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# Human rights no more? UK to exempt troops from European Convention to stop 'annoying' claims

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UK government will allow its military to violate European human rights law to boost their confidence on the battlefield and stop a "witch-hunt," as it does not want to spend more on "vexatious" and "false" charges against troops in Iraq and Afghanistan.

**[READ MORE: MoD faces claims of millions of pounds in unsettled Iraq torture compensation cases](#)**

*"It will help to protect our troops from vexatious claims and ensure they can confidently take difficult decisions on the battlefield,"* Defense Secretary Michael Fallon said in a joint statement with Prime Minister Theresa May at the Conservative party conference in Birmingham on

Tuesday.

The existing legal system, which enables victims of UK soldiers' alleged mistreatment and abuse to sue them in court and be eligible for compensation *"has been abused to level false charges against our troops on an industrial scale,"* he claimed, as cited by the Telegraph, adding that paying for damages and legal fees related to the investigations has been a burden on a state budget.

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[UK troops will be protected from Iraq War 'vexatious allegations' - Theresa May](#)

The UK's defense ministry's expenses on investigations of human rights offences by British troops in Iraq and compensation to the victims have exceeded £100 million (\$128 million) since 2004.

*"It has cost the taxpayer millions,"* Fallon said, warning that the practice of bringing up lawsuits against combat troops may endanger their operation as it is a *"real risk it will stop out armed forces doing their job."*

In 2010, the then-Labour government initiated the setup of the so-called Iraq Historic Allegations Team

(IHAT) which was tasked with investigation of multiple allegations of ill-treatment, murder, abuse and torture of civilians attributed to UK soldiers and committed from 2003 to 2009 when British troops were engaging in US-led military incursion in Iraq.

### **[READ MORE: Cameron tried to quash Iraq War abuse inquiries but was blocked by Britain's top lawyer](#)**

May has also advocated the cause, saying that by enforcing the new rule the British government intends to *"put an end to the industry of vexatious claims that has pursued those who served in previous conflicts"* and to recognize the troops' *"incredible job they do"* on the frontline.

The decision whether to abide by the European Convention of Human Rights (ECHR) or not in certain combat situation will be made taking into account the specific circumstances of each case, the Telegraph reports, citing government sources.

Some 1,490 cases have been studied and reviewed by the IHAT investigative team, comprised of 145 detectives. Only to settle 326 cases the government has to pay £20 million (some \$26 million) in compensation damages. 57 probes have been dropped and another one stopped by military prosecution.

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[British MoD gagging soldiers dissatisfied with Iraq war crime probe handling – media](#)

Without the need to comply with the ECHR demands, soldiers will be still bound by the Geneva Conventions provisions, under which it is permissible to deploy lethal force against enemy combatants as the first resort.

The government is expected to announce on Tuesday the statute of limitations after which the cases against UK troops infringing on human rights in the conflict will be dropped.

In September, Fallon reportedly blocked soldiers from speaking out in front of the parliamentary

committee on the IHAT investigation methods into the alleged war crimes, which *"destroyed the careers and shattered the mental health of some soldiers,"* according to the Sunday Times.

The charged troops reportedly accused the government of turning back onto them and *"leaving them to rot"* while *"providing zero support."*

*"I am very sorry that our soldiers and their families have been put through this ordeal,"* former PM Tony Blair said back then.

The ministry of defense, however, denounced the reports of gagging as "nonsense" claiming it was a standard practice when *"serving personnel do not give evidence to committees in a personal capacity and it would be inappropriate to expect these individuals to do so while legal proceedings are ongoing."*

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## MoD faces claims of millions of pounds in unsettled Iraq torture compensation cases

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British soldiers in Basra, 550 km (340 miles) south of Baghdad, Iraq © Atef Hassan / Reuters

The Ministry of Defense (MoD) may be forced to pay millions in compensation relating to 600 outstanding claims that UK troops tortured Iraqi citizens after Britain's 2003 invasion of Iraq.

According to a Freedom of Information (Fol) request tabled by the IBTimes UK, the government has already paid out £19.6 million in response to 323 separate claims, but there are still hundreds more unsettled cases.

*"To date, 323 tortious claims have been settled. Some 600 tortious claims and approximately 1,400 judicial review claims remain outstanding,"* the Ministry of Defense (MoD) told the publication.

The torture allegations include the use of stress positions, sensory deprivation, sleep deprivation and starvation against civilians. So far no soldiers have been imprisoned and the cases have been settled financially.

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[MoD wins appeal over Iraqi civilian mistreatment claims](#)

*"Allegations of ill-treatment include[d]; assault, threats, hooding, exposure to noise, stress positions, deprivation (sleep, water, food) and general degrading treatment," the MoD said.*

*The government department also conceded that there had been "some alleged instances of serious ill-treatment (e.g. of electrocution) occurred following transfer to the Iraqi authorities or to other Coalition Forces."*

The ministry added that there was one civilian death due to ill-treatment. Baha Mousa, a hotel receptionist, died after being subjected to a horrific episode of gratuitous violence by British troops.

The MoD told the IBTimes UK it *"fully accepted liability in relation to the death of Baha Mousa and the ill-treatment of his companions."*

*"Most of these payments were necessary because of an unexpected European Court of Human Rights ruling that detention as practiced in Iraq was illegal. They do not reflect acceptance of wrongdoing,"* an MoD spokesperson said.

