

US Court of Appeals throws out Blackwater murder conviction

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On Friday, a US appeals court threw out the first-degree murder conviction of Nicholas A. Slatten, one of the four former Blackwater security guards who massacred 14 unarmed Iraqis in September 2007 while working for the US State Department. Slatten had been sentenced to life in prison in 2015, and the other three former guards each received sentences of 30 years. The court also ruled that the three other men be resentenced.

In a statement, the US Court of Appeals for the DC Circuit panel ruled that the trial court which sentenced the four guards “abused its discretion” by not allowing Slatten to be tried separately from his three co-defendants. He was the only one who faced a murder charge since he was found to have fired the first shots as well as shooting dead the driver of a white Kia car that had stopped at a traffic circle.

The other three defendants, Paul Slough, Evan Liberty, and Dustin Heard, were found to have violated the constitutional prohibition against “cruel and unusual punishment” for their part in the massacre. Thirty-year sentences were issued based on their use of military firearms while committing a felony, a charge that was used for the first time against security contractors who were provided weapons by the US government. All four men were convicted of first-degree murder and manslaughter by a federal jury in October 2014.

On September 16, 2007, the four men were part of a convoy which opened fire with automatic weapons on a civilian intersection in Baghdad’s Nisour Square. One member of the team did not stop firing his automatic assault rifle, even when he was ordered to cease fire. Helicopters were also used to fire into the intersection from overhead. In total, 14 unarmed Iraqis, including children, were killed and 17 more were wounded.

The guards say that they acted in self-defense after

coming under AK-47 gunfire, but during the 10-week trial in 2014, no witness testified to such a circumstance nor was evidence found that any AK-47 rifles were carried by Iraqi insurgents at that time. After their conviction, the defendants had vowed to appeal what one of them called a “perversion of justice.” All four men were US military veterans.

The two US circuit judges responsible for Friday’s ruling, Karen LeCraft Henderson and Janice Rogers Brown, wrote, “we by no means intend to minimize the carnage attributable to Slough, Heard, and Liberty’s actions. Their poor judgments resulted in the deaths of many innocent people.”

Despite this, Henderson and Brown ruled that the sentencing judge should have given the men more “nuanced” penalties tailored to each defendant, rather than using a “sledgehammer” across the board. They also argued that the legislation used for the sentencing was originally aimed at violent drug traffickers and should not be applied to US contractors with no prior criminal record.

When the sentences were handed down two years ago, US District Court Judge Royce Lamberth ruled that, “Based on the seriousness of the crimes, I find the penalty is not excessive.” Assistant US Attorney T. Patrick Martin, who prosecuted the four men, argued for the lengthy sentences stating, “You are entrusted to do a job with deadly weapons, but you must use them only when necessary, and their use must be justified. You can’t just shoot first and seek justification later.”

Blackwater has changed names twice, first to Xe Services and then to Academi. The company’s CEO Erik Prince, the brother of current Secretary of Education Betsy DeVos, resigned from Blackwater in 2009. He went on to form a private mercenary force for the United Arab Emirates and is currently lobbying the

Trump administration to expand the role of mercenaries in the US war in the Afghanistan.

The 2007 incident was notable for its brutality even in a city where a bitter sectarian war was taking place. It significantly raised the profile of the private security contractors which the US government has increasingly relied on in waging its imperialist wars in the Middle East and Central Asia.

At the time of this writing, there had been no word on whether Slatten will be retried. Spokespeople for the US Justice Department and US Attorney Channing D. Phillips, said that the latter is “reviewing the opinion and has no further comment at this time.” The sentencing that took place in 2015 was the conclusion of a years-long process which wound its way through the federal court system.

Friday’s court action may have similar effects to the lack of prosecutions and criminal convictions against police officers who kill without prejudice in the United States. The decision sends the message that these actions are acceptable and that soldiers and military contractors can get away with using unwarranted deadly force. This is particularly important to note as geopolitical tensions continue to ramp up around the globe and the Trump administration determines its strategy for the war in Afghanistan.



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