Playing by the Rules:

An Assessment of Combat Atrocity During Operation Iraqi Freedom, 2005-2006

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Chapter 1:
Introduction and Literature Review

On the morning of March 12, 2006, the men of 1st Platoon, Bravo Company, 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division \(^1\) were growing restless. They’d been stationed in one of the most dangerous areas in Iraq, the Triangle of Death, for nearly six months. Though a mere fifteen-minute drive from the Green Zone, the U.S.-controlled center of operations during the Iraq invasion, the Triangle of Death was a hub of violence. Morale had taken a hit that past January when dozens of insurgents mounted an attack on the Americans with unprecedented tenacity and organization. Shortly after, an electrical fire burned the Americans’ quarters to the ground destroying pictures, mementos from home, and the video games the men had used to distract themselves from the strain of combat. \(^2\) The environmental stress was so intense that the commander of 1st Battalion had to take three days of “freedom rest”, the military term for taking a few days off, before resuming his job to guard against a mental breakdown. In 2006 the area was being patrolled by approximately 1,000 men—a mere fraction of the 30,000 troops that would later be used to pacify the area. \(^3\)

This particular morning marked the twelfth day that the squad had been stationed at Traffic Control Point (TCP) 2 and the men were feeling particularly antsy. According to reports \(^4\), the soldiers had been up for eighteen hours straight when they began having the conversation

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\(^2\) Ibid.
that would eventually result in one of the grisliest atrocities committed by U.S. soldiers in Iraq. In semi-serious tones, the men began discussing their desire to kill Iraqis; eventually the conversation took a turn towards Abeer Kassem Hamza al-Janabi, a local Iraqi girl who was fourteen years old at the time. Reports from the family’s relatives reveal that Abeer had been receiving unwanted attention from the soldiers. In fact, her parents were growing increasingly concerned about the situation and sent her to sleep in a neighboring home, an arrangement that lasted only one night. Fellow Iraqis living nearby assured them that the Americans would never do something so heinous as to make advancements toward a young girl and told the family not to worry so much. But the Janabis’ worst fears were confirmed when Cortez and four of his squad members came barging into their home that March morning. Having left the new arrival—eighteen-year-old Private First Class (PFC) Bryan Howard—in charge at TCP2, the men had set out like they would on a regular patrol. Upon arrival at the house, the soldiers dragged Abeer into a separate room, gang raped her, and then shot her and her family. They doused her body in kerosene and set her on fire. The family’s two boys, who had been at school at the time, returned home to the ghastly scene. This horrifying atrocity became known as the Mahmudiya rape and murders.

The incident, hideous as it was, was neither the first nor the last atrocity committed by U.S. troops in Iraq. The violations of international, humanitarian, and American law and military ethics that surfaced during and after the Iraq war should be particularly troubling for the United States. As a liberal democracy and global superpower, the United States has a vested interest in ensuring that the reputation of the U.S. military remains intact and that soldiers adhere to the standards of conduct set by the armed forces. To prevent atrocities like the Mahmudiya rape and killings from occurring, the U.S. military operates under set rules of engagement (ROE)
that detail four main questions regarding the use of military force: when can force be used, where can it be used, against whom can it be used, and how can it be used?\(^5\) The scope of the ROE has two general categories. There are the set of actions that can be taken unless explicitly prohibited by orders from higher ups in the chain of command, and actions that can only be taken if there are orders given from a higher command.\(^6\) Despite measures to ensure that the use of force is employed judiciously, the line between acceptable and unacceptable is often blurred by the strains of combat. And in some cases, such as in Mahmudiyah, the lines are decidedly black and white and yet horrific abuses occur. The U.S. military aims to guard against violations by issuing ROE cards to soldiers upon deployment and mandating that soldiers attend lectures on the role and provisions of the Geneva Convention in combat.\(^7\) The American military prides itself on a superior professional fighting force, aware of the pitfalls of using indiscriminate force and cognizant that it must adhere to the rules of combat. Yet despite all this, the U.S. military has committed heinous war crimes. Perhaps to a lesser extent than other militaries, but a comparison is not the focus of this project, nor should being above an arbitrary threshold be satisfying to a country whose military fights for the spread of liberal, democratic values.

What then, causes a military unit to commit an atrocity and why does this matter? Much of the literature that explores the causal factors of atrocities has emerged from incidents that took place during the Vietnam War. The My Lai massacre of 1968 has received particular attention and much of the literature focuses on the nature of this event and what led to such an indiscriminate use of force against noncombatants. The My Lai massacre took the lives of an

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\(^6\) Ibid.

estimated 500 unarmed, unresisting civilians. On March 16th, the Charlie Company of the Americal Division’s 11th Infantry Brigade marched into the hamlet of Son My and proceeded to kill, rape, and plunder until it had made its way through the entire village. Although not exceptional in that it wasn’t the first nor the last atrocity committed by U.S. troops, it has nonetheless become the symbol of military misconduct for the Vietnam War. In the aftermath, many theories have been posited as to why atrocities occur in combat and what exactly explains the carnage inflicted by Charlie Company on defenseless civilians. In the wake of the My Lai massacre, the U.S. Army launched an investigation into the matter. Known as the “Peers Inquiry Commission”, the investigation found a number of factors that contributed to the massacre, but there is no consensus as to which of the nine main influencing elements identified by the commission bears the most culpability.

Today’s military makes a consistent effort to ensure that its soldiers follow the ROE and honor the limitations that international treaties, domestic law, and military law place upon the use of force. However, abuses do occur and in the face of the violence, there are a couple of questions that arise:

- What are the factors that, when present, increase the likelihood of a unit committing an atrocity?
- Are these abuses preventable?

It is in the U.S. military’s best interests to be attuned to the different conditions and factors that could cause an ordinary unit to deviate from normalcy. In the last decade, the United States has been involved in conflicts in which population-centric counterinsurgency has been the tactical
focus. The military has made a concentrated effort to embed itself into the lives of the
surrounding population and gain their trust. The time and effort that go into developing these
relationships are in vain if the military violates that trust by failing to employ force judiciously.
Even if abuses of force are sparse, what has been referred to as the “CNN effect” makes it
possible for information regarding misconduct or an atrocity committed by American soldiers to
be publicized quickly and to a broad audience. The current global situation makes it unlikely that
small wars and counterinsurgency operations will fade away in the near future. Thus, the United
States has a vested interest in minimizing the number of atrocities committed in theater and
attempting to identify platoons at risk of doing so. It is not only imperative for mission success in
the types of combat operations the United States is currently engaged in (and will most likely
remain engaged in), but also to retain its legitimacy as the guardian of liberal democratic values.

Can the results from past studies on violations of military standards of conduct be applied
to modern day combat scenarios? We have established that following the rules and guarding
against deviations from these standards is important to the U.S. military. Thus, it is imperative
that the information being used to evaluate the causes and influencing factors of combat atrocity
actually be applicable to situations beyond the ones they were derived from. For example, the
explanatory factors that emerged from the analysis of the Vietnam War and the My Lai massacre
allow for the analyzing of the incidents in question, but are these explanations portable to other
conflicts, like the war in Iraq? Or has the nature of war changed sufficiently so as to make some
of the most prominent theories inapplicable? The subsequent portion will examine three of the

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most formidable explanations that the literature has identified and pinpoint potential shortcomings and areas for further exploration.

*Psychological Factors*

The literature on violence in conflict, particularly that emerging from the Vietnam War, has explored explanatory factors at length, but there is much disagreement regarding which factors are most influential. Some point to psychological factors as a driving force. When news of combat atrocities surface, many people immediately ask themselves, what could possibly have driven someone to commit such horrific acts? Several psychological explanations have been put forward to explain why supposedly disciplined and trained individuals break away from established norms and deviate into the realm of the unthinkable. One of the most contentious suppositions argues that war is cognitively degenerative and precludes the use of certain cognitive factors that need to be present for people to behave in a way that is morally appropriate.\(^{10}\) In combat, a soldier is required to obey orders and will not be subject to prosecution for doing so unless the order is “manifestly illegal”. That is, unless an order’s illegality is so blatant that it would be obvious to anyone on its face.\(^{11}\) The “cognitively degenerative nature of war” argument holds that the conditions of war make it impossible for a soldier to make the appropriate distinction between manifestly legal and manifestly illegal orders. Proponents of this argument claim that the mere physical environment of war—the roar of battle, sleep deprivation, and unhygienic conditions, among other factors, make it difficult, if not impossible, for soldiers to carry out simple cognitive processes that would lead to sound

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decision making and moral reasoning. While these might seem like unimportant elements that soldiers should theoretically be trained to deal with, studies have shown a striking disproportion between modest situational input and morally disquieting output. Being engaged in actual combat is bound to be highly cognitively degenerative. Which begs the question, does this phenomenon only apply to soldiers engaged in combat? What about soldiers who are in theater, but might not be engaged in combat operations? This argument moves beyond the proximal factors and argues that even distal factors can affect a soldier’s ability to make morally correct decisions. A soldier doesn’t have to be engaged in a battle to be affected by the stress of war. The situational environment at their post can have the same effects on a soldier as being on a battlefield. Furthermore, simply because a soldier is on post, doesn’t mean war stops at the edge of the forward operating base (FOB). The lack of “designated battlefields” and clearly drawn battle lines in modern-day conflict make it increasingly difficult to argue that not every soldier is engaged in “actual combat”.

Critics of this argument contend that psychological factors do play a role, but not for all soldiers. After all, if psychological factors uniformly affected everyone, it should follow that all soldiers would fall prey to this type of behavior. One prominent war theorist, Michael Walzer, argues that because there is rarely complete participation in an atrocity this is, “…morally decisive, for it…proves that the right can in fact be recognized, as it often is, even in the chaos of combat”. This has been called the “few bad apples” theory which claims that there are a few individuals with psychopathic tendencies that cause most of the atrocities committed in combat.

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Some, however, would argue that soldiers who commit acts of aggression and violence in conflict are not exceptional deviations from the norm. In fact, most were successfully integrated into society prior to deploying and return to a state of “normalcy” after. Thus, this implies that the aggression exhibited by these men and women in combat, is an aberration. If Walzer is correct, we should expect a majority of the acts examined to have been committed by soldiers suffering from extreme psychological disorders. Theoretically, if the military is doing a good job of conducting psychological evaluations on its soldiers and recruits, this should not exist within the armed forces.

Organizational and Institutional Factors

Another strain of the literature argues that the institutional and organizational factors at play during the Vietnam War created a culture that was permissive of a lax use of force. Organizational factors refer to structural situations and challenges faced by the U.S. military organization such as, but not limited to, “small staffs, ad hoc organizations...[and] personnel shortages...”\textsuperscript{15} The Peers Inquiry, which conducted an investigation into the events that transpired in the village of Son My, identified organizational problems as contributing to the deterioration of accountability and oversight of the 11\textsuperscript{th} Brigade. Vietnam was different from previous wars fought by American soldiers. Unlike WWI and WWII which were conventional wars fought with clearly delineated rear lines and safe zones, Vietnam was a small war fought against an insurgency that was prepared to attack anywhere, any time. American soldiers never had the opportunity to disengage from combat, it was perpetually surrounding them. This, as previously mentioned, is also the nature of today’s wars. Yet despite the all-encompassing nature

of combat in Vietnam, psychiatric casualties in Vietnam were lower than for previous conflicts. Some contend that this is because soldiers rotated in and out of theater every twelve months, thirteen for marines.\textsuperscript{16} While the knowledge that they would soon be out of theater perhaps curbed the number of psychiatric casualties, it also led to lower morale and unit cohesiveness. In WWI and WWII tightly knit units fought next to their brothers; they fought for their unit, not for some grandiose cause. Some have hypothesized that instead of encouraging unit bonding, the constant rotation of soldiers in and out of theater in Vietnam made it a “war of individuals”; many were draftees who did not want to be there. There is an argument to be made for the importance of social cohesiveness on unit performance during combat.\textsuperscript{17} However, while the lack of bonding opportunity and unit cohesiveness, might seem problematic for morale and operation efficacy, according to some literature, tight-knit units facilitate a soldier’s obedience of an unlawful order. Some literature contends that it is more difficult for soldiers to act counter to what the majority of their buddies are doing, particularly if the soldiers in the unit have formed strong bonds with each other.\textsuperscript{18} However, it is also possible that spending too much time in theater can lead to a lapse of moral judgment and increase the potential for a soldier to commit an atrocity.

Institutional factors refer to influences derived from the military as an institution. Institutional theory deals with “the deeper and more resilient aspects of social structure. It considers the processes by which structures, including schemas, rules, norms, and routines,

become established as authoritative guidelines for social behavior.”19 In Vietnam, there were several ways in which the behavior accepted by the military as an institution and the social norms embodied by those at the top created a culture that was more permissive with regards to combat conduct. For example, the way in which success in combat was evaluated by the chain of command encouraged the use of excessive force. Units were deemed successful based on the number of kills they had, not the number of POWs they took. Achieving “good results”, i.e., killing a large number of Vietcong during a mission, often resulted in a better assignment.20 Lt. Calley’s men had been taken to task by the 11th Brigade commander, Col. Henderson, prior to embarking on their Son My assignment.21 The company had failed to kill large numbers of Vietcong in their previous missions and Lt. Calley’s competency was under scrutiny. This raised the stakes for the operation into the village of Son My and created an incentive for the unit to deliver significant results in order to redeem themselves. Furthermore, the idea that a young child would eventually grow up to be a “Vietcong” and that every civilian was aiding the enemy created an environment that didn’t differentiate between civilian and insurgent. It also made it easier for events like Son My to be rationalized based on the logic that every civilian was or would someday become the enemy.

The unique responsibility of the military creates a culture that toes the line between what is acceptable and what isn’t in civilian society. At its core, the military manages violence.22 It is responsible for training individuals to kill. While some scholars contend that every individual, at her core, is capable of committing horrible acts, others note that individuals have to be coaxed

21 Ibid.
and trained to cross that line and actually kill a fellow human being.\textsuperscript{23} Prior to the war in Vietnam, statistics from WWII indicate that between 80-85 percent of riflemen didn’t fire their weapons at an exposed enemy.\textsuperscript{24} The military took steps to correct this in subsequent conflicts and, by the end of the Vietnam War, the firing rate for that conflict was 90-95 percent. The training methods through which the military encourages soldiers to kill are effective, however they also lead down the slippery slope of dehumanizing the enemy. Training sessions involve increasingly realistic targets and soldiers are instructed to “engage the target” rather than a soldier or person. In military conflicts the enemy is usually given a derogatory sobriquet—the Germans in WWII were called “krouts”, in Vietnam “gooks” was utilized, and in the War on Terror “haji” has generally been used to refer to Middle Easterners as a whole. This is considered highly problematic in that allows soldiers to view their targets as subhuman and eliminates the hesitancy that often accompanies having to kill another human. While it is important to note that combat situations are high stakes, life-or-death environments where humanizing the enemy can undermine efficiency, the danger of these training mechanisms is that they often manifest themselves in atrocities that occur off the battlefield. For example, the Son My village was not a combat engagement, but rather an engagement against a village of unarmed civilians. Similarly, in Iraq, the Mahmudiyah and Hamdania cases, which will be examined later in this study, also technically occurred in a non-combat environment. While the soldiers were, strictly speaking, in a combat zone, they actively sought out the engagement. These civilian casualties were not a product of a battlefield engagement, like Haditha, the third case study considered in this thesis, arguably was. The problem with dehumanizing an enemy as whole is that it eliminates nuance

\textsuperscript{24} Ibid.
and nuance is crucial for allowing soldiers to evaluate incredibly complex situations and environments with appropriate rigor. When training conditions a soldier to view the enemy as a monolith, it becomes increasingly difficult to differentiate between combatant and noncombatant.

**Leadership**

In high stress situations, competent leadership is crucial to achieving desired results. The Peers Inquiry into the My Lai massacre arrived at the conclusion that out of the nine factors it had identified as having contributed to causing the My Lai massacre, leadership was one of the most significant. The average age of the soldiers involved in the My Lai massacre was nineteen and they were led by highly inexperienced leaders. Most officers, like the soldiers in their command, served one-year tours which prevented them from gaining the experience necessary for effective leadership. The culture of the chain of command in Vietnam exhibited a more lenient attitude towards what constituted a permissible use of force. Some reports say a commander winked knowingly at the men of Charlie Company, giving tacit approval to the carnage that ensued.  

Many soldiers later said that they didn’t report or refuse to participate in the My Lai massacre because they knew that saying something would not have any effect and they were likely to be ostracized for their actions. It is difficult for a person to deviate away from their unit when the bonds of cohesion are strong, so why, if these bonds were lacking in Vietnam, did more soldiers not do anything to impede the massacre? One possible explanation is the culture of total and indiscriminate violence that was implemented by the leadership—both at the upper levels and down to the average second lieutenant. The diffusion of responsibility that

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comes with group participation in a horrific act allows the soldiers to feel like they are simply following orders.  

