

## Pretrial hearing begins for Marine commander in Haditha

by Rick Rogers - CNS

CAMP PENDLETON, Calif. - A marathon pretrial hearing began Wednesday for the commander whose Marines are accused of committing the worst atrocity of the Iraq war. Lt. Col. Jeffrey Chessani, former commanding officer of the 3rd Battalion, 1st Marine Regiment, is charged with violation of an order and dereliction of duty. His hearing at Camp Pendleton is expected to last at least nine days and include dozens of witnesses.

Chessani is the highest-ranking of four officers accused of not fully reporting and investigating the deaths of 24 Iraqi civilians on Nov. 19, 2005, in Haditha. Three enlisted Marines are charged with murdering those Iraqis after a roadside bomb killed one of their unit's members and injured several others.

The defendants have portrayed the deaths as an unavoidable consequence of combat.

Marine 1st Lt. Max Frank supported their perspective. Frank, an officer sent to the scene after the attack, testified that the civilians' deaths were horrendous. But he didn't suggest a war crime had been committed.

"It was unfortunate what happened, but I had no reason to believe it was on purpose," said Frank, whose deposition was recorded in March under a grant of immunity. He is currently deployed in Iraq.

Five of the Iraqi civilians were shot to death as they left a vehicle near the bomb blast. The other 19 were killed in several homes where the enlisted Marines had reported hearing gunfire from insurgents.

The Marines later found no combatants in those houses. Instead, the dead included six children and two women whom Frank found in a single room. He also saw a child whose head was blown off and a man who lost his legs.

Frank testified that he and another Marine loaded the corpses into Humvees. Other Marines refused to take on the task because there weren't enough body bags and gloves for handling the corpses.

The bodies were taken that night to a morgue in Haditha. Local hospital officials were clearly disturbed upon seeing the corpses, Frank said, and one vomited.

Several Marine officers huddled after the killings to decide how to put "the best face" on the incident, Frank said.

They decided "to go out and tell people how sorry they were. The idea was that this is what happens when you let terrorists use your houses to attack Marines," he testified.

Frank also said he snapped some digital photos at the Haditha scene, but that another Marine deleted them because he thought troops were banned from having pictures of dead Iraqis on personal equipment.

Chessani's court proceeding, known as an Article 32 hearing, is expected to include more than 40 witnesses. Defense attorney Brian Rooney has said he might call on senior officers such as Army Gen. George Casey Jr. and Marine Maj. Gen. Richard Huck to testify.

Rooney said no one should be charged for the Haditha killings because the deaths stemmed from legitimate combat. He also said Chessani looked into the incident three times but found no violation of the military's Law of Armed Conflict.

"We are really eating our own," said Rooney, a former Marine lawyer. "The terrorists are laughing in their caves."

Col. Christopher Conlin is the investigating officer in the case. He will recommend whether Chessani goes to trial, and the final decision rests with Lt. Gen. James Mattis, commanding general of the 1st Marine Expeditionary Force at Camp Pendleton.

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