

War crimes trial

'I knew what we were doing was wrong'

Navy medic in murder case testifies that he urged Marines to free innocent Iraqi but was told he was being weak

BY LINDA DEUTSCH
The Associated Press

CAMP PENDLETON, Calif. — It was some time after midnight on a dusty road in Iraq when Melson J. Bacos says he stood and watched as seven members of a Marine squadron murdered an innocent Iraqi civilian.

"I knew what we were doing was wrong. I tried to say something, and then I decided to look away," the 21-year-old Navy medic said Friday as he pleaded guilty to kidnapping and conspiracy charges in the death of Hashim Ibrahim Awad on April 26 in Hamdaniya, a Sunni stronghold west of Baghdad.

Speaking in a flat, unemotional voice, Bacos told Col. Steven Folsom, who presided over his court-martial in a cramped military courtroom, that he had urged the Marines to let Awad go and was offended when one told him he was being weak and should stop protesting.

"I felt I couldn't stop it any more that day. They were going to do it. They were going to carry out the plan, so I continued on," he said.

Prosecutors said Bacos helped the Marines cover up the killing by firing an AK-47 assault rifle into the air. It was later planted on Awad's body to make it look like the 52-year-old Iraqi man was a terrorist.

"Why didn't I just walk away?" Bacos asked before



Navy Petty Officer 3rd Class Melson J. Bacos, center, is escorted Friday to his court-martial hearing at Camp Pendleton, Calif., by his defense attorneys, Lt. Col. Scott Jack, left, civilian defense counsel Jeremiah Sullivan, right, and Navy Lt. Jonathan Stephens, back left.

DENIS POROY
Associated Press

being sentenced. "The answer to that question was I wanted to be part of the team. I wanted to be a respected corpsman, but that is no excuse for immorality."

Folsom sentenced Bacos to 10 years in prison but reduced the term to one year because of the plea agreement. That will be further reduced by time served. Other counts of murder, kidnapping and conspiracy were dropped in exchange for his cooperation.

The Marines awaiting courts-martial on charges including murder and conspiracy are Cpl. Marshall L. Magincalda, Sgt. Lawrence Hutchins, Cpl. Trent Thomas, Lance Cpl. Robert B. Pennington,

Lance Cpl. Tyler A. Jackson, Pfc. John J. Jodka and Lance Cpl. Jerry E. Shumate Jr.

As the steady hum of an air conditioner competed with his soft voice, Bacos told of watching as Awad was thrown into a hole, then shot repeatedly.

"I witnessed Sgt. Hutchins dead check the man and fire three rounds into the man's head," Bacos testified. "Then Cpl. Thomas fired seven to 10 rounds into the man's chest."

He said he saw Pennington put Awad's fingerprints on the AK-47 and a shovel to make it look like the Marines had caught the man digging a hole in which he was going to place a roadside bomb.

Folsom was the only one to

question Bacos, who recalled how the Marines had gathered under a tree and devised a plan to enter the village and kidnap and kill an insurgent who had been detained and released three times.

Hutchins, the squad leader, was "just mad that we kept letting him go and he was a known terrorist," Bacos testified.

The group approached a house where the insurgent was believed to be hiding. But when someone inside woke up, the Marines instead went to another home and grabbed Awad, Bacos said.

He was taken from the home with his feet and hands bound and then placed in the

hole, Bacos testified.

After the killing, Hutchins called a command center and reported the squad had seen a man digging a hole and wanted permission to fire at him.

After the killing, Bacos said, he was standing in the road when another Navy corpsman drove by.

"He asked me what happened, and I was very vague," said Bacos, who was assigned to provide medical assistance to the Marines. "I said, 'I want you to remember something. We're different. We're not like these men.'"

Bacos appeared in court wearing a Purple Heart his wife, Heather, said he was awarded during a previous

tour of Iraq.

His wife and father sat in the front row, and at one point he turned to his wife during a break and mouthed the words, "I love you."

Military authorities prosecuted Bacos under the theory that he did nothing to stop Awad's murder. He was the first of the eight to receive a general court-martial.

