



Ending Private Contractor Impunity: Report Cards on the U.S. Government Response since Nisoor Square

On September 16, 2007, Blackwater Worldwide private security contractors working for the U.S. Department of State killed 17 Iraqi civilians and wounded 24 more in an incident in Baghdad’s Nisoor Square. Iraqi government and U.S. military officials investigating the incident labeled it unprovoked and unjustified. Nisoor Square was—or should have been—a wake-up call to the United States and the world on the need to make sure private contractors can be, and are, held accountable for serious crimes abroad. As the media rushed to cover the incident and Iraqis demanded accountability, the U.S. government and its agencies could no longer claim ignorance on the issue.

But Nisoor Square simply revealed again what had been clear for several years: There is no coordinated U.S. response—or even policy—for holding private contractors accountable for serious violent crimes. Nisoor Square did not reveal a new problem. Private contractors implicated in the 2004 Abu Ghraib detainee abuse scandal have never been charged with crimes by the Department of Justice, while 11 of their U.S. military colleagues were convicted in courts-martial for similar conduct. Numerous women who have served in Iraq as U.S. government contractors have made serious allegations of rape by their contractor colleagues and others, but the Justice Department has charged no one.

U.S. law provides an extensive, albeit imperfect, basis for holding private security and other contractors criminally accountable. In practice, however, the Justice Department does not aggressively investigate or prosecute contractors, in part because the Executive Branch has not made it a priority, or devoted effort or resources to the effort.

This report card assesses specific areas in which key components of the U.S. government—Congress, the

Contractor Accountability Report Card	
	Grade
Congress	B
Department of Defense	B
Department of State	C
White House	D
Department of Justice	F

Department of Defense, the White House, the Department of State, and the Department of Justice—have acted, and have failed to act, since this issue exploded into the public spotlight in September 2007. It provides a qualitative performance evaluation of specific areas of responsibility, and detailed recommendations for performance improvement that would make important contributions to the effort to promote contractor accountability and end contractor impunity. The performance improvement recommendations are drawn from Human Rights First’s blueprint, *How to End Impunity for Private Security and Other Contractors*, which provides a step-by-step strategy for President-elect Obama, the new administration and the new Congress to establish effective mechanisms of accountability for private contractors sent abroad by the U.S. government to do the nation’s business.

CONGRESS REPORT CARD

Subject/GRADE	Notes on Achievements/Areas Requiring Improvement
Prosecution of Contractors Implicated in Violent Crime GRADE: C	MEJA REFORM PASSED IN THE HOUSE; STALLED IN THE SENATE. Three weeks after Nisoor Square, the House passed by a vote of 389-30 the Military Extraterritorial Jurisdiction Act (MEJA) Expansion and Enforcement Act of 2007 (sponsored by Rep. David Price (D-NC)), intended to clarify and expand criminal jurisdiction over contractors abroad. Unfortunately, similar proposals—including a bill sponsored by then-Senator Barak Obama—stalled in the Senate during 2007-08.