*"The MoD has referred the outstanding claims to the Iraq Historic Allegations Team (IHAT) for investigation. If the investigation indicates that abuse took place, compensation can be considered."*

The revelations come after the MoD won an appeal to overturn a ruling by the High Court, which allowed Iraqi civilians to sue it over allegations of illegal detention and mistreatment by British troops in Iraq.

Initially, Justice Leggatt ruled a limitation on civilian claims against the MoD would be suspended due to a time bar on civilians taking legal action in Iraq, meaning families would be able to sue to government for any damage done during the 2003 invasion.

But in December he ruled in favor of the MoD, stopping Iraqis from suing the ministry. The three appeal judges – Master of the Rolls Lord Dyson, with Lord Justice Tomlinson and Lord Justice Vos – made a unanimous decision.

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## UK troops will be protected from Iraq War 'vexatious allegations' - Theresa May

Published time: 21 Sep, 2016 12:03

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British Prime Minister Theresa May enters the General Assembly Hall to speak during the 71st United Nations General Assembly in Manhattan, New York, U.S. September 20, 2016. © Eduardo Munoz / Reuters

False or dubious allegations of abuse against UK troops must be put to an end, Prime Minister Theresa May has said after a week of clashes over the impact of the Iraq Historic Allegations Team's investigations on service personnel.

The PM said that while allegations should be properly investigated, a culture of abusing the system had to be avoided.

*"We can be proud also of the disciplined way in which our armed forces operate. But what is*



*important is, if there are allegations - proper allegations - of criminal activity, those need to be investigated," she told the BBC.*

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['I want to face war crimes trial,' says British Army major over Iraq allegations](#)

*"But what we do need to make sure is that there isn't an industry of vexatious allegations coming forward. I think measures have been taken."*

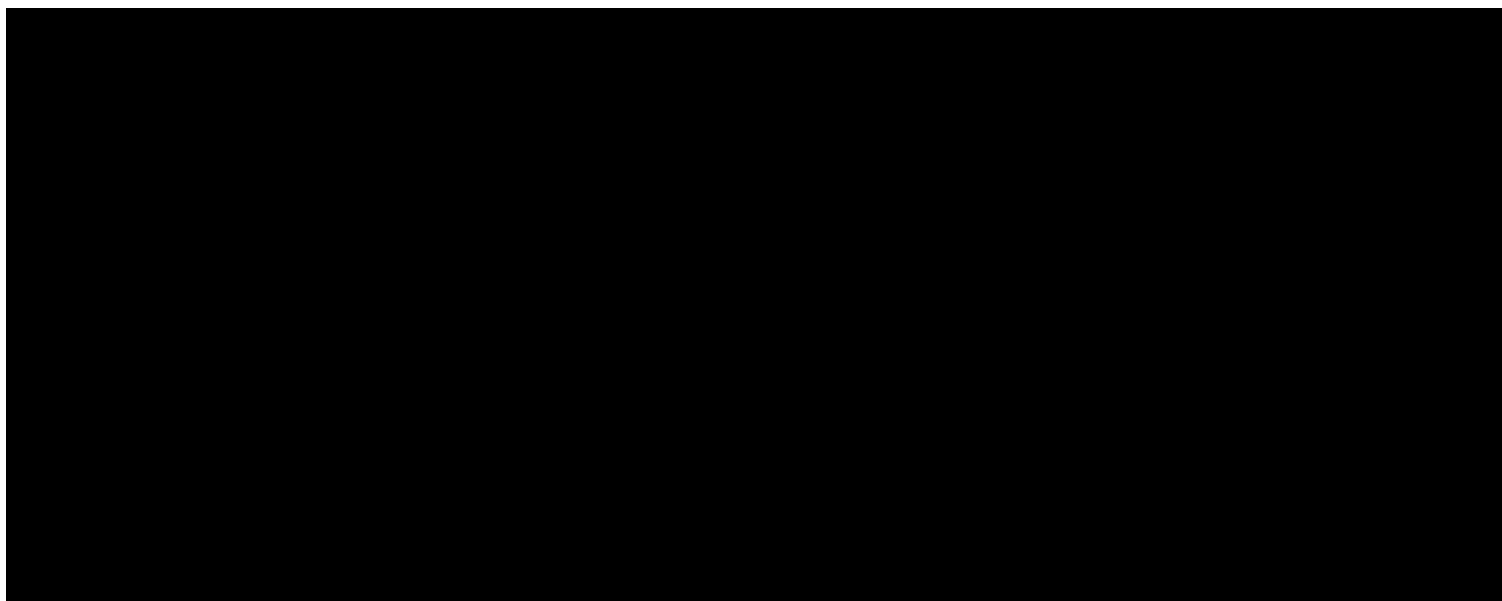
On Monday a serving major who may face charges in connection with the drowning death of Iraqi teen Ahmed Jabbar Kareem Ali in British Army custody in Basra in 2003 pledged to hand himself into a war crimes court because he didn't trust he would receive a fair trial in Britain.

