



IEDs And The Security Company

1. In Ad-Dawr, Iraq, where there had been heavy insurgent activity in the last month, Soldiers on patrol observed an adult male walking by himself after curfew near the center of town. Though an interpreter, the platoon leader ordered the man to halt, but he continued to walk away. He appeared to have something in his hand, and he was headed toward an area with some mounds of dirt, where there has often been hidden IED's. The patrol pursued and the man continued to run away. On order, one Soldier aimed a shot at the man's leg, "shooting to wound." The man fell and writhed in pain. When the patrol approached the wounded man, they noticed by his features that he appeared to be mentally retarded. They also noticed that he had prayer beads in his hand, not an IED detonation device as suspected. He died the next day, and the doctor's examination proved that the man had Down's Syndrome. The report from the IO appointed by the Battalion Commander was hastily assembled and summarily concluded that there was "no LOAC violation." The assistant Brigade Judge Advocate, who knew that the rules required a Division level AR 15-6 in cases such as these, knew that he could simply accept the report as accurate, brief the Brigade Commander that he case was closed, and spare the unit embarrassment and possible adverse publicity. Instead, he told the Battalion Commander that, since the facts showed that there was in fact a possible LOAC violation in the Soldier's "shoot to wound" action, they were obligated to send the case to Division.
2. A couple of patrols in one platoon used Iraqi children to check out suspected IEDs. A clear LOW violation, but no one would have known unless the company commander hadn't reported it to his battalion. The battalion then reported it to brigade judge advocate who processed the case in accordance with the ROE. The same child was involved in both incidents. He was aggressively engaging soldiers, asking for the digital camera and offering to walk up and take pictures of the suspected IEDs. The soldiers in the patrols, including a couple of LTs, thought this was a great TTP, and boasted about their "discovery" via email to the company commander. They rationalized that they didn't think the IED was real and that there little chance the child would be harmed, but they couldn't answer the question, "If that was true, why didn't you send the soldiers?" In order to safeguard the careers of two junior officers who had excellent records, the company commander wanted to simply suspend the officers, retrain then send them back to their platoons. However, he felt constrained by

established procedures that obligated him to report this incident to the brigade judge advocate. This action subjected the officers to adverse administrative or judicial action.

3. The assistant S-4 was processing some paperwork to establish a "security company," where one of the local Iraqi businessmen would receive U.S. funds under CERP to start this enterprise. He knew that the Iraqi involved was an informant for the brigade, and had led the units to the arrests of many dangerous insurgents, and often to the locations of large caches of enemy munitions. There was no justification submitted in the packet concerning this Iraqi's qualifications as a security specialist. He was, in fact, a jewelry importer who depended on area stability to carry on his enterprise. This request for over \$100,000 to fund this company seemed like payola for the man's services to the unit. The assistant S-4 could have simply overlooked this and created the necessary documents to get this project approved. Doing so may help the brigade catch more terrorists and make the A/O safer, even if U.S. fiscal laws are violated. Instead, he brought these shortcomings to the attention of the deputy brigade commander, who then turned to the brigade judge advocate for advice. The project ended up being cancelled and the brigade found legal ways to reward the Iraqi jeweler for his assistance.

QUESTIONS TO DISCUSS WITH YOUR SOLDIERS...

1. Do you ever feel that the life of an American soldier is worth more than the life of an Iraqi civilian? Why or why not? What beliefs, norms, and laws influence your beliefs?
2. What would you do if someone in your unit illegally risked the life of a non-combatant? Would that violate your personal beliefs? What actions would you take?
3. Should you report everything? For example, the first bullet describes a situation that resulted in a finding that supported the ground force commander. Did this waste his time to report the incident to higher?