

TAKING OUT THE TRASH

Situation: Iraq, a year after the war began—the insurgents had organized, newspapers splashed beheadings across their front pages, and American deaths were climbing. It was hot, and the footfalls of Abu Ghraib echoed in the minds of all of us. As a result, the largest prison facility was releasing insurgents at an alarming rate (we called it the catch and release program.) We were a tactical unit trained in taking down known bad guys, but were growing tired and frustrated. The summer was hot, but the heat we experienced involved more than the baking sun: the war was, to put it bluntly, going badly in the eyes of the nation, and we were under pressure to produce results. Our target set was very specific. We did not randomly pursue suspects or those low on the food chain; rather, we compiled evidence and went after high value targets. Many regarded it as hunting season, and we did little to dissuade that frame of mind.

Based on information provided to them, the Iraqi police captured and delivered a known insurgent to a highly decorated, senior non-commissioned officer and his team who were transferring the detainee to our facility. It was apparent the insurgent had suffered significant abuse. Those who received them were a medical doctor and lower-enlisted Soldiers serving as guards. Others involved composed of a CSM, a captain, a major, and a lieutenant colonel. All had served time in combat. All wanted to end the war as quickly as possible.

On the night of the incident, a senior NCO—who was highly decorated and had served on multiple combat operations—sent a message that he and his men were delivering a package from the Iraqi police. The “package” was a known leader of an insurgent cell responsible for numerous bombings and deaths. Prior to the mission, we located the insurgent and shared that information with the Iraqi police so they could capture him, in an effort to bolster their confidence. They captured and held him and then handed him over to our team. We knew what to expect. The NCOIC in charge of the team stayed in the vehicle, and soon after delivering the detainee and intelligence found on him, sped off with his Soldiers without staying for a debriefing. Something was not right.

The guards opened the door to receive our prize and were shocked at his condition. His marks were more than those received from a takedown. No, this guy’s injuries were deliberate; he was barely distinguishable in that his eyes were blackened, his face was swollen, and caked blood matted his hair. He needed assistance in just moving. The guards took one look at him and called the chain of command for assistance, “Sir, you better get over here.” When we first saw him, we thought he might die. Upon undressing the detainee, we realized his injuries were much more extensive. In addition to deep bruising and open sores, he had been burned in the most sensitive of areas. What do we do now?

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Just days before our captive had preyed on innocent Iraqis by targeting them when they were vulnerable and helpless, and also attacking coalition force. Now he had taken on the role of being helpless and weak, and if we did nothing, there was little to distinguish us from our enemies. The impulsive thing to do was to turn a blind eye, but the commander understood honor and doing the right thing were the hallmarks of the American military, and they were the reasons nations looked to us for help. If we allowed those responsible to go unpunished then what message did we send to other Iraqis, and more importantly, the young Soldiers who witnessed the abuse?

The role of the major participant in the scenario: A senior NCO who delivered and the detainee and was responsible for his care, a LTC in charge of the temporary holding facility, a medical doctor, a battle captain, five enlisted guards.

Ethical dilemma at the time of the incident: Our position had been taking daily fire for weeks. In the beginning, much of it was random and sporadic, causing more psychological damage than anything. To their credit, the insurgents’ aim and tactics were improving. Soon we were taking daily casualties, IEDs exploded everyday between our camps, and firefights became daily occurrence. We were in the Wild West and wanted revenge for our lost brothers. Two items affected our thinking: 1) we felt the sensationalism of Abu Ghraib diverted attention from our battlefield successes and 2) it appeared those in charge were working with the fledging government to appease the Iraqi people to the point where our hands were tied. (We captured the same insurgent three times in a five-month period.)

Rules/Laws that apply: Geneva Convention, Uniform Code of Military Justice, ROE for the handling of prisoners

At what point did you say “Enough Is Enough”? When and how did you take action?

Our prisoner had suffered abuse, and now the commander had a number of choices to choose from: 1) he could apply first aid to the insurgent, patch him up and send him to Abu-Ghraib. He was after all responsible for numerous killings. 2) the commander could blame the abuse on the Iraqi police, or 3) he could order an investigation into whether or not Americans were involved in the mistreatment of the prisoner. The commander ordered an investigation which revealed most of the injuries came from the Iraqi police; however, some of the American Soldiers did contribute by hitting the prisoner and not seeking immediate first aid. The senior NCO and OIC were relieved of their duties and sent home. Their careers would advance no further.

Conflict or tension of the 7 Army Values? How did you resolve those conflicts? We were a tight-knit unit, so the Army values presented to the commander involved responsibility and loyalty. The question was, “Did he owe loyalty and responsibility to the Soldiers who allegedly committed the abuse, or did these traits go further?” The commander decided he owed his allegiance to the other Soldiers in the unit, the Iraqi people, and America.

Consideration of Other COAs and the 2nd and 3rd order effects: Because the NCO accused of abusing the detainee was well-liked and respected, some in the unit might have understood if the commander did nothing. But there were others to consider, too. What of the junior Soldiers and others who bore witness to the abuse? What might happen to captured American Soldiers if this event went unchecked?

How did you recognize unethical behavior? The injuries on the detainee were apparent, and it seemed that some guilt lay with the Americans who dropped him off i.e. they did not hang around long after signing him over.

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. The other litmus test was, “When my children and grandchildren ask what I did in the war, would I want to share this event with them?”

How did you get the courage to take the “harder right”? After he ordered the investigation, the commander spoke to us and described how much the actions of a few at Abu Ghraib had tarnished us and the reputation of all Americans throughout the world. He would not be part of tainting the hard work of so many others because of the perceived actions of a few.