

War crimes in Afghanistan covered up by UK Ministry of Defence

By Jean Shaoul
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The government has been caught out lying about evidence on the killing of civilians in Afghanistan by the elite Special Air Service (SAS).

Three years into a civil case in the High Court brought by Saifullah Yar into the deaths of four family members at the hand of the SAS, the Ministry of Defence (MoD) has finally handed over a tranche of e-mails and documents revealing official concerns about the killing of Afghan civilians. The MoD previously indicated it had no such documents.

The documents, written by SAS officers and military personnel, provide evidence of war crimes. They show that while the government claimed that there was no credible evidence about these events, the evidence had been sitting in Whitehall.

It is a damning confirmation of the criminality of the 2001 US-led invasion and occupation of Afghanistan that has led to more than 175,000 deaths, hundreds of thousands of wounded, and millions forced from their homes.

The intervention in Afghanistan, planned well in advance of the bombing of the twin towers in New York in 2001, was not launched to prosecute a “war on terrorism” but rather to project US military power into Central and South Asia. The US was intent on seizing control of a country bordering on the oil-rich former Soviet republics of the Caspian Basin, as well as China. The UK joined as a willing partner on behalf of its own oil corporations in this criminal venture.

The High Court has now ordered Ben Wallace, the Secretary of State for Defence, to explain why the ministry withheld evidence suggesting SAS soldiers executed 33 civilians in Afghanistan in early 2011. He has until November to reply. The MoD claimed it was not new evidence, as it had been reviewed by the official inquiry—Operation Northmoor—into allegations of civilian killings.

Saifullah brought the case against the MoD to discover what happened to his family and whether the case had been thoroughly investigated by the British authorities. His father, two brothers, and a cousin were killed during a raid on his family’s home in Qala-e-Bost, east of Lashkar Gah in Helmand province in southern Afghanistan, under British occupation in 2011.

After the raid, Saifullah, who was 16 at the time, found his father, Haji Abdul Kalik, 55, two brothers, Sadam, 23, and Atullah, 25, and a cousin shot dead. One of his brothers and his father had been handcuffed and hooded before being shot as they lay face down on the ground. Royal Military Police (RMP) officers had arrived at his family’s compound by helicopter and handcuffed and fingerprinted him, along with the other male members of his family, before he was taken to a barn with the women and children, where they were guarded by soldiers during the raid. He denies that his family had any weapons or were connected to the Taliban, the ostensible cause of the raid.

According to the 1977 Geneva Conventions, shooting civilians is only lawful if they are participating directly in hostilities. With no precise definition of “direct participation,” civilians are expected to be given the benefit of the doubt. Under UK domestic law, which is applicable to the armed forces, a soldier can use force to defend him/herself and others, including lethal force, only provided it is reasonable in the circumstances.

The MoD had previously maintained that it was unaware of any complaint about the raid until the family launched a legal case in 2013. But six years later, it transpired that the Royal Military Police (RMP) had interviewed 54 soldiers involved in the operation leading up to the raid on Saifullah’s family home, with the government’s lawyers claiming that none of those involved could remember very much about the operation.

The documents, first revealed by BBC TV’s *Panorama*

and the *Sunday Times*, tell a different story. They claim that the government covered up dozens of allegations—including by UK soldiers—of the killing of innocent civilians in Afghanistan and Iraq. Leigh Day was cleared of wrongdoing after a six-week tribunal in September 2017.

Philip Alston, the former UN Special Rapporteur on executions, told *Panorama*, “I have no doubt that overall many of the allegations [of innocent people being killed] are justified, and that we can conclude that a large number of civilians were killed in night raids, totally unjustifiably.”

One of the e-mails, sent by an SAS officer the morning after the raid, described it as “the latest massacre!” and added, “I’ve heard a couple of rumours.” Another document revealed that there had been a secret review of suspicious killings and a string of related incidents in which the SAS had killed fighting-age men, often during a search of premises, allegedly because they had picked up a weapon.

According to the review that covered the first quarter of 2011, 23 people were killed and 10 guns were recovered in three operations. It was clear a senior officer examining the official reports filed about the SAS’s night raids was sceptical of their veracity, remarking on their similarity in that the detained men suddenly grabbed a weapon. He found at least five separate incidents where more people were killed than weapons were recovered. Taken together, this led him to conclude, “In my view there is enough here to convince me that we are getting some things wrong, right now.”

One SAS commander even wrote to London warning there was “possibly a deliberate policy” and that the SAS troops had potentially strayed into “indefensible behaviour” that could amount to being “criminal.”

His concern was that the killings were jeopardising the support of Afghan forces, which were refusing to accompany the British on night raids, and “put[ting] at risk the [redacted] transition plan and more importantly the prospects of enduring UK influence” in Afghanistan.

While the RMP had launched an investigation called Operation Northmoor into 657 allegations of abuse, mistreatment, and killings, including into the deaths of Saifullah’s family members, at the hands of British forces, the government closed it down in 2017. Once again, a three-year-long official probe, costing at least £10 million, failed to result in a single prosecution.

The corporate media had gone into overdrive, branding the investigations as a witch-hunt. The MoD filed complaints against the lawyers bringing civil suits against it, including against Saifullah’s lawyer Leigh Day. Leigh

In March, the government introduced legislation proposing a five-year limit on prosecutions for soldiers serving outside the UK. With its “presumption against prosecution” that gives the green light to future war crimes, including the mass murder of civilians, the military will now be above the law.

It was WikiLeaks publisher and journalist Julian Assange who, by publishing the Afghan war logs in 2010, a vast trove of leaked US military documents, first brought to the world’s attention evidence of the criminality of a war that has now lasted 19 years. The Afghan war logs exposed the myth that the occupation of Afghanistan was a “good war,” supposedly waged to defeat terrorism, extend democracy, and protect women’s rights. They revealed the mass killings of civilians by both US and UK forces, detailing at least 21 occasions when British troops opened fire on civilians.

It is not just those soldiers who perpetrated these crimes on behalf of British imperialism that have escaped punishment. The guilty include those at the top of the political and military ladder that planned and executed this criminal war, even as they plot new crimes, including catastrophic conflicts with nuclear-armed powers such as China and Russia.

Instead, the only two people who have faced criminal repercussions are those who reported the crimes: Chelsea Manning, who has endured a decade of persecution, and Julian Assange, who is imprisoned in Britain’s maximum-security Belmarsh Prison awaiting court hearings for his extradition to the US where he faces 175 years of imprisonment under the Espionage Act. The exposures of the horrors of both the Afghan and Iraq wars earned Assange the undying hatred of Britain’s political establishment, which is why they have hounded, intimidated, tortured and imprisoned him.

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