

The Privatization of Warfare, Violence and Private Military & Security Companies:

A factual and legal approach to human rights abuses by PMSC in Iraq

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**COMPLETE
LIST OF PMSC
IN IRAQ AND
LEGAL CASES
INCLUDED**

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Framework: The Privatization of Warfare, Violence and Private Military & Security Companies: A factual and legal approach to human rights abuses by PMSC in Iraq was implemented in the framework of the international peace and non-violence program “LaOnf initiative: strengthening the conflict prevention and resolution capacities of Iraqi non-violence civil society organizations to contribute to the peace-building process in their country” funded by the Council of the City of Barcelona – Programme Barcelona Solidarity.

This investigation was presented before the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, on October 2011 in Geneva.



Ajuntament
de Barcelona

Cover idea: Jordi Palou-Loverdos

Cover design: Marta Calvó

Design and edition: Estudilogo

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He got interested in the defence of Human Rights of individuals and collectives in unfavourable social situations at an early age. As head and coordinator in the pacifist civil disobedience campaign of conscientious objectors to Compulsory Military Service, organized by the Association of Conscientious Objectors, he took on the legal defence and assistance in oral trials of about 50 conscientious objectors until the abolition of the compulsory military service in Spain was achieved. With more than 20 years of practice in Law, he heads several theoretical and practical initiatives and investigations in the field of Justice, Human Rights, accountability and multinational corporations, Mediation and Peaceful Conflict Resolution. In the last decade, he has participated -through justice and mediation projects- in several processes of peaceful conflict resolution related to situations in Rwanda, Democratic Republic of Congo, Iran, Iraq, Guantánamo and Afghanistan. Since 2001 he has assumed the legal representation of Catalan, Spanish, Rwandese and Congolese victims in the Conflict in Central Africa so as to succeed in an international action in favour of truth and justice before courts. Since 2004, J. Palou Loverdos is also a facilitator and responsible of the Intra-Rwandese Dialogue (IRD).

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I. PREFACE

This research, carried out by the *Nova-Institute for Active Non-violence*, together with Jordi Palou-Loverdos and Leticia Armendáriz, is an important contribution to the *UN Working Group on the Use of Mercenaries'* task.

These kinds of partnerships are very important for the monitoring of the activities of Private Military and Security Companies (PMSCs). Some light needs to be shed on the activities performed by these PMSCs to end impunity and generate conditions of accountability for human rights' abuses elsewhere, combining the strengths of the UN resources and the resources of the International community.

It is worth mentioning the synergy between the international team members in relation to this very complex question, more specifically between the Iraqi researchers who gathered information in the field in Iraq, and the international researchers who collected and interpreted dates and information.

This research is rigorous and well structured. The main subject is the violation of human rights by PMSCs in Iraq. Each fact is well documented with sources, and includes an analysis of the facts regarding national and international PMSC activities in Iraq. It also includes resource-extraction companies and construction companies which are related in some way to PMSCs and possibly related to human rights' violations. The reader will find it very easy to access the sources; in fact each annex contains the link to the main original article or source.

This document represents a great symbiotic integration of theory and practice and contains very detailed information on the normative elements, resolutions and the judicial decisions by courts of justice.

From a theoretical point of view it is worth mentioning that the research covers the international standard and the international convention project for controlling PSMCs activities, as well as the laws of the USA and Iraq, and an analysis of the human rights' impact of these companies over the Iraqi people and society.

As was reported by the UN Working Group on the Use of Mercenaries in 2011, *"in recent decade Iraq has been a major theatre of operations for private military and security companies. A series of high-profile incidents involving such companies, such as the Nissour Square shooting in 2007, have focused attention on the negative impact of their activities on human rights. Such incidents have prompted efforts to ensure that security companies and their personnel are held responsible for violations of human rights"*.

Although very hard to accomplish, research in a conflict zone is vital in order to inform the international community of the violation of international human rights by PMSCs. This is the added value of this research.

Given the impunity and the international legal emptiness in the theatre of operations of PMSCs, it is essential that UN Members adopt an international instrument in order to control and regulate the action of PMSCs.

José L. Gómez del Prado, Member (and former Chairperson-Rapporteur)
United Nations Working Group on the Use of Mercenaries

"An eye for an eye makes the whole world blind"
Mohandas K. Gandhi, lawyer and peacemaker

II. STARTING VIEWS

Private Military and Security Companies (PMSCs), and mercenaries, have occupied an unusually prominent position during 2011. Three examples illustrate this.

First: the so-called "Arab Spring" has shown remarkable contrasts in the management of uprisings in countries such as Iraq, Egypt, Syria, Libya, Bahrain or Yemen: it is worth mentioning that while Egyptian soldiers refused to shoot their own people, the Libyan regime contracted foreign mercenaries - apparently Africans from sub-Saharan countries - to suppress protesters shooting at them. This has escalated into a war, reaching international consequences.

Second: Following the rioting that broke out in some areas of London this year whose high level of violence attracted the mass media's attention, it was revealed that the British prime minister had brought in the executive director of a private security company named Kroll (which has carried out military operations in Iraq as well, see Annex A)) to advise him on how to manage this rioting and any future episodes involving violence. The most shocking thing is that a country such as the United Kingdom, a model for human rights with well-equipped civilian, military and security services had to contact an American private military & security company to subdue an internal disturbance.

Last but not least, in Spain, the high jacking of some fishing vessels by Somali pirates (in particular, the Spanish *Alakrana* vessel) opened a debate about security on these ships; this led to the Spanish and French military taking action against "piracy" with a military mission approved by the EU and endorsed by NATO (Operation *Atalanta*); it also led to a change in strategic planning as regards actions and law. In fact, during 2011, the Spanish government allowed PMSCs to board Spanish merchant and fishing ships and authorized the use of heavy weaponry - classified as *weapons of war*- such as missiles, plane bombs, grenades, rockets, automatic arms and other bombs owned by the private companies and the Spanish Ministry of Defense. This change not only presents a gray area of convergence with the military dynamic but may also cause "pirates" in the region to upgrade their weapons to more comparable heavy weapons or a change in tactics, as the recent kidnappings of the Spanish social workers (MSF), Montserrat Serra and Blanca Thibaut, allegedly by Somalis land pirates in the Somalia-Kenya border. It could be in the interests of these pirate groups to arm themselves more appropriately against the private military and security groups now patrolling these commercial waters. However, this change could be indicative of escalating violence in the area as well as an increase in demands (i.e. a ransom) from the pirates to the hostages or their representatives. Additionally, *lawyers* acting as "middlemen" between the government and hostile pirates, many of them based coincidentally in London, could likewise raise the fees they charge to governments and hostages as the costs of such situations gradually increase.

We wrote these opening words on the 10th anniversary of the 9/11 events. As is known, some of these attacks focused on the financial heart (Twin Towers in New York) and intelligence mind (The Pentagon in Washington DC) of the United States of America, as a part of a strategy of terror led by an informal network of *ihadists* known as Al-Qaeda. A few weeks later the USA led a military invasion of Afghanistan, which was followed two years later by the invasion of Iraq by USA President George W. Bush, UK Prime Minister Tony Blair and Spanish Prime Minister Jose M^a Aznar, amid widespread and strong public disapproval. These military invasions were followed by another incursion, more discreet but with no less an impact on the lives of Afghan and Iraqi citizens: PMSCs. Particularly in Iraq,



once the regular army and police of Saddam Hussein's regime had been neutralized, myriad multinational PMSCs found their way to Iraq. These PMSCs accompanied occupying military forces in order to establish a single military force alongside a new police force within Iraq. Multi-million dollar contracts were also in place to rebuild the infrastructure of the country, not just military and security power in Iraq.

In Iraq – and in Afghanistan- it became clear that the new structure involving privatization of war, privatization of armed conflict, privatization of post-conflict management included the privatization of post-conflict reconstruction. It is no secret that the above mentioned companies were seeking private profit. Indeed, as this research indicates, it can be seen as an example of extremely lucrative activity. Some of these PMSCs even publicize not only the contracts and clients they hold but also the huge revenues for these contracts in Iraq, according to their own sources and complementary sources detailed at the end of his document.

In addition to these two wars, the dynamics of terror spread to several places on the planet, the attacks in Madrid, London, Riyadh or Bali being notable examples. Simultaneously with these two wars in Afghanistan and Iraq, a different legal strategy was being applied: on the one hand the policy of "extraordinary rendition" - which considers that the justice system, courts and international law are not the right way to manage the "War on Terror"-, which has led to secret jails springing up all over the world, secret flights made by the CIA across numerous countries (DYNCORP –a US PMSC established in Iraq- was allegedly taking part on this plan, See Annex A), forced disappearances, extrajudicial executions, interrogations under torture, as in Guantanamo and Abu Ghraib (TITAN, L-3 services CACI International Inc. - also US PMSC established in Iraq allegedly led these actions-) for example. A clear example of this is what happened this year, 2011, to Osama Bin Laden and Anwar al-Awlaki (the latter being an American citizen): ten years after the 9/11 attacks these two leaders of Al-Qaeda were allegedly killed by the USA in a way that can be clearly considered contrary to international law: without judicial process, without evidence being brought before courts, without any possibility of legal defense. This in fact, constitutes an extrajudicial execution under the direct orders of the Commander in Chief of the US Army, in the present cases, carried out by a CIA-led Navy Seal squadron in Pakistan and a Hellfire missile fired by a CIA drone in Yemen, respectively. On the other hand, though, in Iraq in particular, "The" Law (as the nationally and internationally applicable legal corpus) was substituted for "my" Law (a self tailored Law granted by the occupying army), with the creation and imposition of a new law as consequence of the military invasion and the post-conflict situation. Within this new strategic framework the Coalition Provisional Authority approved an order which granted total immunity from law to PMSCs between 2003 and 2009. So after the military invasion it was time for the juridical control of the country which dictates which law is applicable, and under which circumstances and, at the same time, which law is to be dispensed with. In such circumstances, the first victims are human beings and the second the human rights because of the notable retrograde steps taken in legislatures and courts in many territories.

All this took place simultaneously, and was subjected to wide media coverage, several thousands of innocent victims have lost and are losing their lives as a result of violence. Their weeping can be heard everywhere. They have lost and are losing their lives ... in the name of the motherland, of the nation, of religion - even of "God"-, of safety, of peace and in name of so many other beautiful -and not so beautiful- things.

In a few weeks time -in January 2012 to be precise – the US is set to withdraw its troops from Iraq. It is not yet clear whether the withdrawal of the American soldiers will provoke an increase or a decrease in the presence of Private Military & Security Companies in Iraq. Nonetheless some military officers have requested the stretching of the military body in Iraq, obviously, under conditions of total immunity or, we could go so far as to say, impunity.

As has already been generally admitted, in 2003, Iraq was invaded illegally and illegitimately on the basis of motives and pretexts later demonstrated to be false. From March 19 to the beginning of May of this year intensive regular military operations were executed by the

United States of America's and the United Kingdom's armies (and to a minor extent those of Australia and Poland as well) in flagrant violation of international law and without the approval of the United Nations Security Council. On May 1st, 2003, the Commander-In-Chief of the United States Armed Forces, President George W. Bush, solemnly proclaimed a "mission accomplished" regarding the U.S. invasion of Iraq that had begun just two months prior to the speech. It took only one hour and forty-two minutes to claim the lives of over 3,000 civilians in The World Trade Center attacks; it took President Bush just a few weeks to declare that the goal of the United States Army had been achieved in Iraq. Yet, in overthrowing the corrupt dictatorship in place in Iraq, U.S and international armed forces killed over double the amount of those killed in the attacks on The Twin Towers. Although President Bush declared the mission "accomplished," he did not, for legal and political reasons, declare the war to be over. Most casualties in the invasion of Iraq and also the "war on terror" have occurred since. It took over a year to carry out this research – a drop in the ocean – and we think that it would take even longer to produce a more complete study. It turns out that destroying something is a relatively simple and rapid process – far more complex processes are needed to build something.

This research is intended to honor all those women, men and humanitarian organizations that have given – and continue to give – their all to create harmonious living conditions across the world through creativity and non-violence. This is our starting-point and these are our sources. The ***Nova-Institute for Active Non-violence*** organization, its chief, the leader of this research project and the team researchers are already committed to the universal human rights declaration, to the Rule of Law at national and international level, to the denunciation of injustice and to creating conditions for dialogue and potential consensus between people and groups which see each other as opponents. We are determined to explore new ways of action to confront direct violence, structural violence and/or cultural violence. In short, we are committed, through creativity and non-violence, to peace-building and peace-making using a variety of approaches.

In view of the arguments posited in this research, it must be acknowledged that a completely neutral or objective viewpoint on any one matter discussed is not possible. Empirical data mean that even the pure sciences cannot be considered objective, taking into account Heisenberg's uncertainty principle in quantum mechanics. This does not mean, though, that this research is sympathetic to subjectivism or irrational interpretations of events and other information. Rather, it seeks to make a rigorous study removed from the aforementioned perils of human error and base its arguments on solid and verified sources. Some information requires a complementary contrast which is indeed beyond the scope of this research and would be better dealt with in other forums.

Originally, ***Nova-Institute for Active Non-violence*** and some Iraqi organizations intended to use this research to evaluate the impact PMSCs have on the people and groups of people in Iraq, concentrating in particular on the subject of human rights, a subject sometimes purposely hidden from the public. This subject-matter has determined the approach taken in the investigation, which examines legal aspects, leaving out other valid approaches, such as sociological, anthropological or political approaches. The international legal corpus – beginning with the Universal Declaration of Human Rights, the legal Conventions supported by the United Nations Organization and other agreements signed by various state actors on different matters – whilst by no means perfect instruments – will provide a guideline on how the issue is approached.

As I have already said, the investigation intends to prioritize the legal method of approach to the Iraqis' reality. We have focused on *Aletheia* – the Greek word for truth in the sense of "unhiddenness" or "bringing some clarity to that which is in the shade". This focus enables us to uncover hidden truths. So the first step will be to analyze and understand the facts, later on to analyze the above mentioned facts from the perspective of international and national laws, including their practical application in the administration of justice by the courts. This international legal corpus, which constitutes the International Rule of Law system, is



impartial but not neutral: there is a clear preference for respect of the human being and its inner dignity, providing limits and mechanisms to facilitate accountability, against the impunity of those who attack humankind and/or international humanitarian law. Factual information on the actions of PMSCs in Iraq as well as the application of law to such actions can be found throughout the central body of the research and its annexes; texts which refer to and interconnect with one another. There are insights and considerations added throughout this study which are not intended to be conclusive information. In an effort not to close down the debate on issues which are so complex and important to the global community, this research provides knowledge and ideas on how to improve the present situation as well as future conflicts.

Metaphorically speaking, PMSCs can be compared to a fish that bites its own tail. It is a big fish, maybe a shark, which displays its powerful assault and defense weapons. Just like the shark, private military and security companies are also governed by their nature, and use the weaponry they are provided with. The bite takes place, in this case, in Iraq, but it might take place in many other places on the planet. Pursuing the alleged threat produces a destructive vicious circle from which it proves difficult to escape. An unwritten law applies here: "reap what you sow". This research tries to show the dynamics of real sharks that end up biting their own tails, from the individual level to the top level of organizations or institutions. In this context we can ask ourselves to what extent biting the tail affects us and how we respond to that. This circle probably did not start on 9/11, and, if the escalation of violence continues, it will not end in 2011. Armies, armed rebels, terrorists, pirates, organized crime groups and other violent groups ... some of them are committed – by forceful means - to subjecting mankind to these never-ending circles. Our question therefore is: Is the only possible answer to react and to apply more violence to the violent?; Do we abandon in their entirety the international rule of law and the universal system for the protection of human rights, built with so much effort by humankind in past centuries? And, last but not least: Who among them – among us - would have the courage and the intelligence to lead creative ways out from these vicious circles?

One of the terms most commonly used by military forces, PMSCs, as well as profit and non-profit organizations is the word "strategy". Etymologically, strategy derives from the Greek *stratos* (armies) and *ago* (to drive or to lead). In our case, the weapon is just an instrument and the key issue is the objective to which armies are directed: peace or war. We need to move beyond an analysis of the words since most of the leaders, armies, soldiers, rebels or members of PMSCs claim to be working for peace and security. We should heed Gandhi's words and avoid the 'eye for an eye' path. To that end, we have much to learn about how to face the most violent attacks in a non-violent way, both at individual and collective levels, and could study the example of the Aikido master's response to violent actions, following the teaching of this non-violent martial art. Like the PMSC, even the most subtle movement of the Aikido master can kill someone, despite its apparent softness. The key issue revolves around the will, and the use of tools according to the will. With this research the transnational team conducting it hopes to contribute to a move – using the best instruments - towards peace and justice.

This study is directed at a very wide spectrum of potential readers interested in these types of analysis and reflections. Not only the people of Iraq, its NGOs networks or its institutions but also policy makers, political leaders, international civil society, the UN Working Group on the Use of Mercenaries and other international and regional organizations, national and international NGOs, the academy, professors and university students, juridical actors, traditional and contemporary mass media, donors, military and security actors, including the executives and employees of PMSCs, international consultants in the wide variety of fields, as well as human rights' activists, conflict mediators, dialogue facilitators and peacemakers. This research invites a healthy critical reading, so that the reader can formulate his or her own thoughts from the facts, the laws, the judicial processes and sources that are set out in its content and annexes.

This research investigates current international conflicts and subsequent militaristic actions in order to highlight how these incursions affect not only the populace of a particular locale (i.e. Iraqi citizens), but international politics and the population of the world as a whole. The introduction of PMSCs and other efforts to privatize war in the 21st century are changing the sociopolitical landscape on which these conflicts occur. As concerned citizens of the world, this raises the question whether or not we should accept, reject or promote the proliferation of PMSCs or limit ourselves to demanding regulation and legal accountability in the future. It raises the question of what we should do in respect of the threats to peace posed by the strictly private area where own interests and economic profit are the motivation, and the scrutiny to which it is subjected by parliaments, the mass media and international civil society is different from the scrutiny to which military actions are subjected. It causes us to wonder whether the national and international legislation that we currently have can cope with these new challenging situations and if soft law containing rules and good practices relating to private military and security companies operating in armed conflict –as the Montreux Document on PMSCs- will be enough for that same purpose. And we also need to consider whether the drafts of new international Conventions would achieve the new established purposes or if some States will, at the end, neutralize its potential.

It raises the question of whether the costs of possible reparation to victims of abuses by employees of the PMSCs are “assumable economic margins” for these big corporations if we compare them to the astronomic amounts of turnover that the PMSCs generate when dealing with the most powerful armies and governments. When we observe the number of employees, turnover and the multinational presence of the abovementioned big corporations we can ask ourselves how much external and daily “fuel” these PMSCs need to feed their “internal fire”.

It raises the question of the dynamics of large military and security lobbies against states and the interaction between political power, military power, economic power and power of security at global level; and also if this is of an exclusively economic interest or if these lobbies have also geo-strategic and geopolitical interests along with interests in the exploitation of the natural resources of countries in conflict. We can ask ourselves if these large multinationals will have a role some day in transitional justice structures and what part these bodies might play in the building of a shared memory or collective reparations. And, finally, it causes us to wonder who is nourishing whom when the shark bites its own tail; in this case, whether it is the power nourishing the PMSCs or the PMSCs nourishing the power and so many other questions to which we could or should give some answers. All these questions go beyond the apparent duality between militarism and pacifism, and invite us to open our minds and actions to new ethical, philosophical, strategic, methodological, legal and even practical approaches.

As the reader will be aware, many eyes have already been blinded in this destructive boomerang dynamic. We hope one day an understanding of what we see and we discover will enable humankind to break this vicious circle and go further with initiatives that will allow all of us to keep our eyes alive, bright and open.

Jordi Palou-Loverdos

Director of the research ***The Privatization of war, violence and Private Military & Security companies: a factual and legal approach to human rights abuses by PMSCs in Iraq***
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III. ABOUT THE PROJECT

The report you have before you is part of long term project which seeks to transform the conflicts in the Middle East and North Africa region through a dual strategy: on the one hand, through supporting non-violent movements in these countries as a way of ensuring the protection of human rights and promoting democracy. And, on the other, through raising awareness for the change of the structural causes which provoke and support war.

War today is a profit sector. Political actors initiate conflicts to appropriate energy resources, but private military & security companies (PMSCs) are also increasing their profits enormously. Nova – Institute Active for Non-Violence has been working in Iraq since 2006 in co-operation with the non-violence network LaOnf group. The 150 organizations which comprise the network have different ethnic, religious and political origins, but share the dual objective of struggling against the military occupation and empowering Iraqi civil society.

Through this co-operation the Institute has identified the extremely profitable conflict sector in Iraq, where PMSCs are among of the actors to benefit most. PMSCs, and their employees and various mercenaries act with impunity and are a real threat to the security of the Iraqi people as you will observe by reading this report. The majority of these companies have their headquarters in The United States of America and Europe, which means that the privatization of war is also a threat to our security and our democracy.

Within this framework, the Institute, in co-operation with Iraqi partners and international organizations from Italy, the United States, France and Germany, defined an international peace programme under the title *Laonf initiative: Boosting conflict prevention and resolution capacities among non-violent civil organisations within the frame of the peace-building process in Iraq*. The research project on the impact of PMSCs in Iraq is framed within this international peace initiative.

The research titled: “The privatization of warfare, violence and private military & security companies: a factual and legal approach to human rights abuses by PMSCs in Iraq” aims to:

Identify the phenomenon of the privatization of war , through an analysis of PMSCs’ operations/activities in Iraq;

- Identify the main multinational and local PMSCs and non-PMSCs operating in Iraq;
- Challenge international and Iraqi law and its effectiveness in order to pave the way for holding PMSCs accountable for human rights violations against Iraqi and international citizens;
- Formulate prevention and remedies’ proposals for PMSC human rights violations through cross-checking factual and legal analysis, both at Iraqi and international level
- Create a legal and advocacy tool to undertake legal actions against PMSCs.

The project intends to research and reflect on the privatization of war in Iraq, and globally, in order to structure increased awareness and an advocacy campaign to regulate the sector of PMSCs at international level.

Civil organizations working in/for Iraq and the rest of the international regional network are aware of this phenomenon and the 2010 UNWG proposed draft convention on PMSCs is a specific opportunity for us.

Felipe Daza Sierra

CoDirector of the **Nova - Institute for Active Non-violence** and coordinator of the project.

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IV. BRIEF OVERVIEW, SCOPE AND METHODOLOGY

The last two decades have witnessed a strong shift towards the privatization of war. On the one hand, since the end of the Cold War States have relied, to a much greater extent than before, on private contractors to support their military operations abroad; on the other hand, the role played by these non-State actors in armed conflicts and other hostile situations has evolved greatly: with a minimum of public debate, functions traditionally performed by national armies and public authorities – such as the interrogation of detainees, protection of military assets, training of local armed forces, collection of intelligence, and the performance of defensive and even offensive military activities – have increasingly been contracted out to private military and security companies (PMSCs). In some cases, States have outsourced these functions because they lack the manpower or the technical expertise to undertake them. Yet, to be clear, it is not only States which are pursuing this policy; in the field of security-related services, non-governmental organizations, transnational corporations and international organizations like the United Nations and the NATO are also among the clients of PMSCs.

During the 2003 invasion and occupation of Iraq the privatization phenomenon acquired unprecedented proportions turning the provision of security-related services into the most prosperous post-war business and consolidating the PMSC industry as a key player for future international interventions. Yet, while it has been the case of Iraq, and similarly the conflict in Afghanistan, that have brought renewed public attention to this issue, the rationale underlying this privatization policy is not new. On one side, the delegation and contracting out of military functions is clearly reminiscent of past experiences concerning the mercenary issue. At the same time, the hiring of PMSCs can be seen as the contemporary evolution of the historical practice of using private contractors in direct support of military operations.

Generally, PMSCs are often praised for their efficiency, their rapid mobilization capacity, and the *apparent* low-costs of their employment as compared to armed forces. At present, however, the use and activities of PMSCs have also become a source of several concerns. On the one hand, the massive recourse to private contractors for security and military purposes as well the human rights violations associated with some of them has generated a debate about the sort of functions that ought to or ought not to be performed by PMSCs. The traditional principle of the State monopoly on the use of force and the implicit notion of “inherently State functions” are at the heart of this debate. On the other hand, the apparent lack of appropriate legal consequences for human rights violations involving private contractors has led to claims of lack of accountability of PMSCs and their personnel. Key legal questions have arisen in this regard, *inter alia*, what it is the legal status and the legal regime applying to PMSCs and their personnel under international and national law; what are the responsibilities of States linked to them; and what are the jurisdictional avenues for prosecuting PMSCs and seeking redress for victims.

* * *

The present report aims to contribute to the debate on the international privatization of warfare and violence by bringing awareness to Iraqi as well as international actors of the development, the impact on human rights and the legal dimensions of the use and activities of PMSCs in the context of the Iraq war and in post-war. Moreover, it aims to clarify the legal regime applying to PMSCs in Iraq, examining the inconsistencies of existing legal frameworks and the obstacles that have arisen in practice for successful litigation, while at the same time pointing out the ways in which Iraqi victims can seek justice.

To this end, this research has followed a two-track combined methodological approach. On the one hand, a systematic analysis of national and international law instruments,



official documents and specialized literature and reports. On the other, the report is originally based on the extensive collection, compilation and analysis of data regarding the multi-dimensional and diverse reality of private military and security contractors as well as other non-PMSCs present in Iraq. In this latter regard, 116 companies have been studied for the purpose of this research and are listed in three different Annexes: Annex A offers information about 89 multinational PMSCs, including 46 human rights incidents associated with them. Annex B provides data of 16 Iraqi PMSCs; in this case 3 human rights incidents are listed. Finally, Annex C offers information about 11 International Extractors, Constructors and other non-PMSC organisations hiring PMSCs in Iraq, with 4 human rights incidents mentioned here. Furthermore, a specific Annex D has been elaborated providing the reader with information on selected legal cases, both criminal and civil actions, brought before national courts regarding key human rights incidents involving PMSCs in Iraq. Importantly, it provides access through links to the main legal documents filed in the courts. Additionally, we have been assisted on this project by two Iraqis researchers in the field - located in various areas in Iraq - who have conducted several interviews and provided important tools for the analysis of the situation and domestic law in Iraq.

According to this methodology, Part I provides a brief background of the military and security privatization phenomenon, pointing out its relationship with the issue of mercenary activities and exposing some of its contemporary dimensions. Part II of this report provides an overview of the development of the PMSC industry during the 2003 invasion and occupation of Iraq and further analyzes the current situation on the basis of a data-analytical study (Annexes A and B). Part III then discusses the impact of the use and activities of PMSCs on the enjoyment of human rights by summarizing the results of a monitoring study of the human rights incidents involving the PMSCs which have operated in Iraq (Annexes A)B and C)). Finally, Part IV is devoted to an examination of the legal dimensions of the PMSC phenomenon, in particular, exploring key legal questions concerning the regulation and accountability of PMSCs and their personnel under international and domestic law, as well as examining how the law has been applied in practice in domestic litigation (Annex D). The report closes with some concluding remarks and key challenges to be dealt with in the near future.

To conclude, a few words on terminology should be mentioned. While at present, there is no internationally agreed definition of what constitutes a “private military/security company”, the content of this research patently shows that many companies deployed in Iraq have provided a broad spectrum of both military and security services and that a distinction between private security companies (PSCs) and private military companies (PMCs) is often blurred. Therefore, for the purpose of this study we use the generic term “private military and security company” (PMSC) to refer to any “corporate entity which provides on a compensatory basis military and/or security services by physical and/or legal entities”¹.

1 This is the definition provided by the UN Working Group on the use of mercenaries in its *proposed draft convention on private military and security companies*.

SECTION 1

The private military and security companies (PMSC) phenomenon

As we have previously noted, while PMSCs have mainly developed in recent decades, particularly during the conflicts in Iraq and Afghanistan, the rationale underlying this policy is not new. This section studies the roots of the military privatization phenomenon and the emergence and evolution of private military and security companies. It points out that the PMSC phenomenon is linked to two different but related practices: the use of mercenaries, on the one hand, and the employment of private contractors in direct support of military forces, on the other. In particular, it suggests that PMSCs cannot be totally dissociated from mercenary activities and that they share similarities and also exhibit important differences. It also notes that PMSCs represent the contemporary evolution of the policy of private contracting within national armies, with modern contractors now performing new and more technical military services. Finally, it describes the contemporary dimensions of the PMSC phenomenon.

The roots: PMSCs and the mercenary issue

The term “mercenary” comes from the Latin *mercen(n)arius*, belonging to the etymological family of “mercy or favor” and meaning “the one that fights or works for monetary payment” or, as defined in common dictionaries, “regarding the person or troops who by material compensation serve in a foreign army”². Words as market, marketing, merchant and merchandise belong to the same etymological family. Terms used in the past to describe such persons include bandits, brigands, “wild-gees” and soldier of fortune. The 1977 Additional Protocol I (API) to the Geneva Convention of 1949 provided the first legal and most widely accepted definition of the term mercenary, essentially referring to a person who takes part in an armed conflict, who is not a national or a party to the conflict, and is “motivated to take part in hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party”³.

Mercenary activities and the use of mercenaries in armed conflicts and other hostile situations is not a new phenomenon. Rather, the profession of mercenary is probably one of the oldest occupations in the world. In diverse forms, their evolution can be traced throughout different stages in history, from ancient Egypt, Greece and Rome, throughout the Middle Ages, and even after the emergence of nation-State and the creation of regular armies. During the nineteenth century, however, due partially to the consolidation of central authority in most European countries and the establishment of the notion of nation-state sovereignty, mercenary activities had practically disappeared or acquired different characteristics – such as the Foreign and Spanish legions, which were an integral part of the respective national armies⁴. However, following the breakdown of colonialism in Africa and Asia in the 1960s, mercenarism reappeared in the conflict scene as a phenomenon of greater dimensions and particular forms. The contemporary image and concept of mercenarism stem essentially from this period.

The fact that a mercenary is basically motivated by money or private gain – as opposed to the national allegiance and/or ideological motivation which lead national armed forces and other foreign participants as volunteer corps – gives the term “mercenary” negative connotations and generates disapproval. Similar sentiments arising from the lack of public control and naval discipline which characterized XIX century’s privateers led the principal maritime powers to agree to abolish this practice in the Declaration of Paris of 1856. Nevertheless, the illegitimacy overtones with which mercenaries are tainted in modern times

² Royal Spanish Academy Dictionary, “Mercenario/a”, 2nd ed., 1997, unofficial translation.

³ Additional Protocol I of 1977 to the 1949 Geneva Conventions, article 47.

⁴ See Cassese, A., “Mercenaries: lawful combatants or war criminals”, *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht (ZaöRV)*, No. 40, 1980.



stem essentially from the last century and particularly from their performance during the African decolonization process and other armed conflicts in Sub-Saharan Africa since 1960.

It was during this period that mercenaries earned the reputation as “dogs of war” because of their role in opposition to national liberation movements and their interference in the sovereignty and territorial integrity of the new and fragile independent African States⁵. It is no coincidence that the first international regulations criminalizing the use of mercenaries and related activities were adopted by the Organization of Africa Unity (OAU) in 1977 and limited its scope to the African continent⁶. Likewise, one of the strongest references of condemnation of mercenaries in recent State practice is to be found in the Operation Code of Conduct for the Nigerian Army, issued early in July 1967⁷. And it was mainly the African delegations during the drafting process of AP I (1974-1977), and in particular Nigeria’s, which, after achieving a declaration that wars of national liberation are to be considered international armed conflicts, pushed for the proposition that mercenaries should not have a right to combatant and prisoner-of-war status, so they could be prosecuted as common (non-war) criminals in the countries in which they had committed their acts and be punished by the mere fact of participation in hostilities⁸. Furthermore, as Sandoz has pointed out: “the generally negative image of the role of the mercenary also stemmed from the idea that, since the right of peoples to self-determination acquired the status of a human right in the two International Covenants adopted by the UN in 1966, the very fact of taking up arms on a government’s side in such circumstances could be viewed as a violation of human rights”⁹. The appointment in 1987 by the United Nations (UN) Commission on Human Rights of a UN *Special Rapporteur* on the use of mercenaries as a means of violating human rights and of impeding the rights of peoples to self-determination provided evidence of this fact¹⁰.

At this stage, however, the approach to the problem of mercenarism had a limited scope. Steps taken by the international community to deal with this issue illustrate that mercenary activity was identified with opposition to liberation struggles¹¹, and later with violations of the territorial integrity and sovereignty of States, and that the general condemnation of mercenaries was linked to that use and was not directed against the mercenarism phenomenon itself. In particular, the UN General Assembly and Security Council resolutions began to condemn mercenary activities but importantly they did so only when recruitment was aimed at overthrowing the legitimate government of a UN State Member or against liberation movements and did not properly censure or express disapproval of their employment by established governments for their own use¹², i.e. to guarantee their own internal security and to strengthen and train their armed forces¹³.

As a result, the international community, and the international instruments and regulations dealing with mercenaries -currently still in force- came “to pass a negative verdict [...] not

- 5 See Rubin, E., “Mercenaries” in Gutman, R & Reiff, D. (dir.) *Crimes of War: What the Public Should Know*, 1999.
- 6 Convention for the Elimination of Mercenaries in Africa, OAU Doc CM/817 (XXXIX), Annex II, Rev. I, p 17; 1490 UNTS 100. The Convention was adopted in 1977 and entered into force in 1985. In 1999, the Organization of African Unity (OUA) became the African Union (AU).
- 7 Operational Code of Conduct for the Nigerian Army, 1967; available at Sassòli, M., Bouvier, A., *How does law protect in war? Cases, documents and teaching materials on contemporary practice in International Humanitarian Law*, ICRC, 1999, p. 793.
- 8 See Bothe, M. Partsch, K.J., Solf, W.A., *New rules for victims of armed conflicts of armed conflicts. Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949*, Martinus Nijhoff Publishers, 1982, pp. 269-271.
- 9 Sandoz, Y., “Private security and international law”, in Cilliers, J & Mason, P. (eds), *Peace, Profit or Plunder? The privatization of Security in War-Torn African Societies*, 1999, p. 204.
- 10 For a survey on the institutional response by the UN to the mercenary problem see Gaultier, L. et al., *The mercenary issue at the commission on human rights. The need for a new approach*, International Alert, 2001, p. 16.
- 11 Sandoz, Y., “Private security...”, op. cit., p. 203-204.
- 12 See General Assembly Resolutions: 2465 (XXIII) (1968); 254 (XXIV) (1969); 2625 (XXV) (1970), Principle I, para. 8; 2708 (XXV) (1970); 3103 (XXVIII) (1973), para.5. Also, Security Council resolution 239 (1967).
- 13 Cassese, A., “Mercenaries: lawful combatants...”, op. cit., p. 8.

on mercenaries as such but on those mercenaries who fight against national liberation movements or attack the integrity and independence of sovereign States"¹⁴. Accordingly, under the general rules of international humanitarian law envisaged in AP I the use of mercenaries is discouraged by denying these actors the protection afforded to lawful combatants, that is, prisoner-of-war status, but mercenarism is not formally prohibited itself.

Certainly, following the decolonization episode some countries outlawed their citizens' enrolment as mercenaries, and the UN persisted in its efforts to proscribe the use of mercenaries and related activities adopting the International Convention against mercenaries in 1989¹⁵. However, once again rather than disappear, the mercenary phenomenon evolved to take on new forms and adapt to realities arising from the end of the Cold War era. As a consequence, today we can distinguish at least four types of mercenary-related groups and/or actors:

Firstly, the presence of what are now known as 'traditional mercenaries', in the sense of the category emerging during the decolonization period described above, can still be observed. They are mainly individuals who are motivated by the prospect of financial gain, operate in an independent and even sporadic manner, and are recruited generally to fight and engage in combat operations in foreign areas. Examples of this category include the South African, Serbian, French and other Western countries' soldiers hired by President Mobutu during the civil war in the former Zaire in 1997¹⁶. Likewise, in recent months this year there have been reports of the hiring of individuals of diverse origins and from different backgrounds, apparently paid by and under command of Libyan President Muamar Gaddafi and his supporters, in order to repress pro-democracy revolts and attack opposition rebel groups¹⁷.

Secondly, there is another category of foreign armed actors who closely resemble traditional mercenaries but differ from them in the motivation which leads them to act. They are called 'ideological mercenaries', transnational ideological groups and/or volunteer forces because, although they can also be in part motivated by economic gain, are primarily persuaded by religious or ideological affiliation. The *mujahidin* who participated in favour of Islamic interests in former conflicts involving Afghanistan, Kashmir and the former Yugoslavia, or the volunteer forces of Russian soldiers who acted during the Serbian ethnic cleansing against Albanian are representative of this category¹⁸.

A third category encompasses certain armed groups which are motivated both by private gain and a sort of social ideology but who do not fit exactly either within the legal category of combatants or the traditional concept of mercenaries. This group includes private militias and military groups providing protection to drug traffickers in Colombia, or those self-organized civil defense forces and private militia groups hired to provide security and defend their communities against violence, as is particularly the case in South Africa¹⁹ as well as in Iraq²⁰. Finally, the most recent manifestation of mercenarism and the one which raises concern in this research is the creation of corporate entities, with a structure similar to those of business corporations, which provide a wide range of military and security services in armed conflicts and other hostile and unstable situations. In its modern form, private firms first

14 Id. p. 11.

15 International Convention against the Recruitment, Use, Financing and Training of Mercenaries, UN General Assembly Resolution 44/34, 4 December 1989.

16 Zarate, J.C., "The emergence of a new Dog of War: Private International Security Companies, International Law and the New World Disorder", *Stanford journal of International Law*, Vol. 34, No. 1, 1998, p. 91-92.

17 See, Smith, D., "Has Gaddafi unleashed a mercenary force on Libya?", *The Guardian*, February 22, 2011; Meo, N., "African mercenaries in Libya nervously await their fate", *The Telegraph*, February 27, 2011.

18 Isenberg, D., *Soldier of Fortune, Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms*, Center for Defense Information Monograph, November 1997, p. 3; Gaultier, L. et al., *The mercenary issue ...*, op. cit. p. 10.

19 Ero, C., "Vigilantes, Civil Defense Forces and Militia Groups. The other side of the privatization of security in Africa", *Conflict Trend Magazine*, 2000, Vol. I, pp. 25-28.

20 Scahill, J., *Blackwater: The rise of the world's most powerful mercenary army*, Nation Books, 2007, Spanish ed., Chapter 16.



emerged in the 1980s, when companies such as the British company Defense Systems Ltd (1982), the United States-based Military Professional Resources Incorporated (MPRI, 1987) and Executive Outcomes (EO, 1989) were founded; however, their development and number increased in particular during the post Cold War era. They like to call themselves “private security companies”²¹, or are commonly known as “private contractors”, but as Isenberg notes their activities widely differ from the traditional security industry which provided just watchmen and building security²², and may also comprise military assistance services, including the training and advising of local forces, the operation of complex weapons systems, the interrogation of prisoners and even participation in combat operations. Furthermore, the very terminology of “private contractors” tends also to blur the differences with traditional private-civil contractors which usually limited their activities to tasks that do not require military expertise such as feeding and laundry, or other logistical or administrative support. In fact, the practice of using private contractors for military support is not new and can be considered parallel to and even melding with the mercenarism phenomenon itself. Some studies analyzing the importance of US contracting policy from a historical perspective show, for example, that the United States has employed private contractors in direct support of its military forces throughout its history, from the American Revolution and Civil War, World War I and II, and the reconstruction of Japan and postwar Europe under the Marshall Plan, to the Korean War and the Vietnam War, and in recent decades in the Gulf War and the Balkans conflicts²³.

It is a matter of interpretation whether these modern contractors should be considered under the popular – not legal – term of “mercenary” but they undoubtedly represent a sophisticated and complex adaptation of the mercenary phenomenon. The most relevant features that they have in common are the financial motivation that leads them, on the one hand, and the fact that the use of force is pushed beyond the scope of State’s authority into the private sphere, on the other. This being said, there are nonetheless a number of differences that mean the issue of mercenarism should be distinguished from the connected but different phenomenon of what are known here as “private military and security companies” (PMSCs).

The first major difference is the nature of these two non-State actors. The soldiers of fortune who intervened during the decolonization period were mainly individuals, some of them even criminals recruited clandestinely, or small ex-military groups that operated in the shadows without commercial backing. Conversely, today’s PMSCs are corporate enterprises registered in a State, with large office complexes and websites advertising their work, and which operate under the rationale of commercial law. In this respect, while the debate on mercenarism has been focused on the sphere of prohibition, the issue of PMSCs is instead discussed from a regulative perspective²⁴.

Secondly, modern contractors recruit their staff from a vast database of former military and law enforcement personnel, and their employees are not only foreigners recruited abroad – “to fight” –, as some regulations on mercenarism provide for, but may include nationals from the country where the PMSC operates, and, in case of armed conflict, either nationals of a party to the conflict or residents and nationals of territory controlled by that party. A typical PMSC country-mission involves: a) home-country nationals, i.e. nationals from the country where the PMSC is registered or has its headquarters; b) host-country nationals, i.e. nationals or permanent residents from the country where the PMSC operates; c) expatriates, some of whom may be residents and/or citizens of the State a) or b); and, d) third-country nationals, many of them coming from developing countries²⁵. In terms of nationality, only

21 See “Interview with Andrew Bearpark”, *International Review of the Red Cross* (ICRC), Vol. 88, No. 863, September 2006.

22 Isenberg, D., *Soldier of Fortune...*, *op. cit.*, p. 3

23 Fontaine, R., Nagl, J., *Contracting in Conflicts. The Path to Reform*, Center for a New American Security, 6 July 2010, p. 9.

24 The UN Working Group on the Use of Mercenaries (UNWG) has stated with respect to the proposed draft convention on PMSCs that “[t]he aim of a proposed new binding legal instrument is not the outright banning of PMSCs but the establishment of minimum international standards for States parties to regulate the activities of PMSCs and their personnel”, A/HRC/15/25, 2 July 2010, para. 91.

25 See the UNWG report A/HRC/7/7, 9 January 2008, p. 12.

this latter category may fall under the international definition of a mercenary, insofar as they are neither nationals-members of the armed forces of a party to the conflict nor residents of territory controlled by that party, and provided that they have been recruited specifically to “take part in the hostilities” and met the other cumulative requirements envisaged in international regulations on mercenarism. This definitional aspect is one of the reasons why PMSCs and their employees fall into a grey area not specifically covered by international law on mercenarism.

Finally, the activities described under the term “mercenary” bear little relation to those currently performed by PMSCs²⁶, the range of whose services is much greater than those of mercenaries – mainly contracted to fight in foreign conflicts. International literature and studies certainly confirm that the sort of services provided by private contractors have evolved from “simple services” such as food, medical and transportation, to “complex services” such as weapons systems maintenance, intelligence and security²⁷. Today, the activities performed by PMSCs have been classified under the categories of security versus military services, may include “armed” and “non-armed” services, and comprise a wide range of areas such as logistic and linguistic support, police and army training, security, intelligence and risk analysis, technology maintenance and many others. Therefore, this aspect also marks an important difference between PMSCs and traditional private contractors. Moreover, PMSCs can work simultaneously for multiple clients in the same territory, something that traditional mercenaries and private contractors used not to do.

Because of these features some authors have suggested that, instead of mercenaries, “modern contractors most resemble the military enterprises of the late Middle Ages, [when] [b]efore the rise of the nation-State, nearly all force was contracted [and] military contractors often employed soldiers trained within feudal structures, sending them to whomever could pay ...”²⁸. A more accurate understanding would be that in recent decades the traditional mercenary – who as has been noted above has not yet entirely disappeared - has been supplemented by the emergence of private military and security companies²⁹, which represent the corporate evolution of the profession of mercenary, on the one hand, while also constituting the technical-expertise wing of the traditional contracting personnel, on the other.

In any case, the distinction between mercenaries and modern contractors does not mark the end of the debate. There are other aspects that characterize or are closely connected to the evolution of the military and security privatization phenomenon and merit attention. These point to the changing nature of war and those who wage it, the changing role of modern private military and security industry and the threat posed by it to the protection of human rights.

CONTEMPORARY DIMENSIONS

a) Magnitude: a point with no return

One of the most prominent features of the evolution of private contracting is the massive expansion of the private military and security industry and the alarming increase of its use in the last 20 years, primarily by West European and North American countries. Studies on privatization and outsourcing in conflicts indicate that the ratio of private contractors to official military personnel has varied depending of the conflict but has been, as of 2010, in the recent conflicts of Afghanistan and Iraq approximately of 1:1³⁰ as compared to 1:60 during the Gulf War (1991), 1 to 10 at the beginning of the war in Iraq in 2003, and 1:2 in Iraq in 2007³¹. By 2007, it is estimated that around 190,000 contractors were working in Iraq

26 Avant, D., “The rise of Private Security Companies”, in *Foreign Policy*, 13 June 2005, p. 2.

27 Fontaine, R., Nagl, J., *Contracting in Conflicts...*, *op. cit.*, pp. 9-12.

28 Avant, D., “The rise of Private...”, *op. cit.*, p. 1.

29 Gaultier, L. et al., *The mercenary issue ...*, *op. cit.* p. 9.

30 Fontaine, R., Nagl, J., *Contracting in Conflicts...*, *op. cit.*, p.9.

31 Avant, D., “The rise of Private...”, *op. cit.*, p. 2; Singer, Peter W., *Can't win with 'em, can't go to war without 'em: private military contractors and counterinsurgency*, *Foreign Policy at Brookings*, Policy Paper n°4, September 2007, p. 21.



on U.S.-funded contracts³². Furthermore, this shift to the private sector has created a highly prosperous industry, with revenues' estimations ranging from \$20 to \$100 billion annually³³. The rapid growth of the PMSC clearly reflects the new business face of war and the greater significant role of private contractors in contemporary warfare.

Although some governments, particularly in the wake of 9/11, have brought about this result as a matter of national policy³⁴ there are also global factors that have fostered this trend.

Firstly, in the 1990's after the dismantlement of the Soviet Union and the end of the Cold War the size and budget of armed forces sharply decreased and generated a surplus of armaments and unemployed highly-trained military personnel. In the following years, these products, both technology and personnel, were regrouped under the direction of private industries in order to enter the international market.

Secondly, these decades also experienced the globalization of the world economy and a global rise in outsourcing within national public sectors³⁵. As in other areas such as health and energy, privatization in the sphere of defense and security was justified in order to secure major economic efficiency, but factors such as the end of mandatory military service and the subsequent military downsizing were also relevant in many countries. In the United States, for example, the lack of adequate military training facilities as a consequence of reductions in the US Defense's budget and the needs for technical training for military and for Special Operations units, were among the reasons for which Blackwater USA (now Xe), currently one of most powerful companies in the sector, was originally conceived³⁶. Today, in an economic crisis climate, the desire to reduce government costs during peace-time while improving efficiency is also a factor favoring private contracting. In fact, parallel to the privatization of warfare at the international level, there has been an increased demand for private security at the domestic level³⁷ and, in addition to international companies, local private military and security companies are proliferating on national markets³⁸. Domestically, the privatization policy is particularly visible in areas such as the running of prisons and other correctional facilities³⁹. As one commentator has pointed out: "[t]he emergence of a global private security industry thus appears to be part of a broader trend that suggests the growing acceptance and use of commercial security firms at national and international levels"⁴⁰.

Finally, the increasing use of private military contractors also has its roots in reasons of political convenience. As Dan Briody wrote in his book *The Halliburton Agenda* "More contractors meant fewer troops and a much more politically palatable troop count"⁴¹. Certainly, considering the current nature of most military missions, more often linked to peacekeeping than to national defense interests, PMSC personnel casualties have less impact on public opinion than those of national troops and, in fact, they do not count as official casualties. Furthermore, sending out private forces abroad does not require the same executive authorization that it is demanded for official military missions, so the use of private contractors

32 Fontaine, R., Nagl, J., *Contracting in Conflicts...*, *op. cit.*, p. 11; quoting Congressional Budget Office, *Contractors' Support of U.S. Operations in Iraq*, at 12.

33 See Butazu, A-M., *European Practices of Regulation of PMSCs and Recommendations for Regulation of PMSCs through International Legal Instruments*, The Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva, 30 September, 2008, p. 7.

34 See Scahill, J., *Blackwater...*, *op. cit.*, in particular Chapters 1 y 2.

35 On this point see Saura, J., "Las empresas militares y de seguridad privadas ante el derecho internacional de los derechos humanos: su actuación en el conflicto Iraquí", *Revista Electrónica de Estudios Internacionales (REEI)*, No. 19, 2010, pp. 3-4, and references quoted therein.

36 Scahill, J., *Blackwater...*, *op. cit.*, p. 69.

37 See the UNWG Report A/HRC/7/77, *op. cit.*, p. 9.

38 See the UNWG report A/65/325, 25 August 2010, para. 2.

39 See Lanigan, K., "Legal Regulation of PMSCs in the United States: The Gap between Law and Practice", *Sicherheit und Frieden*, Fall 2008.

40 Krahmann, E., *Private Security Companies and the State Monopoly on Violence: A case of Norm Change?*, Peace Research Institute Frankfurt (PRIF), Report No. 88, 2009.

41 Briody, D., *The Halliburton Agenda: The Politics of Oil and Money*, John Wiley & Sons, 2004, p. 195-196.

may go unnoticed and their operations be outside public discussion and beyond scrutiny⁴². From another perspective, it may also be that the government of the host State where PMSCs operate has an interest or no better political option than hosting these companies. This seems to be the case for example in Angola, where commercial firms such as oil and mining companies are required to provide their own security⁴³; or in Iraq, where due to the terms of the 2009 U.S.-Iraq Status of Forces Agreement (SOFA), the incoming U.S. diplomatic mission's success will require the "full utilization of all available security assets including the services of PSCs"⁴⁴, thus leaving few opportunities for the Iraqi authorities to oppose their deployment considering the still weak capabilities of Iraqi police forces.

As a result of these factors, the private military and security market has become a global phenomenon. Though scant official information makes it difficult to determine whether this unprecedented scope in contracting is as generalized in other States as it is in the United States and the United Kingdom - the leading suppliers and/or primary contractors of PMSCs - reliable studies demonstrate that the proliferation and acceptance of PMSCs is a general phenomenon throughout most of Europe, with countries such as Poland, Turkey, Germany, France and Spain also having sizeable and growing private security sectors⁴⁵. The huge supply of together with the growing demand for private military and security contractors has created in some States an irreversible internal dependency, raising concerns as to whether governments are still in control of their most sensitive activities⁴⁶. It is apparent, though in a corporate form, that the mercenary-related phenomenon is likely to endure. The UNWG has already warned of the risks of this dependency:

"Some private military and security companies have grown so powerful, in terms of the military equipment they possess and the expertise they have developed that they have become an indispensable partner in the military and security activities of some Governments. The Working Group is concerned that this dependency may lead to a situation where such partnership may become predominant over the consideration of the past human

rights records of the companies. As stated by Leon Panetta, current director of the Central Intelligence Agency, contracting with corporations whose responsibility is to their shareholders does present "an inherent conflict"⁴⁷

b) Impact on human rights

Although the discussion about the use of PMSCs pretends to be seen as a separate question from the issue of human rights⁴⁸, the realities coming from the field clearly illustrate the threats and consequences posed by the activities of PMSCs to the enjoyment of human rights. Ac-

⁴² Isenberg already reported on this point in 1997: "By hiring MPRI to work in Bosnia, the U.S. administration has avoided the need to take the issue of involvement to Congress or the American public." Isenberg, D., *Soldier of Fortune...*, op. cit., p. 9. It is noteworthy, however, that some States, as South Africa and Spain have adopted regulations aimed to control activities of PMSCs at national territory and abroad. See *Private Security Industry Regulation Act*, No. 56 of 2001, South Africa Government Gazette, Vol. 439, No. 23051, 25 January 2002. With regard to Spanish legislation, see BOE Núm. 42, 18 de febrero de 2011, *Orden INT/314/2011, de 1 de febrero, sobre empresas de seguridad privada*; *Orden INT/317/2011, de 1 de febrero, sobre medidas de seguridad privada*; *Orden INT/318/2011, de 1 de febrero, sobre personal de seguridad privada*.

⁴³ Isenberg, D., *Soldier of Fortune...*, op. cit., p. 3.

⁴⁴ Statement of Charlene Lamb Deputy Assistant Secretary for the International Programs Directorate of the Diplomatic Security Service Department of State before the Commission On Wartime Contracting Hearing on "Private Security Contractors (PSCs) in Iraq: Where Are We Going?" June 21, 2010.

⁴⁵ Krahmann, E., *Private Security...*, op. cit., p. 7.

⁴⁶ See the UNWG report A/65/325, 25 August 2010, para. 7; quoting an study conducted by *The Washington Post* concerning the use of private military and security contractors in the United States.

⁴⁷ Id., para. 9

⁴⁸ Gómez del Prado, J.L., Torroja, H., *Hacia la regulación internacional de las empresas militares y de seguridad privadas*, Centro de Estudios Internacionales (CEI), Marcial Pons, 2011, pp. 82-90.



tually, while in the past the impact of mercenary activity on human rights has been conceptualized in terms of the threat posed by the use of mercenaries to the right of peoples to self-determination⁴⁹, at present the broad range of human rights abuses involving PMSCs means the impact of their activities can be assessed according to different categories.

For instance, considering the *type of situation* where PMSCs operate, commentators have categorized the human rights abuses into three broad categories⁵⁰: 1) as part of commercial security measures, including violations such as the invasion of privacy through phone tapping, interception of mail and other intelligence-related activities, harassment of protesters, and complicity with local law enforcement forces in arbitrary detentions and enforced disappearances of prominent dissenters; 2) in situations of armed conflict and occupation, which comprise mainly attacks on the civilian population, including cases of summary executions, killings, torture, arbitrary detentions, as well as the use of prohibited weapons; and 3) abuses involving the extraction of natural resources, including violations of the right of peoples to self-determination and the right to development.

Secondly, looking at the *victims of the abuses* by PMSCs, scholars refer to two main categories⁵¹: a) violations against the civilian population and property of the territory where PMSCs operate, including arbitrary detentions and killings, torture and ill-treatment and/or other events of disproportionate use of force against people or property; and b) infringements of the right of their own employees, such as excessive working hours, poor working conditions, denial of medical assistance, and abusive contractual clauses among other.

Finally, focusing on the *category of right* violated, distinguished categories include⁵²: a) serious violations of fundamental rights, such as the right to life and freedom; b) breaches of the social and economic rights of workers; c) sexual crimes; d) human trafficking; and d) contraventions of the right of peoples to self-determination and the right to development.

Notwithstanding this reality, legal proceedings against PMSCs and their personnel have been rare, sometimes due to the existence of immunity laws applying to contractors in the host State, or because of the lack in contracting States of appropriate legislation regulating the activities of PMSCs abroad. This has led to claims of lack of accountability of private contractors and prompted a debate as to how their activities should be controlled and regulated. Key legal questions have arisen in this regard: what is the status of PMSCs and their personnel and what are their responsibilities under international humanitarian and human rights law?⁵³ What are the obligations and responsibilities of States with regard to their use and activities?⁵⁴ Can PMSCs as companies be liable under international law?⁵⁵ "How is the industry to be best regulated – at international level, national level or by self-regulation?"⁵⁶ Are domestic jurisdictions legally equipped to prosecute crimes committed by PMSCs abroad and provide effective reparations to victims?⁵⁷ And if so, has this law been properly applied in practice?⁵⁸

49 Gaultier, L. et al., *The mercenary issue*..., op. cit. p. 13.

50 Id., pp. 14-15.

51 Saura, J., "Las empresas militares...", op. cit., p. 8-12.

52 Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación*..., op. cit., p. 26-36.

53 Cameron, L., "Private military companies and their status under International Humanitarian Law", IRRC, Vol. 88, Nº 863, September 2006; Gillard, E-C., "Business goes to war: private military/security companies and international humanitarian law", IRRC, Vol. 88, No. 863, September 2006; Droege, C., *Private Military and Security Companies and Human Rights – A rough sketch of the legal framework*, document prepared for the Governmental Expert Workshop of 16-17 January 2006; Clapham, A., *Human Rights Obligations of Non-State Actors*, Oxford University Press, 2006; Lehnardt, C., *Proposals for possible guidelines and basic principles encouraging further respect and protection of human rights on the part of PMCs*, in <http://www.unwg.rapn.ru/>;

54 *Expert Meeting on Private Military Contractors: Status and State Responsibility for Their Actions*, University Centre for International Humanitarian Law, Geneva, 2005; *Montreux Document on pertinent legal obligations and good practice for States related to operations of private military and security companies during armed conflict*, Swiss Government, 17 September of 2008; *Elements of a proposed draft convention on private military and security companies*, UN Doc. A/65/150, 25 August 2010.

55 See generally, International Federation for Human Rights, *Corporate Accountability for human rights abuses. A guide for victims and NGOs on recourse mechanisms*, July 2010.

56 Gillard, E-C., "Business goes...", op. cit., p. 527.

57 Lanigan, K., "Legal Regulation...", op. cit.; Butazu, A-M., *European Practices*..., op. cit.

58 Ryngaert, C., "Litigating Abuses Committed by Private Military Companies", *EJIL*, Vol. 19, 2008.

c) Activities: the changing role of private military contractors

The massive use of private contractors in personal security and military operations as well the associated human rights violations has also generated a debate about the sort of functions that ought to or ought not to be performed by PMSCs⁵⁹. As is noted above, private military contracting is not a recent practice. In its previous manifestations, however, only those activities that need not necessarily to be performed by military personnel, like cooking or transportation, became the object of outsourcing while core competencies were apparently set aside for national armed forces and official agents. In contrast, in the current state of expansion, States have outsourced certain core functions that traditionally were performed by the army, the police or any other State's authority, such as security and activities implying the use of force, and consequently private contractors also perform many key military and security services. In time of armed conflict, this confuses the issue of direct participation in hostilities and threatens the protection of civilians, as their presence among civilians blurs the dividing line between combatants and non-combatants, one of the basic concepts of International humanitarian law (IHL).

The key question that has arisen from this reality is whether the services performed by PMSCs are "inherently State functions" and therefore ought to be performed exclusively by public officials; or, more particularly, which of their activities are or are not of this nature. As yet, there is no definitive answer to this question. The UNWG proposed draft convention has focused on outlawing the outsourcing of these sorts of functions, stating that "inherently State functions" are "functions, which are consistent with the principle of the State monopoly on the legitimate use of force and that a State cannot outsource or delegate to PMSCs under any circumstances"⁶⁰. But the Chairperson-Rapporteur of the UNWG, Mr. Gómez del Prado, recognizes that the term involves a progressive development of international law and that this will be one of the crucial points for future consensus in the context of the proposed convention⁶¹. On the other hand, State practice in this regard plays against an absolute outlawing of PMSCs, and commentators have already suggested the existence of an ongoing transformation of the norm of the State monopoly of the legitimate use of force, reflecting two facts: 1) governments have increasingly accepted the private use of force for military purposes, or when necessary to execute the security missions contracted to protect persons and assets; 2) the failure of Western countries to attempt to outlaw PMSC's and instead, the adoption of national legislation to control the export of PMSCs, thus legitimizing their activities⁶². This being said, from an international law perspective this trend may go against the UN Charter and customary enshrined principle of the prohibition of the use of force between States, and would constitute a serious breach of international law insofar as States can under no circumstances circumvent this prohibition by delegating the use of force to private companies⁶³.

59 Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación...*, op. cit., p. 20. See also, Elsea, J.K., "Private Security Contractors in Iraq: Background, Legal Status and Other Issues", Congressional Research Service (CRS), August 25, 2008, pp. 30-34 (hereinafter CRS Report 2008).

60 See *Elements of a proposed draft convention on private military and security companies*, UN Doc. A/65/150, 25 August 2010.

61 Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación...*, op. cit., p. 100.

62 Krahmann, E., *Private Security...* op. cit., p. 15-17.

63 Cottier, M., "Relevant International Legal Standards: Overview, Use of Force, Mercenaries", *PMC/PSC Workshop, 16-17 January 2006*. See *infra* Section 4 –State responsibility.



SECTION 2

Analysis of PMSCs in Iraq

The Iraqi political and historical context

Although some kind of analysis would be necessary to understand fully the complex picture of the current political map of Iraq, and thus, the national approach to the use of PMSCs in the country, this is beyond the scope of this study. Instead we propose an overview of the main stages through a brief chronology of some relevant episodes in Iraq's history.

CHRONOLOGY

7th century	The Islamic conquest of Mesopotamia establishes Islam in Iraq.
7-13th centuries	Iraq is ruled by caliphate. Conflicts between Sunni and Shia were already present in this period.
13th century	Mongol invasions and Battle of Baghdad.
14-15th century	Black Sheep Turkmen and White Sheep Turkmen rule.
16-20th century	Ottoman Empire rule.
1916	Sykes-Picot Agreement between France and UK defining <i>inter alia</i> their control over Iraq.
1919	Treaty of Versailles. UK achieves League of Nations mandate over Iraq.
1920-1921	Fall of the Ottoman Empire. British occupation imposes a Hashemite monarchy and defines the territorial limits of Iraq. The Treaty of Sevres, negotiated between the Ottoman Empire and the Allies (except Russia and USA), agrees on the autonomy of Kurdistan, but this measure was neither ratified nor applied ⁶⁴ . During the mandate period Britain mainly supports the Sunni leadership. During this period, Kurds fight for independence.
1932	The Kingdom of Iraq gains independence from Britain.
1941	Coup led by pro-Germanic regime Rashid Alí is overthrown by British military using forces from the British Indian Army and the Arab Legion from Jordan.
1958	A coup d'état of the Iraqi Army, known as 14 July Revolution, overthrows the Hashemite monarchy and the republic of Iraq is created.
1968	Beginning of the control by the Arab Socialist Ba'ath Party which extends until 2003. Beginning of the civil war between Kurds and the Iraqi Government
1974	Peace agreement between Iraqi government and Kurdish Peshmarga led by Barzani, called 11 Adar declarations.
1978-1979	Ba'ath Party came under control of Saddam Hussein who became

⁶⁴ Fisk, R. *The great war for civilization: the conquest of the Middle East*, Spanish edition-Ediciones Destino, 2005, p. 1474.

President of the Republic of Iraq in 1979.

- 1980-1988** "With the US's tacit support"⁶⁵, Iraq invades Iran and marks the beginning of Iran-Iraq war. During the war Iraq used chemical weapons such as gas in mass attacks against Kurdish Peshmerga and civilians. The war resulted in an estimated one million casualties, dead and wounded.
- 1990** Iraq invasion of Kuwait. The United Nations agree to pass economic sanctions on Iraq, causing in the following eight years the death of an estimated 500,000 children⁶⁶
- 1991** UN authorized international coalition force led by the US liberates Kuwait. Devastating US bombing of the city of Fallujah. Shortly after the war, Shia Muslim and Kurdish Iraqis protests against Saddam's regime resulting in an intifada which is violently repressed. The US, UK and France establish the Iraqi no-fly zones. Saddam withdraws military and civil authority from the Kurdistan region.
- 1992** Iraqi Kurdistan emerges as an autonomous entity inside Iraq. Kurdistan Regional Government "KRG" and Kurdistan parliament established by announcing a federal system for Iraq.
- 1994-1996** Kurdish civil war between the two principal Kurdish parties –the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Implementation of the UN Oil-for-Food Programme (1995-2003) which allow Iraq to sell oil on the world market in exchange for food, medicine and other humanitarian needs.
- 1998** Peace agreement between KDP and PUK, end of civil war.
- 2003**
- March* U.S.-led invasion of Iraq (US codename *Operation Iraqi Freedom*).
 - April* Fall of Baghdad and U.S. occupation. The multinational coalition creates the Coalition Provisional Authority (CPA) as a transitional government of Iraq
 - May* US soldiers kill 13 persons and wound at least 75 during a demonstration in Fallujah –known as *Hay Nazzal Street massacre*⁶⁷.
 - July...* U.S. President George W. Bush declares the end of "major combat operations". Anti-occupation resistance movements grow throughout the country, particularly in the mostly Sunni city of Fallujah.
 - August* The Canal Hotel Bombing in Baghdad, August 19, 2003, killed at least 22 people, including the United Nations' Special Representative in Iraq Sérgio Vieira de Mello, and wounded over 100.
 - December* Capture of Saddam Hussein.
- 2004**
- March* Four employees of the US-based private security company Blackwater are killed in an ambush in Fallujah.
 - April* Battle of Najaf between coalition forces -support by private contractors' guards⁶⁸- and followers and members of the *Mahdi's Army*.

⁶⁵ Ibid, p. 1475.

⁶⁶ Spagat, M., "Truth and death in Iraq under sanctions", *Significance*, September 2010, p. 1.

⁶⁷ See Scahill, J., *Blackwater: The rise of the world's most powerful mercenary army*, Nation Books, 2007, p. 98.

⁶⁸ Id., at 163, 179.



- pro-Shia militia leads by Muqtada Al Sâder.
First US battle-siege of Fallujah under *Operation Vigilant Resolve*.
First media reports on the Abu Ghraib prisoner abuses.
- June* US transfer of sovereignty to Iraqi Interim Government and dissolution of CPA.
- November* Second battle-siege of Fallujah.
- 2005** *January* First free elections in Iraqi history. Iraqi Transitional Government established. First time in Iraqi history a Kurdish man becomes Iraqi president.
- October* Referendum is held and a new Iraqi constitution ratified.
- December* General elections. An Iraqi national assembly is elected with participation from the Sunnis, Kurds and Shia.
- 2006** *January* Sectarian violence expands over the country; the UN describes the environment as a "civil war-like situation"⁶⁹.
- June* The leader of al-Qaeda in Iraq, Zarqawi, is killed in a U.S.-organized target killing.
- December* Saddam Hussein is hanged after found guilty of crimes against humanity by an Iraq court.
- 2007** *January* President Bush announces reconstruction plans.
- February...* Beginning long-term programs for training Iraqi army and police forces.
- 2008** *March* U.S.-Coalition offensives on Shia militias areas (*Iraq Spring Fighting/Offensive*)
- December* Iraqi parliament approves the *U.S.-Iraq Status of Forces Agreement* which establishes the withdrawal of U.S. combat forces from Iraqi cities by June 30, 2009 and of all U.S. forces by December 31, 2011.
- 2009** *January* Transfer of Green Zone (Baghdad) to Iraqi government. Provincial elections.
- April-July* Progressive withdrawal of Coalition forces and US military presence from Iraq (redeployment period).
- December* Iraqi Ministry of Oil awards contracts for oil extractions.
- 2010** *August* Last U.S. combat forces leave Iraq. Personnel remained to provide support for the Iraqi military until the end of 2011.
End of *Operation Iraqi Freedom*; replaced by *Operation New Dawn*.
- November* New Iraqi government established as a coalition government after *Barzani* initiative accorded Erbil political agreement.

⁶⁹ "Decrying violence in Iraq, UN envoy urges national dialogue, international support". UN News Centre, 25 November 2006.

Sept-Dec. Ba'ath Party came under control of Saddam Hussein who became President of the Republic of Iraq in 1979.

- 2011**
- April* Iraqi people demonstrate over all Iraqi governorate and cities against corruption and bad public services
 - June* Tense relationship between Maliki (Dawlat Al Kanun collation) and Alawi (Al Iraquia collation) upon Iraqi government strategy and management.
 - July* Iraq and USA negotiate whether U.S military remaining troops should stay in Iraq after 31 December 2011.
Bombing at Kurdistan region border by Iranian and Turkish army.



The development of the PMSC industry in Iraq

The 2003 invasion of Iraq led to the largest involvement of private contractors in the history of war and postwar reconstruction. During most of the conflict and occupation almost every foreign entity in the country, including governments, international organizations, media agencies and commercial enterprises had at some time hired private contractors to provide security for personnel and property as well as to perform other functions in support of military, stabilization and reconstruction efforts. The use of military and security contractors expanded in particular during the “postwar period”, after President George W. Bush announced the end of “major combat operations” in May 2003. A variety of American and foreign firms were invited to participate and invest in Iraq’s reconstruction, however, U.S. military and Coalition forces would not guarantee public security; and as a result, in the absence of an effective government and any sort of national military and security apparatus that would counteract the threat posed by insurgent resistance and other dangers⁷⁰, civilian contractors and other field players were forced to hire private security companies to provide for their own safety⁷¹. One year after the invasion the number of private military personnel and security guards deployed in the country had drastically shot up. By 2007, the number of PMSCs personnel was said to outnumber U.S. troops in Iraq⁷². Compared to the first Gulf War, the proportion of contracted personnel is claimed to be 10 times greater⁷³.

The extensive presence of civilian contractors devoted to reconstruction efforts (Annex C⁷⁴) not only resulted in an increasing number of accompanying PMSCs but also fueled the growth of the private security industry. Taking advantage of the great demand for security guards, and citing the very dangerous environments to which security providers were exposed in their job, private security contractors rapidly raised their scale of fees⁷⁵. In a very short time the salaries of PMSCs’ employees went from 300 US dollars per day/employee to a pay range of between \$500 to \$1,500 per day⁷⁶, with companies like Blackwater (now Xe), invoicing some clients between \$1,500 and \$2,000 per person/day⁷⁷. At that time, the

⁷⁰ On this point see Scahill, J., *Blackwater: The rise of the world’s most powerful mercenary army*, Nation Books, 2007, Chapter 16. Quotations from this book are cited in this research in accordance with the Spanish version, *Blackwater: El auge del ejército mercenario más poderoso del mundo*, Paidós, Trans. Albino Santos y Gemma Andújar, 2008.

⁷¹ Krahmann, E., *Private Security Companies and the State Monopoly on Violence: A Case of Norm Change?*, Peace Research Institute (PRIF)-Reports No. 88, 2009, at. 14. See also US Government Accountability Office (GAO) Report “Rebuilding Iraq. Actions needed to improve use of private security providers”, July 2005, p. 3: “The use of private security providers reflects the uncertain security environment that was, and is still being encountered in Iraq, as well as the fact that providing security for agencies and contractors is not part of the U.S. military’s stated mission. U.S. military forces in Iraq provide security only for those DOD civilians and contractors who directly support the military’s mission.[...]”

In Iraq, as elsewhere, the U.S. Ambassador, as Chief of Mission, has overall responsibility for the security of U.S. government executive branch employees, except for those under the force protection of the combatant commander. However, individual U.S. government agencies have had to arrange for their own security services. As neither DOD nor the Department of State is responsible for providing security to reconstruction contractors, the terms of their contracts require reconstruction contractors to provide for their own security; and, they typically have done so by awarding subcontracts to private security providers...”

⁷² See Christian Miller, T., “Private contractors outnumber US troops in Iraq”, *Los Angeles Times*, July 4, 2007, citing as of February 2007 180,000 (civilian) contractors versus 160,000 U.S. troops. See also, Congressional Budget Office (CBO), *Contractors’ Support of U.S. Operations in Iraq*, at. 1.

⁷³ Schreier, F., Caparini, M., *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Occasional Paper Nº 6, March 2005, p. 1-2.

⁷⁴ Annex C – *Extractors, Constructors and other non-PMSCs organizations hiring PMSCs in Iraq*. It provides information about 11 non-PMSCs.

⁷⁵ Schreier, F., Caparini, M., *Privatising Security...*, *op. cit.*, at 22.

⁷⁶ Barstow, D., “Security Companies: Shadows Soldiers in Iraq”, *New York Times*, April 19, 2004.

⁷⁷ See details in Scahill, J., *Blackwater...*, *op. cit.*, p. 28, 126, 205. Also, “Blackwater Invoices Detailing Charges of \$1200 Per Day for Security Agents” *Hearing on Private Security Contracting in Iraq and Afghanistan*, Committee on Oversight and Government Reform, 2 October, 2007, available at http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=3912&Itemid=2 (last visit September 2011).

London newspaper *The Times* referred to the private security market in Iraq in the following terms: "In Iraq, the postwar business boom is not oil. It is security"⁷⁸. The prominent position of private security companies in Iraq led to the foundation of an industry trade group, the Private Security Company Association of Iraq (PSCAI)⁷⁹.

While initially U.S. public opinion seemed to be in general unaware of the extent of the privatization policy applied in Iraq, by 2004 some high-ranking military officials were already questioning this course of action, complaining that the "attractive salaries" offered by some PMSCs were resulting in the loss of some of the most expert members of elite forces just at the time they were most needed⁸⁰. As some analysts have reported: "competition over elite troops from PMCs working in Iraq [was] so intense that the US Special Operations Command [...] formulated new pay, benefits, and educational incentives to try to retain them and in the UK, it [...] led the Army to offer soldiers yearlong "sabbaticals" to staunch the long-term damage being caused by elite troops leaving to work for PMCs in Iraq"⁸¹. But civilian contractors, at least those working on reconstruction tasks for U.S. agencies, were prepared to accept this high cost, not only because of the unsafe environment and the wave of violence and kidnappings affecting their workers and activities, but also because they in turn invoiced the costs of security back to the federal government agency which granted them the contracts. In 2008, the UN Working Group for the Use of Mercenaries (UNWG) noted that "contractors in Iraq may allocate some 25 per cent of their budget to private security"⁸². In the final analysis, this has meant less money for the genuine reconstruction efforts and the funding of private security via the reconstruction budget; what is more, some PMSCs have been accused of tax fraud and other corruption offences such as overbilling for services whose prices were cheaper or which ultimately were not delivered⁸³. Most importantly, this *modus operandi* turned the right to security into a privilege only affordable to some, but definitely not to the Iraqi population.

With regard to the use of PMSCs by government agencies, the fact that the highest U.S. public officers in Iraq, such as the special envoy and CPA Chief for the first year of occupation, Paul Bremer, and his successor John Negroponte, as well as other foreign governments⁸⁴ entrusted their security to PMSCs clearly indicates the key role of the private security industry in the postwar period. Furthermore, the massive recourse by governments to PMSCs provided them with a sort of legitimacy difficult to conceive before the beginning of the so-called "war on terror". Since then, the PMSC industry has started a rebranding campaign which tries to dissociate them from the concept of mercenarism and connect their services to humanitarian functions, like reconstruction and stabilization, as well as to "legitimate" clients⁸⁵. Part of this promotion campaign was the establishment of industry trade groups such as the International Stability Operation Association (ISOA), formerly IPOA, and the British Association of Private Security Companies (BAPSC)⁸⁶, through which the industry has sought respectability, particularly following public concerns about abuses committed by private contractors in Iraq and elsewhere⁸⁷. Ultimately, though, the turning point in this campaign came when in February 2006 the Pentagon's Quadrennial Defense Review officially recognized private contractors as part of the U.S. military's Total Force. It turned the hiring of PMSCs into the U.S. official policy. The statement in June 2006 of Gregory B. Starr, Deputy Assistant Secretary for Countermeasures at the Bureau

⁷⁸ Hider, J., "Soldiers of fortune rush to cash in on unrest in Baghdad", *The Times*, March 31, 2004.

⁷⁹ See <http://www.psc.ai.org/>

⁸⁰ Scahill, J., *Blackwater...*, *op. cit.*, at. 205.

⁸¹ Schreier, F., Caparini, M., *Privatising Security...*, *op. cit.*, p. 20-21.

⁸² A/HRC/7/7, para. 43.

⁸³ See Annex, External Information for Custer Battles; Agility Logistics. See also regarding Blackwater, Scahill, J., *Blackwater...*, *op. cit.*, p. 131 and 219.

⁸⁴ The ambassador of the Swiss Government was also protected by employees of the South African PMSC Meteoric Tactical Solutions. See Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación Internacional de las empresas militares y de seguridad privadas*, Centro de Estudios Internacionales (CEI), 2010, p. 59.

⁸⁵ See Annex/Security force International America LLC/Internal Information.

⁸⁶ See *infra* Section 4.

⁸⁷ See *infra* Section 3.



of Diplomatic Security, before the House Government Reform Subcommittee on National Security, Emerging Threats, and International Relations visibly reflects the acceptance and recognition of PMSCs:

"I would like to say that our ability to provide protective operations on the scale required in this high-threat environment would not have been possible without using private security providers. The number of personal security specialists we utilize in Iraq alone is more than all the Diplomatic Security agents we have globally. We could not have hired and trained new agents to meet this requirement as rapidly as the contractors met the requirement, even if we had the funding and FTE [Full-Time Equivalents] available. Meeting this relatively short duration requirement using competitively bid contractors along with establishing high standard requirements is the best possible solution for these circumstances"⁸⁸.

In any case, this privatization policy has been accepted and will continue to be implemented in Iraq in the near future. Despite reports indicating that violence has significantly diminished in Iraq since the worst period in 2006 and 2007, the current situation in the country is still considered "at a critical juncture"⁸⁹, and insurgent and militia's attacks occur almost on a daily basis⁹⁰. According to news information dated from last August 2011, Iraqi Prime Minister Maliki considers that "Iraq's security forces can contain the threat, but some officials acknowledge gaps in their military capabilities", and actually, "Iraqi officials have said they are leaning toward signing agreements with civilian trainers" in order to strength those capabilities⁹¹. Furthermore, owing to the content of the U.S. Government's bilateral Security Agreement with the Government of Iraq, the United States has to implement - until December of 2011 - a transition from a largely military presence (developed under the authority of the Department of Defense (DoD) to a civilian-led diplomatic model (Department of State (DS))⁹². DS Deputy Assistant Secretary for International Programs acknowledged in a statement on June 2010 that "in order to succeed we need to continue our use of private security contractors (PSCs). Carrying out this mission successfully will require the full utilization of all available security assets including the services of PSCs"⁹³. Recent reports from the U.S. Congressional Research Services of May 2011 further confirm and specify this plan:

"As the military continues to withdraw from Iraq, the Department of State will assume greater responsibility for providing security and will have to hire more PSC personnel. It is estimated that the number of security contractors working for the State will increase to approximately 5,500, with some 1,500 providing

⁸⁸ As quoted in <http://usiraq.procon.org/view.answers.php?questionID=000926>, last visit June 2011.

⁸⁹ "Terrorist and insurgent groups are less active but still adept; the Iraqi army continues to develop but is not yet capable of deterring regional actors; and strong ethnic tensions remain along Iraq's disputed internal boundaries. Although a government has finally been formed, it remains to be seen how cohesive and stable it will be", *Iraq: the transition from a military mission to a civilian-led effort*, A Report to the members of the Committee on Foreign Relations- United States Senate, January 31, 2011, p. 4

⁹⁰ See the latest report of UN Secretary General on the work of United Nations Assistance Mission for Iraq (UNAMI), S/2011/435, 7 July, 2011, para. 51: "There have also been increased levels of indirect-fire attacks against the bases of the United States Forces in Iraq as well as against Baghdad International Airport and the International Zone in Baghdad. On 15 May, 11 rockets (107-mm) struck the International Zone, the highest recorded number in a single day in the past two years, followed by 4 additional rockets on 9 June. These incidents, together with ongoing bomb attacks by armed opposition groups, underline the continuing threat United Nations operations face in Iraq."

⁹¹ *Reuters*, "U.S. troops in Iraq will need immunity: U.S. chief", August 2, 2011, <http://www.reuters.com/article/2011/08/02/us-iraq-usa-idUSTRE7711PX20110802>

⁹² *Agreement between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq*, January 2009. It is also referred to as "U.S.-Iraq Bilateral Security Agreement", and/or "U.S-Iraq SOFA".

⁹³ Statement of Charlene Lamb Deputy Assistant Secretary for the International Programs Directorate of the Diplomatic Security Service Department of State before the Commission On Wartime Contracting Hearing on "Private Security Contractors (PSCs) in Iraq: Where Are We Going?" June 21, 2010.

personal security for diplomatic movements and an additional 4,000 providing perimeter security⁹⁴.

The companies

Despite the massive recourse to PMSCs and the requirement set forth in Memorandum 17 of the Coalition Provisional Authority (CPA) that all PMSCs must be registered with the Iraqi Ministry of Interior (Mol) by June 1, 2005⁹⁵, governments have been unable to determine the exact number of PMSC deployed in Iraq. Estimations in this regard vary according to the source, the year under consideration and the manner under which PMSCs are counted, and hence an accurate count remains in flux and difficult to verify.

In years 2004 and 2005, sources like the U.S. Department of Defense (DOD) or the CPA estimated the presence of around 60 private security contractors employing between 20,000 and 25,000 personnel⁹⁶. In June 2006, the U.S. Government Accountability Office (GAO) report stated that "in March 2006 the Director of the Private Security Company Association of Iraq estimated that approximately 181 private security companies were working in Iraq with just over 48,000 employees"⁹⁷. In contrast, however, a later GAO report published in December of the same year revealed that U.S. military "officials were unable to determine how many contractors were deployed to bases in Iraq"⁹⁸. Likewise, in 2008 the US Congressional Research Service (CRS) reported that some 50 private security contractors employing more than 30,000 employees were working in Iraq, an estimate based on correspondence with the Director of the PSCAI, Lawrence Peter⁹⁹. According to other sources, however, at least 60 PSCs were employed in Iraq in 2008, when "an estimated 25,000-30,000 armed security guards worked for US agencies as the DoD and the State Department... [while] reconstruction firms, international organization, NGOs and private businesses employed another 48,000 private security guards"¹⁰⁰. In July of 2010, Commission on Wartime Contracting in Iraq and Afghanistan stated that the US Department of State (DoS) alone employs about 2,700 security contractors in Iraq and that the Department will need between 6,000 and 7,000 security contractors for the future¹⁰¹. Concerning the period after the U.S. military withdrawal by the end of 2011, the U.S. Senate Foreign Relations Committee reported that "current planning calls for 5,500 security contractors to be employed by the State Department in Iraq, roughly double the current number and not including the Office of Security Cooperation"¹⁰². As for the current situation, the latest data –again based on information provided by the Director of the PSCAI – suggested that, as of December 2010, "there were 100 PSCs registered and licensed (or

⁹⁴ Schwartz, M., "The Department of Defense's Use of private security contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress", Congressional Research Service (CRS), May 13, 2011, p. 12 (hereinafter CRS Report 2011). See also Zenko, M., "It's hard to say goodbye to Iraq", *Foreign Affairs*, July 28, 2011: "After 2011, the U.S. civilian presence in Iraq will remain massive. The State Department will eventually deploy some 17,000 personnel at 15 sites across the country, 5,100 of whom will be security contractors."

⁹⁵ See infra Section 4, Iraqi Law.

⁹⁶ See Public Broadcasting Service's Frontline Series, *Private Warriors* (June 2005). Available at: <http://www.pbs.org/wgbh/pages/frontline/shows/warriors/view/#lower>

⁹⁷ GAO, *Rebuilding Iraq: Actions Still Needed to Improve the Use of Private Security Providers*, statement of William Solis, Director, Defense Capabilities and Management, June 2006

⁹⁸ Report to Congressional Committees, *Military Operations: High-Level DOD Action Needed to Address Long-standing Problems with Management and Oversight of Contractors Supporting Deployed Force*, United States Government Accountability Office, December 2006.

⁹⁹ Elsea, J.K., "Private Security Contractors in Iraq: Background, Legal Status and Other Issues", Congressional Research Service (CRS), August 25, 2008. (Hereinafter CRS Report 2008)

¹⁰⁰ Krahmann, E., *Private Security Companies...*, *op. cit.*, p. 11.

¹⁰¹ "Special Report on Iraq transition planning: Better planning for defense-to-state transition in Iraq needed to avoid mistakes and waste", *Commission on Wartime Contracting in Iraq and Afghanistan*, CWC Special Report 3, July 12, 2010, p. 6. See also, *Deputy Assistant Secretary for International Programs Charlene Lamb's Remarks on Private Contractors in Iraq*, June 21, 2010, <http://www.state.gov/m/ds/rls/rm/143420.htm>.

¹⁰² Committee on Foreign Relations, *Iraq: the transition from...* *op. cit.*, p. 10.



in the process of renewing their license) with the Ministry of Interior (72 Iraqi companies and 28 foreign companies)¹⁰³. Mr. Peter further stated that since the Iraqi Ministry of Interior (MoI) began the licensing program in 2005 a total of 129 licenses have been issued, of which “approximately 30 PSCs have either had their license revoked, let their license lapse, or have gone out of business”¹⁰⁴.

In practice, these estimates are extremely difficult to verify since neither the Iraqi Ministry of Interior (MoI) nor its counterpart in the Kurdistan region - both in charge of the PMSCs’ registration and license processes - have ever made public any list of private security companies officially registered and licensed¹⁰⁵. Furthermore, the PSCAI’s website is not updated in this regard, so the names of the above-mentioned 100 PSCs currently operating in Iraq are unknown¹⁰⁶. Moreover, data from Iraqi media in this regard are scarce, and much of the information released by U.S. media agencies is based partially on a database of contractors in Iraq obtained under the *Freedom of Information Act* - which allows the public access to government records - but this law requires the U.S. agencies to provide only information as of the date of the request so the census could not be updated¹⁰⁷. In fact, U.S. government agencies have noted that the actual numbers of PMSCs’ employees working in Iraq vary widely on a daily basis due to personnel rotations, medical evacuations, and R&R travel, and depend on a variety of factors, including troop strength and operational need¹⁰⁸. On the other hand, account has to be taken of the fact that a single PMSC can work simultaneously for more than one client, and that some of the abovementioned estimates possibly do not include Iraqi PMSCs, to which we will refer below. Furthermore, some studies which provide estimates in this regard include within the count all types of civilian contractors, only a proportion of whom are military security providers¹⁰⁹. Other figures do not include within the census those contractors who trained security forces, analyzed intelligence, or conducted interrogations¹¹⁰, thus an important portion of military security companies is missing. Finally, some studies focus only on private security contractors while companies providing specialized military services are apparently beyond scrutiny.

Given the difficulties involved in confirming estimates and obtaining uniform information in this regard, this report has conducted its own analysis based on a study of 84 multinational – non-Iraqi – PMSCs (see Annex A¹¹¹). There are some relevant data on PMSCs arising from this investigation.

Firstly, according to the analysis most of the non-Iraqi companies which are or have been operating in Iraq between 2003 and 2011 have the United States as a country of origin – country in which the PMSC is based or has its main headquarters - (45 PMSCs); it is followed by 18 United Kingdom-based companies; 6 from United Arab Emirates¹¹²; 5 from France; 4 from South Africa; Canada, Germany and Israel with 2 each; and Australia, Barbados, Czech Republic, Kuwait and Spain with 1 company each¹¹³. Rumors spread in Iraqi news about the presence of Iranian PMSCs working in Iraq with the approval of the MoI, but the Iraqi ex minister of interior Mr. Jwad Al-Bolany denied the information in a recent interview on Iraqi television stating that “the Iraqi companies law didn’t put any restrictions on any State’s company for working in Iraq but I haven’t heard of the MOI giving any operating license to an Iranian PMSC”¹¹⁴.

¹⁰³ CRS Report 2011, op. cit., at. 3.

¹⁰⁴ Ibid.

¹⁰⁵ Before the closing of this research the UNWG has made public its report on the mission to Iraq. It reports that “Working Group was informed by the Ministry of the Interior that 117 PMSCs are currently licensed (or in the process of renewing their license) [...] [o]f these, 89 companies are Iraqi and 28 are foreign”; A/HRC/18/32/Add. 4, 12 August 2011, para. 12.

¹⁰⁶ <http://www.psc.ai.org>, Last visit 10th June 2011.

¹⁰⁷ <http://www.derechos.org/nizkor/excep/contractors.html>

¹⁰⁸ CRS Report 2008, op. cit., p. 9 and 11.

¹⁰⁹ Fonatain, R., Nagl, J., *Contracting in Conflicts. The Path to Reform*, June, 2001, at 12.

¹¹⁰ CRS Report 2011, op. cit.

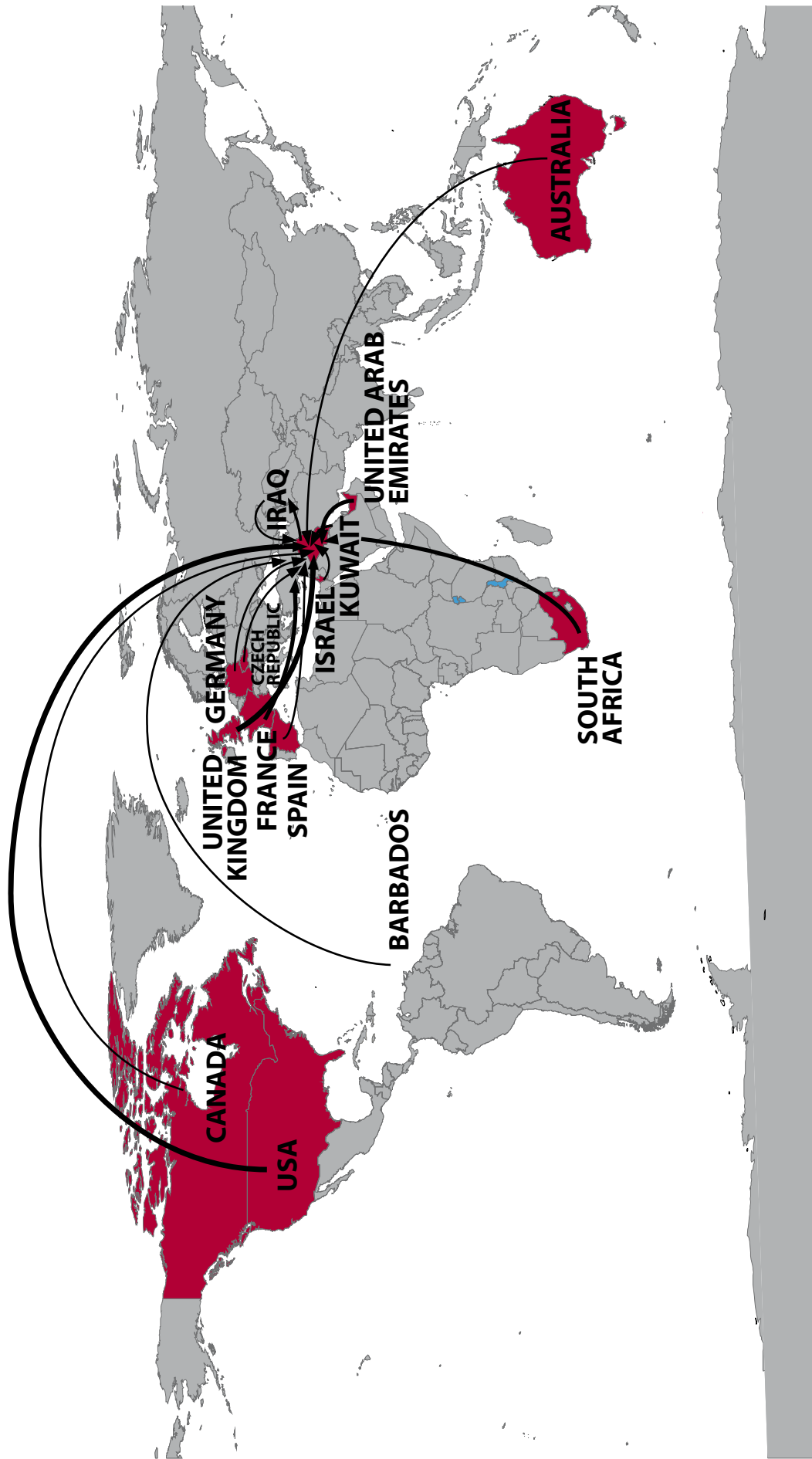
¹¹¹ Annex A – *Multinational Private Military and Security Companies in Iraq*.

¹¹² Even though the *Eryns* official website states that its headquarters are based in United Arab Emirates, many sources identify the company as British-owned. See *The Economist*, “Mercenaries: The Baghdad boom”, 25 March 2004.

¹¹³ In this regard the UNWG has also cited the following source: “Nouveaux mercenaires: que fait la Suisse?” Plateforme d’information humanrights.ch.

¹¹⁴ Interview broadcasted through *Al Hurra* satellite channels, 27/7/2011. Information provided by our field researchers in Iraq.

List of PMSCs under study Headquartered in the following countries





USA

1. AIRSCAN INC
2. BH DEFENSE
3. CACI
4. COCHISE CONSULTANCY
5. COMPUTER SCIENCES CORPORATION (CSC)
6. CRESCENT SECURITY GROUP
7. CSS ALLIANCE
8. CUBIC
9. CUSTER BATTLES
10. DILIGENCE LLC
11. DTS SECURITY
12. DYNACORP INTERNATIONAL
13. EODT
14. H3 LLC (High Security Solutions)
15. KBR
16. KROLL
17. L-3 COMMUNICATIONS
18. MPRI
19. MUSHRIQUI CONSULTING
20. MVM INC.
21. NOBLE PROTECTIVE SERVICES
22. NOUR USA LTD.
23. PARATUS WORLDWIDE PROTECTION
24. PROTECTION STRATEGIES INCORPORATED
25. REED INC.
26. RONCO CONSULTING CORPORATION
27. SAIC (SCIENCE APPLICATIONS INTERNATIONAL CORPORATION)
28. SALLYPORT GLOBAL HOLDING
29. SECURIFORCE INTERNATIONAL AMERICA LLC
30. SPECIAL OPERATIONS CONSULTING-SECURITY MANAGEMENT GROUP (SOC-SMG).
31. STEELE FOUNDATION
32. SYTEX GROUP INC.
33. TIGERSWAN
34. TITAN
35. TRIPLE CANOPY
36. U.S. INVESTIGATIONS SERVICES (USIS)
37. U.S. TRAINING CENTRE (a XE company)
38. UNITED PLACEMENTS
39. UNIVERSAL SECURITY
40. VINNELL (Today is part of Northrop Grumman Mission Systems)
41. WAMAR INTERNATIONAL, INC
42. WORLDWIDE LANGUAGE RESOURCES INC
43. XE (formerly Blackwater)
44. ZAPATA INC
45. ZKD, LLC

UNITED KINGDOM

46. AKE
47. AEGIS
48. ALFAGATES
49. ARMORGROUP
50. BLUE HACKEL
51. BRITAM
52. CASTLEFORCE
53. CENTURION RISK ASSESSMENT SERVICES
54. CONTROL RISKS
55. EDINBURGH INTERNATIONAL
56. G4S
57. GENERIC SECURITY
58. GLOBAL STRATEGIES GROUP (formerly Global Risk Strategies)
59. HART SECURITY
60. JANUSIAN SECURITY RISK
61. OLIVE GROUP
62. PILGRIMS SECURITY
63. TOR INTERNATIONAL

ISRAEL

64. INTERNATIONAL SECURITY ACADEMY
65. INTEROP

UNITED ARAB EMIRATES

66. ARDAN CONSULTING
67. ERINYS
68. ISI
69. SKYLINK ARABIA (SKA ARABIA)
70. STREIT GROUP
71. UNITY RESOURCES GROUP

SOUTH AFRICA

72. BLACKHAWK SECURITY
73. METEORIC TACTICAL SOLUTIONS
74. OMEGA RISK SOLUTIONS
75. SAFENET SECURITY SERVICES

KUWAIT

76. AGILITY LOGISTICS

CANADA

77. GARDA WORLD
78. GLOBE RISK INTERNATIONAL

AUSTRALIA

79. BLP

GERMANY

80. TOIFOR
81. TRANS ATLANTIC VIKING SECURITY (a German-American PMSC)

BARBADOS

82. GREYSTONE

CZECH REPUBLIC

83. SSL (Safe Security)

SPAIN

84. SERVICIO GLOBAL DE SEGURIDAD E INTELIGENCIA

FRANCE

85. ALLIED INTERNATIONAL CONSULTANTS AND SERVICES (AICS).
86. AMARANTE INTERNATIONAL
87. ANTICIP
88. GALLICE SECURITY
89. GROUPE GEOS

IRAQ

90. ABABEEL
91. AHMED HASSAN PIRDAOOD
92. AL DIR' AL-WATANY (NATIONAL SHIELD SECURITY) NSS
93. ALMCO
94. AMERICAN IRAQI SOLUTIONS GROUP (AISG)
95. BAHEZ
96. BABYLON EAGLES SECURITY COMPANY
97. BEKHMA'S SPECIAL PROTECTION (BSP)
98. FALCON GROUP (also known as FALCON IRAQ)
99. FIAFI GROUP
100. NIMROOD AL RAFEDAIN
101. PASAWAN (Kurdistan)
102. SABRE INTERNATIONAL
103. SOUTH SERVICES CO. FOR SECURITY & PROTECTION
104. 77 GROUP COMPANY (Kurdistan)
105. TAJ AL-RAFIDEN

Secondly, more than 70 of the PMSCs studied deployed in Iraq for the first time between 2003 and 2006 but, since there is no official list of PMSCs currently operating in Iraq, we cannot confirm whether they remain in the country or are working under a valid license.

Thirdly, regarding registration and license, out of the PMSCs under analysis only 34 had officially registered with the Baghdad or Kurdistan Regional Government (KRG) Ministry of Interior as of 25 November 2006¹¹⁵, one year and a half after the deadline – June 1, 2005 – established by CPA Memorandum 17; another 4 were in process of registering at that date¹¹⁶. But according to our research, several companies which operated in Iraq in 2006 had not registered with the Baghdad and/or KRG Mol, including some top companies holding contracts with the U.S. DoD and DoS like BH Defense, CACI, DynCorp International, and G4S.

Fourthly, another relevant feature arising from the analysis of the PMSCs operating in Iraq relates to the connections that some of these companies have, or had at some time, with former government military-political-intelligence officers. A common example, already mentioned by the UNWG, is the engagement “in their executive board structure of former military personnel of high rank, or senior officers of the civil or the intelligence services, a phenomenon many scholars describe as the ‘revolving door syndrome’”¹¹⁷. Out of the PMSCs analyzed, we have found this connection in at least 32 companies which are or have been present in Iraq¹¹⁸. Another modality of government-connection is contracting lobbyists with high level contacts in order to promote the company’s services in government institutions. Apparently, the company Blackwater was the industry leader in using this tool but other corporations such as Steel Foundation, Global Risk Strategies or Computer Science Corporation (CSC) followed its example¹¹⁹. Finally, in relation to this *modus operandi* and the corporate nature of PMSCs, the analysis conducted also makes visible a close correlation between the companies themselves as well as with other corporate entities, creating a collage composed of foreign subsidiaries, parent corporations and associate entities, each of them – as separate legal entities – with their respective spheres of activity and influences/contacts. Through excerpts related in its website, the history of Dyncorp International, at some point joined to CSC, illustrates the complex corporate structure of PMSCs:

“DynCorp International LLC has its origins with two companies formed in 1946 — Land-Air, Inc., and California Eastern Airways.[...]

In 1998, DynCorp established DynCorp Technical Services, Inc. (DTS), and transferred its existing aerospace and international-division business—including contracts later held by DynCorp International—to the new DTS subsidiary.[...]

In March 2003, DynCorp and its subsidiaries were acquired by Computer Sciences Corporation (CSC). DynCorp remained the parent of its existing subsidiaries, including DTS and DynCorp International LLC, and CSC became their ultimate parent.

In 2004, CSC made a strategic decision to divest itself of its non-core businesses, including security and aviation services. As part of that decision, CSC transferred its aviation services business segment into a separate CSC subsidiary, DTS Aviation Services.

On December 12, 2004, DynCorp and CSC entered into an agreement to sell DynCorp International LLC, including its subsidiaries Dyn Marine Services LLC and DTS Aviation Services LLC, to DI Acquisition Corp, an affiliate of Veritas Capital Management. The sale closed on February 11, 2005, and the purchaser was

¹¹⁵ According to a PSCAI’s members list that includes PSCs’ status of Mol registration as of November 25, 2006. See <http://www.psc.ai.org>.

¹¹⁶ These were: BritAm Defense, EODT, Falcon, Reed Inc., and Universal Security LLC.

¹¹⁷ A/HRC/7/7, para. 30.

¹¹⁸ See Annex A, particularly information on PMSC Erinyes, which reportedly has close ties to the former Iraqi exile Ahmed Chalabi.

¹¹⁹ See details in Annex A. On this issue, Scahill, J., *Blackwater: The rise... op. cit.*, p. 204.



renamed DynCorp International Inc. DynCorp International Inc. is the corporate parent of DynCorp International LLC.

On April 12, 2010, DynCorp International and private investment firm Cerberus Capital Management, L.P. announced a proposed merger, which was completed on July 7, 2010. As a result of the merger, DynCorp International became a private, wholly-owned subsidiary of entities created by affiliates of Cerberus¹²⁰.

Fifthly, apparently the companies politically better positioned have obtained the most prestigious and lucrative governmental contracts in the private security market in Iraq and become leading companies in the sector. They include contracts awarded under what is known as the Worldwide Personal Protective Services (WPPS) program of the US Department of State, a “diplomatic security” initiative used – as far as Iraq is concerned – to provide bodyguards and static guards (i.e. guards for buildings and other infrastructure) throughout Iraq¹²¹, and, according to certain sources, also services of military support and intelligence¹²². In 2005, the three PMSCs hired under the WPPS II¹²³ umbrella contract were Blackwater, Dyncorp International and Triple Canopy. Over the next several years, these companies have been awarded assignments under the WPPS II contract to provide security in other countries such as Israel and Afghanistan¹²⁴.

Furthermore, amongst these have been the prominent contracts for security services of the Department of Defense: 1) for the protection of the highest U.S. public officers in Iraq, such as the U.S. proconsul and CPA Chief for the first year of occupation, Paul Bremer, and later his successor U.S. ambassador John Negroponte, which were awarded to Blackwater; and 2) the contract for the coordination and supervision of movements and activities of all (transnational) PSCs operating in Iraq, and the gathering and dissemination of information on the security situation in Iraq, granted in the summer of 2004 to Aegis Defense Services Limited.

