

Soldier who killed Afghan civilian says he felt threat to his men

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BAMBERG, Germany — A platoon sergeant charged in the shooting death of an Afghan civilian said Friday he believed his platoon was seconds away from a car bomb attack when he fired his weapon.

Sgt. 1st Class Walter Taylor is charged with negligent homicide and dereliction of duty for the shooting death of an Afghan civilian who drove with her family into the middle of a firefight and abruptly exited the car as soldiers neared.

After three days of testimony at an Article 32 hearing as to whether Taylor correctly followed rules of engagement to identify hostile intent before shooting Dr. Aqilah Hikmat, an investigating officer will soon make a recommendation as to the disposition of charges, which could include forwarding to court-martial.

In an unsworn statement Friday, Taylor apologized for the harm he had caused to both Hikmat's family and relations between the U.S. and Afghanistan, but he maintained his decision was the best possible under the circumstances.

"Based on the facts available to me at the time, I believed the person dressed in black who exited the vehicle was a threat to me and my men," he said.

Taylor, 31, has otherwise sat silently through three days of testimony. His soldiers, supervisors and criminal investigators have detailed the July 2011 insurgent attack in Wardak province that preceded the shooting and what ensued when the car drove up and stopped over a command wire, similar to other command wires the platoon had found connected to roadside bombs in previous missions.

After the unit's Buffalo mine-clearing vehicle struck a hidden bomb, dismounts took small arms fire from the surrounding hills and two white cars, according to an investigation report and testimony.

Soldiers who were there testified that in the confusion, someone reported over the radio the black car was hostile and several soldiers opened fire. The leader of the 38th Route Clearance Platoon testified he called a cease-fire over the radio.

Several soldiers testified they saw no threat from the vehicle. Minutes passed between the time the car stopped and when Hikmat got out.

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Taylor fatally shot Hikmat seconds after she stepped out of the car, according to the Army investigation and testimony.

Army prosecutors noted that Taylor failed to volunteer his involvement in Hikmat's death in statements after the firefight. They focused on whether Taylor identified hostile intent before shooting Hikmat, a requirement of all servicemembers in Afghanistan before they use lethal force. In a closing statement, Capt. Courtney Cohen argued that Taylor opened fire too long after the situation became "controllable" and too quickly upon seeing Hikmat.

"Sgt 1st Class Taylor did not even give Dr. Hikmat a chance," Cohen said.

Taylor's attorney, James Culp, said his client didn't volunteer his involvement due to fear of prosecution. He pointed to circumstances surrounding the shooting, including the presence of the command wire and the known threat of vehicle-borne explosive devices in the area. If the Army is to "Monday-morning quarterback" combat decisions, Culp argued in his closing statement, those decisions must be considered from the perspective of the soldier.

"Were his actions reasonable under the circumstances, as he knew them, that day, and the seconds he had to make his decision? That's the question," Culp said.

The investigating officer, Lt. Col. Alva Hart of the 16th Sustainment Brigade, who will make a recommendation on the disposition of charges, questioned some witnesses during the hearing. He asked about rules of engagement and their dissemination throughout the 54th Engineer Battalion and Taylor's company, the 541st Sapper Co. Friday, Hart asked one witness about the effective radius of a vehicle-borne explosive device.

Capt. Wade Smith, who worked in countering roadside bombs during the battalion's deployment, estimated a range of 600 to 800 meters. Most, if not all, of Taylor's soldiers fell within that range of the black car on July 21, according to testimony.

The violence of Wardak province in summer 2011 remains visible in Taylor's face; days after the shooting, his vehicle was struck by a rocket-propelled grenade, disfiguring his nose and lips and damaging his vision.

Through questioning, Taylor's attorney has suggested the investigation was politically driven. An Afghan National Army senior officer arrived on the scene soon after the shooting, according to testimony.

"It was clear this was not going to sit well because Dr. Hikmat was someone important," Culp said in his closing.

Culp argued the pressure trickled down to the criminal investigator who took Taylor's first statement without recording it. In that statement, the investigator testified, Taylor said he was "out to get somebody." In his questioning, Culp blasted the quote as incongruous with the rest of the statement.

A final witness, an interpreter, is scheduled to be questioned for the hearing next week, when he is available downrange.

Following that testimony, Hart, the investigating officer, will have 10 days to send a report with recommendations to his appointing officer, 16th Sustainment Brigade commander Col. Darren Werner. Werner then sends his recommendations to the general court-martial convening authority for the area, 7th Army Joint Multinational Command chief Col. Bryan Rudacille, who will make the final decision.

At each step, officials can recommend Taylor be court-martialed or that charges be dropped. They could also recommend that the case be disposed of in a lower setting, or that additional charges be added.

If convicted on the homicide charge, Taylor could face three years in prison.

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