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G.I. Gets 10-Year Sentence in Killing of Unarmed Iraqi

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By: Solomon Moore

CAMP LIBERTY, Iraq — A military panel on Sunday sentenced an Army soldier to 10 years in prison for killing an unarmed Iraqi detainee and planting a machine gun near his body to mislead investigators.

The soldier, Sgt. Evan Vela, has already served 225 days in American military detention in Kuwait and will receive a dishonorable discharge. He will be transferred to an American military prison in the United States. The government had sought a prison term of at least 15 years, and Sergeant Vela could have received a life sentence. His lawyer said the family would appeal.

Sergeant Vela, of Idaho, slumped in his chair as he heard the verdict, and his wife, Alyssa Carnahan, broke down in tears.

The eight-member military panel deliberated for three hours before reaching the verdicts on the third day of the court-martial. The murder trial was the third related to the killing of Genei Nesir Khudair al-Janabi, a taxi driver and farmer who stumbled, with his son Mustafa, 17, into Sergeant Vela's sniper hide-out.

Sergeant Vela and his squad leader, Staff Sgt. Michael A. Hensley, detained the father and son for about 30 minutes. They released the boy, and Sergeant Vela shot Mr. Janabi in the head with a 9-millimeter pistol, killing him.

Sergeant Vela, who was trained in the field to be a sniper, testified that the point-blank shooting was the only killing that it was certain that he had carried out.

Prosecutors argued in their closing statements that Sergeant Vela "aided and abetted" the planting of the gun and then made false statements to investigators about the killing.

" 'Are you ready?' Those are the words that Sergeant Hensley said to Sergeant Vela," said a military prosecutor, Maj. Charles Kuhfahl. "Sergeant Vela was at a crossroads. He had two choices. He could have taken a hard right." Instead, Major Kuhfahl argued, Sergeant Vela "chose the easy wrong, and he killed him."

"You know it was murder, plain and simple," he said. "United States soldiers do not kill unarmed, detained individuals."

Speaking through an Arabic interpreter, Mustafa said his father's killing had devastated his family. He told the court one of his four younger brothers had avoided their home because he could not stand the sight of his father's empty room.

"I know that this criminal has a wife and children," Mustafa said, addressing the military panel. "And just like they will miss him, we also miss our father. When he goes to jail, convicted by this trial, I hope you will consider that. So please don't forget about us." As he spoke, Ms. Carnahan, sitting directly behind her husband, bowed her head, and wept silently.

Seeking leniency for Sergeant Vela, his lawyer, James Culp, recounted testimony that the sergeant and the rest of his sniper squad had slept only a few hours over three days of continuous military operations in triple-digit heat, with little water.

"An armed warrior who operates in the backyard of the enemy without sleep is an accident waiting to happen," Mr. Culp said. "These men were extremely sleep deprived. No one was thinking clearly; no one was acting clearly. You couldn't expect anything reasonable from these men anymore."

Sergeant Vela's adoptive father, Curtis Carnahan, and the sergeant's wife described a compassionate family man who had never used violence until he became so proficient at it in Iraq. Sergeant Vela used his father's surname until he joined the military.

Several members of Sergeant Vela's platoon called on the military panel to factor in his performance in the Army and the often confusing conditions on the battlefield.

Sgt. Anthony G. Murphy, a member of Sergeant Vela's sniper team and his best friend, said they had gone on at least 45 combat missions together and had been shot at five times.

"It's a terrible war out there," Sergeant Murphy said. "And you have to make tough decisions. This war doesn't provide that luxury to be perfect."

Sergeant Vela's former platoon commander, Sgt. First Class Steven Kipling, said the shooting of Mr. Janabi was a result of Iraq's violent environment and the often difficult and confusing choices that servicemen make daily. He said that if the actions of every combat serviceman in Iraq were subjected to the same scrutiny as Sergeant Vela's, "we would have thousands" of cases.

Sergeant Vela's conviction follows two unsuccessful murder prosecutions of fellow platoon members. Sergeant Hensley and Specialist Jorge G. Sandoval Jr. were acquitted of murder, but found guilty of planting a gun to mislead investigators. Both men were reprimanded and demoted.

Sergeant Vela testified Saturday that when Mr. Janabi entered their sniper lair, Sergeant Vela and Sergeant Hensley detained him. Sergeant Hensley radioed their patrol base with fake reports of an approaching Iraqi gunman, then asked his subordinate, "Are you ready?"

Then, each man testified, Sergeant Hensley ordered Sergeant Vela to shoot the man. Sergeant Vela said he immediately fired his 9-millimeter handgun, killing Mr. Janabi with one shot in the head and missing him with a second shot.

Sergeant Hensley testified that he placed an AK-47 that they had carried to the sniper hide-out near the body to make it seem that Mr. Janabi had been killed because he was armed.

Sergeant Hensley said on the first day of the trial that he and his men often carried items "as insurance," in case they needed to create a cover story for American investigators after a shooting. He testified that he had issued the order to shoot.

The conviction is the latest of several scandals involving American forces and Iraqi victims. Servicemen have been convicted or reprimanded in atrocities and criminal homicides, including an episode at Haditha in 2005, when Marines killed 24 men, women and children; one at Mahmoudiya in 2006, in which three Iraqi family members were killed; and in Ishaqi in 2006, when 11 Iraqi family members were killed.

This article has been revised to reflect the following correction: