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Iraq: “Devastating” Dossier Alleging British War Crimes Lodged with the International Criminal Court.

By Felicity Arbuthnot

January 12, 2014



A “devastating” two hundred and fifty page document: “The Responsibility of UK Officials for War Crimes Involving Systematic Detainee Abuse in Iraq from 2003-2008”, has been “presented to the International Criminal Court, and could result in some of Britain’s leading defence figures

facing prosecution for “systematic” war crimes” the (London) Independent on Sunday has revealed.(i)

The dossier charges that: ‘ “those who bear the greatest responsibility” for alleged war crimes “include individuals at the highest levels” of the British Army and political system.’

Among those named, states the Independent, are two former Defence Ministry supremos, Geoff Hoon and Adam Ingram, Defence Secretary and Minister of State for the Armed Forces, respectively, under Tony Blair’s premiership, during the planning and invasion of Iraq and for most of the UK’s occupation. General Sir Peter Wall, head of the British Army is also named.

Shocking allegations have been compiled from the testimonies of four hundred Iraqis: ‘representing “thousands of allegations of mistreatment amounting to war crimes of torture or cruel, inhuman or degrading treatment.” ‘

The document, lodged with the International Criminal Court at the Hague on Saturday (11th January 2013) “calls for an investigation into the alleged war crimes, under Article 15 of the Rome Statute” and is the result of some years of work by Birmingham based Public Interest Lawyers and the European Centre for Constitutional and Human Rights (ECCHR.). The submission: “is the most detailed ever submitted to the ICC’s Office of the Prosecutor on war crimes allegedly committed by British forces in Iraq.”

In 2006 the ICC opined that: “There was a reasonable basis to believe that crimes within the jurisdiction of the court had been committed, namely willful killing and inhuman treatment.” However, since the claims were less than twenty cases, prosecutors declined to mount an investigation.

Subsequently: “hundreds of other claims have come to light, prompting consideration of the complaint now. It is the start of a process which could result in British politicians and generals being put in the dock on war-crimes charges.” The: “pattern of abusive treatment by UK services personnel in Iraq continued over almost six years of military operations.” When is a crime not a crime, one wonders, when it is “only” in double figures?

Evidence is presented of: “systematic use of brutal violence, that at times resulted in the death of detainees, while in the custody of UK Services Personnel.” The two law bodies claim: “there is evidence of brutality combined with cruelty and forms of sadism, including sexual abuse, and sexual and religious humiliation”, with widespread use of “hooding”, prisoners forced in to excruciating: “stress positions, sleep deprivation, noise bombardment and deprivation of food and water.”

All such techniques were banned under the government of Edward Heath in 1972, after being used in Northern Ireland. Claims are that these legally outlawed techniques were used: “in a variety of different UK facilities (in Iraq) ... from 2003 to 2008.” (Incidentally, after September 2007, the British stated that only had a small military contingency remained, assisting in training Iraqis.)

Alleged tortuous treatment was compounded, seemingly, by: “failures to follow-up on or ensure accountability for ending such practices became a cause of further abuse. The obvious conclusion is that such mistreatment was systematic.”

The Independent quotes Professor William Schabas, human rights law expert: “What this application does is throw down the challenge to the court to show there are no double standards. There is definitely a case for an investigation by the ICC.” He suggested that “there’s no doubt” of war crimes committed by British forces in Iraq. “People should be worried.”

The UK Ministry of Defence and the Foreign and Commonwealth Office both state that any allegations of abuse have been, or are being investigated through various, including legal channels, with William Hague emphasizing that there was no need for the ICC to become involved.

The ICC as a body has also come under fire, accused of only putting on trial, or investigating largely Africans and ignoring other alleged human rights abuses.

ECCHR Secretary General, Wolfgang Kaleck told the Independent: “With the current communication to the ICC we want to move forward the criminal prosecution against those political and military leaders in the UK who bear the most responsibility for systematic torture in Iraq”, adding: “The International Criminal Court in The Hague is the last resort for victims of torture and mistreatment to achieve justice.

“Double standards in international criminal justice must end. War crimes and other severe violations of human rights must be investigated and prosecuted, regardless of whether they are committed by the most powerful.”

According to Phil Shiner of Public Interest Lawyers, the actions of British officials in high places, involved in the invasion, planning, execution and occupation, are to come under investigation. : “I think we easily meet the threshold for these issues to be looked at, I would be gobsmacked and bitterly disappointed if they don’t look at this.”

Geoff Hoon, Adam Ingram and General Sir Peter Wall could not be reached for comment.

A small sample of the eye watering allegations presented to the ICC can be found in the full article referenced below.

The full submission document, which the Independent has exclusively seen, will be released publicly on Tuesday.

Notes

(i) <http://www.independent.co.uk/news/uk/politics/exclusive-devastating-dossier-on-abuse-by-uk-forces-in-iraq-goes-to-international-criminal-court-9053735.html>