

# Three trials, three whitewashes: US military ratifies murder of Iraq prisoners

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Three trials conducted last week, ending in dropped charges or not guilty verdicts, demonstrate that the US military justice system will whitewash even the most brazen acts of murder against Iraqis.

At Ft. Hood, Texas, Army Staff Sgt. Shane Werst was court-martialed for the murder of an unarmed Iraqi during the search of his home in January 2004. Werst, 32, faced charges of premeditated murder and obstruction of justice in the death of Naser Ismail. According to the military prosecutor, Werst was angry about the death of an Army captain in a mortar attack the previous day, and took his revenge on Ismail, whom he thought was lying about his identity.

Werst freely admitted shooting the unarmed man to death. He claimed that the Iraqi man had lunged at another soldier, Pfc. Nathan Stewart, trying to take his weapon, and that he killed him because Stewart's life was in danger.

Stewart testified that Werst was enraged after he received radio confirmation that Ismail was on a list of suspected Iraqi insurgents. Werst told him, "Come on, Stewart—we're going to kill this [expletive]." Jason Pizer, the soldier who radioed the identification of Ismail to Werst, testified that he then heard Werst say, "Expecting contact," followed by the sound of gunfire.

The obstruction of justice charge arose from Stewart's testimony that after shooting Ismail, Werst took an Iraqi pistol—reportedly seized from Ismail's home during an earlier raid—fired it into a wall, and placed it next to the body. He told Stewart to get the Iraqi victim's fingerprints on the weapon to provide "evidence" that the killing was in self-defense. (This is a technique commonly used by American policemen when they shoot someone. The planted weapons even have a generic name: "throw-down" guns).

Werst also told Pizer and Stewart to make false statements about the incident to cover up the killing. They complied, and Ismail's death was initially classified as self-defense. Nine months later, Stewart sought psychiatric treatment, declaring that he had been part of an "execution". He said that Ismail had been cooperative, that he and Werst had begun to beat the man, and that Werst ordered him to stand the Iraqi man upright, at which point he shot Ismail at least eight times.

Werst admitted supplying the planted weapon and telling

Stewart to make sure Ismail's fingerprints were on it. He said he was scared because he had never killed anyone before. "It was wrong," he said. "I have no idea why I did that." But he strongly defended the actual shooting, maintaining, "I would still to this day fire on that man."

In his closing argument, prosecutor Capt. Evan Seamone pointed out the contradiction in Werst's account. "If this is a legitimate kill, if this follows the rules of engagement," he asked, "why in the world would he have to create a lie?"

But even before the case went to the jury, the high command had weighed in on the side of Werst. Col. Theodore Dixon, the presiding judge, found Werst innocent on the obstruction of justice charge, despite his own admission and the testimony of Stewart. This amounted to an instruction to the jury to ignore the evidence. After less than three hours deliberation, the four soldiers and two officers found Werst not guilty of premeditated murder.

Dixon also intervened to protect the military brass. Witnesses testified that one of Werst's superiors had given an illegal order for troops to hunt down a list of suspected insurgents, but the judge would not allow testimony that the company commander said that none of those Iraqis would come back alive.

Werst's defense attorney David Sheldon declared afterwards, "Soldiers have to be able to know that they're not being second-guessed in the battlefield and in close-quarters combat." This was not "combat", however, nor did it take place on the battlefield. It was the killing of an unarmed man after he had been taken prisoner by US soldiers inside his own home.

In the second case, the Marine Corps dropped murder charges May 26 against 2nd Lt. Ilario Pantano, who riddled two unarmed Iraqis with bullets and then hung a warning sign on their corpses to make an example of them to other Iraqis. Pantano has been much celebrated in the New York City media as a former trader for Goldman Sachs investment bank who joined the Marines after the September 11 terrorist attacks.

On April 15, 2004, Pantano's unit raided a home in Mahmudiyah, a center of insurgent activity south of Baghdad, finding automatic rifles, ammunition and bomb-making materials. Two men, Hamaady Kareem and Tahah Ahmead Hanjil, were detained as they attempted to drive away. The

Marines searched their car, but found nothing.

At this point Pantano ordered the plastic handcuffs on the two prisoners removed and told them to search their car themselves. At the same time, he told the two Marines with him to move away from the scene, leaving him alone with the detainees. Shortly thereafter Pantano opened fire on both men, emptying two full magazines of his M-16A4 into their bodies, about 60 bullets. He claimed the two men had “pivoted their bodies” and that “he was going to be attacked by both of these men.”