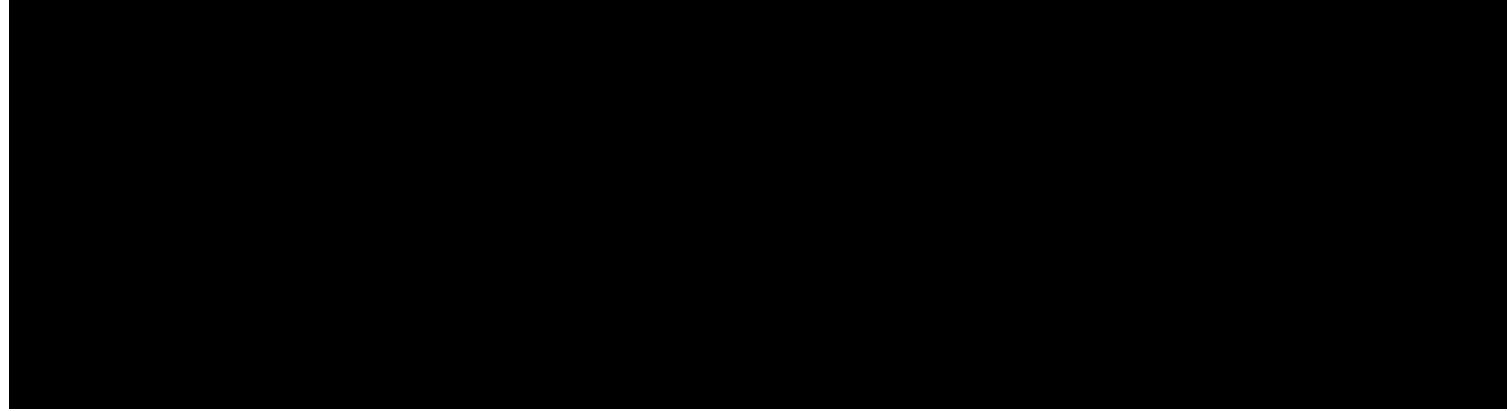
The decorated officer is currently on sick leave suffering with post-traumatic stress disorder, but

hopes that his gesture will see the International Criminal Court (ICC) *"finally and definitively put to rest this 13-year witch-hunt that seemingly has no end."*

His comments come a day after former army captain turned Tory MP Johnny Mercer claimed that he had challenged then PM David Cameron on the issue of troops being threatened with prosecution in March.

He says he was told that Attorney-General Jeremy Wright – Britain's top lawyer - had overruled attempts to stop the Iraq Historic Allegations Team (IHAT) pursuing investigations.





In his scathing letter, which was seen by the Daily Mail, the major told Defence Secretary Michael Fallon: *"You mentioned the ICC and how IHAT was a useful way of avoiding that eventuality."*

He said that to make things easier he was *"willing to travel to the Netherlands and hand myself in, as there is probably more chance of a fair and timely trial there, because in the UK there is no judicial process."*

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## 'I want to face war crimes trial,' says British Army major over Iraq allegations

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FILE PHOTO © Oleg Popov / Reuters

An Iraq War major alleged to have been connected with the 2003 drowning death of an Iraqi teenager has said he will hand himself into a war crimes court because British justice is incapable of giving him a "fair trial."

The unnamed serving officer maintains his innocence and in a letter to Defence Secretary Michael Fallon has condemned the "13-year witch hunt" he claims he and his men have been subjected to.

The possible charges for manslaughter relate to an inquiry into the drowning death of Iraqi teenager Ahmed Jabbar Kareem Ali in British Army custody in 2003.

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[Cameron tried to quash Iraq War abuse inquiries but was blocked by Britain's top lawyer](#)

