

US Marine's murder conviction overturned in Iraq killing

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A Marine sergeant found guilty of killing an unarmed civilian in Hamdania, Iraq in 2006 is set to be freed from prison, after the highest US military court overturned his conviction Wednesday.

Sergeant Lawrence Hutchins was convicted of unpremeditated murder in 2007 and sentenced to 15 years in military prison, a term subsequently reduced to 11 years. Hutchins, now 26, was the leader of a combat patrol deployed to Hamdania, a village near the infamous Abu Ghraib prison.

In the early morning of April 26, 2006, the 1st Squad, 2nd Platoon of the Kilo Company abducted Hashim Ibrahim Awad from his home. Members of the eight-man squad testified that they had planned in advance to select a random Iraqi male for ambush.

The Marines captured Awad, a 52-year-old father of 11 children, at around 2 a.m. They bound and gagged him, and brought him to a roadside ditch prepared by the squad to look like the site of an attempted IED bomb placement. Half an hour after Awad was abducted, the squad opened fire on the man and killed him.

Afterward, the squad removed the bindings from their victim, and positioned his body with a shovel, an AK-47, and empty bullet casings, to make the scene resemble that of a firefight. Afterward, Hutchins and his comrades described the incident as an ambush and a "good shoot." Afterward, the squad filed a formal report that asserted Awad had been caught digging a hole for a roadside bomb and had engaged them in a firefight.

Family members said that Awad was disfigured beyond recognition and that he had been shot in the mouth. The Naval Criminal Investigative Service (NCIS) charged that Hutchins approached Awad and shot him multiple times in the face at point-blank

range.

The murder took place at the height of the violence in the US occupation of Iraq, and the court-martial at which Hutchins was convicted was one of several conducted at Camp Pendleton, California into war crimes committed by Marines. The most notorious case was that of the 2005 massacre of 24 civilians in Haditha, Iraq. The Kilo Company was also involved in the brutal invasion and razing of Fallujah in November of 2004. Several Marines were implicated in the murder of unarmed Iraqi prisoners during the siege.

The NCIS investigation into the Hamdania incident resulted in charges of murder, kidnapping, housebreaking, larceny, obstruction of justice, and conspiracy to cover up the crimes. By 2007, however, the NCIS had scaled back or dropped many of the charges.

Hutchins, who has served only half of his 11-year sentence, was the only Marine on the squad that was involved in the kidnapping and killing of Awad who was sentenced to more than a few months behind bars. Five of the defendants accepted plea deals and were handed maximum sentences of 15 months in the brig at Camp Pendleton, California. Two others were released.

The US Court of Appeals for the Armed Forces found that Hutchins gave a statement to a Navy investigator while in custody at Camp Fallujah that should have been ruled inadmissible. Issuing the decision, Judge Charles Erdmann said that after his detention Hutchins was not allowed to call a lawyer and was given no attorney. After a week in a trailer, the Navy investigator entered and initiated a conversation with Hutchins. The following day, the sergeant voluntarily wrote a confession.

During his court martial proceedings, Hutchins maintained that he was not with his squad at the time of

the killing.

“It was an error for the military judge to admit the statement made by Hutchins,” the court found. “Therefore, notwithstanding the other evidence of Hutchins’ guilt, there is a reasonable likelihood that the statement contributed to the verdict.”

The ruling describes Hutchins’ pre-trial detention as “essentially in solitary confinement,” where the Navy investigator violated “the integrity of an accused’s choice to communicate with police only through counsel.”

Significantly, Erdmann’s decision notes that during the 2007 court martial, the Navy investigator testified his purpose in interacting with Hutchins was to request permission to search the sergeant’s belongings that he had brought with him from Abu Ghraib, to confiscate any media that might contain photographs of the abuse being committed in the prison.



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