

British court hears appeal of conviction of war criminal Alexander Blackman

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14 February 2017

An appeal of the sentencing and conviction for war crimes of Royal Marine Sgt. Alexander Blackman has opened at the Royal Courts of Justice in London.

Blackman was found guilty of the murder of an injured Afghan prisoner of war by a military court in November 2013. Blackman's supporters are calling for a review of his case, with a view to reducing or quashing his conviction. The murder was filmed from another marine's helmet-mounted camera.

The murder took place on September 15, 2011 in a cornfield in Helmand province, Afghanistan. Blackman and his patrol found the man seriously injured by gunfire from an Apache helicopter. Blackman shot him in the chest at close range with a 9mm pistol.

After he shot the prisoner, Blackman was captured on camera stating, "There you are. Shuffle off this mortal coil you c***. It's nothing you wouldn't do to us." He turned to those watching and stated, "Obviously this doesn't go anywhere, fellas. I just broke the Geneva Convention."

In December 2013, Blackman was handed a life sentence, with a minimum of 10 years to be served in a civilian prison. He appealed the life sentence at the Court of Appeal in May 2014 but lost. However, the minimum term was cut from 10 years to eight.

Blackman, who served five tours in Iraq and Afghanistan, was the first serving British soldier to be found guilty of murder since World War Two.

The appeal is the outcome of a political and media-orchestrated campaign by the most right-wing forces, allied with sections of the military—who were never reconciled to Blackman's jailing—in order to overturn his conviction.

In October 2015, an unprecedented demonstration of former and serving Royal Marines, an elite unit of the British armed forces, was held in Parliament Square outside the House of Commons, before part of the crowd

marched to the prime minister's residence, where Blackman's wife handed in a letter to then-Prime Minister David Cameron. The letter described Blackman's sentence as a "gross miscarriage of justice" and called for it to go to the Criminal Case Review Commission.

The military protest in support of Blackman was backed by the right-wing *Daily Mail* and *Daily Express*, as well as prominent Conservative and Labour politicians who argued that Blackman has been "abandoned" by the top brass in the armed forces and should have received a lesser sentence.

The *Daily Mail* launched a "campaign for justice" for Blackman, and within a month a fund drive had raised over £800,000, which the newspaper noted meant that Blackman "can now mount a new legal campaign to have his case reviewed."

Blackman won the right to appeal after new evidence was presented relating to his mental health at the time of the killing and the fact that an alternative verdict of "unlawful act manslaughter" was not left as an option for the jury. The Criminal Cases Review Commission ruled that his appeal could be heard.

At the opening of the Court Martial Appeal Court, Jonathan Goldberg QC said the conditions that members of the Plymouth-based 42 Commando faced in Helmand province were "austere" and a "breeding ground" for mental health problems. He said, "Only those who have been on the front line can know what it is really like." He added that Blackman had almost been killed by a grenade, while also losing a close friend.

On February 2, some footage showing the moments leading up to Blackman killing his victim was released after the BBC requested it on behalf of several media groups. Gunfire from an Apache helicopter—which was firing at the man later killed by Blackman—can be heard in the footage, as well as someone saying: "They've missed

him” and “error, after error, after error.” The Court Martial Appeal Court ruled that the full video of the incident would not be released.

During his trial in 2013, Blackman had denied murder, insisting he believed the insurgent was already dead when he fired his pistol into his chest at close range. At the trial, a pathologist described the physical movements of the prisoner before he was killed and said in his expert opinion he was still clearly alive.

In order to prepare the ground for the appeal, the right-wing media, led by the *Times*, ran a series of pro-military propaganda pieces, essentially giving a free pass for decades of British imperialist violence around the globe.

On January 26, journalist, writer and former Royal Marine Neal Ascherson wrote a column in the *Times* relating an incident during the so-called “Malayan Emergency” in 1952 and lending his support to the campaign to quash Blackman’s conviction. Ascherson, who worked for the *Observer* for 30 years, wrote, “When I was serving in Malaya with 42 Commando, six decades before Blackman would join the same unit, I did something similar to the act for which he has been convicted and sentenced.” Ascherson said that the British courts had failed to grasp the “context of battle” and that Blackman’s conviction was a “piteous miscarriage of justice.”

Ascherson said that no one had spoken to him about the incident in 1952. Comparing his actions to Blackman’s, he said, “In context, perhaps both of us were overcome by instincts stronger than the wrongness of killing.”

What Ascherson conceals is that he was enlisted as part of a military force of British-led Commonwealth troops (including Australian soldiers) involved in a brutal counter-insurgency campaign, aimed at ensuring the installation of an authoritarian, pro-imperialist regime after eventual Malaysian independence. The campaign against the population, a significant part of which was led by the Malayan National Liberation Army (MNLA)—the military arm of the Malayan Communist Party (MCP)—lasted from 1948 to 1960.

During the military campaign, 6,700 anti-British fighters were killed and more than 1,200 wounded. An estimated 2,500 civilians were killed and an estimated 810 recorded as missing.

British troops carried out repeated documented war crimes during the Malayan Emergency, such as instances during operations where they detained and tortured villagers who were suspected of aiding the insurgents. Some civilians and detainees were shot for refusing to

give intelligence to British forces. There were also cases of the bodies of dead insurgents being publicly exhibited. The *Scotsman* newspaper lauded these tactics as a good practice since “simple-minded peasants are told and come to believe that the communist leaders are invulnerable.”

British forces carried out decapitations and mutilations of insurgents. A photograph of a Royal Marine commando holding two insurgents’ heads caused a public outcry in April 1952. The Colonial Office privately noted, “There is no doubt that under international law a similar case in wartime would be a war crime.”

As part of the so-called Briggs Plan devised by British General Sir Harold Briggs, 500,000 people (roughly ten percent of Malaya’s population) were eventually removed from the land. Tens of thousands of homes were destroyed, and the inhabitants put in internment camps in a calculated measure of collective punishment.

British imperialism’s primary economic interest in Malaya was its rubber and tin deposits.

On January 27 the *Times* published a letter in defence of Blackman from Colonel Richard Kemp (Commander of British forces in Afghanistan in 2003). He wrote, “Killing a wounded enemy soldier who is no longer a threat is a war crime under the Geneva Convention,” adding, “Of course it is wrong to kill an enemy fighter the way that Sergeant Alexander Blackman did.” Kemp then sought to excuse it on the basis that it was an act of “compassion”.

He concluded, “The legal protection for enemy and comrades alike must be preserved but we must also have the humanity to make allowances for the awful challenges faced by the men who volunteer to defend us in battle.”

That Kemp, Ascherson and others are given an open platform to excuse previous war crimes in order to exonerate Blackman is an indication of the pro-militarist climate being created in order to allow British imperialism to perpetrate further atrocities. Blackman’s war crime stemmed in turn from an overriding war crime—the invasion of Afghanistan, led by the US and Britain, in 2001. While Blackman was brought to justice, the politicians and senior military figures who planned and organised this act of aggression escaped any punishment.



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