

Iraqi probe finds Blackwater mercenaries fired without provocation in Baghdad massacre

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An official Iraqi investigation into the deadly shooting involving Blackwater USA found that the security contractors opened fire without provocation on September 16 in a main square in Baghdad, killing 17 Iraqis and wounding 22.

The probe also found that the massacre amounted to a deliberate crime and recommended those involved face trial, a demand that has been rejected by US authorities in all cases of atrocities committed by both contractors and US military personnel in Iraq. It will also reportedly recommend compensation to the victims and their families.

The Iraqi investigative committee, which was commissioned by Prime Minister Nouri al-Maliki, said the Blackwater guards at no time came under direct or indirect fire before shooting up the intersection in Nisour Square. Government spokesman Ali al-Dabbagh said in a statement, "It was not touched even by a stone."

The Iraqi probe's findings were in line with those of a US military report last week as well as a *New York Times* examination of the shooting incident, both of which took testimony from multiple eyewitnesses. A joint US-Iraqi investigation into the killings held its first meeting into the shootings on Sunday, a full three weeks following the deadly incident.

Blackwater officials continue to maintain that they acted in self-defense and were fired upon and approached by what they perceived as possible suicide car bombers. According to the *Washington Post*, US military officials were denied access to Blackwater managers for interviews at the company's compound in Baghdad's Green Zone.

Speaking on condition of anonymity to the *Post* about the US military's findings, a US military official said, "It was obviously excessive, it was obviously wrong. The civilians that were fired upon, they didn't have any weapons to fire back at them. And none of the IP [Iraqi police] or any of the local security forces fired back at them." The official also said that the Blackwater mercenaries appeared to have fired grenade launchers as well as machine guns.

A US military unit working with Iraqi police was in the area of the shooting at the time, and also helped transport civilian victims to hospitals. US soldiers have viewed video of the incident and reviewed statements from eyewitnesses, according to the *Post*.

The Pentagon is conducting a review of its relationship with the contractors it employs, one indication of tensions between the military and the US State Department over the operations of security firms in Iraq. The military has also stopped issuing weapons permits to the contractors until it can review who has them and how they have been used.

The *New York Times* report, published October 3, was based on interviews with 12 Iraqi eyewitnesses, several Iraqi investigators and a US official familiar with an American investigation into the shootings. It indicates that 17 were killed and 24 wounded in the incident.

According to the *Times* account, the car carrying the first people to be

killed did not approach the Blackwater convoy in the square until the driver in the car—subsequently identified as Ahmed Haithem Ahmed—had been shot in the head and lost control of the vehicle, possibly moving forward as his dead weight fell on the accelerator.

Ahmed's mother, Mahassin Kadhim, cried out "My son, my son. Help me, help me!" A traffic policeman tried to get the young driver out of the car, but the car was moving forward out of control. Following an initial burst of gunfire, the security guards unleashed a torrent of bullets, even as Iraqis were turning their vehicles around and attempting to flee.

Mrs. Kadhim was apparently shot as she held her son in her arms. The car then caught fire after the Blackwater guards fired some type of grenade into the vehicle. Earlier accounts had said the mother had been holding a baby, but it now appears that the charred remains of her son, the driver, were mistaken for those of an infant. Ahmed's father later counted 40 bullet holes in the car.

Based on the description of an Iraqi lawyer who was wounded in the shooting, the account confirms preliminary findings of the American investigation that at least one of the Blackwater guards called out for the shooting to stop, screaming, "No! No! No!" No witnesses reported any gunfire coming from Iraqis in and around the square.

Truck driver Fareed Walid Hassan told the *Times*, "The shooting started like rain; everyone escaped his car." He said he saw a woman dragging her child's body. "He was around 10 or 11. He was dead. She was pulling him by one hand to get him away. She hoped that he was still alive."

Iraqi investigators also say that Blackwater helicopters flying overhead fired into cars, leaving bullet holes in car roofs. Several minutes later in a separate, previously unreported shooting, a Blackwater convoy—perhaps the same one—moved north and opened fire on another line of traffic. According to an Iraqi Interior Ministry official who spoke to the *Washington Post*, Blackwater guards fired from all four vehicles in this convoy.

An earlier deadly incident involving Blackwater is being investigated by the US Justice Department. Andrew J. Moonen, 27, is the primary suspect in the killing of Raheen Khalif, one of the bodyguards of Iraqi Vice President Adil Abdul Mahdi, on December 24, 2006. Moonen, a Blackwater firearms technician, reportedly shot Mahdi three times with his Glock 9-millimeter pistol while in a drunken stupor.

Within 36 hours, Blackwater arranged with the State Department to have Moonen flown out of Iraq. He was reportedly hired two months later by another private contractor, Combat Support Associates, to work in the region. Moonen, a former army paratrooper, is presently living in the Seattle area and no charges have yet been filed in the incident.

According to a report compiled by the House Oversight and Government Reform Committee, based largely on internal Blackwater email messages and State Department documents, the acting ambassador

at the US Embassy in Baghdad suggested at the time that Blackwater pay the dead man's family \$250,000 in an effort to stop the Iraqi government from calling for the company to be banned from the country.

