



"Guilty 'Til Proven Innocent?"

"Every day is a challenge in Iraq. You often have two seconds to go back and soul search... and once you make a decision, you have to live with it. You should always ask yourself, 'Is what I am about to do right or wrong?'"

-Infantry Battalion Commander, OIF

Bravo Company had been operating in Iraq for about six months when they were given a change of mission in a new area of operations (AO). One of their first missions was to conduct a route clearance operation along Route Patriot and to secure the Madwan bridge. There was little known about the enemy activity along this route since it was not well traveled by coalition forces. As Bravo Company moved along the route to their objective, one of the vehicles from 3rd Platoon was hit with an improvised explosive device (IED), killing the 1st squad leader. The next day, the company established a base of operations adjacent to the bridge and continued to provide area security along Route Patriot. Shortly before dusk, a soldier from the company command post (CP) noticed an Iraqi man crawling along the far bank of the canal, which was next to Route Patriot. The canal separated the soldier from the Iraqi, so it was difficult for the soldier to see what the Iraqi man was doing. The soldier's team leader grabbed a pair of binoculars to get a closer look, and he realized that the Iraqi man was digging a hole. The team leader quickly reported this over the radio to the commander, who was out on a mission. Remembering the IED incident the day before, the team leader believed that the actions portrayed by the man on the opposite shore indicated hostile intent, so he shot the Iraqi. Later that week, a local sheik had a meeting with the battalion commander and told him that one of his soldiers murdered an innocent farmer who was digging a hole to collect rain water. A Commander's Inquiry (15-6 investigation) was initiated to determine the facts of the incident and to identify any misconduct. During one of the interviews, the radio-telephone operator (RTO) stated, "Yeah, he outright murdered the guy." However, after interviewing all soldiers involved, the investigating officer determined that the soldier's actions were in line with the ROE in light of the IED threat in the area.

QUESTIONS TO PONDER...

1. What should the battalion commander do?
2. What impact could this incident have on the local population and on the unit?
3. Was the 15-6 officer focused on justifying the actions of the soldier or on finding the truth? Explain your answer.
4. How does stress and frustration affect decision-making?
5. How can we train our soldiers to think about the consequences of their actions in their decision-making processes?
6. What should the battalion commander do? Which is more important, saving American lives or Iraqi lives? If you answered American lives, what are the ramifications of that outlook and how does that affect the overall effort in Iraq? Haven't we as the occupying force taken on responsibility to protect the Iraqi citizen? If you answered Iraqi, how does that outlook affect the unit and/or American morale?
7. Can a Soldier get a fair judicial process in today's highly reported, highly politicized climate? Do you feel that previous prosecution of American's is justified in this atmosphere? Conversely, do you feel that American's are getting a bum rap simply by having to operate in a confusing, complex battlespace? During World War II, the Allies bombed Dresden killing an estimated 25 to 40 thousand people, mostly civilians. Today, Soldiers can be prosecuted for the simple mistreatment of a prisoner. What has caused the rules to change? Have those shifts gone too far?