It is imperative that the orders coming from the top of the chain of command are made clear to the lower echelons. Effective communication and awareness of the mission and its goals is crucial. The attitude of soldiers reflects that of their leaders. If there is palpable disregard for norms coming from military officers, it follows that the soldiers they are in charge of will not consider the ROE and other laws of combat to be an imperative component of war. This was the case in Vietnam where many officers considered the ROE and international law to be unrealistic constraints. The idea that “war is war” informed most of the decisions made by commanders. Morality was seen as a luxury that soldiers in combat simply couldn’t afford. Officers made decisions on whether a soldier was fit to be in battle. If a soldier refused to shoot, regardless of the situation, he was deemed unfit to be in combat. The social ostracism that accompanied that decision was often deemed a more punitive consequence than dealing with the guilt of partaking in a blatant violation of the laws of war. There was no upside to doing the right thing, but the consequence of breaking with the norm was punished not only by fellow soldiers, but by those at the top.

These hypotheses highlight several different factors that influence the behavior of soldiers in combat. While these are all plausible explanations, it is unclear from the literature which of these explanations, if any, can be assigned the bulk of the responsibility for the misuse of force in war. Furthermore, the literature has largely neglected to delve into preventative measures and how to identify what units are at greater risk of committing a combat atrocity. This study aims to identify how these explanatory factors might change in their applicability when

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considering the Iraq War and what factors, if any, platoons that committed atrocities had in common. If there are certain factors that appear frequently across various incidents, a clearer picture begins to emerge as to what conditions render units ripe for violations.

**Methodology**

This project, as previously stated, aims to distill and evaluate what factors significantly influence a unit’s proclivity to commit an atrocity during their time in theater. The focus of the analysis will be platoons, a small group of about 16-45 soldiers led by a second lieutenant. By analyzing units at a relatively micro level the goal is to allow for an analysis that is representative of the ground realities that soldiers face in combat. This thesis will deal with atrocities which by definition constitute violations in the laws that govern the use of force in combat including the Geneva Convention, the Law of Armed Conflict (LOAC), and the Rules of Engagement (ROE). The Geneva Convention prohibits the use of force against civilians and sets boundaries for the treatment of prisoners of war, outlaws torture, and protects other persons in combat zones. It provides a legal framework for safeguarding the human rights of soldiers, civilians, and prisoners during wartime. Similar to the Geneva Convention, LOAC is a part of international law that aims to prevent destruction and suffering in combat scenarios. Under LOAC, each military department has an obligation to implement a program that prevents violations from occurring—this is an obligation that the United States is bound to under the Geneva Convention of 1949. Lastly, to expound on the description found earlier in this chapter,

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28 Ibid.
30 Ibid.
the ROE specifically refers to “directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered”.  

The ROE have continued to develop through each of the conflicts the United States has been involved in and set more specific boundaries for conduct within particular conflicts. The theater commander sets the general guidelines, but it falls to leaders further down the chain of command to set the ROE for specific missions. While the standing ROE can be modified, any changes must be restrictive rather than expansive.  

In other words, a modification must place constraints on the use of force, not relax current standards. When a violation occurs, the commander in charge of the individuals responsible is required to open an investigation into the matter. In accordance with the Uniform Code of Military Justice (UCMJ), when a soldier is found in violation of the standards of conduct espoused by the U.S. military, a Judge Advocate General (JAG), will lead the investigation.  

It is important to note that an ROE violation is not necessarily the same as a combat atrocity. Although this study deals with combat atrocity and refers to the ROE frequently, I would like to point out that an ROE violation does not necessarily constitute an atrocity, but an atrocity is a violation of the ROE.

In order to gauge why combat atrocities occur within certain units, it would be useful to consider the nature and number of ROE violations within units throughout Iraq in the years of interest, 2005 and 2006. A log containing this information would theoretically document all instances of ROE violations (including non-atrocities/minor infractions) and allow for an

evaluation of why some units commit more minor behavioral breaches, why some don’t, and why there are certain platoons that do break away from acceptable conduct. However, this study did not have access to a thorough log of ROE violations committed in Iraq. This is unfortunately the greatest disadvantage to the results presented here. Because there is no documentation of ROE infractions, the alternative was to select on the dependent variable—that is to only evaluate platoons which have committed combat atrocities. While this constraint limits my ability to draw conclusions regarding the mechanisms that influence a unit’s proclivity to commit an atrocity, it does allow for the evaluation of what mechanisms, if any, are present in all the case studies. This highlights common trends across cases that can expound on the nature of combat atrocity. Thus, the main contribution that this study presents, is a ruling out of hypotheses that might not be applicable based on the evidence presented. One of the most common critiques of selecting on the dependent variable is that “causes and effects identified in a small sample might be reversed in another sample uncorrelated with position on the dependent variable”.

This thesis combines case studies with data on civilian casualties to present a thorough case analysis and cross reference specific instances of atrocity with civilian casualty trends in that area of operations (AO). First, I sifted through each of the civilian casualties logged in 2005 and 2006. Based on the available information, I subsequently code each civilian casualty caused expressly by American military forces. The nuances of this will be detailed at length in the data chapter. My hope is that in doing this, it will allow for a better sense of the American use of force against civilians in the region in which the atrocity occurred and see in what, if any,

regions these events concentrate. Together with the case studies, the goal is to present a clearer sense of the landscape in which atrocities occur.

**Conclusion**

In summation, this project seeks to understand the dynamics that cause a platoon to violate the laws of war and inflict violence on civilians. My work aims to analyze the data coming out of the Iraq War to determine what causal factors play the most significant role in causing soldiers to deviate from the norm. Previous literature has posited several hypotheses, but are these hypotheses applicable to modern war? Are there differences in the nature of the wars that are being fought today that change the extent to which factors highlighted by previous studies influence combat? Can any of these factors be extrapolated and identified as the main culprits or is every case different? These are the questions that this project seeks to answer. As the political sphere changes in unforeseen ways and the interests of the United States shift, it is crucial to understand why soldiers obey rules and what causes them to break away from the norm and acquiesce to orders that are manifestly illegal. If the United States continues to engage in small wars across the globe, the way in which it fights those wars is of utmost importance. If the U.S. hopes to continue being a beacon of liberalism and democracy it cannot afford to fight wars illiberally. The treatment of civilians in conflict, the use of force, and the factors that influence these actions should be at the forefront of military strategy. Are there structural adjustments that could be made to facilitate adherence to the rules of war? The United States military takes seriously the way soldiers conduct themselves while in combat. Thus, it should also take seriously the resources it gives its soldiers to ensure that they fight in a way that furthers the values of the United States. The first step to doing so, is identifying what causes a breakdown in
obedience to the laws of war and subsequently devising ways to curb the influence of those causal factors.
Chapter 2:

Data Collection and Methodology

In the aftermath of the March, 2003 invasion of Iraq, the four-week campaign that led to the toppling of a brutal dictatorship was hailed as a success. Baghdad, the Iraqi capital, fell in three weeks,\(^{35}\) showcasing the U.S. military’s efficiency and professionalism. The American success was supposed to be a shining example of the “shock and awe” doctrine by which militaries attempt success by besieging their opponent with superior and overwhelming force.\(^{36}\) Yet despite these initial indicators that seemed to point to a successful campaign, the American venture into Iraq devolved into a full-scale insurgency that tested the U.S. military and prompted many to draw comparisons to a past engagement, the Vietnam War. By 2005, the insurgency was gaining traction forcing the U.S. military to scramble to find a way to deal with it—quickly.

What began as a campaign that many thought would be over within weeks, turned into a drawn-out counterinsurgency (COIN) fight. Waging a war against the insurgency would turn into one of the most complicated endeavors the U.S. military has had to grapple with in recent decades.

By their very nature, COIN campaigns create an environment that is particularly hazardous to civilians. Insurgents reside within the civilian population which makes it more difficult for counterinsurgents to identify and target insurgents without civilians being caught in the crossfire; Figure 1.1 showcases this dynamic. The positioning of insurgents within a civilian population is what drove the population-centric tactics that became the crux of the COIN campaign in Iraq. Furthermore, a COIN campaign is marked by the absence of delineated battle


lines. This context creates an atmosphere of constant uncertainty, stress, violence that affects both ground forces and civilians.

Figure 1.1

1. Tracking violence in Iraq

Throughout the duration of the Iraq War (2003-2011), various organizations attempted to keep a record of how many civilian casualties were a direct result of the war. One of the most prominent ones, Iraq Body Count (IBC), will be the primary data source for this project. Although this study focuses on one source, it is important to note the differences in numbers across databases in order to glean a clearer picture of how the statistics vary across organizations. Of course, violent conflict creates much uncertainty and it is impossible to arrive at an exact figure. But the variety in range doesn’t detract from the horrific nature of the situation that these sources depict. IBC gathers its data from media outlets and organizations’ press releases, which presents both an upside and unique challenges. Because the figures reported are coming from reputable news outlets and sources such as the ACLU and DOD, there is little evidence of fabrication. Other counts that lowball the estimates, such as those conducted by the Iraqi government, are much more likely to be susceptible to political interests and biases. The

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downside to relying on media reports is that the media is not present in all combat scenarios, nor is it necessarily aware of every incident involving a civilian casualty. This makes it very likely that the data represented by the IBC database is an underestimate of actual civilian casualties.

II. Data Shortcomings

The logic behind choosing IBC as the primary source of data was largely due to it being the only source that allowed for the categorization of civilian casualties by perpetrator. That is to say, incidents could be sorted based on who was responsible—be it US forces, coalition forces, or insurgents. As mentioned above, the general consensus is that IBC underestimates the number of civilian casualties, however, it is unclear if they also underestimate the number of civilian deaths caused by U.S. forces, specifically. Regardless, the data allows for the identification of trends across regions over time which then provides a baseline for cross-referencing these trends and evaluating them against the atrocities perpetrated by U.S. forces. These data will identify the most violent regions and how civilian casualties varied across Iraq. A few general shortcomings must be brought to light before proceeding with this analysis. For one, the data is missing some key atrocities that were committed by U.S. forces. For example, one of the case studies that will be examined later in this thesis, what became known as the Mahmudiya rape and murders, is conspicuously absent. Some of the data have obviously suffered coding errors, for example, several incidents list “number of casualties” as “0” when the fact that the incident has been included in a casualty database, suggests that that is not the case. There also seems to be some missing data. In 2006 there are no civilian deaths (caused by U.S. military forces) listed between April 4th and November 14th. This gap that seems highly unlikely given that in 2006, the security
situation was worsening due to the budding insurgency, thereby increasing the likelihood of civilians being caught in the crossfire.

III. Methodology

The reasoning behind analyzing both data from IBC and specific case studies is to ensure that the information gathered from the cases is not being examined in a vacuum. Drawing inferences regarding causal mechanisms and trends is extraordinarily complex and made even more so by the chaotic nature of combat. Thus, it is important for the integrity of this analysis to ensure that appropriate steps are taken to provide as much context as possible. The analysis focuses on two years, 2005 and 2006—the years when the security situation began to deteriorate and the insurgency began to gain traction.\(^{38}\) This time frame is before the January 2007 Surge that deployed an additional 30,000 troops in an attempt to turn the tide of the war.\(^{39}\) These two years were among the most violent, chaotic, and stress-fraught for troops in theater. By focusing on three atrocities that occurred within this time frame, the intensity of combat is held constant.

The first step was to sift through and collect the appropriate data from the IBC database which provides a detailed list of incidents. Each entry has, to varying degrees of specificity, the date and time of the incident, where the incident took place, the target, the type of weapon used, the number of victims, and the perpetrators. The incidents that occurred between 2005 and 2006 were extrapolated from these data. Each incident was evaluated on a case by case basis. Because there is unavoidable ambiguity in the data, there were several decisions made to ensure that each case was evaluated consistently and categorized using the same guidelines. Some incidents cited


“Coalition Forces”, “Iraqi/U.S. forces”, or “U.S. clashes with insurgents” as the perpetrators. These were not counted as U.S.-caused civilian casualties. The reasoning being that it is impossible to gauge from these types of categorizations whether it was a U.S. bullet that ultimately caused the civilian casualties. Other cases listed two possible locations for the incident or listed the incident as occurring while civilians traveled from one town to another. In these cases, the place the civilian was traveling from was chosen as the location. For the most part, the towns listed fell in the same province, and if they didn’t, the locations were close enough to each other that it nonetheless is representative of the violence that occurred regionally. Furthermore, incidents that listed private military contractors as the perpetrators of violence were excluded from the final count. Despite private military contractors being hired by the U.S. military, this study is strictly focused on U.S. military units. It would be difficult to incorporate private contractors and maintain the integrity of this study. Even though many of these contractors have previously served in the military, they receive private trainings by their companies, have different motivations, and are subject to different types of regulations regarding their operational guidelines than are commissioned soldiers.\textsuperscript{40} Lastly, once the incidents had been sorted by year, the locations listed were coded by province. Iraq has 18 governorates (provinces) and casualty rates were categorized in this manner to showcase the regional trends. Examining the frequency with which civilians died in certain governorates helps establish a pattern and identify the commonality of civilian casualties in the regions where the atrocities evaluated in this study occurred.

\textit{IV. Data Analysis}

It is important to remember that while these data reflect civilian deaths caused by U.S. forces, this does not necessarily imply that these incidents were intentional or that U.S. forces knowingly used force against unarmed Iraqis. Many of these case descriptions highlight the ambiguous nature of the situation. Some civilians died in clashes with armed vehicles, others because they were speeding too close to a TCP, and still other incidents note that the victims could have been either a civilian or an insurgent. The environment that these soldiers operate in is high-stress yet simultaneously requires the making of snap decisions on which depend their own lives as well as the lives of the Iraqis around them. However, it is important to note the detrimental effects of any civilian casualties in a COIN campaign, accidental or not.

The data in Table 1.1 show that for 2005 Salah ad-Din and Baghdad provinces as the most violent regions, with an estimated maximum of 222 and 189 deaths respectively. Al Anbar is a close third with 147. Table 1.2 identifies Al Anbar as the most violent region in 2006 with 177 civilian casualties, followed by 137 in Baghdad and 134 in Salah ad-Din. These are the listed maximums, which are most likely closer to the actual figure given that, as previously mentioned, IBC has tended to underestimate casualty rates. What is notable throughout both years is that the same three regions account for the majority of civilian deaths. This has a couple of explanations. One is that these were some of the most violent regions during the Iraq War. Another potential explanation however, is that areas like Baghdad had more coverage during the war and it was easier to account for casualties that occurred there than in less populated areas.

V. Conclusion

The tables and maps appended to the end of this chapter provide a more visual representation of the violence in Iraq. Although this thesis, as previously mentioned, focuses on three particular
case studies, by collecting these data, I am presenting corroboration for the news stories, journal articles, reports, legal documents, and all other documentation used to distill the conditions surrounding each of the atrocities analyzed in this study. Haditha, Mahmudiyah, and Hamdania, the three cases presented in this study, all occurred in the three most violent regions as denoted by the data represented here. In the following case studies I will analyze the relevance of this information and expound on the dynamics of the environment in which the soldiers in these platoons were deployed.
Table 1.1 U.S. Caused Civ. Casualties ’05

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Al Anbar</td>
<td>144</td>
<td>147</td>
<td></td>
</tr>
<tr>
<td>Al Basrah/Basra</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Al Qadisiyyah</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>An Najaf</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Arbil/Erbil</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Babil</td>
<td>23</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Baghdad</td>
<td>180</td>
<td>189</td>
<td></td>
</tr>
<tr>
<td>Dhi Qar</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Diyala</td>
<td>29</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>Karbala</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Kirkuk*</td>
<td>9</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Ninawa</td>
<td>66</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>Salah ad-Din (Saladin)</td>
<td>144</td>
<td>222</td>
<td></td>
</tr>
<tr>
<td>Wasit</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>614</strong></td>
<td><strong>714</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Known as At-Ta'mim between 1976-2006.

Table 1.2 U.S. Caused Civ. Casualties ’06

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Al Anbar</td>
<td>177</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Al Basrah/Basra</td>
<td>13</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Al Qadisiyyah</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>An Najaf</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Arbil/Erbil</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Babil</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Baghdad</td>
<td>134</td>
<td>137</td>
<td></td>
</tr>
<tr>
<td>Dhi Qar</td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Diyala</td>
<td>23</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Karbala</td>
<td>4</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Kirkuk*</td>
<td>12</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Ninawa</td>
<td>57</td>
<td>66</td>
<td></td>
</tr>
<tr>
<td>Salah ad Din(Saladin)</td>
<td>112</td>
<td>134</td>
<td></td>
</tr>
<tr>
<td>Wasit</td>
<td>None reported</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>555</strong></td>
<td><strong>620</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Known as At-Ta'mim between 1976-2006.

Table 1.3 Total civilian casualties for 2005-06 as estimated by Iraq Index and IBC

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>IRAQ INDEX</td>
<td>20,200</td>
<td>34,500</td>
</tr>
<tr>
<td>IBC</td>
<td>16,583</td>
<td>29,451</td>
</tr>
</tbody>
</table>

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41 Iraq Index is a database constructed by The Brookings Institution that is based largely on U.S. government information. Unfortunately, the logs for 2005 and 2006 are no longer accessible on the website. The data for this table was found in a secondary source, Accountability for Killing: Moral Responsibility for Collateral Damage in America's Post-9/11 Wars by Neta Crawford. The data she provides for IBC are not exactly the same as those found on the site, but it is close enough that it is likely that while the numbers for the Iraq Index might not be exact, they are close to the actual reported ones.
Civilian deaths caused by U.S. forces during OIF (2005)

Civilian deaths caused by U.S. forces during OIF (2006)

Map Key, Levels of Violence

<table>
<thead>
<tr>
<th>Level</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heated</td>
<td>Red</td>
</tr>
<tr>
<td>Intense</td>
<td>Orange</td>
</tr>
<tr>
<td>Moderate</td>
<td>Yellow</td>
</tr>
<tr>
<td>Less</td>
<td>Green</td>
</tr>
<tr>
<td>None documented</td>
<td>Gray</td>
</tr>
</tbody>
</table>
Chapter 3

Haditha, Iraq: November 19, 2005

“The president of the United States doesn’t know what the rules are. The secretary of defense doesn’t know what the rules are. But the government expects this Pfc. to know what the rules are?”

