

Blair prosecuted for Iraq War? Ex-PM's legal immunity challenged in court

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The first steps towards overturning a legal ban on prosecuting former Prime Minister Tony Blair over the Iraq War will be considered by the High Court on Tuesday.

A private criminal prosecution against the former Labour PM was blocked last year when it was ruled Blair had immunity from any charges related to the Iraq War and that any such case could also *“involve details being disclosed under the Official Secrets Act.”*

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A more senior judge will consider on Tuesday whether there are sufficient grounds to grant a judicial review of the rejection of the prosecution.

Last year's private prosecution, brought by a former top Iraqi general now living in exile – General Abdul-Wahid ar-Ribat – wants Blair, his foreign secretary Jack Straw, and Lord Goldsmith, who was attorney-general in the run up to the invasion, to face trial in a British court.

It seeks their conviction for the crime of “*aggression*” and follows last year's damning Chilcot report, which found Britain invaded Iraq under the false pretext that deposed Iraqi President Saddam Hussein's regime had weapons of mass destruction.

The High Court judge on Tuesday will consider paper submissions made by lawyers on both sides. There will be no public hearing.

It will also decide whether the government's top law officer, Attorney-General Jeremy Wright QC, can join the case. Wright wants the ban upheld, believing it is in the public interest that private prosecution be blocked.

“The next stage will be the court considering the papers and making a decision on whether to grant permission for a judicial review,” a spokesperson for Wright told the Guardian.

“The attorney is seeking to intervene to represent the public interest.”

[Chilcot reveals Blair's letters to Bush](#)

Wright argues that the case for the crime of aggression does not exist in English law, even though it does in international law.

That argument, however, appears to have been undermined in a document written by Goldsmith himself. In his 2003 memo on the legality of the Iraq War, Goldsmith, who was then attorney-general, wrote: *“Aggression is a crime under customary international law which automatically forms part of domestic law.”*

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After the Chilcot Report was released, some families of British service personnel who died fighting in Iraq called for Blair to face criminal charges.

It is not clear when the decision by the High Court will be made public.
