

Sgt.'s court-martial rejected in Afghan doc's shooting

By Michelle Tan
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There are no "reasonable grounds" to believe that a noncommissioned officer charged with negligent homicide and dereliction of duty in the shooting death of a noted Afghan doctor should be tried by court-martial, according to the recommendation of the Article 32 investigating officer.

In his report, investigating officer Lt. Col. Alva Hart concluded that Sgt. 1st Class Walter Taylor's actions were consistent with the rules of engagement and were not "negligent, prejudicial to good order and discipline, or of a nature to bring discredit to the armed forces."

Hart's report indicates Taylor is "not guilty of anything and the evidence that was against him was not credible, which was our position from the beginning of this case," said James Culp, Taylor's civilian defense attorney. "He was completely vindicated."

However, Hart's findings, dated July 31, are only a recommendation. Deciding the next move is Col. Darren Werner, the special court-martial convening authority.

Werner, commander of the 16th Sustainment Brigade in Bamberg, Germany, could agree with Hart's recommendation and withdraw the charges against Taylor, Culp said. He also could disagree with Hart and push the decision up to Col. Bryan Rudacille, chief of Army Joint Multinational Training Command and general court-martial convening authority, Culp said.

"We have, obviously, a very



FACEBOOK

The investigating officer in the negligent-homicide case against Sgt. 1st Class Walter Taylor, above, said Taylor's actions did not violate the rules of engagement.

strong desire for the convening authority to follow the recommendation," Culp said. "Given the state of evidence in this case, we believe he will. We believe this case was investigated, we called the appropriate witnesses, the adverse witnesses against Sgt. Taylor demonstrated they were not credible."

Culp said Aug. 2 that he expects Werner's decision in seven to 10 days.

Learning about Hart's recommendation was "breathhtaking," Taylor said.

"I had to sit down. I was lost for words," he said. "After all I had been through, I knew I had to be strong. My support system, my family, my soldiers, kept me mentally prepared ... no matter what happened."

How it happened

Taylor, who has served four combat tours and spent 13 years in the Army, was accused of violating the rules of engagement and being negligent when he shot at Dr. Aqilah Hikmat, a noted female doctor, in Afghanistan on July 21, 2011.

Taylor, the platoon sergeant for 1st Platoon, 541st Engineer Company, 54th Engineer Battalion, in Bamberg, and his soldiers were on patrol in Afghanistan's Wardak province when a roadside bomb exploded under the platoon's Buffalo vehicle, wounding five soldiers.

Small-arms fire erupted after the explosion, and in the ensuing chaos, a black car driven by Hikmat's son raced into view. The soldiers have said they shot at the car because they believed it was hostile — along with two other cars at the scene.

After several minutes and seeing no movement from the black car, Taylor and his soldiers approached it, following a command wire that seemed to lead back to the car. That's when Hikmat exited the vehicle.

Taylor, who said he didn't see the person raise his or her hands, nor did he hear the person say

anything, fired his weapon.

By driving into the firefight, Hart wrote in his report, the vehicle exhibited "unusual behavior" and increased the "potential threat posed by the vehicle as a possible [vehicle-borne improvised explosive device]."

"I find that a reasonable person, under these circumstances, with the training provided, and knowledge gained through daily operations would determine that the vehicle's actions were the prelude to an imminent use of force against [the soldiers]," Hart wrote.

In addition, he wrote, the entire platoon was "within possible blast radius of a secondary IED" if Hikmat had indeed been wearing a suicide vest, and the soldiers' ability to accurately and positively identify Hikmat as nonhostile "is only possible in hindsight after all variables have come to rest."

Twelve days after the incident, Taylor and his men were on patrol when he was severely wounded by a rocket-propelled grenade. Taylor, who believes the attack was payback for Hikmat's death, was hit in the face.

Taylor said he is grateful for all the support he has received, and he and his family look forward to moving on with their lives and getting the medical care he needs.

"I was looking at a picture of how I used to look and where I was going in my career," Taylor said. "And I looked at a picture from this year, and it was different, and it really reflected in my heart how much I've lost. My son asks me, 'Daddy, when is your face going to get back to normal?' There's still an interesting road ahead, but it's something me and my family can deal with."

Taylor again said he wants to stay in the Army.

"Many people might say, 'I'm

done, I don't want to do this anymore,'" he said. "For me, whether I'm allowed to stay or if I leave the Army, I want to help soldiers ... and get them the care they need. I want to get my [medical] care done, but I need to get back on the ball and get back to helping soldiers."

Culp has said he is working to get Taylor moved to the San Antonio Military Medical Center. Taylor needs multiple reconstructive surgeries to repair his face, Culp said, and that specialized work can be done only in the U.S.

Taylor also needs long-term care for orthopedic injuries, according to a surgeon at the hospital in San Antonio.

"There is no reason that Sgt. Taylor, there is no valid reason, for the delay in his medical care," Culp has said, adding that if Taylor is sent to court-martial, he plans to seek a change of venue so Taylor can get the medical care he needs. "It is unconscionable."

Following Hart's recommendation, Culp said he expects "imminent" permanent change-of-station orders for Taylor to be moved to San Antonio.

Taylor, who has said he's tried to stay positive, will be beside himself with Hart's recommendation, Culp said.

"He's always kept an upper lip, and he's always been an optimist, and he knew what he did was not illegal," Culp said. "He knew that this case would eventually be resolved in his favor because he didn't do anything wrong."

Culp said he hopes his client will be given the chance to continue serving.

"There was no gray in this area, so it's a huge relief for me," Culp said. "[Taylor] has been a great leader, and he's got a lot of potential to be an even greater leader. He's good for the Army." □

Report: Delays in Afghan projects could hurt NATO strategy

By Jim Michaels
USA Today

Delays in U.S.-funded multimillion-dollar development projects in Afghanistan could jeopardize the success of NATO's counterinsurgency strategy, according to a report by a U.S. audit agency released July 30.

Five of seven major infrastructure projects funded in 2011 have been delayed because of funding or acquisition issues, according to the report by the Special Inspector General for Afghanistan Recon-

struction.

The report said the projects varied from six to 15 months behind schedule. Failure to get the projects operating quickly could undermine public support for the coalition and Afghanistan's government, the report said. The infrastructure projects include efforts to provide power to Afghanistan's major cities.

The report also faulted the State Department and the Pentagon for not developing adequate plans to sustain the massive projects once most U.S. forces leave after 2014.

The report specifically examined the Afghanistan Infrastructure Project, a joint State and Defense Department program to fund major projects in Afghanistan.

The Pentagon said it disagreed with the report's conclusions. In a written response to the report, the Defense Department called the report "premature," noting that a successful counterinsurgency does not depend solely on the completion of a handful of massive projects.

"The report reflects a fundamental lack of understanding of U.S.

counterinsurgency doctrine and the integrated civil-military strategy for Afghanistan," the Pentagon said.

The Pentagon referred to the example of Kajaki Dam, a massive hydroelectric project to improve electricity distribution to a large chunk of Afghanistan. Reconstruction of the dam is far from complete, but the clearing of a road to it by Marines and Afghan forces has helped win public support for the Afghan government.

"To fully understand the [counterinsurgency] impacts of the

infrastructure projects, it is necessary to look holistically at the entire effort," the Defense Department wrote.

The report highlights some of the challenges of building large projects in an undeveloped country such as Afghanistan. In the past 10 years, Congress has appropriated \$89 billion for reconstruction efforts.

The watchdog agency recommended enhancing decision-making and coordination among U.S. government agencies. It also said the agencies should "increase the likelihood" that the projects can be sustained once they are finished. □