# US State Department renews contract with Blackwater mercenaries

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The US State Department has renewed its contract with Blackwater Worldwide to provide security for American diplomats in Baghdad. The move comes as the FBI is still investigating an incident in September 2007 in which 17 Iraqi civilians were gunned down by guards from the security firm.

Commenting on the contract renewal, Gregory Starr, acting assistant secretary of state for diplomatic security, said, "I'm not going to prejudge what the FBI is going to find in its investigation. It's complex. I think the US government needs protective services." He added, "Essentially I think they [Blackwater] do a very good job."

Blackwater's five-year contract, begun in 2006, must be renewed every year and was set to expire on May 7. The State Department announced last Friday that it would be extended for another year. The Iraq government, which has faced increasing public pressure to ban the security contractor, was not consulted prior to the decision.

Iraqi Prime Minister Nouri al-Maliki responded angrily to the news. "They committed a massacre against Iraqis and until now this issue has not been resolved," he told CNN. "No judicial action has been taken, no compensation has been made."

He added, "I would say that the US side should not have moved to renew the contract before the outstanding issues with this company are finalized. I feel this decision was taken without the approval of the Iraqi government."

State Department spokesman Sean McCormack dismissed Maliki's remarks, and any concept of Iraqi authority to oversee the operations of the security firms. "First of all, it's fundamentally a decision for us to take, about how we protect our people," he said. "The authority and responsibility with making those kinds of decisions has to reside with us."

More than six months after the deadly incident in Baghdad's Nisoor Square on September 16 none of the security guards involved has been charged in connection with the shootings. Under a provision known as "Order 17," established in 2004 under the Coalition Provisional Authority, foreign contractors are granted full immunity from prosecution in Iraqi courts, the same protection provided to US military personnel.

This order has been utilized to shield US soldiers and officers involved in atrocities perpetrated against Iraqis—such as the November 2005 massacre of 24 civilians in Haditha—from prosecution in Iraqi courts.

An Iraqi investigation as well as an American military report released in the aftermath of the Nisoor Square incident determined that the killings were unprovoked. Numerous witnesses to the atrocity described a horrifying scene in which vehicles were shot up with bullets and victims were gunned down as they tried to run away.

The FBI, which took over the investigation from Diplomatic Security investigators for the State Department, has yet to release its findings. When it does, it will be up to the US Justice Department to determine whether or not to file any charges. FBI officials speaking to the *New York Times* last November held open the possibility that at least three of the civilian deaths may have been justified.

It was also revealed late last year that the State Department offered "limited" immunity to the mercenaries involved in the incident in the immediate aftermath of the shootings. This means that any statements they may have made—and any evidence gathered as a result—cannot be used against them in any future prosecutions. As a result, the Justice Department may decide not to charge the security guards, or may be

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unable to present the evidence needed to convict them.

Also, while the Military Extraterritorial Jurisdiction Act permits prosecution of contractors working abroad for the US military, it does not necessarily apply to contractors working for the civilian-led State Department, making it unclear from a legal standpoint whether the mercenaries can be prosecuted in US courts.

In one of the interviews with the State Department's Diplomatic Security Service in the aftermath of the shootings, obtained by ABCNews.com, agent "Paul," a turret gunner, described numerous instances in which he opened fire and gunned down civilians. "I engaged the individuals and stopped the threat," he recounted. He claimed he had come under fire from both small arms and an AK-47.

Preliminary reports from the FBI probe, however, have confirmed earlier findings that the shootings were unprovoked. Three witnesses interviewed by the FBI, who spoke to the *Los Angeles Times* after their questioning, said they told the FBI that they did not see anyone fire on the security guards.

One of those questioned was Mohammed Hafidh Abdul-Razzaq, 37, whose 10-year-old son Ali was killed in the massacre. Hafidh said he never saw anyone fire on the security convoy before his son was shot and killed as he sat in the back seat of his car. He described the shooting rampage to the *Christian Science Monitor* as "a nightmare. I saw them shoot at people who were dead over and over again."

While the events of September 16, 2007 are the most well publicized incident involving private security contractors, they are not an aberration. According to the State Department's own records, Blackwater guards were deployed on at least 1,873 missions in 2007 alone, and fired their weapons in 56 cases.

The behavior of these agents is in line with the US military rules of engagement, which call for "escalation of force" to be used against a perceived threat. Countless thousands of Iraqi civilians have been killed at checkpoints, on the streets and in their homes on the basis of this military code of conduct.

The operations of Blackwater and other security contractors are an essential component of the US occupation of Iraq. Blackwater has government contracts totaling at least $800 million to provide security to US State Department officials.

An estimated 20,000 to 30,000 mercenaries from Blackwater Worldwide, DynCorp International and Triple Canopy are presently in Iraq. The decision of the State Department to renew Blackwater's contract underscores US government plans to grant them continued authority to operate with impunity in the occupied country.

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