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Articles

Crimes of a “benevolent” hegemony: Configurations of UK power in Northern Ireland and Iraq

Lily Hamourtziadou¹ and Aidan O’Sullivan²

Abstract

Themes of hegemony and neoliberalism are explored in this paper that looks at UK role in crimes against humanity in Ireland and in Iraq, either alone or as part of a hegemonic coalition that claims to be fighting a brutal, unjust, and uncivilized insurgency. The common thread that ties crimes spanning 100 years is the narrative of the “benevolent” hegemon that kills, tortures, enslaves, and occupies for the good of the victims. Power is exercised by the hegemon through military and political domination under the guise of a civilized protector, liberator, and the bearer of progress and order.

Introduction

The Second World War officially ended in September 1945. Morally, it concluded with the end of the Nuremberg Trials, when justice was seemingly served for the crimes committed during the war. The trials were a series of military tribunals held by the Allied forces under international law and the laws of war. Prominent members of the political, military, judicial, and economic leadership of Nazi Germany were prosecuted and convicted. Many of them were sentenced to death. The first and best known of the trials, held November 1945–October 1946, was that of the major war criminals before the International Military Tribunal. While German leaders were tried for crimes committed during the war, no British or US leaders were ever accused of any crimes. The leadership behind the US bombings of Hiroshima and Nagasaki, which caused the deaths of 200,000 people, or the one behind the US-UK bombing of Dresden, which caused the deaths of an estimated 25,000 civilians, never faced charges. Instead, they stood in judgment of those they called “evil.”

It was a manifestation of a continuing narrative of power, dominance, and crimes that go unpunished. An unchanging narrative of “good” and “evil” that began in Ireland 100 years ago and has been carried through to the 21st century, when the Rome Statute of the International Criminal Court (ICC) entered into force.

Article 7 is “Crimes Against Humanity” and it states:

1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - a. Murder;
 - b. Extermination;
 - c. Enslavement;
 - d. Deportation or forcible transfer of population;
 - e. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - f. Torture;
 - g. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

- h. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i. Enforced disappearance of persons;
- j. The crime of apartheid;
- k. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. (Rome Statute of the International Criminal Court, 2002)

A look at ICC cases reveals a picture of entirely dark-skinned leaders, primarily African:

Bahr Idriss Abu Garda, Sudan.
Al Hassan Ag Abdoul Aziz, Mali.
Omar Hassan Ahmad Al Bashir, Sudan.
Ahmad Al Faqi Al Mahdi, Mali.
Abdullah Al-Senussi, Libya.
Mahmoud Mustafa Busayf Al-Werfalli, Libya.
Mohamed Hussein Ali, Kenya.
Ali Muhammad Ali Abd-Al-Rahman, Sudan.
Narcisse Arido, Democratic Republic of Congo.
Laurent Gbagbo, Côte d'Ivoire.

This list is long and missing from it are UK and US leaders, tried either for recent crimes committed in the Middle East, or retroactively. In this paper we examine, first, Irish nationalism and the War of Independence, and British responses to the Irish insurgency. In the second part, the focus shifts to the Middle East and crimes committed by the US-UK coalition against Iraqi civilians, all of which (as in the Irish case) have gone unpunished.

Crimes against the Irish: the road to Ballymurphy and Bloody Sunday

In 2021, Northern Ireland marked its centenary of existence. Its foundation was concurrent with the conclusion of the Irish War of Independence. Treaty negotiators from the revolutionary Irish Parliament, the Dáil Éireann, agreed with the British Government to found an Irish Free State with 26 counties in the Northwest, East, West, and South of the Island. Meanwhile in the historical province of Ulster, which ostensibly consists of nine counties, six counties would remain within the United Kingdom and form the basis for Northern Ireland. There was to be a Protestant majority population within this new polity, hence the exclusion of three other counties with nationalist majorities who tended to be Catholic: Donegal, Monaghan, and Cavan (Allen, 2021). From this point, two main political ideologies were present in Northern Ireland. "Unionist" ideology represented those who believed in the maintenance of Northern Ireland within the United Kingdom. This identity is often coterminous with "Loyalism," broadly referring to a strong "Ulster" identity. It is primarily Protestant in character and requires defense from "nationalists" or "Republicans" in Northern Ireland who seek to reunite the six counties with the 26 counties in a 32-county Republic. It also views reunification as not only a loss of British identity, but a possible subservience of Protestants to Catholic dominance as well. Unionists and/or Loyalists are largely Protestants while Nationalists/Republicans are largely Catholic.

Over the following decades, through gerrymandering in constituencies with nationalist majorities, unionist governments dominated. Other legislative maneuvers involved restricting voting to property owners in a polity where the vast majority of Catholics are renters. The Special Powers Act gave the Executive the authority to ban demonstrations

and speeches and provided for summary bans and measures from the Home Affairs minister as they saw fit (Finn, 2019). From 1920 to 1969 The Unionist Party held unbroken rule with four prime ministers in that time (Finn, 2019). Other markers of experience for Catholics in Northern Ireland included suspensions of nationalist councils, oaths of allegiance for teachers and State employees, and discrimination in housing and jobs (Allen, 2021). Protestant Unionist politicians maintained a dominance over the Catholic Irish population through the new Parliament at Stormont Assembly. This meant that Northern Ireland was an inherently sectarian creation that Labour and Conservative Governments in London tolerated and defended for the majority of the 20th century and resisted calls for local government reform.

This is a first corrective to revisionist Irish historiography that sometimes paints the War in Northern Ireland as largely the result of religious differences between two immutably sectarian sections of the Irish population. The structures of the new State were sectarian in conception. Not only that, but Northern Ireland was originally conceived in 1919 as a temporary solution to undermine any newly independent state that Walter Long proposed as part of the Long Committee while drawing up the Government of Ireland Bill. This shows that Northern Ireland's original *raison d'être* was not just finding a "Protestant Parliament for a Protestant People" (albeit ignoring the numerous Catholics that lived within its borders), but also to undermine the newly independent 26-county state. Walter Long was also one of the first proponents of using ex-servicemen to align with the RUC and form the hated counterinsurgency force the Black and Tans during the War of Independence (Allen, 2021). The Black and Tans became synonymous with numerous abuses and killings of the Irish population in their attempt to quell support for Irish Republican Army (IRA) units in the Irish countryside. This resulted in increased resentment towards the British Empire and its presence in Ireland, especially when in 1921 British troops opened fire on Gaelic Football spectators in Dublin (Finn, 2019).

