

# Two months after deadly shooting, no charges against Blackwater mercenaries

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Two months after the deadly September 16 shooting in Baghdad by contractors of Blackwater Worldwide, no charges have been filed against any of the mercenaries involved. The incident left 17 civilians dead and as many as 27 wounded.

Based on a preponderance of evidence, an Iraqi government investigation as well as a US military report had previously determined that the killings were unprovoked. Witnesses described a horrifying scene that day in which vehicles were pummeled with bullets and victims were gunned down as they tried to flee on foot.

The FBI, which took over the government investigation from the Diplomatic Security investigators for the US State Department, is continuing its probe into the shootings, but has still not provided a prosecutorial report or case summary of its findings to US Justice Department lawyers. Justice Department spokesman Dean Boyd commented, “This is an ongoing investigation and, therefore, it is inappropriate to discuss or speculate on any decisions with respect to possible prosecutions.”

FBI officials, speaking to the *New York Times*, have indicated that their preliminary investigations have revealed that the killings of at least 14 of the 17 civilians were unjustified. The investigators also reportedly reject the claims of Blackwater Worldwide (formerly Blackwater USA) that its security agents fired in self-defense.

These findings, however, leave open the possibility that the bureau believes that three of the deaths may have been justified. The violent response of the guards may well have been in keeping with the US military rules of engagement, which call for “escalation of force” and preemptive opening of fire against a perceived threat. The murder of countless innocent

civilians by security contractors and US soldiers—gunned down at checkpoints on Iraqi roads and highways—have been justified on this basis.

Claims that the guards fired in self-defense, however, are at odds with all eyewitness testimony and evidence gathered in the massacre’s aftermath. Vehicles photographed at the scene were riddled with bullet holes, including on their roofs, damage that could have only been sustained from a helicopter attack. Video of the incident obtained by Iraqi investigators showed Blackwater helicopters hovering overhead. Firearms used by the Blackwater guards arrived in the Washington DC area on Wednesday and will reportedly be examined by the FBI.

Although the Justice Department still insists that charges could be brought against all the Blackwater guards, the FBI’s investigation and any potential prosecution have been severely hindered because State Department officials in Baghdad offered “limited use immunity” to the mercenaries in the immediate aftermath of the shootings in exchange for giving sworn statements about the incident.

Although this immunity does not technically bar their prosecution, it means that none of their statements—and any evidence gathered as a result of them—can be used as evidence in a trial. Any charges brought against them must be based on information gathered independently of the interviews.

A prosecution of the Blackwater mercenaries also comes up against legal roadblocks. While security contractors can be prosecuted under the Military Extraterritorial Jurisdiction Act of 2000, this law only applies to those working for the US military, and might not cover those working for the State Department in “diplomatic security.” And while the Iraqi government has called for prosecution of the guards involved in the

September 16 shootings—calling them “premeditated murder”—contractors are immune from prosecution in Iraqi courts under Order 17, issued by Coalition Provisional Authority head L. Paul Bremer in June 2004, the day before handing over power to “sovereign Iraq.”

Agents from Blackwater, along with security contractors employed by DynCorp International and Triple Canopy, are estimated to number between 20,000 and 30,000 in Iraq. They have the full support of the US government and form an integral part of the neo-colonial occupation. They operate with impunity as a private, mercenary force with no oversight or accountability and their violent and murderous conduct has earned them the hatred of the Iraqi people. The conduct of US authorities in the aftermath of the September 16 shootings is a chilling demonstration of this state of affairs.

Most or all of the Blackwater guards involved in the incident, the majority of whom have returned to the US, have yet to be interviewed by the FBI. According to Anne Tyrrell of Blackwater Worldwide (formerly Blackwater USA), “to the best of our understanding, the key people involved in the incident have yet to even speak with authorities.” The four or five guards who allegedly fired their weapons declined to speak with FBI investigators in Baghdad because “at the time they did not have legal counsel,” Tyrrell said.

ABCNews.com obtained a copy of the statement made by one of these guards to an agent of the State Department’s Diplomatic Security Service in the aftermath of the Baghdad shooting. He describes in frightening detail his actions that day as a turret gunner in the security convoy. His remarks expose the fascistic mindset predominating among these forces.

“Paul,” a 29-year-old US Army veteran of deployments in Bosnia and Iraq, recounts numerous instances in which he opened fire on vehicles and individuals in Baghdad’s Nisoor Square. He is likely the shooter referred to by a US official who said, in comments reported in the *New York Times*, “There has been a lot of chatter that one guy really lost it. I have seen these reports consistently.”

The turret gunner describes how he gunned down civilians, claiming to have come under fire from both small-arms fire and at one point an AK-47—a claim contradicted by all hitherto witnesses.

“Paul” states: “I engaged the driver and stopped the threat,” “I engaged the vehicle and stopped the threat,” “I engaged the individuals and stopped the threat,” “I engaged in order to stop the threat”—all euphemisms for slaughtering what were subsequently shown to be innocent civilians, fearing for their lives and attempting to flee the scene.

The close connections between the Bush administration and Blackwater were further demonstrated this week when the State Department’s inspector general, Howard Krongard, was forced to recuse himself from all investigations involving the private security firm.

During testimony Wednesday before the House Oversight and Government Reform Committee, chaired by Rep. Henry Waxman (Democrat, Calif.), investigating Blackwater, the construction of the US Embassy in Baghdad, and other Iraq-related issues, it was revealed that Krongard’s brother and former top CIA official, Alvin “Buzzy” Krongard, recently became a member of the Blackwater advisory board and was paid to attend a meeting in Virginia earlier this week.

Inspector General Krongard initially disputed the claim, but acknowledged its veracity following a phone conversation with his brother during a session break, then recused himself.

On Thursday, the State Department announced that Krongard had also given up his role in examining corruption allegations involving the construction of the mammoth, \$600 million US Embassy in Baghdad. While serving as the State Department’s top fraud investigator, Krongard has been charged with refusing to pursue allegations of fraud and labor trafficking by First Kuwaiti, a contractor involved in the embassy’s construction.



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