Finally, when examining the development of the PMSC industry in Iraq a last word should be said about the increasing presence of Iraqi PMSCs in recent years. This research has found that at least 66 PMSCs have their headquarters in Iraq or are “categorized” as Iraqi PMSCs, but official information in this regard could only be found for 16 companies (Annex B)¹²⁵. However, in its last visit to the country in June 2011 the UNWG was informed by the Mol that 89 out of the 117 PMSCs currently licensed are Iraqi companies¹²⁶. The UNWG’s report further noted that “it is not clear to what extent the companies categorized as Iraqi are in fact owned and managed by Iraqis”, and cites as an illustration the case of PMSC Sabre International which presents itself as “Iraqi-registered, foreign-owned and managed”¹²⁷. According to our investigation this suspicion is very difficult to verify as official information is scant for most of the 16 companies studied here. Nonetheless, according to official information divulged by PMSCs, it is true that several Iraqi companies, apart from Sabre International, are managed by foreign nationals¹²⁸, have employed foreign citizens, and have worked for foreign clients as well¹²⁹. Furthermore, while at first sight it may seem that

¹²⁰ See Annex A; and, <http://www.dyn-intl.com/history.aspx>.

¹²¹ CRS Report 2008, *op. cit.*, p.7.

¹²² Scahill, J., *Blackwater...*, *op. cit.*, p. 218-219.

¹²³ “The first WPPS contract was awarded by the Department in March 2000 to Dyn-Corp International (DynCorp) for personal protective services in the former Yugoslavia, with subsequent deployment of personnel to the Palestinian Territories in July 2002 and Afghanistan for the Karzai Protection Detail in November 2002.”, United States Department of State and the Broadcasting Board of Governors, Office of Inspector General, Middle East Regional Office, *The Second Worldwide Personal Protective Services Contract: Management by the Bureau of Diplomatic Security and Contractor Performance, Capping Report*, Report Number MERO-I-10-08, August 2010, p. 7.

¹²⁴ Ibid.

¹²⁵ See Annex B - *Iraqi Private Military and Security Companies*.

¹²⁶ UNWG Report Mission to Iraq, *op. cit.* para.12.

¹²⁷ Id. Para.19.

¹²⁸ See Annex, information on American Iraqi Solutions Group (AISG), Falcon Group,

¹²⁹ See for example information on Almco, Babylon Eagles Security Company, Bekhma’s Special Protection (BSP), Falcon Group,

the increasing presence of Iraqi PMSCs is a prominent feature of the recent evolution of the security privatization phenomenon in Iraq, the information available in this regard reveals that the development of the Iraqi PMSC industry started as early as in 2004, as most of the Iraqi PMSCs were founded or already operating in Iraq that year.

The personnel

It is estimated that citizens of at least 30 countries have worked as security/military contractors in Iraq¹³⁰. According to our examination and sources consulted, we have found the following nationalities: American, Australian, Austrian, Bosnian, British, Bulgarian, Canadian, Chilean, Colombian, Croatian, Dutch, Egyptian, French, Salvadorian, Fijian, German, Honduran, Hungarian, Indian (*Gurkhas*), Iraqi, Japanese, Jordanians, Lebanese, Macedonian, Mozambique, Nepali, New Zealand, Ugandan, Peruvian, Pakistanis, Philippine, Polish, Portuguese, Romanian, Russian, South African, South Korean, Swedish, Turkish and Ukrainian¹³¹. Thus PMSCs employees working, or who have ever worked, in Iraq can be divided into four groups: 1) U.S. nationals; 2) expatriates, or sometimes also called “Coalition nationals”, such as Australian, British, Canadian and South African; 3) third-country nationals; and 4) local nationals, i.e. Iraqi.

This classification also serves to explain certain features surrounding PMSCs personnel in Iraq such as their background and expenses:

“U.S. and coalition nationals often have military or law enforcement experience and are generally the easiest to vet through a background check. Third-country nationals are generally cheaper than U.S. coalition contractors, even though some third-country nationals have extensive military training and experience. Local nationals are generally the least expensive to hire, in part because there are no large overhead costs related to transportation, housing, and sustenance. Using local nationals as security contractors can also provide a number of potential benefits, such as providing jobs, building relationships and developing contacts with the local population, and having a security force that has a better understanding of the region. However, local nationals are often more difficult to screen and can be more easily infiltrated by hostile forces”¹³².

Apparently, the recruitment and training of nationals other than American is expressly authorized under WPPS contracts, which also allows PMSCs to carry out protective security missions with them in other countries. WPPS contracts further specify that American employees may be provided with a passport appropriate to their situation, either official or diplomatic.¹³³ The recruitment of nationals from developing countries to work for PMSCs in Iraq has been identified in most of the companies studied here¹³⁴. In some instances, this has raised tensions and concerns in their countries, as illustrated by the reported 2007 incident concerning PMSC SOC-SMG in Namibia¹³⁵. In other instances,

¹³⁰ CRS Report 2011, *op. cit.*, p. 3, quoting a conversation with Peter Singer of the Brookings Institution in 2007.

¹³¹ See Annex A. Also, the UNWG Report A/HRC/7/7, para.31. And <http://icasualties.org/Iraq/Contractors.aspx>

¹³² CRS Report 2011, *op. cit.*, p. 4.

¹³³ Scahill, J., *Blackwater...*, *op. cit.*, p. 219.

¹³⁴ Data gathered in this regard point out to around 56 PMSCs employing nationals from developing countries; see Annex A.

¹³⁵ “[In October 2007] Namibian authorities ordered the deportation of two Americans working for a security firm (Special Operations Consulting-Security Management Group, SOC-SMG) that were trying to recruit Namibians to work as guards at U.S. facilities in Iraq and Afghanistan. The Namibian Government also recommended the closure of the local branch of the firm. The company had aimed to recruit at least 3000 Namibians to work in Iraq and Afghanistan through a local employment agency, with promised salaries of \$1000 per month”, Lazala, M., “Private military and security companies and their impacts on Human Rights in contexts other than war”, *Business & Human Rights Resource Centre*, January 2008, http://www.havenscenter.org/files/Lazala%20Paper_0.doc



the UNWG has denounced deceptive recruitment, contractual irregularities and poor working conditions¹³⁶. While personal motivation to engage in this profession may vary according to different factors it is patent that “the majority of third-country nationals have accepted jobs as ‘private security guards’ for socio-economic reasons such as unemployment, debts or... other opportunities”¹³⁷. In contrast, testimonies given by western private security contractors cite a series of motives among which is clearly the prospect of monetary gain, specially a tax-free salary, but also the willingness to practice the military training they have acquired, the temporary nature of the job, the adventure and even ideological reasons¹³⁸.

Differences between contractors are also evident when comparing the scales of salaries of employees, which are highly unequal depending on the country of origin. In general terms, “[t]he highest amounts are paid to highly trained and experienced former military personnel from the United States and British Commonwealth, with lower amounts paid to personnel from developing countries such as Chile and Nepal, and the lowest amounts going to locally hired Iraqis”¹³⁹. In particular, information has been found of wages of UK-based PMSC *GLOBAL* of more than £300 a day for British or US ex-special forces soldiers while only around “£35 a day to its 1,300 force of otherwise unemployed Fijians and Gurkhas”¹⁴⁰. The situation of Iraqi nationals is even worse. Iraqi guards working for PMSC *Eryns* in the protection of oil refineries and gas stations in Iraq have a top wage of about 4 dollars or 6,000 Dinars a day, which is a very poor salary in today’s Iraq. Just by way of reference, in Iraq “one kilo of meat – something which is very important for the family – is 6,000 Dinars (an entire day’s pay); a kilo of apples is 1,250 Dinars.”¹⁴¹. In contrast, *Eryns* South African’s employees are typically paid \$5,000 a month – or about 45 times more than their Iraqi counterparts¹⁴². Apparently, some top salaries are justified as compensation for the potential risks employees will assume in their missions. For example, in his book on PMSC Blackwater USA, Jeremy Scahill notes the following risks mentioned in the contract of one of the four west BW employees killed in the ambush of Fallujah in 2004 while protecting a food convoy:

“being shot, permanently maimed and/or killed by a firearm or munitions, failing aircraft or helicopters, sniper fire, land mine, artillery fire, rocket-propelled grenade, truck or car bomb, earthquake or other natural disaster, poisoning, civil uprising, terrorist activity, hand- to-hand combat, disease, poisoning, etc, killed or maimed while a passenger in a helicopter or fixed-wing aircraft, suffering hearing loss, eye, injury or loss; inhalation or contact with biological or chemical contaminants (whether airborne or not) and or flying debris, etc”¹⁴³

The increasing use of private contractors in Iraq has raised concerns about reliability and quality of PMSCs’ personnel as well. The typical profile required for modern private military security contractors is a person with extensive military experience – often in the form of former personnel coming from elite or special operation forces like U.S. SEAL – and/or with expertise in advance security, possessing weapons qualifications and being physically fit¹⁴⁴.

¹³⁶ A/HRC/7/7, p. 15. This issue is dealt with in Section 3.

¹³⁷ *Id.*, p. 16.

¹³⁸ See Young Pelton, R., *Licensed to Kill: Hired Guns in the War on Terror*, Crown, 2006; Scahill, J., *Blackwater...*, *op. cit.*, p. 128-129, 140-142. See also the documentary directed by Bicanic, N Bourque, J. *Mercenaries*, 2010, available at <http://www.rtve.es/documentostv>

¹³⁹ CRS Report 2008, *op. cit.*, at 5.

¹⁴⁰ *The Guardian*, “Don’t call us mercenaries, says British company with lucrative contracts and cheap labour”, 17 May 2004: <http://www.guardian.co.uk/uk/2004/may/17/military.iraq>

¹⁴¹ *Pacífica Radio*, “More US money and clout for Chalabi family”, 22 April 2004; <http://www.pacificaradio.org/programs/reportfromiraq/PacInIraq-20040422>.

¹⁴² *Ibid.* See also regarding Colombia nationals, Bondía García, D., “Un actor escasamente visualizado en el conflicto armado colombiano: los mercenarios”, in Torroja, H., (dir.), *La privatización del uso de la fuerza armada Política y derecho ante el fenómeno de las “empresas militares y de seguridad privadas”*, J. M. Bosch, Barcelona, 2009, p.155.

¹⁴³ Scahill, J., *Blackwater...*, *op. cit.*, p. 287-288.

¹⁴⁴ See the advertisement of PMSC Aegis for protective security specialist, posted in January 2010, <http://www.aegisworld.com/index.php/careers/confidentiality>; <http://feraljundi.com/jobs/jobs-protective-security-specialist-wpps-oconus/>

PMSCs' representatives usually claim that they only employ high-quality personnel which have been specifically trained prior to their deployment. And U.S. diplomatic officials have stated that: "[i]nsofar as the State Department's security contractors in Iraq are concerned, we demand high standards and professionalism. Those standards include relevant prior experience, strict vetting, specifies pre-deployment training, and in-country supervision"¹⁴⁵. The US DoS selection and vetting process appears to be as follows: firstly, applicants to a PMSC "undergo an initial screening process by their [potential] employer/contractor". In a later stage, a background check [by DS] on both American citizens and foreign national applicants is required to qualify for an appropriate level of security clearance¹⁴⁶; experience requirements are also demanded. Finally, after being approved, the employee received a pre-deployment training. On the side of the PMSC industry, self-regulation measures include the approval of codes of conduct, systems instituted to review standards compliance and procedures to sanction violations of those codes of conduct¹⁴⁷.

Nevertheless, despite efforts to control personnel quality, several aspects still need to be improved. For example, there are news reports of a number of cases of inadequate training and poor equipment¹⁴⁸, including the lack of formal military training for those employees performing such sensitive functions as the interrogation of detainees¹⁴⁹. Further information revealed faults in the screening and vetting processes as well, including incomplete comprehensive criminal background screenings which have resulted in the commission of human rights abuses¹⁵⁰. This point also encompasses the controversy surrounding the recruitment and presence in Iraq of individuals with questionable backgrounds, particularly security personnel coming from former military and police forces of dictatorial or repressive regimes – as is the case of some Chileans and South Africans – but also individuals with previous criminal records of domestic violence – who are actually prevented from carrying firearms under DoD rules¹⁵¹ – and ex-soldiers who had been linked to terrorist groups in the past¹⁵². Moreover, U.S. GAO noted in 2006 that "[n]o U.S. or international standards exist for establishing private security providers and employee qualifications"¹⁵³, a point which, however, seems to have been addressed in recent years. In contrast, the adequacy of the monitoring process when the client of a PMSC is not a government but a private firm or an international organization apparently remains to be resolved. The UNWG has acknowledged in this regard that "[t]he United Nations is using the services of private military and security personnel in some of the conflict zones in which it is engaged. However, it lacks a firm system-wide policy governing the hiring of private military and security companies, including issues

¹⁴⁵ CRS Report 2008, p. 40, quoting "Prepared testimony of Ambassador David M. Satterfield before the House Committee on Oversight and Government Reform".

¹⁴⁶ Ibid.

¹⁴⁷ See for example information on the International Peace Association (IPOA) (now International Stability Operations Association – ISOA –) Code of Conduct and Standards compliance and oversight procedure, in the ISOA website: <http://www.stability-operations.org/>. See also *infra*, Section 4 – International initiatives.

¹⁴⁸ See Annex A/Crescent Security Group/human rights incidents. Also, Hager, M., "Chile's Iraq Mercenaries under investigation by UN Group", *The Santiago Times*, July 9, 2007.

¹⁴⁹ See Annex/CACI/human rights incidents. For details see Section 3, Inherently-related functions violations.

¹⁵⁰ See ArmorGroup statement on Fitzsimons case, 12th August 2009 (see section 4 for details): "we can confirm that in this particular case, there is evidence that Mr Fitzsimons falsified information during the recruitment process and that his screening was not completed in line with the company's procedures"; Annex/ArmorGroup/Official information. See also concerning PMSC Aegis: "Investigators said Aegis Defence Services cannot correctly document that employees are qualified for weapons use and that many of its Iraqi workers have not been properly screened", source access in Annex/Aegis/External information.

¹⁵¹ See Annex A/Crescent Security Group/human rights incidents; "Cutting costs, bending rules, and a trail of broken lives", *Washington Post*, By Steve Fainaru, 29th July 2007.

¹⁵² See Singer, P., "The Private Military Industry and Iraq", *Geneva Centre for the Democratic Control of Armed Forces* (DCAF), Policy Paper, November 2004, p. 9.

¹⁵³ GAO Report GAO, *Rebuilding Iraq: Actions Still Needed...*, *op. cit.*, p. 2.



related to the vetting and monitoring of the companies and their personnel¹⁵⁴.

Finally, and unfortunately, when dealing with private military and security personnel we must also refer to the issue of casualties. An exact count of PMSCs casualties in Iraq remains difficult to confirm, since they are not numbered among official casualties under governmental figures, but the UNWG stated in January 2008 that they constitute the largest number after that of the United States Army and mentioned estimates of around 414 deaths during the period 2003-2007¹⁵⁵. Furthermore, by 2010 the *Iraq Coalition Casualty Count*'s website provides data for a total of 468 casualties since 2003, mentioning also among the causes: rocket fires, kidnaps, suicide and roadside bombs, convoy attacks, ambushes, execution, traffic accidents, homicide and helicopter crashes¹⁵⁶. In this respect, private military security contractors operating in Iraq have been the target of insurgency attacks on several occasions. Their inconsistent dress code does not always enable them to be distinguished from regular soldiers while, at the same time, "they circulate without identification and drive in unidentified sport utility vehicles (SUVs) with tinted glasses and no plates"¹⁵⁷, thus they can also be mistaken for intelligence agents, as apparently was the case in the well-known episode of the killing of four Blackwater guards in Fallujah in March 2004¹⁵⁸.

Activities and services

The general statement regarding the nature of activities of PMSCs is that functions traditionally performed by the security and military apparatuses of States have increasingly been contracted out to PMSCs. In Iraq, this reality has reached a decisive point of expansion, both with regard to the provision of security services, on the one hand, as well as concerning the sort of military services, on the other. Certainly, while the security activities of some private companies have captured most of the media and public attention, the array of services offered and/or performed by private contractors in Iraq has been broader and sometimes maybe better classified under the concept of military services. In fact, some analysts consider that the companies of most concern in terms of regulation are the private military companies (PMCs) insofar as "these are companies that generally work for states and provide military services designed to significantly impact strategic situations"¹⁵⁹. In any case, many companies deployed in Iraq have performed both military and security services and a distinction between PSCs and PMCs is often blurred. Therefore, while CPA regulations simply refer to "private security contractors"¹⁶⁰, for the purpose of this discussion the term "private military/security companies" seems to capture better the essence of the activities performed by private contractors in Iraq. A far more crucial issue is whether these military and security activities involve "inherently governmental functions" thereby imposing restrictions on governments contracting policy.

a) Security services

In particular, when dealing with the class of services provided by private contractors, the case of Iraq is considered "an atypical situation" because there, "the United States is relying heavily for the first time *during combat or stability operations*, on private firms to supply a wide variety of *security services*"¹⁶¹ (emphasis added). As has been noted above, this statement can easily be generalized. Not only governments but also other actors such as most media

¹⁵⁴ A/65/325, para. 31.

¹⁵⁵ A/HRC/7/7, para. 42.

¹⁵⁶ <http://icasualties.org/Iraq/Contractors.aspx>, last visit June 2011.

¹⁵⁷ A/HRC/7/7, p. 22.

¹⁵⁸ Scahill, J., *Blackwater...*, op. cit., p. 146.

¹⁵⁹ Schreier, F., Caparini, M., *Privatising Security...*, op. cit., p. 36.

¹⁶⁰ See *infra*, Section 4-Iraqi Law.

¹⁶¹ CRS Report 2008, op. cit., p. 1; CRS Report 2011, op. cit., p. 1; "The United States also uses contractors (U.S. and foreign citizens) for guard duty at U.S. military installations and U.S. embassies and consulates in a number of countries *where stability generally is not an issue*" (emphasis added).

and international and humanitarian organizations present in Iraq have employed at some time private security workers to secure their facilities and personnel¹⁶². The sort of security services for which private contractors have been hired throughout the country ranges from the more familiar activities involving the armed protection of persons and buildings to new modalities of provision of security. The reality of the private security companies in the field is so diverse that some commentators and experts use a broad definition of 'private security' which includes such activities such as providing intelligence analysis and performing hostage negotiations. In particular, the latest report of U.S. *Congressional Research Services* of May 2011 confirms the division of the services provided by private security contractors in Iraq into two major categories, armed services and unarmed services, stating that the latter actually represent more than 50% of the total revenue. It further classifies them as follows:

"Armed services include:

- Static (site) security — protecting fixed or static sites, such as housing areas, reconstruction work sites, or government buildings;
- convoy security — protecting convoys traveling in Iraq;
- security escorts — protecting individuals traveling in unsecured areas in Iraq; and personal security details — providing protective security to high ranking individuals.

Unarmed security services include:

- operational coordination — establishing and managing command, control, and communications operations centers;
- intelligence analysis — gathering information and developing threat analysis;
- [hostage negotiations¹⁶³]; and
- security training — providing training to Iraqi security forces."¹⁶⁴

According with our survey, out of the 84 PMSCs studied here almost all provide some form of security services. Options quoted in this regard in their websites include: personal, facilities' and convoy protection, security risk analysis and management, safe transportation, security training, security construction, security systems and technology, secure accommodation, corporate and aviation security, maritime and port security, canine services, surveillance and surveillance detection, kidnap/ransom negotiations & response, and security initiatives in counter-terrorism, among others¹⁶⁵. Furthermore, the classification of "armed and unarmed security services" is also mentioned among the information available on the websites of certain PMSCs¹⁶⁶.

Although, in general, the terms of the contracts awarded to PMSCs remain confidential, thus making it difficult to determine the specific security tasks for which the companies have been hired in Iraq, certain information has been released on the following companies providing security services in Iraq under U.S. DoD and DoS contracts¹⁶⁷: 1) *Blackwater USA* (now Xe) signed a DoD contract in 2003 to provide personal protection for CPA chief Paul Bremer as well as other CPA employees and visiting dignitaries; and was also hired under a DoS contract in 2004 to provide security services for the new Baghdad Embassy and its staff.

¹⁶² See sections referring to "clients" in Annex A.

¹⁶³ This service is only quoted by the CRS Report of 2011 which encompasses data on both conflicts of Iraq and Afghanistan.

¹⁶⁴ CRS Report 2008, *op. cit.*, p. 3.

¹⁶⁵ See Annex A, section referring to "services".

¹⁶⁶ See Annex/Noble Protective Services.

¹⁶⁷ See on CRS Report 2008, *op. cit.*, p. 6-9.



2) *Triple Canopy*, was hired under WPPS-II contract in 2004 operating mainly in southern Iraq, and also held a separate DoS contract to provide local guard services for the U.S. Embassy and other sites in the Baghdad Green Zone. 3) *DynCorp International LLC*, was hired under a WPPS-II contract to operate primarily in the northern Kurdish area of Iraq, as well as under a separate DoS contract to provide (Iraqi) police training and related services in Iraq. 4) *EOD Technologies* provided static perimeter and internal security throughout Victory Base Complex in Baghdad. 5) *Aegis Defense Services Limited* holds a contract for coordinating the movement of all DoD, DoS and other participating PSCs throughout Iraq; it also gathers, interprets and disseminates information on the security situation in Iraq.

b) Military services

Besides the unprecedented development of the private security industry, private contractors in Iraq have also acquired new responsibilities in the military field. The UNWG *draft of a possible Convention on PMSCs* proposed the following definition for “military services”:

“specialized services related to military actions, including strategic planning, intelligence, investigation, land, sea or air reconnaissance, flight operations of any type, manned or unmanned, satellite surveillance, any kind of knowledge transfer with military applications, material and technical support to armed forces and other related activities.”¹⁶⁸.

Probably one of the best-known examples regarding privatization of military-related activities is the performance of intelligence services, which have increased in importance since the beginning of the “war on terror”. During the war and occupation of Iraq the performance of intelligence services by PMSCs have included such activities as prison interrogation¹⁶⁹, techniques of foreign documents exploitation¹⁷⁰ and other intelligence systems management¹⁷¹. Likewise, functions of military police such as checkpoints control and detention of persons¹⁷², as well as weapons-related activities, like the provision of technical expertise to operate complex weapons systems¹⁷³, have also been entrusted to private contractors in Iraq¹⁷⁴. Furthermore, military training for national armed forces and local police, including defense tactics, strategic planning and support to use weapons systems, also featured in a number of contracts signed for Iraq¹⁷⁵. Specialized military services such

168 *Draft of a possible Convention on Private Military and Security Companies (PMSCs) for consideration and action by the Human Rights Council*, A/HRC/15/25, Annex, Art. 2. The UNWG report on the mission to Iraq also refers to this definition; A/HRC/18/32/Add.4, para. 3.

169 Two companies, CACI, L-3 (former Titan), have been sued in U.S. courts for torture and other abuses committed by their employees at the Abu Ghraib and other prisons in Iraq while working there as interpreters or translators. See *infra* Section 3. Others such as *Sytex Group Inc* and *United Placement* and *Worldwide Language Resources* have also provided interrogation and translation services in Iraq.

170 See Annex/Sytex Group/External information.

171 See Annex/TITAN/External information/services.

172 “Contract interrogators were used to perform screenings and interrogations at collecting points (CPs) and in internment /resettlement (I/R) facilities to free military interrogators and counterintelligence agents to perform tactical missions at points of capture”, Department of the Army Inspector General-Inspection Report on Detainee Operations, 21 July 2004, p. 87, available at http://www.au.af.mil/au/awc/awcgate/army/ig_detainee_ops.pdf

173 “During the recent operations in Afghanistan and in Iraq, US contractor personnel operated drones such as the Predator unmanned aerial vehicles (UAV), the data links to transmit information, and targeted the newest precision weapons. US forces relied on civilian contractors to run the computer systems that generated the tactical air picture for the Combined Air Operations Center in “Operation Iraqi Freedom”, and the US Navy relied on contractors to help operate the guided missile defence systems on some of its ships”, Schreier, F., Caparini, M., *Privatising Security...*, *op. cit.*, p. 22.

174 Global Strategies Group is in charge of checkpoint controls leading up to the airport *with multiple ID checks and a car X-ray scan for explosive*; See Annex A.

175 PMSC Cubic was awarded a contract for training US military advisors who were going to help the national armies of Iraq and Afghanistan to provide defense and security for populations; see external information on this company in Annex A. See also information on PMSCs Kroll and SOC-SMG.

as mines clearance have been performed by private contractors as well¹⁷⁶. Finally, though it **may be not the rule**, private contractors have also engaged in activities that may amount to “direct participation in hostilities” such as guarding legitimate military targets and combat-related operations sometimes as a consequence of their security duties¹⁷⁷. As for the near future, although military-related activities have apparently decreased in recent years¹⁷⁸ it has been reported that some companies will perform some kind of air reconnaissance and/or armed flights operations in Iraq¹⁷⁹.

While certainly “private military contractors” continue to provide non-lethal services involving military support, such as accommodation, laundry services, maintenance and other logistical services, their new kind of military skills are already advertised on their websites. For example, at least 16 companies out of the 84 listed in Annex A mentioned intelligence and/or counterintelligence among the services offered¹⁸⁰, including within this category activities such as field interpretation, translation and linguist services, software and system engineering, provision of world-class intelligence training and solutions, etc. Some have run advertisements for army interrogators¹⁸¹. And many others seem to draw attention to their military expertise by advertising contracts awarded – particularly in Iraq – and signed with clients who bear military responsibilities such as the U.S. Army, U.S. DoD, U.S. Air Force, U.S. Navy, other national armies and defense forces, CPA, and even the North Atlantic Treaty Organization (NATO)¹⁸².

c) *Inherently State functions*

Despite an initial agreement among analysts and policy-makers on the essential role that PMSCs had played in the overall war efforts in Iraq¹⁸³, a debate soon arose at national and international level regarding the nature of the security and military services performed by them, and in particular concerning the suitability, expediency and lawfulness of entrusting private companies with duties that have been traditionally reserved for national military and civilian personnel. In this regard, the key question which has emerged is whether the duties to be performed by private military and security contractors are “inherently governmental” in nature and therefore ought to be performed by public officials and cannot be outsourced. Although definitional challenges concerning the

176 EODT and Ronco Consulting have been in charge of de-mining services. Commentators also reported that other companies like *Tetra Tech Inc*, and the Korean *KMAG* [were] involved in battle area clearance, stockpile destruction ordinance and mine clearing in Iraq; Schreier, F., Caparini, M., *Privatising Security*..., *op. cit.*, p. 25.

177 Regarding the siege of Fallujah in 2004 see Annex A/USIS/External Information. Also, for the so-called battle of Najaf see in Annex A information on PMSCs Blackwater (Xe), Hart Group, Control Risks and Triple Canopy.

178 See UNWG report-Mission to Iraq, A/HRC/18/32/Add.4.

179 See Annex A/DynCorp/Other interesting information.

180 See in Annex A: Dyncorp, H3 Ilc, MVM Inc, Sytex Group Inc, USIS, United Placement, Universal Security, ZKD LLC (Counterintelligence), AKE, Blue Hackel, GLOBAL, Janusian, Pilgrims Security, Safenet Security Services, and, Garda.

181 Annex A/ United Placement.

182 See in Annex A information on clients for Airscan; Cochise; CSC; Cubic; EODT; L-3; Titan; MVM; Sytex Group; USIS; U.S. Training Center; United Placement; Vinnel; Wamar International; Worldwide Language Resources; Zapata; ZKD; Alfagates; GLOBAL; Streit Group; Safenet Security Services; Agility Logistics; and BLP.

183 Schreier, F., Caparini, M., *Privatising Security*..., *op. cit.*, p. 22: “They have filled gaps in troop strength and a variety of roles that US forces would prefer not to carry out. Without PMCs, the operations currently conducted would likely be even more compromised”; and *id.* at 26, quoting Isenberg: “According to David Isenberg, PMCs have done reasonably well in Iraq in fulfilling their contracts, performing difficult missions under trying circumstances. For the most part they were operating there for the first time, and managed to field personnel in far less time that it would take to deploy comparable regular military units. ‘Generally, their personnel have conducted themselves professionally and are more in tune with the local culture than are regular US military forces. In several, little noted cases, they performed above and beyond the call of duty, coming to the aid of regular Coalition forces, when they did not have to do so’”



term “inherently governmental functions” may pose difficulties for a comprehensive answer within the domestic sphere, at international level the UNWG has sent clear guidance on this point by defining “inherently State functions”¹⁸⁴ in the *proposed draft convention on PMSCs* in the following terms:

“... functions, which are consistent with the principle of the State monopoly on the legitimate use of force and that a State cannot outsource or delegate to PMSCs under any circumstances. Among such functions are direct participation in hostilities, waging war and/or combat operations, taking prisoners, law-making, espionage, intelligence, knowledge transfer with military, security and policing application, use of and other activities related to weapons of mass destruction and police powers, especially the power of arrest or detention including the interrogation of detainees and other functions that a State Party considers as inherently State functions”¹⁸⁵.

According to this definition, a number of the activities performed by PMSCs in Iraq, as described above, may fall within the scope of “inherently State functions”, particularly those military-related activities such as detention of persons, interrogation of detainees and engagement in combat operations. Yet, in addition to these, cases have been reported in Iraq where a PMSC has been hired to perform activities which could not exactly be labeled under the security-military services classification but may nonetheless fall into some of the categories of inherently State functions. For instance, PMSC USIS was hired to assist the Regional Security Office in Baghdad by “investigating incident scenes; interviewing witnesses, collecting and analyzing evidence; testifying in judicial and administrative proceedings; analyzing incidents for compliance with policy, laws and regulations; maintaining case files and tracking the status of investigations; and...providing other investigation-related services”¹⁸⁶. Under the UN proposed definition these duties may well be considered a sort of “law-making function” and thus, be restricted from outsourcing. Similarly, according to CPA Memorandum 17 “the primary role of PSC is deterrence. No PSC or PSC employee may conduct any law enforcement functions”¹⁸⁷. In fact, in that case some U.S. legislators urged responsible authorities to cancel the particular contract arguing that it violated the (domestic) law that prohibits certain inherently governmental functions from being outsourced, according to which the direct conduct of criminal investigations is a function of this kind¹⁸⁸.

Considering precisely this kind of situation and the risks involved for the State monopoly on the legitimate use of force, the UNWG have sought, in addition to identifying those functions which are inherently State functions, to prohibit their delegation or outsourcing by States within the framework of the proposed draft convention. In fact, this is one of the focal points of the draft and one of the general principles on which the Convention will be based if it is finally adopted¹⁸⁹. At present, however, the definition of the notion as well as the consequences it involves are still sensitive aspects within the domestic sphere¹⁹⁰, and the UNWG recognizes that it has sought to introduce this notion as a matter of progressive development of international law and that it will be a critical element in reaching consensus in the context of the proposed convention¹⁹¹.

184 On the different terminology used to conceptualized this matter, i.e. “inherently State functions” instead of “inherently governmental”, see Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, op. cit., p. 99-103.

185 See A/65/325, 25 August 2010, p. 20.

186 Isenberg, D., “When a contractor isn’t good enough”, *United Press International*, 17 October 2008, http://www.upi.com/Top_News/Special/2008/10/17/Dogs_of_War_When_a_contractor_just_isnt_good_enough/UPI-38301224276591/print/

187 CPA Memorandum 17 (2004), Section 9.

188 Isenberg, op. cit.

189 *Proposed Draft Convention*, article 4.3 and 4.5: “3. No State Party can delegate or outsource inherently State functions to PMSCs”; “5. Each State party, in accordance with its domestic law, shall take legislative and other measures required to introduce full or partial prohibition on the delegation or outsourcing of military and/or security services”. Also, article 9: “Each State party shall define and limit the scope of activities of PMSCs and specifically prohibit the outsourcing to PMSCs of functions which are defined as inherently State functions”; and article 19.1 “Each State party shall ensure that the acts of carrying out inherently State functions are offences under its national law”. For an explanatory comment on this matter in the draft convention, see Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, op. cit., p. 99-103.

190 With regard to this issue under U.S law see *infra* Section 4 - *Contracting policy*.

191 Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación...*, op. cit., p. 100.

SECTION 3

The impact of the use and activities of PMSCs on human rights in Iraq

Despite many PMSCs being praised for their efficiency, particularly by industry lobbyists, and several analysts and policymakers having agreed on the significant role played by private contractors in the international efforts to bring peace and stability to Iraq, their record when it comes to respecting and complying with human rights and other international standards has been questionable, showing the drawbacks regarding the suitability of their long-term use. To be clear, in addition to militia and other illegal armed forces¹⁹², both soldiers and contractors have also been accused of abuses in Iraq. However, as we will see below, the rules which exist under international and national law to address wrongful conduct on the part of private contractors and to hold the companies accountable are less clear than the laws applicable to regular armed forces – or, at least require further legal discussion -. Particularly in Iraq, alongside the immunity under which private contractors have operated between 2004 and 2009, a common response initially applied by U.S. authorities to abuses committed by private contractors was to remove the contractor in question from Iraq and, if pressurized, break the contract with the PMSC¹⁹³. Additionally, a policy of monetary compensation for victims has also been implemented and disciplinary measures are reportedly being imposed by the companies in these cases¹⁹⁴.

Since the start of the war in Iraq, public awareness of and concerns about the conduct and actions of private military and security contractors have risen due to a series of incidents involving certain PMSCs in particular. The mistreatment of prisoners by personnel of PMSCs Titan/L-3 and CACI at the Abu Ghraib prison in 2003; the killing of four Blackwater employees in the Iraqi city of Fallujah in 2004; and the 16 September 2007 shooting incident in the Nissour Square neighborhood of Baghdad by Blackwater' guards, all described below, are examples of this kind. Yet, while these incidents have acquired particular prominence because of the widespread political and media repercussions, information reported from the field shows that they are not isolated events and that a pattern of human rights violations committed by PMSCs in Iraq can also be established. Consequently, the impact that the use and activities of PMSCs have on the enjoyment of human rights in Iraq can be assessed from a double perspective: the quantitative and qualitative impact on human rights. To this end, a monitoring study of human rights incidents involving PMSCs in Iraq has been included in Annex A (multinational PMSCs) and Annex B (Iraqi PMSCs)¹⁹⁵. In the following lines we will provide a brief overview of some of its results. Additionally, it should be noted that Annex C (non-PMSCs) also lists four human rights' incidents. Again, we invite readers to draw their own conclusions, in particular, bearing in mind that some human rights' incidents affect many people.

Firstly, 15 of the 89 PMSCs studied are associated with an episode involving a breach of human rights, most of them working, directly or indirectly, for U.S. agencies or the CPA. While the number appears to be miniscule - considering that the latest estimates show there to be around 100 PMSCs present in Iraq - and would appear to confirm to some extent the assertions of some analysts as to the honorable nature of the vast majority of PMSCs employees¹⁹⁶, some of these companies have an alarming record of egregious misconduct. A prominent case in this regard concerns the US-based company Blackwater (now Xe), which became the focus of increased attention after the shooting incident of September 16, 2007, in the Nissour Square of Baghdad that killed 17 Iraqi citizens and wounded around 20 other civilians¹⁹⁷. In October 2007, the Memorandum of the U.S. Committee on Oversight and Government Reform¹⁹⁸ assessed the

¹⁹² On this point, see Scahill, J., *Blackwater...*, *op. cit.*, Chapter 16.

¹⁹³ See Committee on Oversight and Government Reform, Memorandum "Additional Information about Blackwater USA", October 1, 2007, p. 2-3.

¹⁹⁴ See *infra* Section 4.

¹⁹⁵ See "external information/human rights incidents" within these Annexes.

¹⁹⁶ See Singer, P., "The private military industry and Iraq: what have we learned and where to next?" Geneva Centre for the Democratic Control of Armed Forces (DCAF), November 2004, p. 9.

¹⁹⁷ See Annex A/XE-Blackwater/External Information/Human Rights Incidents n).

¹⁹⁸ The mandate of this U.S. House of Representatives' body includes "oversight of virtually everything government does – from national security to homeland security grants, from federal workforce policies to regulatory reform and reorganization authority, from information technology procurements at



conduct of Blackwater in Iraq from 2005 to 2007 as follows:

"Incident reports compiled by Blackwater reveal that Blackwater has been involved in at least 195 "escalation of force" incidents in Iraq since 2005 that involved the firing of shots by Blackwater forces. This is an average of 1.4 shooting incidents per week. Blackwater's contract to provide protective services to the State Department provides that Blackwater can engage in only defensive use of force. In over 80% of the shooting incidents, however, Blackwater reports that its forces fired the first shots.

In the vast majority of instances in which Blackwater fires shots, Blackwater is firing from a moving vehicle and does not remain at the scene to determine if the shots resulted in casualties. Even so, Blackwater's own incident reports document 16 Iraqi casualties and 162 incidents with property damage, primarily to vehicles owned by Iraqis. In over 80% of the escalation of force incidents since 2005, Blackwater's own reports document either casualties or property damage."¹⁹⁹

The text of the Memorandum further illustrated that, though greater in dimension, the 'escalation of force' incidents involving Blackwater were not an isolated case:

"When Blackwater's performance is compared to that of the other two State Department contractors, DynCorp and Triple Canopy, the reports reveal that Blackwater participated in more shooting incidents than the other two companies combined. For the time period from January 1, 2005, through April 30, 2007, Blackwater fired weapons in 168 incidents, as compared to 102 incidents for DynCorp and 36 shooting incidents for Triple Canopy. Blackwater also fired first at a higher rate than its counterparts on the State Department contract, although the incidence of firing first was high for all three contractors. During this time period, Blackwater fired first in 143 escalation of forces incidents (85% of incidents), compared to 63 incidents for DynCorp (62% of incidents) and 30 incidents for Triple Canopy (83% of incidents). Blackwater also inflicted property damage more often than the other two companies combined."²⁰⁰

Secondly, human rights incidents involving PMSCs have been reported in Iraq since the beginning of the war in 2003 and escalated in particular between 2005 and 2008, but a sharp decrease has been observed as from 2009, with one incident involving a civilian death in 2009 and one in 2010 reported by the UNAMI²⁰¹. A total of 46 human rights incidents are listed in Annex A involving multinational PMSCs, and 3 incidents are referred to in Annex B concerning Iraqi PMSCs. According to the UNAMI "[t]he absence of other such incidents [since 2009] may be the result of the increased regulation and scrutiny of the activities of PSCs by the Government of Iraq and the US Government."²⁰² Notably, among the measures adopted is the January 2009 *U.S.-Iraq Status of Forces Agreement* which removes the immunity from Iraqi laws of some PMSCs in Iraq²⁰³. In our opinion, if this decreasing trend continues in the future it would certainly indicate that the threat of law enforcement and in particular of criminal punishment in the host State sends a stronger deterrent signal than a mere monetary payment and/or the possibility of disciplinary sanctions by the company.

individual agencies to government-wide data security standards"; see

http://oversight.house.gov/index.php?option=com_content&view=article&id=1079&Itemid=2

¹⁹⁹ *House Oversight Committee Memorandum*, "Additional Information about Blackwater USA", October 1, 2007, p.1.

²⁰⁰ *Ibid*, p. 7.

²⁰¹ Most of the incidents appearing in Annexes A and B have been reported by the media and include cases of both civilian deaths and wounded. Furthermore, for the case of Iraq the UN Assistance Mission for Iraq (UNAMI) has reported "on civilian deaths" involving private security contractors since 2007, in particular recording 7 incidents in 2007, 3 incidents in 2008, 1 incident in 2009 and one in 2010.

²⁰² See UNAMI report 1 July – 31 December 2009, p. 9.

²⁰³ See *infra*, section 4.

On the other hand, however, when considering the quantitative impact of PMSCs on human rights we must also take into account the existence of a margin of error arising from a number of incidents not being reported or documented. Actually, despite the existence of CPA and DoD rules requiring private security contractors operating in Iraq to “immediately report incidents and request assistance”²⁰⁴, the UNWG has denounced as erratic the behavior of some PMSCs employees referring to existing mottos such as “what happens here today, stays with us today”²⁰⁵, and generally “there is little evidence of contractors actually complying with that obligation”²⁰⁶. For example, a number of incidents are identified in Annex A where PMSC contractors drove away from the scene and failed to report it, often leaving wounded civilians behind. Cases of this kind include the 2007 opening of fire on a truck that was following the PMSC Crescent Group’s convoy, leaving wounded Iraqis in the desert²⁰⁷; the 2007 opening of fire on a taxi by PMSC Eryns’ employees, driving off without checking for survivors²⁰⁸; and the case of a U.S. Colonel who committed suicide after denouncing human rights abuses by PMSC USIS, including “an incident in which a USIS contractor had apparently witnessed the killing of an innocent Iraqi and had not reported it to anybody higher up the chain”²⁰⁹. Similarly, there is also a documented case where PMSCs guards provided false statements to investigators regarding an unjustified shooting of civilians²¹⁰. Furthermore, opportunities for victims of abuses to file a complaint with the public authorities or the PMSC’s contracting State have been also limited in Iraq. In particular, according to the 2008 UNWG report: “the United States Army does not accept to receive complaints for abuses which may have been committed by employees of PMSCs”²¹¹.

As a result, if an incident is not reported, this will probably mean that the competent authorities do not launch an investigation, victims will not be interviewed, it will be impossible to identify perpetrator(s), the case will not be properly documented, and evidentiary problems will arise in case of future legal proceedings. Generally, expert analysts agree that the problem of detecting PMSCs’ abuses in conflict and unstable areas is highly problematic, noting that it is one of the major practical impediments to extraterritorial litigation against PMSCs²¹². In the case of Iraq, the UNAMI have reported on human rights incidents involving PMSCs since 2007. Before this date, due to the initial lack of adequate oversight over PMSC activities, media news and online videos have been sometimes the only public sources reporting details on PMSCs’ incidents, as was initially the case in the scandal of abuses at Abu-Ghraib prison. Certainly, our Iraqi researchers in the field can testify to the extreme difficulties they have experienced in tracing human rights’ incidents involving PMSCs.

Thirdly, considering the qualitative impact of the activities of PMSCs on human rights, the information available allows us to classify human rights incidents associated to PMSCs in Iraq into three main categories. Firstly, the outsourcing to PMSCs of certain functions traditionally reserved for military personnel, such as prisoners’ interrogation, and the lack of oversight of contractor’s activities has resulted in Iraq in cases of arbitrary detentions and torture. The abuses committed by private contractors at the Abu Ghraib prison serves to illustrate the “*inherently governmental functions*”-related violations. Secondly, it has been observed that

²⁰⁴ CPA Memorandum Number 17, Annex A -Rule for the use of force by contractors in Iraq, Section 4. For an analysis see *infra* Section 4. Similarly, see DoD Directive 2311.01E of May 9, 2006, which requires the reporting of any reportable incident, defining this term as “possible, suspected or alleged violation of the law of war, for which there is credible information, or conduct during military operations other than war that could constitute a violation of the law of war if it occurred during an armed conflict”, quoted by See Ryngaert, C., “Litigating Abuses Committed by Private Military Companies”, *EJIL*, 2008, Vol. 19, at. 1046.

²⁰⁵ A/HRC/7/7, para. 46.

²⁰⁶ Ryngaert, C., C., “Litigating...”, op. cit., p. 1046.

²⁰⁷ See Annex A, information on Crescent Group, incident b).

²⁰⁸ See Annex D/Box/Legal case- *Mohamed et al. v. Eryns International LTD et al.*

²⁰⁹ See Annex A/USIS/human rights incidents

²¹⁰ See Annex A, information on Blackwater, incident c).

²¹¹ See A/HRC/7/7, p. 22.

²¹² See Gaultier, L. et al., “The mercenary issue at the UN Commission on human rights. The need for a new approach”, *International Alert*, p. 14. Ryngaert, C., “Litigating...”, op. cit., p. 1046. Nuñez Valverde, J.A., “Privatización e internacionalización...”, p. 78.



PMSC employees exercise an excessive and unjustified use of force resulting in systematic violations against the civilian population such as killings and indiscriminate shootings as well as property damage (*use of force-related violations*). Thirdly, private contractors have also been victims of human rights' abuses at the hands of their own employers, in particular experiencing restrictions on their social and labor rights (*rights of workers-related violations*). Additionally, along with these serious violations of international human rights standards, cases have been also reported of the alleged involvement of PMSCs in common criminal activities such as sexual assaults²¹³, child prostitution, smuggling, laundering, and tax fraud²¹⁴. Although equally serious, these incidents have not been examined in this report. Other violations of norms of international law such as the use of prohibited arms or experimental ammunition²¹⁵ and minor breaches of international humanitarian law are also beyond the scope of this study.

213 Elsea, J., "Private security contractors in Iraq: background, legal Status and other issues", *Congressional Research Service Report for Congress*, August 25, 2008, p. 14.

214 See Radio Mundial, August 8, 2009, <http://www.radiomundial.com.ve/yvke/noticia.php?30315>

215 See A/HRC/7/7, para. 51.

As a supplement to the description of the above-mentioned three categories, the following map has been prepared to illustrate the geographical location of the principal human rights' incidents involving PMSCs in Iraq.

MAIN HUMAN RIGHTS INCIDENTS by PMSCs in IRAQ



BAGHDAD

Baghdad, Al Watahba Square, Blackwater, September 9, 2007
 Baghdad, Nisoor Square, Blackwater, September 16, 2007
 Baghdad, Unity Resources Group, October 9, 2007
 Baghdad, Kara Hanjir Village, Irynis , October 18, 2007
 Baghdad, Camp Hope, KBR, July 28, 2005
 Baghdad, KBR, January 2, 2008
 Baghdad, Camp Cropper, unknown PMSC, November 2005
 Baghdad, Camp Cropper, Shield Security Group, 2006
 Baghdad, al-Karrada district, ALMCO, November 19, 2007
 Baghdad, XE, March 22, 2005
 Baghdad, XE, July 18, 2005
 Baghdad ,XE, August 2005
 Baghdad, XE, February 4, 2007
 Baghdad, XE, July 1, 2007
 Baghdad Green Zone, XE, February 7, 2007

Baghdad, XE, May 24 and 30, 2007
 Baghdad, XE, November 28, 2005
 Baghdad, XE, February 16, 2005
 Baghdad, XE, May 14, 2005
 Baghdad, Triple Canopy, July 2008
 Baghdad, XE, November 24, 2004
 Baghdad, Blackwater, December 24, 2006,
 Baghdad: Abu Ghraib prison, Caci, Titan/ L3 , years 2003-2004
 Baghdad, Custer Battles November 8, 2004
 Baghdad's al-Utaifiya neighbourhood, Dyncorp, November, 11 2007
 Baghdad Abu Ghraib, Camp Cropper and Camp Whitehorse, Sytex Group, 2006
 Baghdad, "Irish Route, AEGIS, October 27, 2005
 Baghdad, green zone, Armor Group, August 9, 2009
 Baghdad International Airpor, Global Strategies Group, June 25, 2008
 Baghdad, GardaWorld, June 2007

FALLUJAH

Fallujah, Zapata Inc., May 28, 2005

KIRKUK

Kirkuk: Erinys , In May 2004
 Kirkuk, Erinys, October 18, 2007

OTHERS

Southern Iraq, Crescent Security, November 16, 2006
 Northern Iraq, CCS Alliance, 2007
 Umm Qasr, Custer Battles, December 22, 2004
 Najaf's, XE, April 4, 2004
 Al-Hillah, XE, June 25, 2005
 Mosul, XE, October 24, 2005
 Al-Hillah, XE, September 24, 2006
 Al-Hilla, XE, August 13, 2007
 Arbil province, XE, April 26, 2008



a) Inherently governmental functions-related violations

The cases of detainees' abuse at the Abu Ghraib prison near Baghdad during 2003 are considered "the worst military scandal in a generation"²¹⁶. At least 72 Iraqi citizens were allegedly tortured and physically and mentally abused during their detention. In particular, according to lawsuit documents and military reports, the prisoners "were repeatedly sodomized, threatened with rape, kept naked in their cells, subjected to electric shock, attacked by un-muzzled dogs and subjected to serious pain inflicted on sensitive body parts"²¹⁷.

At Abu Ghraib prison both U.S. military personnel and contractors were employed by U.S. Army. In particular, private contractors working for CACI International Inc. were in charge of interrogating prisoners and analyzing military intelligence, while PMSC Titan's employees provided translation services. The U.S. Army military enquiry conducted in 2004 by Major General Antonio Taguba, also referred as the "Taguba report" concluded that "[i]n general, US civilian contract personnel (Titan Corporation, CACI, etc.), third country nationals, and local contractors do not appear to be properly supervised within the detention facility at Abu Ghraib."²¹⁸ An independent panel report also observed that the large majority of contract interrogators "did not receive formal training in military interrogation techniques, policy, or doctrine."²¹⁹ And the incident further raised concerns about the hiring practices of the involved PMSCs as well²²⁰. In 2005, DoD investigations concluded that four private contractors of PMSCs Titan/L-3 and CACI were directly responsible for the torture and abuse of several prisoners²²¹. From a international humanitarian and human rights law perspective, allegations could be made of the U.S. failure to comply with the responsibility that official authorities carry out certain activities themselves – such as the supervision of prisoner-of-war camps- and/or the obligation to exercise due diligence in order to prevent any possible harm caused by PMSCs activities²²².

While apparently there has been no repeat of a case such as this one – at least on such a large scale and in Iraq²²³, certain information released suggests that the Abu Ghraib incident is not an isolated event. For example, some of the abovementioned reports noted the performance of interrogation activities also at checkpoints²²⁴, and the UNWG Chairperson-

²¹⁶ Bina, M.W., "Private Military Contractor liability and accountability after Abu Ghraib", *John Marshall Law School*, Summer 2005, p. 1247.

²¹⁷ See MG George R. Fay ("Fay Report"), AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade, pp. 164-172. For details, Annex B/CACI/human right incident a).

²¹⁸ The "Taguba Report" On Treatment Of *Abu Ghraib* Prisoners In Iraq, May 2004, Findings and Recommendations (Part Two), <http://news.findlaw.com/hdocs/docs/iraq/tagubarpt.html>

²¹⁹ James R. Schlesinger, Final Report of the Independent Panel To Review DOD Detention Operations 12 (2004), <http://www.defenselink.mil/news/Aug2004/d20040824finalreport.pdf>

²²⁰ "As CACI, one of the PMFs operating at Abu Ghraib, was scrambling to fill interrogator positions in Iraq, it began decreasing its required experience from seven years to five years and then to two years"; Carney, H., "Prosecuting the lawless: human rights abuses and private military firms", *George Washington Law Review*, February 2006, at. 325.

²²¹ U.S. Department of Defense, Accompanying Slides to Special Defense Department Briefing on Results of Investigation of Military Intelligence Activities at Abu Ghraib Prison Facility, August 25, 2005), <http://www.defenselink.mil/news/Aug2004/d20040826slides.pdf>

According to information released in CACI's website: "...During the two year period between August 2003 and August 2005, 60 different employees of CACI served in Iraq as interrogators under the direct command and supervision of the U.S. Army. The number of CACI employees working as interrogators at any one time never exceeded 28 ..."; see Annex B/CACI/F).

²²² See *infra*, section 4.

²²³ On abuses at Guantanamo Bay, see Eggen, D. and R. Jeffrey Smith, FBI Agents Allege Abuse of Detainees at Guantanamo Bay, *Washington Post*, December 21, 2004. Regarding the work of interrogators in Afghanistan, see Hartung, W. D., *Prophets of War: How Defense Contractor Lockheed Martin Dominates the Military Establishment*, January 12, 2011.

²²⁴ "Contract interrogators were used to perform screenings and interrogations at collecting points (CPs) and in interment /resettlement (I/R) facilities to free military interrogators and counterintelligence agents to perform tactical missions at points of capture", Department of the Army Inspector General-Inspection Report on Detainee Operations, 21 July 2004, p. 87, available at http://www.au.af.mil/au/awc/awcgate/army/ig_detainee_ops.pdf

Rapporteur reported that “it has also been alleged that ‘private security guards’ would also detain Iraqis without authorization”²²⁵. On the other hand, though recommendations were made within the military reports to “further restrict US civilians and other contractors’ access throughout the [detention] facility”²²⁶, the Abu Ghraib experience did not apparently prevent other PMSCs from joining the market. On January 12, 2004, United Placements ran the following advertisement for Army Interrogators:

“Job State: IRAQ, Job Number: 8. Interrogators: 30 Positions. Compensation to \$120,000. Individuals must be trained Interrogators with at least five years of experience in interrogation. Individuals must be knowledgeable of Army/Joint interrogation procedures, data processing systems such as CHIMs and SIPRNET search engines. Knowledge of the Arabic language and culture a plus...Candidates must have documented in their resumes five years of Humint collection and/or interrogation experience. This is a requirement of the client. Some locations require individuals to work and live in a field environment with minimum medical facilities. Must possess the ability to work extended work hours in difficult surroundings for up to one year.”²²⁷

b) Abuses relating to the use of force

According to CPA and US regulations applicable in Iraq, private security contractors are only authorized to use deadly force in self-defense or when the use of force is necessary to execute their security mission to protect persons and assets²²⁸. However, information reported indicated “that private contractors, due to fear, often shoot randomly on the streets of Baghdad and other Iraqi cities to ensure priority and to keep a distance from other vehicles”²²⁹. As a result, a number of incidents have been observed of excessive, disproportionate and/or unjustified use of force while performing security duties. In particular, examples of this kind include human rights abuses such as firing indiscriminately at civilians and vehicles, with civilians often being killed as a result of the shooting.

Surely, the worst incident in this regard is the well-known case of Nissour Square. On 16 September 2007, employees of PMSC Blackwater were involved in an escalated shooting incident on al-Nissour Square in Baghdad’s al-Mansour district, which left 17 Iraqi civilians dead and around 20 others wounded. According to several reports documenting the incident, including those issued by the Iraqi authorities, although Blackwater initially claimed that its four-vehicle convoy was attacked by armed insurgents, subsequent testimonies and evidence indicated that the Blackwater employees began shooting first and then fired indiscriminately²³⁰. Similarly, the FBI investigation concluded that among the 17 killings, three may have been justified under rules that allow lethal force to be used in response to an imminent threat, while the subsequent shootings of 14 Iraqis, some of whom were shot while fleeing the scene, were unprovoked²³¹.

While the Nissour Square case has attracted much media and political attention due to the high number of victims and the clear indication of the re-offending nature of Blackwater’s activity in Iraq, incidents of alleged arbitrary shooting and killing of local population have also been associated with several other PMSCs, including Custer Battles, DynCorp International, Triple Canopy, USIS, Eryns and Unity Resources Group²³².

In many of these cases, CPA rules encouraging “graduated force” by using shout/shove/

²²⁵ Gómez del Prado, J.L., *Impact in human rights of private military and security companies’ activities*, available at <http://www.privatesecurityregulation.net/files/Impact%20in%20Human%20Rights%20of%20Private%20Military%20and%20Security%20Companies%27%20Activities.pdf>

²²⁶ *Taguba Report*, op. cit., Recommendations regarding Part Two of the Investigation, Recomm. 14.

²²⁷ Torture Incorporated Oliver North Joins the Party, *Global Research*, by John Stanton and Wayne Madsen, 14th June 2004, <http://globalresearch.ca/articles/STA406A.html>

²²⁸ For details see Section 4 on Domestic Regulation.

²²⁹ UNWG report, A/HRC/4/42, page 13

²³⁰ See UNAMI Report, 1 July- 31 December 2007, para. 25.

²³¹ Johnston, D., and Broder, J.M., “FBI says guards killed 14 Iraqis without cause”, *New York Times*, 14 November 2007.

²³² See Annex B on human rights incidents of these companies.



show/shoot techniques²³³ have not been respected. For example, at least one case has been reported where the PMSC's standard operating procedure "was often to shoot first, ask questions later"²³⁴. Some cases have been also identified where the shooting of civilians was justified on the grounds that they were deemed to have been driving too close to their convoy under protection²³⁵; however, a common complaint about PMSCs operating in Iraq has been that they could not easily be identified by civilians who come in contact with them. Furthermore, in a number of other instances witnesses have testified that the shootings were unprovoked. And there is at least one case of a shooting incident where no one was hurt but, immediately after the incident, the PMSC contractors handed out cash to Iraqi civilians and left, which seems to indicate that the shooting was also unjustified²³⁶.

CPA rules which stipulate "fire only aimed shots" and "fire with due regard for the safety of innocent bystanders"²³⁷ have also been violated repeatedly, causing disproportionate use of force incidents. For example, in an incident involving the shooting of an Iraqi's car by Blackwater guards, investigators from the department's Diplomatic Security Service concluded that PMSC guards were not justified in spraying the car with more than 70 bullets²³⁸. Similarly, there was criticism of a case in 2006 when two Iraqi women were killed when 30 to 40 bullets were fired at the car in which they were travelling²³⁹. Additionally, as we have mentioned above, incidents have also been identified where PMSC contractors drove away from the scene and failed to report it, thus violating the CPA rule requiring contractors to "immediately report incidents and request assistance".

BOX. LEGAL CASE "MOHAMED ET AL V. ERINYS INTERNATIONAL LTD ET AL (Civil action n. NO. H-09-3362)"

A) Fact description: On the morning of 18 October 2007 plaintiffs hailed a taxi to take them from Erbil to Sulaimaniya. As the taxi travelled up, one of the Erinys employee opened fire on the taxi and then drove off without checking for survivors. The passengers suffered serious injuries.

B) Date: 18 October 2007

C) Location: Near the village of Kara Hanjir, Iraq

D) Court: Texas Southern District Court

E) Legal action class (criminal/civil): Civil action

F) Plaintiffs: Sangar Mawloud Mohamed, Sahar Shukri Hammasofi, Arazw Younus Qader, Zirag Younus Qader and Bayda Yahya Shamma.

G) Defendants: Erinys International Ltd, Erinys UK Ltd (dismissed by Order of Texas District Court), Erinys Iraq Ltd (Nour USA Ltd and Anaham LLC, dismissed by Plaintiffs).

H) Damages: Plaintiffs suffered serious injuries: a bullet tore off part of Sangar Mohamed's left ear, and he has shrapnel wounds in his face, scalp, neck, torso, and left arm; Zirag Qader was struck in the face with a bullet, which dislodged and destroyed his right eye. He also suffered wounds to his face from shrapnel; Arazw Qader, Zirag Qader's sister, suffered shrapnel wounds to her face and scalp. All three have suffered from psychological illness.

²³³ CPA Memo 17, Annex A, Section 3.

²³⁴ See Annex A, information on Crescent Group.

²³⁵ See Annex A, information on Blackwater.

²³⁶ See Annex A, information on Custer Battles, incident a).

²³⁷ CPA Memo 17, Annex A, Section 4.

²³⁸ See Annex A, information on Blackwater, incident c)

²³⁹ See Annex A, information on Unity Resources Group.

I) Claims description (criminal counts and /or prayer for damages):

- Causes of action for negligence and various intentional torts
- Damages for loss consortium

Complaint could not be found.

J) Current Status of proceedings: Case closed.

K) Decision: Dismissed due to lack of jurisdiction.

- Order 23 August 2010, U.S. District Court for the Southern District of Texas (Houston Division), a) granting dismissal of Eryns Limited U.K. as defendant for lack of jurisdiction; and b) order of payment of lawyer's fees (\$18,958,56) recovering for reasonable and necessary attorney's fees incurred in obtaining the dismissal of Nour U.S.A. as defendant.

[//docs.justia.com/cases/federal/district-courts/texas/txsdce/4:2009cv03362/705598/52/0.pdf?1282740796&chrome=true](https://docs.justia.com/cases/federal/district-courts/texas/txsdce/4:2009cv03362/705598/52/0.pdf?1282740796&chrome=true) (last visit 27 September 2011).

L) Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See Annex A on PMSCs in Iraq/United Arab Emirates: Eryns.

If most of the killing and shooting incidents have barely been reported, firing upon civilian Iraqi vehicles and the high number of car crashes²⁴⁰ seem to have attracted even less attention. Only the most conspicuous cases, such as the one which involved the collision of a Blackwater motorcade with 18 different vehicles during a journey, or those which culminated in legal proceedings, as in the case of a US soldier who was struck and killed by a speeding vehicle of PMSC Eryns, seem to have been officially reported and investigated²⁴¹.

c) Abuses relating to the rights of workers

A common argument in favor of the use of PMSCs is that they are less expensive than military forces because, among other things, private companies can employ locals and third-country nationals whose earnings are cheaper "as they do not have to transport them, house or feed them, and can pay wages that are relatively low compared to those paid to U.S. service members"²⁴². As we have noted earlier, this has in fact been the case in Iraq where non-western PMSC employees receive poor salaries, often under the socially acceptable limit. In the view of the UNWG "the reported practice of differentiated salary scales applied by private military companies (PMCs) and private security companies (PSCs) to employees from different regions of the world may be viewed as breaching the right to non-discrimination."²⁴³

In addition, however, it should be noted that PMSCs in Iraq have kept total costs low not only by employing Iraqis and individuals from developing countries, but also through

²⁴⁰ See Annex information on Custer Battle, incidents a) and b); Blackwater, incidents b), c), d), f), g) and h); and Aegis, incident a).

²⁴¹ See Annex A, information on Eryns and Blackwater.

²⁴² CRS Report 2008, op. cit., p. 49.

²⁴³ E/CN.4/2006/11/Add.1, 3 March 2006, para. 27.



restrictions of the labor rights of these and other employees. Initially, the UNWG noted that “in the competition among PMSCs by offering the lowest prices to obtain contracts in Iraq, protective measures for their employees would have been neglected”²⁴⁴. This concern has been confirmed in two of the most regrettable and best-known incidents resulting in the killing of PMSCs employees: the killing of four Blackwater guards in the Iraqi city of Fallujah in 2004²⁴⁵ and the ambushing and kidnapping of five Crescent Security Group’s guards in 2006²⁴⁶. Later inquiries into these cases, particularly those made by the victims’ families, have shown that both missions had failures in the required safety conditions among their root causes, including poor equipment – such as the absence of armored vehicles –, or inadequate training for employees, and insufficient human resources - including the use of fewer personnel than the standards required (at least 6 individuals per mission) -²⁴⁷.

On the other hand, a number of incidents have also been reported of questionable recruiting practices and contract irregularities, including forcing security guards to work excessively long hours or the partial or complete non-payment of salaries²⁴⁸. Likewise, there is information on cases where PMSCs neglected to provide their personnel with basic needs such as access to medical services when employees were injured and forcing them to keep on working²⁴⁹. These and other recruitment practices of PMSCs have raised additional concerns of human trafficking. In fact, while these conditions prompted some employees to break their contracts and return home, in other cases – employees who complain have been threatened, mistreated and arbitrarily detained, and were prevented from leaving the country²⁵⁰. This happened, for instance, to a contingent of Colombian employees hired by Blackwater in 2005, who upon their arrival in Iraq realized that their salaries were almost three times lower than had been promised in their contracts and, after complaining, had their airplane tickets taken away and were forced to stay in Iraq²⁵¹. A similar incident in 2004, involving 13 Nepali men who were recruited to work in Jordan but upon arrival were sent to Iraq to work on a military base and killed by a militia, has resulted in a lawsuit in U.S. courts where PMSC KBR and the Jordanian subcontractor are accused of human trafficking²⁵².

NGOs monitoring the activities of PMSCs in other parts of the world have noted – and we can agree that this is particularly the case in Iraq – that “in the context of PMSCs, labour abuses are particularly worrisome, given that security guards have to deal with risky and sensitive situations and they are often armed. Harsh labour conditions and health and safety abuses against employees of security companies may cause harm not only to the guards themselves, but also to the civilians that come into contact with them.”²⁵³

244 A/HRC/7/7, para. 43.

245 The Blackwater’s guards were ambushed, dragged from their vehicles and killed by a shake mob; the burned and mutilated remains of two of the men were hung from a bridge, an image which received high national and international television coverage. Initially, this incident attracted attention to the presence and large number of PMSCs actually operating in Iraq but, contrary to the expected response, it fuelled Blackwater’s status and business in Iraq. See for details, Scahill, J., *Blackwater...*, *op. cit.*, 17-18, 146-149, 151-159, 340-341.

246 See Annex A/Crescent Security Group/Incident b).

247 For instance, according to some official reports regarding the Fallujah/Blackwater incident: “Blackwater took on the Falluja mission before its contract officially began, and after being warned by its [contractor] predecessor that it was too dangerous. It sent its team on the mission without properly armored vehicles and machine guns. And it cut the standard mission team by two members, thus depriving them of rear gunners”, CNN, “Report: Blackwater impeded probe into contractors deaths”, 27 September 2007, http://articles.cnn.com/2007-09-27/politics/iraq.blackwater_1_erik-prince-blackwater-usa-blackwater-team?_s=PM:POLITICS. In relation to the Crescent Security Group incident see also Annex D/Box. Legal Case *Munns et al. v. Clinton et al.*

248 A7HRC/7/7, para. 40.

249 *Idem.*

250 A/HRC/4/42 at para. 49.

251 Scahill, J., *Blackwater: The rise...*, *op. cit.*, at 258-261.

252 See Annex A/KBR/External information/human rights incidents; and Annex D/Box. Legal case *Ramchandra Adhikari et al. v. Daoud & Partners, KBR et al.*

253 Lazala, M., *Private military and security companies and their impacts on human rights contexts other than war*, Business & Human Rights Resource Centre, January 2008, p. 4.

SECTION 4

The legal dimensions of PMSCs in Iraq

It is a popularly held belief among the Iraqi population that PMSCs are above the law. Certainly, this perception is justified as, until 2011, no private military/security contractor had ever been successfully prosecuted for crimes committed in Iraq; and, on the contrary, they enjoyed immunity under Iraqi laws. Yet, from a legal perspective, there are a number of key issues which help to explain, at least in part, the difficulties that have arisen in practice in bringing legal proceedings against PMSCs. The purpose of this section is to clarify what is the law that regulates the use and activities of PMSCs and how this law has been applied in practice.

The use and activities of PMSCs raise a series of legal questions encompassing at least three different aspects. The first set of questions have to do with the legal status of PMSCs and their employees under international law and the rules which govern their activities both at international and national level (REGULATORY FRAMEWORK). A second set of questions refers to the attribution of (international) responsibility for abuses committed by PMSCs and their employees (ACCOUNTABILITY). In this regard three levels of responsibility should be distinguished: a) the individual criminal responsibility of PMSC personnel; b) the responsibilities of States connected with the PMSC; and c) the responsibility of the company itself, or corporate responsibility (RESPONSIBILITIES). Thirdly, key legal questions arise when litigating human rights abuses committed by PMSCs in national courts, mainly in connection with jurisdictional matters, such as the capacity of the territorial courts and the scope of extraterritorial jurisdiction laws, as well as other practical and legal hurdles (LITIGATION). In order to deal with the set of questions, the first part of this section provides an overview of the regulation and responsibilities of PMSCs and their personnel, as well as the responsibility of States, under international law. The second part is then devoted to an analysis of the regulatory scheme and accountability mechanisms provided for in domestic laws (in particular in Iraqi and U.S. law), followed by an examination of how these laws have been applied in practice.

INTERNATIONAL LAW

International regulatory frameworks

International legal frameworks can be an effective means of regulating the activities of PMSCs considering the international dimension of the privatization phenomenon. However, despite it being generally held by commentators that PMSCs do not operate within a “vacuum in law”, the determination of which rules govern the activities of PMSCs at international level is still controversial. Private military and security companies have not yet been the object of a specific convention which controls their use and activities under international law, although a relevant initiative has been proposed by the UNWG in this regard²⁵⁴. The regulation of the activities of PMSCs is therefore dependent upon the applicability of existing international legal frameworks. On the one hand, current legal regimes most commonly associated with PMSCs are the international law concerning mercenaries and international humanitarian law. However, the determination of the legal status of PMSCs employees under the international treaties regulating these matters – i.e. whether they are mercenaries, combatants or civilians – is problematic and makes it difficult to discern rules applicable to the activities of PMSCs on a general basis. On the other hand, international human rights law also provides pertinent standards for the activities of PMSCs. As a principle, however, this body of law is only binding on States and PMSCs and their personnel may only be directly bound by human rights obligations through the operation of national law. The determination and scope of the positive human rights obligation of States in relation to activities of private persons is therefore essential for the regulatory scheme of PMSCs.

²⁵⁴ *Proposed draft convention on private military and security companies*, UN Doc. A/65/150, 25 August 2010. For details, see *infra*, international initiatives.



In the following lines, we will examine these issues focusing on the case of PMSCs operating in Iraq. In addition, in order to complete an overall picture of the international regulatory scheme for PMSCs, the last part of this section includes an overview of some international initiatives in this regard, including self-regulatory mechanisms adopted within the PMSC industry as well as the regulatory initiative proposed by the UNWG.

International law on mercenaries and international humanitarian law:

- The legal status of the staff of PMSCs

Though private military and security contractors are considered the most recent – corporate – reincarnation of mercenarism, legally speaking they do not clearly fall under the international conventional definition(s) of mercenary and rules contained therein do not easily apply to them. For instance, from the invasion of Iraq in 2003 until the end of belligerent occupation – it is difficult to determine when, in fact, this was but the official handover of sovereignty took place on June 28, 2004²⁵⁵ – the international law of international armed conflicts applied. Under international humanitarian law (IHL) the issue of mercenaries is only expressly addressed in Additional Protocol I of 1977 to the Geneva Conventions of 1949 relating to international armed conflicts (API)²⁵⁶. Its article 47 reads as follows:

- “ 1. A mercenary shall not have the right to be a combatant or a prisoner of war.
- 2. A mercenary is any person who:
 - (a) is specially recruited locally or abroad in order to fight in an armed conflict;
 - (b) does, in fact, take a direct part in the hostilities;
 - (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
 - (d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
 - (e) is not a member of the armed forces of a Party to the conflict; and
 - (f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.”

Considering the features of the PMSCs working in Iraq described in section 2 above (PMSCs' country of origin, nationalities and salaries of employees, services, etc), it might be concluded that employees of PMSCs other than U.S. nationals, nationals of coalition allies (particularly British workers) and Iraqi nationals, and who were hired to – and “in fact” do – engage in hostilities fall under the Protocol's mercenary definition²⁵⁷. Actually, referring to criterion e) and f) of this definition, the UNWG has suggested that “this could exclude United States, British and Iraqi employees of PMSCs but not the Chileans, Colombians, Fijians, Filipinos, Hondurans, Nepali, Peruvians and others”²⁵⁸. Likewise, while the determination of what constitutes “direct participation in hostilities” is challenging and has not yet been definitively defined, situations have been identified in Iraq where private contractors have engaged in activities “that appear to cross this line, such as a providing services to valid military targets,

²⁵⁵ See on this point, CRS Report 2008, *op. cit.*, footnote 54.

²⁵⁶ Additional Protocol I to the Geneva Conventions of 12 August 1949, 8 June 1977 relating to the protection of victims of international armed conflicts.

²⁵⁷ *Id.* at 18.

²⁵⁸ A/HRC/7/7, at. 38.

or engaging in offensive activities of ‘escalation of force’²⁵⁹. The protection of CPA leaders and facilities, the guarding of oil pipelines and certain military infrastructures, and the involvement of PMSCs employees during combat operations such as the so-called “battle of Najaf” and “siege of Fallujah” (both in April 2004)²⁶⁰ are examples in this regard. Furthermore, it is important to note that IHL makes no distinction between the offensive or defensive nature of the participation in hostilities²⁶¹, so a number of other activities performed by PMSCs in Iraq could also be included in this group.

On the other hand, however, the six requirements set out in the second paragraph of Art. 47 are cumulative and extremely difficult to meet fully. For instance, besides the difficulty of determining a contractor’s motivation, and having proved the desire for private gain it is also necessary for the contractor to have been promised “material compensation substantially in excess of that promised, or paid to combatants of similar ranks...” (sub-paragraph c)). As we have seen in section 2, apart from contract irregularities, in Iraq, PMSCs’ personnel from developing countries have been paid lower salaries than those of western contractors and might also be inferior to those of Coalition soldiers. Moreover, considering the sort of services provided by PMSCs in Iraq, private security contractors performing certain unarmed services such as advising and training local armed forces may fall outside this mercenary definition.

Similar reasons – having to do with definition, ratification, scope of application and others – also prevent most PMSCs operating in Iraq from falling under other international laws on mercenarism²⁶² such as the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1989), also referred to as the UN Convention which entered into force in 2001²⁶³, and the OAU Convention for the Elimination of Mercenaries in Africa (1977)²⁶⁴. In particular, these international legal frameworks come into play when there is an armed conflict or a situation where the aim is to overthrow the government, thereby leaving the current situation in Iraq potentially out of its scope of application. In summary, as some scholars have noted “[i]t is thus not impossible that some individuals working for private military companies in Iraq could meet the legal definition of a mercenary. However, the definition clearly remains useless as a regulatory tool for the thousands of Iraqi, US and UK nationals who work there for such companies. Furthermore, its complexity renders it ineffective for those working elsewhere in situations of non-international armed conflict around the world.”²⁶⁵

On the other hand, it is noteworthy that for that limited percentage of cases when the conventional requirements are met and the staff of the PMSCs operating in Iraq fell under the legal definition of mercenary, the consequences of being classified as a mercenary under the UN and OUA conventions²⁶⁶, on the one side, and the AP I, on the other, are relevantly

²⁵⁹ Buzatu, A.M., “European Practices of Regulation of PMSCs and Recommendations for Regulation of PMSCs through International Legal Instruments”, The Geneva Centre for the Democratic Control of Armed Forces (DCAF), 30 September, 2008, p. 22.

²⁶⁰ For details of these episodes see Annex A. Also Scahill, J., *Blackwater...*, *op. cit.*, Chapters 7 to 9.

²⁶¹ See article 49.1 of API.

²⁶² For an analysis, see Gaultier, L. et al., “The mercenary issue ...”, *op. cit.*, pp. 26-32. Also, Gómez del Prado, J.L., *Impact in human rights of private military and security companies’ activities*, available at <http://www.privatesecurityregulation.net/files/Impact%20in%20Human%20Rights%20of%20Private%20Military%20and%20Security%20Companies%27%20Activities.pdf>

²⁶³ International Convention against the Recruitment, Use, Financing and Training of Mercenaries, UN General Assembly Resolution 44/34, 4 December 1989. For the content and scope of this regulation see Gaultier, L. et al., *The mercenary issue...* *op. cit.*, p. 28-30.

²⁶⁴ OAU Doc CM/817 (XXXIX), Annex II, Rev. I, p 17; *op. cit.*

²⁶⁵ Cameron, L., “Private military companies and their status under International Humanitarian Law”, *International Review of the Red Cross (IRRC)*, Vol. 88, Nº 863, September 2006, at 582.

²⁶⁶ It is not clear whether African employees of PMSCs operating in Iraq, as for examples the case of South African former Special Forces, may fall under the OAU Convention or instead the scope of the Convention is limited to persons acting and/or offenses committed within the territory of a Member State Party of what is now called the African Union. Article 1 (definition) in conjunction with article 8 (Jurisdiction) do not prevent the former option but according to the object and end of the treaty, as reflected in the Preamble, the drafter’s intention was to “take all necessary measures to eliminate from the African continent the scourge that mercenarism represents” (emphasis added), thus precluding this possibility.



different. Namely, under the mercenarism conventions a person classified as a mercenary may be prosecuted for the crime of mercenarism – as well as for all related offences – provided that States parties have adopted the necessary implementing legislation, which is not the case of Iraq or the U.S.²⁶⁷. These conventions also created binding obligations upon States parties with regard to the use and activities of mercenaries and, in the case of OAU convention, it provides for responsibility of States and their representatives as well as of “juridical persons” for the crime of mercenarism. In contrast, the act of being a mercenary is not in breach of international humanitarian law neither does it attach international criminal responsibility *per se*. As paragraph 1 of article 47 of AP I indicates, the main consequence of being classified as a mercenary under IHL is the denial of the right to claim combatant and prisoner of war (PoW) status²⁶⁸, which in practice means that, if captured, they can be tried under national law for the mere fact of having participated in hostilities – as opposed to combatants who cannot – even if they did not violate any rules of IHL. Furthermore, Additional Protocol I does not impose obligations on States to refrain from the use of mercenaries or to regulate their activities. Finally, under the framework of international criminal law, it is noteworthy that being a mercenary is not a crime under the International Criminal Court Statute²⁶⁹.

Combatant vs. civilian status

If PMSCs cannot be easily considered mercenaries under international law, the next step is to review international humanitarian rules defining combatant vs. civilian status. Importantly, it should be noted at the outset that regardless of their status the staff of PMSCs are bound by IHL and they may incur individual criminal responsibility for any serious violations they may commit. However, the determination of their legal status will also define the specific rules applying to them while performing their activities in time of armed conflict. In particular, a person who is classified as a combatant has the right to participate in hostilities, while, at the same time, he/she can be considered a legitimate military target and therefore can be attacked by the opposing forces. Conversely, if the person is considered to be a civilian, neither of the above rules would apply, and hence, as applied to the case of PMSCs, PMSCs’ employees cannot participate in hostilities and they cannot be attacked but must be treated as protected persons²⁷⁰, the attacking of whom is considered a war crime²⁷¹.

In this regard, the answer to the question of combatant/civilian status is as open to debate as the issue of the definition of a mercenary and can be better determined on a case-by-case basis, depending on a series of circumstances, including the kind of services they provide and their level of integration within the military command. Again, the case of Iraq serves as an illustration.

On the one hand, to be granted combatant status under IHL PMSCs’ employees must be:

- a) members of the armed forces – within the meaning of Article 4.A.1) of the Third Geneva Convention (1949) (IIIGC) or Article 43 of AP I²⁷²; or
- b) be classified as militia or a volunteer force – according to the criteria stipulated in Article 4.A.2) of the IIGC.

²⁶⁷ See Gaultier, L. et al., “The mercenary issue . . .”, *op. cit.*, at 23.

²⁶⁸ Cameron correctly notes that this does not mean however that AP I obliges a detaining power to deny a person PoW status – they may decide to grant it –. Cameron, L., “Private military companies . . .”, *op. cit.*, p. 579.

²⁶⁹ On this point, see *Infra*, individual criminal responsibility.

²⁷⁰ See Art. 51 of API.

²⁷¹ See respectively articles 49, 50, 129 and 146 of Geneva Conventions I-IV.

²⁷² See Article 4A(1) of the Third Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (GC III), and Article 43 of Additional Protocol I. According to article 43 of Additional Protocol I: “1. The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict.

[...] 3. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.”

In Iraq, the integration of PMSCs into the armed forces of a State should evidently be rejected, first and foremost, in the case of those PMSCs hired by actors other than States, such as multinational companies, the United Nations and media agencies. Furthermore, while some PMSCs operating in Iraq accompany U.S. and Coalition/Multinational (MNF) forces and in practice their contractual remit might amount to taking an active part in hostilities, “contracting States” have often remarked that they lack direct control over contractors or their employees, and thus that PMSCs employees are outside the military chain of command within the meaning of the provisions of IIGC and AP I²⁷³. Likewise, according to paragraph 3 of article 43 of AP I: “[w]henver a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict”; in Iraq, nevertheless, the U.S. has been reluctant openly to consider PMSCs part of its armed forces and has tended to emphasize their civilian status and the fact that they are barred from participating in hostilities²⁷⁴. Finally, it should be noted that the *raison d’être* of privatization is directly opposed to consider PMSCs part of the armed forces, i.e. “to devolve on the private sector what was previously the preserve of government authorities”²⁷⁵.

As for the second possibility, whereby PMSCs can be classified as militias or volunteer corps, this is a much more complex and improbable scenario²⁷⁶ but it will suffice to say here that four cumulative requirements, in addition to belonging to a Party to the conflict, must be met by each PMSCs in order to fall under this category and, thus, be granted combatant status: “(a) that of being commanded by a person responsible for his subordinates; (b) that of having a fixed distinctive sign recognizable at a distance; (c) that of carrying arms openly; (d) that of conducting their operations in accordance with the laws and customs of war”²⁷⁷. Patently, the first two criteria are lacking in some of the companies that work, or have been working, in Iraq, but also the requirement of belonging to a Party to the conflict is a very demanding one once PMSCs’ employees have been considered not part of State armed forces. Furthermore, in the context of the Iraq conflict, PMSCs have been excluded from this category according to CPA Order Number 91²⁷⁸.

On the other hand, while in the vast majority of cases PMSCs’ employees may therefore be virtually considered non-combatants, they do not easily fit the legal definition of civilians as described in IHL²⁷⁹, at least insofar as they provide certain services which may amount to “direct participation in hostilities”. Determining which activities of PMSCs constitute direct participation in hostilities (DPH) is however controversial and has provoked much debate²⁸⁰.

The Geneva Conventions and Additional Protocols do not include a definition of this term²⁸¹ neither do they make a distinction between the offensive and defensive nature of participation in hostilities. In Iraq, CPA regulations authorized PMSCs to engage only in defensive use of force, and the U.S. and Iraqi authorities have emphasized that private security contractors were in Iraq only to defend and protect persons and properties

²⁷³ See U.S. Department of the Army Field Manual (FM) No. 3-100.21, Contractors of the Battlefield, January 2003, 1-22: “Management of contractor activities is accomplished through the responsible contracting organization, not the chain of command. Commanders do not have direct control over contractors or their employees (contractor employees are not the same as government employees); only contractors manage, supervise, and give directions to their employees.”

²⁷⁴ See *infra*, Domestic law/U.S. law.

²⁷⁵ Cameron, L., “Private Military... *op. cit.* at. 583.

²⁷⁶ *Idem*, 584-586.

²⁷⁷ Art. 4.A.2) IIGC: “Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following condition[...].”

²⁷⁸ CPA Order Number 91, issued on 2 June, 2004, Section 3. See *infra* – Iraqi law.

²⁷⁹ See Art. 50 of API.

²⁸⁰ See ICRC, *An Interpretative Guidance on the Notion of Direct Participation in Hostilities under IHL*, <http://www.icrc.org/eng/resources/documents/feature/direct-participation-ihl-feature-020609.htm>

²⁸¹ According to the ICRC Commentary on the Additional Protocols to the Geneva Conventions, DPH would amount to “acts of war which by their nature or purpose are likely to cause actual harm to the personnel and equipment of the enemy armed forces”, Sandoz, Y., Swinarski, C., Zimmerman, B. (eds.), Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, ICRC/Martinus Nijhoff, Dordrecht, 1987, Article 51.3, para. 1944. See also ICRC, *An Interpretative Guidance on...*, *op. cit.*



and that they have been prohibited from direct participation in hostilities. However, Article 49.1 of AP I defines “attacks” as “acts of violence against the adversary, whether in offence or in defense”, thus making the offensive/defensive nature of the use of force immaterial for the purposes of IHL. However, it is commonly agreed that the meaning of direct participation in hostilities is not limited simply to “fighting”. Certainly however, the broad spectrum of services provided by PMSCs means that some are closer to the concept of DPH than others. According to Alexander Faire, legal advisor to the ICRC:

“‘direct participation in acts of war’ - the indicator of civilian or military status – doesn’t have to be engagement in combat. Transportation of weaponry, collection of intelligence, providing military equipment - could all lose these civilians the protection they would otherwise be due under International Humanitarian Law (IHL)... [However] If they’re providing security to civilian objects such as schools or hospitals (because these are not legitimate targets in warfare), they cannot be attacked, and can defend themselves by arms if they are attacked, without this being regarded as direct participation in hostilities. But if they’re guarding a military facility, then it is yet different because on duty, contractors would be a legitimate target, whereas when off duty, contractors would be civilians again.”²⁸²

It is apparent that the decisive question as to which contractor activities amount to DPH is best determined depending on the particular instance. For example, services such as logistics and non-armed support activities are generally not considered as amounting to DPH. Some commentators argue that “[t]he fact that Article 4A(4) of the Third Geneva Convention provides for civilians to perform tasks such as supplying the armed forces with food and shelter but to retain their civilian status indicates that PMC employees may not be perceived as directly participating in hostilities merely for performing such support services.”²⁸³ In contrast, however, it could be contested that the content of Article 15 of the IV Geneva Convention suggests precisely the opposite when it provides that “[a]ny Party to the conflict may...propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction: (a) wounded and sick combatants or non-combatants; (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, *perform no work of a military character*.”(Emphasis added).

Furthermore, together with the nature of services performed by PMSCs, the nature of the objects they protect through their services is also relevant to the assessment of whether PMSCs employees are participating in hostilities and therefore can be considered legitimate targets. Once more in the case of Iraq, PMSCs have been hired to provide protective services to an array of objects, such as oil pipelines infrastructure, CPA-MNF facilities, U.S military convoys, reconstruction works, etc, many of which may be considered military targets because of their nature, purpose or use²⁸⁴. The protection of ammunition and arms dumps could be considered one such example. Furthermore, certain objects may be considered military objectives owing to their location. For example, PMSCs operating in Iraq have often provided mobile security to convoys passing through areas where hostilities were taking place or military zones that are under a constant risk of attack.

As for the practical consequences that DPH involves for PMSCs considered civilians – as also applicable to DPH by any civilian - they are extremely relevant. Firstly, they will be considered “unprivileged/unlawful combatants” during the time such participation lasts and they lose the right of immunity from attack civilians normally enjoy (principle of distinction). Yet to

²⁸² Faite, A., “Involvement of private contractors in armed conflict: Implications under International humanitarian law”, *Defence Studies*, Vol. 4, No. 2, Summer 2004, p. 170.

²⁸³ Cameron, L., “Private military...”, *op. cit.*, at. 588-589.

²⁸⁴ *Id.* at 590.

be clear, “unlawful combatants” do not constitute a third category of status under IHL²⁸⁵; PMSCs would still be civilians but they are unprotected civilians, i.e. lawful targets of attack. Secondly, if PMSCs’ employees are captured, they could be prosecuted by national courts of the detaining State for this “participation” – insofar as DPH has been criminalized under national laws – and for other hostile acts – even if the act is not a breach of IHL, such as the killing of a combatant. Although in practice these consequences are similar to those that would apply to a mercenary, in the case of Iraq the opportunity of prosecuting PMSCs for their actions – whatever the acts, either common crimes or serious violations of human rights – was however vetoed by the grant of legal immunity extended to private security contractors under Order Number 17 issued by the CPA in 2004²⁸⁶, thus complicating further the question of their legal status as it suggests they are put on the same level as legitimate combatants – who cannot be prosecuted by the mere fact of having directly participated in hostilities – but without making them members of the armed forces.

Conclusion

In summary, it has been demonstrated that, on a general basis, the legal status of private military and security contractors is variable and is best determined on a case-by-case basis. Normally, although there are some exceptions, many PMSCs are unlikely to fall under the complex/cumulative definition of mercenary, and it is therefore difficult for them to be adequately regulated by international law on mercenaries. As regards IHL, only specific cases involving PMSCs employees could reach the threshold for classification as regular armed forces and/or military/volunteer corps, and thus be entitled to combatant status. As a result, the majority of PMSCs should be considered civilians, or “unprivileged combatants” when they directly participate in hostilities. In this regard, both armed and unarmed services usually performed by PMSCs may fall within the notion of direct participation in hostilities under specific circumstances, although a definitive answer as to whether this is the case has not been provided yet.

Altogether, this is not a wholly satisfactory result from a regulatory perspective. The UN Assistance Mission to Iraq (UNAMI) and the ICRC share the view that the increasing recourse to the services of PMSCs “risks eroding the fundamental distinction between civilians and combatants because these people may not appear clearly as quite one or the other”²⁸⁷. Furthermore, for the personnel of these companies the vagueness of their status under international law is hazardous. Given the consequences stemming from the fact of their being considered mercenaries, combatants or civilians, it is important that PMSCs employees are aware of their status under international law, and therefore, of their consequent rights and obligations.

Some commentators have suggested that an ideal solution would be to integrate or incorporate the staff of PMSCs into the armed forces of the States parties to a conflict, at least those PMSCs employees who are likely to engage in hostilities²⁸⁸. This option, however, does not work in the case of PMSCs deployed in areas where none of the home/contracting State armed forces are present. This may be the case in Iraq once the United States withdraws all of its military forces by the end of 2011, but leaves the PMSCs that it has hired to support the diplomatic mission.

- Rules governing activities of PMSCs under IHL

International humanitarian law applies whenever there is *de facto* armed conflict, irrespective whether the recourse to armed force by the parties is classified as lawful or unlawful under general international law (*ius ad bellum* or, rather, *ius contra bellum*). All parties to the conflict and

²⁸⁵ Since IHL does not provide a category of “quasi-combatant”, “unlawful/unprivileged combatant” has been proposed as a third category of status along with combatant and civilian, although it does not appear as such in humanitarian conventions. See on this issue Dörmann, K., “The legal situation of “unlawful/unprivileged combatants”, *International Review of the Red Cross*, Vol. 85, No. 84, March 2003, pp. 45–74

²⁸⁶ CPA Order Number 17, as revised on June 27, 2004, Section 4; see *infra*, Iraqi law.

²⁸⁷ UNAMI, Human Rights Report 1 April – 30 June 2007, para. 22, quoting <http://www.icrc.org/web/eng/siteeng0.nsf/html/private-military-companies-interview-271106>

²⁸⁸ Cameron, L., “Private military companies... *op. cit.*”, p- 595-596. Also Walther, P., *The legal status of private contractors under international humanitarian law*, 2007 at 30; available at <http://www.guardian-gbs.com/Presse/afhandling.pdf>



all individuals must equally respect its rules (i.e. the *ius in bello*)²⁸⁹. In the context of PMSCs, it means that IHL does not govern the lawfulness or legitimacy of PMSCs *per se*, or their use by States to perform certain activities, but rather, it regulates their behavior during an armed conflict. In this regard, while PMSCs, as companies, are not directly bound by IHL, their employees and States are. Therefore, both States and private persons *can* commit violations of IHL.

The staff of PMSCs must comply with IHL regardless their status. In particular, they must refrain from committing serious violations of IHL, such as attacks against civilians or torture and ill-treatment of detainees, which constitute war crimes for which they can be prosecuted in national and international courts. Furthermore, while performing their activities PMSCs' personnel are obliged to distinguish between civilians and combatants, and must also respect other humanitarian rules such as the principle of proportionality and limitations on the use of certain means and method of warfare²⁹⁰. In this regard, several resolutions of the United Nations Security Council concerning Iraq have affirmed "the importance for all forces, including foreign forces, promoting the maintenance of security and stability in Iraq to act in accordance with international law, including relevant obligations under international humanitarian law, human rights law and refugee law"²⁹¹.

Yet, irrespective of their status, PMSCs employees are also the beneficiaries of certain rights. Specifically, even if they are considered unlawful combatants because of their participation in hostilities, they enjoy at least the minimum legal guarantees provided for in Article 75 of API²⁹², which applies also in case of detention, as well as applicable non-derogable human rights binding on States. In addition, even if as unlawful combatants PMSCs employees are legitimate targets, unlawful combatants as well as lawful combatants cannot be attacked if they "have laid down their arms, or are placed hors de combat by sickness, wounds, detention, or any other cause"²⁹³.

289 assòli, M., Bouvier, A., *How does law protect in war...*, *op. cit.*, particularly on pp. 83-85.

290 For the content of these rules and principles under international customary law, see Henckaerts, J.M. and Doswald-Beck, L., *Customary International Humanitarian Law*, 2 volumes, Volume I. Rules, Volume II. Practice, Cambridge University Press, 2005.

291 UN SC Res. 1723, November 28, 2006; 1790, December 18, 2007

292 Among others, this provision set forth the following fundamental guarantees: "1. In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons.

2. The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or by military agents:

(a) violence to the life, health, or physical or mental well-being of persons, in particular:

(i) murder;
(ii) torture of all kinds, whether physical or mental;
(iii) corporal punishment; and
(iv) mutilation;

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault;

(c) the taking of hostages;

(d) collective punishments; and

(e) threats to commit any of the foregoing acts.

3. Any person arrested, detained or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for penal offences, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention or internment have ceased to exist." See also, in time of non-international armed conflicts, the content of Common article 3 of the four 1946 Geneva Conventions.

293 See Article 23.c) of Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907 (hereinafter, IV Hague Regulations of 1907); see also Common article 3 of GC I-IV.

On the other hand, States have also responsibilities under IHL with regard to the activities of PMSCs. In particular, while generally IHL does not prohibit States from hiring PMSCs, it does limit their freedom to contract out certain activities to PMSCs. For instance, under IHL States' authorities are required to conduct certain activities themselves, such as the supervision of prisoner of war camps and civilian places of internment. In this case, they can outsource certain administrative tasks but overall responsibility must rest with the State authorities²⁹⁴. Similarly, even if States hire PMSCs to perform certain functions, they retain their obligations under IHL with regard to these functions. For example, in situations of occupation the occupying State has an obligation to "take all the measures in his power to restore, and ensure, as far as possible, public order and safety"²⁹⁵. This obligation remains in force even when the occupying power uses PMSCs to, for example, provide security²⁹⁶. Therefore, States cannot absolve themselves of their IHL obligations by contracting out certain functions.

Furthermore, under common article 1 to the Geneva Conventions States have undertaken "to respect and ensure respect" for IHL. This provision has been interpreted broadly. While it is clear that the "contracting State" is in a better position to implement the specific duties stemming from this responsibility, for example through contract clauses, other States such as the territorial State where the PMSC operates and the State where it is registered or incorporated can also influence the appropriate behavior of PMSCs in time of armed conflict, in particular through the license and registration regulatory process²⁹⁷.

Finally, States bear the primary responsibility for ensuring criminal accountability. In particular, they must search for and prosecute or extradite PMSC personnel, regardless of their nationality, for committing (or ordering the commission) of "grave breaches" of the Geneva Conventions, including willful killing, torture or inhumane treatment of protected persons as well as extensive destruction of protected property²⁹⁸. Although the scope of this obligation extends to all States, some States are more likely *forum* for prosecutions, particularly those States which have clear jurisdictional nexus with the crime, such as the territorial State and the State of nationality of the victim or the alleged perpetrator. However, obstacles to criminal prosecution may arise as a consequence of the content of agreements of jurisdiction, such as bilateral agreements or status-of-forces agreements providing immunity from prosecution²⁹⁹. As we have noted above, this has been the case in Iraq under CPA Order 17 (2004). Furthermore, this obligation also exists with regard to the broader category of grave breaches under API, but, importantly, in contrast with the almost universal ratification of the GC, certain relevant States such as the United States have not yet ratified this treaty.

- Human rights law

As activities of PMSCs have a clear impact on the human rights of individual³⁰⁰, questions have raised as to whether international human rights law imposes direct legal obligations on private companies so that they can be held directly responsible under international

²⁹⁴ See *Montreux Document on pertinent legal obligations and good practice for States related to operations of private military and security companies during armed conflict*, Swiss Government, 17 September of 2008 (hereinafter the *Montreux document*), p. 32.

²⁹⁵ Art. 43 of the IV Hague Regulations of 1907.

²⁹⁶ *Montreux Document*, *op. cit.* p.32; also, Gillard, E-C., "Business goes to war: private military/security companies and international humanitarian law", *IRRC*, Vol. 88, No. 863, September 2006, pp. 549-550.

²⁹⁷ *Idem*.

²⁹⁸ See respectively GC I - IV articles 50/51/129/147.

²⁹⁹ See on this point, Tonkin, H., *State control over private military and security companies in armed conflict*, Cambridge University Press, 2011, p. 166-169.

³⁰⁰ Obviously we are referring to that which is stated in Section 3. Nevertheless, for details on the discussion of the fact that the use of PMSCs is not a matter concerning human rights, see Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación...*, *op. cit.*, Chapter III.



law for human rights violations³⁰¹. While IHL applies to States as well as to non-State actors and imposes obligations directly on individuals acting in a private capacity, to date the imposition of obligations on private persons or entities by human rights law remains exceptional³⁰² and PMSCs may only be directly bound by human rights through national law. In particular, human rights law as codified in human rights conventions such as the *International Covenant on Civil and Political Rights* (ICCPR) imposes on States parties an obligation to ensure and protect human rights to all persons within their jurisdiction³⁰³, and, it is in fulfilling this obligation that State parties have also a positive duty to impose obligations on private persons or entities not to breach the rights of others. Accordingly, “such individual obligations ... are not directly imposed by international law but through the operation of municipal law”³⁰⁴. This is known as a State’s horizontal obligations under human rights treaties as opposed to vertical obligations which address the responsibility of States for the actions of their own authorities – in this case States have an obligation to respect human rights, i.e. to refrain from committing human rights violations-. The horizontality of human rights obligations was analyzed by Human Rights Committee (HRC) in its *General Comment 31 regarding the nature of the General Obligation Imposed on State parties to the ICCPR*:

“The article 2, paragraph 1, obligations are binding on States [Parties] and do not, as such, have direct horizontal effect as a matter of international law. The Covenant cannot be viewed as a substitute for domestic criminal or civil law. However the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities.”³⁰⁵

It is understood that human rights obligations of States towards the activities of private persons, and thus of PMSCs, cannot be as strict as its vertical obligations since “a State cannot be expected to exercise the same degree of control over private persons as it does over its own servants”³⁰⁶. Nevertheless, the Human Rights Committee has noted that a State Party is “not relieved of obligations under the Covenant when some of its functions are delegated to other autonomous organs”³⁰⁷, and the jurisprudence of this and other human rights bodies has confirmed that the obligation to ensure and protect human rights involves such duties as exercising due diligence and taking reasonable steps and appropriate measures to prevent, deter, investigate, punish and redress violations of human rights caused by acts of private persons and entities³⁰⁸. This also includes taking measures to prevent and punish misconduct by PMSCs against their own employees.

The specific scope of these duties is to be found firstly in the respective human rights treaties, which generally requires States Parties to adopt legislative, judicial, administrative,

301 Report of the Special Representative of the UN Secretary General (SRSG Report), J. Ruggie, to the UN Human Rights Council, on the issue of human rights and transnational corporations and other business enterprises, 9 Feb. 2007, A/HRC/4/035, at 14, para. 44: “[i]t does not seem that the international human rights instruments ... currently impose direct legal responsibilities on corporations”.

302 See Provost, R., *International Human Rights and Humanitarian Law*, Cambridge University Press, 2002, pp. 59-75.

303 See *American Convention on Human Rights*, 22 November 1969, OAS Treaty Series No. 36, Art. 1. *Convention for the Protection of Human Rights and Fundamental Freedoms* (European Convention), 1950, 213 UNTS 22, Art. 1. *International Covenant on Civil and Political Rights*, General Assembly Resolution 2200 A (XXI), 16 December 1966, Art. 2.1.; *African Charter on Human and People’s Rights*, OAU Doc. CAB/LEG/67/3 rev. 5, 27 June 1981, Art. 1.

304 Provost, R., *International Human...*, *op. cit.*, p. 59.

305 Human Rights Committee, *General Comment 31 - The Nature of the General Obligation Imposed on State parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 8.

306 Joseph, S., Schultz, J. and Castan, M., *The International Covenant on Civil and Political Rights. Cases, Materials and Commentary*, p. 36.

307 See HRC, *B.d.B v. Netherlands* (273/88), 30 March 1989 para. 6.6. See also, *Lindgreen et al. v. Sweden* (298-99/88), 9 November 1990, para.10.4.

308 Inter-American Court of Human Rights, *Velasquez Rodríguez v. Honduras*, 29 July, 1988 at 154 para. 172; European Court of Human Rights, *Osman v. UK*, Judgment of 28 October 1998;

educative and other appropriate measures in order to ensure the rights set out therein. Furthermore, the jurisprudence of human rights bodies as well as soft law standards can be also relevant in refining these obligations³⁰⁹. For instance, the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* adopted by the General Assembly sets out a number of obligations binding on States with respect to criminal justice and reparation. And according to Principle IX of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law the obligation to make reparation encompasses a duty to provide satisfaction, restitution, rehabilitation as well as compensation. Further on this issue, it is noteworthy that the Montreux Document, a Swiss PMSC-related initiative which compiles relevant international legal obligations regarding activities of PMSCs, has identified a series of “corresponding good practices” with regard *inter alia* to the obligation to protect human rights³¹⁰. According to them, good practices that States should apply to prevent human rights abuses by PMSCs would include “select companies and personnel with no criminal records, ensure adequate training, and established internal investigative and disciplinary mechanisms”; further good practices consist also of requiring “PMSCs to respect and ensure the welfare of their personnel by providing adequate pay, operational safety and health policies, and by abstaining from unlawful discrimination” and ensuring “that victims of misconduct by PMSCs have adequate remedies and can claim adequate reparation”.

Another relevant issue arising from human rights law as a regulatory framework for activities of PMSCs concerns the territorial scope of state’s obligations: does the duty to ensure and protect human rights apply to any State linked to the PMSC? Under human rights conventions the general obligation to protect and ensure human rights is imposed on State Parties with regard to *all individuals in their territory and subject to their jurisdiction*³¹¹. The jurisprudence of human rights bodies has made clear that this principle includes the protection of any person “within the power or effective control of the State”, even if not situated within its territory, as it is the case in a situation of occupation, and furthermore, to all individuals regardless of nationality, such as refugees and migrant workers³¹². Therefore, States’ duty to protect persons from human rights abuses extends to potential abusive activities of PMSCs in a situation of occupation – as far as it is a territory under their control – as well as to those PMSCs’ foreign employees who can be considered migrant workers subject to their jurisdiction.

Applying to the case of PMSCs in Iraq, the analysis of the scope of a State’s obligations should distinguish between the different States involved. First, it is the host/territorial State, i.e. the State on whose territory the company operates. During the period of the occupation of Iraq (2003-2004), the United States as the occupying power had the obligation to ensure public order and the safety of the population subject to its jurisdiction³¹³, as well as other human rights considered absolute and non-derogable, which cannot be restricted in a situation of emergency, such as the prohibition of torture and inhumane and degrading treatment. After the official transfer of sovereignty, it is Iraq that has the obligation to ensure that no human rights abuses are committed by private entities on its territory³¹⁴.

