THE VICTIM AND THE KILLER

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In the Sunni neighborhood of Amariyahin west Baghdad on June 24, a 33-year-old Iraqi man named Yasser Salihee was driving alone as he approached a small number of soldiers from a mixed U.S. and Iraqi patrol. Salihee was driving west. It was midday and most of the soldiers in the patrol had just entered a four-story building on the south side of the street to search for suspected insurgents on the roof. A few stayed down on the street to provide security. On the north side of the street stood two U.S. snipers; across the street an American from the same unit and at least one Iraqi soldier were posted. The street was left open to traffic: The patrol had not blocked off the street with cones and concertina wire, as they normally would for a cordon and search operation. The soldiers decided to stop cars by standing in the street and aiming their rifles at the drivers.

As Salihee approached the patrol from the east, another car was turning around in front of him. He began to drive around it to the right. Exactly what happened next is in dispute. What is certain is that as Salihee went around the car, the two U.S. snipers, thinking he was a suicide bomber, opened fire. At least four rounds were fired. One blew out the car's right front tire; another ricocheted off the ground and pierced the gas tank. The final 7.62 millimeter round pierced the driver's side of the windshield, entering Salihee's right eye and shattering his skull. Salihee died instantly.

The American troops left the car in the street and moved to a different position. An hour after the shooting, an Iraqi policeman found Salihee's phone and called his wife, Raghad. Raghad arrived at the scene and found her husband's body still slumped in the car, and she called an ambulance. Then she sat down on the curb and wept.

Salihee was not a suicide bomber. He was a physician and journalist who was going to his house on his day off to pick up his 2-year-old daughter, Dania, and take her swimming. Barely able to make ends meet on the meager salary paid doctors by the Iraqi Health Ministry, Salihee had talked his way into a reporting job at Knight-Ridder in early 2004. He earned bylines in the San Jose Mercury News and other major U.S. papers by writing about detainees who had been tortured by Iraqi police and the dangers faced by men driving alone in the city. After his death, anguished tributes from colleagues and friends flooded the Internet and the papers, even NPR.

I first met Yasser Salihee in May, through his younger brother, Ayman, who works as my interpreter. Whenever Ayman needed a contact or a piece of advice, he called his older brother for the answer, which meant they were on the phone all the time. They were very close, and it wasn't long before I met Yasser, who wanted to help on an investigative story. Over the course of a few weeks, we grew to be friends as we worked to find leads and uncover the past of the main subject, a member of the Iraqi National Assembly. Yasser worked in his off-hours to find leads and would show up at the hotel with his latest haul of phone numbers and ideas. In his rimless glasses and perfectly pressed shirt, Yasser came across more as a scientist than a reporter. He was a man with a great deal of curiosity and respect for facts. He also had no problem telling me what to do. Once, when he thought I needed a haircut, he sent the barber to my hotel room so there would be no escape.

In early June, Yasser stopped by and we talked about what he was going to do after his stint as a journalist. I said he shouldn't give up on it, that Iraq needed reporters. "Yeah, but this isn't going to last forever," Yasser said.

Three weeks after that conversation, just after I returned from a trip to Fallujah, Ayman called and said that his brother had been shot and killed by U.S. soldiers. Ayman was in shock. I felt revulsion toward the soldiers, a sense of betrayal. At the end of the conversation he told me, "Don't worry, you are still my brother. Don't worry." He wanted me to know we were still friends despite his shattered trust in the U.S. Later on he would say, "You don't know what I'm feeling," and it was true. There weren't words for it.

A few days after Ayman told me about Yasser's death, I decided to search for the soldier who pulled the trigger and look for answers about the shooting. I wanted to hear what happened in the soldier's own words. The story presented a serious difficulty: I could not tell the U.S. military that I was working on Salihee's killing: Third Infantry Division Public Affairs officers will not help a reporter who is working on a "negative" report about civilian casualties, and one such officer told me as much. To date, the U.S. military has refused to release any figures about the civilians it has killed, although it keeps very detailed records of every incident.

