

A wanton cover-up

No British soldiers found guilty in murder of Iraqi worker

Simon Whelan
2 April 2007

On September 14, 2003, Baha Musa, a 26-year-old hotel receptionist and father of two, was detained along with several others in a raid by the Queens Lancashire Regiment in the Haitham Hotel in Basra. Over the course of the next 36 hours, Musa was humiliated, starved, robbed, forced to drink his own urine, choked and repeatedly pummeled by perhaps dozens of British soldiers. He died as a result of the sadistic abuse.

Last month, a six-month court martial ended with the acquittal of the soldiers charged in Musa's death. This was despite the Ministry of Defence using a High Court judge and leading barristers quizzing more than 100 witnesses.

Obvious similarities exist between the systematic abuse perpetrated at Abu Ghraib and Guantanamo Bay by American military forces and the circumstances under which Musa was killed by the British Army. As with Abu Ghraib, a notorious prison under Saddam Hussein, the site where Musa was murdered had served as a military facility used by the Baathist secret police.

Court testimony revealed that Musa and the other detainees were beaten so severely they lost consciousness and were left lying in their own excrement. The detainees were also subjected to racist verbal abuse by their captors.

The coroner revealed that Musa died from asphyxia. Among the 93 separate injuries from the countless blows inflicted were a broken nose and three broken ribs.

The case of Baha Musa is but the latest in a series of trials over the abuse and murder of Iraqi civilians that ended with no one being held to account.

Ministry of Defence figures reveal that since the invasion of Iraq four years ago, a total of 221

investigations have been conducted into abuse allegations involving British troops. All but 23 of the cases were closed without further ado, with the military deciding there was no case to answer. Only six cases of deliberate abuse have made it to a court, and just one of these has led to a conviction.

The judge's reasoning for acquitting the defendants in the Musa case have not been made public, but it was evident in the trial that those involved erected a wall of silence to hide their crimes.

The *Observer* newspaper revealed that during the trial, the judge explained that the beatings received by Musa intensified while he was guarded by soldiers other than those charged in the court martial. Those men have never been brought to trial, but they appeared in court as witnesses.

Referring to the 26-hour period when Musa and the other detainees were guarded by soldiers other than those standing trial, the judge advocate, Mr. Justice McKinnon, informed proceedings that "the ill treatment of the detainees continued and intensified. Yet none of those soldiers has been charged with any offence simply because there is no evidence against them as a result of a more or less obvious closing of ranks."

William Blanche, the lawyer for Corporal Donald Payne, remarked, "Others were involved in this case and have got away with it scot-free." Corporal Payne pleaded guilty to the lesser charge of inhuman treatment of prisoners. He was cleared of manslaughter because it could not be proved that he inflicted the fatal blows.

Tim Owen QC, defence counsel for Payne, referred during the trial to evidence concerning soldiers not tried who "laid into the detainees throughout their

guard period,” and added that “other visitors to the detention facility joined in assaulting the detainees.”

Owen continued, “One of the puzzling features of the Crown’s approach to this case is why on the face of this evidence [a senior army figure known as soldier A] and his men are not on trial in this court martial.” Payne’s lawyers claimed in his defence that their client was following orders.

Owen’s remarks suggest a more senior commander and the men under his charge were responsible for the worst of the beatings that killed Musa. Their absence from the dock indicates a cover-up by senior figures within the military. As yet, it is impossible to determine if Corporal Payne was directly guilty of Musa’s death, or whether he is being made the fall guy for higher-ups.

The court martial was also handicapped by claims of collective amnesia by members of the Queens Lancashire Regiment. When questioned, 10 members of the regiment used varieties of “I don’t recall” on no less than 667 occasions.

Reports state that during three and a half hours of cross-examination, one witness told the court 201 times that he could not remember the events concerned, whilst another witness under oath used a similar phrase on average every 40 seconds over a period of more than 30 minutes. Over the course of more than 30 hours in court, the soldiers claimed they could not remember events on average 22 times per hour. Lawyers involved in the trial said they had never before witnessed such wanton deception.

Amnesty International spoke of a “legitimate apprehension that a cover-up has ensued in respect of this case.” As the *Observer* noted, possibly dozens of men contributed to the murder of Musa by treating his detainment as a blood sport and his suffering as a depraved form of entertainment. The British military is clearly more concerned with protecting more senior figures in the command structure and, just as importantly, concealing the fact that the torture of prisoners is by no means uncommon.

The trial revealed that captives detained under the flimsiest of pretexts were hooded and forced into stress positions for hours on end. Stress positions are banned under international law as a form of torture and were supposedly banned by the British Army in the 1970s.

The murder of Baha Musa is a lesson in the realities of the occupation of Iraq. Far from being the friendly

and disciplined force still depicted in the British press, the British armed forces are carrying out the task for which they are ultimately trained: the occupation of Iraq and, when needs be, violent suppression of the Iraqi people. The trial has demonstrated that the British occupation force enjoys a virtual carte blanche to torture and murder civilians.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact