

# UPPING THE STAKES

**Situation:** During my recent Operation Iraqi Freedom (OIF) deployment, I was assigned as a Military Transition Team (MiTT) Chief. During the deployment, each battalion-level maneuver element in the Brigade Combat Team (BCT) was partnered with an Iraqi Army (IA) battalion (BN). Each US BN assembled a MiTT out of its own ranks to train and advise the IA BN. My MiTT consisted of 18 men. I was responsible for their leadership, morale, welfare, and ultimately, their safe return home. After about six months of combat operations, we decided to approach a local village Sheik (tribal leader) to see if he was willing to assist us in ridding the area of insurgents and provide security for his village. The MiTT element consisted of approximately 12 personnel, including two Iraqi interpreters and me. The IA element consisted of the BN commander and approximately 25 to 30 IA personnel. We met with the Sheik in his home. My counterpart, the IA commander, talked to the Sheik while I listened in and my interpreter translated. Approximately 15 minutes into the meeting, small-arms fire erupted about one to two kilometers down the road from our location, near the center of the village. The IA BN commander and his element abruptly departed from the Sheik's residence and moved in the direction of the activity, but the small-arms fire soon ceased. A short time later, we realized that there was a situation we needed to check out at the IA element's location. We departed the Sheik's house and moved to link-up with the IA element. When we arrived everything seemed calm, the IA had detained several military-age males, and appeared about to depart the location.

Upon arriving I discovered that there had been a firefight between the IA and some military-age males, possibly insurgents. One IA Soldier had been wounded in the action and had already been evacuated for medical treatment. One Iraqi male was reported killed and still in the front seat of a small white bongo truck about 50 meters up the dirt road adjacent to the road we were on. As I was checking out the scene, I received a report that the dead Iraqi man in the truck had not been killed in the course of the firefight as originally reported by the IA, but had been murdered by the IA BN commander. I quickly turned around and looked at my IA counterpart, and our eyes locked. I knew in my heart that very instant that he had done something very evil and sinister here, and he knew that I knew. He had overheard our conversation and began vehemently trying to convince me that we needed to depart the area immediately for our safety. Meanwhile, after a very quick, but closer, investigation of the scene, the critical pieces of evidence began to fall into place. Moments later, a single gunshot rang out. Within seconds of hearing the shot, I received a radio report from one of my MiTT elements, which was in a much better position to observe what had just happened. They had observed an IA Soldier armed with a sniper rifle fire the shot in our direction, possibly as a warning shot to encourage us to leave. The IA watched us and we watched them, and things seemed to move in slow motion. I quickly thought through some possible courses of action. The IA had a numerical advantage on us of at least 2 to 1. What was the best way for me to deescalate this situation, protect my men and get us all out this nightmare alive, but also take a stand for what was right?

## REFLECTION...

I could have easily done nothing and left the evidence on the battlefield like my counterpart suggested. That would have been the easier, and potentially safer, action to take in the near-term. However, I knew deep down inside that was not the morally or ethically right thing to do. Doing my duty as the leader of my men, maintaining my own honor and integrity, showing respect for my men's lives (and the murdered Iraqi man) were all key factors in my ultimate decision to report this crime, which was a violation of the law of war. As an officer, I have taken an oath to uphold certain principles and values. My word is my bond. It goes without saying, but by reporting this incident, I permanently damaged my relationship with my counterpart. Our interaction was strained from that time forward. Additionally, I upped the stakes on my own life. He lost honor and respect, and I became a marked man. From that day forward, I had to constantly look over my shoulder and have a minimum two-man security detail with me anytime I visited with him. This event was investigated and handled strictly through the Iraqi channels. My counterpart was exonerated on the premise that "there was not enough conclusive evidence." However, as a result of me reporting the murder of the Iraqi civilian, he was watched more closely from then on. He eventually committed a separate, slightly lesser infraction, and was finally relieved of command.

**Ethical Dilemma at the Time of the Incident:** My counterpart's intent was to leave the body, cover up the murder, and make this situation go away. However, I was faced with a totally different one. I could choose to do nothing, or report this to my chain of command. If I did the latter, I knew I needed to preserve and gather the evidence, part of which meant removing the dead body from the scene. According to Iraqi custom, when an Iraqi dies, the family has until sunset the following day to bury the deceased. Removing the dead man from this location would almost certainly violate that custom. Despite that, based on my counterpart's crazy behavior, I felt certain that a murder had been committed here. Even more importantly still, I needed to quickly determine how to emerge from this situation with me and my men alive. If I lived to see another day, I knew I had to report this event. Doing so would question my Iraqi counterpart's honor and be perceived by him as an act of disrespect to his position and authority. I stood to lose face with him and severely damage our relationship, not to mention up the stakes on my own life.

**Rules/Laws That Apply:** Uniform Code of Military Justice (UCMJ), Geneva Convention, Rules Of Engagement (ROE) for evidence handling and reporting Law of War violations.

**At What Point Did You Say "Enough is Enough?" When And How Did You Take Action?** When I was briefed what the IA patrol leader had told one of my men, I quickly relooked at the evidence and indicators on the ground, the dead Iraqi man, the truck, and my counterpart's body language and bizarre behavior. I knew something very bad had occurred. A murder had occurred. I now faced the dilemma of ensuring the safety of my men in a life or death situation, reporting this crime that I knew had occurred, and losing face with my counterpart. I ordered my men to collect the body and all evidence. We moved back to the patrol base with our IA counterparts and I immediately moved to my command post and reported the incident via phone, and later via a written statement, to my chain of command.

**Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts?** I could have easily done nothing and left the evidence on the battlefield like my counterpart suggested, but I knew that was not the right thing to do. Leadership, honor, duty, integrity, and respect for me, my men, and the deceased Iraqi man were all factors in my decision.

**Consideration of Other COAs and the 2nd and 3rd Order Effects.** I had to either report this or do nothing. Both COAs had fallout.

**How Did You Get The Courage To Do the Harder Right?** My faith, ideals and principles of right and wrong, and the good leadership examples I have witnessed throughout my life and military career.