During the War of Independence the Ulster counties that were to make the future constitutional basis of Northern Ireland were a site of sectarian violence against Catholic families from which the IRA units who were active in the other provinces were largely absent. One of the groups orchestrating the sectarian violence was one of the first loyalist militias in the 1920s, the Ulster Volunteer Force (UVF), after Nationalist and Labour parties won elections in 1920 (Allen, 2021). Several expulsions of the Catholic population followed, including 10,000 Catholics from Belfast. These pogroms also targeted "rotten Prods," or Protestants deemed disloyal to the Empire (Allen, 2021). The burning of 300 homes in Lisburn followed the IRA shooting of a police officer who allegedly assassinated the Lord Mayor of Cork Thomas McCurtain. This continued throughout 1920 and 1922 with the deaths of 44 Catholics and 22 Protestants in May 1922 alone. This period would see the formation of a volunteer force, the Ulster Special Constabulary, that would form the basis of the B Specials up until the 1970s. The UVF, which was leading a lot of the violence at the time, had units incorporated into this new policing body (Allen, 2021). This was an early sign of the shared membership between loyalist paramilitary forces and security forces such as the police and local army regiments that would become a feature of collusion throughout the Troubles.

Keeping Northern Ireland and quelling dissent was important for a possible roll-back of the newly independent Irish State. Throughout the 20th century as the British Empire collapsed and more colonies gained freedom, emphasis shifted to maintaining Northern Ireland's place in the Union. This is important to remember as a corrective to ideas that Britain was largely a reluctant participant into a civil war between two communities with ancient hatreds. Arguably the current UK Government cares little for Northern Ireland's place in the Union, considering the Conservative Party overwhelmingly voted for the Northern Ireland Protocol that effectively places the six counties under a different customs regime than the rest of the UK. This protocol faces increasing activism and vitriol from

large unionist parties such as the Democratic Unionist Party (DUP) and representatives of dormant Loyalism paramilitary groups such as the UVF, the Ulster Defence Association (UDA), and the Red Hand Commando within the Loyalist Communities Council (LCC) (Rutherford, 2015).

With the Black and Tans and the War of Independence, insurgency and counterinsurgency were already a feature of the British Army on the island of Ireland in the 20th century. The IRA guerrilla campaign in the countryside became influential for armed liberation movements and anti-imperialist struggles, with personal accounts from leaders such as Tom Barry and Dan Breen gaining readers as far afield as India and Cuba (O'Sullivan, 2021). McGovern (2019) states that British counterinsurgency thought and practice is rooted in the conduct and maintenance of imperialism and "small wars" and centers on "necessity" and not "minimum force." This can help describe the eventual character of collusion, particularly its emphasis on eliminating enemies and instilling fear in a population. He states that current British doctrine in Afghanistan and Iraq focuses on weakening the link between the population and insurgents. McGovern cites the work of Charles E. Caldwell, Charles Gwynn, and of direct relevance to Northern Ireland, Frank Kitson, as central to the formation of British counterinsurgency doctrine. Callwell's key work is *Small Wars* and stated that "moral force" had to be impressed on the subject populations of colonies. A lot of the discourse betrays deeply racist ideas on the need to demonstrate their "moral inferiority," which McGovern states is an analogue to "shock and awe" tactics (McGovern, 2019: 13). This included the destruction of civilian food sources and villages and towns to choke off support for rebels but to convince the population not to rise up.

Charles Gwynn's *Imperial Policing* released in 1934 was also a standard text. Gwynn, like Callwell, paid little attention to the experience in Ireland. The post-independence reality led him to counsel against taking lessons from the experience there despite the outrages committed on the population by Auxiliaries and Black and Tan soldiers. From 1920, British policing in Palestine followed the template of the Black and Tans in Ireland and the Royal Irish Constabulary. This was also the same time that allegations arose of forced labor, razing of houses, and soldiers fastening Arab citizens to military vehicles in transit. The lack of reference to Ireland is surprising as both authors had family there. Gwynn stated that the military should be an "aid to civil power" and to rely on minimum and necessary force as the situation demands (McGovern, 2019: 14). In addition, the collaboration between British troops and Jewish settler militias was prominent. This of course is important to consider considering Frank Kitson's advocacy of "counter-gangs" in Kenya and Northern Ireland. However, while Gwynn may emphasize legality, this could also include martial law and in Palestine there were summary judgements of Arab civilians and no prosecution of soldiers.

The final theorist is General Frank Kitson with overall responsibility for troops in Northern Ireland in 1970–2. Before that, he had served in Kenya, Oman, Malaya, and Cyprus. In Kenya, Kitson advocated for the use of "counter-gangs." Kitson was concerned for counterinsurgency to appear in line with the rule of law and McGovern attributed this to the post-1945 order. Kitson served in Malaya during the "Emergency" 1948–50 under the command of Robert Thompson who made the appearance of legality central to his role in counterinsurgency despite the fact widespread illegality and human rights abuses were central to that operation. For Kitson there were two main factors for measuring a counterinsurgency's success, the law and "expediency" (McGovern, 2019: 17). Kitson stated that the law was often unworkable and that "law should be used as just another weapon, and in this case it becomes little more than a propaganda cover for the disposal of unwanted members of the public" (McGovern, 2019: 18). With this in mind, the civil authorities were to ensure a legal system that gave cover to state agents and avoid their prosecution. The use of locals to engage in fighting has been an aspect of British counterinsurgency for a century and this is still occurring in Iraq and Afghanistan. Gordon Kerr, who was head of the Force Research Unit, would

later serve in Iraq according to news reports (McGovern, 2019), though some reports contradicted this (MacKay, 2019).

The use of counterinsurgency tactics on the island of Ireland would resume following a complete breakdown of order between Catholic protesters and a Protestant ruling class. Throughout the course of the 20th century, there were minor incursions from Republican paramilitary groups across the new border between the 26 counties (declared a Republic in 1948) and Northern Ireland, with a variable relation to the original IRA of the Irish War of Independence. Ties included the involvement of veterans who did not accept the partition after the end of the original War of Independence and younger volunteers. One serious attempt was the disastrous Border Campaign in the 1950s. There were numerous arrests of volunteers on both sides of the border and they held few weapons or personnel.

The Catholic population were still experiencing extreme inequality in Northern Ireland. Members took inspiration from the activism of the civil rights movement in America and decided to follow the example of Martin Luther King and Rosa Parks, forming the Northern Ireland Civil Rights Association (NICRA) in 1967. Meanwhile two new groups were forming from the IRA, the Official IRA (OIRA) and the splinter group, the Provisional IRA (PIRA), but both wings were extremely marginal after the Border Campaign (Finn, 2019). The NICRA committee focused on civil rights for Catholics and avoided questions of the Union. "British Rights for British Citizens" was a regular slogan of these marches (McKearney, 2016: 114). This also underlines an important and overlooked reminder that the Bloody Sunday Ballymurphy massacres were essentially attacks on British civilians. The Provisional IRA did not make the break with Britain its primary platform until after internment and Bloody Sunday in 1971-2 (McKearney, 2016). Much like the civil rights marches in the USA, NICRA met serious police oppression from the Royal Ulster Constabulary (RUC), denouncement from the Unionist establishment, and smears of being an IRA and Roman Catholic front for the takeover of Ulster. At the same time, a British Army veteran Gusty Spence formed the UVF, taking its name from the paramilitary group of the 1910s.

