

Military court clears four Polish soldiers of war crimes in Afghanistan

Dorota Niemitz**25 March 2015**

On March 19, the Military District Court in Warsaw cleared of war crimes four Polish soldiers accused of killing civilians during their mission in Afghanistan in 2007. The five-judge court declared that “there was a lack of convincing proof that the war crime was committed.”

Court spokesman Tomasz Krajewski stated: “The court did not establish that the soldiers’ actions were deliberate. The shooting of the village was not on purpose; neither was the killing of the civilians.” Three troops were also charged with the lesser violation of improper execution of a command and the use of an incorrect type of weaponry, inconsistent with the rules implemented by the Polish military contingent in Afghanistan.

On August 16, 2007, a Polish squad from the 18th storm trooper battalion, a member of US-NATO forces, fired 24 rounds of mortar shells into a wedding party in the Nangar Khel (Sha Mardan) village in Paktika province of eastern Afghanistan, killing eight civilians. Six were killed immediately while two more died from their injuries at the hospital. Among the victims were the groom, children and women, one of them pregnant. Although an emergency C-section was performed, the baby died.

The unprovoked attack was most likely revenge for the injury suffered by two Polish soldiers from a different unit when their vehicle hit a Taliban mine near the village earlier that day. According to the witnesses, the order carried by Lt. Col. ?ukasz “Bolec” Bywalec, was issued by captain Olgierd “Olo” Cie?la, a commander of Charlie combat team at Wazi-Kwa base in Afghanistan, who told his men to “f--- over a couple of villages.”

Commander Maciej Nowak and Lieutenant Artur Pracki, who later served as witnesses for the prosecution, refused to follow the order and contacted the base with a request to stop the attack on the wedding party. It was also reported that the battalion members were wearing informal arm badges with a skull and crossbones on black

background, a symbol of the Bielsko-Bia?a Delta platoon.

In 2009, the Warsaw Military District Court charged four officers and three privates with war crimes for the incident. All seven were acquitted in 2011 for lack of evidence of deliberate killing. The Military Supreme Court trial was reopened for four of them in 2012.

Lt. Col. ?ukasz Bywalec, facing 12 years in prison, received a six-month suspended sentence. Warrant officer (reserve) Andrzej Osiecki, facing an eight-year sentence, was given a suspended two-year term. Platoon commander (reserve) Tomasz Borysiewicz, who used the mortar, received a two-year suspended sentence, while Private Damian Ligocki, who shot at the village with the machine gun, was not sentenced. All of the accused pleaded not guilty.

According to the prosecution, the attack on Nangar Khel was a deliberate crime, targeting a civilian population. It was not, as the accused and later the Polish Minister of Defense Bogdan Klich had claimed, a tragic accident during a mission to eliminate identified Taliban targets. The action of the soldiers was not a response to enemy fire, making the use of the mortar against residential buildings unjustified. “The accused acted with a deliberate intent”, stated prosecutor Konopka, “they at least agreed to the death of civilians.”

Defense attorney Witold Le?niewski argued the importance of acquitting the accused in the framework of the political atmosphere and the message a guilty verdict would send to the troops: “The accused are warriors, born soldiers,” he declared in his final statement. “Such people are needed in Poland.”

After the first acquittal, Rados?aw Sikorski, former minister of foreign affairs in the government of Donald Tusk, commented: “During the war mistakes occur, they always have, but today we can have satisfaction that it does not mean that the Polish soldiers are guilty.”

The announcement that the Nangar Khel massacre was

not a war crime sends a very dangerous signal to the public, demonstrating the readiness of the Polish government to support the geostrategic ambitions of US imperialism while ignoring international law.

It is the first time in the history of Poland that its military forces have been openly accused of a violation of The Hague Convention and the Fourth Geneva Convention protecting civilians during armed combat. The court ruling also gives carte blanche to all those who are willing to engage in combat where “collateral damage” is allowed, as the consequences for committing such atrocities are minimal or none.

The Nangar Khel crime is just a tip of the iceberg of unlawful and barbaric actions of the US- and NATO-led war machine in the Middle East. According to a 2014 Amnesty International report, most of war crimes committed by US and NATO forces since the invasion of Afghanistan in 2001 have gone unpunished.

The report cited only six cases in which members of the military were criminally prosecuted, with only 10 defendants convicted of serious crimes, including in the 2012 case of US Staff Sgt. Robert Bales. In nine out of ten cases, eyewitnesses were not even interviewed by the military investigators.

The enormous scale of US-NATO operations in occupied Afghanistan was revealed in the 2010 disclosures of WikiLeaks, which posted 91,731 American military documents, including thousands of cases of reports of “friendly action” by US-NATO forces. The total number of civilian casualties is unknown, but it can be estimated at tens of thousands.

In 2014 alone, the UN documented 10,548 Afghan civilian casualties, 3,699 deaths and 6,849 injuries. These numbers are most likely higher as nobody bothers to count deaths from hunger and disease among the Afghan people, including refugees who were forced to flee areas affected by war.

From the very beginning Poland, acting as a proxy state, offered its support for US predatory military actions in Iraq and Afghanistan. Its shameful involvement in Operation Enduring Freedom in Afghanistan began in March 2002, with the sending to Bagram of approximately 120 logisticians and combat engineers as well as soldiers from special operations unit GROM.

From 2006, as part of the NATO-led International Security Assistance Force (ISAF), Poland assumed responsibility for the Ghazni Province, where it stationed about 2,600 soldiers and army civilians along with a reserve of 400 soldiers. Despite his pre-election promises

of withdrawing troops from Afghanistan by 2012, President Bronisław Komorowski, backed by the Tusk government, offered to send an additional contingent of 2,500 soldiers.

Although Poland’s involvement in the Afghan war officially ended in 2014, the country is still taking part in the Resolute Support Mission that began in January 2015, with about 150 personnel currently stationed in Afghanistan.

In total, more than 28,000 Polish soldiers and army civilians served in Afghanistan: 45 of them died in combat and 866 were wounded, 361 seriously. Materiel losses included three Mi-24 helicopters, three unmanned reconnaissance vehicles and eight Rosomak armored vehicles, among others. The general cost of Polish involvement in Afghanistan is estimated at PLN 5,908.6 billion (approximately US\$1.5 billion).

As with the war in Iraq, Poland’s military involvement in Afghanistan was highly unpopular among Poles, with only 17 percent supporting the country’s military operations, according to a 2011 poll taken shortly after the first trial of the soldiers.

Despite the popular opposition to war, the Polish government continues to blindly follow the US lead, committing more funds to revamp its military forces and using conflict in Ukraine as a pretext for a push for war with Russia. Recently, minister of defense Tomasz Siemoniak announced plans to acquire Tomahawk cruise missiles, 1000-mile-range first-strike weapons suited for precise strikes on distant high-value targets.

Last Thursday’s verdict serves to legitimize imperialist war crimes. It is not only the soldiers directly responsible for deaths of eight Afghan civilians who should have received guilty verdicts, but such a judgment should have been extended to all those responsible for the devastation of Afghanistan, from commanders and officers of the Polish army all the way up to President Komorowski, the commander in chief.



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