

FILED

IN THE UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF VIRGINIA

2009 JUN -21 P 1:21

Estate of Ali Hussamaldeen Ibrahim Albazzaz)
Estate of Kadhum Kayiz Aziz)
Estate of Sa'ad Raheem Jarallah)

Plaintiffs, all residing in Baghdad, Iraq)
at addresses that cannot be disclosed)
for safety and security)

v.)

Erik Prince)
1650 Tysons Boulevard)
McLean, VA 22012)

Prince Group)
1650 Tysons Boulevard)
McLean, VA 22012)

EP Investments LLC)
1650 Tysons Boulevard)
McLean, VA 22012)

Greystone)
1650 Tysons Boulevard)
McLean, VA 22012)

Total Intelligence)
1650 Tysons Boulevard)
McLean, VA 22012)

The Prince Group LLC)
1650 Tysons Boulevard)
McLean, VA 22012)

Xe)
850 Puddin Ridge Road)
Moyock, NC 27958)

Blackwater Worldwide)
850 Puddin Ridge Road)
Moyock, NC 27958)

Blackwater Lodge and Training Center)

CIVIL ACTION CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

NO. 1:09 CV 616
JCC/JFA

CIVIL COMPLAINT
JURY DEMAND

850 Puddin Ridge Road)
Moyock, NC 27958)
)
Blackwater Target Systems)
850 Puddin Ridge Road)
Moyock, NC 27958)
)
Blackwater Security Consulting)
850 Puddin Ridge Road)
Moyock, NC 27958)
)
Raven Development Group)
850 Puddin Ridge Road)
Moyock, NC 27958,)
)
Defendants)
)
)
)
)

COMPLAINT

1. Plaintiffs Estate of Ali Hussamaldeen Ibrahim Albazzaz; Estate of Kadhum Kayiz Aziz; Estate of Sa’ad Raheem Jarallah (hereinafter referred to as “Plaintiffs”) hereby allege as follows:

JURISDICTION AND VENUE

2. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); 28 U.S.C. § 1350 (Alien Tort Statute); and 28 U.S.C. § 1367 (supplemental jurisdiction).

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a)(3) and § 1391(b)(2).

PARTIES

3. Plaintiff is the Estate of Ali Hussamaldeen Ibrahim Albazzaz. Mr. Albazzaz was a resident of Baghdad until he was shot to death by Blackwater shooters on September 9, 2007. He was the father of a newborn baby daughter.

4. Plaintiff is the Estate of Kadhun Kayiz Aziz. Mr. Aziz was a resident Baghdad until he was shot to death by Blackwater shooters while guarding a government building on September 9, 2007. He was the father of one child.

5. Plaintiff is the Estate of Sa'ad Raheem Jarallah. Mr. Jarallah was a 53-year old school teacher at a technical institution in the City of Al Amara, Maysan province. He was married with four children, the youngest of which is 12 years old. On September 9, 2007, he was visiting Bagdad, on behalf of his institution, when he was killed by Xe-Blackwater shooters near Al Watahba Square.

6. Defendant Erik Prince is a resident of McLean, Virginia, with business offices at 1650 Tysons Boulevard, McLean, Virginia 22102, who personally and wholly owns holding companies known as The Prince Group and EP Investments LLC. Mr. Price, through these holding companies, owns and controls the various Xe-Blackwater entities, as well as entities known as Greystone and Total Intelligence.

7. Defendant The Prince Group LLC is a holding company located at 1650 Tysons Boulevard, McLean, Virginia 22102.

8. Defendant EP Investments, LLC is a holding company managed by The Prince Group LLC. EP Investments, LLC is located at 1650 Tysons Boulevard, McLean, Virginia 22102.

9. Defendant Erik Prince, acting through a web of companies operating under the "Xe" or "Blackwater" or "Falcon" or "Greystone" or "Total Intelligence" names, earns billions of dollars providing mercenaries (known as "shooters") for hire. The various Xe-

Blackwater, Greystone and The Prince Group corporate entities were formed merely to reduce legal exposures and do not operate as individual and independent companies outside the control of Erik Prince. Erik Prince personally controls all the various entities.

10. Defendants Xe, Blackwater Worldwide, Blackwater Lodge and Training Center, Inc., Blackwater Target Systems, Blackwater Security Consulting and Raven Development Group are all located at 850 Puddin Ridge Road, Moyock, North Carolina 27958.

11. Defendant Greystone Ltd. and Total Intelligence Solutions LLP are companies through which Erik Prince conducts his mercenary business. Greystone Ltd. and Total Intelligence Solutions LLP are located at 1650 Tysons Boulevard, McLean, Virginia 22102.

