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Stryker soldiers allegedly plotted to kill Afghan civilians

By Hal Bernton
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Last December, Army Staff Sgt. Calvin Gibbs began joking with other soldiers about how easy it would be to "toss a grenade" at Afghan civilians and kill them, according to statements made by fellow platoon members to military investigators.

One soldier said it was a stupid idea. Another believed that Gibbs was "feeling out the platoon."

Others told investigators Gibbs eventually turned the talk into action, forming what one called a "kill team" to carry out random executions of Afghans.

In one of the most serious war-crimes cases to emerge from the Afghanistan war, five soldiers from a Stryker infantry brigade based at Joint Base Lewis-McChord are now charged with murder for their alleged roles in killing three Afghan civilians.

In two of the incidents, grenades were thrown at the victims and they were shot, according to charging documents. The third victim also was shot.

The soldiers allegedly killed the three Afghans while out on patrol, and anyone who dared to report the events was threatened with violence, according to statements made to investigators.

The Seattle Times has reviewed court documents " filed by a defense attorney with a U.S. Army magistrate " that summarize some of the evidence in the case. The Times also has interviewed attorneys for three of the defendants. The documents give new insight into how the murder plot may have evolved, but they give few clues about motives.

All five soldiers are awaiting court-martial proceedings. If convicted, they face the possibility of life imprisonment or death.

Hearings are expected to start later this year. Their families all have retained civilian attorneys to aid in the defense.

The original murder charges were filed in June. At the request of The Seattle Times, Joint Base Lewis-McChord late Tuesday afternoon released additional charges that have been filed against the five soldiers. Those include conspiracy to commit murder and, for three of the soldiers, use of a controlled substance.

The joint base on Tuesday also disclosed that charges have been filed against seven other soldiers that include impeding an investigation, aggravated assault with a deadly weapon, unlawfully striking another soldier and conspiracy to commit assault and battery.

All of the charges made public Tuesday stem from the initial investigation as well as a related assault on a U.S. soldier, according to an Army official.

The soldiers served with the 2nd Battalion, 1st Infantry Regiment, part of the 5th Brigade, 2nd Infantry Division that went to Afghanistan in the summer of 2009. Some 3,700 soldiers in the brigade were distributed throughout southern Afghanistan, involved both in combat and in wide-ranging efforts to open schools, train Afghan forces, improve agriculture and take other measures to win the support of civilians.

Col. Harry Tunnell, commander of the 5th Brigade, interviewed in July, declined to comment on the criminal case. But he notes that the investigation that led to the criminal charges was generated by the brigade itself, "which is a good comment on how the system is supposed to work."

The alleged murder plot came to the attention of the Army in May, according to court documents.

Army officials were initially investigating a brutal assault on an enlisted man who had informed on soldiers smoking hashish. The informant told investigators he'd heard other soldiers talk about civilian killings.

One called ringleader

Gibbs and Spc. Jeremy Morlock are the central figures in the case. They are charged in all three of the killings.

Gibbs, 25, has denied any involvement.

Morlock, a 22-year-old from Wasilla, Alaska, has played a major role in helping the Army develop the case. He has given numerous details about his involvement in the killings and also implicated others. His attorney, Michael Waddington, said he will try to have those statements withdrawn because his client spoke while under the influence of prescription drugs taken for battlefield injuries.

In interviews with Army criminal investigators, several soldiers portrayed Gibbs as a ringleader.

Gibbs, of Billings, Mont., is a veteran of two previous war-zone tours — one in Afghanistan and a second in Iraq. In the fall, he joined the 2nd Battalion, 1st Infantry Regiment, replacing a squad leader who had been injured by an explosion.

He allegedly boasted about "stuff" he had gotten away with in Iraq and discussed plans for killing Afghans with a small circle of soldiers, according to statements by other soldiers.

The three killings

The first murder allegedly occurred during a patrol in the Afghan village of La Mohammed Kalay on January 15.

While some soldiers spoke with village elders, Morlock was assigned to security duty at the edge of a poppy field along with Pfc. Andrew Holmes, one of the youngest and least experienced soldiers in the platoon.

Morlock, in his statement cited in court documents, said an Afghan civilian named Gul Mudin emerged from the field and stopped behind a low wall that separated him from the soldiers. Morlock then tossed a grenade given to him by Gibbs over a wall to kill the man, according to Morlock's statement.

In his statement, Holmes said he was then ordered to fire over the wall. He was unsure whether he hit anyone.

Later that day, Morlock told Holmes the killing was staged and unnecessary, according to Holmes.

Holmes also said Morlock threatened his life if he told anyone.

Holmes, who is from Boise, Idaho, is charged along with Morlock and Gibbs in that killing.

Holmes' attorney, Daniel Conway, said his client was not involved in the killings nor part of the inner circle that plotted crimes. "We're eager to move forward with this process to show the world that Pfc. Holmes is a good 19-year-old kid with a big heart that was fighting a difficult war," Conway said.

Army prosecutors allege that Spc. Michael Wagnon, of Las Vegas, was involved with Morlock and Gibbs in the murder of the second Afghan, Marach Agah, in February.

Morlock says Gibbs shot Agah and then placed an AK-47 by the corpse to make it appear to have been an act of self-defense, according to an attorney who has examined his statement.

Morlock alleges that Wagnon was an accomplice.

But Morlock's statements are contradicted by other soldiers, according to Colby Vokey, an attorney for Wagnon. Some have told investigators they heard shots that might have indicated the Afghan fired first.

Vokey said his client is innocent and has no knowledge of any murders that were committed.

In the third killing, Morlock and Gibbs are accused of throwing a grenade at an Afghan named Mullah Adahdad and then shooting him. Spc. Adam Winfield, of Cape Coral, Fla., also is charged in that killing.

Morlock's credibility is expected to be a big issue as the government moves forward to prosecute the soldiers.

Waddington, Morlock's attorney, said his client's statements were made under the influence of drugs. Morlock had a brutal year in Afghanistan, where he was exposed to four separate explosions that caused traumatic brain injury, the attorney said.

To help him remain in Afghanistan, he was prescribed a cornucopia of legal prescription drugs that included anti-depressants, muscle relaxers and a sleep drug frequently used by soldiers diagnosed with post-traumatic stress disorder, Waddington said.

There was significant use of hashish and occasional opium use in Morlock's platoon, according to Waddington.

In May, Army medical staff decided to evacuate Morlock due to his head injuries. Shortly before his departure, investigators started questioning him about the civilian killings.

"Our position is that his statements were incoherent, and taken while he was under a cocktail of drugs that shouldn't have been mixed," Waddington said. "What he said is not consistent with other evidence that comes out of the case."

Passing notes in brig

All of the soldiers were jailed at Joint Base Lewis-McChord.

Several still share a common area and are allowed to talk with each other, providing they don't mention anything concerning the upcoming trial.

Gibbs and Morlock, however, were locked in separate cells, and not allowed to mingle or communicate with any fellow defendants.

Several weeks ago, Army officials discovered that the two men were exchanging notes with one another. The notes were innocent communications, according to Waddington. Morlock talked about his difficulties reaching his attorney and their shared plight as Army prisoners.

"He said, 'maybe we should go down fighting like soldiers,' " Waddington said.

After Army officials discovered the notes, they transferred Morlock to another brig in Bremerton.