Second, and far more complicated, is the question of the obligation of the home State or country where the PMSC is registered or based – country in which it has its headquarters-. In this context, it can be understood that the home State is not under an obligation to protect individuals from the activities of the company in a third State insofar as it has no control in that State and, furthermore, it is prevented under international law from enforcing its own laws in the territory of another country. It has been argued, however, that the scope of the obligation to protect human rights for the home State in regard to conduct of PMSCs

309 Droege, C., *Private Military and Security Companies and Human Rights – A rough sketch of the legal framework*-, document prepared for the Governmental Expert Workshop of 16-17 January 2006, p. 3; at <http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/humlaw.Par.0070.File.tmp/Presentation%20PMSC%20and%20Human%20Rights.pdf>

310 Montreux document, *op. cit.* p. 34.

311 See the European Convention, Art. 1; the American Convention, Art. 1.1; the African Charter, Art. 1; the International Covenant on Civil and Political Rights, Art. 2.1.

312 HRC, General Comment 31, *op. cit.*, para. 10.

313 Art. 43 of the Hague Regulations of 1907.

314 See UNAMI Report 2010, p. 13.



abroad would at least include “the obligation to enact legislation or other regulations in order to prevent abuse of human rights by the company registered in its own jurisdiction”³¹⁵.

- International initiatives

To address loopholes and obstacles in existing legal frameworks, several international initiatives have been developed in order to improve international regulation of the activities of PMSCs³¹⁶. While of a very different nature, and indeed because of this very different nature, we wish here to highlight two of them: on the one hand, there have been regulatory initiatives *ad intra* through the promotion of voluntary self-regulatory instruments by PMSC industry organizations, along with other actors; on the other hand, the UNWG has advocated the adoption of an external binding regulatory mechanism, mainly controlled by States, and has drawn up a possible International Convention on Private Military and Security Companies.

Self-regulation

Many PMSCs, being aware of the grave image problems suffered by the mercenary industry and recognizing that their activities are inadequately regulated under national and international rules, have promoted further regulation, responsibility and transparency of the private military and security sector through models of self-regulation. A number of western-based companies have collectively proposed self-regulation through the adoption of voluntary codes of conduct under the umbrella of industry organizations such as the International Stability Operation Association (ISOA)³¹⁷, formerly IPOA, and the British Association of Private Security Companies (BAPSC)³¹⁸. Others, such as the Sarajevo Code of Conduct³¹⁹ and the Montreux Document/International Code of Conduct for Private Security Service Providers³²⁰, are hybrid but equally voluntary regulatory initiatives developed by a series of actors such as corporations, industry members and associations, client organizations, specialist civil society representatives and governments.

While from a theoretical perspective, the potential of self-regulation models is highly praised by some analysts and human rights organizations for their achievements in standard-setting, it is also noted that self-regulation by the private sector likewise suffered in practice from weaknesses in terms of enforcement and accountability which hinder realization of its full potential³²¹.

Generally, by nature the industry's codes of conduct and associated procedures are ethical but not legally binding instruments and they cannot be invoked before national courts or judicial bodies, thus containing inherent deficiencies as regards achieving corporate accountability. For instance, the instrument describing the ISOA's enforcement mechanism, i.e. the Standards Compliance and Oversight Procedure (SCOPE), states that “[t]he SCOPE shall not be legally binding” and that ISOA “is not a law enforcement or judicial organization, and will not attempt to prove the guilt or innocence of a member company in a criminal or

³¹⁵ Droege, C., *Private military...*, *op. cit.* p. 4.

³¹⁶ For an overview of European Regulation of PMSCs see Butazu, A-M., *European Practices of Regulation of PMSCs...*, *op. cit.* Generally, see Cameron, L., “Private military...”, *op. cit.*, p. 595-597. And also, Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, *op. cit.*, pp. 37-60.

³¹⁷ According to its website the origins of the ISOA's Code of Conduct date back to late 2000, <http://ipoaworld.org/eng/codeofconduct.html>

³¹⁸ BAPSC Charter was launched in 2006, <http://www.bapsc.org.uk/?keydocuments=charter>.

³¹⁹ The Sarajevo Code of Conduct for Private Security Companies was launched in September 2006, http://www.seesac.org/uploads/studyrep/Code_of_conduct.pdf

³²⁰ The International Code of Conduct for Private Security Service Providers was signed in November 9, 2010, as part of the second stage of the so-called Swiss Initiative; the first stage included the adoption of the *Montreux Document*, *op. cit.*

³²¹ See Kazantsev, A.A., “Turning “pirates” into “corsairs”: Increasing international potential of regulation of PMSCs through mechanisms of self-regulation”, quoted in the UN Working Group's additional unofficial website, <http://www.unwg.rapn.ru/>; Richemond-Barak, D., “Regulating War: A Taxonomy in Global Administrative Law”, Interdisciplinary Center, Herzliya, *European Journal of International Law* (forthcoming), 2011.

civil legal case³²².

Furthermore, considering their content the vast majority of self-regulatory codes have succeeded in elaborating and promoting standards that can be applied industry-wide, but have yet “to create robust monitoring mechanisms capable of enforcing these standards”³²³. For example, the content of the ISOA’s code of conduct encourages its signatory members to be guided by rules of international humanitarian and human rights law³²⁴ as well as to support additional ethical imperatives, such as special rules for the use of force, arms control, and support of the role of international, humanitarian and non-governmental organizations. The Code further stipulates rules of transparency – e.g. “be open and forthcoming with relevant authorities on the nature of their operations” -, and accountability – e.g. report serious infractions such as grave breaches of IHL and HRL to the relevant authorities, and “proactively address minor infractions” -, and on clients – e.g. “only work for legitimate, recognized governments...”-, and personnel – e.g. properly vet, supervise and train personnel” and “conduct all reasonable due diligence in their hiring and subcontracting practices”. However, the ISOA’s Enforcement Mechanism, now replaced by the SCOPE, lacks an effective sanctioning system and furthermore it has been poorly applied in practice:

“Although a unique three-level enforcement mechanism is contemplated, the only sanction envisaged by the association itself is the expulsion of noncompliant members. Expulsion alone sidesteps true accountability. While the model of industry-led accountability is attractive at the procedural level - it avoids the need for new monitoring/enforcement bodies; cost is borne by individual companies which ought to punish ‘bad actors’; and there are no guarantees of non-repetition - it fails on the substantive level. It would be preferable for IPOA to play a role in reporting violations of international humanitarian and human rights law to relevant authorities, rather than leaving it to the companies. In any event, the expulsion of non-compliant members remains too limited a sanction.”³²⁵

Certainly, the November 2010 International Code of Conduct – the first part of the second stage of the Swiss Initiative - is seeking to overcome this shortcoming by making its full application conditional to the establishment of an independent oversight and accountability mechanism³²⁶, for which an additional 18-month period has been given for its creation. Since both the ISOA and BAPSC are signatories to the International Code, the resulting mechanism may well replace their internal enforcement schemes. To date, though various models have been proposed, the discussions on its actual architecture are still ongoing. The Chairperson-Rapporteur of the UNWG, Mr. Gómez del Prado, has nevertheless said that the self-regulatory mechanisms contemplated in the International Code are useful³²⁷ but insufficient insofar as they do not function within a legal binding framework at national and international level³²⁸. Only in this way, he concludes, can the International Code and the draft international convention proposed by the UNWG complement each other³²⁹.

³²² Preamble of the ISOA’s SCOPE. in <http://ipoaworld.org/eng/compliancev02eng.html>

³²³ Richemond-Barak, D., “Regulating War...”, *op. cit.*, p. 55.

³²⁴ These rules include but are not limited to those set forth in the Universal Declaration of Human Rights (1948), the Geneva Conventions (1949), the Convention Against Torture (1984), the Protocols Additional to the Geneva Conventions (1977), the Chemical Weapons Convention (1993), the Voluntary Principles on Security and Human Rights (2000), and the Montreux Document on Private Military and Security Companies (2008). Since PMSCs have always refused to be classified as mercenaries, the UN Mercenary Convention is absent from this list. Furthermore, a wrong date is given for the Torture Convention on the ISOA website.

³²⁵ Richemond-Barak, D., “Regulating War...”, *op. cit.*, p. 43.

³²⁶ International Code of Conduct, Section 56.

³²⁷ See however certain shortcomings identified by the Rapporteur with regard to the International Code of Conduct, in Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, *op. cit.*, pp. 54-59.

³²⁸ *Ibid*, at 59-60.

³²⁹ *Idem*.



The UN Draft Convention

The *UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* was established in 2005 by the UN Human Rights Commission, later replaced by the Human Rights Council (HRC)³³⁰. Among the elements of its mandate are to study, identify and monitor current and emerging issues, manifestations and trends of mercenaries, mercenary-related activities and activities of private military and private security companies which have an impact on human rights in general, including the right of peoples to self-determination. Although its mandate has not received the support of Western States, who claim that the question of mercenaries is too closely linked to the period of decolonization and to the situation of peoples under foreign occupation for being considered in UN human rights forums such as the HRC and the Third Committee of the General Assembly, the Working Group has specifically monitored and studied the impact of the activities of the PMSCs on the enjoyment of human rights, and in particular has released important information with regard to their situation and activities in Iraq³³¹.

During its work the UN Group has persistently reiterated that the responsibility of PMSCs is an ongoing challenge, due to the extremely poor record of prosecutions, and that it is therefore necessary to take appropriate measures to fill existing legal gaps at national, regional and international level³³². In 2009, the Human Rights Council asked the Working Group to “[c]onsult with intergovernmental and non-governmental organizations, academic institutions and experts on the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military security-related services on the international market”³³³. Thereafter, the UN Group continued to work on the elaboration of the main *elements of a possible Convention on PMSCs* until its presentation to the Human Rights Council³³⁴ and its examination in September-October 2010³³⁵. Despite opposition from the US and European Union, a resolution was finally adopted by the HRC setting up an open-ended intergovernmental working group with the mandate “to consider the possibility of elaborating an international regulatory framework, including, inter alia, the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies, including their accountability, taking into consideration the principles, main elements and draft text as proposed by the Working Group”³³⁶.

The UNWG's convention initiative has taken a pragmatic approach as a starting point: in view of the unfeasibility of stemming the increasing recourse to PMSCs by States, international organizations and private entities, the protection of human rights can be better ensured by means of regulating the relationship between them. Accordingly, “[t]he aim of a new binding legal instrument is not to ban private military and security companies but to establish minimum international standards for States parties to regulate the activities of the companies and their personnel and to set up an international oversight mechanism.”³³⁷ Furthermore, the proposed draft convention would apply to States and intergovernmental organizations in their relations with the PMSCs, and to all situations where PMSCs military and security companies are used, regardless of whether the situation would be considered to constitute armed conflict. Therefore, the potential convention would not impose direct

³³⁰ See UN Commission of Human Rights Resolution 2005/2, 7 April 2005.

³³¹ Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, *op. cit.*, pp. 61-63. For more details on the work of the UNWG, please go to its website, <http://www2.ohchr.org/english/issues/mercenaries/index.htm>

³³² UN Doc. A/HRC/15/25.

³³³ UN Doc. A/HRC/10/L.11, 12 May, 2009, at para. 13.

³³⁴ *Draft of a possible Convention on Private Military and Security Companies (PMSCs) for consideration and action by the Human Rights Council*, A/HRC/15/25, 2 July 2010; *Elements of a proposed draft convention on private military and security companies*, UN Doc. A/65/150, 25 August 2010.

³³⁵ See 15th Session of the Human Rights Council, <http://www2.ohchr.org/english/bodies/hrcouncil/15session/resolutions.htm>

³³⁶ HRC resolution 15/26, 7 October 2010, para. 4. See Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación...*, *op. cit.*, pp. 90-92.

³³⁷ UN Doc. A/65/150, 25 August 2010, para. 54.

obligations on PMSCs, except through national law. In particular, regarding its content the draft convention proposes:

- “(a) To reaffirm and strengthen the State responsibility for the use of force and to reiterate the importance of the State monopoly of the legitimate use of force;
- (b) To identify the functions that are inherently State functions and that cannot be outsourced to private military and security companies under any circumstances;
- (c) To limit the use of force and firearms by private military and security companies according to international human rights standards;
- (d) To request that State parties develop national regimes for the licensing, regulation and oversight of the activities of private military and security companies and their subcontractors;
- (e) To promote international cooperation between States regarding the licensing and regulation of the activities of private military and security companies and their oversight;
- (f) To establish the increased responsibility of “home States” (where private military and security companies are registered) for the export of military and security services of private military and security companies registered and licensed in their country;
- (g) To request States of operation of private military and security companies to ensure effective control over the activities of foreign private military and security companies operating on their territory;
- (h) To establish an international register of private military and security companies based on information provided by member States;
- (i) To establish a committee on the regulation, oversight and monitoring of private military and security companies, in accordance with established procedures in international human rights treaties in order to monitor the measures taken by States parties to implement the convention.”³³⁸

It is apparent, consequently, that although the UN initiative (draft convention) and the Swiss initiative (Montreux document/International Code of Conduct) may coincide in some aspects, they follow different directions in terms of their nature, the former aims to serve as a basis for a future international convention project, while the latter recalls existing international obligations but does not have a binding-character approach. Additionally, it is noteworthy that further differences have also arisen in terms of their support. In particular, despite continuous efforts by the Working Group to reconcile the existing differing opinions and approaches, the European Union, the UK and the US have not supported the possible draft convention project and continued to refute the competence of the UNWG on this issue during the debates within the UN Human Rights Council and the General Assembly in September and October of 2010³³⁹. Commentators have also expressed divided opinions about the scope and potential of the UN initiative³⁴⁰. From a regulatory perspective, however, both regulatory initiatives should be considered complementary to and not exclusive of each other.

³³⁸ Idem.

³³⁹ Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, op. cit., pp. 82-92.

³⁴⁰ See White, N.D., “The Privatisation of Military and Security Functions and Human Rights: Comments on the UN Working Group’s Draft Convention” *Human Rights Review*, Vol. 11, No 1, 2011. Moesgaard, C., “Weak international response to the use of private military security companies”, *Danish Institute for International Studies (DIIS) Policy Brief*, March 2011.



- Responsibilities for unlawful conduct of PMSCs

Under international law the same act can simultaneously trigger the responsibility of the State and an individual in certain circumstances. In particular, an individual may incur international responsibility if he/she commits an offence which amounts to an international crime. Besides, a State may also be responsible under international law if the offence in question constitutes a breach of its international obligations and it is attributable to it. In the following lines we will provide some general observations of this two-fold dimension of international responsibility as applied to violations committed by PMSCs. Additionally, when dealing with human rights violations involving PMSCs the question has arisen as to the possibility of holding PMSCs as corporations liable under international law. Yet, in this regard we should continue to address the possible liability of legal persons as a matter of national law. In any case, in an ideal scenario a global strategy towards accountability of PMSCs should encompass three different levels of responsibility: individual, State and corporate responsibility.

Individual responsibility of PMSC personnel

International humanitarian law is applicable to all actors in an armed conflict and therefore all parties to a conflict, as well as all individuals acting in relation to it, must comply with IHL regardless of their status. Consequently, although it is primarily members of armed forces and other armed groups who are bound by IHL provisions, individual criminal responsibility does not depend on the status of the individual or the specific category to which a person belongs. The 1949 Geneva Conventions and 1977 Additional Protocol I define a series of conducts considered "grave breaches" – and war crimes – that entail the international responsibility of the individual who commits them in time of international armed conflict. Furthermore, under international criminal law the notion of war crimes is broader than that of grave breaches and also encompasses violations of IHL committed in times of internal armed conflict. Conducts such as the willful killing of a civilian or inhuman treatment are examples of war crimes. It is widely accepted that under IHL both combatants and civilians alike can commit war crimes. Therefore, even if PMSC personnel are qualified as civilians they can be prosecuted for violations of IHL. The International Criminal Tribunal for Rwanda (ICTR) confirmed the application of this principle in the appeal decision on the *Akayesu Case*:

"The Appeal Chamber is therefore of the opinion that international humanitarian law would be lessened and called into question if it were to be admitted that certain persons be exonerated from individual criminal responsibility for a violation of common Article 3 under the pretext that they did not belong to a specific category.

[...] This nexus between violations and the armed conflict implies that, in most cases, the perpetrator of the crime will probably have a special relationship with one party to the conflict. However, such a special relationship is not a condition precedent to the application of common Article 3.... In the opinion of the Appeal Chamber, the Trial Chamber erred in requiring that a special relationship should be a separate condition for triggering criminal responsibility..."³⁴¹

Accordingly, from the perspective of individual criminal responsibility, there is no legal impediment which would explain why those PMSC contractors accused of being involved in the Abu Ghraib prison's abuses have not been yet prosecuted, as was the case for members of the U.S. military also implicated in the scandal, who were prosecuted and convicted in a court-martial in 2006. A different but related question is the legal basis that can be used for criminal prosecution. Under IHL there is no public official/State involvement requirement for an act of torture to be classified as war crime. But the 1984 UN Convention against Torture explicitly states that "for the purpose of this Convention, the term "torture" means any act [...] inflicted by or at the instigation of or with the consent or acquiescence of a public

³⁴¹ *Prosecutor v. Jean-Paul Aka esu*, Case No. ICTR-96-4-T, Judgment, 2 September 1998, para. 443.

official or other person acting in an official capacity³⁴². In this context, some U.S. courts have understood that only state agents can commit torture under international law³⁴³, and this argument was adduced and accepted in the cases against PMSC Titan referring to the Abu Ghraib abuses³⁴⁴. However, the Appeal Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) has confirmed “that the public official requirement is not a requirement under customary international law in relation to the criminal responsibility of an individual for torture outside of the framework of the Torture Convention³⁴⁵, thereby opening an avenue for prosecuting PMSC employees who engage in acts of torture as a war crime/violation of IHL.

BOX. LEGAL CASE “SALEH V. TITAN CORPORATION”

A) Fact description: In 2003 the defendants were contracted by the U.S. Department of Defence to provide interrogation and intelligence services. Instead of providing interrogation and intelligence services in a lawful manner the defendants allegedly tortured, raped, and executed the plaintiffs.

B) Date: 2003 - 2004

C) Location: Abu Ghraib Prison, Baghdad, Iraq

D) Court: U.S. District Court for the Southern District of California (First Class Action Complaint); transferred to the Eastern District of Virginia (March 2005); District of Columbia (10 June 2005); Currently before U.S. Supreme Court.

E) Legal action class (criminal/civil): Demand for Jury Trial, Civil Class Action complaint alleging:

- Violations of Racketeer Influenced and Corrupt Organizations Act (RICO)
- Conspiracy to violate RICO
- Violations of the Alien Tort Claims Act (ATCA)
- Violations of the Geneva Conventions
- Violations of the U.S. Constitution
- Violations of the Religious Land Use and Institutionalized Persons Act, and Common Law Torts (RLUIPA)

F) Plaintiffs: According to Third Amended Class Action Complaint, plaintiff are Mr. Saleh, Haj Ali Shallal Abbas Al-Uweissi, Jilal Mehde Hadod, Umer Abdul Mutalib Abdul Latif, Ahmed Shehab Ahmed, Ahmed Ibrahim Neisef Jassem, Ismael Neisef Jassem Alnidawi, Kinan Ismael Neisef Al-Nidawi, Estate Of Ibrahim Neisef Jassem, Mustafa, Natheer, Othman, Hassan and classes of persons similarly situated, known as John and Jane Does Nos. 1 – 1050.

G) Defendants: TITAN Corporation, Adel Nahkla (employee and agent of TITAN), John B. Israel (constructive employee and/or agent of TITAN), CACI International Inc, CACI

³⁴² *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment*, 1984, article 1.

³⁴³ See U.S. Supreme Court, *Sosa v. Alvarez-Machain*, 124 S Ct 2739, 2766, n. 20 (2004), citing the decision of the U.S. Court of Appeals for the District of Columbia Circuit *Tel-Oren v. Libyan Arab Republic*, 726 F 2d 774, 791 – 795 (1984).

³⁴⁴ *Ibrahim et al. v. Titan Corp.*, Civil Action No. 04-1248 (JR), 391 F Supp. 2d 10, 14 (2005); See also *Saleh v. Titan*, Civil Action No. 05-1165 (JR) US District Court for the District of Columbia.

³⁴⁵ ICTY, *Prosecutor v. Kunarac, Kovac and Vukovic*, Case IT-96-23 & IT-96-23/1-A, Judgment (Appeals Chamber), 12 June 2002, para. 148.



Incorporated- Federal, CACI NV, CACI Premier Technology, Steven A. Stefanowicz (employee of CACI Corporation), and all of them acting together, conspiring with U.S. officials.

H) Damages (allegedly):

- Summarily executed at least 15 persons
- Caused as many as 50 suicides
- Caused serious physical injuries, including irreversible brain damage, broken bones, permanent paralysis, and permanent physical ill health
- Caused persons to become seriously mentally ill: concentration difficulties, memory problems, verbal expression difficulties, incoherent speech, acute anxiety reactions, abnormal behaviour and suicidal tendencies
- Caused extensive damage to certain plaintiffs' businesses and properties and putative RICO Class Members' businesses and properties located in the U.S.

I) Claims description (criminal counts and /or prayer for damages):

- Violation of RICO
- Conspiracy to violate RICO
- Claim under the ATCA: Summary Execution; Torture; Cruel, Inhuman or Degrading Treatment; Enforced Disappearance; Arbitrary Detention; War Crimes; Crimes Against Humanity
- Violation of Geneva Conventions
- Claims under the Constitution of the U.S.: Violation of the Eight Amendments; Violation of the Fifth and Fourteenth Amendments; Violation of the Fourth Amendment.
- Claim under the RLUIPA. Defendants imposed substantial burden on Plaintiffs' exercise of their religious beliefs.
- Assault and battery
- Sexual assault and battery
- Wrongful death
- False imprisonment
- Intentional infliction of emotional distress
- Negligent hiring and supervision
- Negligent infliction of emotional distress
- Conversion
- Unjust enrichment
- Violation of laws governing contracting with the U.S.

The legal action seeks a permanent injunction against this illegal conduct, compensatory and punitive damages, treble damages and attorney's fees under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), declaratory relief, and a permanent injunction against any future contracting with the U.S.

Third emended Complaint filed on 12 September 2005. http://ccrjustice.org/files/Saleh_3rdamendedcomplaint.pdf (last visit 27 September 2011)

J) Relevant Intermediate Court Resolutions/Memorandums:

11 September 2009: Decision of the Court of Appeals issued. Majority (Judges Silberman and Kavanaugh) find that plaintiffs' state law claims are pre-empted under either conflict pre-emption (combatant activities exception) or field pre-emption ("battle-field pre-emption"). The majority also found that the plaintiffs' ATS claims, including claims of torture and war crimes, could not be brought against contractors because they are not "state actors." Judge Garland wrote a dissent, in which he found that no basis in law or policy for dismissing plaintiffs' claims. <http://ccrjustice.org/files/TitanDecision%209%2011%2009.pdf> (last visit 27 September 2011)

13 October 2009: Plaintiffs' petition for rehearing *en banc*. [http://ccrjustice.org/files/11.04.09%20Defendants'%20responsev%20to%20en%20banc%20petition%20\(08-7008\).pdf](http://ccrjustice.org/files/11.04.09%20Defendants'%20responsev%20to%20en%20banc%20petition%20(08-7008).pdf) (last visit 27 September 2011)

K) Current Status of proceedings: The case has been closed before U.S. courts (see decision below):

On 11 September 2009, in a 2-1 decision, a panel of the Court of Appeals for the District of Columbia affirmed the dismissal of all claims against Titan/L-3, and, reversing to the district court, also dismissed all claims against CACI. Judge Garland issued a 39-page dissent, in which it was argued that plaintiff's state law claims should not be pre-empted and the case against both Titan/L-3 and CACI should be allowed to proceed. http://ccrjustice.org/files/Titan_Decision%209%2011%2009.pdf (last visit 27 September 2011)

On 25 January 2010, the Court of Appeals for the District of Columbia Circuit issued an order denying plaintiffs' petition for rehearing *en banc*.

On 26 April 2010, CCR filed a petition in the U.S. Supreme Court on behalf of the plaintiffs and against government contractors CACI International and Titan Corporation. On 28 June 2010, Defendants filed their oppositions to the cert petition.

On 4 October 2010, the Supreme Court invited the Acting Solicitor General to file a brief in this case expressing the views of the U.S. This brief was filed on 27 May 2011. The Acting Solicitor General submitted that cert should be denied. Plaintiffs filed a supplemental brief in response to the U.S. amicus brief on 17 June 2011. (<http://ccrjustice.org/files/6.17.11%20Saleh%20Pl.%20supplement%20brief%20response%20to%20US%20amicus.pdf> (last visit 27 September 2011))

L) Decision:

On 27 June 2011 **the Supreme Court denied Plaintiffs petition**. See: U.S. Supreme Court decision of 27 June 2011, Order List 564 U.S.-Certiorari Summary Dispositions, page 4, note 09-1313 "*Certiorari Denied: Saleh, Haidar M. et AL v. TITAN CORP et AL*":

- See Orders and Proceedings of this case before the U.S. Supreme Court: <http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/09-1313.htm> (last visit 27 September 2011).

- **See U.S. Supreme Court decision of 27 June 2011:** <http://www.supremecourt.gov/orders/courtorders/062711zor.pdf> (last visit 27 September 2011).

M) Appeal Decision/Other Decisions: ---

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Sources:

<http://ccrjustice.org/ourcases/current-cases/saleh-v-titan> (last visit 27 September 2011).

COMPLEMENTARY INFORMATION

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress:

This is a key court proceeding and decision, as many human rights abuses allegedly executed by U.S. Private and Military Companies and under investigation by U.S. Courts were waiting for the final decision by U.S. Supreme Court in order to decide upon other pending proceedings: <http://ccrjustice.org/ourcases/current-cases/saleh-v-titan> (last visit 27 September 2011).

Q) Others: See Annex A on PMSCs in Iraq/U.S.: CACI and TITAN files.



Under international law, individual criminal responsibility can also arise for gross human rights violations not necessarily related to an armed conflict such as genocide and crimes against humanity which are considered international crimes. Particularly in the case of Iraq, we could study the possibility of whether the practices of some PMSCs with a large record of attacks against civilian population may reach the threshold of crimes against humanity³⁴⁶. However, in principle the definitions of these offences require, *inter alia*, certain elements of “large scale” and “systematic practice” that may be difficult to satisfy for most of the incidents involving PMSCs. Obviously, this does not preclude the responsibility of PMSC employees for particular criminal offences under national law.

Finally, there is a prospect of individual criminal responsibility of PMSC personnel if, when acting as superiors or managers, they fail to prevent or to put an end to crimes committed by their subordinates. The responsibility of superiors is explicitly recognized in AP I for grave breaches of IHL³⁴⁷, but can also be attributed for other international crimes. Applying the principles of the doctrine of superior responsibility to PMSCs means that “directors or managers of PMSCs may be liable for crimes under international law committed by PMSC personnel under their effective authority and control, as a result of their failure to properly exercise control over them”³⁴⁸. In particular, in contrast to the responsibility of military commanders who may bear responsibility for crimes by their subordinates if they *know or should know* about their commission, experts have agreed that civilian superiors may only incur superior criminal responsibility “if they either *know or consciously disregard* information about a crime committed by their subordinates”³⁴⁹.

A related and important question concerning individual criminal responsibility of PMSCs personnel relates to its enforcement. At international level, provided that substantive and jurisdictional criteria are met the main avenue for prosecuting abuses committed by staff of PMSCs would be to subject them to the jurisdiction of the International Criminal Court³⁵⁰. In the case of PMSCs operating in Iraq, however, this option is highly limited. First and foremost, because in order for the Court to exercise its *complementary* jurisdiction, the PMSCs employee must be either a national of a State Party to the ICC Statute – which is

346 Crimes against humanity are defined in article 7 of the Statute of the International Criminal Court in the following terms: “For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

Paragraph 2 of art. 7 further provides that “For the purpose of paragraph 1: (a) ‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or *organizational policy* to commit such attack;” (emphasis added)

347 Article 86.2 API.

348 See Statement 27 of the Montreux Document, *op. cit.*

349 *Idem*, Explanatory Comments, Superior Criminal Responsibility, p. 37.

350 *Rome Statute of the International Criminal Court*, A/CONF.183/9, 17 July 1998 (hereinafter Rome Statute or ICC Statute).

not the case for U.S. nationals - or must have committed the violation in the territory of a State signatory to the treaty - but Iraq is not actually in this group³⁵¹. And furthermore, because the option for ICC prosecution through UN Security Council referral resolution³⁵² can be easily prevented by the U.S. using its veto power within this organ. As for PMSCs' employees other than U.S. nationals, the assumption of ICC jurisdiction over, for example, PMSCs employees' nationals of the UK -the second provider of PMSCs in Iraq and State Party to the ICC Statute- could be more likely, provided, however, that the complementarity requirement is satisfied, i.e. that UK national courts are either "unwilling or unable genuinely to carry out the investigation or prosecution."³⁵³ Finally, there is a network of bilateral agreements granting immunity, *inter alia*, to private contractor nationals of signatory parties from the jurisdiction of the ICC. There are at least 102 agreements concluded between the U.S. and States parties and non-parties to the ICC Statute, including countries whose nationals work for PMSCs in Iraq such as Chile, Colombia and Fiji³⁵⁴.

State responsibility

Besides individual criminal responsibility, human rights violations and breaches of IHL committed by PMSCs can also trigger international State responsibility in certain circumstances. Two situations should be distinguished in this regard.

Firstly, considering the duty of States to respect IHL and human rights law, the responsibility of a State will arise when the conduct of the PMSC is imputable to the State. According to the law of State responsibility as codified in the International Law Commission's Draft Articles of State responsibility (DASR)³⁵⁵ an act is attributable to the State when it is committed by:

- a) any organ of the State (article 4);
- b) persons or entities empowered to exercise elements of governmental authority (article 5); and by,
- c) persons acting *de facto* on the instructions of, or under the direction or control of, the State (article 8).

It is generally agreed that when a PMSC is considered part of the armed forces of the State and attributed combatant status under Art. 43 of API, the PMSC "will either constitute a State organ under Article 4 of the DASR or will be exercising governmental functions under Article 5 DASR and in both cases its conduct will be attributable to the State"³⁵⁶. However, as we have seen in the previous section, such cases will be infrequent as States are reluctant to consider PMSCs members of their militaries and a high degree of dependence of the PMSC on the State would be required for it to be considered a *de facto* organ of the State³⁵⁷. Furthermore, even when a PMSC is not a State organ within the meaning of article 4 of

³⁵¹ Rome Statute, Article 12.

³⁵² Rome Statute, Article 13.b)

³⁵³ Rome Statute, Article 17.

³⁵⁴ For a list of the US bilateral agreements in force as of January 1, 2009, see the website of the American Coalition for the International Criminal Court, at http://www.amicc.org/usinfo/administration_policy/BIAs.html#agreements.

See also, *Treaties in force. A list of treaties and other international agreements of the United States in force on January 1, 2001*, US Department of State, at <http://www.state.gov/documents/organization/169274.pdf>

³⁵⁵ International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, UN Doc./56/10, 2001.

³⁵⁶ *Expert Meeting on Private Military Contractors: Status and State Responsibility for Their Actions*, University Centre for International Humanitarian Law, Geneva, 2005, p. 5, 16-18.

³⁵⁷ See International Court of Justice (ICJ), *Case Concerning the Application of the Convention on the Prevention and the Punishment of the Crime of Genocide* (Bosnia and Herzegovina v Serbia and Montenegro), Judgment, 26 February 2007, paragraphs. 391-395, 397. Lehnardt, C., *Proposals for possible guidelines and basic principles encouraging further respect and protection of human rights on the part of PMCs*, in <http://www.unwg.rapn.ru/>, p. 3.



DASR its conducts will nevertheless be imputable to the State under article 5 DASR if the company is empowered by the law of the State - for example, by contract - to exercise elements of governmental authority. This is in line with the jurisprudence of human rights bodies such as Human Rights Committee which has confirmed that a State cannot evade its responsibility to ensure and protect the enjoyment of human rights by delegating its obligations to private bodies or individuals³⁵⁸. However, the key question in this regard is what activities of PMSCs imply the exercise of governmental authority. While a global position on this issue is under discussion, to date it is not definitively settled. For example, the commentary to the DASR provides a series of examples of the notion of what is "inherently governmental", including the case of private security firms that run prisons and in that capacity exercise public powers such as powers of detention and discipline³⁵⁹. Moreover, referring to the context of IHL, some experts have noted that although not all obligations imposed by the Geneva Conventions would require States Parties to perform tasks requiring governmental authority, those obligations relating to military functions, such as the supervision of prisoner-of-war camps and civilian places of internment, will entail the exercise of governmental authority³⁶⁰. The Montreux document and certain elements of State practice further confirm that "any act of criminal investigation or prosecution to which a PMSC contributes would be considered as an element of governmental authority, since the justice system is inherently governmental"³⁶¹. Finally, as referred to above, the UNWG Draft Convention has also paved the way for a global definition of inherently governmental functions³⁶².

More difficult to specify in the last instance is the third ground for attributing State responsibility, i.e. when PMSC is *de facto* acting on the instructions of the State or the State controlled the PMSC conduct that resulted in a violation. In particular, different views have been sustained in the jurisprudence of international tribunals as to whether *effective control* over the specific conduct is necessary³⁶³ – which in this case would imply that for each violation committed by a PMSC there has to be proof of a direct connection to an instruction, order or control of State - or whether the degree of control can vary according to the circumstances of each case and overall *control* over the private individuals is sufficient³⁶⁴.

Secondly, even if the conduct of a PMSC is not attributable to the State, the State may nonetheless incur international responsibility when it fails to comply with its duty to exercise due diligence if the activities of PMSCs result in human rights violations. Although the due diligence rule is a notion stemming from human rights law, some experts suggest that there is an analogous due diligence concept under international humanitarian law arising from Common Article 1 of the Geneva Conventions, which requires States Parties to "undertake to respect and ensure respect for the present Convention in all circumstances." Furthermore, specific obligations of a due diligence nature can be found in the Geneva Conventions³⁶⁵.

Generally, three States, i.e. the contracting State, the host State and the home State (where the PMSC is registered, and it is different from the contracting State) are potentially affected by the principle of due diligence, although it is noteworthy that the specific obligations stemming from the due diligence principle may vary according to the relationship of each State to the PMSC³⁶⁶. This poses some difficulties in determining the responsibility of the State in certain

358 See *Supra*, Human rights law.

359 DASR, *op.cit.*, Commentary article 5, paragraph 2), p. 43.

360 Montreux Document, *op. cit.*, Explanatory Comments/Statements 1 and 2, p. 32.

361 Montreux Document, *op. cit.*, Explanatory Comments/Statement 7, p. 35. See also Section 2, c) Inherently State functions.

362 See *supra* Section 2.

363 ICJ, *Case concerning Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v United States), Judgment (Merits), 27 June 1986, ICJ Reports 1986, paragraphs 109-115. And, ICJ, *Genocide Convention Case*, *op. cit.*, paras. 393-397.

364 International Criminal for Former Yugoslavia (ICTY), Appeals Chamber, *Prosecutor v Tadic*, Judgment, 7 May 1997, IT-94-1-T, para. 137.

365 Expert Meeting on Private Military Contractors: Status and State Responsibility for Their Actions, University Centre for International Humanitarian Law, Geneva, 2005, p. 40-41.

366 *Id.* p. 34.

cases. For example, the due diligence rule includes the victim's right to an effective remedy; while it is clear that this implies for the host State an obligation to ensure that individuals are able to bring claims against PMSCs in its domestic courts, it is doubtful whether the home state has a similar obligation with regard to nationals of another State who have been harmed outside its territory³⁶⁷. The threshold needed for determining the failure of a particular State to comply with the due diligence rule must be therefore analyzed in the specific case.

Corporate responsibility

Like other non-State entities, PMSCs are not subjects of international law and they are not directly bound by rules of international humanitarian and human rights law. As we have noted above, however, this does not prevent them from being subject to international obligations through the operation of municipal law. Consequently, the issue of whether liability of corporations is a matter of international or merely domestic law remains controversial³⁶⁸. Yet, *de lege lata*, States bear the primary responsibility for controlling the activities of PMSCs and it is therefore crucial that States that come in contact with these companies implement those bodies of law into national law and apply to them at the legislative and judicial level.

In this regard, several options have been proposed for ensuring accountability at corporate level. Firstly, some commentators have suggested the following as a mechanism for making human rights binding on PMSCs: "to write human rights obligations directly into contracts concluded with these companies [and] into the licensing or regulatory scheme under which private military companies are incorporated"³⁶⁹. In this context, using contracts as a regulatory tool for PMSCs can also facilitate methods of enforcing responsibility for violations of human rights: "contracts could create the right for affected third parties to enforce contractual obligations pertaining to human rights, thus giving victims access to some sort of private law procedure"³⁷⁰. Secondly, within the context of civil suits against PMSCs and their personnel scholars further propose the application of two classical principles of negligence in civil law, namely: a) *Culpa in eligendo* or negligence in choice of (servant) contractor, according to which corporate responsibility may arise insofar as human rights violations are committed by PMSC personnel who are poorly trained and without due oversight; and b) *Culpa in vigilando*, or liability stemming from damages caused by the negligence of a person charged with overseeing another's actions³⁷¹.

Finally, the UNWG have suggested a dual approach. On the one hand, it agreed that the normative provisions of the draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, approved by the UN Sub-Commission on the Promotion and Protection of Human Rights in 2003, should apply to PMSCs operating and providing assistance in a transnational context³⁷². Similarly to the sphere of responsibility of States, on the other hand, it has considered liability of legal persons and entities as a matter highly dependent on the legal tradition of each country, thus drafting the related provision in the proposed Convention on PMSCs in broad terms:

"-Each State party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons and entities for the offences established in accordance with the convention.

³⁶⁷ Lehnardt, C., *Proposals for...*, *op. cit.*; Droege, C., "Private Military...", *op. cit.*, pp. 4-5.

³⁶⁸ Expert meeting, *op. cit.*, at. 46.

³⁶⁹ Clapham, A., *Human Rights Obligations...*, *op. cit.*, pp. 299-310. Also, Cameron, L., "Private military companies..." *op. cit.*, p. 594. It is noteworthy however that this proposition has been challenged by the terms of the Montreux Document which rejects this possibility as a method of enforcing superior responsibility; Statement 27.b): "Superior responsibility is not engaged solely by virtue of a contract".

³⁷⁰ Lehnardt, C., *Proposals for...*, *op. cit.*, quoting Dickinson, L., "Contract as a tool for regulating private military companies", in Chesterman, S., Lehnardt, C., *From mercenaries to market. The rise and regulation of private military companies*, Oxford, 2007, pp. 217, 224, 233.

³⁷¹ Saura, J., "Las empresas militares...", *op. cit.*, p. 17-18.

³⁷² UN Doc. E/CN.4/2006/11/Add.1, 3 March 2006, para. 28. For the Draft Norms see UN Doc. E/CN.4/Sub.2/2003/12/Rev.2, 26 August 2003.



- Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative or a combination of these.
- Such liability shall be without prejudice to the criminal liability of the natural persons who have actually committed the offences.
- Each State party shall, in particular, ensure that legal persons held liable in accordance with the convention are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions.³⁷³

- Reparations for unlawful conduct of PMSCs

The obligation to make reparation for violations of international law is a fundamental principle of international law. Although primarily this obligation exists on the basis of State responsibility, as stipulated in the ILC's DASR, the idea that non-State actors, and particularly legal persons, should also be liable for reparation to a victim has gained attention in instruments of soft law³⁷⁴ as well as in the context of international criminal tribunals/individual criminal responsibility³⁷⁵. In any case, while a promising avenue for reparation, the potential liability of PMSCs would need to be enforced at the domestic level. At present, the U.S. *Aliens Tort Claims Act* (ATCA) is an example of legislation providing victims with a means of obtaining reparation from offenders for violations of international law, though certainly, this is an exceptional case and no other States have enacted similar legislation. Generally, for violations of international human rights and humanitarian law, the State's duty to provide effective remedies to victims, including reparation, flows from the obligation to respect and ensure respect of IHL and HRL, as explained above³⁷⁶. Yet, the scope of this duty is far clearer when the conduct is attributable to the State. In particular, according to article 31 of the DASR, if the conduct of a PMSC is imputable to the State, "the responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act"³⁷⁷. Furthermore,

³⁷³ Art. 20, *Elements of a proposed draft convention on private military and security companies*, Annex to the Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, A/65/325, p. 18. See also for explanatory comment of this article Gómez del Prado, J.L., Torroja, H., *Hacia la regulación...*, *op. cit.*, p. 128.

³⁷⁴ *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, U.N. Doc. E/CN.4/2005/L.10/Add.11 (2005), adopted by the General Assembly U.N. Doc. A/RES/60/147, 16 December 2005, Principle IX.15: "In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim." Also, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, UN Doc. A/RES/40/34, 29 November 1985, Principle 8: "Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights."

³⁷⁵ Rule 106.B of the Rules of Procedure and Evidence (RPE) of ICTY, and ICTR: "Pursuant to the relevant national legislation, a victim or persons claiming through the victim may bring an action in a national court or other competent body to obtain compensation", ICTY, IT/32/Rev. 40, 12 July 2007. Similarly, Rules 88.B in conjunction with Rule 105 of the RPE of ICTR: "If the Trial Chamber finds the accused guilty of a crime and concludes from the evidence that unlawful taking of property by the accused was associated with it, it shall make a specific finding to that effect in its judgement. The Trial Chamber may order restitution as provided in Rule 105."

³⁷⁶ See *Basic Principles and Guidelines on the Right to a Remedy and Reparation*, *op. cit.*, Principle II. c) and d).

³⁷⁷ In interpreting this principle the Permanent Court of International Justice (PCIJ) concluded in the *Factory at Chorzow case* that: "It is a principle of international law that the breach of an engagement involves an obligation to make reparation in an adequate form. Reparation therefore is the indispensable complement of a failure to apply a convention and there is no necessity for this to be stated in the convention itself. Differences relating to reparations, which may be due by reason of failure to apply a convention, are consequently differences relating to its application". *Factory at Chorzów, Jurisdiction, Judgment No. 8, 1927, P.C.I.J., Series A, No. 9.*

several provisions of IHL provide specifically for the obligation of States to “pay compensation” when the violation is committed *by its armed forces*³⁷⁸. And, according to Principle IX of the *Basic Principles and Guidelines on the Right to a Remedy and Reparation* “[i]n accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions *which can be attributed to the State* and constitute gross violations of international human rights law or serious violations of international humanitarian law”³⁷⁹ (Emphasis added). Furthermore, according to the jurisprudence of human rights bodies, the right to a remedy under HRL is a non-derogable right, at least with regard to non-derogable rights such as the right to life³⁸⁰.

As to the content of the obligation, it is widely accepted that the duty to make reparation is not limited to providing financial compensation but that effective reparation encompasses a duty to provide restitution, satisfaction, rehabilitation as well as compensation and guarantees of non-repetition, as defined in the *Basic Principles and Guidelines on the Right to a Remedy and Reparation*³⁸¹.

378 See in particular article 3 IV Hague Regulations: “A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces”. Similarly, Article 91 of API: “A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.” Also, article 131 GC III, and art. 148 GC IV.

379 *Basic Principles and Guidelines on the Right to a Remedy and Reparation*... *op. cit.*

380 See Human Rights Committee (HRC), *General Comment 29 on Art. 4, States of Emergency* (2001), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), para. 14: “Article 2, paragraph 3, of the Covenant requires a State party to the Covenant to provide remedies for any violation of the provisions of the Covenant. This clause is not mentioned in the list of non-derogable provisions in article 4, paragraph 2, but it constitutes a treaty obligation inherent in the Covenant as a whole. Even if a State party, during a state of emergency, and to the extent that such measures are strictly required by the exigencies of the situation, may introduce adjustments to the practical functioning of its procedures governing judicial or other remedies, the State party must comply with the fundamental obligation, under article 2, paragraph 3, of the Covenant to provide a remedy that is effective.” For a commentary on this issue, see *Expert meeting*..., *op. cit.*, p. 52.

381 *Id.* Principle IX. 19-23: “19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.

20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;
- (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21. *Rehabilitation* should include medical and psychological care as well as legal and social services.

22. *Satisfaction* should include, where applicable, any or all of the following:

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;



On the other hand, with regard the issue of reparation when the conduct of the PMSC is not attributable to the State, experts have noted that while it is clear that the State itself is not responsible for the violations and is thus not obliged to make reparation, under HRL the duty to exercise due diligence imposes certain obligations on States with regard to reparation “when the conduct occurs within its jurisdiction”³⁸². In particular, they must investigate and prosecute offenders, and furthermore provide victims to access to their courts. As for other States, though the exact content of the right to a remedy in this case is still imprecise, it is considered that States which have some connection with the PMSC – for example, because the PMSC is incorporated in their jurisdiction - may also be obligated to ensure that individuals, including foreign plaintiffs, can bring claims against the PMSC as a part of their obligation to provide access to their courts³⁸³.

(f) Judicial and administrative sanctions against persons liable for the violations;

(g) Commemorations and tributes to the victims;

(h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

23. *Guarantees of non-repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:

(a) Ensuring effective civilian control of military and security forces;

(b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;

(c) Strengthening the independence of the judiciary;

(d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;

(e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;

(f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;

(g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;

(h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.”

382 *Expert Meeting, op. cit.*, pp. 53-54.

383 *Id.* At 56-57.

DOMESTIC LAW

Considering the problems involving the applicability of existing international legal regimes to PMSCs, but also the obligations that international law places on States with regard to activities of PMSCs, it is important to examine how States have regulated this phenomenon under domestic law and especially how this law has been applied in practice. Generally, very few States have adopted legislation regulating the activities of PMSCs at home and abroad, and the existing examples either fall short of providing a comprehensive response or are not properly enforced in practice³⁸⁴.

The territorial State is in a strong position to regulate PMSCs as far as they operate within their territorial sovereignty and can impose restrictions on their activities through national law. It can also ensure criminal accountability easier than other States because it has greater access to witnesses and evidence; and furthermore it can choose to adopt legislation providing for the corporate responsibility of companies. In practice, however, territorial States where PMSCs operate usually lack the necessary stability and institutional conditions and may not have sufficient control over parts of their territory or a proper legal framework. In accordance with the aim and scope of this project, the case of Iraq will be examined. It should be said from the outset that the situation of Iraq in this regard is far from ideal since until very recently private military and security contractors were immune from Iraqi legal process and remained subject to the exclusive jurisdiction of their sending States.

Contracting States as well as home States – if different – where PMSCs are incorporated can also play an important role in the regulation of the PMSC industry. “Good practices” for contracting States may include, for example, establishing transparent procedures for the selection and contracting of PMSCs, including selection according to past conduct; including in the contracts an obligation to respect international humanitarian and human rights standards, and providing penalty clauses in case of infringement; and, ensuring accountability through the adoption of adequate extraterritorial jurisdiction³⁸⁵. The regulatory role of the home States can focus in particular on the license and registration procedures. In order to illustrate this side, we will examine some aspects of the U.S. legal regulation of PMSCs, as it is primarily the country which has hired most of the PMSCs operating in Iraq³⁸⁶.

Iraqi Law

Regulatory scheme: CPA Regulations and 2009 SOFA Agreement

Under Iraqi law, rules governing the activities of PMSCs are found, first and foremost, in the orders issued by the CPA prior to the transfer of sovereignty/authority to the Iraqi Interim Government in June 2004. According to the 2004 *Law on Administration for the State of Iraq during the Transitional Period* (TAL), CPA Orders, like other laws in force in Iraq on 30 June 2004, “shall remain in force until rescinded or amended by legislation duly enacted and having the force of law”³⁸⁷. Similarly, the 2005 Iraqi Constitution states that “existing laws shall remain in force, unless annulled or amended in accordance with the provisions of this Constitution” (art. 130).

384 South Africa and Spain have adopted regulations aimed to control activities of PMSCs at national territory and abroad. See *Private Security Industry Regulation Act*, No. 56 of 2001, South Africa Government Gazette, Vol. 439, No. 23051, 25 January 2002. With regard to Spanish legislation, see BOE Núm. 42, 18 de febrero de 2011, *Orden INT/314/2011, de 1 de febrero, sobre empresas de seguridad privada; Orden INT/317/2011, de 1 de febrero, sobre medidas de seguridad privada; Orden INT/318/2011, de 1 de febrero, sobre personal de seguridad privada*.

For a commentary, see Schreier, F., Caparini, M., *Privatising Security...* op.cit. at 104-115; Butazu, A-M., *European Practices...* op. cit. at 27-33; Krahmann, E., *Private Security...* op. cit. at 16.

385 List partially based on the recommendations of “good practices” drafted by the *Montreux document*, op. cit., p. 33.

386 For details of UK regulation of PMSCs see *Private Military Companies: Option for Regulation*, also refer to as Green Paper, Foreign and Commonwealth Office, 2002.

387 *Law on Administration for the State of Iraq during the Transitional Period*, 8 March 2004, Article 26, Section A.



On October 30 2007, shortly after the Nissour Square incident involving Blackwater's employees, Iraq's cabinet drafted legislation for subjecting non-Iraqi private security companies to Iraqi law, but the final draft law, transmitted to the Council of Representatives (COR) on 11 February 2008, has been pending for discussion in the parliament since then³⁸⁸. In its last visit to the country in June 2011, the UNWG "was informed that the draft law has not been adopted so far. Because of the political situation in Iraq, several legislative proposals – including the draft legislation on subjecting PMSCs to Iraqi law have been delayed"³⁸⁹. Though the Working Group has urged the Iraqi Government to adopt this legislation as a matter of priority³⁹⁰, the draft legislation apparently specifies no means for dealing with past human rights incidents³⁹¹, and furthermore the Kurdish government has not even passed draft legislation on this issue.

Consequently, unless rescinded, CPA Orders still remain in many aspects the central legal basis for the regulation of PMSCs in Iraq. In addition, however, the U.S-Iraq Status-of-forces Agreement (SOFA)³⁹², in force since 1 January 2009, also provides a regulatory framework for PMSCs in certain relevant aspects such as the basis of jurisdiction over contractors. As regards existing Iraqi criminal laws, the main regulation applicable to unlawful conduct of PMSCs' personnel is the Penal Code, Law Number 111 issued in 1969.

In chronological order, CPA regulations governing activities of PMSCs include the following³⁹³. We have attached a brief commentary on some of its provisions. Issues concerning the legal basis of CPA Orders, which has been questioned by some commentators, are beyond the scope of this study³⁹⁴.

CPA Order Number 3, as revised on December 31, 2003:

Content: it regulates the possession and use of certain weapons. Section 3.2) provides that "private security firms may be licensed by the Ministry of the Interior to possess and use licensed Firearms and Military Weapons, excluding Special Category Weapons, in the course of their duties, including in public places." The unauthorized possession or use of weapons, or any other activity identified therein, is subject to penalty according to section 6.

Current status: in force. It has been supplemented by CPA Memorandum 17 (2004) in the terms set forth in section 6; here are some excerpts:

"1. Where an Operating License is granted... the MOI shall issue Weapons Cards to those PSC employees who will bear arms as part of their duties. Such Weapons

³⁸⁸ This research team was unable to access either the text of the draft law on PMSCs or the discussions apparently having taken place in the Iraqi parliament (COR). Some excerpts of the draft law are available at War on Want, *Getting away with Murder. The need for action on UK private military and security companies*, February 2008, <http://www.waronwant.org/attachments/Getting%20Away%20with%20Murder.pdf>. Additionally, the UNWG includes some comments on the content of the draft law in its report on the mission to Iraq; see *A/ HRC/18/32/Add.4*, 12 August 2011, para. 44-47 (hereinafter *Report Mission to Iraq 2011*).

³⁸⁹ *Id.* para. 30.

³⁹⁰ See UN News & Media, *Iraq should continue to regulate of private military and security companies*, 16 June 2011. http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/24784B876AD0407FC12578B1004151DB?OpenDocument

³⁹¹ Human Rights Watch, *Iraq: Pass new law ending immunity for contractors*, 9 January 2008, available at: <http://www.unhcr.org/refworld/docid/47a833ff2.html> [accessed 28 July 2011].

³⁹² *Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq*, signed on 17 November 2008, coming in force since January, 2009, according to Article 30. See R. Chuck Mason, *Status of Forces Agreement (SOFA): What is it, and how has it been utilized?*, CRS, January 5, 2011.

³⁹³ See also CPA Memorandum 5, Implementation of Weapons Control Order N° 3; CPA Memorandum 5A, Memo 5 Annex A; CPA Order 27, Establishment of the Facilities Protection Service; CPA Order 54, Trade Liberalization Policy with Annex A; and CPA Order 64, Amendment to the Company Law Number 21 of 1997.

³⁹⁴ See Brown, N., *The Fate of CPA Orders in Iraq after June 30*, Carnegie Endowment for International Peace, June 22 2004 <http://www.carnegieendowment.org/2008/08/22/fate-of-cpa-orders-in-iraq-after-june-30/mah>

Card shall constitute a license to possess and use firearms. PSC must instruct employees to carry their Weapons Cards whenever carrying a weapon.

3. A PSC intending to import weapons into Iraq must obtain from the MOI a weapons import certificate. The PSC must provide details of all weapons and their serial numbers to MOI immediately upon importation.

4. The use of weapons by PSC shall be regulated as follows:

d) PSC shall ensure that only employees carrying Weapons Cards may carry weapons and only when such employees are on official duty. PSC shall also ensure that its employees return all PSC weapons to the armory or other secure facility, as the case may be, when no longer on duty. This provision does not restrict the right of PSC employees to carry weapons while not on duty under the provisions of other Iraqi laws.

e) PSC may only own and its employees may only use categories of weapons allowed by CPA Order Number 3 (Revised) (Amended) Weapons Control, other applicable Iraqi law."

CPA Order Number 91, issued on 2 June, 2004:

Content: it prohibits illegal armed forces and militias within Iraq. Section 3 sets forth pertinent exceptions to this rule among which are included "those contractors covered by CPA Order Number 17" and private security companies and their employees provided the PSC meets all of the following criteria:

"i. the Private Security Company is properly licensed and regulated by the Ministry of Interior and Ministry of Trade;

ii. all firearms and weapons used by the Private Security Company are licensed in accordance with applicable CPA Orders, Regulations, and Memoranda, and Iraqi laws and regulations; and

iii. all company officers, armed members, and supervisors exercising control of armed members of the Private Security Company have undergone background checks conducted by the Ministry of Interior and possess the requisite weapons authorizations issued by the Ministry of Interior."

Section 6 of the Order provides that those armed forces or militias that do not qualify for an exception according to Section 3 shall be considered illegal and their weapons and property shall be subject to confiscation. Furthermore, according to paragraph 2 of this Section, "all members of an Illegal Armed Force or Militia shall be subject to criminal prosecution in accordance with the laws of Iraq", namely under the Iraqi Penal Code, Law No. 111 of 1969, as amended, which is modified by the Order to add as an aggravating circumstance "(5) [t]he commission of an offense while acting as a member of an Illegal Armed Force or Militia or while a member of a Residual Element." It is doubtful, however, whether a PSC which does not meet the criteria set forth in Section 3, for example when operating without the proper operating license, would be qualify as an illegal armed force or militia.

CPA Order Number 17, as revised on June 27, 2004 (issued on June 26, 2003):

Content: it governs the status of the CPA, Multinational Force (MNF), Foreign Liaison, Diplomatic and Consular Missions and their Personnel, certain International Consultants, and *certain contractors* in respect of the Government of Iraq and the local courts.



Section 4 particularly refers to contractors, including but not limited to private security companies, providing them with immunity from Iraqi legal process for acts performed under their contracts:

"3. Contractors shall be immune from Iraqi legal process with respect to acts performed by them pursuant to the terms and conditions of a Contract or any sub-contract thereto. Nothing in this provision shall prohibit MNF Personnel from preventing acts of serious misconduct by Contractors, or otherwise temporarily detaining any Contractors who pose a risk of injury to themselves or others, pending expeditious turnover to the appropriate authorities of the Sending State. [...]

5. Certification by the Sending State that its Contractor acted pursuant to the terms and conditions of the Contract shall, in any Iraqi legal process, be conclusive evidence of the facts so certified.

[...]

7. These provisions are without prejudice to the exercise of jurisdiction by the Sending State and the State of nationality of a Contractor in accordance with applicable laws."

This section also provides that "Contractors shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their Contracts [...]" but requires PSCs and their employees to comply with all CPA Orders, Regulations, Memoranda, and any implementing instructions or regulations governing the existence and activities of Private Security Companies in Iraq, including registration and licensing of weapons and firearms (paragraph 2). In this regard, Section 14 only authorizes PSCs to "possess and carry arms while on official duty in accordance with their orders or under the terms and conditions of their Contracts". Furthermore, "all Contractors shall respect relevant Iraqi laws, including the Regulations, Orders, Memoranda and Public Notices issued by the Administrator of the CPA" (paragraph 4).

Importantly, Section 5.3 enables the waiver of contractors' immunity in the following terms:

"1. Immunity from Iraqi legal process of MNF, CPA and Foreign Liaison Mission Personnel, International Consultants and Contractors is not for the benefit of the individuals concerned and may be waived pursuant to this Section.

[...]

3. Requests to waive immunity for Contractors shall be referred to the relevant Sending State in relation to the act or acts for which waiver is sought. Such a waiver, if granted, must be express and in writing to be effective."

And paragraph 7 of this Section further provides that these immunity provisions "are without prejudice to the exercise of jurisdiction by the Sending State and the State of nationality of a Contractor in accordance with applicable laws". In this regard, however, it is important to recall here that the UNWG has reported irregularities/inconsistencies in the contracts signed by the staff of PMSCs, including contracts that were signed under fraudulent conditions in order to avoid domestic jurisdictions, or contracts that waive employees' rights to seek legal recourse against the subsidiary company which has selected them³⁹⁵.

On the other hand, while throughout the text of the Order reference is made in particular to private security companies, the broad definition of "contractors" -as "non-Iraqi legal entities or individuals not normally resident in Iraq... supplying goods or services in Iraq under a Contract"- seems to encompass private military companies as well. Furthermore, as regards the personal scope of application, contractors employed in Iraq by Coalition Sending States other than the US are also governed by CPA Order 17 with respect to their contractual relationships.

³⁹⁵ A/HRC/7/7, para. 39-40.

Finally, Section 20 (effective period) states that the Order “shall remain in force for the duration of the mandate authorizing the MNF under U.N. Security Council Resolutions 1511 and 1546 and any subsequent resolutions and shall not terminate until the departure of the final element of the MNF from Iraq, unless rescinded or amended by legislation duly enacted and having the force of law.”

Current status: partially in force. The 2009 *Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq*, also referred to as the U.S.-Iraq Status of Forces Agreement (SOFA), established in article 12 Iraq’s primary right to exercise jurisdiction over “United States contractors and United States contractor employees”, thus removing the immunity from Iraqi laws of some foreign PMSCs in Iraq.

The scope of the immunity’s removal is, however, confusing and questionable. Firstly, the Agreement defines “United States contractors” and “United States contractor employees” as “mean[ing] non-Iraqi persons or legal entities, and their employees, who are citizens of the United States or a third country and who are in Iraq to supply goods, services, and security in Iraq to or on behalf of the United States Forces under a contract or subcontract with or for the United States Forces” (emphasis added)³⁹⁶; therefore the removal of immunity would not apply to: a) other private foreign contractors employed by other states other than US; and b) contractors working for the U.S. Department and other U.S. agencies. In these two cases, contractors apparently retain their immunity³⁹⁷. Secondly, the agreement has no retroactive application so its effects cannot be extended with regard to human rights violations committed prior to its entry in force in January 2009.

Additionally, the UNWG has expressed doubts as to whether the agreement, and in particular the removal of immunity, is fully applied in Iraqi courts³⁹⁸. In so doing Iraqi tribunals will have to resolve uncertainties surrounding the current validity of CPA Order 17 as noted by some commentators, according to which “the status of the effectiveness of CPA Order No. 17 still appears to be in question because the order was not clearly terminated in accordance with the terms it sets out. Namely, it hasn’t been formally rescinded or amended by duly enacted legislation.”³⁹⁹ In this regard, however, it could be argued that the adoption of the SOFA required approval on multiple levels by the Iraqi government, was effectively passed by the parliament (COR) on November of 2008, and obtained the final approval of the Presidency Council on December 4, 2008; thus it may well be considered as amounting to legislation amending CPA Order 17, at least with regard to some of its parts such as the immunity provisions. For the other still enforceable provisions of Order 17, however, pending draft law on PMSCs is intended to be amending legislation, as it provides in article 4 that “This law shall be deemed as an amendment for the Dissolved CPA Order No. 17 of 2004”⁴⁰⁰.

CPA Memorandum 17, June 26, 2004:

Content: in accordance with Section 4.4) of CPA Order 17, it provides guidance for the registration, licensing and regulation of private security companies (PSC) in Iraq – there is a

³⁹⁶ Article 2 (Definition of terms) of the Agreement.

³⁹⁷ According to the information released by the UNWG following its last visit to Iraq in June 2011: “the Working Group was told that Department of State officials inform all their contractors that they are not immune from Iraqi jurisdiction. Nonetheless, the status of Department of State contractors, as well as that of contractors hired by other American agencies operating in Iraq, is not governed by the withdrawal of immunity in the Status of Forces Agreement and may well be governed by CPA Order 17”, A/HRC/18/32/Add.4, para. 28.

³⁹⁸ Id. para. 29: “On the one hand, the Working Group heard from some representatives of the Iraqi authorities that the immunity clause contained in CPA Order 17 still applied because CPA Order 17 is still valid in its entirety until Iraqi legislation is adopted to annul it. On the other hand, the Working Group heard from other representatives of the Iraqi authorities that PMSCs were no longer immune from Iraqi jurisdiction.”

³⁹⁹ AlTamimi & Company, “The implications of SOFA”, Law Update, February 2009, Issue 215, available at http://newsweaver.ie/altamimi/e_article001368707.cfm

⁴⁰⁰ As quoted in War on Want, *Getting away...*, op. cit., at 3.



similar process for the Kurdistan Region⁴⁰¹-, including binding *Rules for the Use of Force*, and a *Code of Conduct* that all PSCs must follow. It includes the following definition of a PSC, apparently not including private companies providing military services under a contract but extending the term to Iraqi companies as well as to foreign companies providing security services for any employer:

“means a private business, properly registered with the Ministry of Interior (MOI) and Ministry of Trade (MOT) that seeks to gain commercial benefits and financial profit by providing security services to individuals, businesses and organizations, governmental or otherwise.”

In this regard, the UNWG seems to have considered that CPA Memo 17 applies to all PMSCs operating in Iraq⁴⁰², irrespective of the kind of services they provide; certainly, since the majority of PMSCs perform both military and security services the terminology employed may not be relevant in practical terms, but definitively it is not accurate.

According to Section 2, PSCs may not operate in Iraq without a *valid* “business license” and an “operating license” obtained - as specified in the Memo - from the Ministry of Trade and Ministry of Interior respectively for a period of one year, and, if they do so they “will be in breach of Iraqi law and subject to prosecution” (paragraph 1). We have been unable, however, to find out which penalty is imposed for such a breach under Iraqi law; apparently, besides the unlikely possibility of being classified illegal militia, the main consequence for operating without a valid license is that it will not be renewed, as provided in Section 4, and that the PSCs will lose the refundable bond of US\$25,000 which must be submitted by the PSC before commencing operations – as provided in Section 3-. The UNWG has reported that “[a]s December 2010, the Ministry of Interior has issued a total of 129 licenses since 2005”⁴⁰³.

In the process of registration and licensing, PSCs, their officers and employees will be vetted by Mol according to certain criteria, including that employees of PSC be older than 20; be mentally and physically fit for duties; be willing to respect the law and all human rights and freedoms of all citizens of the country, and pass a security/background check which confirms that there is no prior felony or history of involvement in terrorist activity (Section 2.5-6). On the other hand, these and other criteria have been sometimes supplemented by instructions issued by the Mol, including the requirement that each PSC displays an official badge of the company on all its vehicles, and that all PSC employees wear the uniform of the company and carry a valid ID card issued by the Mol⁴⁰⁴. And, according to the PSCAI, which assists PSCs during their license application process, at least two on-site visits are made by the Mol “to check, among other things, weapons and vehicles, and undertake a personnel database check”⁴⁰⁵. However, notwithstanding these clear guidelines and despite information reported that “the Iraqi authorities informed the Working Group that vetting requirements are strictly applied”⁴⁰⁶, including verifications of the absence of criminal convictions, certain failures in the vetting process have been detected when considering this “law in practice”, including incidents involving employees with mental illnesses (*Fitzsimons case*), and alleged cases of employees with past criminal records⁴⁰⁷.

Section 4 deals with the refusal, suspension or revocation of licenses. In particular, licenses are subject to revocation and suspension where a PSC or an employee breaches the Memorandum or any other law in force in Iraq, including the *Rules for the Use of Force* and the *Code of Conduct* annexed to this Memorandum. Again, public information in this regard is almost nonexistent, but the latest report of the UNWG states that “[a]pproximately 30 PMSCs have either had their

⁴⁰¹ See PSCAI’s website, in particular, “Private Security Company (PSC) Requirements for Iraqi Kurdistan” http://www.psc.ai.org/Docs/Foreign_Security_Company_Guidelines.pdf

⁴⁰² See *Report Mission to Iraq 2011*, *op. cit.*, para. 31.

⁴⁰³ *Id.*, para. 37.

⁴⁰⁴ *Id.*, para. 40.

⁴⁰⁵ *Id.*, para. 35-36.

⁴⁰⁶ *Id.*, para. 43.

⁴⁰⁷ For this later circumstance see *supra* Section 2-The personnel. For details on the Fitzsimons case, see *infra*.

license revoked, let their license lapse or have gone out of business”⁴⁰⁸. This was the case of the PMSC Blackwater which saw its license lapsed without chance of renewal after the 2007 Nissour Square incident. As we will see below, however, some of the company employees remain in Iraq and might have been employed by other companies.

Section 5 announces the possibility of periodic audits by the MoI regarding the operations of PSCs in Iraq, while Section 8 appears to articulate this mechanism by providing for the establishment of an independent PSC Oversight Committee responsible for the inspection and auditing of the implementation of the Memorandum, including assessing enforcement of the standards set forth therein. It should be noted, however, that there are apparently some differences between the Arabic and English versions of CPA Memorandum 17 in relation to Section 8, as the Arabic text does not refer to the establishment of such an Oversight Committee⁴⁰⁹. In this sense, we have been unable to verify whether the PSC Oversight Committee has been actually established or not. While not exactly related to this, the UNWG has reported that “a Directorate of Registration and Evaluation of Security Companies was established within the Ministry of the Interior according to ministerial order no.9887 on 27 September 2004 in order to examine applications for licensing.”⁴¹⁰

Finally, Section 9 set forth important limitations and responsibilities for PSCs:

- 1) The primary role of PSC is deterrence. No PSC or PSC employee may conduct any law enforcement functions.
- 2) A licensed PSC shall be responsible for the actions of its employees. PSC officers and employees may be held liable under applicable criminal and civil legal codes, including the Iraqi Penal Code Law Number 111 of 1969 as amended, the Iraqi Weapons Code of 1992 as amended, and the CPA Order Number 3 Weapons Control, except as otherwise provided by law.
- 3) PSC are subject to, and must comply with all applicable criminal, administrative, commercial and civil laws and regulations, except as otherwise provided by law.
- 4) PSC must conduct operations in accordance with the provisions of the Rules for the Use of Force in Annex A and the MOI PSC Code of Conduct in Annex B.”

In some areas this section suffers from certain contradictions. On the one hand, while paragraph 1 prohibits PSC employees from conducting law enforcement functions, Section 5 of Annex A allows them to stop, detain, search, and disarm civilian persons if their safety so required or if specified in their respective contracts. Some of these actions, especially detention and searching of civilians, could be certainly considered among police powers and as such law enforcement functions. Furthermore, the UN draft convention on PMSCs qualifies these activities as “inherently State functions”⁴¹¹.

On the other hand, it is at least surprising that paragraph 2 provided for the individual responsibility of PSCs employees under Iraqi laws just one day before the renewal of their immunity from Iraqi legal process under CPA Order 17 (June 27, 2004), originally issued on June 26, 2003. Certainly, however, the provision explicitly adds the final tag “except as otherwise provided by law” and, furthermore, Section 10 states that “[n]othing in this Memorandum is intended to limit or abridge relevant privileges or immunities provided by Iraqi law or applicable international agreements”, thus keeping contractors’ immunity under CPA Order 17 clearly valid and applicable. However, it may be interesting to note that the definition of “PSC” in CPA Order 17 is in some way narrower than the description of CPA Memorandum 17, the former referring to non-Iraqi legal entities or individuals “that provide security services to Foreign Liaison Missions and their Personnel, Diplomatic and Consular Missions and their personnel, the MNF and its Personnel, International Consultants and

⁴⁰⁸ UNWG Report mission Iraq 2011, *op. cit.*, para. 37.

⁴⁰⁹ Information provided by our Iraqi researchers in the field.

⁴¹⁰ UNWG Report mission Iraq, *op. cit.*, para. 31.

⁴¹¹ See *infra* Section 2.



other Contractors”, while the latter includes generally all entities “providing security services to individuals, businesses and organizations, governmental or otherwise”. This difference could indicate a gap by which PSC employees working for clients other than those specified in CPA Order 17 but included in CPA Memo 17, such as international organizations, private non-governmental individuals or media agencies, and who commit criminal offenses against Iraqi laws, may be held accountable under Iraqi courts. At the same time, this avenue seems, however, remote, as CPA Order 17 makes the immunity provision applicable to all foreign contractors, thus including but not limited to any kind of PSC.

To conclude, we have considered appropriate to include here the transcription of the *PSC Code of Conduct* for operations in Iraq, which appears in Annex B of the Memorandum 17. As regards the *Rules for the Use of Force* appearing in Annex A of this regulation, these have already been discussed above in Section 2 of this research.

“As a duly registered and vetted Private Security Company, the following pledge is made:

To conduct operations professionally with honesty, sincerity, integrity, fidelity, morality and good conscience in all dealings with clients.

To preserve forever clients’ confidence under any and all circumstances consistent with law and deal justly, and impartially with each situation with each individual, irrespective of social, political, racial, ethnic, or religious considerations, economic status, or physical characteristics.

To conduct all operations within the bounds of legality, morality, and professional ethics.

To counsel clients against any illegal or unethical course of action.

To explain to the full satisfaction of clients all applicable fees and charges and to render accurate, factual and timely reports.

To support to the best of ability the professionalism of Private Security Companies operating in Iraq; to contribute to better community relations; through work and deed to elevate the status of the Private Security Company profession.

To ensure that all employees adhere to this code of conduct.”

The law in practice: prosecuting human rights abuses committed by PMSCs in Iraqi courts

Evidently, given the immunity from prosecution granted under CPA Order 17, no private military and security contractor has been subjected to Iraqi jurisdiction from the period between 2003 and January 2009, the date of the adoption of the U.S.-Iraqi SOFA partly lifting the immunity for foreign contractors. While it is noteworthy, and a welcome indicator, that since the coming into force of the SOFA very few incidents involving PMSCs have been reported in Iraq, in terms of accountability it means that most of the human rights incidents committed by PMSCs between 2003 and 2009 will presumably remain unprosecuted as a matter of Iraqi law, as neither the SOFA nor the proposed Iraqi draft legislation on PMSCs have retroactive effects. Consequently, if prosecutions against PMSCs employees do not take place in home States’ courts this would lead to an impunity gap for these abuses. It should be noted, however, that while for most of its period in force no Iraqi authority challenged the content of this CPA Order 17 or attempted to amend it, this attitude radically changed after the 2007 Blackwater shooting incident in Nissour Square. This event generated a visible animadversion on the presence and work of PMSCs in Iraq, and the issue of contractors’ immunity became a delicate one prompting Iraqi authorities to take several political and legal measures.

One month after the incident, in October 2007, “the Iraqi Government requested the US authorities in Iraq to phase out their use of Blackwater within six months, and submitted draft legislation to the Council of Representatives aimed at ending immunity from Iraqi criminal

prosecution for foreign contractors⁴¹². The demand for Blackwater's departure continues in the following years while the Iraqi Government also refused to issue a new operating license to the company. In April 2009 the U.S. State Department announced its decision not to renew its contract with Blackwater and granted the contract to protect U.S. diplomats in Iraq to PMSC Triple Canopy. Notwithstanding this reaction, the latest report of the United Nations Assistance Mission for Iraq (UNAMI) for 2010 noted that "the Iraqi authorities were frustrated that some Blackwater employees had merely transferred to other private security companies [and] [t]hey claimed that about 250 former Blackwater employees remained in Iraq"⁴¹³. On 10 February 2010 Iraq's MoI ordered the succeeded company Xe to leave Iraq within seven days⁴¹⁴.

Furthermore, despite the immunity in force, the Nissour Square incident also led the Iraqi government to launch one of the four official investigations initiated for the case. It concluded "that Blackwater contractors had fired in multiple directions and committed "deliberate murder"⁴¹⁵, thereby allegedly violating CPA regulations governing the authorized use of force by contractors. According to UNAMI reports, since then, and particularly after a dismissal of charges against contractors in US courts in 2009, the Iraqi government had consistently demanded of the US Government that former Blackwater employees be prosecuted by Iraqi courts⁴¹⁶, apparently making use of the right to request a waiver of a contractor's immunity to the relevant Sending State provided for in Section 5 of CPA Order 17. However, the U.S. Government has rejected these demands.

Additionally, in the period following the Nissour Square incident Iraqi authorities began to "re-examine" some previous human rights incidents involving Blackwater personnel – such as the killing of an Iraqi guard working for the Iraqi Vice-President during the Christmas Party in December 2006, and the shooting and killing of three Iraqi guards from the rooftop of the Ministry of Justice building in February 2007. None of the investigations, however, has led to the initiation of judicial proceedings in Iraqi courts.

As regards the proposed draft legislation on PMSCs, for the reasons explained above, it had not been adopted at the time of writing, but the UNWG has announced that it "could be adopted before the end of the current parliamentary session which ends in November 2011"⁴¹⁷. Furthermore, it should be noted that although the law specifies no means for dealing with past incidents, it incorporates promising elements in terms of accountability, in particular regarding the responsibility of PMSCs. Specifically, it requires that PMSCs ensure that their employees are available to be brought before the competent authorities upon request, and provides that a PMSC shall be jointly responsible with the employee for the acts committed⁴¹⁸.

Additionally, another relevant measure taken by Iraqi authorities was the adoption in October 2009 of the *Law No. 20* which foresees compensation payments for death, disability, and temporary injuries to victims, and to persons whose parents, spouses, or children were killed in such circumstances as well as to persons whose property was damaged⁴¹⁹. The amount of compensation runs from five million Iraqi Dinars to the relatives of deceased members of internal security forces to 3.75 million for civilians (art. 9). The law replaces

⁴¹² UNAMI Report, 1 July – 31 December 2007, para. 26.

⁴¹³ UNAMI, 2010 Report on Human Rights in Iraq, January 2011, p. 11. See also the statement of Iraq Government spokesman, Ali al-Dabbagh, in 2010: "I don't think [the] Iraqi government is willing to have any Blackwater member, even if they are working in other companies, we don't like to see them here working in any company [...] Instructions have been given to check if there is any Blackwater member [in the country]. I advise him to leave Iraq and not to stay in Iraq anymore", as quoted in *CNN World*, January 03, 2010.

⁴¹⁴ UNAMI, 2010 Report, January 2011, para. 10.

⁴¹⁵ UNAMI Report 1 July – 31 December 2007, p. 11; quoting Glanz, J., "Blackwater Shootings 'Murder,' Iraq Says", *New York Times*, 8 October 2007.

⁴¹⁶ UNAMI 2010 Report, January 2011, p. 11.

⁴¹⁷ UNWG Report Mission to Iraq, *op. cit.* para. 47.

⁴¹⁸ UNWG Report Mission to Iraq, *op. cit.* para. 45.

⁴¹⁹ *Law No. 20 Compensating the Victims of Military Operations, Military Mistakes and Terrorist Actions (2009)*, articles 1, 2 and 10; in file with the author (unofficial translation). See, UNAMI Report, 1 July – 31 December 2009, para. 59.



former regulations concerning compensation and, importantly, applies retroactively from 20 March 2003 (arts. 16 and 19). Furthermore, it provides for the establishment of a Central Committee responsible for reviewing applications and administering the law (art. 3). However, it remains to be seen whether the activities of PMSCs are interpreted as to be included within the scope of the law, namely, under the term “military operations, military mistakes and terrorist actions”. At present, to the best knowledge of the author, the law has never been used to pay compensation to Iraqi victims of cases involving PMSCs.

Similarly, since the coming into force of the SOFA in 2009 only one contractor has been tried by an Iraqi court⁴²⁰. Surprisingly, the case did not involve any American contractors, for whom immunity has clearly been removed under the SOFA, but a British one. On 28 February 2011, the Iraqi Supreme Court sentenced Danny Fitzsimons, a British contractor employed by the PMSC ArmorGroup (now G4S), to 20 years in prison for the murder of two fellow contractors, a British and an Australian, and injuring an Iraqi security guard, following an argument between the three men in Baghdad’s Green Zone in August 2009⁴²¹. Although the team of this research has been unable to access the text of the sentence, it is apparent that the Iraqi Penal Code of 1969 was the legal basis for prosecution, as it is the main criminal statute under Iraqi law and there is not yet specific legislation for PMSCs. In this sense, Fitzsimons’ lawyers and the organization monitoring the case (Reprieve) declared that they were relieved that the court did not impose the death penalty, apparently accepting as extenuating circumstances the fact that Mr. Fitzsimons was suffering from post-traumatic stress disorder as a consequence of his experience while serving in the British Army in Kosovo⁴²². However, since the court did not address the potential liability of the PMSC, Fitzsimons’ family is asking G4S to assume responsibility for its failure to conduct proper recruiting checks and full medical assessment previously to sending him out to Iraq as well as for its negligence in providing a disturbed man with firearms. During the proceedings, G4S only contributed small part of his legal fees⁴²³. As regards the compensation to victims and their families, it has been impossible to assess whether an effective remedy was provided in this case. Nevertheless, Fitzsimons’ family and the organization supporting the case are “asking G4S to take an ongoing humanitarian responsibility for Danny and his family, including providing treatment for his psychiatric condition”⁴²⁴.

BOX. LEGAL CASE “ FITZSIMONS”

A) Fact description: On 9 August 2009 Daniel Fitzsimons, a former paratrooper from Middleton working for British Armor Group, shot to death Paul McGuigan and Darren Hoare and injured Arkan Mahdi Saleh.

B) Date: 9 August 2009

C) Location: Baghdad’s Green Zone, Iraq

D) Court: Iraqi Court, Al-Karkh (criminal court, west Baghdad, Iraq)

E) Legal action class (criminal/civil): Criminal Action

⁴²⁰ See, however, the incident reported by the UNWG, *Report mission to Iraq, op. cit.*, para. 71.

⁴²¹ See Annex D – Fitzsimons case; the final penalty was life sentence, equivalent to a 20-year term according to the judge. See also, Jones, S., Chulov, M., “Iraq Contractor held for murder of fellow Briton and Australian in Baghdad,” *The Guardian*, 9 August, 2009. <http://www.guardian.co.uk/world/2009/aug/09/british-contractor-iraq-murder/print>

⁴²² See REPRIEVE, “British ex-soldier Danny Fitzsimons sentenced to life imprisonment as Iraqi court accepts evidence of mental illness”, 28 February 2011, http://www.reprive.org.uk/press/2011_02_28dannyfitzsimonslifeimprisonment/

⁴²³ Idem.

⁴²⁴ Id.

F) Plaintiffs: Paul McGuigan, Darren Hoare, Arkan Mahdi Saleh

G) Defendants: Daniel Fitzsimons

H) Claims description (criminal counts and /or prayer for damages):

"Danny Fitzsimons, the court has found established evidence that you killed the two slain men and attempted to kill the third. So the court issues its sentence according to the Iraqi criminal code and sentences you to 20 years in prison." the Iraqi judge said (sources mentioned below)

I) Current Status of proceedings: The verdict was held on 28 February 2011. Allegedly appeals were presented in the 30 days term after the verdict.

J) Decision: Life sentence (equivalent to 20 year-term, according to his lawyer Mr. Tariq Harb and the Judge).

K) Appeal Decision/Other Decisions: At the time of writing, the case of Daniel Fitzsimons is still not available on the website of the Iraqi Appeal Court and there is no date for resume and /or Appeal decision. (*"Fitzsimons plans to appeal the length of his sentence but the prosecution is also likely to appeal to have the sentence increased to the death penalty..."*).(<http://www.iraqja.iq>, last visit 27 July 2011),

L) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): No information available

COMPLEMENTARY INFORMATION

Sources:

The Guardian: <http://www.guardian.co.uk/world/2011/feb/28/danny-fitzsimons-jailed-iraq-murders> (last visit 27 September 2011);

BBC: <http://www.bbc.co.uk/news/uk-england-manchester-12594245> (last visit 27 September 2011);

News.com: <http://www.news.com.au/world/british-security-guard-gets-life-in-iraq/story-e6frfkyi-1226013793832> (last visit 27 September 2011);

SkyNews: <http://news.sky.com/skynews/Home/World-News/Iraq-Murder-Trial-British-Contractor-Danny-Fitzsimons-Jailed-For-Life-For-Killing-Colleagues/>

Article/201102415942288 (last visit 27 September 2011);

Gorillas Guide's: <http://gorillasguides.com/author/omar-khdhayir/page/2/> (last visit 27 September 2011);

Aljazeera:<http://english.aljazeera.net/news/middleeast/2011/02/201122894429452490.html> (last visit 27 September 2011).

M) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

N) Others: see annex A on PMSCs headquartered in the U.K., ArmorGroup.

The Fitzsimons case clearly paves the way for holding private contractors responsible under Iraqi law in the future but does not resolve key legal issues such as the liability of PMSCs themselves. Furthermore, it reflects existing concerns about the fair trial guarantees and other standards of justice within the Iraqi judicial system. The imposition of the death penalty is one of them but outdated legislation, long pre-trial detention and lack of judicial oversight over conditions of prison and detention facilities – including allegations of torture



and mistreatment⁴²⁵ - have also been identified by field actors and organizations among shortcomings in the capacity of Iraqi justice system⁴²⁶. Although Iraqi officials have rejected the idea that those foreign civilian specialists who may potentially be hired to train the Iraqi security forces in the near future would have immunity in Iraq⁴²⁷, from a human rights perspective the abovementioned grounds could logically prevent contracting States from accepting Iraqi jurisdiction as a basis for prosecuting PMSCs and, alternatively, may lead them to insist on a new agreement on immunity. In fact, the top U.S. military chief said recently that the negotiation of any agreement for U.S. troops to stay in Iraq beyond the deadline provided by current U.S.-Iraqi SOFA, i.e. the end of 2011, would require the Iraqi parliament to approve immunity for American soldiers⁴²⁸, a prerogative that could easily be extended again to U.S. contractors as well. As the territorial State, Iraq is in a strong position to ensure the gathering of evidence and access to witnesses in cases involving PMSCs, and it is therefore essential that the Iraqi government complies with the applicable international human rights standards of justice. As we will see below, *avenues* for the prosecution of PMSCs cannot entirely rest on home States, since further legal and practical problems may arise in these jurisdictions. Consequently, the availability and reliability of the Iraqi judicial system as well as the adoption of specific legislation on PMSCs, i.e. the proposed draft law, are now essential elements to close the accountability gap opened by the CPA immunity order.

U.S. law

While the initial debate about the extensive use of private contractors by U.S. governmental agencies focused on the lack of regulation applicable to activities of PMSCs abroad, as compared to official armed forces, current concerns concentrate instead on their lack of clarity and effective enforcement⁴²⁹, and consequently, in the U.S. failure to hold its contractors accountable for crimes committed overseas. Actually, besides regulations governing registration and licensing of companies under state and/or local law, the U.S.

legal regime for regulation of PMSCs includes a series of federal statutes, regulations and other federal agency requirements which govern many aspects of PMSCs procurement, oversight and accountability⁴³⁰. In this regard, this section outlines firstly the content of U.S. law pertinent to the activities of PMSCs in three areas: a) contracting policy; b) status of contractors overseas; and c) rules governing the use of force. Section d) will then analyze U.S. statutes providing bases for accountability and prosecution of PMSCs contractors, before discussing how this legislation has been applied in practice.

a) Contracting policy

Under U.S. law there are a number of federal statutes and regulations imposing restrictions on government contracting policy by requiring government agencies a) to identify whether the activities performed by governmental personnel are either commercial or inherently governmental, and b) to use public governmental personnel and not private contractors to perform "inherently governmental functions" (IGF)⁴³¹. Inherently governmental functions are described in the Federal Activities Inventory Reform Act (FAIR) of 1998 as the type of functions

⁴²⁵ See UNAMI, 2010 Report, January 2011, at. 19: "According to the MoHR, persons in the custody of Mol (police) or MoD are at particular risk of torture and mistreatment"; see also p. 14-16 regarding treatment and standards of detention.

⁴²⁶ See Iraqi Partners Forum, *The Iraq Briefing Book*, December 2010, pp. 27-32.

⁴²⁷ Stewart, P., "U.S. troops in Iraq will need immunity", *Reuters*, 2 August, 2011.

⁴²⁸ *Idem*.

⁴²⁹ Buzatu, A.M., *European Practices of Regulation...*, *op. cit.*, p. 28-29.

⁴³⁰ Although it may be out of date, we particularly recommend the Annex prepared by Kevin Lanigan of Human Rights First describing key US legislation applicable to PMSCs. See Lanigan, K., "Legal Regulation of PMSCs in the United States...", *op. cit.*, p. 2.

⁴³¹ See Federal Activities Inventory Reform Act (FAIR) of 1998; Office of Management and Budget Circular A-76, (r); Federal Acquisition Regulation (FAR), subpart 7.5, 7.503, c); (s)); the Manpower Mix Criteria, reference (t). See also 10 U.S.C. 2383, reference (u).

"so intimately related to the public interest as to require performance by Federal Government employees"; it further refers to functions that "significantly affect the life, liberty, or property of private persons....". From the outset, it is apparent that the involvement of private entities in the provision of security services in hostile environments abroad and where the use of force is authorized, even if in defensive terms alone, may directly affect U.S. interests as well as the life, liberty, or property of the public, and may therefore amount to a uniquely governmental function. However, the definition and implementation of the IGF doctrine by U.S. government agencies has not led to a total ban of PMSCs at national level or has prevented their employment for traditionally governmental areas in the military field scene.

In particular, DoD regulations and instructions prohibit the use of private contractors for certain functions, particularly military-related functions such as "preemptive attacks or any other types of attacks"⁴³², and prohibit contractors from accompanying the U.S. Armed Forces overseas to conduct direct combat activities or offensive operations⁴³³. Yet, so long as contractors do not engage in combat operations and provided that the service in question does not involve substantial authority discretion⁴³⁴, protective and security services are to be considered *commercial* and thus not strictly prohibited from outsourcing to private sector. In a decision of 2006 the GAO Comptroller General considered that the governmental use of armed security escorts in Iraq did not violate any restrictions on government contracting, arguing that the services sought under the requirements for armed security escorts did not constitute "uniquely governmental" functions since security contractors are prohibited under DoD regulations and DFARS provisions from engaging in direct combat⁴³⁵.

The failure properly to enforce the IGF doctrine has been observed in some instances in Iraq. For example, the Federal Acquisition Regulations (FAR) further provide examples of IGF, among which are the direct conduct of criminal investigations⁴³⁶. This is in line with CPA Memorandum 17 which provides that "the primary role of PSC is deterrence. No PSC or PSC employee may conduct any law enforcement functions"⁴³⁷. In 2008, however, the publication of the U.S.-based firm USIS's contract for Iraq showed that the company had been hired to assist the Regional Security Office in Baghdad by "investigating incident scenes; interviewing witnesses, collecting and analyzing evidence; preparing detailed, accurate and concise written reports; testifying in judicial and administrative proceedings; analyzing incidents for compliance with policy, laws and regulations; reviewing incidents for identifiable patterns or notable deficiencies in policy, training or procedures; maintaining case files and tracking the status of investigations; and... providing other investigation-related services"⁴³⁸. Shortly afterwards, U.S. legislators urged responsible authorities to cancel the particular contract arguing that charging a private contractor with the duty to conduct criminal investigations violated the law that prohibits certain inherently governmental functions from being outsourced⁴³⁹. In a different case, involving the killing of five Crescent Security Group contractors in 2006, which led to a civil action against U.S. Secretary of State, Hillary Clinton, plaintiffs claim that "legislation enacted as CPA Order 17 is an unconstitutional exercise of governmental authority".

⁴³² Interim amendment to Defense Federal Acquisition Regulation Supplement (DFARS) parts 212.225 and 252, published in 71 Federal Register 34,826, 34,826-27, June 16, 2006.

⁴³³ DoD Instruction (DoDI) No. 3020.41 "Contractor Personnel Authorized to Accompany the U.S. Armed Forces."

⁴³⁴ DoDI No. 1100.22, "Guidance for Determining Workforce Mix", September 7, 2006, at E2.1.4.

⁴³⁵ Brian X. Scott, Comp. Gen. B-298370, Aug. 18, 2006, at 4-6, available online at <http://www.gao.gov/decisions/bidpro/298370.pdf>

⁴³⁶ FAR, 48 CFR-Code of Federal Regulations-, Subpart 7.503.1).

⁴³⁷ CPA Memorandum 17 (2004), Section 9.

⁴³⁸ Isenberg, D., "When a contractor isn't good enough", United Press International, 17 October 2008, http://www.upi.com/Top_News/Special/2008/10/17/Dogs_of_War_When_a_contractor_just_isn't_good_enough/UPI-38301224276591/print/

⁴³⁹ Ibid.



**BOX. LEGAL CASE «MUNNS ET AL V. CLINTON ET AL
(Civil case n. 2:2010cv00681)»**

A) Fact description: In November 2006 seven security contractors working for Crescent Security were assigned to guard a half mile convoy made up of 46 trailer trucks. The convoy was meant to be protected on a journey from Kuwait to southern Iraq when it was ambushed by Iraqi men. The attackers seized five Crescent Security Group contractors (4 Americans and 1 Austrian) who were subsequently killed. The victim's families sued Hillary Clinton and Jennifer Foo who allegedly oversaw "many of the actions and policies".

B) Date: 16 November 2006

C) Location: Iraq

D) Court: California Eastern District Court

E) Legal action class (criminal/civil): Civil action. Complaint for declaratory relief, violation of 42 U.S.C. 1983 (Procedural Due Process Fourteenth Amendment Violations), Violation of 42 U.S.C. 1983 (Taking Clause of the Fifth Amendment Violations).

F) Plaintiffs: Mark Munns, Christa Munns, administrators for the separate state of Joshua Munns; Dennis Debrabander, Sharon Debrabander, administrators for the separate state of John Young; and Lori Silveri, administrator for the separate Estate of John Cote. (Source: see Complaint and demand for Jury Trial below)

G) Defendants: Hillary Diane Rodham Clinton, in her official capacity as U.S. Secretary of State; Jennifer Foo, in her official capacity as employee of the Office of the Secretary of the State. The Company Crescent Security Group is not considered as defendant in the complaint. (Source: see Complaint and demand for Jury Trial below)

H) Damages: ---

I) Claims description (criminal counts and /or prayer for damages):

"Plaintiffs pray for judgment against defendants and each of them, as follows:

- For declaration of the law as set forth in the First Claim for Relief*
- For a declaration that legislation enacted as CPA order 17 is an unconstitutional exercise of government authority*
- For a permanent injunction against further ongoing Unconstitutional acts as described hereinabove and under the First Claim for Relief*
- To the extent that private funds have been converted to public use, restitution of such funds, or damages equal to the value of the private property, such as the labor of the sons under the contracts taken for public use, in any case in a sum according to proof as the time of trial*
- General and special damages from the Defendants, and each of them, in their individual capacities, in a sum according to proof at the time of trial*
- For punitive and injunctive relief as determined by this Court, including imposition of a constructive trust over an accounting of any and all transactions unlawfully entered into by Defendants under contracts without the appropriate notification and disclosures to the taxpaying public*
- For an accounting*
- For all costs and attorneys' fees incurred by Plaintiffs to date and to be incurred by Plaintiffs hereafter in connection with this action*
- For such other and further relief as the Court deems just and proper"*

In the suit, "the families allege that State Department officials kept them in the dark about the months long kidnapping investigation and then blocked the families' efforts to negotiate with the kidnappers.

The families claim State Department officials even went so far as to stop a shipment of 90,000 fliers the families had sent to Iraq. The lawsuit goes on to question the government's definition of the word "terrorist" and the phrase "War on Terror" since the family alleges the abductors were merely criminals looking for money. The lawsuit also challenges the constitutionality of having the nation employ contractors to fight its battles but then refusing to support them when they are kidnapped, injured or killed. Basically, the law suit states that the mentality of the Secretary of State seems to be that if the United States loses a member of the United States military, then the loss becomes a relevant statistic on the 'War on Terror,' but when the United States loses a contractor then there is no accounting for the loss of life. ... As a result, the true cost in lives and money of the 'War on Terror' is understated."

Complaint and demand for Jury Trial, 19 March 2010, presented to the Court of Eastern District of California. <http://media.redding.com/media/static/Munns-lawsuit.pdf> (last visit 27 September 2011)

J) Current Status of proceedings: Ongoing.

Last document: an order signed on 27 May 2011: last hearings were previewed to be continued on 23 June 2011, no further information found. <http://docs.justia.com/cases/federal/district-courts/california/caedce/2:2010cv00681/205014/35/> (last visit 27 September 2011)

K) Decision: ---

L) Appeal Decision/Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

N) Sources: Washington post: http://www.washingtonpost.com/wp-dyn/content/article/2007/07/28/AR2007072801407_pf.html (last visit 27 September 2011)

Redding: <http://www.redding.com/news/2010/mar/25/state-department-sued-in-slaying-of-anderson-man/> (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annex on PMSCs in Iraq/U.S.: Crescent Security Group

This episode together with several allegations of violent criminal conduct by PMSCs personnel in Iraq gave rise to a policy debate in the United States Congress on whether certain duties performed by PMSCs are "inherently governmental" in nature and therefore, should be performed by public officials⁴⁴⁰. This has even led to concrete legislative proposals, such as the "Stop Outsourcing Security Act"⁴⁴¹, which seeks to prohibit the use of private contractors in war zones.

⁴⁴⁰ CRS report 2008, *op. cit.*, p. 32.

⁴⁴¹ This proposal was originally submitted in November 2007 but was rejected. It was reintroduced with some modifications on February 23, 2010. See Gómez del Prado, J.L., Torroja, H., *Hacia la Regulación...*, *op. cit.*, pp. 37-43.



For the time being, however, these initiatives have not significantly impacted the way in which the U.S. Defense Department has interpreted and implemented the IGF doctrine. Furthermore, it should be noted here that some other governmental agencies, such as the State Department and the Agency for International Development which will be leading the U.S. diplomatic mission in Iraq upon the withdrawal of military forces by the end of 2011, have apparently not developed concrete regulations implementing the IGF doctrine or addressing the activities of contractors overseas during war or contingency operations⁴⁴².

b) Rules for the use of force

In addition to CPA Regulations applying to all kinds of PMSCs' operations in Iraq, regulations for the use of force by contractors have also been adopted for PMSCs employed by U.S. governmental agencies. In this regard, the scope of authorized use of force by U.S. private contractors has progressively become broader until it allows the use of deadly force in circumstances other than in self-defense, e.g. to prevent even non-immediate threats against personnel and property, thereby resembling military rules of engagement and blurring the distinction between civilians and combatants under IHL⁴⁴³.

Initially, according to DoD implementation of the FAR, known as the Defense Federal Acquisition Regulations Supplement (DFARS), private security contractors were not authorized to use deadly force against enemy armed forces other than in self-defense. In June 2006, however, a rule amendment to the DFARS set out an important exception according to which the U.S. private contractors were permitted to use deadly force against enemy armed forces in self-defense or "when necessary to execute their security mission to protect assets/persons, consistent with the mission statement contained in their contract"⁴⁴⁴. A similar amendment to the FAR was approved in March 2008 for activities of contractor personnel working outside the U.S. for the Department of State and agencies other than the DoD⁴⁴⁵. Finally, the Memorandum of Agreement (MOA) between the DoD and DoS⁴⁴⁶, signed in May 2007, reiterated that PSC personnel shall not engage in offensive combat operations, while at the same time broadened the circumstances under which PMSCs are authorized to use deadly force in defensive operations, namely⁴⁴⁷:

- 1) in self-defense, described as "when a PSC reasonably believes that a person has committed a hostile act or demonstrated hostile intent and poses an imminent threat of death or serious bodily harm to the PSC". According to policy/definitions stipulated earlier: "[i]mmminent does not necessarily mean immediate or instantaneous. Individuals with the capability to inflict death or serious bodily harm and who demonstrate intent to do so may be considered an imminent threat".
- 2) for the defense of others, i.e. "when a PSC reasonably believes that a person poses an imminent threat of death or serious bodily harm to the protectee(s) or other innocent persons in the vicinity";

as well as, for the purposes of MNF-1 PSC operations in Iraq:

- 3) "when deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of assets vital to national security"; and

⁴⁴² See Elsea, J., *Private Security Contractors in Iraq and Afghanistan: Legal Issues*, CRS, January 7, 2010, at. 18. See, however, remarks made by Charlene Lamb, Deputy Assistant in the Department of State's Bureau of Diplomatic Security's (DS's) programs <http://www.state.gov/m/ds/rls/rm/143420.htm>.

⁴⁴³ Lanigan, K., *Legal Regulation...*, *op. cit.*, p. 5.

⁴⁴⁴ Interim amendment to Defense Federal Acquisition Regulation Supplement (DFARS) parts 212.225 and 252, published in 71 Federal Register 34,826, 34,826-27, June 16, 2006.

⁴⁴⁵ Federal Acquisition Regulation 52.225-19, *Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States* (March 2008).

⁴⁴⁶ *Memorandum of Agreement (MOA) Between the Department of Defense and the Department of State on USG Private Security Contractors*, May 12, 2007

⁴⁴⁷ See Section IV, *Procedures*, c).

- 4) “when deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of inherently dangerous property”

BOX. LEGAL CASE “ALBAZZAZ, ET AL V. PRINCE, ET AL”

A) Fact description: On 9 September 2007, “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, a 53-year old school teacher, was killed while visiting Baghdad for work. Numerous other civilians were injured in the incident.” The case has been consolidated with four other cases against Blackwater/Xe.

B) Date: 9 September 2007

C) Location: Al Watahba Square, Baghdad

D) Court: U.S. District Court for the District of Columbia; plaintiffs voluntarily dismissed the case in this District and filed a complaint in the Eastern District of Virginia.

E) Legal action class (criminal/civil): Civil Action

F) Plaintiffs: Ali Hussamaldeen Ibrahim Albazzaz, Sa’ad Raheem Jarallah, Adil Lafta Miza’el Shikhayiss, Mahdi Mohammed Salih Mahdi Al Sa’adi, Ammar Ali Mahdi Abood Al Sa’adi, Ali Mahdi Abood Al Sa’adi. (Source: see complaint below)

G) Defendants: Erik Prince, Prince Group, EP Investments LLC, Total Intelligence, The Prince Group LLC, Xe Services LLC, Blackwater Lodge and Training Center, Blackwater Target Systems, Blackwater Security Consulting, Raven Development Group. Blackwater Worldwide, amongst others, was dismissed by plaintiffs. (Source: see complaint below)

H) Claims description (criminal counts and /or prayer for damages):

- War crimes
- Against RICO defendants. Violation of Racketeer Influenced and Corrupt Organizations Act (RICO)
- Assault and battery
- Wrongful death
- Intentional infliction of emotional distress
- Negligent infliction of emotional distress
- Negligent hiring, training and supervision
- Tortuous Spoliation of evidence

Complaint, filed 28 March 2009 to the U.S. Court for the District of Columbia: <http://ccrjustice.org/files/Albazzaz%20Proposed%20First%20Amended%20Complaint.pdf> (last visit 27 September 2011)

Plaintiff’s remedies claims:

- Compensatory damages for death, physical, mental, and economic injuries
- Punitive damages
- Attorneys’ fees and costs

I) Relevant Intermediate Court Resolutions/Memorandums: On 28 March 2008: Court ordered that Albazzaz be consolidated with Estate of Himoud Saed Abtan (see



below), et al. v. Blackwater Lodge and Training Center, Inc., et al. 21 October 2009, Memorandum Opinion. Order on Defendant's motion to dismiss. Motion denied in part, granted in part, and deferred in part. http://ccrjustice.org/files/10.21.09%20Memorandum%20opinion%20re%20defendants%20motion%20to%20dismiss_0.pdf (last visit 27 September 2011)

J) Current Status of proceedings:

K) Decision: 6 January 2010, Order Dismissing case due to private settlement including individual compensation to the plaintiffs. (http://ccrjustice.org/files/1.6.10%20Order%20dismissing%20case%20due%20to%20settlement_3.pdf (last visit 27 September 2011))

L) Appeal Decision/Other Decisions: --

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case):

N) Sources:

<http://ccrjustice.org/ourcases/current-cases/estate-ali-hussamaldeen-albazzaz-v-blackwater-worldwide-et-al> (last visit 27 September 2011)

<http://www.guardian.co.uk/world/2010/jan/07/blackwater-xe-iraq-us-security> (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: The terms of settlement were not made public; According to some the settlement was established in \$100,000 to each family of a person who died and \$30,000 to those wounded: "...Two sources with inside knowledge of Blackwater's settlement with Iraqi victims of a string of shootings, including the Nisour Square massacre, has confirmed to me that Blackwater is paying \$100,000 for each of the Iraqis killed by its forces and between \$20-30,000 to each Iraqi wounded. One source said it was "an absolute bargain" for Blackwater. Based on the number of dead and injured named in the civil lawsuits, the total amount paid by Blackwater is likely in the range of \$5 million. Blackwater has made more than \$1.5 billion in "security" contracts in Iraq alone since 2003... Blackwater released a statement saying the company was "pleased" with the ruling...", "Blackwater Settles Massacre Lawsuit, Pays Families of Dead Iraqis \$100,000 Each", by Jeremy Scahill. <http://www.commondreams.org/further/2010/01/07-1>; and "...The Associated Press has reported that the company has offered \$100,000 to each family of a person who died and \$30,000 to those wounded. Another separate civil suit filed in North Carolina by victims of the Nisour Square shootings was not part of the settlement ...". See: "Blackwater Settles Suits for \$100,000 per victim; UN Human Rights Council Urges Accountability", by Amol Mehra, Right Respect. <http://www.rightrespect.com/2010/01/08/blackwater-settles-suits-for-100000-per-victim-un-human-rights-council-urges-accountability/>; and "Blackwater settles civil lawsuits over Iraq deaths", by Mike Baker, Associated Press. http://www.usatoday.com/money/companies/2010-01-07-blackwater-iraqi-deaths-settlement_N.htm (last visit 27 September 2011).

