

# Detention of US security contractors highlights “culture of impunity” in Iraq

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17 June 2005

A controversy surrounding the detention of a team of private contractors by US marines on May 28 has exposed the sharp tensions being produced by the activities of thousands of mercenaries employed by the Bush administration to help enforce the occupation of Iraq.

Exactly what took place is the subject of conflicting claims. What is agreed is that 16 American contractors working for the North Carolina-based Zapata Engineering, along with three Iraqi maintenance workers, were arrested by marines and held in a US-run prison for three days.

Zapata holds a contract from the US military to manage an ammunition depot and collect, store and destroy munitions seized during military raids. On May 28, according to the company, its people were engaged in a “routine convoy in northern Iraq” when they were “intercepted” by marines. Of the 16 Americans, 14 were security guards, providing protection to two technical staff.

The US military claims that the Zapata convoy had been shooting at American troops and Iraqi civilians. At 2 pm, a US unit in the Fallujah area reported that they had received “small-arms fire from gunmen in several late-model trucks and sports utility vehicles”, and that passengers in the vehicles had also fired at Iraqi civilians. Three hours later, the convoy was reported firing on a marine observation post and at civilian cars.

The Zapata convoy ran into a marine checkpoint soon after. All 19 men were taken into custody and transferred to a detention centre in Fallujah. After being released, the 16 Americans were subsequently prohibited from working in the surrounding Anbar province. A Marine Corp letter given to the men stated: “Your convoy was speeding through and firing shots indiscriminately, some of which impacted positions manned by US marines. Your actions endangered the lives of innocent Iraqis and US service members in the area.”

According to a spokesperson, Lieutenant Colonel Dave Laplan, the Zapata employees were, “like all security detainees, treated humanely and respectfully”. The contractors, all of whom have resigned from Zapata and

returned to the US, have alleged they were abused, assaulted, and held incommunicado in two-metre-by-two-metre cells. Throughout their 72-hour detention, their requests to telephone their families or employer were rejected.

Mark Schopper, a lawyer for two of the men, told the *Charlotte Observer*: “They asked for attorneys, they asked for Amnesty International, they asked for the American Red Cross. All three requests were denied.”

The web site CorpWatch reported on June 7: “One man said a marine put a knee to his neck and applied his full body weight as another cut his boots off and stripped him of his wedding ring and religious ornaments. Twenty or 30 marines watched and laughed, he added, as a uniformed woman with a military dog snapped photographs. Taunts were made about the large salaries of private security contractors, which are often more than \$100,000 a year and sometimes more than \$200,000 a year, he said.”

One of the security guards, 34-year-old former US marine Matt Raiche, told Associated Press: “I couldn’t believe what was happening. They were calling us a rogue mercenary team.” At the detention centre, Raiche claimed a marine told him: “How does it feel now making that big contractor money?”

Other allegations include: contractors having their heads slammed into concrete floors; having their testicles squeezed while being handcuffed; being threatened with dogs; being cuffed so tightly that blood circulation was constricted; being forced to urinate into bottles; and being fed “poor food”.

Given the overwhelming evidence of the torture of Iraqi detainees at the hands of US soldiers, the allegations ring true. As one of the contractors, Rick Blanchard, an ex-marine and Florida police officer, told the *Los Angeles Times*: “They were treating us like we were insurgents.”

At the same time, however, the military allegations against the contractors also ring true. There is growing evidence that private mercenaries act as a law-unto-themselves in Iraq and, in particular, fire upon civilians. The general policy is to

shoot first and ask questions later.

The Zapata employees have not denied that they fired “warning shots” at the ground in front of an Iraqi civilian vehicle that got too close as they passed through Fallujah. Raiche told the *Los Angeles Times*: “That’s standard operating procedure. We don’t want any vehicles inside our convoy. It could be a car bomb.”

In a remarkable admission this month, an Iraqi interior ministry official told Bloomfield that in Baghdad alone at least 12 Iraqi civilians are killed every week by contractors. “Enough is enough. We are looking for ways to tighten weapons’ licenses and to punish the worst cases. The culture of impunity must stop,” the official said.

The “culture of impunity” stems from an edict issued by the US-controlled Coalition Provisional Authority (CPA) which granted private security contractors’ full immunity from Iraqi law.

The only attempt to define a code of conduct for these mercenaries is an edict known as “Memorandum 17” enacted by the CPA on June 26, 2004, just days before Iraq’s interim government was sworn in. The memorandum required contractors to register with the Iraqi ministries of the interior and trade, and carry licenses for their weapons. The rules governing the use of force by contractors in Iraq gave them sweeping powers to use deadly force in “self-defence” or “in defence of persons as specified in your contract” and to “stop, detain, search and disarm civilian persons”.

“Nothing in this memorandum is intended to limit or abridge relevant privileges or immunities provided by Iraqi law or applicable international agreements,” the edict stated. The following day, the CPA extended legal immunity for contractors indefinitely. No foreign security contractor has been charged, let alone found guilty, over the killing and wounding of scores of Iraqi civilians.

According to the US military, the Zapata employees were flouting even the limited restrictions contained in Memorandum 17. They were armed with unlicensed, shoulder-fired, 84mm AT4 rocket launchers, which are designed for use against tanks and armoured vehicles. It is difficult to imagine any circumstance in an urban area where using such a weapon would not breach the stipulation that contractors must “fire with due regard for the safety of innocent bystanders”.

There are currently as many as 25,000 foreign nationals employed by private security contractors in Iraq, as well as some 40,000 Iraqis. Many are performing explicitly military functions on behalf of the Pentagon or the Iraqi government, such as protecting oil pipelines, guarding installations, consultancy and technical support. Thousands more are employed as bodyguards. Like the Zapata employees, most

are ex-military personnel from countries such as the US, Britain, Nepal, Fiji, South Africa, Chile and Australia.

Even if the allegations of abuse concerning the Zapata employees are not accurate, the conduct and pervasive presence of mercenaries in Iraq can only generate resentment and hostility within the US military.

The contractors stand outside the military command structure, creating added logistical problems for US commanders trying to suppress an entrenched Iraqi insurgency that shows no signs of abating. Contractor killings and mistreatment of Iraqi civilians intensify hostility toward the occupation and fuel support for the anti-US resistance. Whenever a contractor outfit comes under attack, however, regular troops are obliged to come to the rescue of people who, in some cases, receive three to four times their pay but are exposed to far less risks. Mercenaries are under no obligation to assist military personnel unless it is specified in their contract.

Contractors, who wear no uniforms and often drive at high speeds in unmarked vehicles, can be easily mistaken for insurgents, especially when they fire off their weapons. A spokesman for security contractor Triple Canopy told CorpWatch that his company’s personnel had had several “friendly-fire” incidents with military personnel. British security guards are believed to have shot dead an Iraqi police officer last November outside a Baghdad hotel.

Among the US military command, there is mounting alarm over the pitches being made by security companies toward serving officers, special forces personnel, pilots and other specialists to leave the armed forces and go to Iraq as highly-paid mercenaries. The armed forces are already stretched to the limit in Iraq and confront sharp declines in recruitment—the product of rising opposition in the US to the occupation.

Falling recruitment rates are likely to result in larger numbers of security contractors in Iraq. The use of contract labour has the political advantage of covering up costs and casualties. Brookings Institution researcher Peter Singer estimates that some \$20 billion is now being handed out each year to pay for the services of private military companies in Iraq and Afghanistan. No precise figures are available but it is estimated that at least 300 contractors have been killed and more than 2,700 wounded over the past two years.



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