On November 19, 2005, 24 Iraqi civilians died in an incident that would later draw comparisons to the My Lai Massacre of 1968. To disentangle the many accounts of what occurred that day and begin to construct a coherent argument as to why the Marines of 3rd Battalion, 1st Marine Division (3/1) acted as they did on that fateful morning, several measures need to be implemented. First, the overall trends of violence in Haditha, Iraq will be analyzed. By consolidating journalistic accounts from the beginning of the war in 2003 up through the date of the incident and in the months following the attack, a narrative of the conditions, combat stress, and intensity of conflict can be distilled. This will allow for the events of that morning to be placed within an appropriate context as opposed to being examined in a vacuum. To understand the interaction between violence, civilians, and the U.S. military, a careful examination of civilian casualties caused specifically by U.S. forces in the region will be presented. This will establish a baseline for the frequency with which civilians suffered the effects of combat and will enable the deaths of these 24 civilians to be placed within an appropriate framework. It is important to recognize that malicious intent cannot be assigned to every civilian casualty, however, it does allow for a closer examination of civilian interaction.

with violence. After establishing a narrative for the region, a thorough analysis of the case will be drawn. This study will place journalistic accounts, congressional and military records, and court testimonials into conversation with each other to present the most comprehensive and unbiased account of events. Finally, based on the provided information, the hypotheses presented by the literature will be evaluated in the context of this event.

I. Trends of Violence

Haditha, a town of about 100,000 located approximately 125 miles northwest of Baghdad,\textsuperscript{45} is located in the Al Anbar governorate of Iraq. Sitting on the Euphrates Valley, the area was suspected of being both a haven for militants and a supply route for rebels smuggling ammunitions from Syria to Ramadi, a nearby town considered one of the most violent during the Iraq War.\textsuperscript{46} The stretch spanned by the supply route has been compared to the Ho Chi Min trail in Vietnam which was the bane of the American military commanders in that conflict.\textsuperscript{47} In Iraq, the corridor was not so much one single stretch as it was a multipronged route, making it incredibly difficult to monitor.\textsuperscript{48} This positioning made it an area of high strategical significance to the U.S. military. But conditions began to deteriorate as early as 2003. That year, on the anniversary of Saddam Hussein’s ascension to power, the American-backed mayor of Haditha was assassinated by unknown forces. Earlier that day, pamphlets warning residents of consequences should they cooperate with the Americans were distributed.\textsuperscript{49} This early onset of violence was directed

\textsuperscript{48} Ibid.
largely at those cooperating with the Americans and bred fear and anti-American sentiment in the town. Haditha was suspected of being a stronghold for the network of Abu Musab al-Zarqawi, a Jordanian militant wanted by the U.S. military.\textsuperscript{50} However, despite concentrated efforts to clear out the region, the American military struggled to make clear gains. Disavowing explanations that pointed to low troop levels as largely responsible for the military’s slow advances, in 2005, Marine Lt. Col. David A. Lapan was confident that this dynamic would be offset by Iraqi forces: “There are sufficient numbers of forces to accomplish the mission…the enemy is losing and he knows it.”\textsuperscript{51} Despite the colonel’s claims however, the Marines continued suffering heavy losses throughout the summer of 2005. Two major U.S. offensives resulted in the deaths of 20 marines over the course of two days in early August of that year. Most of the Marines were reservists from the same Ohio-based unit.\textsuperscript{52} Staff Sgt. John Allnut, a Washington D.C. native, expressed the frustrating nature of the operations in the region: “We roll into a town, we clear it out, we deem it clear…But you know that the second you leave, within hours or days, there’s going to be activity, or they’re going to go back there.”\textsuperscript{53} By 2005, the 3\textsuperscript{rd} Marine Battalion had suffered 37 deaths since the start of their deployment.\textsuperscript{54} Sgt. Maj. Ed Wagner, responding to journalistic inquiries via email, was adamant that the Marines would not let these losses deter them, “Once this operation is complete and the units are pulled back for refit and rest, that’s when you see it hit the Marines the hardest. It’s when they have downtime to lay

\textsuperscript{50} Ibid.
\textsuperscript{51} Ibid.
around and think about what just happened they start to deal with the loss of friends and comrades. These men will adjust to this tragedy and move forward with the mission at hand."

Despite intense journalistic coverage of Haditha beginning in 2004, after the fall 2005 campaign that ramped up the intensity of operations in the region, there was a noticeable lull in the area’s media coverage. This is natural given that the intensification of fighting most likely made it increasingly difficult for journalists to embed themselves in the conflict. There is no mention in journalistic accounts of the incident in Haditha until March, 2006. After that, the reports do a poor job of accounting for the levels of violence following the incident on the 19th of November. Instead, the focus turns to the probe into the Haditha incident, which is natural given the severity of the accusations that were coming to light. This shift of focus requires supplemental data to establish the levels of violence experienced by civilians during this time frame. In the six months prior to November 19, 2005, 770 civilian deaths were recorded in Anbar Province by Iraq Body Count (IBC). In the six months after, the death toll was 608. While these data do not differentiate between harm to civilians caused by different parties, it does allow for the establishing of a narrative for the violence that occurred during this time period. The data present a relatively consistent level of violence in the region during the time before and after the incident in Haditha. Al Anbar Province, where the town of Haditha is situated, ranked as one of the most violent during the Iraq War. As noted in the data section of this study, in 2005, Al Anbar was the third most violent province in Iraq. The Marines operating in this area were plagued daily by insurgent fire. In his March 2006 assessment report of the Haditha threat landscape, Col. Watt, the first person tasked with probing further into the events that transpired in Haditha, acknowledged the high intensity of the conflict in the town. Prior to the 3/1

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deploying, the 3/25 lost approximately 50 marines. As documented by journalistic coverage, at least 20 of those came from the same Ohio-based unit. Watt also notes that in the six months prior to the probe, the Marines of 3/1 had lost four of their own and, in the week of the investigation, suffered daily IED attacks.\textsuperscript{56} The environment in Haditha was fraught with randomized attacks and small arms fire (SAF) that created a hostile environment for all in the area. In his deposition, 2\textsuperscript{nd} Lt. William T. Kallop testified that in the month leading up to Haditha, 22 IEDs had been found on Chestnut Rd., where the IED exploded on November 19\textsuperscript{th}.\textsuperscript{57} Throughout their deployment, the Marines of 3/1 dealt with an intense and persistent level of insurgent activity which created a stressful, threatening, and constantly uncertain environment.

\section*{II. Account of the events}

The day that would become known as the infamous “Haditha Massacre” began as any other day for the Marines of 1\textsuperscript{st} Squad, 3\textsuperscript{rd} Platoon, Kilo Company, 3rd Battalion, 1\textsuperscript{st} Marine Regiment, 1\textsuperscript{st} Marine Division. The legendary 3\textsuperscript{rd} Battalion, known colloquially as “the Thundering Third” or “3/1”, is one of the most decorated battalions in the United States Marine Corps (USMC) with a history dating back to Vietnam, Korea, and World War II.\textsuperscript{58} The battalion has seen serious combat during most of America’s wars. It was no different in Iraq where the 3/1 played a significant role in the 2\textsuperscript{nd} Battle of Fallujah, also known as Operation Phantom Fury. The battle pitted approximately 4,000-5,000 insurgents against 15,000 U.S. soldiers.\textsuperscript{59} Prior to

\begin{footnotesize}
\begin{itemize}
\end{itemize}
\end{footnotesize}
the commencement of hostilities, the civilians in the area were encouraged to clear out before the outbreak of fighting. The majority did; it is estimated that anywhere between 70 and 90 percent of Fallujah’s civilian population vacated the area prior to the battle.60 This meant that the 3/1 was operating in an environment largely devoid of civilians and under a much looser interpretation of the ROE. The battle is known as one of the most intense and prolonged in modern history, leading to comparisons to the World War II battles of Iwo Jima and Guadalcanal.61 Some of the Marines involved in the fighting it describe it as an O.K. Corral-type scenario62—the battle lasted four weeks in total. Kilo company was fighting in close-quarter combat scenarios for the majority of that time and the battle resulted in a number of Marine casualties. When the battalion redeployed back to Iraq in October 2005,63 they were told that securing Haditha would be a task similar in intensity to Fallujah. However, as Sergeant Tim Tardif noted, when the Marines arrived in Haditha, the first few weeks, “…it was all crickets.”64 However, that relative calm would quickly change.

A. The IED

The Marines knew that regardless of whatever perceived calm they saw upon their immediate arrival in Haditha, this was still an incredibly dangerous AO. The insurgents could show up at any given moment and on the morning of November 19th, they did. That morning the Marines of 1st Squad, 3rd Platoon were tasked with transporting replacements for the Iraqi Army

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from their Firm Base Sparta (Sparta) to a nearby TCP. They were led by Staff Sergeant (SSgt) Frank Wuterich, a Marine from Meridan, Connecticut who was on his first deployment. The members of 1st Squad set out in four High Mobility Multipurpose Wheeled Vehicles (HMMWV, colloquially known as Humvees), manned as follows:

**Vehicle 1:**
- LCpl Rodriguez, Rene (Driver)
- Cpl Salinas, Hector (A-Driver)
- LCpl Sharratt, Justin (Gunner)

**Vehicle 2:**
- Cpl Dela Cruz, Sanick (Driver)
- LCpl Tatum, Stephen (A-Driver)
- LCpl Mendoza, Humberto (Gunner)
- Four ISF members

**Vehicle 3:**
- Sgt Wuterich, Frank (Driver)
- LCpl Graviss, Trent (A-Driver)
- HN Whitt, Brian (Gunner)

**Vehicle 4:**
- LCpl Terrazas, Miguel (Driver, KIA)
- LCpl Crossan, Trent (A-Driver WIA)
- PFC Guzman, Salvador (Gunner WIA)

On their way back to Sparta, at approximately 7:15 that morning, an IED on the side of Chestnut Rd. exploded. The explosion ripped through and killed LCpl Miguel Terrazas, the

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driver of vehicle 4, and wounded the two other Marines in the Humvee. Shortly after, a white sedan approached the Marines. After the Marines ordered the men in the sedan to get out of the car, a series of disputed events occurred that resulted in the death of the five men inside the vehicle. Iraqi accounts claim that the men were students on their way to university and had exited the car with their hands up, only to be shot by the Marines. USMC accounts maintain that the men attempted to run away and were killed as they fled. This would be a clean shooting, as the ROE allows soldiers to shoot a military aged male running from the scene of an IED explosion. Regardless of how it happened, five civilian men were killed in that instance. Cpl. Dela Cruz later testified that he proceeded to shoot several rounds into the men once they were already dead.

After making their way through SAF, two quick reaction forces (QRF) arrived at approximately 07:25 and the Marines began to take care of their dead and wounded. The first QRF was headed by Sgt. Wolf, 2nd Squad’s leader, and the second by 2nd Lt. Kallop. Once on the scene, the Marines once again came under SAF. 2nd Lt. Kallop ordered SSgt. Wuterich to take his men and “clear south” in the direction of the houses, where they believed the insurgents were hiding.

B. The firefight

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Throughout the course of the day, the Marines investigated four houses. Figure 1\textsuperscript{72} depicts the locality of the houses and their proximity to each other. After 2\textsuperscript{nd} Lt. Kallop’s orders to “clear South”, SSgt. Wuterich, LCpl Tatum, LCpl Mendoza, and Cpl. Salinas headed towards house #1, located about 200 feet from the IED explosion. Once inside the house they had deemed hostile,\textsuperscript{73} Abdul Hameed Husin Ali, Waleed Abdul Hameed Hasa, Abdullah Waleed, Abdul Hameed(ABdullah) and Asmaa Salman Rasif (Asmaa) were killed.\textsuperscript{74} Two others were wounded by grenade fragments and bullets. After the firefight in house #1, SSgt. Wuterich saw a man running towards house #2 and ordered the Marines who were with him to follow in pursuit. Once at house #2, SSgt. Wuterich ordered LCpl Tatum to “frag”\textsuperscript{75} the room next to the kitchen. Unbeknownst to the Marines, there were two women and six children in the back room of the home. As a result of this firefight, Aida Yasin Ahme, Mohomed Yunis Salim, Aisha Unes Salim, Zainab Unes Salim, Sena Yunis Salim, Noor Salim Rasif, and Yuda Hasin Ahmed were killed.\textsuperscript{76}

After the engagement in houses #3 and #4, the Marines set up an over-watch position (OP) on a house near the IED site to keep an eye on a nearby “Muj house”—a name Marines gave to houses belonging to insurgents.\textsuperscript{77} The engagement at houses #3 and #4 occurred at midmorning when SSgt. Wuterich and LCpl Sharratt saw a military-aged male walking between the houses. After observing several men coming outside and periodically observing the Marines on the OP, SSgt. Wuterich decided to conduct a “knock and search”.\textsuperscript{78} Following standard

\begin{itemize}
\item \textsuperscript{72} Ibid.
\item \textsuperscript{74} Ibid.
\item \textsuperscript{75} Refers to throwing a fragmentation grenade into a room in order to clear it and or stun the occupants.
\item \textsuperscript{77} Gary Myers, James Cult & Associates. “Report for Investigation Officer, United States v. LCpl Justin Sharratt.” 11 June 2007.
\item \textsuperscript{78} Ibid.
\end{itemize}
operating procedures (SOP), the Marines asked the women who came to the door about the men’s whereabouts. The women directed the Marines to house #4 where a firefight ensued; four insurgents died as a result: Jasib Aiad Ahmed, Kahtan Aiad Ahmed, and Jamal Aiad Ahmed, and Marwan Aiad Ahmed. Following the engagement, the Marines took two AK-47s out of house #4 along with a suitcase they believed might contain important information pertaining to insurgent activity in the region.

The Marines spent the rest of the day securing the area and providing transport to those who needed medical attention. Finally, at 2330, they trekked back to Sparta on foot. Once back on base, the Marines conducted a routine debrief of the day’s events, but most of the attention was focused on helping the unit members cope with the death of LCpl Miguel Terrazas. The Kilo Company commander, Luke McConnell, did not want to question the Marines on the day that they had lost a fellow soldier, but reported the civilian deaths to his superiors. There was however, no immediate recognition that the events of that day were highly problematic. For the Marines of 3/1, the best course of action was to move past the day’s events and continue working towards fulfilling their mission in Haditha.

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79 Ibid.
80 Ibid.
81 Ibid.
Figure 1 Scene of the engagement

*Houses labeled as per NCIS report

III. USMC Account and Responses to Incident
The immediate USMC response to the events of November 19, 2005, was to issue a routine press release with information regarding the engagement. The statement, a full copy of which can be found in Appendix B, is perhaps the single most misleading document released by the USMC regarding the events of November 19th. In the statement, Capt. Jeffrey S. Pool reports the killing of a Marine and 15 civilians as a result of an IED explosion. Although perhaps some found the killing of 15 civilians in an IED explosion abnormal, no external inquiries were made into the matter.\textsuperscript{83} It wasn’t until Timothy McGirk, a Times reporter, received video footage from Taher Thabet, cofounder of the Hammurabi Human Rights Organization, who happened to be nearby visiting family on the day of the killings,\textsuperscript{84} that the probe into Haditha began. In February 2006, Lieutenant General Richard C. Zilmer took over command of the Multinational Force West (MNF-W), of which the Marines of 3/1 were a part. A month later, Lt. Gen. Zilmer ordered an investigation into Haditha, following the breaking of the Haditha story by Time Magazine in March 2006. A series of three investigations were conducted by the U.S. military: the Watt Investigation, the Bargewell Investigation, and an investigation by the Naval Criminal Investigative Service (NCIS). The subsequent sections will examine in greater detail the findings of the reports.

\textbf{A. Watt and NCIS Reports:}

Lt. Gen. Peter W. Chiarelli charged Col. G.A. Watt (USA) to conduct an AR 15-6 investigation into Haditha. Col. Watt spent about a week in Haditha, interviewing members of the battalion as well as civilians and attempting to piece together a comprehensive narrative of

the events of November 19th. The Watt report remains classified, except for a few pages released in March 2006, but the takeaways are included in the Bargewell Report. Col. Watt’s investigation determined that by and large the events were as recounted by the battalion, but urged a more thorough investigation.

The NCIS report into Haditha also remains classified. However, the general conclusions can be gleaned from journalistic and other military sources, such as the Bargewell Report. The NCIS investigation uncovered evidence that certain squad members had talked to each other and coordinated false stories on specific aspects of the incident. During subsequent interviews conducted by NCIS, some participants made statements that contradicted previous ones, giving rise to NCIS suspicion that some of these shootings might have been “deliberate LOAC violations”. It also found that the most significant ROE that the Marines failed to abide by was the requirement to positively identify (PID) the Iraqis inside the homes as civilians prior to shooting. The last important piece of evidence uncovered by the NCIS probe was confirmation of the existence of photographic documentation of the day’s events.

