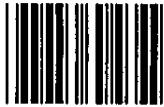


Five Navy Seals, et al v. Associated Press, et al

Doc.



BAR 4/11/05 14:35

3:05-CV-00555 FIVE NAVY SEALS V. ASSOCIATED PRESS

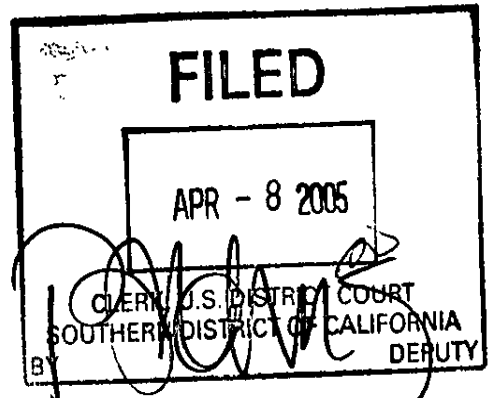
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ORIGINAL

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 FOUR NAVY SEALS AND JANE DOE,

13 Plaintiffs,

14 v.

15 ASSOCIATED PRESS, a New York
16 Corporation; SETH HETTENA, an
17 individual; and Does 1 through 50,
18 inclusive,

19 Defendants.

Case No. 05 CV 0555 JM (JMA)

**DECLARATION OF SETH HETTENA
IN SUPPORT OF MOTION TO
DISMISS AND STRIKE
[RULE 12(b)(6) AND C.C.P. § 425.16]**

Date: May 6, 2005
Time: 11:00 a.m.
Ctm.: 6

Hon. Jeffrey T. Miller
Complaint filed: March 21, 2005

20 I, Seth Hettena, declare:

21
22 1. I am a staff reporter for The Associated Press ("AP") and a defendant in this
23 case. I submit this declaration in support of defendants' motion to dismiss the Amended
24 Complaint, which challenges a true and accurate news report concerning photographs of
25 Navy SEALS and their injured prisoners that I found posted on a public Internet website.
26 My statements in this Declaration are based on my own personal knowledge.

27 2. I have been a professional journalist for more than a decade. I began my
28

ca

1 journalism career after receiving a B.A. from Johns Hopkins University in 1991. I initially
2 worked at *The San Francisco Daily Journal* in the circulation department and as an
3 editorial assistant, before returning to school and earning a Master's of Science in
4 Journalism in 1994 from Columbia University School of Journalism. I subsequently
5 worked as a reporter for the *Dubuque Telegraph Herald* and *The Quad City Times*, before
6 joining AP as a reporter in 1997. Since 2001 I have worked for AP in San Diego.

7 3. The Associated Press is a not-for-profit news sharing co-operative that
8 gathers and disseminates the news to newspapers, magazines, broadcasters, cable
9 television operators and Internet content providers.

10 **Public Concern over the Actions of Some SEALs**

11 4. This lawsuit arises out of a news report about photographs of Navy SEALs
12 capturing and posing with Iraqi prisoners that I found posted on the World Wide Web
13 where they were available for anyone to see. Some of the prisoners shown in the
14 photographs were hooded and handcuffed, and some appeared bloody. One detainee was
15 lying on his back with a boot on his chest. A mug shot showed a man with an automatic
16 weapon pointed at his head and a gloved thumb jabbed into his throat. Photos also showed
17 families huddled in rooms and upturned furniture. In some photos the SEALs were
18 smiling for the cameras while sitting atop hooded and bound prisoners in the bed of a
19 pickup truck; in others the officers mugged and appeared to mock the prisoners. (True
20 copies of the 13 specific photographs that I understand were disseminated by AP are
21 annexed hereto as Exhibit A, just as I found them on the Internet.)

22 5. I came across the photos while reporting on the Navy's investigation into
23 allegations of prisoner abuse by SEALs in Iraq, and the subsequent prosecution in
24 San Diego of nine members of SEAL Team Seven and one petty officer who served with
25 the SEALs in Iraq. The photos I found posted on the Internet included one that showed the
26 petty officer who was facing the charges of abuse.

27 6. The prosecutions in San Diego arose out of the death of a prisoner in Iraq,
28 who had been held by Navy SEALs until shortly before he died in CIA custody at Abu

1 Ghraib prison in November 2003. According to court documents, the SEALs punched,
2 kicked and struck the prisoner with their rifles before he was turned over to the CIA. The
3 charges brought against the nine SEALs included aggravated assault with intent to cause
4 bodily harm and dereliction of duty. (Copies of some of AP's reporting on the
5 investigation and prosecution of these SEALs are annexed as Exhibit B.)

6 7. The prosecutions I was covering also accused the SEALs of posing for
7 photographs with the abused prisoner, which is itself a violation of Navy regulations. (A
8 copy of one of the charge sheets specifying this violation is annexed as Exhibit C.) One of
9 the photographs that formed the basis for this charge, which I saw when it was offered as a
10 court exhibit, showed a Navy SEAL holding a can of Red Bull energy drink while he and
11 others were posed around the prisoner. Another photo offered into evidence showed the
12 petty officer and a SEAL pointing their guns at the prisoner.

13 8. I understand that, in addition to the San Diego prosecutions, other
14 investigations into the conduct of SEALs in Iraq remain currently ongoing. Recently
15 released Army documents show that there had been widespread concern within the military
16 about abuse of prisoners while in the custody of SEALs units in Iraq. Brig. Gen.
17 Richard P. Formica has investigated detention practices by all of the special operations
18 forces in Iraq. His report, however, has not been released.

19 **My Discovery of the Photos on the Internet**

20 9. To report on the investigation and prosecution of the SEALs in San Diego, I
21 attended several hearings, reviewed reports issued by the Navy, and engaged in other
22 newsgathering activities. In the course of this reporting I learned about a SEAL facility at
23 Baghdad International Airport known as Camp Jenny Pozzi.

24 10. To find out more about that facility, I conducted a simple Internet search
25 with the Google search engine (www.google.com), using the phrase "Camp Jenny Pozzi"
26 as a Google search term. This same simple search can be performed by anyone with
27 access to the Internet. It required no password and no fees.

28 11. In executing this search, Google identified several websites available for

1 public viewing that contained the name "Camp Jenny Pozzi." It provided me with a link to
2 each site, which I could "click" to view the source page. One link connected me to a
3 website hosted at smugmug.com that contained a folder labeled "Camp Jenny Pozzi." This
4 folder was full of photographs of Navy personnel in Iraq, who were apparently members of
5 SEAL Team Five, based in Coronado, California. One photo showed a Fourth of July cake
6 decorated with the SEAL Team Five insignia.

7 12. I understand that smugmug.com where this folder was posted is a
8 commercial photo-sharing website, where individuals may post their photographs to the
9 Internet for others to see and copy. The Camp Jenny Pozzi folder was readily located by
10 Google and publicly available for anyone freely to inspect. The website looked just like
11 any other public website located by Google, and I had no sense that the site was not fully
12 intended to be available for general public viewing.

13 13. Upon clicking on the link to the smugmug.com site, I was taken directly
14 from the Google search results to a web page containing photographs from Iraq. I was not
15 asked for any password before being presented with the photos, nor was I required to
16 provide any information whatsoever to view the photographs or to download copies of
17 them to my own computer. An image showing what a page in this folder looked like at the
18 time I viewed it on the Internet is annexed as Exhibit D. The Camp Jenny Pozzi folder on
19 the smugmug.com website has since been removed from public access on the Internet,
20 although I understand that some images can still be viewed by using the Google "cache"
21 function.

22 14. I opened various pages of photographs on this unrestricted website, and came
23 to another folder labeled "Working." The photographs in this folder also showed SEALs
24 in Iraq, who appeared to be with prisoners in their custody. The images of prisoners' faces
25 in these photos were blacked out as the photos appeared on the website, but not the faces
26 of the SEALs.

27 15. I considered the existence on the Internet of photographs of SEALs with
28 their prisoners to be highly newsworthy, particularly given the ongoing prosecutions of

1 SEALs for taking such photos. To pursue this story, I downloaded some of the
2 photographs by right clicking and saving them to my computer. Again, no password or
3 authorization was required to do this.

4 16. The smugmug.com website also allows visitors to purchase photos with a
5 credit card, with copies then mailed to the purchaser. On a later visit to the site, I
6 purchased some photographs through the smugmug.com system, to confirm that anyone
7 could easily obtain copies of photographs in this manner, even if they did not have a photo
8 printer attached to their computer.

9 17. I viewed a number of other folders on this website looking to see if any of
10 them contained additional photographs of prisoners. Some folders contained photographs
11 that appeared to be family events, such as weddings and family gatherings. I did not
12 download or purchase any photographs of such family events.

13 18. In viewing and downloading the photographs on-line, I was never presented
14 with any warnings or restrictions against the copying or use of the photographs. I was
15 never specifically asked to consent to any terms of use issued by the website and, to my
16 knowledge, I did not violate any of the website's terms of use. As mentioned, I never was
17 asked for or needed to provide a security password to obtain access to any of the
18 photographs. To my knowledge, all of the photographs I obtained were equally available
19 to anyone else to view, download, and order prints, without restriction.

20 **Steps Taken After Discovering the Photos on the Internet**

21 19. The website containing the photographs included the name of a woman who
22 apparently had posted them. Given the significance of the photos, I attempted to locate her
23 so I could ask about where the photos came from and to confirm their authenticity. I was
24 able to obtain an address, but not a phone number. I therefore drove to the address in an
25 effort to speak directly to the person who had posted the prisoners' photographs. My
26 purpose in traveling to her address was solely to pursue a potentially important news story.

27 20. When I arrived at the address no one was home, so I left a note stating that I
28 was an AP reporter, had seen the photographs from Iraq she had posted on the Internet and

1 had questions about them. I provided a phone number and asked to be called.

2 21. A short time later I received a call from a woman who identified herself by
3 name, and confirmed she had posted the photos. Although she declined to say whether her
4 husband was a SEAL, she confirmed my impression that these were indeed images of
5 Navy personnel and prisoners in Iraq. She told me she had “dumped” into a folder on the
6 website all of the photos that her husband had brought back from Iraq. She also told me
7 that they were “CIA photos,” explaining that the men in the photos captured the detainees
8 at the behest of the Central Intelligence Agency.

9 22. In attempting to understand the full significance of the photos, among other
10 things, I contacted Commander Jeff Bender, a spokesman for the Naval Special Warfare
11 Command in Coronado. I had previously dealt with Commander Bender in my reporting
12 on the ongoing SEALs prosecutions. I shared with him several of the photographs I had
13 found on the Internet, and posed a series of questions about the photographs.

