

BLOOD MONEY

Situation: Early one Tuesday morning in Iraq, months of work gathering intelligence came to a head. With the help of a valued informant and weeks of patrolling, my company knew the identities and whereabouts of seven members of an improvised explosive device (IED) cell. This particular cell had contacts in Al Qaeda in Iraq and was conducting increasingly effective attacks. We had patterned the cell to a high level of detail and determined that if we launched the raid at 0800, my company and our partnered Iraqi company would find all members of the cell in their habitual locations.

The hit times were well synchronized and after eliminating their early warning, we descended on the subsequent four objectives killing four members of the cell and capturing two. Among the captured was Abu Haithem (meaning father of Haithem), roughly 50 years of age – the leader of the cell. Among the dead were two of Abu Haithem's sons, Haithem and Jamil. Unfortunately, during the firefight on the main objective, Haithem's six year old daughter Raneen had run across an open area in front of her father and was accidentally shot and killed by our fire.

After collecting the dead and the detainees, I stopped at the house of the local school's headmaster. He informed me that there were no males left in Abu Haithem's family and that the family would struggle without their men. I then asked if he would act as a go-between if I were to return to pay an obligatory consolation payment to the family because of Raneen's death. He agreed and I told him that it would be at least 30 days before we returned because I knew that my company's actions had inflicted significant trauma on the entire family.

Later I began to struggle with the notion of paying a consolation payment. Although I did not know of any other males in Abu Haithem's extended family, I knew that the closest relative would have a culturally mandated debt of honor against me and my company. In short, he would be compelled to at least attempt an attack against us in order to maintain the family's honor. Although there were plenty of resources available from within the insurgency and from Al Qaeda in Iraq, a \$2500 consolation payment would make it much easier to buy good material and hire a trained team to execute a potentially catastrophic attack against my company.

I spoke to many individuals within my battalion and received advice from both ends of the spectrum. On one hand, the family must have been suffering terribly, and it was possible that this money could help them in ways other than revenge. On the other hand, to summarize the blunt comments of many, "Screw Abu Haithem's family...he chose that life for them when he started working with Al Qaeda." One of the last people I approached was an interpreter from the United States. He had an acute understanding of the local culture and argued that making the payment was the right thing to do. I brought up my fear that the money would come right back at us in the form of IEDs. He countered that the family would use all of that money in very short order to take care of real physical needs left by the loss of the three men of the family and Raneen. What do you think was the right thing to do in this situation? Should I pay the money?

REFLECTION...

In the end I decided to go back and make the payment, only to be confronted with yet another dilemma. Early one morning about 30 days after the initial raid, I took a patrol with the interpreter to the house of the headmaster. We proceeded together to Abu Haithem's house. There we were greeted by Raneen's mother, grandmother, and an uncle named Hassan, another of Abu Haithem's sons of whom I had not known. I immediately perceived the potential danger of the situation knowing that I was in the presence of the man whose obligation it was to attempt an attack against us. Quickly and as courteously as possible we ensured that none of the members of the family were armed or wearing suicide vests. Then, standing outside in the sun, we proceeded with our meeting.

Ethical Dilemma at the Time of the Incident: My new dilemma was that Hassan, without a doubt, was honor-bound to attack our forces and the \$2500 consolation payment would give him exactly what he needed to carry out an attack. Not only was this a danger for my troops, but in the event that Hassan took up arms against coalition forces he was likely to be killed or captured only adding to the misery of the family. Paying the consolation money was a standard cultural practice that had been adopted by most units across Iraq as a mandatory practice. Although I am unaware of any law that says we had to do it, it ties in directly to taking responsibility for one's actions and I had received standing guidance that mandated its payment.

Further Reflections: In the end I decided to give the family the money. However, I determined that I must go to great lengths to ensure that the last living son would not use the money against coalition forces in the area. After talking with the women, I gave them the money, excused them, and requested to talk privately to Hassan. Both Raneen's mother and grandmother were appalled thinking that I was going to take Hassan away. I assured them that I understood how badly he was needed with the family and that he would stay.

I pulled Hassan over to the side and spoke to him with the help of my interpreter. The intensity of my voice carried directly through the interpretation as I threatened Hassan saying, "Your honor now depends on using this money for the benefit of your family, to buy them food and clothing. If I find out that a single dollar of this money goes toward buying an IED that blows up my Soldiers or civilians on the highway, I will personally come back here in the middle of the night, and I will kill you!" My interpreter translated everything I had said copying my menacing sincerity. I repeated, "Do you understand that I will kill you if I find out even one dollar of this money is used against my Soldiers?" He did. I asked again, "What do you think I will do if I find out you are fighting against me and my Soldiers?" He replied, "You will kill me." I ended, "Your honor depends on how well you care for your family with this money. You will dishonor them by getting yourself killed. The only good thing you can do is to support your family."

Rules/laws that apply: Cultural understanding plays an enormous role in any operation, but at what point do perceived cultural norms supersede UCMJ? Strong speech, exaggeration, and repetition are all major factors in the Arabic oral tradition. To repeat something is to indicate sincerity. I wanted to ensure, to the best of my ability, that Hassan believed me to the point that he did not take up arms against my Soldiers. But what does our law say? Article 134 of the UCMJ covers communicating a threat and involves among other items two key components. The first component refers to conduct that would bring discredit on the military. Was my action of a nature that would bring discredit upon the military? If captured on CNN would it change the morally correct or incorrect nature of my speech? Would it have changed the way I handled the situation. The next component is that the communication must be "wrongful." The UCMJ expounds on this concept by saying "a declaration [may be] made under circumstances which reveal it to be... for an innocent or legitimate purpose, or [may] contradict the expressed intent to commit the act." In this reading, my threats could be legally justified if judged in a court of law; however, at the time of the event I had no access to the intricacies of the law but only my understanding of the culture and my knowledge that the UCMJ forbade communicating a threat. After all was said and done, Hassan never sought revenge.

Conflict or Tension of the 7 Army Values: Every value in me was in tension. I have a daughter that was Raneen's age at the time so I could understand her mother's sense of loss, yet I also believed that Haithem endangered his whole family through his actions. I wanted to do my duty in fulfilling the cultural / military obligation of the consolation payment. However, at the same time, I had an obligation to my troops – for their safety and well being.

Consideration of Other COAs and the 2nd and 3rd Order Effects: There are many ways to judge this dilemma. On one hand, I would never forgive myself if I ever found out (even now) that the \$2500 was used to injure or kill one of my Soldiers, any coalition forces, or other Iraqi civilians. Whatever good will was established by paying a consolation payment would become disgustingly perverted by the knowledge that I had paid for the injury or death of one of my own. On the other hand, human decency dictated that something must be done to lessen the family's pain. I am thankful and blessed that this story ended the way it did, but the alternate endings are horrendous.