So I requested an embed slot in western Baghdad without mentioning the killing and hoped to find the soldiers involved by tracking down which unit was at the intersection of Amel Al Shabi and Rafaee streets. Two weeks later, after a lucky break, I was able to find the unit and the man who fired the fatal shot. To increase the chances of finding the soldier, I asked to embed with the company that patrolled the area, part of the 256th Brigade Combat Team. It was a matter of knowing which unit identifying numbers were on the vehicles in the neighborhood and making a rough guess whom to embed with. Ayman and I visited the intersection where the shooting occurred so

I could see it and talk to eyewitnesses. The street is full of people, mostly men selling bread or hardware. It's a busy commercial district that borders a major artery in the western sector of the city, and an easy place to recognize.

A day after I started the embed with the company in Amariyah, I was riding in a Humvee taking a tour of the neighborhood, when we suddenly turned down Rafaee street and then turned right on Amel Al Shabi, the same intersection where Salihee was killed. The patrol had gone over the exact spot, so there was no doubt that this was not only the right company, but the same platoon. Not long after that, a number of soldiers in the company came forward to tell me that they were nearby when Salihee was shot. I also knew from Ayman that snipers had fired on Salihee's car, so it came down to asking a young specialist from Louisiana who the snipers were in the unit. As we talked in his room and looked at video his buddies had shot during their tour in Iraq, the specialist gave me two names. One of the men worked in the company headquarters, the other sniper was still going on patrols. The next night, the 13th of July, I walked into the command post after dinner and recognized one of the men the young soldier had mentioned. The man was working on a notebook computer at a big table in the front room of the command post. We struck up a conversation.

A sniper with the 256th Brigade Combat Team.

The sniper was working the night shift at the command post. He was a tall, good- looking man who didn't have trouble getting girls back home. He showed me photographs on his computer, describing them in a deep Southern baritone. It was late and there weren't a lot of people around at that time of the night. Radios chirped and hissed in the next room with traffic from the patrols outside the wire as they made their way through the neighborhoods of western Baghdad. Satellite maps of the capital marked

“SECRET” covered the walls of the trailer. It was a quiet night, and there were no roadside bombs or rocket attacks as the patrols called in their positions.

The soldier showed a picture of himself kneeling on the ground, surrounded by Iraqi men who were giving the camera the thumbs up. One of the young cousins was throwing a gang sign, his fingers spread out in a sideways “V.” The men were smiling. One of the older brothers had his hand on the sniper’s shoulder. In the foreground, laid out in front of the American, was his trophy, a dead fox.

The sniper explained to me that he had befriended the Shiite family in the photograph while his unit spent some days near the town of Taji. He was ordered to watch a road and posted on their roof. “They were so respectful and wanted to learn things about us, and learn about our culture. It was like we were very important people, stopping in at their house,” he said with some amazement. It was one of his happiest memories of Iraq.

“On our last day at that position, while we were waiting to be extracted after midnight, we were sitting with the father, sons and cousins. Then the old man looked out and saw a fox near his chickens. I looked through my night vision system and saw the fox on a roof on the far side of a courtyard. The father said, ‘Would you mind shooting the animal that is killing our chickens?’ I said, ‘Not a problem.’ So I fired and it disappeared, but they didn’t believe I hit it. I told the kid to go out and see for himself and he went out there and came back with the fox, smiling. The old man was so happy.”

The sniper said he wanted to go back to see how the family was doing, but the unit changed locations and he couldn’t keep his promise to return. He brought up more photographs of his sniper positions, and told me he could

hit a quarter at 300 meters. It is a distance of nearly a thousand feet. The sniper also told me his first name was Joe.

