

Investigator: U.S. soldier poured kerosene on raped, slain Iraqi

BAGHDAD, Iraq (CNN) -- One of the U.S. soldiers accused of raping and killing an Iraqi and slaying her family told investigators that after the killings he poured kerosene on the girl's bullet-ridden body, according to testimony Monday in a military hearing.

In an interview with the U.S. Army's Criminal Investigative Division in June, Spec. James P. Barker, 23, said that he held the girl down while she was raped by another soldier, Sgt. Paul Cortez, during an incident in March in Mahmoudiya, according to testimony from CID Special Agent Benjamin Bierce.

Barker said that he then attempted to rape the girl himself, before she was shot to death by former Pfc. Steven D. Green, Bierce said.

Barker told investigators he was not sure if he penetrated the girl, because he was having trouble getting an erection.

Bierce also testified that Barker admitted pouring kerosene from a lamp onto the girl's body, although it was unclear from the testimony who set the girl on fire.

Bierce's testimony came during the second day of a preliminary hearing in Baghdad for Barker, Cortez, 23, and two other soldiers, Pfc. Jesse V. Spielman, 21, and Pfc. Bryan L. Howard, 19, who are charged in connection with the killings in Mahmoudiya, south of Baghdad.

The hearing will determine whether there is enough evidence to proceed to a court-martial, where they could face the death penalty.

Green, who was discharged from the Army in May because of an "anti-social personality disorder" and returned to the United States, is facing rape and murder charges in a civilian federal court. He is being held in a Kentucky jail.

Another soldier, Sgt. Anthony W. Yrube, has been charged with failing to report the alleged rape and killings but is not alleged to have been a participant.

All six men are from the 502nd Parachute Infantry Regiment of the 101st Airborne Division, based in Fort Campbell, Kentucky.

There is some confusion over the alleged rape victim's age. Identity cards and death certificates of the victims, which were obtained by Reuters news agency, show that the alleged rape victim was Abeer Qassim Hamza al-Janabi, with the birth date August 19, 1991. The mayor of Mahmoudiya confirmed her identity and birth date to CNN.

The U.S. military had previously referred to the alleged rape victim as a "young Iraqi woman." A Justice Department affidavit in the case against Green says investigators estimated her age at about 25, while the U.S. military said she was 20. Her father, mother and 5-year-old sister also were killed.

Two soldiers' accounts

Monday's testimony focused on statements Barker and Cortez gave to investigators, in which both soldiers described the day of the alleged attack.

According to their statements, the soldiers were drinking whiskey, playing cards and hitting golf balls when Green brought up the idea of going to a house near the checkpoint where they were stationed to rape the girl. Barker described Green as very persistent, Bierce testified.

The statements said the five soldiers -- Green, Cortez, Barker, Spielman and Howard -- then changed into dark clothing and covered their faces before going to the house. According to Barker, Howard was the lookout and was given a radio to use if anyone approached, Bierce said.

The four remaining soldiers then entered the home, at which point the statements from Barker and Cortez about what happened diverge, according to Monday's testimony.

Barker told investigators that Cortez pushed the 14-year-old girl to the floor and made "thrusting motions" as Barker held down her hands, then they switched positions, Bierce said. Sometime during the assault, Barker said he heard gunshots come from the bedroom, where the girl's parents and sister had been taken, and an agitated Green emerged and said he had killed them, Bierce said.

According to Barker, Green then put down the AK-47 he had been carrying and raped the girl, while Cortez held her down, and then picked up the gun and shot her several times, Bierce said. Green then went into the kitchen and, when he returned, said he had opened the propane tank and they needed to get out of the house because it was about to explode, Bierce said.

However, in his statement to CID investigators, Cortez denied raping the girl, although he admitted holding her down while Barker raped her, Special Agent Gary Griesmyer testified.

Under questioning, Griesmyer testified there was no evidence Spielman raped or murdered anyone in the house. Special Agent Michael Hood also said Spielman passed a polygraph test, in which he denied shooting or raping anyone.

However, in his statement to investigators, Barker put Spielman at the scene and said Spielman grabbed the 5-year-old girl outside the house and took her inside, Bierce said.

After the alleged attack, Barker also said the soldiers gave Spielman their clothes to burn and that he threw the AK-47 in a canal, Bierce said.

U.S. soldier testifies of his investigation

Also testifying Monday was a soldier in the same platoon as the accused men, Pfc. Justin Watt, who said he began trying to find out what happened at Mahmoudiya after Yribe confided to him that Green had told Yribe about the rape and killings.

"I wanted to see if I could confirm my suspicions that there were more people involved," Watt said. "I believed there were American forces involved."

Watt said when he asked Howard about what happened, Howard revealed the plan to rape the

girl and that his role was to be the lookout.

"(Howard) let me know that he ended up seeing a Humvee and calling them back frantically," Watt testified. Howard also told him that when the other soldiers returned from the house, "Their clothes were covered in blood," Watt said.

Watt said after piecing together the details about what happened, he reported his suspicions to a combat stress team.

"If you have the power to make something right, you should do it," Watt said. "Investigation is not my job. But if something went down -- something terrible like that -- then it's my obligation to come forward."

However, Watt also described the conditions at Mahmoudiya as a "suck fest," testifying that the soldiers were living in the basement of a "dilapidated, abandoned water treatment facility" and had gone 30 days without a shower. He also said the ongoing violence, including the deaths of two soldiers in their unit shortly before the slayings of the Iraqi family, had affected everyone.

"I was going to get a memorial tattoo of all the guys (who were killed), but there's not enough room on my arm," Watt said.