In a statement to investigators, Pantano said, “I had made the decision that when I was firing, I was going to send a message to these Iraqis and others that when we say, ‘No better friend, no worse enemy,’ we mean it.” He then wrote this phrase, a Marine Corps slogan, on a placard and hung it over the bodies.

At least two witnesses gave testimony that Pantano had opened fire on the two victims while they were kneeling down with their backs to him. One was a corporal who worked as an interpreter, the other a sergeant who had previously clashed with Pantano and had been demoted by him.

Earlier this month, a hearing officer, Lt. Col. Mark Winn, recommended that the murder charges be dropped, calling the eyewitness testimony contradictory, and citing autopsies conducted of the two victims. Winn criticized Pantano’s judgment in the number of rounds fired and in posting the sign, saying that Pantano should receive nonjudicial discipline for that offense.

Maj. Gen. Richard A. Huck, commander of the 2nd Marine Division, decided instead to drop all charges. The Marine Corps issued a statement declaring, “The best interests of 2nd Lt. Pantano and the government have been served by this process.” No doubt true: both are implicated in the murders, both are now officially cleared. Meanwhile, Pantano continues serving at Camp Lejeune, training other Marines.

The third case involved the murder of Manadel al-Jamadi, a middle-aged Iraqi man captured in a raid near Baghdad in November 2003 by an elite unit of Navy SEALs. Jamadi was savagely beaten while in the custody of the SEALs and the CIA, then delivered to the Abu Ghraib prison, where he died within hours. His is the corpse, wrapped in plastic and packed with ice, among the photographs of prisoner abuse in Iraq that touched off worldwide outrage last year.

Lt. Andrew K. Ledford, leader of the SEAL platoon which captured Jamadi, was tried last week in San Diego on charges of assault—not murder—and desecration (for another photograph, in which he and other SEALs posed next to the prisoner while he was still alive, Ledford holding a can of the power drink Red Bull). He was acquitted of all charges, despite the photograph and Ledford’s own testimony to interrogators last year, in which he admitted striking Jamadi.

In this case, unlike the other two, the soldier on trial seems not to be directly responsible for the prisoner’s death. Soldiers in Ledford’s platoon testified that they severely beat Jamadi, but they claimed Ledford was not present at the time. Jamadi

was hit and kicked repeatedly and poked with rifles, then turned over to CIA interrogators. He died in a shower stall at Abu Ghraib several hours after the CIA delivered him to the prison.

Ledford was charged with striking Jamadi, allowing his men to beat Jamadi and other prisoners, and conduct unbecoming to an officer. He faced 12 years in prison if convicted. The main evidence against him was his own confession, made to investigators last year.

The SEAL officer took the stand in his own defense Thursday and gave an explanation of the confession which was farcically unbelievable. He blamed excessive pressure from Navy investigators in the course of his eight-hour questioning, which he compared to the “interrogation of a terrorist” like those he had experienced—from the opposite side—in Iraq. He claimed he was confused when he signed the confession. When a prosecutor asked, in cross-examination, how a combat-hardened SEAL could be coerced into signing a false confession, Ledford said, “I was told I could not leave” otherwise, and that he was anxious to get home for a dinner party.

After three hours deliberation, a jury of six fellow officers from the Navy Special Warfare Command found Ledford not guilty on all charges. The rigged character of the whole proceeding was demonstrated in Ledford’s own comments after the acquittal. “I’m going to Disney World,” he joked, as he left the courtroom. The *Los Angeles Times* reported, “Ledford shook hands with prosecutors and told them, with no hint of irony or bitterness, ‘You did a good job.’”

Ledford had no reason for bitterness since the whole purpose of the trial was to cover up the crime, and especially the role of the CIA. Much of the four-day trial was held in closed sessions where testimony concerned the role of the CIA or other classified matters. CIA witnesses testified behind curtains and their names were kept secret. Reporters were told they would be arrested if they touched the curtain.

Because of the censorship, it was not clear whether there was any testimony about a direct CIA role in the murder of Jamadi. However, one SEAL, Dan Cerillo, described a previous mission in which he followed instructions from a CIA interrogator to hit a prisoner 10 to 15 times and shove his face into the ground to “assist in making him talk.” He said, “I was told by security personnel not to strike him in the face because it would be hard to turn him in.” Cerillo also testified that the unit was briefed by military lawyers that prisoners it captured in Iraq “did not fall under the Geneva Convention.”



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