Smears of the protesters being a front for the IRA would continue long after the British Army killed 14 of them on Bloody Sunday. In 1968, NICRA announced an intention to march in Derry, as did local activist group the Derry Housing Action Committee. After fractious scenes on 5 October 1968 where protesters experienced beatings the then First Minister Terence O'Neill sacked his home affairs committee and called for a truce that the marchers agreed to, suspending marches for a month. A group of student activists known as People's Democracy broke this truce a year later. O'Neill left office a year later after a series of bombings at power and water installations that the police attributed to the IRA but were in fact the responsibility of the banned UVF (Finn, 2019). Big victories included the election of prominent members in the civil rights groups, such as Bernadette Devlin and John Hume, as MPs. At the same time, the Unionist marching season began and civil rights activists were determined for the marches and the police not to enter the Catholic area of Bogside in Derry. The Apprentice Boys, a loyalist heritage group began marching to counter demonstrations. Rioting had erupted again and by the time the British PM sent in British troops ten had died and 2,000 families, 80% of them Catholic, were evicted from their home (Finn, 2019). Republicans were active as well, with incendiary devices planted at post offices and organizing the Derry Citizen's Defence Association (Finn, 2019).

British PM Harold Wilson deployed troops, but Stormont still held control, with Ian Freeland as General Officer Commanding. Anecdotes abound of how relations were initially good between the Army and Catholic population but this fell apart with the colonial style policing that put restrictions on whole communities. After an April 1970 riot in Ballymurphy in response to an Orange Order march, Prime Minister Chichester-Clarke blamed the loss of two by-elections on this disorder and expressed his demand to Ian Freeland that it not happen again. The RUC asked Chichester-Clarke to ban Orange Order marches in the

summer of 1970 but he refused, afraid of what his party would do. Freeland aimed to push the Orange Order through the nationalist area of Ardoyne (Finn, 2019). The weekend, which also saw sectarian rioting and the first actions by the newly formed Provisional IRA, left six dead, with the latter killing three. Afterwards a Joint Security Committee made up of the RUC, the Army, and Stormont decreed that any further confrontations would meet a show of force. This came after a stone-throwing crowd responded to an arms search in the Lower Falls Road area in Belfast. This area was a stronghold of the Official IRA. A confrontation with OIRA volunteers followed and the Army used 1,500 rounds of live ammunition and CS teargas, resulting in the death of four civilians. The sentiment of the population turned against the Army (Finn, 2019).

The Official and Provisional factions were also engaged in rivalry over who was the source of defense for the besieged Catholic civilians of Northern Ireland. A very telling anecdote about the damage that the British Army were inflicting on their own reputation comes from Finn (2019). Rioting broke out again in Ballymurphy and the Army responded with rubber bullets and CS gas. Billy McKee sent Brendan Hughes to attack British soldiers but local commander Gerry Adams told him that his volunteers would not attack the soldiers, in line with the Napoleonic adage never to interfere with an enemy while they were making a mistake. Stormont passed a Criminal Justice Act that widely punished the community and not just the young and unemployed rioters. In early 1971 after more clashes in Belfast, a PIRA sniper killed the first British soldier of the Troubles. There was still a civil rights movement alongside an increasingly strident armed force campaign from two competing groups. The Catholic population in the ghettos of Derry and Belfast was getting more and more radicalized. Internment without trial followed a PIRA bombing campaign that injured scores of civilians (Finn, 2019). A subsequent bombing of McGurk's bar in North Belfast followed. The UVF claimed it, despite the authorities stating that it was an IRA bomb that exploded prematurely. They offered this as a justification for internment, which no loyalists were snapped up in (McGovern, 2019). This claim, despite evidence to the contrary, was part of Army public relations and disinformation linked to Kitson's unit, the Military Reaction Force (MRF), later the Special Reconnaissance Unit (SRU), both which became implicated in allegations of direct involvement in the McGurk's bar bombing. A decade later, they would be the template for the Force Research Unit (McGovern, 2019).

The PIRA were at this point trying to goad more shows of strength and direct rule from London from Harold Wilson's successor, Edward Heath. Internment would become the new locus of civil rights organizing. Operation Demetrius began with over 300 arrests in August 1971 and internment at Long Kesh gave rise to stories of beatings, sleep deprivation, and false executions by dropping blindfolded prisoners a few feet off the helicopter while under the impression that the drop was several hundred feet higher. This was reminiscent of the actual execution method used by several South American governments and these tactics often had been used in British colonies (Finn, 2019).

What also arose from this time are termed the "five techniques": "wall postures, hooding, noise, deprivation of sleep and deprivation of food and water" (International Criminal Court, 2020). The European Court of Human Rights would rule these techniques as a contravention on the European Convention on Human Rights and its ban on degrading and inhuman treatment (ICC, 2020). A ban on the five techniques followed their use in Northern Ireland yet there was a lack of clarity whether this ban applied for wartime deployments as well as for internal security operations. This was the statement from the Baha Mousa Inquiry (ICC, 2020). The judgement from Justice Leggatt as recently as 2017 in *Alseran & Others v Ministry of Defence* states:

As the lessons of Northern Ireland, The Baha Mousa Inquiry and the al-Bazzouni case do not seem to be fully absorbed by the MOD, I consider that the court should now make it clear in unequivocal terms that putting sandbags (or other hoods) over the

heads of prisoners at any time and for whatever purpose is a form of degrading treatment which insults human dignity and violates Article 3 of the European Convention. ([Quoted in ICC, 2020: 29].

This highlights what McGovern (2019) states about the supposed lack of legal framework guiding the use of state agents in his study of collusion in Northern Ireland. A critical view may suspect that such vagaries and absences of legal framework allow flexibility within the law and may allow iterations of these techniques to travel from Northern Ireland to future deployments in Iraq just as they arrived in Northern Ireland after purported use in colonial ventures in Aden and Kenya (Cobain, 2012).

Operation Demetrius predictably triggered further violence, with 17 dead within over 9–11 August, including ten civilians killed in Ballymurphy by British forces. The 1st Battalion Parachute Regiment, known colloquially as “Kitson’s private army” (McGovern, 2019: 161), of the British Army carried out these killings and they would do so again on Bloody Sunday the following year in Bogside in Derry. Recruitment soared to OIRA and PIRA. The UDA formed at this point and took its place alongside the UVF as a prominent loyalist paramilitary force. This was not just mere tolerance, but the loyalist paramilitaries would be in the service of military intelligence due to the similar aim to maintain the security of the state. The then First Minister Brian Faulkner was home affairs minister during Operation Harvest, the IRA’s 1950 Border Campaign, when internment had worked, so he surmised that it should work again. However, the lack of sympathy by the nationalist population in the North during the Border Campaign ensured its defeat while the later internment turned the population’s sentiments against the security forces, resulting in a lack of informers from the Catholic ghettos (Finn, 2019). Nationalist tenants organized a rent and rates strike, erected barricades, and instituted no-go areas in Belfast and Derry in early 1972 in a repeat of scenes from 1969.

The killing at Ballymurphy was recently, at the time of writing, the focus of an apology from the British PM, Boris Johnson in 2021. It did not seem to attract as much attention as Bloody Sunday, which followed. The close of 1971 and the opening of 1972 saw determined marches against internment by NICRA and the newly formed Northern Resistance Movement (NRM). On 22 January, members of the 1st Battalion Parachute Regiment halted such a march with batons and rubber bullets. All of these marches were in defiance of a ban for the entirety of January 1972. A new demonstration took place on the 30 January in Derry. NICRA urged its supporters not to give the forces any excuse to use force and the local RUC commander also wanted to avoid a confrontation (Finn, 2019). The RUC commander, Brendan Lagan received assurances that both IRA factions would not bring weapons or use it as an opportunity to attack the troops according to the intermediary between three parties, Brendan Duddy (Finn, 2019). The Commander of Land Forces, Robert Ford, in favor of mass arrests, ignored this. Thirteen civilians died, with a fourteenth dying later of their wounds. Journalists contradicted soldiers’ accounts on the day. Two months later, the Widgery Report that was commissioned by Heath claimed that the march had petrol bombs and soldiers only opened fire after being fired upon first, yet still stated that the firing “bordering on the reckless”. Months later, the first Secretary of State, William Whitelaw, stated the march was legal (O’Doherty, 2021). In 2010, the Saville Report overturned most of the conclusions of the Widgery Report. However, the Saville Report placed responsibility on the soldiers and their direct commanding officer, Derek Wilford, not Robert Ford or deputy Mike Jackson (Finn, 2019). This would have placed the actions of soldiers that day as more in line with an overall strategy of stopping the protest movement and would make the Army completely responsible. Finn (2019) surmises that the idea was to draw the IRA into a gun battle but instead helped to revive their numbers to a significant degree. McCann (2021) states that the lack of enthusiasm for prosecution for Soldier F has more to do with the fear of what he may say than actually trying to spare soldiers jail time.

Recently, the Public Prosecution Service in Northern Ireland decided not to proceed with charges against a "Soldier F" for the murder of two civilians during Bloody Sunday. McCann (2021) states that the lack of enthusiasm for prosecution for Soldier F has more to do with the fear of what he may say than actually trying to spare soldiers jail time. There was also a decision not to prosecute "Soldier B" with the murder of a 15-year-old boy in Derry later in 1972. These decisions apparently occurred after the collapse of two other court cases involving military veterans (Leebody, 2021). The Royal Military Police initially investigated the Bloody Sunday killings and not the RUC. A previous murder trial over the shooting of official IRA leader Joe McCann in April 2021 ruled that statements received by the Royal Military Police were inadmissible. This collapsed the trial of Soldier F (BBC News, 2021; O'Brien, 2021). The dispute was that Mr McCann was evading arrest at the time two paratroopers shot him. The Royal Military Police did not place the suspects under caution while receiving their statements and there were other deficiencies in their evidence collection. Despite prosecutors saying that subsequent statements by the same two defendants to the Historical Enquiries Team in 2010 agreed with previous statements, the judge disagreed and ruled this as inadmissible evidence due to the PSNI not deciding to conduct a new interview under caution (BBC News, 2021). This Historical Enquiries Team was set up to investigate unresolved deaths but was dissolved in controversial circumstances before it finished its investigations (McGovern, 2019). The Legacy Investigation Branch of the PSNI took over this work. There are concerns around its independence, especially considering how prominent RUC officers are in campaigns against these investigations (McGovern, 2019). A range of other bodies have been set up to investigate similar matters established under the Stormont House Agreement, including a Historical Investigative Unit and an Independent Commission on Information Retrieval.

There is an important political context here as in London the Conservatives have sought to make historical prosecutions of soldiers in Iraq (and Northern Ireland) harder, with the initial abstention of the Labour Party. In Northern Ireland, since 1998, there have been only a handful of successful prosecutions involving loyalist and republican paramilitaries, but no soldiers or former RUC officers have been successfully prosecuted (Morris, 2021). The Government seems intent on avoiding prosecutions of serving soldiers and in proposals shared with the Times Newspaper in May 2021 this included seeking an amnesty for all prosecutions for suspected offences, including those of republican and loyalist militants as well (Ward, 2021). The DUP leader Jeffrey Donaldson has meanwhile stated that there is a need to move "beyond an examination of the past" while there is still an acknowledgment of past suffering (Ward, 2021). Meanwhile both British and Irish Governments were intending to hold talks on the way forward for legacy investigations (Ward, 2021) after an apparent refusal by the British Government to continue with them. The British Army was *directly* responsible for 300 deaths and only four soldiers received convictions for a handful of those murders. They served less than three years before returning to active service (McGovern, 2019).

A lot of the interrogation techniques identified in the ICC Iraq report originated in Northern Ireland, showing historical links in alleged abuses during interrogation measures. There is historical linkage to the uses of counterinsurgency techniques in Kenya during the Mau Mau Rebellion that resulted in severe abuses of civilians. It is important to highlight the career of Frank Kitson, who served in Northern Ireland in the run up to Bloody Sunday and before that served in Kenya. It is important to see the linkages in counterinsurgency from earlier eras and how practices recur in different military campaigns. This is especially important when there are claims that previous "mistakes" result in the military and/or the police learning lessons.

Crimes against the Irish: collusion

MOD figures recorded that 1,441 service personnel lost their lives during the course of the Troubles. This was the highest loss of life for the armed forces since the Second World War (McKearney, 2016). From the mid-1970s afterwards came the policy of “Ulsterization” where British Army involvement was scaled down in favor of supporting the locally recruited RUC and the UDR part-time regiment. This meant that IRA attacks on security forces took on a more sectarian character and helped to foster more bitter relations between the communities (McKearney, 2016).

The RUC/PSNI hold a reputation as a model of policing for export to countries like Afghanistan and Iraq, due to the experience of dealing with terrorism. This is often very lucrative, with this consultancy advertised to foreign governments and politicians (Ellison and Brogden, 2012). Along with Allen’s sardonic comment of conflict resolution being Northern Ireland’s largest export, the same could be said for “policing reform” (Allen, 2021). However, these descriptions leave out accounts of the RUC’s complicity in collusion throughout the Troubles and facilitation of the use of loyalist paramilitary groups and assistance in supplying weapons, either sharing members or helping paramilitaries evade arrest.

This links to other accusations that the collusion found to have occurred between the military, police, and the loyalist paramilitary movements targeted not just IRA operatives but political activists in Sinn Fein as well as families of both, to quash armed acts and support in the nationalist communities. The previous section detailed Frank Kitson’s deployment of the counter-gangs tactic in Kenya and this is very similar to the use of state-sanctioned death squads. Blair appointed the retired Canadian judge Peer Cory to look into killings where there was any possibility of State collusion and the latter’s recommendations for a wide-ranging investigation were predictably ignored (Finn, 2019). McGovern (2019: 3) states that “collusion” as well as “counter-gangs” were prominent in Northern Ireland and uses victims’ groups’ descriptions of how loyalist paramilitaries had their targets identified and coordinated through intelligence leaks and received assurances they would not experience prosecution. He also draws on Cory’s definition of collusion through using a variety of synonyms such as “conspire; collaborate, to plot, to scheme” (McGovern, 2019: 3). He states that Cory specifically emphasizes how much omission plays a part in collusion as much as active commission and that there was a marked failure to act and prevent or prosecute actions of collusion.

