

ACLU Releases U.S. Army Documents That Depict American Troops' Involvement in Civilian Casualties in Iraq and Afghanistan



The American Civil Liberties Union (ACLU) has filed a Freedom of Information Act (FOIA) lawsuit to force the Department of Defense to release documents regarding civilians killed by coalition forces in Iraq and Afghanistan. Since U.S. troops first set foot in Afghanistan in 2001, the Defense Department has gone to unprecedented lengths to control and suppress information about the human costs of war. We are working to ensure that Americans are informed of the abuses conducted in their name.

The Department of the Army has so far provided nearly 10,000 pages of documents on 22 incidents, demonstrating that some U.S. personnel have killed civilians, in apparent disregard of the rules governing the use of deadly force:

- In one report, an Iraqi civilian describes how U.S. forces opened fire on his sleeping family with such ferocity that his mother, father, and brother were killed – along with 32 of the family's sheep.
- Another file describes the court martial proceeding of a U.S. soldier who shot an Iraqi man at close range in the head. The Iraqi man had been taken prisoner after a battle. Prior to the shooting, the soldier had told another soldier that he wanted to shoot the prisoner; the other soldier told him not to, but minutes later heard the shot. The shooter was ultimately acquitted by a jury of officers and enlisted men.
- Another file describes an investigation of the killing of two Afghan men. U.S. soldiers allegedly shot and killed two fleeing villagers. While noting that the investigators had declined to exhume the bodies or obtain a copy of the Afghan police report on the incident, the investigation concluded that there was “insufficient evidence to prove if [four Special Forces soldiers] committed the offense of Murder.”

The documents described above, and other accounts of civilian casualties, are available online in a searchable database at www.aclu.org/natsec/foia/log2.html.

A podcast in which ACLU attorney Jameel Jaffer discusses the civilian claims documents from Iraq and Afghanistan is available at www.aclu.org/multimedia/042007_foia.mp3.

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Documents Show Troops Disregarding Rules

By THE ASSOCIATED PRESS

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New documents released Tuesday regarding crimes committed by U.S. soldiers against civilians in Iraq and Afghanistan detail a troubling pattern of troops failing to understand and follow the rules that govern interrogations and deadly actions.

The documents, released by the [American Civil Liberties Union](#) ahead of a lawsuit, total nearly 10,000 pages of courts-martial summaries, transcripts and military investigative reports about 22 incidents. They show repeated examples of soldiers believing they were within the law when they killed local citizens.

The killings include the drowning of a man soldiers pushed from a bridge into the Tigris River as punishment for breaking curfew, and the suffocation during interrogation of a former Iraqi general believed to be helping insurgents.

In the suffocation, soldiers covered the man's head with a sleeping bag, then wrapped his neck with an electrical cord for a "stress position" they insisted was an approved technique.

Chief Warrant Officer Lewis Welshofer was convicted of negligent homicide in the death of Maj. Gen. Abed Hamed Mowhoush following a January 2006 court-martial that received wide media attention due to possible CIA involvement in the interrogation.

But even after his conviction, Welshofer insisted his actions were appropriate and standard, documents show.

"The simple fact of the matter is interrogation is supposed to be stressful or you will get no information," Welshofer wrote in a letter to the court asking for clemency. "To put it another way, an interrogation without stress is not an interrogation -- it is a conversation."

Welshofer said in the same letter that he was "within the appropriate constraints that both the rules of law, and just as importantly -- duty, imposed on me."

The documents were obtained through a federal Freedom of Information Act request the ACLU filed with the military more than a year ago asking for all documents relevant to U.S. military involvement in the deaths of civilians in Iraq and Afghanistan. Only the Army responded.

Considered against recent cases, including soldiers from the 101st Airborne Division convicted of killing detainees in Samarra, Iraq, last year and the ongoing courts-martial of Marines accused of killing 24 civilians in Haditha, these new examples shed light on the frequency soldiers and Marines may disregard the rules of war.

Nasrina Bargzie, an attorney with the ACLU's National Security Project, said the documents also show that theres an abundance of information being withheld from public scrutiny.

"The government has gone out of its way to hide the human cost of this war," Bargzie said. Releasing the documents now "paints at least a part of that picture so people at least know what's going on," she said.

The lawsuit seeks to compel the military to produce all documents related to all incidents of civilian deaths at the hands of U.S. troops in Iraq and Afghanistan since January 2005. The ACLU contends the materials are releasable under federal law.

The Defense Department declined to comment on the lawsuit until it could review its claims.

Among the files released to the ACLU were the court-martial records for two soldiers convicted of assault in the drowning of a man pushed into the Tigris

for violating curfew and three soldiers convicted in the "mercy killing" of an injured teenager in Sadr City.

The teen had been severely injured; one soldier explained that he shot and killed the teen "to take him out of his misery."

Other killings included:

-- A man shot after a search of his home near Balad uncovered illegal weapons and anti-American literature. Immediately after the shooting, according to testimony, Sgt. 1st Class George Diaz, who was convicted of unpremeditated murder, said, "I'm going to hell for this." Diaz also was convicted of mistreating a teenage detainee when he forced the youth to hold a smoke grenade with the pin pulled as Diaz questioned him at gunpoint.

-- A suspected insurgent in Iraq by Staff Sgt. Shane Werst, who said the man appeared to be reaching for a weapon. Werst was acquitted of murder despite acknowledging he had fired and then planted a chrome Iraqi pistol on the suspect to make his claim of self defense more believable.

In a previously unreported case, Pfc. James Combs was convicted of involuntary manslaughter for shooting an Iraqi woman from a guard tower in what he claimed was an accident, though court documents and testimony indicate his weapon was set to fire multiple shots despite a regulation advising against such a setting.

Another previously undisclosed case involved Sgt. Ricky Burke, who was charged with murder for killing a wounded man alongside the road following a firefight. Staff Sgt. Timothy Nein, a member of Burke's military police company, testified he heard Burke say before the shooting, "It's payback time."

Burke, a member of the Kentucky National Guard, was found not guilty of the charges that stemmed from the same battle that led to the first woman since World War II being awarded the Silver Star.

In closing arguments, Burke's attorneys asked the jury to recommend that soldiers be trained better for handling detainees. "They are not trained to standard," said an attorney not identified in the transcript.

The attorneys also insisted that the rules of engagement are clear and in favor of soldiers, contending that the perception of hostility merits deadly action.

Michael Phenerger, a retired Army intelligence colonel who reviewed the materials for the ACLU, said the documents suggest many allegations of war crimes in Iraq are not being made public.

"Wars are messy by their very nature. These are dangerous circumstances, and the fog of war is out there," said Phenerger, who served in Vietnam. "But it's perfectly obvious that there is no rule of engagement that would authorize someone to kill someone in custody."