



The truth about British army abuses in Iraq must come out

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Politicians and military chiefs dismiss victims' claims and blame moneygrabbing lawyers. But the 326 cases already settled by the MoD tell a different story

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In the past few days a number of politicians and former generals have criticised the so-called hounding of British soldiers by what they claim are just money-grabbing lawyers launching ill-founded cases into alleged wartime abuse. Criticising the work of the Iraq Historic Allegations Team (Ihat), Tim Collins, the retired colonel who led British troops in Iraq, said the allegations were being made by “parasitic lawyers”. Theresa May has said she wants to end the “industry” of vexatious claims. And Tony Blair, who launched the military action in Iraq and Afghanistan, said: “I am very sorry that our soldiers and their families have been put through this ordeal.”

This is an orchestrated narrative: cases are carefully selected and dropped into the public domain, and the press and public lap them up. The reality, of course, is somewhat different.

First, the idea that the claims are largely spurious is nonsense. The Ministry of Defence has already paid out £20m in compensation to victims of abuse in Iraq. This is for a total of 326 cases, which by anyone's reckoning is a lot of money and a shocking amount of abuse. Anyone who has been involved in litigation with the MoD knows that it will pay up only if a case is overwhelming or the ministry wants to cover something up.

Second, allegations have been made about abuse of prisoners and civilians from the outset of the Iraq war in 2003. Three colonels in the divisional headquarters complained about mistreatment of prisoners within the first four weeks. In two public inquiries (into the deaths of Baha Mousa and Hamid al-Sweady), it was revealed that the International Committee of the Red Cross (ICRC) - the most respected body in the world in matters of international humanitarian law - had complained about prisoner abuse.

Third, the complaints before the Ihat are not just from lawyers. They are also from serving and former members of the armed forces with no financial interest in the outcome, concerned merely that the government abide by the rule of law. These cases are sub judice but they are likely to be the tip of the iceberg. Some witnesses are too frightened to speak. I spoke to a former chaplain about five months ago. He too had come across soldiers beating up Iraqis, and simply told them to stop. He didn't report it.

Baha Mousa was beaten to death in a unit interrogation facility, with no fewer than 93 sites of injury over his body. Fifteen-year-old Kareem Ali drowned in front of British soldiers who had forced him into a canal, then stood back and did nothing. And in the case of Faisal al-Saadoon, currently in the court of appeal, it appears that an Iraqi was gratuitously shot in the stomach and had his car vandalised whilst his head was being smashed into a pavement. Are these cases really "spurious" or "vexatious"?

Even more disturbing, many of these investigations may lead to the door of the MoD itself. The Baha Mousa inquiry heard that his military interrogators were using the so called "five techniques", banned in 1978, which violate the Geneva conventions; the interrogators said they "answered to London" (the MoD) and not the chain of command. If this is correct then the MoD is at fault: the five techniques now amount to torture.

Many of the allegations concern physical, sexual and religious abuse during interrogation. The conduct appears systematic, and the MoD has video recordings. It could easily verify any claim and now needs to come clean: I cannot believe that any defence chief would wish to defend physical, sexual or religious humiliation in interrogation.

Finally, it has been well documented that there were secret detention facilities in the UK area of operations which appear to have bypassed prisoner of war facilities. If this is correct, it is in violation of the Geneva conventions and, if the prisoners were spirited out of the country, then that could amount to a grave breach. Soldiers were ordered to take part so the fault lies with their political masters. Trooper Ben Griffin is currently under an injunction from the high court (obtained by the MoD) for threatening to speak out about prisoner abuse in Iraq and Afghanistan. How extraordinary that the MoD has to gag soldiers for speaking out about prisoners when nothing, according to the ministry, has happened.

As one judge remarked, the legacy of the Iraq war has been litigation. Modern armies now have to comply with international humanitarian law and are rightly held to account if they don't. There are many serving and former servicemen and women, including myself, who want to see an army

that abides by the highest standards. This should be the aspiration of all of us. This does not impede operations; it enables them. If you stop the violations, you stop the litigation - it's as simple as that.

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