

# Mounting evidence of British war crimes in Iraq

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Further allegations of war crimes committed by British troops in Iraq emerged in the High Court in London last week.

According to information given by legal representatives of the Ministry of Defence, three British soldiers are being investigated over the alleged abuse of an Iraqi detainee. The three served as interrogators at a secret prison near Basra in southern Iraq, during the British occupation of the city.

The information was made public in a High Court appeal case brought by Public Interest Lawyers (PIL). PIL are asking the High Court to order a public inquiry into claims by more than 200 Iraqi civilians that they were systematically abused and mistreated in UK-controlled detention camps between March 2003 and December 2008.

The appeal is in response to the British government's decision not to order a single public inquiry into the hundreds of cases in which Iraqi civilians have alleged abuse and mistreatment. In July, the High Court granted permission for the appeal, stating there was "an arguable case that the alleged ill-treatment was systemic, and not just at the whim of individual soldiers."

In the hearing at London's Law Court, Philip Havers QC, appearing for Defence Secretary Liam Fox, said the case involving the three soldiers, who worked as "interrogators" in Iraq, was currently being examined by the Director of Service Prosecutions (DSP). Havers stated that the DSP would be able to recommend that war crimes charges be brought if he thought it necessary.

Havers informed the court that the cases had been passed to the DSP to ascertain whether the three had breached the International Criminal Court Act of 2001. The eighth article of this law defines war crimes as

"Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention". This includes wilful killing, as well as torture or inhumane treatment.

Referring to the Act, Havers said that it prohibits "committing outrages upon personal dignity, in particular humiliating and degrading treatment".

The court was shown a video of the interrogation of an Iraqi man who had been arrested and falsely accused of carrying out a mortar attack. According to press accounts, the video shows the soldiers screaming threats and obscenities at the man. One of the soldier is heard shouting, "You will hang for this," at the detainee. The Iraqi man states that he was beaten, deprived of sleep and denied food and drink. He was later released without charge.

Phil Shiner, one of the leading solicitors with PIL, said that the referral of the three soldiers to the DSP was a "breakthrough". He added, "It is plain from the evidence, and in particular from the videos of interrogation sessions, that the UK's interrogators had been trained in Iraq to use coercive interrogation techniques against detainees."

Much of the video evidence being referred to by Shiner was filmed by the top secret Joint Forces Interrogation Team. The *Guardian* newspaper has obtained sections of the training manuals used by this group, dated between 2005 and January 2008. They clearly advocate the use of torture.

Shiner compared the activities of the UK soldiers to that of the now infamous US torture prison, Abu Ghraib. "There are very few things that the Americans were doing in Abu Ghraib that the British were not

doing,” he stated.

Whilst the referral of the three soldiers to the DSP may lead to their conviction, it would be foolish to expect the Ministry of Defence to meekly accept such an outcome. Despite a brutal occupation that has lasted over seven years, only one person in the British armed forces has ever been convicted for crimes committed.

In 2006, Corporal Donald Payne was found guilty of the inhumane treatment of Baha Mousa, a 26-year-old hotel receptionist in Basra. Mousa was brutally beaten to death whilst in British custody on September 15, 2003. In 2007, Payne was jailed for just one year and expelled from the army. Six of his colleagues, including commanding officer Colonel Jorge Mendonca, were cleared of a number of serious charges relating to Mousa’s death.

A public inquiry into Mousa’s death began last year. It proceeded in the teeth of concerted opposition from the Labour government, only being authorised after the law lords ruled that UK human rights laws did apply to Mousa while in British custody in Iraq.

Last November, the Ministry of Defence was forced to announce that another public inquiry is to take place into allegations that 19-year-old Hamid Al-Sweady, and up to 19 other Iraqis, was unlawfully killed at Camp Abu Naji, a British base in May 2004. There is evidence that some victims were mutilated before they died. Martyn Day, a lawyer involved in the case, stated that soldiers and officers may have covered up what was “one of the most atrocious episodes in British army history”.

In his comments before the latest High Court hearing, Shiner rejected the now standard Ministry of Defence refrain that any abuses committed are the result of a “few bad apples”. He added, “That is absolutely not the case. There are very serious allegations related to very troubling systemic abuse”.

At the hearing, government lawyer James Eadie QC said that war crimes charges could be brought against the men if, “and it is a very big if,” it was decided to pursue the allegations against the soldiers.

The defensive language employed at the High Court by the government’s legal representatives is telling. The Conservative/Liberal Democrat government, as with the previous Labour government, is fundamentally opposed to any public exposure of its dirty, imperialist

war in Iraq.

The argument of the government is that no such public inquiry is necessary, as it is too “costly” and is now superfluous because the Ministry of Defence has initiated its own Iraq Historic Allegations Team (IHAT) investigation. IHAT, which was first concocted by the previous Labour government as claims of systematic abuse by British soldiers mounted, began its work on November 1 and is a government-sanctioned body with no real independence from the armed forces. It is being led by a retired detective, Chief Superintendent Geoff White, who is a former head of the Staffordshire Criminal Investigation Department. It consists of “military and ex-civilian police detectives who will”, supposedly, “ensure that each allegation is appropriately investigated”, according to Harvey.

By no stretch of the imagination could such a body, with its extensive ties to the military and police establishment, be fit to investigate claims of war crimes committed by government forces. The fact that IHAT was created to protect the British military from a full-scale exposure of its criminal policies in Iraq is underscored by the fact that it has been given a further two years to report back its findings.



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