Both of the aforementioned reports informed the manner in which Maj. Gen. Bargewell conducted his investigation. Despite the evolving nature of the evidence and the fact that the NCIS and Bargewell investigations were occurring simultaneously, Maj. Gen. Bargewell felt confident in asserting that the nature of the developments were not so significant as to detract or change the nature of the report’s final conclusions.

B. Bargewell Report:

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85 Ibid.
86 Ibid.
On March 19, 2006, Army Maj. Gen. Eldon A. Bargewell was appointed by Lt. Gen. Chiarelli, commanding general of the Multi-National Corps in Iraq, to investigate the events of November 19, 2005. Bargewell was tasked with incorporating the findings of the Watt Report into his own investigation, but was not limited to them.\textsuperscript{89} The Bargewell report assesses the series of steps USMC took to record the events of November 19\textsuperscript{th}. The first electronic report of the civilian deaths was made at 2400 on the night of the killings in the form of a journal entry report submitted to the Regimental Combat Team 2 (RCT-2) which RCT-2 then forwarded to the 2d Marine Division an hour later.\textsuperscript{90} A significant event (SIGEVENT) report was posted on the MNF-1 Automated Spot Report Data event tracker at 0857 local Iraqi time, on the morning of November 20\textsuperscript{th}. No level of command felt that the information contained in the accounts of the day’s events met the criteria for Commander’s Critical Information Requirements (CCIR), which is a process by which the military filters relevant information to its commanders. The 2\textsuperscript{nd} Marine Division Public Affairs Officer and Chief of Staff felt the statement made the following day by Capt. Pool, although not entirely in line with the report of the day’s events, was at its core a sound assessment of what had occurred.\textsuperscript{91}

The Bargewell Report notes that several “red flags” should have raised the commanders’ suspicions and at the very least led to a deeper probing of the day’s events. The problematic elements cited in the report include the photos that were taken at the scene and later distributed among the junior members of the unit, the insurgent posters that appeared the following week pledging that the innocent would be avenged, and the concerns brought up by civilians at a town hall on November 25\textsuperscript{th}.\textsuperscript{92} As the Bargewell report notes, that the chain of command did not

\textsuperscript{90} Ibid.
\textsuperscript{91} Ibid.
\textsuperscript{92} Ibid.
consider the death of 15 noncombatants (the number from the press release) as meriting a deeper probe, suggests that both the ROE and LOAC were not being applied to the degree that they should be in a combat zone. Citing US Army FM 22-10, the report claims that “all organizational and direct leaders establish their organization’s climate, whether purposefully or unwittingly.” Thus, the report effectively charges the commanders of 3/1 with failing to consider civilian lives to the extent that they should have, thereby creating a climate of indifference within their organization. However, although the Bargewell report acknowledged that the reporting of the incident was less than optimal, it maintained that “…the preponderance of the evidence shows that the overall deficiencies in reporting and follow-on actions—while sometimes perplexing—were not the result of an extensive and orchestrated criminal cover-up throughout the chain of command.”

C. Marine Individual Responses

The responses of the Marines involved correlate closely with what could be expected given Bargewell’s assessment of that morning’s events and how they were subsequently reported. The statements given by the Marines in court and to the media speak to the intense daily stress the Marines were subjected to, their relationship with the locals, and the culture of command that permeated the 3/1. The comments made by Col. Davis, the Regimental Combat Team Two (RCT-2) Commander, speak to the tension fraught relationship between the locals and the Marines: “They don’t love us. We know that. They don’t like us. We know that. They don’t want us there. We know that too. And that’s all fine...this is not, you know, a great hidden

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93 Ibid.
He continued, saying, “…what you are trying to do there is you are trying to build some bonds with the community, traditionally called hearts and minds. Hearts and minds does not work up there...That is a misinterpretation of the culture that you are involved with in that particular area of Iraq...” The Marines’ statements in depositions, signed affidavits, and interviews highlight the mistrust they had of Iraqi civilians. SSgt. Wuterich, explained the dynamic, saying “…who’s a civilian or ‘muj’ in Iraq, you really can’t…that’s how wishy-washy it was. This town did not want us there at all.” There was a consistent thread that ran through the Marines’ statements: they weren’t wanted in Haditha and because of this, no one could be trusted. This belief that civilians and insurgents were one and the same created a problematic culture within the unit and made it unlikely for civilian deaths to prompt concern, much less an investigation—after all, who’s to say they were really civilians?

D. U.S. Domestic Reaction:

Once Tim McGirk’s report hit the wires, the American public went into an uproar over the photographs and evidence that surfaced. The grotesque pictures taken at the scene reinforced the anti-war sentiment, that by March 2006, permeated the American domestic sphere. President Bush, dealing with a war-weary domestic audience stayed out of the fray for the most part. Transcripts of press conferences in the aftermath of Haditha show that the President was

95 Ibid.
adamant about the importance of investigating the Marines’ actions. His remarks seemed to indicate that this fell primarily under the military’s job description and that he trusted USMC’s ability to investigate appropriately. President Bush also continued reiterating his support for American troops stating at a news conference, “I also want the people to understand…that 99.9 percent of our troops are honorable, decent people who are serving our country under difficult conditions, and I’m proud of them.” Others in government weren’t so supportive and fell more in line with the public sentiment. Representative John Murtha—a Democrat and former decorated Marine from Pennsylvania led the charge to condemn the Marines. Eventually he would be sued for slander by several of the accused men of 3/1, but he was at the forefront of demanding the Marines be held accountable for their actions. While not everyone took kindly to his antics, his questioning as to why this occurred and how similar incidents can be prevented is certainly worthy of consideration.

Hypotheses Analysis

Given the information presented regarding the Haditha Massacre, how does the evidence fit into the existing theories of combat atrocity? It is evident from the sources gathered that each carries a different bias—be it institutional or personal. However, the collection of facts seems to indicate that despite the sometimes conflicting nature of accounts, this atrocity doesn’t fall under the usual umbrella. The killing of 24 civilians in Haditha was horrific, but unlike other cases that will be presented in this study, it lacked a deliberate, premeditated effort to inflict harm on


innocent civilians. That is not to say that the actions were justified, but simply to point out that, more than any other case evaluated in this study, Haditha is an example of how wrong things can go, even when there is no conscious intent to disregard the laws that inform the use of force during combat.

I. Psychological:

The psychological explanation for atrocity presented in this study has two sub-theories. One identifies the cognitively degenerative nature of war as responsible for troops committing atrocities. This explanation contends that the physical environment of war degrades the brain’s cognitive ability to make morally sound decisions. The Marines of 3rd platoon were indisputably in a highly stressful environment. Their unit was constantly being targeted by IED’s; the operating environment was rife with uncertainty and tension. Furthermore, as evidenced by the Marines’ statements regarding the populace, they strongly believed that the people they were supposed to “win the hearts” of didn’t want them there. On the morning in question, the Marines had just witnessed a close friend being ripped apart by a roadside bomb. The sheer brutality of the situation would be sufficient to make a person deviate from acceptable conduct. Yet despite this, Cpl. Dela Cruz described the Marines’ reaction as tempered. In his sworn statement Dela Cruz recalled that no one had a wildly disproportionate reaction to the events. In the immediate aftermath of the explosion, they were focused on dealing with the vehicle approaching the convoy and taking care of their wounded.\textsuperscript{100} While it is important to acknowledge that Cpl. Dela Cruz had a vested interest in providing this account, there is no evidence that the Marines colluded in any way during the engagement. There was no collective resolve to avenge Cpl.

Miguel Terrazas’ death—simply a group of Marines dealing with the situation at hand. Once 2\textsuperscript{nd} Lt. Kallop arrived, he sent the men towards the houses where they believed the SAF was coming from telling them to “clear south”. There were no further instructions, no encouragement to “get the Iraqis back”, and no indication that a gratuitous implementation of force would be tolerated by the Marines’ superiors. The Marines were undeniably in a highly tense environment, but there are no indicators that this impaired their ability to make decisions given how quickly they moved from one task to another, going through the SOPs they had been trained to follow, and not allowing the death of their fellow Marine, however tragic, to keep them from doing their jobs.

Another branch of the psychological explanation for atrocity is what is colloquially referred to as the “bad apples” theory which identifies one or a few individuals with psychopathic tendencies as the masterminds behind combat atrocities. However, given the facts of Haditha, this theory is too flimsy to buttress the full weight of this incident. There was no “ringleader” that morning. Other cases have eventually revealed, through interviews and testimonial discrepancies, the role of one individual with an affinity for violence or vigilante justice in bringing about the atrocity. That does not exist in Haditha. Given that out of all the cases considered in this study Haditha has been the object of the most external reports, if such a dynamic existed, it would most likely surfaced in at least one of the probes. If nothing else, self-interest alone would have certainly led at least one Marine to expose the culprit. Moreover, the psychopathic element that is cited in the “bad apples” theory is not present in Haditha. None of the troops were suffering from or had any history of psychological disorders. Nor had any of these Marines been admitted into the military under moral waivers.\textsuperscript{101}

\textsuperscript{101} Moral waivers are granted by the military on a case by case basis to recruits who do not meet all the criteria to be allowed into the military.
It is clear from the evidence that the psychological explanation is flimsy at best. While one could argue that the very nature of the situation was enough to warrant a psychological response, none of the Marines’ actions indicate that they were so impacted by the morning’s events, that they were unable to make coherent decisions. If anything, they responded the way one would expect a well-trained Marine to respond—by forging ahead, dealing solely with the mission at hand, and making sure that the unit didn’t suffer any further casualties. It is also important to note that some of the Marines in the platoon had served in the Second Battle of Fallujah. While Haditha was an intense environment and losing a Marine a terrible experience, many of these men had extensive experience in operating in overwhelmingly violent and Hobbesian environments and doing so appropriately. While the argument could be made that Fallujah was largely devoid of civilians and therefore conducive to more liberal uses of force, the battle is nonetheless indicative of the Marines’ capacity to deal with the stresses of close-quarter combat and make decisions under intense pressure. Given these facts, a consideration of a different theory for combat atrocity might yield more informative results.

II. Organizational and Institutional Factors

This section will evaluate the applicability of the organizational hypothesis to the events that unfolded in Haditha. An organizational explanation for combat atrocity identifies the structural situations and challenges that confront the U.S. military as creating an environment that provides the necessary conditions for atrocities to occur. One of the factors that is often pointed to is the amount of time a soldier or Marine spends in combat. For example, in Vietnam, the constant rotating in and out of units in theater made it a “war of individuals” which, it can be
argued, affects the effectiveness and quality of unit performance in battle.\textsuperscript{102} Furthermore, during the Vietnam War, a soldier’s one year deployment timeline created an environment that made unit bonding difficult and cohesiveness elusive.\textsuperscript{103} The conscript system that was in place at the time of Vietnam made it possible to send in replacements. In Iraq, the U.S. had an all-volunteer military which made unit cohesiveness easier to achieve, but time in theater tended to be lengthier, due to a shortage of available manpower, which arguably can cause its own problems.\textsuperscript{104} Although, 3\textsuperscript{rd} platoon wasn’t dealing with an extended deployment when Haditha occurred, some of the Marines had been involved in a highly intense battle that summer and not been given time away from theater to decompress. A medical evaluation of Marines in Iraq during this time frame highlights the lack of Rest and Recuperation (R&R) time as having detrimental effects on Marines’ well-being.\textsuperscript{105} However, it is unlikely that this dynamic is what caused the loss of life that morning. Haditha did not occur so much as a result of the platoon reaching a breaking point, but rather as a result of a triggering event that led to a series of poor decisions being made.

Institutional explanations for combat atrocity focus on the way that influences derived from the military as an institution, including the ways by which structures such as norms and routines affect the social behavior of troops.\textsuperscript{106} This includes the way that troops perceive the use of violence. In Haditha, while there was no explicit indication that the chain of command


sanctioned a liberal application of force, in the response to the incident there is an implicit sense that they weren’t particularly concerned about that day’s loss of Iraqi civilian lives. One of the most obvious indicators is the haphazard way that initial reports of that day’s engagement were compiled. They not only contained incongruences, but also were poorly vetted and despite there being much disagreement as to the total number of civilian casualties, no one bothered to get a clear account of the events.\textsuperscript{107} This led to a widely misleading press release and enabled accusations that the Marines were attempting a cover up. While there is no evidence to suggest that the chain of command tried to cover up the events, this does not mean their response was appropriate. The day’s events were largely viewed as one continuous engagement and there was no one in charge of the engagement overall and no one was responsible for bringing the incident to a close.\textsuperscript{108} This led to a disjointed view of the day’s events and the leadership for the most part, looked at the day as one continuous engagement, rather than as individual parts that necessitated further analysis.\textsuperscript{109}

While there might not have been a deliberate attempt to mislead, there were several factors present that suggest that the institutional explanation might hold some validity. For the most part, all levels of command viewed civilian casualties as routine and endemic to insurgent warfare. There was little distinction made between Iraqis and insurgents and the common view was that all Iraqis were either part of the insurgency or in support of it.\textsuperscript{110} The idea that civilians and noncombatants are one and the same allows for a different interpretation of the chain of command’s indifference: they might have believed that noncombatants were simply

\textsuperscript{108} Ibid.
\textsuperscript{109} Ibid.
\textsuperscript{110} Ibid.
misidentified insurgents.\textsuperscript{111} Despite the accepted belief that civilian casualties are detrimental to counterinsurgency campaigns, in an interview, the RCT-2 commander expressed his belief that Iraqis respond to force and displays of power over righteousness. This view was no doubt largely influenced by the environment the soldiers were working within, but nonetheless, it is not difficult to understand how viewing the population as a monolith could have problematic consequences, as it did in Haditha.

\textit{III. Leadership}

When the members of 3\textsuperscript{rd} Platoon set out on the morning of November 12\textsuperscript{th}, they did so without any commissioned officers in their group. This is not unusual, as that is the purpose of non-commissioned officers—to provide leadership and support their chain of command when they need it. However, Sgt. Frank Wuterich, who was on his first deployment, did not have the experience that would have perhaps been desirable in someone dealing with the situation that later unfolded. Even though 2\textsuperscript{nd} Lt. Kallop arrived on the scene shortly after the IED exploded, he was not the one who led the expedition into the houses. Kallop instructed Sgt. Wuterich to “clear south”. Later, describing the shootings at the houses, LCpl Stephen Tatum stated that he knew he was firing at children, but that his training told him they were hostile because Sgt. Wuterich was shooting at them.\textsuperscript{112} This speaks to the importance of having established and competent leaders. When troops are uncertain of what action to take, they look towards their leaders; thus, it is imperative that those in charge are acting in a way that is reflective of the militaries values and standards.

\textsuperscript{111} Ibid
One of the most important lapses in leadership was perhaps the fact that no one oversaw that day’s engagements. There were Marines like Kallop and Wuterich who were de facto leaders because of their ranks, but no one was actively keeping track of the situation or episodes that occurred throughout the day. This turned out to be highly problematic, because the Marines were focused on their own individual tasks, but there was no authority figure keeping track of the narrative being formed by the Marines’ collective actions. This oversight led to a disjointed account of the events and prevented the realization that multiple civilians—including children and an elderly man—had been shot. Had there been closer attention paid to these instances, perhaps the problematic nature of the shootings would have emerged sooner.

Conclusion

The Haditha incident underscores the importance of organizational soundness and strong leadership in preventing atrocity. While the Marines in Haditha did not set out planning on killing a host of civilians, they nonetheless engaged in a problematic use of force that morning. That no one at any point throughout the day thought the deaths of so many civilians to be problematic speaks to the way in which Iraqis were perceived. The line between civilian and insurgent was blurry to the Marines, an outlook no doubt influenced by the organizational culture set by those at the top. In this case, the psychological explanation for atrocity falls flat. One could argue that the Marines were in a highly stressful environment all day which impeded their ability to make sound judgments. However, these Marines were professionally trained and prepared to operate in highly chaotic and life-threatening situations—that is what the military calls its members to do. If Marines were impeded from taking logical action every time they find themselves under duress, the entire military apparatus would be in crisis. These Marines had
dealt with situations such as these before. There was something else at play that day that made
the lives lost that morning seem insignificant. The most proximal factor seemed to have been the
lapse in leadership on the battlefield while the organizational theory comes into play when
considering how the culture of command influenced the Marines’ actions.
Appendix A Timeline of Events on 19 November 2005

0600 1st Sqd, 3rd Plt leaves Firmbase Sparta to escort Iraqi Army (IA) members to the Traffic Check Point (TCP) in Haditha Iraq.

0630 They arrive at the TCP and complete the task of relieving the IAs.

0700 1st Sqd departs the TCP to return to the Firmbase.

0716 An IED explodes on RTE Chestnut destroying the 4th HMMWV and killing LCpl Terrazas. The IED wounded LCpl Guzman and Crossan. The Marines take small arms fire following the explosion.

0720 Five military-aged males are engaged outside of a white sedan on RTE Chestnut.

0725 A QRF from 3rd Plt, 3rd Sqd arrives at the IED site with 2ndLt Kallop.

0730 Cpl Salinas fires multiple M203 rounds at House 1 after he sees an individual firing an AK-47 at that location.

0735 A fire team lead by 2ndLt Kallop and consisting of Sgt Wuterich, Cpl Salinas, LCpl Tatum, and LCpl Mendoza forms to clear the houses to the South where the squad was taking fire. 2ndLt Kallop leaves before reaching the house.

