

# Charges dropped against Blackwater mercenaries in 2007 Baghdad massacre

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A federal judge dropped charges Thursday against five former Blackwater security contractors in connection with the September 2007 shooting deaths of unarmed Iraqis in Baghdad.

The ruling makes it almost certain that the security guards, Blackwater management, and the US State Department officials that employed the guards will face no consequences for gunning down 17 innocent Iraqis and wounding 20 others on September 16, 2007, in Baghdad's Nisour Square.

The indicted had included Paul Slough, Nicholas Slatten, Evan Liberty, Dustin Heard, and Donald Ball, who were 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 could have faced sentences of 10 years for each count of manslaughter, 7 years for each count of attempted manslaughter, and a 30-year minimum sentence for the weapons charge.

Another contractor, Jeremy Ridgeway, provided information to authorities and pled guilty to one count each of voluntary manslaughter and attempted manslaughter in exchange for a reduced sentence of at least 17 years in prison. All six guards will now go free and in all likelihood walk away from further charges.

The 90-page ruling of Judge Ricardo Urbina of Federal District Court in Washington DC cited misuse by Justice Department prosecutors of statements made by the guards in the immediate aftermath of the shootings. The judge's ruling—rare in length for a pretrial ruling and detailed in its criticism of the prosecution—makes it unlikely that it could be challenged on appeal.

The *New York Times* quoted Justice Department spokesman Dean Boyd, who said no decision had yet been made about whether an appeal would be filed. "We're still in the process of reviewing the opinion and

considering our options," Boyd said.

The dropping of charges against the Blackwater mercenaries has generally been presented in the media as the result of a technicality. In reality, it is of a piece with the brutal occupation of Iraq begun under George W. Bush and continued with the Obama administration. More than 1 million Iraqis have perished, including countless cases such as the Nisour Square massacre that have never made the headlines.

News of the dropped charges was met with outrage by survivors of those killed in the bloodbath and relatives of the slain.

Haitham Ahmed, whose wife and son were both killed, commented to the Associated Press, "The rights of our victims and the rights of the innocent people should not be wasted."

Bura Sadous Ismael, wounded by two bullets and shrapnel in the shooting, said, "There is no justice. I expected the American court would side with the Blackwater security guards who committed a massacre in Nisour Square."

The *Los Angeles Times* spoke with Hassan Jabar, whose back, left lung and arm were pierced in the attack. Jabar, a lawyer, commented, "This negates Iraqi blood and life. If the Iraqis did this with the Americans, definitely the results would be different."

"Blackwater is connected to the US Embassy and secretary of state," Jabar continued. "If an Iraqi cut off the finger of an American, they would not be satisfied until they got half the riches of Iraq."

"This judicial ruling means Blackwater did nothing [wrong] in Nisour Square."

Even the US-backed Iraqi government denounced the ruling. Government spokesman Ali al-Dabbagh said in a statement reported by the AP, "Investigations conducted by specialized Iraq authorities confirmed unequivocally that the Blackwater guards committed the crime of

murder and broke the rules by using arms without the existence of any threat obliging them to use force.”

A subsequent FBI investigation also corroborated the charges of eyewitnesses that the shootings were unprovoked, and that the guards fired on unarmed civilians.

Justice Department prosecutors said that Jeremy Ridgeway, the turret runner in the four-vehicle Blackwater convoy the day of the massacre, provided strong evidence that the shootings were unprovoked and that the guards fired with impunity, not in self-defense as argued by Blackwater and the indicted contractors’ attorneys.

Although members of the convoy were not authorized to leave the Green Zone that day, in response to reports that an improvised explosive device had exploded near a Blackwater security detail they defied this order and set up a blockade at Nisour Square “to stop civilian traffic from flowing through the traffic circle,” according to Ridgeway.

When a driver approached the blockade seconds later, without warning the security guards fired hundreds of rounds into the car, killing Ahmed Haithem Ahmed Al Rubia’y and his mother, Mahassin Mohssen Kadhum Al-Khazali, a doctor. The guards then fired some type of grenade into the vehicle, lighting it on fire.

Pandemonium ensued, as terrified civilians tried to flee the area. Another victim, Ghaniyah Hassan Ali, a mother of eight, who was riding in a bus towards the square with her daughter, was killed when a bullet pierced her skull.

Ridgeway told investigators that as the Blackwater convoy departed the square against the flow of traffic, the guards “continued to fire their machine guns at civilian vehicles that posed no threat to the convoy.” By the time the guards had left the area, 17 innocent men, women and children had been killed, and at least 20 wounded.

Judge Urbina’s ruling dropping the charges is based largely on the Justice Department’s handling of evidence gained in interviews of the guards by State Department investigators shortly after the massacre. The guards had been told by the investigators that while they could be fired for not talking about the incident, whatever they said would not be used against them in any criminal proceeding, a right against self-incrimination protected by the US Constitution.

In his ruling, the judge stated that “in their zeal to bring charges” investigators and prosecutors had used the guards’ statements extensively, in disregard of “the warning of experienced, senior prosecutors” that “the

course of action threatened the viability of prosecution.”

Judge Urbina also said that the Justice Department prosecutors used the guards’ inadmissible statements obtained by way of television and newspaper reports. He also criticized prosecutors for withholding exculpatory evidence from the grand jury that indicted the defendants.

Two options apparently exist for the government to appeal. The contractors could be prosecuted for willfully providing false statements to the State Department during their investigation. In his ruling, Urbina also alludes to the possibility of charges of obstruction of justice against Blackwater managers, although the government has yet to bring such charges.

Iraqi officials pledged to continue to pursue the case against Blackwater, which has subsequently changed its name to Xe Services, but did not elaborate on what legal avenues remain. When the incident took place the contractors were immune from prosecution in Iraq under US-imposed regulations of the Coalition Provisional Authority following the 2003 invasion.

While the US government has never brought charges against Blackwater itself, a grand jury in North Carolina, where the contractor is based, is currently conducting an investigation into its activities. Possible charges include weapons smuggling and bribery of Iraqi officials in an attempt to maintain the company’s operations in Iraq.

The families of some of the Iraqis killed have also filed a civil lawsuit against Blackwater in connection with the Baghdad massacre, claiming that company guards engaged in indiscriminate killings and beatings. That case is still before a Virginia court and is not affected by Judge Urbina’s ruling.

Given the government’s handling of the case, it is certainly possible that the dismissal of charges was in fact the intended consequence; that is, that the case was deliberately sabotaged.

Regardless, the prosecution focused entirely on the lower level employees, ignoring the more fundamental responsibility of both Blackwater management and the US government, which has heavily depended on the company throughout the nearly seven-year long occupation.



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