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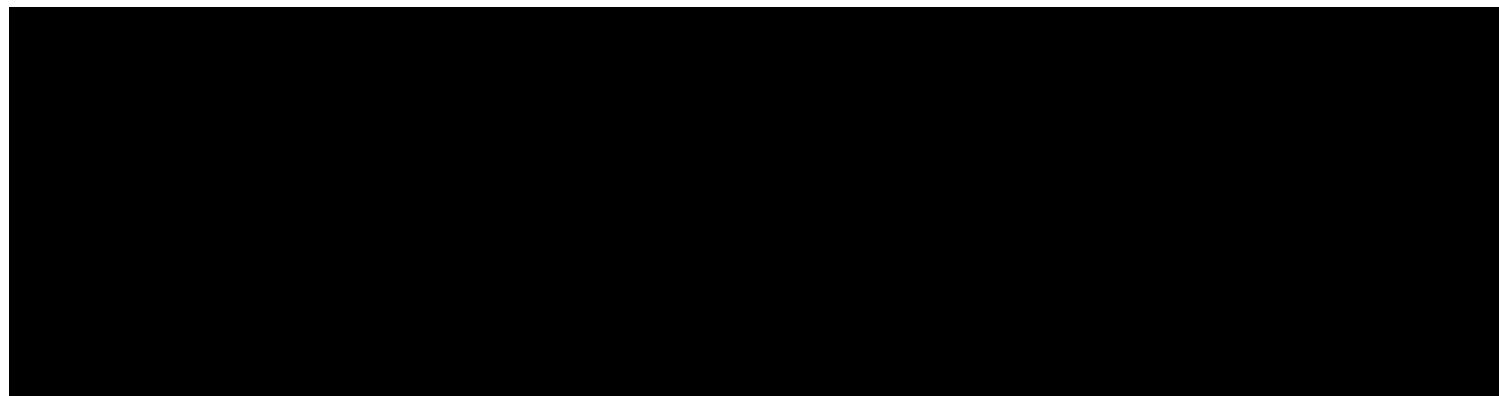
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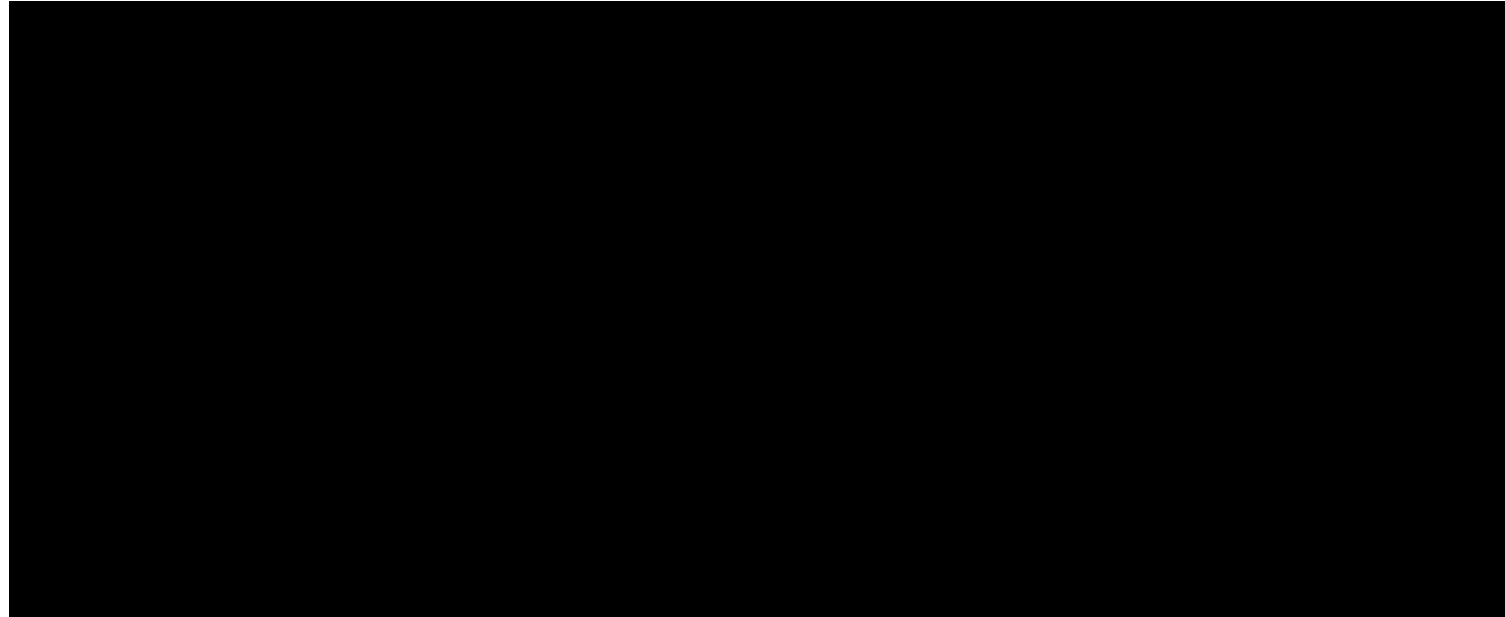
In his scathing letter, which was seen by the Daily Mail, the major told Fallon: *"You mentioned the ICC and how IHAT was a useful way of avoiding that eventuality."*

He said that to make thing easier he was *"willing to travel to the Netherlands and hand myself in, as there is probably more chance of a fair and timely trial there, because in the UK there is no judicial process."*

## 'Kidnapped by the state'

The news comes as it has been reported that a former Royal Military Police (RMP) soldier has received £5000 (\$6490) compensation after being arrested and physically restrained at her home after a raid by IHAT.





Rachel Webster claims that she was restrained by officers who came to her home in January 2014 on suspicion of misconduct in a public office.

She says that during the tussle her breasts were partially exposed and she was later denied access to the toilet when she became ill.

She told the Daily Mail that the experience was like *"being kidnapped by the state."*

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## Cameron tried to quash Iraq War abuse inquiries but was blocked by Britain's top lawyer

Published time: 19 Sep, 2016 10:23

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British soldiers near Basra in southern Iraq, March 30, 2003 . © Paul Grover / Reuters

Efforts by former Prime Minister David Cameron to put a stop to the Iraq Historic Allegations Team's (IHAT) work were overruled by the UK's top lawyer, according to a Tory MP.

Former army officer and MP Johnny Mercer told the Telegraph he had approached Cameron about the investigations – which critics claim are being used to persecute soldiers based on dubious evidence – in March, but was told nothing could be done.

Mercer, who sits on the Defence Select Committee, branded the government's inability to put a halt to the 2010 initiative "*weak*."





*"I went to see the then prime minister in March and he told me he wanted to shut it down but he had been ordered by the attorney general that he couldn't," Mercer said.*

Mercer then went to the attorney general, Jeremy Wright, who said it would be legally impossible to close down the investigations at that stage.

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['Bullying' UK troops caused drowning death of Iraqi teen - judge](#)

The news comes only days after an inquiry into the drowning death of Iraqi teenager Ahmed Jabbar Kareem Ali in British Army custody found the soldiers involved were responsible.