12. This action is being brought against Xe, formerly Blackwater, in all of its various corporate incarnations. These companies (including a Xe-Blackwater company called Falcon that continues to operate in Iraq), are all component parts of a single private company wholly owned and personally controlled by a man named Erik Prince. Prince and his corporate entities earn billions of dollars selling mercenary services.

13. On September 9, 2007, heavily-armed Blackwater mercenaries (known in Blackwater parlance as “shooters”) working in Iraq fired, without justification, on a crowd of innocent Iraqi persons in and around Al Watahba Square resulting in multiple deaths and injuries. Plaintiffs were among those killed in this massacre. This senseless slaughter on September 9, 2007, was only one in a series of recent incidents in Blackwater’s lengthy pattern of egregious misconduct in Iraq resulting in the deaths of innocent Iraqis.

14. Xe-Blackwater created and fostered a culture of lawlessness amongst its employees, encouraging them to act in the company’s financial interests at the expense of innocent human life. The September 9, 2007 shooting is one episode in a lengthy pattern of egregious misconduct by Xe - Blackwater acting in Iraq, Afghanistan and around the world. Xe-Blackwater created and fostered a culture of lawlessness amongst its employees, encouraging them to act in the company’s financial interests at the expense of human life.

This action seeks compensatory damages to compensate the families of Plaintiffs, who were gunned down and killed by Xe-Blackwater shooters. This action seeks punitive damages in an amount sufficient to punish Erik Prince and his Xe-Blackwater companies for their repeated callous killing of innocents.

THE XE-BLACKWATER SEPTEMBER 9, 2007 MASSACRE

15. Xe-Blackwater provides armed forces to protect Department of State personnel in Iraq. These mobile armed forces that accompany diplomats and others in need of protection are consistently referred to by Xe-Blackwater as “shooters.”

16. Xe - Blackwater earned more than two billion dollars from the United States. The United States paid Xe - Blackwater these substantial sums based on Xe - Blackwater’s misrepresentations that it was a legitimate company able to conduct itself in a lawful manner. But in fact, Xe - Blackwater operates extra-legally, providing heavily-armed mercenaries who flout the laws of this nation and the host nation, Iraq.

17. On September 9, 2007, Blackwater shooters, whose identities are known to Defendants and are capable of being ascertained through discovery, used excessive force without justification and killed Plaintiffs in and around Al Watahba Square, Baghdad.

18. The September 9, 2007, massacre was not an isolated instance of misconduct by Xe – Blackwater. Xe - Blackwater has a pattern and practice of recklessness in the use of deadly force. Xe - Blackwater has created and fostered a corporate culture in which excessive and unnecessary use of deadly force by its employees is not investigated or punished in any way.

19. Xe - Blackwater routinely sends heavily-armed “shooters” into the streets of Baghdad with the knowledge that some of those “shooters” are chemically influenced by steroids and other judgment-altering substances.

20. Through their acts and omissions, Xe – Blackwater management encouraged shooting innocent Iraqis. Xe – Blackwater management refused to fire or discipline “shooters” who murdered innocent Iraqis. “Shooters” known to have committed “bad shoots” (i.e. murder) would not even be placed on the “do not use” list. Instead, Xe – Blackwater would continue to rehire and deploy “shooters” known to have killed innocents for no reason.

21. Xe – Blackwater captured much of the illegal conduct on videotape and audiotape. At times, Xe – Blackwater would even review the illegal conduct in a review called a “hot wash.” Xe – Blackwater, however, did not report or punish the illegal conduct of its mercenaries. Instead, Xe – Blackwater intentionally destroyed the evidence of illegal conduct, and encouraged the mercenaries to do the same.

22. Plaintiff will show at trial a litany of illegal shootings around the globe known to Xe – Blackwater management.

23. Plaintiff will also show at trial that Xe – Blackwater hired and continues to hire former military officials known to have been involved in human rights abuses in Latin American and elsewhere.

24. Although Xe – Blackwater tries to pass itself off as a company using retired American military, the company actually recruits mercenaries from the Philippines, Chile, Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru, Bulgaria, Poland, Romania, Jordan and perhaps South Africa. Xe - Blackwater hires and deploys to Iraq foreign nationals without regard for the fact that they were forbidden by the laws of their country from serving as mercenaries.

25. Xe - Blackwater repeatedly and routinely engages in other illegal conduct. Xe – Blackwater engages in conduct that violates the laws governing the use and sale of firearms.