Effective Control and Coordination of Private Security Contractors GRADE: B	2008 NDAA. Four months to the day after Nisoor Square, the House passed the National Defense Authorization Act (NDAA) of 2008, providing: <ul style="list-style-type: none"> • That the Department of Defense (DoD), in coordination with the Department of State (DoS), prescribe regulations by May 2008 on the selection, training, equipping, and conduct of personnel performing private security functions in areas of combat operations. • That DoD, DoS and USAID negotiate, by July 2008, a Memorandum of Understanding (MoU) regarding a variety of matters relating to private contractors in Iraq and Afghanistan. A few days after the House passed the 2008 NDAA, the Senate followed suit.
Transparency of Contractor Activities GRADE: B	2008 NDAA. The 2008 NDAA also provided: <ul style="list-style-type: none"> • That the General Accounting Office (GAO) submit annual reports to Congress on private contractors in Iraq and Afghanistan, beginning in October 2008. • Expanded jurisdiction of the existing Special Inspector General for Iraq Reconstruction (SIGIR), and defined the jurisdiction of a newly-created Special Inspector General for Afghanistan Reconstruction (SIGAR), to include investigation of waste, fraud and abuse in security contracting. • Strengthened “whistleblower” protections for contractor personnel to better protect from retaliation those who report abusive or corrupt practices by their companies.
Restricting Use of Contractors GRADE: A	2008 NDAA. The 2008 NDAA also provided that an independent “Commission on Wartime Contracting” be established by July 2008 to study US government PMSC contracting (for logistics support, reconstruction and security functions) in Iraq and Afghanistan, and to assess which functions (including providing security in areas of combat operations) may be “inherently governmental” and thus inappropriate for performance by private contractors. Although Congressional leadership was late in appointing five of their six representatives to the Commission on Wartime Contracting (thus missing Congress’ own 2008 NDAA deadline), all these appointments were made by July 31, 2008.
Remedies for Victims of Contractor Crime GRADE: C	STATE SECRETS REFORM. During 2008, bills were introduced in both houses of Congress that would limit the government’s use of the state secrets privilege, a broad-based evidentiary claim based on national security concerns that the Bush administration has frequently invoked since September 11 to defeat the efforts of individuals to seek legal remedies for human rights violations, including violations involving U.S. government contractors. In April, the Senate Judiciary Committee approved a bill that would prohibit dismissal of cases prior to discovery and require courts to examine privileged evidence <i>in camera</i> , an essential step in ensuring the government’s state secrets claims are warranted.
Oversight GRADE: B	HEARINGS AND INFORMATION REQUESTS. <ul style="list-style-type: none"> • During 2007-08, a number of committees in both chambers have held oversight hearings focusing on contractor accountability in wartime. • Members of Congress questioned administration officials about contractor abuse and accountability at departmental oversight hearings, and submitted formal requests for additional information on how administration officials have handled contractor incidents.
OVERALL GRADE: B	TO IMPROVE ITS PERFORMANCE IN ENDING CONTRACTOR IMPUNITY, CONGRESS SHOULD: <ul style="list-style-type: none"> • Clarify and expand the reach of U.S. criminal jurisdiction over contractors abroad. • Appropriate additional resources to investigate and prosecute contractor crime. • Pass legislation to enhance access to remedies for victims of contractor abuse, and to mandate additional transparency of contractor operations. • Engage in increased oversight of contractor accountability for violent offenses committed overseas.