P) Others: See Annexes on PMSCs in Iraq/U.S.: Xe.

c) Status of contractors overseas

Particularly since the beginning of the 1990s, civilian contractors have accompanied the U.S. armed forces, performing jobs that do not require military expertise such as feeding, housing and otherwise caring for soldiers' basic needs⁴⁴⁸. These personnel have been traditionally considered under U.S. military laws to be civilians "authorized to accompany" the armed forces and, as such, cannot be the object of intentional attack and are entitled to prisoner-of-war status under international law⁴⁴⁹. Additionally, in recent years a new term has been coined in federal statutes and DoD instructions referring to civilians serving with or accompanying the armed forces overseas during "contingency operations", i.e. "the current doctrinal term for the sorts of military operation in which the United States is currently engaged in Iraq and Afghanistan"⁴⁵⁰. These employees, who have been referred in short to as "contingency contractors", include private security contractors providing protective and other services, and are considered by the DoD to be part of its Total Force⁴⁵¹.

The *rationale* behind considering contingency contractors to be civilians (non-combatants) serving with or accompanying U.S. armed forces is that they are not authorized to take direct part in hostilities. As we have seen above, the distinction between civilians and combatants has been blurred in the U.S. regulatory framework by considering security services to be commercial and/or non-inherently governmental functions, and then, by progressively expanding the scope of the rules for use of force. In addition, when dealing with the issue of contractors' legal status some federal agency instructions have reinforced this position with the proviso that the provision of security services and other military-related services are to be considered "indirect participation in military operations", thereby keeping the position of PMSCs within the limits of civilian status. This is the case, for instance, in DoD Instruction regarding *Contractor Personnel Authorized to Accompany the U.S. Armed Forces* (2005) which provides in section 6.1.1 (International law and Contractor Legal Status) that:

"Contingency contractor personnel may support contingency operations through the *indirect participation in military operations*, such as by providing communications support, transporting munitions and other supplies, performing maintenance functions for military equipment, *providing security services according to subparagraph 6.3.5.* and providing logistic services such as billeting, messing, etc."⁴⁵² (Emphasis added)

As we have seen above, this position is inaccurate in terms of IHL. While the consideration of what constitutes "direct participation in hostilities" is certainly subject to interpretation since it has not been defined by IHL instruments, there is a common understanding, also supported by ICRC representatives, that direct participation in acts of war does not simply mean engaging in combat, and, like for instance, the performance of protective services in relation to legitimate military targets as well as other military-related services may also lead to the temporary loss of civilian status and protection⁴⁵³.

d) Statutes providing bases for accountability and prosecution

Criminal accountability

While CPA Order 17 also allows a contractor's immunity to be waived, for the time being the U.S. Government has refused to do so, and instead has expanded its extraterritorial

⁴⁴⁸ CRS Report 2008, *op. cit.*, at. 36.

⁴⁴⁹ See Department of the Army Field Manual No. 3-100.21 (100-21), *Contractors on the Battlefield*, reference 4-49, January 3, 2003.

⁴⁵⁰ Lanigan, K., *Legal Regulations...*, *op. cit.*, table, at. 3.

⁴⁵¹ DoD, *Quadrennial Defense Review Report*, February 6, 2006, p. 75 "the Department's Total Force - its active and reserve military components, its civil servants, and its contractors - constitutes its war-fighting capability and capacity"; quoted in CRS Report 2008, *op. cit.*, at. 35.

⁴⁵² DoDI Number 3020.41, October 3, 2005.

⁴⁵³ Faite, A., "Involvement of private contractors...", *op. cit.*, p. 170.



jurisdiction to prosecute crimes committed by contractors it fields overseas. In particular, under U.S. law there are several substantive and jurisdictional statutes providing for criminal and civil liability of PMSCs and their personnel for crimes committed abroad. From a legal point of view, their application to abuses committed by PMSCs in Iraq depends on a number of circumstances and technical criteria set out therein.

-1996 War Crimes Act⁴⁵⁴: it authorizes the prosecution of offences characterized *under US law* as war crimes and committed by or against a US national or member of the US armed forces. Limitations in applying this legislation include the high burden of proof in relation to the nature of the conflict (international/internal) and the status of the perpetrator (combatant/civilian) and the victim (protected person/prisoner of war...) ⁴⁵⁵.

-Special Maritime and Territorial Jurisdiction (SMTJ)⁴⁵⁶: it extends the jurisdiction of US courts to crimes involving U.S. nationals, as perpetrators or victims, if committed at US facilities overseas which qualify as part of the special maritime and territorial jurisdiction of the US. Crimes covered by SMTJ include murder, manslaughter, assault, kidnapping, torture, and certain sexual offences⁴⁵⁷. This jurisdictional provision would be applied, for instance, for prosecuting abuses other than war crimes committed by PMSCs' employees in US detention facilities in Iraq. The Department of Justice (DoJ) is the responsible organ for prosecuting crimes in this category.

1994 federal Anti-Torture Act⁴⁵⁸: it applies to acts of torture committed outside the U.S. regardless of the nationality of the perpetrator, although foreign nationals need to be presented in the US to be prosecuted.

2000 Military Extraterritorial Jurisdiction Act (MEJA)⁴⁵⁹: it allows U.S. federal (civilian) courts to try persons who are "employed by or accompanying the armed forces" overseas for the commission of offences that would be punishable by imprisonment for more than one year if committed within the special maritime or territorial jurisdiction of the United States. The concept of persons "employed by the armed forces" is defined as to cover civilian employees and contractors working for the U.S. DoD and, since the October 2004 MEJA amendment, also extend to civilian contractors from other federal agencies and "any provisional authority" - such as CPA in the case of Iraq - to the extent that their "employment relates to supporting the missions of the Department of Defense overseas"⁴⁶⁰. As we will see below, this latter wording has made it unclear whether contractors unconnected with DoD operations abroad, which could include State Department or USAID contractors, also fall under the MEJA. Additionally, the personal scope of the MEJA is limited as it does not cover either employees of PMSCs working for other clients, - such as media agencies, international organizations, etc. - or nationals of or ordinarily resident in the host nation, thus excluding Iraqi employees of PMSCs⁴⁶¹. Other foreign nationals working for the abovementioned agencies are apparently covered, provided that the crimes in questions fall under the scope of the SMTJ. One interpretation, for example, is that the MEJA "might not be available as a jurisdictional basis to prosecute non-US national contractors for war crimes under 18 USC § 2441"⁴⁶². The ambiguous legal status of PMSCs overseas has prompted some proposals for US Congress to pass legislation applying the MEJA to all contractors in a contingency operation, but the efforts to do so have so far have failed⁴⁶³.

⁴⁵⁴ 18 USC § 2441.

⁴⁵⁵ See Ryngaert, C., "Litigating Abuses Committed by Private Military Companies," *EJIL*, 2008, Vol. 19, at. 1042-1043.

⁴⁵⁶ 18 USC § 7.

⁴⁵⁷ See 18 U.S.C. § 1111, 1112, 1113, 1201, 2340-40B, 2241-2245. See CRS 2008, *op. cit.*, at. 20-21.

⁴⁵⁸ 18 USC §§ 2340-2340B.

⁴⁵⁹ 18 USC §§ 3261 – 3267 (2000).

⁴⁶⁰ 18 USC § 3267(1)(a) as amended by National Defense Authorization Act for FY 2005, PL 108-375 § 1088, 118 St. 2066, October 28, 2004.

⁴⁶¹ 18 USC § 3267(1)(c) and (2)(c)

⁴⁶² CRS 2008, *op. cit.*, p. 24.

⁴⁶³ See S. 2147 (Obama), Security Contractor Accountability Act; introduced in October 4, 2007. For a commentary see CRS Report, *op. cit.*, at 53; also, Fontain, R., Nagl, J., *Contracting in Conflicts...*, *op. cit.*, p. 24.

The DoD Inspector General, in co-operation with DoJ Criminal Division, bears the responsibility for the implementation and application of the MEJA.

Uniform Code of Military Justice (UCMJ): amended in January 2007⁴⁶⁴, it extends military jurisdiction (court-martial trial) over persons “serving with or accompanying an armed force in the field” during a “time of declared war or a contingency operation”. Until 2006, contractor employees were not subject to military law under the UCMJ when accompanying US forces, except during a declared war, thereby leaving abuses committed during operations within the so-called “global war on terror” un-prosecutable under this legislation. From a human rights perspective, however, the prosecution of civilians in military tribunals raises concerns regarding fair trial guarantees⁴⁶⁵, and furthermore may require an examination about its constitutional compatibility⁴⁶⁶.

Civil liability

In US legislation the main civil-action vehicle for prosecuting PMSCs crimes abroad can be found in the **Alien Tort Claims Act (ATCA)**⁴⁶⁷, also called Alien Tort Statute (ATS). It establishes federal court jurisdiction over any civil action by an alien for a tort (civil wrong), only if committed in violation of the law of nations or a treaty of the US. Despite an ongoing debate as to whether the ATCA may be used to seek redress for human rights violations, in last two decades victims have progressively used this statute against corporations in relation to their activities overseas⁴⁶⁸. Applied to the case of PMSCs in Iraq, victims of alleged PMSC abuses may find in the ATCA a good avenue to assert the civil liability of the company and obtain compensation for damages, because the statute does not require the violation to have been committed in the US territory or the plaintiff or defendant to be a U.S. citizen⁴⁶⁹. However, as we will see below several defense doctrines have been claimed in judicial proceedings challenging the application of this “universal jurisdiction” legislation in practice.

If a court dismisses ATCA-based claims, however, commentators have drawn attention to the fact that common law-based claims will be still available for torts other than violations of international law⁴⁷⁰. This option for civil litigation has been used by PMSCs employees against their employers. It is noteworthy, however, that under this jurisdictional title claims cannot be brought by foreigners against other foreigners, thus preventing its application for some of the abuses committed by PMSCs in Iraq.

The law in practice: litigating human rights abuses involving PMSCs in Iraq before U.S. Courts

As a matter of law, if U.S. courts have a sufficient basis for extraterritorial jurisdiction, there is nothing to prevent American authorities from bringing prosecutions for violations involving PMSCs in Iraq⁴⁷¹. At present, however, it is one of the saddest characteristics of the military and security privatization phenomenon in Iraq that very few private contractors have been successfully prosecuted in U.S. courts for abuses occurred in Iraq. In particular, Annex D of this research has documented 16 cases brought before U.S. courts for incidents occurring in Iraq, of which only one is of a criminal nature while the other fifteen are civil claim actions⁴⁷².

⁴⁶⁴ Section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (PL 109-364).

⁴⁶⁵ See Lehnardt, C., Proposal for..., *op. cit.*, p. 9; Droege, “Private Military...”, *op. cit.*, p. 6, 14.

⁴⁶⁶ See Ryngaert, C., “Litigating Abuses...”, *op. cit.*, at. 1044-1045. Also, CRS Report August 2008, pp. 27-29.; Fontaine, R., Nagl, J., *Contracting in...*, *op. cit.*, at. 24.

⁴⁶⁷ 28 USC, § 1350.

⁴⁶⁸ See *National Coalition Government of the Union of Burma v. Unocal*, 176 FRD 329 (CD Cal. 1997); *Doe v. Unocal Corp.*, 27 F Supp 2d 1174 (CD Cal. 1998), *aff'd* 248 F 3d 915 (2001); *Doe I v. Unocal Corp.*, 110 F Supp 2d 1294 (CD Cal. 2000); *Doe I v. Unocal Corp.* 395 F 3d 3932 (9th Cir. 2002).

⁴⁶⁹ See for references of US case law, Ryngaert, C., “Litigating Abuses...”, *op. cit.*, at. 1037.

⁴⁷⁰ *Idem*.

⁴⁷¹ We understand that evidentiary problems may arise in a later stage of the proceedings and should not prevent the initiation of prosecutorial action. Furthermore, it is apparent that Iraqi authorities would facilitate judicial co-operation in this matter.

⁴⁷² Annex D – Boxes/legal cases.



Certainly, in some cases investigations have been conducted and a decision has been made not to proceed⁴⁷³, but, on the other hand, there are a number of incidents figuring in Annex A for which no information has been found on any prosecutorial action⁴⁷⁴. Admittedly, this does not mean that some legal actions might have been filed before courts without our knowledge.

Furthermore, litigation concerning PMSCs in Iraq before U.S. courts is two-fold: on the one hand, only a handful of criminal prosecutions have been completed in recent years, of which, to our knowledge, none involved abuses committed by PMSCs' employees against the Iraqi population. Now four years after the incident at Nissour Square, the case against the alleged perpetrators remains pending in U.S. courts. On the other hand, the availability of civil liability statutes has been challenged on different grounds, and victims have also encountered other difficulties to make civil remedies applicable in practice⁴⁷⁵. As a result, out of the 15 civil cases studied here, three have been settled, five dismissed and seven are still pending⁴⁷⁶. On the whole, both civil litigation and criminal prosecution against PMSCs and their personnel remain challenging in U.S. courts.

Certainly, very few successful prosecutions in US courts have been reported in practice for crimes involving PMSCs in Iraq. Namely, in the context of the criminal statutes noted above, there have been no prosecutions to date under the WCA and the SMTJ provision, although the latter has been used at least once as a basis for the conviction of a PMSC employee in Afghanistan⁴⁷⁷. Similarly, completed Iraq-related prosecutions under the scope of the UCMJ after its 2007 amendment include, to the best of the author's knowledge, only the case in June 2008 of an Iraqi-Canadian working as a contract translator for the US Army who was sentenced by a military court to five months' imprisonment for assault on another translator⁴⁷⁸. Finally, as regards the application of the MEJA it has been reported that "between March 2005 and March 2010, 17 US national contractors have been prosecuted or charged under the MEJA, with 15 additional cases pending"⁴⁷⁹. Importantly, however, the MEJA has been *successfully* applied only in a handful of cases involving principally DoD private contractors in Iraq, almost none relating to the unlawful use of violence against local nationals⁴⁸⁰.

In the first case brought under the MEJA against non-DoD contractors - i.e. the prominent Nissour Square case which resulted in charges of 14 counts of manslaughter as well as weapons' violations and attempted manslaughter for five former Blackwater employees (DoS contractors at the time of the incident) - the defendants sought a dismissal of charges challenging the scope of this Statute. In particular, they argued that the MEJA does not apply to them as contractors working for the State Department in support of its mission. Although the judge rejected this argument as a basis for dismissal, on 31 December 2009, the Federal District Court of Columbia dismissed the case on the ground of the government misuse of the defendants' compelled statements – key important evidence in the cas -,

473 See *infra* the case of the Blackwater employee Andrew Moonen.

474 See Annex D, introductory footnote.

475 For instance, contractual disputes arose in the case of four Blackwater contractors killed by a mob in Fallujah in 2004, see Scahill, J., *Blackwater...*, op. cit., pp. 277–295. Lack of evidence was the ground for dismissal in *Jamie Leigh Jones v. KBR and USA*; for details see Annex D. See also, Annex D/*Munns et al. v. Clinton*.

476 Annex D – *Boxes/legal cases*.

477 *United States v. Passaro*, No. 5:04-CR-211-1 (fi led EDNC, 17 June 2004), available at: <http://charlotte.fbi.gov/dojpressrel/2007/ce021307.htm>.

478 Zavis, A., "Army Interpreter Sentenced At Court-Martial," *Los Angeles Times* (28 June 2008), <http://articles.latimes.com/2008/jun/24/world/fg-interpreter24>

479 Fontaine, R., Nagl, J., *Contracting in Conflicts...*, op. cit., p. 24, referring to an email communication with DoD official.

480 Examples of MEJA proceedings since its passage in 2000 include: a) the case of a DoD contractor working in Baghdad who was sentenced to 41 months in prison for possession of child pornography in 2007; 2) the prosecution of a PMSC employee for abusive sexual contact involving a female soldier at a US military base in 2004; c) the indictment of a contractor for assaulting another contractor with a knife in 2007; and d) the indictment of three employees of the PMSC SOC-SMG Inc., for allegedly kidnapping a foreign national at gunpoint while working at a US military base. See CRS Report 2010, at. 23-24.

thereby compromising the constitutional rights of the accused and making the evidence inadmissible under the Fifth Amendment of the United State Constitution⁴⁸¹. The decision also cited allegations of prosecutorial misconduct. On appeal, however, the Court of Appeal for the District of Columbia found that the District Court's finding was based on "an erroneous view of the law" and ruled that some evidence would be still admissible, reinstating it for reconsideration on 22 April 2011⁴⁸². At the time of this writing the case is still pending.

BOX LEGAL: UNITED STATES OF AMERICA V. SLOUGH ET AL. (identified as "BLACKWATER 5" case)

A) Fact description: The defendants were security guards employed by Blackwater Worldwide. On 16 September 2007, the defendants were part of a Blackwater Tactical Support Team (identified as "Raven 23"). A shooting incident erupted, the defendants allegedly shot and killed fourteen people and wounded twenty others. The dead and wounded were unarmed civilians who were the victims of unprovoked violence by the defendants. The defendants maintain that they came under attack by insurgents and that their actions constituted a legitimate response to a mortal threat.

B) Date: 16 September 2007

C) Location: Nisoor Square, Baghdad

D) Court: U.S. District Court for The District Of Columbia

E) Legal action class: Criminal Case

F) Plaintiffs: United States of America (U.S. State, public institution)

G) Defendants: Paul Alvin Slough, Nicholas Abeam Slatten, Evan Shawn Liberty, Dustin Laurent Heard, and Donald Wayne Ball.

H) Damages (allegedly): killing of 14 people, wounding of 20 people.

I) Claims description (criminal counts and /or prayer for damages):

- Voluntary manslaughter;
- Attempt to commit manslaughter; and
- Using and discharging a firearm during and in relation to a crime of violence.

Indictment case CR-08-360 filed on 4 December 2008. http://www.haguejusticeportal.net/Docs/NLP/US/Blackwater5_Indictment_4-12-2008.pdf (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums: ---

K) Current status of proceedings: Awaiting for lower court's final decision.

L) Decision: The indictment has been dismissed by 31 December 2009 Decision, on the ground that the government violated the defendant's constitutional rights by utilizing statements they made under a threat of job loss. In their zeal to bring charges against the defendants in this case, the prosecutors and investigators aggressively sought out statements the defendants had been compelled to make to government

⁴⁸¹ United States District Court for the District of Columbia, *United States of America v. Slough et al.*, Criminal Action No.: 08-0360 (RMU), 31 December 2009, at. 2. See Annex D.

⁴⁸² United States Court of Appeals for the District of Columbia Circuit, *United States v. Slough et al.*, Case No. 10-3006, 22 April 2011.



investigators in the immediate aftermath of the shooting. In doing so, the Government used the defendants' compelled statements to guide its charging and to obtain the indictment in this case, moreover, the explanations offered by the prosecutors and investigators in an attempt to justify their actions and persuade the court that they did not use the defendants' compelled testimony were all too often contradictory, unbelievable and lacking in credibility.

<http://www.haguejusticeportal.net/Docs/NLP/US/blackwater2009.pdf> (last visit 27 September 2011)

M) Appeal Decision: Dated on 22 April 2011, the appeal court remands the case to the lower court, which has still to decide over the case: "... *We find that the district court's findings depend on "an erroneous view of the law." Kilroy, 27 F.3d at 687. We thus vacate and remand the case for the court to determine, as to each defendant, what evidence—if any—the government presented against him that was tainted as to him, and, in the case of any such presentation, whether in light of the entire record the government had shown it to have been harmless beyond a reasonable doubt...*", **Source:** <http://www.haguejusticeportal.net/Docs/NLP/US/blackwaterfeb2011.pdf> (last visit 29 September 2011)

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Sources:

Hague Justice Portal: <http://www.haguejusticeportal.net/ecache/def/10/132.html> (last visit 27 September 2011)

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

Q) Others: ---

In related criminal proceedings, a U.S. prosecutor found on October 2010 that there was insufficient evidence to prosecute a former Blackwater employee, Andrew Moonen, who, while drunk, shot and killed an Iraqi guard working for the Iraqi Vice-President in December 2006. Also in relation to on this case, emails detailing Blackwater's penalties against Mr. Moonen show that Department of State authorities sought to resolve the incident by urging Blackwater to "do all possible to assure that a sizeable compensation is forthcoming"⁴⁸³; in particular, they understood that "[i]f we are to avoid this whole thing becoming even worse, I think a prompt pledge and apology – even if they want to claim it was accidental - would be the best way to ensure the Iraqis don't take steps, such as telling Blackwater that they are no longer able to work in Iraq"⁴⁸⁴.

As we now know, Blackwater is not working in Iraq anymore, and Iraqi authorities remain vigilant that to ensure that its employees are also unable to do so⁴⁸⁵. As for the penalty, it is believed according to the above-mentioned emails, that Mr. Moonen had presumably paid around US\$14,697, which is the total cash penalty for an alcohol-related incident⁴⁸⁶; he also forfeited a compensation bonus that he would otherwise have been paid; and the DoS denied him the ability to work on further DoS programs⁴⁸⁷. With regard to the

⁴⁸³ See *E-mails Detailing Blackwater's Penalties Against Employee Who Killed Guard of Iraqi Vice President*, document available at "Hearing on Private Security Contracting in Iraq and Afghanistan", *Committee on Oversight and Governmental Reform*, October 2, 2007 (Last visit September 2011).

http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=3912&Itemid=2

⁴⁸⁴ Idem.

⁴⁸⁵ See UNWG Report Mission to Iraq, *op. cit.*, para. 67.

⁴⁸⁶ See *E-mails Detailing...* *op. cit.*

⁴⁸⁷ Id.

compensation to the victim's family, we have had not access to any information but it might have taken place, since the UNWG has reported that the U.S. DoD as well as the U.S. Embassy makes "payments to families affected by the activities of their contractors (\$10,000 for death, \$5,000 for injury, \$2,500 for damage to property)"⁴⁸⁸.

Evidently, while it is clear that the United States, as the contracting State, is under an obligation to make reparation to victims, and therefore this policy cannot but be welcomed, it is also established in the international treaties to which it is party that it has an obligation to ensure respect of human rights, which includes a corresponding obligation to investigate and prosecute violations committed by private persons under the due diligence doctrine. In this regard, however, we are alarmed by the poor record of criminal prosecutions that have taken place in U.S. courts to date, particularly considering the above-mentioned impact that activities of PMSCs have had on the human rights of the Iraqi population until at least 2009 and the fact that it has been impossible for Iraqi courts to deal with these violations because of the immunity order. Several arguments have been put forward to explain this limited enforcement of US criminal statutes for holding PMSC employees accountable for human rights' abuses, including practical problems⁴⁸⁹. Ultimately, it would appear that there is also a lack of political will. The UNWG recalled the United States' international obligations in its last report on its mission to Iraq. Additionally, it could also be added that American authorities should also consider the possibility of waiving the immunity from the Iraqi legal process that contractors still enjoy for acts committed between 2003 and 2009, at least for certain sensitive cases. If so, the responsibilities for investigating, prosecuting and providing effective remedies – which actually are not limited to providing financial compensation – would at least be partially shared with the Iraqi authorities. Furthermore, justice and the rule of law would therefore become more visible to the local population, demonstrating a better understanding and sensitivity of the Iraqis' demands on this issue, and consequently would probably improve the Iraqi perception of the United States' overall role in the country as well. Now that the last military components of the United States army are about to leave Iraq, a measure of this kind is not only timely, but also will certainly pave the way for the success of the incoming diplomatic mission.

As regards civil litigation for PMSCs liability, the record of proceedings seems to be higher but equally unsuccessful when compared to criminal prosecutions. Shortly after the Abu Ghraib episode, at least four cases were brought by a number of plaintiffs under the ATCA against PMSCs Titan Corporation/L-3 Services and CACI for the abuses committed at the prison and other facilities in Iraq⁴⁹⁰. All of them, however, have been dismissed on the grounds of a series of defense arguments advanced by defendants, including: a) the government contractor immunity⁴⁹¹; b) the political question doctrine⁴⁹²; and c) liability doctrines, including superior responsibility doctrines and/or the direct liability of PMSC under international law⁴⁹³. Though an exhaustive examination of the basis of these doctrines is beyond the space and scope of this research, it should be noted here that "these defenses are not the product of positive law expressed through the US Constitution or statutes enacted by Congress, but instead have been developed and applied by the courts through the interpretation of certain constitutional, statutory and public policy principles"⁴⁹⁴. Furthermore, some of these doctrines, such as that of the public official requirement for the commission of torture, have

⁴⁸⁸ UNWG Report Mission to Iraq, *op. cit.*, para. 74.

⁴⁸⁹ See Ryngaert, C., "Litigating Abuses...", *op. cit.*,

⁴⁹⁰ See Annex C- Legal Box, for cases *Saleh et al. v. Titan Corp. et al.*; *Al-Quraishi et al. v. Nakhla et al.*; *Al Shimari v. CACI et al.* Also, *Ibrahim et al. v. Titan Corporation et al.*, United States District Court for the District of Columbia, 391 F. Supp.2d. 10 (2005).

⁴⁹¹ *Ibrahim et al. v. Titan et al.*, Civil Action No. 04-1248 (JR); and *Saleh et al. v. Titan et al.* (Civil Action No. 05-1165), 11 June 2007, at 18 – 21.

⁴⁹² *Ibrahim et al. v. Titan Corp.*, 391 F Supp 2d 10, 15 (DDC 2005)

⁴⁹³ *Id.*, the court dismissed the plaintiffs' claim that their husband had been tortured by contractors in Iraq, holding that private persons cannot commit torture in violation of the law of nations. "The court did not, however, dismiss those claims based on the common law torts of assault, battery, wrongful death, intentional infliction of emotional distress and negligence". See, Expert Meeting..., *op. cit.*, p. 54.

⁴⁹⁴ Lanigan, K., "Legal regulation...", *op. cit.*, p. 7.



been specifically rejected in the jurisprudence of national and international tribunals⁴⁹⁵.

Also pursuant to the ATCA, five cases brought by families of those killed and others injured in the 2007 Nissour Square incident against PMSC Blackwater/Xe have been consolidated. In this context, however, while similar defenses as those mentioned above were brought by defendants, the cases have been recently dismissed due to private settlement between the parties⁴⁹⁶. Since the terms of the settlement were not made public, there is no official information about which claims were specifically object of reparation and the exact amount received, or whether any kind of collective or symbolic reparation has been granted to the victim's families.

Similarly, two other cases were brought under the ATCA against PMSC Unity Resources Group for actions resulting in the shooting and killing of two Iraqi women in the Karrada neighborhood of Baghdad in 2007. In this instance, both cases were dismissed on the ground of lack of subject-matter jurisdiction⁴⁹⁷.

BOX. LEGAL CASE "ESTATE OF MARANI MANOOK V. UNITY RESOURCES GROUP"

A) Fact description: On 9 October 2007 Ms. Marani Awanis Manook was driving on Karrada Street in Baghdad, Iraq. An employee of Unity Resource Group allegedly shot and killed her.

B) Date: 9 October 2007

C) Location: Baghdad, Iraq

D) Court: U.S. District Court for the District of Columbia (at a later stage the case was transferred to the U.S. District Court for the Eastern District of North Carolina).

E) Legal action class (criminal/civil): Jury civil demand brought under the Alien Tort Statute and federal question jurisdiction.

F) Plaintiffs: Estate of Marani Awanis Manook

G) Defendants: Unity Resources Group LLC and Research Triangle Institute International

H) Claims description (criminal counts and /or prayer for damages):

- Claim under the Alien Tort Statute: war crimes
- Claim under the Alien Tort Statute: civil conspiracy to war crimes
- Claim under the Alien Tort Statute: Aiding and abetting war crimes
- Assault and battery
- Civil conspiracy to assault and battery
- Aiding and abetting an assault and battery
- Wrongful death
- Civil conspiracy to cause wrongful death

⁴⁹⁵ See *supra* on this section "individual criminal responsibility". For decisions in US Courts see Ryngaert, C., "Litigating abuses...", *op. cit.*, p. 1038.

⁴⁹⁶ See Annex D-Legal Box Xe (Blackwater). *Abtan et al. v. Prince et al.*, Notice of Voluntary Dismissal by all Plaintiffs, United States District Court for the District of Columbia, Case No. 1:07-cv-01831 (RBW), June 2, 2009. And *Abtan et al. v. Prince et al.*, Order dismissing case due to settlement, Eastern District of Virginia, January 6, 2010. For details on the stage of the proceedings see Annex C.

⁴⁹⁷ See Annex D-Legal Box URG. *Estate of Marani Manook v. Unity Resources Group*, United States Court for North Carolina, August 12, 2010.

- Aiding and abetting wrongful death
- Intentional infliction of emotional distress
- Civil conspiracy to inflict emotional distress
- Aiding and abetting the intentional infliction of emotional distress
- Negligence
- Negligent infliction of emotional distress
- Negligent hiring, training and supervision
- Civil conspiracy

First Amended Complaint filed on 11 February 2008. <http://www.expose-the-war-profiteers.org/archive/legal/2008/20080211.pdf> (last visit 27 September 2011)

I) Relevant Intermediate Court Resolutions/Memorandums: ---

J) Current Status of proceedings: The case was dismissed by the U.S. District Court for the Eastern District of North Carolina on 12 August 2010.

K) Decision: 12 August 2010, eastern District of North Carolina, U.S. District Court: “[...] *Decision by the Court: It is ordered and adjudged that the court grants RTI’s and Unity’s motions to dismiss for lack of subject-matter jurisdiction [...] and declines to exercise supplemental jurisdiction over the state-law claims. The court also dismisses Unity’s motion for a protective order [...] and all other pending motions [...] as moot. [...]*” <http://protect.theinfo.org/pacer/ecf.nced/13111958579.pdf> (last visit 27 September 2011)

L) Appeal Decision/Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

N) Sources: http://www.expose-the-war-profiteers.org/DOD/iraq_II/database/2007/antranick_manook.htm (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annexes on PMSCs in Iraq/United Arab Emirates: Unity Resources Group.



CONCLUDING REMARKS

The use and activities of PMSCs is a global and multi-faceted phenomenon which gives rise to complex political, practical and legal questions. This report has tried to deal with some of them by examining the role of these companies and the overall consequences of this privatization policy, in particular but not only, in the context of the situation of Iraq from 2003 to the present time. Certainly, the answer to some of these questions is not straightforward and/or can be subject to interpretation, but the facts and data figuring in the Annexes speak for themselves. Thus, although we hope that readers can reach their own conclusions and reflections, some concluding remarks are summarized here:

- It is apparent that the tendency towards the increasing use of PMSCs is going to continue in the future. States have developed an internal dependency on private contractors, particularly in the field of technical military expertise, which will make difficult to dispense with their services in future international interventions. Furthermore, hiring PMSCs has turned into official policy in many countries, which justify their use in terms of their efficiency and rapid mobilization while also considering grounds of political and economic profitability. Likewise, in addition to States other actors such as international organizations, private corporations and humanitarian agencies will continue to require the security services provided by PMSCs to protect their personnel and properly conduct their activities in countries where the local government is unable to ensure the necessary security conditions.
- Regarding Iraq, a commitment to the presence of these companies has already been made for the foreseeable future. And again, their role is going to be important. By providing security-related services, they are said to be an “essential element” in order to guarantee the success of the incoming U.S. diplomatic mission once the U.S. military “terminates” its withdrawal from Iraq at the end of this year. In addition, multinational PMSCs will probably continue training local security forces to strengthen their still weak capacity. If this is so, however, multinational PMSCs are yet to be registered and licensed with the Iraqi Ministry of Interior as, according to the official number of licenses granted for the next year, the majority of PMSCs providing military and security services in Iraq during 2012 will be Iraqi rather than foreign companies. The Iraqi MoI should be aware of this fact as well as of the need to tighten control over Iraqi PMSCs since the privatization of security is apparently becoming a domestic phenomenon in Iraq.

Nova-Institute for Active Nonviolence is of the opinion that attention should be drawn to the inherent threat that the massive use of PMSCs represents to the State monopoly on the legitimate use of force and the future development of peaceful international relations. As stated by Michael Ratner, president of the Center of Constitutional Rights, “the increasing use of contractors, private forces or as some would say ‘mercenaries’ makes wars easier to begin and to fight – it just takes money and not the citizenry”⁴⁹⁸.

Nonetheless, it should be pointed out here that, considering the current state of affairs, the international response to the use of PMSCs is not focused on their prohibition - in contrast to the activities of traditional mercenaries-, but rather on the establishment of specific international standards for States to control and regulate the activities of these companies and their personnel. Widely awaited, the 2010 UNWG proposed draft convention on PMSCs is a welcome initiative in this regard. Importantly, while the aim of this proposed new binding instrument is not the outright banning of PMSCs, it seeks, at least, to outlaw the outsourcing of such functions which amount to “inherently State functions”.

- In Iraq, the impact of this military and security privatization policy has been particularly dramatic for human rights, with both the local population as well as the employees of PMSCs suffering severe abuses at the hands of these entities; and moreover, with a broader range of fundamental rights violations than that resulting from mercenary

⁴⁹⁸ As quoted by Scahill, J., *Blackwater...*, *op. cit.*, p. 80.

activities in the past. While, fortunately, the number of human rights incidents against the Iraqi population has decreased in recent years, from a humanitarian perspective those past violations are nonetheless very grave and have not contributed at all to the reconstruction efforts and the establishment of the rule of law in Iraq. As the UNWG has noted “while PMSCs are generally seen as enhancing security, the example of Iraq demonstrates that such contractors may indeed increase insecurity amongst local population”⁴⁹⁹. This is not without irony if we consider that the juicy contracts of these companies have been paid for out of the U.S. budget for the reconstruction of Iraq, that is, using the money of American taxpayers.

- It is clear from this research that, when it comes to the regulation of PMSCs, there is no “vacuum in law”. International humanitarian and human rights law do provide pertinent standards governing the activities of PMSCs personnel and the responsibilities of States that hire and host them. Furthermore, for serious violations of human rights, including IHL, the responsibility of PMSCs’ employees as well as of the States connected with them are well established as a matter of law. At the same time, however, it is also true that, due to the peculiar characteristics of PMSCs, existing international instruments need to be stretched in order to control properly the use and activities of these actors, and key legal issues such as the variable legal status of contractors and the corporate responsibility of PMSCs are still controversial and remain to be resolved. Therefore, sharing the view that “the first step in ensuring respect for human rights by PMSCs is to develop a global consensus around a normative framework”⁵⁰⁰, *Nova-Institute for Active Nonviolence* advocates the advisability of the adoption of the UN proposed draft convention on PMSCs which would regulate this phenomenon in a specific manner. In addition, we also encourage the international community to delve into the possibilities of civil and criminal liability of legal persons, multinational corporations (both parent and subsidiaries), for human rights abuses as a complementary mechanism appropriate to our times and the reality arising from the military and security privatization phenomenon.

- The outlook arising from the analysis of domestic law further justifies the need for a new international regulatory instrument, especially if it places the emphasis on the States’ obligations with regard to the activities and accountability of PMSCs. In particular, as the content of this report has demonstrated, impunity is still the rule for the majority of human rights abuses committed in Iraq between 2003 and 2009. Immunity granted to contractors under CPA Order 17 has prevented prosecutions in Iraq for violations committed during this period from proceeding. On the other hand, despite significant action taken in the United States to extend extraterritorial jurisdiction over contractors overseas, civil litigation and criminal prosecutions against PMSCs and their personnel remain challenging in U.S. courts, with very few prosecutions brought for violations by PMSCs against Iraqi nationals, the case of Nissour Square still pending, and no civil claim has succeeded due to a series of judicial defenses. To date, the only “mechanism” that is apparently fully working for victims is the financial compensation policy implemented by U.S. agencies present in Iraq, which alone does not satisfy the existing international obligations of the home State or the victims’ right to an effective remedy.

As for the near future, a visible change in attitude is illustrated by the desire of the Iraqi authorities to exert control over PMSCs and ensure accountability for their actions. In the main, however, important issues are yet to be addressed and clarified. First and foremost, if the presence of PMSCs is going to continue in the coming years it is vital that Iraq adopts a genuine national legislation on this issue. At present, pending the draft legislation on PMSCs, the “law of occupation”, i.e. the U.S.-led CPA regulations, still constitutes the main legal basis in Iraq for the regulation of activities of PMSCs. In addition to the temporary validity which, in principle, the law of occupation should

499 UNWG Report –Mission to Iraq, op. cit., para. 80.

500 Statement by Amol Mehra of Right Respect, January 8, 2010, in <http://www.rightrespect.com/2010/01/08/blackwater-settles-suits-for-100000-per-victim-un-human-rights-council-urges-accountability/>



have, the inadequacy of CPA regulations also stems from the fact that they do not properly, address the activities of Iraqi PMSCs which, as we have noted above, will form the large majority of companies operating in Iraq in the years to come.

Another important issue which remains to be resolved is whether the removal of immunity set out in the 2009 Status of Forces Agreement will apply to all foreign contractors deployed in Iraq and how Iraqi courts will enforce it. In this regard, although the main questions surrounding this issue revolved around the scope of the SOFA and the validity of CPA Order 17, attention should also be paid to the lessons flowing from the Fitzsimons case. In particular, the Fitzsimons case serves here as an example to illustrate the fact that the death penalty is still in force in Iraq and could also be applied to private foreign contractors. Though it was not the case for Fitzsimons, this reality, together with certain shortcomings in the capacity of the Iraqi justice system, may play against acceptance of the host State's jurisdiction and result instead in an insistence on the validity of immunity and/or prosecution by the sending State. While in practical terms this would prevent the accountability gap opened in Iraq by CPA Order 17 from being closed, from a human rights perspective this possibility should not be underestimated. As has been argued by some commentators, immunities granted under status of forces agreements are "reasonable on the ground alone that the standards of the justice system in the host state are likely to be below those required by human rights law or the sending state's constitution"⁵⁰¹. Furthermore, human rights treaties would probably support this argument in case of disputes on extradition.

Nova-Institute for Active Nonviolence invites the Iraqi authorities to address these issues as a matter of national security and to strengthen sovereignty and the rule of law in Iraq. In our opinion, it is not a coincidence that the number of human rights incidents against the local population has fallen significantly precisely since the adoption of the 2009 SOFA. Rather, we believe that the -albeit unclear- removal of immunity set out therein, together with the establishment and still blurred expansion of accountability mechanisms in the home State, has sent a stronger deterrent signal than the mere threat of monetary compensation, termination of contracts or imposition of disciplinary sanctions by the company. Therefore, the team conducting this research would like to conclude this analysis by sending a message of hope in law and justice and the deterrent power of accountability mechanisms to prevent future abuses by PMSCs and clearly and forcefully address those that might happen.

501 Lehnardt, C., *Proposals for...*, op. cit., p. 9.

ANNEXES

INTRODUCTION

The 116 companies which have been studied for the purpose of this research are listed in three different Annex. Annex A, which lists 46 human rights incidents, offers information about 89 PMSCs (45 from the U.S., 18 from the U.K., 2 from Israel, 6 from the United Arab Emirates, 4 from South Africa, 1 from Kuwait, 2 from Canada, 1 from Australia, 2 from Germany, 1 from Barbados, 1 from the Czech Republic, 1 from Spain and 5 from France). Annex B offers information about 16 Iraqi PMSCs and ESPAI A INTRODUIR 3 specific human rights incidents. Annex C provides information about 11 international extractors, constructors and other non-PMSCs organizations which contract services from PMSCs in Iraq, listing 4 specific human rights incidents. Annex D lists 16 legal cases of human rights incidents by PMSC in Iraq before the United States of America Courts and 1 legal case before the Iraqi Courts. The information in this annex is particularly vulnerable to change and we advice you to regularly check the sources used through the links provided in each document.

List of Annexes

Annex A): Principal multinational Private Military and Security Companies in Iraq

Annex B): Principal Iraqi Private Military and Security Companies in Iraq

Annex C): Extractors, constructors and other non-PMSCs Organisations hiring PMSCs in Iraq

Annex D): Boxes / Legal Cases



ANNEX A: 89 MULTINATIONAL PMSCS UNDER STUDY

Headquartered in the United States of America

1. AIRSCAN INC
2. BH DEFENSE
3. CACI
4. COCHISE CONSULTANCY
5. COMPUTER SCIENCES CORPORATION (CSC)
6. CRESCENT SECURITY GROUP
7. CSS ALLIANCE
8. CUBIC
9. CUSTER BATTLES
10. DILIGENCE LLC
11. DTS SECURITY
12. DYNCORP INTERNATIONAL
13. EODT
14. H3 LLC (High Security Solutions)
15. KBR
16. KROLL
17. L-3 COMMUNICATIONS
18. MPRI
19. MUSHRIQUI CONSULTING
20. MVM INC
21. NOBLE PROTECTIVE SERVICES
22. NOUR USA LTD.
23. PARATUS WORLDWIDE PROTECTION
24. PROTECTION STRATEGIES INCORPORATED
25. REED INC
26. RONCO CONSULTING CORPORATION
27. SAIC (SCIENCE APPLICATIONS INTERNATIONAL CORPORATION)
28. SALLYPORT GLOBAL HOLDING
29. SECURIFORCE INTERNATIONAL AMERICA LLC
30. SPECIAL OPERATIONS CONSULTING-SECURITY MANAGEMENT GROUP (SOC-SMG)
31. STEELE FOUNDATION

- 32. SYTEX GROUP INC
- 33. TIGERSWAN
- 34. TITAN
- 35. TRIPLE CANOPY
- 36. U.S. INVESTIGATIONS SERVICES (USIS)
- 37. U.S. TRAINING CENTRE (a XE company)
- 38. UNITED PLACEMENTS
- 39. UNIVERSAL SECURITY
- 40. VINNELL (Currently part of Northrop Grumman Mission Systems)
- 41. WAMAR INTERNATIONAL INC
- 42. WORLDWIDE LANGUAGE RESOURCES INC
- 43. XE (formerly Blackwater)
- 44. ZAPATA INC
- 45. ZKD, LLC

Headquartered in the UNITED KINGDOM

- 46. AKE
- 47. AEGIS
- 48. ALFAGATES
- 49. ARMORGROUP
- 50. BLUE HACKEL
- 51. BRITAM
- 52. CASTLEFORCE
- 53. CENTURION RISK ASSESSMENT SERVICES
- 54. CONTROL RISKS
- 55. EDINBURGH INTERNATIONAL
- 56. G4S
- 57. GENRIC SECURITY
- 58. GLOBAL STRATEGIES GROUP (formerly Global Risk Strategies)
- 59. HART SECURITY
- 60. JANUSIAN SECURITY RISK
- 61. OLIVE GROUP
- 62. PILGRIMS SECURITY



63. TOR INTERNATIONAL

Headquartered in ISRAEL

64. INTERNATIONAL SECURITY ACADEMY

65. INTEROP

Headquartered in the UNITED ARAB EMIRATES

66. ARDAN CONSULTING

67. ERINYS

68. ISI

69. SKYLINK ARABIA (SKA ARABIA)

70. STREIT GROUP

71. UNITY RESOURCES GROUP

Headquartered in SOUTH AFRICA

72. BLACKHAWK SECURITY

73. METEORIC TACTICAL SOLUTIONS

74. OMEGA RISK SOLUTIONS

75. SAFENET SECURITY SERVICES

Headquartered in KUWAIT

76. AGILITY LOGISTICS

Headquartered in CANADA

77. GARDA WORLD

78. GLOBE RISK INTERNATIONAL

Headquartered in AUSTRALIA

79. BLP

Headquartered in GERMANY

80. TOIFOR

81. TRANS ATLANTIC VIKING SECURITY (a German-American PMSC)

Headquartered in BARBADOS

- 82. GREYSTONE

Headquartered in the CZECH REPUBLIC

- 83. SSL (Safe Security)

Headquartered in SPAIN

- 84. SERVICIO GLOBAL DE SEGURIDAD E INTELIGENCIA

Headquartered in FRANCE

- 85. ALLIED INTERNATIONAL CONSULTANTS AND SERVICES (AICS).
- 86. AMARANTE INTERNATIONAL
- 87. ANTICIP
- 88. GALLICE SECURITY
- 89. GROUPE GEOS

ANNEX B: 16 IRAQI PMSCS

- 90. ABABEEL
- 91. AHMED HASSAN PIRDAOOD
- 92. AL DIR' AL-WATANY (NATIONAL SHIELD SECURITY) NSS
- 93. ALMCO
- 94. AMERICAN IRAQI SOLUTIONS GROUP (AISG)
- 95. BAHEZ
- 96. BABYLON EAGLES SECURITY COMPANY
- 97. BEKHMA'S SPECIAL PROTECTION (BSP)
- 98. FALCON GROUP (also known as FALCON IRAQ)
- 99. FIAFI GROUP
- 100. NIMROOD AL RAFEDAIN
- 101. PASAWAN (Kurdistan)
- 102. SABRE INTERNATIONAL
- 103. SOUTH SERVICES CO. FOR SECURITY & PROTECTION
- 104. 77 GROUP COMPANY (Kurdistan)
- 105. TAJ AL-RAFIDEN



ANNEX C: 11 NON-PMSCS

- 106. BEARING POINT
- 107. BECHTEL GROUP
- 108. FIRST KUWAIT (FIRST KUWAITI TRADING COMPANY/FKTC)
- 109. FLUOR
- 110. HALLIBURTON
- 111. LOUIS BERGER GROUP
- 112. PARSONS CORPORATION
- 113. PERINI CORP
- 114. SSA MARINE
- 115. RESEARCH TRIANGLE INSTITUTE INTERNATIONAL
- 116. URS CORP

ANNEX D: BOXES/LEGAL CASES

- I. BOX. LEGAL CASE "FITZSIMONS"
- II. BOX. LEGAL CASE "SALEH V. TITAN CORPORATION"
- III. BOX. LEGAL CASE "AL-QURASHI ET AL V. NAKHLA ET AL"
- IV. BOX. LEGAL CASE "AL SHIMARI V. CACI ET AL"
- V. BOX. LEGAL CASE "ALBAZZAZZ ET AL V. PRINCE, ET AL"
- VI. BOX. LEGAL CASE "ABTAN ET AL V. PRINCE ET AL"
- VII. BOX LEGAL: UNITED STATES OF AMERICA V. SLOUGH ET AL.
- VIII. BOX. LEGAL CASE "ESTATE OF MARANI MANOOK V. UNITY RESOURCES GROUP"
- IX. BOX. LEGAL CASE "JALAL ASKANDER ANTRANICK V. RESARCH TRIANGLE INSTITUTE & UNITY RESOURCES GROUP, LLC"
- X. BOX. LEGAL CASE "MOHAMED ET AL V. ERINYS INTERNATIONAL LTD ET AL
- XI. BOX LEGAL: JAMIE LEIGH JONES V. KBR Y USA
- XII. BOX LEGAL: U.S. V. KELLOGG BROWN & ROOT
- XIII. BOX LEGAL: RAMCHANDRA ADHIKARI ET AL V. DAOUD & PARTNERS, KBR ET AL
- XIV. BOX LEGAL: CHERYL HARRIS AND DOUGLAS MASETH V. KBR
- XV. BOX LEGAL: DONALD VANCE AND NATHAN ERTEL V. DONALD RUMSFELD
- XVI. BOX LEGAL: JOHN DOE V. U.S.
- XVII. BOX. LEGAL CASE «MUNNS ET AL V. CLINTON ET AL

ANNEX A: Principal multinational private military and security companies in Iraq

UNITED STATES OF AMERICA

1. AIRSCAN INC



Information from the official website (last visit 16 September 2011)

A) Founded: 1989 <http://www.airscan.com/>

B) Headquarters: No official information available

C) Leadership: No official information available. The only information provided is that Airscan Inc was founded by two retired, non-identified, U.S. military officers.

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Airborne ISR services (amongst 6 different described divisions): tactical ISR, precision aerial mapping, high definition photography, video and data downlinks; secure video/data distribution networks; and ISR platform and payload training. <http://www.airscan.com/about.html#>

External information

- Headquarters: Florida, U.S.

Source: <http://web.archive.org/web/19980207173637/www.airscan.com/history.htm> (last visit 9 May 2011)

- Clients: U.S. Department of Defense, U.S. Air Force, National Aeronautics & Space Administration,



Multinational Oil Companies, U.S. Forest Service, National Response Corporation, U.S. Department of the Interior, Maximum Protective Services, and the Iraq Coalition Provisional Authority.

Sources:

*<http://web.archive.org/web/19980207173714/www.airscan.com/clients.htm> (last visit 9 May 2011)

* New York Newsday, *"Start-up Company with Connections"*, by Knut Royce, 15 February 2004. "...Long after awarding the Erinys contract, the authority came to the same conclusion. It recently awarded a \$10-million contract for helicopter surveillance of the pipelines to Florida-based AirScan Inc. ..." <http://www.corpwatch.org/article.php?id=11218> (last visit 9 May 2011)

- **Founded:** "What is known about AirScan is that it was formed in 1984 by former U.S. air commandos, the Air Force version of Special Forces..." **Source:** The Center for Public Integrity, *"A spy Inc. no stranger to controversy"*, 12 June 2002. <http://www.publicintegrity.org/articles/entry/430/> (last visit 9 May 2011)

- **Leadership:** Walter Holloway, Founder and President. **Source:** The Center for Public Integrity, *"A spy Inc. no stranger to controversy"*, 12 June 2002. <http://www.publicintegrity.org/articles/entry/430/> (last visit 9 May 2011)

2. BH DEFENSE



Information from the official website (last visit 16 September 2011)

A) Founded: January 2004 <http://www.bhdefense.com/about.php>

B) Headquarters: Arlington, Virginia, U.S. The company is also based in the International Zone of Baghdad, Iraq. <http://www.bhdefense.com/contact.php>

C) Leadership: No official information available

D) Number of employees: 50 full-time personnel. BH Defense claims to have the capability to deploy technical, professional, and security personnel to meet their clients as they arise. <http://www.bhdefense.com/about.php> (last visit 23 March 2011)

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Consulting practice: rule of law program, risk mitigation, business development, business intelligence, project management. Physical security programs: physical protection systems, security construction, static security operations, close personal protection operations, transportation security operations, critical infrastructure protection. Construction and logistics: general construction, construction project management, life support operations, operation and maintenance, personnel recruitment, supply chain management. Training: risk analysis and vulnerability training and certification, technical security countermeasures, judicial protection, close personal protection, antiterrorism/force protection, fire and life safety, procurement, program management, and business development. <http://www.bhdefense.com/about.php>

External information

- **Number of employees:** 60 employees <http://www.warisbusiness.com/profiles/bh-defense/> (last visit 9 May 2011)

- **Last annual revenue:** \$6 million <http://www.warisbusiness.com/profiles/bh-defense/>

Other interesting information

a) Membership of the Private Security Company Association of Iraq (PSCAI): the company has been registered as a PSCAI member. [http://www.Private Security Company Association of Iraq \(PSCAI\) org/pscmembers.html](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI)org/pscmembers.html) (last visit 9 May 2011)

3. CACI

The screenshot displays the CACI website homepage. On the left is a vertical banner for CACI with the tagline 'EVER VIGILANT' and 'A National Asset for National Priorities'. It lists 'SPECIAL FEATURES' including 'Enterprise IT Modeling and Simulation' and 'Begin your search for a career at CACI'. The main content area has a navigation bar with tabs for 'About Us', 'Careers', 'Investors', 'Contacts', and 'Search'. Below this is a large banner for 'Intelligence and Security to Counter Global Terrorism' featuring a soldier. To the right of the banner is a sidebar titled 'SOLUTIONS AND SERVICES' listing various offerings like 'Business Systems Solutions', 'CACI Solutions', 'Cyber Solutions', etc. Below the main banner is a section for 'ASMMETRIC THREAT.net' with the tagline 'Thought Leadership for Today's U.S. and Global Security Challenges'. The bottom of the page features 'LATEST NEWS' and 'EVENTS' sections, with news items about CACI's recognition by the Department of Homeland Security and its prime position on a \$2.5 billion contract.



Information from the official website (last visit 16 September 2011)

A) Founded: 1962 (publicly owned since 1968) <http://www.caci.com/about/profile.shtml>

B) Headquarters: Arlington, Virginia, U.S. <http://www.caci.com/about.shtml>

C) Leadership: Dr. P. Jack London, Executive Chairman and Chairman of the Board, and Paul Cofoni, President and Chief Executive Officer (CEO) <http://www.caci.com/about/management.shtml>

D) Number of employees: approximately 13,700 employees worldwide <http://www.caci.com/about/profile.shtml>

E) Employees in Iraq: No exact information available. The website does state that, "... *During the two year period between August 2003 and August 2005, 60 different employees of CACI served in Iraq as interrogators under the direct command and supervision of the U.S. Army. The number of CACI employees working as interrogators at any one time never exceeded 28 ...*" http://www.caci.com/iraq/iraq_faqs.shtml

F) In Iraq since: August 2003 (at least), http://www.caci.com/iraq/iraq_faqs.shtml. The company does not deny its presence in Iraq while it denies any responsibility in human rights abuses at Abu Ghraib Prison in Baghdad (Iraq) during 2003-2004, related to law suits filled before U.S. Courts and states the legal proceedings are dismissed: "... *CACI President and Chief Executive Officer Paul Cofoni said, "From day one, CACI has rejected these outrageous allegations and vigorously fought to uphold the reputation of our fine company and dedicated people. This favorable court decision validates what we have communicated to the public and media for years: these lawsuits are malicious, baseless, and completely without merit. We have been steadfast in setting the record straight, and will continue to communicate the truth ..."*" http://www.caci.com/about/news/news2010/1_26_10_NR.html

G) Last annual revenue: \$3.15 billion (Fiscal Year 2010) <http://www.caci.com/about/profile.shtml>

H) Services: "... *CACI provides professional services and IT solutions needed to prevail in the areas of defense, intelligence, homeland security, and IT modernization and government transformation. They deliver enterprise IT and network services; data, information, and knowledge management services; business system solutions; logistics and material readiness; C4ISR solutions; cyber solutions; integrated security and intelligence solutions; and program management and SETA support services. CACI services and solutions help their federal clients provide for national security, improve communications and collaboration, secure the integrity of information systems and networks, enhance data collection and analysis, and increase efficiency and mission effectiveness. CACI employees provided a range of information technology and intelligence services in Iraq. These services included intelligence analysis, background investigations, screenings, interrogation, property management and recordkeeping, and installation of computer systems, software and hardware. Only a small portion of these employees worked as interrogators ...*" http://www.caci.com/iraq/iraq_faqs.shtml#Services

External information

HUMAN RIGHTS INCIDENTS

a) Prisoners torture: In the fall of 2003, CACI was involved in the torture of Iraqi detainees at Abu Ghraib. CACI –under contract by the Government of the U.S.- was responsible for interrogation and translation services, respectively, at Abu Ghraib prison and other similar facilities in Iraq. CACI was rewarded with massive contract extensions for work in Iraq, despite being in the midst of Governmental investigations for their prior actions there. Approximately 35% of contract interrogators lacked formal military training as interrogators.

Among other interrogators the following have been identified as CACI interrogators: Christine Chaney, Berryl Jackson, "Wild" Bill Armstrong, Brent Jones, Steven Stephanowicz (205 Military Intelligence Brigade), John Israel (205 Military Intelligence Brigade). Allegedly 72 Iraqi citizens have been tortured and physically and mentally abused during their detention. The plaintiffs assert 20 causes of action, including torture cruel, inhuman, or degrading treatment; assault and battery; and intentional infliction of emotional distress.

Sources:

* José L. Gomez del Prado, "*The Privatization of War: Mercenaries, Private Military and Security Companies*", <http://www.globalresearch.ca/index.php?context=va&aid=21826> (last visit 9 May 2011);

* Peter W. Singer, "*The private military industry and Iraq: what have we learned and where to next?*", Geneva, November 2004. http://wiki.victorybriefs.com/downloads/session-ii-week-1-articles/2004_Singer-Overview.pdf (last visit 9 May 2011);

* CACI is involved in court cases involving their alleged participation at Abu Ghraib Prison in Iraq:

1. Saleh v Titan Class Action, demand for Jury Trial, Case No. 1:05-cv-1165 filed 30 July 2004 in the Southern District of Columbia. See: "class action complaint" http://ccrjustice.org/files/Saleh_3rdamendedcomplaint.pdf (last visit 10 June 2011). The case has been recently closed. On 27 June 2011 the Supreme Court denied plaintiffs petition, <http://www.supremecourt.gov/orders/courtorders/062711zor.pdf> (last visit 27 September 2011). For more information see Annex D on Legal Cases, *Saleh v. Titan Corporation*. This is a key court proceeding, as many human rights abuses allegedly executed by U.S. Private and Military Companies and under investigation by U.S. Courts are waiting for the final decision by U.S. Supreme Court to decide the other cases.

2. Al Shimari v CACI et al Civil Complaint and Jury Demand, Case NO. 08-cv-0827 GBL-JFA. See amended complaint: <http://ccrjustice.org/files/Amended%20Complaint%20on%20the%20Defendants.pdf> (last visit 10 June 2011). For more information see the Legal Box on Al Shimari v. Caci et al.

3. Al-Quraishi et al v Nakhla and L-3 (CACI is quoted in the complaint) et al Civil Action NO. 8:08-cv-1696. See complaint: <http://www.ccrjustice.org/files/Amended%20Complaint.pdf> (last visit 14 June 2011)

For more information see Annex D on Legal Cases, *Al-Quraishi et al v. Nakhla et al.* 11 March 2011: Order staying the proceedings pending resolution of the petition for certiorari filed in the Supreme Court in *Saleh v. Titan*. (http://www.ccrjustice.org/files/3.11.2011%20Order%20Staying%20Proceedings_0.pdf (last visit 27 September 2011))

* Major General Antonio Taguba's "*Internal Army Report*" was prepared on alleged abuse of prisoners by members of the 800th Military Police Brigade at the Abu Ghraib Prison, quoting among others CACI employees Steven Stephanowicz (205 Military Intelligence Brigade) and John Israel (205 Military Intelligence Brigade). Taguba, A.M., 'Taguba report on alleged abuse of prisoners by members of the 800th Military Police Brigade at the Abu Ghraib Prison, Baghdad', 2004, pages 26, 36, 48 and 53. <http://news.findlaw.com/wp/docs/iraq/tagubarpt.html> (last visit 17 May 2011)

* Anthony R. Jones and George R. Fay, "*Investigation of Intelligence activities at Abu Ghraib by the US Army*". <http://s3.amazonaws.com/corpwatch.org/downloads/FayReport.pdf> (last visit 17 May 2011) This report analyzes several human rights incidents in Abu Ghraib, reporting about CACI contractor's alleged involvement, describing at least 3 CACI employees as alleged suspects.

* "...*The defendant, CACI International, claims it is immune from suit because it worked under the direction of the military. It also denies participating in abuse...*", Debra Cassens Weiss, "*Iraq Prison-Abuse Suit Against Contractor Allowed*", American Bar Association Journal, 7 November 2007. http://www.abajournal.com/news/article/iraq_prison_abuse_suit_against_contractor_allowed/ (last visit 9 May 2011)

* "...*The suit alleges the prisoners were repeatedly sodomized, threatened with rape, kept naked in their cells, subjected to electric shock, attacked by unmuzzled dogs and subjected*



to serious pain inflicted on sensitive body parts. The suit alleges that employees of CACI directed soldiers to mistreat the prisoners..." Democracy Now, "Military contractor CACI accused of widespread abuse in suit brought by 256 prisoners held in Iraqi jails" (Radio interview with lawyer Susan Burke who formed part of the legal team that filed a lawsuit against CACI), 19 December 2007. http://www.democracynow.org/2007/12/19/military_contractor_caci_accused_of_widespread (last visit 9 May 2011)

* Bloomberg, "CACI must face suit alleging torture at Abu Ghraib", by Cary O'Reilly, 19 March 2009. <http://www.bloomberg.com/apps/news?pid=conewsstory&refer=conews&tkr=CAI:US&sid=a7DB4MhzVbFQ> (last visit 9 May 2011)

* "...In a case involving claims that CACI International tortured Iraqi detainees in interrogations, Judge Lee denied CACI's motion to dismiss on three different theories of immunity..." The American Lawyer, "Plaintiffs get a Boost from Rocket Docket Judge in Iraq War Contractor Cases", by Alison Frankel, 1 April 2009. <http://www.law.com/jsp/law/international/LawArticleIntl.jsp?id=1202429551466> (last visit 9 May 2011)

* "...The case was filed in 2004 by a dozen former prisoners and the family of a man who died in detention, accusing Titan and CACI of conspiring with US officials 'to humiliate, torture and abuse persons' at Abu Ghraib ..." Aljazeera, "US firms face court over Iraqi abuse", 2 October 2007. <http://english.aljazeera.net/news/americas/2007/10/2008525123551746960.html> (last visit 17 May 2011)

* Other related information with the events: Washington Post, "General granted latitude at prison Abu Ghraib used aggressive tactics", by Josh White and R. Jeffrey Smith, 21 June 2004. <http://www.washingtonpost.com/wp-dyn/articles/A35612-2004Jun11.html> (last visit 9 May 2011)

EXTERNAL INFORMATION

- **Headquarters:** The Class Action identifies CACI INTERNATIONAL INC and CACI INCORPORATED FEDERAL as Delaware (U.S.) corporations. [http://www.sourcewatch.org/images/2/2f/Al-Rawi_v_Titan_et_al_04cv01143_second_amended_complaint_1-62\).pdf](http://www.sourcewatch.org/images/2/2f/Al-Rawi_v_Titan_et_al_04cv01143_second_amended_complaint_1-62).pdf) (last visit 9 May 2011)

Other interesting information

- **Private contractors and former governmental position connections:** "... Today CACI, like most military industry players, boasts a roster of former soldiers and spies, including board member Michael Bayer (former Vice Chairman of the Pentagon's Business Board, and advisor to the Air Force, Army, U.S. Naval War College, and Sandia National Laboratory), Barbara McNamara (ex-Deputy Director of the National Security Agency), Arthur L. Money (former assistant Secretary of Defense), and Larry Welch, (an ex-Air Force General who served on the joint chiefs of staff during first Bush administration) ..."

* Corpwatch, "Titan's translators in trouble", by Pratap Chatterjee, 6 May 2004. <http://www.corpwatch.org/article.php?id=10848> (last visit 17 May 2011)

- Non-PSCAI Member/ Non-ISOA member: **Sources:** http://www.psc.ai.org/Docs/latest_fulllist_update.pdf; <http://www.psc.ai.org/pscmembers.html>; and <http://www.stability-operations.org/index.php> (last visit 30 September 2011)

4. COCHISE CONSULTANCY



Information from the official website last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: No official information available

C) Leadership: Jesse L. Johnson, President and CEO (Commander Special Operations Forces, Central Command, Desert Shield / Desert Storm) <http://www.cochiseconsult.com/aboutus.html>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Crisis management, security training programs, dignitary protection programs, security and vulnerability assessments; special military and police training programs; program management and systems integration; force modernization for military and police organizations, command, control, communications, computer and intelligence training; consultancy, administrative and support services; security of oil rigs and off shore platforms; international marketing functions; and unit capabilities assessment. <http://www.cochiseconsult.com/aboutus.html>

I) Clients: TRW/EIRAD Saudi Arabia; Bright Star Inc.; Allied Signal; Crosby International Inc.; A.V. Technology, International; COLSA International; Booz-Allen & Hamilton, Saudi Arabia; LORAL Defense Systems, Akron; Royal Saudi Air Force; Royal Saudi Land Forces; Saudi Arabian Civil Aviation; Lockheed Martin; British Aerospace; Gulf Keystone Petroleum Co.; Ronco; and USA Environmental. <http://www.cochiseconsult.com/clients.html>



External information

- **Headquarters:** Valrico, Florida, U.S. <http://www.manta.com/c/mmf0qpf/cochise-consultancy-inc> (last visit 9 May 2011)

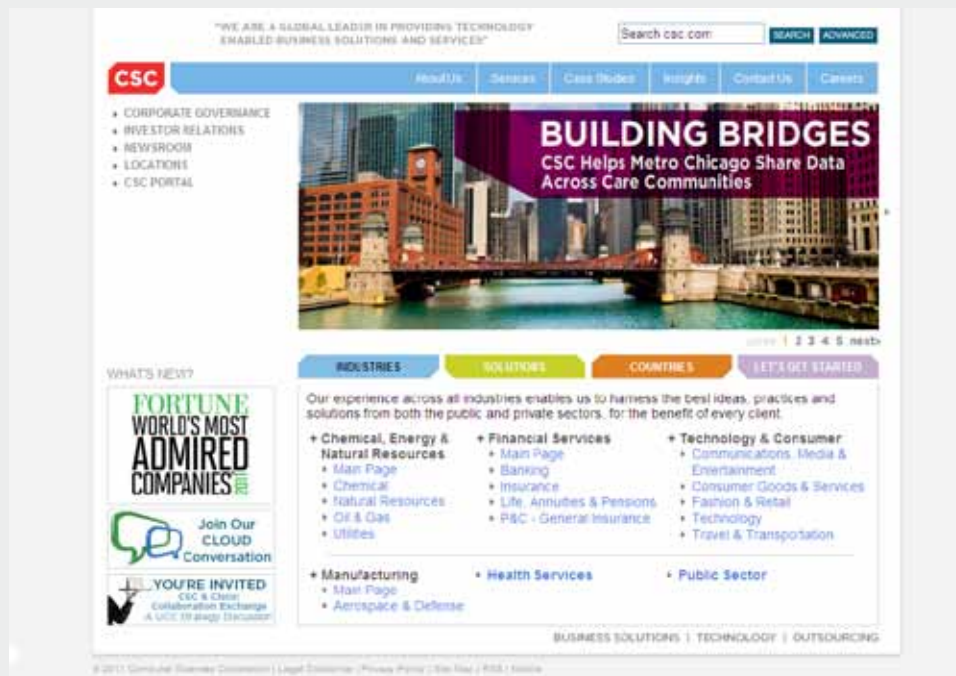
- **Employees in Iraq: At least** 225 employees in Iraq, 112 employees of which are Americans and the rest mainly Jordanians and Iraqis. **Source:** St. Petersburg Times, *"Money, and Worries in Iraq"*, by Kris Hundley, 5 July 2004. http://www.stpetetimes.com/2004/07/05/news_pf/Business/Money_and_worries_i.shtml (last visit 9 May 2011)

- **In Iraq since:** 2003

Source: Ibid

- **Last revenue:** \$ 2 million. **Source:** <http://www.manta.com/c/mmf0qpf/cochise-consultancy-inc> (last visit 9 May 2011)

5. COMPUTER SCIENCES CORPORATION (CSC)



Information from the official website (last visit 30 September 2011)

A) Founded: 16 April 1959 http://www.csc.com/about_us/ds/29505-company_profile

B) Headquarters: Falls Church, Virginia, U.S. http://www.csc.com/about_us/ds/29505-company_profile

C) Leadership: Michael W. Laphen, Chairman, President and CEO http://www.csc.com/about_us/ds/29582-chairman_s_message

D) Number of employees: 93,000 employees in more than 90 countries. http://www.csc.com/about_us/ds/29505-company_profile

E) Employees in Iraq: Even though there is no official information available about the number of employees in Iraq, it is clear that CSC has job opportunities in Iraq. (http://www.csc.com/careersus/flx/16917-job_opportunities_iraq) CSC states to have employees and

projects in Iraq, http://www.csc.com/search?q=iraq&content_type_id=3&filter=0.

F) In Iraq since: At least since October 2004. http://www.csc.com/search?q=iraq&content_type_id=3&filter=0

G) Last annual revenue: CSC reported trailing 12 months revenue of \$16.2 billion for the second quarter ending 31 December 2010. http://www.csc.com/about_us/ds/29505-company_profile

H) Services: They are providers of information technology services: cloud computing services, credit services, customer relationship management, enterprise solutions, finance transformation, hosting services, infrastructure services, legal solutions, managed network services, management consulting, outsourcing, risk management & claims, cyber security, service-oriented architecture, supply chain management, and testing services. <http://www.csc.com/services>. CSC states to have projects in Iraq as *"Biometric ID System Secures U.S. Facilities in Iraq"*, *"In January 2007, CSC began supporting the U.S. Department of Defense's (DoD) Task Force to Improve Business and Stability Operations in Iraq (TFBSO) when the task force sought manufacturing expertise for an industrial revitalization effort"*, *"To modernize logistics automation support capability, consisting of 2,200 legacy applications and 50,000 professionals for U.S. Army Materiel Command in Iraq"*, *"Develop a treatment for chemical nerve agents to prepare for chemical or biological warfare in the U.S. military during combat situation in Iraq."* http://www.csc.com/search?q=iraq&content_type_id=3&filter=0.

I) Clients: Amongst others the U.S. Army, U.S. Department of Defense, U.S. Army Materiel Command in Iraq, Australian Defense Force (ADF), VirginMoney U.S. (of Sir Richard Branson), and Zurich Financial Services. http://www.csc.com/search?q=iraq&content_type_id=3&filter=0 and http://assets1.csc.com/about_us/downloads/CompanyProfile_Oct_2010_v1.pdf.

External information

- In Iraq since: At least since 2003. *"... On April 18, 2003, Computer Sciences Corporation's DynCorp International won a contract from the U.S. Department of State to provide up to 1,000 civilian advisers to help organize civilian law enforcement, judicial and correctional agencies. The estimated value could be as high as \$50 million for the first year, depending on assessments of Iraqi capabilities and needs..."* Source: <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=17> (last visit 9 May 2011)

Other interesting information

a) Multinational Corporation interconnexión: *In January 2005, CSC sold DynCorp, which was previously bought in 2003.* <http://www.corpwatch.org/section.php?id=18>

b) Privatization of State functions and interconnections with political power: Computer Sciences Corporation had more than 1,000 contracts with the U.S. government from 1990 through 2002, worth \$15.8 billion. CSC spent \$520,000 in 2001 to lobby Congress and various government agencies on its own behalf. That same year, the company also paid lobby firms a total of \$580,000. In 2001, Computer Sciences Corp spent a total of \$1,100,000 on lobbying fees associated with a variety of issues, including appropriation and procurement bills related to the Defense Department, Treasury Department, the Executive Office of the President and other federal agencies. The company also lobbied on "legislative proposals for privatization and commercialization of Federal services," according to lobby documents filed with Congress. Similarly, in 2002, Computer Sciences Corp spent a total of \$1,110,000 to lobby on similar issues. <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=17> (last visit 9 May 2011)



6. CRESCENT SECURITY GROUP

Information from the official website

This company is now defunct and disappeared; there is no official website available.

External information

HUMAN RIGHTS INCIDENTS¹

a) Less safety to cut costs. On 16 November 2006 seven Crescent Security Group guards protected an immense convoy of 37 tractor trailers on southern Iraq's main highway. The convoy was ambushed in broad daylight and the attackers seized five Crescent Security Group contractors, of which four American and one Austrian. They were subsequently killed by their kidnappers.

Sources:

* Washington Post, *"Cutting costs, bending rules, and a trail of broken lives"*, by Steve Fainaru, 29 July 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/28/AR2007072801407.html> (last visit 9 May 2011)

* New York Times, *"2 more bodies I'd ask kidnapped contractors"*, by David Stout, 28 March 2008. <http://www.nytimes.com/2008/03/28/world/middleeast/28bodies.html?scp=7&sq=%22crescent%20security%20group%22&st=cse>, (last visit 9 May 2011).

* Civil complaint filed before U.S. Courts: The victim's families sued the U.S. Secretary of State who allegedly oversaw "many of the actions and policies". Last hearings were previewed to be continued on 23 June 2011. No further information found. <http://docs.justia.com/cases/federal/district-courts/california/caedce/2:2010cv00681/205014/35/> (last visit 27 September 2011). For more information see Annex D on Legal Cases, *Munns et al v, Clinton et al*.

b) Prohibited weapons, no armored vehicles, no trained employees, and shooting civilians. Eyewitnesses of the ambush, company documents and interviews with former Crescent Security Group employees formed the bases of the Fainaru investigation. Crescent did not have armoured vehicles, nor did it provide its personnel with proper training or even basic medical supplies. David Horner, a 52 year-old truck driver, never picked up an AK-47 until the PMSC team took him out for his first mission. The standard operating procedure was often to 'shoot first, ask questions later'. In one occasion they opened fire on a truck that was following behind one of the firm's convoy and they left the wounded and innocent Iraqis in the desert. **Source:** Washington Post, *"Cutting costs, bending rules, and a trail of broken lives"*, by Steve Fainaru, 29 July 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/28/AR2007072801407.html> (last visit 9 May 2011)

COMPLEMENTARY INFORMATION

-Headquarters: Kuwait City, Kuwait. **Source:** Washington Post, *"Cutting costs, bending rules, and a trail of broken lives"*, by Steve Fainaru, 29 July 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/28/AR2007072801407.html> (last visit 9 May 2011)

- Founded: 2003 **Source:** Ibid

¹ We decided not include major PMSC employees' casualties in Iraq in the "Human Rights Incidents section" because of the large amount of casualties. Since some organisations began compiling data on contractor deaths and injuries in March 2003, diverse reports of between 550 to 1,520 contractor deaths in Iraq can be found. Sources and lists: [http://www.sigir.mil/files/quarterlyreports/January2011/Report - January 2011.pdf](http://www.sigir.mil/files/quarterlyreports/January2011/Report%20-%20January%202011.pdf), <http://icasualties.org/Iraq/Contractors.aspx> and http://en.wikipedia.org/wiki/List_of_private_contractor_deaths_in_Iraq (last visit 30 September 2011).

- **Leadership:** Franco Picco, managing partner. Source: Ibid

Other interesting information

- **PSCAI Membership:** the company has been a member of PSCAI in the past. According to PSCAI sources Crescent Security Group had started the process of registration, as of 25 November 2006, before the Ministry of Interior of Iraq. Currently it does not appear as a PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf (last visit 29 September 2011) and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011) **Non-ISOA member:** <http://www.stability-operations.org/index.php> (last visit 30 September 2011)

7. CSS ALLIANCE



Information from the official website (last visit 30 September 2011)

A) Founded: 1969 <http://www.gocss.com/>

B) Headquarters: Ada, Michigan, U.S. <http://gocss.com/css-contact-us.php>

C) Leadership: No official information available

D) Number of employees: Over 1,000 security guards <http://www.gocss.com/security-guards-services.html>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: CSS Alliance provides specially trained security professionals that deliver expert protection services, emergency response teams, mass care disaster planning, market



development, business continuity, governmental security guard services, operations support and hospitality needs, both throughout the U.S. and abroad. <http://www.gocss.com/>

External information

HUMAN RIGHTS INCIDENTS

In 2007 three CSS operatives were killed by roadside bombs while escorting convoys; two of which were killed in an incident near the border with Iran and the other in northern Iraq. <http://feraljundi.com/industry-talk/somalia-css-global-inc-wins-contract-to-protect-somali-government-from-terrorism-pirates/> (last visit 9 May 2011)

COMPLEMENTARY INFORMATION

- **Employees and contracts in Iraq:** "CSS Global, an affiliate of Ada-based, has furnished counterterrorism services in other African nations and provided security and logistics in Iraq. Its operations team comprises former military and law enforcement personnel, including Special Forces. In Iraq, the firm won a Department of Defense contract in 2007 to provide personal security and convoy security as it set up a compound about a mile outside the heavily fortified Green Zone." **Source:** "US to make Blackwater-style entry into Somalia", 16 October 2009, <http://www.alqimmah.net/showthread.php?t=10992> and <http://feraljundi.com/industry-talk/somalia-css-global-inc-wins-contract-to-protect-somali-government-from-terrorism-pirates/> (last visit 9 May 2011)

- **Leadership:** Chris Frain, CEO and co-owner of CSS Alliance. Source: Ibid.

Other interesting information

- The company appears to be a member of the ISOA. See the special reference to CSS INTERNATIONAL HOLDINGS on ISOA's official website: <http://www.stability-operations.org/index.php> (last visit 30 September 2011)

- **Castlegate.** This PMSC was mentioned on the 2006 PSCAI list, but it now belongs to CSS Alliance and has allegedly started the process of registration at the Ministry of Interior of Iraq under that name. <http://www.socnet.com/archive/index.php/t-65067.html> (last visit 30 September 2011)

8. CUBIC



Information from the official website (last visit 30 September 2011)

A) Founded: 1951 http://www.cubic.com/corp1/aboutcubic/about_cubic_history.html

B) Headquarters: San Diego, California, U.S. http://www.cubic.com/corp1/aboutcubic/about_cubic_contactus.html

C) Leadership: Walter J. Zable, Founder, President and CEO and Chairman of the Executive Committee; Walter C. Zable, Vice President and Vice Chairman of the Executive Committee and Chairman of the Board of Cubic Transportation Systems, Inc., which is a wholly-owned subsidiary, since 2003. http://www.cubic.com/corp1/aboutcubic/leadership/board_of_directors.html

D) Number of employees: In 2010 the company had 7,700 employees in more than 130 locations worldwide. <http://www.cubic.com/Investor-Relations/Investor-FAQs>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available about the exact date, although it is stated by the Company that some services were executed in Iraq. Cubic states on its website that *"Cubic offers a wide range of virtual and immersive training systems for national military and security forces"*, including Iraq in the Defense System Global Provider Section for Europe and Middle East, 8 of April 2011 (<http://www.cubic.com/Solutions/Defense-Systems/Training-Systems/Virtual-and-Immersive-Training-Systems/Experience>); Additionally, it is argued that *"Cubic Awarded \$6.8 Million for Virtual Small Arms Training Systems to Enhance U.S. Military Proficiency in Iraq and Afghanistan"*, 10 March 2007. <http://www.cubic.com/News/Press-Releases/ArticleType/ArticleView/ArticleID/168>

G) Last annual revenue: Sales for the first fiscal quarter of year 2011 were \$284.4 million compared to \$250.7 million last year, meaning an increase of 13 percent. The net income attributable to Cubic shareholders increased by 45 percent to \$19.9 million or 74 cents per share this year 2011 compared to \$13.7 million or 51 cents per share last year. <http://www.cubic.com/News/Press-Releases/ArticleType/ArticleView/ArticleID/250>

H) Services: *Cubic Corporation is the parent company of three major business segments: defense systems, mission support services, and transportation systems. Cubic Defense Applications is a leading supplier of combat training systems, communications, cyber technologies, and global tracking solutions. Mission Support Services is a leading provider of training, operations, maintenance, technical and other support services.* <http://www.cubic.com/News/Press-Releases/ArticleType/ArticleView/ArticleID/250>; Additionally it is stated that Cubic helped with the training of U.S. Forces in Iraq at Fort Polk before the actual deployment in the field. http://www.cubic.com/corp1/news/pr/2005/MILES_FT_POLK_CONTRACT_final2.htm.

I) Clients: U.S. Army. <http://www.cubic.com/News/Press-Releases/ArticleType/ArticleView/ArticleID/168>

External information

- **Number of employees and revenue:** *"... Over the past decade, San Diego's Cubic Corp. and other defense contractors have thrived from the surge in Pentagon spending — fueled by the wars in Iraq and Afghanistan. Cubic employs about 8,000 workers worldwide and nearly 2,000 locally. The company's sales rose 17 percent to \$1.19 billion for its fiscal year ended Sept. 30. Net income soared 27 percent to \$70.6 million."* Source: *Sign on San Diego Business*, "Why Cubic will ride out defense cuts better than others?", by Mike Freeman, 31 March 2011. <http://www.signonsandiego.com/news/2011/mar/31/cubic-corp-rides-niche-markets/> (last visit 9 May 2011)



- **Employees and contracts in Iraq:** "Officers at the U.S. Army's Program Executive Office for Simulation and Training Instrumentation (PEO STRI) in Orlando, Fla., needed a solution to help deployed military personnel train in a realistic virtual environment. They found their solution at the defense division of Cubic Corp. in San Diego, Calif. Cubic Corp. engineers won a contract in excess of \$6.8 million to deliver the company's Engagement Skills Trainer 2000 (EST 2000) small arms training system and other defense-related products to U.S. Army installations in Iraq and Afghanistan, as well as to the Army National Guard." Source: <http://business.highbeam.com/411760/article-1G1-180592188/us-army-officers-select-cubic-virtual-training-systems> (last visit 9 May 2011).

In addition, Cubic has been awarded a \$40 million contract for the training of U.S. Military advisors on 30 September 2009. "...Under a contract modification worth more than \$40 million, Cubic Applications, Inc., the mission support services unit of Cubic Corporation will train thousands of U.S. military personnel who will be helping the national armies of Iraq and Afghanistan provide defense and security for their populations..." Source: [http://www.defenseworld.net/go/defensenews.jsp?n=Cubic%20has%20been%20awarded%20\\$40%20million%20contract%20for%20training%20of%20US%20Military%20advisors%20&id=3645](http://www.defenseworld.net/go/defensenews.jsp?n=Cubic%20has%20been%20awarded%20$40%20million%20contract%20for%20training%20of%20US%20Military%20advisors%20&id=3645) (last visit 9 May 2011)

9. CUSTER BATTLES

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Information from the official website

(apparently out of business since 2005)

External information

HUMAN RIGHTS INCIDENTS

a) Civilians allegedly shot by PMSC. On 22 December 2004 a Custer Battles convoy shot out the tire of a civilian car and fired five shots into a crowded minibus in Umm Qasr. No one was hurt, the contractors handed out cash money to Iraqi civilians, and left. **Source:**

* NY Times/Wikileaks (War Logs), "Use of contractors added to War's Chaos in Iraq", by James Glanz, 23 October 2010. http://www.nytimes.com/2010/10/24/world/middleeast/24contractors.html?_r=1&hp (last visit 10 May 2011). Regarding the same case, see also: Clarin, "Guerra de Irak: el caos, de la mano de las empresas de seguridad," http://www.clarin.com/mundo/Guerra-Irak-caos-empresas-seguridad_0_360564020.html (last visit 10 May 2011)

b) Civilians allegedly killed by PMSC. On a mission on 8 November 2004 a PMSC convoy

with heavily armed contractors and poorly trained young Kurds shot indiscriminately, smashed into and shot at civilian cars; a subcontracted Kurd guard shot a civilian passenger in a traffic jam; later, the convoy focused on came upon two teenagers by the road and one was gunned down. In another traffic jam, the contractor's pickup truck smashed into, rolled up and over the back of a Sedan full of Iraqis. "...**four former security contractors told NBC News that they watched as innocent Iraqi civilians were fired upon, and one crushed by a truck. The contractors worked for an American company paid by U.S. taxpayers. The four men are all retired military veterans: Capt. Bill Craun, Army Rangers; Sgt. Jim Errante, military police; Cpl. Ernest Colling, U.S. Army; and Will Hough, U.S. Marines. All went to Iraq months ago as private security contractors. They worked for an American company named Custer Battles, hired by the Pentagon to conduct dangerous missions guarding supply convoys. They were so upset by what they saw, three quit after only one or two missions. . .**" **Source:** MSNBC, "**US contractors in Iraq allege abuses**", by Lisa Myers and the NBC investigative unit, 17 February 2005. http://www.msnbc.msn.com/id/6947745/ns/nightly_news-nbc_news_investigates/ (last visit 10 May 2011)

COMPLEMENTARY INFORMATION

- In Iraq since: Spring 2003 **Source:** The Seattle Times, "**Contractor accused of fraud in Iraq**", by T. Christian Miller, 9 October 2004. http://seattletimes.nwsource.com/html/nation-world/2002058470_contract09.html (last visit 10 May 2011)

Other interesting information

a) Tax fraud. The company defrauded the U.S. on billing invoices for the company's work in Iraq. According to a Wikileaks cable (the War Logs) dated 15 March 2005 the company is currently banned from further Department of Defense contracting.

Sources:

* NY Times/Wikileaks, "**Use of contractors added to War's Chaos in Iraq**", by James Glanz, 23 October 2010. http://www.nytimes.com/2010/10/24/world/middleeast/24contractors.html?_r=1&hp (last visit 10 May 2011)

* Complaint filed against Custer Battles by several parties seeking recovery of allegedly fraudulent claims. "**Amended complaint Case No.: CV-04-199-A**", 26 August 2004, District Court of Virginia (U.S.), Taxpayers against Fraud. See lawsuit: <http://www.taf.org/custerbattles.pdf> (last visit 10 May 2011)

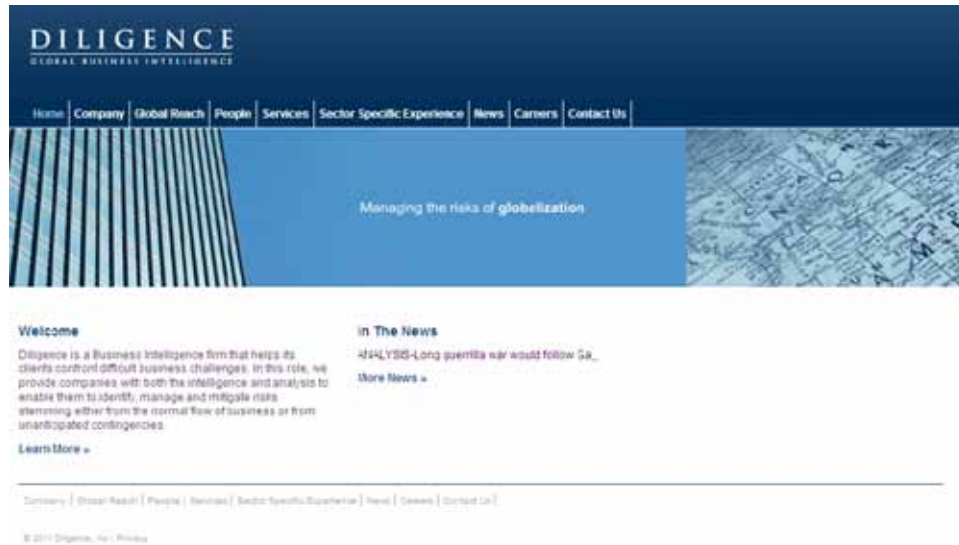
b) Custer Battles, LLC was a defense contractor headquartered in Newport, Rhode Island, with offices in McLean, Virginia, U.S. The company now appears to be out of business. Official website appears to be on sale: it identifies previous services in Iraq, including security jobs, mercenary jobs, private military jobs, security contractors, several jobs in Iraq, Blackwater jobs and other types of security work in Iraq. http://en.wikipedia.org/wiki/Custer_Battles (last visit 10 May 2011)

c) Membership of associations: it is neither a PSCAI Member, nor an ISOA member.

Sources: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html>; <http://www.stability-operations.org/index.php> (last visit 30 September 2011)



10. DILIGENCE LLC



Information from the official website (last visit 30 September 2011)

A) Founded: Diligence was founded in 2000 by former members of the U.K. and U.S. intelligence services. <http://www.diligence.com/history-reach.html>

B) Headquarters: New York, Washington DC (U.S.), and several operational offices in London (U.K.), Moscow (Russia), Geneva (Switzerland), and São Paulo (Brasil). <http://www.diligence.com/contact-us.html>

C) Leadership: Michael G. Baker President, Americas (co-founder of Diligence, after 17 years service with the CIA) and Nick Day, CEO (co-founder of Diligence and a former member of both the British Special Forces and Intelligence Services). <http://www.diligence.com/senior-management.html>

D) Number of employees: Diligence states that the company "... *has evolved rapidly and, although retaining a core of intelligence experts, to date consists of over 70 professionals drawn from a broad span of value-added disciplines...*" <http://www.diligence.com/our-team.html>

E) Employees in Iraq: No official information available.

F) In Iraq since: July 2003 "*Diligence, LLC announced the establishment of a new subsidiary in the Middle East, focusing on security services for Iraq and growing the company's full array of information collection and analysis services in the Persian Gulf region.*" <http://www.diligence.com/news-article/items/diligence-llc-expands-into-the-middle-east.html>

G) Last annual revenue: No official information available

H) Services: Competitive intelligence, due diligence, regulatory due diligence, investigations, technical services, physical risk, risk assessment and security, and asset management intelligence. <http://www.diligence.com/10-dimensions-of-risk.html>

External information

- Employees in Iraq: More than hundreds; "... *No one is retreating,*" said Mike Baker, chief executive of Diligence LLC, a Washington security firm with hundreds of employees in Iraq. "*No one is calling saying we ought to pull our guys out. I don't think it's stopping anyone from going in. They are fully aware of the security situation. But Baker, a former CIA case*

officer, added that how the military is “responding is going to be very important. If there’s not a harsh, well-thought-out response, they will take that as a complete sign of weakness and they will become emboldened . . .” Source: The Washington Post, “*Slain Contractors Were in Iraq Working Security Detail*”, by Dana Priest and Mary Pat Flaherty, 2 April 2004. <http://www.washingtonpost.com/ac2/wp-dyn/A43364-2004Apr1?language=printer> (last visit 10 May 2011)

11. DTS SECURITY

Information from the official website

No official website available.

External information

- **Headquarters:** Nevada, U.S. **Source:** David Isenberg “*A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq*”, , September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 10 May 2011)

- **Number of employees:** “...More than half of their around 100 employees are former members of an intelligence service ...” Source: Sourcewatch. http://www.sourcewatch.org/index.php?title=Diligence,_LLC

Other interesting information

a) Three of its employees were kidnapped and murdered in April 2004.

Source:

* CBS News, “*4 US Bodies Found in Iraq*”, by Joel Roberts, 13 April 2004. <http://www.cbs-news.com/stories/2004/04/14/iraq/main611716.shtml> (last visit 10 May 2011)

12. DYNACORP INTERNATIONAL

DynCorp INTERNATIONAL

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WHAT WE DO

- Aviation
- Contingency Operations
- Infrastructure
- Intelligence
- International Development
- Land Systems
- Logistics
- Training & Mentoring
- Projects

From immediate deployment to sustained presence, we provide comprehensive police training, security consulting, personal security, security systems, and emergency response support.

TRAINING & MENTORING

GLOBAL POLICE TRAINING AND MENTORING SOLUTIONS

DynCorp International delivers flexible, integrated security training and solutions to suit any situation in any part of the world. We work closely with customers to assess risks and apply the right mix of professional services and advanced technologies.

We quickly organize and deploy workforce, material, and technology solutions to fit the need. When the need is for a turn-key solution, we provide self-sustaining programs that not only supply and maintain the mission but fulfill the critical operational roles of site development and operations, communications, security, and training.

INTERNATIONAL POLICE TRAINING AND SUPPORT

We are a central resource for licensed law enforcement personnel who can provide training, security services, or augmentation of existing police forces worldwide. Since 1994, the U.S. Government has relied on us to find, train, deploy, and support U.S. civilian police to assist and train local police forces in post-conflict nations. Since then, we have deployed more than 9,000 law-enforcement professionals in 15 countries across the globe. As our programs grow, so does our reputation for success.

RESOURCES

- [Corporate Brochure \(pdf\)](#)
- [Training & Mentoring Global Support Solutions Brochure \(pdf\)](#)

RELATED LINKS



Information from the official website (last visit 30 September 2011)

A) Founded: *"Two companies formed in 1946 — Land-Air, Inc., and California Eastern Airway ... In March 2003, DynCorp and its subsidiaries were acquired by Computer Sciences Corporation (CSC). DynCorp remained the parent of its existing subsidiaries, including DTS and DynCorp International LLC, and CSC became their ultimate parent ... On April 12, 2010, DynCorp International and private investment firm Cerberus Capital Management, L.P. announced a proposed merger, which was completed on July 7, 2010. As a result of the merger, DynCorp International became a private, wholly-owned subsidiary of entities created by affiliates of Cerberus Capital Management."* <http://www.dyn-intl.com/history.aspx>

B) Headquarters Falls Church, Virginia, U.S. <http://www.dyn-intl.com/contact.aspx>

C) Leadership: Steven F. Gaffney (Chairman of the board of directors and CEO and president since 2010) and Steven T. Schorer (President) <http://www.dyn-intl.com/board-of-directors.aspx>

D) Number of employees: 30,000 employees worldwide (December, 2009) http://www.dyn-intl.com/media/3395/cwc_iii_don_ryder_testimony.pdf

E) Employees in Iraq: In June 2007 DynCorp International deployed 754 U.S. police officers (700 International Police Liaison Officers—IPLO's and 54 Border Enforcement Advisors). DynCorp International trains, advises, and mentors Iraqi police officers at all levels and also provide full support to their in-country workforce, including logistics, life support, close protection, communications, transportation, security, procurement, and construction. For service in Iraq, these officers sign one-year contracts, and are able to apply for a second or third year. Approximately 40 percent of the officers who go to Iraq to train police sign on for a second year. http://www.dyn-intl.com/media/3404/increasing_border_patrol.pdf

F) In Iraq since: April 2004 <http://www.dyn-intl.com/news2006/news090506.aspx>

G) Last annual revenue: \$3.6 billion (Fiscal Year 2010; a 15.6% increase year-over-year) <http://ir.dyn-intl.com/releasedetail.cfm?ReleaseID=476456>

H) Services: Aviation: aircraft maintenance, modification, and overhaul to flying missions and comprehensive airfield operations. Contingency Operation: they move, pre-position, maintain, and repair facilities, equipment, and supplies for military deployments, humanitarian operations, and disaster relief. Infrastructure: integrated technical and professional infrastructure services including engineering, construction and facilities management, security, logistics, and contingency support. International Development: development solutions for emergency, post-conflict, transition and long-term environments. Land System. Logistics: adaptable logistics solutions from development and management of comprehensive long-term programs to rapid response contingency. Intelligence: field interpretation, translation and linguist services and they provide world-class intelligence training and solutions. Training and Mentoring: police training, security consulting, personal security, security systems, and emergency response support. <http://www.dyn-intl.com/what-we-do.aspx>

External information

HUMAN RIGHTS INCIDENTS

- Killing of Iraqi driver. On 10 November 2007 a DynCorp International contractor allegedly killed an Iraqi taxi driver, Muhammed Khalil Khudair, on an exit ramp in Baghdad's al-Utaifiya neighbourhood. The shooter reportedly left the scene immediately after the incident.

Sources:

* Assistance Mission for Iraq (UNAMI), *"Human Rights Report"*, 1 July – 31 December 2007, number 27, page 12. <http://www.ohchr.org/Documents/Press/UNAMIIJuly-December2007EN.pdf> (last visit 10 May 2011)

* *"An Iraqi taxi driver was shot and killed on Saturday by a guard with DynCorp International (...) when a DynCorp convoy rolled past a knot of traffic on an exit ramp in Baghdad" (...) a white Hyundai with a taxi sign on the roof, driven by Mohamad Khalil Khudair, 40 (...) about 50 yards down the ramp, which comes off a bridge over the Tigris River in a neighborhood called Utafiya."* Source: New York Times, *"Security guards fires from convoy, killing Iraqi driver"*, by James Glanz, 12 November 2007. http://www.nytimes.com/2007/11/12/world/middleeast/12contractor.html?_r=1 (last visit 10 May 2011)

* UPI, *"US contractor shoots Iraqi taxi driver"*, 12 November 2007. http://www.upi.com/Top_News/2007/11/12/US-contractor-shoots-Iraqi-taxi-driver/UPI-34871194849435/ (last visit 10 May 2011);

* "...private security guard has shot dead a taxi driver in Iraq in the latest in a string of what Iraqis believe are unprovoked killings by US contractors hired to protect Americans. DynCorp is among three firms - along with Blackwater and Triple Canopy - under contract to protect American diplomats and other officials in Iraq." Aljazeera, *"US contractor kills Iraq cab driver"*, 13 November 2007. <http://english.aljazeera.net/news/middleeast/2007/11/2008525135138293908.html> (last visit 10 May 2011)

COMPLEMENTARY INFORMATION

- **Employees in Iraq:** According to the Central Commander census, *"DynCorp International has about 1,500 employees in Iraq, including about 700 helping training the police force."* **Source:** Washington Post, *"Census counts 100,000 contractors in Iraq"*, by Renae Merle, 5 December 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/04/AR2006120401311.html> (last visit 10 May 2011)

Other interesting information

- **PSCAI Membership:** The Company has been registered as a PSCAI member. According to PSCAI sources DynCorp International was registered as of 25 November 2006 as an associated member of PSCAI, however it did not start the process to register at the Ministry of Interior of Iraq. **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 30 September 2011). The company appears to be a member of ISOA. See the special reference to DynCorp International on ISOA's official website: <http://www.stability-operations.org/index.php> (last visit 30 September 2011).

