

Philadelphia Inquirer

Friday, May. 26, 2006

Commentary

Make transparency part of U.S. military justice

By Thomas Raleigh

"In war, truth is the first casualty."- Aeschylus

As often as commentators criticize the Bush administration for its failure to sufficiently shape the strategic conditions to succeed in Iraq, others criticize the media for failing to give proportionate attention to positive stories related to the war. Given the nature of the news business, this is unlikely to change.

But there is another front in the information war that the military can affect. Instead of letting insurgents and al-Qaeda operatives exploit the rare lapses of U.S. soldiers - or make false accusations about lapses - to boost recruiting or turn public opinion against the coalition, the military needs to take control of this area of operations.

Counterinsurgencies are difficult and messy endeavors. Our troops, fighting in cities and towns, face an elusive enemy that flouts the laws of war to gain an advantage. Under such conditions, even well-led, highly trained, disciplined troops, operating with restrictive rules of engagement, will sometimes make mistakes that result in innocents being killed or injured.

It is imperative, then, for U.S. commanders and diplomats to consciously address the occasional, inevitable, and sometimes incendiary events that occur in a war zone.

First, our press policy should put a premium on full disclosure and transparency.

It is futile to attempt to conceal or downplay disturbing incidents that occur on the battlefield. Military spokesmen ought to swiftly disclose the most accurate and complete initial reports - the who, what, where, and under what conditions something happened. Come clean - or rebut false charges - from the get-go and as the story develops.

Transparency must be part of the post-incident phase, when authorities initiate the necessary inquiries. Of course, if done properly, investigations take time, so we must remember these realities: The victims of mishaps or misconduct are Iraqi and Afghan citizens. The broader Arab-Muslim world will be scrutinizing our actions. And the faith we Americans may have in our military-justice system is not shared by those in the Arab-Muslim world.

Transparency remains paramount, and it will be best achieved less by what we say than by what we do.

Second, we should make the host-nation military active partners during all investigations, such as the one under way in connection with the reported killings of civilians in Haditha in November. Iraqi or Afghan officers - unit leaders, criminal investigators and military lawyers - ought to be paired with American counterparts, as either observers or assistants, from evidence gathering and interviews through pretrial hearings to trial. Such an arrangement will not only serve the interests of transparency, it will also help train a generation of officers in criminal investigations and procedures.

Third, we must ensure that representatives of the host-nation government are allowed to observe key events such as administrative hearings and military courts-martial.

Many cases do not come to trial until units and soldiers have rotated back to the States. When this occurs, host-nation representatives must be offered the opportunity and means to travel to the United States to observe trials - from start to finish.

Implementing measures that emphasize transparency will increase U.S. credibility both in the theater of operations and in the Arab-Muslim world. Doing so will also minimize, to the extent possible, the damage that results from revelations of troop misconduct. In addition, this will help make the U.S. military more credible when it must challenge false charges of misconduct.

A senior American officer will soon stand trial in Washington on charges connected with his role in the Abu Ghraib prison abuses. If there are an Iraqi civilian observer in that courtroom, an Iraqi military lawyer next to the U.S. military prosecutor, and an Iraqi reporter in the press pool, we will finally be on the right track.

Thomas Raleigh (thomasraleigh@nycap.rr.com) is a retired U.S. Army lieutenant colonel who served as a military adviser to the U.S. ambassador to the Organization for Security and Cooperation in Europe.