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The Ethical Dilemma of Oral Commands

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Abstract

The dilemma of oral command in critical situations ones the Soldier is already involved in the riot. When a superior make an oral command to a Soldier to shoot against the people from the riot who are face to face and he is in danger to get kill. The lack of rules of engagement in a riot can get to Soldier to jail.

The Ethical Dilemma of Oral Commands

When a Soldier receives an oral command to shoot during a conflict like a riot turning dangerous, he or she can get injured due to the extreme situation. After the riot, the Soldier can be accused of shooting or killing someone and stand trial. The dilemma is, who has the responsibility for the consequences or actions. This happens very often in my country, the Republic of Bolivia. The Government commands the Armed Forces which is Joint Staff (Comando Conjunto de las Fuerzas Armadas de la Republica de Bolivia) to take control of riots because the number of policemen are not enough. Bolivia has social and economics problems due to poverty and uncensored citizenship. When people want the attention of the government, because the raised taxes or lack of social economic support for retired people or other kinds of problems of that nature. The civilian people go out to the streets and roads in a strike; blocking the streets, putting up barricades, threaten to break windows and to stop the whole transportation system. The target for these people and leaders of unions is to arrive to the main square of the city capitol in front of the Government Palace and get listened to by the president. When this take place the civilian police go out in the streets to take control of the situation.

But sometimes the number of civilian police is not enough and that is when the Armed Forces are called in to support and take control of the situation. In this event, talking about the riots, very few civilians have a weapon or they have a dynamite bar in their hands throwing to the Soldiers who are trying to pacify and bring security to the citizenship. That is the time when the conflict turns very irrational, the extremists and the civilians attack the Soldiers who are trying to take over the situation and get their goals.

In one of these cases, a Soldier went to jail because he received an oral order to shoot and an innocent citizen died. Because the Soldier's superior told the authorities or law enforcements

that he did not order the Soldier to shoot. However, if the Soldier had a written paper saying that he was given the command to shoot, he would not be accused of murder in this specific case.

The question here is who has the responsibility:

- The Government because they are the highest in administering the country.
- The Minister of Defense since he is the secretariat of the security.
- The Commander of the Armed Forces due to the highest operative rank.
- The Commander of the army because the Soldiers are under the command of the army.
- The immediate superior who gave the command to shoot.

According to the law and the investigations the guilty entity is the one who gave the order to shoot. But what happens, when this person says “prove to me with a written statement that I have signed and I authorized such action”. The lawyers asked for proof and they are all really important without thinking of the ethic of a Soldier.

I imagine myself saying what if this happens in the future to me and I have a case similar to this Soldier. I should ask to receive a written statement (a written memorandum where it says to shoot against the riot) for everything I am ordered to do. This written paper will prove that I was doing my job. The manuals are not clear to follow the responsibilities and acts in situations when you shoot a civilian in a riot or other kind of protest. According to what is ethically correct, in these cases the Soldier do not have to be worried, if he is obeying a command because of his good training and believes of the subordination and his superiors. These cases can happen in different echelons and ranks, probably the seniors NCOs can have a better knowledge and judgment of the laws. Soldiers and every one are vulnerable to situations such as these which we need to be given special attention.

The mission of the Bolivia Armed Forces states:

“The Army of Bolivia its specified mission to defend the sovereignty and integrity of the whole national territory. To guarantee the safety ground and assist in the maintenance of the Public Order, in accordance to the directives of the Command-in-Chief (Comando en Jefe de las Fuerzas Armadas de la Republica de Bolivia). It must also participate in the structuring of the national territory through the construction and building of roads and highways. It is also to occupy, protect and support the development of national borders and to protect areas and vital centers of the country.” (The Mission of the Armed Forces in The Political Constitution of Republic of Bolivia, 1967. <http://www.country-data.com>).

The mission of the Armed Forces of Bolivia does not state in detail but we can referred from it by saying: The fundamental mission of the Armed Forces of Bolivia is to defend and preserve national independence, security, stability, sovereignty, and honor; and ensure the rule of the Constitution; guarantee the stability of the legally constituted government, and cooperate in the national development of the country. According to the 1967 Constitution, military personnel may not deliberate on or perform any political action.

From this mission we can get the part that said: “to defend and preserve national independence, security, stability, sovereignty, and honor”; to preserve the national stability is the key phrase to obtain a better understanding of what the Army can do to improve the rules of engagement for the Military Police.

There is a current case called Febrero Negro (Black February). Four years ago in February 2003, 34 people got killed in a protest for raising taxes of the Government of Bolivia. The President of Bolivia is also the Capitan General de las Fuerzas Armadas (Captain General of the Armed Forces or Commander of Armed Forces) who ordered going to the streets to control the

different riots who were armed with stones, dynamite with nails and metal pieces that had the same effect of a grenade and weapons of small caliber. This happened in the city of La Paz which is the administrative capital. The protest and repression lasted two days.

President Gonzalo Sanchez de Lozada wanted for all Bolivians to paid or to contribute financially by raising the taxes. The military personnel of Bolivia are very well indoctrinated and good followers of orders. The members of the army went to control the riots, and they were authorized to shoot against the civilian population who were protesting against the government and the president. Due to this protest three members of the Army (soldiers) were accused of murder and facing trial. The Board of the Military Justice can not intervene in The Civilian Laws, since the armed forces did not have Rules of Engagement the were clear for this kind of confrontations.

Recommendation: The Leaders at all levels of command in the Bolivian Armed forces (Army, Navy and Air Force), from our nation's policy through their service commanders, need to take a special and careful look at the Rules of Engagement of the Military Police from each service and the specific mission of the Army referring to its Military Police. The operations could have potentially hazardous results for the young men and women tasked to employ them in mission when they receive the oral command to shoot against the civilian population. The leadership, mentioned earlier, needs to first look at all the Rules of Engagement they are issuing, based on the last two missions when members of the Army were in trial for murder.

Reference

Constitucion Politica de la Republica de Bolivia, 1967. <http://www.country-data.com>