- **DynCorp allegedly involved on secret CIA flight programs, according to a court pending case:**

* "...The secret airlift of terrorism suspects and American intelligence officials to CIA-operated overseas prisons via luxury jets was mounted by a hidden network of U.S. companies and coordinated by a prominent defense contractor, newly disclosed documents show ... They shuttled between Washington, foreign capitals, the U.S. military base at Guantanamo Bay, Cuba, and, at times, landing points near once-secret, CIA-run overseas prisons ... The companies ranged from DynCorp, a leading government contractor that secretly oversaw the flights, to caterers that unwittingly stocked the planes with fruit platters and bottles of wine ... DynCorp, which was reorganized and split up between another major contractor and a separate firm now known as DynCorp International, functioned as the primary contractor over the airlift. The company had not been previously linked to the secret flights ... The private business jets shuttled among as many as 10 landings over a single mission, costing the government as much as \$300,000 per flight ... According to invoices between 2002 and 2005, many of the flights carried U.S. officials between Washington Dulles International Airport and the Guantanamo Bay detention compound, where the U.S. was housing a growing population of terror detainees. Other flights landed at a dizzying array of international airports ... In the court case, Richmor accused SportsFlight in 2007 of failing to pay more than \$1.15 million for at least 55 missions flown by planes and crews chartered by DynCorp for government use ... DynCorp is the largest company known to be involved in the secret flights (emphasis added)... DynCorp was purchased in 2003 by Computer Services Corp., another leading federal contractor, in a \$940 million merger. Computer Services Corp. then

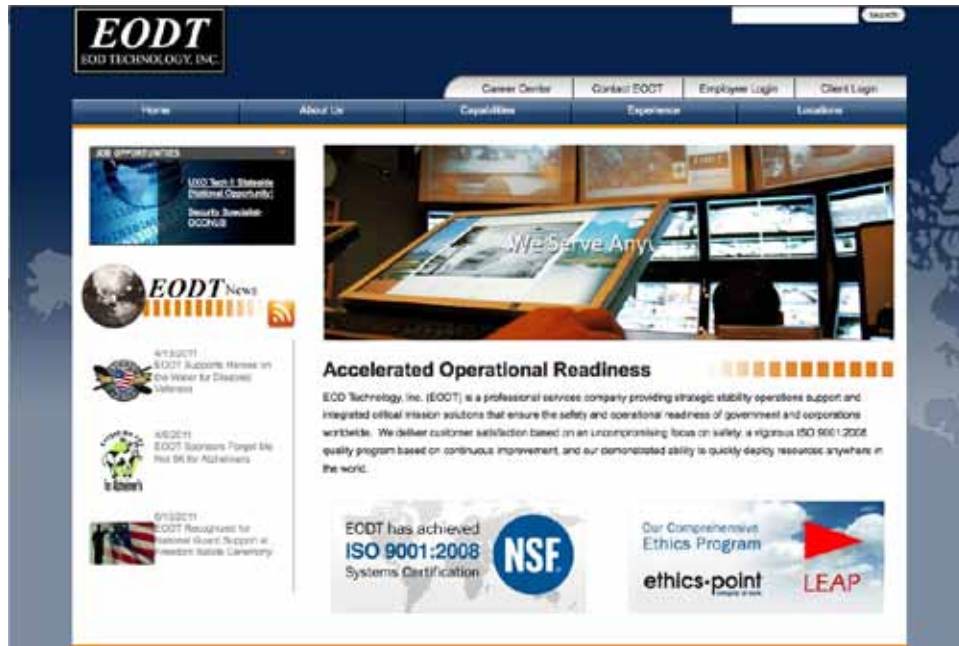


took on a supervising role in the rendition flights through 2006, according to invoices and emails in the court files. CSC sold three DynCorp units in 2005 to Veritas Capital Fund, a private equity firm, for \$850 million, but retained ownership of other parts of the old company. Veritas in turn sold the restructured DynCorp – now known as DynCorp International – for about \$1 billion in 2010 to Cerebrus Capital Management, another private equity fund ... DynCorp International spokeswoman Ashley Burke said Wednesday that the company “has no involvement in or information about the litigation between Richmor and SportsFlight.” She added that none of the DynCorp entities listed in the court files is owned by or has any affiliation with DynCorp International ...” Source: Associated Press, “*Secrets Of Controversial, Costly CIA Flight Program Revealed*”, by Adam Goldman, Barry Schweid and Michael Hill, 1 September 2011. <http://www.vxec.com/2011/09/secrets-of-controversial-costly-cia-flight-program-revealed/> (last visit 12 October 2011)

* “... The scale of the CIA's rendition program has been laid bare in court documents that illustrate in minute detail how the US contracted out the secret transportation of suspects to a network of private US companies ... The manner in which US firms flew terrorism suspects to locations around the world, where they were often tortured, has emerged after one of the companies sued another in a dispute over fees. As the 10th anniversary of the September 11, 2001, attacks on New York and Washington approaches, the mass of invoices, receipts, contracts and email correspondence - submitted as evidence to a court in upstate New York - provides a glimpse into a world in which the “war on terror” became just another charter opportunity for American businesses ... The court files of more than 1700 pages shed new light on the US government's reliance on private contractors for flights between Washington, foreign capitals, the US military base at Guantanamo Bay and, at times, landing points near once-secret, CIA-run overseas prisons ... The companies included DynCorp, a leading government contractor that secretly oversaw a fleet of luxury jets (emphasis added), and caterers that unwittingly stocked the planes with fruit platters and bottles of wine ... Both sides cited the government's program of forced transport of detainees, or “extraordinary rendition”, in testimony, evidence and legal arguments ... One invoice, for \$US301,113 relating to a series of flights over four days that took a jet on an odyssey through Alaska, Japan, Thailand, Afghanistan and Sri Lanka, tallies with the rendition of Hambali, the leader of the Indonesian terrorist organisation Jemaah Islamiyah, who was involved with the 2002 Bali bombing, in which 202 people died, including 88 Australians ... Other invoices follow flights that appear to have been involved in the rendition of Khalid Sheikh Mohammed, the man said to have masterminded the September 11 attacks. After being captured in 2003, Mohammed disappeared into the CIA's secret prisons, where he was waterboarded 183 times in just one month, according to a US justice department memo ... By 2007, the Council of Europe was able to identify 1245 flights operated by the CIA that had passed through Europe ... In early 2002, DynCorp hired SportsFlight on behalf of the US government to secure a plane with 10 seats and a range of nine hours for chartered flights ...” Source: Sydney Morning Herald, “*US firms profited from CIA flights*”, by Ian Cobain and Ben Quinn, 2 September 2011. <http://www.smh.com.au/world/us-firms-profited-from-cia-flights-20110901-1joab.html#ixzz1ZhddZWJB> (last visit 12 October 2011)

- **More private contractors after military withdrawal in 2011:** “... All U.S. combat forces are scheduled to leave Iraq by year's end, but the State Department will still need security. So it's planning to add thousands more private contractors ... A U.S. Army helicopter brigade is set to pull out of Baghdad in December, as part of an agreement with the Iraqi government to remove U.S. forces. So the armed helicopters flying over the Iraqi capital next year will have pilots and machine gunners from DynCorp International (emphasis added), a company based in Virginia ... On the ground, it's the same story. American soldiers and Marines will leave. Those replacing them, right down to carrying assault weapons, will come from places with names like Aegis Defence Services and Global Strategies Group — eight companies in all ... All U.S. combat forces are scheduled to leave Iraq by year's end, but there will still be a need for security. That means American troops will be replaced by a private army whose job will be to protect diplomats ... Already, the State Department is approving contracts, but there are questions about whether it makes sense to turn over this security job to private companies ...” Source: National Public Radio, “*As US military exits Iraq, contractors to enter*”, by Tom Bowman, 17 May 2011. <http://www.scpr.org/news/2011/05/17/as-us-military-exits-iraq-contractors-to-enter/> (last visit 25 July 2011)

13. EODT



Information from the official website (last visit 30 September 2011)

A) Founded: *"Founded in 1987 by two retired United States Marine EOD Sergeants in response to the munitions clearance needs of the United States military that stemmed from training and munitions-related activities."* <http://www.eodt.com/AboutUs/History/>

B) Headquarters: Lenoir City, Tennessee, U.S. <http://www.eodt.com/AboutUs/Locations/>

C) Leadership: Matt Kaye, President and CEO, and Steve Volland, Senior Vice President <http://www.eodt.com/Leadership.aspx>

D) Number of employees: 5,000 full-time and contract employees worldwide (2008) <http://www.eodt.com/AboutUs/News/?story=c4f88d48-3975-4264-b91a-f38a672f6576>

E) Employees in Iraq: No official information available

F) In Iraq since: 2003 <http://www.eodt.com/AboutUs/History/>

G) Last annual revenue: \$270 million (2008) <http://www.eodt.com/AboutUs/News/?story=c4f88d48-3975-4264-b91a-f38a672f6576>

H) Services: Security: personal security detail in high-threat environments; guard force services; canine services; surveillance and surveillance detection; electronic security systems and reactive physical response teams; maritime and port security; and security-related training. Munitions Management: legacy munitions clearance in support of the military munitions response; cleanup of hazardous, toxic, and radioactive waste; implementation of chemical warfare material projects; international demining operations; range sustainment; brownfields; ammunition management stockpile reduction; non-conventional munitions; munitions intelligence; commercial UXO; and mine action. Expeditionary Construction, Tactical IT/ Communications, Logistic and Asset Management: comprehensive management of supply chain systems; corporate and satellite warehouse facilities dedicated to managing mission requirements; integrity checks on all equipment and supplies before distribution; supplies are replenished in hostile or remote areas via EODT-furnished secure convoy escorts. Life Support: safety and health initiatives; food service operations; facilities and housing maintenance; laundry and sewing services; waste management; and environmental protection. Environmental Remediation: terrestrial and aquatic capabilities for remediation;



removal of hazardous toxic radioactive waste; and demonstrated experience mobilizing skilled teams rapidly. <http://www.eodt.com/Capabilities/>

I) Clients: Government: U.S. Department of Defense, U.S. Department of State, Multi-National Force – Iraq, U.S. Army Corps of Engineers, Naval Facilities Engineering Command, U.S. Marine Corps. Commercial: URS, AZ Corporation, International Construction Management, KEC Internacional, AMEC, Louis Berger Group/Black & Veatch (LBG/B&V Joint Venture), Boeing, Los Suenos Marriott Ocean & Golf Resort – Costa Rica, White Knight Executive Security, Cape Environmental Management, Innovative Technical Solutions, Inc. (ITSI), SAIC, The Conti Group, EnSafe, Inc., Halliburton, MWH, Anniston-Calhoun County Fort McClellan Development Joint Powers Authority. International: United Nations Office for Project Services (UNOPS); British Embassy, Kabul; Canadian Embassy, Kabul & Pretoria; NATO; Canadian Department of National Defence, Ministry of Interior of Iraq. <http://www.eodt.com/Experience/>

External information

- Employees in Iraq: 1,913 in 1997. **Source:** Los Angeles Times, *"Private contractors outnumber US troops in Iraq"*, by T. Christian Miller, 4 July 2007. <http://www.derechos.org/nizkor/excep/contractors.html> (last visit 10 May 2011)

Other interesting information

a) PSCAI Membership: The company has been registered as a PSCAI member.

Source: [http://www.PrivateSecurityCompanyAssociationofIraq\(PSCAI\).org/pscmembers.html](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI).org/pscmembers.html) (last visit 10 May 2011) The company is also a member of the ISOA/IPOA. Source: <http://www.eodt.com/AboutUs/Partners-Affiliations/> (last visit 10 May 2011)

14. H3 LLC (High Security Solutions)



Information from the official website (last visit 30 September 2011)

A) Founded: 1991 http://www.grouph3.com/index.php?option=com_content&view=article&id=134&Itemid=45

B) Headquarters: Lake Arrowhead, California, U.S., and Ottawa, Canada. http://www.grouph3.com/index.php?option=com_contact&view=contact&id=2&Itemid=18 ; http://www.grouph3canada.com/index.php?option=com_contact&view=contact&id=2&Itemid=18

C) Leadership: Dan Erber, President/CEO (former U.S. Marine and former SWAT Team member) <http://www.hssinternational.com/staff.php>

D) Number of employees: Over 1,200 employees http://www.grouph3.com/index.php?option=com_content&view=article&id=134&Itemid=45

E) Employees in Iraq: No official information available

F) In Iraq since: Although there is no official information available about the year in which the company established in Iraq, Nobel Protective Services (a company which is a member of the Group H· USA Inc) claims to have been deployed in Iraq. "...*Founded in 2000, Noble Protective Services specializes in providing Protective Services, Security Consulting, Training and Investigative services in the United States, Iraq, Dominican Republic, Haiti, Mexico and other locations internationally.*" http://www.grouph3.com/index.php?option=com_content&view=article&id=135&Itemid=257.

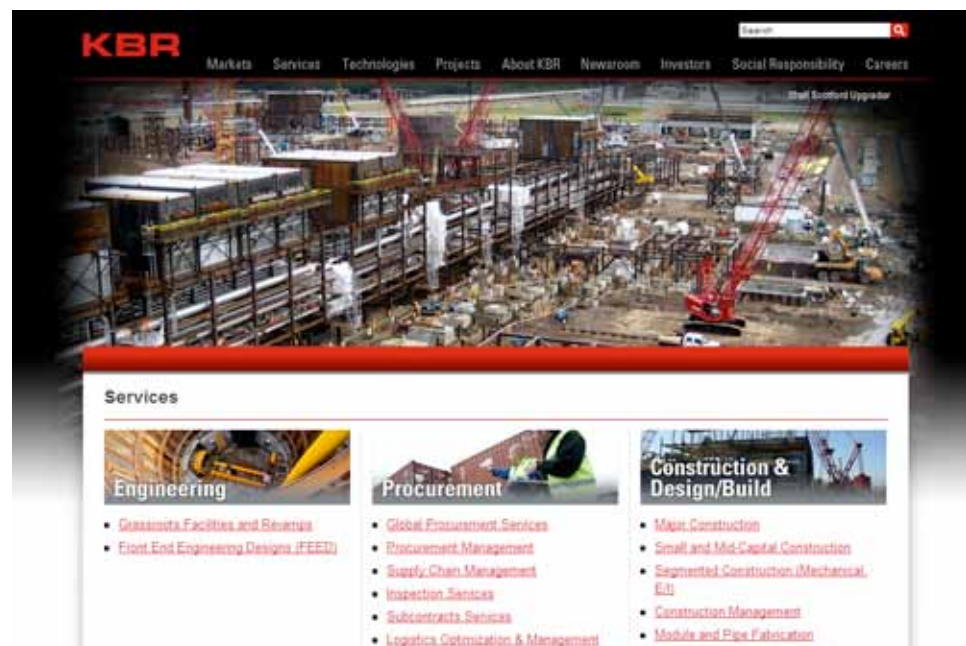
G) Last annual revenue: No official information available

H) Services: Personalized Solutions: civil affairs, defense, hi-tech, intelligence, investigations, k9 services, maritime, protective services, tactical medicine. Training: counter terrorism, defensive tactics, maritime, protective services, sniper, tactical medicine, tactical operations, amongst others. <http://www.grouph3.com/index.php>

Other interesting information

a) HSS International. Training organization associated to H3 (member of the Holding Group). <http://www.hssinternational.com/> (last visit 30 September 2011)

15. KBR



Information from the official website (last visit 30 September 2011)



A) Founded: In the 1990's M.W. Kellogg merged with Brown and Root, both of which are subsidiaries of Halliburton. In 2007 KBR was separated from Halliburton and became an independent company. <http://www.kbr.com/About/History/>

B) Headquarters: Houston, Texas, U.S. <http://www.kbr.com/About/Locations/>

C) Leadership: Bill Utt, Chairman, President and CEO <http://www.kbr.com/About/Board-of-Directors/William-P-Bill-Utt/>

D) Number of employees: 35,000 employees <http://www.kbr.com/About/>

E) Employees in Iraq: Unknown

F) In Iraq since: 2001 <http://www.kbr.com/newsroom/editorial-responses/kbr-response-to-hexavalent-chromium-suit-against-kbr-by-oregon-national-guard-goes-forward/>

G) Last annual revenue: \$10.1 billion in 2009 <http://www.kbr.com/Newsroom/Fact-Sheets/KBR-Fact-Sheet/KBR-Fact-Sheet.pdf>

H) Services: Downstream, gas monetization, infrastructure and minerals, international government and defence, North American government and defence, oil and gas, power and industrial, services, technology, and ventures business segments. The company also differentiates itself as a technology-driven engineering, procurement and construction (EPC) company, as it is stated that *"KBR has built a proud history and a leading market position in the government and infrastructure sectors by being a low-cost, high-efficiency and absolutely reliable service provider. Not only is KBR the largest contractor for the United States Army and a top-ten contractor for the U.S. Department of Defense, it is currently the world's largest defense services provider."* <http://www.kbr.com/About/>

External information

HUMAN RIGHTS INCIDENTS

a) Alleged sexual assault and abuse in Iraq. In 2005, contractor Jamie Leigh Jones stated to have been gang-raped by KBR co-workers.

Sources:

* "...Ms. Kineston is among a number of American women who have reported that they were sexually assaulted by co-workers while working as contractors in Iraq but now find themselves in legal limbo, unable to seek justice or even significant compensation ... Many of the same legal and logistical obstacles that have impeded other types of investigations involving contractors in Iraq, like shootings involving security guards for Blackwater Worldwide, have made it difficult for the United States government to pursue charges related to sexual offenses. The military justice system does not apply to them, and the reach of other American laws on contractors working in foreign war zones remains unclear five years after the United States invasion of Iraq." New York Times, "Limbo for U.S. Women Reporting Iraq Assaults", by James Risen, 13 February 2008. http://www.nytimes.com/2008/02/13/world/middleeast/13contractors.html?_r=3&bl&ex=1203051600&en=bf8812ecc5524a95&ei=5087%0A&oref=slogin (last visit 19 September 2011)

* "...In 2005, Jamie Leigh Jones was gang-raped by her co-workers while she was working for Halliburton/KBR in Baghdad. In an apparent attempt to cover up the incident, the company then put her in a shipping container for at least 24 hours without food, water, or a bed, and "warned her that if she left Iraq for medical treatment, she'd be out of a job." Even more insultingly, the DOJ resisted bringing any criminal charges in the matter ... "Think Progress, "Court rules that KBR employee's gang rape wasn't personal injury arising in the workplace", by Amanda Terkel, 16 September 2009. <http://thinkprogress.org/2009/09/16/jones-sue-kbr/> (last visit 19 September 2011)

* The civil case before U.S. Courts was dismissed; Jury Charge and Verdict dated 7 July 2011. The decision was dismissed for lack of evidence. See verdict (especially pages 4 and 11): <http://pdfserver.amlaw.com/tx/JonesJuryForm.pdf> (last visit 27 September 2011). For more information see Annex D on Legal Cases, *Jamie Leigh Jones v. KBR and U.S.*

b) Human trafficking. In 2004 13 Nepali men were recruited by Daoud and Partners to work in hotels in Jordan, but upon arrival they were sent to Iraq to work on the Al Asad Airbase. They were killed by Islamic militants and the execution was recorded and posted on a website.

Sources:

* "...The men, between the ages of 18 and 27, "were recruited in Nepal to work as kitchen staff in hotels and restaurants in Amman, Jordan ... Twelve of the men were packed into a car and driven to Iraq, but on the road were stopped by insurgents with the Ansar al-Sunna Army, taken hostage and executed. The executions were posted on the Internet ..." AFP, "Nepalese man sues KBR on human trafficking charges", 27 August 2008. http://afp.google.com/article/ALeqM5jmOzaTXaMkCsqiqqmIK6gc_rpg1g (last visit 19 September 2011)

* "...The lawsuit, filed Wednesday in United States District Court here, says that the workers were being taken to work at an American air base in Iraq in 2004 when insurgents intercepted their caravan and killed them days later. A Nepali worker whose car survived the attack is also a plaintiff. The worker, Buddi Prasad Gurung, now back in Nepal, says that he was forced to work at Al Asad Air Base as a warehouse loader for 15 months ... The lawsuit, filed in United States District Court, accused the defense contractor KBR and a Jordanian subcontractor of human trafficking ..." Associated Press, "Families of 12 Slain in Iraq file lawsuit", 28 August 2008. <http://www.nytimes.com/2008/08/29/world/middleeast/29contractor.html> (last visit 19 September 2011)

* BBC, "Nepalese sue US company over Iraq", 28 August 2008. http://news.bbc.co.uk/2/hi/south_asia/7585443.stm (last visit 19 September 2011)

* The court case was settled, with around \$1 million in reparations. "...reports about 12 Nepalese men who signed labor contracts thinking they would serve as hotel clerks and custodians in Jordan. Instead, their passports were seized, and they were shipped off to a U.S. base in Iraq. Before they could get there, the men were captured and executed by Iraqi insurgents — one, Mangal Limbu, was beheaded. A 13th worker, Buddhi Gurung, managed to escape, only to be sent to a military warehouse where he worked for 15 months before being returned to Nepal ... The men had been hired by Daoud & Partners Ltd., a Jordanian subcontractor doing work for Halliburton Co. subsidiary KBR Inc., itself a U.S. military contractor... After months of additional discovery, ... won summary judgment in 2008 on behalf of 10 of the 12 families of the slain contractors. While ... declined to put an exact figure on the amount given to each family, she said that the total was more than \$1 million..." Source: The National Law Journal, "Justice for contract workers in America's wars", by Jeff Jeffrey, 3 January 2011. <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202476608072&src=EMC-Email&et=editorial&bu=National%20Law%20Journal&pt=NLJ.com%20-Legal%20Times%20Afternoon%20Update&cn=20110103lt&kw=Pro%20Bono%20Awards%3A%20Justice%20for%20Contract%20Workers%20in%20America's%20Wars&slreturn=1&hbxlogin=1> (last visit 19 September 2011). For more information see Annex D on Legal Cases, *Ramchandra Adhikari et al v. Daoud & Partners, KBR et al.*

c) Ambush to KBR employee's driver's convoy in 2004: "...a widow of one of the dead drivers in another convoy massacre in 2004 complained that KBR drivers are not given road maps. Another widow said, "These men went to do the right thing [and] they were totally taken advantage of ... [Halliburton] knew, they knew, that there was more than a good chance that they would be killed." And one of the drivers who survived said, "It's about contracts ... fulfilling the contract and replacing us if we died ..." Source: Halliburton Watch, "Cheney/Halliburton Chronology". http://www.halliburtonwatch.org/about_hal/chronology.html (last visit 19 September 2011)

d) Unsafe work conditions and employees exploitation (including Iraqi workers):

In 2004 and 2008 soldiers at American bases in Iraq received severe electrical shocks and some were even electrocuted because of flawed electrical work by contractors of this PMC.

**Source:**

* "...In all, at least a dozen American military personnel have been electrocuted in Iraq, according to the Pentagon and Congressional investigators ... American electricians who worked for KBR, the Houston-based defense contractor (emphasis added) that is responsible for maintaining American bases in Iraq and Afghanistan, said they repeatedly warned company managers and military officials about unsafe electrical work, which was often performed by poorly trained Iraqis and Afghans paid just a few dollars a day..." Source: New York Times, "Despite Alert, Flawed Wiring Still Kills G.I.s", by James Risen, 4 May 2008. http://www.nytimes.com/2008/05/04/world/middleeast/04electrocute.html?_r=1&hp (last visit 19 September 2011)

* "...Defense contractor KBR is trying to get out of a lawsuit stemming from the death of a U.S. soldier by claiming that Iraqi, not American, law should apply in determining a verdict. The civil case was filed in a Pennsylvania court against KBR, a former subsidiary of Halliburton, over the death of Army Sergeant Ryan Maseth, who was electrocuted while taking a shower on his base in Iraq. KBR was named the plaintiff by Maseth's parents because the company held a maintenance contract from the Department of Defense for upkeep of the military installation." AllGov, "KBR tries to convince judge to use Iraqi Law in shower death of Green Beret", by Noel Brinkerhoff, 9 February, 2011. http://www.allgov.com/US_and_the_World/ViewNews/KBR_Tries_to_Convince_Judge_to_Use_Iraqi_Law_in_Shower_Death_of_Green_Beret_110209 (last visit 19 September 2011). For more information see Annex D on Legal Cases, *Cheryl Harris and Douglas Maseth v. KBR*.

e) Unsafe work conditions for soldiers and employees. Federal lawsuits naming KBR and seeking class-action status were filed in 2008 and 2009 over the practice of operating "burn pits" at U.S. bases in Iraq and thus exposing soldiers to smoke containing dioxin, asbestos and other harmful substances: "...Contractors working for the military in Iraq and Afghanistan are fouling the nests of U.S. soldiers with pollution, poisoning the troops in the very bases meant to be their sanctuaries ... That's the central allegation in a new set of lawsuits filed in Nashville and elsewhere across the country. The legal actions name as defendants the controversial contracting firm KBR Inc. (formerly Kellogg Brown and Root), as well as Halliburton Co., of which KBR used to be a subsidiary ... catalog of rubbish in the pits includes: "Tires, lithium batteries, Styrofoam, paper, wood, rubber, petroleum-oil-lubricating products, metals, hydraulic fluids, munitions boxes, medical waste, biohazard materials (including human corpses), medical supplies (including those used during smallpox inoculations), paints, solvents, asbestos insulation, items containing pesticides, polyvinyl chloride pipes, animal carcasses, dangerous chemicals, and hundreds of thousands of plastic water bottles".

Source:

* Nashville Post, "Soldier claim war zone contractors exposed them to toxins", by E. Thomas Wood, 8 November 2009. http://www.nashvillepost.com/news/2009/11/8/soldiers_claim_war_zone_contractors_exposed_them_to_toxins (last visit 19 September 2011)

COMPLEMENTARY INFORMATION

- Employees in Iraq: 15,336 in 2007. **Source:** Los Angeles Times, "Private contractors outnumber US troops in Iraq", by T. Christian Miller, 4 July 2007. <http://www.derechos.org/nizkor/except/contractors.html> (last visit 19 September 2011)

Other interesting information

a) Tax fraud. In 2008 KBR was paid hundreds of millions dollar in federal Medicare and Social Security taxes by hiring workers through shell companies based in Cayman Islands. "... Kellogg Brown & Root, the nation's top Iraq war contractor and until last year a subsidiary of Halliburton Corp., has avoided paying hundreds of millions of dollars in federal Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven..."

Source: The Boston Globe, "Top Iraq contractor skirts US taxes offshore", by Farah Stockman,

6 March 2008. http://www.boston.com/news/world/articles/2008/03/06/top_iraq_contractor_skirts_us_taxes_offshore/ (last visit 19 September 2011)

b) Denying private contractors with medical treatment and disability payments:

"...Private contractors injured while working for the U.S. government in Iraq and Afghanistan filed a class action lawsuit in federal court on Monday, claiming that corporations and insurance companies had unfairly denied them medical treatment and disability payments ... The suit, filed in district court in Washington, D.C., claims that private contracting firms and their insurers routinely lied, cheated and threatened injured workers, while ignoring a federal law requiring compensation for such employees. Attorneys for the workers are seeking \$2 billion in damages ... Hundreds of thousands of civilians working for federal contractors have been deployed to war zones to deliver mail, cook meals and act as security guards for U.S. soldiers and diplomats. As of June 2011, more than 53,000 civilians have filed claims for injuries in the war zones. Almost 2,500 contract employees have been killed, according to figures [2] kept by the Department of Labor, which oversees the system ... Some Afghan, Iraqi and other foreign workers for U.S. companies were provided with no care at all ... The lawsuit, believed to be the first of its kind, charges that major insurance corporations such as AIG and large federal contractors such as Houston-based KBR deliberately flouted the law, thereby defrauding taxpayers and boosting their profits. In interviews and at Congressional hearings, AIG and KBR have denied such allegations and said they fully complied with the law. They blamed problems in the delivery of care and benefits on the chaos of the war zones ..." Source: ProPublica and Los Angeles Times, *"Injured War Contractors Sue Over Health Care, Disability Payments"*, by T. Christian Miller, 27 September 2011. <http://civiliancontractors.wordpress.com/2011/09/27/injured-war-contractors-sue-over-health-care-disability-payments/> (last visit 12 October 2011)

c) Unauthorized security costs: Houston-based KBR and 33 of its subcontractors knew they were not authorized to bill for private armed security in Iraq but did so anyway. The expenses, along with other associated fees, were indirectly billed to the army through an overhead account.

Sources:

*The federal judge rejected KBR Inc's request to dismiss a U.S. government lawsuit. U.S. District Judge Royce Lamberth ruled the false claims and breach-of-contract claims could proceed, but he dismissed the unjust enrichment and payment-by-mistake counts in the lawsuit. See U.S. District Court for the District of Columbia Decision: http://mssparky.com/documents/USA_v_KBR_110_cv_00530.pdf, (last visit 27 September 2011). For more information see Annex D on Legal Cases, *U.S. v. Kellogg Brown & Root*.

* *"The Obama administration has filed a False Claims Act lawsuit against its largest contractor in Iraq, alleging that Kellogg Brown & Root Services charged the government for impermissible private security costs (emphasis added)...The suit, filed in the U.S. District Court in Washington on Thursday, alleges that Houston-based KBR and 33 of its subcontractors knew they were not authorized to bill for private armed security in Iraq (emphasis added) but did so anyway. The contract states the Army would provide security protection ... KBR is the prime contractor on the Army's (emphasis added) massive Logistics Civil Augmentation Program III contract in Iraq, which provides soldiers with food, transportation, laundry and mail services... According to Justice, KBR violated the terms of the LOGCAP III contract repeatedly from 2003 through 2006 by failing to secure the Army's authorization before hiring armed subcontractors. The former Halliburton subsidiary also is accused of using security contractors that were not registered with the Iraqi Ministry of the Interior ... KBR awarded subcontracts to three private security companies -- Triple Canopy, Omega Risk Solutions and al Dhahir -- to provide armed security details for its executives."* Source: Government Executive, *"Suit claims KBR billed for unauthorized security costs"*, by Robert Brodsky, 2 April 2010. http://www.govexec.com/story_page.cfm?articleid=44961 (last visit 19 September 2011)

d) PMSC contracts: KBR hired Triple Canopy (and Omega Risk Solutions) for its security in Iraq (see Annex A). *"...Former Army Ranger Shane Schmidt, former Marine Charles L. Sheppard III and their shift leader were all working on an assignment for KBR when the*



shootings occurred (emphasis added) near Baghdad on July 8, alleges the suit, filed in Fairfax County Circuit Court ..." <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/16/AR2006111601615.html> (last visit 19 September 2011); http://www.govexec.com/story_page.cfm?articleid=44961 (last visit 19 September 2011)

e) Non member: KBR does not appear as an associated member of PSCAI, nor of ISOA.

16. KROLL



Information from the official website (last visit 30 September 2011)

A) Founded: 1972 <http://www.kroll.com/about/history/>

B) Headquarters: New York, U.S. <http://www.kroll.com/contact/office-locations/>

C) Leadership: J. Philip Cassey, President and CEO, William J. Bratton - Chairman. <http://www.kroll.com/about/leadership/>

D) Number of employees: 2.800 global employees <http://www.kroll.com/careers/>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Investigations, risk & compliance, security services; and identity fraud solutions. <http://www.kroll.com/services/>

External information

- In Iraq since: August 2003

Sources:

* "...The Pentagon has recently awarded more-specialized contracts to American firms that have expertise in defense and security work. Three such firms - Vinnell, Dyncorp, and Kroll -

respectively have landed contracts to help form and train post-Saddam military, police, and paramilitary forces. Outside analysts say that all three firms are well wired in Washington. "All these companies have very good connections and are filled with former government and military officials," notes P.W. Singer, a military analyst ... "Government Executive, "Lobbyists hustle for reconstruction business in Baghdad", by Peter H. Stone, 7 August 2003. <http://www.govexec.com/dailyfed/0803/080703nj2.htm> (last visit 10 May 2011)

* "... According to the Financial Times, Kroll Inc. has a contract with USAID to provide security for the agency in Iraq. Kroll hired Aldwin Wight, a former commanding officer of the British 22nd Special Air Service Regiment and the Sultan's Special Force in Oman, to oversee company operations in Iraq ... James R. Bucknam, Kroll's executive vice president for operations, served as senior adviser to former FBI Director Louis J. Freeh for three years and was an assistant United States Attorney in the Southern District of New York from 1987 to 1993 ... Founder and chairman Jules Kroll started his career as an assistant district attorney in Manhattan ... " The Center for Public Integrity, "Windfalls of war", by André Verlöy. <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=32> (last visit 10 May 2011)

Other interesting information

a) British Embassy in Baghdad. "... Kroll has the contract to guard the British Embassy in Baghdad..." **Source:** The Times, "Government aims to impose rules on armed guards", by David Robertson, 22 October 2009. http://business.timesonline.co.uk/tol/business/industry_sectors/support_services/article6886085.ece (last visit 10 May 2011)

b) Recruiting Ugandan employees for Iraq. "Bob Kasango, a lawyer with Hall and Partners, is doing the recruitment in partnership with Askar (a Ugandan security company), in liaison with the US government and foreign firms, including Kroll Risk Group ..." AllAfrica, "Recruiting for Iraq", by Denis Ocwich, 19 May 2005. <http://allafrica.com/stories/200505190506.html> (last visit 10 May 2011)

c) PSCAI Membership: According to PSCAI sources Kroll was registered as of 25 November 2006 at the Ministry of Interior of the Regional Government of Kurdistan and had requested registration at the Ministry of Interior of Iraq. Currently it does not appear as PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 30 September 2011)

L-3 COMMUNICATIONS

The screenshot displays the L-3 Communications corporate website. The header features the L-3 logo and navigation links: ABOUT L-3, BUSINESS SEGMENTS, PRODUCTS & SERVICES, DIVISIONS, INVESTOR RELATIONS, NEWS & EVENTS, CAREERS, SUPPLIERS, and CODE OF ETHICS. The main content area is titled "L-3 COMMUNICATIONS" and includes a brief description of the company as a prime contractor in Command, Control and Communications, Intelligence, Surveillance and Reconnaissance (C4ISR), Government Services, Aircraft Modernization and Maintenance (AM&M), and Electronic Systems. Below this, there are four circular icons representing different business segments: C4ISR, GOVERNMENT SERVICES, AM&M, and ELECTRONIC SYSTEMS. To the left, a sidebar contains "STOCKHOLDER INFORMATION" with links to 2011 Proxy Materials, Online Proxy Materials and Vote, and Earnings Webcast. To the right, another sidebar features "L-3 SPOTLIGHT" with links to the 2010 Annual Report and January 2010, and a "SEARCH 2009" section. The main content area also includes a "PRESS RELEASES" section with dates from April 15, 2011, to March 1, 2011, detailing various company announcements.



Information from the official website (last visit 30 September 2011)

A) Founded: 1997 <http://www.l-3com.com/> and <http://www.l-3com.com/investor-relations/documents/Annual-Reports/L3-2006-ar.pdf>

B) Headquarters: New York, U.S.
<http://www.l-3com.com/about-l3/company-profile.html>

C) Leadership: Michael T. Strianese (Chairman, President and CEO) and Robert B. Millard (Lead Director and Chairman of the Executive Committee)
<http://www.l-3com.com/about-l3/message-from-the-ceo.html>

D) Number of employees: Over 66,000 employees http://www.l-3com.com/about-l3/general_info.aspx

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: \$15.6 billion in 2009 <http://www.l-3com.com/annualreport09/>

H) Services: CISR (Command, Control, Communications, Intelligence, Surveillance and Reconnaissance) systems, aircraft modernization and maintenance, and government services. L-3 is also a provider of a broad range of electronic systems used on military and commercial platforms. <http://www.l-3com.com/products-services/> and <http://www.l-3com.com/about-l3/company-profile.html>

I) Clients: *"Our customers include the U.S. Department of Defense and its prime contractors, U.S. Government intelligence agencies, the U.S. Department of Homeland Security, U.S. Department of State, U.S. Department of Justice, allied foreign governments, domestic and foreign commercial customers and select other U.S. federal, state and local government agencies."* <http://www.l-3com.com/about-l3/company-profile.html>

External information

HUMAN RIGHTS INCIDENTS

a) Alleged torture of prisoners. "... On 9 June 2004, a group of 256 Iraqis sued CACI International and Titan Corporation (*now L-3 Services, part of L-3 Communications (emphasis added)*) in US federal court. The plaintiffs, former prisoners, allege that the companies directed and participated in torture, war crimes, crimes against humanity, sexual assault, as well as cruel, inhuman and degrading treatment at Abu Ghraib prison..."

Sources:

* Business & Human Rights Resource Centre, *"Abu Ghraib lawsuits against CACI, Titan (now L-3)"*. <http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/AbuGhraiblawsuitsagainstCACITitannowL-3> (last visit 10 May 2011)

* *Class Action versus Titan Corporation, demand for Jury Trial, Case No. 1:05-cv-1165* filed September 2005 in the U.S. District Court for the District of Columbia (*Saleh v Titan*, Case No. 09-1313), <http://ccrjustice.org/ourcases/current-cases/al-shimari-v-caci-et-al> (last visit 20 June 2011). See Class action complaint: http://ccrjustice.org/files/Saleh_3rdamendedcomplaint.pdf (last visit 10 June 2011). The case has been recently closed; on 27 June 2011 the Supreme Court denied plaintiffs petition. <http://www.supremecourt.gov/orders/courtorders/062711zor.pdf> (last visit 27 September 2011). For more information see Annex D on Legal Cases, *Saleh v. Titan Corporation*. This is a key court proceeding, as many human rights abuses under investigation by U.S. Courts allegedly executed by U.S. PMSCs are waiting for the final decision by U.S. Supreme Court to decide the other cases.

**Civil Action NO. 8:08-cv-1696 versus L3, formerly Titan Corporation*, <http://www.ccrjustice.org/files/Amended%20Complaint.pdf> (last visit 14 June 2011). See the Legal Box Case, *Al-Quraishi et al v. Nakhla et al*. This case is still pending. "... On March 11, 2011, the Fourth Circuit ordered that the case be held in abeyance, pending resolution of the petition for certiorari in *Saleh v. Titan (Case No. 09-1313) currently pending before the US Supreme Court* ..." <http://ccrjustice.org/ourcases/current-cases/al-quraishi> (last visit 28 September 2011). For more information see Annex D on Legal cases, *AL-Quraishi et al v. Nakhla et al*, 11 March 2011, order pending resolution of the petition for certiorari filed in the Supreme Court in *Saleh v. Titan*.

COMPLEMENTARY INFORMATION

- **Headquarters:** Alexandria, Virginia, U.S. <http://www.ccrjustice.org/files/Amended%20Complaint.pdf> (last visit 21 June 2011)

- **Employees in Iraq:** 5,886 employees in 2007 **Source:** Los Angeles Times, "*Private contractors outnumber US troops in Iraq*", by T. Christian Miller, 4 July 2007. <http://www.derechos.org/nizkor/excep/contractors.html> (last visit 10 May 2011)

Other interesting information

- The company appears to be a member of the ISOA. See the special reference to L-3 on ISOA's official website. <http://www.stability-operations.org/index.php> (last visit 30 September 2011)

18. MPRI

Information from the official website (last visit 30 September 2011)

A) Founded: MPRI was founded in 1987 by eight highly skilled and experienced military. In June 2000 the company was acquired by L-3 Communications Corporation. <http://www.l-3com.com/>; http://www.mpri.com/web/index.php/content/our_company/our_history/



B) Headquarters: Old Town Alexandria, Virginia, U.S. http://www.mpri.com/web/index.php/content/our_company/our_history/

C) Leadership: Bantz John Craddock, President (following a 38-year career with the U.S. Army, and served as the Supreme Allied Commander Europe and Commander in Chief of the U.S. European Command) and Jim Campbell, Senior Vice President and Chief of Staff (who completed more than 36 years in the U.S. Army after serving as the director of the army staff and included command of the army in the Pacific). http://www.mpri.com/web/index.php/content/our_company/leadership/

D) Number of employees: More than 5.000 employees. Additionally, MPRI is a managing partner of a joint venture with a combined employee base of nearly 1,500. http://www.mpri.com/web/index.php/content/our_company/our_history/

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: L-3 MPRI reports its financial performance through *L-3 Communications*. L-3 reported \$15.6 billion in 2009. http://www.mpri.com/web/index.php/content/our_company/our_history/

H) Services: Development of a broad spectrum of training services and devices for national security, law enforcement, and the environment. http://www.mpri.com/web/index.php/content/press_release/l-3_mpri_announces_sales_of_firesim_driving_simulators/

I) Clients: At least the U.S. Army, 2 May 2011. *"L-3 MPRI, a global provider of integrated training solutions, announced today that it has been selected once more as an awardee for the U.S. Army's Combined Arms Center (CAC) Fort Leavenworth Support Services contract. The company will provide services in 18 functional areas in support of the Army's ongoing efforts in adapting the force to meet the challenges of the 21st century environment..."* http://www.mpri.com/web/index.php/content/press_release/l-3_mpri_receives_award_to_support_the_u.s._armys_combined_arms_center_cont/

External information

- Employees in Iraq: 500 employees in 2006 (working on 12 contracts, including providing mentors to the Iraqi Defense Ministry) **Source:**

* Washington Post, *"Census counts 100,000 contractors in Iraq"*, by Renae Merle, 5 December 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/04/AR2006120401311.html> (last visit 10 May 2011)

Other interesting information

MPRI wrote a book on rules for contractors on the battlefield, *"Contractors on the Battlefield"*, which was published on 3 January 2003, shortly before the U.S. invaded Iraq. **Sources:**

* David Isenberg, *"A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq"*, September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 10 May 2011)

* Headquarters Department of the Army, *"Contractors on the Battlefield"*, 3 January 2003. <http://www.fas.org/irp/doddir/army/fm3-100-21.pdf> (last visit 10 May 2011)

19. MUSHRIQUI CONSULTING



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Pennsylvania, U.S. <http://www.mushriquiconsulting.com/contactmc.asp>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Mushriqui Consulting provides proprietary integrated solutions of personnel protective equipment & mobile security for civilian and military clients operating in war zones, disaster zones, infrastructure reconstruction fields, and multi-operational projects. <http://www.mushriquiconsulting.com/security.htm>

External information

- **Leadership and Number of employees:** John Mushriqui (Director) and Jeana Mushriqui (General Counsel). Mushriqui Consulting has four employees and does business on six continents. Both face six counts of violating the FCPA, and one count of conspiracy to commit money laundering for alleged bribery in selling bulletproof vests and military equipment. Source: <http://www.law.com/jsp/cc/PubArticleCC.jsp?id=1202439285196> (last visit 10 May 2011)

- **In Iraq since:** At least since 2006, as that year Mushriqui Consulting appeared as an "associate member" of PSCAI. Source: [http://www.PrivateSecurityCompanyAssociationofIraq\(PSCAI\).org/Docs/latested_fulllist_update.pdf](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI).org/Docs/latested_fulllist_update.pdf)



Other interesting information

"...Two executives of an Upper Darby, Pa., company called Mushriqui Consulting were arrested in a Las Vegas sting this week for allegedly attempting to bribe the minister of defense of an African country, the U.S. Justice Department said Wednesday. The pair were trying to win contracts to sell bulletproof vests to the country, the Justice Department said ..." Source: Philadelphia Business Journal, "Executives at Mushriqui of Upper Darby arrested in foreign bribery sting", by Peter Key, 20 January 2010. <http://www.bizjournals.com/philadelphia/stories/2010/01/18/daily28.html> (last visit 10 May 2011)

20. MVM INC.



Information from the official website (last visit 30 September 2011)

A) Founded: 1979 <http://www.mvminc.com/>

B) Headquarters: Ashburn, Virginia, U.S. <http://www.mvminc.com/contact-us>

C) Leadership: Dario Marquez, Co-founder, Chairman and CEO <http://www.mvminc.com/about-us/leadership>

D) Number of employees: 3,500 employees <http://www.mvminc.com/>

E) Employees in Iraq: 400 employees (2004 - 2007) <http://www.mvminc.com/component/content/article/46-history/188-special-operations-overseas-security>

F) In Iraq since: 2004 - 2007 <http://www.mvminc.com/component/content/article/46-history/188-special-operations-overseas-security>

G) Last annual revenue: No official information available

H) Services: Law Enforcement Programs: law enforcement training & development, integrity programs, polygraph programs development & implementation, crisis management planning, and detention programs. Professional Services: field-specific translation, intelligence-

ce analysis, financial investigations and analytical support, program management, simultaneous and consecutive interpretation, language training, and expert "fact" court testimony. Global Support Services: international operations support, basic and advanced training on mission critical tactics and techniques, cultural awareness training, pre-deployment training, surveillance detection training, professional development programs, emergency response and contingency planning, medical, first aid and CPR training, risk and vulnerability assessments, investigative consulting and security solutions, and program management. <http://www.mvminc.com/services>

I) Clients: U.S. Navy, U.S. Air Force, Coalition Provisional Authority in Iraq, Department of Justice, Drug Enforcement Administration, U.S. Marshals Service, Internal Revenue Service, Department of Energy, Department of Commerce, Immigration and Customs Enforcement, Bureau of Prisons, FEMA, Federal Protective Service, National Institutes of Health, Smithsonian Institute, amongst others. <http://www.mvminc.com/about-us/history>

External information

- Revenue and headquarters: "... MVM Inc., one of the biggest security contractors used by U.S. intelligence agencies, has lost the bulk of a Central Intelligence Agency contract in Iraq after failing to provide enough armed guards, according to company emails and contractors familiar with the decision. The loss of the CIA contract, which was potentially worth more than \$1 billion over five years, is a big blow to closely held MVM, based in Vienna, Va. Overseas work for U.S. intelligence agencies represents a third of the company's \$200 million in annual revenue and is believed to be one of the fastest-growing areas of the contracting business." Source: The Wall Street Journal, "CIA Curtails Contract With U.S. Security Firm in Iraq", by Shioban Gorman and August Cole, 28 August 2008. <http://online.wsj.com/article/SB121988605376078351.html#articleTabs%3Darticle> (last visit 11 May 2011)

Other interesting information

*** Military contractor dies suddenly.** "... After multiple tours of duty as a scout sniper and a stint as a contractor in war-torn Iraq and Afghanistan, a former Marine died unexpectedly at home last week ... He had been working for contractor MVM Inc. in Iraq ... The cause of Sandoval's death is being investigated by L.A. County coroner's office, York said, and the family is wondering if it's a result of possible brain injury from a bomb blast he survived while a serving as a soldier..." Source: SGB Tribune, "Eric Sandoval, Former Marine, military contractor dies suddenly at home in Covina", 20 November 2010. <https://civiliancontractors.wordpress.com/2010/11/20/eric-sandoval-former-marine-military-contractor-dies-suddenly-at-home-in-covina/> (last visit 11 May 2011)

*** "... David A. Boone, 50, says Virginia-based MVM Inc. pulled his employment contract after he reported unprofessional conduct among fellow workers and the use of illegal weapons during top-secret assignments ... MVM, whose private security forces are used in war-torn countries by U.S. government agencies and corporations, declined comment Wednesday ... Boone's lawsuit includes allegations of a bungled November 2004 cover-up, in which he says MVM guards fabricated a horrific shootout with roadside snipers and later bragged about killing three enemy soldiers ... The made-up firefight with 20 to 30 enemy shooters near Baghdad's airport was a "fraudulent and false report" and a violation of MVM's government contract, the complaint said ... Boone, a former U.S. Army Special Forces soldier, said his employment agreement with MVM required him to "conform to the highest recognized and accepted professional standards and ethics" ... Typically, he earned about \$75,000 for each 90-day rotation to Iraq, the lawsuit said."** Source: Rocky Mountain News. "IRAQ: Private Security Guard Sues after Reporting Claims of 'Unprofessional Conduct'", by John Accola, 15 December 2005. <http://www.corpwatch.org/article.php?id=12890> (last visit 11 May 2011)

*** MVM Employee compensation.** "... MVM is seeking mature, experienced, high risk mobile operators for existing overseas contract work. PAY: Compensation varies from \$525 - \$700 a



day.... **SCHEDULE: Flexible Rotations!!! Usually 60-90 days on and 30-60 days off.** Apparently MVM worked for the CIA in Iraq, *"Si buscamos MVM en icasualties.org (12/7/2005, see <http://icasualties.org/Iraq/Contractors.aspx>) encontramos por ejemplo a Gregory R. Wright, Jr. muerto en combate en Iraq en 2005 mientras protegía a oficiales de la agencia, la CIA le otorgó la Agency Seal Medal."* Source: Foro de Inteligencia, 29 March 2008. <http://www.intelpage.info/forum/viewtopic.php?f=61&t=729&start=10> (last visit 11 May 2011)

21. NOBLE PROTECTIVE SERVICES



Information from the official website (last visit 30 September 2011)

A) Founded: 2000 <http://www.nobleprotectiveservices.com/index.html>

B) Headquarters: Miami, Florida, U.S. <http://www.nobleprotectiveservices.com/contact.html>

C) Leadership: Korwin K. Noble, Founder and CEO (former SWAT Team Officer, SWAT Team Trainer and Defensive Tactics Instructor) <http://www.nobleprotectiveservices.com/founder.html>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available about the year in which they started operating in Iraq, but the company, which belongs to the H-3 Group, claims to have been deployed in Iraq. *"...Noble Protective Services specializes in providing Protective Services, Security Consulting, Training and Investigative services in the United States, Iraq, ..."* <http://www.nobleprotectiveservices.com/>

G) Last annual revenue: No official information available

H) Services: Executive protection teams (both foreign and in-country nationals); air operations; maritime operations; security drivers; force protection; training programs: (swat, close protection, tactical firearms, tactical driving); physical security surveys; installation of physical security measures – both commercial and residential; security consultation; inves-

tigations; armored vehicles; kidnap/ransom negotiations & response; emergency medical services; and armed/unarmed security services. <http://www.nobleprotectiveservices.com/services.html>

I) Clients: U.S. Department of Homeland Security, Dominican Republic National Police, Hewlett Packard, Fritolay, U.S. Postal Service, Kuwait Embassy, Port of Portland, amongst others. <http://www.nobleprotectiveservices.com/index.html>

Other interesting information

- H-3 states to have Noble Protective Services as a partner, including services provided in Iraq. Source: http://www.grouph3.com/index.php?option=com_content&view=article&id=135&Itemid=257 (last visit 12 May 2011)
- Corwin Nobel, CEO of Noble Protective Services, states to have experience in Iraq between May and December 2004. "... *responsible for close protection of eight principals, for security contract in Northern Iraq. Duties include coordination of client movements throughout Northern Iraq* ..." Source: LinkedIn <http://mx.linkedin.com/pub/corwin-noble/16/601/415>. Complementary to that Additionally, Corwin Noble is said to be Director of Security Operations in Iraq of ISI Group. <http://www.warriortalk.com/archive/index.php/t-1643.html> (last visit 12 May 2011)

22. NOUR USA LTD.



Information from the official website (last visit 30 September 2011)

A) Founded: 2003 <http://www.nourusa.com/history.html>

B) Headquarters: Virginia, U.S. <http://www.nourusa.com/history.html> and <http://www.nourusa.com/contactus.html>.

C) Leadership: A. Houda Farouki, CEO <http://www.nourusa.com/news.html>

D) Number of employees: No official information available



E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Training solutions; oil management & development services; aviation solutions; electric & energy solutions; procurement & logistic services; food distribution and supply chain management; vehicle supply, distribution & maintenance; information & communications technology; and facility & staff services. <http://www.nourusa.com/sectors.html>

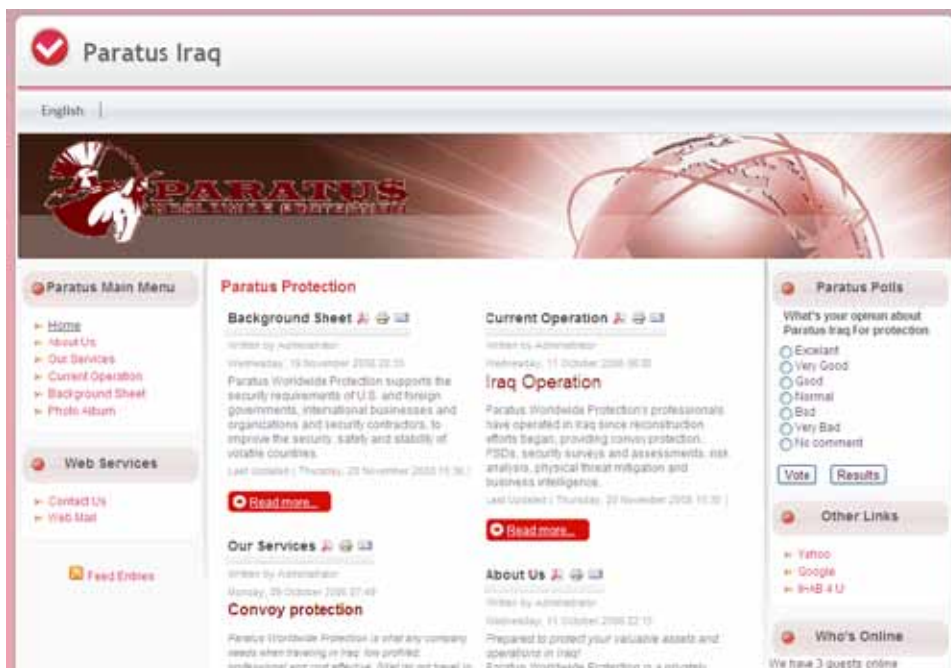
Other interesting information

"Nour was incorporated shortly after the war began and has received \$400 million in Iraq contracts, including an \$80 million contract to provide oil pipeline security that critic says came through the assistance of Ahmed Chalabi, who was influential in dragging the USA into the current quagmire with misleading assertions about WMDs."

Source:

* Charlie Cray, *"The 10 Most Brazen War Profiteers"*, 5 September 2006.
<http://www.alternet.org/world/41083?<page=4> (last visit 12 May 2011)

23. PARATUS WORLDWIDE PROTECTION



Information from the official website (last visit 30 September 2011)

A) Founded: 2005 http://www.paratus-iraq.com/index.php?option=com_content&view=article&id=45:background-sheet&catid=35:background-sheet&Itemid=56

B) Headquarters: North Carolina, U.S., with operational headquarters in Iraq. http://www.paratus-iraq.com/index.php?option=com_content&view=article&id=45:background-sheet&catid=35:background-sheet&Itemid=56

C) Leadership: No official information available

D) Number of employees: More than 100, <http://www.paratus-iraq.com/index>.

http://www.paratus-iraq.com/index.php?option=com_content&view=article&id=45:background-sheet&catid=35:background-sheet&Itemid=56

E) Employees in Iraq: No official information available.

F) In Iraq since: 2006 *"Paratus Worldwide Protection's professionals have operated in Iraq since reconstruction efforts began, providing convoy protection, PSDs, security surveys and assessments, risk analysis, physical threat mitigation and business intelligence."* http://www.paratus-iraq.com/index.php?option=com_content&view=article&id=26:current-operation&catid=29:current-operation&Itemid=55

G) Last annual revenue: No official information available.

H) Services: Transportation security services, convoy protection, business intelligence and risk analysis. http://www.paratus-iraq.com/index.php?option=com_content&view=article&id=19&Itemid=54

Other interesting information

- **PSCAI Membership:** Paratus Worldwide Protection appeared as a PSCAI "associate member" in 2006. Source [http://www.PrivateSecurityCompanyAssociationofIraq\(PSCAI\).org/Docs/latested_fulllist_update.pdf](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI).org/Docs/latested_fulllist_update.pdf) (last visit 30 September 2011)

24. PROTECTION STRATEGIES INCORPORATED

The screenshot shows the PSI website with a navigation bar at the top. The main content area includes a welcome message, a '12 Years of Excellence' badge, and a 'Logistics Management In Action' section. The website also features a 'Find a Career that Fits You' link and a 'View the PSI Trifold Brochure' link.

Information from the official website (last visit 30 September 2011)

A) Founded: 1998 <http://www.protectionsi.com/main/>

B) Headquarters: Virginia, U.S. <http://www.protectionsi.com/main/node/313>

C) Leadership: Keith P. Hedman, CEO, and David K. Sanborn President (who previously served in the U.S. Army). <http://www.protectionsi.com/main/>



D) Number of employees: No official information available

E) Employees in Iraq: No specific information available. For an example of a contract see the one with the Joint Contracting Command-Iraq/Afghanistan (JCC-IA) to provide Theater Wide Internal Security Services. <http://www.protectionsi.com/main/contracts/department-army-centcom-joint-theater-support-contracting-command-theater-wide-internal-se>

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Emergency management planning & operations; safeguards & security; personnel security operations; project management; logistical support; security operations; security training; physical security; information security & technology; military/paramilitary training & operations. <http://www.protectionsi.com/main/node/5> Specific services are provided in Iraq as recruitment, vetting, and training to support Iraq reconstruction, facility, force, and infrastructure protection operations including design, build, installation and maintenance of physical protection systems, facility security program design and management, mobilization and demobilization risk assessments and mitigation planning, amongst others. <http://www.protectionsi.com/main/node/39>

External information

-Number of employees and revenue: \$ 75 Million, 175 employees. <http://www.indeed.com/cmp/Protection-Strategies-Incorporated>

25. REED INC.

REED Active In: AFRICA | MIDDLE EAST | USA Tuesday, April 26, 2011

ABOUT US SERVICES EXPERIENCE CAREER OPPORTUNITIES CONTACT US

Washington DC 4:57 AM Monrovia 6:57 AM London 9:57 AM Cape Town 10:57 AM Baghdad/Juba 11:57 AM Dubai 12:57 PM Kibul 12:57 PM

- Security
- Training
- Logistics
- Construction Management
- Humanitarian Assistance
- Peace Operations Support

Reed Incorporated provides professional and reliable security, training, logistics, construction management, and project management support to our clients worldwide, specializing in operations in remote, third world, multicultural, and high-risk geographical environments.

Our diverse teams, chosen from our worldwide network of highly skilled and experienced specialists including many former military Special Forces and law enforcement personnel, are tailored to meet our clients' needs and to suit the particular requirements of individual client projects.

Reed's personnel value a strong work ethic and bring with them a wealth of experience. Reed sets the standard as a stellar client service provider operating with integrity and offering a proactive

QUICK LINKS

- Reed's Yearning Partners:** ICT - EngTech Consulting, De-Rising, & Reshem
- International Peace Operations Association (IPOA):** The association aims to promote high operational and ethical standards of firms active in the Peace and Stability Industry.
- The Corporate Council on Africa (CCA):** The CCA is at the forefront of strengthening and facilitating the commercial relationship between the United States and the African continent.

Information from the official website (last visit 30 September 2011)

A) Founded: March 2003 <http://www.reedinc.com/web/page/554/interior.html>

B) Headquarters: Virginia, U.S., with operational headquarters in Iraq. <http://www.reedinc.com/web/module/contact/interior.html>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available about the number of employees, but there is a team stationed in Iraq. <http://www.reedinc.com/web/page/559/interior.html>

F) In Iraq since: 2003 <http://www.reedinc.com/web/page/559/interior.html>

G) Last annual revenue: No official information available for global revenue. In Iraq alone revenue was over \$180 million. <http://www.reedinc.com/web/page/559/interior.html>

H) Services: Security: personal security details, facility protection, maritime security, mine clearing, asset security, post conflict reconstruction and humanitarian aid, etc. Training: military tactics; security –psd, cp, facility protection, convoy protection; intelligence; de-mining; conflict prevention and resolution; capacity building; humanitarian relief operations; etc. Logistics: procurement and distribution; customs clearance; transportation of personnel and freight; financial management; life support (accommodation, laundry services, electrical and air conditioner installation and maintenance); vehicle maintenance; base and camp construction; overall logistical support; etc. Construction Management and Minor Construction Services, Humanitarian Assistance: management services for disaster relief; mobilization and de-mobilization services; logistical support; etc. Peace Operations Support: security services; training courses; peacekeeping; sectors served; engineering and construction; local government; post-conflict reconstruction; etc. <http://www.reedinc.com/web/page/557/interior.html> Specifically in Iraq the company also provides security, training, logistics, construction, technical support, risk management, and contingency planning. On the website it is stated that, “*Reed has developed a substantial operational capability across Iraq, backed up by a comprehensive management, communications, logistical, technical, intelligence, operational, and training corps of experienced professionals.*” <http://www.reedinc.com/web/page/559/interior.html>

Other interesting information

a) PSCAI Membership: the company is registered as a PSCAI member. Theart van Zyl, member of REED INC, is identified by Source Watch as Vice Chairman and Member of the Board of PSCAI. http://www.sourcewatch.org/index.php?title=Private_Security_Company_Association_of_Iraq

Source: [http://www.Private_Security_Company_Association_of_Iraq_\(PSCAI\)_org/pscmembers.html](http://www.Private_Security_Company_Association_of_Iraq_(PSCAI)_org/pscmembers.html) (last visit 12 May 2011)

26. RONCO CONSULTING CORPORATION

Information from the official website (last visit 30 September 2011)



A) Founded: 1974 <http://www.roncoconsulting.com/>

B) Headquarters: Washington DC, U.S., with operational headquarters in Iraq. <http://www.roncoconsulting.com/about/facilities>

C) Leadership: No official information available

D) Number of employees: 1,600 employees <http://www.roncoconsulting.com/about/what-we-do>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available regarding the exact date, but the company currently has three different projects in Iraq, on risk mitigation for a Chinese company, an oil company, and an international security company. See: <http://www.roncoconsulting.com/projects/bgp-iraq>; <http://www.roncoconsulting.com/projects/qed-security-iraq>; <http://www.roncoconsulting.com/projects/qed-security-iraq>

G) Last annual revenue: No official information available

H) Services: Mine and unexploded ordinance clearance; canine services, explosive ordinance disposal training, security services, analytical and assistance services. <http://www.roncoconsulting.com/about/what-we-do>

I) Clients: Government: U.S. Department of State (for an example of a contract between 2005-2010, see: <http://www.roncoconsulting.com/projects/humanitarian-mine-action-counterinsurgency-iraq>), NATO, UNO, and a variety of NGOs. Security: Risk management (G4S) Commercial: oil and gas industry organizations (BGP, Inc., China National Petroleum Company, and Hunt Oil), high-technology and infrastructure groups operating in hazardous environment. <http://www.roncoconsulting.com/clients>

External information

- **Leadership:** Stephen Edelman and Larry Crandall, President and Vice President. **Source:** The Center for Public Integrity, *"Windfalls of War"*, by Daniel Politi. <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=50> (last visit 12 May 2011)

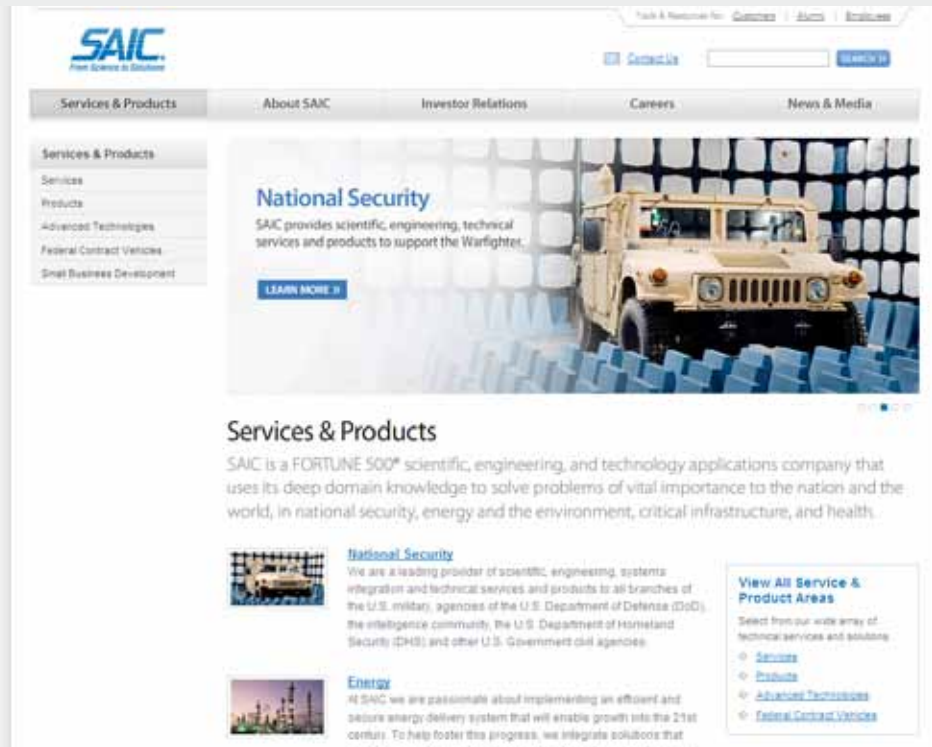
- **In Iraq since:** On 14 March 2003, Ronco was awarded a contract by the U.S. Defense Department worth more than \$419,000 to come up with a plan to disarm, demobilize and reintegrate the Iraqi armed forces, as well as national and regional militias.

Source: Ibid

- Ronco is a subsidiary of WSI, whose CEO is David W. Foley (and WSI is a subsidiary of G4S). http://www.wsihq.com/mine_clearance.html (last visit 12 May 2011)

- **Revenue:** More than \$70 million when it "...attracted the attention of Wackenhut Services, Inc. (WSI), part of London-based G4 Securicor..." <http://www.americanexecutive.com/archived-spotlights-industry/miscellaneous/6982-ronco-consulting-building-for-the-future> (last visit 12 May 2011)

27. SAIC (SCIENCE APPLICATIONS INTERNATIONAL CORPORATION)



Information from the official website (last visit 30 September 2011)

A) Founded: 1969 <http://www.saic.com/about/>

B) Headquarters: McLean, Virginia, U.S. <http://www.saic.com/tools/contact.html>

C) Leadership: Walter P. Havenstein, CEO <http://www.saic.com/news/pdf/corporatefactsheet.pdf>

D) Number of employees: 43,000 employees worldwide <http://www.saic.com/about/>

E) Employees in Iraq: No official information available

F) In Iraq since: 2003 <http://www.saic.com/news/pdf/Annual-Report2004.pdf>

G) Last annual revenue: \$11,1 billion (Fiscal Year 2010) <http://www.saic.com/news/pdf/corporatefactsheet.pdf>

H) Services: **National Security:** provider of scientific, engineering, systems integration and technical services and products to all branch of the U.S. military, agencies of the U.S. Department of Defense, the intelligence community, the U.S. Department of Homeland Security and other U.S. Government civil agencies. **Energy:** It integrates solutions that enable their energy industry customers to reduce costs, streamline operations, and operate more effectively. **Environment:** SAIC excels at helping their customers integrate and optimize environment and infrastructure systems and capture the value from aligning and integrating science, business processes and information technology. **Critical Infrastructure:** SAIC combines long experience and deep domain knowledge in areas vital to public well-being with expertise in physical and cyber security to help protect critical public infrastructure. <http://www.saic.com/business/>

External information

- In Iraq since: "SAIC's Iraq contacts appear to begin some time in February 2003, nearly



two months before the war, when the Pentagon formed the "Iraqi Reconstruction and Development Council".

Source: Alternet, "Divvyng up the Iraq Pie", by Stephen Pizzo, 7 October 2003. <http://www.alternet.org/story/16901/> (last visit 12 May 2011)

Other interesting information

a) Iraqi Media Network as a tool for the conflict. In 2003 SAIC created this "free and independent indigenous media network" during the war that quickly became a mouthpiece for the Pentagon, a propaganda tool." **Sources:**

* The National Security Archive, "The media war plan.," Electronic Briefing Book No. 219, 8 May 2007. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB219/index.htm> (last visit 12 May 2011)

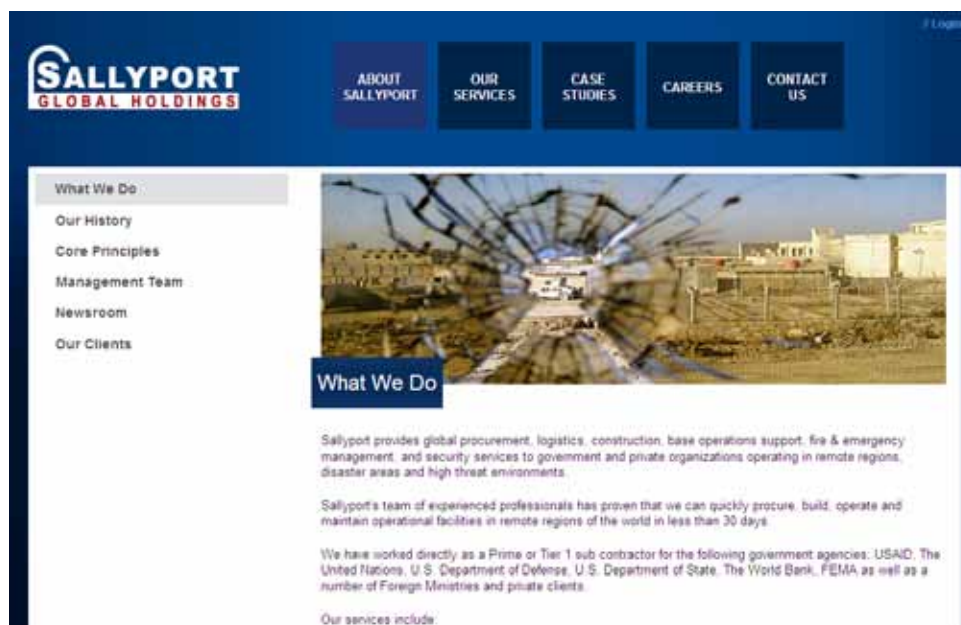
* A January 2003 Pentagon White Paper recommended the creation of a "Rapid Reaction Media Team" for Iraq. http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB219/iraq_media_01.pdf (last visit 12 May 2011)

b) Political connections. One of the Pentagon's largest, most lucrative and politically connected contractors taking into account that: its vice chairman is retired Admiral William Owens, Rumsfeld's mini-think tanks; former chief counter-terrorism expert on the National Security Council, Army General Wayne Downing, is a member of SAIC's board; and David Kay, the former UN weapons inspector who was hired by the Central Intelligence Agency.

Source:

* Asian Times, "Massive military contractor's media mess", by Jim Lobe and Katrin Dauenhauer, 16 August 2003. http://www.atimes.com/atimes/Middle_East/EH16Ak02.html (last visit 12 May 2011)

28. SALLYPORT GLOBAL HOLDING



Information from the official website (last visit 30 September 2011)

A) Founded: 2003 <http://www.sallyportglobal.com/about-sallyport/our-history.php>

B) Headquarters: Bridgeville, U.S., with operational offices in Bagdad (Iraq) <http://sallyportglobal.com/contact-us/>.

C) Leadership: John Deblasio, President and Winfried Scheel Vice President. <http://www.sallyportglobal.com/about-sallyport/our-history.php>

D) Number of employees: No official information available about the exact number of employees, but the company does mention to have employees from 11 different countries. <http://www.sallyportglobal.com/about-sallyport/our-history.php>

E) Employees in Iraq: No official information available. The Company states to have different projects in Iraq (as example "*Sallyport also employs staff at or near the 3 major commercial air hubs in Iraq (Erbil Airport, Baghdad International Airport and Basrah International Airport).*") http://www.sallyportglobal.com/case-studies/case-study_IraqOilSecurity.php

F) In Iraq since: 2003 (post war reconstruction efforts in Iraq) <http://sallyportglobal.com/about-sallyport/our-history.php>

G) Last annual revenue: No official information available

H) Services: Sallyport provides global procurement, logistics, construction, base operations support, fire & emergency services, security and protection services to companies and government organizations operating in remote regions (including Iraq), disaster areas and high threat environments. Regarding the services it provides in Iraq, it states that: "*Sallyport has been providing high-profile movement security, large-scale static security in high threat environments and route/venue risk assessments for its clients in the Middle East since 2004. Current operational locations include the Kurdish Regional Governate (including visits to Kirkuk and Mosul), Basrah, and Baghdad.*" Additionally, "*Initially Sallyport focused on mission-critical procurement and logistics support for security companies operating in Iraq.*" <http://sallyportglobal.com/case-studies/>; <http://sallyportglobal.com/about-sallyport/what-we-do.php>

I) Clients: AECOM, The Louis Berger Group, U.S. Corp of Engineers (Gulf Region Division), USAID, CH2M Hill, The World Bank, Management Systems International, Kellogg Brown Root, ITT Corporation, Air Force Civil Engineer Support Agency, FEMA (Federal Emergency Management Agency), PAE, ArmorGroup. United Nations, U.S. General Services Administration, URS, RTI International. In some contracts Sallyport is contracted by PMSCs that have been previously contracted with U.S. Government. <http://sallyportglobal.com/about-sallyport/our-clients.php>.

Other interesting information

a) PSCAI Membership: The company is registered as a PSCAI member. **Source:** [http://www.PrivateSecurityCompanyAssociationofIraq\(PSCAI\).org/pscmembers.html](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI).org/pscmembers.html) (last visit 13 May 2011). The company also appears to be a member of ISOA. See the special reference to the company on ISOA's official website; <http://www.stability-operations.org/index.php> (last visit 29 September 2011).

b) An example of a joboffer for Sallyport in Iraq : "*Sallyport Global Services is currently seeking candidates to serve on 1 of 5 Incident Response Teams (IRTs) for an Environmental Remediation Task Order in within Iraq. Each team shall be based at a specific U.S. Forces installation, anticipated to be the Multi-National Division (MND) HQ bases, and shall be responsible for incident responses throughout Iraq. Sallyport Global Services will provide qualified candidates travel to Iraq as well as food, lodging, badging, and uniforms. SGS will also provide a competitive salary, health and dental benefits as well as life insurance for qualified candidates.*" Source: <http://www.gethazmatjobs.com/Iraq/iraq-hazmat-remediation-2015685.htm> (last visit 13 May 2011)



SECURIFORCE INTERNATIONAL AMERICA LLC



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Fort Worth, Texas, U.S. <http://www.securiforce-ia.com/contact.php>

C) Leadership: No official information available

D) Number of employees: No official information available. The company only states that "...our people are professionally trained protective security specialists, recruited from ex US, British, Commonwealth forces and law enforcement..." http://www.securiforce-ia.com/our_people.php

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Protective services, logistic support, risk analysis and assessment, and community relations services. http://www.securiforce-ia.com/protective_services.php Additionally, the company claims for human rights respect while providing its services, "*We respect the dignity of all human beings and strictly adhere to all applicable international humanitarian and human rights laws and take every practicable measure to minimize loss of life and destruction of property.*" http://www.securiforce-ia.com/core_values.php

I) Clients: No official information available. The company claims to "...only work for legitimate, recognized governments, organizations and private companies. We will not engage in any unlawful activity thwarting international efforts towards peace..." and "...We select partner companies and subcontractors with the utmost care and due diligence..." http://www.securiforce-ia.com/core_values.php

External information

-Leadership: Kenneth Nix and Keith Dalton (delegates to IPOA/ISOA) **Source:** ISOA websi-

te. <http://ipoaworld.org/eng/isoamembers/70-securiforce.html> (last visit 13 May 2011)

Other interesting information

a) International Stability Operations Association (IPOA/ISOA) member since 2009. <http://ipoaworld.org/eng/isoamembers/70-securiforce.html> (last visit 13 May 2011)

30. SPECIAL OPERATIONS CONSULTING-SECURITY MANAGEMENT GROUP (SOC-SMG)



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available, <http://soc-smg.com/page/home>

B) Headquarters: No official information available

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: The company provides security services for individuals, domestic facilities, nuclear power plants, and military bases. The company provides logistics services worldwide. The company has a wide breadth of operations and maintenance (O&M) capabilities. The company trains military, police, and corporate personnel in the latest techniques and force protection strategies including personal weapon handling, off-road vehicular maneuvering,



planning / executing convoy operations, and a full range of requirements from the military and SWAT Teams. SOC provides the complete range of Base Operating Services (BOS) including Life Support Services for clients, employees, and third parties. Housing, food, water, power, waste removal, HVAC, and MWR programs can be custom designed to support the mission in the most austere and hostile environments. Camps can be built from the ground using their architectural, engineering, and construction services. The company can add additional support services such as vehicle and aircraft maintenance, IT, communication support, supply & warehouse management, facility repair and modification, as well as port and airfield operations. <http://soc-smg.com/page/base> and <http://soc-smg.com/page/home>.

I) Clients: The U.S. Departments of State, U.S. Defense, and Energy; other government agencies; and numerous commercial companies and individuals <http://soc-smg.com/page/home>

External information

- **Employees in Iraq:** 300 employees in 2004 **Source:** David Isenberg, *"A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq"*, September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 13 May 2011)

- **Headquarters:** Las Vegas, Nevada, U.S. **Source:** David Isenberg, *"A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq"*, September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 13 May 2011)

- **Leadership:** Robert Shiells, Board Chairman and CEO and Frederic Pieri, co-founder and Chief Operative Officer. **Source:** The Namibian, *"Namibia: all hiring for Iraq halted"*, by Brigitte Weidlich, 16 October 2007. <http://www.corpwatch.org/article.php?id=14756> (last visit 13 May 2011)

Other interesting information

a) Recruitment of foreign personnel for operating in conflict zones: "... In October 2007 Namibian authorities ordered the deportation of two Americans working for SOC-SMG that were trying to recruit Namibians to work as guards at U.S. facilities in Iraq and Afghanistan. The Namibian Government also recommended the closure of the local branch of the firm. The company had aimed to recruit at least 3000 Namibians to work in Iraq and Afghanistan through a local employment agency, with promised salaries of \$1000 per month ..."

Source: Mauricio Lazala, "Private Military and Security Companies and their impacts on Human Rights in contexts other than war", January 2008. http://www.havenscenter.org/files/Lazala%20Paper_0.doc (last visit 13 May 2011)

b) PSCAI Membership: the company is registered as a PSCAI member. **Source:** [http://www.PrivateSecurityCompanyAssociationofIraq\(PSCAI\).org/pscmembers.html](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI).org/pscmembers.html) (last visit 13 May 2011)

31. STEELE FOUNDATION



Information from the official website (last visit 30 September 2011)

A) Founded: On the website it is stated that Steele Foundation has been, *"Providing services for more than two decades."* http://www.steelefoundation.com/index.php?option=com_content&task=view&id=12&Itemid=27

B) Headquarters: San Francisco, California, U.S. http://www.steelefoundation.com/index.php?option=com_content&task=view&id=12&Itemid=27

C) Leadership: Kenn Kurtz, CEO and Gretchen A. Farrell, senior Vice President http://www.steelefoundation.com/index.php?option=com_content&task=view&id=1057&Itemid=63

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: *Business Investigation:* employee misconduct, brand protection, due diligence, loss control. *Consulting:* business continuity and physical security; governance, risk and compliance. *Strategic security:* event security, personal protection, and workplace stability. http://www.steelefoundation.com/index.php?option=com_joomap&Itemid=100

External information

- Employees in Iraq: In 2004 the company had 500 agents in Iraq, of which one-third were westerners and the rest Iraqis. **Source:** San Francisco Chronicle, *"Global Security Firms Fill in as Private Armies"*, by Robert Collier, 28 March 2004. <http://www.corpwatch.org/article.php?id=11263> (last visit 13 May 2011)



32. SYTEX GROUP INC.

Information from the official website (last visit 30 September 2011)

No website of this company. **Today it's a Lockheed Martin Information Technology subdivision**, http://www.lockheedmartin.com/news/press_releases/2005/LockheedMartinAgreesAcquireSytexGro.html

A) Founded: 1986. It was absorbed by Lockheed Martin in 2005 (ibid)

B) Headquarters: Pennsylvania, U.S. (ibid)

D) Number of employees: 3,000 in 2005 (ibid)

G) Last annual revenue: \$425 million in 2004 (ibid)

H) Services: The Sytex Group Inc., through its three operating divisions, is focused on technology engineering and systems integration; command & control, communications, computers and intelligence; information operations/information warfare; network security solutions; security assistance and training; and integrated logistics and business management systems. (ibid)

External information

HUMAN RIGHTS INCIDENTS

- Alleged prisoners torture. "... *Sytex Corporation (Emphasis added) provided interrogators and translators for employment in Iraq at the prisons at Abu Ghraib, Camp Cropper and Camp Whitehorse ...*"

Sources:

* William D. Hartung, *"Prophets of War: Lockheed Martin and the Making of the Military-Industrial Complex"*. http://www.alternet.org/books/149492/prophets_of_war:_how_defense_contractor_lockheed_martin_dominates_the_military_establishment/?page=entire (last visit 13 May 2011)

* Corpwatch, *"Meet the New interrogators: Lockheed Martin"*, by Pratap Chatterjee, 4 November 2005. <http://www.corpwatch.org/article.php?id=12757> (last visit 13 May 2011)

* *"Class Action, demand for Jury Trial, Case No.04 CU 1143 R (NLS)"* [http://www.sourcewatch.org/images/2/2f/Al-Rawi_v_Titan_et_al_04cv01143_second_amended_complaint_1-62\).pdf](http://www.sourcewatch.org/images/2/2f/Al-Rawi_v_Titan_et_al_04cv01143_second_amended_complaint_1-62).pdf) (last visit 13 May 2011)

COMPLEMENTARY INFORMATION

- Employees in Iraq: "... *The exact number of personnel supplied by Sytex is not known, but a sense of the scale of the effort can be gleaned from the fact that in one post-9/11 ad alone the company sought 120 "intelligence analysts," many of whom would have the skills needed to serve as translators and/or interrogators in Iraq.*..."

* *"Prophets of War: Lockheed Martin and the Making of the Military-Industrial Complex ... A serious issue regarding Sytex's military interrogation work came up in a report by the Army Inspector General. The report found that two of the four Sytex interrogators working at Camp Bagram in Afghanistan had not received training in military interrogation techniques that would have included instruction in the Geneva Conventions requirements on the treatment of prisoners of war."* **Source:** William D. Hartung, *"Prophets of War: How Defense Contractor Lockheed Martin Dominates the Military Establishment"*, 12 January 2011. http://www.alternet.org/books/149492/prophets_of_war:_how_defense_contractor_lockheed_martin_dominates_the_military_establishment/?page=entire (last visit 13 May 2011)

- Clients: At least the U.S. Army. "... *The Army has enlisted The Sytex Group, Inc.'s Sytex unit and American Management Systems [AMSY] to aid soldiers in Iraq translate and manage captured foreign documents with the Document and Media Exploitation (DOMEX) Tactical Support Suite (TSS).*" **Source:**

Ann Roosevelt, **"US: Army, Industry Speed Document Exploitation, Defense Daily"**, 10 February 2004. <http://www.corpwatch.org/article.php?id=11200> (last visit 13 May 2011)

Other interesting information

Non-PSCAI Member/ Non-ISOA member

Sources: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf ; <http://www.psc.ai.org/pscmembers.html>; and <http://www.stability-operations.org/index.php> (last visit 30 September 2011)

33. TIGERSWAN



Information from the official website (last visit 30 September 2011)

A) Founded: 2005 <http://www.tigerswan.com/site/tscontent/?cat=4>

B) Headquarters: North Carolina, U.S. <http://www.tigerswan.com/>

C) Leadership: James Reese, co-founder and CEO, and Brian Searcy, President, co-founder and COO. The website provides the following background on James Reese: *"21 years of a 25-year career in Army Special Operations and a decorated combat leader and a disabled veteran. His last 10 years he served as an Operator Officer within the "Delta Force." Served 20 years in key military command and staff leadership roles within the "Delta Force," Ranger Regiment and 1st Cavalry Division. He culminated his career as the Director of Operations and Chief of Staff for a 1,600 person Combined, Joint, Interagency Task Force (CJIATF) conducting combat operations in Iraq"*. Regarding Brian Searcy it states that he *"served 23 years in Army Special Operations and spent the last 16 years with Delta Force. His leadership experience included serving as a military advisor in Central and South America and as the Command Sergeant Major for a 1,700 person Joint Special Operations Task Force in Iraq"*. <http://www.tigerswan.com/site/about/bios.shtml>

D) Number of employees: 250 personnel worldwide <http://www.tigerswan.com/site/about/bios.shtml>



E) Employees in Iraq: No official information available

F) In Iraq since: No official information available. The company has operational headquarters in Baghdad (Iraq). http://www.tigerswan.com/site/global_stability/ For one of the last Iraq contracts made public on the company's website, see: "*TigerSwan Awarded US Dept of Defense Iraq Security Contract*", 2 March 2010. <http://www.tigerswan.com/site/tscontent/?p=183>

G) Last annual revenue: No official information available

H) Services: Global Stability: project management and systems integration; risk analysis/mitigation/management; linguist support; security operations; logistics; disaster relief. Corporate Services: strategic communications planning; program lifecycle services; information technology assessment and planning; business planning; civil engineering and construction. Training: mobile training teams and a training collaboration center (Fayetteville, North Carolina). Intelligence & Investigations. <http://www.tigerswan.com/>

Other interesting information

a) Tigerswan alliance with Iraqi PMSC. "*TigerSwan and the Iraqi-owned Babylon Eagles Security Company (<http://besc.net/contact.htm>) , the largest operating risk management and logistics company, have formed a strategic alliance to form the pre-eminent provider of integrated security, safety and logistics solutions in Iraq: this strategic alliance provides a comprehensive service to support customers throughout Iraq and provides current and relevant security, safety, logistics and stabilization business solutions.*" **Source:** <http://www.bets-iraq.com/> (last visit 11 April 2011)

b) Legal grey zone: "...Mercenary companies such as TigerSwan and Blackwater operate in a legal gray area. There is uncertainty whether they're subject to civilian law, military law or neither..." "*The fact is that mercenaries like TigerSwan and Blackwater are hated by people in the middleeast because of their legendary brutality, racism, arrogance and their ability to get away with murder...literally*" says Christian Stalberg, a spokesperson for Blackwater Watch, a group based in North Carolina that is concerned about human rights abuses, indiscriminate use of deadly force and the lack of accountability by private armies, mercenaries, and private security contractors". Source Blackwaterwatch: <http://blackwaterwatch.net/Oct20TigerSwan-pressreleaseFinal.pdf> (last visit 13 May 2011)

c) PSCAI Membership: The company is registered as a PSCAI member. **Source:** [http://www.PrivateSecurityCompanyAssociationofIraq\(PSCAI\).org/pscmembers.html](http://www.PrivateSecurityCompanyAssociationofIraq(PSCAI).org/pscmembers.html) (last visit 13 May 2011)

34. TITAN

Information from the official website (last visit 17 May 2011)

There is no official Titan website available. In 2005, **L-3 acquired Titan** and its workforce. The remaining Titan Group divisions are part of **L-3 Services** and were given new names. <http://www.l-3com.com/investor-relations/documents/Annual-Reports/L3-2005-ar.pdf>

External information

HUMAN RIGHTS INCIDENTS

a) Prisoners abuse. In the Abu Ghraib prison it was reported translators were private contractors from the Titan firm. Two Titan employees were alleged involved in the proven

abuse incidents: John Israel and Adel Nakhla. The plaintiffs assert 20 causes of action, among which: torture; cruel, inhuman, or degrading treatment; assault and battery; intentional infliction of emotional distress. None of these personnel were prosecuted.

Sources:

* Global Research, *"The Privatization of War: Mercenaries, Private Military and Security Companies. Beyond the WikiLeaks Files"*, by José L. Gomez del Prado, 8 November 2010. <http://www.globalresearch.ca/index.php?context=va&aid=21826> (last visit 17 May 2011)

* Peter W. Singer, *"The private military industry and Iraq: what have we learned and where to next?"*, pages 9 and 16. http://wiki.victorybriefs.com/downloads/session-ii-week-1-articles/2004_Singer-Overview.pdf (last visit 17 May 2011)

* TITAN is involved in court cases involving their alleged participation at Abu Ghraib Prison in Iraq:

1. Saleh v Titan: Class Action versus Titan Corporation, demand for Jury Trial, Case No. 1:05-cv-1165 filed September 2005 in the U.S. District Court for the District of Columbia (*Saleh v Titan Corporation* (Case No. 09-1313), <http://ccrjustice.org/ourcases/current-cases/al-shima-ri-v-caci-et-al> (last visit 20 June 2011). See Class action complaint: http://ccrjustice.org/files/Saleh_3rdamendedcomplaint.pdf (last visit 10 June 2011). For more information see Box Legal Case *Saleh v. Titan Corporation*. The case has been recently closed: On 27 June 2011 the Supreme Court denied plaintiffs petition, <http://www.supremecourt.gov/orders/courtorders/062711zor.pdf> (last visit 27 September 2011). For more information see Annex D on Legal Cases, *Saleh v. Titan Corporation*. This is a key court proceeding, as many human rights abuses under investigation by U.S. Courts allegedly executed by U.S. Private and Military Companies are waiting for the final decision by the U.S. Supreme Court to decide the other cases.

2. Al-Quraishi et al v Nakhla and L-3 (formerly Titan Corporation, which employed co-defendant) et al Civil Action NO. 8:08-cv-1696. See complaint: <http://www.ccrjustice.org/files/Amended%20Complaint.pdf> (last visit 14 June 2011). For more information see Legal Box, *Al-Quraishi et al v. Nakhla et al*.

* Corpwatch, *"Private contractors and torture at Abu Ghraib"*, by Pratap Chatterjee and A.C. Thompson, 7 May 2004. <http://www.corpwatch.org/article.php?id=11285> (last visit 17 May 2011)

* Taguba, A.M., 'Taguba report on alleged abuse of prisoners by members of the 800th Military Police Brigade at the Abu Ghraib Prison, Baghdad', 2004, pages 17, 26, 36 and 53. <http://s3.amazonaws.com/corpwatch.org/downloads/taguba.pdf> (last visit 17 May 2011) This report was prepared on alleged abuse of prisoners by members of the Military Police Brigade at the Abu Ghraib Prison, where Titan employees Adel Nakhla, Civilian Translator, (Titan Corp. assigned to the 205th MI Brigade) and Torin S. Nelson (Contractor, Titan Corp., assigned to the 205th MI Brigade), among others, are quoted (some as suspects).

* Anthony R. Jones and George R. Fay, *"Investigation of Intelligence activities at Abu Ghraib by the US Army"*. <http://s3.amazonaws.com/corpwatch.org/downloads/FayReport.pdf> (last visit 17 May 2011). This report analyzes several human rights incidents in Abu Ghraib (Iraq), reporting about Titan contractor alleged involvement, describing at least two Titan civilians as alleged suspects and one Titan civilian (civilian 10) as considered cleared from any wrong doing.

* Corpwatch, *"Titan's translators in trouble"*, by Pratap Chatterjee, 6 May 2004. <http://www.corpwatch.org/article.php?id=10848> (last visit 17 May 2011)

* "... The case was filed in 2004 by a dozen former prisoners and the family of a man who died in detention, accusing Titan and CACI of conspiring with US officials "to humiliate, torture and abuse persons" at Abu Ghraib. The companies will try to get the case thrown out, arguing that they cannot be tried as they were under the control of the army, which in turn says it can only prosecute its own personnel, not civilians. The grey area in which civilian contractors operate in Iraq was recently highlighted by Blackwater USA, a US company whose role in a



Baghdad shoot-out that left 10 Iraqis dead is being investigated Under an order passed by the US occupation authority in 2004, security contractors hired by the Pentagon and state department enjoy immunity from arrest under Iraqi law for acts related to their contracts ... Aljazeera, *"US firms face court over Iraqi abuse"*, 2 October 2007. <http://english.aljazeera.net/news/americas/2007/10/2008525123551746960.html> (last visit 17 May 2011)

b) Translator assaults other translator in Iraq. On 22 June 2008 Iraqi-Canadian translator Alaa Mohammad Ali was sentenced by a military court to five months prison for assault on another translator. Ali allegedly *"grabbed him from behind and cut him four times with a knife"*. It is the first case following the changes to the military justice system that made it possible to charge civilians contractors to be convicted under a 2006 amendment to the Uniform Code of Military Justice.

Sources:

* UN Assistance Mission for Iraq (UNAMI), *"Human Rights Report"*, 1 January - 30 July 2008, number 38, page 12. http://www.uniraq.org/documents/UNAMI_Human_Rights_Report_January_June_2008_EN.pdf

* *"... The incident might have been no more than a footnote amid the death and carnage of daily life in Iraq. But the case against the jailed interpreter, who was employed by L-3 Communications Titan Group, is expected to be the most significant test of whether military contractors can be held legally accountable in the theatre of war ... Until now, contractors in Iraq have largely remained outside the reach of the legal system. But changes tucked into federal legislation in late 2006 have made it possible to charge civilians under the military justice system. The case against Alaa Mohammad Ali, charged last week, is the first following the changes to the military justice system, and Ali is the first civilian to face a possible court-martial in nearly four decades..."* US News, *"First contractor charged under military Justice System"*, by Emma Schwartz, 5 April 2008. <http://www.usnews.com/news/iraq/articles/2008/04/05/first-contractor-charged-under-military-justice-system> (last visit 17 May 2011)

External information

- **Employees in Iraq:** 6,500 linguists in 2006 **Source:** Washington Post, *"Census counts 100,000 contractors in Iraq"*, by Renae Merle, 5 December 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/04/AR2006120401311.html> (last visit 17 May 2011)

- **Last annual revenue:** \$2 billion. **Source:** Documentary *"Iraq for Sale The War Profiteers."*

- **Services:** Translation services to the U.S. military, sale of communication hardware systems to the U.S. military, intelligence systems (e.g. builds a modified Humvee called the Prophet that allows the military to locate and target people in the surrounding area that are using electronic communication ranging from unencrypted push-to-talk radios to cell phones), spy planes program (support to the Airborne Warning and Control System (AWACS) spy planes), mental health services to military service members, among others. **Source:** Corpwatch, *"Titan's translators in trouble"* by Pratap Chatterjee, 6 May 2004. <http://www.corpwatch.org/article.php?id=10848> (last visit 17 May 2011)

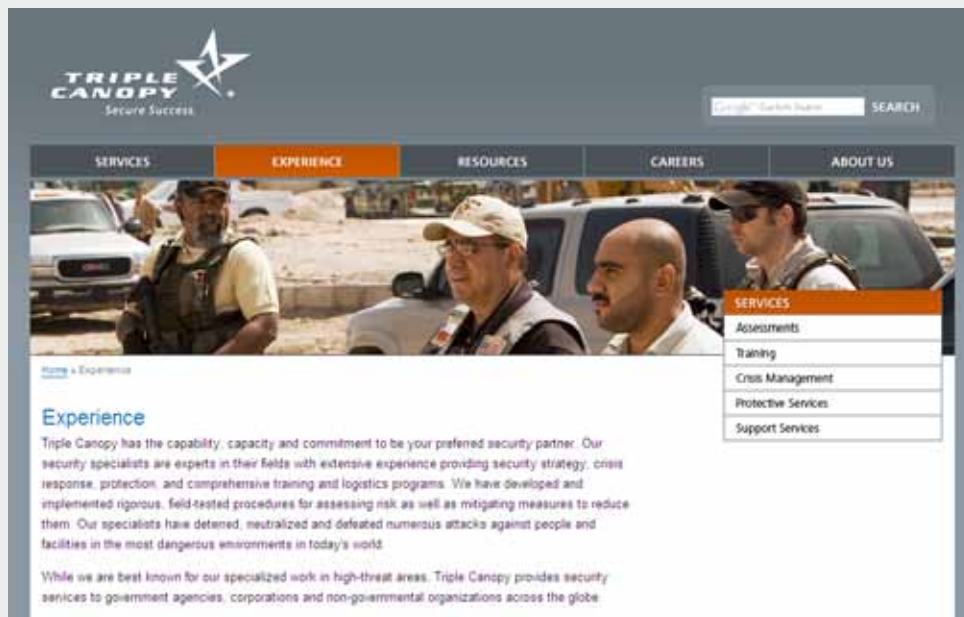
Other interesting information

- **Headquarters, employees, revenue and services provided by Titan in Iraq:** *"... Titan corporation of San Diego, California, one of the two companies accused of complicity in the prison abuse scandal in Abu Ghraib, Iraq, is currently facing numerous federal investigations for work done in Iraq and around the world. The 23-year old company, which has about 12,000 employees and revenues of about \$2 billion a year, sells information and communication services to military and spy agencies ... Like many other contractors in Iraq, Titan*

*workers often carry weapons, technically illegal under United States military law, and travel with the troops, making them easy targets for the underground resistance who view them as traitors ...** Corpwatch, "Titan's translators in trouble", by Pratap Chatterjee, 6 May 2004. <http://www.corpwatch.org/article.php?id=10848> (last visit 17 May 2011)

- **PMSC bribery in politics in Africa:** "...The Titan corporation was accused of funnelling more than \$2m into the 2001 re-election campaign of President Mathieu Kerekou ..." BBC News, "U.S. company admits Benin bribery", 2 March 2005. <http://news.bbc.co.uk/2/hi/business/4310331.stm> (last visit 17 May 2011)
- **Non-PSCAI Member: Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011)

35. TRIPLE CANOPY



Information from the official website (last visit 30 September 2011)

A) Founded: 2003 <http://www.triplecanopy.com/triplecanopy/en/about/>

B) Headquarters: Washington D.C., Virginia, U.S., with operational offices in Bagdad (Iraq). <http://www.triplecanopy.com/triplecanopy/en/about/> and <http://www.triplecanopy.com/triplecanopy/en/news/20060725.php>

C) Leadership: Tom Katis ("combat veteran of the U.S. Army Special Forces -Green Berets"-) and Matt Man ("over 23 years of military experience, six of which were with the U.S. Army's 1st Special Forces Operational Detachment-Delta -Delta Force"), Co-founders and Co-Chairmen, and Ignacio "Iggy" Balderas, CEO and member of the Board of Directors ("has over two decades of experience in Special Forces units, including service with the U.S. Army's 1st Special Forces Operational Detachment-Delta -Delta Force"). <http://www.triplecanopy.com/triplecanopy/en/about/leadership.php>

D) Number of employees: More than 5,000 employees and security specialists worldwide. <http://www.triplecanopy.com/triplecanopy/en/assets/pdf/TripleCanopyMediaRelations-Facts09-16-2010.pdf>

E) Employees in Iraq: Even though there is no specific information available about the actual number of employees in Iraq, the company claims to have expatriates, third country nationals (TCNs) and host country nationals (HCN) in Iraq. <http://www.triplecanopy.com/>



triplecanopy/en/experience/

F) In Iraq since: 2004 <http://www.triplecanopy.com/triplecanopy/en/about/>

G) Last annual revenue: No official information available

H) Services: Assessments, training (tactical operations and SWAT training, risk mitigation strategies, personal protection, etc), crisis management, protection and support services. See: <http://www.triplecanopy.com/triplecanopy/en/services/> and http://www.triplecanopy.com/triplecanopy/en/assets/pdf/CorpBroc_1210_LR.pdf. Additionally, the company claims that, while providing services, "... *Triple Canopy's business conduct be guided by the United Nations Universal Declaration of Human Rights and other applicable human rights documents and principles. These include the Chemical Weapons Convention, Convention Against Torture, Geneva Conventions (including Protocols Additional to the Geneva Conventions), and the Voluntary Principles on Security and Human Rights* ..." <http://www.triplecanopy.com/triplecanopy/en/about/human-rights.php>

I) Clients: Integrated security solutions to government agencies, private corporations and non-governmental organisations worldwide (including Iraq). The Company is registered as an international exporter with the U.S. Department of State Directorate of Defense Trade Control and can export internationally. http://www.triplecanopy.com/triplecanopy/en/assets/pdf/CorpBroc_1210_LR.pdf

External information

HUMAN RIGHTS INCIDENTS

a) Lack of basic human rights in third states and trafficking of persons. In 2005, 105 Chileans were undergoing military training in the former army base of Lepaterique in Honduras. They had entered Honduras as tourists (with no other valid documentation for the purpose of military training) and were illegally in Honduras. They used high-calibre weapons.

Sources:

* "...*The Working Group remains concerned at information received regarding Honduran nationals recruited by firms registered in Honduras that are subsidiaries of foreign-based companies, and who have received training in Honduras, and at the situation faced by a significant number of these individuals who have travelled to Iraq. Such a situation arose in the case of Your Solutions Honduras, a subsidiary of Your Solutions Inc. of Illinois, United States of America, which was subcontracted by Triple Canopy in Washington D.C., under a contract for the Department of Defense of the United States...*" *"Working Group on the use of mercenaries. Mission to Honduras"*, United Nations document A/HRC/4/42/Add.1., 20 February 2007. <http://www.unhcr.org/refworld/type,MISSION,,HND,461f90f22,0.html> (last visit 18 May 2011)

*Global Research, "*The Privatization of War: Mercenaries, Private Military and Security Companies. Beyond the Wikileaks files*", by José L. Gomez del Prado, 8 November 2010. <http://www.globalresearch.ca/index.php?context=va&aid=21826> (last visit 18 May 2011)

b) Civilians allegedly shot by PMSC. In 2006 the PMSC fired two contractors working in Iraq for their failure to properly report that their shift leader fired twice into Iraqi civilian vehicles (one taxi and one pick-up) without provocation, killing a taxi driver. Former army ranger Shane Schmidt, former Marine Charles L. Sheppard III, Fijian guard Isireli Naucukidi and their shift leader, Jacob C. Washbourne, were all working on an assignment for KBR when the shootings occurred near Baghdad on 8 July. Schmidt and Sheppard were fired for reporting Washbourne's attempted murders. Naucukidi reported the 8 July incidents immediately and left Triple Canopy on his own. In August 2007 the case went to trial in Farifax County Circuit Court and a jury found in favor of Triple Canopy.

Sources:

* "...All three men worked for Triple Canopy, a corporation formed in 2003 by former military men to provide security in the Middle East for the United States government and private companies. ... In court papers, Triple Canopy has not denied that the incidents occurred. The company has tried to have the case dismissed on the grounds that no violation of Virginia law occurred and that Schmidt and Sheppard were "at-will" employees and could be fired for any reason." The Washington Post, "US Contractor Fired On Iraqi Vehicles for Sport, Suit Alleges", by Tom Jackman, 17 November 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/16/AR2006111601615.html> (last visit 18 May 2011)

* "On the afternoon of July 8, 2006, four private security guards rolled out of Baghdad's Green Zone in an armored SUV. The team leader, Jacob C. Washbourne, rode in the front passenger seat. He seemed in a good mood. His vacation started the next day. "I want to kill somebody today," Washbourne said, according to the three other men in the vehicle ... Washbourne, a 29-year-old former Marine, denied the allegations... The full story of what happened on Baghdad's airport road that day may never be known. But a Washington Post investigation of the incidents provides a rare look inside the world of private security contractors, the hired guns who fight a parallel and largely hidden war in Iraq. The contractors face the same dangers as the military, but many come to the war for big money, and they operate outside most of the laws that govern American forces. The Pentagon estimates that at least 20,000 security contractors work in Iraq, the size of an additional division. Triple Canopy employed the four guards. After the one-week probe, the company concluded that three questionable shooting incidents had occurred that day and fired Washbourne and two other employees, Shane B. Schmidt and Charles L. Sheppard III." The Washington Post, "Four Hired Guns in an Armored Truck, Bullets Flying, and a Pickup and a Taxi Brought to a Halt. Who Did the Shooting and Why", by Steve Fainaru, 15 April 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/04/14/AR2007041401490_2.html (last visit 27 July 2011)

* "...Mr. Schmidt was a Marine Corps sniper who served two tours in Afghanistan before taking a job in 2004 with Triple Canopy, a Herndon-based company and one of the largest defense contractors working with the U.S. military in Iraq ... For \$500 a day, he provided protection for American bases and visiting military personnel and contractors ... On July 8, 2006, the former Marine was one of four Triple Canopy employees traveling in an armored sport-utility vehicle to the Baghdad airport ... In two separate encounters later that day, Washbourne fired unprovoked into the windshields of an occupied taxi and pickup truck, said Mr. Schmidt and a colleague, former Army Ranger Charles L. Sheppard III. They suspected that civilians had been seriously injured or killed, although they didn't know ... "I do not have a problem killing bad guys, that's what we do," Mr. Schmidt told the New York Times in 2006. "But murdering innocent civilians? That is wrong, and justice has to be served ..." The Washington Post, "Former Marine Corps sniper and security contractor Sane Schmidt dies at 33", by Emma Brown, 23 September 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/23/AR2010092307293.html> (last visit 18 May 2011)

External information

-**Revenue and clients:** "... Triple Canopy was the ninth-largest contractor for the U.S. State Department in fiscal 2005, with payments totaling more than \$90 million, government records show ... That sum does not include what Triple Canopy is paid by private firms such as KBR, formerly Kellogg, Brown & Root, a subsidiary of Halliburton Co. that is involved in rebuilding in Iraq..." The Washington Post, "U.S. Contractor Fired On Iraqi Vehicles for Sport, Suit Alleges", by Tom Jackman, 17 November 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/16/AR2006111601615.html> (last visit 18 May 2011)

Other interesting information

-**Army leaves while PMSC enters:** "The State Department is preparing to spend close



to \$3 billion to hire a security force to protect diplomats in Iraq after the U.S. pulls its last troops out of the country by year's end ... In testimony Monday before the Commission on Wartime Contracting, Patrick Kennedy, undersecretary of state for management, said the department plans to hire a 5,100-strong force to protect diplomatic personnel, guard embassy buildings and operate a fleet of aircraft and armored vehicles.. Fewer than 50,000 U.S. troops remain in Iraq. Under a 2008 U.S.-Iraqi security agreement, all U.S. troops are supposed to leave the country by the end of the year, leaving behind only a small military office to oversee arms sales.. As the military withdraws, Mr. Kennedy said, the State Department will rely on contractors to carry out a range of military-style missions that he said were "not inherently governmental," including providing emergency medical evacuation, operating systems to detect and warn against incoming rocket or artillery fire, or rescue diplomatic personnel under attack.. The State Department has awarded a series of multiyear contracts to private security companies for guard forces, including a \$974 million award to SOC Inc. to guard the embassy in Baghdad, \$1.5 billion to Triple Canopy Inc. for mobile security, (emphasis added) and \$401 million to Global Strategies Group Inc. for guarding a consulate in Basra.. The department hasn't released a breakdown of how much, exactly, it will spend on security in 2012, the first year after U.S. troops withdraw." The Wall Street Journal, "U.S. Plans Private Guard Force for Iraq", by Nathan Hodge, 7 June 2011. <http://online.wsj.com/article/SB10001424052702304906004576369801913947130.html> (last visit 27 July 2011)

-Inherent Governmental functions. "In April 2004 eight Blackwater commandos defended the US headquarters in Najaf against an attack by hundreds of Iraqi militia using a variety of methods, including flying helicopters to ferry in fresh ammunition. Later that same day three other PMSCs — Hart Group, Control Risks and Triple Canopy were also involved in pitched battles in Iraq." **Source:** War on Want, "Corporate Mercenaries. The threat of private military and security companies", by Fabien Mathieu and Nick Dearden, November 2006. <http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf> (last visit 23 May 2011)

- PSCAI Membership: According to PSCAI sources Triple Canopy had started process of registration before the Ministry of Interior of Iraq as of 25 November 2006; currently it does not appear as PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011). The company appears to be a member of the ISOA. See the special reference to Triple Canopy on ISOA's official website: <http://www.stability-operations.org/index.php> (last visit 29 September 2011)

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1 - Information from the official website (last visit 30 September 2011)

A) Founded: July 1996, as a result of the privatization of the investigative branch of the Office of Personnel Management, a federal agency. Today it is an Altegrity company. <http://www.usis.com/Fact-Sheet.aspx>

B) Headquarters: Falls Church, Virginia, U.S. <http://www.usis.com/About-Us.aspx>

C) Leadership: William C. Mixon, President and CEO. <http://www.usis.com/Management-Team.aspx>

D) Number of employees: 7,200, of which the company claims to have "...*more than 2,600 credentialed field investigators—the largest team in North America—and more than 2,000 additional highly trained professionals cleared for work on classified projects and programs* ..." <http://www.usis.com/Management-Team.aspx> and <http://www.usis.com/Fact-Sheet.aspx> .

