Army pre-trial hearing into March 2012 Afghan massacre concludes

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The US Army on Tuesday concluded its preliminary hearing for Staff Sergeant Robert Bales, accused of killing 16 Afghan villagers on March 11, 2012.

With 16 counts of murder and 6 counts of attempted murder, the atrocity case is the worst to be brought against an individual soldier since the Vietnam War. Bales, 39, could face the death penalty if found guilty in a military court. The Army will announce sometime in the next few weeks whether it will recommend a court-martial trial.

Bales is accused of rampaging through two small farming villages in the Panjwai district of the southern province of Kandahar, Afghanistan, near Camp Belambay. All of the dead were unarmed civilians. Nine were children, including infants and toddlers. Eleven of the victims were members of a single family. After being shot or stabbed, many were pulled into a pile and set ablaze.

Bales has not entered a plea in the case and did not testify during the preliminary hearing.

The pre-trial hearing at the Tacoma, Washington, area Joint Base Lewis-McChord has focused on testimony from fellow soldiers, first responders, and witnesses.

In a first for US atrocity hearings, relatives and survivors of the massacre also testified over the weekend via a nightly tele-conference set up in the courtroom. They described scenes of horror and chaos (see “Survivors describe bloodbath in Afghan atrocity “).

On Tuesday, Army prosecutor Major Rob Stelle concluded that Bales should face the death penalty for “the worst, most despicable crimes a human being can commit, murdering children in their own homes.”

The Army is attempting to establish through evidence that Bales acted alone, deliberately and of sound mind. As with every other war crime involving US forces, the military and Washington have insisted that the March 11 massacre was the product of a “rogue” soldier, reflecting nothing of the “values and interests” of the American occupation of Afghanistan.

The defense team has suggested that Bales, in his fourth combat tour in the Middle East, was suffering from post-traumatic stress disorder (PTSD) or a brain injury, which in combination with alcohol and steroid abuse had been a factor in the atrocity.

Attorney Emma Scanlan said the defense was still in the process of collecting evidence. “There are unanswered questions about mental state, about timeline, about who this man is,” she stated. The Army only provided the defense team with a toxicology report on the chemicals in Bales’s system at the time of his arrest on Monday, a day before the pre-trial hearing concluded. The tests revealed steroids, alcohol and sleeping pills, some of which were dispensed by commanders at Camp Belambay.

Scanlan said Tuesday that substandard care at Madigan Army Medical Center for a head trauma should also be examined. Madigan has come under scrutiny in the past few years after numerous veterans who were shunted out of the mental health system committed suicide or violent crimes.

While both the prosecution and defense have emphasized the personal dimensions of the accused, much of the evidence presented over the week underscores the context in which the crime took place—namely, an 11-year-old colonial occupation that has ravaged Afghan society and inured a significant section of US soldiers to death and brutality.

As with the infamous “kill team” that was composed of Lewis-McChord troops, the Bales case reveals the connection between military policy and the depravity of individual “bad apples.”

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The defense again raised the possibility that Bales did not act alone, although most of the evidence presented so far points to a single gunman. Upon being apprehended at Camp Belambay in the early morning hours of March 11, fellow soldiers said Bales was drenched in blood, wearing night-vision goggles, a t-shirt and combat pants, without body armor, wearing a sheet as a type of cape. He was also heavily armed, carrying a 9-mm pistol, an M4 rifle with a grenade launcher. An Army DNA expert who analyzed a small sample of Bales's clothing found the blood of at least nine people on the soldier at the time he was taken into custody.

Soldiers testified that Bales had made incriminating statements attempting to justify his actions upon his return. "Some sick [expletive] is going to come out of this and I hope you guys don't think less of me," he was said to have told guards who apprehended him.

According to Sergeant 1st Class James Stillwell, Bales refused to answer questions about where he had been after returning to base. "If I answer, you guys will have to testify against me," Stillwell recalled him saying. Bales allegedly shrugged when asked by a medic where the blood had come from.

"I thought I was doing the right thing," Bales allegedly said, adding, "Come June, you guys are gong to thank me," in reference to heightened fighting in the summer months.

Such testimony points toward a fact that neither the Army nor the defense have raised, namely that the violence for which Bales is accused, outside of its unauthorized character, is of a piece with day-to-day operations of the military across Afghanistan.

Special Forces routinely conduct "night raids" on civilian homes in the name of routing out resistance fighters and supporters. The Pentagon claims to have killed at least 4,000 combatants in such raids. The Obama administration has overseen drone missile attacks that have taken the lives of thousands of civilians in the past few years. Those who are killed are frequently reported as "insurgents," "terrorists," or "suspected militants."

Indeed, several witnesses in the March 11 massacre said in the days afterward that they thought the bloodbath was part of another military operation. Several relatives said they had seen more than one soldier during the course of the night.

Villagers demanded that Bales be tried in Afghanistan rather than by the Army in the US. However, soldiers enjoy the same immunity from Afghan law as diplomats, an arrangement that reflects the colonial relationship between the Karzai government and Washington. The anger and distrust over the Army's management of the case is indicative of the popular hostility to the occupation.

The situation has produced a rising incidence of "green on blue" attacks, in which Afghan security forces have killed American and NATO soldiers. More than 50 coalition personnel have been killed in such attacks since January.

Tasked with suppressing an entire population, record numbers of soldiers report severe psychological distress. Record numbers of soldiers have committed suicide, and others have committed violence against comrades, family members, and neighbors at home.

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