

US soldier accused of abusing and killing Iraqi

By VANESSA GERA – 1 day ago

CAMP SPEICHER, Iraq (AP) — Military prosecutors accused a U.S. soldier Sunday of taking an Iraqi detainee to a remote desert location, stripping him naked, shooting him in the head and chest and then watching as another soldier set fire to the body with an incendiary grenade.

The allegations were made at the opening hearing to determine whether there is enough evidence against 1st Lt. Michael C. Behenna for a court-martial. He has already been charged with premeditated murder of his prisoner, Ali Mansour Mohammed. Prosecutors also accuse Behenna of trying to cover up the killing.

The key testimony at the hearing came from the only witness, an Iraqi translator identified only as "Harry." He said he saw Behenna shoot Mohammed on May 16 in a tunnel near their forward operating base, Summerall. The base is near Beiji, 155 miles north of Baghdad.

Harry's real name was not revealed to protect his identify. He said Iraqi translators for U.S. forces are at risk of being killed by their countrymen as traitors.

Prosecutors showed video footage taken by Iraqi police of Mohammed's heavysset, naked body lying on what looked like a large blood stain in the tunnel. His head, neck and shoulders were charred black. An Iraqi police officer, Lt. Ahmed Kahlaf Marwan, said the video was taken by another policeman with a cell phone the day after the alleged killing.

Behenna, in uniform, sat silently through the hearing at Camp Speicher, a large U.S. base in northern Iraq. It was scheduled to continue Monday, but it was not clear when the investigating officer would make his decision.

One of Behenna's four defense lawyers said he maintains his innocence.

"He intends to fight the charges," said lawyer Kyle Sampson.

The witness testified that Behenna, 25, had his first contact with Mohammed on May 5, when he and other soldiers tracked him down at his home because they suspected he had ties to insurgents. A local sheik who helped them locate Mohammed said he was a "very bad person," Harry said.

Speaking through an interpreter, Harry said Behenna "used his helmet to hit (Mohammed) in the center of his back over and over again in the same place." Behenna stopped once Mohammed produced 14 or 15 names of alleged insurgents, and he then blindfolded him and took him to his forward operating base, Summerall, the witness said.

The Iraqi translator said the alleged killing came on the day that Behenna was supposed to release the detainee. As Behenna, Staff Sgt. Hal M. Warner and Harry prepared to leave on that mission,

he said Behenna told the detainee: "Today, I am going to kill you." Wagner is accused of setting off the grenade under Mohammed's head that set fire to the body.

Harry, a young man who spoke softly, said he believed at the time that the threat was merely an attempt to frighten Mohammed into giving up information. He said Behenna "was very nice to me and a very nice man."

During cross examination, defense lawyer Jack Zimmermann attempted to cast doubt on Harry's reliability as a witness. Zimmermann stressed that the shooting took place in a tunnel at dusk on a dusty day with no lights nearby, and that Harry's visibility would have been poor.

A similar hearing for Warner took place Sept. 13-14, but no decision has been made on whether he will face a court-martial.

The men face charges of premeditated murder, assault, making a false official statement and obstruction of justice, according to the U.S. military. Warner, of Braggs, Okla., is also charged with being an accessory after the fact.

They could face life in prison without parole if tried and convicted.

Behenna, from Edmond, Okla., is the son of Vicki Behenna, a federal prosecutor who helped convict Timothy McVeigh for his role in the 1995 Oklahoma City bombing.

Both men are assigned to D Company, 1st Battalion, 327th Infantry, 101st Airborne Division from Fort Campbell, Kentucky.