14 23. When I presented the photographs to Commander Bender, the Navy
15 promptly announced that it was opening a preliminary investigation into both the conduct
16 depicted in the photographs and how the photographs came into the hands of the civilian
17 who had publicly posted them on the Internet.

18 **My News Reports about the Photos**

19 24. Upon learning that the Navy was launching a preliminary criminal
20 investigation, I wrote a story disclosing the existence of the photos on the Internet and the
21 Navy’s decision to investigate. My news report was transmitted by AP to its members on
22 December 3, 2004. (A true copy of the report is attached as Exhibit E.)

23 25. I understand that copies of several photographs from the website were also
24 made available by AP for editors to use with my news report. On information and belief,
25 the photos in the attached Exhibits A and D are the only photos disseminated by AP in
26 connection with my report. These photographs were transmitted to AP’s members exactly
27 as they appeared on the Internet. Any hooding or blackouts of prisoners’ faces were in the
28 original photographs as they appeared on the website. Consistent with its policy against

1 doctoring news photos, AP did not alter the photos in any way.

2 26. The Navy very quickly released some preliminary findings about the
3 photographs. On December 6, 2004 I prepared a second report on the photos presenting
4 the Navy's initial assessment that many of them "were taken for legitimate intelligence
5 gathering purposes and showed commandos using approved procedures." I also reported
6 the Navy's comment that "[t]aking photos of prisoners for administrative or intelligence
7 purposes is an exception to Navy regulations that generally forbid unofficial photos of
8 prisoners of war." (A copy of the December 6, 2004 news report is annexed as Exhibit F.)
9 The next day, the Navy Secretary, Gordon R. England, urged Americans to avoid forming
10 conclusions about the photos until the investigation could be completed, and his comments
11 were reported by AP as well. (A copy of this December 7, 2004 AP news report is
12 attached as Exhibit G.)

13 27. A few weeks later, the Navy announced that the Naval Special Warfare
14 Command had taken over the investigation, to take a more thorough look at the facts and
15 circumstances surrounding the photographs, and that this investigation could lead to
16 disciplinary proceedings. I wrote a story concerning this expansion of the investigation
17 that was transmitted by AP on December 15, 2004. (A true copy of this news report about
18 the photographs is attached as Exhibit H.)

19 28. I considered both existences of photographs on the Internet showing SEALs
20 with prisoners and the conduct depicted in the photographs to be highly newsworthy,
21 particularly in the context of the ongoing investigations and prosecutions of misconduct by
22 SEALs, other U.S. military personnel and the Central Intelligence Agency in Iraq. I also
23 considered the facial expressions of the SEALs in the photos with hooded and bloodied
24 prisoners to be a central part of their news value.

25 29. At the time I wrote my initial December 3 news report about the photographs
26 on the Internet, I was not aware of any law or military regulation that forbids the press
27 from publishing photos of Navy SEALs, and I know of no such law or regulation today.


28 30. Before disseminating any of the photos to AP members, I had shown and

1 discussed them with Commander Bender, with the former head of the Navy Judge
2 Advocate General's Corps, and with other experts on the military. No one from the Navy
3 at any time ever asked me, or to my knowledge anyone else at AP, to treat the photographs
4 obtained from the Internet as confidential, to delay or avoid reporting on the photographs,
5 or to conceal the identities of any of the soldiers depicted in the photographs.

6 31. The facts reported by me on December 3, 2004 are true and accurate in all
7 respects, to the best of my knowledge, information and belief.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Executed this 6th day of April 2005.

11
12 
13 _____
14 Seth Hettena

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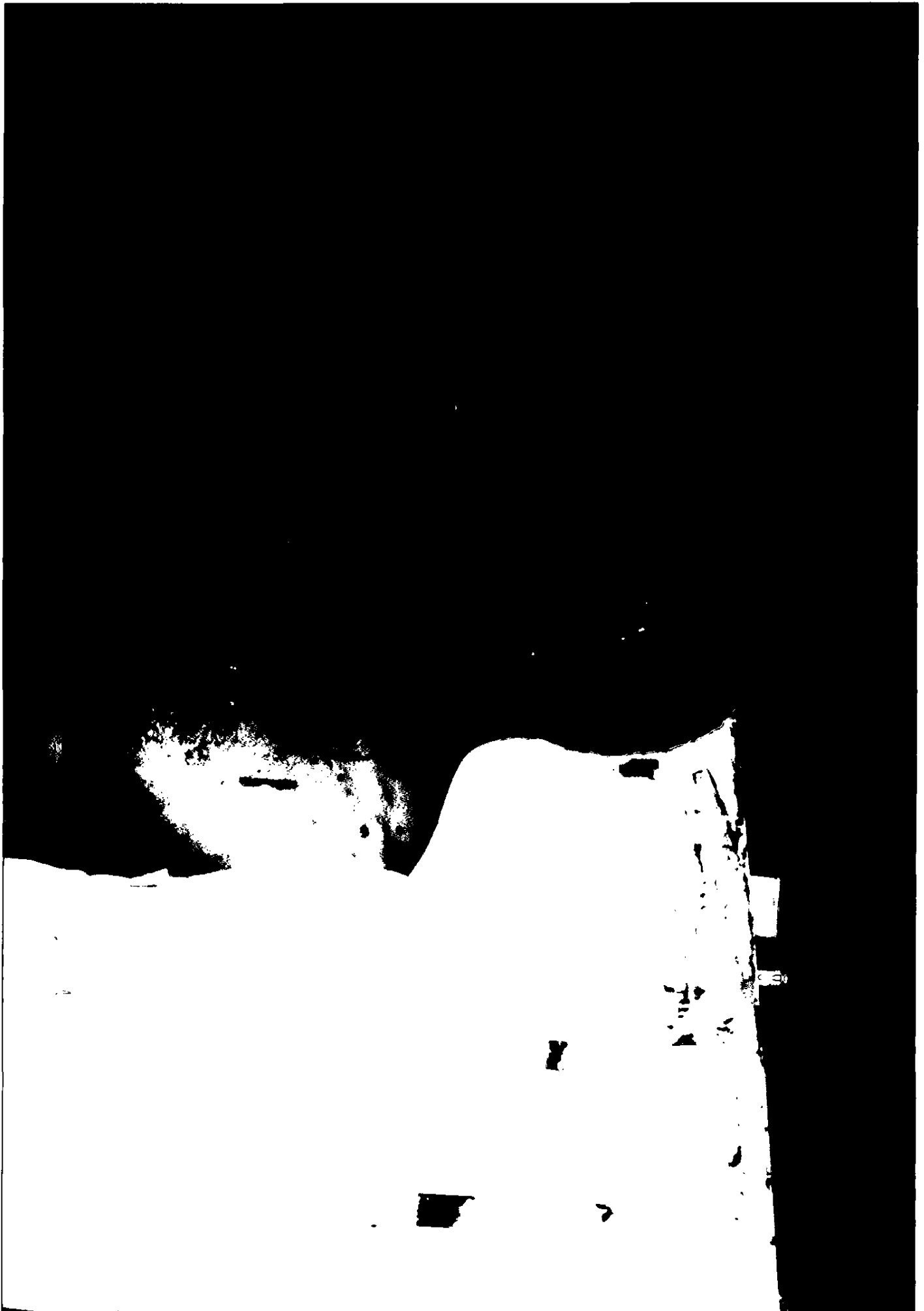
EXHIBITS TO AFFIDAVIT OF SETH HETTENA

| EXHIBIT | DATE | DESCRIPTION |
|----------------|-------------|---|
| A | | 13 photos published by AP |
| B | | AP articles on investigation and prosecution of SEALS |
| C | | Charge sheet for improper posing with prisoner |
| D | | Image of Camp Jenny Possi folder on smugmug.com as it looked when accessed by Hettena |
| E | 12/03/04 | Hettena's news report disclosing the existence of the photos on the Internet and the Navy's decision to investigate |
| F | 12/06/04 | Second Hettena report about photos 13 p |
| G | 12/07/04 | AP article wherein Navy Secretary Gordon urges Americans to avoid forming conclusions about photos until investigation is completed |
| H | 12/15/04 | Hettena's follow-up story concerning the expanded investigation by the Naval Special Warfare Command |