The Marines, who are being held in the brig at this sprawling seaside Marine base north of San Diego, are in various stages of the judicial process. They could be sentenced to life in prison if convicted.

Bacos also was held at Camp Pendleton but recently was transferred to Marine Corps Air Station Miramar for his safety.

Legal experts were split over exactly what his plea deal signifies for the case.

Laurie Levenson, a Loyola University law school professor and former federal prosecutor, said it could indicate the military's case lacks physical evidence. Former Army prosecutor Tom Umberg suggested it might mean others soon will be cutting deals of their own.

"You don't want to be the last guy standing. The first guy gets the best deal," Umberg said.

Lt. Col. Sean Gibson, a Marine Corps spokesman, said Wednesday it would be inappropriate to comment on any possible negotiations between prosecutors and the accused.

An attorney for one of the Marines said Bacos can expect to be subjected to intense cross-examination if he is called to testify.

"This is just one guy who is going to tell the story as he sees it," said defense attorney David Brahms.

Cooperation urged

Rice to Kurds: Find security in Iraq's constitution

They want to secede from the country as they see sectarian violence ravaging the south

BY PAUL RICHTER
AND BORZOU DARAGAH
Los Angeles Times

IRBIL, Iraq — Secretary of State Condoleezza Rice urged restless Iraqi Kurds to seek a closer alliance with other Iraqis as she visited the country's relatively peaceful Kurdish region Friday for talks with Kurdistan Regional President Massoud Barzani.

Political and sectarian violence, meanwhile, continued to afflict the rest of Iraq. Kurds condemned Thursday's abduction and slaying of a Kurdish lawmaker in Baghdad, and a Danish soldier was killed in southern Iraq. At least 20 Iraqi civilians were reported killed in bombings and shootings, Iraqi officials said.

Rice declared that Iraq's Kurds, a minority who suffered greatly under Saddam Hussein, can find their best security guarantee not from the United States but from the Iraqi constitution.

The efforts of Iraq's new government to reform the country's constitution and



A father weeps Friday as he holds the body of his 3-year old son, who was killed in a random shooting in Baqouba.

MOHAMMED ADNAN
The Associated Press

better develop a federal system "is one that can, within the framework of a united Iraq, protect and defend the rights of all people," she said in an appearance with Barzani at his offices.

Barzani said Kurds are committed to working within the federal system and will share oil revenues from wells discovered in their region.

"Our views were very similar, and we have pledged that we will . . . establish a federal, democratic, pluralistic Iraq, an Iraq which will be free from terrorism and terrorists," Barzani said.

Despite the apparent harmony, however, U.S. officials have been concerned about issues swirling in Kurdistan, the least violent and most pro-American segment of Iraq.

Many Kurds want to secede

from Iraq, especially as they see growing sectarian violence between Sunni and Shiite Arabs further south.

There has been growing tension with the Turks, who have attacked the Kurdish nationalist group, PKK, within

Iraqi borders. The other prominent Kurdish leader, Iraqi President Jalal Talabani, recently warned that if neighbors, including Turkey, sought to undermine the sovereignty of Iraq, the Iraqis could try to do the same to them.

Kurds are also in conflict with other Iraqis over how to split oil money. Some Kurds believe that revenue from newly developed oil fields should be spent in Kurdistan, not turned over to the federal treasury. The constitution is vague on this point, as it is on many others.

Also Friday, U.S. Maj. Gen. Joseph Peterson, the officer in charge of training Iraqi police forces, commended Iraqi police, noting that 4,000 police

officers had been killed and 8,000 wounded since August 2004 and said Iraqi police forces had made significant progress.

"A year ago we had a situation where a police station was attacked, and policemen were running out the back door leaving all the equipment," he said. "That does not occur anymore. Our policemen are more confident."

But Iraqis continue to express doubts about the government and its security forces.

"These days the Iraqi people are being slaughtered, and the politicians are only

concerned about how to divide Iraq, to make one part for a particular sect," Hareth Ubaidi, of the Sunni Nawaf Mosque in Baghdad, told worshippers at Friday prayers. "All of this is preparing for a sectarian war."

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