

Britain: Soldiers refusing to serve in Iraq face possible life sentence

Rob Stevens
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Last month it was revealed that nearly 3,000 soldiers have deserted the British Army each year since the invasion of Iraq in March 2003. Of these, more than 1,000 are still reported to be missing. Official Ministry of Defence (MoD) figures record that 2,825 soldiers went “absent without leave” in 2003, rising to 3,050 in 2004 before falling slightly to 2,725 in 2005.

The MoD has attempted to play down the figures. An official commented, “We regard that figure as fairly constant. It often happens for family reasons and there is no evidence to suggest operational commitments contribute significantly to the figures.”

In reality, the figures must reflect in some fashion the opposition of soldiers being asked to serve in an illegal war. The number of those deserting or going “absent without leave” has more than trebled since 2001.

The hostility of many soldiers to serving in Iraq is clearly behind parliament’s agreeing to a draconian law forbidding military personnel from refusing to take part in “military occupation of a foreign country or territory.” Under Section 8 of the Armed Forces Bill 2006, those refusing to do so may now be sentenced to life imprisonment.

An Armed Forces Bill is required every five years in the UK in order to continue the provisions of the current armed services legislation and to make any required amendments.

During the debate on the bill in parliament on May 22, Labour MP John McDonnell said that growing numbers of soldiers were “questioning the morality and legality of the occupation.”

“It’s the life imprisonment that appears to me to be inhuman and barbaric,” he continued, insisting that the military bill was “really about the war in Iraq.”

The bill faced minimal opposition in parliament. An amendment from McDonnell to reduce the term of

imprisonment for refusing to serve in a foreign occupation to one that “must not exceed two years” was rejected by MPs by a massive 442 votes to 19.

Under-Secretary of State for Defence and Minister for Veterans Tom Watson said that the sentence of life imprisonment would apply to desertion that was designed “to avoid relevant service.” This service was defined as one in which “every member of the force needs to have complete confidence in the other members of his unit.”

This definition covers every conflict that the British Army engages in—particularly those involved the subjugation of a foreign territory.

The bill has been criticised by lawyers who have called into question the legal basis claimed for the invasion of Iraq.

Justin Hugheston-Roberts was the solicitor for Flight Lieutenant Malcolm Kendall-Smith, the military doctor sentenced to eight months in prison in April for refusing to follow orders in connection with a deployment to Iraq. Kendall-Smith told a military hearing that he did not wish to participate in an “act of aggression” contrary to international law.

Justin Hugheston-Roberts said of the latest desertion figures, “I am approached regularly by people who are seeking to absent themselves from service. There has been an increase, a definite upturn.”

Gilbert Blades, a specialist in military law who represents soldiers at courts martial, said the real numbers deserting Iraq were often obscured as they were not counted as conscientious objectors. He said, “One can’t help thinking that what’s behind every absence is the problem in Iraq and I would think that if the real truth was told, then the Iraq problem has contributed to a huge number of people going absent.”

Blades pointed out the far-reaching anti-democratic

changes being pushed through by the government. Prior to the debate on the Armed Forces Bill, he gave evidence to a select committee hearing discussing the new law. He explained that the measure provided “a tougher definition of desertion” and that such a definition could be challenged in the European Court of Human Rights.

The bill directly contravenes principles outlined at the Nuremberg Trials in 1950, which enshrined in law the responsibility of individuals to refuse to obey illegal and immoral orders from any superiors. The Fourth Nuremberg Principle states, “The fact that a person acted pursuant to an order of his government or of a superior does not relieve him of responsibility under international law, providing a moral choice was in fact open to him.”

The legislation is at one with the raft of anti-democratic laws that have been passed by the Blair government since September 11, 2001, and in particular since the July 7 bombings in London last year. The Armed Forces Bill legislation expressly legitimises colonial-style occupations and determines that those who oppose them will face the severest penalty.

Opposition to the legislation has come from the Atease organisation, a campaign group for soldiers and their families. It issued a statement arguing that the “UK Government, worried that the number of soldiers absconding from the Army has trebled since the invasion of Iraq, is legislating to repress this movement in the military.”

Comments this week by Ben Griffin, a former member of the SAS, the elite special force, provide a glimpse into the experience and thinking of soldiers who are objecting to service in Iraq. Griffin was allowed to leave the military this year after telling his commanding officer he was not prepared to return to Iraq because of what he believed were crimes being carried out by US forces. He said that he had witnessed “dozens of illegal acts” by US troops. Speaking about the increase in the rate of desertion, he said, “There’s a lot of dissent in the army about the legality of war and concerns that they’re spending too much time there.”

Soldiers are only too aware of the opposition to their presence by many Iraqis who regard them as an occupying force bent on plundering their country’s oil resources.

Figures released on May 29 by Defence Minister Des

Browne showed that British armed forces came under attack by Iraqi opponents of the invasion nearly 60 times a month since the start of the year. The report covered the first four months of 2006 and represents a 26 percent increase on 2005 in the four British-held Iraqi provinces.

The number of British soldiers killed in Iraq now stands at 111, with 9 being killed last month alone. The British occupation in Iraq is centred on the southern sector of the country and includes about 7,200 soldiers, many centred in and around Basra.

Such is the level of hostility being directed at British troops that on June 1, Nuri al-Maliki, the Iraqi Prime Minister, declared a month-long state of emergency in Basra. The city is the second largest in Iraq and the state of emergency is the first to be imposed in the country by the Iraqi government.

The new armed forces legislation is an ominous portent of the Blair government’s plans to engage in future predatory wars and to discipline anyone that seeks to defy such acts of imperialist aggression in Iraq and elsewhere.



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