DEPARTMENT OF DEFENSE REPORT CARD

Subject/GRADE	Notes on Achievements/Areas Requiring Improvement
<p>Immediate Response to Nisoor Square</p> <p>GRADE: A</p>	<p>VICTIM ASSISTANCE; TRANSPARENT INQUIRY. Members of a U.S. Army unit working with Iraqi police at the time of the shootings helped ferry victims to hospitals. In the weeks after Nisoor Square, U.S. soldiers reviewing eyewitness statements and video footage recorded at Nisoor Square concluded that Blackwater guards opened fire without provocation and used excessive force against Iraqi civilians.</p> <p>MEMORANDUM RE MANAGEMENT OF CONTRACTORS IN CONTINGENCY OPERATIONS. Just over a week after Nisoor Square, on September 25, 2007, Deputy Defense Secretary Gordon England sent a memorandum to military department chiefs addressing contractor accountability from the military command perspective. The memorandum made explicit that military <i>commanders</i>—and not only contracting officers—bear significant responsibility for abuses by DoD contractors and other contractors in their areas of command.</p>
<p>Prosecution of Contractors Implicated in Violent Crime</p> <p>GRADE: B</p>	<p>MEMORANDUM RE UCMJ JURISDICTION OVER CONTRACTORS AND OTHERS. In late 2006, Congress expanded DoD's criminal jurisdiction over contractors in "contingency operations" through the Uniform Code of Military Justice (UCMJ). More than a year later—and nearly six months after Nisoor Square—on March 10, 2008, DoD finally issued implementing guidance for its expanded UCMJ jurisdiction over certain contractors and others serving with or accompanying the armed forces abroad.</p> <p>U.S. V. MOHAMMED ALI. Shortly after issuance of DoD's March 2008 Memorandum, the Army initiated the first U.S. court-martial of a civilian contractor since the Vietnam War: Alaa Mohammed Ali, a Canadian-Iraqi citizen working as an interpreter on a DoD contract, was charged with stabbing a fellow contractor at a U.S. military base in Iraq. In June 2008, Ali pled guilty and was sentenced to five months imprisonment.</p>
<p>Effective Control and Coordination of Private Security Contractors</p> <p>GRADE: C</p>	<p>MoA WITH DoS ON PRIVATE SECURITY CONTRACTORS IN IRAQ. On December 5, 2005, DoD negotiated a Memorandum of Agreement (MoA) with DoS providing some definition of the two agencies' relative areas of responsibility for U.S. government private security contractors in Iraq, and requiring establishment of coordination mechanisms—but providing rules for use of force that largely allow private security contractors to act as combatants and falling short of providing effective <i>consolidated</i> control over U.S. government agency security contractors.</p> <p>CONTRACTOR REGULATION, GENERALLY. Since Nisoor Square, DoD has continued to generally lead other U.S. government agencies in contractual and regulatory control and oversight of private contractors. The 2008 NDAA imposed substantial additional rulemaking responsibilities on DoD. DoD has missed most of the NDAA's deadlines, but reportedly is proceeding to address its rulemaking obligations.</p> <p>MoU WITH DoS AND USAID ON CONTRACTING IN IRAQ AND AFGHANISTAN. The 2008 NDAA also called for DoD, DoS and USAID to negotiate a memorandum of understanding (MoU) relating to contracting in Iraq and Afghanistan. This MoU, executed by senior representatives of the three agencies in early July 2008, provides some useful demarcation of responsibilities and for establishment of a common, although very sparse, database of contractor information, but contains little that will directly ensure more effective control of contractors or prosecution of contractors implicated in criminal violence.</p> <p>INSTITUTIONAL RELUCTANCE TO ASSERT CONTROL OR JURISDICTION OVER NON-DoD CONTRACTORS. Through overly-conservative interpretations of both its UCMJ and regulatory authority, DoD has exhibited reluctance to assert authority over non-DoD U.S. government contractors, impeding an important part of the effort to ensure greater control over, and accountability of, private contractors.</p>
<p>Remedies for Victims of Contractor Crime</p> <p>GRADE: C</p>	<p>COMPENSATION AND CONDOLENCE PAYMENTS. Primarily through the Foreign Claims Act (FCA) and Commanders' Emergency Response Program (CERP), U.S. military commanders in both Iraq and Afghanistan have broad discretion to provide payments to local civilians to compensate for death, injury or damage caused by U.S. military operations, both in circumstances where the military acknowledges fault and otherwise, as expressions of condolence. These payments, however, are insufficiently transparent and not equally accessible to all claimants, often being paid to bolster local support for the U.S. military presence rather than to fairly and even-handedly compensate loss.</p>
<p>OVERALL GRADE: B</p>	<p>TO IMPROVE ITS PERFORMANCE IN ENDING CONTRACTOR IMPUNITY, THE DEPARTMENT OF DEFENSE SHOULD:</p> <ul style="list-style-type: none"> • Support the Commission on Wartime contracting. • Develop consistent, government-wide regulations, consistent with 2008 NDAA requirements, for private security contractor contracting and acquisition, including strict requirements for vetting, training, controlling and managing security contractors, and for mandating contractor compensation to victims of contractor crime. • Take more effective action to enhance military control over U.S. government private security contractors in areas of combat operations, including through development and implementation of a certification or licensing program for private security contractors. • Revise private security contractor rules for the use of force—including in the December 2007 MoA with DoS, and DoD Instruction No. 3020.41—to better ensure they do not directly participate in combat. • Develop recommendations to better safeguard the rights of civilian contractors prosecuted by the U.S. military. • Develop force structure options to allow the U.S. government to reduce reliance on private security and other contractors in future conflicts, and comprehensively assess roles, management and oversight of private contractors as part of the 2009-10 QDR.