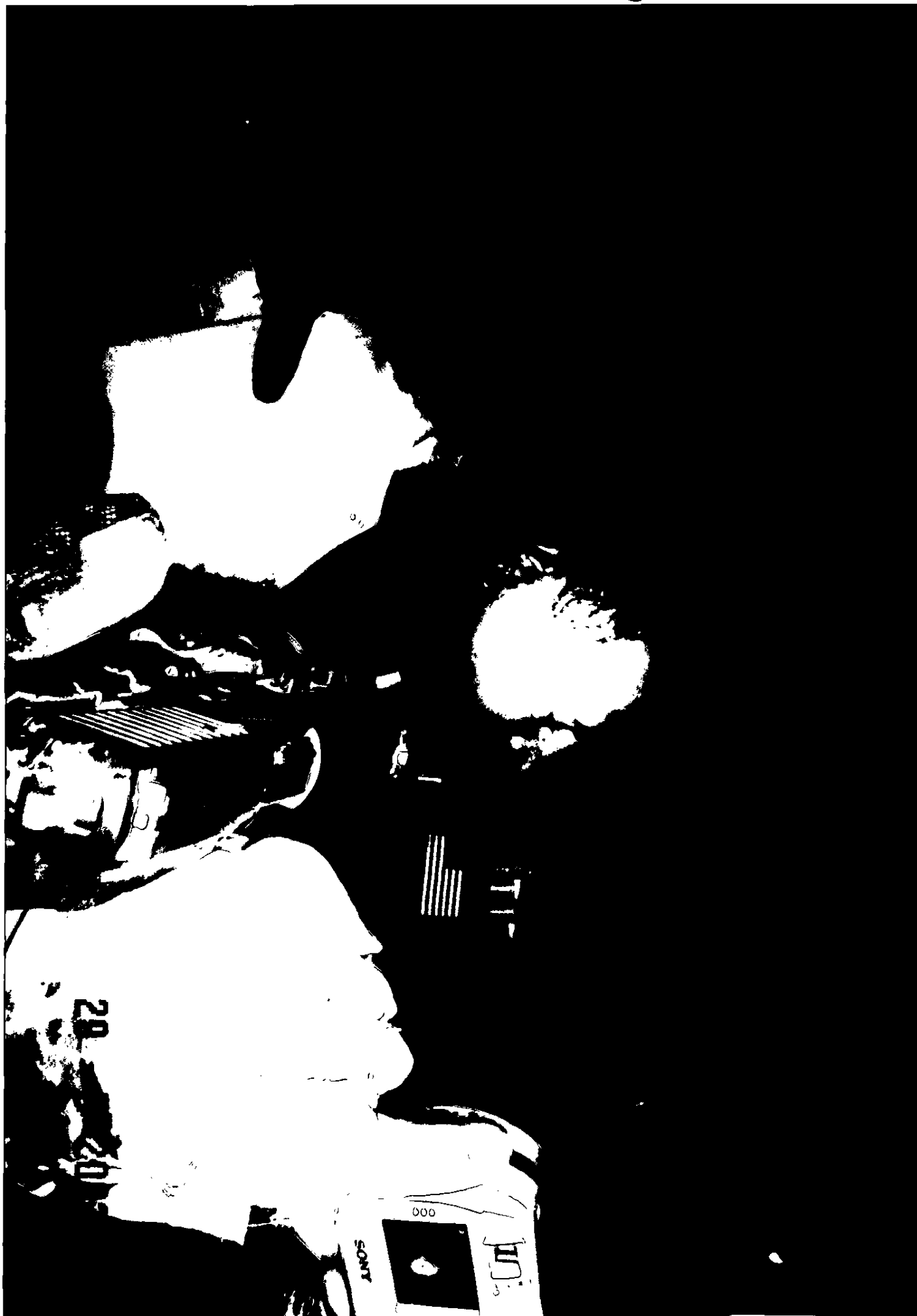




















Doc: 00236634 DB: research_d_2004_3 Date: Fri Sep 3 03:05:00 2004

Alert Categories: def ira kcr

Profiler Categories: Crime Defense Iraq

*** Version history. (* = this story, F = final, S = semifinal) ***

aD84S1F700 09-03-2004 03:05:00*F BC-Prison Abuse-CIA, Bjt:Army prison abuse

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^BC-Prison Abuse-CIA, Bjt,920<

^Army prison abuse investigation raises questions about CIA<

^With BC-CIA-Glance<

^By JOHN J. LUMPKIN=

^Associated Press Writer=

¶ WASHINGTON (AP) _ The latest Army investigation into the Abu Ghraib scandal is raising new questions about whether the CIA, operating outside military rules, contributed to the breakdown of military discipline at the prison.

¶ The report cites the presence of unregistered "ghost detainees" who did not fall under the military's usual system of registration, interrogation and medical care.

¶ But the CIA is rejecting much of the criticism. Spokesman Mark Mansfield said recently that the report, released last week, "makes broad allegations about the CIA that are not supported by the text."

¶ The report by senior Army generals describes some of the CIA's detention procedures, shining a rare light on those practices. Yet it does little to describe the spy agency's actual interrogation methods at Abu Ghraib, beyond saying they contributed to the discipline problems.

¶ "The CIA's detention and interrogation practices contributed to a loss of accountability and abuse at Abu Ghraib," says the investigation report.

¶ Of 44 incidents of possible abuse cited in the Army's intelligence investigation, the CIA was involved in only one _ the only one to

involve the death of a detainee. In that case, a newly arrived CIA prisoner did not receive the initial medical screening typical for incoming detainees, and then died. That death remains under investigation.

¶ To date, none of the abuses depicted in the infamous photographs from Abu Ghraib have been found to involve CIA personnel, Mansfield said.

¶ The specific allegations of abuse at various U.S.-run detention and interrogation centers in Iraq and Afghanistan are being investigated by the CIA's Inspector General. In several cases, the Justice Department is also investigating whether any CIA officers or contractors committed criminal acts.

¶ The arrangements to hold "ghost detainees" were made between local CIA officers and military officials at the prison, the investigation found. Army investigators said they located information on eight "ghost detainees" held at Abu Ghraib, but said there may have been more.

¶ In one case, military guards at the prison moved a group of detainees around the prison to hide them from a visiting Red Cross delegation, according to the report of U.S. Army Maj. Gen. Antonio Taguba, who conducted a separate investigation into the prison's military police unit. He described the actions as "deceptive, contrary to Army Doctrine, and in violation of international law."

¶ A U.S. intelligence official, discussing agency operations on the condition of anonymity, said the CIA would keep detainees hidden to prevent insurgents both inside and outside the prison from learning of their capture, suggesting the agency believed that Red Cross knowledge of a given prisoner could ultimately reach insurgents.

¶ If the prisoners had been put in the general prison population, they might have been able to confer with associates and plan their responses for an interrogation, the official said. The official said there were only a "handful" of such secret prisoners.

¶ The Army investigation suggested that one prisoner who died did not receive a proper medical screening because the CIA officers who brought him to the prison ignored the usual registration procedures.

¶ In that case on Nov. 4, 2003, a Navy SEAL team captured Manadel Al-Jamadi, who was thought to have been connected to an attack on the International Committee of the Red Cross. In detaining him, a SEAL subdued him by hitting him on the side of the head with a gun butt. Two CIA personnel brought Al-Jamadi to Abu Ghraib and put him in a shower room.

¶ The prisoner was dead 45 minutes later. An autopsy determined Al-Jamadi died of a blood clot in his head that was probably the result of being struck with the gun.

¶ A day later, U.S. personnel sneaked the body out on a stretcher, disguised so the dead person would only look sick to other inmates.

¶ "It is unclear how and under what authority the CIA could place prisoners like (this detainee) in Abu Ghraib," because no formal agreement between the agency and the military existed, the report says.

¶ Had the prisoner been processed like a normal Army prisoner, he would have received at a minimum a medical screening, the report says.

¶ Mansfield said the CIA does not take issue with the Army report's conclusion that there was confusion in the military regarding the CIA's role and authority at the prison.

¶ Agency officials agree that better coordination and written agreements between the military and CIA would have clarified some matters, particularly for the soldiers, he said.

¶ The Army report describes Lt. Col. Stephen Jordan, the head of the interrogation center at Abu Ghraib, as "fascinated" with the CIA, and says he gave agency personnel leeway to operate without military involvement.

¶ The CIA's freedom to operate influenced Army soldiers to ignore military procedures, the report contends.

¶ The Army generals said it is possible that still other agencies were involved in handling prisoners, but that most of the information about non-military operators in the report referred to the CIA.

¶ Other groups could have included the FBI; the Task Force 121, the special operations-CIA unit hunting senior Iraqi leaders; and the Iraqi Survey Group, the CIA-Defense Intelligence Agency operation that hunted for weapons of mass destruction.

Doc: 00316603 DB: research_d_2004_3 Date: Fri Sep 24 17:18:36 2004

Alert Categories: def ira kcr ter trn

Profiler Categories: Crime Defense Iraq Terrorism Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD85A8UB00 09-24-2004 17:18:36*F BC-Iraq-Prisoner Abuse-Navy:Navy
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^BC-Iraq-Prisoner Abuse-Navy,660<

^Navy charges three more SEALs in Iraq prisoner abuse<

^By ROBERT BURNS=

^AP Military Writer=

¶ WASHINGTON (AP) _ The Navy said Friday it has filed assault and other criminal charges against three more of its elite SEAL commandos in connection with probes of prisoner abuse in Iraq.

¶ The three, whose names were not released, are in addition to four SEALs charged Sept. 2 with assault and other alleged offenses in connection with the death of a prisoner last November.

¶ At the time of the reported abuse, all seven were members of a Sea-Air-Land, or SEAL, unit known as SEAL Team-7, a counterterrorist group that sometimes operated in Iraq with CIA officers. It is based at Coronado, Calif., and reports to the Naval Special Warfare Command in San Diego.

¶ In addition to the November 2003 death, an undisclosed number of SEALs were involved in the case of a detainee who died April 5, 2004 under suspicious circumstances at a U.S. Army logistics base near the northern city of Mosul, an Army preliminary investigation report said.

¶ At least one of the three SEALs charged Friday is accused of involvement in the April case, said a senior defense official who discussed the case on condition of anonymity because the investigation is continuing.

¶ According to a brief portion of the Army investigation report reviewed by The Associated Press, the death occurred at Logistics Support Area Diamondback, near Mosul, and the senior defense official

said the detainee was at the 67th Combat Support Hospital at Diamondback.

¶ The individual was detained by SEALs "after a struggle," the report said. After he was interrogated by a person the report did not identify, the detainee was "allowed to sleep."

¶ At 1:37 a.m. on April 5, the detainee was checked and "found to be unresponsive," the report said without elaborating. He was not then in the SEALs' custody, the defense official said.

¶ An autopsy was ordered but the result was unknown when the Army report was written. The detainee's name was not mentioned.

¶ The charges against the three SEALs are assault, aggravated assault with intent to cause death or serious bodily harm, conduct unbecoming, obstruction of justice, assault with a dangerous weapon, maltreatment of detainees, dereliction of duty and failure to report abuse to superior authorities.

¶ All of the charges are punishable under the Uniform Code of Military Justice.

¶ Cmdr. Jeff Bender, a spokesman for Naval Special Warfare Command, said he could not say which charges were filed against which of the three SEALs.

¶ The first four SEALs charged Sept. 2 have requested but not yet received legal counsel from the Navy, Bender said, and investigating officers have yet to be assigned to those cases. Thus their Article 32, or pretrial, hearings have not yet been scheduled.

¶ The Army has taken most of the criticism for the mistreatment of detainees in Iraq and Afghanistan because it was the main service involved at Abu Ghraib, where prisoners were physically abused and sexually humiliated by military police and intelligence soldiers last fall.

¶ The abuse associated with the four SEALs charged Sept. 2 did not happen at Abu Ghraib, although the detainee who was beaten, Manadel al-Jamadi, eventually died at Abu Ghraib, officials have said.

¶ Al-Jamadi was thought to have been connected with an attack on an International Committee of the Red Cross facility. In detaining al-Jamadi on Nov. 4, 2003, a SEAL subdued him by hitting him on the side of the head with the butt of a gun, according to an Army report released last month that probed the role of Army intelligence units in Iraq prisoner abuse.

¶ Two CIA personnel brought al-Jamadi to Abu Ghraib and put him in a shower room with a sandbag on his head. He was dead 45 minutes later. An autopsy determined he died of a blood clot in his head, probably caused by being hit with the gun, the Army has said.

¶ A day after al-Jamadi died, U.S. personnel sneaked the body out of the prison on a stretcher, disguised so the dead person would appear to other inmates only to have been sick, the Army report said.