0745 Sgt Wuterich, Cpl Salinas, LCpl Tatum, and LCpl Mendoza advance to house 1. LCpl Sharratt links up with the team as they are leaving house 2.

0750 The Marines advance to house 2. LCpl Sharratt provides security outside.

0755 The Marines advance up RTE Zebra and back towards the vehicles. LCpl Sharratt uses the M240G to shoot the lock off a residence.

0800 3rd Plt, 2nd Sqd is dispatched to the soccer field to set-up LZ Bull.

0810 1st Plt, 1st Sqd is delayed by a surface IED on River Road. EOD is called to the area and receives SAF from the Palm Groves east of River Road.

0815 1st Sqd returns to RTE Chestnut and establishes an Observation Post (OP).

0830 LCpl Guzman and LCpl Crossan are MEDIVAC’d out of LZ Bull.

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0900 Scan Eagle identifies 8-10 insurgents off of River Road north of RTE Chestnut in the Palm Groves.

0915 1st Plt, 1st Sqd is launched to the attack the enemy in the Palm Groves. They receive SAF at Haditha Road and Market Street. They find a 3rd IED at Rhino and Haditha Road.

0930 While at the OP on over watch, an insurgent is engaged and killed on the ridgeline.

1000 Cobra air strikes are conducted against insurgents.

1015 4th Plt, 1st Sqd conducts BDA at the Palm Groves. The squad is hit by a grenade and SAF. The squad suffers 7 casualties.

1020 2ndLt Kallop takes Cpl Salinas to house 1 to conduct an assessment.

1030 4th Plt, 2nd Squad reacts as a QRF to the Palm Groves. Tanks and fixed-wing air assets are called. An insurgent house is destroyed with a 500lb bomb.

1040 Sgt Wuterich, Cpl Salinas, and LCpl Sharratt detect a suspicious MAM peaking his head over a wall and then returning to the cover of a house. They dispatch to investigate.

1050-1055 The Marines are engaged by 4 insurgents in house 4.

1110 Sgt Wuterich briefs 2ndLt Kallop.

1115 Two AK-47s and the suitcase retrieved from house 4 are placed inside the first HMMWV.

1145 The MEDIVAC of wounded children is completed.

1200 Sgt Laughner arrives to conduct an assessment and take photographs.

1300 QRF returns to the IED site to pick-up detainees.

1400 1st Squad remains at Route Chestnut to provide security.

1900 QRF returns to IED site to transport bodies back to Firm Base Sparta.

2300 HMMWV loaded with deceased returns to Firm Base Sparta.

2330 1st Sqd patrols back to Firm Base Sparta on foot.
2d Marine Division
Camp Blue Diamond, Ar Ramadi, Iraq

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November 20, 2005

PRESS RELEASE # 05-141
FOR IMMEDIATE RELEASE

CAMP BLUE DIAMOND, AR RAMADI, Iraq – A U.S. Marine and 15 Iraqi civilians were killed yesterday from the blast of a roadside bomb in Haditha.

Immediately following the bombing, gunmen attacked the convoy with small arms fire. Iraqi Army soldiers and Marines returned fire killing eight insurgents and wounding another.

In early October, Iraqi Army soldiers and Marines conducted Operation Rivergate in Haditha, Barwana and Haqlaniyah to establish bases to maintain a long term security presence.

-USMC-
Chapter 4:

Mahmudiya, Iraq: March 12, 2006

“What a bad man cannot be is a good soldier.”114

Around midmorning on March 12, 2006, five members of the Army’s 1st Platoon, Bravo Company, 1st Battalion, 502nd Infantry Regiment, 101st Airborne Division115 set out on a “patrol” that would result in the rape and murder of Abeer Kassem Hamza Al-Janabi and the murder of her parents and six-year-old sister. Unlike the events that unfolded in Haditha a few months before, the acts of these men were premeditated and calculated. To understand what could have led these soldiers to commit such a heinous crime, an in-depth analysis of their platoon and the conditions under which they operated needs to be examined. This case necessitates a nuanced understanding of the five men in question, particularly Steven Green, who spearheaded the horrific act. While it is important to contextualize the case, doing so in no way excuses the actions of any of these men. The purpose of deriving a thorough account of events and how they came to fruition is to conduct a purposeful analysis that can potentially lead to preventing such a grotesque act from being perpetrated again by members of the United States military. This case study will first provide context for the combat zone within which the men of 1st Platoon were operating. In analyzing the trends of violence and particular episodes that the platoon dealt with in the months leading up to March 12, 2006, we can derive a better understanding of the violence these soldiers and the local populace were besieged with on a daily basis. The trends will be

placed within the context of regional civilian casualties in order to distill the interaction between violence, civilians, and the U.S. military. While these data, as previously mentioned do not tell us whether the interactions between the three were intentional, they do provide appropriate context for the combat environment. After establishing a narrative for the region, a thorough analysis of the case will be drawn. This study will place journalistic, legal, and academic sources in conversation with each other to present the most comprehensive account of events. Finally, based on the evidence presented, the hypotheses for why U.S. soldiers deviate from the standards that govern the use of force in combat will be evaluated in the context of this event.

IV. Trends of Violence

The Iraqi town of Mahmudiyah is situated about 20 miles south of Baghdad. Prior to the invasion, Mahmudiyah was an unremarkable middle class town,\textsuperscript{116} but during the Iraq War, it turned into one of the deadliest places in Iraq. Located in the “Triangle of Death”, the soldiers in Mahmudiyah were subjected to constant, unimaginable stress. The daily IED explosions, frequent RPG fire, and SAF peppering kept the soldiers of the Bravo Company perpetually on edge.\textsuperscript{117} After the initial campaign through Baghdad during which U.S. and coalition forces plowed through the capital in the span of three weeks,\textsuperscript{118} the security situation south of Baghdad began to deteriorate. As early as the summer of 2003, soldiers and convoys were being besieged by a steady flow of attacks. Although the U.S. didn’t recognize it at the time, they were dealing with the first strains of an insurgency that would soon swallow the entirety of southern Baghdad.

At the beginning of the war, journalists knew that traveling the route through Mahmudiyah was incredibly dangerous, however, some nonetheless dared to make the trip.\textsuperscript{119} By 2004, the violence had reached such a pitch that traveling to Mahmudiyah became synonymous with certain death—even armored vehicles weren’t secure on the roads.\textsuperscript{120} 2004 was also the year the United States ramped up efforts in Fallujah, the product of which was the intensive and violent battle for Fallujah baptized “Operation Phantom Fury”. The plight of their brothers in Fallujah led to the rise of anti-American sentiment across Iraq, but particularly in Mahmudiyah where people lined up in throngs to donate blood, a mainly symbolic gesture since American troops were letting no cars go in or out of the city.\textsuperscript{121} After donating blood a local Iraqi man commented of the campaign: “It is barbaric what is happening at Fallujah…The Americans don't see the difference between resistance and ordinary people.”\textsuperscript{122} The campaign catalyzed a rise in Iraqi nationalism and despite the Americans’ best efforts to stamp out the violence, Mahmudiyah became a lawless zone where no one was safe. One of the reasons the military was having trouble securing the area was the sparse number of troops deployed to Iraq. Despite the rapidly deteriorating security scenario, high-ranking commanders were adamant that the war was winding down and in fact, General Casey, receiving a counterinsurgency report that emphasized intel over force, continued pressing for fewer troops in Iraq.\textsuperscript{123}

Yet these assessments fundamentally misunderstood the nature of the violence. In 2006, Al Anbar province, where the town of Mahmudiyah is located, ranked as the most violent province

\textsuperscript{120} Ibid.
\textsuperscript{122} Ibid.
with regards to civilian casualties. 200 civilian deaths caused specifically by American troops were documented in 2006. In the six months prior to the Mahmudiyah rape and murders, 642 civilians were murdered. The trend didn’t change in the six months following the murders; 686 civilians died as a result of the war between April and September of 2006. While it is important to note that these numbers are not exact, nor do they distinguish between intentional and unintentional killings, they do provide a baseline for evaluating the environment that both U.S. soldier and Iraqi civilians were operating in daily. These figures likely lowball the number of civilians who became victims of the war, thus it is necessary to keep in mind that the casualties of combat were likely higher both for civilians and soldiers. What is undeniable however, is the constant, brutal pace of the conflict and the stress under which both civilians and military members operated on an everyday basis. The members of 1st platoon were well acquainted with the violence in the region. In December 2005, Sergeants Casica and Nelson, both of whom were members of 1st platoon, were gunned down while manning a TCP. Sgt. Casica died on the way to the hospital. Private Steven Green, the soldier responsible for devising the plot to kill the Janabi family, was lying on top of Sgt. Casica on the way to the hospital, attempting to shield him and keep him alive. Meeting with a journalist a month before the incident that became known as the Mahmudiyah rape and murders, Green said of the moment, “…I heard him stop breathing…I knew he was dead…that was my worst time since I’ve been in Iraq.”

1st platoon wasn’t the only one to suffer losses; Bravo Company, of which 1st Platoon was a part of, lost all three of its platoon leaders, its first sergeant, a squad leader, a team leader, and

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125 Ibid.  
126 Ibid.  
several riflemen, within three months of its deployment in September 2005. The constant losses, daily RPG and IED explosions, compounded with plummeting morale, made conditions ripe for military misconduct. Yet, even though 2\textsuperscript{nd} and 3\textsuperscript{rd} platoons also operated within these horrible conditions, they returned to the States without having committed a crime. Their sense of duty and honor remained intact, while 1\textsuperscript{st} platoon became a focal point for military atrocity in Iraq. What made 1\textsuperscript{st} platoon so different? The subsequent section will provide a comprehensive account of the events that occurred on the morning of March 12, 2006. Furthermore, an evaluation of the backgrounds and combat experiences of the five men charged with participating in the plot to rape Abeer Janabi and murder her family will be presented. This will allow us to derive a more comprehensive understanding of the case and help illustrate some of dynamics that were present in this platoon that led to such a horrific atrocity being committed.

V. Account of Events

The five soldiers charged with the rape Abeer Janabi and her family, belonged to one of the most regaled units in the United States Army, the 101\textsuperscript{st} Airborne’s 2\textsuperscript{nd} Brigade. Easily identified by their screaming eagle shoulder patches,\footnote{101st Airborne Division (AASLT) Public Affairs Office. “Welcome to the 101st Airborne Division (Air Assault).” U.S. Army, 20 Aug. 2012. Web. 24 Mar. 2017.} they made their presence felt during WWII, the Vietnam War, as well as the Gulf Wars. The first commander of the 101\textsuperscript{st} noted that while the division had no history yet, it “had a rendezvous with destiny”.\footnote{Frederick, Jim. Black Hearts: One Platoon's Descent into Madness in Iraq's Triangle of Death. London: Pan, 2011. Print.} Tasked with fighting in most of the most heated conflicts that the United States has been involved in since WWII, the 101\textsuperscript{st} continued that tradition in Iraq. However, it did not receive the support and guidance that one
could expect the military to provide a unit tasked with such high intensity, crucial missions. Colonel Ebel, commander of the 2d BCT/101st Airborne Division, confided in an interview:131

“I received little guidance from Major General Webster upon arrival... [A 3d Division assistant division commander] said, ‘No one really cares about South Baghdad...’... I also, on a very candid remark, was concerned that behind the scenes the perception was that we weren’t a heavy force and that the (3d ID community) wasn’t really receptive to that, regardless of our reputation.”

Ebel’s remark that the 101st wasn’t perceived as a ‘heavy force’ is an understatement. At one point the Triangle of Death was patrolled by a mere 1,000 troops. By 2008 the number of troops deployed to the area had risen to 30,000 and attacks had slowed down from about a hundred a week to two.132 During 1st platoon’s deployment however, the notion of 30,000 troops seemed far-fetched if not fantastic. It was under these conditions that 1st platoon was operating on the morning of March 12, 2006.

That morning, a group of soldiers was tasked with manning TCP2—as they had been for the past twelve days.133 Paul Cortez was the man in charge of the group stationed at the outpost which included: 21-year-old Steven D. Green, 21-year-old Steven V. Spielman, 23-year-old James Barker, new arrival 18-year-old Bryan Howard, and Private Seth Scheller. Cortez had

been promoted to the rank of sergeant at this point, but the final paperwork giving him his official promotion had yet to be filled out. Around noon, Cortez, Green, and Barker began drinking. The conversation centered on the usual topics: music, cars, girls, and how much they hated Iraq. A few beers in, the conversation took a dark turn. The men began discussing Abeer Janabi, a young Iraqi girl who lived in a house a couple hundred yards from TCP2. Abeer had received unwanted attention from the soldiers stationed at the checkpoint—enough to warrant her parents sending her to sleep at an uncle’s house for a few nights because they were afraid of what might happen to her if the American soldiers came to the house. The arrangement didn’t last, and Abeer returned home after one night; her family believed that with her father home all day, she would be safe. Besides, neighbors assured the family, the Americans wouldn’t do something so heinous. But that morning, the soldiers were drinking heavily and after seven or eight beers, made the decision to go to the Janabi house. They outlined a course of action and divided up tasks among themselves, just as if this were a regular patrol. They would go to the Janabi house, Cortez and Barker would take Abeer, Green would kill the remaining family members, Spielman would act as watchman, and Howard would be left behind to man the checkpoint and alert the men if a Humvee or patrol rolled through. The men began to strip out of their uniforms. In a half-hearted attempt to disguise themselves as insurgents, they covered their faces. Before heading out, Cortez informed Howard of his duties and briefed him on their plan. Eighteen-year-old Howard didn’t quite believe what he was hearing—the implications of

manning a checkpoint with only one other soldier was unbelievable enough, what the men were planning more unimaginable still.

The four men assumed their customary jog as they headed out towards the Janabi house. They cut through two wired fences and rounded the corner into the home’s entranceway. Kassim, Abeer’s father, and Hadeel, the Janabi’s six-year-old daughter were outside and the men quickly moved them into the house.\footnote{United States of America, Plaintiff, vs. Steven D. Green, Defendant, 1 (2009) (testimony of Paul Cortez). Print.} Green separated Abeer from her family and herded her parents and sister into a different room. Two of the men then took turns holding down Abeer and raping her. In the back room, Green was attempting to control the family who was growing increasingly hysterical. When Fakhriyah, Abeer’s mother, tried to rush to the door Green shot her and subsequently shot her father and younger sister. He emerged from the room, raped Abeer, and then the men began to cover up their tracks. Barker doused Abeer’s body with kerosene and Green removed the hose off the propane bottle\footnote{Ibid.} in hopes that the blaze would destroy all traces of evidence.\footnote{United States of America, Plaintiff, vs. Steven D. Green, Defendant, 1 (2009) (testimony of Jesse Spielman). Print.} The men proceeded to jog back to TCP2. Once they were back at the outpost, they removed their clothing and began washing the evidence off. The clothing was passed off to Howard whom Cortez instructed to toss the pieces into the burn pit.\footnote{Ibid.} Spielman was instructed to throw the murder weapon, Green’s AK-47, into the canal which ran through Route Sportster.\footnote{See figure 1.}

\footnote{United States of America, Plaintiff, vs. Steven D. Green, Defendant, 1 (2009) (testimony of Jesse Spielman). Print.} After the evidence was disposed of, some of the men went back to sitting around, others went to sleep.\footnote{Ibid.}
A few hours later, around 1700, TCP1 received reports from the Iraqi Army regarding a rape and murder that had occurred near TCP2. In an act of supreme hypocrisy and callousness, two of the men who had committed the crime, Cortez and Spielman, went back to the Janabi house a second time to ‘investigate’; this time they were led by Sgt. Yribe. As they went through the house, Sgt. Yribe began taking pictures to document the scene. In the back room, where the murders of Abeer’s parents and sister had taken place, Sgt. Yribe found a shotgun casing under the bed. He later remembered thinking this was unusual as Iraqis don’t use shotguns.

The Soldiers Involved:

Unlike the massacre at Haditha, there were certain men who stood out in the Mahmudiyah rape and murders. The soldier responsible for concocting the plan to rape Abeer Janabi and murder her family, was troubled long before he set foot in Iraq. At nineteen, Steven Green had already been convicted of several misdemeanors. Classmates recall him dabbling in drugs from an early age, coming to school high, and getting into fights. A week before enlisting in the Army, Green had been convicted of drunk driving. Despite his run-ins with the law, Green was able to enlist in the Army through the military’s moral waiver program. The program grants waivers to applicants who may fail to meet one of the criteria that the Armed Forces examines prior to accepting new recruits. Green volunteered to sign up at the same time the military was spread thin in Iraq and increasing the number of waivers it granted. In 2001, the total number of waivers issued was 7,640. The figure had increased to 11,018 by the time Green

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enlisted in 2005. While waivers are controversial, it is difficult to find peer reviewed articles distilling the relationship between soldiers who receive waivers and subsequent misbehavior. However, a study done by Gallaway et al. observed that between the years of 2003 and 2008, soldiers who were granted waivers were significantly more likely to engage in substance abuse or receive an Army separation for behavioral misconduct. Among the reasons for granting waivers, those granted for non-lawful alcohol and drug violations, as Steven Green’s was, exhibited the highest association.

