



CALL SIGN UGLY

Anthony Tucker-Jones reports on what happens when military law fails during intense counter-insurgency operations

Few people outside the armed forces have ever heard of the Judge Advocate General and the Service Prosecution Authority. That was until the case of Royal Marine Sergeant Alexander Blackman. His trial for a war-time murder polarised the armed forces and the civilian population. It graphically highlighted that high-tempo military operations can have a corrosive effect on an individual's humanity. This in turn can erode military discipline on the battlefield with disastrous results.

Blackman's was one of the most controversial murder cases in the history of the British armed

forces. It brought into focus how our troops conduct themselves abroad, how they treat enemy fighters and how they themselves are supported in the field. The UK has always expected the highest standard of conduct from its service personnel. When this is not fulfilled it comes as a shock in light of the distinguished traditions and battle honours of the British armed forces. Regulating behaviour during times of conflict to prevent war crimes and human rights abuses is not always as easy as it may seem. It has been argued that the more professional an army, the better its conduct, but this is not always the case.

When you are in the business of killing, you can only kid yourself for so long that it is just a job. After a

while it takes its terrible toll and erodes one's sense of right and wrong. That fateful day in Afghanistan on 15 September 2011 was a culmination of a difficult tour for the Royal Marines. Mounting casualties and the unrelenting missions meant that nerves were frayed and tempers short. There's an old military adage that the plan never survives contact – this was one of those days.

For weeks, the Taliban had been an unrelenting adversary and that day was no exception. Contact had been made, so the big guns were called up. No one in their right mind picks a fight with a WAH-64 Apache attack helicopter. It carries the most deadly array of ordnance that can tear a human body to shreds in seconds. This particular day, though, was to be different.

The Royal Marine patrol stood around 'f-ing' and cursing as they watched the attack go in. Call sign 'Ugly' had been vectored to the target and in an almost leisurely manner turned its chain gun onto the clump of trees from where the Taliban rounds were coming. The rate of fire of the 30mm gun is such that it sounds like a deep burping rattle. The Marines were not grateful because the Taliban kept shooting for a while despite the helicopter's firepower.

When the patrol found the Taliban shooter he was alive just, he should not have survived, but somehow he

EX-MARINES AND OTHER SERVICE PERSONNEL WERE INCENSED AT HOW HE HAD BEEN TREATED

clung to life. To the Marines it was clear he was dying, there seemed little point calling a medivac helicopter to lift him to the hospital at camp Bastian. Besides, the Marines begrudged taking such action as it might deprive one of their own from being rescued. Their sense of grievance did not help the situation either.

In that fateful moment the patrol commander Sergeant Alexander Blackman took the decision to shoot the dying enemy fighter. Perhaps he considered it a mercy killing and was simply being pragmatic. The incident was captured on the Marines' helmet cameras or headcams. They thought they had wiped the footage, but when they got home to the UK it was discovered. Five men initially faced murder charges, though only three were tried for murder in 2013.

It was at this point that I was called in at very short notice to act as an expert witness for Marine B. When the men had been charged, their defence teams secured individual anonymity orders that prevented them from being named. When they went to trial, the media petitioned for the orders to be lifted in the public interest.

My task was to convince the Judge Advocate General that this was not desirable, as it would compromise the security of the accused and their families. It might spark revenge attacks on British servicemen. Marine B was deemed at risk because he lived in Derby, where he shared a house with his girlfriend who was a leading hand in the Royal Navy.

His home was on an estate with a 15 percent Muslim population, with a higher Muslim population overall

in Derby. Derbyshire is the lead force in the East Midlands Counter Terrorism Intelligence Unit. He was offered anti-terrorist protection for the first weekend of the trial, but did not need it as he stayed at the Royal Marine base at Lymstone. Derbyshire Constabulary warned: "Terrorism is a recognised threat throughout the UK and although Derby may not seem to be as much risk as other larger cities, it is not an area that is overlooked".

