

UK minister told to name sources in Afghan war crimes inquiry or face jail

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5 April 2024

The UK Minister of State for Veterans' Affairs Johnny Mercer is seeking to challenge a legal decision compelling him to hand over the names of those who told him about alleged war crimes by UK special forces in Afghanistan.

The "Independent Inquiry relating to Afghanistan", which opened last October at the Royal Courts of Justice in London—and at which he appeared last month—has been hearing evidence of scores of unlawful killings carried out by British special forces in Afghanistan, as well as the deletion of electronic confirmation of these war crimes and whitewashing through internal inquiries.

Mercer told the inquiry that he believed members of the Special Air Service (SAS) had engaged in dozens of unlawful killings of Afghan civilians during night raids between 2010 and 2013. He repeatedly refused to hand over names of the "multiple officers" who he claimed had told him about allegations of the killings by UK forces and their cover-up.

Among the claims made by Mercer was that he received a direct account from a serving member of the Special Boat Service (SBS) of being asked to carry a "drop weapon", which Mercer explained were non-NATO weapons carried by UK Special Forces units that could be planted on the body of those killed during a mission. This is used to justify the killing on the grounds that the unarmed victim had posed a threat to military personnel.

Former soldier Mercer also told the inquiry he had gradually become aware of the SAS allegations on his last tour of Afghanistan in 2010 and then been given two specific warnings by former colleagues—one a senior officer—in 2017 after he had become an MP.

In refusing to disclose the names of his sources, Mercer told the inquiry: "The one thing you can hold

on to is your integrity and I will be doing that with these individuals," adding "The simple reality at this stage is, I'm not prepared to burn them—not when, in my judgement, you are already speaking to people who have far greater knowledge of what was going on."

The chairman of the inquiry, Lord Justice Charles Haddon-Cave, called Mercer's decision "completely unacceptable" and warned him: "You need to decide which side you are really on, Mr Mercer. Is it assisting the inquiry fully... and the public interest and the national interest in getting to the truth of these allegations quickly, for everyone's sake, or being part of what is, in effect... a wall of silence...?"

Sir Haddon-Cave then gave Mercer 10 days to reveal the sources behind the allegations or potentially face a prison sentence. He had until April 5 to comply or April 3 to lodge an appeal, which he has subsequently done. The court is now considering this application.

Prime Minister Rishi Sunak's office refused to comment specifically on Mercer's case before adding that individuals should "of course" comply with public inquiries.

Mercer is a right-wing politician deeply implicated in the crimes of British imperialism. Commissioned as a second lieutenant in the Royal Artillery after graduating from Sandhurst in June 2003, he served three tours in the US-led occupation of Afghanistan (2001–2021) as a liaison and training officer with Afghan forces, attached to a Special Forces unit, and as a co-ordinator of artillery and air strikes in support of ground operations. He retired in December 2013 with the rank of captain.

Since 2015, Mercer has been a member of parliament for the ruling Conservative Party, nailing his reactionary credentials to the mast by declaring his twin political ambitions to be the safeguarding of the interests of military veterans and the dismantling of "a

massive welfare state.” He has clashed with Tory leaders over policy related to the armed forces several times in the past.

In May 2019, Mercer announced that he would no longer vote for any laws that the then cabinet of prime minister Theresa May presented before parliament (with the exception of Brexit-related legislation) until new laws were implemented which would end the practise of prosecuting British military veterans who had previously been deployed to Northern Ireland as part of Operation Banner (1969-2007).

Omitting deaths due to the collusion of the British Army with illegal loyalist paramilitaries, the British military is believed to have killed well over 300 people during Operation Banner—half of whom were unarmed civilians, and 61 children. Just four soldiers were ever convicted of murder while on duty in Northern Ireland. All were released after serving two or three years of life sentences and allowed to rejoin the Army.

In April 2021, Mercer was dismissed by then Prime Minister Boris Johnson after notifying the Chief whip of his intention to resign his position as Parliamentary Under-Secretary of State because of his apparent disagreements with the proposed Overseas Operations Bill, again because for Mercer it failed to prevent possible prosecution of British service members who were deployed to Northern Ireland.

On this occasion, Mercer’s “band of brothers” sense of loyalty has caused more serious problems for the government, disrupting its stage management of an inquiry it never wanted, but was forced into following publicly aired allegations of war crimes. Mercer is in a position to know that any leads given to the inquiry will not be followed up in a serious investigation but used as scapegoats to protect the chief criminals—the “people who have far greater knowledge of what was going on” he referred to.

The British military played the lead supporting role in the US-led invasion and occupation of Afghanistan (2001–2021). This dirty colonial war, which was characterised by mass murder through air strikes and night raids, is by conservative estimates believed to have led to the deaths of at least 175,000 civilians since 2001. The true death toll, when including those caused indirectly by the war, is thought to be closer to a million.

Confirming further attempts to prevent evidence of

war crimes spilling out from Afghanistan, hundreds of former Afghan elite forces—who fought alongside UK soldiers in counter-insurgency operations—are being prevented (due to a veto exercised by UK Special Forces HQ) from gaining refuge in Britain, following the Taliban takeover of the country.

Lighthouse Reports—in conjunction with the *BBC*, the *Independent* and *Sky News*—recently published the series, which “verified dozens of cases in which the Taliban has beaten, tortured or killed former commandos who served in two special forces units trained and funded by the UK.”

Commenting on the series, Action on Armed Violence, which “records, investigates and disseminates evidence of armed violence against civilians worldwide”, said: “The leaked documents... point to a controversial policy where Special Forces had veto power over these applications, often leading to automatic rejections without further scrutiny. This arrangement has drawn criticism for its potential conflict of interest, especially as the UK’s ‘Independent Inquiry relating to Afghanistan’ into alleged war crimes in Afghanistan gains momentum—a probe that these Afghan veterans could significantly inform.”

Former senior investigators from the Royal Military Police (RMP) told the BBC that special forces leadership repeatedly stood in the way of them interviewing Afghan troops in the course of their investigations between 2012 and 2019.

The level of obstruction was so overt that in 2014 the RMP formally requested the military prosecutor charge a high-ranking UK Special Forces officer with perverting the course of justice after he terminated an interview with an Afghan soldier regarding allegations of war crimes. The Service Prosecuting Authority declined to take up the case.



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