

Former British special forces soldier investigated for possible war crimes committed in Iraq

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Colin Maclachlan, a former British Sergeant in the Special Air Service (SAS) is being investigated by the Special Investigation Branch of the Royal Military Police. This is over so-called “mercy killings” he claimed to have committed in 2003 whilst serving behind Iraqi lines.

In a soon-to-be-published book, Maclachlan wrote that he had killed “two or three” mortally wounded Iraqi soldiers near the Syrian border in 2003.

Killing wounded soldiers is against British military law and the Geneva Convention.

Detectives were alerted after Ministry of Defence (MoD) officials were given an early manuscript of Maclachlan’s book. The MoD has procedures for considering manuscripts submitted for publication and reportedly launched a probe into possible crimes after receiving an advanced copy.

Maclachlan is being investigated by the Royal Military Police’s Special Investigation team, which is tasked with dealing with soldiers suspected of murder.

Once it emerged he was being investigated, Maclachlan denied killing anyone. He told the *Sun* this week, “I certainly didn’t walk up and execute three people. I stand by what happened but I didn’t kill them.” The *Sun* wrote that Maclachlan “says a ghost-written draft was submitted to a newspaper without him reading it.”

Before his denial, Maclachlan defended his actions, stating, “Our motives were entirely humane. I’ll happily go to court, I’ll happily go to jail, if you think I’ve done wrong. ... But everyone in our military, myself included, is held accountable for anything which the ambulance-chasing lawyers can define as a war crime.”

The passages from the book already in the public domain detail some of the carnage and suffering in the immediate aftermath of a successful covert SAS mission to eliminate Iraqi troops near the town of Al Qaim, 30

kilometres from the Syrian border, at the beginning of the 2003 invasion.

In a chapter the MoD is reported to have ordered censored, Maclachlan wrote, “When we got there, I could see there were a number of seriously injured soldiers. Many of them had lost limbs. One or two had been disembowelled, but they were still alive. Special Forces operatives quickly put them out of their misery, rather than leaving them to die slowly and in agony. ... I didn’t enjoy killing those soldiers at the checkpoint but I had to put them out of their misery. I didn’t want them to suffer any more.”

Maclachlan recently featured in the first series of the Channel 4 television programme *Who Dares Wins*, glorifying the deadly exploits of military Special Forces.

In a spin-off from the television series, Maclachlan co-authored with three other former SAS operatives—Anthony Middleton, Jason Fox and Matthew Ollerton—who also feature in the show, a book entitled *SAS Who Dares Wins: Leadership Secrets from the Special Forces*.

The publishers, Headline, commissioned the book about how the skills utilised by crack professional killers can apparently be applied in everyday situations, in non-military professions. The book, to be published in November, features a chapter on “leadership and decision-making” from Maclachlan that includes the passage about “mercy killings.” The chapter is aptly entitled “Handling the Dirty Work.”

Before describing the circumstances of the killing, Maclachlan writes, “Sometimes in the Special Forces we are called upon to execute an unpleasant task, one that makes us feel uncomfortable, even though we know its success is imperative for the greater good.”

These executions, to give them their proper description,

even if excused by the protagonist as a “mercy killing,” are illegal under international law.

Article 3 of the Geneva Convention states: “Persons taking no part in the hostilities [including battlefield casualties] shall be treated humanely. To this end, violence to life and person shall remain prohibited at any time and in any place.”

In addition, the wilful killing of wounded enemy combatants, or those who have put down their weapons, is forbidden under international treaties such as the Rome Statute.

This month’s conference of the ruling Conservative Party agreed to extricate British imperialism from any laws and rules governing its future battlefield operations. In a de facto pledge to facilitate war crimes, Tory Defence Secretary Michael Fallon stated that the UK military would withdraw from the European Convention on Human Rights (ECHR) during future conflicts.

Fallon declared legal claims made against the UK armed forces were “damaging our troops” and “undermining military operations.” The policy “would protect our Armed Forces from many of the industrial scale [legal] claims we have seen post Iraq and Afghanistan.”

In her speech, Conservative Prime Minister Theresa May denounced the “industry of vexatious allegations,” which she accused of targeting British troops as war criminals.

May asserted, “We will never again—in any future conflict—let those activist, left-wing human rights lawyers harangue and harass the bravest of the brave—the men and women of Britain’s Armed Forces.”

These changes are not retroactive, and will affect the armed forces in future wars, not those currently facing investigation.

This didn’t stop Conservative MP Ian Liddell-Grainger from demanding the MoD drop its inquiry into Maclachlan. He said, “For once, start protecting our soldiers as opposed to pursuing them.” The MP added that Maclachlan’s plight “proved the Prime Minister’s point that we should give our soldiers immunity when they go to war.”

The determination of the government to allow the armed forces to carry out whatever is required to facilitate British imperialism’s interests abroad was demonstrated in its move against the now-defunct law firm Public Interest Lawyers (PIL). PIL has pursued multiple accusations of misconduct against British troops serving in Iraq. In August, PIL’s access to legal aid funding was removed, leading to its closure. This meant that more than

1,500 cases against the UK on PIL’s books were discontinued.

When the Legal Aid Agency (LAA) ruled that PIL had breached contractual requirements, Fallon said the firm’s closure was the “right outcome for our armed forces.”

The LAA took its decision to withdraw access to legal aid funds from the PIL after reviewing evidence submitted by the firm, following a Solicitors Regulation Authority (SRA) investigation.

In 2010, PIL called for a full public inquiry into allegations made by 142 Iraqi civilians that they were abused by British soldiers in the aftermath of a 2004 battle in southern Iraq, known as the Battle of Danny Boy.

At a High Court judicial review in 2009, Khuder Al-Sweady, an Iraqi national, claimed that his 19-year-old nephew, Hamid Al-Sweady, was unlawfully killed while in the custody of British troops at Camp Abu Naji.

In a highly politicised decision, the Al-Sweady public inquiry concluded in 2014 that the subsequent war crimes allegations were based on “deliberate lies, reckless speculation and ingrained hostility.”

That report agreed the behaviour of some soldiers towards detainees breached the Geneva Convention, but criticised the claims it was initially set up to investigate. These were that Iraqi detainees had been murdered, mutilated and tortured following the Battle of Danny Boy.

According to the LAA, British forces responded to a deadly ambush by insurgents with “exemplary courage, resolution and professionalism.”

In January 2014, PIL submitted a legal bid with the International Criminal Court to prosecute British politicians and senior military figures, for alleged war crimes in Iraq. It submitted the bid along with the European Centre for Constitutional and Human Rights.

If proven to be true, the claims in Maclachlan’s book add to the catalogue of horrific crimes carried out by UK armed forces in Afghanistan and Iraq. In Iraq, they were carried out by British and US invading forces, following an invasion the British Chilcot Inquiry into the Iraq war recently accepted was tantamount to illegal, and ipso facto a war crime.



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