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# counterpunch

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## *Blackwater and Haditha: A Tale of Two Atrocities*

By RAHUL MAHAJAN

The recent public outrage over the conduct of Blackwater Security mercenaries in Iraq, after an unprovoked massacre of at least 17 Iraqi civilians in western Baghdad has been heartening; unfortunately, there has been virtually no attention a far more important concurrent development -- the ongoing collapse of the military prosecution in the Haditha massacre.

Paul Bremer's decision at the eleventh hour before his departure in June 2004 to set all private contractors in Iraq above the law (they are not subject to Iraqi law, U.S. military law, or U.S. civilian law) stands out as one of the more cynical decisions of a war that has redefined cynicism, and attention to that fact is a positive development.

At the same time, however, all the attention is being focused on an extremely minor issue. The U.S. military has possibly killed more civilians in a single incident than all the mercenary companies operating in Iraq in the last several years. According to Iraq Body Count, the first U.S. Marine assault on Fallujah in April 2004, claimed the lives of at least 600 Iraqi civilians, out of a total of at least 800 people.

That number is actually cited in a report by the House Committee on Oversight and Government Reform regarding Blackwater, but its implications are hardly appreciated.

According to the same report, since January 1, 2005, Blackwater has been involved in 195 shooting incidents -- other mercenary companies all together account for a similar number.

This is the equivalent of a couple of days' worth of shooting incidents for the U.S. military in Iraq. Not only are there more of them than there are of private mercenaries (roughly three times the number), mercenaries do not go on offensive operations or do routine patrolling. Those are the activities most likely to lead to shooting.

Even if U.S. soldiers are for the most part genuinely more careful about rules of engagement, the far greater volume of violent incidents means that it is actually the conduct of the U.S. military, not of mercenaries, that is the problem.

In that regard, consider the evolution of the prosecution for the Haditha massacre, one of the most iconic incidents of atrocity by the U.S. military.

The facts that are not in dispute are these: On November 19, 2005, after an IED attack that killed one of them, Marines from Kilo Company, 3rd Battalion, 1st Regiment killed 24 people. The first killed were five men in a car who stopped, got out, and then were mown down. Afterwards, Marines entered a house and killed 15 civilians, including three women and seven children, ranging in age from 2 to 13.

In another house, four brothers, all adults, were killed, three of them with handgun shots to the head. Lance Corporal Justin Sharratt, the killer, said that they were armed and preparing to attack.

The Marines lied about what happened, indicating at first that there had been a firefight with insurgents and the others had been caught in the crossfire.

A series of higher-ranking officers didn't bother to investigate.

Court-martial hearings did not begin until this summer, almost two years after the incident.

Initially, 8 men were charged: Staff Sergeant Frank Wuterich, Sgt. Sanick Dela Cruz, Lance Cpl. Justin Sharratt, and Lance Cpl. Stephen Tatum, for unpremeditated murder, and Lt. Col. Jeffrey Chessani, Capt. Lucas McConnell, Capt. Randy Stone, and 1st Lt. Andrew Grayson, for dereliction of duty and a series of more minor charges relating to not investigating or to covering up.

The hearings have been a circus. First of all, they were held in Camp Pendleton, California, rather than in Iraq, so the Iraqis who witnessed the events couldn't testify. Second, the families of the victims refused requests by military interrogators to exhume the bodies for forensic evidence. Third, Lt. Col. Paul Ware, who presided over the hearings, has been both excessively sympathetic to the defendants and excessively concerned with the effect that the verdicts will have on future Marine operations. Fourth, some rather odd plea bargains have been made.

Most recently, Ware recommended that all charges of murder (originally 13 counts) against Wuterich be dropped and replaced with charges of negligent homicide only for seven of the murdered women and children (many of them shot in their beds) -- and has added that he doesn't think Wuterich would be convicted on those charges either.

According to the testimony of fellow Marines, a week before the incident, Wuterich said that if something like that happened, they should kill everyone in the vicinity. Wuterich himself admitted to ordering his men breaking into the houses to "shoot first and ask questions later." And, contrary to Wuterich's claim that the first five men were running away after they got out of the car, Dela Cruz testified that the men "were just standing, looking around, had hands up."

