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Guard Convicted In the First Trial From Abu Ghraib

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Graner Faces 15 Years for Abusing Iraqis

By T.R. Reid

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Saturday, January 15, 2005; Page A01

FORT HOOD, Tex., Jan. 14 -- In the first full-scale court-martial stemming from the Abu Ghraib prison scandal, a military jury Friday convicted Army Reserve Spec. Charles A. Graner Jr. on five counts of assault, maltreatment and conspiracy in connection with the beating and humiliation of Iraqi detainees.

The 10-member jury, composed of both officers and enlisted men, spent less than five hours deliberating and rejected Graner's defense that he was just following orders. Graner had been charged with smashing inmates with a steel rod and forcing naked men to simulate sexual acts. Photographs of the abuse were published by news organizations, triggering anti-American fury around the world.

Graner stood at attention and looked straight ahead, showing no emotion, as the guilty verdicts were announced. His parents, Irma Graner and Charles Graner Sr., hugged each other tightly on the spectator bench of the austere military courtroom.

The 36-year-old prison guard from Uniontown, Pa., also was acquitted of some of the specific allegations within the charges and now faces up to 15 years in a military prison. A sentencing hearing began

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Army Spec. Charles A. Graner Jr. arrives for the final day of his court-martial with his father, Charles Graner Sr. The former Abu Ghraib guard was convicted on five counts and could face 15 years in prison. (L.m. Otero -- AP)

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Friday and was scheduled to continue on Saturday.

The defense maintained that Graner, who was a corporal and has since been demoted, and the other low-ranking enlisted soldiers indicted in the case were scapegoats set up by the Army to deflect blame from senior offices in charge of the prison. No officer at Abu Ghraib, and no one higher in the chain of command, has faced criminal charges to date.

That discrepancy became the core defense argument at the court-martial. Defense attorney Guy Womack reiterated the point in closing arguments Friday. "The government is asking a corporal to take the hit for them," Womack said.

"The chain of command says, 'We didn't know anything about this stuff,' " he continued. "You know that is a lie."

Four others stationed at Abu Ghraib have pleaded guilty to charges resulting from the abuse; three were sentenced to prison terms, and one was

Abu Ghraib Prisoners

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reduced in rank. Two more race trials in the next two months.

The abuse described in Graner's week-long trial took place in the fall of 2003 and the winter of 2003-04 at Abu Ghraib, a crumbling Saddam Hussein-era prison near Baghdad that U.S. forces took over for lack of a better detention facility.

Between 80 and 100 of the toughest prisoners, including insurgents arrested for attacking Americans, were held in a cellblock called "Tier One-Alpha." Graner, who had been a corrections officer in Pennsylvania, was in charge of the night shift on that block, with one other reservist on hand to assist. Testimony showed that prisoners there were kept naked much of the time, with hoods over their heads, and often chained to the bars in painful "stress positions."

Inmates and U.S. soldiers testified that Army guards regularly beat the prisoners with fists or iron rods, forced them to eat food from a toilet, confronted them with unmuzzled police dogs, and made them wallow naked in the mud outside in near-freezing temperatures.

Sexual humiliation was another common practice on One-Alpha, witnesses said. Naked men were required to masturbate and to simulate homosexual sex, while female American soldiers were instructed by officers to take pictures and shout abuse. One of the specific charges of "maltreatment" brought against Graner involved

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an inmate nicknamed "Gus." When he was causing trouble for the guards, prosecutors said, Graner tied a leash around his neck and made him crawl like a dog.

The abuse was photographed by the guards. The pictures were posted on the walls and on the office computer screen.

Graner and other guards e-mailed the photos to family and friends, a practice that drew conflicting explanations at the trial. The prosecutor, Capt. Chris Graveline, said that displaying the photos showed just how "cold" the enlisted soldiers had been. Womack, the defense lawyer, responded that Graner's sending the photos to friends proved "he was sure he was doing exactly what the chain of command wanted him to do."

When those photos were passed to CBS News, the New Yorker magazine and The Washington Post in the spring of 2004, Abu Ghraib became a media phenomenon around the world. Muslim extremists used the chilling prison pictures to recruit anti-American fighters. "Abu Ghraib is a shot in the arm for the extremists," said Farooq Sobhan, former foreign secretary and U.N. ambassador of Bangladesh.

A militant group in Iraq specifically cited Abu Ghraib in May when it captured and beheaded Nicholas Berg, a Pennsylvania businessman. "The dignity of Muslim men and women in Abu Ghraib . . . is not redeemed except by blood," the militants said.

The angry global reaction embarrassed the White House. President Bush summoned Arab reporters to assure them that Abu Ghraib "is a stain on our country's honor." The president and Defense Secretary Donald H. Rumsfeld have said that the abuse was strictly the fault of a small group of "rogue" soldiers at the prison.

Two Defense Department inquiries revealed dramatic leadership failures at Abu Ghraib. An Army investigation found that senior

officers failed to supervise subordinates and ignored signs of abuse. That report found the officers "responsible" for the mistreatment but not "culpable" because they were not directly involved in the abuse.

Testimony at Graner's trial -- the first full court-martial to probe the prison scandal -- suggested that numerous officers were aware of the goings-on in cellblock One-Alpha. On Nov. 16, 2003, after most of the specific incidents for which Graner was tried, a superior officer informed Graner in writing that "You are doing a fine job. . . . You have received many accolades from the chain of command and particularly from Lt. Col. Jordan." Lt. Col. Steven Jordan was the chief intelligence officer at the prison, and during this week's court-martial the Army said he is under investigation in connection with the scandal.





In a court-martial, "obedience to orders" is a defense to a charge of misconduct, as long as the soldier reasonably believed the order to be lawful. But Graner's attempt to exploit that defense at trial was largely stifled by the judge, Army Col. James L. Pohl. Pohl refused to allow witnesses to discuss which officers were aware of events in cellblock One-Alpha, or what orders they had given. He said any testimony about what the officers knew or said would be inadmissible hearsay evidence.

In Womack's final argument to the jury Friday, the lawyer blasted the government for "hiding" the role of superior officers. "Not one witness from the chain of command came to this proceeding," he said. "Do you think the prosecutors just forgot to call those officers?"

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