Doc: 00053714 DB: research_d_2004_4 Date: Wed Oct 13 18:29:13 2004

Alert Categories: def ira kcr ter trn win

Profiler Categories: Crime Defense Iraq Terrorism Transportation
WorldInternational

*** Version history. (* = this story, F = final, S = semifinal) ***

aD85MQOE81 10-13-2004 18:29:13*F BC-Iraq-Prisoner Abuse-Navy:Defense
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^BC-Iraq-Prisoner Abuse-Navy,0501<

^Defense attorneys: SEALs charged with abusing Iraqis implicated by
disgraced ex-colleague<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ Charges against seven Navy SEALs accused of
abusing Iraqi prisoners _ including one who died at Abu Ghraib prison
_ were initiated by a disgraced former member of the unit who was
trying to save his own career, lawyers for two of the accused said
Wednesday.

¶ One of the defense attorneys said the Iraqi who was found dead in
November in a shower at Abu Ghraib was in good condition until the CIA
took custody of him.

¶ Cmdr. Jeff Bender, a spokesman for Naval Special Warfare Command
in Coronado, the SEALs' headquarters, said it was inappropriate to
comment on an ongoing investigation. A CIA spokeswoman declined to
comment.

¶ Members of a Sea-Air-Land, or SEAL, unit known as SEAL Team-7 are
facing military charges including aggravated assault, obstruction of
justice and conduct unbecoming an officer. Members of Seal Team-7 were
part of a special operations-CIA unit hunting targets in Iraq,
according to an Army report on Abu Ghraib.

¶ The names of the accused SEALs have not been released.

¶ Milt Silverman, a civilian lawyer in San Diego representing one of the accused sailors, said the accusations of prisoner abuse were made by a SEAL who earned the nickname "Klepto" for stealing a fellow SEAL's body armor in Iraq.

¶ "Klepto" made the allegations of prisoner abuse while appealing a decision to kick him out of the SEALs for the theft, Silverman wrote in an opinion piece published Wednesday in The San Diego Union-Tribune.

¶ Silverman was out of town Wednesday and could not be reached by telephone, but John Tranberg, a civilian defense attorney for another defendant, supported Silverman's account in an interview. The accuser is no longer a SEAL but remains in the Navy, Tranberg said.

¶ Some of the accused SEALs were implicated in the death of Manadel al-Jamadi, whom Silverman described as a terrorist bomb supplier who worked for Saddam Hussein.

¶ Al-Jamadi was thought to have been connected with an attack on a Red Cross facility, according to a report by Army Maj. Gen. George Fay into the role of Army intelligence units in Iraq prisoner abuse.

¶ In subduing al-Jamadi on Nov. 4, 2003, a SEAL hit him on the side of the head with the butt of a gun, Fay wrote.

¶ Two CIA personnel brought al-Jamadi into Abu Ghraib and put him in a shower room with a sandbag on his head. He was dead 45 minutes later. An autopsy determined he died of a blood clot in his head, probably caused by being hit with the gun, the Army has said.

¶ Silverman said al-Jamadi had suffered cuts and bruises but was in good condition when he was handed to the CIA.

¶ Three forensic pathologists reviewed al-Jamadi's autopsy and concluded he did not suffer a blood clot to the brain and did not die of blunt-force trauma, Silverman said.

Doc: 00124239 DB: research_d_2004_4 Date: Fri Oct 29 22:18:30 2004

Alert Categories: def ira kcr lle trn

Profiler Categories: Crime Defense Iraq Legal Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD861FJTGO 10-29-2004 22:18:30*F BC-Iraq-Prisoner Abuse-Navy:Navy SEAL
test

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r abx

^BC-Iraq-Prisoner Abuse-Navy,0691<

^Navy SEAL testifies that prisoner abuse was intended to 'instill
fear'<

^Eds: Note contents 3rd graf.<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ A Navy commando testified Friday that he and other members of an elite SEAL team punched, kicked and struck a hooded and handcuffed Iraqi prisoner captured during a nighttime raid to "instill fear." The captive died a short time later in the Abu Ghraib prison.

¶ The commando, identified only by his rank as a hospital corpsman, was a surprise witness during a military pretrial hearing for another member of the Navy Sea, Air Land unit known as Seal Team-7 accused of abusing prisoners in Iraq.

¶ The accused SEAL, an aviation boatswain's mate, allegedly punched and kneed prisoners in Iraq, twisted their testicles and struck a prisoner in the buttocks with a wooden board. He also posed in photos where the detainee was allegedly subjected to degrading treatment.

¶ Earlier in the day, the corpsman reached a plea deal that resolves similar charges while sparing him time in prison.

¶ The accused SEAL stared at the witness and shook his head once during the testimony. The corpsman avoided looking at the defendant.

¶ The proceeding, known as an Article 32 hearing, is being held to determine whether the boatswain's mate should be court-martialed. The

accused SEAL, who received the Purple Heart for suffering wounds in Iraq could face up to 11 years in prison if convicted.

¶ The corpsman, who testified under a grant of immunity, said he and the accused SEAL took part in a November 2003 mission to capture Manadel al-Jamadi.

¶ Al-Jamadi was a suspect in a bombing of a Red Cross facility, according to an Army report on the Abu Ghraib prison near Baghdad. He was captured after a hand-to-hand struggle with the accused SEAL.

¶ After al-Jamadi was subdued, his hands cuffed and a sandbag placed on his head, the corpsman said he watched the accused and another SEAL "body slam" the captive into the back of a Humvee. Later, the SEALs arrived at an Army base, where the accused SEAL struck al-Jamadi with the muzzle of his weapon, according to the corpsman, who said he punched the detainee.

¶ The corpsman said the force was excessive and the detainee did not pose a threat. The corpsman said some of the beating occurred because al-Jamadi was speaking in Arabic. Other beatings were designed "to instill fear and surprise at the capture."

¶ He identified the accused SEAL posing in one of a series of photographs taken of al-Jamadi with the accused SEAL's camera. The corpsman identified himself in one of the photos holding a loaded gun to al-Jamadi's head.

¶ The corpsman pleaded guilty Friday to abusing prisoners and disobeying orders in a nonjudicial proceeding known as a captain's mast. His punishment includes 45 days restriction to base, 45 days extra duty and a reduction in rank.

¶ The hearing was continued until Monday to allow the accused SEAL's lawyer, John Tranberg, time to prepare for a cross-examination.

¶ Military prosecutors did not call to the stand the ex-SEAL who initiated the charges of prisoner abuse. The ex-SEAL made the allegations in June while appealing a decision to kick him out of the unit for stealing another SEAL's body armor in Iraq.

¶ All SEALs were referred to only by rank, and the courtroom briefly was cleared twice _ once during the corpsman's testimony and again when a SEAL lieutenant commander took the stand. A Navy officer was posted in the court to ensure that no classified information leaked out.

¶ Members of SEAL Team-7 were part of Task Force 121, a special operations-CIA unit in Iraq, according to an Army report on Abu Ghraib.

¶ Five other SEALs were charged with abusing Iraqi prisoners. Charges were dismissed Tuesday against a chief petty officer, although he will receive administrative punishment, said Cmdr. Jeff Bender, a spokesman for Naval Special Warfare Command, the SEALs' headquarters.

¶ Article 32 hearings for the remaining four defendants have not been scheduled.

Doc: 00137562 DB: research_d_2004_4 Date: Mon Nov 1 19:19:47 2004

Alert Categories: def ira kcr lle trn

Profiler Categories: Crime Defense Iraq Legal Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD8638R300 11-01-2004 14:25:03 BC-Prisoner Abuse-Navy:Navy Seal says
Iraq

aD863D5801 11-01-2004 19:19:47*F BC-Prisoner Abuse-Navy, 1st Ld-
Writethru:N

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a0719†-----

r abx

^BC-Prisoner Abuse-Navy, 1st Ld-Writethru,0643<

^Navy Seal says Iraqi who died at Abu Ghraib was roughed up in CIA's
'romper room'<

^Eds: UPDATES thruout with further testimony from corpsman, al-
Jamadi's cause of death, CIA comment; No pickup.<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ The CIA interrogated and roughed up Iraqi
prisoners in a "romper room" where a handcuffed and hooded terror
suspect was kicked, slapped and punched shortly before he died last
year at the Abu Ghraib prison, a Navy SEAL testified Monday.

¶ Blood was visible on the hood worn by the prisoner, Manadel al-
Jamadi, as he was led into the interrogation room at Baghdad
International Airport in November 2003, the Navy commando said at a
military pretrial hearing for another SEAL accused of abusing Iraqi
prisoners.

¶ Testifying under a grant of immunity, the witness, identified only
by his rank as a hospital corpsman, said he kicked al-Jamadi several
times, slapped him in the back of the head and punched him. Five or
six other CIA personnel in the room laid their hands on the prisoner,
he said, but he did not provide details.

¶ Sometime later, Al-Jamadi was found dead in a shower room less
than an hour after two CIA personnel brought him into Abu Ghraib as a
so-called "ghost detainee," according to Army Maj. Gen. George R.

Fay's report on the notorious prison. Such detainees were not listed in the normal roster of military prisoners.

¶ Fay's report said al-Jamadi died of a blot clot in the head likely due to injuries suffered after being detained. The military pathologist's report listed the cause of death as blunt force trauma complicated by hampered breathing.

¶ A CIA spokeswoman declined to comment on the hearing, but noted that the agency is conducting its own investigation into the CIA's involvement in prisoner detentions and interrogations in Iraq.

¶ The testimony about the CIA's role came during a hearing for an aviation boatswain's mate who is accused of punching al-Jamadi and posing in humiliating photos with the prisoner. The boatswain's mate, a 14-year Navy veteran, allegedly twisted other prisoners' testicles and struck a prisoner in the buttocks with a wooden board.

¶ An Article 32 hearing, the military equivalent of a civilian grand jury, was held to determine whether the boatswain's mate should be court-martialed.

¶ The hearing concluded Monday. An investigating officer will recommend what charges, if any, the boatswain's mate should face.

¶ The accused SEAL, who received the Purple Heart for wounds suffered in Iraq, could get up to 11 years in prison if convicted.

¶ Al-Jamadi, described in an Army report as a suspect in an attack on a Red Cross facility, was captured by members of a Coronado, Calif.-based SEAL unit during a joint special forces-CIA mission.