The original 2006 High Court case had exonerated the troops, who were members of the Irish Guards.

The Iraq Fatality Investigations (IFI) inquiry into the death was led by former senior judge George Newman and reported on Thursday.

\_\_\_\_\_ Newman found the circumstances of the death amounted to *"a clumsy, ill-directed and bullying piece of conduct, engaged in without consideration of the risk of harm to which it could give rise,"* and that the troops' *"manifest failure"* to intervene as their captive floundered was the *"plain and certain"* cause of Ali's demise.

The findings appear to hint at question-dodging by some of the soldiers involved, including claims the four men, including Ali, who were taken from an alleged scene of looting, had been whisked away for their own protection.

The inquiry also concluded that after his arrest, and before he was bundled into a Warrior armored fighting vehicle to be taken to the eventual scene of his death, Ali had been *"aggressively manhandled and assaulted."*

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## 'Bullying' UK troops caused drowning death of Iraqi teen - judge

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British soldiers secure the scene of a roadside bomb attack targeting British patrol in Um Qasr, an Iraqi port city near Basra © Atef Hassan / Reuters

Bullying UK troops' conduct was the "plain and certain" cause of the 2003 drowning death of a 15-year-old Iraqi boy, an official inquiry has found.

The Iraq Fatality Investigations (IFI) inquiry into the death was led by former senior judge George Newman and reported Thursday.

The investigations' [results](#) were the polar opposite of a manslaughter court case into the death carried out in 2006 which saw all soldiers involved exonerated.

Newman found that the circumstances of the death

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[Iraqi looters 'commonly' thrown into river by UK troops... some may have drowned, inquiry hears](#)

amounted to *"a clumsy, ill-directed and bullying piece of conduct, engaged in without consideration of the risk of harm to which it could give rise,"* and that the troops' *"manifest failure"* to intervene as their captive floundered was the *"plain and certain"* cause of Ali's demise.

The new findings appear to hint at question-dodging by some of the soldiers involved, including about claims that the four men, including Ali, who were taken from an alleged scene of looting, had

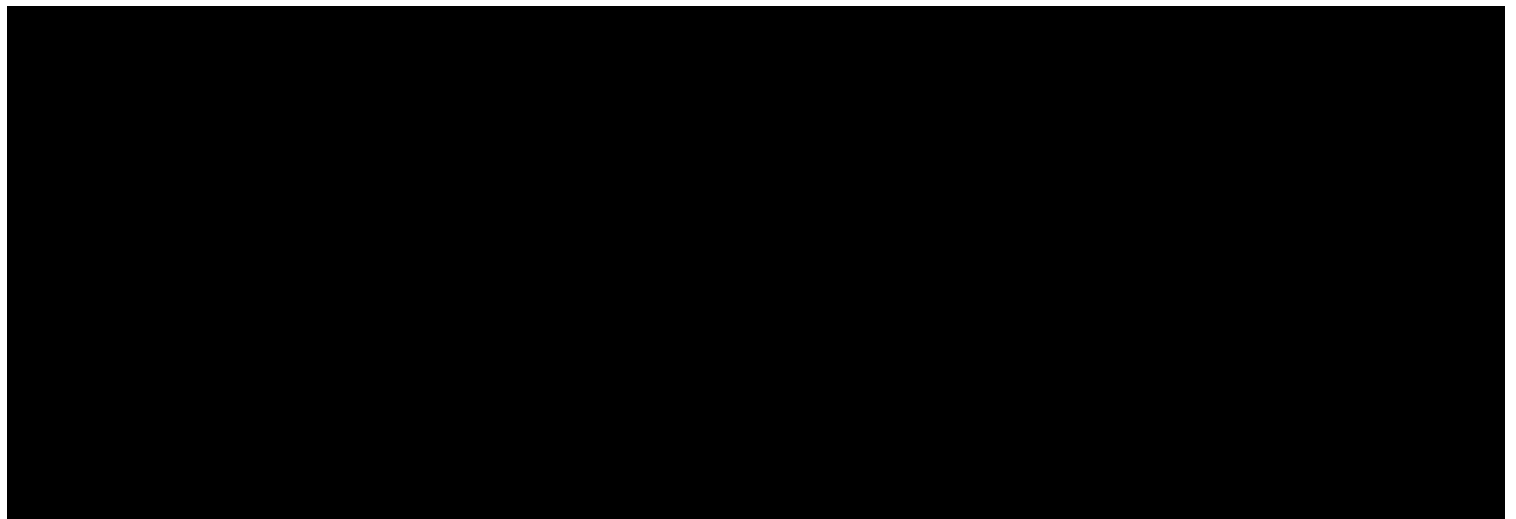
been whisked away for their own protection.


The inquiry also concluded that after his arrest, and before he was bundled into a Warrior armored fighting vehicle to be taken to the eventual scene of his death, Ali had been *"aggressively manhandled and assaulted."*

The four suspected looters were taken away from an area close to Basra General Hospital by soldiers from the Irish Guards.

Ali and another Iraqi were then thrown into the Shatt al-Basra canal. It is reported that this established practice was known among the soldiers as *"soaking"* or *"wetting."*

Ali could not swim and subsequently drowned, with Newman finding that *"his death ensued because he was forced by the soldiers to enter the canal, where, in the presence of the soldiers, he was seen to be in difficulty, and to go under the water."*





*"Notwithstanding the unlawful treatment involved in getting him into the water, his death could have been avoided because he could and should have been rescued after it became clear that he was floundering."*

The investigation turned up evidence that soldiers had somewhat bent the truth in their efforts to defend themselves.

