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SGM EDDIE M. HANCOCK

UNITED STATE ARMY SERGEANT MAJOR ACADEMY

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### Abstract

This paper examines shortcomings in the development and execution of the postwar ethical and moral strategy for Operation Iraqi Freedom (OIF). The strategy evaluated is from the perspective of the Geneva Convention, War Crimes, Violation of the Detainees Treatment Act, and elements of national power that was not in play during the strategy phase of OIF.

## WAR CRIMES AND UNETHICAL ACTS

The entire world is questioning the ethical and moral values of our country and the U.S. Army in particular. At this time, let us read some of the events that took place on our watch starting with the following: Guantánamo Bay - a human rights scandal (1)

The unlawful detention of “enemy combatants” at the US Naval Base at Guantánamo Bay, Cuba has now entered its fifth year. Hundreds of people with 30 different nationalities remain held, in effect, in a legal black hole, many without access to any court, legal counsel, or family visits. Many of them allege they have been subjected to torture or other cruel, inhumane, and degrading treatment. Three detainees have died at the camp, after apparently committing suicide. Others have gone on prolonged hunger strikes, kept alive only through painful force-feeding measures. Guantánamo Bay has become a symbol of injustice and abuse in the US administration’s “war on terror.” (1)

## Abu Ghraib Rape and Torture (2)

The courts-martial of military personnel appeared to convince the American public that the abuses committed at Abu Ghraib were the regrettable but largely inconsequential acts of an isolated number of people. In May 2005, the Army announced that it had largely completed its investigation of the Abu Ghraib prisoner abuse scandal. Brigadier General Karpinski demoted to colonel, effectively ending her military career. No one above her in the chain of command was reprimanded. The colonel who was in charge of the military intelligence brigade at Abu Ghraib, Colonel Thomas M. Pappas, was issued a fine and a written reprimand. Another colonel and two lieutenant colonels linked to prisoner abuse in Iraq and Afghanistan received unspecified administrative punishments, while two other lieutenant colonels received a letters of reprimand. In addition, the Army announced that it was preparing a new interrogation manual specifically barring techniques such as stripping prisoners naked and using dogs to intimidate prisoners. The

new manual would also prevent the CIA from holding unregistered prisoners, or “ghost detainees,” at Army facilities. Three captains, two first lieutenants, and two chief warrant officers faced criminal penalties for prisoner abuse. A few dozen enlisted were personnel tried or were to be in military court for their part in the abuses that occurred at Abu Ghraib and elsewhere. In 2006, the Army brought criminal charges against a military intelligence officer who was involved in the interrogations. With the rank of lieutenant colonel, he was the highest-ranking officer charged. (2)

#### Here Are Other Unethical Acts (1, 2)

Two prisoners who died while being held for interrogation at the US military base in Afghanistan were examined and shown to have been beaten, according to a military pathologist's report. A criminal investigation is now under way into the deaths and both were classified as homicides. It was early last October that Kasim Mehaddi Hilas said he witnessed the rape of a boy prisoner, age about 15, in the notorious Abu Ghraib prison in Iraq. “The kid was hurting very bad and they covered all the doors with sheets,” he said in a statement given to investigators probing prisoner abuse in Abu Ghraib. “Then, when I heard the screaming I climbed the door ... and I saw [the Soldier's name is deleted] who was wearing a military uniform.” Hilas, who had been threatened with being sexually assaulted in Abu Grab, then, describe in horrific detail how the Soldier raped “the little kid.” American politicians in rejecting American involvement in the International Criminal Court argued that the United States was ready and willing to police itself. Graham, a military lawyer who serves in the Air Force Reserve, it reaffirmed suffering and it very much could run afoul of the War Crimes Act," he said, referring to a 1996 law. “It could very much open people up to prosecution under the War Crimes Act, as well as be a violation of the Detainees Treatment Act.”

Vice President Dick Cheney has confirmed that U.S. interrogators subjected captured

senior al Qaeda suspects to a controversial interrogation technique called "water-boarding," which creates a sensation of drowning. Cheney indicated that the Bush administration does not regard water boarding as torture and allows the CIA to use it. "It's a no-brainer for me," Cheney said at one point in an interview. Before he spoke to the press, he should have done his homework "why" a revised U.S. Army Field Manual published last month bans water boarding as "cruel, inhumane, and degrading treatment." (1,2) On that note, I will close the reading on Unethical Acts, War Crimes and Violation of the Detainees Treatment Act to inform you on what my thoughts are on ethic responsibility as a senior leader.

Recently, every newspaper, television, and radio station displayed the hearing about prisoners' inhumane treatment at Guantánamo Bay, Abu Ghraib, and other prisons by American Soldiers. When I see or hear about these cases of abuse and how some of the prisoners were sexually violated, I get sick to my stomach. I am embarrassed for our Nation and Army about these events. I understand that the individuals involved in these disgusting acts were an isolated small number. I also, know there are thousands of outstanding Soldiers with high ethical standards that are representing our value system.

When we look at the prisoner abuse cases that are going on today, it is obvious that these actions were not just an honest mistake. These prisoner abuse actions are blatant criminal activity and there is no room in the Army for this type of behavior. We as Senior Leaders face the challenge of ensuring that there is not a "ghost show" reaction throughout our ranks over these incidents. We need to let our young leaders know that no criminal activity will be tolerated, but we will stand behind them in case of an honest mistake. When it comes to living ethically or making ethical decisions, we cannot be expected to live in a zero defect world. We all know the zero defect attitude does not work. People do not want to think outside the box for different answers to a problem for fear their decision might be wrong. When it comes to making ethical

decisions, we must analyze every situation by itself and come up with a unique answer to that problem. I just cannot help but wonder what went wrong. How was this type of activity able to go on? Where were these Soldier's first-line leaders? When I watch these hearings on News networks, I find myself overcome with the urge to speak to congress, ask them several questions, to enlighten them on a few things.

First, do you really think that it should be the President and his administration's responsibility to supervise the Soldiers working at these prisons? No! Secondly, do you hold them responsible for the ethical dilemma, no strategy to cultures or climate, and the position our forces are placed in do to higher leadership? Yes! Third, how did this problem ever get to this level? Our politicians overlook the Code of Ethic and Geneva Convention laws passing everything requested through congress without detail editing. The first line leaders are responsible for supervising these Soldiers and then the entire Chain of Command, which include the Combatant Commander and Chief surrounding the known ethical dilemmas. I do know that it has done a great deal of damage to how the world views us as a value based Army. I know that our "Army Strong" will overcome these incidents over time as it has in the passed with similar cases.

I think that now more than ever, we do, as leaders need to set the example and instill the importance of living the seven Army values into our Soldiers. As Senior Non-commissioned officers, we have a duty to mentor our subordinates in the ways of the Army. This is where we need to step in and guide Soldiers to do the right thing, "take the hard right over the easy wrong." Where does the foundation for the seven Army values come from? It comes from the personal ethics of all members of the Army.

Conclusion: Soldiers know what right looks like, but sometimes we need to be reminded to stay on path. We have a manual, FM 22-100, that we can utilize when we need assistance

with the mission of implementing the values of the Army and our position in war or peace. Leaders must build an ethical command climate in their units that supports the Army's values and mirror both leaders as well as subordinates on an equal playing field to be successful.

References

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(2) [http://encarta.msn.com/encyclopedia\\_70175024\\_2/Abu\\_Ghraib\\_Scandal.html](http://encarta.msn.com/encyclopedia_70175024_2/Abu_Ghraib_Scandal.html)