Back home, Joe hunts white-tailed deer with a bow and arrows he carves out of cedar shafts. “You have to know how to stand,” he said. “You only have 20 yards.” Like most of the men in his unit who are from the deep South, he can talk about the woods for hours, and his descriptions of his favorite places are unusually vivid, but the world beyond the forests and bayous, the chain of command and military politics, makes him uncomfortable. In the war zone, Joe remains close to the noncommissioned officers he trusts and avoids officers as much as he can. Joe is the son of a fighter pilot who died a year after he returned from Vietnam. There have been soldiers in his family for generations. When he started talking, I could see that he was struggling to make sense of his experiences in Iraq.

Joe went through the pictures on his laptop one by one, talking about near misses where his hiding place was nearly discovered, and the hot days where he had to lie perfectly still while Iraqis walked a few feet away from his position.

We looked at photographs of Joe crouching in fields, surrounded by tall grass where he can barely be distinguished in his camouflage suit. In many of the shots, he’s flipping off the camera. “That’s just something we do,” he told me. “I don’t think you can use any of those pictures,” he said and laughed.

Then he brought up a photograph of a white Daewoo Espero sedan on a Baghdad street. The sedan had a single bullet hole in the driver’s side of the windshield. Behind the wheel there was a lifeless man, slumped in the seat with a shattered skull and a torrent of blood staining his shirt. The image carried a sudden shock of recognition and despair. The dead man behind the wheel of the car was my friend and colleague, Yasser Salihee.

The sniper lowered his voice when he talked about the pictures of the car and the man inside it. His self-assured manner disappeared and he became nervous. “Here is one of ours. I really hope he was a bad guy. Do you know anything about him?” Then he said, “See, I don’t know if I should be talking about this.”

“Did you fire the shot that killed him?” I asked.

“I don’t know.”

Joe said that it was true that he fired the shot through the Espero’s windshield, but he wasn’t positive if it was the lethal shot. There was no doubt that it was, but Joe seemed to be genuinely uncertain about it. It was clear that he did not want it to be true.

The next day, I asked Joe if I could interview him about what happened that day. He agreed, but asked me not to use his full name because he was afraid of retribution in the United States. “I don’t want someone coming after me,” he said. I did not reveal that I’d been looking for him for two weeks.

The day after I looked at the photos on Joe’s laptop, I went out with his platoon on a patrol in Amariyah. It was July 14 and it was 125 degrees. Within a few minutes we were drenched with sweat. “This is a perfect place for a vee-bid,” the platoon sergeant said as he stood outside the concertina wire on a busy street. (For security reasons, none of the soldiers involved will be named.) He was halfway through handing out a thousand frozen chickens in a part of the city that has been flooded by refugees from Fallujah and Ramadi. It was not a good place to stand on the street for longer than a few minutes and no one wanted to be there. “Vee-bid” is U.S. slang for a Vehicle Borne Improvised Explosive Device, a weapon otherwise known as a car bomb, which insurgents prefer to use against U.S. forces because there is

no defense against it. The armor on Humvees will not stop the force of a blast fueled by artillery shells and anti-tank mines. Whenever soldiers talk about vee-bids, their sense of dread comes through.

The soldiers were not enthusiastic about giving the chickens away. One man called it “Operation Chicken Choker” because he didn’t want to be blown up giving food to people who were sympathetic to the insurgents. It was easy to see what he was talking about. Amariyah, which is mostly a Sunni neighborhood, was home to high-level military officers for the previous regime, and many of them have fled to Jordan and Syria where they provide funds for the insurgency. There is a constant sputter of gunfire in Amariyah. If it’s not coming right down on the soldiers, they barely look up.

The platoon managed to finish the mission in 45 minutes, throwing the chickens in careful arcs to the sergeant, who relayed them gracefully to the surprised passengers of passing cars. The platoon had been waiting for the chickens for hours because they had been stuck on the highway behind a roadside bomb, and when they were finally gone, there was a sense of relief. Knowing the intensity of violence in Amariyah, sending soldiers to deliver frozen chickens in the insurgent-controlled neighborhood seemed insane.