26. Xe – Blackwater engages in conduct that violates the Anti-Pinkerton Act, 5 U.S.C. § 1803, which prohibits the United States from doing business with “[a]n individual employed by the Pinkerton Detective Agency, or similar organization.” The legislative history of the Act makes it clear that a “similar organization” means any mercenary or quasi-mercenary organization. Xe - Blackwater constitutes such a “similar organization” and therefore lacks any valid contractual relationships with the United States.

27. Xe- Blackwater engages in conduct that violates the terms of its putative contracts with the United States.

28. Xe – Blackwater seriously harms the United States by its repeated and consistent failure to act in accord with the laws of the United States and international law, including the laws of war.

DAMAGES

29. Defendants are liable for killing Plaintiffs. Defendants are liable for the pain and suffering caused to Plaintiffs, as well as the pain and suffering and loss of consortium.

30. Defendants are liable for the physical and mental injuries caused to Plaintiffs.

31. Plaintiffs seek compensatory and punitive damages in an amount in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332. Plaintiffs also seek any and all additional remedies (such as attorneys’ fees) available under law and equity.

COUNT ONE – WAR CRIMES

32. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

33. Defendants' acts were deliberate, willful, intentional, wanton, malicious and oppressive and constitute war crimes.

34. Defendants' acts took place during a period of armed conflict.

35. Defendants committed war crimes, including willful killing and willfully causing great suffering or serious injury to body or health, against Plaintiffs and others.

36. Defendants are liable for their conduct that constitutes war crimes.

37. Defendants' misconduct caused grave and foreseeable injuries to Plaintiffs.

COUNT TWO – ASSAULT AND BATTERY

38. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

39. Defendants unlawfully intended to and did inflict immediate injury upon Plaintiffs.

40. Defendants intentionally assaulted, battered, and made other offensive contacts; and aided and abetted the assaulting, battering and offensively contacting of the Plaintiffs.

41. Plaintiffs did not consent to the offensive contacts. Plaintiffs feared for his personal safety and felt threatened by Defendants' actions.

42. Defendants committed the assaults and batteries.

43. Defendants' acts caused grave and foreseeable damages to Plaintiffs.

COUNT THREE – WRONGFUL DEATH

44. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

45. Defendants' wrongful acts and omissions caused the death of Plaintiffs.

46. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the wrongful death.

47. Plaintiffs are the duly appointed personal representatives.

48. The deaths were a foreseeable result of Defendants' wrongful acts and omissions.

COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

49. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

50. Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct on Plaintiffs and family members.

51. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to inflict emotional distress on Plaintiffs.

52. Defendants' acts caused grave and foreseeable injuries to Plaintiffs and family members.

COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

53. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

54. Defendants negligently inflicted severe emotional distress on Plaintiffs and his family members.

55. Defendants breached a duty to Plaintiffs and others present at the scene of the killings and infliction of bodily injury.

56. Defendants' negligence directly and foreseeably harmed Plaintiffs.

COUNT SIX – NEGLIGENT HIRING, TRAINING AND SUPERVISION

57. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

58. Defendants acted negligently and directly harmed Plaintiffs by:

- (a) failing to take the appropriate steps in hiring proper personnel to perform services;
- (b) failing to properly screen personnel before their hiring;
- (c) failing to train personnel properly;
- (d) failing to investigate allegations of wrongdoing;
- (e) failing to reprimand for wrongful actions;
- (f) failing to adequately monitor for and stop illegal substance abuse; and
- (g) negligently permitting repeated lawlessness by employees.

Defendants' negligence directly and foreseeably harmed Plaintiffs and his family members.

COUNT SEVEN – TORTIOUS SPOILATION OF EVIDENCE

59. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

60. Defendants had a legal duty to preserve evidence relating to unauthorized uses of force.

61. Defendants intentionally destroyed that evidence to prevent detection of its wrongdoing.

62. Defendants' destruction of evidence significantly impaired Plaintiffs' ability to prove certain facts in this action.

63. Defendants' intent in destroying the evidence was to lessen the risk that they would be found liable by a jury hearing this action.

64. Defendants' intentional destruction of evidence harmed and continues to harm the Plaintiffs.

PRAYERS AND DAMAGES

65. Plaintiffs and family members, acting when necessary through the Estates, is entitled to any and all remedies available to them as a result of the conduct alleged herein, including, but not limited to:

- (a) compensatory damages for death, physical, mental and economic injuries;
- (b) punitive damages in an amount sufficient to strip Defendants of all of the revenue and profits earned from their pattern of constant misconduct and callous disregard for human life; and
- (c) any attorneys' fees and costs permitted by law.



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