Iraq War: Abuse Of Iraqis By Soldiers Between 2003 And 2009

soldiers systematically abused Iraqis all in the name of defence and intelligence between 2003 and 2009. An array of unlawful interrogation practices were used against innocent Iraqi civilians. Even though these five techniques were outlawed by the Geneva conventions in 1949, deemed as ‘inhuman and degrading treatment’ by the ECHR against Article 3 and rejected long before the Iraq War, our troops utilised them to cause grave harm, in full knowledge of their physical and psychological impacts, in the short and long term. But let’s not skirt around the truth, what “our boys” did was torture; what else can you call depriving innocent men, women and children of food, drink and sleep, or forcing them to withstand extended periods of noise, covered by a hood, while standing against a wall? These so-called heroes showed absolutely no respect, no care, no mercy for these Iraqi nationals whom they illegally detained, often on the basis of very vague or false intelligence. After such torture, these victims’ lives were changed irrevocably. The torture of some was so foul and inhumane that they even ended lives, namely Baha Mousa. Many victims’ only crime was being in the wrong place at the wrong time or looking similar to someone else. We must investigate what exactly happened and hold those guilty of such horrific mistreatment and complicit in the endless cover-ups accountable. We must highlight and further investigate their ‘loss of discipline and lack of moral courage, not only to hold them accountable, but to prevent such atrocities from occurring again and, above all, achieve justice for the violated Iraqis and their families.

Public inquiries such as this reveal the extensive abuse that took place during the illegal detention of many Iraqis. We as a nation have a right to investigate what really happened, why, and begin the process from which those victimised can seek justice as well as ascertain what must be done to prevent a reoccurrence. We only have to look at the 2008 Baha Mousa Inquiry to understand the benefits of such an investigation. After hearing evidence, Sir William Gage attributed Mr Mousa’s unfortunate death to his weakened physical state – as a result of the five techniques being inflicted upon him – and the final blows he took amounting to 93 injuries to his body. Gage condemned members of the 1st Battalion The Queen’s Lancashire Regiment for failing to uphold the ‘highest standards’: not only did soldiers use brutal force on these Iraqi detainees but, those who did not cause harm with their hands, turned a blind eye to the violence. Seven members of the regiment were even tried as a result. Although Corporal Donald Payne was the only one convicted, pleading guilty to war crime charges, the suffering of these select Iraqi victims was acknowledged publicly and examined thoroughly. They had their day in court, a “luxury” that should be afforded to all those abused in Iraq by the hands of who still seek justice. The aim of public inquiries may not be to apportion responsibility or blame, but from the Baha Mousa Inquiry, we can see that such an outcome is necessary and in the public interest. Sir William Gage blamed the Ministry of Defence’s (MoD) ‘corporate’ and ‘systemic failure’ to maintain a ‘proper MoD doctrine on interrogation’ which led to abhorrent violence against the 1998 Human Rights Act (HRA). A public inquiry into the death and abuse of Iraqis is paramount to prevent the repetition of grave violations of human rights and pave the way for subsequent prosecutions of soldiers.

Some may argue that the “alleged” crimes of soldiers in Iraq do not fall within jurisdiction, or that exceptional actions were taken in the name of security and are therefore justified; however,

the House of Lords ruled that detainees under the control of armed services, even if abroad, have the benefit of the HRA and ECHR. These tortuous acts did not occur in a battle zone, but within a military base and, therefore, those who bear the scars should be protected by the international laws protecting against human rights violations. Similarly, military is obligated to follow such human rights laws no matter where they may be; thus, their ‘deplorable, shocking, shameful’ acts should be examined in Britain, where they were taught the very importance of these rights. Moreover, the question of justiciability has already been answered. In Al-Skeini, Al-Saadoon, and ‘Al-Jedda, it has been disputed by the Secretary of State for Defence that courts should investigate crimes that occurred in Iraq by soldiers. In Al-Skeini, the House of Lords held that forces in de facto control of occupied territory in Iraq breached Article 2 and 3 during their detention of Iraqi nationals. In Al-Saadoon, the army breached an interim measure of the ECtHR which effectively banned the return of two detained Iraqi nationals to the Iraqi High Tribunal. Finally, in Al-Jeddah, an Iraq-UK citizen argued he was illegally detained by forces against Article 5; and although this application was dismissed, it was not denied that such a case would fall within the ambit of Article 5. In each case, Convention obligations were still to be followed as each detainee was held in Convention-governed camps. The blood on the hands of our servicemen is not washed clean now that they are back on soil. We must hold them accountable, especially as they continue to abscond responsibility and obstruct the search for the truth.

Under Article 2 of the ECHR we are obligated to investigate deaths that occur in custody, especially if they are suspiciously and continuously hidden by the accused institution. We are aware of particular crimes committed by soldiers in Iraq. We know that Payne orchestrated a ‘choir’ of cries resulting from punches. We know that soldiers forced detainees to drink their own urine. We know that soldiers even masturbated on detainees backs while threatening to rape their family members in front of them. However, this is only a snapshot into extensive crimes committed. It must be. What other reason could there be for the closure of the Iraq Historic Allegations Team (IHAT) and Public Interest Lawyers (PIL)? IHAT was established by the MoD to review and investigate the flood of allegations against soldiers and PIL was a law firm headed by Phil Shiner which referred over 1000 cases to IHAT. However, both were undermined and have since ceased to operate. In 2017, Shiner was disbarred after being accused of paying people in Iraq to find clients; this led to the closure of IHAT, a year after PIL was shut down for alleging war crimes based on ‘deliberate lies, reckless speculation and ingrained hostility ’. However, it is ironic how a firm is closed as a result of claims it made false accusations and wasted the defence budget, but is also the reason for £20million being paid in compensation by the MoD in settled “civil” cases. It seems the cover-up stems beyond the ‘misguided loyalty’ of some soldiers who have kept silent despite the volume of information they must know. The army cannot risk the truth being revealed and that can only lead to the inference that they have an abundance of crimes to hide. However, it seems the International Criminal Court are working on uncovering them. Their 2018 OTP Preliminary Examination Report includes war crimes – such as rape, deaths in detention and torture – against more than 61 Iraqi detainees. It is clear that soldiers committed appalling crimes in Iraq and are happy to see organisations that threaten to reveal the truth close. However, this inquiry can continue what IHAT and PIL started to do, and what the ICC intend to do. We must lift the curtain on the true extent of crime, bring evidence to light so that, eventually, the Iraqi nationals can prosecute their attackers, achieve justice and finally find peace.

Innocent Iraqi men and women, and even children, already affected by the presence of war in their country, were subjected to both physical and sexual violence, much to the deplorable

pleasure and sick satisfaction of soldiers. We must shine a light on this dark corner of defence with this inquiry: we as a nation should be appalled by the systematic approach of torture employed by “our boys” and need to hold the Donald Paynes accountable for the savage brutality and sadistic inhumanity they inflicted upon hundreds of innocent Iraqi civilians who will forever be affected by their lethal force and deserve, at the very least, their perpetrators to be brought to justice. Let the legacy of the Iraq War be litigation not secrecy, justice brought about for Baha Mousa and the many other innocent Iraqi nationals detained and abused by our servicemen.