British government makes out of court settlements to 417 Iraqis in tacit admission of war crimes

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The Ministry of Defence (MoD) has paid out “several million” pounds in out-of-court settlements to 417 Iraqis in relation to British troops subjecting them to cruel and inhumane treatment, arbitrary detention or assault.

The MoD tried to keep news of the payout as low key as possible, making no public announcement. It was reported only by the *Guardian* and the *Middle East Eye* website, with the corporate news media and the BBC, the state-owned broadcaster, remaining silent.

The individual payouts amount to around £10,000 per person. The settlements follow the 2017 High Court decision that ruled in four test cases that Britain had breached the Geneva Conventions and the Human Rights Act during its military operations in Iraq following the 2003 invasion. The High Court awarded four Iraqis a total of £84,000 relating to three separate incidents that involved unlawful detention, assault and hooding.

According to the *Guardian*, the official disclosure showed that the MoD had settled 417 “Iraq private law” cases during 2020-21 and 13 such cases relating to Afghanistan. While details of most of the cases remain confidential, one case involved the death of a 13-year-old boy. Many of the claims involved hooding detainees, even though the practice was banned in 1972. Some British soldiers serving in Iraq stated they were not aware of the banning order.

The settlements are a tacit admission that the UK committed war crimes and crimes against humanity. The MoD told the *Guardian* in a statement, “Whilst the vast majority of UK personnel conducted themselves to the highest standards in Iraq and Afghanistan, we acknowledge that it has been necessary to seek negotiated settlements of outstanding claims in both the Iraq civilian litigation and Afghan civil litigation.”

Martyn Day, senior partner at the law firm Leigh Day that has acted on behalf of the claimants, said the settlements undermined attempts by the government to publicly dismiss accusations of abuse. “The fact that the MoD has now agreed to compensation in so many cases shows how wrong it was for so many politicians to call the claims ‘vexatious’ and ‘spurious.’”

He added, “While we’ve had politicians like [former Conservative government prime ministers] David Cameron and Theresa May criticising us for supposedly ambulance chasing, the MoD has been quietly settling claims. The settlements here cover a mix of cases, instances of false imprisonment, assault.”

The payouts follow numerous reports from human rights organisations, UK public inquiries, parliamentary reports and civil court cases that found extensive evidence of torture, including video evidence of soldiers conducting wanton acts of cruelty. These were committed during combat operations in Iraq that ended in 2009—with most allegations focusing on the conduct of British military interrogators. A parliamentary report suggested that the abuses were not isolated incidents but had a systemic character, while the MoD’s training manuals, on its own admission, contained material that potentially “placed service personnel outside domestic or international law.”

The MoD has said it had received so many complaints from Iraqis unlawfully detained and mistreated by British troops that it was unable to say exactly how much it had paid out to settle claims. Figures released thus far suggest a total of around £25 million in out-of-court settlements to avoid criminal prosecution.

Despite this, there is no prospect that anyone will be prosecuted. All the remaining investigations into allegations of abuse have now ended without any prosecutions being brought.

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In 2010, the government set up the Iraq Historic Allegations Team (IHAT) to investigate allegations of 3,405 war crimes committed by British troops between 2003 and 2009. IHAT found evidence of widespread abuse and mistreatment at the hands of British forces, including the killing of unarmed civilians and children. The corporate media immediately denounced the investigations as "witch-hunts."

In 2017, Theresa May's government closed down IHAT 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."

In 2019, the BBC's flagship *Panorama* TV programme, working with the *Sunday Times*, revealed new information about alleged killings in British custody and their cover-up. It cited various egregious cases and concluded that government ministers and the MoD exerted political pressure to end the investigations to protect Britain's reputation. The investigators said, "There was more and more pressure coming from the Ministry of Defence to get cases closed as quickly as possible."

The MoD also lodged a series of complaints against the lawyers bringing the civil suits against it. Commenting in the *Sunday Times*, Ken Macdonald, a former director of public prosecutions, said "it is as though ministers feared the effects of justice."

Last month, Defence Secretary Ben Wallace said the Service Police Legacy Investigations (SPLI) that had been examining 1,291 allegations by Iraqis of serious criminal behaviour by UK armed forces had now "officially closed its doors." The SPLI, made up of navy and air force police, took over from IHAT investigations in February 2017. Wallace said the SPLI had pursued 178 allegations through 55 separate investigations without this resulting in any prosecutions. This included five referrals to the military prosecutor, the Service Prosecuting Authority.

While Wallace sought to denigrate many of the claims as "spurious" and lacking credibility, he was forced to admit that some allegations against British troops were credible. He said, "However not all allegations and claims were spurious, otherwise investigations would not have proceeded beyond initial examination and no claims for compensation would have been paid."

These investigations were always a sham, set up to avoid any prosecution by the International Criminal Court (ICC), which as far back as 2014 had accepted a complaint alleging UK military personnel had committed war crimes against Iraqis in their custody between 2003 and 2008 and ordered a preliminary investigation. This was the first time the ICC had opened an inquiry into a Western state, having focused almost exclusively on African heads of state or officials, while allowing the imperialist powers, the greatest perpetrators of war crimes and human rights abuses, to get off scot-free.

The ICC, which came under massive pressure from the Trump administration, dutifully abandoned its inquiry, arguing that it could only mount a formal investigation and prosecution if the domestic courts and investigative bodies had failed to do so.

The silence of the media, the Labour Party and trade unions on this latest, tacit admission of war crimes confirms their unconditional defence of British imperialism.

Britain, a key player along with the US and the major European powers in numerous overt and covert military operations in pursuit of its geostrategic interests throughout the resource-rich Middle East, is determined to avoid any accountability for its actions. The government has introduced legislation imposing a six-year limit on prosecutions for soldiers serving outside the UK. The Overseas Operations (Service Personnel and Veterans) Act creates a "presumption against prosecution" that gives the green light to future war crimes, including torture and the mass murder of civilians.

The legislation protects the MoD, even more than the armed forces, that has repeatedly covered up war crimes in Iraq and Afghanistan, putting the government above the law. This is even as the government prepares for new and potentially catastrophic wars against China and Russia, both of which have nuclear weapons, and their ally Iran, amid growing economic and social unrest at home.

Only 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 can secure truth and justice for the Iraqi people and stop the drive to militarism and war.

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