



U.S. military clears soldier of killing Iraqi

Pa. Guardsman had been accused of murder, cover-up in Ramadi

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Reuters

BAGHDAD - The U.S. military has cleared a soldier of unlawfully killing an Iraqi civilian after investigators concluded Specialist Nathan Lynn had reason to believe the man was carrying a gun when he opened fire.

Charges were brought against Lynn last month at a time when several murder investigations into U.S. troops in Iraq have prompted questions about their behavior and complaints from the new Iraqi government about a culture of impunity among soldiers.

“The commander ... has withdrawn ... the charges,” a military spokesman said on Saturday. “He is now authorized to rejoin his unit in Pennsylvania.” Lynn, a 21-year-old Pennsylvania National Guardsman, was accused of voluntary manslaughter and conspiracy to obstruct justice over the death of Gani Ahmed Zaben during a raid on a suspect’s house in the western city of Ramadi on Feb. 15.

However, at a preliminary hearing on Thursday in the U.S. military headquarters at Baghdad airport, the chief investigator recommended that the manslaughter charge against Lynn be dismissed on the grounds that Lynn believed Zaben was armed and so acted within the “rules of engagement” (RoE) in killing him. Evidence now suggested, however, that Zaben was unarmed.

The conspiracy charge, that Lynn knew that others placed an AK-47 rifle next to Zaben’s body to justify the shooting, was also dropped on the grounds there was no proof Lynn was aware of this. A second soldier, Sergeant Milton Ortiz, is waiting for a decision on whether he will face a court martial on this charge.

“I am very pleased that Specialist Lynn was vindicated this early in the process,” his military counsel, Captain Jim Culp, told Reuters.

‘Tactical movement’

According to legal documents seen by Reuters, Lynn said he saw two people approaching the spot where he was providing a defensive cordon for the raid on a house just before curfew in the violent city, where Sunni insurgents are very active.

Looking through night-vision goggles, Lynn determined their movements were “tactical” and told a fellow soldier he believed one of them was armed. Both soldiers opened fire with weapons of the same caliber. It remains unclear which of them hit Zaben.

“The killing was not unlawful,” the investigator, Lieutenant Colonel John McClory, concluded in his report. “Whether the individual actually had a weapon is under dispute, but Specialist Lynn believed that the individual had a weapon when he fired.

Lynn’s National Guard unit, the 1st Battalion, 109th Infantry Regiment, has since returned to Pennsylvania and he, too, is now expected home shortly in Williamsport, where his wife is about to give birth, a source close to the family said.

The military spokesman said commanders had yet to decide whether to refer Ortiz to court martial on the conspiracy charge. Ortiz is also charged with a separate offence on March 8 of threatening an Iraqi with a weapon. Among other cases, U.S. Marines are being investigated over the deaths of 24 Iraqis at Haditha in November. In three other recent cases, 16 servicemen have been charged with premeditated murder, as many as in the previous three years in Iraq.

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