¶ Al-Jamadi was subdued after a fierce struggle with the accused SEAL, the corpsman said. After al-Jamadi was cuffed, he said he watched the accused and another SEAL "body slam" the captive into the back of a Humvee.

¶ The SEALs then drove to an Army base where the accused SEAL jabbed al-Jamadi with the muzzle of his weapon, according to the corpsman. He said while some of the blows were excessive, others were intended to silence al-Jamadi, who kept talking and shouting in Arabic.

¶ The hospital corpsman was a surprise witness during the two-day proceeding, taking the witness stand only hours after reaching a plea deal with prosecutors that would spare him prison time.

¶ Besides the corpsman and the boatswain's mate, five other members of the SEAL team were charged with abusing Iraqi prisoners. Charges against a chief petty officer were dismissed last week. Article 32 hearings for the other four SEALs have not been scheduled.

Doc: 00204234 DB: research_d_2004_4 Date: Wed Nov 17 22:17:48 2004

Alert Categories: ira kcr lle trn

Profiler Categories: Crime Iraq Legal Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD86E18N00 11-17-2004 22:17:48*F BC-Prisoner Abuse-Navy:SEAL accused
of pri

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a0772†-----

r abx

^BC-Prisoner Abuse-Navy,0318<

^SEAL accused of prisoner abuse in Iraq to face court-martial<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ A Navy SEAL will be court-martialed for allegedly abusing prisoners in Iraq, including one who died in Abu Ghraib prison, the Navy announced Wednesday.

¶ Joseph Maguire, the rear admiral in charge of the Navy's SEALs, referred the case to a special court-martial _ the military equivalent of a misdemeanor trial.

¶ Maguire made the criminal referral despite a recommendation from a military investigating officer for lesser nonjudicial or administrative punishment.

¶ The maximum punishment at a special court-martial is a year in prison, a bad conduct discharge, reduction to the lowest pay grade and forfeiture of two-thirds of pay for up to a year. Maguire could have referred the case to a general or full court-martial with a potential punishment of up to 11 years in military prison.

¶ The military has declined to release the name of the accused SEAL, a 14-year Navy veteran who received the Purple Heart for wounds received in Iraq. His attorney, John Tranberg, said he was disappointed but declined further comment.

¶ The SEAL is accused of kicking and punching Manadel al-Jamadi, a suspect in the bombing of a Red Cross facility who died at Abu Ghraib in November 2003. The Iraqi died from blunt force trauma to the upper

torso complicated by hampered breathing, according to a military pathologist.

¶ The accused SEAL also posed for a photo in which the prisoner allegedly was subjected to degrading treatment. The photo has not been released publicly.

¶ He faces charges of aggravated assault, making a false official statement, soliciting an assault and maltreatment.

¶ No date has been set for the special court-martial, which will be held at Navy Base San Diego.

Doc: 00325778 DB: research_d_2004_4 Date: Mon Dec 20 19:16:51 2004

Alert Categories: def ira kcr

Profiler Categories: Crime Defense Iraq

*** Version history. (* = this story, F = final, S = semifinal) ***

aD873MMS01 12-20-2004 19:16:51*F BC-Prisoner Abuse-Navy:One SEAL
acquitted,

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a0696†-----

r abx

^BC-Prisoner Abuse-Navy,0439<

^One SEAL acquitted, second put on probation in Abu Graib abuse cases<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ A Navy SEAL has been acquitted of charges that he beat a handcuffed and hooded terror suspect who later died, while a second commando received probation for assaulting another prisoner, attorneys for the men said Monday.

¶ The first SEAL, a first-class petty officer, was found not guilty of assault and dereliction of duty Thursday in a nonjudicial proceeding known as a captain's mast, according to his attorney, Jeremiah Sullivan.

¶ The other commando, a second-class petty officer, was convicted Friday of assault and received six months probation, said his attorney, Milt Silverman.

¶ Both hearings, closed to the public, were held before SEAL Capt. James O'Connell at Naval Special Warfare Command in Coronado, outside San Diego.

¶ The Navy has not released the names of the accused SEALs and a Navy spokesman said privacy laws prevented him from commenting. The two were members of SEAL Team Seven, based in Coronado, and were involved in joint CIA-special forces missions.

¶ The first SEAL was accused of punching and kicking prisoner Manadel al-Jamadi and appearing in a photo in which the hooded and handcuffed detainee was allegedly humiliated.

¶ Al-Jamadi, a suspect in the bombing of a Red Cross facility, was captured during a CIA-special forces mission in November 2003 and died a short time later in Abu Ghraib prison outside Baghdad.

¶ The second SEAL was accused of trying to subdue a detainee during a CIA interrogation by putting him in a headlock. The detainee was suspected of supplying explosives and weapons to insurgents attacking U.S. troops in Iraq.

¶ The SEAL was cleared of charges of appearing in a photo taken in December 2003 in which another hooded and handcuffed terror suspect was allegedly humiliated.

¶ Silverman said his client was satisfied to get probation on the assault charge, but the attorney objected to the Navy's prosecution of the commandos in the first place.

¶ "The SEALs are being held to a higher standard than the San Diego police," he said.

¶ Ten of the Navy's 2,400 SEALs are facing criminal charges following an investigation into allegations of detainee abuse, said Lt. Taylor Clark, a spokesman for the SEALs.

¶ Six SEALs have received nonjudicial punishment at captain's mast proceedings. Two others are facing special courts-martial and two are awaiting Article 32 hearings, the military equivalent of a civilian grand jury.

Doc: 00008002 DB: research_d_2005_1 Date: Tue Jan 4 01:11:32 2005

Alert Categories: def ira kcr

Profiler Categories: Crime Defense Iraq

*** Version history. (* = this story, F = final, S = semifinal) ***

aD87CVG000 01-03-2005 20:58:59 BC-Prisoner Abuse-Navy:Two Navy SEAL
lieut

aD87D37502 01-04-2005 01:11:32*F BC-Prisoner Abuse-Navy, 1st Ld-
Writethru:T

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a0403#-----

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^BC-Prisoner Abuse-Navy, 1st Ld-Writethru,0565<

^Two Navy SEAL lieutenants face hearings in prisoner abuse case<

^Eds: ADDS new final graf to UPDATE with further comment from defense
attorneys.<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ Allegations that two Navy SEAL lieutenants abused
prisoners in Iraq will be heard this week at a California naval base,
the Navy said Monday.

¶ Article 32 hearings, the military equivalent of a civilian grand
jury, are set for Tuesday and Thursday for the unnamed officers with a
Coronado-based Sea, Air, Land unit known as SEAL Team-7.

¶ Both hearings at Naval Base San Diego were delayed for weeks, in
part because of concerns about classified information available to
defense attorneys involved in the case.

¶ A SEAL lieutenant scheduled to appear Tuesday is accused of
punching Manadel al-Jamadi and allowing personnel under the
lieutenant's command to abuse the prisoner, according to a charge
sheet released by the Navy.

¶ Al-Jamadi, a suspect in the bombing of a Red Cross facility, was
captured by SEALs in November 2003 during a joint special forces-CIA
mission and died a short time later at Abu Ghraib prison.

¶ Frank Spinner, a civilian defense attorney, said Monday he was filing a formal objection to the proceeding because he cannot attend and the Navy has refused to grant a delay. Spinner said he has been summoned for jury duty in Colorado, where he lives.

¶ Under the Uniform Code of Military Justice, the accused SEAL is entitled to civilian defense counsel. "If they proceed without me, a judge in several months may order them to go back and do another Article 32 hearing," Spinner said.

¶ On Thursday, another lieutenant will face allegations that he kicked, choked and twisted the testicles on prisoners in Iraq in incidents from October 2003 to April 2004, according to his charge sheet. He is also accused of putting a pumpkin mask on a prisoner's face in November 2003 and taking pictures.

¶ His civilian attorney, Eugene Fidell, declined to comment last week.

¶ The charges against the two lieutenants include dereliction of duty, maltreatment, assault and conduct unbecoming an officer.

¶ Both men are accused of posing in photos in which al-Jamadi was allegedly humiliated. In April of this year, one of the lieutenants allegedly told members of his platoon "it was not smart to have pictures of prisoners," according to the charge sheet.

¶ Navy lawyers will hear the evidence against both SEALs and make a recommendation to Rear Adm. Joseph Maguire, the top SEAL. Maguire will make a final decision on whether to convene a court-martial.

¶ Eight other unnamed members of SEAL Team 7 also face criminal charges following an investigation into allegations of detainee abuse.

¶ Six SEALs have received nonjudicial punishment at captain's mast proceedings. Two others are facing special courts-martial, the civilian equivalent of a misdemeanor trial.

¶ Defense attorneys for two of the accused say the charges of prisoner abuse were initiated by an ex-SEAL who earned the nickname "Klepto" for stealing a fellow SEAL's body armor in Iraq. The ex-SEAL made the allegations while appealing a decision to kick him out of the SEALs for theft, according defense attorneys for the SEALs.

Doc: 00011825 DB: research_d_2005_1 Date: Tue Jan 4 22:59:11 2005

Alert Categories: def ira kcr trn

Profiler Categories: Crime Defense Iraq Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD87D65E00 01-04-2005 04:32:43 BC-Prisoner Abuse-Navy:Navy SEAL
Lieutenant

aD87DMC300 01-04-2005 22:59:11*F BC-Prisoner Abuse-Navy, 1st Ld-
Writethru:N

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a0761+-----

r abx

^BC-Prisoner Abuse-Navy, 1st Ld-Writethru,0614<

^Navy SEAL lieutenant faces hearing in prisoner abuse case<

^Eds: UPDATES thruout with afternoon testimony, other details; No
pickup.<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ A former Navy SEAL said Tuesday he initiated a
criminal investigation into prisoner abuse in Iraq because the
brutality he witnessed weighed heavily on his conscience.

¶ "I'm here testifying against prisoner abuse," the sailor said. "It
just wasn't right."

¶ The sailor, whose identity was not revealed, served in Iraq under
a Navy SEAL lieutenant who faced an Article 32 hearing, the military
equivalent of a civilian grand jury, at Naval Base San Diego. The
hearing will continue Wednesday.

¶ The accused lieutenant, who also was not identified, is accused of
punching Iraqi Manadel al-Jamadi and allowing other Navy personnel to
abuse the prisoner, who died a short time later at Abu Ghraib prison.
Al-Jamadi, a suspect in the bombing of a Red Cross facility, was
captured in November 2003 by SEALs during a joint special forces-CIA
mission.

