

Sniper accused of murder disputes statement

Sgt. Vela says officers changed his account of shooting an Iraqi. He says he thinks the Army 'should have had my back.'

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By: Ned Parker

BAGHDAD — As a military court prepares to try the last of three U.S. snipers on murder charges, the soldiers have accused their commanding officers of pushing to expand rules of engagement to produce more "kills" and then abandoning them when they were accused of murder.

Two soldiers already have been acquitted of murder, but found guilty on lesser charges.

The third, Army Sgt. Evan Vela, faces a pretrial hearing Tuesday, seven months to the day after he shot at close range a man who had wandered into a sniper camp. The area, 30 miles south of Baghdad, was rife with Sunni militants.

Vela alleges that investigators changed the statement he made to them, and that a military lawyer urged him to waive his right to a hearing --which he only won back on appeal. Vela has acknowledged that he shot the man, but said he was only doing his job and criticized his commanders for not looking out for him.

"It seems like when they should have had my back, they let me down," Vela said in an interview. At Tuesday's hearing, Vela's lawyers hope to have the statement thrown out. They say they will ask that he be released from confinement in Kuwait, and that the trial, scheduled to start Jan. 28, be moved to Ft. Richardson, Alaska, where Vela's battalion is based.

According to court testimony and interviews, Vela's sniper unit was revamped in spring after the 1st Battalion of the 25th Infantry Division's 501st Regiment suffered a number of casualties in the Jurf Sakhar region. By June, as many as 20 soldiers had been killed.

In an interview, the unit's leader, Sgt. Michael S. Hensley, who was acquitted of murder charges, said that Sgt. Maj. Bernie Knight brought him in to get more kills.

"The reason I am doing this is I want to start killing some bad guys, I want to increase our kill ratio," Hensley said Knight told him.

Hensley said he agreed on the condition that he would run the section by himself and report directly to the battalion commander. The unit expanded from seven to 13 men. Knight and Lt. Col. Robert Balcavage pushed the soldiers to become more aggressive, Hensley said. "Balcavage and Knight, they would throw out their things like, 'You guys don't need to worry if you feel threatened for a second, don't hesitate to engage.' "

Knight and Balcavage refused to comment for this article. Their commander, Col. Michael Garrett, said they had done nothing wrong. "We were all under pressure fighting an elusive enemy," he said.

Until January, the sniper unit had killed no more than two people. But under Hensley's command, by June it had killed at least 15 people.

The platoon's senior noncommissioned officer, Sgt. 1st Class Steve Kipling, testified that Knight marginalized him. Scout platoon leader Lt. Matthew Didier, under whose command the sniper section fell, said Balcavage and Knight took a strong interest in what the sniper units did, and that Hensley sometimes would meet alone with the battalion's operation officer.

The unit also had sought clearance for a baiting program, in which snipers would plant weapons and parts and shoot Iraqis who picked them up, according to testimony by Kipling and Didier. Vela and other soldiers said they were briefed on the plan, but it is unclear whether it was implemented.

The subsequent demise of the sniper unit destroyed Didier's career. He plans to leave the Army after receiving a letter of reprimand for his platoon's conduct.

Murder charges were filed against the snipers in three incidents. But it is the final shooting, of an unarmed man who wandered into the sniper camp on May 11, that has drawn the most attention. The five-man team was positioned along the Euphrates River to look for anyone fleeing a late-night raid on a house suspected to have a cache of rockets packed with chemicals. According to sworn statements and testimony in three hearings, Vela fired two bullets into the man's head at close range.

At the time, Hensley hid the incident from his battalion. Asked about it, Hensley provided a sworn statement in which he said his soldiers had tried to restrain the Iraqi but the man pointed a rifle at them.

In the interview, Hensley defended his actions. But he refused to say what happened because he might be called to testify in Vela's case.

"Anything that was done to that insurgent was done to refrain him from making noise," Hensley said. "We were in an area where we could not get resupplied. There was only five of us out there with sniper weapons. We couldn't rapidly shoot at anything. . . . For all those reasons, this guy was killed out of self-defense."

Three weeks after that shooting, Knight and Balcavage promoted Hensley to platoon sergeant. His appointment lasted less than a month, however. With Balcavage on vacation, a captain invited the Army's criminal investigators to look into allegations by two lower-ranking soldiers, who had been punished by the unit for falling asleep, that the snipers had murdered civilians. Before his November trial, the last time he saw his superiors, Hensley said, was in late June when he was brought to Balcavage's office and had charge sheets read against him. He was escorted to a helicopter to fly to prison in Kuwait.

He accused his superiors of only taking issue with his actions after criminal investigators became involved. "When they had issue with it, was when Criminal Investigation Department came on station and suddenly everybody was in the spotlight," said Hensley, who was found guilty of planting a weapon and disrespecting an officer. He also was demoted from staff sergeant.

The battalion rounded up the entire sniper unit as well and placed its members in solitary confinement. When he was summoned for questioning, Vela said he was held for nearly seven hours and threatened.

"To get me to make a statement, they threatened me that I would never see my family again. After I made the statement, CID actually sat down at the computer and changed my statement without me knowing it," Vela said in an unsworn statement at a hearing last month to determine whether his case would go to trial.

Vela was held for 30 days in Kuwait without seeing a court-appointed lawyer, who then recommended by phone that Vela waive his right to an Article 32 hearing, the equivalent of a grand jury, to determine whether the case should go to court-martial.

He agreed to waive it, but a civilian defense team hired by his father appealed the decision and won. Vela's defense team accused senior commanders, including Army Gen. Rick Lynch of the Multi-National Division Center, of obstructing his access to a fair trial.

Vela also was asked to testify with immunity at the trials of the two other snipers charged with murder -- Hensley and then-Spc. Jorge G.Sandoval Jr., who was convicted of poor conduct for planting of a detonation wire on a body and demoted. At Sandoval's trial, Vela broke down on the witness stand; at Hensley's, he said he remembered nothing of the events.

In August, a forensic psychiatrist, Carol Malone Carr, the assistant director at the National Naval Medical Center's Mental Health directorate, had diagnosed Vela with signs of post traumatic stress disorder, including battle flashbacks, and suicidal thoughts.

The experience has left a bitter taste for most soldiers. Sgt. Richard Hand, who had been on the May 11 mission, said he believed his association with the unit had ruined his career, and that he planned to leave the Army. "They were very lax in their care of anybody except themselves," he said.