This was particularly high from the mid-1980s onwards where actions by loyalist paramilitaries would eventually cause more annual fatalities than the PIRA. In mid-Ulster the IRA were highly active and targeted RUC members and members of the locally recruited Ulster Defence Regiment (UDR) of the British Army as well as civilians, especially those who worked at security sites (McGovern, 2019). The fact that most of these victims were of a Protestant/Unionist background helped lend the conflict a sectarian edge, as would the loyalist paramilitary attacks and homicides against Catholic communities. The SAS were the main counterinsurgency unit there and their “shoot-to-kill” policy was prominent, as were loyalist paramilitary groups, and many of their murders held deep suspicion of collusion. These paramilitary groups often drew support from the same communities as the RUC and UDR and shared members at the same time (McGovern, 2019). The UDR formed out of the ashes of the B Specials – a paramilitary policing unit that worked in collaboration with the RUC and circumvented the ban on the Belfast Government from raising an army of its own (McGovern, 2019). The most infamous case of collusion was the “Glennane Gang” which included members of UDR and State personnel and were linked to the Miami Showband massacre and the bombings in Republic of Ireland in Monaghan and Dublin that left 33 dead (McGovern, 2019). The Ulster Defence Association (UDA) were often able to gain weapons

from UDR stores in well-coordinated raids. There was mass shared membership of both organizations (McGovern, 2019). RUC members were also deeply involved with supplying weapons to loyalist militants.

Prominent members of civil rights/anti-internment/anti-H-Block marches were targets of assassination attempts. This included Bernadette McAliskey (nee Devlin) and her husband, shot by gunmen several times in front of their children at their home. Members of the UDA carried out the attack despite paratroopers keeping the house under surveillance. McAliskey was prominent in the Irish Republican Socialist Party, the political voice of the Irish National Liberation Army which was involved, among other attacks, in the assassination of shadow Northern Ireland Secretary Airey Neave of the Conservatives. However, activists did not need to have links with Republican paramilitary movements. One target was former British Army officer turned anti-H-Block activist and republican John Turnley. Many of the attacks were well planned and occurred at activists' homes.

The "shoot to kill" policy of undercover SAS units included the killing of 13 IRA volunteers in Loughgall, County Armagh. This formed a part of several set-piece killings that prioritized deadly force over attempts to arrest. While the targeting of militants may not elicit much sympathy, it is important to note that the SAS shot no loyalist militants from 1976 to 1987 and of 58 shoot-to-kill victims from 1982 to 1992 only one was loyalist. This again suggests a tolerance for loyalist-led violence even during the upsurge of in loyalist killings between the late 1980s and early 1990s (McGovern, 2019). Deaths included civilians with no links to paramilitary groups. In East Tyrone in the small village of Cappagh in 1992, after a landmine killed a paratrooper, his comrades stationed there began engaging in low-level hostile confrontations with civilians, resulting in the Coalisland riots with three local civilians shot (McGovern, 2019). Attacks also expanded to the SDLP who were the moderate nationalist party. Family members of IRA militants and Sinn Fein politicians were also a target at this time. Sectarian attacks on nationalist communities were often revenge for IRA attacks on Orange Halls as well as instilling fear amongst the Catholic community. It was intended to send a message that the IRA could not protect them and diminish support for Sinn Fein.

There were claims of course that the loyalist groups were able to target attacks due to intelligence support from the Army. Brian Nelson who worked with the Force Research Unit became the UDA's director of intelligence and played a part in the murder of lawyer Pat Finucane who defended numerous IRA suspects (Finn, 2019). This all happened with the full knowledge of his handlers as Nelson provided intelligence for better targeting and arranged a key shipment of arms in 1987 from South Africa, which were used in subsequent loyalist killings. The 2012 De Silva Report into the murder revealed that 85% of all loyalist intelligence from the mid-1980s originated from state sources (McGovern, 2019). Similarly, the Patten Commission urged reform of the RUC, which also faced claims of systemic collusion with loyalists in conjunction with the Army and MI5. The De Silva Report into the killing of Pat Finucane stated there was next to no legal framework for managing informers or agents. McGovern (2019) states this was potentially by design to allow a space for plausible deniability and facilitate counterinsurgency. The RUC and British Army obstructed the investigations of the 1990s Stevens Inquiry after the shooting of Loughlin MacGinn. The RUC and the British Army blocked the release of files and afterwards a fire destroyed the Stevens office as well as the files (McGovern, 2019). The De Silva report stated that the fire was most likely intentional. After the killing of mid-Ulster UVF leader Billy Wright in 1997 attempts to investigate his involvement in collusion failed (McGovern, 2019).

This is reminiscent of Mbembe's concept of "necropolitics." Necropolitics states that sovereignty is not merely the domain of control over life as in the Foucauldian concept of "biopower" but "exercising the right to kill" (Mbembe, 2003: 12). Here the definition of the subject is in its existence in either life or death. In the decades that followed the massacres on Bloody Sunday and collusion, sovereignty as the right to kill can continue in Basra and

future military deployments. Mbembe links this to Bataillan concept of death as excess. Sovereignty is the refusal to accept limits (Mbembe, 2003). The amnesties and refusals to engage in wide-ranging investigations means a downgrading of the legal prohibitions on homicide, terrorism, sexual and physical violence. Here it manifests as a display of populist concern for veterans. This often stems from a politico-legal system that would never brook the question of prison abolition or restorative justice in criminal justice. This is not a move to truth and reconciliation but a bellicose defense of veterans and concealing the full extent of the truth behind deaths in Northern Ireland or Iraq and giving some sense of closure to victims or their families. Often there is a bland appeal to “move on,” to forget in the name of a peace of silence and denial (Jenkins, 2021) as opposed to confrontation and absolution.

Crimes against Iraqis

British forces (Multi-National Division, South-East) were responsible for the security of four provinces in southeastern Iraq after the 2003 invasion. These were Basra, Missan, Muthanna, and Thi-Qar. While this responsibility was handed back to the Iraqi authorities in stages from September 2004, responsibility for security in the most violent of its domains, Basra, was the British Army's until December 2007, and UK combat forces remained in the region in an advisory capacity until July 2009. During the period of British security provision from May 2003 to December 2007, 3,334 violent civilian deaths were documented, and are detailed in the Iraq Body Count (IBC) database. Known to the British Ministry of Defence (MoD) were at least 1,920 homicides recorded by Basra police between January 2006 and March 2008 and forwarded to the MoD, and subsequently integrated into the IBC database after a Freedom of Information Act request to the MoD. These figures do not include the 1,694 civilians killed and the 6,184 civilians wounded in these four provinces during the US/UK-led invasion phase in March and April 2003 (compared to 5,720 killed and 11,154 wounded civilians documented for the rest of Iraq during the invasion: the southern regions were a major route of the invading ground forces). Of the post-invasion deaths from May 2003 to December 2007, 193 could be directly attributed to the Coalition military, of which 124 have been definitely identified as victims of British military action (Iraq Body Count, 2011).

