

# Service Prosecuting Authority drops all but one investigation into British war crimes in Iraq

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The Ministry of Defence's (MoD) Service Prosecuting Authority (SPA) has acknowledged that none of the allegations of war crimes made against British soldiers in Iraq are likely to lead to a criminal prosecution.

SPA Director Andrew Cayley, speaking to BBC Radio 4's Law in Action programme last week, said that most of the cases had been dismissed at a very early stage in the investigations because of the "low level" of offending and lack of credible evidence. Even the last remaining case was unlikely to result in a prosecution.

The government has summarily dismissed countless allegations of mistreatment by British troops that emerged following the illegal invasion, war and occupation of Iraq in 2003—including videos of soldiers carrying out wanton acts of cruelty—as trivial or without corroborating evidence. But there have been scores of well documented cases of British troops committing war crimes in Iraq, in relation to the abuse of detainees, including murders by a soldier from the SAS special forces, as well as deaths in custody, beatings, torture and sexual abuse by members of the Black Watch.

These crimes are not the result of some "bad apples" but flow inexorably from the thoroughly predatory and criminal motives behind the US-led invasion of Iraq.

The case of Baha Mousa, a hotel worker in Basra, who died after being tortured and beaten by troops while in custody in a British base in 2003, is the most well-known. After six years of public campaigning, six soldiers finally appeared before a court martial, before being acquitted of wrongdoing. One soldier pleaded guilty and served just one year in jail. Most of the cases of alleged abuse and torture never even reached a court

hearing.

The Iraq Historic Allegations Team (IHAT) investigated 3,405 war crimes allegedly committed by British troops during the occupation of Iraq between 2003 and 2009. It found evidence of widespread abuse and mistreatment, including the killing of unarmed civilians and children.

Conservative Prime Minister Theresa May's government closed down the investigation in 2017 without any prosecutions, using the excuse that Phil Shiner, a lawyer who had taken more than 1,000 cases to IHAT, had paid fixers in Iraq to find clients. May pledged, "We will never again—in any future conflict—let those activist, left-wing human rights lawyers harangue and harass the bravest of the brave."

Penny Mordaunt, her defence secretary, announced that the Tories would introduce legislation protecting British troops and veterans from investigation over actions on the battlefield abroad after 10 years, except in "exceptional circumstances," to prevent the "repeated or unfair investigations" that followed operations in Iraq and Afghanistan. This is a *carte blanche* for future war crimes.

Both the civil courts and public inquiries have found extensive evidence of torture by British forces in Iraq, with government being forced to pay out millions of pounds in out-of-court settlements to avoid criminal prosecutions.

So damning was the evidence in some cases that, in 2014, International Criminal Court (ICC) prosecutor Fatou Bensouda accepted a complaint alleging UK military personnel committed war crimes against Iraqis in their custody between 2003 and 2008 and ordered a preliminary investigation.

It was the first time the ICC had opened an enquiry into a Western state. Almost all the ICC's indictees have been African heads of state or officials. The US—not a signatory to the Rome Statute that established the ICC in 2002—and the other major powers get off scot-free, even as the imperialist powers cynically use the court to target people hostile to their interests.

The ICC has turned a blind eye to the most blatant human rights abuses in Iraq, Afghanistan, Libya, the West Bank and Gaza, where their perpetrators are protected by a US veto at the United Nations Security Council. On Thursday, US President Donald Trump announced sanctions against ICC officials investigating claims of abuses by Americans and its allies, meaning Israel, freezing the assets of targeted ICC investigators in the US and banning them and their families from entering the country.

Andrew Cayley once served as a Senior Trial Attorney at the ICC Tribunal for the former Yugoslavia and the ICC in The Hague between 2001 and 2007, where he was responsible for the investigation and prosecution of serious violations of international humanitarian law in the Darfur region of Sudan. He expressed his confidence that the ICC's separate investigation into allegations of war crimes by British soldiers would end later this year without any prosecutions.

Allegations of abuse and worse against British troops have provoked fury in the ruling class. Political leaders and the corporate media have dismissed them, saying that the soldiers were “betrayed” by “vexatious claims,” “vile slurs” and a “witch hunt.”

In March, the government introduced legislation proposing a five-year limit on prosecutions for soldiers serving outside the UK. The Overseas Operations (Service Personnel and Veterans) bill creates a “presumption against prosecution” that gives the green light to future war crimes, including the mass murder of civilians. Henceforth, the military will be above the law. It will further serve to encourage the culture of delay and cover-up within the MoD, which repeatedly covered up war crimes committed by British forces in Iraq and Afghanistan.

The government's exoneration of the soldiers constitutes a sharp warning of how far the government will go to block any prosecution for alleged war crimes. This is in marked contrast to the treatment meted out to

the WikiLeaks journalist and publisher Julian Assange. Assange's only “crime” was to expose war crimes—including killings, torture, abuse—regime-change operations, and global spying committed by the US and its allies, including Britain. In the eyes of the ruling class, whistle-blowers, not the perpetrators, are the real criminals.

Assange sits in London's maximum-security Belmarsh Prison, dubbed the UK's Guantánamo Bay—amid the spread of COVID-19 through the facility—as the US seeks his extradition to face jail for life, if not execution, on US Espionage Act charges.

The media's silence on the significance of Cayley's announcement and the proposed legislation, as well as the persecution of Assange, makes plain that the fight for truth and justice—and compensation for the Iraqi people—can proceed only in struggle against the capitalist ruling class.

It marks an explicit repudiation of international law and the abandonment of any pretence that the UK is guided by anything other than its own predatory interests. On this, Boris Johnson's Conservative government and Sir Keir Starmer's Labour Party are agreed. Their unconditional defence of Britain's war crimes in Iraq and elsewhere is a warning to the working class that far greater crimes are being prepared, as London demonstrates its support for US imperialism in its escalation of economic war and military confrontation with China, amid growing social and political unrest.

The only force that can prevent war is the working class, the great revolutionary force in society, uniting behind it all progressive elements in the population across national borders, in a struggle for socialism.



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