DEPARTMENT OF STATE REPORT CARD

Subject/GRADE	Notes on Achievements/Areas Requiring Improvement
Immediate Response to Nisoor Square GRADE: D	<p>DOS INVESTIGATION. DoS' on-site, post-Nisoor Square interviews reportedly jeopardized possible prosecutions by offering immunity to Blackwater witnesses without authorization from federal prosecutors.</p> <p>PROTECTING BLACKWATER. Much early DoS effort appears to have been focused on shielding Blackwater from the announced intentions of Iraqi government officials to expel the company from Iraq.</p>
Prosecution of Contractors Implicated in Abuse and Violence GRADE: C	<p>LEGAL INTERPRETATIONS PROMOTING CONTRACTOR IMPUNITY. Five weeks after Nisoor Square, in testimony before the House Committee on Oversight and Government Reform, Secretary of State Condoleezza Rice broadly declared—both unhelpfully and inaccurately—that “there is a hole” in U.S. law preventing the criminal prosecution under U.S. law of non-DoD U.S. government contractors. This testimony echoed an erroneous opinion from a Secretary Rice-appointed panel (discussed further below), included in its report released just a couple of days earlier, to the effect that DoS security contractors effectively act outside <i>any</i> criminal law framework: “<i>the Panel is unaware of any basis for holding non-Department of Defense contractors accountable.</i>”</p> <p>In September 2008, Secretary Rice sent a letter to the Chairman of the Senate Judiciary Committee urging enactment of jurisdiction-expanding legislation, expressing the Department’s interest in the closure of any jurisdictional accountability gap.</p> <p>RENEWING BLACKWATER CONTRACT. While a DoJ grand jury investigation of Nisoor Square unfolded, in April 2008 DoS announced its renewal of Blackwater’s contract for another year. A DoS official was cited by the <i>New York Times</i> as stating that DoS had no alternative but to renew the Blackwater contract—having taken no effective action in the then-nearly-seven months since Nisoor Square to <i>create</i> alternatives.</p> <p>CONTRACTOR IMMUNITY FROM IRAQI JURISDICTION. Recent media reports suggest the U.S. government—in negotiations led by DoS—may be dropping its demand that the Iraqi government, in a post-2008 bilateral status of forces/security agreement, continue the contractor immunity from Iraqi law originally imposed by the Coalition Provisional Authority (CPA) in 2004 through CPA Order No. 17.</p>
Effective Control and Coordination of Private Security Contractors GRADE: B	<p>PANEL ON PERSONAL PROTECTIVE SERVICES IN IRAQ. Five weeks after Nisoor Square, a panel appointed after the shooting by Secretary Rice issued a series of recommendations to improve oversight and direction of DoS private security contractors. DoS asserts that all panel recommendations have been implemented: a July 2008 GAO report (<i>DoD and State Department Have Improved Oversight and Coordination of Private Security Contractors in Iraq, but Further Actions Are Needed to Sustain Improvements</i>), however, disagrees.</p> <p>MoA WITH DoD ON PRIVATE SECURITY CONTRACTORS IN IRAQ. On December 5, 2007, DoS negotiated an MoA with DoD providing some definition of the two agencies’ relative areas of responsibility for the operations of U.S. government private security contractors in Iraq, and requiring establishment of coordination mechanisms—but providing rules for use of force that largely allow private security contractors to act as combatants and falling short of providing effective <i>consolidated</i> control over U.S. government agency private security contractors.</p> <p>MoU WITH DoD AND USAID ON CONTRACTING IN IRAQ AND AFGHANISTAN. As noted above, the 2008 NDAA required DoS, DoD and USAID to negotiate a memorandum of understanding relating to contracting in Iraq and Afghanistan. This MoU, executed by senior representatives of the three agencies in early July 2008, provides some useful demarcation of responsibilities between DoS and DoD and provides for establishment of a common, although very spare, database of contractor information, but contains little that will directly ensure more effective control of contractors or prosecution of contractors implicated in criminal violence.</p>
Remedies for Victims of Contractor Crime GRADE: C	<p>COMPENSATION AND CONDOLENCE PAYMENTS. Through its Claims and Condolence Payment Program, DoS has made some payments, characterized as in accordance with local custom, to Iraqi civilians harmed in incidents involving U.S. private contractor protective security details. This program is largely non-transparent; reportedly, DoS paid \$26,000 on eight claims during 2006-07.</p>
Promoting International Standards GRADE: B	<p>MONTREUX DOCUMENT. DoS led the U.S. delegation among 17 nations announcing agreement in September 2008—almost exactly one year after Nisoor Square—to the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict. The document reaffirms the obligation of nations to ensure that private security and other contractors comply with international humanitarian and human rights law, and details more than seventy “good practices” for improving regulation and control of contractors, including taking concrete steps to ensure prosecution when serious crimes occur.</p>
OVERALL GRADE: C	<p>TO END CONTRACTOR IMPUNITY, THE DEPARTMENT OF STATE SHOULD:</p> <ul style="list-style-type: none"> • Lead an interagency effort to implement—both in U.S. law and practice and abroad—the Montreux Document’s internationally-recognized “good practices” for regulating private security and other contractors, to ensure respect for international humanitarian and human rights law. • Cooperate with DoJ to review diplomatic arrangements with Iraq and Afghanistan regarding jurisdiction over contractors. • Work with DoD to revise the December 2007 MoA’s rules for use of force. • Support the Commission on Wartime Contracting.

