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Detainees

G.I.'s Say Officers Ordered Killing of Young Iraqi Men

By PAUL von ZIELBAUER

TIKRIT, Iraq, Aug. 2 — Four soldiers from an Army combat unit that killed three Iraqi men in a raid in May testified Wednesday that they had received orders from superior officers to kill all the military-age men they encountered.

The soldiers gave their accounts at a military hearing here to determine if four colleagues should face courts-martial on charges that they carried out a plan to murder the three Iraqis, whom they had seized after an assault on what they were told was an insurgent stronghold northwest of Baghdad.

Their testimony gave credence to statements from two defendants that an officer had told their platoon to “kill all military-age males” in the assault, regardless of any threat they posed. That officer, Col. Michael Steele, has declined to testify, an unusual decision for a commander.

The four soldiers charged in the case, from Company C, Third Battalion Combat Team of the 101st Airborne Division, said they fired on the three Iraqis after they broke loose from plastic handcuffs, attacked two soldiers and tried to escape.

Military prosecutors accused the unit’s leader, Staff Sgt. Raymond L. Girouard, with orchestrating a scheme to cut the men’s’ handcuffs, shoot them as they fled and then have two soldiers inflict injuries on each other to cast the killings as self-defense.

Sergeant Girouard and three other soldiers — Pfc. Corey R. Clagett, Specialist William B. Hunsaker and Specialist Juston R. Graber — are charged with murdering the three Iraqis.

In his testimony on Wednesday, Pfc. Bradley Mason of Company C said that on May 8, the night before the raid, Colonel Steele told soldiers to “kill all of them.”

Three other soldiers gave similar testimony. First Lt. Justin Werheim said Colonel Steele had told 100 soldiers before the raid, “We’re going to hit the ground shooting and kill all the Al Qaeda in Iraq insurgents.”

Under cross-examination, Pfc. Jason R. Joseph said Company C soldiers were told that their rules of engagement were to “kill all military-age males that were not actively surrendering.”

Capt. Jason A. Sienko, who had recommended that charges be brought against the four defendants, told military prosecutors, “We were to kill or engage any males on the island that were military-age.” The only exceptions, he said, were any men “actively surrendering” or men who could not be killed without harming civilians.

But Captain Sienko also said Colonel Steele had told his men not to kill indiscriminately.

“Colonel Steele specifically said during our combined arms rehearsal that we’re not just going to the island and shoot everyone,” Captain Sienko said. “Make sure you have well-aimed shots. Make sure you’re killing people that need to be killed.”

The four soldiers’ accounts on Wednesday varied slightly, about what the orders for engaging the enemy were, or who issued them. Taken together, though, they reinforced accusations that ranking officers had approved broad use of deadly force.

“We are now talking about the possibility of command responsibility, not just unlawful orders and simple murder,” said Gary D. Solis, a former military judge and prosecutor who teaches the law of war at Georgetown University.

Colonel Steele, who led the 1993 mission in Somalia later made famous in the book and film “Black Hawk Down,” has a reputation for aggressive measures. In Iraq, as a commander involved in harrowing assaults against insurgents, he inspired the use of “kill boards” to track how many Iraqis each soldier had killed over time.

On the bottom of Company C's kill board, Private Mason said, was a phrase to inspire soldiers in combat: "Let the bodies hit the floor."

Three other Company C soldiers also testified Wednesday about directives they received from senior officers urging them to kill Iraqi men during the raid.

After the May 9 episode, according to testimony on Wednesday, Specialist Hunsaker and Sergeant Girouard threatened at least one soldier, and Private Clagett admitted to staging the Iraqi detainees' escape as a pretext to kill them.

Private Mason said Specialist Hunsaker had approached him and said that "if he goes to jail, that he'll kill me." Around the same time, Private Mason said, Sergeant Girouard told him "that if I say anything, he'd kill me."

Private Joseph told prosecutors that in late May, Private Clagett admitted that the soldiers had staged the Iraqis' escape and intentionally killed them. "He told me they cut the detainees loose, and shot them," he said. "Him and Specialist Hunsaker."

Sgt. Brian D. Hensley, a squad leader who missed the May 9 assault because of a knee injury, also testified that Private Clagett had told him that the Iraqis' attack on them was fiction. "I was frozen," Sergeant Hensley said. "I didn't know Private Clagett to be that kind of person."

Civilian lawyers for Private Clagett and Specialist Hunsaker said the four accused were scapegoats for superior officers who had ordered them to kill almost without question. "There's not a scintilla of credible, logical evidence to prove that they did anything wrong," said Paul Bergrin, Private Clagett's lawyer.

The hearing, known as an Article 32, is to continue Thursday. At its conclusion, the investigating officer will recommend whether the soldiers be acquitted, proceed to a court-martial or face a lesser punishment.

Robert F. Worth contributed reporting from New York for this article.