In the evening, I went back to the company headquarters to look for Joe, who was working the night shift again. We had trouble finding a good place for the interview because people kept coming through the trailer. We eventually ended up in the first sergeant’s office and closed the door. After a few minutes, I told Joe that I did know Salihee, that he was a friend, and that I wanted to hear his side of what happened. I asked him to go over the events of that day.

His answers didn’t come out in a linear chronology. Instead, Joe went back and forth over the same stretch of time, describing the block where the

killing happened, trying to explain what it was like to drive down that street. The American names for the crossroads where Salihee died, Screaming Lady and Cedars, came up many times when he talked about attacks on the soldiers. “We’ve had a lot of problems right there from Cedars at the intersection with Screaming Lady -- that is the worst part of our sector is right there,” Joe said. It is a place where soldiers from Joe’s company regularly come under small-arms fire and sniper attacks. The day before Salihee was killed, an insurgent sniper had shot and critically wounded a soldier in Joe’s platoon named Root, less than 300 feet from the intersection. On the 24th of June, Joe and his spotter were sent out with the platoon as a counter-sniper team.

Not long after the patrol entered the area, someone spotted a man on the roof of the four-story building at the corner of Amel Al Shabi, and the platoon moved in immediately for a search, while Joe and the spotter stayed down on the street to provide security. Joe also said that the platoon was taking small-arms fire in the neighborhood and that they had to move from cover to cover to reach their final position at the intersection. This is when two cars approached the U.S. snipers, with Salihee behind the wheel of the second. I asked him to describe the moment he started firing at Salihee’s car.

“I was shooting to disable when he swerved around the other car. He was going more than 20 miles an hour. We aren’t used to seeing someone drive that fast.” I wanted to know if Salihee had time to react, if he had time to stop. The car turning around in front of Salihee could have obscured his vision of the American patrol ahead. Joe said, “He had to have seen us, he had to have. I was standing in the middle of the road. I made eye contact with him after the warning shots. I thought, Oh my God it’s a vee-bid, we’re done.” Joe said he was firing from a standing position and that he had moved out into the street to stop Salihee. “I fired the first warning shot at 150 meters and the last shot at 20 or 30 meters. His hands never went up. It looked like he was

ducking behind the steering wheel at 70 or 80 meters. It looked like there was a small silhouette of his head." Joe said that Salihee didn't respond to the warning shots, that he didn't slow down.

When I asked Joe about the total elapsed time between the warning shots and the lethal shot he said, "The total elapsed time was 6 or 7 seconds." When Joe talked about his decision to fire at Salihee, he sounded anguished, but he kept coming back to the moment when Salihee passed the first car, the moment he decided that Salihee was a bomber attacking the U.S. position.

Two Iraqi eyewitnesses contradicted Joe's account. Falah Hassan Jasim, a plumber who was standing on the south side of the street when the shooting happened, told me, "There was a Lada car turning in the road and he [Salihee] tried to pass it, and then he pulled over. The Americans shot him, they were standing in the middle of the street." According to Hassan, Salihee was stopped with his hands up when the snipers fired at him. I asked Hassan about the interval between the shots and he said, "It was like this, pop, pop, pop," saying the bullets were fired in less than a few seconds.

Another witness, Hamid Mohammed Aboud, a 25-year-old ice seller who works at the corner of Amel Al Shabi and Rafaee streets, said, "Both Americans were firing at the same time, the shots were very close together." When the shooting started, the ice seller said he ran to seek shelter in a nearby store. "I am talking about this because I might be in the same place one day."

Was Salihee's car stopped? There does not appear to be definitive proof one way or the other. Ayman Salihee, Yasser's younger brother, said that when he arrived at the intersection, he saw that the Espero's transmission was in neutral and that his brother's feet were on the brake. In the police report, a diagram shows that Salihee's car was pulled all the way over to the left side of the street, parallel to the curb.

