

**Murder of an Injured Insurgent**

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### **Introduction**

America's credentials around the world is our ability to be ethical. America's actions are watched, observed and reported and, when American Soldiers fail to be ethical, American Soldiers become no different then the foe we are fighting. Murder of injured or surrendering insurgents brings discredit to America's reputation as the bearer of ethics and morals in this highly diverse world we all share. Major Mark Johnson, USASMA Chaplin, gave a briefing on ethics to the student body of USASMA, and he showed a commonly seen video clip of an Apache attack helicopter engaging suspected insurgents in Iraq, not long after the Operation Iraqi Freedom ground war started. The video shows the Apache engaging three insurgents and wounding one of the insurgents. The gunner of the Apache acknowledges, that a wounded insurgent is seen crawling away after the initial attack, and the pilot tells the gunner to engage the wounded insurgent; the student openly body cheered, in front of their peers, condoning this clear violation of the Law of Land Warfare. I was truly hurt to be an American Solider after watching so many senior NCOs cheer a clear violation of the Law of Land warfare and an act of murder. I will discuss in this paper, recent acts of violence in which our ethical and moral standards have been questioned by Americans and the world, next I will inform the reader how a poor ethical choice and emotions effect one another, and last I will explain to the reader why we, the American Soldier must be ethical and enforce the Army Values while conducting combat operations world wide. The reader will understand the difficult split-second decisions a Soldier must make while under pressure, on the modern asymmetrical battlefield. The reader will also be informed how the lack of training, time to use the

ethical decision-making process, lack of cultural awareness, and lack of leadership is not an excuse for unethical choices.

### **I. Examples of Failure**

16 November 2004, an imbedded NBC reporter taped a Marine private on video shooting a suspected wounded insurgent in a mosque, in the city of Fallujah, Iraq [1]. The private is clearly heard saying, “ he’s faking”, referring to being wounded and fired into the insurgents head at point blank range with his rifle. A second example of an unethical decision took place on 21 May 2004, CPT Maynulet shot a gravely wounded Iraqi to “end his suffering” after being wounded when CPT Maynulet’s patrol fired their weapons on a car carrying suspected radical cleric, Muqtada al-Sadr [2]. These are just two examples, of the dozen of reported and validated reports of American Soldiers and Marines violating the Law of Land Warfare and failing to use the Ethical Decision Making Process by shooting and killing a wounded enemy soldier. These two actions alone with the aid of the media allowed for instant worldwide access, hindering the objectives and goals of this nation and its allies both at home and abroad. The mass protests and increased insurgent attacks, following the mosque shooting, increased dramatically after these two incidents, which cost many more American lives as a reprisal against American Soldiers and Marines. Critics blame the media for broadcasting the images, and yes, I will say the media bears a level of responsibility, but the poor choices, which lead the Marine to shoot the insurgent in the mosque, was a direct violation of the Law of Land Warfare and is inexcusable [3]. These actions ultimately were the trigger for the upswing in violence after the video footage was broadcasted around Iraq and the world [4]. The theories for why the Marine shot the wounded insurgent and what drove

CPT Maynulet to “put the wounded Iraqi out of his misery” is believed to be a combination of many possibilities, including stress, a vague and confusing rules of engagement, sleep deprivation, frustration with the enemy, and anger. A few poor choices by a few Soldiers and Marines which lacked the ability to apply the Ethical Decision Making Process (EDMP) has had profound affects on Americas ability to win the trust and confidence of the Iraqi populace and the War on Terrorism.

## **II. Training to Prevent Ethical Dilemmas**

Ethical choices we make while on the battlefield can affect our mission, our Soldiers, and our nation if we make the wrong choices. Mature leadership and training with realistic vignettes is the key to ending unethical acts on the battlefield. Our emotions play a critical role also in our ability to use the EDMP and maturity plays a vital role in controlling our emotions. Americans are emotional and passionate along with strong beliefs and convictions in our nation’s goals. When Americans get that proverbial bloody nose from a roadside bomb, sniper attack or mortar barrage we, have a tendency to lash back at the suspected enemy. I have personally witnessed these emotions in Iraq myself and with my own Soldiers under the heat of battle. After an insurgent attack along side a road, many Soldiers only want vengeance, they want revenge, I call it retaliation, and this is when the Soldiers no longer apply the EDMP and their emotions take control [5]. Emotions over ride common sense, training, and knowledge and ability to allow poor choices to be made when surrounded by the fog of war, which results in the two examples mentioned, in the previous paragraph. Both attacks happened during high intense combat operations, after members of their command were injured in recent attacks, and when emotions were high in the heat of battle. Previously stated the two

