

In November 2005, a Private Member's Bill was presented to Parliament by the then MP for Thurrock, Andrew Mackinlay, to provide for "the granting of pardons to soldiers of the British Empire Forces executed during the Great War of 1914 to 1919 following conviction for offences of cowardice, desertion or attempted desertion, disobedience, quitting post, violence, sleeping at post, throwing away arms or striking a superior officer".

During a recent U K Defence Forum study trip, at Hill 62, in Sanctuary Woods, at the Ypres Salient in Flanders, a party of contemporary soldiers and parliamentarians got a taste of how the 11% of condemned soldiers actually executed met their deaths:

<https://www.youtube.com/watch?v=HtMhjEaVyGA>

There's fuller data on the next page

Of the 3,080 men sentenced to death, only 346 men were eventually executed. A death sentence had to be passed unanimously, and confirmed in writing up the chain of command. The Judge Advocate General at GHQ also checked the records for irregularities, before final confirmation (or otherwise) by the Commander-in-Chief of the relevant theatre.

The prevailing ideology was that an example needed to be made of deserters. Desertion normally meant an absence of 21 days or other evidence to indicate intent of not returning, e.g. wearing civilian clothes or failing to report for a key deployment. The average age of the executed was in the mid-twenties. 40 percent had "form" for serious offences. Only nine percent were conscripts, suggesting leniency towards their youth. Most desertions occurred away from the front line - 14 of the executed deserters were arrested in the United Kingdom. Towards the war's end, the kin of executed men were usually given a sanitised version of the death by the authorities; the families received pensions, and the bodies were buried in the same graves as other soldiers.

The death penalty for desertion was abolished in 1930; calls for its restoration in World War II were vetoed; it was judged that the notion that it was required to stem desertion would alarm the home front and give comfort to the enemy.

"Shell shock", initially (and wrongly) ascribed to concussive damage to the membranes of brain, was admissible in defence. A soldier's claim of shell-shock might or might not have been accepted and properly investigated. Some received cursory medical examinations, or none. Official records do not refer shell shock, but to dizziness, "queer turns", bad nerves. Such trauma was still poorly understood at that time.

A campaign for pardons was rejected in February 1993 on the grounds that there was no evidence of procedural error - the executed had been correctly convicted according to the law at the time. The case was rejected again in 1998 after a detailed two-year review, which found "no white cases, very many black cases and a handful of grey cases" in which medical evidence was ignored or not called.

Andrew Mackinlay's bill finally became law in 2006, and all men given pardons. It was also a hard won and personal triumph for Mackinlay:

'The only thing I ever asked for was when I heard there was a vacancy for an MP on the Commonwealth War Graves Commission. I have been interested in the First World War since I was four years old and heard about it from my grandfather.

I asked Defence Secretary Geoff Hoon and he said, "I don't think it would get past Downing Street." He added, "If you were appointed you wouldn't raise any of this nonsense about pardons for soldiers, would you?"

Mackinlay was later approached by a drunken whip who told him the issue was raised at a meeting during which Mackinlay was roundly mocked.

'He said one of the whips said, "We should let him go on the War Graves Commission - provided he takes up a permanent tenancy of one of the plots." Mackinlay thumps the table: 'Not only was my First World War pardon campaign important to me, it remains so and I succeeded after 14 years!' [Daily Mail, 8 August 2009].

The statistics:

Total executed 346

(excluding Indians, of whom there were many) Western Front executions : 322
<p>3080 sentenced to death (4 Aug 14 - 31 Mar 20)</p><p>346 carried out - 11%</p> <p>291
British</p><p>25 Canadian</p><p>1 South African</p><p>5 New Zealander</p><p>5 Colonial</p><p>10
Chinese coolies (mainly for murder)</p><p>4 Coloured Labourers</p><p>5 Camp followers</p><p>0
Australians - only permitted death sentence was for mutiny and treason</p> <p>18 for
cowardice in face of enemy</p><p>266 for desertion on active service (of 7361 Court Martials)</p><p>7 for quitting their post</p><p>5 for disobedience</p><p>6 for striking or showing violence to a
superior</p><p>3 for mutiny</p><p>2 for sleeping on duty</p><p>2 for casting away their arms</p><p>37 for murder</p> <p>91 were under suspended sentence for a previous offence, 9 under
two suspended sentences. Of those 91, 40 had been previously sentenced to death, and of
those 40, 1 had been previously sentenced to death twice.</p> <p>Types of soldier</p>
<p>30% regulars or reservists</p><p>3% Territorials</p><p>40% Kitchener volunteers</p><p>19%
Irish, Canadian or NZ volunteers</p><p>9% conscripts</p> <p>3 officers were executed</p>
<p>2nd Lt Poole W Yorks - desertion</p><p>Sub Lt Dyer Nelson Bn Royal Naval Division -
desertion</p><p>2nd Lt Paterson Essex - murder (of Sgt Collinson GHQ, while a deserter)</p>