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: Approximately \$710 million (2008) <http://www.usis.com/Management-Team.aspx>

H) Services: Investigations: background and site investigations; equal employment opportunity; fingerprint services; fraud, waste & abuse investigations & screening. Training services: mentor/advisor; antiterrorism; foreign police; force protection; etc. Security Solutions: intelligence operations services; security services; information technology services and facility security solutions. Records Management: digitization; library services; computer forensics; electronic data discovery, etc. Litigation Support. Data Analytics: counterterrorism, biometrics, cybersecurity, etc. Construction Surveillance. Intelligence Analysis: counterintelligence support, intelligence training, software and system engineering, etc. Federal Security Solutions. "...*Performed more than 2 million investigations for government agencies in 2010* ..." <http://www.usis.com/Solutions.aspx> ; <http://www.usis.com/Fact-Sheet.aspx>

External information

HUMAN RIGHTS INCIDENTS

- Alleged human rights abuses by USIS: A U.S. Colonel committed suicide after denouncing human rights abuses by a contractor on an Iraqi base. Westhusing was upset about allegations, written in a four-page anonymous letter, that USIS deliberately decreased the number of trainers the Iraqi government provided, in order to increase its profit margin. The letter also revealed two incidents in which USIS contractors allegedly had witnessed or participated in the killing of Iraqi civilians. See the interview with Mr. Christian Miller about these incidents: "...*This past June a 44-year-old colonel in the US Army, Ted Westhusing, was found dead in a trailer on a military base in Baghdad. The Army investigated and ruled his death a suicide. Westhusing had a single gunshot wound to the head. Weeks before, he had reported allegations about corruption by a US contractor in Iraq, a contractor he was responsible for overseeing ... more serious set of allegations that had to do with human rights violations by USIS officials or trainers, as it were. Those allegations were, first, that USIS trainers had actually engaged in offensive military operations during the siege of Fallujah. Under Department of Defense regulations and Iraqi law, security contractors aren't allowed to engage in offensive operations. The second concerned an incident in which a USIS contractor had apparently witnessed the killing of an innocent Iraqi and had not reported that to anybody higher up the chain* ..."

Sources:

*National Public Radio/Los Angeles Times, 28 November 2005. <http://www.npr.org/templa->



tes/story/story.php?storyId=5029893 (last visit 19 May 2011).

* Corpwatch, *"From mercenaries to peacemakers?"*, by David Phinney, 29 November 2005. <http://www.corpwatch.org/article.php?id=12829> (last visit 19 May 2011)

COMPLEMENTARY INFORMATION

-Services in Iraq and revenue: "... Their tactics owed much to a secretive U.S. private contractor, U.S. Investigations Services (USIS), which conducted ERU trainings on U.S. military bases in Iraq -- including at Camp Dublin and Camp Solidarity. The trainings began under General David Petraeus as an effort to bolster security in Iraq, and soon evolved into a system for providing support to the deeply sectarian Ministry of the Interior ... Michael John, a spokesperson for USIS, told CorpWatch that the company is still under contract with the Pentagon for ERU training, but says that the support is provided strictly as part of training. "We are in a training and not in an operational capacity. The National Police Support Team (NPST) operates under the jurisdiction of Iraq's Ministry of Interior and the U.S. Department of Defense ... What is clear is that the ERU is just one of at least six different U.S. "security" training programs worth over \$20 billion that a variety of U.S. agencies have provided to the many factions in Iraq. It is becoming increasingly clear that such training programs may be causing or at least exacerbating civil war ... This early ERU training was conducted under a \$64.5 million no-bid contract issued in May 2004(10) to U.S. Investigations Services (USIS), a former federal agency that started out conducting background investigations for civil service personnel ... " Source: CorpWatch, "The Boys from Baghdad: Iraqi Commandos Trained by U.S. Contractor", by Pratap Chatterjee, 20 September 2007. <http://www.corpwatch.org/article.php?id=14700> (last visit 19 May 2011)

Other interesting information

- Inherent governmental functions. "... The Project on Government Oversight has posted the full and unedited USIS contract online. It states that USIS is to assist the Regional Security Office in Baghdad by "investigating incident scenes; interviewing witnesses, collecting and analyzing evidence; preparing detailed, accurate and concise written reports; testifying in judicial and administrative proceedings; analyzing incidents for compliance with policy, laws and regulations; reviewing incidents for identifiable patterns or notable deficiencies in policy, training or procedures; maintaining case files and tracking the status of investigations; preparing statistical reports and providing other investigative-related services." Some legislators believe the contract could violate the law that prohibits certain "inherently governmental" functions from being outsourced to the private sector. Sen. Russell Feingold, D-Wis., wrote to Secretary of State Condoleezza Rice last month, urging her to cancel the contract because, according to the law, the direct conduct of criminal investigations is an inherently governmental function." **Source:** United Press International, "When a contractor isn't good enough", by David Isenberg, 17 October 2008. http://www.upi.com/Top_News/Special/2008/10/17/Dogs_of_War_When_a_contractor_just_isnt_good_enough/UPI-38301224276591/print/ (last visit 19 May 2011)

37. U.S. TRAINING CENTRE (a XE company)



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available <http://www.ustraining.com/new/index.asp>

B) Headquarters: North Carolina, U.S. <http://www.ustraining.com/new/contact.asp> The Company claims to be a subsidiary of XE SERVICES. See XE, formerly known as Blackwater. <http://www.ustraining.com/new/bod-2.asp>

C) Leadership: Red McCombs, Chairman of the Board (*"USTC Holdings, LLC, the investor consortium that acquired Xe Services, LLC [see XE, former Blackwater], including its main holding U.S. Training Center, Inc. ("USTC") in December 2010) ... Upon acquiring Xe and its core operating businesses last year, USTC Holdings, LLC indicated that it would form a new Board of Directors to deepen the company's governance and oversight capabilities ... former U.S. Attorney General John Ashcroft will serve as an Independent Director of the company"*). <http://www.ustraining.com/new/bod-2.asp>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available.

G) Last annual revenue: No official information available.

H) Services: Global provider of training and technical services focused on counterterrorism, force protection, law enforcement and security operations (hard hitting, effective training experiences for military, security and law enforcement professionals as well as civilians). <http://www.ustraining.com/new/index.asp> and <http://www.ustraining.com/new/bod-2.asp>.

I) Clients: U.S. Department of State, the U.S. Department of Defense, the U.S. Navy, as well as numerous other law enforcement and government customers. <http://www.ustraining.com/new/bod-2.asp>



External information

In Iraq since: Apparently the Company provided services in Iraq: *"State Department auditors said Friday that guard dogs deployed by two private security companies (U.S. Training Center & RONCO) to protect American embassies in Afghanistan and Iraq are not being properly trained to detect bombs"*, Source: Danger Jobs Zone, http://www.dangerzonejobs.com/artman/publish/cat_index_94.shtml (last visit 30 september 2011).

Other interesting information

US Training Center moving to Afghanistan after Blackwater was expelled from Iraq: *"... the State Department has awarded a part of what was formerly known as Blackwater Worldwide a contract worth more than \$120 million for providing security services in Afghanistan ... Private security firm U.S. Training Center, (emphasis added) a business unit of the Moyock, N.C.-based Blackwater, now called Xe Services, was awarded the contract Friday, a State Department spokeswoman said Friday night ... Under the contract, U.S. Training Center will provide "protective security services" at the new U.S. consulates in Herat and Mazar-e-Sharif, Afghanistan, the spokeswoman said ... The awarding of the contract comes just more than four months after the government of Iraq ordered hundreds of Blackwater-linked security guards to leave the country within seven days or face possible arrest ..."* Source: CBS, "Blackwater Firm gets \$ 120 M U.S. Government Contract", 18 June 2010, http://www.cbsnews.com/8301-31727_162-20008238-10391695.html (last visit 30 september 2011). See XE, formerly Blackwater.

38. UNITED PLACEMENTS



Information from the official website (last visit 30 September 2011)

A) Founded: 2001 <http://www.unitedplacements.com/whoarewe.asp>

B) Headquarters: Tennessee, U.S. <http://www.unitedplacements.com/whoarewe.asp>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

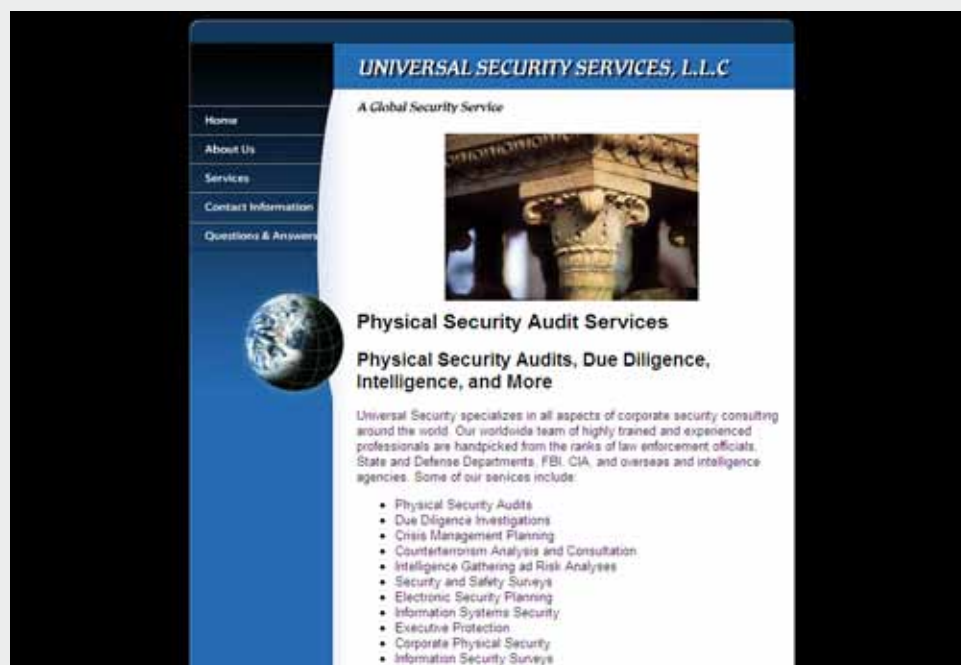
H) Services: *"To unite Talented Professionals; transitioning military retirees, veterans and clearance-holding Government contractors with secure careers in the US Defence and Homeland security Industry. To Provide Staffing Solutions to US Defence and Homeland Security Companies in support of their primary mission."* <http://www.unitedplacements.com/mission.asp>

I) Clients: U.S. Defense and Homeland Security Companies <http://www.unitedplacements.com/mission.asp>

Other interesting information

On 12 January 2004, United Placements ran the following advertisement for army interrogators: *"Job State: IRAQ, Job Number: 8. Interrogators: 30 Positions. Compensation to \$120,000. Individuals must be trained Interrogators with at least five years of experience in interrogation. Individuals must be knowledgeable of Army/Joint interrogation procedures, data processing systems such as CHIMs and SIPRNET search engines. Knowledge of the Arabic language and culture a plus... Candidates must have documented in their resumes five years of Humint collection and/or interrogation experience. This is a requirement of the client. Some locations require individuals to work and live in a field environment with minimum medical facilities. Must possess the ability to work extended work hours in difficult surroundings for up to one year."* **Source:** Global Research, *"Torture Incorporated Oliver North Joins the Party"*, by John Stanton and Wayne Madsen, 14 June 2004. <http://globalresearch.ca/articles/STA406A.html> (last visit 19 May 2011)

39. UNIVERSAL SECURITY



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available.

B) Headquarters: New Jersey, U.S. <http://www.universalsecurity.org/contactinformation.html>



C) Leadership: Richard E. Seta, President <http://www.universalsecurity.org/aboutus.html>

D) Number of employees: Although there is no official information available about the number of employees the company has, it does state that some of its employees have worked as "... *Former officials of the CIA, State Department, and Defense Department* ..." <http://www.universalsecurity.org/services.html>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Physical security audits, due diligence investigations, crisis management planning, counterterrorism analysis and consultation, intelligence gathering and risk analyses, security and safety surveys, electronic security planning, information systems security, executive protection, corporate physical security, and information security surveys. <http://www.universalsecurity.org/services.html>

External information

- **In Iraq since:** at least since March 2008. Source: Congressional Research Service, "*Private Security Contractors in Iraq*", by Jeniffer K.Elsay, Moshe Schwarz and Kennon H. Nakamura, page 13. <http://www.fas.org/sgp/crs/natsec/RL32419.pdf> (last visit 19 May 2011)

Other interesting information

- **PSCAI Membership:** the company has been registered as a PSCAI member since 2006. http://usiraq.procon.org/sourcefiles/Private_Security_List.pdf (last visit 19 May 2011)

40. VINNELL (currently part of Northrop Grumman Mission Systems)

Information from the official website (last visit 30 September 2011)

There is no official Vinnell website available. The following information has been taken from the website of Northrop Grumman.

A) Founded: No official information available

B) Headquarters: Fairfax, Virginia, U.S. http://www.irconnect.com/noc/press/pages/news_releases.html?d=42207

C) Leadership: No official information available about Vinnell. Regarding Northrop Grumman Information Systems Sector, its president is Linda A. Mills. http://www.northropgrumman.com/leadership/bios/linda_mills.html

D) Number of employees: No official information available. Northrop Grumman Information Systems has 24.000 employees. <http://www.is.northropgrumman.com/about/index.html>

E) Employees in Iraq: No official information available.

F) In Iraq since: 1 July 2003 "... *Vinnell Corporation, a subsidiary of Northrop Grumman Corporation, has been awarded a \$48 million contract to train the nucleus of a new Iraqi Army* ..." http://www.irconnect.com/noc/press/pages/news_releases.html?d=42207

G) Last annual revenue: No official information available regarding Vinnell. Northrop Grumman Information Systems has annual revenues of approximately \$8.5 billion. <http://www.is.northropgrumman.com/about/index.html>

H) Services: The Company provides foreign military training in support of U.S. government programs and operates and maintains facilities and equipment worldwide for the U.S. Army, U.S. Air Force, U.S. Department of Labour and the U.S. Department of Homeland Security. Vinnell provides facility maintenance, utilities operation, civil engineering, transportation management and maintenance, supply services, maintenance of pre-positioned equipment, and personnel support. Vinnell also provides education and vocational training to disadvantaged youth under the Department of Labour's Job Corps program. http://www.irconnect.com/noc/press/pages/news_releases.html?d=42207

I) Clients: Amongst others the U.S. Army, U.S. Air Force, and the U.S. Department of Homeland Security. http://www.irconnect.com/noc/press/pages/news_releases.html?d=42207

External information

- Founded: 1931 (in Los Angeles, U.S.) **Source:** Corpwatch, *"Vinnell Corporation: we train people to pull triggers"*, by Pratap Chatterjee, 20 March 2003. <http://www.corpwatch.org/article.php?id=6029> (last visit 19 May 2011)

- Leadership: Formerly, *"...the company has been controlled in the past through a web of interlocking ownership by a partnership that included James A. Baker III and Frank Carlucci, former U.S. secretaries of state and defense under presidents George Bush senior and Ronald Reagan respectively ..."* <http://www.corpwatch.org/article.php?id=6029> (last visit 19 May 2011)

41. WAMAR INTERNATIONAL, INC



Information from the official website (last visit 30 September 2011)

A) Founded: 1987 <http://www.cwamar.com/node/97>



B) Headquarters: Simi Valley, California. U.S. <http://www.cwamar.com/node/79>

C) Leadership: Wadi Aranki (Executive Vice-President) and Richard Forson (Senior Vice-president Chief Operating Officer) <http://www.cwamar.com/node/107>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Global provider of premium services and products in the fields of power generation, oil and gas, aviation, real life support and defense and security. Additionally, it is a provider of armored commercial SUV's to government and military organizations. <http://www.wamarinc.com/node/100>

I) Clients: U.S. Government, North Atlantic Treaty Organisation, General Motors, AJG Cosltech LP, Pat Molony & Howell McBrayer, Topaz Power, JACOBS; Lyonsdale Cogeneration Facility, CRSS Viking Operations Inc, Savannah River Power, Santee Cooper, CRSS Hopewell Operations, Griffith Energy Facility, WESTEX Renewables; InnCOGEN/Trinity Power Project, Hereford Ethanol Plant, Rex Energy, Dell Power Plant, amongst others. <http://www.wamarinc.com/node/106>

Other interesting information

-Services in Iraq: "... This audit focused on three contracts awarded to Wamar International, Inc. (Wamar); one indefinite-delivery/indefinite-quantity contract to purchase and deliver armored vehicles for U.S. and Iraqi forces, and two firm-fixed-price contracts to inspect and repair turbine generators at power plants near Baghdad ..." Office for the Special Inspector General for the Iraq reconstruction, 28 January 2010. <http://www.sigr.mil/files/audits/10-007.pdf> (last visit 19 May 2011)

42. WORLDWIDE LANGUAGE RESOURCES INC

WWLR HOME SERVICES GSA CONTRACTS CAREERS CONTACT US

WORLDWIDE LANGUAGE RESOURCES, INC
Bridging The Gap Between Cultures

"Worldwide Language Resources provides the best quality services for the best price, in any language, anywhere, anytime, under any conditions."

Today is Tue Apr 26 2011 10:20:16 GMT+0200 (Hora de verano romance)

WWLR News and Events	ABOUT WWLR	What We Do
09.19.2010 - Fayetteville Observer "Worldwide Language Resources Inc., a Fayetteville-based government contractor, was awarded the Afghan-Wide Military Postal Contract through the U.S. Army Rock Island Contracting Center in Illinois. The Afghanistan Military Postal Contract is worth an estimated \$112 million over five years. The company provides translators and interpreters to U.S. Special Operations Forces	WWLR is a diverse language services company formed by principals & associates having extensive international and government experience operating on every continent. Our marketing scope includes the needs of Government and Defense organizations as well as academic and private industry. WWLR is a people oriented company. Integrity & professionalism are our core values. Language support is our core competency. It is about service to our clients, and as always to our country. Read more...	WWLR offers many language related services such as: • Interpreters • Linguists • Cultural Advisors • Military Advisors • Fielding Equipment Coordinator • Human Intelligence Analysts • Language Training • Translation Services • Isomersion Courses • International Business Consulting WWLR specializes in custom designed programs to meet the specific demands of each group or organization. We look forward to a professional relationship of

Information from the official website (last visit 30 September 2011)

A) Founded: September 1995 http://www.wwlr.com/gsa/WWLR_GSA_Schedule_738_II_GS-10F-0307L.pdf

B) Headquarters: Fayetteville, North Carolina, U.S. <http://www.wwlr.com/>

C) Leadership: Lawrence P. Costa, President and Founder (former Command Language Program Manager of 10th Special Forces Group (Airborne) and James Williamson, Vice President. http://www.wwlr.com/gsa/WWLR_GSA_Schedule_738_II_GS-10F-0307L.pdf

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Interpretation, translation, language instruction, isomersion courses, and language education. <http://www.wwlr.com/services/index.asp>

I) Clients: NATO KFOR, National Security Agency, National Defense University, North Carolina State Highway Patrol, Federal Bureau of Investigation, Wal-Mart International, Immigration and Naturalization Service, Drug Enforcement Administration, U.S. Department Of Agriculture, NASA, Department of Defense, U.S. Army John F. Kennedy Special Warfare Center, Special Forces Groups, XVIII Airborne Corps & Fort Bragg, U.S. Civil Affairs & Psychological Operations Command U.S. Navy SEALs / Naval Special Warfare Command, U.S. Air Force Special Operations Command, U.S. Army Intelligence School & Center, Air Intelligence Agency, Naval Security Group, USMC Intelligence, Defense Intelligence Agency, U.S. Coast Guard, and 4th Psychological Operations Group. http://www.wwlr.com/gsa/WWLR_GSA_Schedule_738_II_GS-10F-0307L.pdf

External information

- Employees in Iraq: At least 500 translators. **Source:** David Isenberg, *"A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq"*, September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq>

43. XE (formerly Blackwater)

Information from the official website (last visit 30 September 2011)

Lately the official website of XE relinks directly with U.S. Training Center, as XE now belongs to USTC Holdings, LLC, which is an investor consortium. See: <http://www.ustraining.com/new/bod-2.asp> (last visit 30 September 2011)

A) Founded: 1997 <http://www.xeservices.com/AboutUs.aspx>

B) Headquarters: Moyock, North Carolina, U.S. <http://www.xeservices.com/AboutUs.aspx>

C) Leadership: Joseph M. Yorio, President and CEO <http://www.xeservices.com/LinkClick.aspx?fileticket=Jr9neaGul7w%3d&tabid=87>

D) Number of employees: No official information available



E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Logistics, training, security services, travel services, crisis management, retail operations, and target systems. <http://www.xeservices.com/WhatWeDo.aspx>

External information

HUMAN RIGHTS INCIDENTS

According to official reports Blackwater has various notorious human rights incidents in Iraq. Incident reports compiled on Blackwater reveal that "... *Blackwater has been involved in at least 195 "escalation of force" incidents in Iraq since 2005 that involved the firing of shots by Blackwater forces. This is an average of 1.4 shooting incidents per week. Blackwater's contract to provide protective services to the State Department provides that Blackwater can engage in only defensive use of force. In over 80% of the shooting incidents, however, Blackwater reports that its forces fired the first shots ... In the vast majority of instances in which Blackwater fires shots, Blackwater is firing from a moving vehicle and does not remain at the scene to determine if the shots resulted in casualties ...*" It is stated that considering these 195 incidents in 2005, 2006 and 2007 Blackwater fired first in 163 incidents (see graphic at page 7, of the source quoted below). Although it is not possible to describe all of them here below we described the most significant human rights incidents, most of them with relevant impacts and casualties on both Iraqi and international sides. See additional information:

* The U.S. House Committee on Oversight and Government Reform, "*House oversight Committee's Memorandum on Blackwater, October 2007*", 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

Incidents:

a) 4 April 2004, Najaf's battle incident. Several Blackwater's contractor joined U.S. troops in a firefight allegedly defending the CPA headquarters from an attack by Moqtada al-Sadr militia. The attack was described as "the biggest gunfight since the fall of Baghdad", and the incident seems to prove the engagement of PMSCs in military actions including "direct participation in hostilities."

Sources:

* "... *An attack by hundreds of Iraqi militia members on the U.S. government's headquarters in Najaf on Sunday was repulsed not by the U.S. military, but by eight commandos from a private security firm ... Before U.S. reinforcements could arrive, the firm, Blackwater Security Consulting, sent in its own helicopters amid an intense firefight to resupply its commandos with ammunition and to ferry out a wounded Marine, the sources said ... The role of Blackwater's commandos in Sunday's fighting in Najaf illuminates the gray zone between their formal role as bodyguards and the realities of operating in an active war zone ...*" Washington Post, "*Private guards repel attack on US headquarters*", by Dana Priest, 6 April 2004. <http://www.washingtonpost.com/ac2/wp-dyn/A53059-2004Apr5?language=printer> (last visit 23 May 2011).

* Human Rights First, "*Private Security Contractors at War. Ending the Culture of Impunity*", 2008. <http://www.humanrightsfirst.org/wp-content/uploads/pdf/08115-usls-psc-final.pdf> (last visit 23 May 2011)

b) 24 November 2004, Civilians fired on by helicopter. "... *A Blackwater helicopter team helped a U.S. military unit secure a mosque from which sniper fire had been initiated. While conducting this mission, the Blackwater team in the helicopter spotted a vehicle attempting to leave the premises of the mosque. The Blackwater team fired a warning shot*

from the helicopter to the front of the vehicle. When the car did not stop, the Blackwater team fired three more rounds directly in front of the vehicle. The car then stopped and the occupants came out. The Blackwater team motioned for the occupants to go back to the mosque on foot. When the driver made a move to turn back to the car, the Blackwater team fired another warning shot to keep him away from the car. After the driver finally moved away from the car, the Blackwater team fired shots into the engine compartment to disable the car ..."

Source:

* The U.S. House Committee on Oversight and Government Reform, *"House oversight Committee's Memorandum on Blackwater, October 2007"*, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

c) 16 February 2005, Alleged shooting at civilians. Four guards fired 70 rounds into an Iraqi's car. The shooting was not justified and the guards provided false statements to investigators. "... *The top security official at the U.S. Embassy in Iraq refused to punish Blackwater security guards for making false statements about an unjustified 2005 shooting in Baghdad because he didn't want to lower the morale of those contracted to work security, according to newly released State Department records. Investigators from the department's Diplomatic Security Service concluded that four guards were not justified in spraying an Iraqi's car with more than 70 bullets, according to reports released in response to a Freedom of Information Act request by USA TODAY. The fate of the car's driver was unknown because the security convoy left after the shooting. The previously unreported Feb. 16, 2005, shooting occurred more than two years before a highly publicized incident in which Blackwater guards shot and killed 17 Iraqis in Baghdad in September 2007 ...*" **Source:**

* USA Today, *"Falsehoods in Iraq shooting unpunished"*, by Matt Kelley, 4 February 2009, http://www.usatoday.com/news/world/iraq/2009-04-01-blackwater_N.htm (last visit 23 May 2011)

* State Department Report about the 16 February 2005 human rights incident. Source: <http://i.usatoday.net/news/graphics/2009/03-31-blackwater/blackwater20001.pdf>

* *"Report of investigation by United States Department of State on 16th February 2005"*, Blackwater Personal Security Detail, Team Templar 20 engagement, on their assigned protective missions engaged three suspected vehicles at three separate locations in Baghdad, Iraq. Source: <http://i.usatoday.net/news/graphics/2009/03-31-blackwater/blackwater1.pdf>

d) 14 May 2005, Alleged shooting at vehicles. A convoy from Blackwater riding down the so-called Irish Route shot at a civilian Iraqi vehicle in May 2005. "... *Shortly after 10am on 14 May 2005, a convoy of private security guards from Blackwater riding down "Route Irish" – the Baghdad airport road – shot up a civilian Iraqi vehicle. While they were at it, the Blackwater men fired shots over the heads of a group of soldiers from the 69th Regiment of the US Army before they sped away heading west in their white armoured truck. When the dust cleared, the Iraqi driver was dead and his wife and daughter were injured ... The incident is one of several dozen involving private security companies in Iraq – almost all of which have never been previously reported – that led to an "escalation of force ... Blackwater, the company from Moyock, North Carolina, is responsible for about half of the incidents, closely followed by Erinys, a British private security company registered in the Virgin Islands, which seems to have an unusually high number of vehicle crashes ...*"

Source:

* The Guardian/Wikileaks, *"Iraq war logs: military privatisation run amok"*, 23 October 2010. <http://www.guardian.co.uk/commentisfree/cifamerica/2010/oct/23/iraq-war-logs-us-military>, (last visit 23 May 2011).

e) 25 June 2005, Alleged killing of a civilian. 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."* According to an internal State Department document, the personnel who fired the shots initially failed to report the shooting and sought to cover it up. **Source:**

* "...The documents indicate that the State Department adopted a similar approach in response to a June 25, 2005, incident in which a Blackwater operator killed an apparently



innocent bystander in Al-Hillah. In this incident, the victim's family complained to the State Department about the shooting. In response, a State Department official requested that Blackwater pay the family \$5,000. In explaining the request, the official wrote: "I hope we can put this unfortunate matter behind us quickly ..." U.S. House Committee on Oversight and Government Reform, *"House oversight Committee's Memorandum on Blackwater, October 2007"*, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

f) 24 October 2005, Alleged shooting at cars and civilians. " ... Blackwater personnel on a protection mission from Mosul Provincial Hall to an American base departed the main gate of the Provincial Hall, turned left, and encountered a vehicle that appeared to be making a turn that would cause it to break into motorcade's path. When the driver did not heed warnings to stop, a Blackwater gunner released "a burst of fire" onto the vehicle that apparently disabled it. During the shooting, a civilian bystander outside of the car was hit in the head by a bullet that passed through the car and fell to the ground in the median of the road. Blackwater continued on without stopping. Blackwater reported the "shooting and probab[le] killing," and an ambulance was sent to the scene. The available documents do not describe any assistance offered by Blackwater to the victim or his family ..." **Source:** * U.S. House Committee on Oversight and Government Reform, *"House oversight Committee's Memorandum on Blackwater, October 2007"*, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

g) 28 November 2005, Alleged crashing cars. " ... A Blackwater motorcade traveling to and from the Ministry of Oil for official meetings collided with 18 different vehicles during the round trip journey (6 vehicles on the way to the ministry and 12 vehicles on the return trip). The written statements taken from the team members after the incident were determined by Blackwater to be invalid, inaccurate, and at best, dishonest reporting." According to a Blackwater contractor who was on the mission, the tactical commander of the mission "openly admitted giving clear direction to the primary driver to conduct these acts of random negligence for no apparent reason." The only apparent sanction resulting from this incident was the termination of two of the employees ..." **Source:** * U.S. House Committee on Oversight and Government Reform, *"House oversight Committee's Memorandum on Blackwater, October 2007"*, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

h) 24 September 2006, Alleged crashing a car. " ... A Blackwater protection detail with four vehicles was driving at approximately 45 miles per hour on the wrong side of the road in Al-Hillah in a maneuver called "counter flowing." Although most cars driving toward the Blackwater team were able to move out of the motorcade's path, the driver of a red Opel car lost control of his vehicle while trying to avoid the Blackwater team. The car "swerved right to avoid the Lead" vehicle, then "locked his brakes up." The driver "attempted to correct the initial overcorrection," skidded into one of the Blackwater vehicles, which it disabled, and crashed into a telephone pole at the side of the road. The car "almost immediately went into flames." The Blackwater team collected the personnel and sensitive equipment from its disabled vehicle and left the scene without attempting to assist the occupants of the Iraqi vehicle, which was described by Blackwater as "in a ball of flames ..." **Source:** * U.S. House Committee on Oversight and Government Reform, *"House oversight Committee's Memorandum on Blackwater, October 2007"*, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

i) 24 December 2006, Killing of a bodyguard when drunk. Raheem Kahali, an Iraqi Vice President's bodyguard was allegedly shot and killed by Blackwater contractor Adrew J. Moonen while drunk in Baghdad. "... On December 24, 2006, a 26-year-old Blackwater security contractor shot and killed a 32-year-old security guard to Iraqi Vice President Adil Abd-al-Mahdi during a confrontation in the "Little Venice" area of the International Zone in Baghdad. This incident sparked an angry reaction from the Iraqi government ... On December 25, the day after the shooting of the guard, Blackwater terminated the contractor from the State Department contract based on its policy against possessing a firearm while intoxicated.³⁹

That same day, only hours after the shooting, Blackwater arranged to have the contractor flown out of Iraq. ... Immediately following the incident, the State Department determined that Blackwater should send a letter of condolence to the victim's family along with a cash payment ... Internally, the Embassy had differing opinions on the amount of compensation. The Charge d'Affaires initially proposed a \$250,000 payment, then suggested \$100,000. The Diplomatic Security Service opposed these figures as too high. One DSS official called the Charge d'Affaires' proposals "crazy sums" and stated that such a figure could cause Iraqis to "try to get killed so as to set up their family financially." By December 26, two days after the shooting, the State Department and Blackwater agreed on a figure of \$15,000, which Blackwater would deliver to the family with the assistance of the State Department. The Embassy described Iraqi concerns as follows: "Iraqis would not understand how a foreigner could kill an Iraqi and return a free man to his own country."

Source:

* New York Times, *"Ex-paratrooper is suspect in a Blackwater killing"*, by John M. Broder, 4 October 2007. <http://www.nytimes.com/2007/10/04/world/middleeast/04contractor.html?hp> (last visit 23 May 2011)

* New York Times, *"Efforts to prosecute Blackwater are collapsing"*, by James Risen, 20 October 2010. <http://www.nytimes.com/2010/10/21/world/21contractors.html>. (last visit 23 May 2011)

* U.S. House Committee on Oversight and Government Reform, *"House oversight Committee's Memorandum on Blackwater, October 2007"*, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

* Civil action NO. 1:09cv615. See civil complaint and jury demand v. Prince, Prince Group, XE Services, U.S. training Center, Blackwater Security Consulting. http://www.burkepllc.com/human-rights/pleadings-detail.php?id=46&select_year=2011, last visit 21 June 2011. Court files of legal case "Abtan et al v. Prince et al": <http://ccrjustice.org/ourcases/current-cases/abtan-et-al-v-blackwater-usa-et-al> (last visit 21 June 2011). See also Box Legal Case "ABTAN ET AL V. PRINCE ET AL". Regarding the latter case a settlement between the parties took place on 6 January 2010.

j) 7 February 2007, Alleged shooting at guards. A Blackwater sniper allegedly killed three Iraqi guards of the Iraqi Media Network from the roof of the Iraqi Justice Ministry. "... *Last Feb. 7, a sniper employed by Blackwater USA, the private security company, opened fire from the roof of the Iraqi Justice Ministry. The bullet tore through the head of a 23-year-old guard for the state-funded Iraqi Media Network, who was standing on a balcony across an open traffic circle. Another guard rushed to his colleague's side and was fatally shot in the neck. A third guard was found dead more than an hour later on the same balcony ... An Iraqi police report described the shootings as "an act of terrorism" and said Blackwater "caused the incident." The media network concluded that the guards were killed "without any provocation." ... The U.S. government reached a different conclusion. Based on information from the Blackwater guards, who said they were fired upon, the State Department determined that the security team's actions "fell within approved rules governing the use of force," according to an official from the department's Bureau of Diplomatic Security. Neither U.S. Embassy officials nor Blackwater representatives interviewed witnesses or returned to the network, less than a quarter-mile from Baghdad's Green Zone, to investigate ... The Feb. 7 shootings convulsed the Iraqi Media Network, one of the prominent symbols of the new Iraq, in anger and recrimination ... U.S. officials and the security company, now known as Blackwater Worldwide, offered no compensation or apology to the victims' families, according to relatives of the guards and officials of the network, whose programming reaches 22 million Iraqis ...*" **Source:**

* Washington Post, *"How Blackwater sniper fire felled 3 Iraqi guards"*, by Steve Fainaru, 8 November 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/11/07/AR2007110702751_pf.html

* UN Assistance Mission for Iraq (UNAMI), *"Human Rights Report"*, 1 July – 31 December 2007, number 27, footnote 32. <http://www.unhcr.org/refworld/publisher/UNAMI/47de4f3d20.html> (last visit 31 May 2011)

k) 24 and 30 May 2007, Shootings at Iraqi civilian and Iraqi Forces. In May 2007, two



shootings took place in the same week, on the streets of Baghdad. On 24 May 2007 a Blackwater guard allegedly shot and killed an Iraqi driver near the Ministry of Interior of Iraq and on 30 May 2007 Blackwater employees allegedly shot an Iraqi civilian deemed to have been driving too close to their convoy.

Sources:

- * The Washington Post, *"US Security Contractors Open Fire in Baghdad"*, by Steve Fainaru, 27 May 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/05/26/AR2007052601394.html> (last visit 23 May 2011)
- * BBC, *"Blackwater boss grilled over Iraq"*, 2 October 2007. <http://news.bbc.co.uk/2/hi/middle-east/7024370.stm> (last visit 23 May 2011)
- * Associated Press, *"Contractors accused of firing on civilians"*, 8 December 2007. <http://www.msnbc.msn.com/id/20231579/> (last visit 23 May 2011)
- * Corpwatch, *"Blackwater USA"*, by Pratap Chatterjee. <http://www.corpwatch.org/section.php?id=210> (last visit 23 May 2011)

l) 13 August 2007, killing of civilian. Hussein Saleh Rabi, aged 75, was killed in Al-Hilla, allegedly by Blackwater contractors who also almost killed a young college student, Ali Kareem Fakhri, for no reason. **Sources:**

- * UN Assistance Mission for Iraq (UNAMI), *"Human Rights Report"*, 1 July – 31 December 2007, number 27, footnote 32. http://www.unhcr.org/refworld/publisher/UNAMI/47de4f3d2_0.html
- * Lawsuit presented against four defendants of the Blackwater group: Third Amended Complaint *Estate of Husain Salih rabea and Ali Kareem Fakhri v. Prince Group LLC, XE Services LLC, US Training Center and Blackwater Security Consulting LLC*. http://www.burkepllc.com/human-rights/pleadings-detail.php?id=60&select_year=2011

m) 9 September 2007, killing of civilians at Al Watahba Square:

- * A group of injured civilians and families of Iraqis that were killed in two unprovoked shootings in Baghdad allegedly by Blackwater employees sued the company and its founder Erik Prince in separate lawsuits, which were filed in the California federal court. See press release of 27 March 2009: http://www.burkepllc.com/media/press-releases-detail.php?id=52&select_year=2011.
- * Ali Hussamaldeen Ibrahim Albazzaz and Kadhum Kayiz presented a civil complaint before the U.S. Courts against Blackwater and Erik Prince (Blackwater founder) and Prince Group LLC: "... *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 Ali Hussamaldeen Ibrahim Albazzaz and Kadhum Kayiz Aziz 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 ...*"; another complaint claims there is a conspiracy to kill innocent Iraqis which is attributed to Blackwater contractor and Blackwater leader Erik Prince: "... *This conspiracy to kill was motivated by greed and religious beliefs... Jackson and Matthews repeatedly... used racist and derogatory terms for Iraqis and other Arabs, such as ragheads or hajiis... openly referred to the conspiratorial efforts as a "Crusade" and directly encouraged certain employees to participate in killing Iraqis.*" See the civil complaints and lawsuit presented against Erik Prince, Prince Group LLC, XE Services LLC, US Training Center Inc, Blackwater Security Consulting LLC at: http://www.burkepllc.com/human-rights/pleadings-detail.php?id=29&select_year=2011.
- * Civil complaint versus Prince and others, NO. 1:09cv616 – TSE/IDD. <http://ccrjustice.org/ourcases/current-cases/estate-ali-hussamaldeen-albazzaz-v-blackwater-worldwide-et-al> (last visit 14 June 2011). This case was concluded by a settlement between the parties on 6 January 2010. (http://ccrjustice.org/files/1.6.10%20Order%20dismissing%20case%20due%20to%20settlement_3.pdf (last visit 27 September 2011)). For more information see Annex D on Legal Cases, *Albazzaz, et al v. Prince, et al*.

n) 16 September 2007, Nisour square shooting. On 16 September 2007, employees of Blackwater were allegedly involved in a shooting incident in Baghdad, in which 17 Iraqi persons were killed and more than 20 other civilians were wounded. Some of the victims

settled before trial. The terms of the agreement have not been released officially, however one of the wounded men, Sami Hawas Hamoud Abu Iz, told Associated Press that the company had offered families \$100,000 for a person who died and \$30,000 for those wounded. He also said that plaintiffs' lawyers told victims they might not receive anything if they did not agree to a settlement.

* Los Angeles Times, *"Iraqis settle lawsuits over Blackwater shooting"*, by David Zucchino, 8 January 2010. <http://articles.latimes.com/2010/jan/08/nation/la-na-blackwater8-2010jan08> (last visit 14 September 2011)

* USA Today, *"Blackwater settles civil lawsuits over Iraq deaths"*, by Mike Baker, 7 January 2010. http://www.usatoday.com/money/companies/2010-01-07-blackwater-iraqi-deaths-settlement_N.htm (last visit 27 September 2011)

* For more information see Annex D on Legal Cases, *Albazzaz, et al v. Prince, et al.*

In addition to the civil cases there is a criminal case over the same facts, which is still pending. Dated on 22 April 2011, the appeal court remanded the case to the lower court, which has still to decide over the case. "... *We find that the district court's findings depend on "an erroneous view of the law." Kilroy, 27 F.3d at 687. We thus vacate and remand the case for the court to determine, as to each defendant, what evidence—if any—the government presented against him that was tainted as to him, and, in the case of any such presentation, whether in light of the entire record the government had shown it to have been harmless beyond a reasonable doubt ...*"

Source: <http://www.haguejusticeportal.net/Docs/NLP/US/blackwaterfeb2011.pdf> (last visit 29 September 2011). Additionally, according to former company officials, top executives at Blackwater Worldwide authorized bribes of about \$1 million to Iraqi government officials, aiming to silence their criticism and to buy their support.

Sources:

* "... On 16 September, employees of the private security firm Blackwater were involved in a shooting on al-Nisoor Square in Baghdad's al-Mansour district, which left 17 civilians dead. Although Blackwater initially claimed that its four-vehicle convoy was attacked by armed insurgents, subsequent testimonies as well as a preliminary report issued by Iraq's Ministry of Interior indicated that the Blackwater employees began shooting first and then fired indiscriminately. Initially two civilians in a car which approached the Blackwater convoy were reportedly shot, with the shooting then escalating rapidly. A second shooting by the contractors reportedly occurred some 200 meters from the first scene several minutes later, as their convoy al-Nisour Square. At least 12 persons, none of them Blackwater personnel, were injured ..."

UN Assistance Mission for Iraq (UNAMI), *"Human Rights Report"*, 1 July – 31 December 2007, number 27,, paras 25, 26 and 27. <http://www.unhcr.org/refworld/publisher/UNAMI/47de4f3d20.html>

* The Guardian/Wikileaks, *"Iraq war logs: military privatisation run amok"*, by Pratap Chatterjee, 23 October 2010.

<http://www.guardian.co.uk/commentisfree/cifamerica/2010/oct/23/iraq-war-logs-us-military> (last visit 23 May 2011)

* "... Among the 17 killings, three may have been justified under rules that allow lethal force to be used in response to an imminent threat, the F.B.I. agents have concluded. They concluded that Blackwater guards might have perceived a threat when they opened fire on a white Kia sedan that moved toward Nisour Square after traffic had been stopped for a Blackwater convoy of four armored vehicles ... Two people were killed in the car, Ahmed Haithem Ahmed and his mother, Mohassin, a physician. Relatives said they were on a family errand and posed no threat to the Blackwater convoy ... Investigators said Blackwater guards might have felt endangered by a third, and unidentified, Iraqi who was killed nearby. But the investigators determined that the subsequent shootings of 14 Iraqis, some of whom were shot while fleeing the scene, were unprovoked ... "New York Times, *"FBI says guards killed 14 Iraqis without cause"*, by David Johnston and John M. Broder, 14 November 2007. <http://www.nytimes.com/2007/11/14/world/middleeast/14blackwater.html> (last visit 23 May 2011)

* Reuters, *"Blackwater faulted by US military: report"*, 5 October 2007. <http://www.reuters.com>



[com/article/2007/10/05/us-iraq-contractors-report-idUSN0439965120071005](http://www.nytimes.com/article/2007/10/05/us-iraq-contractors-report-idUSN0439965120071005) (last visit 23 May 2011)

* New York Times, *"From errand to fatal shot to hail of FIRE to 17 deaths"*, by James Glanz, 3 October 2007. <http://www.nytimes.com/2007/10/03/world/middleeast/03firefight.html> (last visit 23 May 2011)

* New York Times, *"Efforts to prosecute Blackwater are collapsing"*, by James Risen, 20 October 2010. <http://www.nytimes.com/2010/10/21/world/21contractors.html> (last visit 23 May 2011)

* A New York Times graphic of the events that took place: *"The Iraqi account of the killings"*, by Joe Burguess and others. http://graphics8.nytimes.com/images/2007/09/21/washington/21blackwater_graphic.full.jpg (last visit 23 May 2011)

* Video and written victim interview: Democracy Now, *"Blackwater's youngest victim: father of 9 year-old killed in Nisour Square Gives most detailed account of massacre to date"*, 29 January 2010. http://www.democracynow.org/2010/1/29/exclusiveblackwaters_youngest_victim_father_of_9 (last visit 23 May 2011)

* U.S. Court Decision about Nisour Criminal, case dismissal: *Judge Ricardo Urbina's Decision -Memorandum opinion- Case 1:08-cr-00360-RMU*, 31 December 2009, U.S. District Court for the District of Columbia. <http://www.copswiki.org/w/pub/Common/M911/blackwater-dismissal-opinion.pdf> (last visit 23 May 2011)

* U.S. Court of Appeals for the District of Columbia District: Nisour criminal case reopened before U.S. courts on 22 April 2011 (No. 1:08-cr-00360), Ginsburg, Garland and Williams Judges Decision, Court of Appeals remanded the case back to District Court for further proceedings. "... *We find that the district court's findings depend on "an erroneous view of the law" Kilroy, 27 F.3d at 687. We thus vacate and remand the case for the court to determine, as to each defendant, what evidence—if any—the government presented against him that was tainted as to him, and, in the case of any such presentation, whether in light of the entire record the government had shown it to have been harmless beyond a reasonable doubt ...*". See page 17 of the Decision. <http://static1.firedoglake.com/28/files/2011/04/BlackwaterNisourCCAOpinion.pdf> (last visit 29 September 2011)

* "... *A federal appeals court on Friday reopened the criminal case against four former American military contractors accused of manslaughter in connection with a shooting that killed at least 17 Iraqi civilians in Baghdad in 2007 ... Criminal charges against the former employees of Blackwater Worldwide had been dismissed in December 2009 by a federal judge in Washington, who criticized the Justice Department for its handling of the case and ruled that prosecutors had relied on tainted evidence ...*" ... *The former guards affected by the ruling are Evan S. Liberty of Rochester, N.H.; Donald W. Ball of West Valley City, Utah; and Dustin L. Heard of Knoxville, Tenn., all of whom had served with the Marines before joining Blackwater; and Paul A. Slough from Keller, Tex., who had been in the Army ... The shootings, in the middle of traffic in Baghdad's Nisour Square, left at least 17 Iraqi civilians dead and set off an anti-American political firestorm in Iraq and an international debate over the role of private security contractors in modern war zones ... "This new decision has brought optimism and happiness back to me," said Talib Mutlak, who was injured in the Nisour Square shooting. "This is a victory for the blood of martyrs and injured people who were affected by Blackwater."* Source: New York Times, *"Ex-Blackwater Guards Face Renewed Charges"*, by James Risen, 22 April 2011. <http://www.nytimes.com/2011/04/23/us/23blackwater.html?r=1&scp=2&sq=blackwater&st=cse> (last visit 23 May 2011)

* "... *Top executives at Blackwater Worldwide authorized secret payments of about \$1 million to Iraqi officials that were intended to silence their criticism and buy their support after a September 2007 episode in which Blackwater security guards fatally shot 17 Iraqi civilians in Baghdad, according to former company officials ... Blackwater approved the cash payments in December 2007, the officials said, as protests over the deadly shootings in Nisour Square stoked long-simmering anger inside Iraq about reckless practices by the security company's employees... They said that Cofer Black, who was then the company's vice chairman and a former top C.I.A. and State Department official, learned of the plan from another Blackwater manager while he was in Baghdad discussing compensation for families of the shooting victims with United States Embassy officials ...*" New York Times, *"Blackwater said to pursue bribes to Iraq after 17 died"*, by Mark Mazzetti and James Risen, 10 November 2009. <http://www.nytimes.com/2009/11/11/world/middleeast/11blackwater.html?>

r=3&emc=eta1&pagewanted=all (last visit 23 May 2011)

* Civil Action No.1:09cv1048, *Estate of Sa'aidi Ali Abbas Husein, Nidhal Khaza'al Salman, Samah Sa'adi Ali, Surah Sa'adi Ali, Ali Sa'adi Ali, and Mohammed Sa'adi Ali v. Erik Prince*. See civil third amended complaint and jury demand http://www.burkepllc.com/human-rights/pleadings-detail.php?id=61&select_year=2011 (last visit 21 June 2011) and *Estate of Himoud Saed Abtan et al., v. Blackwater Lodge and Training Center, Inc. and others*, No.1:09cv617. See four amended civil complaint and jury demand. http://www.burkepllc.com/human-rights/pleadings-detail.php?id=50&select_year=2011 (last visit 21 June 2011)

* Court files of legal case *Abtan et al v. Prince et al* <http://ccrjustice.org/ourcases/current-cases/abtan-et-al-v-blackwater-usa-et-al> (last visit 16 June 2011). See Box Legal Case *Abtan et al v. Prince et al*. This case was settled between the parties on 6 January 2010.

o) Other incidents. (*Memorandum Opinion. In re: Xe Services Alien Tort Litigation* <http://ccrjustice.org/files/10.21.09%20Memorandum%20opinion%20re%20defendants'%20motion%20to%20dismiss.pdf>). Six separate incidents between March 2005 and April 2008, in chronological order:

* 22 March 2005: Al Qaysi and Al Rubae were being driven to Baghdad from the Baghdad Airport in Al Rubae's BMW when Al Qaysi was shot and killed for no reason by Xe employees. Al Rubae was wounded and his vehicle was damaged.

* 18 July 2005: Husam Hasan Jaber, a Baghdad taxi operator, was driving a minibus carrying three passengers when Xe employees shot and wounded him without justification. He alleges that Xe employees used exploding ammunition designed to maximize the extent of the injury and amount of damage caused. He also alleges that Xe employees fled the scene despite knowing that he had been seriously wounded. He also suffered property damage to his minibus as a result of the incident.

* August 2005: Malood Mohammed Shathir Husein was being driven to the Ministry of Higher Education in Baghdad when vehicles operated by Xe employees approached the checkpoint at the same time, and shot him in the leg. They left the scene while American military personnel came to Husein's aid.

* 4 February 2007: Suhad Shakir Fadhil was driving to her office near the Iraqi Ministry of Foreign Affairs when Xe employees shot and killed her without apparent justification. Shooters also severely damaged her car.

* 1 July 2007: Xe employees shot at a minibus containing three families, including small children, for no reason. The shots killed a nine-year-old boy and wounded a 3-month-old baby and the children's mother, father, uncle, and cousin.

* 26 April 2008: Safeen Hameed Qadir was a photographer covering the opening of a Ford automobile dealership in Iraq's Arbil province. Qadir attempted to take a photograph of a visiting American VIP who was being guarded by Xe defendants employees. They severely beat Qadir without justification.

p) Impeding probes into Blackwater contractor deaths in Fallujah in 2004: "... According to these documents, Blackwater took on the Falluja mission before its contract officially began, and after being warned by its predecessor that it was too dangerous. It sent its team on the mission without properly armored vehicles and machine guns. And it cut the standard mission team by two members, thus depriving them of rear gunners," the report states. ... Blackwater contractors Jerry Zovko, Scott Helvenston, Mike Teague and Wesley Batalona were ambushed, dragged from their vehicles and killed on March 31, 2004 ... The burned and mutilated remains of two of the men were hung from a bridge over the Euphrates River, an image that fueled American outrage and triggered the first of two attempts to retake the city from Sunni Arab insurgents ..." **Source:** CNN, "Blackwater impeded probe into contractors deaths", 27 September 2007. http://articles.cnn.com/2007-09-27/politics/iraq.blackwater_1_erik-prince-blackwater-usa-blackwater-team?_s=PM:POLITICS (last visit 23 May 2011)

External information

- Leadership and founders: Founded in 1998 by former U.S. Navy Seals. "... The company, now called Xe Services, was once the United States' go-to contractor in Iraq and Afghanis-



tan. It has been under intense scrutiny since 2007, when Blackwater guards were accused of killing 17 civilians in Nisour Square in Baghdad... In April 2010, federal prosecutors announced weapons charges against five former senior Blackwater executives, including its former president, Erik D. Prince ..." Source: http://topics.nytimes.com/top/news/business/companies/blackwater_usa/index.html?inline=nyt-org, (last visit 23 May 2011);

In other source the company appears to have been founded in 1997 by Erik Prince and Al Clark (currently it appears to have 10.000 employees worldwide). Source: Corpwatch, "Blackwater USA", by Pratap Chatterjee. <http://www.corpwatch.org/section.php?id=210> (last visit 23 May 2011)

In 2007, Gary Jackson was the company's President and Cofer Black its Vice Chairman. http://www.nytimes.com/2009/11/11/world/middleeast/11blackwater.html?_r=3&emc=eta1&pagewanted=all (last visit 23 May 2011)

- Employees in Iraq: more than 1,000 in 2006. **Source:** Washington Post, "*Census counts 100,000 contractors in Iraq*", by Renae Merle, 5 December 2006 <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/04/AR2006120401311.html>. (last visit 23 May 2011)

In addition, it is said that the company "...*Employs 744 US citizens, 231 third-country nationals, and 12 Iraqis to protect US state department in Iraq ...*" Source: BBC, "*Blackwater boss grilled over Iraq*", 2 October 2007. http://news.bbc.co.uk/2/hi/middle_east/7024370.stm (last visit 23 May 2011)

- In Iraq since: August 2003. "...*Blackwater's work in Iraq began in August 2003, when Coalitional Provisional Authority Administrator Paul Bremer awarded the company a no-bid contract to provide security to top U. S. civilian officials ...*" Source: "*House oversight Committee's Memorandum on Blackwater, October 2007*" The U.S. House Committee on Oversight and Government Reform, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

See also: Democracy Now, "*Blackwater USA: Building the Largest Private Army in the World*", 1 April 2004. http://www.democracynow.org/2004/4/1/blackwater_usa_building_the_largest_private (last visit 23 May 2011)

-Last annual revenue: Over \$ 1 billion. "... *By 2006, Blackwater had over \$593 million in government contracts, an increase of more than 80,000%. In total Blackwater has received over a billion dollars from the federal government during fiscal years 2001 to 2006. Of this amount, \$523,649,287 (51%) was awarded without full and open competition ...*" Source: "*House oversight Committee's Memorandum on Blackwater, October 2007*", The U.S. House Committee on Oversight and Government Reform, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

Additionally, it is stated that the company had earned \$1 billion from 2001 to 2007. Source: BBC, "*Blackwater boss grilled over Iraq*", 2 October 2007. http://news.bbc.co.uk/2/hi/middle_east/7024370.stm (last visit 23 May 2011)

Other interesting information

a) Change of tarnished name. "... *Blackwater Worldwide is abandoning the brand name that has been tarnished by its work in Iraq, settling on Xe (pronounced zee) as the new name for its family of two dozen businesses ... Blackwater Lodge and Training Center, the subsidiary that conducts much of the company's overseas operations and domestic training, has been renamed U.S. Training Center Inc...*" Source: New York Times, "Blackwater changes its name to Xe", by Associated Press, 13 February 2009. <http://www.nytimes.com/2009/02/14/us/14blackwater.html> (last visit 23 May 2011)

b) New owner of Blackwater-XE: USTC Holdings, LLC ("USTC") is the investor consortium that acquired Xe Services, LLC ("Xe"), formerly Blackwater. <http://www.ustraining.com/new/bod-1.asp> (last visit 23 May 2011)

c) PMSC interconnexion with political power/administration: "...Blackwater has hired several former senior Bush Administration officials to work for the company. J. Cofer Black, who served as director of the CIA Counterterrorist Center from 1999 to 2002 and as a top counterterrorism official at the State Department until 2004, now serves as Blackwater's vice chairman. IT Joseph E. Schmiø, the Inspector General for the Defense Department from 2002 to 2005, is now general counsel and chief operating officer of the Prince Group, Blackwater's parent company ...", "House oversight Committee's Memorandum on Blackwater, October 2007" The U.S. House Committee on Oversight and Government Reform, 1 October 2007. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/02_10_07_cong_blackwater.pdf (last visit 23 May 2011)

d) Blackwater provided protection for former CPA head Paul Bremen in Iraq: "... Provided protection for former CPA head Paul Bremen ... Blackwater is the main firm employed by the state department to provide security for its staff and visiting officials and businessmen. It has earned more than \$1bn (£490m) from US government contracts since 2001. The state department paid the company more than \$832m (£408m) for security work between 2004 and 2006 ...", Source: BBC, "Blackwater boss grilled over Iraq" 2 October 2007. http://news.bbc.co.uk/2/hi/middle_east/7024370.stm (last visit 23 May 2011)

e) Blackwater employees in Iraq and impunity: It is stated that Blackwater's 1,000 employees in Iraq operate in a grey legal area. "... They operate in a decidedly gray legal area. Unlike soldiers, they are not bound by the Uniform Code of Military Justice. Under a special provision secured by American-occupying forces, they are exempt from prosecution by Iraqis for crimes committed there. The security firms insist their employees are governed by internal conduct rules and by use-of-force protocols established by the Coalition Provisional Authority, the U.S. occupation government that ruled Iraq for 14 months following the invasion. Some military analysts and government officials say the contractors could be tried under the Military Extraterritorial Jurisdiction Act, which covers crimes committed abroad. But so far, that law has not been applied to them. Security firms earn more than \$4 billion in government contracts, but the government doesn't know how many private soldiers it has hired, or where all of them are, according to the Government Accountability Office. And the companies are not required to report violent incidents involving their employees ... Blackwater has an estimated 1,000 employees in Iraq, and at least \$800 million in government contracts. It is one of the most high-profile security firms in Iraq, with its fleet of "Little Bird" helicopters and armed door gunners swarming Baghdad and beyond ..."

Source: * Associated Press, "Contractors accused of firing on civilians", 8 December 2007. <http://www.msnbc.msn.com/id/20231579/> (last visit 23 May 2011).

Additionally, "... Until quite recently, these men with guns were untouchable: they were protected from any kind of prosecution by Coalition Provisional Authority Order No 17, issued by Paul Bremer, the US diplomat charged with running Iraq after the 2003 invasion ... For example, Andrew J Moonen, a Blackwater employee, who has been accused of killing a guard assigned to an Iraqi vice-president on 24 December 2006, was spirited out of the country and has never faced charges in Iraq. Nor have the five men accused of opening fire in Nisour Square: Donald Ball, Dustin Laurent Heard, Evan Shawn Liberty Nicholas Abram Slatten and Paul Alvin Slough. *Lawsuits in the US have also failed* ..."

Source: * The Guardian/Wikileaks, "Iraq war logs: military privatisation run amok", by Pratap Chatterjee, 23 October 2010.

<http://www.guardian.co.uk/commentisfree/cifamerica/2010/oct/23/iraq-war-logs-us-military> (last visit 23 May 2011)

f) Hearing of Erik Prince, chairman of Blackwater , 2 October 2007, U.S. House Of Representatives.

<https://house.resource.org/110/org.c-span.201290-1.1.raw.txt> (last visit 23 May 2011)

g) PSCAI Membership. According to PSCAI sources Blackwater had started a process of registration as of 25 November 2006 before the Ministry of Interior of Iraq; however it is currently not listed as a PSCAI member. **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf ; <http://www.psc.ai.org/pscmembers.html>; Non-ISOA member: **Source:** <http://www.stability-operations.org/index.php> (last visit 30 September 2011)



44. ZAPATA INC



Information from the official website (last visit 30 September 2011)

A) Founded: 1991 <http://www.zapatainc.com/Home.aspx>

B) Headquarters: North Carolina, U.S. <http://www.zapatainc.com/Contact.aspx>

C) Leadership: Manuel L. Zapata, President <http://www.zapatainc.com/Zapata.aspx>

D) Number of employees: Zapata has about 200 employees, plus contract technicians for specialized jobs. http://www.zapatainc.com/News/2010_03_18_MeckTimes.pdf

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last contracts: Five-year U.S. Navy contract: \$30 million. Five-year U.S. Army Corps of Engineers contract: \$1.2 billion. Five-year U.S. Air Force contract: \$350 million. Four-year Fort Bragg contract: \$8 million. http://www.zapatainc.com/News/2010_03_18_MeckTimes.pdf

H) Services: Engineering and Construction: civil engineering, structural engineering, range design, construction management-owner's representative, anti terrorism-force protection, etc. Environmental Engineering and remediation: site investigations, public interview/surveys, environmental assessments, regulatory compliance, lead & asbestos identification and abatement, remedial design and construction, underground abandoned mine remediation... Munition Response Services: Since 1995, ZAPATA has conducted site characterizations, remedial designs, range clearance, and removal actions at Munitions and Explosives of Concern (MEC) and Recovered Chemical Warfare Materiel (RCWM) sites throughout CONUS and OCONUS. They facilitate teamwork between Federal, State, and local regulatory agencies and the local communities to meet stakeholder objectives. Blackhawk Geophysics: a division of ZAPATA, provides professional, comprehensive, high resolution geophysical imaging and UXO support services. From small local utility locating projects, to high resolution 3D oil & gas seismic surveys, to major international groundwater projects, they have the geophysical experience and expertise to meet your job requirements. Strategic Technologies: location based market studies, web-based applications, network and database services, blast testing and modelling, real time location systems, etc. <http://www.zapatainc.com/Services.aspx>

External information

HUMAN RIGHTS INCIDENTS

- **"Friendly fire" in Fallujah, Iraq:** Zapata Inc subsidiary security men (eight of them former U.S. marines allegedly) shot at civilians and marines on 28 May 2005. Sixteen security guards were jailed by the marines. It is an extraordinary example of contractors being treated as criminals. This PMSC was not registered at the PSCAI, nor at the Ministry of Interior of Iraq, so it operated illegally.

Sources:

* Corpwatch, *"Marines Jail Contractors in Iraq"* by David Phinney, 7 June 2005. <http://www.corpwatch.org/article.php?id=12349> (last visit 24 May 2011)

* New York Times, *"The Other Army"*, by Daniel Bergner, 14 August 2005. <http://www.nytimes.com/2005/08/14/magazine/14PRIVATI.html?sq=zapata%20iraq&st=cse&scp=4&pagewanted=all> (last visit 24 May 2011)

COMPLEMENTARY INFORMATION

- **In Iraq since: 2003 Source:** The Center for Public Integrity, *"Windfalls of War"* <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=83> (last visit 24 May 2011).

- **Clients:** Zapata's client list includes fellow Iraq contractor Science Applications International Corporation (SAIC) and government agencies, such as the U.S. Air Force, U.S. Army Corps of Engineers, U.S. Army Engineering & Support Center, U.S. Army Reserve Command and the U.S. Navy. Non-Defense clients listed include the U.S. Energy Department, the Veteran's Affairs Department, amongst others. Source: The Center for Public Integrity, *"Windfalls of War"*. <http://projects.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=83> (last visit 24 May 2011)

Other interesting information

-Illegal operations: "... *In the final days of the Coalition Provisional Authority, CPA administrator Paul Bremer issued an order, known as Memorandum 17, requiring all private security companies to register with Iraq's Ministries of Trade and Interior. The order mandated that contractors be licensed, subject to audits and that weapons be registered and licensed. Contractors were also expected to engage in force only in self-defense and the defense of civilians ... Lawrence Peter, the director of the Private Security Company Association of Iraq, says that if a private security company is not registered, then it operates illegally ... "I can say without a shadow of a doubt that there is no company named Zapata that is a licensed Private Security Company under the terms of CPA Memorandum 17."* Source: Corpwatch, *"Marines Jail Contractors in Iraq"*, by David Phinney, 7 June 2005. <http://www.corpwatch.org/article.php?id=12349> (last visit 24 May 2011)

ZKD, LLC





Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Virginia, U.S. <http://zkdllc.com/index.html>

C) Leadership: Zachary K. Duck, Founder, President and CEO <http://zkdllc.com/information.html>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Homeland security; passenger and baggage security screening; physical security assessments; threat & vulnerability assessments; counterintelligence operations; security education and awareness; security evaluations; intrusion detection; Information Security (SSO OPS); counter terrorism; Protection of Critical Infrastructure (PKI); executive/VIP protection; HUMINT; intelligence analysts; linguists; foreign travel briefs; first responders/ EMT. <http://zkdllc.com/security.html>

I) Clients: Defense Intelligence Agency, Northrop Grumman, Department Of Homeland Security, Saic, Department Of Defense, CSC Technologies, among others. <http://zkdllc.com/partners.html>

External information

- **Founded:** The Company was founded in 2001, with only two employees. The founders published several advertisements seeking for interrogators. "...*Another company, ZKD, Inc. ran advertisements for interrogators on February 4, 2004. This listing opened 10-Feb-04 and is valid for 180 days. The company's closing date comments for this listing are: "Open Till Filled. Category: Military Arts, Operations and Science. ."* Source: <http://dissidentvoice.org/June04/Stanton-Madsen0614.htm> (last visit 24 May 2011) See also: Daniel Pereira, *Mercenarios, guerreros del Imperio*, El viejo topo, Spain, 2007, page 215.

- **Revenues:** More than \$10 million. "...*Black Enterprise states that ZKD was founded in 2001 with only two employees but now has more than 250 people with revenues totaling more than \$ 10 million in 2003...*" Source: John Stanton and Wayne Madsen, *"Torture Incorporated"*, 14 June 2004. <http://www.counterpunch.org/stanton06142004.html> (last visit 24 May 2011)

Other interesting information

a) Growth: "After 2001, this company has had solid growth. ZKD has a growing roster of clients, including the Transportation Security Administration and McNeil technologies. In January 2004 ZKD was awarded a five-year, \$53.7 million contract from the Department of Defense. In addition, the company has already solidified \$34.5 million in contracts for 2004 with another \$13 million expected..." Source: Black enterprise, "At the top of their game", by Sonja Mack, 1 May 2004. <http://www.blackenterprise.com/2004/05/01/at-the-top-of-their-game-2/> (last visit 24 May 2011)

UNITED KINGDOM

46. AKE



Information from the official website (last visit 30 September 2011)

A) Founded: 1991 <http://www.akegroup.com/>

B) Headquarters: Hereford, U.K., with operational headquarters in Bagdad (Iraq). <http://www.akegroup.com/about-ake/contact-us.php>

C) Leadership: Andrew Kain, founder. <http://www.akegroup.com/about-ake/>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2003 http://www.akegroup.com/documents/marketing-sheets/Baghdad_Business_Centre.pdf

G) Last annual revenue: No official information available

H) Services: Security, intelligence, training, medical, crisis management, and insurance services. <http://www.akegroup.com/>

I) Clients: CNN, TV4 Sweden, Atlas Air, International Federation of Journalists, B&H Microsystems, Frontline News Television Ltd, HTV-Wales, and ABC Australia, amongst others. <http://www.akegroup.com/about-ake/testimonials.php>

External information

- Employees in Iraq: AKE claimed to be employing 13 SAS-trained Australians in Iraq in 2004.

Source: World Socialist Website, *"Private military companies in Iraq: profiting from colonialism"*, by James Conachy, 3 May 2004. <http://www.wsws.org/articles/2004/may2004/pmcs-m03.shtml> (last visit 24 May 2011)



47. AEGIS



Information from the official website (last visit 30 September 2011)

A) Founded: 2002 <http://www.aegisworld.com/index.php/about-us/history>

B) Headquarters: London, U.K., with operational headquarters in Iraq. <http://www.aegisworld.com/index.php/contact> and <http://www.aegisworld.com/index.php/about-us>.

C) Leadership: The founders of the company are lieutenant colonel Tim Spicer (who already had a 20 year career in the British army), Mark Bullough (who was a colleague of Tim Spicer in the British army and who has a 20 year career in investment banking), and Jeffrey Day and Dominic Armstrong. <http://www.aegisworld.com/index.php/about-us/history>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Operational coordination, physical security services (*every aspect of security – from corporate operations, commercial risk and foreign investment to counter-terrorism, close protection and support to governments*), path finding services, consultancy services, humanitarian support services, specialist training services, technical services, and maritime services. <http://www.aegisworld.com/index.php/security-operations>

I) Legal commitment: The Company claims to have international legal and ethic commitments, as well as to lobby for the regulation and accountability of PMSCs. It also claims to be part of the British Association of Private Security Companies and Private Security Company Association of Iraq (PSCAI). *"...Aegis welcomes the international agreement on 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" ("Montreux Document") created in association with the ICRC and the Swiss Initiative in September 2008 ... founder member of the British Association of Private Security Companies (BAPSC) which lobbies for regulation in the private sector in the UK" ...* <http://www.aegisworld.com/index.php/about-us/regulation-ethics-and-sector-reform>

J) Charity: The company claims to also run a U.K. charity. *"...which aims to bring immedia-*

te relief to communities in post-conflict environments, currently Iraq and Afghanistan ...
<http://www.aegis-foundation.org/>

External information

HUMAN RIGHTS INCIDENTS

-“Trophy video” of firing at civilians. On 27 October 2005 a video appearing on the Internet showed PMSC contractors in the “Irish Route”, a highway between the Green Zone and Baghdad airport, while randomly firing upon civilian vehicles with no clear reason discernible. Sources and video:

*“... *Wherever Tim Spicer turns up, he carries the kind of baggage that gives the private military business a bad name. An internet video showing private contractors shooting at civilian cars in Iraq, loosely linked to his company, has ignited a firestorm about unregulated gun-wielding security convoys, escorting reconstruction or government advisors, roaming the country ... As thousands of armed guards, working largely under U.S. contracts, travel the roads of Iraq, the industry is seeking respectability though a Washington trade group -- the International Peace Operations Association (IPOA) ...*” CorpWatch, “From Mercenaries to Peacemakers?”, by David Phinney, 29 November 2005. <http://www.corpwatch.org/article.php?id=12829> (last visit 25 May 2011) [includes interesting video footage]

*“... *A car full of armed men travels at high speed on an Iraqi road. When another car tries to pass it, a machine gun appears from the window of the first car and it starts shooting a burst of machine-gun fire until the second car stops. The operation recurs more and more times, on the road side an increasing number of cars and wounded people stand still. They are the “contractors” of “Aegis”, the British company, who try to defend themselves from the risk of possible attacks ...*” Rainews, “War Business”, by Flaviano Masella, Mario Sanna, Angelo Saso, and Maurizio Torrealta, 16 March 2007. http://www.rainews24.it/ran24/rainews24_2007/inchieste/19042007_affari_guerra/default_eng.asp (last visit 25 May 2011)

* While Aegis denies participating in the shootings referred to above, other sources identify a South African Aegis employee as the shooter. “... *Aegis have assured us that there is nothing on the video to suggest that it has anything to do with their company. This is now a matter for the American authorities because Aegis is under contract to the United States ... Also, CnL claims one man is a “South African employee of Aegis Victory team named Danny Heydenreycher. He served in the British military for 6 years.”* About.com, “Contractors Shoot Civilians in Iraq?”, by Kathy Gill, 25 November 2005. <http://uspolitics.about.com/b/2005/11/29/contractors-shoot-civilians-in-iraq.htm> (last visit 25 May 2011).

COMPLEMENTARY INFORMATION

- Headquarters: Possibly moved to Basel (Switzerland). “... *The move to Basel of a British security firm that provides soldiers for war zones has met with widespread criticism, with observers saying it affects Swiss neutrality ... Aegis Defence Services, one of the world’s largest private security contractors, has set up a Swiss holding company for its different operations, effectively moving its headquarters from London to Basel ... It employs an estimated 20,000 soldiers, mostly in Iraq and Afghanistan. Many of them are on contract to the United States defence department ... To date, Switzerland does not have any national laws for regulating such firms or the export of mercenary services and military logistics outside its borders. But under Swiss export law, companies cannot export arms into active armed conflict zones ...*”

Source: Swissinfo, “Swiss fired up over arrival of mercenary firm”, by Jessica Dacey, 11 August 2010. http://www.swissinfo.ch/eng/business/Swiss_fired_up_over_arrival_of_mercenary_firm.html?cid=22482084 (last visit 25 May 2011)

- In Iraq since: 2004. Source: Boston Globe, “Security firm’s \$293m deal under scrutiny”, by Charles M. Sennott, 22 June 2004: <http://www.patfinucanecentre.org/cases/pmcbride/040622bg.html>

- Contracts and revenue: “... *Investigators said Aegis Defence Services can not correctly*



document that employees are qualified for weapons use and that many of its Iraqi workers have not been properly screened. Aegis had little prior experience in the Middle East before landing a \$293 million contract in Iraq and its main shareholder, former British army officer Tim Spicer, has been at the center of several controversies, including an arms deal that broke a U.N. embargo in 1998 and questions raised by Irish Americans over his military record in Northern Ireland ...” **Source:** Reuters, “U.S.A.: Audit Criticizes Aegis Security Work in Iraq”, by Sue Pleming, 22 April 2005. <http://www.corpwatch.org/article.php?id=12135> Additionally, the “...company, known as Aegis Defence Services, landed a \$293 million Pentagon contract to coordinate security for reconstruction projects, as well as support for other private military companies, in Iraq. This effectively put him in command of the second-largest foreign armed force in the country—behind America’s but ahead of Britain’s. These men aren’t officially part of the Coalition of the Willing, because they’re all paid contractors—the Coalition of the Billing, you might call it—but they’re a crucial part of the coalition’s forces nonetheless ...” **Source:** Vanity Fair, “Iraq’s mercenary kings”, by Robert Baer (a former CIA officer), April 2007. <http://www.vanityfair.com/politics/features/2007/04/spicer200704?currentPage=all> (last visit 30 May 2011)

Other interesting information

a) Founder: The company was founded by Tim Spicer, who was previously the director of the controversial company Sandline International. **Source:** The Guardian, “Foreign Office to propose self-regulation for private military firms” by Richard Norton-Taylor, 24 April 2009. <http://www.guardian.co.uk/world/2009/apr/24/private-military-firms-government>, (last visit 25 May 2011).

b) PSCAI Membership: the company is registered as a PSCAI member. **Source:** www.psc.ai.org/pscmembers.html; Non-ISOA member: **Source:** <http://www.stability-operations.org/index.php> (last visit 30 September 2011)

c) Coordination of all other PMCS in Iraq: AEGIS coordinates the operations of all PMSCs working in Iraq, including handling security at prisons and oil fields. “...Over 3 years, Aegis will be in charge of all security for the \$18.4 billion in ongoing reconstruction projects being overseen by the US. As part of the contract, Aegis will hire a “force-protection detail” of about 600 armed men and coordinate the operations of 60 other PMCs already working in Iraq and their 20,000 men, including handling security at prisons and oil fields ...” **Source:** Geneva Centre for the Democratic Control of Armed Forces, “Privatising security”, by F. Schreier and M. Caparini, March 2005, page 23. <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=14077> (last visit 31 May 2011)

d) More private contractors after 2011 military withdrawal: “...All U.S. combat forces are scheduled to leave Iraq by year’s end, but the State Department will still need security. So it’s planning to add thousands more private contractors ... A U.S. Army helicopter brigade is set to pull out of Baghdad in December, as part of an agreement with the Iraqi government to remove U.S. forces. So the armed helicopters flying over the Iraqi capital next year will have pilots and machine gunners from DynCorp International, a company based in Virginia ... On the ground, it’s the same story. American soldiers and Marines will leave. Those replacing them, right down to carrying assault weapons, will come from places with names like Aegis Defence Services (emphasis added) and Global Strategies Group — eight companies in all ... All U.S. combat forces are scheduled to leave Iraq by year’s end, but there will still be a need for security. That means American troops will be replaced by a private army whose job will be to protect diplomats ... Already, the State Department is approving contracts, but there are questions about whether it makes sense to turn over this security job to private companies ...” **Source:** National Public Radio, “As US military exits Iraq, contractors to enter”, by Tom Bowman, 17 May 2011. <http://www.scpr.org/news/2011/05/17/as-us-military-exits-iraq-contractors-to-enter/> (last visit 27 July 2011)

e) Rubicon International. This PMSC was on the 2006 PSCAI list, however today it belongs to Aegis. http://www.privateforces.com/index.php?option=com_content&task=view&id=289 (last visit 17 June 2011)

48. ALFAGATES



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: London, U.K., with an operational office in Bagdad (Iraq). <http://alfagates.com/index.htm> ; the Company claims to have a subsidiary or member of the group in Iraq, called "Babylon Gates-Iraq, http://alfagates.com/babylon_gates.htm

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2003, http://alfagates.com/babylon_gold.htm#iraqperspective http://alfagates.com/babylon_gates.htm .

G) Last annual revenue: No official information available

H) Services: Working dogs, de-mining, civil engineering, real state management and operations, business facilitation and implementation, life support and personal services. The company claims to provide services to PMSC in Iraq: "...*An international security company had the mandate to secure the men and materials for a foreign trading house on an infrastructure project in Iraq. The security company did not have a presence in Iraq. Babylon Gates in Iraq supplied accommodation and office services for the security company in Baghdad ...*" http://alfagates.com/case_studies.htm; The Company claims to have "Contracting" and "Consulting" services in Iraq, http://alfagates.com/case_studies.htm; additionally the company claims to be part of PSCAI. http://alfagates.com/contracting_services.htm.

I) Clients: U.S. Government's Department of Defense, U.S. Army Corps of Engineers, Multi-National Security Transition Command – Iraq, amongst others. http://alfagates.com/babylon_gates.htm

External information

-Leadership: Mark Berger, CEO. **Source:** Kurdistan Regional Government, "The Kurdistan



Region: Invest in the Future”, 2008. http://www.krg.org/uploads/documents/Invest_in_the_Future_2008.pdf (last visit 31 May 2011)

49. ARMORGROUP

Information from the official website (last visit 30 September 2011)

There is no longer an official website of ArmorGroup available. ArmorGroup was acquired by G4S in March 2008 and all official information about ArmorGroup has been included on the G4S website.

A) Founded: ArmorGroup was founded in 1981 and G4S in 1935. <http://www.g4s.jp/en-jp/What%20we%20do/G4S%20Japan/Oil%20and%20gas/> ; <http://www.g4s.com/en/Who%20we%20are/History/>

B) Headquarters: Crawley, U.K. <http://www.g4s.com/en/Media%20Centre/Key%20facts%20and%20figures/>

C) Leadership: Alf Duch-Pedersen, (Chairman) and Lord Condon (ViceChairman and Senior Independent Director, formerly Policeman). <http://www.g4s.com/en/Who%20we%20are/Our%20management/Group%20board%20profiles/>

D) Number of employees: G4S has nearly 625,000 employees worldwide in 125 countries. <http://www.g4s.com/en/Who%20we%20are/Where%20we%20operate/>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available but G4S claims to be in Iraq: *“We provide protection to thousands of convoys in Iraq”* <http://www.g4s.uk.com/en-GB/Media%20Centre/Key%20facts%20and%20figures/>

G) Last annual revenue: turnover from continuing operations for the year from January to December 2009 was £7,008.6 million. <http://www.g4s.com/en/Investors/Corporate%20overview/>

H) Services: Cash management solutions; risk management solutions; care and justice services; event security services; transport services; security systems and technology; manned security services; ordnance management; utility services; secure data solutions; investigative services; facilities management; and training. **Sectors:** Financial institutions; government; leisure and tourism; major corporates and industrials; oil and gas; ports and airports; private energy and utilities; retail; and transports and logistics. <http://www.g4s.uk.com/en-gb/What%20we%20do/> .

I) Official statement of ArmorGroup about a human right incident occurred in Iraq: *“ This is a tragic and devastating incident, not only for the families of Paul McGuigan and Darren Hoare but for their many colleagues, still working in Iraq, who are shocked that this has happened At present, we are unable to comment on any information relating to Daniel Fitzsimons, due to the ongoing investigation, suffice to say we have offered our full support to the Iraqi authorities ”*, ArmorGroup statement on incident in Iraq, 12 August 2009. <http://www.g4s.com/en/Media%20Centre/News/2009/08/12/ArmorGroup%20statement%20on%20incident%20in%20Iraq/>.

“... Until now, Daniel Fitzsimons, the man accused of the shootings, has been suspended from employment, pending the findings of the investigation. We can confirm that Mr Fitzsimons has now been dismissed from the company on the grounds of gross misconduct ... Although Mr Fitzsimons is no longer an employee of the company, we are doing what we can to ensure that his human rights are met whilst in Iraqi custody by providing him with food,

water, clothing and toiletries ... Another employee has also been dismissed on the grounds of gross misconduct .. We have also carried out a detailed investigation into our screening policy and processes. We are unable to reveal the contents of Mr Fitzsimons' employment file for data protection reasons. However, we can confirm that in this particular case, there is evidence that Mr Fitzsimons falsified information during the recruitment process and that his screening was not completed in line with the company's procedures ..." Source: ArmorGroup Update on Iraq Incident from 9 August 2009, 15 September 2009. <http://www.g4s.com/en/Media%20Centre/News/2009/09/15/ArmorGroup%20Update%20on%20Iraq%20Incident%20from%209th%20August%202009/>

External information

HUMAN RIGHTS INCIDENTS

a) First western contractor to face Iraqi trial. Daniel Fitzsimons, a British ArmorGroup employee, was accused of shooting dead fellow contractors Paul McGuigan and Darren Hoare and injuring an Iraqi guard in August 2009 at a base inside Baghdad's Green Zone. He was sentenced to 20 years of imprisonment.

Sources:

* "...Danny Fitzsimons, who attended the hearing, is the first Western contractor on trial in an Iraqi court since a 2009 U.S.-Iraqi security agreement lifted immunity for foreign contractors... The trial opened with a testimony of the Iraqi guard who claims Fitzsimons shot him in the leg ... Arkan Mahdi Saleh, an Iraqi guard at the security firm ArmorGroup that also employed the defendant and the two slain men, told a three judge panel that he saw Fitzsimons with a Pistol before he was shot ..."

Associated Press, "Murder trial for British contractor opens in Iraq", by Sinan Salaheddin, 29 December 2010. <http://www.foxnews.com/world/2010/12/29/murder-trial-british-contractor-opens-iraq/> (last visit 31 May 2011)

* "...A British private security contractor will spend 20 years in prison after an Iraqi court found him guilty Monday of murdering two co-workers ..."

United Press International, "Contractor sentenced for deaths in Iraq", 28 February 2011. http://www.upi.com/Top_News/World-News/2011/02/28/Contractor-sentenced-for-deaths-in-Iraq/UPI-35311298897611/ (last visit 31 May 2011)

* "...Danny Fitzsimons, the court has found established evidence that you killed the two slain men and attempted to kill the third," the judge said. "So the court issues its sentence according to ... the Iraqi criminal code and sentences you to 20 years in prison."

Aljazeera, "Briton jailed in Iraq for killings" 28 February 2011. <http://english.aljazeera.net/news/middleeast/2011/02/201122894429452490.html> (last visit 25 May 2011)

List of complementary sources about the 28 February 2011 verdict (see complete quotation and further information in Annex D on Legal Cases): The Guardian, <http://www.guardian.co.uk/world/2011/feb/28/danny-fitzsimons-jailed-iraq-murders> (last visit 27 July 2011); BBC, <http://www.bbc.co.uk/news/uk-england-manchester-12594245> (last visit 27 July 2011); News.com. <http://www.news.com.au/world/british-security-guard-gets-life-in-iraq/story-e6frfkyi-1226013793832> (last visit 27 July 2011); SkyNews, <http://news.sky.com/skynews/Home/World-News/Iraq-Murder-Trial-British-Contractor-Danny-Fitzsimons-Jailed-For-Life-For-Killing-Colleagues/Article/201102415942288> (last visit 27 July 2011); Gorillas Guide's, <http://gorillasguides.com/author/omar-khdhayyir/page/2/> (last visit 27 July 2011); Aljazeera, <http://english.aljazeera.net/news/middleeast/2011/02/201122894429452490.html> (last visit 27 July 2011).

COMPLEMENTARY INFORMATION

- Employees in Iraq / revenues: "ArmorGroup, which started in Iraq with 20 employees and a handful of SUVs, has grown to a force of 1,200 -- the equivalent of nearly two battalions -- with 240 armored trucks; nearly half of the publicly traded company's \$273.5 million in revenue last year came from Iraq..." Sources:

* The Washington Post, "Iraq contractors face growing parallel war", by Steve Fainaru,



16 June 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/06/15/AR2007061502602_2.html?hpid=topnews (last visit 25 May 2011)

* "...ArmorGroup, the private security company, became another casualty of the war in Iraq as it succumbed yesterday to a £43 million bid from rival G4S ... The company, which provides embassy and convoy security, has seen profits decline for the past three years as its business in Iraq has dropped off.. Armor was one of the many private security companies that took advantage of a boom in work during the early stages of the Iraq occupation. British and American armed forces outsourced many activities to enable them to fight in Iraq with smaller forces .. Armor said that its operating profit for last year fell to \$6.3 million (£3.2 million) from \$10.6 million the year before and \$12.4million in 2005. Iraq revenue fell by 14 per cent to \$119.7 million. The company said in November that its business in Iraq was faltering, which led to the departure of David Seaton, the chief executive. ..." The Sunday Times, "G4S buys security firm rival ArmorGroup for £43m", by David Robertson, 21 March 2008. http://business.timesonline.co.uk/tol/business/industry_sectors/support_services/article3593666.ece .

- **In Iraq since:** 2003. Source: Scotland on Sunday, "Former foreign minister cashes in Iraq crisis", by Brian Brady, 23 May 2004. <http://news.scotsman.com/iraq/Former-foreign-minister-cashes-in.2531197.jp> (last visit 25 May 2011)

- **Leadership:** "...A private security company headed by former Foreign Secretary Sir Malcolm Rifkind is making millions from a contract to protect Foreign Office staff working in Iraq, it emerged last night ... ArmorGroup, the biggest 'mercenary' security firm working in Iraq, is one of two companies that have raked in a total of £15m between them for providing round-the-clock cover in the treacherous environment of post-war Iraq during the past year." Source: Scotland on Sunday, "Former foreign minister cashes in Iraq crisis", by Brian Brady, 23 May 2004. <http://news.scotsman.com/iraq/Former-foreign-minister-cashes-in.2531197.jp> (last visit 25 May 2011)

- **Clients:** "ArmorGroup has a client list that is remarkably similar to the list of donors to international NGOs: UN Agencies, the government of UK, US, Switzerland, Sweden, Japan and Canada, the EU, ECHO, USAID, CARE, and Caritas." Source: Geneva Centre for the Democratic Control of Armed Forces, "Privatising security", by F. Schreier and M. Caparini, March 2005, page 32. <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=14077> (last visit 25 May 2011)

Other interesting information

a) BAPSC creation: "ArmorGroup fostered the creation of the British Association of Private Security Companies, the UK's trade association and lobbying arm for PMSCs". Source: War on Want, "Corporate Mercenaries. The threat of private military and security companies", by Fabien Mathieu and Nick Dearden, November 2006, page 7. <http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf> (last visit 25 May 2011)

b) International market and ArmorGroup estimates: "...ArmorGroup estimated that the international market for protective security services alone was worth around US\$900 million in 2003 (US\$300 million in Iraq), rising to an estimated US\$1.7 billion by August 2004 (US\$900 million in Iraq).¹³ Industry officials have estimated that the figure will continue to rise as US and UK forces withdraw.¹⁴ Other experts have suggested that combined revenues for all PMSCs across the world, broadly defined, could already be close to US\$100 billion ..." Source: War on Want, "Corporate Mercenaries. The threat of private military and security companies", by Fabien Mathieu and Nick Dearden, November 2006, page 4. <http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf> (last visit 25 May 2011)

c) Services in Iraq: The British Foreign Office and Department for International Development awarded ArmorGroup armed security contracts in Baghdad and Basra as well as control of the Iraqi police mentoring programme in Basra. Source: U.K. House of Commons International Development Committee, "Development Assistance in Iraq: Interim Report",

, 5 April 2005, pages 58, 66 and 67. <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmintdev/244/244.pdf> (last visit 25 May 2011)

d) PSCAI Membership: the company is registered as a PSCAI member. According to PSCAI sources ArmorGroup was registered as of 25 November 2006 at the Ministry of Interior of Iraq; currently it does not appear as PSCAI member, however.

Sources: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html>, (last visit 29 September 2011). Non-ISOA member: **Source:** <http://www.stability-operations.org/index.php> (last visit 30 September 2011).

50. BLUE HACKLE



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: London, U.K., with operational offices in Iraq and the U.S. http://www.bluehackle.com/es-ES/Finding_Us/

C) Leadership: General Sir Jeremy Mackenzie, Chairman of the Board of Blue Hackle (he was commissioned into the Queen's Own Highlanders and commanded its 1st Battalion Queen's Own Highlanders in Hong Kong, where he was awarded the OBE). Michael Raper, CEO (Mr. Raper served as a British army officer in Germany, Canada, and Northern Ireland, and also saw active service with a reconnaissance unit in the Gulf War). General John Avizaid, Board of Directors (retired from the U.S. Army as Commander of U.S. Central Command) http://www.bluehackle.com/en-GB/Advisory_Board/#abizaid

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available, but the company claims to have contracts in Iraq. *"New clients developed during this period include U.S. government agencies, including USAID in Iraq ..."* http://www.bluehackle.com/en-GB/Advisory_Board/ ; *"The Client: A*



major US engineering and construction group client had been retained by the US Government to construct a new Iraqi police headquarters at a site near Fallujah, Iraq ...” <http://www.bluehackle.com/en-GB/Environments/>

G) Last annual revenue: No official information available

H) Services: Geopolitical risk audit; consultancy services specifically designed to aid and support the entering of markets in particularly difficult or challenging jurisdictions; preventing and investigating corporate fraud and crime; business intelligence; crisis situations management; security training; and kidnap for ransom consultancy. http://www.bluehackle.com/en-GB/Finding_Us

External information

-Founded: 2004 “Blue Hackle was set up in 2004 by brothers, Michael and Charles Raper, and named after a distinctive feather in Army caps” **Source:** Business Sale Report, 11 May 2010. <http://www.business-sale.com/acquisitions/article/blue-hackle-group-a-company-that-provid-32723.html> (last visit 25 May 2011)

-Number of employees: 2,000 staff.

Source: Ibid

-Last annual revenue: £33 million in 2009. **Source:** Ibid

-Employees and services in Iraq: 450 posted in Iraq (since 2004), where they, amongst others, have build a new police headquarters near Fallujah, and have lost a man in 2006 to a roadside ambush.

Sources:

*SourceWatch. http://www.sourcewatch.org/index.php?title=Blue_Hackle_Limited (last visit 25 May 2011)

*Spear’s Indices, September 2008. <http://www.spearswms.com/spears-indices/security-index/596/blue-hackle.thtml> (last visit 25 May 2011)

Other interesting information

- PSCAI Membership: the company used to be registered as a PSCAI member. http://www.sourcewatch.org/index.php?title=Private_Security_Company_Association_of_Iraq

51. BRITAM

Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: London, U.K., and operational offices in Iraq <http://www.britamdefence.com/contact.html> and <http://www.britamdefence.com/about.html>.

C) Leadership: General Sir Michael Wilkes, Chairman. <http://www.britamdefence.com/home.html>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Corporate security services, police and military training, and health and safety. <http://www.britamdefence.com/about.html>

External information

-Founded: 1997 **Source:** Sourcewatch http://www.sourcewatch.org/index.php?title=Britam_Defence,_Ltd. (last visit 25 May 2011)

Other interesting information

a) PSCAI Membership: the company is registered as a PSCAI member. **Source:** <http://www.pscai.org/pscmembers.html> (last visit 25 May 2011)

52. CASTLEFORCE

CastleForce IT SECURITY

☎: 0151 203 1400 (north)
☎: 0118 907 1600 (south)

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Castleforce Risk Management Services

Castleforce have experience across a wide range of business risk management practices from emergency management to asset protection.

With a strong pedigree in the IT and GEE industry, Castleforce has conducted focused risk and security assessments and security concept development for multi-million pound projects. We work with our clients from project inception through all stages of the operational cycle to security or decommissioning.

As specialists in emergency and crisis management, Castleforce have developed unique practical representations of evaluation and business continuity plans. Our consultants also have exceptional experience of conducting strategic scenario exercises, founded upon experience gained in the British military and during the many large corporate events.

We are also a specialist provider of close protection services, utilising the skills of our dedicated in-house operators.

Castleforce Risk Management Overview

Business Continuity Planning: New threats and catastrophic events may not have been anticipated in existing plans, existing operations and critical business processes to unexpected risks. During such incidents, or in the immediate aftermath, a clear strategy, robust plans and well-trained staff are required if business activity and operations are to continue.

Crisis Response: Castleforce offer a range of discreet but efficient close protection services to ensure the personal security of senior executives. Our service incorporates efficient operating procedures and practical counter-surveillance measures. Castleforce personnel have provided protective details to royalty, heads of state, government officials, corporate executives and celebrities.

Information from the official website (last visit 30 September 2011)

A) Founded: No official information available



B) Headquarters: Wirral, Merseyside, U.K. <http://www.castleforce.co.uk/Contact-Us/>

C) Leadership: John Richards (has earned his merits for his background in defence and security as well as his long service in the British Military) and David Woodcock (an IT professional with 15 years experience who has, in the past, worked at some leading blue chip IT companies including IBM, Peoplesoft and Oracle), co-founders. <http://www.castleforce.co.uk/Contact-Us/About-Us/>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: IT Services: support, IT security awareness, IT security consultancy, information system security assessment, IT security standards compliance assessment, and penetration testing. Risk Management Services: business continuity planning, close protection, crisis management, evacuation planning, kidnap and ransom, risk and threat assessment, security planning and management, tracking solutions, and physical security. <http://www.castleforce.co.uk/Risk-Management/> and <http://www.castleforce.co.uk/Services/>

External information

-In Iraq since: At least since 2004. *"CastleForce Consultancy Limited is an emerging small business that was formed to provide security services with a focus on current operations in Iraq. The evolution of CastleForce resulted from the extreme frustration that many encountered with security firms currently operating in Iraq. The management team of CastleForce consists of personnel who have spent the last year in Iraq serving in a host of positions within the coalition."* **Source:** David Isenberg, "A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq," September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 26 May 2011)

53. CENTURION RISK ASSESSMENT SERVICES

The screenshot shows the Centurion Risk Assessment Services website. The header includes the Centurion logo and navigation links: Home, About Us, Contact Us, Site Map. A search bar is also present. The main content area is titled 'Training' and features a list of training services: Training Centres, Training Courses, Specialist Training, Risking a Course, Terms & Conditions, Corporate First Aid. Below this, there is a section titled 'Training Philosophy' which describes the company's focus on providing high-quality training and risk assessment services. The page also includes an 'INQUIRY FORM' on the right side, which allows users to contact the company for more information.

Information from the official website (last visit 30 September 2011)

A) Founded: 1995 <http://www.centurionsafety.net/About.html>

B) Headquarters: Newquay, U.K. <http://www.centurionsafety.net/Contact.html>

C) Leadership: The company was founded by ex-Royal Marine Paul Rees. http://www.centurionsafety.net/About/Centurion_in_the_Media/Danger_Zone.html

D) Number of employees: No official information available. The company claims to be "... based in the UK staffed by former British military personnel, the majority being former Royal Marines..." <http://www.centurionsafety.net/About.html>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Training: discussions and practical exercises on mines and booby traps, weapons and ballistics, emergency navigation, kidnapping, personal security, and a great deal of field emergency first aid training. Corporate Services: Centurion's Corporate Safety Division helps human resources managers, training managers, safety officers and other key staff to assess their company's main assets and identify the level of threat each faces, offering practical advice and a range of security measures including preparation awareness training, on-site instruction, building security systems and procedures. Safety equipment. <http://www.centurionsafety.net/Training.html> ; <http://www.centurionsafety.net/Corporate.html>

I) Clients: ABC News, Al-Jazeera, Amnesty International, Army Times, BFBS/SSVC, Canadian Press, Christian Aid, Department for Overseas Development, European Pressphoto Agency, Guardian Films, International Reporting Project at Johns Hopkins University, ITV/Granada, McClatchy Newspapers, NBC News, New York Times, Post Conflict Reconstruction Unit, Reuters, Stars and Stripes, The Associated Press, the Independent, The Observer, The Times, Toronto Star, United States Institute of Peace, Voice of America, Washington Post, ZDF, etc. <http://www.centurionsafety.net/About/Clients.html>

Other interesting information

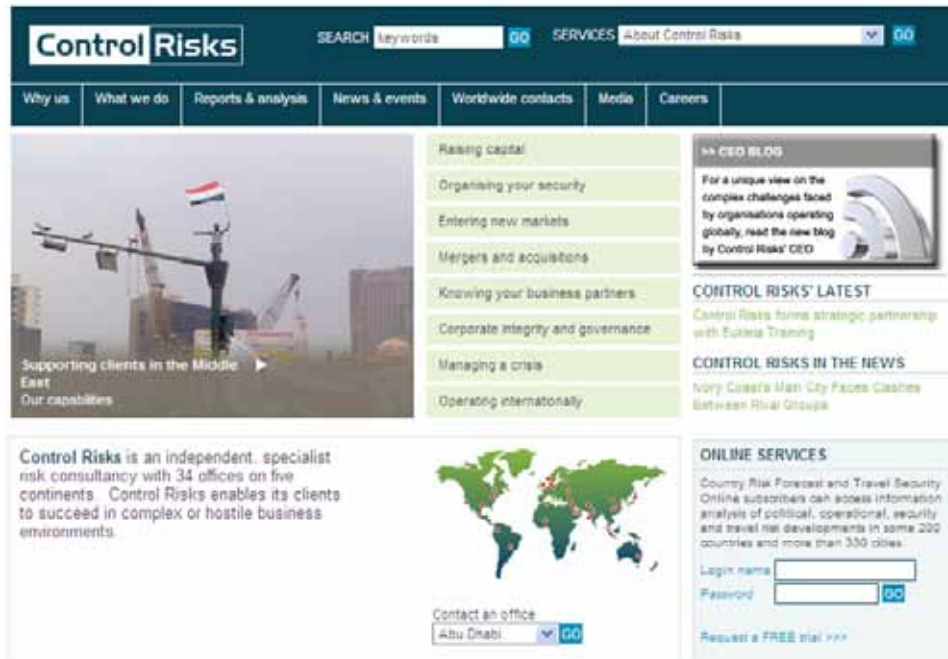
- War training for journalists. ABC News sends its staff to Centurion Risk Assessment for a five-day course called Hostile Environments and First Aid Training, which is held either in the U.S. or England. It is a class for journalists likely to be embedded with a military unit in Iraq or Afghanistan. Source: ABC News, *"Intense training prepares journalists for War"*, by Charlotte Sector, 30 January 2006. <http://abcnews.go.com/International/story?id=1557505> (last visit 26 May 2011)

Consulting services in kidnapping context in Iraq: *"Over the past few days, one of Centurion's advisors in Iraq had the opportunity to chat informally to a number of people who had been taken hostage by insurgents ..."* Source: Journalists at Risk, *"kidnappings in Iraq, Lessons to be drawn"*, 8 february 2005. <http://www.journalistsatrisk.org/?article=53>

- PSCAI Membership: According to PSCAI sources the company had started process of registration at the Ministry of Interior of Iraq, as of 25 November 2006; currently it does not appear as a PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_full-list_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 30 September 2011)



CONTROL RISKS



Information from the official website (last visit 30 September 2011)

A) Founded: 1975 <http://www.control-risks.com/default.aspx?page=313>

B) Headquarters: London, U.K., with operational offices in Baghdad (Iraq) <http://www.control-risks.com/default.aspx?page=5>

C) Leadership: No official information available.