The other three men involved: Steven V. Spielman, Paul E. Cortez, and James Barker, didn’t exhibit the same problematic behavior that was customary of Green. When Steven Spielman joined the Army right after high school, his dream was to have a job, a nice house and a loving family. He married his high school sweetheart before his deployment in 2005. His family was incredibly supportive, even after the incident—his grandmother raised funds to hire a civilian lawyer for Spielman and even offered to sell his house if it would help. Paul Cortez wasn’t as fortunate. He grew up in a bad part of California, midway between Los Angeles and Las Vegas, with a methamphetamine addict as a mother. His fellow soldiers found him to be insecure and a loudmouth and did not think of him as a soldier who would amount to much—regardless of how desperately he tried to prove his prowess as a soldier. Rounding out the

151 Ibid.
153 Ibid.
154 Ibid.
group was James Barker, a high school dropout who enlisted in the military in 2002. His unit knew him as being a smart aleck, havoc-wreaker, but also as one of the most tempered, deadly heads in combat.\textsuperscript{156} However, what none of these three soldiers exhibit is the same unhinged behavior evident in Green, who was ultimately discharged from the Army on psychiatric grounds. However, the question remains, was Green predisposed to committing this sort of crime prior to arriving in Iraq? And if not, what dynamics pushed these four men to the brink, leading them to commit one of the most heinous atrocities during the Iraq War?

\textit{Hypotheses Analysis}

\textit{I. Psychological}

Knowing what we know about Steven Green—his troubled past, the moral waiver, his discharge from the army because of a personality disorder—it is all too easy to point to the ‘bad apples’ theory laid out by the literature. However, such an interpretation is much too simplistic. It is undeniable that Green was a unique case. Every account of his personality paints him as a soldier with violent tendencies. One description is chock-full of red flags: “…Green was one of the weirdest men in the company…the oddest thing about him was that he never stopped talking. And the stuff that came out of his mouth was some of the most outrageous, racist invective many of the men had ever heard, which is saying something…”\textsuperscript{157} However, to place sole responsibility of this incident on one man is to take a narrow view of the event and elevate one sick individual to a role of responsibility that necessitated the help of several factors to come to fruition.

\textsuperscript{156} Ibid.
\textsuperscript{157} Ibid.
Of course, one of the reasons to look to Steven Green as the one apple that poisoned the barrel is to prevent the reputations of the other soldiers in the company from becoming marred. If responsibility resides with one soldier, then the others remain unscathed. However, arguing in favor of a more complex assessment does not negate the work that the other soldiers of Bravo Company did in Mahmudiyah. Nor is the aim to place the brunt of the burden on the entirety of the U.S. military structure. The idea is to recognize that atrocities like the one that occurred in Mahmudiyah can be prevented and that an individual, particularly one like Green, needs to be empowered to pursue such a heinous course of action. While it is true that Green had been convicted of misdemeanors in the U.S., it is unlikely that he would have devised such a plan had he been stateside and in an environment where his actions would have certainly been met with consequences. This is not to say that Green didn’t receive punishment for his actions in Mahmudiyah—in fact, he received a life sentence—but that when he committed the crime, there was some degree of uncertainty as to whether the men would be found out. And if the men were found out, there was still some degree of doubt as to whether their actions would be reported up the chain of command. In fact, this is what initially happened. Sgt. Yribe, the soldier who led the excursion to investigate the events at the Janabi home, eventually found out that members of his platoon had committed this heinous act. However, he remained silent and it was only until he confided in Pvt. Justin Watt that the events came to light.\textsuperscript{158} This was mostly due to Watt’s moral compass which wouldn’t let him simply ignore the knowledge he had become privy to nor its implications. Given this uncertainty regarding punishment, and the unwillingness of a leader within the platoon, Sgt. Yribe, to bring this to the chain of command’s attention, it seems that the

calculations made by this one individual and the four men who chose to follow him were enabled by other factors. These factors will be identified and explored in subsequent sections.

II. Organizational and Institutional Factors

In his book, *Dying to Win*, Robert Pape explores the logic behind suicide bombers. While this study does not focus on that subject matter, one of his arguments has a space within the framework of this project. Pape contends that despite the proclivity to view suicide bombers as lone wolf, troubled actors, those characteristics are not enough to drive someone to be willing to detonate a suicide bomb.\(^{159}\) Pape argues that these “lone actors” are usually embedded in an organization that empowers them and eventually propels them to take suicide action.\(^{160}\) Similarly, I argue that there were factors beyond one disturbed soldier that influenced the five men of 1st Platoon to act in the way they did that morning. This is not to say that the military as an organization knowingly created an environment conducive to these types of atrocities. I maintain that the military strives to prevent these types of atrocities from occurring. This is evidenced through the training in the ROE, LOAC, and Geneva Conventions that soldiers receive prior to deploying.\(^{161}\) However, there is an argument to be made for the organizational structure that provided conditions ripe for abuse.

1st Platoon had a flawed relationship with its chain of command. The interaction between the platoon leadership and the company leadership was particularly tense. A couple of months before the attack on the Janabi household, Sgt. 1st Class Rob Ghallager arrived at Yusufiyah. He

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\(^{160}\) Ibid.

immediately noticed the horrible conditions the men were living in as well as the unsustainable nature of Bravo Company’s mission. The company had three platoons rotating constantly with little to no downtime to recover.\textsuperscript{162} Having spent eighteen years in the Army, Sgt. Ghallager understood the danger in these conditions—not only for the soldiers, but also for the mission. However, when he attempted to bring up these concerns to those higher up the chain of command or to a fellow sergeant, they were dismissed as unnecessary complaints.\textsuperscript{163} Within a week of Ghallager’s arrival, Lt. Col. Kunk, the company commander had decided that he wasn’t getting the job done. From Kunk’s perspective 1\textsuperscript{st} Platoon was still committing infractions such as patrolling without helmets or without their uniforms on and this was reflective of Ghallager’s leadership.\textsuperscript{164} For their part, the soldiers of 1\textsuperscript{st} Platoon didn’t understand why they were constantly being singled out; they believed 2\textsuperscript{nd} and 3\textsuperscript{rd} Platoons were guilty of the same infractions. The constant dissatisfaction with their performance and comparisons to 2\textsuperscript{nd} and 3\textsuperscript{rd} Platoons made 1\textsuperscript{st} Platoon resentful.

In Mahmudiyah it wasn’t so much that there was no communication between 1\textsuperscript{st} Platoon and their company commander. Unlike in Haditha, it wasn’t that the information failed to get disseminated appropriately or moved swiftly up the chain of command. Rather, there is evidence that the company commanders simply were not listening to what the platoon leadership was saying. The shortage of men manning TCPS for example, was a constant point of contention and one that had been previously brought up to the company leader.\textsuperscript{165} However, it was consistently ignored. Ghallager tried to get the men squared away, yelling at them for not straightening up

\textsuperscript{163} Ibid.
\textsuperscript{164} Ibid.
\textsuperscript{165} Ibid.
their quarters, making them do pushups for not wearing their uniforms properly, but it didn’t seem to be working. In fact, he was met with insubordination from soldiers like Green. After a particular incident, Ghallager moved to have Green removed from 1st Platoon. Eventually it was Ghallager who was removed, not Green. Ghallager’s personal assessment was that the leadership was tired of hearing about issues it would rather ignore. This was a clear, missed opportunity to have removed a problematic soldier from the unit and keep an experienced one in a position of leadership.

III. Leadership

The military places a lot of emphasis on developing leaders. It understands that many of the men and women in positions of leadership will have to perform in incredibly difficult circumstances and that their example will influence the conduct of those under their command. At its most basic distillation, attitude in any group reflects leadership. It is impossible to predict what the effects of Ghallager’s leadership, had it been allowed to continue, would have been. But what is clear is that 1st Platoon suffered from a shortage of men that made it difficult to effectively man different TCPs and patrol the area and even harder to have leaders be a consistent let alone regulatory presence. On the morning of March 12, the six soldiers manning at TCP2 had no one present that the men saw as an established leader. Paul Cortez perhaps could be pointed to as the exception, but even he hadn’t been fully inducted into his new sergeant role.166 The men also had witnessed the demotion of soldiers in positions of leadership who had attempted to impose corrective measures in hopes of improving the unit’s performance. This is

all to say, that there was little direct oversight and the soldiers had been manning the check point for nearly two weeks in one of the deadliest zones in Iraq.

The lack of supervision created an opportunity that was then exploited by a troubled, but unlikely ringleader. By all accounts, Green was the “odd one out”, the runt of the unit, and the one that the men put up with in the same way one would put up with an annoying kid brother. Given this description, it doesn’t naturally follow that the men manning the checkpoint that morning would necessarily be inclined to follow anything Green said. There seems to have been a lapse in the soldiers’ judgement that day. Accounts show that Cortez was the first to give Green’s plan a seal of approval, and that the initial plan was decided upon by Green, Barker, and Cortez.\textsuperscript{167} Whatever semblance of leadership that Cortez represented was clearly obliterated by his decision to accompany Green. This arguably removed the participation barrier for the lower ranking soldiers and made their acquiescence easier.

1\textsuperscript{st} Platoon had never had much of a problem telling Green to “shut up”. It is unclear why Paul Cortez didn’t stop Green that morning or put up any opposition to the plan that Green laid out. But what is clear, is that he failed to use his position of leadership to impose order on his subordinates. The lack of any commissioned officers or higher ranking officers made Cortez the buck-stops-here-guy and he fell short. Ghallager, whatever his shortcomings was desperately trying to get 1\textsuperscript{st} Platoon back on track and would randomly drop in on soldiers unannounced to keep them on their toes and provide an incentive for them to be squared away at all times.\textsuperscript{168} There was no such incentive that morning, as the men knew that a Humvee or patrol rolling

\textsuperscript{167} Ibid.
through was not likely—with such an understaffed operation, no one had time to be checking in on anyone posted in a different location.

**Conclusion:**

Based on the evidence, despite the presence of a mentally disturbed ringleader, I conclude that there were other influences, other than the psychological, in place that drove Steven Green and his fellow soldiers to rape Abeer Janabi and subsequently murder her and her family. While his presence in the platoon provided the spark, there were other factors that caused the morning to take the turn it did. The organizational factors present, particularly the constant berating of 1st platoon, the shortage of men, long shifts, and the dismissing of the platoon leadership’s concerns by company commanders, created an environment that was ripe for abuse. The men were constantly worked to a point of exhaustion and then told their performance was not up to par compared to the other two platoons stations in that area. The leadership’s view of their performance led to low morale among the soldiers. Compounded with the absence of a strong, moral leader, there was no line of defense left to protect against atrocity on that morning. The exhaustion, boredom, troubling relationship with their leadership and belief that all Iraqis were aiding the insurgency, all enabled the “odd man out”, a troubled soldier with a proclivity for misconduct to encourage the men in his platoon to commit a heinous act.
Figure 1\textsuperscript{169} Area Encompassed by the Triangle of Death

\begin{center}
\includegraphics[width=\textwidth]{triangle_of_death.png}
\end{center}

Figure 2 Janabi House in relation to TCP2
Chapter 5:

Hamdania, Iraq: April 26, 2006

*Note: All classified documents referenced in this chapter were evaluated in their redacted form.*

Early in the morning of April 26, 2006, less than two months after the Mahmudiyah rape and murders and five months after Haditha, a group of eight Marines killed a 52-year-old man named Hashim Ibrahim Awad.\(^{170}\) According to reports,\(^{171}\) the group, later nicknamed “the Pendleton 8” in reference to their home base in California, tampered with the crime scene to frame Awad as an insurgent planting an IED.\(^{172}\) In the summer of 2006, the details of Haditha were becoming known to the public as were those of Mahmudiyah. The Marines involved in Haditha were also based at Camp Pendleton which added a sense of urgency to the investigations as the American public demanded an explanation to what seemed like a killing spree by the U.S. military. Before placing the Hamdania killing into conversation with the other case studies, this chapter will thoroughly discuss the context in which this killing took place. As with the previous case studies, evidence will be drawn from journalistic materials, case documents, and data gathered on civilian casualties during the year in which the incident took place. The civilian casualty rates of the six months leading up to the incidents and the six months following the incident will be considered in order to assess the general trends of violence in the region.

Subsequently, a thorough discussion of the details surrounding the event will be put forth. To ensure that the representation of the event is as comprehensive and unbiased as possible, the

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\(^{172}\) Ibid.
overview will draw from media reports, court transcripts, interviews with the eight Marines, as well as declassified NCIS documents that were a product of the investigation. Despite the redacted nature of the declassified documents, they were instrumental in providing nuance to the case. Where there existed any doubt as to what or whom the documents were referencing, the facts were cross-referenced with journalistic accounts and court records to ensure that the information presented in this chapter is as accurate as possible. In the last section of this chapter, the events that transpired on the morning of April 26th will be evaluated against the common hypotheses put forth in the literature regarding combat atrocity.

I. Trends of Violence

Hamdania is a small, rural town located in West Baghdad and part of the Baghdad governorate. The town is so small that initial accounts of Hashim Awad’s killing reported its name as “Hamdaniyah” leading to much confusion among journalists as they attempted to uncover the details of that night’s events.173 Because of its size and remote location, there are not many journalistic accounts that deal specifically with the combat situation in Hamdania. However, a consultation of court documents quickly reveals the harrowing nature of conditions in the region. One of the Marine’s attorneys, Rich Brannon, described the unit’s environment as “cowboy country”.174 He further detailed the inconceivable daily stress that the men were subjected to by calling attention to the Marines’ proximity to the enemy: they were sleeping hundreds of yards away from insurgents in an unprotected outpost.175 The area hosted insurgents who periodically

174 Ibid.
175 Ibid.
kidnapped and executed civilians and soldiers alike.\textsuperscript{176} Trent D. Thomas, one of the “Pendleton Eight”, was on his third deployment at the time of the killing and had somehow miraculously survived upwards of twenty bomb blasts.\textsuperscript{177}

If these descriptors seem generalized, an assessment of Baghdad governorate’s bout with violence more than expounds on the nature of the situation. Following the three-week “shock and awe” campaign through the Iraqi capital, the war took a turn for the worse. As early as May of 2003, a “resistance”\textsuperscript{178} had begun to crop up with American troops its prime target.\textsuperscript{179} The situation continued deteriorating into the summer with the bombing of the UN headquarters in Baghdad. The attack underscored the fact that the insurgency had no respect for anything nor would it abide by conventional guidelines regarding the use of force. Baghdad quickly devolved into a chaotic state as the American military frantically tried to restore order, but found themselves battling a well-armed insurgency with a shortage of troops. In 2004, the capture of Saddam Hussein was met with a series of bombings, including one at a police station.\textsuperscript{180} That year was peppered with suicide bombings that exacted a level of carnage on the city that would lead American military leaders to reconsider their original timeline, with one unidentified senior officer finally suggesting that “…involvement could last ‘many years.’”.\textsuperscript{181} However, 2004 was only the beginning. The insurgency continued gaining momentum between 2005-2006, ramping up levels of violence to

\begin{flushright}
\textsuperscript{176} Ibid. \\
\textsuperscript{179} Ibid. \\
\end{flushright}
such a degree that finding bodies burned beyond recognition, with slit throats, and other signs of degradation and mutilation became exceedingly commonplace.\textsuperscript{182}

As with all the cases included in this study, it is important to note the difficulty of pinpointing the exact number of civilian casualties that occurred within this time frame and even more difficult to attribute these casualties to specific groups and forces. In 2006, American troops are estimated to have been directly responsible for 137 civilian deaths in the Baghdad governorate.\textsuperscript{183} As has been emphasized in the previous case studies, the number presented provides nothing more than contextual enhancement and there can be no sound judgement made regarding the intentionality or nature of these civilian deaths. In total, 6,528 civilians died in Baghdad province between October 2005 and April 2006, the six months leading up to the Hamdania killing. These figures provide a general sense of the frequency with which civilians experienced violence in Baghdad. Iraq is estimated to have suffered between 29,000 and 34,000 deaths in 2006 alone.\textsuperscript{184} This might make 137 deaths seem fractional compared to the degree of violence experienced across Baghdad. However, a comment made by Conrad Crane, a former West Point ethics professor, puts the number into perspective, “One of the classic tools used by insurgents is the creation of ethical dilemmas...Insurgents will hide in the civilian populace and try to lure you into over-reaction. They can do all the atrocities they want—It's almost as if it's expected of them—but they need you to do just one. Then they can blow it across all the information channels to try and destroy your legitimacy.”\textsuperscript{185}

\textsuperscript{182} Iraq Body Count. <www.iraqbodycount.org>.
\textsuperscript{183} Ibid.
\textsuperscript{184} Ibid.
II. Account of the events

By April 26, 2006, the Marines of 2nd Platoon Kilo Company 3rd Battalion 5th Regiment 1st Marine Division were growing frustrated with the situation in Hamdania. They talked to each other about the counterintuitive nature of their interactions with suspected insurgents. On this day, their discussion centered specifically on a high value insurgent (HVI), Saleh Gowad, whom they had previously apprehended. In a sworn statement one of the Pendleton Eight lamented, “We detained him once but like every other detainee we bring in he was let go because of the poorly created system which drives this war.” After they let him go, IED explosions in the area continued, one which killed a fellow Marine. The Marines were angry at the death of one of their own, but they grew livid when they heard from the locals that it had been Gowad’s doing. Fed up, they decided to take matters into their own hands, a decision which culminated in the event known as the “Hamdania Incident”. The Marines decided to go to Gowad’s house late at night and drag him out, a task complicated by the thirteen family members who also resided in the home. Four Marines would go into the house, “…put him in a high back, drive to the border of our AO [area of operation] and the Army’s AO, slit [his] thorat and drop him in a canal.”

