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U.S. Soldiers Executed Iraqis, Statements Say

By **PAUL VON ZIELBAUER**

In March or April 2007, three noncommissioned [United States Army](#) officers, including a first sergeant, a platoon sergeant and a senior medic, killed four Iraqi prisoners with pistol shots to the head as the men stood handcuffed and blindfolded beside a Baghdad canal, two of the soldiers said in sworn statements.

After the killings, the first sergeant — the senior noncommissioned officer of his Army company — told the other two to remove the men's bloody blindfolds and plastic handcuffs, according to the statements made to Army investigators, which were obtained by The New York Times.

The statements and other court documents were provided by a person close to one of the soldiers in the unit who insisted on anonymity and who has an interest in the outcome of the legal proceedings.

After removing the blindfolds and handcuffs, the three soldiers shoved the four bodies into the canal, rejoined other members of their unit waiting in nearby vehicles and drove back to their combat outpost in southwest Baghdad, the statements said.

The soldiers, all from Company D, First Battalion, Second Infantry, 172nd Infantry Brigade, have not been charged with a crime. However, lawyers representing other members of the platoon who said they witnessed or heard the shootings, which were said to have occurred on a

combat patrol west of Baghdad, said all three would probably be charged with murder.

The accounts of and confessions to the killings, by Sgt. First Class Joseph P. Mayo, the platoon sergeant, and Sgt. Michael P. Leahy Jr., Company D's senior medic and an acting squad leader, were made in January in signed statements to Army investigators in Schweinfurt, Germany.

In their statements, Sergeants Mayo and Leahy each described killing at least one of the Iraqi detainees on instructions from First Sgt. John E. Hatley, who the soldiers said killed two of the detainees with pistol shots to the back of their heads. Sergeant Hatley's civilian lawyer in Germany, David Court, did not respond to phone calls and e-mail messages Tuesday.

Last month, four other soldiers from Sergeant Hatley's unit were charged with murder conspiracy for agreeing to go along with the plan to kill the four prisoners, in violation of military laws that forbid harming enemy combatants once they are disarmed and in custody.

In an Army evidentiary hearing on Tuesday in Vilseck, Germany, two of those soldiers Specialists Steven A. Ribordy and Belmor G. Ramos invoked their right against self-incrimination. Reached by telephone, James D. Culp, a civilian lawyer for one of the other two soldiers charged, Staff Sgt. Jess C. Cunningham, declined to comment. A lawyer for the fourth soldier, Sgt. Charles P. Quigley, could not be reached.

In their sworn statements, Sergeants Mayo and Leahy described the events that preceded the shooting of the Iraqi men, who apparently were Shiite fighters linked to the [Mahdi Army](#) militia, which controlled the West Rashid area of southwest Baghdad.

After taking small-arms fire, the patrol chased some men into a building, arresting them and finding several automatic weapons, grenades and a sniper rifle, they said. On the way to their

combat outpost, Sergeant Hatley's convoy was informed by Army superiors that the evidence to detain the Iraqis was insufficient, Sergeant Leahy said in his statement. The unit was told to release the men, according to the statement.

"First Sergeant Hatley then made the call to take the detainees to a canal and kill them," Sergeant Leahy said, as retribution for the deaths of two soldiers from the unit: Staff Sgt. Karl O. Soto-Pinedo, who died from a sniper's bullet, and Specialist Marieo Guerrero, killed by a roadside bomb.

"So the patrol went to the canal, and First Sergeant, Sgt. First Class Mayo and I took the detainees out of the back of the Bradley, lined them up and shot them," Sergeant Leahy said, referring to a Bradley fighting vehicle. "We then pushed the bodies into the canal and left."

Sergeant Mayo, in his statement, attributed his decision to kill the men to "anger," apparently at the recent deaths of his two comrades.

Sergeant Leahy, in his statement, said, "I'm ashamed of what I've done," later adding: "When I did it, I thought I was doing it for my family. Now I realize that I'm hurting my family more now than if I wouldn't have done it."

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