The departure on 22 May 2011 of a Royal Navy mission training Iraqi sailors marked the official end of British Armed Forces operations in Iraq. That is, until the summer of 2014, when coalition forces resumed the bombing of Iraq, to “free” Iraqis from the Islamic State.

In 2014 the European Centre for Constitutional and Human Rights (ECCHR), together with Public Interest Lawyers, submitted an article 15 communication to the ICC prosecutor, alleging the responsibility of UK armed forces for war crimes involving systematic detainee abuse in Iraq from 2003 to 2008. A preliminary investigation was opened in May 2014 that led first to a 2017 report which announced that the prosecutor had reached the conclusion that there was a reasonable basis to believe that members of UK armed forces had committed war crimes within the jurisdiction of the ICC against persons in their custody. The ICC “Situation in Iraq/UK Final Report” published on 9 December 2020 makes it clear:

There is a reasonable basis to believe that various forms of abuse were committed by members of UK armed forces against Iraqi civilians in detention. In particular, as set out below, there is a reasonable basis to believe that from April 2003 through September 2003 members of UK armed forces in Iraq committed the war crime of wilful killing/murder pursuant to article 8(2)(a)(i) or article 8(2)(c)(i), at a minimum, against seven persons in their custody. The information available provides a reasonable basis to believe that from 20 March 2003 through 28 July 2009 members of UK armed forces committed the war crime of torture and inhuman/cruel treatment (article 8(2)(a)(ii) or article 8(2)(c)(i)); and the war crime of outrages upon personal dignity (article 8(2)(b)(xxi) or article 8(2)(c)(ii)) against at least 54 persons in their custody. The information available

further provides a reasonable basis to believe that members of UK armed forces committed the war crime of rape and/or other forms of sexual violence article 8(2)(b) (xxii) or article 8(2)(e)(vi), at a minimum, against the seven victims, while they were detained at Camp Breadbasket in May 2003. (ICC, 2020: 4)

More specifically, "the article 15 communications allege: acts of torture and other forms of ill-treatment against at least 1071 Iraqi detainees; 319 unlawful killings (267 in military operations and 52 against persons in UK custody); and rape and/or other forms of sexual violence against 21 male detainees in 24 instances" (ICC, 2020: 11). Crimes committed by the British include forced exertion, wilfully causing great suffering, forced nakedness, and cultural and religious humiliation. "Such mistreatment was systematic and had a systemic cause, which further suggests that there are hundreds more such victims. There are considerable reasons to allege that those who bear the greatest responsibility for the crimes are situated at the highest levels, including all the way up the chain of command of the UK Army, and implicating former Secretaries of State for Defence and Ministers for the Armed Forces Personnel" (ICC, 2020: 12).

Crimes against Iraqi civilians by the US-UK coalition started on the night of the invasion, 19–20 March 2003. Iraq Body Count's "Dossier of Civilian Casualties in Iraq" 2003–2005 gave the following figures:

- 24,865 civilians were reported killed in the first two years.
- Women and children accounted for almost 20% of all civilian deaths.
- US-led forces killed 37% of civilian victims (IBC, 2005).

That's 9,180 Iraqi civilians killed by the Coalition from 2003 to 2005. The Coalition went on to kill at least 20,000 Iraqi civilians in the next few years, many of them children. A search of the Iraq Body Count database shows that nearly 2,000 Iraqi children lost their lives in Coalition bombings and raids. The results of the search take up 72 pages. Table 1 shows the first page.

And this is the last:

In addition, democratically elected governments in Iraq, supported by the US-UK coalition, have so far killed more than 4,000 Iraqi civilians through bombing and shelling aimed to destroy the insurgency. In the last two to three years the Iraqi police force and militias it supports have killed hundreds of protesters across Iraq. The Iraqi governments has also allowed the killing of thousands more in airstrikes by Coalition and Turkish forces (Hamourtziadou, 2021).

All those crimes have gone unpunished. The perpetrators have escaped accountability. The enforced "democracy," in Iraq as well as in Afghanistan, has been celebrated as a triumph of the Western "liberators." In both countries we see the exercise of power, control, exploitation, and violence by a complex "benevolent" hegemon: one that combines might with right. The uncivilized have been saved by the civilized. The invader, killer, and occupier is the liberating force, the saviour and provider of democracy. In the UK this humanitarian mask has fit into the popular narrative of British values; the aim is to do good, to do right, to "play fair," and never to hurt – or to only hurt the bad ones.

From the day the planes crashed into New York's Twin Towers, the War on Terror has been defined as a battle between good and evil forces, with the US-UK coalition being the good.

In "World War IV: How it Started, What it Means and Why we Have to Win," Norman Podhoretz defined the War on Terror as World War IV (World War III having been the Cold War), "a global battle to preserve liberty" (Podhoretz, 2004). The Bush doctrine, he wrote, had four pillars:

- terrorists and the regimes that sponsor them are members of an "irregular" army that must be dealt with through war and regime change;
- it is America's right to pre-empt those who would attack it;
- commitment to help friendly nations and oppose the unfriendly;
- moral clarity and the right to call regimes "evil".

Table 1 1866 children (including babies) killed by Coalition Forces between 20/Mar/2003 and 19/Mar/2017