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available on when it started operating in Iraq, but the company does claim to have worked in the Middle East for nearly thirty years and refers to a *"Control Risks on the Foreign and Commonwealth Iraq Contract between 2003-2009"*. <http://www.control-risks.com/default.aspx?page=325> ; <http://www.control-risks.com/default.aspx?page=410>

G) Last annual revenue: No official information available

H) Services: Political and security risk analysis; business intelligence and investigation; business ethics and anticorruption; forensics; information security; security management and consultancy; crisis management; business continuity services; travel security; incident response; governance and development; and training services. <http://www.control-risks.com/default.aspx?page=15>

External information

- **Leadership:** Jonathan Fry, Chairman. **Source:** SourceWatch http://www.sourcewatch.org/index.php?title=Control_Risks_Group (last visit 26 May 2011)

- **Number of employees:** 1,000 employees in 15 countries (2010) Source: The Guardian, *"Iraq security firm joins bidding for Wall Street's favourite detective agency"*, by Richard

Wachman, 14 March 2010. <http://www.guardian.co.uk/business/2010/mar/14/kroll-control-risks-bidding-war?INTCMP=SRCH> (last visit 26 May 2011)

- Employees in Iraq and since when in Iraq:

*"..*Control Risks, another big British security provider, is responsible for the security of diplomats in Iraq.*.." Source: The Times, "Government aims to impose rules on armed guards", by David Robertson, 22 October 2009.

http://business.timesonline.co.uk/tol/business/industry_sectors/support_services/article6886085.ece (last visit 26 May 2011)

*"..*Since 2003, prominent foreign security companies such as Control Risks, Aegis, and Olive Group have been a familiar and prominent presence in Basrah ...*" **Source:** The Guardian, "US embassy cables: Halliburton boss complains of outrageous cost of security firms in Iraq", 21 December 2010. <http://www.guardian.co.uk/world/us-embassy-cables-documents/245068> (last visit 26 May 2011)

Other interesting information

a) Wikileaks: cable 10BASRAH1.

Source:

"..*Since 2003, prominent foreign security companies such as Control Risks, Aegis, and Olive Group have been a familiar and prominent presence in Basrah...*" Source: The Guardian, "US embassy cables: Halliburton boss complains of outrageous cost of security firms in Iraq", 21 December 2010. <http://www.guardian.co.uk/world/us-embassy-cables-documents/245068> (last visit 26 May 2011)

b) Inherent governmental functions. In April 2004 eight Blackwater commandos defended the U.S. headquarters in Najaf against an attack by hundreds of Iraqi militia using a variety of methods, including flying helicopters to ferry in fresh ammunition. Later that same day Control Risks was also involved in pitched battles in Iraq. Source: War on Want, "Corporate Mercenaries. The threat of private military and security companies", by Fabien Mathieu and Nick Dearden, November 2006, page 5. <http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf> (last visit 26 May 2011)

55. EDINBURGH INTERNATIONAL

The screenshot shows the Edinburgh International website. At the top, there is a blue header with the company logo and navigation links: Home, About Us, Services, Careers, and Contact Us. Below the header, there is a 'Latest news' section. The first article is titled 'Two bombs hit Pakistan navy buses in Karachi, 4 dead' and mentions that two bombs exploded near buses carrying navy officials in Pakistan's southern city of Karachi on Tuesday, killing four people and wounding 18. The second article is titled 'Heavy fighting in Misrata and Libya mountains' and mentions that the city of Misrata won no respite from two months of bitter siege as Muammar Gaddafi's forces bombarded the city and battled rebel fighters. Below the news section, there is a 'Code of Conduct' section and a 'Iraq Capability' section. The footer contains copyright information and additional navigation links: Home, About Us, Services, Careers, Contact Us, Site Map, and Legal Notices.



Information from the official website (last visit 30 September 2011)

A) Founded: September 2003. On April 2010 Triple Canopy acquired Edimburg International. <http://www.edinburghint.com/about-us/ei-history/>

B) Headquarters: London, U.K., with operational offices in Dubai, United Arab Emirates (U.A.E.). <http://www.edinburghint.com/contact-us/>

C) Leadership: No official information available

D) Number of employees: Over 1,850 employees <http://www.edinburghint.com/about-us/ei-history/>

E) Employees in Iraq: No official information available

F) In Iraq since: September 2003. The operational element was initially based in, and focused on, Iraq <http://www.edinburghint.com/about-us/ei-history/>

G) Last annual revenue: No official information available. On the website it is only mentioned that they are involved with "...supporting commercial, development and government contracts in Iraq since 2003, to a value of over \$150m ..." <http://www.edinburghint.com/assets/Uploads/Capability-Statement-Iraq-May11.pdf>

H) Services: Support services, training and security services. <http://www.edinburghint.com/services/>; in Iraq: "... *Operating throughout Iraq in support of oil, construction and telecommunications clients, this includes individual ad-hoc security services through to turn-key missions support solutions throughout the full spectrum of security support* ..." <http://www.edinburghint.com/assets/Uploads/Capability-Statement-Iraq-May11.pdf>

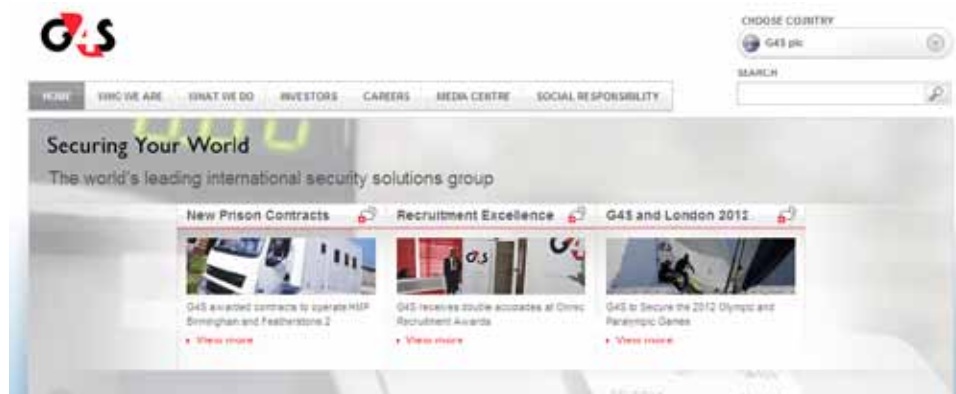
I) Clients: Telecoms, constructions, mining, manufacturing, NGOs, oil and gas, financial services, maritime and insurance sectors, United Nations, European Union, Department of Homeland Security, U.K. Government, World Customs Organisations and other international governmental bodies. <http://www.edinburghint.com/about-us/clients/>

External information

-Headquarters. It is argued that the company also has operational offices in Baghdad. http://www.britisheexpertise.org/bx/pages/Organisation_view/762.php (last visit 26 May 2011)

-Security services in Iraq. *"Physical protection, secure accommodation, purchasing, logistics and business assistance for a telecommunications provider."* http://www.britisheexpertise.org/bx/pages/Organisation_view/762.php (last visit 26 May 2011)

56. G4S



Information from the official website (last visit 30 September 2011)

A) Founded: 1935 <http://www.g4s.com/en/Who%20we%20are/History/>

B) Headquarters: Crawley, U.K. <http://www.g4s.com/en/Media%20Centre/Key%20facts%20and%20figures/>

C) Leadership: Alf Duch-Pedersen, Chairman, and Lord Condon, Vice Chairman and Senior Independent Director. <http://www.g4s.com/en/Who%20we%20are/Our%20management/Group%20board%20profiles/>

D) Number of employees: G4S has nearly 625,000 employees worldwide in 125 countries. <http://www.g4s.com/en/Who%20we%20are/Where%20we%20operate/>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available but G4S claims to be in Iraq: *"We provide protection to thousands of convoys in Iraq"* <http://www.g4s.uk.com/en-GB/Media%20Centre/Key%20facts%20and%20figures/>

G) Last annual revenue: turnover from continuing operations for the year from January to December 2009 was £7,008.6 million. <http://www.g4s.com/en/Investors/Corporate%20overview/>

H) Services: Cash management solutions; risk management solutions; care and justice services; event security services; transport services; security systems and technology; manned security services; ordnance management; utility services; secure data solutions; investigative services; facilities management; and training. **Sectors:** Financial institutions; government; leisure and tourism; major corporates and industrials; oil and gas; ports and airports; private energy and utilities; retail; and transports and logistics. <http://www.g4s.uk.com/en-gb/What%20we%20do/>

External information

HUMAN RIGHTS INCIDENTS

See **ArmorGroup**, a subsidiary of G4S.

Other interesting information

a) Wackenhut Corporation: Wackenhut Corporation was acquired by G4S in 2002. This company was implicated in supplying chemicals for weapons to Iraq in the 1970s. Its first major coup was the collection of two million files of U.S. citizens implicated in the McCarthyite witch hunts of the 1950s. **Source:** Corporate Watch U.K., July 2003 <http://www.corporatewatch.org.uk/?lid=337> (last visit 27 May 2011)

b) PSCAI Membership: The company is registered as a PSCAI member, and it is stated that the Company was registered in year 2006 before the Minister of Interior of Iraq.

Source: <http://www.psc.ai.org/pscmembers.html> and http://www.psc.ai.org/Docs/latest-ed_fulllist_update.pdf (last visit 27 May 2011)



57. GENRIC SECURITY



Information from the official website (last visit 30 September 2011)

A) Founded: 2004 <http://www.genric.com/>.

B) Headquarters: U.K. (with operational offices in the U.S. and Asia), http://www.genric.com/genric_global.php

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Executive protection, escorted transport, investigation, maritime, natural resources, surveillance, surveys & audits, residential, travel support, management & consultancy, and integrity testing. http://www.genric.com/genric_services.php

External information

- **Partnership with Kuwaiti company for security projects in Iraq:** "Al-Amnelkhass (AMK) Group originated from a joint venture between Arab Orient Group of Kuwait and Genric Security Ltd of the UK. Through its constituent companies, AMK has been working throughout Iraq for almost two years supporting a range of clients with business services and security." Source: http://www.silobreaker.com/fact-sheet-for-alamnelkhass-group-5_2261060937110781952_4, (last visit 28 July 2011).

Other interesting information

a) PSCAI Membership: The company is registered as a PSCAI member. Source: <http://www.pscai.org/pscmembers.html> (last visit 27 May 2011)

58. GLOBAL STRATEGIES GROUP (formerly Global Risk Strategies)



Information from the official website (last visit 30 September 2011)

A) Founded: 1998 (under the name of Global Risk Strategies Limited) [http://www.globalgroup.com/user-assets/Documents/Damian%20Perl%20-%20Website%20Biography%20\(2\).pdf](http://www.globalgroup.com/user-assets/Documents/Damian%20Perl%20-%20Website%20Biography%20(2).pdf)

B) Headquarters: London, U.K. <http://www.globalgroup.uk.com/>

C) Leadership: Damian Perl, Founder, Chairman and Group CEO. *"Damian served in the British military in the Royal Marines Commandos and in Special Forces. He has advised foreign governments on counter-terrorism, working with indigenous security services and linking civil and military security interests."* <http://www.globalgroup.uk.com/>

D) Number of employees: Over 2,000 personnel <http://www.globalgroup.uk.com/>

E) Employees in Iraq: No official information available

F) In Iraq since: 2004 *"Early in 2003, we were asked to provide security assessments for major airports throughout Iraq. By 2004, we were providing security services and operations for Baghdad International Airport to ensure safe transportation services for people and commercial cargo in one of the world's most dangerous aviation security environments."* <http://www.globalgroup.com/wmepage.cfm?parm1=120>

G) Last annual revenue: No official information available

H) Services: The Company delivers national security initiatives in counter-terrorism, counter-narcotics, borders security and peacekeeping operations. It protects critical infrastructures, presents timely intelligence and insight, accelerates field operations and secures communications and IT networks. In post-conflict environments it creates frameworks to enable good governance, builds sustainable local capacity and safeguards peace. In complex and emerging markets, it ensures business continuity and facilitates market entry by delivering a range of services to corporate clients including operational risk management, supply chain assurance, and insurance and reinsurance. <http://www.globalgroup.com/wmepage.cfm?parm1=205>

I) Clients: Military and civil government departments; aid agencies and commercial organisations; oil & gas companies; mining & construction companies; international telecom-



munications companies; and international banks. <http://www.globalgroup.com/wmspage.cfm?parm1=68>

External information

HUMAN RIGHT INCIDENTS

-Human right incident by U.S. troops in an area secured by Global Strategies Group:

"According to a U.S. military press release issued the same day, a car carrying "three criminals" opened fire on a convoy of U.S. troops stopped on the roadside on the way to Baghdad International Airport at 8:40 a.m. .. But the Iraqi police report, which was obtained by TIME, had a different account: "Twenty-seven bullet holes [were found] on the right-hand side of [Mehdi's] car. [We] found two bullets of caliber 50 mm inside the car ... We did not see or find any weapons or empty cartridges inside the car ... The Iraqi police report identified the three "charred" bodies inside the car as Hafeedh About Mehdi, Youssef and Ahmed. If the trio had in fact been armed, says an Interior Ministry official, it would have been the first time ever that an Iraqi had gotten a weapon through all the checkpoints to try to carry out an attack on that stretch of road ... The day after Mehdi, Youssef and Ahmed burned to death in Mehdi's car, the U.S. military reiterated its initial report. U.S. military spokesman Lieut. Colonel Steven Stover responded to questions posed by TIME via e-mail, saying, "We stand by the information we sent in the press release ... There are photos of the two U.S. Military vehicles with bullet holes." ... Reports and interviews collected by TIME indicated otherwise. For the past year, the road to Baghdad's airport, where Mehdi's car burned that morning, has been one of the most heavily secured roads in Baghdad. The Iraqi government has contracted a private British security firm, *Global Strategies Group*, to control a series of checkpoints leading up to the airport, with multiple ID checks and a car X-ray scan for explosives. At one checkpoint, passengers are asked to exit the car completely, leaving all doors open, including the trunk and hood, while Global security guards lead sniffer dogs around each car, checking inside and outside again for explosives ..." Source: Time Magazine, "Incident on Baghdad's Airport Road", by Abigail Hauslohner, July 26 2008. <http://www.time.com/time/world/article/0,8599,1826872,00.html> (last visit 31 May 2011)

COMPLEMENTARY information

-Employees and revenue in Iraq: 1,000 employees in 2004. "... *Private military companies (PMCs)—mercenaries, in old speak—manning the occupation administration's front lines are now the third-largest contributor to the war effort after the United States and Britain. British ones are popular, largely because of the reputation of the Special Air Service (SAS) regiment whose ex-employees run and man many of the companies ... Global Risk Strategies was a two-man team until the invasion of Afghanistan. Now it has over 1,000 guards in Iraq—more than many of the countries taking part in the occupation—manning the barricades of the Coalition Provisional Authority (CPA). Last year it also won a \$27m contract to distribute Iraq's new dinar ...*" Source: The Economist, "The Baghdad boom", 25 March 2004: http://www.economist.com/node/2539816?story_id=2539816 (last visit 27 May 2011)

Other interesting information

a) GLOBAL pay British or US ex-special forces soldiers more than £300 a day - sometimes a lot more - for their services, but GLOBAL need only pay around £35 a day to its 1,300 force of otherwise unemployed Fijians and Gurkhas. Source: The Guardian, "Don't call us mercenaries, says British company with lucrative contracts and cheap labour", 17 May 2004. <http://www.guardian.co.uk/uk/2004/may/17/military.iraq> (last visit 27 May 2011)

b) PSCAI Membership: the company is registered as a PSCAI member. Source: <http://www.psc.ai.org/pscmembers.html> (last visit 27 May 2011)

c) More private contractors after 2011 military withdrawal:

* "...All U.S. combat forces are scheduled to leave Iraq by year's end, but the State Department will still need security. So it's planning to add thousands more private contractors ... A U.S. Army helicopter brigade is set to pull out of Baghdad in December, as part of an agreement with the Iraqi government to remove U.S. forces. So the armed helicopters flying over the Iraqi capital next year will have pilots and machine gunners from DynCorp International, a company based in Virginia ... On the ground, it's the same story. American soldiers and Marines will leave. Those replacing them, right down to carrying assault weapons, will come from places with names like Aegis Defence Services and Global Strategies Group (emphasis added) — eight companies in all ... All U.S. combat forces are scheduled to leave Iraq by year's end, but there will still be a need for security. That means American troops will be replaced by a private army whose job will be to protect diplomats ... Already, the State Department is approving contracts, but there are questions about whether it makes sense to turn over this security job to private companies ..." Source: National Public Radio, "As US military exits Iraq, contractors to enter", by Tom Bowman, 17 May 2011. <http://www.scpr.org/news/2011/05/17/as-us-military-exits-iraq-contractors-to-enter/> (last visit 31 May 2011)

* Similarly, and more recently: "The State Department is preparing to spend close to \$3 billion to hire a security force to protect diplomats in Iraq after the U.S. pulls its last troops out of the country by year's end ... In testimony Monday before the Commission on Wartime Contracting, Patrick Kennedy, undersecretary of state for management, said the department plans to hire a 5,100-strong force to protect diplomatic personnel, guard embassy buildings and operate a fleet of aircraft and armored vehicles.. Fewer than 50,000 U.S. troops remain in Iraq. Under a 2008 U.S.-Iraqi security agreement, all U.S. troops are supposed to leave the country by the end of the year, leaving behind only a small military office to oversee arms sales.. As the military withdraws, Mr. Kennedy said, the State Department will rely on contractors to carry out a range of military-style missions that he said were "not inherently governmental," including providing emergency medical evacuation, operating systems to detect and warn against incoming rocket or artillery fire, or rescue diplomatic personnel under attack.. The State Department has awarded a series of multiyear contracts to private security companies for guard forces, including a \$974 million award to SOC Inc. to guard the embassy in Baghdad, \$1.5 billion to Triple Canopy Inc. for mobile security (emphasis added), and \$401 million to Global Strategies Group Inc. for guarding a consulate in Basra.. The department hasn't released a breakdown of how much, exactly, it will spend on security in 2012, the first year after U.S. troops withdraw." The Wall Street Journal, "U.S. Plans Private Guard Force for Iraq", by Nathan Hodge, 7 June 2011. <http://online.wsj.com/article/SB10001424052702304906004576369801913947130.html> (last visit 27 July 2011)

59. HART SECURITY

HART is an internationally recognised risk management company delivering innovative, integrated solutions across land, sea and air. HART's integrated solutions cover a broad range of business facilitation including intelligence, physical security, logistics, medical support, manpower, training and equipment. Simply put, we can provide a variety of turn-key solutions to enable comprehensive business operations.

Detailed Knowledge: HART combines detailed knowledge of security methods and governmental regulations with an understanding of the commercial realities that shape clients' requirements. Clients include governments, corporations, humanitarian and non-governmental organisations (NGOs).

Partnership: We work in close partnership with our clients to understand their security needs and how best to meet these within the context of their business activities, local culture and laws, and wider international conventions.

Continuous Planning: Our approach is based on a rolling cycle of analyse-plan-implement-analyse. This continuous evaluation enables us to anticipate and respond to the rapid changes to security risks that characterise clients' operating environments.

Local Knowledge: We deliver intelligence and protection by combining professional international expertise with local knowledge, local staff and local relationships.

Human Rights: HART supports the Voluntary Principles on Security and Human Rights (www.voluntaryprinciples.org), which provide standards for companies on maintaining the safety and security of their operations within a framework that ensures respect for human rights.

HART offers exceptional risk management solutions to the Oil & Gas sector in Iraq. Our experience in the Iraqi energy sector is supported by offices in Baghdad and Erbil, and a strategic all-purpose client and operations facility in Basra. Contact us for further information.

Aviation Security

Maritime Security

Land Security



Information from the official website (last visit 30 September 2011)

A) Founded: 1999 http://www.hartsecurity.com/aboutus_whoare.asp

B) Headquarters: London, U.K., with operational offices in Baghdad and Basra, Iraq. <http://www.hartsecurity.com/contactusworldwide.asp>

C) Leadership: Lord Richard Westbury. *"Drawing on a lifetime of experience in conventional and special forces, as well as those gained as Chief Executive of Defence Systems Ltd., formed in 1981, Lord Westbury has gathered a dedicated team of professionals who are all experts in their respective fields of security"* http://www.hartsecurity.com/aboutus_whoare.asp

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: The founder was in Iraq at least from 1990-1991 and the company has been active in Iraq at least in 2005. *"Hart has had personnel operating in Iraq since the start of the second Gulf War, escorting a variety of non-military personnel, including global media groups and commercial entities, across the entire country, before, during and after the military action ... This included employing and training an Iraqi National Force of 1500, which continues to serve the government on this project following completion of the Project .. During January and February 2005, Hart provided security services (together with National and Coalition Forces) which helped secure the landmark success of the first democratic elections in the history of Iraq .. Hart supports operations throughout Iraq from secure bases in Baghdad and Basrah and is currently the largest security company operating in Southern Iraq..."* http://www.hartsecurity.com/aboutus_selectedexperience.asp#iraq

G) Last annual revenue: No official information available

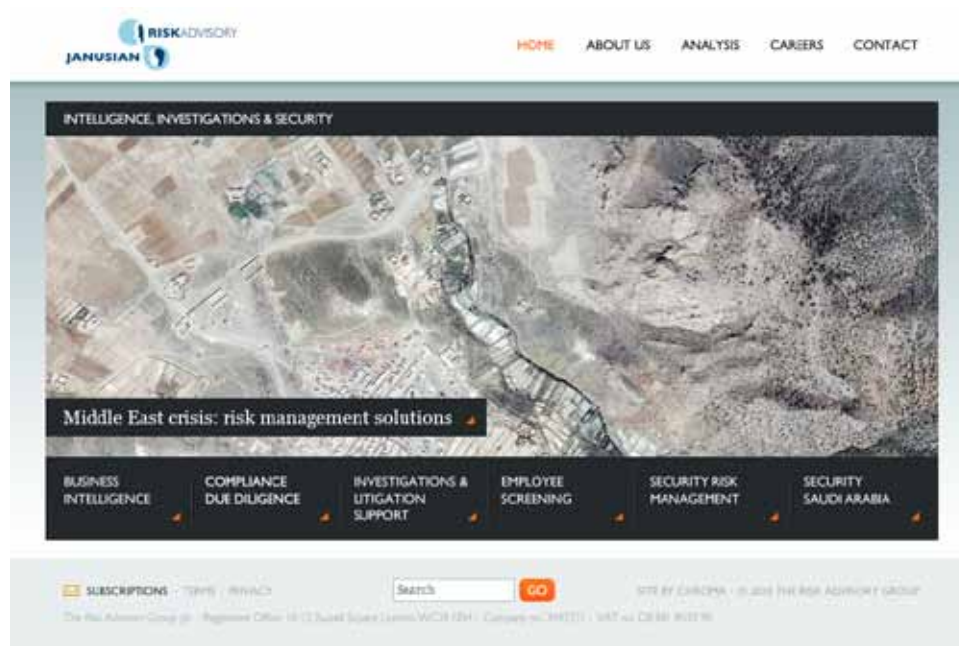
H) Services: Consultancy: supply chain security, security risk analysis, quality control, crisis planning, regulatory/security initiative compliance, and aviation security. Mitigation: high security risk protection services, aviation security operations, investigation services, security solutions, and other risk-related services. Training: corporate, specialist maritime security training, specialist aviation, and government. Technology: electronic passport, border control system, vehicle registration and tracking, biometric identification system, and aviation technology. <http://www.hartsecurity.com/sitemap.asp>

Other interesting information

a) PSCAI Membership: The company is registered as a PSCAI member. **Source:** <http://www.psc.ai.org/pscmembers.html> (last visit 27 May 2011). The company also appears to be a member of ISOA. See the special reference to the Company on ISOA's official website. <http://www.stability-operations.org/index.php> (last visit 29 September 2011)

b) Inherent Governmental functions. In April 2004 eight Blackwater commandos defended the U.S. headquarters in Najaf against an attack by hundreds of Iraqi militia using a variety of methods, including flying helicopters to ferry in fresh ammunition. Later that same day Hart Group was also involved in pitched battles in Iraq. **Source:** War on Want, *"Corporate Mercenaries. The threat of private military and security companies"*, by Fabien Mathieu and Nick Dearden, November 2006. <http://www.waronwant.org/attachments/Corporate%20Mercenaries.pdf> (last visit 27 May 2011)

60. JANUSIAN SECURITY RISK



Information from the official website (last visit 30 September 2011)

A) Founded: 1997 . <http://www.janusian.com/about-us>

B) Headquarters: London, U.K., with operational offices in the U.S. and the U.A.E. <http://www.janusian.com/contact/offices> ; This Company is a subsidiary of The Risk Advisory Group, <http://www.janusian.com/about-us> .

C) Leadership: Bill Waite, CEO. <http://www.riskadvisory.net/analysis/story/justice-and-common-sense>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Business intelligence, compliance due diligence, investigations & litigation support, employee screening, and security risk management. <http://www.riskadvisory.net/>

External information

- **In Iraq since:** 17 April 2003 **Source:** David Isenberg, "A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq", September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 27 May 2011)

Other interesting information

a) It is stated to be the first Western PMSC to have an operational office and manager stationed permanently in Iraq. **Source:** ibid

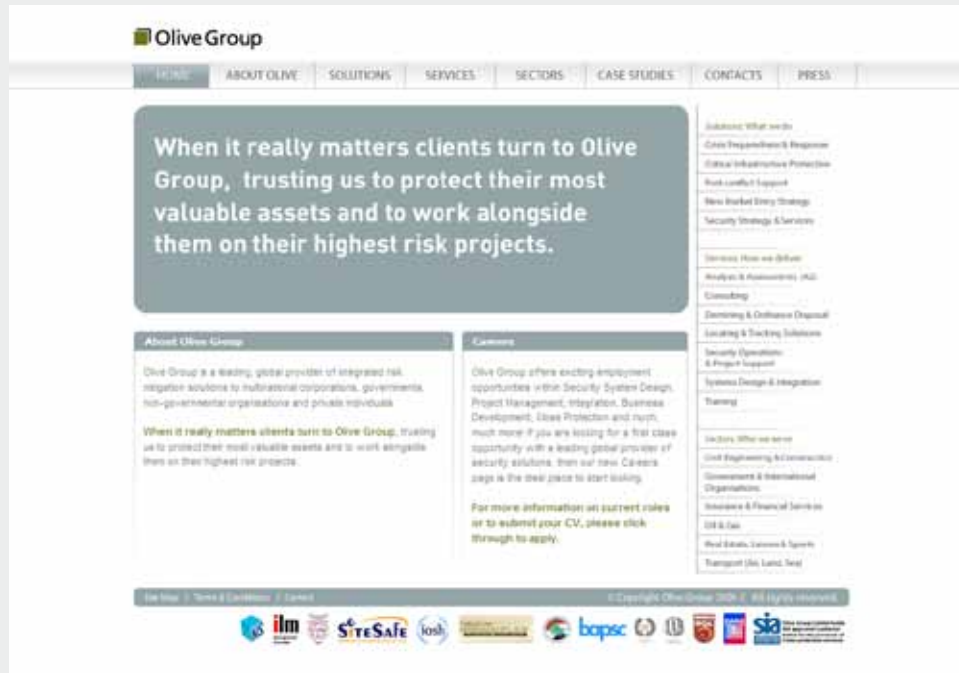
b) PSCAI Membership: According to PSCAI sources the Company was registered as of 25



November 2006 at the Ministry of Interior of Iraq; currently it does not appear as a PSCAI member, however.

Sources: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011)

61. OLIVE GROUP



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Principal offices in London (U.K.) and operational offices in Baghdad (Iraq), and Dubai (U.A.E.), Washington (U.S.). <http://www.olivegroup.com/documents/OG-Profile%20v6.1%2024Mar09.pdf>

C) Leadership: Chris St. George, Co-Chairman, David St. George, Co-Chairman, and Gavin Mayhew, CEO. http://www.olivegroup.com/about_directors.htm

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Analysis & assessment, consulting, demining & ordnance disposal, security operations & project support, systems design & integration, locating & tracking solutions, and training. <http://www.olivegroup.com/service.htm>

External information

- **Founded:** 2001, **Source:** "Betchel Contractor Based in Dubai Gets Lucrative US Security Contracts" The Raw Story, by John Byrne and Ron Brynaert, 6 March 2006. <http://www.cor-pwatch.org/article.php?id=13370> (last visit 27 May 2011)

- **In Iraq since:** Around 2003, "*Olive's consulting in Iraq is underwritten by U.S. taxpayers under an umbrella contract awarded to Bechtel. It has won three major contracts from Bechtel since the invasion in 2003*", **Source:** Ibidem

- **Employees in Iraq:** 280 employees in 2004. **Source:** Chicago Tribune, "*Iraq violence drives thriving business*", by Kirsten Scharnberg and Mike Dorning, 2 April 2004. http://www.sandline.com/hotlinks/Chicago-Trib_Iraq-violence.html (last visit 27 May 2011)

- **Revenues:** \$100 million a year. "*Founded by four former members of the British army in 2003, Olive has about \$100 million a year in revenue...*" **Source:** The Washington Post, "*Security Firms try to evolve beyond the battlefield*", by Renae Merle, 17 January 2006. <http://www.corpwatch.org/article.php?id=13114> (last visit 27 May 2011)

Other interesting information

a) PSCAI Membership: the company is registered as a PSCAI member. **Source:** <http://www.psc.ai.org/pscmembers.html> The company also appears to be a member of ISOA. See the special reference to the Company on ISOA's official website. <http://www.stability-operations.org/index.php> (last visit 29 September 2011)

62. PILGRIMS SECURITY



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Woking, Surrey, U.K.. <http://www.pilgrimgroup.com/contact.php>

C) Leadership: Bill Freear, Managing Director. <http://www.pilgrimgroup.com/news.php?id=71>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available



H) Services: Consultancy: threat analysis; risk assessment; impact analysis; planning; and testing and training. Operational Consultancy: security programme management; close protection; media support; investigations; crisis management and response. Manned Guarding: security officers; special events; patrols; key holding; and monitoring and response. Corporate Training: hostile environments; CONDO; executive & corporate training; public order awareness; driving skills; anti surveillance; military, police & government; Medical; CBRN; personal safety; crisis management; and Forensics. Adventure Training. Information and Intelligence. Communications Support, technical systems and equipment. <http://www.pilgrimgroup.com/sitemap.php>

I) Clients: Sovereign states, multinational corporations in the healthcare, broadcast, energy, telecoms and financial services sectors. <http://www.pilgrimgroup.com/about.php>

External information

- **Headquarters:** Seychelles. **Source:** David Isenberg, *"A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq"*, September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 27 May 2011)

- **In Iraq since:** Unknown, but there is information that the company was in Iraq at least in 2004, when four Pilgrims Security employees were kidnapped, and one executed.

Source: David Isenberg, *"A fistful of contractors. The case for a pragmatic assessment of private military companies in Iraq"*, September 2004. <http://es.scribd.com/doc/9572460/Private-Military-Companies-in-Iraq> (last visit 27 May 2011)

Other interesting information

a) "Risk management expert Pilgrims Group assisted the family of incarcerated ex-soldier Danny Fitzsimons (former ArmorGroup contractor) attend their son's trial in Iraq", 26 May 2011, <http://www.pilgrimgroup.com/news.php?id=114> (last visit 31 May 2011).

b) PSCAI Membership: According to PSCAI sources the company had started process to be registered in the Ministry of Interior of Iraq, as of 25 November 2006; currently it does not appear as PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_full-list_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011)

63. TOR INTERNATIONAL



Information from the official website (last visit 30 September 2011)

A) Founded: 1998 <http://www.torinternational.com/about/>

B) Headquarters: London, U.K.; and Washington D.C., U.S. With regional offices in Baghdad (Iraq), Dubai, Moscow and Islamabad. <http://www.torinternational.com/contact/>

C) Leadership: Dr. Mal Macgown, Founder and CEO. *"He is a former member of the British Special Air Service (SAS) with active experience in some of the world's most hostile locations. Prompted by events during the 1991 Gulf War when he was captured behind enemy lines and interrogated by the Iraqi secret police and Republican Guard, he saw the need for specialist security services to help civilian organisations operate more safely in areas of high risk."* <http://www.torinternational.com/pdfs/DrMalMacgownBioMay2005.pdf>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available. The company describes its background in Baghdad (Iraq) as follows: *"Non Government Organisation already deployed in Baghdad operating country wide. No proper security plan; muddled on. Situation worsened - westerners targeted, UN bombed. NGO decided to act, or they would extract altogether. TOR consultant already in Baghdad, visited NGO head office within 12 hours, initiated rapid deployment team response. Within 20 hrs, TOR Rapid Deployment Team of 4 arrived, numbers to increase later. Reassured clients, established immediate provisional security plans, a perimeter, close protection detail, started vetting locals to undergo training for compound protection. Longer term, client accepted it should change locations - TOR assessed and improved the new location, managed the move, established standard procedures (such as movement control, escorts, profile) and emergency procedures. TOR team liaised with all agencies in area, delivered workable recommendations and daily security brief to clients. TOR team trained Iraqi National guard force now operating with experienced TOR consultants. Although 2 attacks, responses were good, no breach of security perimeter, no casualties to date, NGO still operating in country."* <http://www.torinternational.com/projects/index.htm?project=2&subpage=37>

G) Last annual revenue: No official information available

H) Services: Risk assessments; operational planning; safety & medical training; project management in country, facilitation, logistics, medical and security; crisis management, missing people, kidnap, and evacuation. <http://www.torinternational.com/projects/>

I) Clients: NGO's, USAID & USACE contractors, the United Nations, BBC and corporate organisations (see also Annex C, RTI International as an example). <http://www.torinternational.com/about/>

External information

- **Leadership:** *"Robert Gordon, director of TOR International, a respected British company operating there, justifies its work, saying there is 'a huge global demand for our services, from guarding aid projects to hostage negotiations to anti-piracy to training of local police. Firms such as ours do the jobs the military do not have the resources to do.'"* **Source:** Dailymail, *"How to make a killing in Kabul: Western security and a crisis in Afghanistan"*, by Nadene Ghouri, 28 February 2011. <http://www.dailymail.co.uk/home/moslive/article-1360216/How-make-killing-Kabul-Western-security-crisis-Afghanistan.html?ITO=1490> (last visit 30 May 2011)



ISRAEL

64. INTERNATIONAL SECURITY ACADEMY



Information from the official website (last visit 30 September 2011)

A) Founded: 1987 <http://www.securityacademy.com/introduction.html>

B) Headquarters: Herzeliya, Israel. <http://www.securityacademy.org.il/contact.php>

C) Leadership: Mirza David (former senior officer at the Israeli Security Establishment) is the Founder & CEO and Doron Rubin (former Major General) is the Chairman. <http://www.securityacademy.org.il/Englishsite/ourteam.pdf>

D) Number of employees: The instruction team has 18 members. <http://www.securityacademy.org.il/ISABrochure1.pdf>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Training focus on VIP protection classic, high risk protection, close protection team leader, and protection & counter terrorism. <http://www.securityacademy.org.il/ISABrochure1.pdf>

I) Clients: The International Security Academy claims to have offered specialized training to civilian protection operators providing their services in high risk zones. They set as an example the U.S. embassy protection team in Iraq and the UN PSD in the Middle East (see a concret link from the Company official web site to the Associated Press article *"US Embassy guards get Israeli counter-terrorism training for Iraq."* <http://www.securityacademy.org.il/israel/highrisk.html>)

Other interesting information

a) US Embassy guards from Iraq. German bodyguards of the Saudi royal family and U.S. embassy guards from Iraq receive counter-terrorism training through Israelis security courses.

Source: Associated Press, *"US Embassy guards get Israeli counter-terrorism training for Iraq"*, by Gavin Rabinowitz, 5 November 2004. <http://www.jewishtampa.com/page.aspx?id=98803> (last visit 30 May 2011)

b) Non-PSCAI Member/ Non-ISOA member:

Sources: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf; <http://www.psc.ai.org/psc-members.html>; <http://www.stability-operations.org/index.php> (last visit 30 September 2011).

65. INTEROP

Information from the official website

There is no official website of this company.

External information

-Leadership: During 2004-2005 Shlomi Michaels, a former head of Israel's counter terrorist unit, was the director of Interop. **Source:** BBC, *"Kurdish soldiers trained by Israelis"*, 20 September 2006. <http://news.bbc.co.uk/2/hi/programmes/newsnight/5363116.stm> (last visit 30 May 2011)

- Services: It is an Israeli security consulting.

Source: ibid

Other interesting information

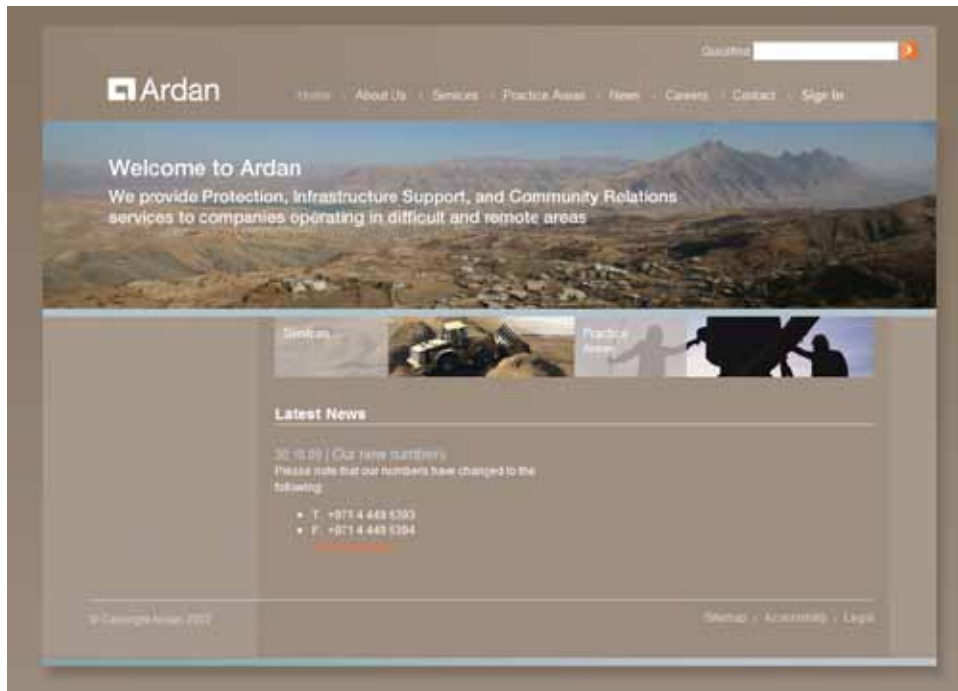
a) Training Kurdish soldiers. During 2004-2005 Interop acted as the main contractor for the training of two groups of Kurdish troops: one would act as a security force for the new Hawler International Airport, and the other, of more than 100 peshmerga or Kurdish fighters, would be trained for "special assignments". *"...An Israeli security consulting form called Interop (emphasis added) acted as the main contractor for the Hawler airport project and set up two subsidiaries (Kudo and Colosium) to carry out work in Iraq ... Kudo and Colosium described themselves as Swiss-registered companies ... One of the founders of Interop, and its Chairman until 2003, was Danny Yatom, a former Head of Mossad - the Israeli foreign intelligence service and now an MP ... During 2004-5, Interop and Kudo were run by Shlomi Michaels, a former head of Israel's counter-terrorist unit ..."* **Source:** BBC, *"Kurdish soldiers trained by Israelis"*, 20 September 2006. <http://news.bbc.co.uk/2/hi/programmes/newsnight/5363116.stm> (last visit 30 May 2011)

b) Non-PSCAI Member/ Non-ISOA member: **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf; <http://www.psc.ai.org/pscmembers.html>; <http://www.stability-operations.org/index.php> (last visit 30 September 2011)



UNITED ARAB EMIRATES

66. ARDAN CONSULTING



Information from the official website (last visit 30 September 2011)

A) Founded: 1996 <http://www.ardanconsulting.com/about-ardan/our-people/>

B) Headquarters: Dubai, U.A.E. <http://www.ardanconsulting.com/contact/>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: At least since 2004. *"We began operations with one of our clients, a Norwegian Oil Company operating in Northern Iraq... Ardan supports some of the largest oil and gas operations in Iraq, including seismic, drilling, pipeline and LPG operations."* <http://www.ardanconsulting.com/about-ardan/our-experience/>

G) Last annual revenue: No official information available

H) Services: Protective services (protecting field teams and remote workers, infrastructure position, demining, medical services), infrastructure support (logistics, construction, communications), and community relations (government liaison, community liaison, community support). <http://www.ardanconsulting.com/services/>

External information

-Leadership: Michael Ashworth, CEO, Ardan Consulting. Arabian Oil and Gas, *"Supply sentinels"*, 8 January 2009. <http://www.arabianoilandgas.com/article-4992-supply-sentinels/2/> (last visit 30 May 2011).

- **Clients:** Among others, Ramaila Oil Field Southern Iraq and "Glen Te Wharau" Security advisory. <http://nz.linkedin.com/pub/glen-te-wharau/1a/973/587> , (last visit 30 May 2011).

Other interesting information

a) Private Security Company Association Of Iraq member. **Source:** <http://www.pscai.org/pscmembers.html> (last visit 30 May 2011)

b) Someone who was working with this company in Kurdistan stated, *"I have just finished (02 Oct) with Ardan as TL, pay was \$460 Pd, rotation 6on 6off but as others have stated in the thread they are having a large scale down of personnel. The only working area for personnel in on the LPG in the south of Kurdistan, but they are at present filled the last I know, I was due to go back Mid Oct, but it has all been delayed until when who knows!!"* <http://www.closeprotectionworld.com/close-protection-general-chat/9766-ardan-2.html> (last visit 27/7/2011)

67. ERINYS



Information from the official website (last visit 30 September 2011)

A) Founded: 2002 <http://www.bridgehead-market-entry.com/#/services/4537624129>

B) Headquarters: Dubai, U.A.E., with European regional offices in London (U.K.) and operational offices in Baghdad (Iraq). <http://www.erinys.net/#/locations/4532932068>

C) Leadership: Alastair Morrison, Chairman, and Michael Hutchings, Director. On the website it is stated about the Chairman that, *"Having enjoyed a distinguished career in the UK's Special Forces, he became one of the industry's earliest and most successful pioneers playing a defining role in the growth and development of this increasingly important sector across the globe."* Regarding the Director it is mentioned that, *"Michael was a career soldier in the British Army. A graduate of the British Army Staff College, ..., he joined Erinys in Iraq as part of its senior management team in August 2003."* <http://www.erinys.net/#/management/4531407400>



D) Number of employees: No official information available

E) Employees in Iraq: No official information available.

F) In Iraq since: 2003 *"Erinys Iraq Ltd has been in continuous operation throughout Iraq since May 2003."* <http://www.bridgehead-market-entry.com/#/erinys-iraq/4537624139>

G) Last annual revenue: No official information available.

H) Services: strategy definition, process design, technology integration in different areas, including oil and gas, mineral extraction, infrastructure development, public sector and NGO's. <http://www.erinys.net/#/services/4531403090>

External information

HUMAN RIGHTS INCIDENTS

a) Incident involving 16-year-old boy. In May 2004 two employees of Erinys allegedly restrained a boy with six car tyres around his body - for stealing a length of cable - in a room where the wall was marked by bullets. The Observer was told he was left immobile and without food or water for more than four hours. The firm claimed the boy was released in three minutes, when the boy broke down in tears. **Source:**

"...A UK security firm linked to two of Britain's top ex-SAS men is at the centre of a prisoner 'abuse' row after photographs revealed employees interrogating a terrified Iraqi youth in a garage in Kirkuk. Pictures obtained by The Observer show two employees of Erinys restraining the 16-year-old Iraqi with six car tyres around his body. The photographs, taken last May, show the boy frozen with fear in a room where the wall appeared to be marked by bullet holes"

The Guardian, *"British guard firm 'abused scared Iraqi shepherd boy"*, by Antony Barnett and Patrick Smith, 14 November 2004. <http://www.guardian.co.uk/world/2004/nov/14/iraq> (last visit 27 May 2011) .

No information was found about a possible legal case before courts.

b) Civilians allegedly shot: In Kirkuk, on the morning of 18 October 2007, civilians hailed a taxi to take them from Erbil to Sulaimaniya. As the taxi travelled up one of the Erinys employee allegedly opened fire on the taxi and then drove off without checking for survivors. The passengers suffered serious injuries. *"A man lost his eye and two other people were wounded when private security contractors into a crowded taxi as it approached their convoy of sport utility vehicles...The incident came less than two weeks after a shooting by another company killed two women in a taxicab here, and just over a month after guards with the private American security company Blackwater USA killed 17 people in a Baghdad square.. The shootings on Thursday took place when security guards working for the British company Erinys International were escorting employees of the United States Army Corps of Engineers on a highway east of Kirkuk. The guards said that a car approached "at a high rate of speed," according to a statement issued by the Corps of Engineers. When efforts to warn it off failed, the contractors fired into the vehicle, the statement said ..."*

Source:

*NewYorkTimes, *"Security contractors shoot at taxi, wounding 3 Iraqis"*, by Andrew E. Kramer, 19 October 2007. http://www.nytimes.com/2007/10/19/world/middleeast/19iraq.html?_r=1&pagewanted=print (last visit 27 May 2011)

* The case was dismissed by U.S. Courts for lack of jurisdiction: Order 23 August 2010, U.S. District Court for the Southern District of Texas (Houston Division).

[//docs.justia.com/cases/federal/district-courts/texas/txsdcce/4:2009-cv03362/705598/52/0.pdf?1282740796&chrome=true](http://docs.justia.com/cases/federal/district-courts/texas/txsdcce/4:2009-cv03362/705598/52/0.pdf?1282740796&chrome=true) (last visit 27 September 2011)

For more information see Annex D on Legal Cases, *Mohamed et al v. Erinys international Ltd et al.*

c) Erinys sued in the U.S. due to a U.S. soldier killed in Iraq: "...A British private security firm hired to protect the oil installations of post-invasion Iraq is being sued for causing the death of an American soldier. The case against the Erinys security firm, which reportedly has close ties to the former Iraqi exile Ahmed Chalabi, is believed to be the first brought against a private security contractor operating in Iraq by a member of the US military ... The suit against Erinys, filed last week in Houston, was brought by the father of Specialist Christopher Monroe, who was struck by an Erinys convoy on October 25 2005. He was on guard duty in southern Iraq when he was struck and killed by a speeding Erinys vehicle, the suit alleges ..." The Guardian, "US soldier's family brings legal action against British private security firm", by Suxanne Goldenberg, 30 October 2007. <http://www.guardian.co.uk/world/2007/oct/30/iraq.usa1> (last visit 27 May 2011)

COMPLEMENTARY INFORMATION

- Headquarters and revenues in Iraq: Even though the official Erinys website states that its headquarters is based in the U.A.E., many sources identify the company as British owned. "...Erinys, another British firm, was founded by Alastair Morrisson, an ex-SAS officer who emerged from semi-retirement to win a contract with Jordanian and Iraqi partners to protect Iraq's oil installations. CPA officials say the contract is worth over \$100m. Erinys now commands a 14,000-strong armed force in Iraq..", **Source:** The Economist, "The Baghdad boom", 25 March 2004. http://www.economist.com/node/2539816?story_id=2539816 (last visit 27 May 2011)

- Employees in Iraq: 1,000 employees in 2007, most of which are U.K. nationals. **Source:** The Guardian, "US soldier's family brings legal action against British private security firm", by Suxanne Goldenberg, 30 October 2007. <http://www.guardian.co.uk/world/2007/oct/30/iraq.usa1> (last visit 27 May 2011)

- Last annual revenue: \$50 millions contract to protect U.S. Army Corps of Engineers. \$100 million dollars contract to protect oil infrastructure in Iraq through 2004. **Source:** Frontline, Interview to Erinys contractor Andy Melville, 21 April 2005. <http://www.pbs.org/wgbh/pages/frontline/shows/warriors/interviews/melville.html> (last visit 27 May 2011)

Other interesting information

a) Inequal salaries: "Many former members of the secret police of South Africa's now-defunct apartheid regime are typically paid \$5,000 a month, about 45 times than their Iraqi counterpart of the same PMSC." **Source:** Pacifica Radio, "More US money and clout for Chalabi family", 22 April 2004. <http://www.pacifica.org/programs/reportfromiraq/PacInIraq-20040422.html> (last visit 27 May 2011)

b) PSCAI Membership: the company is registered as a PSCAI member. **Source:** psc.ai.org/pscmembers.html (last visit 27 May 2011)

68. ISI





Information from the official website (last visit 30 September 2011)

A) Founded: 2003 <http://www.isiiraq.com/>

B) Headquarters: Dubai, U.A.E., with operational offices in Bagdad and Erbil (Iraq). <http://www.isiiraq.com/>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available regarding the total number of employees in Iraq, but the website states that, *"Over 200 Iraqis nationals who work closely with expatriate personnel."* <http://www.isiiraq.com/>

F) In Iraq since: May 2003 <http://www.isiiraq.com/>

G) Last annual revenue: No official information available

H) Services: Security, site security, threat analysis, industrial & infrastructure construction services, amongst others.

Other interesting information

"A private security contractor in Baghdad has filed a federal slander lawsuit against Lawrence Peter, a Virginia Beach resident who heads a trade group representing about 50 private security companies operating in Iraq. The \$3 million suit in Norfolk's U.S. District Court filed by Richard Galustian claims Peter slandered him by reporting that an arrest warrant had been issued for Galustian in Baghdad. The warrant turned out to be a forgery, but Peter sent an e-mail about it to all of his clients ... Galustian, of Britain, says in the lawsuit that he has been operating ISI International, a private security company in the Middle East. Galustian's Web site, www.isiiraq.com, says the company - referred to as ISI Group on the site - specializes in training Iraqis as armed security officers and holds contracts with several large companies, such as Citigroup, to protect their employees. Sources: <http://www.isiiraq.com/britishcont.htm> and The Virginian-Pilot, "British contractor files suit against Beach man", by Tim McGlone, 8 February 2008. <http://hampton-roads.com/2008/02/british-contractor-files-suit-against-beach-man> (last visit 28 July 2011)

69. SKYLINK ARABIA (SKA ARABIA)



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Dubai, U.A.E. The company has operational offices in Iraq: Baghdad, Basrah and Najaf. http://www.ska-arabia.com/index.php?option=com_content&view=section&layout=blog&id=12&Itemid=55

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2003 <http://www.ska-arabia.com/>

G) Last annual revenue: No official information available

H) Services: Aviation services, ground logistics, life support, fuel supply chain management, camp construction, and security services. <http://www.ska-arabia.com/>

I) Iraqi National Elections support: *"SKA provided critical support to previous elections carried out in Iraq and helped to transport thousands of tons of voter registration material to various warehouse locations throughout Iraq. SKA also provided helicopter support operations for inserting the security teams in managing the election process and it was stated by many involved in the first free election held in Iraq in 2005 that "there would never have been an election in Iraq without the support of SKA."* http://www.ska-arabia.com/index.php?option=com_content&view=article&id=60&Itemid=102

External information

- Leadership: Mike Douglas, President, Director and CEO.

Source: Company Newsletter, *"Skylink Arabia"*, September 2006. http://www.webofdemocracy.org/atips_and_foias_uploaded/skylink_arabia.pdf (last visit 30 May 2011)

- Last annual revenue: from January to March 2008 revenues were approximately \$100 million.

Source: Pacific Free Press, *"Canada's (outsourced) Army in Iraq"*, by Anthony Fenton, 2 September 2009. <http://www.pacificfreepress.com/news/1/4597-canadas-outsourced-army-in-iraq.html> (last visit 30 May 2011)

- Employees in Iraq: *"Since the start of 2006 Skylink Arabia's Baghdad cargo & warehousing operation has handled over 1.2 million kilograms of total cargo representing in excess of 4,000 individual pieces or pallets. And all with a staff of just 4 ex-pats, 2 Iraqi liaison officers, and 10 Iraqi staff members. All operations and premises are secured 24 hours a day by our dedicated Fijian security team."*

Source: Company Newsletter, *"Skylink Arabia"*, September 2006. http://www.webofdemocracy.org/atips_and_foias_uploaded/skylink_arabia.pdf (last visit 30 May 2011)

Other interesting information

a) PSCAI Membership: The company is registered as a PSCAI member.

Source: <http://www.psc.ai.org/pscmembers.html> (last visit 30 May 2011)



70. STREIT GROUP



Information from the official website (last visit 30 September 2011)

A) Founded: 1996 <http://www.armored-cars.com/streit/page.php?pid=4&tid=1>

B) Headquarters: Dubai, U.A.E., with operational offices in Baghdad (Iraq) and the U.S., Russia, and Canada, amongst others. <http://www.armored-cars.com/streit/page.php?pid=6&tid=1>

C) Leadership: Guerman Goutorov, CEO <http://www.armored-cars.com/streit/page.php?pid=3&tid=1>

D) Number of employees: 300 highly skilled craftsmen in four production facilities across North America and the Middle East. <http://www.armored-cars.com/streit/page.php?pid=3&tid=1>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Production of armoured vehicles. <http://www.armored-cars.com/streit/page.php?pid=4&tid=1>

External information

-Clients: *"The Streit Group of Companies, based in Innisfil, Ont., has shipped at least 700 armoured cars to Iraq, and while a company spokesperson, Don MacMillan, refused to name Streit's customers, he acknowledged that the U.S. military is top of the list. "Troops that are over there and private security firms," MacMillan says. "We are doing all that's possible to help protect them."*

Source: THIS Magazine, *"Hostile takeover: Canada's outsourced war for Iraq's oil riches"*, by Anthony Fenton, 1 September 2009. <http://this.org/magazine/2009/09/01/canada-iraq-oil/> (last visit 30 May 2011)

Other interesting information

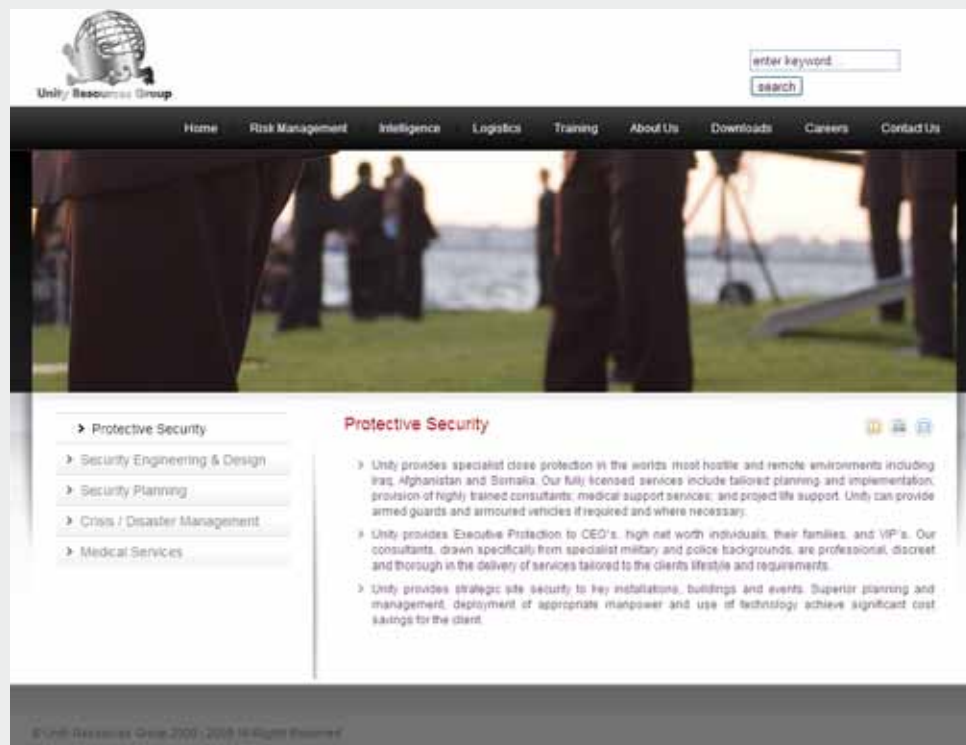
a) PSCAI Membership: The company is registered as a PSCAI member.

Source: <http://www.psc.ai.org/pscmembers.html> (last visit 30 May 2011)

71. UNITY RESOURCES GROUP

Information from the official website (last visit 30 September 2011)

A) Founded: 2000 http://www.unityresourcesgroup.com/downloads/cat_view/7-capability-statements.html?orderby=dmdate_published



B) Headquarters: Dubai, U.A.E., with operational offices in Iraq <http://www.unityresourcesgroup.com/index.php/contacts>

C) Leadership: Gordon Conroy, Founder, Director and CEO. <http://www.unityresourcesgroup.com/index.php/unity-resources-group/senior-management-team> .

D) Number of employees: 1,500 employees <http://www.unityresourcesgroup.com/>

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Risk services (aviation management, crisis management, business continuity, emergency management, mining & construction); protection services (physical protective services, event services, concierge services, commercial services); training services (aviation training, online training, educational programs, industry training, information management); response services (aviation response, spill response); and support services (engineering services). <http://www.unityrisk.com/>



External information

HUMAN RIGHTS INCIDENTS

- Civilians allegedly shot by PMSC. On 9 October 2007 at 1:45 Unity Resource Group guards working for RTI International in Iraq shot and killed two Iraqi women civilians in Baghdad: Marany Awaness and Geneviva Jala Antranick. The shooter opened fire on their vehicle at the al-Masbah intersection in al-Karrada district and then drove away from the scene. The father of Geneviva Jala, Mr. Jalal Askander, made a claim at the Superior Court against RTI International and Unity Ressources Group (emphasis added). The case is now closed before the U.S. Courts due to lack of jurisdiction.

Sources:

* UN Assistance Mission for Iraq (UNAMI), *"Human Rights Report"*, 1 July – 31 December 2007, number 27, page 12. <http://www.ohchr.org/Documents/Press/UNAMIJuly-December2007EN.pdf> (last visit 30 May 2011)

* "...*The guards in the shooting worked for Unity Resources Group, an Australian-run security company registered in Singapore and with headquarters in Dubai. The people they were to protect worked under contract for the United States Agency for International Development ...*" New York Times, *"2 killed in shooting mourned far beyond Iraq"*, by Andrew E. Kramer, 11 October 2007. http://www.nytimes.com/2007/10/11/world/middleeast/11iraq.html?_r=2 (last visit 30 May 2011)

* "...*Jalal Askander says the mercenaries killed his daughter, Geneviva Jala Antranick, on Oct. 9, 2007 at 1:45 p.m. She was a passenger in the car that was crossing a busy intersection in Baghdad when Unity mercenaries shot it up with "thirty to forty bullets" from 75 yards Hawaii ...*" Courthouse News Service, *"Another Death Claim Against Mercenaries"*, by Ryan Abbott, 9 September 2010. <http://www.courthousenews.com/2010/09/09/30200.htm> (last visit 30 May 2011)

* *Lawsuit, Civil Action demand for Jury Trial n° 0006365-10 against Unity Resources Group* and RTI International, before the District Court of Columbia, Civil Division. <http://www.courthousenews.com/2010/09/09/IraqShoot.pdf> (last visit 30 May 2011)

* *Lawsuit, Civil Action demand for Jury Trial versus Unity Ressources Group and RTI International n°08-0096*, before the District Court of Columbia. See complaint <http://www.expose-the-war-profiteers.org/archive/legal/2008/20080211.pdf> (last visit 21 June 2011). This case, which was consolidated with the case *Estate of Marani Manook v. Unity Resources Group*, was decided on 12 August 2010- Judgment & Order Decision by the Court: *"It is ordered and adjudged that the court grants RTI's and Unity's motions to dismiss for lack of subject-matter jurisdiction [...] and declines to exercise supplemental jurisdiction over the state-law claims. The court also dismisses Unity's motion for a protective order [...] and all other pending motions [...] as moot. [...]"* <http://www.expose-the-war-profiteers.org/archive/legal/2010-1/20100812.pdf> (last visit 27 September 2011) For more information see Annex D on Legal Cases, *Marani Awaness Manook v. Unity Resources Group*.

* Source: Journeyman Pictures/You Tube, *"Killing of Mary Awanis – Iraq"* (Documentary).. <http://www.youtube.com/watch?v=jj7jZEDZgVU&feature=related> (last visit 28 July 2011)

Other interesting information

a) PSCAI Membership: According to PSCAI sources Unity Ressources Group was registered as of 25 November 2006 at the Ministry of Interior of Iraq and had started registration before the Ministry of Interior of the Kurdistan Regional Government; currently it does appear as a PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_full-list_update.pdf; <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011) The company also appears to be a member of ISOA. See the special reference to the company on ISOA's official website. <http://www.stability-operations.org/index.php> (last visit 29 September 2011)

SOUTH AFRICA

72. BLACKHAWK SECURITY



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Johannesburg, South Africa. http://www.blackhawksecurity.co.za/contact_us.cfm

C) Leadership: Carl Casteling Botha, CEO. *"Over a long period of time he has worked with government covert organizations, i.e. Security Branch, Brixton Murder and Robbery, Special Forces, as well as private organizations funded by Government who specialised in anti-terrorism, investigating of serious crimes i.e. Murder, Armed robbery."* http://www.blackhawksecurity.co.za/blackhawk.cfm?page=about_us

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Witness protection, child protection, matrimonial matters, forensic investigation, combating industrial espionage, lie detection, tracing, armed guards, debt connection, and VIP protection. <http://www.blackhawksecurity.co.za/blackhawk.cfm?page=general>

External information

-In Iraq since: This company appeared as a member of PSCAI in 2006 (it is currently no longer a member of PSCAI). **Source:** http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 30 May 2011)



73. METEORIC TACTICAL SOLUTIONS

Information from the official website

No official website available.

External information

- **Headquarters:** Pretoria, South Africa. **Source:** U.S. Department of State Consular Information Sheet, *"State Department List of Security Companies Doing Business in Iraq"*, 15 February 2005. <http://www.corpwatch.org/article.php?id=11851> (last visit 30 May 2011)

- **Since when in Iraq, contracts in Iraq and revenue:** Summer 2003,

* *The Department for International Development (DfID) signed a £250,000 deal last summer with the South-African based Meteoric Tactical Solutions (MTS) to provide 'close protection' for department staff, including bodyguards and drivers for its senior official in Iraq .. Sir Menzies Campbell, the Liberal Democrat foreign affairs spokesman, called on the government to review the way it awards security contracts. 'The disclosure [about Meteoric] raises serious questions as to what checks were carried out by the department before it hired them,' he said.* **Source:** The Guardian, *"Mercenaries in coup plot guarded UK officials in Iraq"*, by Antony Barnett and Jason Burke, 6 June 2004. <http://www.guardian.co.uk/world/2004/jun/06/equatorialguinea.iraq?INTCMP=SRCH> (last visit 30 May 2011)

* It had a contract with the Pentagon to train the new Iraqi police force. **Source:** "...The South African-owned firm, Meteoric Tactical Solutions, has a \$476,000 contract with the British Department for International Development's (DFID) which involves providing bodyguards and drivers for its most senior official in Iraq and his small personal staff. Meteoric also landed a big contract to train a private Iraqi security force to guard government buildings and other important sites formerly protected by US soldiers.." Asia Times, *"Corporate mercenaries. Part 1: profit comes with a price"*, by David Isenberg, 2004. http://atimes.com/atimes/Middle_East/FE19Ak01.html (last visit 30 May 2011)

* The Company protects the Swiss government missions in Iraq early in 2004.

Sources: "...Swiss government interests in Iraq will be defended by South African security firm 'Meteoric Tactical Solutions,' a firm that has attracted controversy by employing former apartheid-era South African soldiers and policemen.." Source: UPI, *"No Swiss guards to Iraq, fear of reprisals"*, 24 June, 2004. http://www.upi.com/Top_News/2004/06/24/No-Swiss-guards-to-Iraq-fear-of-reprisals/UPI-86201088100246/ (last visit 30 May 2011); Sourcwatch, *"Meteoric Tactical Solutions"*. http://www.sourcwatch.org/index.php?title=Meteoric_Tactical_Solutions (last visit 30 May 2011)

- **Services:** *"Specialized training programs, VIP protection, asset protection, risk management and analysis, even management, asset recovery."* **Source:** Ibidem

Other interesting information

- **Coup attempt in Equatorial Guinea:** Two owners of the company, Hermanus Carlse and Lourens Horn, were arrested in Zimbabwe in the spring of 2004 for allegedly taking part in the coup attempt in Equatorial Guinea. **Source:**

* The Guardian, *"Mercenaries in coup plot guarded UK officials in Iraq"*, by Antony Barnett and Jason Burke, 6 June 2004. <http://www.guardian.co.uk/world/2004/jun/06/equatorial-guinea.iraq?INTCMP=SRCH> (last visit 30 May 2011)

* Vanity Fair, *"Iraq's mercenary kings"*, by Robert Baer (a former CIA officer), April 2007. <http://www.vanityfair.com/politics/features/2007/04/spicer200704?currentPage=all> (last visit 30 May 2011)

74. OMEGA RISK SOLUTIONS



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Pretoria, South Africa <http://www.omegasol.com/>

C) Leadership: Fanie de Witt, Chairman. "*Lt Col SA Defence Force; Officer Commanding of prestigious tank regiment Prince Alfred's Guards. Executive Director Gray Security Services – Greenfields operations in the Eastern Cape, Southern Cape and Free State. Instrumental in the acquisition of a company in the USA and served as Executive Director (President and CEO) American operations.*" and Alex de Witt, CEO. (*Lt Col SA Defence Force; Executive Director (Africa) Gray Security Services Greenfields operations in 15 African countries and Kosovo. Responsible for the acquisition of 3 companies (Ivory Coast, Sierra Leone, Botswana), and 3 mergers; Served as Regional MD Securicor Gray (Africa and Eastern Europe).*" <http://www.omegasol.com/>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Threat and vulnerability assessments; protection, including manned guarding, monitoring & response, technology; loss control; safety, health & environmental management; fire risk management; and first aid. <http://www.omegasol.com/>

Other interesting information

a) Billing unauthorized costs. "*According to Justice, KBR violated the terms of the LOGCAP III contract repeatedly from 2003 through 2006 by failing to secure the Army's authorization before hiring armed subcontractors. The former Halliburton subsidiary also is accused of using security contractors that were not registered with the Iraqi Ministry of the Interior. KBR awarded subcontracts to three private security companies -- Triple Canopy, Omega Risk*



Solutions (emphasis added) and al Dhahir--to provide armed security details for its executives and awarded additional subcontracts to more than 30 other companies that employed their own private armed security, the suit claims. KBR also used four of its own employees as armed security to protect some of its executives, the government alleged."

Source: Government Executive, "Suit claims KBR billed for unauthorized costs", by Robert Brodsky, 2 April 2010. http://www.govexec.com/story_page.cfm?articleid=44961 (last visit 30 May 2011)

75. SAFENET SECURITY SERVICES



Information from the official website (last visit 30 September 2011)

A) Founded: "Safenet was established in 1995 and has been a global provider of high-risk security services in the Middle East, Asia and Africa since 2004." <http://www.safenetsecurity.net/docs/Safenet%20Company%20Profile%20%20Capability%20Statement%20Feb%202011.pdf>

B) Headquarters: Pretoria, South Africa. "We have principal offices in the UAE, Afghanistan, South and East Africa and Georgia, USA." <http://www.safenet.co.za/History.html>; but on another official website of the Company's the headquarters are identified as based in the U.A.E. <http://www.safenetsecurity.net/background.php>

C) Leadership: Mauritz Le Roux, President and CEO, and Laurence Maree, Vicepresident. The website provides some background information about the President: "He is the founder member of Safenet Security Services and has since 1995 developed the business into an international service provider for governments, government departments and "blue chip companies" requiring risk management services in high-risk environments. He obtained extensive experience in the risk management industry while setting up and managing sound businesses in Africa and the Middle East." About Mr. Maree it is mentioned that he "served as a senior officer with a distinguished career of 20 years in the South African military." <http://www.safenetsecurity.net/docs/Safenet%20Company%20Profile%20%20Capability%20Statement%20Feb%202011.pdf>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: *"Safenet Security Services (Pty) enters into Iraq and signs a Joint Venture agreement with Overseas Security Services Incorporated (OSSI). In April 2004 OSSI-Safenet JV is awarded their first contract at Kirkuk, North Iraq for the provision of facility security services."* <http://www.safenetsecurity.net/news.php>

G) Last annual revenue: No official information available

H) Services: Integrated security solutions, critical infrastructure protection, facility protection, security intelligence, demining, life support services, medical services, procurement of services and equipment, air support services, training, and construction. <http://www.safenetsecurity.net/securityServices.php>

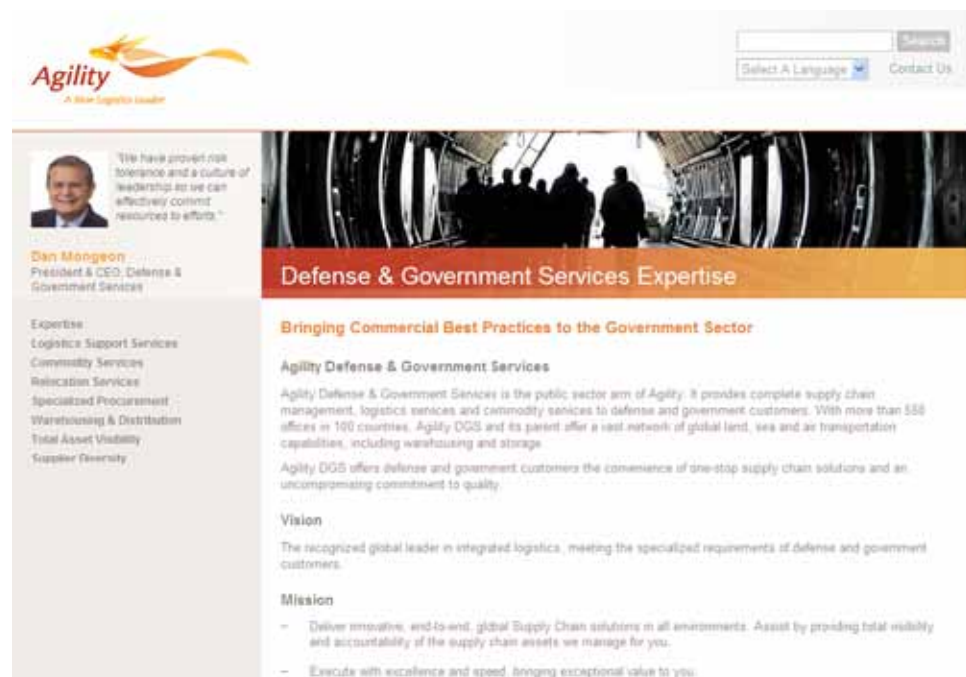
I) Clients: ECC International, Tetrattech, Washington Group International, Perini, Department of the U.S. Army, etc <http://www>.

External information

- The company appears to be a member of the ISOA. See the special reference to the Company on ISOA's official website. <http://www.stability-operations.org/index.php> (last visit 29 September 2011) **PSCAI Membership:** According to PSCAI sources the company started the process of registration at the Ministry of Interior of Iraq, as of 25 November 2006. Currently it does not appear as a PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011)

KUWAIT

76. AGILITY LOGISTICS



The screenshot shows the Agility Logistics website. At the top, there is a logo for Agility with the tagline "A New Logistics Leader". To the right of the logo is a search bar and a "Select A Language" dropdown menu. Below the logo, there is a section titled "Defense & Government Services Expertise". On the left side of this section, there is a profile picture of Dan Mongeon, President & CEO of Defense & Government Services, with a quote: "We have proven risk tolerance and a culture of leadership as we can effectively commit resources to efforts." Below the profile picture, there is a list of expertise areas: Logistics Support Services, Commodity Services, Relocation Services, Specialized Procurement, Warehousing & Distribution, Total Asset Visibility, and Supplier Diversity. On the right side of the section, there is a heading "Bringing Commercial Best Practices to the Government Sector" followed by a sub-heading "Agility Defense & Government Services". The text describes Agility Defense & Government Services as the public sector arm of Agility, providing complete supply chain management, logistics services, and commodity services to defense and government customers. It mentions that Agility DGS and its parent offer a vast network of global land, sea and air transportation capabilities, including warehousing and storage. It also states that Agility DGS offers defense and government customers the convenience of one-stop supply chain solutions and an uncompromising commitment to quality. Below this, there is a "Vision" section stating that Agility is the recognized global leader in integrated logistics, meeting the specialized requirements of defense and government customers. Finally, there is a "Mission" section with two bullet points: "Deliver innovative, end-to-end, global Supply Chain solutions in all environments. Assured by providing total visibility and accountability of the supply chain assets we manage for you." and "Execute with excellence and speed, bringing exceptional value to you."



Information from the official website (last visit 30 September 2011)

A) Founded: Agility was established in Kuwait in 1979 and the Company states that by 2004 grew to be the largest provider of “integrated logistics” (emphasis added) in the Middle East. http://www.agilitylogistics.com/EN/Pages/Agility_About_Us.aspx

B) Headquarters: Agility Defense and Government Services is headquartered in Sulaihiya, Kuwait, and Agility Global Integrated Logistics (GIL) is headquartered in Baar, Switzerland. <http://www.agilitylogistics.com/directory/Pages/default.aspx>

C) Leadership: Tarek Sultan, Chairman and Managing Director, and Dan Mongeon, President and CEO (Defense and Government Services). http://www.agilitylogistics.com/EN/Pages/Agility_AboutUs_Leadership_TarekSultan.aspx ; http://www.agilitylogistics.com/EN/DGS/Pages/Agility_DGS_Expertise.aspx

D) Number of employees: 25,000 employees in over 500 offices in more than 100 countries. http://www.agilitylogistics.com/EN/Pages/Agility_About_Us.aspx

E) Employees in Iraq: 120 employees in three offices in Basra, Baghdad and Erbil, as well in six further strategic locations throughout the Northern, Central and Southern Regions. <http://directory.agilityportal.com/directory/uploads/download/46b598735fdf758196b191d08cc605fe.pdf>

F) In Iraq since: 2003 <http://www.agilitylogistics.com/EN/Pages/Landing.aspx#country-tab>.

G) Last annual revenue: KD 1,705.44 million (\$6,139.58 million) <http://www.agilitylogistics.com/PressReleases/Pages/AgilityFinancialResultsforYear2009.aspx>

H) Services: Defense services, freight Forwarding (air, sea and road freights); Logistics (logistics solutions, warehousing & distribution, systems & technologies); Specialized Services (fairs & events, chemicals, project logistics, fuel logistics). Agility DGS supplies food for U.S. troops in Iraq and provides logistics, commodities and supply chain services to the U.S. government, government customers in Europe and the Middle East, and the United Nations. <http://www.agilitylogistics.com/PressReleases/Pages/AmbassadorJohnNegroponteJoinsAgilityDGSBoard.aspx> ; <http://www.agilitylogistics.com/EN/Pages/Landing.aspx#prodserv-tab>

I) Clients: Their customers in Iraq include Nokia, MAN, GE, and Sigma Construction and span a range of industries as Oil and Gas, Defense and Government (army and air force), Automotive, Construction and Hi Tech. http://www.agilitylogistics.com/EN/DGS/Pages/Agility_DGSProducts_LogisticsSupportServices.aspx and <http://www.agilitylogistics.com/EN/Pages/Landing.aspx#country-tab> and [http://www.agilitylogistics.com/PressReleases/Pages/AgilityDGSWins\\$5MArmyAirForceExchangeServiceContract.aspx](http://www.agilitylogistics.com/PressReleases/Pages/AgilityDGSWins$5MArmyAirForceExchangeServiceContract.aspx)

Other interesting information

- Fraud in U.S. military contracts: “A Kuwaiti company that has been a leading food supplier for the U.S. military in Iraq was indicted Monday in U.S. federal court for allegedly overcharging the Defense Department on \$8.5 billion worth of food contracts : “... *Agility*, a Kuwait-based multi-billion dollar logistics company spawned by the U.S. invasion of Iraq, is facing criminal charges for over-billing the U.S. taxpayer on more than \$8.5 billion worth of food supply contracts in the Iraq war zone. If the lawsuit, scheduled for February 8, is successful, the company could owe the U.S. government as much as \$1 billion.” Corpwatch, “Agility Attempts to Vault Fraud Charges”, by Pratap Chatterjee, 1 February 2010. <http://www.corpwatch.org/article.php?id=15513> (last visit 31 May 2011)

-Threat Management Group. This Company was on the 2006 PSCAI list but now belongs to Agility Logistics. http://www.alacrastore.com/storecontent/Thomson_M&A/SOC_LLC_acquires_Threat_Management_Group_LLC_from_Agility_Global_Integrated-2277557020 (last visit 17 June 2011)

CANADA

77. GARDAGLOBAL



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Montreal, Canada <http://www.gardaglobal.com/index.php?lang=en>

C) Leadership: Stephan Cretier, President and CEO <http://www.gardaglobal.com/leadership.php?lang=en>

D) Number of employees: Over 50,000, <http://www.gardaglobal.com/overview.php?lang=en>

E) Employees in Iraq: No official information available

F) In Iraq since: 2003 http://www.garda-world.com/whatwedo/services/middle_east_iraq/

G) Last annual revenue: \$1,083,087 in 2010. <http://www.gardaglobal.com/pdf/en/AR2010.pdf>

H) Services: Risk analysis and planning; business intelligence and due diligence; education and training; contingency planning and response; executive protection; asset protection strike security; protection; monitoring and compliance; investigation; litigation support; security and intelligence in high-risk markets; and digital security and investigation. <http://www.garda-world.com/whatwedo/services/>

External information

HUMAN RIGHT INCIDENTS

- **Employees kidnapped (and some killed):** "...When five Britons were abducted in



Baghdad last week, Canadians may have been surprised to learn that four of them worked for Garda World Security, a Montreal-based security firm ... Though insurgencies in Iraq and Afghanistan have spawned a multibillion-dollar private security industry, most of the firms operating in those countries are American or British ...” **Source:** The Ottawa Citizen, “How a nice Quebec firm found itself in a war zone”, 4 June 2007. <http://www.canada.com/ottawacitizen/news/story.html?id=24511a9c-8dc6-4aae-9eb4-1b5801332ae4&p=1> (last visit 19 September 2011)

COMPLEMENTARY INFORMATION

- **Founded:** 1972 **Source:** Wikipedia [http://en.wikipedia.org/wiki/Garda_\(security_company\)](http://en.wikipedia.org/wiki/Garda_(security_company)) (last visit 31 May 2011)

Other interesting information

a) PSCAI Membership: The company is registered as a PSCAI member. <http://www.pscai.org/pscmembers.html> (last visit 29 September 2011) The company also appears to be a member of ISOA. See the special reference to the company on ISOA's official website. <http://www.stability-operations.org/index.php> (last visit 29 September 2011)

b) Vance Iraq: This company was on the 2006 PSCAI list but today belongs to Garda and the link www.vanceglobal.com forwards directly to Garda's official website. Garda states on its official website: “Vance is the first choice of professionals who need dependable advice to manage risks. With more than 3,700 employees and highly specialized solutions, clients count on us to help them proceed in business and in life with confidence. Vance, a Garda company, is one of the most trusted investigation and security consulting firms in the world, with operations in the Americas, Europe, and the Middle East.” **Source:** http://www.garda-global.com/spotlight.php?spotlight_id=5 (last visit 21 June 2011)

78. GLOBE RISK INTERNATIONAL

GLOBE RISK INTERNATIONAL
Water Park Place, 20 Bay Street Suite 1205 Toronto, ON M5J 2H8 Tel.: 416-368-4118 Fax: 416-214-2043

Home About Us Contact Us In the News Services Recruitment Other Links Globe Risk Institute

Globe Risk International is a security management consultancy firm, which supports security and logistical operations worldwide. Its skills and experiences includes:

- Consulting Services
- Threat, Risk, Vulnerability Assessments
- Contingency Planning
- Crisis Management planning
- Exploration Support
- Operations Site Planning
- Regional Analysis
- Kidnap & Ransom (Response/Protection)
- Crisis Intervention Services

With the strength of our consultants, associates and advisors in many countries, **Globe Risk International** can provide clients with a single point of reference for the provision of security, risk management, specialized training and logistic services. Our clients, who operate in remote or hostile environments, have recognized the effectiveness of dealing with one company capable of addressing these special needs and appreciate this “all in one” capability.

News :
The Globe Risk Institute is the first security training company in North America to offer a close protection training course accredited by the Bucks New University and endorsed by the Security Industry Authority for the United Kingdom.

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Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Toronto, Canada <http://www.globerisk.com/aboutus.php>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Consulting services; threat, risk, vulnerability assessments; contingency planning; crisis management planning; exploration support; operation site planning; regional analysis; kidnap & ransom; and crisis intervention services. <http://www.globerisk.com/aboutus.php>

External information

- Leadership: Alan Bell, President.

Source: The Ottawa Citizen, *"How a nice Quebec firm found itself in a war zone"*, by Don Butler, 4 June 2007. <http://www.canada.com/ottawacitizen/news/story.html?id=24511a9c-8dc6-4aae-9eb4-1b5801332ae4&k=17618> (last visit 31 May 2011)

Other interesting information

- The "only" other Canadian PMSC in Iraq. Alan Bell claims to be the only other Canadian firm operating in Iraq (the other being Garda) because the U.S. State Department blackballed Canadian companies when Canada declined to support the US-led 2003 invasion.

Source: Ibid

AUSTRALIA

79. BLP

BLP Training and Services

The BLP Training and Services provide a range of Specialised Products, Training and Operational Services for the Law Enforcement, Defence Force, Security, Mining and Construction Industries.

OUR NAME IS YOUR PROTECTION

BLP Training & Services operates on a three-tiered approach to providing solutions for our clients:

TRAINING

- BLP can provide training courses for real world skills as diverse as Fire Fighting, Industrial Safety & Rescue, First Aid, Tactical Training, and Maritime Environmental Security. In name just a few. Our experience in providing large-scale and long term training courses is second-to-none.

SERVICES

- Where our clients don't



Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Salisbury, Australia

http://www.blpts.com.au/index.php?option=com_contact&catid=9&Itemid=79

C) Leadership: Darren McDonald, General Manager

http://www.blpts.com.au/index.php?option=com_contact&catid=9&Itemid=79

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: November 2004, <http://www.blpts.com.au/iraqpolice.html>

G) Last annual revenue: No official information available

H) Services: Paramedics & occupational First Aid; OHS nurses; emergency response personnel; risk management and security consultants; accredited trainers in workplace health and safety; uniformed security guards; plain clothed security guards; security guards- weapons; client protection & high risk operations; and covert operatives (retail loss prevention). <http://www.blpts.com.au/information/company-profile.html>; additionally training Iraqi recruits as members of the Iraq Interior Ministry Counter Insurgency Forces, <http://www.blpts.com.au/iraqpolice.html>

I) Clients: U.S. State Department, U.S. Coalition Directorate, U.S. Department of Defense, Singapore Defense Force, amongst others. <http://www.blpts.com.au/>

Other interesting information

- PSCAI Membership: According to PSCAI sources the company had started process of registration at the Ministry of Interior of Iraq, as of 25 November 2006; currently it does not appear as PSCAI member, however. **Sources:** http://www.psc.ai.org/Docs/latested_full-list_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011)

GERMANY

80. TOIFOR



Information from the official website (last visit 30 September 2011)

A) Founded: 1996 <http://www.toifor.com/>

B) Headquarters: Parsberg, Germany, with operational offices in Iraq and Kurdistan. <http://www.toifor.com/global-network>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Full camp management; camp planning, building and construction services; portable toilet services; waste management and environment control services; water planning, treatment, delivery and retrieval services; power generation and O&M services; ablution unit services; renovation and rehabilitation of building structures; construction and maintenance; office, storage and accommodation container services; cleaning and maintenance services; laundry services; transport services (urban and rural); dust abatement services; street sweeping & debris removal services; vehicle maintenance services; carpentry services; dedicated logistical support services; and ice & frozen product deliveries. <http://www.toifor.com/about-us>

I) Clients: Bechtel, British Army, IAP Worldwide Services, Iraqi Ministry of Defence, KBR, NATO, Red Crescent, Red Cross, Skylink, U.S. Army, U.S. Marines, Washington Group, etc. <http://www.toifor.com/references>

Other interesting information

- **PSCAI membership.** This company, identified as Toifor/Eshor Security, even though it seems that it does not provide security services, was part of the PSCAI member list, at least in 2006. Currently it is not a member of PSCAI, however. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 30 September 2011)

81. TRANS ATLANTIC VIKING SECURITY (a German-American PMSC)





Information from the official website (last visit 30 September 2011)

A) Founded: No official information available

B) Headquarters: Vilseck, Germany. This German-American owned company also has operational office in Kirkuk, Iraq. http://www.tav-security.com/index.php?option=com_content&view=article&id=52&Itemid=64 ; http://www.tav-security.com/index.php?option=com_content&view=frontpage&Itemid=1

C) Leadership: Jeremy C. Oliver, CFO – Director of Administration; and Herbert A. Lang, CEO – Director of Business Development. http://www.tav-security.com/index.php?option=com_contact&view=category&catid=12&Itemid=54

D) Number of employees: Over 8,000 employees in 2010 http://www.tav-security.com/index.php?option=com_content&view=article&id=49&Itemid=59

E) Employees in Iraq: Over 8,000 employees http://www.tav-security.com/index.php?option=com_content&view=article&id=49&Itemid=59.

F) In Iraq since: At least since 2010. "...In July of 2010, TAV signed a limited teaming partnership with SOC USA. SOC is the third largest armed force in Iraq after the Iraqi Military and the U.S. Military..." http://www.tav-security.com/index.php?option=com_content&view=article&id=49&Itemid=59

G) Last annual revenue: No official information available

H) Services: Entry control, force protection, static guard, CCTV, information security, convoy escort security, low and high profile personnel security, logistics management, contingency consulting, risk and safety site security assessments, personal protection officers, security staffing, security training, and weapons training. http://www.tav-security.com/index.php?option=com_content&view=article&id=48&Itemid=56

BARBADOS

82. GREYSTONE



Information from the official website (last visit 30 September 2011)

A) Founded: 2004 <http://www.greystone-ltd.com/about.html>

B) Headquarters: Bridgetown, Barbados <http://www.greystone-ltd.com/locations.html>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Integrated client training; 24 hour monitoring using GPS hardware for personnel; vehicle and aircraft; certified K-9; quick reaction support; armed and unarmed protective services; overt and covert protective details; perimeter security; entry control point management; integrated indigenous and expat teams; and close local coordination. <http://www.greystone-ltd.com/protective.html>

External information

-Leadership. Christopher Burgess, the 40-year-old managing director of Greystone Limited, is a former Navy SEAL **Source:** Mother Jones, *"An interview with Greystone's Christopher Burgess"*, by Bruce Falconer and Daniel Schulman, 20 March 2008. <http://motherjones.com/politics/2008/03/interview-greystones-christopher-burgess> (last visit 31 May 2011)

-Number of employees. 200 employees as independent contractors in 2008. **Source:** Mother Jones, *"An interview with Greystone's Christopher Burgess"*, by Bruce Falconer and Daniel Schulman, 20 March 2008. <http://motherjones.com/politics/2008/03/interview-greystones-christopher-burgess> (last visit 31 May 2011)

Other interesting information

- A Blackwater company?

"The complaint filed today in the U.S. District Court for the Eastern District of Virginia also alleges that Xe-Blackwater tries to hide its continued illegal operations in Iraq by using the Greystone name rather than the Blackwater or Xe name." **Source:** PRNewswire, "Xe-Blackwater, Illegally Continuing to Operate in Iraq, Sued for More Civilian Shootings, According to Burke O'Neil LLC" .

** Each and every company within Mr. Prince's empire is subject to any judgment entered in this action because Mr. Prince wholly controls the distribution of funds. These entities include, but are not limited to, the corporate defendants as well as companies doing business under the following nomenclature: Xe, Blackwater, Total Intelligence, Greystone, Paravante, Raven, Presidential Airlines, Prince Group, EP Investments, and various others that reasonable discovery will establish are wholly owned and controlled by Mr. Prince."*

Source: Lawsuit third amended complaint Estate of Raheem Khalaf Sa'Adoon, Wijdan Mohsin Saed, Sajjad Raheem Khalaf, and Ali Raheem Khalaf v. XE, formerly known as Blackwater, before the District Court for the Eastern District of Virginia (U.S.). http://www.burkepllc.com/human-rights/pleadings-detail.php?id=46&select_year=2011 (last visit 31 May 2011)

- PSCAI Membership: According to PSCAI sources the company had started the registration process at the Ministry of Interior of Iraq, as of 25 November 2006; currently it does not appear as a PSCAI member, however.

Sources: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 29 September 2011)



CZECH REPUBLIC

83. SSL (Safe Security)



Information from the official website (last visit 30 September 2011)

A) Founded: SSL was first founded in 2003 and then re-registered in 2005. http://safesecurityssl.com/corporate_profile.html

B) Headquarters: Prague, Czech Republic <http://safesecurityssl.com/contact.html>

C) Leadership: George Firth, Executive Director <http://safesecurityssl.com/contact.html>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Border security; executive and VIP/VVIP protection; oil protection (onshore and offshore); desert patrolling; anti piracy; counter-revolutionary warfare (crw) & counter insurgency; special forces training; anti-terrorist team training and management; hostage negotiation techniques and management; air marshal training and management; surveillance training and management; narcotics and human trafficking; police training - close quarter battle techniques; intelligence integration and interfacing; vulnerability assessment; facilities & key point protection; pipeline protection and overwatch; technology security; fibre optic connectivity for secure and public networks; aviation security and passenger & cargo screening; air medevac/casevac support; and logistical support and procurement. http://safesecurityssl.com/capabilities_overview.html

Other interesting information

- PSCAI Membership: This Company was part of the PSCAI member list in 2006. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 20 June 2011)

SPAIN

84. SERVICIO GLOBAL DE SEGURIDAD E INTELIGENCIA



Information from the official website (last visit 30 September 2011)

A) Founded: 1997 <http://www.sgsigroup.es/>

B) Headquarters: Bahía de Algeciras, Gibraltar. It is not clear if it is within the Spanish territory or in the dependent territory of Great Britain, although its website is published entirely in Spanish: *"La oficinas principales de SGSI estan localizadas en Gibraltar aunque los socios que componen la junta directiva estan diseminados por todo el mundo."* <http://www.sgsi-group.es/>

C) Leadership: No official information available about the persons, just general information about the team background. *"Forman parte de la junta directiva un equipo multidisciplinar del ambito financiero, de la ingenieria, sanitario, militar, de la comunicacion y de las leyes, asesores militares y de inteligencia de los mejores servicios occidentales son al tiempo nuestros consultores estrategicos mas valiosos..."* <http://www.sgsigroup.es/>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Defense and security consultancy (military and government), search and find high risk missions, ground intelligence, negotiators with kidnappers, risk and threat analysis, Sky Marshall, SEAL, SWAT, personal protection, anti-terrorism. The company states to provide interesting opportunities in these sector which is considered a "rising sector", considering also it's links with natural resources exploitation sector. See: *"Ayudenos a crecer, desde el principio ha quedado demostrado la rentabilidad de las consultorias de riesgo y defensa. Un sector en alza. Por otro lado dadas las caracteristicas del negocio continuamente ayudamos a crear sinergias para inversores interesados en sectores como la industria, las materias primas, la construccion y las infraestructuras. Hemos desarrollado contactos fructiferos en el ambito de la"*



industria maderera, la de la construccion, el petroleo y el oro." <http://www.sgsigroup.es/>

External information

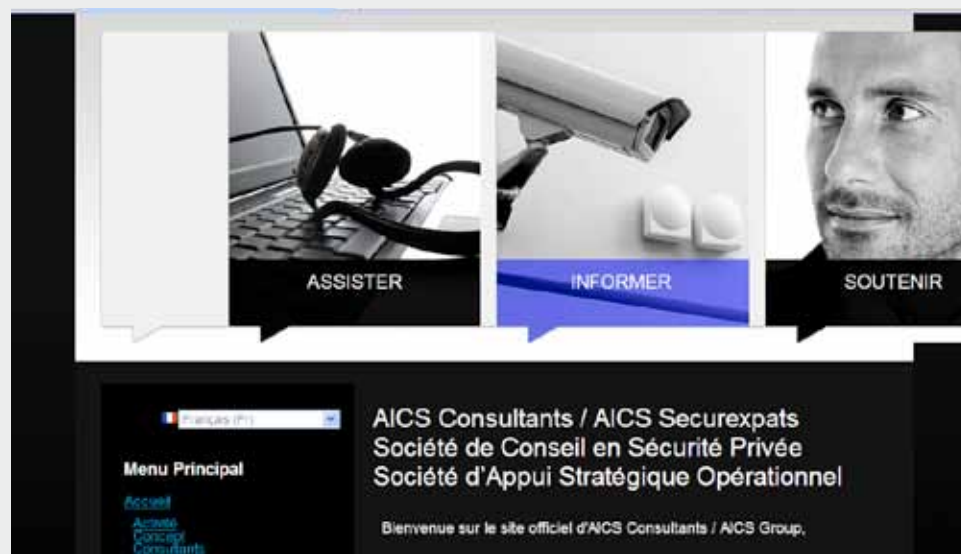
D) Number of employees and the Company: 411 employees. SGSI Group appears to be linked or part of the Hyzanami Group. According to the the Spanish Enterprise Register, the company under the name "Hyzanami & SGSI Group 2007 S.L." appears to have its headquarters in Fueringola, Malaga (Spain), after being founded in 2005. The Administrator seems to be the attorney Sergio Ruiz Martin, which shares this office with the attorney Fernando Nuñez Martin in at least 2 more societies. Victor Gonzalez appears to be SGSI spokesman. <http://www.educarueca.org/spip.php?article799> ; <http://espacioseuropeos.com/?p=2767> (last visit 27 September 2011)

F) In Iraq since: At least in 2007, the Kurdistan political party (PUK) relied on SGSI GROUP for the security of its personnel (especially for the top representatives). <http://www.elconfidencialdigital.com/Articulo.aspx?IdObjeto=11824> and <http://www.intelpage.info/forum/viewtopic.php?f=61&t=455&sid=2a724a77c0ffd30472e7ad3ec21765cf&start=10> (last visit 27 September 2011)

FRANCE

85. ALLIED INTERNATIONAL CONSULTANTS AND SERVICES (AICS).

Information from the official web site (last visit 30 September 2011)



A) Founded: No official information available.

B) Headquarters: Guyancourt (France), <http://www.aics.tm.fr/fr/contact>

C) Leadership: No official information available.

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: Security consulting, close protection, protection of information, counter measures and electronic detection, conceiving and realizing alarm systems and video surveillance, security logistic for Human Organization, mine clearance area, investigation Securing sites and events, setting up and managing security teams, transport, escort, research of missing people, <http://www.aics.tm.fr/fr/savoir-faire/services>.

External information

- Leadership and in Iraq since: Year 2004, "...La seule société française à évoluer sur le marché irakien s'appelle *Allied International Consultants and Services (AICS)* (emphasis added). Elle protège en majorité des journalistes francophones, et tente d'imposer ses méthodes de travail particulières. "On est arrivés sur place en février 2004, se souvient son responsable à Bagdad, Jean-Philippe L., lui-même ancien militaire. Les Anglo-Saxons, c'est vrai, procèdent différemment. Ils sont très visibles, très agressifs. Nous, on travaille plus le profil, on est plus discrets. Et surtout, on essaye de travailler avec les Irakiens." AICS engage des assistants irakiens, souvent d'anciens militaires formés en France dans les années 1980, pour négocier avec les chefs de tribu..."

Source: Le Monde, by Gérard Davet and Fabrice Lhomme, 25/11/2005, "Profession: mercenaire français en Iraq", <http://www.spyworld-actu.com/spip.php?article1114>

86. AMARANTE INTERNATIONAL



Information from the official website (last visit 30 September 2011)

A) Founded: 2007, <http://www.amarante.com/fr/operateur-reference-securite.html>

B) Headquarters: Paris (France), <http://www.amarante.com/fr/formulaire-contact.html>

C) Leadership: Pierre-Antoine Lorenzi, President (former high ranking official before the Ministry of Defence of France), and Alexandre Hollander, CEO / former French Special Forces member and former military intelligence member), <http://www.amarante.com/fr/equipe-dirigeante.html>.



D) Number of employees: No official information available. The Company states that its employees are highly qualified former members of the French Army, "...*Les consultants sélectionnés par Amarante associent de nombreuses compétences de haut niveau, parfois uniques en France et indispensables à la maîtrise de l'ensemble des risques sécuritaires. Issus pour la plupart des services spécialisés de l'Etat ou des Forces Spéciales, ils maîtrisent parfaitement les standards les plus exigeants appliqués aux services de l'Etat ...*", <http://www.amarante.com/fr/equipe-dirigeante.html>.

E) Employees in Iraq: No official information available.

F) In Iraq since: No official information available about the year. The Company states to be operational in Iraq, <http://www.amarante.com/fr/presence-international.html>.

H) Services: Risk analysis, operational support for companies in risk areas, personnel protection, infrastructure audits and protection, vulnerability assessment, safety planning, kidnapping negotiation, protecting buildings against terrorist threat and against the risk of intrusion or malicious acts (decoding networks, security analysis, etc), <http://www.amarante.com/en/business-offers/risk-exposure-analysis.html>.

87. ANTICIP



Information from the official website (last visit 30 September 2011)

A) Founded: 1 January 2008, <http://www.anticip.eu/content/historique> and <http://www.anticip.eu/content/press-room> (created as ANTICIP SAS)..

B) Headquarters: Le Valois-Perret, (France), with operational offices in Iraq (International Zone/Green Zone), <http://www.anticip.eu/content/contact-0>.

C) Leadership: Stephane Meunier and Pierrick Colin (former French Troupes aéroportées), consolidated with holding Group 9, http://www.anticip.eu/sites/default/files/communiqu%C3%A9_presse_Anticip-groupe9.pdf.

D) Number of employees: No official information available.

E) Employees in Iraq: No official information available. The company states to have done

the following achievements with its employees in Iraq in year 2011: “...La mise en place de personnel permanent à Bagdad ainsi que la présence d'équipes opérationnelles. La mise en opération du Compound ANTICIP au sein de la Green Zone; L'hébergement de la délégation Française lors de la Foire internationale de Bagdad en 2010; La sélection en qualité de 'Partenaire Sûreté Privilegié' par le Centre Français des Affaires de Bagdad installé aux côtés de l'Ambassade de France; L'hébergement et la sécurisation de l'Agence Française de Développement en Irak...”, <http://www.anticip.eu/>.

F) In Iraq since: The company states to have at least two subsidiaries in Iraq in year 2010 (Anticip Iraq), <http://www.anticip.eu/content/historique> and http://www.anticip.eu/sites/default/files/Communiqu%C3%A9_Presse_ANTICIP_23_05_11.pdf.

G) Last annual revenue: No official information available.

H) Services: Site and people protection, armed escorts, armed guards, risk audit, <http://www.anticip.eu/content/services-0> and <http://www.anticip.eu/content/historique>.

External information

- Leadership: Richard Terzan, « ... Certes, les « contractors » de Geos, la plus grande entreprise de sécurité privée française, de Gallice-Security et d'Anticip SAS, qui se partagent les miettes laissées par les SMP anglo-saxonnes, n'ont rien des tueurs engagés par leurs concurrentes, ni des aventuriers recrutés par Bob Denard, le célèbre « soldat de fortune » français. Geos, créée par Stéphane Gérardin, ancien du service action de la DGSE, est présidée par le général Jean Heinrich, ancien patron de la DRM (Direction du renseignement militaire). La société Gallice est dirigée par Frédéric Gallois, ancien chef du GIGN (Groupe d'intervention de la Gendarmerie nationale), et Anticip (emphasis added) par Richard Terzan, ancien expert des « risques spéciaux » de la Lloyd's, un des leaders historiques de l'assurance... »,

Source: France/Iraq Actualité, by Gilles Munier, 2/12/2010, <http://france-irak-actualite.over-blog.org/article-des-mercenaires-fran-ais-en-irak-62220293.html>, and also links with former military personnel from France « ... « Nous voulons profiter du réengagement de la France, qui a amené de nombreuses sociétés à s'intéresser au marché de la reconstruction », souligne Pierre Terzan, patron d'Anticip, joint au téléphone à Bagdad. Avec son collègue, ancien du GIGN lui aussi, il multiplie les déplacements dans une capitale où la sécurité reste encore précaire... »,

Source: Le Figaro, by Georges Malbrunot, 29/9/2010, <http://www.lefigaro.fr/international/2010/09/29/01003-20100929ARTFIG00420-securite-les-francais-s-implantent-en-irak.php>.

Other interesting information

- High salaries for PMSC employees in Iraq: « ... En Irak, la protection est facturée 6 000 \$ par jour par Anticip, plus si des déplacements sont effectués dans le pays... », France/Iraq Actualité, by Gilles Munier, 2/12/2010, <http://france-irak-actualite.over-blog.org/article-des-mercenaires-fran-ais-en-irak-62220293.html>.

- Protection of French investors by PMSC: « Geos or Anticip (emphasis added) protect exclusively French investors », **Source:** OWNI.eu/Tecnologies, politics and culture, “The Privatization of war”, <http://owni.eu/2010/11/04/the-privatization-of-war/>



88. GALLICE SECURITY



Information from the official website (last visit 30 September 2011)

A) Founded: March 2007, <http://www.gallice-security.com/?q=en/node/148>

B) Headquarters: France (no official information available about the city) with operational office in Baghdad (Iraq), <http://www.gallice-security.com/?q=en/node/148> and http://www.gallice-iraq.com/?page_id=18.

C) Leadership: Gilles Sacaze (Co-founder and CEO), Frederic Gallois (Co-founder and Executive General Manager, and Commanding officer of the GIGN – Lieutenant Colonel, French intervention and protection unit- from 2002 to 2007), Gilles Marechal (Co-founder and General Manager International), Luc Vaireaux (Co-founder and Security Manager and Consultant for oil companies located in the Niger Delta)

D) Number of employees: No official information available

E) Employees in Iraq: No official information available about the number but the company states to have a team of international expatriates in Iraq (basically French special forces former members) together with "... a group of highly experienced Iraqi security officers fully authorized by the Interior ministry with access to secured areas ...", http://www.gallice-iraq.com/?page_id=154 and <http://www.gallice-iraq.com/>.