WHITE HOUSE REPORT CARD

Subject/GRADE	Notes on Achievements/Areas Requiring Improvement
<p>Prosecution of Contractors Implicated in Abuse and Violence</p> <p>GRADE: D</p>	<p>MEJA REFORM.</p> <ul style="list-style-type: none"> • Three weeks after Nisoor Square, in a Statement of Administration Policy (SAP) the White House “strongly oppose[d]” the House version of the proposed MEJA Expansion and Enforcement Act of 2007, complaining the measure would overburden the military, overstretch the FBI, intrude on prosecutorial decisions, give rise to litigation on jurisdictional issues and extend federal jurisdiction overseas in ways that would be “impossible or unwise.” • Through both public statements and negotiations with Congress, since Nisoor Square the White House has neither exhibited leadership on MEJA reform nor signaled it to be an Administration priority.
<p>Effective Control and Coordination of Private Security Contractors</p> <p>Transparency of Contractor Activities</p> <p>GRADE: D</p>	<p>2008 NDAA. In January 2008, President Bush signed the 2008 NDAA into law, featuring several contractor-related provisions. However, the White House deserves only limited credit for this essentially passive role in enacting the law’s contractor provisions. Indeed, upon signing the legislation, President Bush issued a signing statement singling out the Commission on Wartime Contracting and contractor whistleblower provisions of the legislation as potentially “inhibit[ing] the President’s ability to carry out his constitutional obligations to ... to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief”</p> <p>COMMISSION ON WARTIME CONTRACTING APPOINTMENTS. Notwithstanding his critical signing statement, President Bush appointed his two representatives to the Commission on Wartime Contracting on May 20, 2008, thus beating both the 2008 NDAA deadline and the appointment of most of the Commission’s congressional representatives.</p> <p>SAPs IMPEDING TRANSPARENCY AND ACCOUNTABILITY. Through other SAPs issued in the year since Nisoor Square, the White House has consistently aligned itself against reform measures that would promote more effective contractor transparency and accountability:</p> <ul style="list-style-type: none"> • Nearly three months after Nisoor Square, in a December 11, 2007, SAP, the White House objected to the House version of the proposed Intelligence Authorization Act (NIAA) of 2008’s imposition of simple reporting requirements on the Office of the Director of National Intelligence regarding Intelligence Community (IC) private contractor use. • Just over eight months after Nisoor Square, in a May 22, 2008, SAP directed at the House’s consideration of the proposed 2009 NDAA, the White House “strongly oppose[d]” the “Clean Contracting Act of 2008,” requiring (among other things) development of a database of information on contractors and grantees.
<p>Restricting Use of Contractors</p> <p>GRADE: F</p>	<p>OBSTRUCTING CONTROLS AND REASONABLE RESTRICTIONS. Through other SAPs issued during the year since Nisoor Square, the White House also has sought to block congressional efforts to restrict the use of contractors in sensitive spheres creating grave risk of abuse:</p> <ul style="list-style-type: none"> • Exactly ten months after Nisoor Square, in a July 16, 2008, SAP directed at the House’s consideration of the 2009 NIAA, the White House “strongly object[ed]” to the proposed prohibition on use of contractors in detainee interrogations, even though the provision allowed for Executive Branch waiver of the prohibition; the White House also “strongly oppose[d]” a separate requirement for the Director of National Intelligence to report annually on IC private contractor utilization. • And just one week short of a year after Nisoor Square, in a September 9, 2008, SAP, the White House threatened a veto of Senate version of the proposed 2009 NDAA, complaining that the bill’s restrictions on the use of contractors in interrogating detainees and for some security functions in combat zones could impede the ability to provide humanitarian and reconstruction relief in combat zones and to protect Americans from attack. The SAP also objected to a requirement to develop a new database on contractor misconduct on grounds that it would “increase the likelihood that contractors will be improperly excluded from federal business opportunities without due process of law.”
<p>OVERALL GRADE: D</p>	<p>TO END CONTRACTOR IMPUNITY, THE WHITE HOUSE SHOULD:</p> <ul style="list-style-type: none"> • Announce a firm administration policy ensuring that contractors fielded abroad by the U.S. government will be held accountable for serious crimes that violate international humanitarian and human rights law. • Declare a moratorium on the employment by U.S. government civilian agencies of additional private contractors in Iraq and Afghanistan until criminal jurisdiction issues are resolved. • Prioritize the successful negotiation of jurisdiction-expanding legislation over U.S. contractors abroad. • Direct appropriate department and agencies to take concrete steps to improve private contractor oversight and accountability. (See How to End Impunity for Private Security and Other Contractors: A Blueprint for the President Elect.)