incident	headline	name	sex	age	number	killed?	target	start date	end date	location	weapon
x038 forum	Mar 20-Apr 03: 226-240 by US air raids in Nassiriya		male	11	1	killed		2003-03-20	2003-04-03	Nassiriya	air raids
x038 forum	Mar 20-Apr 03: 226-240 by US air raids in Nassiriya		female	3	1	killed		2003-03-20	2003-04-03	Nassiriya	air raids
x038 forum	Mar 20-Apr 03: 226-240 by US air raids in Nassiriya		unknown	child	55	killed		2003-03-20	2003-04-03	Nassiriya	air raids
x038b	Mar 20-Apr 06: 633 by US air and ground attacks in Nassiriya		unknown	child	145	killed		2003-03-20	2003-04-06	Nassiriya	various
j020 forum	Mar 20-Apr 03: 22 by US air attacks in Mohammedia	Samar Hussein	female	13	1	killed		2003-03-20	2003-04-03	Manaria, Talkana and Zambrania villages, Mohammedia district	air attacks, incl. suspected cluster bombs
j020 forum	Mar 20-Apr 03: 22 by US air attacks in Mohammedia	Jalal Al-Yussuf	male	17	1	killed		2003-03-20	2003-04-03	Manaria, Talkana and Zambrania villages, Mohammedia district	air attacks, incl. suspected cluster bombs
j022 forum	pre-17th April: 10-35 in and near al-Yarmouk hospital, Baghdad	Rowand Mohammed Suleiman	female	1	1	killed		2003-03-20	2003-04-11	vicinity of Al-Yarmouk Hospital, Baghdad	bombing and gunfire
j041 forum	20 March-4 April: 4-60, Az Zubayr hospital	Child of couple killed	unknown	child	1	killed		2003-03-20	2003-04-04	Az Zubayr hospital	various, including missiles, shelling and groundfire
x008 forum	Mar 22: 50-77 by US bombardment in Basra		male	8	1	killed		2003-03-22		Basra	bombardment, incl. cluster bombs
x008 forum	Mar 22: 50-77 by US bombardment in Basra		male	2	1	killed		2003-03-22		Basra	bombardment, incl. cluster bombs
x029 forum	Mar 22-30: 12 by US forces in Nassiriya		female	5	1	killed	civilian vehicles	2003-03-22	2003-03-30	Nassiriya	ground fire
x029 forum	Mar 22-30: 12 by US forces in Nassiriya		female	baby	1	killed	civilian vehicles	2003-03-22	2003-03-30	Nassiriya	ground fire

Source: Iraq Body Count database

a6262 forum	Feb 14: 14-16 by airstrikes in Bawabat al-Sham, west Mosul	Hussein Ali Khadr	male	16	1	killed	Al-Aklat flour mill and house hit, casualties include women and children	2017-02-14	Bawabat al-Sham, Hay Al-Matahin, west Mosul	air attacks
a6262 forum	Feb 14: 14-16 by airstrikes in Bawabat al-Sham, west Mosul	Dalal Ayman Ahmed	female	5	1	killed	Al-Aklat flour mill and house hit, casualties include women and children	2017-02-14	Bawabat al-Sham, Hay Al-Matahin, west Mosul	air attacks
a6262 forum	Feb 14: 14-16 by airstrikes in Bawabat al-Sham, west Mosul	Amina Ayman Ahmed	female	3	1	killed	Al-Aklat flour mill and house hit, casualties include women and children	2017-02-14	Bawabat al-Sham, Hay Al-Matahin, west Mosul	air attacks
a6262 forum	Feb 14: 14-16 by airstrikes in Bawabat al-Sham, west Mosul		unknown	child	1	killed	Al-Aklat flour mill and house hit, casualties include women and children	2017-02-14	Bawabat al-Sham, Hay Al-Matahin, west Mosul	air attacks
a6275 forum	Feb 17: Eighteen by airstrikes in west Mosul		unknown	child	2	killed	Al Jumhuri medical community complex, Bab Sinjar administration facility hit, casualties include women and children	2017-02-17	Madinat Al-Tibb, west Mosul	air attacks
a6317 forum	Feb 19: 30-49 by airstrikes in west Mosul		unknown	child	7	killed	residential areas of displaced people hit, casualties include women and children	2017-02-19	Dawrat Qassim al-Khayat and Al-Shifa areas, west Mosul	air attacks
a6363 forum	Feb 26: 33 by shelling in Hay Koor, west Mosul		unknown	child	2	killed	residential areas hit, casualties include women and children	2017-02-26	Hay Koor, west Mosul	air attacks, artillery shells
a6363 forum	Feb 26: 33 by shelling in Hay Koor, west Mosul	Shukran Ghanim Hussein	male	4	1	killed	residential areas hit, casualties include women and children	2017-02-26	Hay Koor, west Mosul	air attacks, artillery shells
a6382 forum	Feb 27: Ten by shelling in Hay Jawsaq, south Mosul		unknown	child	2	killed	residential areas hit, casualties include women and children	2017-02-27	Hay Jawsaq, south Mosul	air attacks, artillery shells

Source: Iraq Body Count database.

If Bush's World War IV doctrine was of regime change and preemption, it was so for the purpose of spreading freedom and other good values, and for the purpose of fighting evil. The language chosen to explain the 9/11 attacks worked to enforce a particular understanding of their political, military, and cultural meaning. It justified and normalized a military response. Writing the War on Terror entails writing identity: the evil terrorists versus the good Americans and British. When he addressed the nation, Bush described the attackers/hijackers as "evil," "despicable," "the very worst of human nature" (Bush, 2001a). They were "enemies of freedom," "the heirs of all the murderous ideologies of the 20th century" (Bush, 2001b), "parasites that hide" (Bush, 2001c), and "faceless enemies of human dignity" (Bush, 2003). As for Americans, just like the British, they were "moms and dads, friends and neighbours," "strong," "the brightest beacon for freedom and opportunity in the world," "daring," and "caring" (Bush, 2001a), "a loving and giving people" (Bush, 2001b).

It was not a distinction that could easily be dismissed or discredited, when we witnessed, live, the murder of thousands of people going about their day, working, or travelling; when we watched men and women jumping off burning towers and crashing on the road below; when we heard the terror in the voices of those calling from the planes and the buildings, some asking for help, others sending their last messages of love. How could those men who inflicted such pain, such devastation and death, not be evil? And how could we, in fighting against them, not be good? Language is the force that creates and maintains the world. It is through language, the terms we use to give meaning to events and behaviors, that meaning is created. It is through language that "evil" and "good" are defined, "self" and "other" are constructed, meaning is bestowed, and knowledge is established. Moreover, this knowledge, this set of "truths" we accept, is produced by power, it relies on power, and it reinforces power. Truth and knowledge are simply and inextricably part of social settings. What is "true" is so within specific discourses, some of which dominate others, so that some truths dominate others. When the planes hit the Twin Towers, what we witnessed was metal hitting concrete. What this meant, in terms of it being a good act or a bad act, was not inherent in the event itself, but was given, thus creating a truth and knowledge. One narrative, that became the dominant Western narrative, used terms such as "act of war," "evil," and "mass murder." This then became the truth that dominated other truths in narratives that described the same events as part of a holy war "against the friends of Satan" (Bin Laden, 2002). Which side was good and which side was bad, as clear as we took it to be, was not at all contained within the act, but was decided by a number of parties, all holders of power, users of speech, and moral agents. When American and British air strikes hit civilian homes in Iraq, killing thousands of people, much like those in the Twin Towers or on the planes, we again had metal hitting concrete and we again had to ask if those were good acts or evil acts. Those events could once again be described as "murder," as "collateral damage," or as "necessary sacrifice" (Hamourtziadou, 2020: 29).

The Good versus Evil argument was strengthened by the war also being defined as Imperialism by a Benevolent Hegemon (Hamourtziadou 2020: 30). Consistent with the realist position, the War on Terror has been described as a neo-imperial program, designed to further American and British political interests. It is a struggle for power. By invading the Middle East, the coalition gained physical and strategic control over energy supplies, as it transformed regimes, brought peace, liberty, and democracy. The 9/11 attacks were an opportunity for Western values to be declared universal and to start to enforce them. Thus, the coalition was going to dominate by making its ideas and values the dominant ideas and values. This was not a new ingredient of imperialism, but an ages-old and enduring ideological principle that conditions the political attempt by a group of people to become dominant either nationally or internationally. Again, we see how truth and knowledge, meaning and morality, are produced through narratives that become dominant, that is, through power and with as much loss of life as is necessary. After all, the aim is to do good. Any damage done along the way was going to be justified.

