situation in Iraq is just going to turn into Northern Ireland. People are going to refuse to serve in Iraq or

everyone is going to be asking to go on rear party or other duties.”

The soldier added that senior officers gave orders to “go out and patrol aggressively. Then they put their umbrellas up and deny all knowledge of this and it’s the average soldier that gets the shit.”

These are the first prosecutions of British service personnel under the International Criminal Court Act, which accompanied the setting up of the International Criminal Court (ICC) in 2002. However, the British soldiers will face court martial in the UK, and will not be arraigned before the ICC in The Hague.

Brigadier Geoffrey Sheldon, the colonel-in-chief of the Queen’s Lancashire Regiment, tried to minimise the significance of the case, calling Mousa’s death an “isolated, tragic incident.” He added it was “particularly difficult” to hear that the commanding officer, Colonel Mendonca, faced charges, since he had initiated a formal inquiry upon hearing of Mousa’s death.

According to the *Independent* newspaper, fellow officers say Mendonca is being made a “scapegoat,” and some are reported to have spoken privately of a “politically motivated witch-hunt.”

The announcement of the impending courts martial, with at least seven army personnel facing war crimes charges, led to an outcry by senior military figures. Six former military top brass spoke out during a debate in the House of Lords recently. Retired Admiral Lord Boyce said the armed forces were under a “legal siege”; Field Marshall Lord Bramall accused senior commanders of being “influenced by political pressures and adverse publicity”; Lord Inge, former colonel commandant of the military police, accused the Special Investigation Branch of mounting “aggressive and over-zealous investigations”; Lord Guthrie, former Chief of

the Defence Staff, complained about “civilian solicitors from the UK who are touting for business on the streets of Basra”; Marshall of the RAF, Lord Craig, decried the war crimes legislation for its “invidious impact” on military effectiveness, complaining that it could undermine a commanding officer’s ability to “administer discipline.”

The right-wing press joined in the denunciations, with the pro-Tory daily *Telegraph* fulminating that Labour’s law officers had “chosen to parade their Islington consciences by charging British troops with war crimes.” Writing in the Murdoch paper, the *Sun*, former SAS soldier Andy McNab said, “Charging British soldiers with war crimes will act as a massive recruitment poster for Muslim fanatics ... It will destroy morale among the ordinary troops on the ground and put their young lives at risk. And employing the ICCA [International Criminal Court Act]... to prosecute these men is political correctness gone mad.”

The *Daily Mail* editorialised that “our troops are thrown to the wolves by grandstanding Labour politicians (many of whom loathe the military) to establish their politically correct credentials and presumably to curry favour with Muslim opinion abroad.”

The announcement that at least seven British soldiers face war crimes charges is just the tip of the iceberg. According to the Ministry of Defence, there have been at least 176 investigations into incidents involving British soldiers since beginning of the Iraq war, including murders and assaults. However, of these, 151 cases were dropped. Recently, a High Court judge ruled that Trooper Kevin Williams, charged with killing an Iraqi man near Basra in August 2003, had “acted reasonably” in the heat of the moment, quashing the case against the soldier, who is now back serving with the 2nd Royal Tank Regiment.

In what is believed to be another drowning case, the Army Prosecuting Authority is considering whether to dismiss allegations against three soldiers from an unnamed regiment accused of abusing Iraqis.

The *Independent* reports that about 30 service personnel currently face charges or have been prosecuted for crimes involving the abuse of Iraqi prisoners.

Echoing the sadistic maltreatment of Iraqi prisoners by US forces at Abu Ghraib earlier this year, British

soldiers were found guilty by courts martial in Germany of the abuse of alleged looters. They had forced their prisoners to strip naked and photographed them simulating sexual positions, in what became known as the Camp Breadbasket scandal.

The three British soldiers convicted of abusing prisoners were given a dishonourable discharge from the army and sent to a military brig. Lance Corporal Mark Cooley was given two years in prison, while Corporal Daniel Kenyon, the most senior of the soldiers, was sentenced to 18 months. Lance Corporal Darren Larkin, who had pleaded guilty to assaulting an Iraqi prisoner, will serve 140 days.

Seven men from the 3rd Battalion, the Parachute Regiment are charged with murdering Iraqi civilian Nadhem Abdullah at a road checkpoint. They face a court martial in Colchester in September.



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