

# 16+1=17; 17-1=16

One of Robert Bales' lawyers, Emma Scanlan, seemed to expect the government to drop one of the murder chargers against her client, and the press seems to assume that DOD simply overcounted bodies when they first charged Bales.

Bales attorney Emma Scanlan said she received the new charges Friday and that there was nothing surprising in them. There had been talk for some time that the number of victims in the massacre had been over-counted.

Because DOD, apparently, can't count to 20, or even 17?

But take that revelation in the light of this description, which says the new number comes from developments in the investigation.

Update: Here is the new charge sheet. There is one fewer female, though as I'll explain shortly I think they may have also explained a gender discrepancy they had earlier. So this might just be a correction. Also note, the new charge sheet, unlike the old one, names everyone.

The new slate of charges detailed Friday by the U.S. Army – which are defined as violations of the Uniform Military Code of Justice – include 16 counts of premeditated murder, one of several changes that the military said were done “to conform to developments in the ongoing investigation.”

And Bales' lawyer John Henry Browne's relief that DOD has made his client's steroid use public by charging it.

Bales' lawyer, John Henry Browne, responded to the changes by saying he is “so relieved” that military prosecutors “came out publicly with the steroid

use.”

“Steroid use is going to be an issue in this case, especially where Sgt. Bales got steroids and how he got steroids,” Browne told CNN.

I have long maintained that the attacks made more sense if you assumed multiple killers in Najiban, with the attack on Mohammed Dawood’s house being a regular night raid, with Bales’ alleged attack on Mohammed Wazir’s family a terrible fuckup. It’s an argument Truthout developed further here, with reporting from villagers. Significantly, in response to their queries, DOD significantly qualified the statement they gave to me regarding related operations in the area.

The investigative web site Emptywheel reported March 28 that Department of Defense spokesperson Bill Speaks had checked with the International Security Assistance Force and confirmed that “there were no military operations in those villages the night of the killings.” But in response to a query from Truthout, Brig. Gen. Lewis M. Boone, the director of public affairs for US Forces Afghanistan, qualified that response. “[A]ll operational reports received in the initial aftermath of the incident indicate that the subject acted alone,” Boone wrote. “Furthermore, his actions were not associated with any other operation in the area.”

In a further email, Boone explained that any additional information beyond those initial reports related to the questions of whether Bales acted alone and whether there was a US military operation that night “falls under the purview of the investigation.”

Browne's comments, plus his reference to Bales taking, "two sips of alcohol off of someone else's Gatorade bottle," seem to point to the involvement of another person(s), the source of the steroids and booze. Which leads me to suspect that that other person was part of that night raid, which killed one person (Dawood) as a legitimate military target that they have therefore taken off Bales' charge sheet.

Which brings us to one other new charge of particular interest: destroying a laptop. Robert Bales is now accused of destroying what is/was likely evidence. Remember that tale the government told about how Bales turned himself in? Was that before or after he destroyed a laptop?

It appears that tale is no longer operative.

Update: Yep. Bales' legal team is waving big flags saying "There were other people!!!!" though the press seems not to have noticed.

She said the development was indicative of the "prosecution's biggest problem in this case – even putting our client in these villages. Or that he was even the one who killed them."

The question is, if Bales destroyed a laptop with evidence of others' involvement and he's taking the fall, does DOD know who else was involved?

Update: Trying to get the new charges. USA Today lists the laptop charge and one for burning bodies that others don't have, so there is a discrepancy.

Update: OK, the Defense is clearly saying SOF provided the steroids, which I think says they're pointing at SOF involvement.

Emma Scanlan, an attorney on Bales' defense team, said the Army alleges that Bales obtained steroids from a Special Forces soldier at his base in Panjwai.

Update: Here's the new charge sheet. He is accused of burning a laptop on the day of the attack. He's also accused of assaulting an Afghan in February. I'm working on a post analyzing the changes.