On the night in question, the plan did not go as expected. The men loaded up and drove out to Route Penguin. The team leaders gathered around one of the Marines to discuss the next steps and divide up tasks. They decided that even if Gowad was not home, they would instead take one of his brothers, just like Gowad and other insurgents’ IED attacks took the lives of the Marines’ brothers. A couple platoon members were not part of this discussion because they were tasked

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187 Ibid.
188 Ibid.
189 Ibid.
with securing the perimeter and were subsequently briefed. There was a detailed plan in place that covered even the most miniscule details. One Marine was tasked with firing the AK-47 that they would procure from a nearby house, another with collecting the rounds in an assault pack, and four were tasked with going in search of the shovel, weapon, and victim. Yet despite having carefully thought the plan through, the attempt to kidnap Gowad quickly derailed. First, the men successfully retrieved a shovel and Ak-47 from a nearby house. However, upon arriving at the HVI’s home, the Marines were intercepted by a woman and they decided it would be best to leave and try again at a different house. They turned to their alternate plan: to find a random Iraqi and kill him. The Marines proceeded to enter the house next to Gowad’s, grabbed a man, later identified as Hashim Awad, bound him with plastic ties, and marched him to the other awaiting Marines. Because they were on foot, the men decided to stage a scene to make it seem like Awad was digging an IED hole instead of adhering to the original plan of slitting his throat.

On the way back to the rendezvous point, the Marines retrieved the Ak-47 and shovel, which they had stashed in a nearby market, and attempted to gag Awad who was fighting furiously. Once they rejoined the rest of their platoon, the four men who kidnapped Awad deposited him next to the IED hole, which had already been dug, and proceeded to move about 75 feet away from him. From the NCIS statements, it is apparent that the man could not physically move due to some sort of constraint or incapacity. The circumstances are unclear, due to the redacted nature of the reports. Awad was known to have a steel rod in one of his legs, but it is impossible

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191 Ibid.
192 Ibid.
193 Ibid.
to say with certainty whether this was the cause of him immobility or if the Marines did
something to physically incapacitate him.

One of the Marines was instructed to fire the AK-47 while the others fired at Awad. Reports
indicate that the Marines were instructed by the leader, most likely Lawrence Hutchins who is
considered the mastermind behind the plan, to shoot the victim in the face in order to make
identification more difficult. Prior to shooting Awad, the Marines radioed into the command
center. The Infantry Unit Leader assigned as the command center watch officer recalled
receiving a call at around 0200 from 1st squad. A squad member radioed in reporting that they
watch center gave the Marines the all-clear to engage Awad after the Marines claimed they were
coming under fire. While 1st squad waited for the QRF to arrive, one of the Marines stated that
one of the Marines in the group had smirked and said, “We just got away with murder gents.”\footnote{Special Agent, Accused (classified). Exhibit 43: Statement. Rep. Camp Fallujah: U.S. Naval Criminal Investigative Service, 2006. Print.} Once the QRF arrived, pictures were taken of the body, following standard procedure, and the
Marines searched the area for bullet casings, which had been intentionally scattered prior to the
QRF’s arrival.\footnote{Accused (classified). Sworn Statement. Rep. Camp Fallujah: U.S. Naval Criminal Investigative Service, 2006. Print.} Once the crime scene had been thoroughly documented, the Marines put the
body in a body bag and turned it over to ‘razor 6’, an Iraqi Army Unit.\footnote{Ibid.} Hutchins then wrote up
a brief statement detailing the nature of the event, and the men headed back to their post. A
member of 3rd Squad who was part of the QRF later reported finding it odd that one of the
Marines had specifically stated that he “…needed to put the shovel and AK-47 in Awad’s hand
for fingerprints…” After all, he continued, “Awad’s fingerprints should have already been on the gun and shovel if he was shooting at them and digging IED holes as 1st squad alleged.”

III. USMC Response

There was no reason to look further into the incident until local Iraqis voiced their complaints to the Marines’ leadership on May 1, 2006 at a routine meeting. Given the nature of the claims, on May 24, 2006, the commander of the Marines in Western Iraq, Richard Zilmer, ordered his second investigation in two months, requesting an NCIS probe into the events of April 26th. At this point in time, there was pressure on the military to investigate reports of criminal actions in Iraq. As previously mentioned, the probes into Haditha and Mahmudiya were occurring at around the same time, making a prompt response necessary. Despite the Iraqi outrage, it is interesting to note that some of the NCIS investigators tasked with looking into the matter, didn’t believe the Marines would be capable of committing such an act. At his pretrial hearing, the lead investigator voiced his hesitancy saying that he initially believed claims that the man was murdered were “just another way for the Iraqis to get money from the United States.”

Despite the Marine Corps’ willingness to investigate the matter, the skepticism that accompanied the inquiry is indicative of the manner in which Iraqis were regarded. They were often thought to have ulterior motives or ties to the enemy, a perspective that complicates the relationship between Marine and civilian. The following section will seek to take this evidence and frame it

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in the context of the literature in order to understand why the men of 2nd platoon committed this crime.

*Figure 1* Visual Representation of Crime Scene, drawn by one of the accused
IV. Hypotheses Analysis:

Psychological:

Psychological explanations for the shooting in Hamdania are flimsier than they are for Mahmudiyyah. While in Hamdania, as in Mahmudiyyah, there was a Marine who emerged as the “leader” in the episode, it is difficult to assign responsibility to one individual, particularly given the collaborative nature of the shooting. If the “bad apple” theory applied to this case, there should be evidence that the members of 2nd platoon had a history of mental illness or instability. However, they were well integrated members of American society prior to deploying and did not exhibit any of the same behavior once they were back stateside. A defense lawyer for Trent Thomas, the Marine who had suffered over twenty IED explosions, made the case that he was brain damaged and therefore unable to make sound decisions, but Thomas wasn’t the mastermind behind the plan. He didn’t coerce the other members of his squad to go hunting for someone to kill that night. Even if it is true that Thomas was suffering a brain injury at the time of the shooting, there were seven other Marines who partook in the episode. Some did feel that what they were doing was wrong and some claim that they shot over Awad’s head because they didn’t want to be responsible, but felt uneasy going against what their fellow Marines were saying.\footnote{Accused (classified). Sworn Statement. Rep. Camp Fallujah: U.S. Naval Criminal Investigative Service, 2006. Print.} These sentiments further debunk the idea that this atrocity was psychologically driven. The Marines, even if they weren’t in complete agreement with the plan, were at the very least cognitively able to identify their discomfort. Those who were enthusiastic about the plan were not necessarily mentally unstable—their ability to lead normal lives prior to and after
deployment suggest that there are dynamics at play that cannot be explained by an internal phenomenon.

The Pendleton 8 were residing within a violent area in Iraq, however it is a stretch to say that the levels of violence affected the troops to such a degree that their killing Awad was unavoidable. While the idea that war cognitively degrades is well taken, there are certainly units who operated in equally, if not more violent areas, and did not exhibit the same behavior. War is a hellish environment, if we rely on this explanation, it becomes too simple to excuse inappropriate conduct. It is unlikely that war will become any less violent or stress-fraught in the near future. Troops will always be subject to less than optimal conditions and tasked with carrying out their mission regardless of how horrible the environment they are placed in might be. This is not to say that we shouldn’t take steps where possible to ensure that our military has the appropriate resources to perform effectively, but rather to stress that in an ever-changing, chaotic environment, it is highly unlikely that conditions will ever be optimal. Thus, to understand why the Marines at Hamdania acted the way they did, we must consider other explanations posited by the literature.

Organizational/Institutional:

Defense attorneys for both Hutchins, the perceived ringleader of the effort to kill Awad, and Magincalda, one of the charged Marines, have argued that Hamdania occurred primarily because of “a failure of command”. The attorneys cited the leadership’s encouragement of aggression as well as their assessment of 2nd platoon’s competency as implicitly condoning the actions taken by the members of 2nd platoon that evening. In an eerie parallel to the My Lai

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massacre in Vietnam, the platoon had begun “ramping up” their use of force after it was berated by its superiors for not being sufficiently aggressive according to the chain of command’s standards.204 This interaction between 2nd platoon, the platoon’s leadership, and kilo company’s leadership did little to create an environment of restraint in the use of force. In his testimony for the defense, Cpl. Saul H. Lopezromo, a member of the platoon who had not participated in the incident, said “We were told to crank up the violence level.”205 Lopezromo also indicated that during daily patrols the Marines became much rougher with Iraqis. Asked by a juror to explain, he said, “We beat people, sir.”206 He also suggested that the officers knew about the beatings and that their encouragement to get tougher on Iraqis made him uneasy.

Lopezromo’s testimony also portrayed an organizational culture that treated Iraqi civilians as the enemy and failed to see the distinction between Iraqi and insurgents. It is interesting that despite being disgusted that the leadership had insulted the platoon’s use of force, Lopezromo seemed to be angrier at what he viewed as a mischaracterization of the platoon’s abilities, rather than at what that mischaracterization ultimately led to. Much like in Haditha, there was generally little concern with civilian deaths because from the Marines’ perspective, it was difficult to know if a death could truly be classified as a “civilian casualty” given what they saw as the confluence of civilian and insurgent activity. In this case, more than in the two previous ones, there is a direct link between the organizational culture the Marines operated in and their actions. While in Haditha, there seemed to be an indifference toward civilian casualties, in Hamdania, the evidence points to a consistent encouragement by the chain of command to be assertive and forceful in dealing with Iraqis. While one could argue that this was not the way the

205 Ibid.
206 Ibid.
leadership intended their guidance to be interpreted, it isn’t difficult to understand why giving this type of admonishment to young Marines in a tense, violent and stressful environment might lead to terrible outcomes. As the literature has shown, modest situational input can lead to significant (and often unwanted) outcomes.

*Leadership:*

Platoon leadership is crucial to a unit’s ability to perform its mission and most importantly, to the quality of its performance. Leadership has been tied to the mental wellbeing of soldiers as well as to unit morale which often influences how a platoon acts in combat. The investigation into Hamdania has revealed that the Marines of 2nd platoon were led by individuals who had little respect or consideration for the laws of combat. This was in part influenced by the organizational leadership’s disposition to be more lenient in the application of force. However, despite the chain of command’s encouragement towards aggression, prior to Awad’s shooting, 2nd platoon had already been warned to stand down on their vigilante interpretation of their unit’s role. It had come to the attention of commanders that 2nd platoon was conducting interrogations of suspected insurgents. Because the Marines were not supposed to be conducting interrogations, let alone using force as liberally as they did during those encounters, they were ordered to stop. This order suggests that the chain of command didn’t mean for 2nd platoon to be more aggressive by disregarding established norms, but that is the way their scolding was interpreted. 2nd Lt. Nathan Phan, who was in charge during the interrogations, testified that he had once ordered Sgt.

Hutchins to choke a suspect. He acknowledged that his behavior “…definitely…did not prevent the alleged kidnapping and shooting”\(^{208}\) in Hamdania.

There was a clear miscommunication between how the company command wanted these Marines to act and how the Marines interpreted their instructions. The direct leaders, 2\(^{nd}\) lieutenant and sergeant, were able to deviate from standard norms because their actions were tacitly sanctioned by their superiors—at least that was their interpretation. Although they were ordered to stop interrogations, the Marines had already had experience breaking the rules—the shooting in Hamdania was the next step in a gradual progression that began when the Marines were taken to task for not being “strong” or “aggressive” enough. 2\(^{nd}\) platoon followed the example of their leaders. While one could argue that these are Marines who are supposed to know the ROE and abide by them, rank is a strong influencer in the military, and it is unlikely that an enlisted Marine was going to stand up against the majority of his platoon. As the literature notes, it is very difficult for one individual to stand up against their unit, this was complicated further by the fact that their sergeant was the one who led the expedition to shoot Awad. While in Mahmudiyah there was a “group leader”, Green, the mastermind, had no official leadership rank. In Hamdania it would have been all the more difficult to go against the grain because the Marine who thought up the plan was also the highest ranked soldier among the eight men that night. Once again, Hamdania is an example of how a seemingly small input, such as berating a platoon’s competency or creating an ambiguous environment regarding the use of force, can have a significant output if conditions are right.

Conclusion:

Based on the interactions between the Marines of 2nd platoon and their leaders, it is not difficult to understand why there was a breakdown in the unit’s conduct. While Hutchins’ attorney stressed that this was all a “failure of command”, based on the evidence, the dynamic that led to the killing necessitates a slightly more complex explanation. The Hamdania case is distinct in that there were several factors operating on the platoon that created an ambiguity regarding the use of force. While the commanders seemed to sanction a more aggressive stance, they also stepped in to stop the platoon’s random interrogations. This no doubt created an uncertain environment for the Marines. While it might seem obvious that stepping up aggression doesn’t mean committing a crime, that distinction might not be as clear in a combat zone where the line between what is “right” and “wrong” is often blurred. In fact, some of the Marines, despite everything, believed that killing Awad was a clean shoot. To them, they were getting rid of an insurgent. This, as previously mentioned, speaks to the problematic dynamic of categorizing the entire populace as being part of the insurgency. When operating within such a stressful environment, it is imperative that Marines have a clear sense of what is expected and what behavior won’t be tolerated. The ambiguity was exacerbated by the platoon’s lieutenant and sergeant’s encouragement of illicit action. As the literature shows, it is sufficiently difficult to speak up against fellow unit members, that dynamic is further complicated when the Marines encouraging misconduct are the ones in positions of command.
**Figure 2 Profiles of the Accused**

<table>
<thead>
<tr>
<th>Accused</th>
<th>Rank</th>
<th>Age</th>
<th>Original Charges</th>
<th>Plea/Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melson J. Bacos</td>
<td>Petty Officer 3&lt;sup&gt;rd&lt;/sup&gt; Class</td>
<td>21</td>
<td>Murder, conspiracy, housebreaking, larceny, kidnapping</td>
<td>Plead guilty to kidnapping, conspiracy to kidnap, and make false official statements.</td>
<td>12 months</td>
</tr>
<tr>
<td>John Jodka III</td>
<td>Private 1&lt;sup&gt;st&lt;/sup&gt; Class</td>
<td>20</td>
<td>Murder, conspiracy, housebreaking, larceny, and kidnapping</td>
<td>Plead guilty to aggravated assault and conspiracy to obstruct justice.</td>
<td>18 months</td>
</tr>
<tr>
<td>Tyler A. Jackson</td>
<td>Lance Corporal</td>
<td>23</td>
<td>Murder, conspiracy, housebreaking, larceny, and kidnapping</td>
<td>Plead guilty to aggravated assault and conspiracy to obstruct justice.</td>
<td>21 months, commuted by General Mattis after 15.</td>
</tr>
<tr>
<td>Jerry E. Shumate</td>
<td>Lance Corporal</td>
<td>21</td>
<td>Murder, conspiracy, housebreaking, larceny, kidnapping, and assault.</td>
<td>Plead guilty to aggravated assault and conspiracy to obstruct justice.</td>
<td>21 months (with credit for time served).</td>
</tr>
<tr>
<td>Robert Pennington</td>
<td>Lance Corporal</td>
<td>22</td>
<td>Murder, larceny, housebreaking, conspiracy to commit larceny.</td>
<td>Plead guilty to conspiracy to commit premeditated murder and kidnapping.</td>
<td>8 years and dishonorably discharged.</td>
</tr>
<tr>
<td>Trent Thomas</td>
<td>Corporal</td>
<td>25</td>
<td>Murder, larceny, housebreaking, and making a false statement.</td>
<td>No plea, found guilty of kidnapping, conspiracy to commit larceny, housebreaking.</td>
<td>14 months, rank reduction.</td>
</tr>
<tr>
<td>Marshall Magincalda</td>
<td>Corporal</td>
<td>23</td>
<td>Murder, kidnapping, assault, larceny, conspiracy,</td>
<td>Found guilty of larceny and housebreaking.</td>
<td>14 months, rank reduction.</td>
</tr>
<tr>
<td>Name</td>
<td>Rank</td>
<td>Age</td>
<td>Charges</td>
<td>Verdict</td>
<td>Sentence</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------</td>
<td>-----</td>
<td>------------------------------------------------------------------------</td>
<td>--------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Lawrence Hutchins III</td>
<td>Sergeant</td>
<td>22</td>
<td>Murder, kidnapping, assault, larceny, conspiracy, housebreaking, and making a false official statement.</td>
<td>Not guilty to charges including murder, kidnapping, and conspiracy.</td>
<td>15 years, rank reduction.</td>
</tr>
</tbody>
</table>
Chapter 6:  

Moving Forward

It has been over four decades since the end of the Vietnam War. Much has changed in the way that war is fought—advancements in technology have made the military sleeker and more precise. The American military has jettisoned a conscription system in favor of an all-volunteer military. This thesis took the literature that emerged from the Vietnam War and placed it in conversation with a more recent conflict—the war in Iraq. The focus was on two of the most violent years of the war, 2005 and 2006, and attempting to understand why combat atrocities were committed by U.S. forces. What drove members of an exceptionally trained and professional military to deviate from the laws that govern the use of force in combat? Furthermore, given the ways in which war has evolved, has the changing nature of the American military influenced how deployed soldiers and Marines interact with civilians or are the theories that came out of Vietnam still relevant? The clearest insight is that despite the seemingly shifting nature of war, at its core, not much has changed. The theories of atrocity that emerged out of Vietnam, are still relevant to today’s fighting forces. Troops are still dropped into incredibly difficult and often morally ambiguous situations, armed with some degree of training in the laws of war, and tasked with carrying out a mission without sacrificing their moral integrity in the process. The balance, as this study has shown, is often more difficult to strike than one might think. This concluding chapter will combine the consensus drawn from each case study and use it to refine the theoretical explanations presented by the literature. Lastly, it will use this knowledge to recommend a path forward and suggest what can be done at the micro (in-theater) level to ensure that troops are behaving in a way that is representative of the American military’s values. I acknowledge that jus in bello is sometimes elusive and difficult to achieve, but as a
liberal democracy it is our duty to do everything within our reach to ensure that our servicemen and women are behaving appropriately, that civilian lives are treated with dignity and respect, and that the wellbeing of people in combat zones is respected, regardless of what role they find themselves in.