The evidence suggests that Salihee might have had his hands raised. Four fingers on Salihee's right hand were missing. Although it's possible that a bullet other than the fatal bullet caused the injury (there were conflicting stories that an Iraqi soldier might also have fired), the missing fingers and the angle of fire are consistent with a bullet striking a raised hand.

The details may be murky, but in retrospect it is fairly clear what happened. The real problem was that the platoon did not put out cones and wire -- if they had Yasser would have stopped. Then came the fateful turning car, followed by another car coming around it. The soldiers were on edge, but they seem to have followed their rules of engagement. It was a typical misunderstanding, of the sort that happens all the time in Iraq.

After Joe fired at the windshield he walked to the car and saw that Salihee was covering his eye with his right hand, but as he watched the hand fell and blood poured from the wound in the man's head. Not long after the shooting, Joe's unit left the area. "We had to leave the scene and that was fucked up, but we had to continue our mission. Then we came back and I saw the lady crying and it got to me because I'm not out here to kill innocent people at all. When I saw her, that's when I knew something was wrong." The woman Joe saw was Raghad Salihee, Yasser's wife, and in our conversation he returned several times to the moment he saw her near Salihee's car. It's an image that deeply troubles him.

On 2nd of July, before I found the sniper, Ayman had taken me out to the Salihee house in Saydiyah where I met Raghad Salihee for the first time. She is a lovely woman, also a physician. When we arrived, the entire family was in mourning. Raghad came into the living room and she was weeping when she said, "If I find the soldier, I will kill him." After I came back from the embed with Joe's unit, I spoke to her at the hotel about the killing of her husband. She spoke calmly as her daughter played nearby. "I want many

things but I want the Americans to stop running in the street, they are killing anyone. I also want them to stop using these types of destructive bullets. I see the injuries in the hospital. If a bullet strikes someone in the abdomen or leg, the person dies. If they are shot in the brain, they die immediately."

Raghad went on to say, "I want the Americans to go back to America, but I know they won't go." She asked me if I knew a lawyer in the United States who could take her husband's case. As her daughter gazed hypnotically at the hotel pool, Raghad said, "Can you help me? Please, can you help me?"

Yasser Salihee's name has been added to a steadily growing toll of civilian casualties of the Iraq war. A Web site, Iraqbodycount.net, has estimated that at as many as 26,000 civilians have been killed since the invasion. Because the organization compiled the number from verified news reports, the true toll is higher, since not all of the civilian casualties appear in the press.

The Army is conducting an investigation of Salihee's shooting, as it does in all shootings of civilians that result in death. Considering the murky circumstances and the Army's rules of engagement, it seems unlikely that any disciplinary action will be taken. In an interview with the Los Angeles Times, the spokesman for coalition troops in Iraq said he did not know of any soldier who had been punished for shooting a civilian in traffic or at a checkpoint.

One day in early June, Yasser found a set of X-rays in my hotel room. He said, "Hey, man, what are you doing with X-rays?" I explained that they belonged to a boy named Rakan Hassan, who was wounded by American soldiers when they fired on his parents' car in Tal Afar earlier this year. The boy's parents were killed. Yasser held the X-rays up to the light and read them, pointing out the fractures and the damage to the boy's spine. This was the moment I learned he was a doctor, that he could do more than report the

news and find sources for stories. Yasser would put down his notebook and help tend to wounded people. Yasser Salihee's talents were not solely his own, they reached beyond him, into possibilities for his wounded country. But his future is gone, and with it goes a measure of hope for Iraq.

Before I left Joe at his company headquarters at Camp Victory, he said he wanted to tell the Salihee family he was sorry and that he'd never had to fire to stop a car before the 24th of June. "If I'd seen his hands up, no way would I have fired a shot. We didn't murder him. No way was it murder," Joe said. But there was desperation in his voice, as if he wasn't sure. ■