



# Guns for Hire in Iraq

## The cases against Blackwater

**human  
rights &  
corporate  
accountability**

### Why are guns for hire in Iraq?

The U.S. government has increasingly been outsourcing functions previously carried out by government employees or members of the military to for-profit corporations. During the Bush Administration, the use of private military contractors rose dramatically: while during the first Gulf War one in sixty people deployed were employees of corporations contracted by the U.S. government, the ratio swelled to one in three during the 2003 invasion of Iraq. Today, there are more private contractors than US soldiers in both Iraq and Afghanistan.

Companies that have contracts with the U.S. government provide a vast array of services in Iraq, ranging from personal security for Iraqi and American officials to protection of oil facilities to interrogations and other intelligence work. In their work in Iraq, many contractors hired as "private security" are acting, in fact, as guns for hire; a number have opened fire on Iraqi civilians on the streets of Baghdad. The most notorious case is that of the shooting of Iraqi civilians in Nisoor Square, Baghdad on September 16, 2007 by Blackwater employees, resulting in the death of 17 innocent people. Some of the Blackwater shooters involved are currently being criminally prosecuted by the Department of Justice.

### Blackwater's contracts in Iraq

Blackwater Worldwide, a company founded by Erik Price and based in North Carolina, provides a rapidly expanding list of products and services to the U.S. government, among other clients. The for-profit company began by providing training to military officials, police officers and civilians at its headquarters in the U.S. When the U.S. invaded Iraq in 2003, Blackwater positioned itself to provide security personnel to the U.S. State Department and other U.S. agencies operating in Iraq. Blackwater has secured contracts worth over one billion

dollars in publicly identified U.S. government contracts during the "war on terror." Blackwater's contracts range from providing security to US officials in Iraq to aviation services to, according to the *New York Times*, a covert CIA assassination program.

In January 2009, the US State Department publicly declared it would not be renewing Blackwater's contract in Iraq after the Iraqi government denied Blackwater a license to operate there. However, (as of August 2009) Blackwater is still operating on millions of dollars worth of contracts with the State Department, including for services in Iraq.

After years of negative press, Blackwater Worldwide changed its name to Xe Services in February 2009, but it is still commonly referred to as Blackwater.



### Civil Lawsuits against Blackwater

The Center for Constitutional Rights (CCR) is co-counsel on two civil lawsuits against Blackwater that have been consolidated for purposes of pre-trial briefing and discovery. Lead counsel on these cases is Burke O'Neil LLC. Both cases are before Judge T.S. Ellis in the Eastern District of Virginia.

*Abtan v. Prince, et. al.* was filed on behalf of twenty-two Iraqi citizens who were injured and the families of eight individuals who were killed when heavily armed Blackwater personnel opened fire on innocent Iraqis in Nisoor Square in Baghdad on September 16, 2007. Among the plaintiffs in this case are Hassan Jabir Salman and Bara'a Sa'adoon Ismael. Mr. Salman, 46, is a lawyer from Baghdad and the father of eight children. He was seriously injured when Blackwater shooters shot him in both shoulders and the back of the neck. Mr. Ismael, a 29 year old father of two young daughters, was shot in the waist and the leg.

The lawsuit alleges that Erik Prince, Blackwater and its affiliated companies violated U.S. and international law and "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 lawsuit further alleges that the Blackwater employees who fired on Iraqi civilians in Nisoor Square ignored directives from the Tactical Operations Center, which is manned by both Blackwater and the Department of State, not to go to Nisoor Square. It also alleges that Blackwater routinely deploys heavily-armed shooters in the streets of Baghdad with the knowledge that some of them were using steroids or other judgment-altering substances, that it destroyed evidence of criminal acts, and that it engaged in weapons-smuggling.

The Plaintiffs claim that Blackwater's firing on Iraqis in Nisoor Square violated the Alien Tort Statute (ATS), a 1789 statute giving non-U.S. citizens the right to file suits for international human rights violations in U.S. courts, in committing war crimes and summary execution. They also brought common law tort claims, including assault and battery, wrongful death, intentional and negligent infliction of emotional distress, and negligent hiring, training and supervision. Plaintiffs further alleged that Erik Prince violated the Racketeer Influenced and Corrupt Organizations Act (RICO).

*Albazzaz et al., v. Prince, et. al.* is a civil lawsuit filed in federal court in Washington, D.C., on behalf of the families of three men killed in Iraq: Ali Hussamaldeen Albazzaz, Kadhum Kayiz Aziz, and Sa'ad Raheem Jarallah. The men were killed when Blackwater "shooters" opened fire on a crowd of Iraqi civilians in Al Watahba Square in

Baghdad on September 9, 2007.

The lawsuit alleges that heavily-armed Blackwater shooters fired without justification and caused multiple deaths. Mr. Albazzaz, the father of a newborn baby girl, was standing outside his rug store at the time that he was killed; Mr. Aziz was guarding a government building. Mr. Jarallah was a 53-year old school teacher who was killed while visiting Baghdad for work. Numerous other civilians were injured in the incident.

Plaintiffs bring one claim under the ATS for war crimes. They also bring claims for assault and battery, wrongful death, intentional and negligent infliction of emotional distress, and negligent hiring, training and supervision under state law.

Blackwater has sought to get these cases dismissed by arguing that the Plaintiffs are really challenging the State Department's policies, and not Blackwater's lawlessness. Blackwater also argues that because they are not "state actors," not cannot be bound by international law. In August 2009, the Plaintiffs' legal team filed its opposition to Blackwater's Motion to Dismiss. Oral arguments on the Motion to Dismiss were heard on August 28, 2009 and a decision is pending.

Blackwater has also sought to have the U.S. government substituted as the defendant in the cases in place of Blackwater because, they argue, the "shooters" should be considered U.S. government employees and therefore the U.S. should assume any liability for Blackwater's actions. The U.S. government will submit its response to Blackwater's motion on October 8, 2009.

For more information visit [www.ccrjustice.org](http://www.ccrjustice.org) or contact [lraymond@ccrjustice.org](mailto:lraymond@ccrjustice.org)

For specific information on these cases, visit:

<http://www.ccrjustice.org/ourcases/current-cases/atban%2C-et-al.-v.-blackwater-usa%2C-et-al.>

<http://www.ccrjustice.org/ourcases/current-cases/estate-ali-hussamaldeen-albazzaz-v.-blackwater-worldwide%2C-et-al.>