main contributing factors for unethical actions on the battlefield are due to lack of training, leadership, restraint, professional maturity, and some secondary reasons for retaliation and unethical actions are fear of the enemy, promotion of violence from seniors and peers, ignorance of cultural norms, and most of all peer pressure. Strong, mature, and experienced leadership is the only way Soldiers on today's battlefield will win and survive the many ethical dilemmas the Soldiers will face. Solid competent leaders will ensure that violations of the Law of Land Warfare will not be tolerated and that violators will be punished to the full extent of the law. Training and leader involvement will help directly minimize ethical dilemmas on the battlefield and ensure Soldiers apply the EDMP.

### **III. We Must Remain a World Role Model**

The world media has placed the American Military under a microscope. We have been placed there because we are proud and boastful of our high ethical and moral values on the preservation of human life, and compassion to our enemy along with the way we follow the Law of Land Warfare. Americas set the ethical and moral high ground around the world and has set that high standard since the end of WWII when America became a world leader and power. Our enemies know this and they use it against us in the ever-ending propaganda warfare of good vs. evil that has been waged for several years when American is perceived as violating the Law of Land Warfare. The world expects us to live by a certain set of values and ethics when we go to war and follow the rules of engagement (ROE). There are several reasons why American Soldiers and Marines must maintain that high level of ethical standards. One reason is our ethics and values adds credibility to American national objectives and goals strategically around the world.

Next the world will more likely support and standby an ethical allied during times of war [6]. Last, America's reputation for being ethical, moral, and placing a high value on human rights allows America to gain the trust and confidence of nations, which needs American assistance to end tyranny. When individuals like the Marine private in Fallujah, CPT Maynulet, and the Apache helicopter crew shooting the wounded insurgent, it brings a lack of credibility to the American mission and our global goals on the eradication of terrorism worldwide. The EDMP could have prevented these acts from occurring and ensured fewer Americans became casualties in Iraq, along with helping build a better and stronger collation on the GWOT. But most of all these unethical acts created animosity between America and the very people we are charged to protect and committed to providing a better way of life through democracy. Americans are different, we "follow the rules" in war, despite how we feel. We must remain professional and mature and not let our emotions allow us to make an unethical decision, which can have profound effects around the world [7].

### **Conclusion**

America was created under a Judeo-Christian belief system over 200 years ago, which values life, liberty and the pursuit of happiness. American values, ethics, and morals have ensured that that goal is still alive and well today by our demonstrated ethical choices and behavior despite the poor choices of a few. What makes the American Soldier uniquely different in Iraq, Afghanistan, and around the world while conducting combat actions in the Global War on Terrorism, is that the American Soldier is held accountable to a higher moral and ethical standard. The American Soldier is held liable for his or her actions, despite the different moral and ethical standards that the

enemy combatant has. I have discussed in the past three paragraphs some recent unethical choices American Soldiers have made recently in Iraq, and how they effect our operations in Iraq and around the world. I also discussed how our emotions allow for the unethical behavior of retaliation and how to prevent retaliation from occurring, and last I informed the reader why and how we are different as Americans when conducting combat operations. I want to ensure the reader understands that the American Soldier is the most highly trained and respected Soldier in the world and with that quality training comes the expectation from the world of high ethical and moral standards. America prides itself on many things and one is the discipline of the American Soldier. A disciplined Soldier makes ethical decision all the time with no exceptions. Through strong leadership and tough realistic training, America will remain the shining example of a free and ethical democracy. I'm proud of the American Soldier and the strong values we possess, and I will do my part to ensure that a few poor choices by Americans Soldiers and Marines will not dull the bright shine on the proud armor of the American Soldier by providing quality leaders and training on ethics. We can be and will always be seen as the honest, disciplined, ethical Army we have been known for, for over 230 years.

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Note: The Marine Private was not charged with any violation of the Law of Land Warfare, and was returned to his unit eight days later. CPT Maynulet was convicted in a court martial of assault with the intent to commit murder and voluntary manslaughter. PT Maynulet could have spent 10 years in prison but was released (discharged) from the Army under a general discharge with no further punishment or time served.

## Notes/Works Cited

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