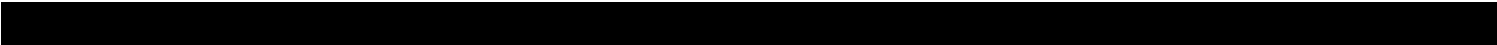
One guardsman, known only as S018, *"was a less than straightforward witness. He attempted to lay the ground for the journey [in the Warrior] being a form of mercy mission to avoid four looters 'being bricked to death'."*

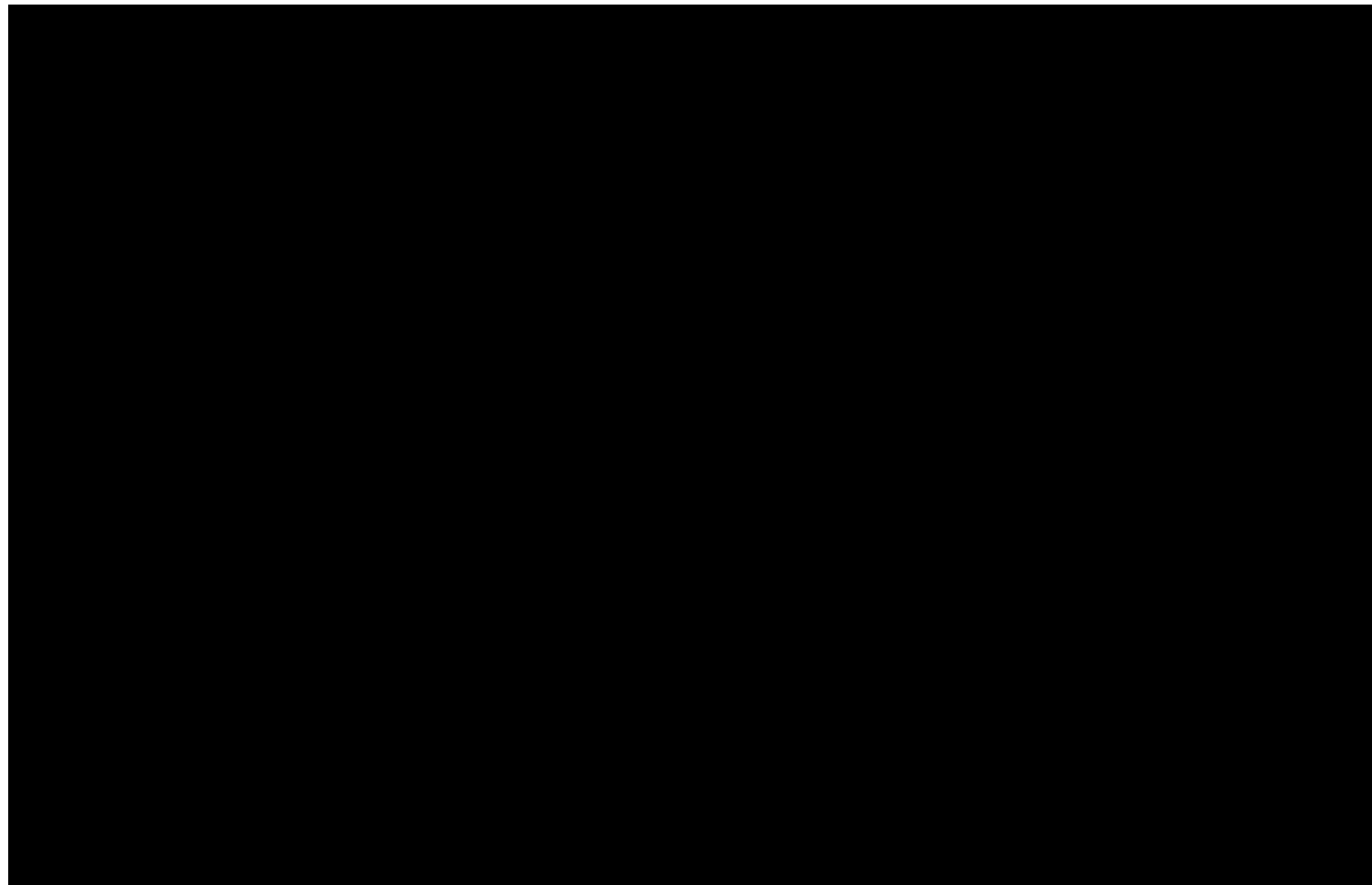
*"He gave an unconvincing account of how the looters came to enter the water: his suggestion was that they probably felt in fear of their lives and thought entering the water was their best option."*

When pressed, S018 said he *"remembered Mr. Ali, not bobbing up and down, but looking panicked, and possibly going under the water."* He was then ordered to *"mount up"* and the soldiers left the scene.

*"I was just doing an order, like I'm taught and trained to do,"* he said of the command to return to the vehicle and leave Ali in the water.

