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PRESS RELEASE BY THE ARMY PROSECUTING AUTHORITY

1. On 12 February 2006 a newspaper and several TV stations published video footage and still images of an incident in April 2004 in Al-Amarah, Iraq depicting British soldiers allegedly assaulting Iraqi civilians. It appeared that four Iraqi civilians had been snatched from a rioting crowd and brought inside a military compound where they were assaulted. The video has a commentary appearing to encourage what was being done.
2. The incident was investigated by the Special Investigation Branch of the Royal Military Police (RMP). The recovered video footage shows, immediately before the alleged assaults, the soldiers being attacked by mortar blast bombs and confronted by a riotous mob throwing stones. The soldiers were accordingly dressed in full riot gear. The video footage also shows an alleged kick to the body of a deceased Iraqi civilian.
3. The RMP produced a comprehensive report following a thorough investigation and nine servicemen, members of the Light Infantry, were referred under the Army Act 1955 to the independent Army Prosecuting Authority (APA), following the usual procedures through the Commanding Officer and his Higher Authority.
4. Having carefully considered all the evidence, and having sought the opinion of independent leading counsel, the APA has decided that the servicemen should not be tried by court-martial.
5. In reaching this decision the APA applied the same tests of evidential sufficiency and public interest which are applied by the APA and the Crown Prosecution Service in all criminal cases. In other words, is there a realistic prospect of conviction on the available evidence and, if so, is it in the public interest to prosecute? These tests are set out in the Code for Service Prosecutors.
6. In respect of six servicemen, the APA concluded that there was insufficient evidence against them to afford a realistic prospect of conviction on any criminal charge.
7. It was possible to establish the identity of only two of the servicemen shown on the video footage apparently engaged in assaults footage, and the evidence would support charges of assault by battery against these two servicemen. There was no reliable

evidence of injuries caused by the assaults, therefore there was no evidence to support charges of assault occasioning actual or grievous bodily harm. Charges of battery are, however, summary only offences in civilian law and are currently subject to a 6 month time-limit. This would also apply to proceedings in a civilian court. It has been established that the incident in question took place in April 2004. It follows that charges of assault by battery were time barred after October 2004, and criminal prosecutions on these charges could not be brought. The military authorities were not aware of the incident until February 2006. The APA concluded, therefore, that there was no realistic prospect of conviction on charges of battery. There were no other appropriate charges which carried a realistic prospect of conviction.

8. There was also evidence to support charges of conduct to the prejudice of good order and military discipline under the Army Act 1955 against two servicemen in respect of the body of the deceased Iraqi and the commentary on the video. These charges do have a realistic prospect of conviction, but the APA took the view that the public interest did not require them to be tried by court martial. They could be dealt with summarily by the commanding officer, or by internal Army administrative action which can impose a range of sanctions including termination of service.

9. The APA has referred the case back to the Army who will now consider taking internal disciplinary and administrative action in respect of these matters.