**Psychology**

In this study, I examined a variety of explanations for combat atrocity. The psychological explanation treated in this study had two components. The first argued that most atrocities are committed by a few “bad apples”, the second contended that the cognitively degrading nature of war makes combat atrocity likely as it inhibits the decision-making abilities of deployed soldiers. Although there is too much variation in the applicability of this theory across the three cases to single it out as a valid explanation, psychological explanations for combat atrocity cannot be dismissed as completely irrelevant. Some aspects of this theory are less relevant than others. The “bad apple” component, based on the three cases examined in this study, is neither necessary nor sufficient for combat atrocity to occur. Looking at individual cases, it is tempting to find one troubled individual and make them a scapegoat, assigning sole responsibility for the action to them. This is problematic for several reasons. First, only one of these cases, Mahmudiyah, dealt with an individual, Steven Green, who had a history of mental instability and who was subsequently discharged from the Army on those grounds. But even in Green’s case, it is difficult to conclude that his mere presence in the platoon was sufficient to cause the other four men to commit such a heinous crime. Honing in on one individual who was partly responsible for one instance of atrocity obfuscates the larger picture and inhibits the formation of a cohesive narrative regarding violations of the laws of combat. If the “bad apple” theory were applicable
across the board, then there should be evidence that soldiers who commit atrocities were not well adjusted members of American society prior to or after deployment. This is simply not the case; the “bad apple” theory seems to be the exception not the norm. Thus, to understand what leads troops to commit atrocities in theater, one must look beyond the individual and to the broader contextual framework the individual finds themselves in. This does not in any way detract from a Marine or soldier’s responsibility in committing a crime, but rather seeks to provide a better understanding of what situations might drive someone to break away from acceptable conduct. It is only when these situations are identified that there can be any real hope in preventing atrocity from occurring.

The cognitively degrading component of the psychological hypothesis is more persuasive than the “bad apples” theory, however based on these case studies and what we know about how other units operated in Iraq, it is not sufficient for a combat atrocity to occur. We could reasonably expect that there were units in Iraq who operated in terrible conditions yet emerged from the conflict with their reputations intact. Although it is difficult, as mentioned throughout this project, to examine the absence of a phenomenon, the Mahmudiyah case does provide some indication that units deployed to the same location can have drastically different experiences. This suggests that although some aspects of this theory can potentially instigate an atrocity, they are not sufficient on their own to cause one. Thus, we must look beyond psychology to identify what other factors are consistently present in units that commit combat atrocities.

Organizational

The second explanation for combat atrocity presented in this study is the organizational theory. This theory focuses on how the military as an organization and institution influences
troops’ actions. Organizational and institutional culture are critical to shaping the environment in which troops operate. The command environment in turn influences subordinates’ behavior and sets boundaries for what is acceptable and what is not within the organization. The evidence overwhelmingly shows that organizational variables affect a unit’s proclivity to commit an atrocity. From Haditha to Hamdania there existed varying degrees of problematic organizational culture. The chain of command’s indifference to the civilian casualties in Haditha, the company command’s dismissal of the intra-unit problems highlighted by Sgt. Ghallager in Mahmudiyah, and the chain of command’s tacit sanctioning of aggression in Hamdania, all point to the link between organizational outlook and platoon output. However, I find that the organizational hypothesis needs to be refined to reflect the nuance that these cases hint at. While evaluating the military as an organization is useful, it is much too large an entity with too much variation at different levels of command for a sound application of the organizational theory as prescribed by the literature. I suggest that the theory needs to be disaggregated to provide an appropriately honed assessment. Within the military, there is much nuance in the way levels of command interact with each other and these interactions often have an effect on unit behavior, as evidenced by the case studies presented here.

For example, reading publications put forth by the U.S. military one wouldn’t be faulted for concluding that there exists a deep commitment to the laws of combat within the military. And in fact, this is accurate. The United States military instructs its troops on the ROE, the LOAC, and Geneva Conventions prior to deploying. Solider and Marines run field exercises simulating potential situations they might find themselves in once they deploy, they are issued ROE cards summarizing when they can utilize force. Yet the cases examined in this study

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suggest that there is something else occurring once troops deploy. While at the top levels of command there exists a strong commitment to the laws of war, that commitment becomes murkier for commanders dealing with frontline scenarios. If we evaluate the military as an organization holistically, there is a risk that these types of subtleties will be overlooked. By simply evaluating the top commanders, such as the MNF-W commander, Lt. Gen. Zilmer, we could easily walk away with the idea that the military has a sound understanding of what its role should be and how it should apply force. Yet this is not the complete story. Similarly, if we only evaluated the organizational factors in these cases at the company level, where the bulk of the troubling dynamics seem to be found, we might be tempted to conclude that the military is too liberal in its application of force, when the reality falls somewhere in between.

There are other organizational variables beyond the relationship between different levels of command that also contribute to creating situations conducive to combat atrocity. The shortage of troops across Iraq during this time is perhaps the most obvious. This led to units being spread too thin, not receiving adequate R&R, and not having enough time between deployments to decompress, readjust, and reflect on their previous deployment.\[210\] The culture permeating all three platoons evaluated in this study was one that equated Iraqis with insurgents. This occurred to varying degrees among the companies, but its existence provided troops the ability to rationalize their mistreatment of civilians. Together, these three organizational factors played a role in inching the troops closer to unacceptable behavior. However, the organizational theory on its own cannot bear the entire weight of atrocity. To understand why atrocities continue occurring, we must look beyond the organizational factors, important as they may be, and evaluate the role of individual leaders in influencing unit behavior.

Leadership

The last theory outlined in the literature examines the role of leadership in determining troop conduct. This theory notes the importance of example in determining subordinate behavior and recognizes the effect of bad leadership on unit performance. Based on these cases, I find that the concept of “leadership” identified by the literature needs to be redefined to better fit the trends derived from the three cases presented in this project. The literature presents a broad definition of leadership, invoking it to include the influences of company commanders as well as unit commanders—NCOs and commissioned officers. However, I argue that the strongest leadership determinant is what the military calls, “direct leadership”. This is defined as “the type of leadership that occurs at the smallest units of an organization and that is performed by leaders in first-line positions.” This is not to say that the type of leadership exemplified by those high up the chain of command is inconsequential, but to emphasize that good direct leadership is the most crucial in preventing atrocity.

In all three cases, Haditha, Hamdania, and Mahmudiyah, the common thread is the absence of a strong, moral presence at the time of the incident. Based on the evidence, it is difficult to attribute intent to the Marines of 3rd platoon for their actions in Haditha. Killing civilians is of course a crime, but strictly based on the evidence available, the premeditated nature of events in Mahmudiyah and Hamdania simply wasn’t present in Haditha. The engagement lasted from when the IED exploded at approximately 07:15 that morning to when the Marines finally returned to their firm base Sparta at around 23:00 that night. During that time, despite there being NCOs and commissioned officers present, no one officer was in charge

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of the entirety of the engagement. There were lulls in the action throughout the day, including a 
respite between when the Marines entered houses #1 and #2 and when they engaged houses #3 
and #4. Had someone been responsible for evaluating the Marines’ performance at each interval, 
perhaps the problematic nature of that day would have been more obvious sooner.

In Mahmudiyah, there was no one in an established position of leadership present at 
TCP2. Paul Cortez had just been promoted to the rank of sergeant, but the paperwork had not yet 
been finalized and at this point he had little experience leading the men. Furthermore, Cortez was 
the one who finally acquiesced to Green’s plan, setting it in motion with his approval. His 
leadership, however weak, was enough of an input to produce a horrific output. Given Green’s 
status and reputation among the men, it is unlikely that he alone could have convinced the unit to 
carry out his plan. Someone with more pull among the men had to sanction his idea before it 
would become executable. Similarly, in Hamdania, the members of 2nd platoon who engaged in 
the plot to kill Hashim Awad were led by their NCO, Sgt. Hutchins. 2nd platoon lacked both 
adequate NCO leadership and commissioned officer leadership. In fact, the platoon’s leader, 2nd 
Lt. Nathan Pham had previously instructed his subordinates to choke out suspects during 
interrogations. Thus, the most direct interactions the platoon had with Marines in positions of 
leadership, were tinged by those leaders’ perceptions of Iraqi civilians and proclivity to sanction 
the liberal use of force.

Direct leadership is critical in ambiguous situations. In a fast-paced, life or death 
scenario, subordinates look to the men and women in their platoon who have been trained to lead 
them through these moments. If their leaders are not acting in an appropriate way or blatantly 
encourage misbehavior, troops are more likely to feel that it is acceptable to engage in such 
behavior or at least find it more problematic to speak up against it because of the existing power
dynamic as well as the potential for being ostracized as a consequence of voicing opposition.\textsuperscript{212}

As the Bargewell report noted, “direct leaders establish their organization’s climate, whether purposefully or unwittingly”.\textsuperscript{213} The officers who soldiers and Marines directly report to and interact with daily play an instrumental role in shaping their unit’s character. The example they set is the one that will be followed. A unit’s direct leadership is not only the first line of defense against the enemy, but also the first line of defense against combat atrocity.

\textit{Interaction between leadership and organizational hypotheses}

Among these three cases I find that there was both an organizational failure and leadership failure and that combined these two lapses led to horrific acts being committed. While I cannot conclude that this dynamic is present in all or even most cases of combat atrocity, it is present in all three case studies presented here. Individually, these theories are not sufficient to predict whether a unit is at risk for committing an atrocity. But when there is a failure at both levels—organizational and direct leadership—these cases indicate that there is an increased risk for misconduct. This section will look at variations in the interaction between organizational and leadership factors.

In Haditha, an organizational culture that regarded civilian casualties as a natural part of war compounded with a lack of strong leadership and oversight on the battlefield led to the Marines’ failure to recognize the problematic nature of the engagement. In Mahmudiyeh there were leaders higher up in the chain of command who recognized the importance of platoon

discipline. However, the dissatisfaction of those leaders with 1st platoon bred resentment among the men and arguably led to a further breakdown of discipline. Combined with the absence of a strong leader and the presence of a soldier with a penchant for misconduct, the conditions were ripe for abuse. The disconnect between organizational and direct leadership exacerbated the situation and arguably opened the door to misconduct. Lastly in Hamdania, both the organizational factors and lack of strong, moral leadership worked together to create swaths of gray area in the Marines’ minds. The inability of the chain of command to communicate effectively to 2nd platoon what their role was and how they should use force created moral uncertainty. Because the platoon leaders both the 2nd Lt. and at least one sergeant took the chain of command’s order to show more aggression to heart, the member of 2nd platoon were receiving input, from all levels of command, that more force would be tolerated. Despite the command later telling the Marines to desist their private interrogations of suspected insurgents, the barrier for what was and was not acceptable had already shifted. What these cases highlight is the importance of having a sound organizational structure that is receptive to soldier input and strong, moral leaders who will act as a deterrent against excess uses of force in theater. Without one or the other, the likelihood that an atrocity will occur increases.

Moving forward

1. **Collecting data:**

   One of the most difficult aspects of carrying out this project was the lack of data available for examination. The JAG officers I spoke to throughout this process all expressed the same frustration. There is no database that keeps track of ROE infractions in theater. Making definitive claims regarding atrocities in combat is inherently difficult due to the amorphous nature of war.
War is chaotic and it is difficult to predict what specifically causes a certain outcome in combat. However, this is further complicated when there is no data from which to draw analyses and everything we know is based on case specific circumstances. It would be useful to have a system in place that documents infractions ranging from minor incidents to major violations that constitute as atrocities. We cannot understand why troops commit crimes if we examine only the instances in which these breaches of conduct occur. If there was an accessible database outlining the frequency of infractions, we could cross examine similar units to determine what factors play a role in driving troops to commit atrocities. There are certainly units deployed in the same conditions that those examined in this study were and yet they did not behave in a similar way. Without data that considers the absence of atrocity as well as its presence, the most a study can do is provide case-based nuance that highlights subtleties that would otherwise not be uncovered. Thus, despite the limitations that come with selecting cases based only on instances of atrocity, we can still gain valuable insight that will allow us to move forward with an appropriately honed idea of what factors consistently appear across cases. That is all to say that this study, as well as our understanding of atrocity, would nonetheless benefit immensely from the existence of accessible documentation of infractions in combat.

**II. Micro Adjustments:**

Given what we know and the factors that emerge as a trend across these three cases, there are several structural adjustments that can be made at the micro level to guard against units violating the laws of combat. While I cannot say with certainty that making these adjustments will have a definitive effect on unit behavior, they are a good starting point. The first recommendation is to monitor if soldiers are taking appropriate rest and recuperation (R&R). A
study found that only 5 percent of soldiers took R&R during an average 9-month deployment. This is problematic as when soldiers are not given sufficient time to recover they are not as likely to perform at the level that is required. The second recommendation is to enhance the presence of leadership among troops. For example, in Mahmudiyah, the soldiers didn’t expect anyone to step in and monitor whether they were doing their job. Prior to his dismissal, Sgt. Ghallager had started a habit of dropping in unannounced to make sure the soldiers were on their toes. Because they never knew when to expect him, they were more likely to stay on task. Taking preventive measures such as these would help keep soldiers accountable. This is not so much policing as it is regulating. For soldiers who are following orders this won’t be an inconvenience, it will only unsettle those prone to misconduct which is exactly the point. Lastly, direct leaders should be aware of how minor infractions over time can create a culture of misconduct. While a small act in isolation might not seem as problematic, by looking the other way once, a precedent is set. Slapping around a suspect does not amount to an atrocity, but it does create custom. When small infractions start becoming the norm, it gives way to more problematic behavior and even atrocity. Leaders should create an environment where behavioral infractions, particularly with regards to the use of force are not tolerated. This will not only created a precedent for acceptable conduct within the unit, but also create a good reputation for the unit among the populace which is key to successful COIN campaigns.

**Conclusion**

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This thesis has examined three cases of atrocity in Iraq and placed them in conversation with the literature on atrocity in war. Given the constraints of this study it is difficult to say definitively what causes combat atrocity. However, these three cases add nuance to the way in which we consider atrocity in modern warfare. In Iraq, the U.S. military was faced with the incredibly difficult task of combating an insurgency. That task was further complicated by the organizational dynamics of the war such as low troop numbers, cultural disregard, and a proclivity to few civilians and insurgents interchangeably. When this was compounded with a lack of strong leadership and clear orders, as occurred in these three case studies, the result was an atrocity. This is not to say that each time this dynamic is present an atrocity will occur, but it does highlight a relationship that holds across all three atrocities examined here.

The U.S. military is a highly trained force that understands the importance of following the laws of combat. Given the importance of protecting lives during COIN campaigns, it is in the military’s best interest to protect civilians and to ensure that it adheres to the guidelines set by both military and international law. This study is not meant to undermine the seriousness with which the military considers combat atrocity, but rather aims to highlight what factors might be contributing to these instances on a more micro level. It is of no use to have high-ranking officials who are committed to the rule of law if there are troubling dynamics occurring further down the chain of command. There is still much work to be undertaken to formulate a comprehensive understanding of atrocity in war, but by examining the information that is available we can derive a more nuanced sense of what drives atrocity. This is the only way to ensure that despite the violence that is endemic to war, no innocents are unjustly caught in its crossfire.
References


United States of America, Plaintiff, vs. Steven D. Green, Defendant, 1 (2009) (testimony of Paul Cortez). Print


Appendix of Terms

CCIR: Commander’s Critical Information Requirement

COIN: Counterinsurgency

FOB: Forward Operating Base

HVI: High Value Insurgent

IED: Improvised Explosive Device

JAG: Judge Advocate General

KIA: Killed in action

LOAC: Law of Armed Conflict

MNF-W: Multi National Forces-West

NCIS: Naval Criminal Investigative Service

NCO: Non-commissioned officer

OP: Over-watch position

QRF: Quick Reaction Force

ROE: Rules of Engagement

RPG: Rocket Propelled Grenade

SAF: Small arms fire

UCMJ: Uniform Code of Military Justice

USA: United States Army

USMC: United States Marine Corps

WIA: Wounded in action
Ranks:

2nd Lt.: Second Lieutenant (Commissioned officer)

Cpl.: Corporal (USMC, enlisted)

LCpl: Lance Corporal (USMC, enlisted)

LTG: Lieutenant General

PFC: Private First Class (USA, enlisted)

SSGT: Staff Sergeant (Enlisted, NCO)

Sgt.: Sergeant (Enlisted, NCO)