Derby does have a history of radicalism dating from at least 2003. Notably in 2007 a local resident was arrested for soliciting murder, racial hatred and calling for the bombing of America and Denmark. He and fellow extremists called for a repeat of the 7 July 2005 attacks on London and vowed to see British troops in Iraq: "Coming home in body bags". A court order banned the publication of his address in Derby. He was jailed again when terror material was found on his computer in 2012. Four years earlier, a Derby man was arrested in connection with a plot (involving three others) to kill Prime Minister Gordon Brown. In light of the fact that Marine B filmed the shooting of the wounded Taliban, Muslims could have viewed him as complicit and naming him could have placed him and his family in further danger (he was subsequently acquitted).

ANONYMITY RETAINED

This evidence was accepted and the three men faced trial without the fear of being named by the media. In the end, the charges against the other two were dropped, but Sergeant Blackman was found guilty of murder. The headcam footage was damning as it showed him lucidly admitting to guilt, by acknowledging he was breaking the Geneva Convention. He also moved the Taliban before shooting him. From the start this footage seemed to undermine his defence team's confidence.

Unfortunately once the murder verdict had been reached, the media again petitioned for his anonymity order to be lifted. Once more I was called in at extremely short notice to be cross examined as to why Sergeant Blackman should not be named. The judge and prosecutor were not convinced and Sergeant Blackman was immediately named. It became evident that the media had known his name all along, but had bided its time. However, it was decided not to release the headcam footage on grounds it could be used for radicalisation purposes. Selected stills were issued to the media along with the transcript of what the Marines had said.

Disgraced Sergeant Blackman was sent to prison in 2013, but not everyone felt justice had been served. Ironically naming him actually helped his family's campaign for a retrial. Knowing who he was personalised his case in a way that would have never been possible had he remained anonymous. Ex-Marines and other service personnel were incensed at how he had been treated and felt he had been thrown to the wolves. Blackman's boss, the commanding officer of 42 Commando, said Blackman had his full support and the commanding officer of 45 Commando resigned in disgust over how Blackman had been treated.

Two crucial things seemed to have been largely ignored, one was Blackman's state of mind when he

Claire Blackman, wife of Alexander Blackman, with her legal team as she leaves the Royal Courts of Justice in Central London

acted and the other was whether or not he believed the Taliban was mortally wounded. As part of my original assistance to Marine B's defence team, I prepared a report showing the destructive power of the weaponry of the Apache helicopter – this I argued provided every reason for the patrol to believe the Taliban was dying. His defence team did not want to introduce it as I am not an accredited ballistics expert, they could, though, have called in someone to back up what I was suggesting.

ADJUSTMENT DISORDER

Sergeant Blackman was a Royal Marine with a 13-year career. He had done three tours to Iraq and his first deployment to Afghanistan was in 2007. There was no indication that his behaviour on that fateful day was typical. The footage seemed to show a rational man deliberately shooting a wounded combatant. However, his actions were at odds with a serviceman who took pride in wearing a uniform and upholding the traditions of the Royal Marines.

When his new appeal was finally heard earlier this year, his new defence team focused on this very issue. They argued that he was suffering from an 'adjustment disorder' and was therefore not thinking rationally. In March his conviction was reduced to manslaughter on the grounds of diminished responsibility. He was finally released from prison on 28 April 2017 to be reunited with his family.

What Alexander Blackman's unfortunate experience illustrates is that it does not matter how professional and well trained your troops are, if they

are pushed too far. Repeated deployments and counter-insurgency operations will degrade the efficiency and morale of a unit. The insurgency wars in Afghanistan and Iraq had no frontlines, no boundaries. Telling friend from foe was impossible. In Afghanistan, coalition troops were often deployed to isolated outposts reliant on helicopters for supplies. Their only protection was air cover and a distant fire base that could lob shells on encroaching insurgents.

Such tours were inordinately stressful. Servicemen and women always focus on the immediate job in hand, but in the case of Iraq and Afghanistan it was soon apparent to them from a grass-roots level that they were losing. This made many deployments a thankless task and again highly stressful.

Sergeant Blackman knew his responsibilities and yet he was pushed too far. His actions showed a callous

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disregard for another human being in distress. Yet Blackman was not a monster, he was a caring family man who momentarily crossed the line. Military law is essential – but on occasions it needs the flexibility to see when an individual is acting so completely out of character that they cannot be held accountable for their actions ●

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Supporters of Sergeant Blackman in Parliament Square