Dela Cruz was given immunity for his testimony, but he may have deliberately made a hash of it, contradicting himself and at one time admitting that he was lying; events conspired nicely to get him and Wuterich both off.

Earlier, Ware recommended dropping all charges against Sharratt, accepting his claim that the execution-style killings of the three men shot in the head occurred in self-defense in the heat of combat. He also wanted charges dropped on Tatum, even though fellow Marine Lance Cpl. Humberto Mendoza testified that Tatum had ordered him to shoot the seven women and children, even after being informed of their identity and that they posed no threat.

Charges were dropped against the two captains, Grayson is still under investigation, and Ware recommended that Chessani be charged with dereliction of duty, although with none of the actual murderers on trial, apparently, he was derelict in investigating nothing.

Major General Eldon Bargewell's scathing outside report on the incident, which, though unclassified, has not been publicly released because of the ongoing hearings, found that "All levels of command tended to view civilian casualties, even in significant numbers, as routine and as the natural and intended result of insurgent tactics," adding, "Statements made by the chain of command during interviews for this investigation, taken as a whole, suggest that Iraqi civilian lives are not as important as U.S. lives, their deaths are just the cost of doing business, and that the Marines need to get 'the job done' no matter what it takes." He also found that "virtually no inquiry at any level of command was conducted," that officers looked at reports of civilian casualties as pro-insurgent propaganda to suppress and spin, and that reports filed by senior officers were "forgotten once transmitted."

Even so, no higher officers faced criminal charges; three were reprimanded.

Of course, not every court-martial in the Iraq war has been such a farce. The men who raped 14-year-old Abeer Hamza in Mahmudiyah, killed her family, then killed her and set her corpse on fire got severe sentences. In the Hamdaniyah case, where a squad of Marines murdered an innocent man and then planted a shovel on him to suggest that he was placing an IED, Sgt. Lawrence Hutchins was actually sentenced to 15 years, although it remains to be seen if he will serve his time; most of his accomplices got slaps on the wrist and are already out of jail.

The Haditha case is different from the others. It is not essential to U.S. military strategy in Iraq to leave soldiers free to rape and murder little girls or even to murder the wrong man when you're looking for insurgents; in fact, the military has an interest in discouraging such behavior. Aggressive house raids in which soldiers feel free to "shoot first and ask questions later," have been, however, fundamental to U.S. practice in Iraq; even Lt. Col. Ware, departing from his ostensible role as prosecutor, expressed concern about the chilling effect convictions would have on Marines operating in Iraq.

Overall, the record of accountability for atrocities committed by U.S. soldiers is pathetic. Soldiers who kill prisoners in custody routinely get administrative punishment; missing a troop movement gets a court-martial, but murdering a helpless man rarely does. In the particularly brutal killing of two young men in Bagram prison, in which soldiers testified that they used to assault one of them, Dilawar, a 22-year-old taxi driver, just because they liked to hear him scream "Allah!" in pain, nobody was charged with murder, on the incredibly specious reasoning that, since 27 different people used to enjoy torturing him, there was no way to determine which "unlawful knee strike" caused him to die. Try using that defense if you're a young black kid holding up a 7-11 when one of your accomplices

shoots the clerk. Contractors may be subject to no law, but the law soldiers are subject to is rarely much better than nothing.

During the course of this trial, we learned that Marine rules of engagement allowed them to shoot in the back unarmed people running away from the scene of a car bomb explosion, even if there was no reason to connect them with the attack. We learned that in the second assault on Fallujah (in November 2004), approved procedure was to "clear" rooms by tossing in fragmentation grenades blind -- even though initial estimates were that perhaps as many as 50,000 civilians remained in the town -- and that many Marines used the same technique afterward in other areas. We learned about the routine practice of dead-checking -- if a man is wounded, instead of offering him medical aid, shoot him again, on the principle that "If somebody is worth shooting once, they're worth shooting twice." One of the Marines testified in the hearings that they were taught this practice in boot camp.

A sleepwalking nation paid little attention to these revelations. When future histories of the war are written, it will probably accept statements that the hearings proved the Haditha massacre was a hoax.

But we will all remain united in righteous indignation against peripheral targets.

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