¶ Nine other SEALs were implicated in the investigation started by the sailor, who was kicked out of the SEALs last year after he was found guilty of stealing another commando's body armor in Iraq.

¶ Testifying under a grant of immunity, the sailor said he first witnessed prisoner abuse a week after his arrival in Iraq in October 2003. He recalled an incident during which a hooded and handcuffed detainee was kneed, punched and had his testicles twisted by SEALs in the back of a Humvee. The scene, he said, reminded him of pro wrestling.

¶ The witness said while the abuse was taking place, the accused SEAL lieutenant allegedly smiled and said: "Glad I'm not him."

¶ The sailor said he witnessed alleged abuse in Iraq on five to 10 other occasions over the next few weeks; the lieutenant was present for most of the episodes but did nothing to stop it, he said. The abuse continued, but less frequently, after the SEALs were instructed by a senior officer to stop mistreating detainees, he testified.

¶ "These were my friends, my comrades," he said, noting he struggled whether to come forward about the abuse. "It wasn't easy at all."

¶ Frank Spinner, a civilian defense attorney, said he was filing a formal objection to the proceeding because he cannot attend and the Navy has refused to grant a delay. The lieutenant's military defense attorney, who attended the hearing, made repeated objections to the proceeding, setting the stage for a possible appeal.

¶ Also Tuesday, testimony came from another witness, an explosive ordnance disposal technician who also served in Iraq under the accused SEAL lieutenant. The unnamed petty officer, who was not a SEAL, pleaded guilty to charges of abuse and maltreatment earlier in the day as part of a plea bargain.

¶ The petty officer, who participated in the mission to capture al-Jamadi, said he kicked the hooded and handcuffed prisoner in the abdomen when the man started speaking in Arabic. He said he later kicked and punched al-Jamadi again when he spoke Arabic.

¶ "Looking back, I feel there was a time when it might have gotten out of hand," the petty officer testified.

¶ In one photograph that was part of a court exhibit, the accused SEAL lieutenant is seen holding up a can of Red Bull energy drink while he and other members of his unit pose around al-Jamadi. In another photo, the petty officer and another member of the team point their guns at al-Jamadi's head. Navy regulations forbid all unofficial detainee photographs.

Doc: 00021363 DB: research_d_2005_1 Date: Thu Jan 6 19:45:12 2005

Alert Categories: def ira kcr trn

Profiler Categories: Crime Defense Iraq Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD87ETN600 01-06-2005 19:45:12*F BC-Prisoner Abuse-Navy:Navy SEAL
lieutenant

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r abx

^BC-Prisoner Abuse-Navy,0263<

^Navy SEAL lieutenant faces hearing in prisoner abuse case<

^With BC-Prisoner Abuse-Graner<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ Navy SEALs accused of beating a terror suspect in Iraq handed him over to CIA officials who were in the process of interrogating him in Abu Ghraib prison when he died, according to testimony Thursday in military court.

¶ The testimony came during an Article 32 hearing, the military equivalent of a civilian grand jury, for an unidentified Navy SEAL lieutenant charged with assault and maltreatment of Iraqi prisoners. The hearing will determine if the officer faces a court-martial.

¶ Manadel Al-Jamadi, a suspect in the bombing of a Red Cross facility in Iraq, was arrested in November 2003 during a joint mission of the Central Intelligence Agency and U.S. special forces.

¶ Ten SEALs were implicated in the investigation started by a sailor who was kicked out of the SEALs last year after he was found guilty of stealing another commando's body armor in Iraq. The sailor, who testified Wednesday, served under the SEAL lieutenant facing the hearing.

¶ Thomas Werner, an Army criminal investigator, said Thursday under cross-examination that Al-Jamadi was in the custody of "another government agency" _ a euphemism for the CIA _ when he died in an Abu Ghraib shower room.

¶ The CIA's inspector general's office has conducted its own investigation of Al-Jamadi's death, Navy criminal investigator Robert Braatz testified.

Doc: 00036745 DB: research_d_2005_1 Date: Mon Jan 10 22:18:22 2005

Alert Categories: def ira kcr trn

Profiler Categories: Crime Defense Iraq Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD87HKAVG0 01-10-2005 22:18:22*F BC-Prisoner Abuse-Navy:Witness: CIA
and SE

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^BC-Prisoner Abuse-Navy,0424<

^Witness: CIA and SEALs beat prisoners during interrogation<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ Navy SEALs and CIA officials kicked, punched, choked and gouged the eyes of detainees in 2003 at a U.S. military base in Iraq, a former SEAL testified Monday.

¶ The witness said he saw the "interrogation by means of abuse" take place in 2003 at Camp Jenny Pozzi, the SEAL base at Baghdad International Airport, in an area the troops called the "sand pit."

¶ He said a prisoner under interrogation by the CIA in October 2003 was abused by two or three SEALs.

¶ On another occasion a month later, the witness said, he watched for 10 minutes as SEALs punched, choked and poked their fingers in the eye of Iraqi Manadel al-Jamadi, who also was punched by a CIA official when he did not answer questions.

¶ Al-Jamadi, a suspect in the bombing of a Red Cross facility in Iraq, died a few hours after he was captured during a joint CIA-special operations mission in November 2003. He died while being interrogated by CIA personnel in the shower room of the Abu Ghraib prison.

¶ The former SEAL, who was not identified, was the government's main witness at Monday's Article 32 hearing.

¶ The hearing, the military equivalent of a civilian grand jury, was for a Navy SEAL lieutenant who is accused of assault, maltreatment and

conduct unbecoming an officer for his handling of detainees, including al-Jamadi. A Navy officer hearing the evidence will make a recommendation whether the lieutenant, who also has not been identified, should face a court martial.

¶ Although the lieutenant is not charged with al-Jamadi's death, it could be an aggravating factor that could yield stiffer punishment.

¶ The ex-SEAL who testified Monday served under the lieutenant in Iraq, and was kicked out of the elite unit after he was convicted of stealing a fellow SEAL's bulletproof vest. The sailor said he saw the lieutenant abuse prisoners, including al-Jamadi, three different times.

¶ Defense attorney Matthew Freedus challenged the ex-SEAL's credibility during his two-hour cross-examination.

¶ Other details about the October 2003 interrogation were deemed classified.

¶ Details of al-Jamadi's death, such as what position he was in when he died, were also deemed classified by the CIA. However, Freedus said the CIA has declassified the matter and will allow him to present details in the hearing, perhaps as early as Tuesday.

Doc: 00042023 DB: research_d_2005_1 Date: Tue Jan 11 21:54:59 2005

Alert Categories: bia def ira kcr trn

Profiler Categories: Bias Crime Defense Iraq Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD87I93000 01-11-2005 21:54:59*F BC-Prisoner Abuse-Navy:SEAL defends Navy 1

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a0783#-----

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^BC-Prisoner Abuse-Navy,0575<

^SEAL defends Navy lieutenant accused of prisoner abuse in Iraq<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ A Navy SEAL commando testifying Tuesday on behalf of a comrade accused of abusing prisoners in Iraq called the defendant "the most compassionate SEAL I've ever known."

¶ The testimony was part of an Article 32 hearing, the military equivalent of a civilian grand jury, for the lieutenant, who is accused of assault, maltreatment and conduct unbecoming an officer for his handling of detainees.

¶ "Sir, I know what kind of man he is and it breaks my heart that something might be taken out of context by people who weren't there," the witness, a SEAL who served in the lieutenant's platoon in Iraq, testified at a military court hearing at Naval Base San Diego.

¶ "He's a good man," added the SEAL, wiping away tears. "He's a hero."

¶ A Navy officer hearing the evidence will make a recommendation whether the lieutenant, who has not been identified, should face a court-martial.

¶ The SEAL, who testified under a grant of immunity, said he witnessed the lieutenant strike or poke a detainee with the muzzle of his rifle in November 2003. The muzzle strikes, he said, were not intended to harm the handcuffed and hooded detainee he described as dangerous and noncompliant, but rather to "instill fear" and maintain control.

¶ The enlisted SEAL, a hospital corpsman who has since returned from Iraq, said he now believes there's no reason to strike a hooded and handcuffed prisoner. He added he never witnessed anything he considered cruel.

¶ The hospital corpsman, whose name was not revealed, also said the lieutenant ordered him on more than one occasion to treat wounded prisoners.

¶ "Time and time again, our officers were making tough calls when the intel and the command were telling them to go in and blast away," the SEAL said. "If you were with those guys for six months you would know how sickening it is to sit here and talk about one instance."

¶ That instance involves Manadel al-Jamadi, an Iraqi suspect in the bombing of a Red Cross facility who was captured during a joint CIA-special operations mission in November 2003 and died under CIA interrogation at Abu Ghraib prison.

¶ The lieutenant is not charged with al-Jamadi's death, but it could be an aggravating factor that could yield stiffer punishment if he is tried and convicted on the other charges.

¶ The corpsman pleaded guilty in a military administrative proceeding to assaulting al-Jamadi and posing in unofficial photographs with him. His sentence included a restriction to base and a reduction in rank and pay.

¶ His testimony contradicts the account of a former SEAL who testified Monday that the lieutenant beat al-Jamadi in the back of a Humvee. The corpsman said the former SEAL wasn't in the vehicle at the time.

¶ He also said he never witnessed another beating the former SEAL said took place at the SEAL base in Baghdad.

¶ The corpsman and the lieutenant appeared together with al-Jamadi in several photographs shown in court Tuesday. In one photo, the corpsman is pointing a handgun at al-Jamadi while the lieutenant gives a thumbs-up to the camera.

¶ The corpsman said no one told him such photographs were illegal, but added he considered them "stupid" and "prejudicial to good order and discipline."

Doc: 00274121 DB: research_d_2005_1 Date: Wed Mar 2 19:06:28 2005

Alert Categories: def ira kcr law trn win

Profiler Categories: Crime Defense Iraq Law Transportation
WorldInternational

*** Version history. (* = this story, F = final, S = semifinal) ***

aD88J5A101 03-02-2005 19:06:28*F BC-Navy-Prisoner Abuse:Navy SEAL
officer r

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a0757#-----

r abx

^BC-Navy-Prisoner Abuse,0579<

^Navy SEAL officer receives reprimand for allowing men to assault
prisoner<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ A Navy SEAL lieutenant has received a punitive
letter of reprimand for allowing men under his command to abuse an
Iraqi detainee who later died during CIA interrogation at Abu Ghraib
prison.

¶ The lieutenant, whose name has not been released, was convicted of
derelection of duty and conduct unbecoming an officer during a
nonjudicial hearing, the Navy confirmed Wednesday. He was acquitted of
charges of assaulting the prisoner, Manadel al-Jamadi.

