

Five Blackwater mercenaries face manslaughter charges in Baghdad massacre

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Five Blackwater security guards have been indicted in the September 16, 2007 shooting deaths of unarmed civilians in Baghdad. According to Justice Department documents made public Monday, the guards were operating in the city's Nisour Square area in defiance of US government orders. They opened fired with automatic weapons and rocket-propelled launchers, killing the civilians, including some as they tried to surrender or flee the scene.

The five are each charged with 14 counts of voluntary manslaughter, 20 counts of attempted manslaughter and one count of using and discharging a firearm during and in relation to a crime of violence. If convicted, they face sentences of 10 years for each count of manslaughter, 7 years for each count of attempted manslaughter, and a minimum 30-year sentence for the weapons charge.

Indicted are Paul A. Slough, Nicholas A. Slatten, Evan S. Liberty, Dustin L. Heard, and Donald W. Ball. The charges were the first to be brought under the Military Extraterritorial Jurisdiction Act of 2000, which extended federal jurisdiction to felonious acts committed outside the US by members of the military or those "employed by or accompanying the armed forces."

A sixth guard, Jeremy P. Ridgeway, provided information to authorities and pled guilty to one count each of voluntary manslaughter and attempted manslaughter in exchange for a reduced sentence. He faces at least 17 years in prison.

The five men charged surrendered to a Utah federal court on Monday. A federal judge ordered the guards to report January 6 to a Washington DC courthouse, where they are expected to plead not guilty.

No charges have been brought against Blackwater Worldwide, or any officials from the Bush administration's Department of State, which contracted the mercenaries to provide security for their personnel in Iraq. The firm's contract was renewed earlier this year.

The FBI's Washington Field Office led the investigation into the shooting deaths in Nisour Square. FBI agents, prosecutors and forensic specialists gathered evidence, which included more than 250 interviews and more than 200 items of physical evidence over the course of four trips to Iraq.

The massacre provoked outrage in the Iraqi population, along with calls by the Iraqi government for Blackwater to leave the country. The information collected by the FBI investigation and the information provided by Ridgeway to Justice Department investigators corroborate the charges of eyewitness that the shootings were unprovoked, and that the guards fired with impunity on unarmed civilians.

Jeremy Ridgeway was the turret gunner in the last of four vehicles of Blackwater's Raven 23 convoy, giving him a panoramic view of the incident. Justice Department authorities say that information he provided strongly indicates that the shootings were unprovoked, not carried out in self-defense as argued by Blackwater and the indicted security guards.

According to a statement signed by Ridgeway and the prosecutors, members of the Blackwater convoy were not authorized to leave the fortified Green Zone the day of the shootings, and "they also understood that they were only authorized to discharge their firearms in self-defense and as a last resort."

However, in response to reports that an improvised explosive device had exploded near a Blackwater security detail about a mile from Nisour Square, Ridgeway said, the convoy defied this order, as well as another US government order to return to the Green Zone "as soon as possible." Instead, Raven 23 set up a blockade at Nisour Square "to stop civilian traffic from flowing through the traffic circle," he said.

The driver of a white Kia sedan approaching the blockade only seconds later was given no reasonable warnings to stop, according to the Justice Department documents. Ridgeway stated that he and other members of the convoy fired hundreds of machine-gun rounds into the car, killing Ahmed Haithem

Ahmed Al Rubia'y and his mother, Mahassin Mohssen Kadhum Al-Khazali, a doctor.

According to an earlier report in the *New York Times* following the massacre, the guards then fired some type of grenade into the vehicle, which caught fire. 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 young son's body. "He was dead," he said, "she was pulling him by one hand to get him away. She hoped that he was still alive."

Another victim was Ghaniyah Hassan Ali, a mother of eight, who was riding in a bus towards the square with her daughter Afrah Sattar. One of the bullets fired on the bus by the Blackwater convoy pierced her skull.

Ridgeway told investigators that as the convoy departed the square against the flow of traffic, turret gunners "continued to fire their machine guns at civilian vehicles that posed no threat to the convoy."

At the press conference announcing the indictments, Jeffrey Taylor, the US attorney for Washington, stated that one of the victims was shot in the chest while standing in the street with his hands up. Blackwater guards also use a rocket-propelled launcher to fire grenades into girls' school.

Despite the preponderance of incriminating evidence against the Blackwater guards, guilty verdicts are by no means assured. They have been charged under the Military Extraterritorial Jurisdiction Act (MEJA), which was amended by Congress in 2004 to cover felonies committed outside the US by contractors, "but only to the extent such employment relates to supporting the mission of the Department of Defense."

Defendants will argue that because Blackwater was contracted by the State Department, MEJA does not have jurisdiction.

Another complication is the fact that the State Department officials offered immunity to the security guards in the immediate aftermath of the shootings in exchange for giving sworn statements about the incident. Under the "use immunity" granted to the mercenaries, the Justice Department is barred from using any statements they made—as well as any evidence gathered as a result.

Under the Status of Forces agreement set to take effect in January 2009, US contractors would be subject to prosecution under Iraqi law, but with strict limitations. Iraqi authorities could prosecute Defense Department contractors, but only for crimes committed off base and outside their official duties.

Contractors working for the State Department, the United States Agency for International Development (USAID), and other agencies would not have as many protections. According to a copy of the agreement, they would fall under Iraqi authority, regardless of whether they were acting in their official capacity.

Taking the new agreement into account, it is possible the US military operation may shift some of the more sensitive contracts from the State Department to the Defense Department. There are 137,000 contractors presently working with the Defense Department, compared to approximately 30,000 "security" contractors, such as Blackwater. In any event, the agreement is not retroactive and cannot be applied to previous crimes.

In securing the indictment of the security guards, Justice Department officials made clear that Blackwater's overall operations were not the target of their case. Assistant Attorney General Patrick Rowan commented at Monday's press conference, "It bears emphasis that today's indictment is very narrow in its allegations."

Mohammed al-Kinani, whose son Ali was killed in the Nisour Square massacre, felt differently. On news of the impending indictments of the Blackwater guards he said, "In addition, the director of Blackwater should be taken to trial. He gave them the weapons, this authority to block roads and kill civilians."

The statements of Rowan underscore the fact that the prosecution of these individuals will be kept within very narrow limits. In fact, the brutal violence meted out by the Blackwater operatives is an expression of the brutality of the US occupation of Iraq, which has over the course of nearly six years led to the deaths of well over 1 million people, a massive crime for which the entire US political establishment bears responsibility.



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