

Justice, of a Sort, for Blackwater

By [Jeremy Scahill](#)

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For more than five years, the Bush administration's mercenary force of choice, Blackwater Worldwide, has operated on a US government contract in Iraq in a climate that has wed immunity with impunity. Today the Justice Department took the first concrete step to hold accountable the individuals responsible for the single greatest massacre of Iraqi civilians at the hands of an armed private force deployed in Iraq by the US government.

[Jeremy Scahill](#): Anyone who thinks Blackwater is in serious trouble is dead wrong. Business has never been better for Blackwater and its future looks bright.

Five Blackwater operatives turned themselves in to federal authorities in Salt Lake City on Monday morning after being officially notified that they had each been indicted on fourteen manslaughter charges and allegations they used automatic weapons in the commission of a crime. A sixth Blackwater operative has already pleaded guilty to two charges as part of an agreement to testify against his colleagues. The thirty-five-count indictment was unsealed today in Washington, DC. It stems from the operatives' alleged role in the Nisour Square shootings in Baghdad in September 2007 that left seventeen Iraqi civilians dead and more than twenty wounded. Today's indictments represent the first time in more than five years of the Iraq occupation that the Justice Department has brought criminal charges against armed private contractors for crimes committed against Iraqis.

Significantly, Blackwater as a company faces no charges in the case.

"The government alleges in the documents unsealed today that at least 34 unarmed Iraqi civilians, including women and children, were killed or injured without justification or provocation by these Blackwater security guards in the shooting at Nisour Square," said Patrick Rowan, assistant attorney general for national security. "Today's indictment and guilty plea demonstrate that those who engage in unprovoked and illegal attacks on civilians, whether during times of conflict or times of peace, will be held accountable."

In a dramatic twist, in addition to the manslaughter charges, the men are being charged under an antidrug law that provides for a thirty-year mandatory minimum sentence for using machine guns in the commission of violent crimes. Count thirty-five of the indictment charges that the men "knowingly used and discharged firearms," including "an SR-25 sniper rifle; machine guns (M-4 assault rifles and M-240 machine guns); and destructive devices (M-203 grenade launchers

and grenades), during and in relation to a crime of violence for which each of them may be prosecuted in a court of the United States."

[Jeremy Ridgeway](#), the Blackwater operative who pleaded guilty on Friday, has agreed to testify against the other five men, according to ABC News. Citing documents filed in his plea agreement, ABC reports that Ridgeway "acknowledged the government evidence would prove he and the others 'opened fire with automatic weapons and grenade launchers on unarmed civilians.' He agreed none of the civilians 'was an insurgent, and many were shot while inside of civilian vehicles that were attempting to flee.' Ridgeway also admitted one victim was shot in his chest 'while standing in the street with his hands up.'"

Federal prosecutors made clear that Blackwater itself will not face any charges in the case. As in most of the crimes committed against Iraqis by US military and private forces, this incident is being portrayed as the work of a few bad apples and not the bloody end-product of an out-of-control occupation. "We honor the brave service of the many US contractors who are employed to support the mission of our armed forces in extremely difficult circumstances," said Jeff Taylor, US Attorney for the District of Columbia. "Today, we honor that service by holding accountable the very few individuals who abused that employment by committing some very serious crimes against dozens of innocent civilians." Blackwater owner Erik Prince and other company executives face no consequences for the actions of their men, nor does the State Department, which deployed the company's men in Iraq.

The Nisour Square killings propelled Blackwater to international infamy and sparked demands from the US-installed Iraqi government for Blackwater to be expelled from the country. The Bush administration rejected those calls and in April renewed Blackwater's Iraq contract for another year. Blackwater, the largest US security contractor in Iraq, has worked on a US government contract since August 28, 2003, when it was hired on an initial \$27.7 million no-bid contract to protect the head of the Coalition Provisional Authority, Ambassador L. Paul Bremer. To date, Blackwater has been paid over a billion dollars for its "security" work for the State Department.