¶ Defense attorney Matthew Freedus said he would appeal. No defense
attorneys were permitted at the four-hour proceeding Tuesday at the
SEALs' command in Coronado, outside San Diego.

¶ Punitive letters of reprimand are considered military career
killers.

¶ A total of nine SEALs and one sailor have been accused of abusing
al-Jamadi and others in Iraq. All but one of the cases have been
handled in closed-door proceedings.

¶ "Yet again, we're concerned that nonjudicial punishment has been
used in a case which was very serious," said John Sifton, a lawyer for
Human Rights Watch. "It was a homicide, somebody died. Everybody's

pointing the finger at everybody. Nobody's serving jailtime and this is becoming a pattern."

¶ In the latest case, the lieutenant was the No. 2 in command of SEAL Team Seven's Foxtrot platoon, which captured al-Jamadi in November 2003. In a series of military court hearings, men who served under the officer testified that they or others punched, kicked and muzzle-struck the handcuffed and hooded prisoner. The lieutenant and others posed for photos that allegedly humiliated the prisoner.

¶ Court-martial is scheduled for later this month for another lieutenant who was officer-in-charge of the SEAL platoon during the al-Jamadi mission.

¶ The SEALs handed al-Jamadi, a suspect in the bombing of a Red Cross facility that killed 12, over to the CIA. He died a short while later in the Abu Ghraib shower room while being interrogated by a CIA officer and a contract agency translator.

¶ His death became widely known last year when photos surfaced of grinning U.S. soldiers posing with his corpse, which had been packed in ice.

¶ Documents obtained by The Associated Press show al-Jamadi died while suspended from his wrists, which were handcuffed behind his back _ a position that human rights groups condemn as torture. One Army guard told investigators al-Jamadi's arms were stretched behind and above his shoulders in such a way that he was surprised they "didn't pop out of their sockets."

¶ The CIA's Inspector General's office has investigated al-Jamadi's death and forwarded the case to the Justice Department for possible prosecution.

¶ Jerry Hodge, the military pathologist who ruled al-Jamadi's death a homicide, said the prisoner's broken ribs and bruised lungs most likely were not caused by the alleged beating he received from the SEALs, according to a summary of his interview last year with the CIA Inspector General's office, which was obtained by the AP. No external bruises were found that would indicate such a beating, he said.

¶ The Navy launched its own investigation in June when an ex-SEAL made allegations of prisoner abuse upon learning he was being kicked out of the SEALs for stealing a teammate's body armor in Iraq.

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Doc: 00332799 DB: research_d_2005_1 Date: Tue Mar 15 15:02:34 2005

Alert Categories: def ira kcr lle non win

Profiler Categories: Crime Defense Iraq Legal Philanthropy
WorldInternational

*** Version history. (* = this story, F = final, S = semifinal) ***

aD88RJUMGO 03-15-2005 15:02:34*F BC-SEALs-Prisoner Photos:Army
documents ra

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^BC-SEALs-Prisoner Photos,0425<

^Army documents raise fresh concerns of abuse by Navy SEALs<

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ Newly released Army documents suggest that soldiers at a makeshift Iraqi detention camp suspected that detainees were being mistreated by a Navy SEAL team whose members were photographed posing with bloodied prisoners.

¶ Two Army interrogators said they were concerned about the way members of SEAL Team Five were treating prisoners, according to documents obtained by the American Civil Liberties Union. Some of the prisoners brought in by the SEALs "appeared to be very severely beaten," an unnamed Army staff sergeant told investigators last year.

¶ The statements were among hundreds of pages of documents about Iraq prisoner abuses the ACLU made public last week after obtaining them through the Freedom of Information Act.

¶ Members of SEAL Team Five, based in Coronado, appear in a series of images found last year by The Associated Press that show the immediate aftermath of raids on civilian homes. It was unclear whether the photos and the Army reports involved the same men. There are more than 100 men in SEAL Team Five.

¶ "When we would inquire about their wounds, the SEALs/TF-20 members would provide a general 'they resisted' response," according to a sworn statement by the unnamed staff sergeant with the 1st Engineer Battalion at Fort Leonard Wood, Mo.

¶ The Navy has launched an investigation into the photos of SEAL Team Five. One image shows a detainee lying on his back with a boot on his chest. Another shows a prisoner with an automatic weapon pointed at his head and a gloved thumb jabbed into his throat. In several photos, grinning SEALs take turns sitting or lying atop what appear to be three hooded and handcuffed men in the bed of a pickup truck.

¶ A report into the photos was completed in January, but the officer leading the investigation, SEAL Capt. James W. O'Connell, was traveling and was unable to review the report for several weeks.

¶ Six unnamed Navy SEALs and two of their wives filed a lawsuit against the AP over the photos in December, claiming that the images and accompanying article published Dec. 3 showed them in a false light. They seek unspecified damages.

¶ The AP has not yet been served with the complaint.

¶ "We haven't gotten any papers and are beginning to wonder whether they intend to proceed," said Dave Tomlin, the news cooperative's assistant general counsel.

CHARGE SHEET

I. PERSONAL DATA

| | | | | |
|--|----------------------------|---|------------------------------|---------------------|
| 1. NAME OF ACCUSED (Last, First, MI) [REDACTED] | | 2. SSN [REDACTED] | 3. RANK/RATE HM1 | 4. PAY GRADE E-6 |
| 5. UNIT OR ORGANIZATION [REDACTED] | | | 6. CURRENT SERVICE | |
| | | | a. INITIAL DATE 14 Jul 00 | b. TERM 5 years |
| 7. PAY PER MONTH | | 8. NATURE OF RESTRAINT OF ACCUSED None | 9. DATE(S) IMPOSED N/A | |
| a. BASIC \$2,596.20 | b. SEA/FOREIGN DUTY N/A | | | |

II. CHARGES AND SPECIFICATIONS

10. ADDITIONAL CHARGE: VIOLATION OF THE UCMJ, ARTICLE 92

Specification: In that Hospital Corpsman First Class [REDACTED] U.S. Navy, [REDACTED] on active duty; who should have known of his duties at or near Baghdad, Iraq, on or about 3 November 2003, was derelict in the performance of those duties in that he willfully failed to humanely treat Manadel Al-Jamadi, an enemy prisoner of war and/or enemy detainee, by posing for non-official photographs in which the said Manadel Al-Jamadi was subjected to degrading treatment.

III. PREFERRAL

| | | |
|--|----------------------|--|
| 11a. NAME OF ACCUSER (Last, First, MI) [REDACTED] | b. GRADE LN1, USN | c. ORGANIZATION OF ACCUSER COMNAVSPECWARCOM |
| d. [REDACTED] | | e. DATE 25 OCT 04 |

AFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 25 day of OCT, 2004, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

[REDACTED]
Typed Name of Officer

COMNAVSPECWARCOM

Organization of Officer

LT, JAGC, USNR

ASSISTANT FORCE JUDGE ADVOCATE

Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

12 gallery pages

11 10

4 of 15



Taken with a Saini Optical Co. Ltd (Pentax Optio 430) camera

Original size 1120x840 Current 600x450 Want bigger?

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Page 1 a0659 ----- r abx

Doc: 00262360 DB: research_d_2004_4 Date: Fri Dec 3 16:38:33 2004
 Alert Categories: def ira kcr lle ter trn
 Profiler Categories: Crime Defense Iraq Legal Terrorism
 Transportation

*** Version history. (* = this story, F = final, S = semifinal) ***

aD86ODPM80 12-03-2004 16:38:33*F BC-SEALs-Prisoner Photos, Bjt:
 aD86OEEL81 12-03-2004 17:23:17 F BC-SEALs-Prisoner Photos, Bjt:

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r abx

^BC-SEALs-Prisoner Photos, Bjt,1069<

^AP Exclusive: Navy investigating another set of Iraqi prisoner photos<

^With BC-SEALs-Summary Box<

%photo(^AP Photos<%)

^By SETH HETTENA=

^Associated Press Writer=

¶ CORONADO, Calif. (AP) — The U.S. military has launched a criminal investigation into photographs that appear to show Navy SEALs in Iraq sitting on hooded and handcuffed detainees, and photos of what appear to be bloodied prisoners, one with a gun to his head.

¶ Some of the photos have date stamps suggesting they were taken in May 2003, which could make them the earliest evidence of possible abuse of prisoners in Iraq. The far more brutal practices photographed in Abu Ghraib prison occurred months later.

¶ An Associated Press reporter found more than 40 of the pictures among hundreds in an album posted on a commercial photo-sharing Web site by a woman who said her husband brought them from Iraq after his tour of duty. It is unclear who took the pictures, which the Navy said it was investigating after the AP furnished copies to get comment for this story.

¶ These and other photos found by the AP appear to show the immediate aftermath of raids on civilian homes. One man is lying on his back with a boot on his chest. A mug shot shows a man with an automatic weapon pointed at his head and a gloved thumb jabbed into his throat. In many photos, faces have been blacked out. What appears to be blood drips from the heads of some. A family huddles in a room in one photo and others show debris and upturned furniture.

¶ "These photographs raise a number of important questions regarding the treatment of prisoners of war (POWs) and detainees," Navy Cmdr. Jeff Bender, a spokesman for the Naval Special Warfare Command in Coronado, said in a written response to questions. "I can assure you that the matter will be thoroughly investigated."

¶ The photos were turned over to the Naval Criminal Investigative

Page 2 a0659 ----- r abx

Service, which instructed the SEAL command to determine whether they show any serious crimes, Bender said Friday. That investigation will determine the identities of the troops and what they were doing in the photos.

¶ Some of the photos recall aspects of the images from Abu Ghraib, which led to charges against seven soldiers accused of humiliating and assaulting prisoners. In several of the photos obtained by the AP, grinning men wearing U.S. flags on their uniforms, and one with a tattoo of a SEAL trident, take turns sitting or lying atop what appear to be three hooded and handcuffed men in the bed of a pickup truck.

¶ A reporter found the photos, which since have since been removed from public view, while researching the prosecution of a group of SEALs who allegedly beat prisoners and photographed one of them in degrading positions. Those photos, taken with a SEAL's personal camera, haven't been publicly released.

¶ Though they have alarmed SEAL commanders, the photographs found by the AP do not necessarily show anything illegal, according to experts in the laws of war who reviewed photos at AP's request.

¶ Gary Solis, a former Marine Corps prosecutor and judge who teaches at the United States Military Academy, said the images showed "stupid" and "juvenile" behavior _ but not necessarily a crime.

