

## Will the ICC Prosecute Perpetrators of the 'War on Terror'?

by Ramona Wadi via stacey - SCF Saturday, Nov 30 2019, 9:20pm

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On May 13 2014, the International Criminal Court's (ICC) Chief Prosecutor announced it would reopen the investigations into alleged war crimes committed by British soldiers in Iraq and Afghanistan, following additional submitted information pertaining to the investigation which had been concluded in 2006.

A recent [BBC Panorama](#) investigation, in collaboration with the Sunday Times, ascertained a cover-up by the UK government of British soldiers torturing and murdering Iraqi and Afghan civilians, including children since 2003, when the UK participated alongside the US in invading Iraq under the pretext of the so-called "war on terror".

In 2010, the Iraq Historic Allegations Team (IHAT) was tasked with investigating allegations of abuse in Iraq, with the possibility of prosecuting the perpetrators. However, mismanagement and corruption within the body, including claims that solicitor Phil Shiner had paid people to find clients for IHAT, failed to open a single case from its investigations. For the UK's Ministry of Defence, the allegations against IHAT were an opportune moment to discredit the claims of human rights violations committed by British troops. Rather than prioritise the allegations of human rights violations, IHAT was [deemed](#) harmful and "making soldiers on the battlefield anxious about later legal repercussions."

In a 2018 [report](#) issued by the ICC, UK soldiers are alleged to have committed war crimes against 61 Iraqis in custody, including killings, torture, rape and sexual violence. Seven deaths occurred in custody and 54 victims died of "mistreatment". The ICC report specifies: "At this stance, these incidents should not be considered as either complete or exhaustive, but rather illustrative of the alleged criminal conduct."

In July 2019, the European Centre for Constitutional and Human Rights (ECCHR) [submitted](#) a follow-up to the ICC Prosecutor, informing the office about the UK's failure to investigate or prosecute those responsible for war crimes, "despite significant and growing evidence indicating that liability extends up the chain of command to senior military and civilian officials." The ECCHR also described the closing down of IHAT as a politically motivated decision to avoid ICC prosecution.

The UK's intention was clearly to preserve its impunity. During the course of the BBC investigation, it was [revealed](#) that "The Ministry of Defence (MoD) had no intention of prosecuting any soldier of whatever rank he was unless it was absolutely necessary, and they couldn't wriggle their way out of it." Among the concealed crimes, a soldier from an SAS unit shot 4 Afghan civilians, three of them children, in the head, while they were in their own home, drinking tea. "When I entered the room, the bones, teeth, blood and brain were all over the place," a witness to the aftermath stated. The UK government dismissed the war crime allegation by [stating](#) the four Afghans were Taliban suspects and commanders.

Other war crimes were concealed through fabricated evidence in order to evade such classification. Evidence of sexual abuse was also revealed to have occurred at Camp Stephen in Basra, Iraq, which was under the command of the Black Watch.

If the ICC does investigate the UK government for these violations of the Geneva Convention, it would have set a precedent, given that the Court has, so far, focused on investigating the leaders of African nations as opposed to the crimes of Western governments and foreign intervention. The “war on terror” is characterised by two main factors – perpetual aggression and extended impunity for the perpetrators. Justice for the Iraqi and Afghan people, by now, is worse than a macabre farce. Yet the ICC must fulfil its duty to lay bare the dynamics that have so far shielded the UK military and governmental collaboration from judicial scrutiny.

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*[To take a historical perspective, which reveals much, Australia's 'Breaker Morant' and other Oz fighting troops, were executed by firing squad for conducting a guerilla style war against the Boers during the Boer War, notwithstanding they did not torture or brutally murder unarmed defenseless men. Of importance is the fact that the apron-stringed Australian government allowed these outrageous and unjust executions to occur; and if you imagine Australia has changed today and now protects its citizens against injustice and murder by foreign allies, simply look at Australia's despicable and COWARDLY behaviour in relation to Julian Assange for the alleged 'crime' of publishing evidence of America's heinous war and other crimes against humanity.]*

*So, should American and UK military personnel be held accountable at the ICC for their now proven war crimes, in Iraq, Afghanistan and other theatres of war? You bet they should, let history and double standards be our witness.]*

<https://www.strategic-culture.org/news/2019/11/30/will-icc-prosecute-perpetrators-of-war-terror/>

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