
Examples of Violent Crimes and Abuses by U.S. Contractors

The vast majority of U.S. private contractors do their jobs conscientiously and courageously - often putting their lives at risk in places like Iraq and Afghanistan. But there have been a series of violent incidents committed by U.S. contractors that have harmed civilian lives, contractors themselves, and U.S. national security interests. Soldiers are held accountable for crimes under the Uniform Code of Military Justice. Department of Defense (DoD) contractors or contractors supporting DoD's mission abroad are accountable for crimes under the Military Extraterritorial Jurisdiction Act. Some contractors can be held to account for crimes under the Special Maritime and Territorial Jurisdiction Act if the crime occurs on a U.S. ship or installation overseas. The Civilian Extraterritorial Jurisdiction Act (CEJA) would provide jurisdiction over crimes committed by private contractors contracted to other non-DoD U.S. government agencies.

- **Killing of unarmed civilians in Nisoor Square, Iraq.** In September 2007, Blackwater private security contractors running an armed convoy through Baghdad's Nisoor Square killed 17 civilians, including women and children, and wounded 24 more. Both Iraqi government and U.S. military officials characterized the shootings as unjustified. A federal appeals court recently reinstated the case against four of the security guards.¹ The question of jurisdiction has not been resolved.
- **Detainee Abuse at Abu Ghraib and elsewhere.** The Army convicted 11 soldiers for detainee abuse at Abu Ghraib, but none of the five contractors implicated in the abuse was ever charged with a crime.² In 2008, DoJ officials informed the Senate that they had declined to prosecute 22 cases of alleged detainee abuse committed by contractors in Iraq and Afghanistan, including at Abu Ghraib.³
- **Killing of Iraqi Vice President Bodyguard.** On Christmas Eve 2006, Andrew Moonen, a Blackwater contractor, allegedly shot and killed a member of Iraqi Vice President's security detail. According to a CID report, after drinking heavily at a Christmas party, Moonen passed through a gate near the Iraqi Prime Minister's compound and, when confronted by the guard, fired repeatedly with his Glock 9mm pistol, hitting the guard three times. Moonen was whisked out of Iraq. After 4 years of investigation, the Justice Department dropped the murder charges against Moonen indicating they would have difficulty proving their case beyond a reasonable doubt. State Department officials gave Moonen similar warnings and protection that were later given to Blackwater guards in Nisoor Square.⁴ Investigative units established by CEJA would provide additional manpower resources to bolster investigations and mitigate incidents like this occurring in the future.

¹ Evan Perez, Wall Street Journal, Appeals Court Revives Blackwater Case, April 22, 2011 available at http://online.wsj.com/article/SB10001424052748703521304576278921617509908.html?mod=rss_middle_east_news&utm_source=twitterfeed

² Lieutenant General Anthony R. Jones, Article 15-6 Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade at 130-34 (August 2004)(General George Fay identified five contractors in his official report on Abu Ghraib).

³ Letter from Michael Mukasey, Attorney General, Department of Justice, to Richard Durbin, Senator, United States Congress (January 2, 2008).

⁴ James Risen, NY Times, Efforts to Prosecute Blackwater Are Collapsing, Oct. 20, 2010 available at <http://www.nytimes.com/2010/10/21/world/21contractors.html>.

- **Killing of Afghan civilians.** After a traffic accident involving one of the vehicles in a convoy, Blackwater subcontractors working for the Department of Defense in Afghanistan fired multiple shots into the back of a civilian car that had attempted to pass the accident scene. The passenger of the car was fatally shot and the driver was seriously injured. An individual who happened to be walking his dog in the area was also killed in the shooting. Drotleff and Cannon were charged under the Military Extraterritorial Jurisdiction Act (MEJA) and after the first trial ended in a hung jury they were convicted of involuntary manslaughter for the death of the front seat passenger. They were acquitted of responsibility for the death of the Afghan walking his dog nearby and the injuries to the driver.⁵
- **Beating death of detainee in Afghanistan.** In June 2003, CIA contractor, David Passaro, interrogated Abdul Wali, an Afghani who had voluntarily turned himself in after learning that U.S. officials wanted to question him. During the interrogation, Passaro reportedly kicked Wali, beat him with a flashlight, and limited Wali's access to food and water. Wali died in custody following the two days of interrogation. Passaro was tried under the Special Maritime and Territorial Jurisdiction (SMTJ) and in August 2006 was convicted of assault.⁶
- **Rape against U.S. Contractors.** There have been a series of alleged rapes committed against U.S. contractors by other contractors. Most notably, in 2005, Jamie Leigh Jones was allegedly gang raped by KBR co-workers at a forward operating base in Iraq. Similarly, in January 2008 KBR Paramedic and mom of two US soldiers who served in Iraq and Afghanistan claims she was drugged and brutally gang-raped by a US soldier and a KBR co-worker in southern Iraq.⁷ There has been no prosecution of any alleged assailant.
- **Questionable Use of Force.** There have been a number of incidents where contractors have resorted to questionable use of force during convoy operations including, speeding down the wrong side of the road, using gunfire as warnings, and firing on civilian vehicles in response to perceived threats.⁸ On May 28, 2005, U.S. Marines detained contractors from Zapata Engineering accusing them of "repeatedly firing weapons at civilians and Marines, erratic driving, and possession of illegal weapons," and posing a "direct threat to Marine personnel."⁹ On October 24, 2005, Blackwater personnel on a protection mission from Mosul encountered a vehicle that appeared to be making a turn that would cause it to cut into the motorcade's path. When the driver did not heed warnings to stop, a Blackwater gunner released 'a burst of fire' onto the vehicle. During the shooting, a civilian bystander outside of the car was hit in the head

⁵ U.S. v. Drotleff and Cannon.

⁶ U.S. v. Passaro 5:04-cr-00211-BO (4th Circ.) (Aug. 2009).

⁷ Karen Houppert, Another KBR Rape Case, *The Nation*, April 3, 2008 available at <http://www.thenation.com/doc/20080421/houppert>.

⁸ HUMAN RIGHTS FIRST, PRIVATE SECURITY CONTRACTORS AT WAR ENDING THE CULTURE OF IMPUNITY 6 (2008).

⁹ Josh White & Griff Witte, "Tension, Confusion Between Troops, Contractors in Iraq," *Washington Post*, July 10, 2005 available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/07/09/AR2005070901175.html>.

by a bullet that passed through the car.¹⁰ On June 25, 2005, a Blackwater team on a mission in Al-hillah killed an Iraqi man, who received a fatal shot to the chest. The victim's brothers reported to the State Department that their brother, a father of six, was "killed as an innocent person standing on the side of the street."¹¹

¹⁰ Blackwater PSD Incident Report (October 24, 2005), cited in House Committee on Oversight and Government Reform Hearing, Blackwater Memorandum, p. 7.

¹¹ State Department Email re: From RSO Al-Hillah (July 1, 2005), cited in House Committee on Oversight and Government Reform Hearing, Blackwater Memorandum, p. 8.