The MoD issued an apology Friday, saying in a statement that *"This was a grave incident for which we are extremely sorry. We are committed to investigating allegations of wrongdoing by UK forces and will use Sir George's findings to learn lessons to help ensure nothing like this happens again."*





During the inquiry an anonymous former Irish Guards officer shed considerable light on the established abusive practices used by British troops to punish and humiliate those they suspected of looting.

The former officer said the "*wetting*" practice was widely known and was used by British troops to contain an outbreak of civil disorder and looting in the wake of the 2003 war.

*"We used a variety of methods to deal with looters, such as sitting them in the sun with a bottle of water, taking their shoes off, or throwing them into one of the waterways,"* the officer told the inquiry.

*"Because No 2 Coy [Company] had a body of water, throwing looters into the river was not something I would have been surprised to see them doing,"* he added.

He said he recalled *"driving past and seeing it. It was commonplace for them to do that."* He also said if his own company, like No 2 Company, had had access to the waterway from their own area, they would have done the same.

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## Iraqi looters 'commonly' thrown into river by UK troops... some may have drowned, inquiry hears

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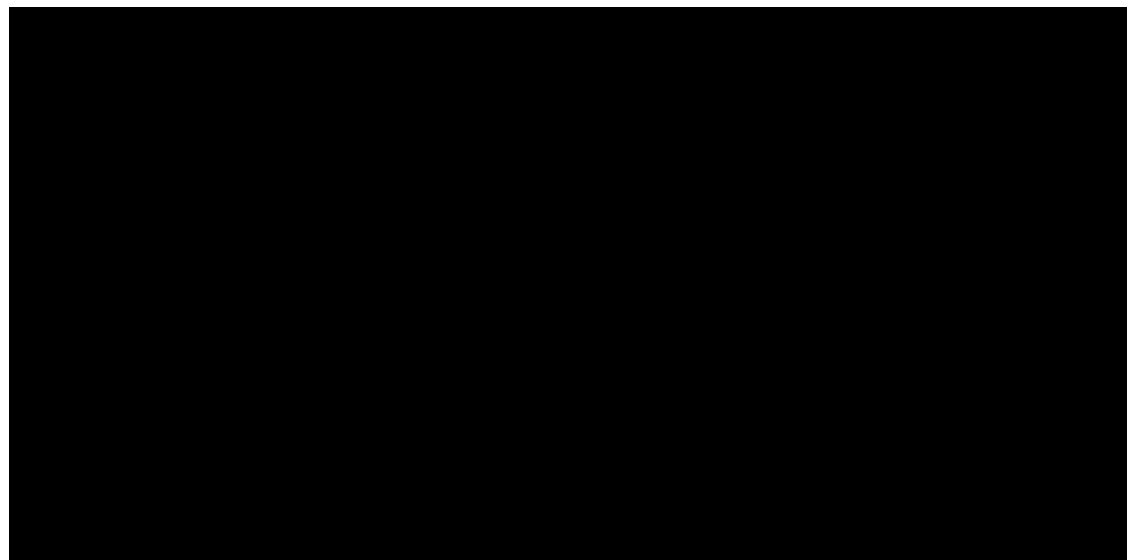


© Atef Hassan / Reuters

An inquiry launched to examine claims British forces routinely threw Iraqi looters into a Basra waterway, possibly drowning some, heard that senior officers were well aware of the practice known colloquially as "wetting."

An anonymous former Irish Guards officer issued a written statement at the inquiry into Iraq-era abuses. The inquiry takes the form of a series of coroner's inquest into different cases.

The former officer said the "wetting" practice was widely known and was used by British troops to contain an outbreak of civil disorder and looting in the wake of the 2003 war.



*"We used a variety of methods to deal with looters, such as sitting them in the sun with a bottle of water, taking their shoes off, or throwing them into one of the waterways," the officer told the inquiry.*

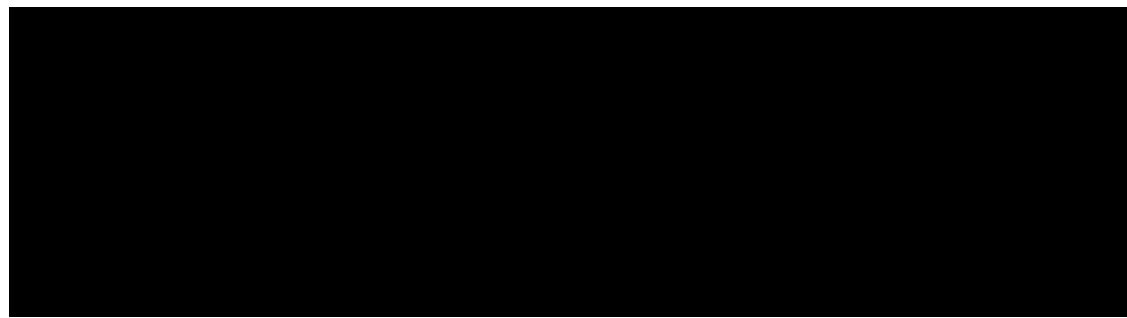
*"Because No 2 Coy [Company] had a body of water, throwing looters into the river was not something I would have been surprised to see them doing," he added.*

He said he recalled *"driving past and seeing it. It was commonplace for them to do that."* He also said if his own company, like No 2 Company, had had access to the waterway from their own area, they would have done the same.

He detailed the bullying antics of the soldiers when they threw the Iraqis in the water.