¶ John Hutson, a retired rear admiral who served as the Navy's Judge Advocate General from 1997 to 2000, said they suggested possible Geneva Convention violations. Those international laws prohibit souvenir photos of prisoners of war.

¶ "It's pretty obvious that these pictures were taken largely as war trophies," Hutson said. "Once you start allowing that kind of behavior, the next step is to start posing the POWs in order to get even better pictures."

¶ At a minimum, the pictures violate Navy regulations that prohibit photographing prisoners other than for intelligence or administrative purposes, according to Bender, the SEALs spokesman.

¶ All Naval Special Warfare personnel were told that prior to deployment, he said, but "it is obvious from some of the photographs that this policy was not adhered to."

¶ The images were posted to the Internet site Smugmug.com. The woman who posted them told the AP they were on the camera her husband brought back from Iraq. She said her husband has returned to Iraq. He does not appear in photos with prisoners.

¶ The Navy goes to great lengths to protect the identities and whereabouts of its 2,400 SEALs _ which stands for Navy Sea, Air, Land _ many of whom have classified counterterrorist missions around the globe.

¶ "Some of these photos clearly depict faces and names of Naval Special Warfare personnel, which could put them or their families at risk," Bender said.

¶ Out of safety concerns, the AP is not identifying the woman who posted the photos.

¶ The wife said she was upset that a reporter was able to view the

Page 3 a0659 ----- r abx

album, which includes family snapshots. Hundreds of other photos depict everyday military life in Iraq, some showing commandos standing around piles of weapons and waving wads of cash.

¶ The images were found through the online search engine Google. The same search today leads to the Smugmug.com Web page, which now prompts the user for a password. Nine scenes from the SEAL camp remain in Google's archived version of the page.

¶ "I think it's fair to assume that it would be very hard for most consumers to know all the ways the search engines can discover Web pages," said Smugmug spokesman Chris MacAskill.

¶ Before the site was password protected, the AP purchased reprints for 29 cents each.

¶ Some men in the photos wear patches that identify them as members of Seal Team Five, based in Coronado, and the unit's V-shaped insignia decorates a July Fourth celebration cake.

¶ The photos surfaced amid a case of prisoner abuse involving members of another SEAL team also stationed at Coronado, a city near San Diego.

¶ Navy prosecutors have charged several members of SEAL Team Seven with abusing a suspect in the bombing a Red Cross facility. According to charge sheets and testimony during a military hearing last month, SEALs posed in the back of a Humvee for photos that allegedly humiliated Manadel al-Jamadi, who died hours later at Abu Ghraib.

¶ Testimony from that case suggest personal cameras became increasingly common on some SEAL missions last year.

Doc: 00272698 DB: research_d_2004_4 Date: Mon Dec 6 20:37:54 2004

Alert Categories: def ira kcr

Profiler Categories: Crime Defense Iraq

*** Version history. (* = this story, F = final, S = semifinal) ***

aD86QGISO 12-06-2004 20:37:54*F BC-SEALs-Prisoner Photos:Navy says
some SE

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^BC-SEALs-Prisoner Photos,0518<

^Navy says some SEALs photos taken for intelligence purposes, using
approved tactics<

%photo(^AP Photos LA103-06<%)

^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) _ Preliminary findings of a military inquiry suggest that some of the recently published photographs of Navy special forces capturing detainees in Iraq were taken for legitimate intelligence-gathering purposes and showed commandos using approved procedures, a Navy spokesman said Monday.

¶ The photos, which have drawn a strong reaction in Arab media, also appear to show Navy SEALs sitting or lying on top of hooded and handcuffed detainees in the back of a pickup truck.

¶ Citing the ongoing investigation, a spokesman for the Naval Special Warfare Command in Coronado declined comment on the pickup truck pictures, among 40 images of detainees which an Associated Press reporter found on a commercial photo-sharing Web site posted by a woman who said her husband brought them from Iraq.

¶ Senior officers at the SEALs headquarters said other photos are "consistent with the use of tactics, techniques and procedures in the apprehension of detainees," Navy Cmdr. Jeff Bender said.

¶ He cited as an example a photo in which a uniformed man is holding the head of a prisoner to pose him for a picture for "identification purposes." A gun with an attached flashlight is being used to illuminate the detainee's face for the photograph, Bender said.

¶ Taking photos of prisoners for administrative or intelligence purposes is an exception to Navy regulations that generally forbid unofficial photos of prisoners of war.

¶ In another photo, a commando standing with upraised fists next to a detainee is using hand signals to communicate with other troops who do not appear in the image, according to Bender.

¶ The two photos are part of a larger group of mug shots of detainees, whose faces were blacked out in the pictures posted online. Some drip blood, which experts on the law of war said was not by itself a sign of abuse. It was unclear whether the detainees resisted capture by Navy special forces.

¶ "No one knows what's on the other side of the door," Bender said, adding that the inquiry is ongoing.

¶ Some of the people in the photos have been identified as SEALs, Bender said.

¶ Date stamps on some of the photos suggest they were taken in May 2003, which could make them the earliest evidence of possible abuse or questionable handling of prisoners in Iraq. The far more brutal practices photographed inside Abu Ghraib prison occurred months later.

¶ It is unclear who took the pictures, which the Navy began investigating after the AP furnished copies to get comment for a story first published Friday.

¶ The photos were widely published in Arab media, including one on the front page of the daily Egyptian newspaper Al-Ahram showed three hooded prisoners pressed against one another on a floor with what appear to be white sheets wrapped around their torsos. The photo caption read: "Signs of a new scandal."

Doc: 00275185 DB: research_d_2004_4 Date: Tue Dec 7 12:42:35 2004

Alert Categories: def ira kcr

Profiler Categories: Crime Defense Iraq

*** Version history. (* = this story, F = final, S = semifinal) ***

aD86QUN206 12-07-2004 12:42:35*F BC-SEALs-Prisoner Photos:Navy boss:
Don't

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^BC-SEALs-Prisoner Photos,0437<

^Navy boss: Don't jump to conclusions about photos of SEALs with
prisoners<

¶ ALBUQUERQUE, N.M. (AP) _ Navy Secretary Gordon R. England urged Americans to avoid forming conclusions about recently published photographs of Navy special forces capturing detainees in Iraq.

¶ The photos, which have drawn a strong reaction in Arab media, appear to show Navy SEALs sitting or lying on top of hooded and handcuffed detainees in the back of a pickup truck.

¶ "Until I know there's been wrongdoing, my assumption is that we're doing things right until proven otherwise," England said Monday during a visit to Albuquerque for the dedication of a new submarine.

¶ England, in his first public comments since an Associated Press reporter found the photos on a commercial photo-sharing Web site, said the context of the photos is unknown.

¶ "I don't think it's appropriate for the press to jump to conclusions until we better understand the circumstances," he said.

¶ It's unclear who took the photos, which the Navy is now investigating.

¶ Navy Cmdr. Jeff Bender, a spokesman, has said preliminary findings suggest that some of the photos were taken for legitimate intelligence-gathering purposes and showed commandos using approved procedures.

¶ He cited as an example a photo in which a uniformed man is holding the head of a prisoner to pose him for a picture for "identification

purposes." A gun with an attached flashlight is being used to illuminate the detainee's face for the photograph, Bender said.

¶ Taking photos of prisoners for administrative or intelligence purposes is an exception to Navy regulations that generally forbid unofficial photos of prisoners of war.

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¶ The two photos are part of a larger group of mug shots of detainees, whose faces were blacked out in the pictures posted online. Some drip blood, which experts on the law of war said was not by itself a sign of abuse. It was unclear whether the detainees resisted capture by Navy special forces.

¶ "No one knows what's on the other side of the door," Bender said, adding that the inquiry is ongoing.

¶ Date stamps on some of the photos suggest they were taken in May 2003, which could make them the earliest evidence of possible abuse or questionable handling of prisoners in Iraq. The far more brutal practices photographed inside Abu Ghraib prison occurred months later.

Page 1 k0156 caca- r nbx

 Doc: 00308512 DB: research_d_2004_4 Date: Wed Dec 15 19:30:00 2004
 Alert Categories: def ira kcr
 Profiler Categories: Crime Defense Iraq

*** Version history. (* = this story, F = final, S = semifinal) ***

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^BC-CA--SEALs-Prisoner Photos,412<

^Navy SEALs expanding inquiry into Iraq prisoner photos<

%photo(^AP Photos<%)

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^By SETH HETTENA=

^Associated Press Writer=

¶ SAN DIEGO (AP) — The Navy SEALs are expanding their investigation into recently published photographs that show freshly-captured prisoners and grinning commandos sitting or lying on hooded and handcuffed detainees in Iraq, a spokesman said Wednesday.

¶ Following a preliminary inquiry, senior SEAL officials have decided to take a more thorough look at the circumstances surrounding some of the photos, Navy Cmdr. Jeff Bender said. Some of the images also show the bloodied faces of detainees.

¶ Such an investigation, which will take up to a month, could result in disciplinary proceedings.

¶ The preliminary inquiry by a single Navy investigator found that the majority of the 15 photographs published Dec. 3 by The Associated Press were taken for legitimate intelligence-gathering purposes and showed commandos using approved procedures, Bender said. He cited as an example a photo in which a weapon with a flashlight attached is pointed at a detainee's head to illuminate his face as another commando snapped a photo.

¶ But other photos appear to show Navy SEALs posing for photos on top of hooded and handcuffed detainees in the back of a pickup truck. Bender declined to comment on the pickup truck photos, citing the ongoing investigation.

¶ Bender said some SEALs have been called in for questioning during the preliminary inquiry, which was launched after the AP brought the photos to the Navy seeking comment. An AP reporter found 40 photos of detainees on a commercial photo-sharing Web site. They were among hundreds posted by a woman who said her husband brought them back from Iraq.

¶ Taking photos of prisoners for administrative or intelligence

Page 2 k0156 caca- r nbx

purposes is an exception to Navy regulations that generally forbid photos of prisoners of war.

¶ Naval Special Warfare Group One, which oversees four SEAL teams based in Coronado, will take over the investigation. A new investigating officer will be assigned to handle the case.

¶ Bender declined to say which of the SEAL teams was involved. However, some other photos show the insignia and patches of Seal Team Five, which is based in Coronado.

¶ Date stamps on some of the photos suggest they were taken in May 2003. That would make them the earliest evidence of possible abuse or questionable handling of prisoners in Iraq.