DEPARTMENT OF JUSTICE REPORT CARD

Subject/GRADE	Notes on Achievements/Areas Requiring Improvement
Immediate Response to Nisoor Square GRADE: F	<p>The complete lack of DoJ preparedness to investigate cases of contractor abuse abroad set the stage after Nisoor Square for DoS to jeopardize possible prosecutions by conducting its own, unsupervised interviews and reportedly offering immunity to Blackwater witnesses without authorization from federal prosecutors.</p>
Prosecution of Contractors Implicated in Abuse and Violence GRADE: D	<p>NISOOR SQUARE PROSECUTIONS. Notwithstanding intermittent media stories about the status of a reported secret grand jury investigation, more than a full year after Nisoor Square, DoJ has yet to initiate the criminal prosecution of any individual implicated in the Nisoor Square shootings.</p> <p>INACTION ON OTHER CRIMINAL REFERRALS OF CONTRACTORS FROM DOD, DOS AND THE CIA. In May 2004—just a few weeks after the Abu Ghraib scandal erupted—then-Attorney General John Ashcroft stated in a press conference that criminal misconduct by private contractors at Abu Ghraib <i>was</i> subject to prosecution under existing U.S. law. Ashcroft stated that contractors could be prosecuted for killing or other abuse of detainees in Iraq under several statutes, including civil rights and anti-torture laws, as well as MEJA. DoJ officials said little publicly on this issue until February 2006, when Paul McNulty, then-U.S. Attorney for the Eastern District of Virginia (the DoJ office assigned cases of contractors allegedly involved in detainee abuse from Iraq and Afghanistan), was queried during confirmation hearings on his nomination to be Deputy Attorney General. Asked specifically about the status of those investigations, McNulty noted that 19 cases had been assigned to his office 18 months earlier, and that while his first step had been to assemble a team of “hardcharging prosecutors,” no prosecutions had yet been initiated. In the nearly three years since then, none of these original 19 cases have proceeded to prosecution while at least five more referrals of detainee abuse by civilians have been made, and early in 2008—just a few months after Nisoor Square—Department officials quietly informed the Senate that they had declined to prosecute 22 of these 24 cases. As for the last two referrals not reported as declined, no prosecution has proceeded.</p> <p>U.S. V. LANGSTON. In the only known pending DoJ criminal prosecution under MEJA of an Iraq or Afghanistan contractor for violence or abuse, Langston, a DoD contractor employed by KBR, was indicted in February 2007—seven months before Nisoor Square—by federal prosecutors in Arizona for assaulting (with a knife) a fellow contractor in Iraq. Langston is still awaiting trial.</p> <p>MEJA REFORM. The DoJ failed to successfully lead—or even to assert real leadership in—negotiations with Congress over enactment of legislation that would expand and clarify the jurisdiction of U.S. courts to hold U.S. contractors abroad accountable for serious crimes. DoJ also has consistently failed to report informative data to Congress or the public about its handling of contractor referrals, and on occasion has even refused to send representatives to congressional oversight hearings looking into contractor accountability.</p> <p>MEJA TRAINING. In congressional testimony provided in April 2008, DoJ reported that Criminal Division attorneys have offered “MEJA training courses” to military judge advocates and investigative agencies, including the Army Criminal Investigation Command and the Naval Criminal Investigative Service. This appears to be an overstatement; authoritative DoD sources state that this “training” consists of summary presentations occasionally made by Justice Department staff on MEJA to military audiences (at, for example, the Army JAG School).</p>
OVERALL GRADE: F	<p>TO IMPROVE ITS PERFORMANCE IN ENDING CONTRACTOR IMPUNITY, THE DEPARTMENT OF JUSTICE SHOULD:</p> <ul style="list-style-type: none"> • Formally announce that prosecution of contractor crime abroad is a Justice Department national priority. • Devote additional resources to: <ul style="list-style-type: none"> ○ Concluding pending investigations of allegations of violent or abusive criminal conduct by contractors. ○ Reviewing and, where appropriate, reopening referrals previously declined, and take prompt action on new cases. ○ Ensuring the commitment of adequate funding for the extraordinary costs of prosecuting contractor cases. ○ Reviewing and developing recommendations for reforming other civil litigation privileges, immunities and exemptions that can impede compensation to victims of contractor misconduct. • Prioritize the successful negotiation of jurisdiction-expanding legislation for contractors abroad. • Lead a review of U.S. government diplomatic arrangements with Iraq and Afghanistan regarding jurisdiction over contractors accused of serious crimes there, and, if necessary, develop recommendations for changes to ensure effective and fair contractor accountability.