*"Soldiers were robust people and big, compared to Iraqis who were generally smaller. A soldier would throw a looter into the river, rather like a big brother would throw a little brother into a pool, grabbing them by the scruff of the neck and launching them off into the water, which is how I saw soldiers from No 2 Coy throwing people off the pier," he explained.*

*"If it was a bridge, they would have thrown them over a railing or pushed them in. Looking back on it, I don't think that we checked that the water was deep enough."*





It remains unclear how many Iraqis drowned after being 'wetted,' but the families of Ahmed Jabbar Karrem Ali and Said Shabram, who were 15 and 19 respectively when they died, launched damages claims after the two separate drowning incidents.

The officer recalled the chaos of Iraq after the invasion, saying he and his men were suddenly *"in control of a city that didn't have any water or electricity and we didn't know what to do."*

He said he was convinced that everyone knew what was going on, including senior commanders.

*"This practice was absolutely known and understood by every single person in Basra,"* he said.

*"Unless you were an idiot, you could not have missed it and the talk of looters and what we did with them was on everyone's lips all of the time."*

He specifically stated that *"everyone knew, even in our HQ – of that I have absolutely no doubt ... every single officer knew."*

*"There is absolutely no way that our commanders could not have known about this,"* he said.

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## British MoD gagging soldiers dissatisfied with Iraq war crime probe handling – media

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British soldiers © David Moir / Reuters

The British Defense Secretary has reportedly barred soldiers – targeted by an inquiry into alleged war crimes during the Iraq War – from speaking out about the investigators' tactics before a parliamentary committee. The inquiry has been criticized for its heavy-handed methods.

Three soldiers who are being investigated by the government-run Iraq Historic Allegations Team (IHAT) have been barred from speaking to the Parliament's defense select committee, according to a letter from British Defense Secretary Michael Fallon seen by the Sunday Times.

The soldiers reportedly volunteered to tell MPs about actions by the IHAT investigators and

present evidence of how the probe *"destroyed the careers and shattered the mental health of some soldiers,"* the newspaper's report [said](#).

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[‘I want to face war crimes trial,’ says British Army major over Iraq allegations](#)

One soldier was also willing to accuse the MoD of *"leaving them to rot" and providing "zero support"* to soldiers and veterans under IHAT investigation.

Another senior officer who wanted to speak out on the same issue was reportedly stopped by the Defense Ministry, according to the Sunday Times. *"I have been gagged by the SoS [secretary of state] from giving evidence to the committee,"* one of the soldiers wrote in an email to the Tory MP Johnny Mercer.

The day prior to the meeting with MPs, the soldiers were notified that they had been blocked from appearing before the select committee.

*"Much as I recognize the importance of the matter, I am unable to grant permission for these three serving personnel to provide evidence in the manner you have outlined,"* Fallon said in a letter to Julian Lewis, the chairman of the committee, cited by the daily.

Mercer denounced the Ministry's policy, saying, *"If the MoD is seriously committed to looking after our people, they will let these individuals give me their evidence."*

IHAT has been set up and funded by the British government to review and investigate 1,490 cases of war crimes and abuse against civilians committed by UK forces in Iraq between 2003 and 2009.

*"The alleged offenses range from murder to low-level violence and the time period covers the start of the military campaign in Iraq, in March 2003,"* their official website [reads](#).

The organization employs 145 detectives, including Royal Navy Police personnel, civilian investigators and civil servants, with some service members complaining about IHAT's rough practices.

One soldier told the Sunday Times that the organization's detectives browse social media in search for evidence and persuade military personnel to inform on their colleagues. Some witnesses have been reportedly told to remove negative comments about IHAT.

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[UK troops will be protected from Iraq War 'vexatious allegations' - Theresa May](#)

Another soldier, who the detectives regarded as a potential witness, said he met them in a shopping center and was then led to a car park where an interview took place. *"I was ordered not to contact any of my friends that had been interviewed,"* a soldier interrogated by IHAT told the daily.

Critics of the IHAT investigation argued that it resembles a 'witch hunt' and treats active-duty soldiers and veterans improperly.

*"I am very sorry that our soldiers and their families have been put through this ordeal,"* former PM Tony

Blair also told the Sunday Telegraph following the publication in the Times.



*"Our armed forces gave extraordinary service in both Iraq and Afghanistan and this type of investigation simply makes their job harder to do," he added.*

However, the former PM is now at the center of renewed controversy following the publication of the damning Chilcot Inquiry into the Iraq War, which was published in July. It concluded, *"military action at that time was not a last resort."* Families of some of the British soldiers killed in that war have been crowdfunding to hire a legal team to sue Blair.

## **[READ MORE: Iraq War Families smash crowdfund target to put Tony Blair on trial - bereaved father talks to RT](#)**

The MOD has in turn said it was "nonsense" to speak of gagging:

*"We have a longstanding policy that serving personnel do not give evidence to committees in a personal capacity and it would be inappropriate to expect these individuals to do so while legal proceedings are ongoing."*

In the meantime, Mercer, who was an Army captain during the war in Afghanistan, told the Sunday Times *"the hounding of British troops"* may contribute to creating a disillusioned and asocial 'Vietnam generation' of former soldiers.

*"How we treat this Afghanistan and Iraq warrior generation will define this country's relationship with its military for the next 50 years, and at the moment it is not going well."*

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