In a world order, a situation of hegemony may prevail “based on a coherent conjunction or fit between a configuration of material power, the prevalent collective image of world order (including certain norms) and a set of institutions which administer the order with a certain semblance of universality” (Cox, 1981: 139). This suggests that hegemony is more than state dominance. Hegemony appears as an expression of broadly based consent, involving the acceptance of ideas, supported by material resources and institutions. This may start within the state, and then be projected out to the world, as with democracy and neoliberalism. Hegemony may be a form of dominance, but it is a consensual one, involving the exporting of ideas regarded as universally good. There may be at least an appearance of acquiescence, treated as natural, a product perhaps of the end of history, no matter how imposed or enforced the norms are (Hamourtziadou, 2020). Michael Doyle writes that a hegemon is the “controlling leadership of the international system as a whole” (Doyle, 1986: 40). Michael Mastanduno argues that hegemony is when a political unit has the power to shape the rules of international politics according to its own interests (Mastanduno, 2005). Stuart Kaufman, Richard Little, and William Wohlforth equate it with hierarchy, the political-military domination of a unit “over most of the international system” (Kaufman et al., 2007: 7). John Ikenberry and Charles Kupchan place the emphasis on material power, most effectively exercised when a hegemon is able to establish a set of norms that others willingly embrace (Ikenberry and Kupchan, 1990). In a way, a hegemon shapes reality, if hegemony is more than brute force of dominance. Its values, its intersubjective meanings – shared notions about social relations – create a reality, a moral and ideological context, supported by institutions, that shapes desirable and acceptable thoughts and actions. Hegemony filters through economy, culture, gender, ethnicity, class, and ideology; “hegemony is one possible form dominance may take” (Cox, 1981: 153).

Most often in Iraq dominance was achieved through aggression. Coalition forces killed thousands of Iraqi civilians during the battle for Mosul that started in 2016. Table 2 lists some of them.

The neoliberal democratic system that was imposed on the country could not have produced a “Western-style democracy”, or the outcomes expected in a developed nation. Between 2003 and 2021 the only constants have been violence, terrorism, poverty, weapons proliferation, crime, political instability, social breakdown, riots, disorder, and economic failure. Far from reaching “the end of history”, the pursuit of neoliberal transformation by successive Iraq governments has produced a dystopian economy and a failed state. Protesters carrying the Iraqi flag are demanding a country free of rule by small corrupt elites that

Table 2 Iraqi civilians killed during the battle for Mosul

On 1 January, Nibras Ahmed Al-Muhamy was killed in an air strike in Hay Al-Sina’a, in Heet. A “precision” air strike that was not meant to kill civilians. (Hamourtziadou, 2016, IBC incident page d11630b.)
On 29 April, Dr Ziad Khalaf/Ziad Fakhry, a university professor, was killed in an air strike in Mosul. (Hamourtziadou, 2016, IBC incident page a4558.)
On 16 September, members of two families were killed in an air strike near Haji Osman mosque, in the Al-Marhala al-Ola area in Rawa. Two of them were young boys. Brothers Walid Khaled Hammad Ngelan and Hamed Khaled Hammad Ngelan were killed with their father, Khaled Hammad Ngelan. Also killed was Muntasir Mohammed Rashid al-Rawi. (Hamourtziadou, 2016, IBC incident page d12597.)
On 11 December, an air strike took the lives of three generations of a single family, killing a grandfather and grandmother, their sons, daughters-in-law and grandchildren. These were Haj Mumtaz Abdullah Majeed and his wife; Ammar Mumtaz Abdullah and his wife Lina Al-Anaz, and their children Ahmed and Abdul Rahman; Mustafa Mumtaz Abdullah; the wife of Mohammed Mumtaz, and his daughter Ghina (Hamourtziadou, 2016).

maintain their power through patronage and sectarian identity; they are demanding a government that will provide security to all citizens; they demand an end to foreign interference (Hamourtziadou, 2021). Eighteen years after “Operation Iraqi Freedom,” Iraq is officially at peace, a democracy, and has officially been liberated. Yet the lines between war and peace, tyranny and democracy, captivity and liberation, remain blurred. As do the lines between good and evil.

Thousands have been arrested, imprisoned, and tortured by the new “democratic” regime. Protesters have been shot at and killed, any insurgency is met with shelling that kills insurgents as well as civilians, while political opponents have been persecuted. The Iraqis, the “liberated” nation George W. Bush and Tony Blair envisaged moving towards democracy and living in freedom, are captives of their own leaders, of their fragmented society, and of the legacy left by American and British forces. The crimes against humanity committed by the “benevolent” hegemon and their puppet regime have gone unpunished. The powerful, it seems, do not face justice. The First World triumphs again.

As for the ICC, it has closed the file.

Conclusion

The Agreement for the Prosecution and Punishment of Major War Criminals of the European Axis, and Establishing the Charter of the International Military Tribunal (formally adopted on 8 August 1945) was signed by the US, the UK, the USSR, and France. The Charter of the International Military Tribunal (annexed to the Agreement) had been adopted after the crimes had been committed and for this reason was attacked as constituting *ex post facto* criminalization. “The Tribunal referred to the Hague Conventions, for the war crimes, and to the 1928 Kellogg-Briand Pact, for crimes against peace. The judges also answered that the prohibition of retroactive crimes was a principle of justice and that it would fly in the face of justice to leave the Nazi crimes unpunished” (Schabas, 2017: 6). Japanese war criminals were tried under similar provisions to those used at Nuremberg, at the International Military Tribunal for the Far East (Schabas, 2017).

So the crimes against the Irish could still be tried by a special Tribunal, even those committed before 1945. As for the Rome Statute, Article 11(1) declares that “the Court has jurisdiction only with respect to crimes committed after the entry into force of this Statute,” that is, beginning 1 July 2002 (Schabas, 2017: 54). The crimes against the Iraqis by the US-UK coalition began in March 2003. They all fall within the Court’s jurisdiction. Yet again, there are no prosecutions.

When the United Nations was created during the Second World War, it was with the aims to bring peace and prosperity to the world, to stop state aggression, and to establish and protect universal human rights. The various Tribunals and the establishment of International Law were grounded on an assumption and an ideal of universal justice. But is justice universal? Are human rights universal? History has shown that, while some lives matter, others do not. History has shown that, while some states are punished for being aggressive, others are not. Finally, history has shown that while some exercise of power and control is condemned as evil, another similar exercise of power and dominance is defended and praised as benevolent and strategic leadership. No matter how many die, or how many suffer in the process.

Notes

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