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Army courts 'will not tackle abuse by soldiers'

No justice for Iraqi prisoners

HUMAN rights lawyers warned yesterday that army courts are "manifestly incapable" of delivering justice for Iraqi prisoners allegedly abused — and even killed — by British soldiers.

by **DANIEL COYSH**

Three members of the Queen's Lancashire Regiment will become the first British troops to be charged under war crimes legislation brought in four years ago.

The case relates to assaults and abuses in the southern Iraqi city of Basra in September 2003 and includes the death of hotel receptionist Baha Mousa.

Prime Minister Tony Blair's official spokesman revealed: "It is the Army Prosecuting Authority which has decided to take action in these cases. It is being done under military law, not civil law."

But solicitor Phil Shiner, who is acting for the Iraqi families, warned that the charges were merely "the tip of the iceberg" and called for the soldiers to be prosecuted openly in civilian courts.

"Many servicemen were involved in these cases. The nine Iraqi men were tortured over a period of days by shifts of soldiers," he said.

"There is evidence that more officers were complicit and should be charged with war crimes.

"The families want all those responsible to be brought to justice. It's not enough to charge a few soldiers with crimes," he insisted.

Mr Shiner continued: "The most heinous of crimes, namely murder as a war crime, must be dealt with and those responsible should not be charged and prosecuted by their own but should come before a Crown Court pursuant to criminal proceedings."

The court martial held in Germany earlier this year concerning abuses at Camp Bread Basket in Basra had shown that the military justice system was a "farce," argued Mr

Shiner.

"The court martial system, as we have seen in Osnabruck, is manifestly incapable of dealing with an incident of this severity," he said.

The lawyer called for future investigations to be carried out by the Metropolitan Police and the Crown Prosecution Service rather than the military.

Ex-army top brass, now sitting in the House of Lords, have argued that British soldiers should never be prosecuted for war crimes, as this might have a detrimental effect on "morale."

But a Stop the War spokesman countered that "what is bad for morale is British troops being forced to fight in a country that doesn't want them there, for dubious reasons."

He insisted: "This is the single biggest factor behind the problems with morale that the British army is facing in Iraq."

Corporal Donald Payne, Lance Corporal Wayne Crowcroft and Private Darren Fallon are alleged to have committed a number of offences against Iraqis arrested following a planned operation.

Mr Payne also faces a manslaughter charge over the death of Mr Mousa, as well as a count of perverting the course of justice.

A fourth regiment member, Sergeant Kelvin Stacey, is alleged to have assaulted a detainee and faces a charge of assault causing actual bodily harm, alternatively common assault.

Warrant Officer Mark Davies and Major Michael Peebles, both of the Intelligence Corps, are charged with neglecting to perform a duty and negligently performing a duty respectively.

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Cleaners picket Parliament

SWEEPING DEMANDS: Labour MP Dennis Skinner lending his support to striking cleaners outside Parliament yesterday as they walked out in a row over pay, forcing MPs and lords to clean their own offices. The cleaners were joined on the picket lines by over 30 Labour MPs and one Lib Dem.

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