According to the *Times*, "Blackwater eventually paid the family \$15,000, according to the report, after an embassy diplomatic security official complained that the 'crazy sums' proposed by the ambassador [identified by the State Dept. as Margaret Scobey] could encourage Iraqis to try to 'get killed by our guys to financially guarantee their family's future.'"

In the face of continuing revelations over the September 16 incident and Blackwater's violent record, the State Department is pretending to be reining in the private security operatives, ordering new security procedures for American diplomatic convoys in Iraq on Friday.

The new State Department procedures will require that agents from the department's Bureau of Diplomatic Security ride with Blackwater security details, that the bureau review shooting incidents and that convoys communicate with US military units. Video cameras will be mounted in security vehicles and radio transmissions from Security convoys will be recorded.

On Thursday, the US House of Representatives also overwhelmingly approved a bill that would bring US government contractors in the Iraq war zone under the jurisdiction of American criminal law and would require the FBI to investigate any allegations of wrongdoing.

Popular outrage in Iraq against Blackwater and other US-hired security contractors has mounted in the wake of the shootings. In an effort aimed at damage control, and reflecting tensions between the US military and government officials over the mercenary operations, the US State Department has begun three investigations into the incident.

The State Department measures and Congressional legislation can be expected, however, to have little impact of the operations of Blackwater and other security firms. They serve the purpose of providing an appearance of "oversight" while the mercenary operations continue. At present there is no indication that Blackwater will be withdrawn from Iraq, or that any of the personnel involved will be punished, either in Iraqi or US courts.

Despite numerous complaints about the violent and aggressive behavior of Blackwater, the State Department has continued to utilize the company. Janessa Gans, a US official in Iraq from 2003 to 2005, complained to high-level embassy officials after Blackwater guards transporting her in Irbil in northern Iraq fired on a car driven by an older man carrying a young woman and three children. (See "I survived Blackwater")

A heavily armored Blackwater vehicle in Gan's speeding convoy smashed into the car as the driver frantically tried to get out of the way. After she complained to her driver, "It was an old guy and a family, for goodness' sake. Was it necessary for them to destroy their poor old car?" the driver responded, "Ma'am, we've been trained to view anyone as a potential threat. You don't know who they might use as decoys or what the risks are. Terrorists could be disguised as anyone."

Despite this and other incidents in which security contractors have indiscriminately terrorized the population, inflicting casualties and destroying property, to date, no criminal charges have been filed against them. Blackwater and other security firms—like the US military itself—are immune from prosecution under Iraqi law under a decree issued by the US in the early days of the occupation.

The Military Extraterritorial Jurisdiction Act (MEJA), enacted in 2000, extended US federal criminal jurisdiction to felony crimes committed overseas by contractors working on behalf of the Defense Department. The bill passed Thursday by the US House extends the authority of MEJA to contractors working for any agency, including the State Department, which contracts the bulk of the Blackwater security guards.

It is highly unlikely that this legislation will result in any prosecutions of military contractors. According to Peter W. Singer of the Brookings

Institution, who has followed the contractor issue, while as many as 20 potential criminal cases involving contractors have been referred to the Bush administration's Justice Department, none have been pursued. He told the *New York Times*, "They have disappeared into a black hole."

The House bill is not retroactive, so it would not apply to the contractors involved in the September 16 incident. Democrats agreed as well to insert language requested by the White House into the bill specifying that it was not intended to impede intelligence efforts.

There are an estimated 20,000 to 30,000 security contractors in Iraq. In the case of the Blackwater guards protecting the US diplomats in Baghdad, their activities are seamlessly integrated into the operations of the US State Department.

A Blackwater contractor, in fact, wrote the initial "spot report" on the September 16 incident on the letterhead of the Bureau of Diplomatic Security for the embassy's Tactical Operations Center. This report claimed the Blackwater convoy responded properly to an insurgent attack, and made no mention of civilian casualties.

Despite outraged posturing on the part of Congressional Democrats and several Democratic presidential candidates over Blackwater's activities, it is framed within the confines of protecting the "US mission" in Iraq and concern over the damage it might inflict on the "war on terror."

On October 2, Blackwater founder and CEO Erik Prince appeared before the House Committee on Oversight and Government Reform. In his opening remarks to the hearing, committee Chairman Henry Waxman (Democrat of California), stated that central to the committee's examination into Blackwater would be whether the private mercenary outfit is "helping or hurting our efforts in Iraq."

Waxman asked, "The question for this hearing is whether outsourcing to Blackwater is a good deal for American taxpayers, the military, and our national interest in Iraq" and went on to praise Prince for his four years of service in the elite Navy SEALs. The committee agreed to a State Department request not to specifically question Prince on the September 16 shooting incident at the hearing.

Just the day before the House committee hearing, a new US government contract with Blackwater took effect. Presidential Airways Inc., which is owned by Blackwater's corporate parent, Prince Group LLC, has been awarded a four-year contract to supply specialized airplanes, crews and equipment for flight operations in Afghanistan, Pakistan, Kyrgyzstan and Uzbekistan.

Blackwater USA has government contracts totaling at least \$800 million, providing security to US Ambassador Ryan Crocker and other diplomats in Iraq. The company's private security guards earn as much as \$1,200 a day. It is estimated that 40 percent of the money authorized by Congress to fund the war goes to private military contractors, who constitute a critical component of the neo-colonial occupations in Iraq and Afghanistan.



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