

# DETAINEE SOUP

**Situation:** It was winter time in Afghanistan and very cold. I was a company commander with good intelligence reports of small pockets of Taliban resistance occupying the general area. Reports also showed unconfirmed IED-making cells might inhabit the patrolled area. Our company had taken IED strikes very seriously as we lost four troops within a six month period in three separate attacks. On this particular night I was on patrol with another platoon when my sharpest platoon leader, a young Lieutenant, told me they had detained a man while on patrol. Based on bomb making material found on the scene he believed the detainee could provide valuable information on the IED network. He completed his report by telling me they were beginning battle field interrogation. I had confidence in this young officer because of his reputation. His platoon, his company, and his peers within the battalion respected him highly.

The detainee provided little to no valuable information after an hour of questioning. The platoon leader and platoon sergeant believed the detainee had valuable and fleeting information on a target. Since they were running out of time the platoon sergeant told the Lieutenant he knew a sure-fire way to make the detainee talk without "hurting" him. He assured the Lieutenant this technique would certainly yield information and they would not be going totally outside of the Rules of Engagement (ROE). He influenced the Lieutenant by appealing to his sense of loyalty to and grief for those Soldiers they lost and the "need" to destroy this IED cell. The Platoon Leader walked away. I had personally known the platoon sergeant for several years as he "brought me up" when I was a young officer. He was a highly regarded and decorated Soldier and a consummate professional. When he spoke, everyone listened.

The Platoon Sergeant procured a 55-gallon drum, had his troops take it outside, and filled it with water. When asked by some of the younger privates what he planned, the Platoon Sergeant said "This technique has worked in the past, it will certainly work again". One of the privates felt uneasy about what was about to transpire next but continued to fill the barrel with water when the Platoon Sergeant told him to remember his fallen comrades. The Platoon Sergeant took the detainee fully clothed and submerged him in the water up to his neck; he could still breathe. The Platoon Sergeant knew eventually the cold water would take effect and the detainee would talk. The Lieutenant returned and saw what was happening. He pulled the Platoon Sergeant to the side and clarified this technique did not fit into the ROE. The Platoon Sergeant stated, "We are not going to let him freeze to death but merely make him uncomfortable". He again reminds the Platoon Leader of the troops they lost. The Platoon Leader, after a moment of reflection, admits to himself he knows they are close to tracking this IED cell down. He then gave the Platoon Sergeant a nod and walked away. Should the Platoon leader have stopped the Sergeant from carrying out the remainder of the interrogation?

## REFLECTION...

Only minutes later the detainee began to talk. He offered valuable information which led the entire Company to a house where we killed six insurgents and caught a High Value Target. The private later talked to the Chaplain about what occurred. The Chaplain and I were good friends and even next door neighbors back at home. In a private setting the Chaplain told me what had transpired according to one of the privates in my company. I struggled with the platoon leader's judgment but knew his heart was in the right place. I had known the platoon sergeant since I was a brand new platoon leader. He taught me a lot and felt I owed him some loyalty as we had been through a lot together. I knew the success and impact of the mission. I paused to remember my fallen troops.

Ethical Dilemma at the time of the event: Does the battlefield interrogation violate the Rules of Engagement? How valuable is the intelligence versus the health of the detainee? Does loyalty to your troops outweigh violation of the Rules of War?

Rules/Laws that apply: Geneva Convention, UCMJ, ROE for the handling of prisoners

At what point did you say "Enough Is Enough"? When and how did you take action? Unfortunately, I found out this had happened weeks later. Our prisoner had suffered abuse but yielded valuable information. I had a number of choices to choose from: 1) I could reprimand the platoon leader and the platoon sergeant. 2) I could hold the platoon leader responsible as he knew it was wrong and could have stopped it. 3) I could do nothing; however, younger Soldiers were involved and I wondered what lesson they would take from this situation? I ended up reprimanding the platoon leader and the platoon sergeant. I chose not to relieve them of their duties but instead left them in charge. I ordered them to remind their platoon of the ROEs. Even though they had good intentions and a successful mission, they had no excuse to violate the ROEs.

Conflict or tension of the 7 Army Values? How did you resolve those conflicts? My company was a tight-knit unit. The Army values presented were duty and loyalty. The question was, "Did I owe loyalty and responsibility to the Soldiers who were involved in the interrogation at the orders of their leadership or did these traits go further?" I decided I was committed to all the Soldiers in the unit, the Afghani people, and America.

Consideration of Other COAs and the 2nd and 3rd order effects: Because the platoon leader and the platoon sergeant were well-liked and respected some in the unit might have understood if I had done nothing. Other considerations were what of the junior Soldiers and others who bore witness to this interrogation? Additionally, I did not want to ruin the creativity and aggressiveness of this platoon. Finally, what might happen to future detainees if this event went unchecked?

How do you process or judge this as an ethical dilemma? The question we had to ask ourselves was whether this was a story we would openly share with others: it was not.

How did you get the courage to take the "harder right"? This was a tremendous struggle, but the right thing to do. I did not believe ending careers was the necessary course of action nor was inaction. It was a gut check of my leadership.