The shootings on September 16, 2007 were labeled "[Baghdad's Bloody Sunday](#)." They occurred shortly after noon when Blackwater forces opened fire on a civilian vehicle in a crowded intersection, killing a young Iraqi medical student, Ahmed al-Rubaie, and his mother, Mahasin. That shooting kicked off fifteen minutes of sustained gunfire, as civilians fled for their lives. Witnesses say the shooting was unprovoked, and according to ABC News, Ridgeway admitted to prosecutors that "'there was no attempt to provide reasonable warning' to the driver of a vehicle that was first targeted." For more than a year, Blackwater has claimed its forces were the victims of an armed ambush. "Among the threats identified were men with AK-47s firing on the convoy, as well as approaching vehicles that appeared to be suicide bombers," Prince claimed in prepared Congressional testimony in October 2007. Prince insisted that "based on everything we currently know, the Blackwater team acted appropriately while operating in a very complex war zone."

The company's claims were rejected by both the US military and the FBI. The military concluded there was "no enemy activity involved," determined that all of the killings were unjustified and labeled the shootings a "criminal event." That investigation found that many

Iraqis were shot as they attempted to flee, saying "it had every indication of an excessive shooting." The US military unit that responded to the shootings that day said they were "surprised at the caliber of weapon being used." Two weeks after the massacre, the FBI finally was dispatched to Baghdad.

In November 2007, the first glimpse into the conclusions of the [FBI probe](#) emerged in the *New York Times*, which reported that the federal agents had "found that at least 14 of the shootings were unjustified and violated deadly-force rules in effect for security contractors in Iraq." The report added, "Investigators found no evidence to support assertions by Blackwater employees that they were fired upon by Iraqi civilians," quoting one official as saying, "I wouldn't call it a massacre, but to say it was unwarranted is an understatement." A military investigator "said the F.B.I. was being generous to Blackwater in characterizing any of the killings as justifiable."

While the indictments in the Nisour Square case are significant and historic, there will be substantial legal hurdles for prosecutors, not the least of which is the State Department's move in the immediate aftermath of the shootings to immunize the shooters from prosecution. The Bush administration left the initial investigation to Blackwater's employer, the State Department. Investigators from the department's Diplomatic Security Division offered the Blackwater shooters "limited-use immunity" before questioning them, meaning that their statements and information gleaned from them could neither be used to bring criminal charges against them nor even be introduced as evidence. When the FBI eventually arrived in Baghdad, some of the Blackwater guards involved in the shooting refused to be interviewed, citing promises of immunity from the State Department. The agency also discovered that the crime scene had been severely compromised.

The Blackwater guards will be at the center of a precedent-setting battle over what legal experts call a "grey zone" in US law under which private forces operate in Iraq. The men are being charged under the [Military Extraterritorial Jurisdiction Act](#). Passed in 2000, the law provides for prosecuting contractors working for or alongside the US military. Blackwater works for the State Department, and lawyers for the company's five accused operatives will certainly challenge the law's application to their clients. They also intend to use Blackwater's longstanding argument that the shootings were the result of an armed attack against the men. "We think it's pure and simple a case of self-defense," said Paul Cassell, a Utah attorney on the defense team. "Tragically, people did die."

By surrendering to authorities in Salt Lake City rather than in Washington, the accused men have fired their first defensive shot at federal prosecutors. They intend to fight for their trial to take place in a conservative, gun-friendly area of the country. "Though the case has already been assigned to U.S. District Judge Ricardo M. Urbina in Washington, the guards surrendered in Utah," reports the Associated Press. There "they would presumably find a more conservative jury pool and one more likely to support the Iraq war."

The five accused are: Paul A. Slough, 29, of Keller, Texas; Nicholas A. Slatten, 24, of Sparta, Tennessee; Evan S. Liberty, 26, of Rochester, New Hampshire; Dustin L. Heard, 27, of Maryville, Tennessee; and Donald W. Ball, 26, of West Valley City, Utah.

While Nisour Square was by far the most high-profile fatal incident involving Blackwater and other private forces in Iraq, scores of other such incidents have gone unprosecuted. Among these is the alleged killing by a Blackwater operative of a bodyguard to Iraqi Vice President Adel Abdul Mehdi on Christmas Eve 2006, inside Baghdad's heavily fortified Green Zone. The Iraqi government has labeled that incident a "murder."

Blackwater also is being sued in civil court in the United States by Iraq victims of the Nisour Square shootings. No date has yet been set for that trial.

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