

PREVENTING A REVENGE KILLING

Situation: I was the Team Chief of a Military Transition Team assigned to an Iraqi Army (IA) Infantry Battalion in Iraq. One evening, I noticed two of the officers in the battalion were leaving the Forward Operating Base (FOB) with four other Iraqi Soldiers to travel to their homes. Their homes were located in the town just across the Main Supply Route from my FOB. They were leaving to take showers, something that was not unusual. A few minutes later, my team was preparing to depart on a patrol with an IA platoon, when I heard what sounded like Rocket Propelled Grenade explosions and small arms fire from the direction that the IA Officers and Soldiers were headed. Shortly thereafter I heard from the IA Battalion headquarters that the group who had left to take showers was in contact. Since my team and a platoon of IA were ready to depart on a patrol, we quickly left the FOB to provide assistance. It was 2225. It took about ten minutes to get to the site, but when we did we only found bullet riddled trucks, four KIAs, and no sign of the two other Soldiers. I had my team begin securing the area and started a search of the nearby houses (located about 50 meters from the road). The residents claimed they did not hear anything. At this time, one of my Transition Team members reported over the radio they had detained two suspected insurgents about 100 meters east of my position. When I arrived initially, the two insurgents were sitting in a vehicle with the engine running observing our actions. While I was setting up security, an element from the IA platoon detained them. At this time, two companies of my IA Battalion arrived. They dismounted their vehicles and began weeping when they discovered their friends were killed. They noticed the detainees and began yelling at them and asking questions. The insurgents were visibly shaken, but through my interpreter I learned they were taunting the IA Soldiers by telling them "you're next." The situation quickly got out of control. Before I could react, two IA Soldiers emerged from the crowd and began kicking, punching, and butt-stroking the detainees. The rest of the crowd was yelling, screaming, and cheering the Soldiers on as they kicked and punched. I quickly assessed our situation, I had 9 US Soldiers with me, the IA Battalion commander was not on site, the highest ranking IA Soldier there was a company commander.

Detainee abuse is a big problem in Iraq. Not only is it illegal, but it works against the goal of legitimizing the Iraqi government. Culturally, violence is more acceptable as the people are more accustomed to it, but these men were being beaten badly. Although, they taunted the Soldiers, we really had no proof that they were in fact guilty of anything. Should I risk my Team's safety and intervene to save the detainees; we were outmanned by about 15 to 1?

REFLECTION...

When the BN Commander arrived on scene he did not assist much in terms of "control" as the dead officers were from his family. We established a perimeter for the area and started a possible course of action (COA) for regaining the MIAs and gathering intelligence on their whereabouts. We waited for the BN Commander to arrive and in the meantime ensured we kept a visible eye on the detainees. When the BN Commander arrived I eventually was able to convince him of the value of keeping the detainees alive, this only bought their life but did not spare them of the beatings. My "feel" for the situation at the time was it was not possible to physically separate them and stop the rough handling of the detainees without putting our substantially outnumbered advisor force at considerable risk. Therefore we elected to keep over-watch on the detainees and subtly get the detainees to our vehicles and remove them from the scene. This allowed the Iraqis to save face and allow them to "vent," the BN Commander to compose himself, and organize and gain control over his enraged forces to secure the area. We took them back to the Iraqi FOB, identified them, tactically questioned them and gained some valuable intelligence in the process as we played on the role of "savior" from the IA. Next we processed and extracted them from the area to the American FOB, advising the Iraqis to take care of their dead. Finally, we notified the families of the deceased and activated their local "networks" to find the responsible party and the location of the MIAs. I took into consideration several factors: our good rapport with the IA, the fact they were enraged, their numerical superiority, and the strong BN Commander not initially being present. I elected to allow the IA to conduct Iraqi business the "Iraq" way to a certain degree in order to avoid a confrontation that would make them have to choose between Iraqis and Americans – that would have had long reaching, possibly strategic implications if an armed conflict emerged between IA and Advisors. Right or wrong, the lesson learned is as an advisor, you will be faced with complex legal, ethical and moral decisions to make on the ground that fall into the gray area.

Ethical Dilemma at the Time of the Incident: The dilemma I faced was in deciding how to respond to the violence. I had three choices: 1. Do nothing, 2. Intervene and take possession of the detainees, 3. Take the "wait and see" approach.

Rules/Laws That Apply: The Iraqi system of laws was still being worked out at this time, but what was happening was certainly against the Uniform Code of Military Justice, Rules of Engagement, Geneva Convention guidelines, and Standard Operating Procedures that applied to US forces. The problem was the US forces were not violating any of these rules or laws.

At What Point Did You Say "Enough is Enough"? When And How Did You Take Action? My first reaction was to stop the violence and attempt to "rescue" the detainees. When we attempted to step in we were met with subtle armed threats and backed off. It was not until the IA Battalion commander arrived on the scene that I was able to influence the situation at all.

Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts? There was no conflict of values for me in this incident. My values told me I had to stop the beating and prevent a wrongful killing but my values also told me to protect myself and my team. It was not about personal courage, it was about weighing the alternatives.

Consideration of Other COAs and the 2nd and 3rd Order Effects: What about the other two missing Soldiers? Should I risk souring the relationship that I had with the IA by stepping in and correcting them in public? Could the US Army stand by and just let this happen? I had three choices: 1. Do nothing, protect myself and the team – these guys were bad guys anyway, 2. Intervene and take possession of the detainees, 3. Take a more casual approach and continue to observe, knowing that the beatings would continue. There would be very few long-term benefits to allowing an IA-led revenge killing. Although the IA Soldiers might have gotten some personal satisfaction, it would have been very difficult to overcome the local ramifications that would have ensued. After the team was threatened to back-off, we really had no other option but to wait it out and attempt to influence the situation more gradually. We could not have left the scene. Had we done so, the detainees would certainly have been executed.

How Did You Get the Courage To Do the Harder Right? We were in Iraq to help the Iraqi Army become more capable of providing an effective defense of their country. In doing this we had to help them legitimize themselves in the eyes of the Iraqi population. If we left the scene without attempting to influence their actions, their legitimacy would have been shattered. We had no choice but to stay.