F) In Iraq since: 2005, in Baghdad, Basra and adjoining regions (Ramadi, Najaf, Nasiriyah, Karbala, Al Rumailah, etc.). The Company states "... Iraq remains a dangerous country but is also becoming a place of growing opportunities for international companies. The team of GIS has been working in Iraq for more than six years and its field managers, both French and Iraqi, have developed a strong expertise in facing dangerous situations and making the proper analysis ...". The company is also present in Iraq through its subsidiary "Gallice Iraq Services", <http://www.gallice-iraq.com/>

G) Last annual revenue: No official information available.

H) Services: Military instruction, strategic action, protection of high ranking officials, counter-terrorism, criminal crisis management, and consulting and training services in police

and military spheres, <http://www.gallice-security.com/?q=en/node/190>.

I) Clients: Ministry of Foreign Affairs of Iraq (the company states to be the first French company to sign a contract with the State of Iraq), http://www.gallice-iraq.com/?page_id=154.

Other interesting information

- At least 500.000 USD contract with Iraqi authorities: "...Des sentinelles françaises sécuriseront bientôt l'entrée principale du ministère des Affaires étrangères irakien, à deux pas de la «zone verte», le centre du pouvoir à Bagdad. Le marché a été remporté début septembre par *Gallice* (emphasis added), la première société de sécurité privée française à décrocher un contrat étatique d'environ 500.000 dollars sur ce juteux secteur, tenu jusque-là par ses toutes puissantes concurrentes anglo-saxonnes »,

Source : Le Figaro, by Georges Malbrunot, 29/9/2010, <http://www.lefigaro.fr/international/2010/09/29/01003-20100929ARTFIG00420-securite-les-francais-s-implantent-en-irak.php>.

- PMSC with local alliances in Iraq and local Iraqi recruitment by the Company:

"Pour éviter les infiltrations, *Gallice* (emphasis added) s'est associé à un partenaire irakien: la tribu Abou Rish, en pointe dans le combat contre al-Qaida, lui fait bénéficier de son réseau de contacts à travers le pays. Rien de mieux qu'un relais tribal ou l'allégeance d'un responsable sécuritaire pour obtenir un permis de port d'armes dans le maquis législatif irakien. «Nous avons également besoin de la collaboration des services irakiens pour vérifier les noms des personnes que nous recrutons», souligne le patron de Gallice, qui emploie, à titre temporaire, jusqu'à une centaine de locaux sur ses chantiers ... », **Source:** Le Figaro, by Georges Malbrunot, 29/9/2010, <http://www.lefigaro.fr/international/2010/09/29/01003-20100929ARTFIG00420-securite-les-francais-s-implantent-en-irak.php>.

- Links with national and corporate interests and French PMSC in Iraq : "Alors qu'une quarantaine de chefs d'entreprise français s'apprêtait à quitter Paris pour Bagdad, où ils se déplaceraient en convoi blindé, précédé par une automitrailleuse de *Gallice* (emphasis added), le « Haut tribunal pénal » irakien condamnait à mort de Tarek Aziz, Saadoun Shaker et trois anciens dirigeants baasistes. Pendant que Boris Boillon, ambassadeur-Rambo, présentait l'Irak comme un « nouvel eldorado » et que Anne-Marie Idrac, ministre du Commerce extérieur, visitait la Foire internationale de Bagdad, protégée par les mercenaires de Triple Canopy ... La guerre d'Irak a fait voler en éclats la Convention internationale contre le recrutement, l'utilisation, le financement et l'instruction de mercenaires, votée par l'Assemblée générale des Nations unies en 1989 et ratifiée par 32 Etats. A l'écart du conflit irakien après le discours mémorable de Dominique de Villepin à l'ONU en 2003, la France y participe désormais, peu ou prou, avec un ambassadeur de choc et des sociétés dites de sécurité... »,

Source: France/Iraq Actualité, by Gilles Munier, 2/12/2010, <http://france-irak-actualite.over-blog.org/article-des-mercenaires-fran-ais-en-irak-62220293.html> and <http://www.intelligenceonline.com/corporate-intelligence/consultants/2009/06/18/gallice-security63906381-BRE>.



89. GROUPE GEOS



Information from the official website (last visit 30 September 2011)

A) Founded: 1997, <http://www.groupegeos.com/index.php/component/content/article/history/1.html>.

B) Headquarters: Paris (France), <http://www.groupegeos.com/index.php/component/content/article/160.html> with operational offices in Iraq, http://www.groupegeos.com/index.php/component/content/article/geos_history/201.html.

C) Leadership: General Jean Heinrich, President and CEO, and Laurent Lafond, President of the Supervisory Board, (*in year 2008: Long-term investors, the Halisol and Participex Groups, entered the capital of GEOS, alongside Continental Risk. 2010: As part of an ambitious expansion plan, the shareholders decided to transform GEOS SAS into a company managed by a Board of Directors and a Supervisory Board*) <http://www.groupegeos.com/index.php/component/content/article/history/1.html>

D) Number of employees: 480 staff, http://www.groupegeos.com/index.php/component/content/article/geos_history/201.html

E) Employees in Iraq: No official information available.

F) In Iraq since: 2002 <http://www.groupegeos.com/index.php/component/content/article/140.html>

G) Last annual revenue: 34 million euros in 2010, http://www.groupegeos.com/index.php/component/content/article/geos_history/201.html

H) Services:

- PREVENTION Country Risk Tracking, Monitoring systems, Market Access, Due Diligence, Safety audit, Security audit. - ASSISTANCE: Safety consultancy & engineering, Security consultancy & engineering, Investigations, Outsourcing of personnel (technicians, engineers, operators or specialised managers), Outsourcing of services, Protection of operations. - TRAINING: Training and sensitization sessions for expatriates and business travellers in the areas of safety, security and business intelligence. - CRISIS MANAGEMENT: Hotline, Emergency evacuation, Assistance to family members.

I) Clients: NATO, European Parliament, European Commission, European Council, among others, <http://www.groupegeos.com/institutions/institutions-services.php>.

J) Charter of conduct: The company states to commit with fundamental human rights: "...The GEOS Group fully complies with the Global Pact of the United Nations that promotes Human Rights, Labour Rights and Protection of the Environment, with the Voluntary Principles on security and human rights, and supports the work of the Global Compact Office. The GEOS Group is committed to respecting the Universal Declaration of Human Rights of 1948, as well as the Treaties of Rio and Johannesburg ...", <http://www.groupegeos.com/index.php/component/content/article/partners/2.html>.

Other interesting information

- Former military intelligence positions: « ... Certes, les « contractors » de Geos, la plus grande entreprise de sécurité privée française, de Gallice-Security et d'Anticip SAS, qui se partagent les miettes laissées par les SMP anglo-saxonnes, n'ont rien des tueurs engagés par leurs concurrentes, ni des aventuriers recrutés par Bob Denard, le célèbre « soldat de fortune » français. *Geos* (emphasis added), créée par Stéphane Gérardin, ancien du service action de la DGSE, est présidée par le général Jean Heinrich, ancien patron de la DRM (Direction du renseignement militaire) ... », **Source:** France/Iraq Actualité, by Gilles Munier, 2/12/2010, <http://france-irak-actualite.over-blog.org/article-des-mercenaires-fran-ais-en-irak-62220293.html>.

- Protection of french investors by PMSC: « *Geos* (emphasis added) or *Anticip* protect exclusively French investors", **Source:** OWNl.eu/Tecnologies, politics and culture, "The Privatization of war", <http://owni.eu/2010/11/04/the-privatization-of-war/>.



ANNEX B: Principal Iraqi private military and security companies in Iraq¹

90. **ABABEEL**

Information from the official website

A) Founded: No official information available

B) Headquarters: No official information available

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: No official information available

1 The following companies have been referred to and listed as PMSCs headquartered in Iraq. The companies listed below allegedly provide some kind of military and/or security services in Iraq, although no official or unofficial rigorous information could be found about them, (just some of them appear to be registered in the national and/or regional public registry of Iraq): Al Ahwar; Al Baraka, Al Heya, Al Hisn Security, Al Hurra Group, Al Ihsan, Al Iraqia, Al Irjoon, Al-Rafid, Al-Salf, Al-Shamir, Al Soor, Amada (Kurdistan), Amada Bash (Kurdistan), Arden Kurdistan (Kurdistan), Arnaz Iraq (Kurdistan), Aster, Bawabat Al-Iraq, Bawar (Kurdistan), Biryar (Kurdistan), Chiron, Diako (Kurdistan), Dahul Nokan, Didar (Kurdistan), Dupeshik (Kurdistan), Erik Klay (Kurdistan), First Kuwait, Kar (Kurdistan), FSC Hoshiyari, GVI Security Solutions INC, Harakat Al Janoob, Helan (Kurdistan), Hez (Kurdistan), Huner (Kurdistan), Iraq Safety, Kanadi (Kurdistan), Nissor Babil, Pass (Kurdistan), Pasnos (Kurdistan), Port Global Surface (Kurdistan), Qalb Al- Assad, Ross Holding Sro, Sana Beirut Company, SFK 101 (Kurdistan), Shajarat Tuba, Ster Group, System (Kurdistan), Tofan (Kurdistan), Wolf Group (Kurdistan), Sky Chase, Wolf Security Group, Wolf (Kurdistan). The information in this annex is particularly vulnerable to change and we advise you to regularly check the sources used through the links provided. For complementary information on PSCAI members and non-members, see: http://www.psc.ai.org/Docs/latested_fulllist_update.pdf and <http://www.psc.ai.org/pscmembers.html> (last visit 30 September 2011). Some examples of Human Rights Incidents executed in Iraq by unknown PMSCs: A) "Five pupils of Al-Messara primary school aged 6 to 10 were reportedly killed on 15 January 2008, when a vehicle trying to manoeuvre away from gunfights struck the children in central Baghdad's Al-Salhiyah neighbourhood (Al-Karkh district). The incident reportedly happened when the official convoy to which the car belonged, failed to stop at a checkpoint outside the Ministry of Foreign Affairs, prompting a fire fight between checkpoint guards and the contractors. Al-Hurra TV reported later that day that the driver of the vehicle that hit the children had been arrested." Source: UN Assistance for Iraq (UNAMI), Human Rights Report (1 January - 30 June 2008), page 12, paragraph 38. <http://www.iauiraq.org/reports/ENG%20-%20UNAMI%20HUMAN%20RIGHTS%20REPORT%20-%20FINAL%20-%202002%20December%202008.pdf> (last visit 27 July 2011); B) "On the morning of 3 February (2008), one civilian was allegedly injured when contractors opened fire to clear a way for their convoy through a traffic jam in central Baghdad. Around 8 a.m. a private security company's guards shot and injured an Iraqi citizen as their convoy passed near Al Zawra Park in central Baghdad, Iraqi police said." Source: UN Assistance for Iraq (UNAMI), Human Rights Report (1 January-30 June 2008), page 12, paragraph 38. <http://www.iauiraq.org/reports/ENG%20-%20UNAMI%20HUMAN%20RIGHTS%20REPORT%20-%20FINAL%20-%202002%20December%202008.pdf> (last visit 27 July 2011); C) "On 21 August, a civilian was killed and another was injured when a member of a private security company opened fire on civilians in Bab al Sharji neighbourhood in Baghdad." Source: UN Assistance for Iraq (UNAMI), Human Rights Report (1 July - 31 December 2008), page 11, paragraph 27 http://www.uniraq.org/documents/UNAMI_Human_Rights_Report_July_December_2008_EN.pdf (last visit 27 July 2011).

External information

Leadership: Col. Ishaq Hussain <http://www.hujra.net/index.php?topic=6786.0;wap2> (last visit 16 September 2011)

Other interesting information

Non-PSCAI Member: On the member list of the Private Security Company Association of Iraq (PSCAI) this company appears as a non-member, however the company itself states it has started registration proceedings at the Ministry of Interior of Iraq. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

91. AHMED HASSAN PIRDAOOD

Information from the official website

- A) Founded:** No official information available
- B) Headquarters:** No official information available
- C) Leadership:** No official information available
- D) Number of employees:** No official information available
- E) Employees in Iraq:** No official information available
- F) In Iraq since:** No official information available
- G) Last annual revenue:** No official information available
- H) Services:** No official information available

External information

With presence in Kurdistan, Iraq. <http://empresascontratistas.blogspot.com/2008/10/blackwater.html> (last visit 16 September 2011)

Other interesting information

Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered at the Ministry of Interior of the Kurdistan Regional Government. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

92. AL DIR' AL-WATANY (NATIONAL SHIELD SECURITY) NSS

Information from the official website (currently not operational)

- A) Founded:** No official information available
- B) Headquarters:** No official information available



C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: No official information available

External information

"Shield Groups Security (SGS) was an Iraqi company that provided protection for businesses and organizations. It was established in 2003 and switched its name to National Shield Security (NSS) sometime after April 2006. Donald Vance, a U.S. Navy veteran working for the company, suspected the company of illegal gun running when he noticed excessive stockpiling of weapons. He became an FBI informant alleging corruption on the part of the Iraqis running the company until he was arrested with American co-worker Nathan Ertel when American soldiers raided the company. Both Vance and Ertel were interrogated under suspicion of gun running, and then tortured. Ertel was released after one month of imprisonment; however, Vance was held for 97 days. It took the military three weeks to contact the FBI and confirm that Vance was an informant. The executives of the company have never been charged with any wrongdoing." http://en.wikipedia.org/wiki/Shield_Group_Security (last visit 16 September 2011)

Other interesting information

- Legal action and Shield Group Security: On 18 December 2006, Donald Vance, a 29 year-old former member of the U.S. Navy, and a former supervisor of security personnel for the Sandi Group and later *Shield Group Security* (SGS) in Iraq, filed suit against Donald Rumsfeld in the Northern District of Illinois. The case is still pending before U.S. Courts.

<http://www.wrongfulconvictionlawsuitdefense.com/tags/shield-group-security/> and http://www.msnbc.msn.com/id/19240567/ns/datetime_nbc/t/american-held-captive-secret-iraq-military-prison/

Complaint: http://chicago.indymedia.org/usermedia/application/5/donald_vance_v_donald_rumsfeld.pdf (last visit 22 September 2011)

For more information, see Annex D on Legal Cases, Donald Vance and Nathan Ertel v. Donald Rumsfeld.

- **Non-PSCAI Member:** On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered before the Ministry of Interior of Iraq. http://www.psc.ai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011)

93. ALMCO



Information from the official website (last visit 16 September 2011)

<http://www.almcogroup.com/pro.html>

A) Founded: 2003

B) Headquarters: Baghdad, Iraq, with operational offices through Europe, Middle East and Asia. <http://www.almcogroup.com/cont.html>

C) Leadership: Namir el Akabi <http://www.almcogroup.com/ceo.html>

D) Number of employees: 17,000 personnel in total <http://www.aprodex.com/almco-group-406-l.aspx>

E) Employees in Iraq: 6,000 employees

F) In Iraq since: 2003

G) Last annual revenue: approximately \$250 million

H) Services: ALMCO undertakes camp operation and maintenance services, such as camp administration, kiosk operation, facilities/equipment maintenance, janitorial/housekeeping, grounds keeping, vector and pest control, recreation, commissary, barber, tailoring, medical support, HVAC, power production operations, laundry, trash removal, sewage removal, potable water delivery and non-potable water delivery, fuel supply, armoury and ammunitions depot, IT Networks, shuttle service, fire protection, vehicle maintenance, etc.

I) Clients: Amongst others, U.S. Department of Defense, U.S. Marine Corps, U.S. Department of Navy, U.S. Department of the Air force, U.S. Army, U.S. Army Corps of Engineers, Multinational Security Transition Command, Multinational Force Iraq, Multinational Corps Iraq, Kellogg Brown and Root (KBR), Government of Iraq, U.K. Army, and NATO.

External information

a) Woman injured. On 19 November 2007, an 18-year-old woman, Ruba Taha, was shot in the foot in the district of al-Karrada in Baghdad by contractors employed by ALMCO.



Sources:

* Washington Post, "Shots fired from convoy set an Iraqi Mob to action", by Sudarsan Raghavan, 20 November 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/11/19/AR2007111901939.html?nav=rss_world/mideast/iraq&sid=ST2007111902122 (last visit 16 September 2011)

* UN Assistance Mission for Iraq (UNAMI), "Human Rights Report (1 July – 31 December 2007)", number 27, page 12. <http://www.ohchr.org/Documents/Press/UNAMIJuly-December2007EN.pdf> (last visit 16 September 2011)

94. AMERICAN IRAQI SOLUTIONS GROUP (AISG)



Information from the official website (last visit 16 September 2011)

A) Founded: 2004 (by an American and Iraqi-managed company) <http://www.aisgiraq.com/index.php>

B) Headquarters: Baghdad, Iraq <http://www.aisgiraq.com/index.php?id=27>

C) Leadership: Carter Andress, Chairman, President and Principal Owner; Kiffer Andress, Chief Executive Officer (CEO). <http://www.aisgiraq.com/index.php?id=48>

D) Number of employees: Almost 1,000 <http://www.aisgiraq.com/index.php>

E) Employees in Iraq: Team of project managers, engineers, logisticians, food operators, and maintenance, technical and security specialists consisting of Americans, Iraqis, Filipinos, Lebanese and Fijians, from different fields of expertise (90% of the personnel, goods, and services are sourced locally). <http://www.aisgiraq.com/index.php>

F) In Iraq since: March 2004. <http://www.aisgiraq.com/index.php?id=3>

G) Last annual revenue: Since their founding in Baghdad during March 2004 American-Iraqi Solutions Group (AISG) has successfully executed on over \$250 million in revenue. <http://www.aisgiraq.com/index.php?id=64>

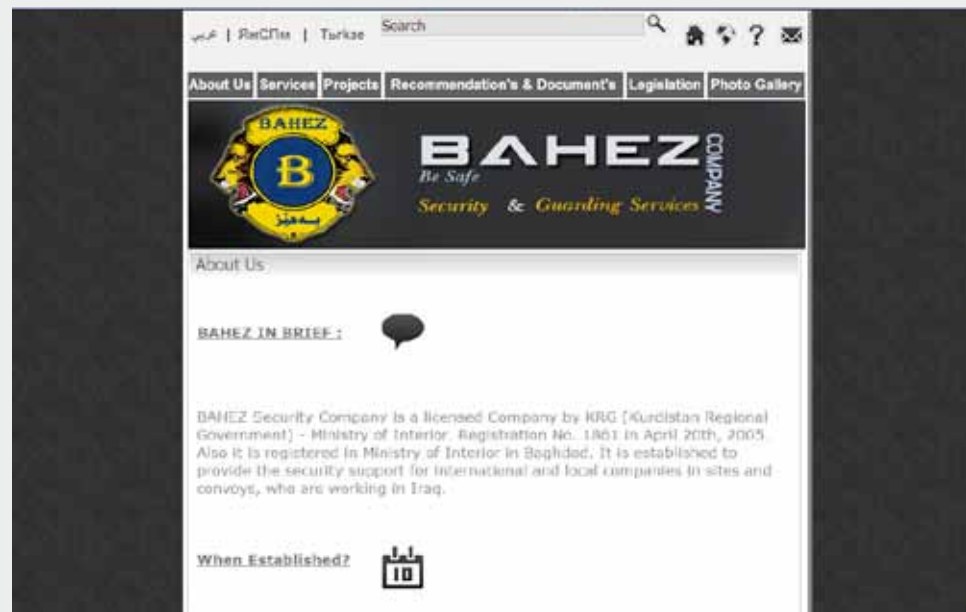
H) Services: Convoy, VIP and site protection; up-to-date training; quick reaction force;

threat analysis; and Iraqi-wide movement tracking. According to the official web site "AISG is the only U.S. Department of Defense construction, life support and logistics prime contractor that also provides Iraqi Ministry of Interior-licensed, comprehensive security services... ". <http://www.aisgiraq.com/index.php?id=3> and <http://www.aisgiraq.com/index.php>

Other interesting information

a) PSCAI member The company is registered as a PSCAI member. Source: <http://www.pscai.org/pscmembers.html> (last visit 16 September 2011)

95. BAHEZ



Information from the official website (last visit 16 September 2011)
<http://bahezsecurity.com/index.php?&sid=02&lang=01.01>,

A) Founded: 20 April 2005

B) Headquarters: Kurdistan (Iraq). The company provides services all over Iraq, especially in Zakho, Arbil, Sulaimaniyah, Baghdad, Haditha, Beji, Asad, Nasryah, Najaf, Alanbar and Basrah. <http://bahezsecurity.com/index.php?&sid=02&lang=01.01>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2005. BAHEZ Security Company registered on 20 April 2005 at the Ministry of Interior of the Kurdistan Regional Government (Registration No. 1861) and at the Ministry of Interior in Baghdad. <http://bahezsecurity.com/index.php?sid=04&lang=01.01>

G) Last annual revenue: No official information available

H) Services: Guarding services, 24 hours guarding services for buildings, offices, hotels, camps and project sites; transportation: providing trained drivers and security team for



convoys; close protection (Body Guard): BAHEZ has a several well trained body guards who are reliable and professional; support services: beside the aforementioned services, BAHEZ also provides permanent and temporary support, such as translation, logistics support, and escorting VIPs who are coming to Iraq. <http://bahezsecurity.com/index.php?sid=03&lang=01.01>

Other interesting information

- The company has been granted an official license by the Ministry of Interior of the Kurdistan Regional Government. <http://bahezsecurity.com/index.php?sid=04&lang=01.01> (last visit 27 July 2011)

- Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered at the Ministry of Interior of the Kurdistan Regional Government. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

96. BABYLON EAGLES SECURITY COMPANY



Information from the official website (last visit 16 September 2011)

<http://besc.net/index.htm>

A) Founded: 2003 <http://besc.net/index.htm>

B) Headquarters: Baghdad, Iraq <http://besc.net/contact.htm>

C) Leadership: Mudhar G. Shawkat, Ph.D (former Head of the Free Iraqi Militia that fought for the liberation of Iraq in 2003 and alternating member of the governing council of Iraq in 2003) <http://besc.net/about.htm>

D) Number of employees: Currently over 9,000 security personnel under the direction of 120 operational managers.

E) Employees in Iraq: Currently over 9,000 security personnel under the direction of 120 operational managers.

F) In Iraq since: 2003 <http://besc.net/index.htm>

G) Last annual revenue: No official information available

H) Services: Security briefings with detailed information on current safety threats and evacuation procedures in the areas where client's employees will be traveling working and lodging; 24/7 critical infrastructure protection; secure, reliable transport inside Iraq for people and cargo; fixed-site Security; full range of security solutions; amongst others. <http://besc.net/capabilities.htm>

I) Clients: Republic of Iraq, Coalition Provisional Authority, United Nations/The Independent Electoral Commission for Iraq, Blackwater Security Operations, Bechtel, Ernst & Young Consultants, Sheraton Meridian Hotels, amongst others. <http://besc.net/clients.htm>

3 - Other interesting information

Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered at the Ministry of Interior of Iraq. http://www.psc.ai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

97. BEKHMA'S SPECIAL PROTECTION (BSP)

Information from the official website

No official website available, but information about the Company can be found at: http://www.dce.gov.ro/Materiale%20site/Buletine/Anexa_3_BI257.pdf (last visit 16 September 2011)

A) Founded: 2004

B) Headquarters: Erbil, Iraq

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2004

G) Last annual revenue: No official information available

H) Services: Security guards, special bodyguards, and security consultants throughout Iraq. The Company provided security guards for most NGOs and international companies in Erbil, Mosul, Basra, and Baghdad. In addition, the Company provides special bodyguards with VIPs devices.

Other interesting information

Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered at the Ministry of Interior of the Kurdistan Regional Government. http://www.psc.ai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).



98. FALCON GROUP (also known as FALCON IRAQ)



Information from the official website (last visit 16 September 2011)

<http://www.falconiraq.com/>

A) Founded: 2004 <http://www.falconiraq.com/index.php/en/about-us/overview>

B) Headquarters: Baghdad, Iraq

C) Leadership: Gary Cavender, Iraq Country Manager/Director <http://www.falconiraq.com/index.php/en/security/contactus>

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2004

G) Last annual revenue: No official information available

H) Services: expertise in weapons, mechanized intervention and covert action, employment of expats of differing capacities, all former military personnel from the coalition countries as well as South Africa and Lebanon.

I) Clients:

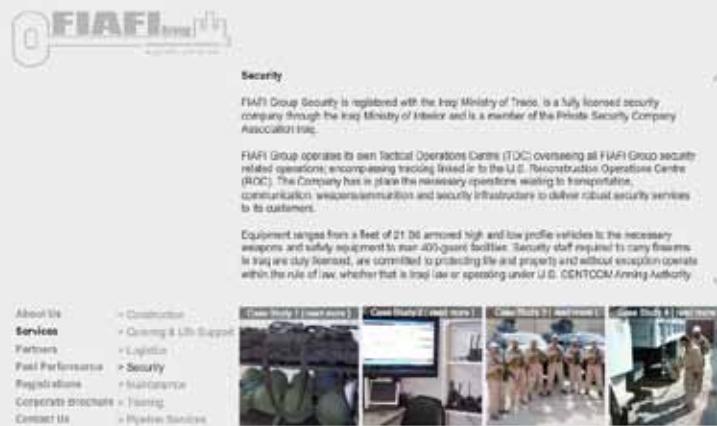
Washington International Inc., CPA – Coalition Provisional Authority, USACE - U.S. Army Corps of Engineers, Iraq Ministry of Public, CNN News, FOX News, Berring Point, GRD/PCO –Wamar International, U.S. Military, U.S. Marshalls, ASYA Transport International, Hunt Oil, Shell, General Electric, ANHAM, SGI Galli Spa, RAI, amongst others.

<http://www.falconiraq.com/index.php/en/about-us/overview>

Other interesting information

-a) PSCAI member The company claims to have been registered at the Ministries of Interior of Iraq and of the Kurdistan Regional Government. Source: <http://www.pscai.org/pscmembers.html> (last visit 16 September 2011)

99. FIAFI GROUP



Information from the official website last visit 16 September 2011
<http://www.fiafigroup.com/serv-sec.html>

A) Founded: 2004 <http://www.fiafigroup.com/about-ceo.html>

B) Headquarters: Baghdad, Iraq (International Zone) <http://www.fiafigroup.com/contact-bag.html>

C) Leadership: Ragdan El-Akabi <http://www.fiafigroup.com/about-ceo.html>

D) Number of employees: No official information available

E) Employees in Iraq: 400 employees

F) In Iraq since: 2004

G) Last annual revenue: No official information available

H) Services: Security management, logistic operation, static armed guards, convoy escort teams, tracking services and personal security details. The company states that it is registered at the Ministry of Interior of Iraq. <http://www.fiafigroup.com/serv-sec.html>

Other interesting information

Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered at the Ministry of Interior of Iraq. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

100. NIMROOD AL RAFEDAIN





Information from the official website (last visit 16 September 2011)
http://www.nimrood.biz/eng_page/About_us.html

A) Founded: 2004 http://www.nimrood.biz/eng_page/About_us.html

B) Headquarters: Iraq (no information available about the actual city in which the company is headquartered). http://www.nimrood.biz/eng_page/Contact.html

C) Leadership: Huner Hassan (General Director) and Sinan Faisal (Operation Manager)

D) Number of employees: The company states it currently employs 1,300 men and women, with the capacity to mobilize over 7,000 personnel, or more, at any time. http://www.nimrood.biz/eng_page/About_us.html

E) Employees in Iraq: Idem. http://www.nimrood.biz/eng_page/About_us.html

F) In Iraq since: 2004

G) Last annual revenue: No official information available

H) Services: Personal guarding services, alarms and response services, risk audits and surveys, specialized investigations, VIP protection, and security training, amongst others. http://www.nimrood.biz/eng_page/Services.html

Other interesting information

The company states that it is working in Iraq since 2004, however their license from the Iraqi Ministry of Interior was issued only in 2010 and expired on 26 April 2011.

<http://www.nimrood.biz/image/permission.jpg> (last visit 16 September 2011)

101. PASAWAN (Kurdistan)

Information from the official website

There is no official website in the name of the company.

A) Founded: No official information available

B) Headquarters: No official information available

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: No official information available

External information

A) Founded: 2004

B) Headquarters: Erbil – Ankawa, Iraq

C) Leadership: Sami Kurachi

D) Number of employees: 2,400 people

E) Employees in Iraq: more than 1,000 people

F) In Iraq since: 2004

G) Last annual revenue: below \$1 million

H) Services: Security and safe operations

<http://www.alibaba.com/member/passawanco.html> (last visit 28 July 2011)

Other interesting information

Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has been registered at the Ministry of Interior of Iraq. http://www.pscai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

102. SABRE INTERNATIONAL



Information from the official website (last visit 16 September 2011)

<http://www.securitybysabre.com/index.php>

A) Founded: No official information available

B) Headquarters: Baghdad International Zone, Iraq, with operational offices over Europe, Africa, U.S. and Asia. <http://www.securitybysabre.com/index.php>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: Number unknown; with presence in Iraq employees are required experience in military, law enforcement or protective services management, and intelligence or information analysis.



F) In Iraq since: No official information available

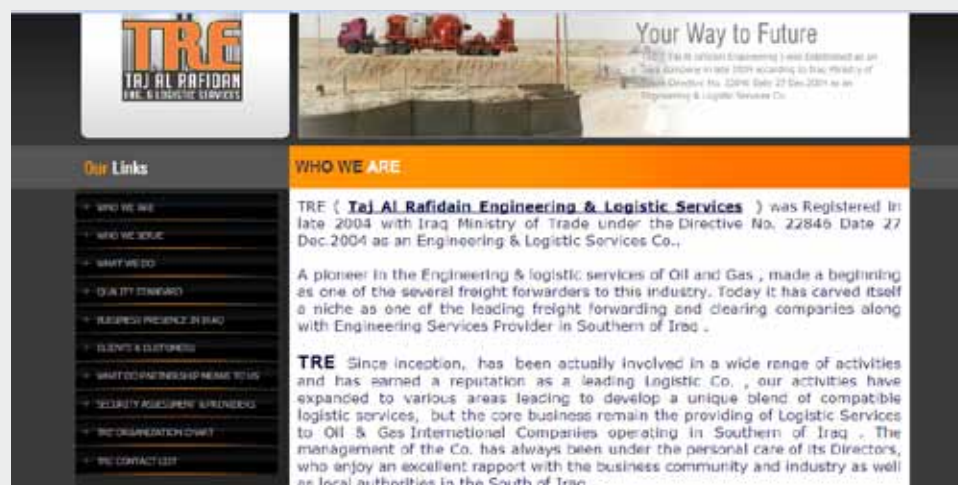
G) Last annual revenue: No official information available

H) Services: Support achieving security solutions to meet needs, from risk assessments and staff training to full protective security in high threat environments, and amongst others, threat assessments and site surveys; managing of third country and local national guard forces; guard force training, equipping and deployment; high quality search trained personnel and supervisors; personal protection; high specification fully armoured vehicles both covert and high profile; and certified armed escorts trained to the highest standards.

Other interesting information

a) PSCAI member. Source: <http://www.psc.ai.org/pscmembers.html> (last visit 16 September 2011)

103. TAJ AL-RAFIDEN



Information from the official website (last visit 16 September 2011)

<http://www.taj-alfaridain.com/>

A) Founded: 2003

B) Headquarters: Basra, Iraq <http://www.taj-alfaridain.com/Contact.aspx>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: 2004

G) Last annual revenue: No official information available

H) Services: "Provide Security Escort by an independent Security companies according to the Client Requirements. Shipments in Iraq or at Storage Areas on rout to final destination is well protected by highly efficient Security Guards & Security Escort Teams authorized by Ministry on Interior (Local & International Security). Tracking devices can be installed to the shipments according to the client requirements."

I) Clients: Erinys International, UNAOIL, UNACOM, Trident Safety and Security Co, and Wier Oil and Gas, amongst others. <http://www.taj-alfaridain.com/Clients.aspx>.

Other interesting information

a) Abduction of 50 employees of the Al-Rafiden security company: "The Ministry of Interior denied its involvement in the abduction of 50 Employees of the Al-Rafiden security company in east Baghdad on 9 March although the operation was carried out by individuals wearing police commando uniforms. The fate of the men remains unresolved." Source: UN Assistance for Iraq (UNAMI), Human Rights Report (1 March - 30 April 2006), page 5. <http://www.unhcr.org/refworld/category/COI/UNAMI/COUNTRYREP/4693430f0,0.html> (last visit 16 September 2011).

104. 77 GROUP COMPANY (Kurdistan)**Information from the official website**

The official website www.77group.net is not available. From the holding group, only the general construction contracting company has an official web-site (<http://www.77construction.com/>), however this part of the holding does not include security services.

A) Founded: No official information available

B) Headquarters: No official information available

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: No official information available

G) Last annual revenue: No official information available

H) Services: No official information available

External information

A) Founded: The 77-Group company is an Iraqi company which was registered in Erbil in 1994 and formally registered at both the Central Government in Baghdad and the Kurdistan Regional Government in 2001, after the completion of the formal measures and ordinary approvals. <http://www.newiraqnet.net/com/77group/index.html> (last visit 16 September 2011) and <http://invest-kurdistan.wikispaces.com/77+Group+Company> (last visit 28 July 2011)

B) Headquarters: Erbil and Thuraiya, Iraq <http://www.newiraqnet.net/com/77group/index.html> (last visit 16 September 2011)

C) Leadership: Suleyman Ciliv, General Manager <http://www.newiraqnet.net/com/77group/index.html> (last visit 16 September 2011)

E) Employees in Iraq: Between 3,500 to 4,000 employees and between 1,000 and 1,200 persons working with the company without contracts such as company managers, rental companies which provide tent tracks, tenting machinery and other equipment on a daily, monthly or yearly basis.

F) In Iraq since: 1994

G) Last annual revenue: In year 2010, revenue was "... about one billion and a quarter billion of U.S. dollars with the American Army, State Offices and local international companies..." <http://www.newiraqnet.net/com/77group/index.html> (last visit 16 September 2011)

H) Services: Security and private protection: "The field of the 77 group company for security and protection is to secure private protection and in particular and for the group in general due to the deteriorated security situations in Iraq. The company has 15 security squads who are



well-trained, courageous and well-experienced men in the field of security and protection. Each squad is consisted of six persons and they are equipped all the requirements of protection such as various weapons, ammunition and vehicles. They are licensed by the central government and Kurdistan regional government. They escort trucks carrying personnel, staff and from one town to another.” <http://www.newiraqnet.net/com/77group/index.html> (last visit 16 September 2011)

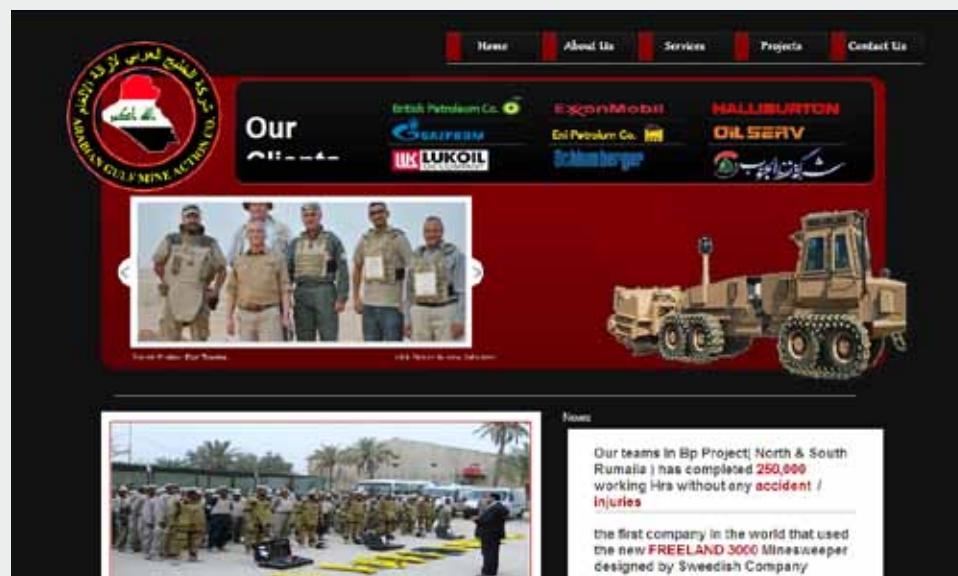
Other interesting information

Non-PSCAI Member: On the PSCAI member list this company appears as a non-member, however the company itself states it has requested registration at the Ministry of Interior of the Kurdistan Regional Government. http://www.psc.ai.org/Docs/latested_fulllist_update.pdf (last visit 16 September 2011).

105. SOUTH SERVICES CO. FOR SECURITY & PROTECTION

Information from the official website (last visit 16 September 2011)

<http://www.southgroupco.com>



A) Founded: 2004

B) Headquarters: Basrah Governorate, Iraq <http://www.southgroupco.com/Contact%20us.html>

C) Leadership: No official information available

D) Number of employees: No official information available

E) Employees in Iraq: No official information available

F) In Iraq since: May 2004

G) Last annual revenue: No official information available

H) Services: Protection of dignitaries and trucks, protection of trucks and cargo crossing the border, and demining (especially since 2006). <http://www.southgroupco.com/Services.html>

H) Clients: amongst others, British Petroleum, Exxon Mobile, Gaz Proom, and Halliburton. <http://www.southgroupco.com/Services.html>

ANNEX C: Extractors, constructors and other organisations hiring PMSCs in Iraq ²

106. BEARING POINT



Information from the official website (last visit 19 September 2011)

A) Founded: Unknown

B) Headquarters: Corporate offices in many countries worldwide, with main offices in Europe. <http://www.bearingpointconsulting.com/en-other/7-526/we-are-where-you-are/>

C) Leadership: Following a “Management Buy Out” in August 2009, BearingPoint is operating with a governance model of a partnership: Olivier Chatin, Dolf Smeets, Marcel Nickler, Per Jacobsson, Natalia Krasnoperova, Peter Mockler (Managing Partner), Hans-Werner Wurzel, Eric Falque, and Stefan Spohr. <http://www.bearingpointconsulting.com/en-ie/7-2513/>

D) Number of employees: In Europe alone the firm currently employs 3,200 people, providing services to the commercial, financial and public sector in 14 European countries. <http://www.bearingpointconsulting.com/en-other/7-3410/car-brands-are-still-failing-to-respond-to-sales-enquiries-highlighting-inherent-weaknesses-in-their-ability-to-protect-or-grow-market-share/?p=974>

E) Employees in Iraq: Unknown

F) In Iraq since: Unknown

G) Last annual revenue: Unknown

H) Services: Business Consulting, Management and Technology Consultants. <http://www.bearingpointconsulting.com/en-other/7-1379/we-are-different/>

² This Annex provides some examples of companies and/or non-profit organisations that work in Iraq and hire multinational or Iraqi PMSCs for their own security. Some of these PMSCs, which are often also granted contracts by the military or governmental bodies, have human rights incidents record in Iraq. The information in this Annex aims to help completing the puzzle and to provide a more general perspective of how all these activities and dynamics have impacts on human rights in Iraq, both in respect of the Iraqi civil population and expatriates employee or Iraqi employees working for PMSCs in Iraq. The information in this annex is particularly vulnerable to change and we advice you to regularly check the sources used through the links provided in each document.



External information

HUMAN RIGHT INCIDENTS

Four GardaWorld PMSC employees and one BearingPoint employee kidnapped (and some killed) while protecting BearingPoint personnel in Iraq:

* "...Though insurgencies in Iraq and Afghanistan have spawned a multibillion-dollar private security industry, most of the firms operating in those countries are American or British ... Critics view private security companies as heavily armed modern-day mercenaries with few ethical boundaries ... One KSI contract that GardaWorld assumed was with Bearingpoint, a U.S. firm providing economic reform advice to the Iraqi government. GardaWorld personnel were providing security for a Bearingpoint consultant when they were kidnapped last week..."

Source: The Ottawa Citizen, "How a nice Quebec firm found itself in a war zone", 4 June 2007. <http://www.canada.com/ottawacitizen/news/story.html?id=24511a9c-8dc6-4aae-9eb4-1b5801332ae4&p=1> (last visit 19 September 2011)

* "... Gardaworld security agency - a Canadian-owned firm largely staffed by British former service personnel - has confirmed that four its staff were among those taken ... Gardaworld is one of the biggest suppliers of private security in Iraq, and is thought to have hundreds of staff in the country ... American management consultancy Bearingpoint said it had been told that one of its employees was among those captured... This is thought to be the first time Westerners have been abducted from a government facility ..."

Source: BBC News, "Five Britons abducted in Baghdad", 29 May 2007. http://news.bbc.co.uk/2/hi/middle_east/6700319.stm (last visit 19 September 2011).

* "...Peter Moore - an IT consultant from Lincoln and one of five British men taken hostage in Iraq in May 2007 - has been released alive from captivity. His release came six months after the bodies of security guards Jason Swindlehurst, from Skelmersdale, Lancashire, and Jason Creswell, of Glasgow, were returned to the UK. The body of Alec MacLachlan, of Llanelli, Carmarthenshire, was returned in September. Alan McMenemy, a security guard from Glasgow, who was also taken hostage, is believed to have been killed, according to the British government..."

Source: BBC News, "British hostages in Iraq", 29 July 2009. http://news.bbc.co.uk/2/hi/uk_news/7821021.stm (last visit 19 September 2011)

107. BECHTEL GROUP



Information from the official website (last visit 19 September 2011)

A) Founded: 1898 <http://www.bechtel.com/history.html>

B) Headquarters: San Francisco, U.S. <http://www.bechtel.com/overview.html>

C) Leadership: Riley Bechtel, Chairman and Chief Executive Officer, and Bill Dudley, President and Chief Operating Officer. <http://www.bechtel.com/leadership.html>

D) Number of employees: 52,700 employees <http://www.bechtel.com/overview.html>

E) Employees in Iraq: 35,000 Iraqi employees (2003-2006) http://www.bechtel.com/images_of_iraq.html

F) In Iraq since: 2003-2006 *"Following the 2003 Iraq conflict, Bechtel performed reconstruction work under two contracts with the U.S. Agency for International Development (USAID). The initial contract was for the emergency repair, rehabilitation, and reconstruction of critical elements of Iraq's infrastructure."* <http://www.bechtel.com/iraq.html>

G) Last annual revenue: In 2010, the company claimed revenues of \$27.9 billion. <http://www.bechtel.com/overview.html>

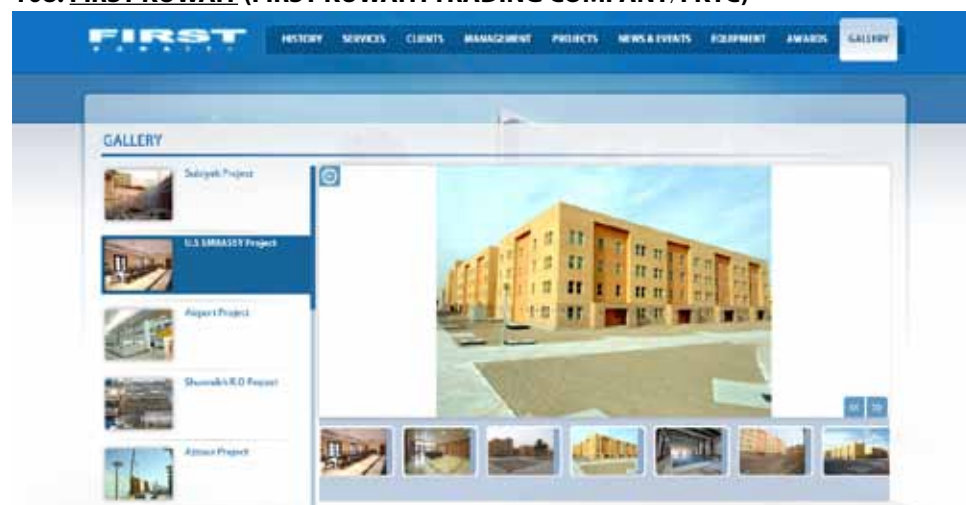
H) Services: Construction; development and financing; engineering and technology; procurement; project management; safety; sustainability and environment services; building of airports and seaports; communications networks; defence and aerospace facilities; environmental cleanup projects; fossil and nuclear power plants; mines and smelters; oil and gas field development; pipelines; roads and rail systems; and refineries and petrochemical facilities. <http://www.bechtel.com/services.html>

Other interesting information

a) Olive Group and ArmorGroup links with Bechtel: The company has hired security services from both multinational PMSCs. *"Bechtel Corp. of San Francisco has picked two British firms to work with it in Iraq, among the first subcontractors announced for the \$680 million reconstruction job ... Bechtel Corp. of San Francisco has picked two British firms to work with it in Iraq, among the first subcontractors announced for the \$680 million reconstruction job ... Both ArmorGroup and Olive Security will help safeguard Bechtel workers sent to Iraq to rebuild the war-battered country, Bechtel spokesman Michael Kidder said Tuesday."*

Source: SFGate, "Bechtel taps for British firms for Iraq work", by David R. Baker, 30 April 2003. http://articles.sfgate.com/2003-04-30/business/17487668_1_reconstruction-contract-bechtel-olive-security (last visit 19 September 2011)

108. FIRST KUWAIT (FIRST KUWAITI TRADING COMPANY/FKTC)



Information from the official website (last visit 19 September 2011)
<http://www.firstkuwaiti.com/>



A) Founded: 1996 <http://www.firstkuwaiti.com/>

B) Headquarters: Kuwait <http://www.firstkuwaiti.com/>

C) Leadership: Mr. Mohammed Marafi, Chairman, and Mr. Wadih Al Absi, General Manager. <http://www.firstkuwaiti.com/>

D) Number of employees: No official information available

E) Employees in Iraq: No information available

F) In Iraq since: No official information available. The company states that it has several projects in Iraq, including a project for the U.S. Embassy in Iraq. (<http://www.firstkuwaiti.com/>)

G) Last annual revenue: No official information available

H) Services: Although no list of services is available on the website, the names of the company's departments give an indication of the types services provided : General Construction Department: Marine & Deep Foundations Department, Infrastructure & Roads Department, Electromechanical Department, Services Provision Department. <http://www.firstkuwaiti.com/>

H) Clients: Among others the U.S. Army, U.S. Government Air Force for Environmental Excellence, U.S. Government/Department of State, Halliburton (Kellogg Brown and Root/KBR), Bechtel, and the U.S. Army Corps of Engineers. <http://www.firstkuwaiti.com/>

External information

HUMAN RIGHTS INCIDENTS

* Alleged labour abuses and labour trafficking by the Company in Iraq:

- "... Dozens of migrant workers from Nepal and the Philippines have previously accused First Kuwaiti of pressuring them to work in Iraq under US military contracts against their wishes. Late last year several Americans also claimed they boarded separate chartered jets in Kuwait loaded with work crews holding boarding passes to Dubai, but the planes then flew directly to Baghdad ..."

<http://www.shunpiking.com/ol0405/0405-WD-DP-howusemb.htm> (last visit 19 September 2011)

- "Scrutiny of First Kuwaiti's alleged labour abuses began in 2005, with reports that the company engaged in human trafficking. Workers from the Philippines, India, Nepal and elsewhere claimed the company lured them with the promise of well-paying jobs in Dubai and Kuwait, but instead flew them to Baghdad and confiscated their passports. Once there, they were reportedly subjected to deplorable living and working conditions, grossly underpaid and barely provided any health-care. Some claimed they were beaten by First Kuwaiti officials. And a number have filed kidnapping charges against the company." http://www.nationalcorruptionindex.org/pages/profile.php?profile_id=521 (last visit 19 September 2011)

- "Workers accuse the Kuwait contractor building the US embassy in Baghdad of labour trafficking and smuggling low-paid South Asians into Iraq. Still, the US State Department casts a blind eye on the complaints as it rushes to complete its most ambitious embassy project ever." <http://www.corpwatch.org/article.php?id=14181> (last visit 19 September 2011)

- "Federal prosecutors are investigating the Kuwaiti company building the U.S. Embassy in Baghdad [First Kuwaiti General Trading & Contracting], probing allegations that foreign employees were brought to work on the massive project against their will and prevented from leaving the country..." *The Wall Street Journal*, "U.S. Investigates Firm Building Embassy in Iraq, Former Employees Allege Abusive Labour Practices; Company Denies Claims", by Yochi J. Dreazen, 7 June 2007. http://online.wsj.com/article/SB118118318284127413.html?mod=hps_us_pageone (last visit 19 September 2011)

COMPLEMENTARY INFORMATION

C) Leadership: The company was founded by Wadih al-Absi and Mohammed Maaraf.

http://en.wikipedia.org/wiki/First_Kuwaiti_Trading_%26_Contracting (last visit 19 September 2011)

F) In Iraq since: At least since 2005. *"In July 2005, First Kuwaiti was given the contract to build the new U.S. embassy in Baghdad, despite lacking experience in embassy construction and entering a bid that was \$60 million higher than the lowest bidder, the amount of the contract was \$592-million."* http://www.nationalcorruptionindex.org/pages/profile.php?profile_id=521 (last visit 19 September 2011)

Other interesting information

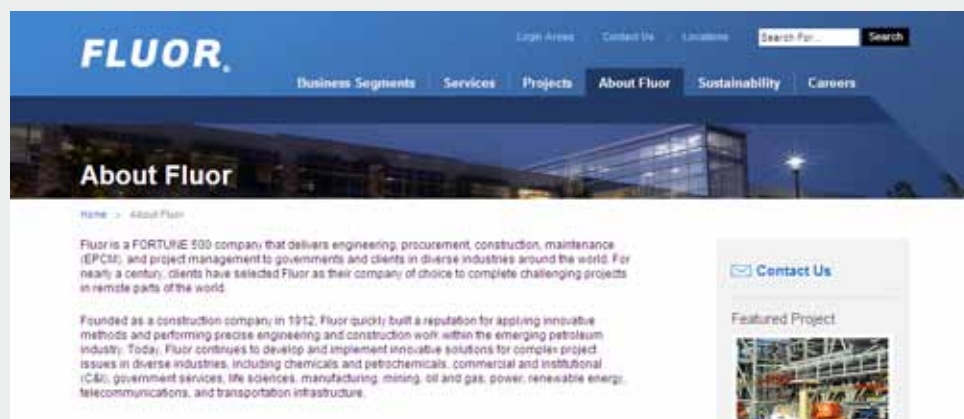
* *"First Kuwaiti Trading & Contracting, also known as First Kuwaiti Trading Company and FKTC, is a construction company that was contracted to build the Embassy of the United States in Baghdad in 2004. It was founded in 1996 by Wadih al-Absi and Mohammed Maaraf and has been used by the United States for over two hundred projects in Kuwait and Iraq. The company has received substantial criticism, both for the physical quality of their work, and for allegations of labor abuse which came to light in testimony given by former First Kuwaiti employees to an Oversight Committee of the United States Congress; one former employee claimed that First Kuwaiti had promised these laborers from, among many countries, India, the Philippines, West Africa and China jobs in Dubai and Kuwait at wages as much as four times their current salary only to be flown into Iraq and forced into work there. In addition, some laborers were charged arbitrary fees (ranging from \$1000 to \$1800) just for the opportunity to work elsewhere, to also be flown into Iraq and have their passports collected. Several months before that hearing, the nongovernmental research group CorpWatch had reported, based on interviews with former officers and employees of First Kuwaiti, that the company was deceiving workers, confiscating their passports, and mistreating them on the job.[3] Furthermore, it was discovered that not only are the workers being forced to endure this treatment, their living environment, nutrition, and health care system are of extremely poor quality."*

Source: Wikipedia and CorpWatch: http://en.wikipedia.org/wiki/First_Kuwaiti_Trading_%26_Contracting (last visit 19 September 2011)

* Some abuses and how the Baghdad Embassy was built:

<http://www.shunpiking.com/ol0405/0405-WD-DP-howusemb.htm> (last visit 19 September 2011)

109. FLUOR



Information from the official website (last visit 19 September 2011)

A) Founded: 1912 http://www.fluor.com/about_fluor/Pages/default.aspx

B) Headquarters: Irving, Texas, U.S. http://www.fluor.com/about_fluor/locations/Pages/default.aspx

C) Leadership: David T. Seaton, CEO http://www.fluor.com/about_fluor/leadership/Pages/default.aspx



D) Number of employees: 42,000 employees http://www.fluor.com/SiteCollectionDocuments/Corporate_Profile_English.pdf

E) Employees in Iraq: Unknown

F) In Iraq since: 2003 *"The task order was issued under terms of an indefinite delivery/indefinite quantity (IDIQ) contract awarded to Fluor in April 2003 in anticipation of potential contingency design and construction requirements in U.S. Central Command's area of operations."* <http://investor.fluor.com/phoenix.zhtml?c=124955&p=irol-newsArticle&ID=455291&highlight=>

G) Last annual revenue: Revenue was \$22 billion in 2009. http://media.corporate-ir.net/media_files/irol/12/124995/annualreport.pdf

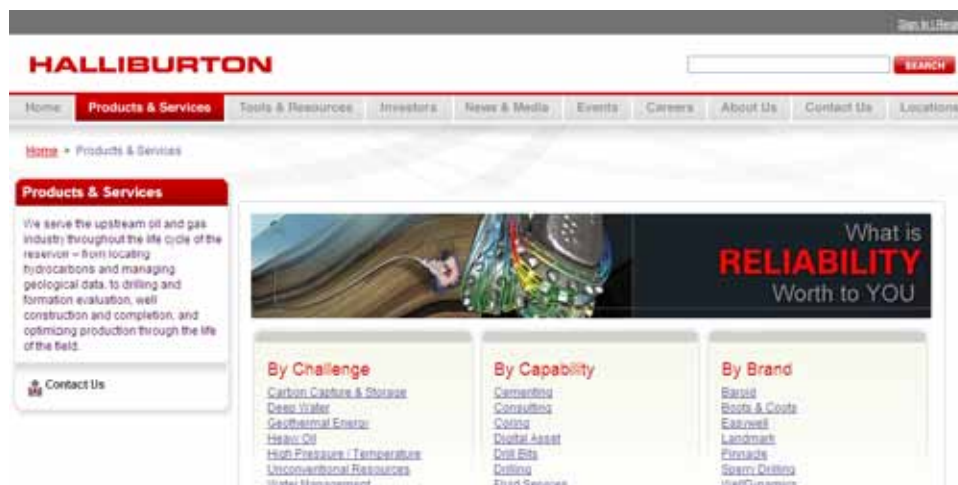
H) Services: The Company designs, builds and maintains many of the world's most challenging and complex projects. The company provides comprehensive capabilities and world-class expertise in the fields of engineering, procurement, construction, commissioning, operations, maintenance and project management. http://www.fluor.com/SiteCollectionDocuments/fluor_mediafactsheet.pdf

Other interesting information

a) In 2010 this company was ranked on Ethisphere's *"World's Most Ethical Companies"* list. For more information about this list and the methodology used, see: <http://ethisphere.com/wme2010/> (last visit 19 September 2011).

b) Contractors, PMSCs and their "overall mission" in Iraq: *"Recent media reports have characterized some private security providers as mercenaries. Nothing could be further from the truth. Certainly there have been negative incidents, but overall the effort to rebuild Iraq could not be accomplished without the private security effort. Even the head of the CPA, when on the move, has been secured by private security; that is also the case for the new ambassador and for officials at other governmental agencies when they cannot justify a request for military protection that takes troops away from the counterinsurgency. Most of the expatriates involved in private security are highly professional, and many see their work in Iraq as a patriotic effort to support the coalition's efforts to rebuild Iraq. Certainly, they make money--good money--but they are also putting their lives on the line and working 20-hour days, and their contribution has been invaluable to the success of the overall mission..."* Source: Security Management, "What Are Security's Lessons in Iraq?", by Tom Flores (Fluor Corporation's senior director of corporate security) and Jim Earl (Fluor's Iraq security manager). <http://www.securitymanagement.com/article/what-are-securitys-lessons-iraq> (last visit 19 September 2011)

110. HALLIBURTON



Information from the official website (last visit 19 September 2011)

A) Founded: 1919 <http://www.halliburton.com/AboutUs/default.aspx?navid=970&pageid=2312>

B) Headquarters: Houston, Texas, U.S., and Dubai, UAE. http://www.halliburton.com/public/news/pubsdata/press_release/2007/corpnws_031107.html

C) Leadership: Alan M. Bennet, President and Chief Executive. <http://www.halliburton.com/AboutUs/default.aspx?navid=974&pageid=2287>

D) Number of employees: 60,000 employees. <http://www.halliburton.com/AboutUs/default.aspx?navid=981&pageid=2279>

E) Employees in Iraq: Unknown. The only information provided is that it has 4,000 employees working in Middle East. http://www.halliburton.com/public/news/pubsdata/press_release/2010/corpnws_08182010.html

F) Since when are they in Iraq: Unknown

G) Last Annual Revenue: *"Halliburton consists of two divisions: Drilling and Evaluation and Completion and Production. As of December 31, 2010, these two divisions accounted for approximately 18.0 billion dollars in Revenue."* <http://www.halliburton.com/AboutUs/default.aspx?pageid=2458&navid=966>

H) Services: The Corporation serves the upstream oil and gas industry throughout the life cycle of the reservoir – from locating hydrocarbons and managing geological data, to drilling and formation evaluation, well construction and completion, and optimizing production through the life of the field. <http://www.halliburton.com/ps/>

External information

HUMAN RIGHTS INCIDENTS

a) Halliburton subsidiary Kellogg, Brown and Root employees kidnapped and missing: *"...Four bodies have been found in Iraq, the remains of three private contractors and a soldier missing since an assault on their convoy outside Baghdad ... State Department official on Tuesday confirmed the discovery of the bodies, but the private contractor Halliburton said it did not know whether the dead were its missing employees ... Two U.S. soldiers and seven employees of Halliburton subsidiary Kellogg, Brown and Root have been missing since their convoy was attacked Friday on the main highway west of Baghdad, between the district of Abu Ghraib and the central city of Fallujah".* Source: CBS. <http://www.cbsnews.com/stories/2004/04/14/iraq/main611716.shtml> (last visit 19 September 2011)

b) Three deaths, Halliburton employees: *"... Ambush against a Halliburton convoy in Iraq that resulted in the deaths of three truckers who worked for the company's KBR subsidiary ... Three KBR truck drivers were killed that day. They are Keven Dagit, 42 (in truck 3), of Jefferson, Iowa; Christopher Lem, 40, (in truck 1) of Lyndon Station, Wisconsin; and Sascha Grenner-Case (in truck 4) of Sierra Vista, Arizona. Wheeler, who lives in Arkansas, was shot and barely survived. Two other drivers, including Terry Steward (in truck 2) of Idaho, were also injured ..."* Source: HalliburtonWatch, "Halliburton ambush in Iraq caught on video", 21 September 2006, <http://www.halliburtonwatch.org/news/ambush.html> - this link includes a video of the ambush. (last visit 19 September 2011)

COMPLEMENTARY INFORMATION

- **Since where are they in Iraq:** 2003. **Source:** BBC, *"Halliburton's Iraq role expands"*, 7 May 2003. news.bbc.co.uk/2/hi/business/3006149.stm (last visit 19 September 2011)



Other interesting information

- **Wikileaks:** cable 10BASRAH1. **Source:** The Guardian / Wikileaks, *"Halliburton boss complains of outrageous cost of security firms in Iraq"*, 21 December 2010. <http://www.guardian.co.uk/world/us-embassy-cables-documents/245068> (last visit 1 June 2011)

- **PMSC Contracts:** Halliburton hired EODT for security purposes (Clients served by EODT). <http://www.eodt.com/Experience/> (last visit 1 June 2011)

- Connections between contractors, war, and PMSCs' needs and politics:

a) "...Nigerian authorities plan to charge ex-US vice president Dick Cheney in connection with a bribery scandal allegedly involving energy firm Halliburton ... A prosecutor on the case said Cheney would be charged jointly along with the former and current leadership of Halliburton and others ...", source: Agence France Press, *"Nigeria 'To Charge Dick Cheney' over Halliburton, KBR Bribery Case"*, by MJ Smith, 2 December 2010. <http://www.common-dreams.org/headline/2010/12/02-4> (last visit 21 June 2011)

b) "Year 1992, Halliburton subsidiary Brown & Root is paid \$9 million by the Pentagon (under Cheney's direction as Secretary of Defense) to produce a classified report detailing how private companies (like itself) could provide logistical support for American troops in potential war zones around the world. Shortly after this report, the Pentagon awards Brown & Root a five-year contract to provide logistics for the U.S. Army Corp of Engineers ... Year 1995, Without any previous business experience, Cheney leaves the Department of Defense to become the CEO of Halliburton Co., one of the biggest oil-services companies in the world. He will be chairman of the company from 1996 to October 1998 and from February to August 2000. Under Cheney's leadership, Halliburton moves up from 73rd to 18th on the Pentagon's list of top contractors. ... Year 1997, Cheney contributes to the creation of an influential right-wing policy group called the Project for the New American Century (PNAC). The group advocates for the removal of Saddam Hussein's Iraqi regime as early as January 1998, and is later revealed to be the intellectual center of the drive to war in Iraq... Year 2000, August: Cheney leaves his position as Halliburton's CEO to run as Bush's Vice President. Halliburton announces that it is giving Cheney a retirement package worth more than \$33.7 million ...". Source: Halliburton Watch, *"Cheney/Halliburton Chronology"*. http://www.halliburtonwatch.org/about_hal/chronology.html (last visit 19 September 2011)

111. LOUIS BERGER GROUP

Information from the official website (last visit 19 September 2011)

<http://www.louisberger.com/Who-We-Are>

A) Founded: 1953 <http://www.louisberger.com/Who-We-Are/About-Us>

B) Headquarters: Morristown, New Jersey, U.S. <http://www.louisberger.com/Who-We-Are/About-Us>

C) Leadership: Fredric S. Berger, Chairman, and Larry D. Walker, President. <http://www.louisberger.com/Who-We-Are/Leadership>

D) Number of employees: 5,000 employees. <http://www.louisberger.com/Who-We-Are>

E) Employees in Iraq: 160 employees http://www.bergercummins.com/exp_oif-overview.php

F) In Iraq since: 2007 http://www.bergercummins.com/exp_oif-overview.php

G) Last annual revenue: \$694 million (2009) <http://www.louisberger.com/Who-We-Are/About-Us>

H) Services: architecture; construction management; engineering; operations and maintenance; disaster and emergency management; post-conflict development; sustainability; management advisory services; cultural resource management; economic and financial services; natural resource management; planning; program management; and training, *"The Louis Berger Group is a leader in working with, and in, post-conflict environments, post-disaster environments, and areas of insurgency. For more than 20 years LBG has undertaken infrastructure and capacity building projects that address the sources and consequences of political and economic fragility. They have developed the specialized knowledge and experience to effectively implement complex, multidisciplinary, and multi-year activities, focused on rapid mobilization and responses tailored to local contexts."* <http://www.louisberger.com/What-We-Do>

"...Berger/Cummins provides contingency power to some of the largest U.S. military bases in Iraq, including Victory Base Complex East, serving as home to the U.S. Military and Multi-National Forces-Iraq Headquarters, Victory Base Complex West, Forward Operating Base (FOB) Falcon and Al Asad Air Base ..." http://www.bergercummins.com/exp_oif-overview.php

I) Clients: Amongst others, the U.S. Army Corps of Engineers (USACE). http://www.bergercummins.com/exp_oif-overview.php

Other interesting information

a) This corporation was accused of defrauding the U.S. government on construction contracts in Iraq in November 2010.

Source: *"...A whistleblower lawsuit was the basis for the federal government's fraud case against the Louis Berger Group that settled today for \$69.3 million -- the largest recovery in a case involving war-zone contractors in Afghanistan and Iraq..."* PRNewswire, *"Whistleblower Exposed Fraud By the Louis Berger Group; \$69.3 Million Settlement Sets Record for Afghanistan and Iraq Contractor Fraud Case"*, 5 November 2010. <http://www.prnewswire.com/news-releases/whistleblower-exposed-fraud-by-the-louis-berger-group-693-million-settlement-sets-record-for-afghanistan-and-iraq-contractor-fraud-case-106781843.html> (last visit 19 September 2011)

b) PMSC contracts: The Company hired EODT and Sallyport Global Holding. See (<http://www.eodt.com/Experience/> and <http://sallyportglobal.com/about-sallyport/our-clients.php> (last visit 19 September 2011), as well as Annex A.)



112. PARSONS CORPORATION



Information from the official website (last visit 19 September 2011)

<http://www.parsons.com/pages/default.aspx>

A) Founded: 1944 <http://www.parsons.com/about-parsons/Pages/faqs.aspx>

B) Headquarters: Pasadena, California, U.S. <http://www.parsons.com/about-parsons/Pages/faqs.aspx>

C) Leadership: Charles L. Harrington, Chairman and Chief Executive Officer
<http://www.parsons.com/about-parsons/Pages/corporate-officers.aspx>

D) Number of employees: 10,500 employees <http://www.parsons.com/about-parsons/Pages/faqs.aspx>

E) Employees in Iraq: Unknown

F) In Iraq since: At least since 2004. "... *Work will start soon on a \$28.3 million project to renovate the Taji Military Base and Iraqi Armed Forces recruiting stations ...*" <http://www.parsons.com/Media%20Library/04-0129-CPA-Iraq-Press-Release.pdf>

G) Last annual revenue: \$2.7 billion (2010)
<http://www.parsons.com/about-parsons/Pages/default.aspx>

H) Services: Asset Management; Commissioning, Qualifications, Validation; Condition Assessment; Construction, Data Management; Design; Development & Fabrication; Disaster Response; Intelligence/Security; Operations & Maintenance; Planning; Program/Construction Management. <http://www.parsons.com/services/Pages/default.aspx>

Other interesting information

- This company is ranked on Ethisphere's "*World's Most Ethical Companies*" list. For more information on this list and the methodology used, see: <http://ethisphere.com/wme2010/> (last visit 1 June 2011)

- **Services and flaws in Iraq:** "... *In a House hearing on what has gone wrong with reconstruction contracts in Iraq, Parsons Corp. quickly became the focus, taking bipartisan heat for its record of falling short on critical projects. The Pasadena, Calif., firm was supposed to*

build facilities at the heart of the \$21 billion U.S.-led reconstruction program, including fire stations, border forts and health-care centers. But inspectors have found a litany of flaws in the firm's work ..." Source: Washington Post, "Iraq Contractor's Work Is Further Criticized", by Griff Witte, 20 September 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/28/AR2006092801048.html> (last visit 19 September 2011)

113. PERINI CORP



Tutor Perini Corporation

Corporate Profile

Tutor Perini Corporation (the "Company") is a leading civil and building construction company offering diversified general contracting and design/build services to private clients and public agencies throughout the world. We have provided construction services since 1894 and have established a strong reputation within our markets by executing large complex projects on time and within budget while adhering to strict quality control measures.

We offer general contracting, pre-construction planning and comprehensive project management services, including the planning and scheduling of the manpower, equipment, materials and subcontractors required for a project. We also offer self-performed construction services including excavation, concrete forming and placement, steel erection, electrical and mechanical services, plumbing and HVAC. We are known for our major complex building project commitments as well as our capacity to perform large and complex transportation and heavy civil construction for government agencies and private clients throughout the world.

First Quarter Results

Revenues from construction operations were \$615.3 million for the first quarter of 2011, as compared to \$865.1 million for the first quarter of 2010. Net income was \$6.9 million for the first quarter of 2011, as compared to \$20.9 million for the first quarter of 2010. Diluted earnings per common share were \$0.14 for the first quarter of 2011, as compared to \$0.42 for the first quarter of 2010.

The decrease in the operating results from the first quarter of 2010 primarily reflects the substantial reductions of backlogs, substantially lower revenues from the Business Development Unit, and the impact of the decrease in the operating results from the first quarter of 2010.

Information from the official website (last visit 19 September 2011)
<http://www.perini.com/corpinde.html>

A) Founded: 1894 <http://www.perini.com/corpinde.html>

B) Headquarters: Sylmar, California, U.S. <http://www.perini.com/faq.html>

C) Leadership: Ronald N. Tutor, Chairman and Chief Executive Officer, and Robert Band, President <http://phx.corporate-ir.net/phoenix.zhtml?c=106886&p=irol-govManage>

D) Number of employees: 12,000 skilled craftsmen <http://www.perini.com/faq.html>

E) Employees in Iraq: Unknown

F) In Iraq since: 2004 "Perini was selected in March 2004 by the Department of Defense for a design-build construction capacity contract to provide Electrical Transmission, Distribution, Communications and Controls in the Southern Region of Iraq." http://www.perini.com/pmsi/federal_defense_body.htm

G) Last annual revenue: "Revenues from construction operations were \$615.3 million for the first quarter of 2011." <http://www.perini.com/corpinde.html>

H) Services: Planning and scheduling the manpower, equipment, materials and subcontractors required for the timely completion of a construction project. <http://www.perini.com/faq.html>

Other interesting information

- **Political connections and conflict of interest.** "Perini (controlled by financier Richard Blum) is one of the more controversial companies to have scored big-time Iraq war money."



That's because Blum's wife, Senator Dianne Feinstein, appears to have used her seat on the Military Construction Appropriations subcommittee to steer the \$650 million environmental cleanup deal in his favor. This has lead to outrage and cries for conflict of interest investigations among those in the media, as well as Feinstein's peers in Congress. Feinstein has also neglected to comment on this potential conflict of interest. This has lead to what Metroactive.com calls an "omission [that] has called her ethical standards into question." **Source:** The Young Turks, "Does the exploitation of Iraq effect America's psyche?," 21 July 2009. <http://www.theyoungturks.com/story/2009/7/21/234941/369/Diary/Does-The-Exploitation-Of-Iraq-Effect-America-s-Psyche-> (last visit 19 September 2011)

- **Alleged security fraud** (law suit in the U.S.): "...United States District Court District of Massachusetts WILLIAM P. ISHAM, IRON WORKERS DISTRICT COUNCIL, SOUTHERN OHIO & VICINITY PENSION TRUST and OPERATING ENGINEERS CONSTRUCTION INDUSTRY AND MISCELLANEOUS PENSION FUND, Plaintiffs, v. PERINI CORP., RONALD N. TUTOR, ROBERT BAND, MICHAEL E. CISKEY and KENNETH R. BURK, Defendants. MEMORANDUM & ORDER GORTON, J. This putative class action by the plaintiff shareholders alleges securities fraud by the corporate defendant and several of its officers. Plaintiffs assert claims for violation of Section 10(b) of the Securities Exchange Act of 1934 ...". Source: Class Action World. <http://classactionworld.com/Perini+Corp.+Class+Action+Litigation./filed/22585.html> (last visit 19 September 2011)

- **Perini and Safenet Security** (See Annex A, Safenet Security):

114. SSA MARINE



Information from the official website (last visit 19 September 2011)
<http://www.ssamarine.com/index.html>

A) Founded: In 1949, Fred R. Smith formed Bellingham Stevedoring Company, the beginning of the cargo handling operations, which would later on become SSA Marine. <http://www.ssamarine.com/company/overview.html>

B) Headquarters: Seattle, Washington, U.S. <http://www.ssamarine.com/company/executives.html>

C) Leadership: Jon Hemingway, Chief Executive Officer <http://www.ssamarine.com/company/executives.html>

D) Number of employees: 10,000 employees worldwide in 2004 <http://www.ssamarine.com/news/pr102203.html>

E) Employees in Iraq: In 2004 SSA Marine had at least a staff of 12 management person-

nel in charge of operations at the Port of Umm Qasr. <http://www.ssamarine.com/news/pr/102203.html>

F) In Iraq since: 2003 <http://www.ssamarine.com/news/pr/112003.html>

G) Last annual revenue: Unknown

H) Services: Terminal management, stevedoring, rail yard operations, project development management, technology system design, installation and training, equipment procurement, marketing support, trucking, warehousing, off-dock yard operations, and feasibility studies. <http://www.ssamarine.com/services/index.html>

Other interesting information

a) SSA Marine and Olive security (See Annex A, Olive Group): *"SSA Marine awarded a sub-contract for security at the port of Umm Qasr in Iraq to Olive Security, a United Kingdom-based company. The USAID-approved sub-contract of six months commenced on October 15 with the arrival of a team of 40 veterans from the Brigade of Gurkhas at the facility..."*

Source: Asia Times, "Corporate Mercenaries. Part 1: profit comes with a price", by David Isenberg, 2004. http://atimes.com/atimes/Middle_East/FE19Ak01.html (last visit 19 September 2011)

115. RESEARCH TRIANGLE INSTITUTE INTERNATIONAL



Information from the official website (last visit 19 September 2011)
<http://www.rti.org/>

A) Founded: 1958 http://www.rti.org/50years/page.cfm/Our_Story

B) Headquarters: North Carolina, U.S. <http://www.rti.org/page.cfm/History>

C) Leadership: Victoria Franchetti Haynes, President and CEO http://www.rti.org/page.cfm/Senior_Management_150

D) Number of employees: 2,800 employees <http://www.rti.org/page.cfm/History>

E) Employees in Iraq: Unknown

F) In Iraq since: 2003 *"Since April 2003, RTI International's Local Governance Project has supported efforts to strengthen government in Iraq at the local, municipal, and provincial levels, working under contract with the U.S. Agency for International Development (USAID)."* <http://www.rti.org/page.cfm?objectid=91AD4ED9-F623-4C93-8CCF98BA9F7C82F5>



G) Last annual revenue: Unknown (it supposed to be a non-profit organization)

H) Services: RTI International is an independent, non-profit organization with staff pursuing comprehensive, multidisciplinary research activities in the following areas: Health Research, Drug Discovery and Development, Education and Training Research, Survey Research and Services, Statistics Research, International Development, Economic and Social Research, Advanced Technology, Energy Research, Environmental Research, and Laboratory and Chemistry Services. http://www.rti.org/page.cfm/Expertise_777

External information

-Civilians allegedly been shot (Unity Resource Group guards working for RTI International in Iraq): On 9 October 2007, Unity Resource Group guards working for RTI International in Iraq allegedly shot and killed two Iraqi women, Marany Awaness and Geneva Jala Antranick, in Baghdad. The shooter opened fire on their vehicle at the al-Masbah intersection in the al-Karrada district and then drove away from the scene. The father of Geneva Jala, Mr. Jalal Askander, made a claim before Court (Superior Court of Washington DC) against RTI International and URG.

Sources:

*"Human Rights Report (1 July – 31 December 2007)", UN Assistance Mission for Iraq (UNAMI), number 27. <http://www.ohchr.org/Documents/Press/UNAMIJuly-December2007EN.pdf> (last visit 19 September 2011)

* "...Relatives also called for justice on Wednesday, though security contractors are immune from prosecution under Iraqi law... The guards in the shooting worked for Unity Resources Group, an Australian-run security company registered in Singapore and with headquarters in Dubai. The people they were to protect worked under contract for the United States Agency for International Development... "New York Times, "2 killed in shooting mourned far beyond Iraq," by Andrew E. Kramer, 11 October 2007. http://www.nytimes.com/2007/10/11/world/middleeast/11iraq.html?_r=2 (last visit 19 September 2011)

* Courthouse News Service, "Another Death Claim Against Mercenaries," by Ryan Abbott, 9 September 2010. <http://www.courthousenews.com/2010/09/09/30200.htm> (last visit 19 September 2011)

* "Civil Action demand for Jury Trial n° 0006365-10. <http://www.courthousenews.com/2010/09/09/IraqShoot.pdf> (last visit 19 September 2011)

Other interesting information

a) RTI has employed TOR International, a British PMSC, to provide security for its staff working in conflict areas (see Annex A).

Source: *SourceWatch http://www.sourcewatch.org/index.php?title=RTI_International (last visit 19 September 2011)

116. URS CORP

URS Sep 18, 4:00 PM - NYSE: URS - 22.73 (0)

CONTACT US LOCATIONS

ABOUT URS

- History
- Rankings
- Health, Safety & Environment
- Small Business/Supplier Diversity
- Government Affairs
- Locations
- Supplier Registration

HEADQUARTERS

800 Montgomery Street, 28th Floor
San Francisco, CA 94111-2728 USA
☎ +1 415 774 2796
✉ +1 415 388 1900 fax

In Operation Since: 1964
Number of Employees: More than 45,000
FY 2010 Revenue: \$9.18 Billion
NYSE Symbol: URS

Home > About URS

URS Corporation is a fully integrated engineering, construction and technical services organization with the capabilities to support every stage of the project life cycle—from inception through start-up and operation to decommissioning and closure. We offer program management, planning, design and engineering; systems engineering and technical assistance; construction and construction management; operations and maintenance; and decommissioning and closure services.

Through our network of offices across the United States and in more than 40 countries, we provide services to a broad range of clients around the world, including U.S. federal government agencies, national governments of other countries, state and local government agencies in the United States and internationally, and private sector clients worldwide representing a wide variety

Information from the official website (last visit 19 September 2011)
http://www.urscorp.com/About_URS/index.php

A) Founded: 1904 http://www.urscorp.com/About_URS/index.php

B) Headquarters: San Francisco, California, U.S. http://www.urscorp.com/About_URS/index.php

C) Leadership: Martin M. Koffel, Chairman and Chief Executive Officer http://www.urscorp.com/images/infoPanels/3/filebank/2009_URS_AR.pdf

D) Number of employees: 46,000 employees http://www.urscorp.com/About_URS/index.php

E) Employees in Iraq: Unknown

F) In Iraq since: Unknown. It is stated "...URS provided engineering, procurement, and construction services to refurbish various high voltage transmission lines and substations throughout Iraq, under a contract with the U.S. Government's Iraq Project Contracting Office ..." <http://www.urscorp.com/Projects/projView.php?s=924&sec=11&pn=2>

G) Last annual revenue: \$9.18 billion (2010) http://www.urscorp.com/About_URS/index.php

H) Services: Military training. "Provider of engineering, construction and technical services for public agencies and private sector companies. Program management; planning, design and engineering; systems engineering and technical assistance; construction management; operations and maintenance; decommissioning and closure services." Their main markets are concerned with power, infrastructure, industrial, commercial; and federal projects. <http://www.urscorp.com/index.php> and <http://www.urscorp.com/Markets/index.php?s=32>

External information

- A URS employee accident in Iraq: The victim's lawyers "...scored a million-dollar settlement in November for a Nepalese subcontractor who was killed while working in Iraq. It was the latest victory in the firm's campaign to enforce World War II-era legislation on behalf of foreign laborers working on U.S. bases in Iraq and Afghanistan ... In June, they recovered benefits for Buddhi Kumar Sunuwar, who was working as a subcontractor for URS Corp. when he lost his foot in a forklift accident ..." Source: *The National Law Journal*, "Justice for contract workers in America's wars", by Jeff Jeffrey, 3 January 2011. <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202476608072&src=EMC-Email&et=editorial&bu=National%20Law%20Journal&pt=NLJ.com%20-Legal%20Times%20Afternoon%20Update&cn=20110103lt&kw=Pro%20Bono%20Awards%3A%20Justice%20for%20Contract%20Workers%20in%20America's%20Wars&slreturn=1&hblogin=1> (last visit 19 September 2011)



ANNEX D: Boxes/ Legal Cases³

A) CASES BEFORE IRAQI COURTS

BOX. LEGAL CASE " FITZSIMONS"

A) Fact description: On 9 August 2009 Daniel Fitzsimons, a former paratrooper from Middleton working for British Armor Group, shot to death Paul McGuigan and Darren Hoare and injured Arkan Mahdi Saleh.

B) Date: 9 August 2009

C) Location: Baghdad's Green Zone, Iraq

D) Court: Iraqi Court, Al-Karkh (criminal court, west Baghdad, Iraq)

E) Legal action class (criminal/civil): Criminal Action

F) Plaintiffs: Paul McGuigan, Darren Hoare, Arkan Mahdi Saleh

G) Defendants: Daniel Fitzsimons

H) Claims description (criminal counts and /or prayer for damages):

"Danny Fitzsimons, the court has found established evidence that you killed the two slain men and attempted to kill the third. So the court issues its sentence according to the Iraqi criminal code and sentences you to 20 years in prison." the Iraqi judge said (sources mentioned below)

I) Current Status of proceedings: The verdict was held on 28 February 2011. Allegedly appeals were presented in the 30 days term after the verdict.

J) Decision: Life sentence (equivalent to 20 year-term, according to his lawyer Mr. Tariq Harb and the Judge).

³ This list of cases aims to provide the reader with systematised information and legal documents filed before courts, focussing on selected human rights abuses and civil or criminal complaints filed before court. Seventeen court cases have been synthetically analyzed and, where convenient, consolidated: two of them are criminal, while fifteen are civil (the only criminal case that has ended with conviction is the "Fitzsimons case" brought and decided before the Iraqi courts, the other criminal case is still pending before the U.S. courts). From the rest of the 15 described civil cases, all of which have been filed before U.S. Courts, three cases have been settled, while five have been dismissed and seven are still pending. The complaints, indictments, intermediate and final court decisions can be consulted directly through the links provided in each section of the "Legal cases before courts box". Five of these cases refer to the years 2003/2004, two of them to the year 2005, two of them to the year 2006, six of them to the year 2007, one to the year 2008 and, finally, one to the year 2009. At the time of writing, the research team had not found information or documentation on legal action that was presented before courts related to all PMCSs that have allegedly been involved in human rights abuses listed, and therefore listed in the Annexes A, B and C, [including CSS Alliance, Custer Battles, Dyncorp International, Sytex Group, Triple Canopy (2 human rights incidents), U.S. Investigation Services, Blackwater (some 11 human right incidents), Aegis, nor about the Iraqi PMCSs (except for the Fitzsimons case, listed below). This does not mean, however, that no cases have been or will be filed against these companies before courts,

K) Appeal Decision/Other Decisions: At the time of writing, the case of Daniel Fitzsimons is still not available on the website of the Iraqi Appeal Court and

there is no date for resume and /or Appeal decision. (*"Fitzsimons plans to appeal the length of his sentence but the prosecution is also likely to appeal to have the sentence increased to the death penalty..."*).(<http://www.iraqja.iq>, last visit 27 July 2011),

L) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): No information available

COMPLEMENTARY INFORMATION

Sources:

The Guardian: <http://www.guardian.co.uk/world/2011/feb/28/danny-fitzsimons-jailed-iraq-murders> (last visit 27 September 2011);

BBC: <http://www.bbc.co.uk/news/uk-england-manchester-12594245> (last visit 27 September 2011);

News.com: <http://www.news.com.au/world/british-security-guard-gets-life-in-iraq/story-e6frfkyi-1226013793832> (last visit 27 September 2011);

SkyNews:<http://news.sky.com/skynews/Home/World-News/Iraq-Murder-Trial-British-Contractor-Danny-Fitzsimons-Jailed-For-Life-For-Killing-Colleagues/Article/201102415942288> (last visit 27 September 2011);

Gorillas Guide's: <http://gorillasguides.com/author/omar-khdhayyir/page/2/> (last visit 27 September 2011);

Aljazeera: <http://english.aljazeera.net/news/middleeast/2011/02/201122894429452490.html> (last visit 27 September 2011).

M) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

N) Others: see annex A on PMSCs headquartered in the U.K., ArmorGroup.



B) CASES BEFORE U.S. COURTS

ABU GHRAIB CASES

BOX. LEGAL CASE “SALEH V. TITAN CORPORATION”

A) Fact description: In 2003 the defendants were contracted by the U.S. Department of Defence to provide interrogation and intelligence services. Instead of providing interrogation and intelligence services in a lawful manner the defendants allegedly tortured, raped, and executed the plaintiffs.

B) Date: 2003 - 2004

C) Location: Abu Ghraib Prison, Baghdad, Iraq

D) Court: U.S. District Court for the Southern District of California (First Class Action Complaint); transferred to the Eastern District of Virginia (March 2005); District of Columbia (10 June 10 2005); Currently before U.S. Supreme Court.

E) Legal action class (criminal/civil): Demand for Jury Trial, Civil Class Action complaint alleging:

- Violations of Racketeer Influenced and Corrupt Organizations Act (RICO)
- Conspiracy to violate RICO
- Violations of the Alien Tort Claims Act (ATCA)
- Violations of the Geneva Conventions
- Violations of the U.S. Constitution
- Violations of the Religious Land Use and Institutionalized Persons Act, and Common Law Torts (RLUIPA)

F) Plaintiffs: According to Third Amended Class Action Complaint, plaintiff are Mr. Saleh, Haj Ali Shallal Abbas Al-Uweissi, Jilal Mehde Hadod, Umer Abdul Mutalib Abdul Latif, Ahmed Shehab Ahmed, Ahmed Ibrahim Neisef Jassem, Ismael Neisef Jassem Alnidawi, Kinan Ismael Neisef Al-Nidawi, Estate Of Ibrahim Neisef Jassem, Mustafa, Natheer, Othman, Hassan and classes of persons similarly situated, known as John and Jane Does Nos. 1 – 1050.

G) Defendants: TITAN Corporation, Adel Nahkla (employee and agent of TITAN), John B. Israel (constructive employee and/or agent of TITAN), CACI International Inc, CACI Incorporated- Federal, CACI NV, CACI Premier Technology, Steven A. Stefanowicz (employee of CACI Corporation), and all of them acting together, conspiring with U.S. officials.

H) Damages (allegedly):

- Summarily executed at least 15 persons
- Caused as many as 50 suicides
- Caused serious physical injuries, including irreversible brain damage, broken bones, permanent paralysis, and permanent physical ill health
- Caused persons to become seriously mentally ill: concentration difficulties, memory problems, verbal expression difficulties, incoherent speech, acute anxiety reactions, abnormal behaviour and suicidal tendencies

- Caused extensive damage to certain plaintiffs' businesses and properties and putative RICO Class Members' businesses and properties located in the U.S.

I) Claims description (criminal counts and /or prayer for damages):

- Violation of RICO
- Conspiracy to violate RICO
- Claim under the ATCA: Summary Execution; Torture; Cruel, Inhuman or Degrading Treatment; Enforced Disappearance; Arbitrary Detention; War Crimes; Crimes Against Humanity
- Violation of Geneva Conventions
- Claims under the Constitution of the U.S.: Violation of the Eight Amendments; Violation of the Fifth and Fourteenth Amendments; Violation of the Fourth Amendment.
- Claim under the RLUIPA. Defendants imposed substantial burden on Plaintiffs' exercise of their religious beliefs.
- Assault and battery
- Sexual assault and battery
- Wrongful death
- False imprisonment
- Intentional infliction of emotional distress
- Negligent hiring and supervision
- Negligent infliction of emotional distress
- Conversion
- Unjust enrichment
- Violation of laws governing contracting with the U.S.

The legal action seeks a permanent injunction against this illegal conduct, compensatory and punitive damages, treble damages and attorney's fees under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), declaratory relief, and a permanent injunction against any future contracting with the U.S.

Third emended Complaint filed on 12 September 2005. http://ccrjustice.org/files/Saleh_3rdamendedcomplaint.pdf (last visit 27 September 2011)

J) Relevant Intermediate Court Resolutions/Memorandums:

11 September 2009: Decision of the Court of Appeals issued. Majority (Judges Silberman and Kavanaugh) find that plaintiffs' state law claims are pre-empted under either conflict pre-emption (combatant activities exception) or field pre-emption ("battle-field pre-emption"). The majority also found that the plaintiffs' ATS claims, including claims of torture and war crimes, could not be brought against contractors because they are not "state actors." Judge Garland wrote a dissent, in which he found that no basis in law or policy for dismissing plaintiffs' claims. http://ccrjustice.org/files/Titan_Decision%209%2011%2009.pdf (last visit 27 September 2011)

13 October 2009: Plaintiffs' petition for rehearing *en banc*. [http://ccrjustice.org/files/11.04.09%20Defendants'%20response%20to%20en%20banc%20petition%20\(08-7008\).pdf](http://ccrjustice.org/files/11.04.09%20Defendants'%20response%20to%20en%20banc%20petition%20(08-7008).pdf) (last visit 27 September 2011)

K) Current Status of proceedings: The case has been closed before U.S. courts (see decision below):

On 11 September 2009, in a 2-1 decision, a panel of the Court of Appeals for the District of Columbia affirmed the dismissal of all claims against Titan/L-3, and, reversing to the district court, also dismissed all claims against CACI. Judge Garland issued



a 39-page dissent, in which it was argued that plaintiff' state law claims should not be pre-empted and the case against both Titan/L-3 and CACI should be allowed to proceed. http://ccrjustice.org/files/Titan_Decision%209%2011%2009.pdf (last visit 27 September 2011)

On 25 January 2010, the Court of Appeals for the District of Columbia Circuit issued an order denying plaintiffs' petition for rehearing *en banc*.

On 26 April 2010, CCR filed a petition in the U.S. Supreme Court on behalf of the plaintiffs and against government contractors CACI International and Titan Corporation. On 28 June 2010, Defendants filed their oppositions to the cert petition.

On 4 October 2010, the Supreme Court invited the Acting Solicitor General to file a brief in this case expressing the views of the U.S. This brief was filed on 27 May 2011. The Acting Solicitor General submitted that cert should be denied. Plaintiffs filed a supplemental brief in response to the U.S. amicus brief on 17 June 2011. (<http://ccrjustice.org/files/6.17.11%20Saleh%20Pl.%20supplement%20brief%20response%20to%20US%20amicus.pdf> (last visit 27 September 2011))

L) Decision:

On 27 June 2011 **the Supreme Court denied Plaintiffs petition**. See: U.S. Supreme Court decision of 27 June 2011, Order List 564 U.S.-Certiorari Summary Dispositions, page 4, note 09-1313 "*Certiorari Denied: Saleh, Haidar M. et AL v. TITAN CORP et AL*":

- See Orders and Proceedings of this case before the U.S. Supreme Court: <http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/09-1313.htm> (last visit 27 September 2011).

- **See U.S. Supreme Court decision of 27 June 2011:** <http://www.supremecourt.gov/orders/courtorders/062711zor.pdf> (last visit 27 September 2011).

M) Appeal Decision/Other Decisions: ---

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Sources:

<http://ccrjustice.org/ourcases/current-cases/saleh-v-titan> (last visit 27 September 2011).

COMPLEMENTARY INFORMATION

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress:

This is a key court proceeding and decision, as many human rights abuses allegedly executed by U.S. Private and Military Companies and under investigation by U.S. Courts were waiting for the final decision by U.S. Supreme Court in order to decide upon other pending proceedings: <http://ccrjustice.org/ourcases/current-cases/saleh-v-titan> (last visit 27 September 2011).

Q) Others: See Annex A on PMSCs in Iraq/U.S.: CACI and TITAN files.

BOX. LEGAL CASE “AL-QURAISHI ET AL V. NAKHLA ET AL”

A) Fact description: According to First Amended Complaint filed before U.S. Courts, Wissam Abdullateff, Sa’eed Al-Quraishi and 71 others were imprisoned and tortured. He and the other plaintiffs brought a tort action against those who allegedly tortured them. The legal action was filed against Adel Nakhla and L-3 Services (formerly Titan Corporation), a publicly-traded corporation that allegedly made millions of dollars selling the services of Nakhla and other L-3 employees to the U.S. military, including translation and interrogation services.

B) Date: 2003 to 2004

C) Location: Abu Ghraib Prison, Baghdad, Iraq

D) Court: Court District of Maryland, Greenbelt Division (first complaint); transferred to Eastern District of Virginia; currently in the Fourth Circuit.

E) Legal action class (criminal/civil): Civil Class Action complaint, brought under the Alien Tort Statute and federal question jurisdiction, brings claims arising from violations of domestic and international law.

F) Plaintiffs: Wissam Abdullateff Sa’eed Al-Quraishi, Waleed Ubaid Dawood Salman, Uday Fadhil Shiweji Mutlaq Al Mamori, Adnan Fadhil Muhee Al-Niamey, Ahmed Fakhri Za’al Kareem, Sarhan Abdulah Za’al Kareem, Ghazwan Jasim Mohammed Al Ghreri, Sudad Ali Hameed Al Ogaidi, Ali Abdullah Suaihil Salman Al Janabi, Amir Mohammed Ibraheem Al Ogaidi, Ahmed Salman Abdulhameed Al Alosi, Mohammed Taha Himoud Al Majma’ae, Mohammed Salih Ibraheem Dhahir, Hadi Ahmed Slebi Al-Hamadani, Ismail Turkey Moutar Dirweesh, Yasseen Abid Mahmoud Al Mashhadani, Ahmed Dhia Abdulah Ali Al Mahdawi, Mohammed Rekan Aggab Al- Fahdawi, Shihab Ahmed Daffar Al-Saidi, Sadiq Sattori Khaza’al, Rafe’a Abbas Ali Mutar Al-Obaidi, Emad Khudhayir Shahuth Al-Janabi, Sa’adoon Ali Hameed Al-Ogaidi, Mohammed Abdwihed Towfek Al-Tae, Emad Ubaid Hamad Al- Badrani, Hus-ham Haloob Mutar Al-Alwani, Emad Qasim Mohammed Al-Halbosi, Munsu Talal Sameer Al-Fahdawi, Qasim Mohammed Abdullah, Majid Jassim Humadi, Nazar Taha Kahtan, Mohammed Qasim Mohamad, Abdulqadir Muthana Abdulwahab, Abdulah Jawad Kadhum Al-Muhamadi, Mousa Abdulwahid, Ahmed Mahdi Salih, Ibraheem Jawad Al- Muhamadi, Ibraheem Tawfeeq Shafi Hussein, Safialdeen Ahmed Farhan Al Jumaili, Dhiaaldeen Ahmed Farhan, Tawfeeq Shafi Hussein Al-Hashimi, Bahaaldeen Ahmed Farhan, Qais Kamel Humadi Salih, Murtadha Mohammed Saed, Sameer Naseer Yassen, Ala’a Ahmed Salih Al Fahdawi, Faiz Ahmed Salih Al Fahdawi, Adnan Talab Abid Salih Al Zubaei, Jabbar Kamil Farhan Al Ti-meemi, Bilal Ali Hamid Al-Zubai, Nema’a Ahmed Ali Jasim, Omer Jameel Thalij Al-Zubaei, Ali Muhsin Ali, Talib Ibraheem Hamdan Al-Zubaei, Marwan Hashim Ali, Al-Sa’adoon, Muheeb Reshan Al-Obaidi, Mudhir Abdullah Hamadi Al-Dulaimi, Sabah Daham Rasheed Al-Dulaimi, Fali Ahmed Hamdan Al-Zubaei, Abdulkareem Uda Shikir Al-Zubaei, Ra’ad Ahmed Hassoon Al-Falahi, Mohammed Hamid Hasson Al-Falahi, Basheer Tuma Ameen, Khaliss Lateef Tarrad, Ismael Himood Mahmoud Al-Falooji, Mohammed Jasim Alwan Abdullah, Hassan Ubaid Enad, Sadiq Sattori Khaza’al, Shihab Ahmed Daffar Al-Saidi, Raid Raa’ad Maraadh, Luay Adib Jiwad, Mohammed Munthir Hamad. (Source: ibidem)

G) Defendants: Adel Nakhla and L-3 SERVICES Inc: Adel Nakhla was employed by L-3 Services as a translator in Iraq, including at Abu Ghraib prison (the defendant was Nakhla was employed by defendant L-3 services from June 2003 to May 2004); L-3 employed all the civilian translators used by the military in Iraq, including Defendant Nakhla.



H) Damages: ---

I) Claims description (criminal counts and /or prayer for damages):

- Torture
- Civil conspiracy to torture
- Aiding and abetting torture
- Cruel, inhuman or degrading treatment
- Civil conspiracy to treat plaintiff in a cruel, inhuman or degrading manner
- Aiding and abetting cruel, inhuman or degrading treatment
- War crimes
- Civil conspiracy to commit war crimes
- Aiding and abetting commission of war crimes
- Assault and battery
- Civil conspiracy to assault and battery
- Aiding and abetting assaults and batteries
- Sexual assault and battery
- Civil conspiracy to sexually assault and batter
- Aiding and abetting sexual assaults
- Intentional infliction of emotional distress
- Civil conspiracy to inflict emotional distress
- Aiding and abetting intentional infliction of emotional distress
- Against the corporate defendant negligent hiring and supervision
- Against the corporate defendant negligent infliction of emotional distress

Plaintiff's remedies claims

- Compensatory damages for physical, mental, and economic injuries;
- Punitive damages
- Attorneys' fees and costs

First Amended Complaint, filed on 5 September 2008. <http://www.ccrjustice.org/files/Amended%20Complaint.pdf> (last visit 27 September 2011)

J) Current Status of proceedings: On 29 July 2010, in a 92-page decision, Judge Peter J. Messitte denied the defendants' motions to dismiss. (<http://www.ccrjustice.org/files/7.29.10%20Decision%20denying%20motion%20to%20dismiss.pdf>) (last visit 27th September 2011)

Defendants appealed this decision. Defendants' opening brief was filed on 2 September 2010; plaintiffs' brief was filed on 22 September 2010. Oral argument was heard by a panel of the Fourth Circuit, consisting of Judges Paul V. Niemeyer, Robert B. King and Dennis W. Shedd, on 26 October 2010. On 11 March 2011, the Fourth Circuit ordered that the case be held in abeyance, pending resolution of the petition for certiorari in Saleh vs Titan, which has been recently decided (Case No. 09-1313, recently closed before the U.S. Supreme Court).

K) Decision: 11 March 2011: Order staying the proceedings pending resolution of the petition for certiorari filed in the Supreme Court in Saleh v. Titan. (http://www.ccrjustice.org/files/3.11.2011%20Order%20Staying%20Proceedings_0.pdf) (last visit 27 September 2011)

L) Appeal Decision/Other Decisions:

Appeal still pending in the Fourth Circuit. Waiting for final decision in the near future and how the Saleh v. Titan & CACI case decision might affect this appeal court decision.

M) Extrajudicial damages and/or symbolic reparation (complementary or al-

ternatively to the legal case): ---

N) Sources:

<http://www.ccrjustice.org/ourcases/current-cases/al-quraishi> (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See Annexes on PMSCs in Iraq/U.S.: CACI, TITAN and L-3 SERVICES files.

BOX. LEGAL CASE “AL SHIMARI V. CACI ET AL”

A) Fact description: In 2003 the defendants were contracted by the U.S. Department of Defence to provide interrogation and intelligence services. Instead of providing interrogation and intelligence services in a lawful manner the defendants allegedly tortured, raped, and executed de plaintiffs.

B) Date: 2003-2008

C) Location: Abu Ghraib Prison, Baghdad, Iraq.

D) Court: U.S. District Court for Ohio (first complaint); transferred to U.S. District Court for the Eastern District of Virginia (August 2008); currently in the Fourth Circuit.

E) Legal action class (criminal/civil): Civil Class Action complaint, brought under the Alien Tort Statute and federal question jurisdiction, brings claims arising from violations of domestic and international law.

F) Plaintiffs: Suhail Najim Abdullah al Shimari, Taha Yaseen Arraq Rashid, Sa’ad Hamza Hantoosh Al-Zuba’e, Salah Hasan Nusaif Jasim Al-Ejaili.

G) Defendants: CACI International, Inc; CACI Premier Technology, Inc. (CACI employees Steven Stefanowich and Daniel Johnson are quoted also in the complaint as having directed and caused some of the facts of abuse and torture at above referred prison). According to CCR, L-3 Services and Timothy Dugan had been dismissed as defendants in this case.

H) Damages: ---

I) Claims description (criminal counts and /or prayer for damages):

- Torture
- Civil conspiracy to torture
- Aiding and abetting torture
- Cruel, inhuman or degrading treatment
- Civil conspiracy to treat plaintiff in a cruel, inhuman or degrading manner
- Aiding and abetting cruel, inhuman and degrading treatment
- War crimes
- Civil conspiracy to commit war crimes
- Aiding and abetting commission of war crimes
- Assault and Battery



- Civil conspiracy to assault and batter
- Aiding and abetting assaults and batteries
- Sexual assault and battery
- Civil conspiracy to sexually assault and batter
- Aiding and abetting sexual assaults and batteries
- Intentional inflictions of emotional distress
- Civil conspiracy to inflict emotional distress
- Aiding and abetting intentional infliction of emotional distress
- Negligent hiring and supervision
- Negligent infliction of emotional distress

Plaintiff's remedies claims

- Compensatory damages for physical, mental, and economic injuries;
- Punitive damages
- Attorneys' fees and costs

First Amended Complaint (<http://ccrjustice.org/files/Amended%20Complaint%20on%20the%20Defendants.pdf>) (last visit 27 September 2011)

J) Current Status of proceedings: CACI's motion to dismiss was denied in part on 18 March 2009. (<http://ccrjustice.org/files/3.18.09%20Al%20Shimari%20decision.pdf>), (last visit 27 September 2011)

CACI filed a Notice of Appeal on 23 March 2009. Following the issuance of a briefing schedule on the merits on 19 November 2009, defendants' opening brief was filed on 5 April 2010; plaintiffs' response brief was filed on June 14, 2010. CACI's Reply brief was filed on 1 July 2010. Oral argument was heard by a panel of the Fourth Circuit, consisting of Judges Paul V. Niemeyer, Robert B. King and Dennis W. Shedd, on 26 October 2010. On 11 March 2011, the Fourth Circuit ordered that the case be held in abeyance, pending resolution of the petition for certiorari in Saleh v. Titan, which was recently decided (Case No. 09-1313). These documents can be found at: <http://ccrjustice.org/ourcases/current-cases/al-shimari-v-caci-et-al>) (last visit 27 September 2011).

K) Decision: 11 March 2011: the Fourth Circuit ordered that the case be held in abeyance pending decision on the petition for certiorari filed in Saleh v. Titan with the Supreme Court. (See case Saleh v. Titan) (<http://ccrjustice.org/files/3.11.2011%20Order%20Staying%20Proceedings.pdf>) (last visit 27 September 2011)

L) Appeal Decision/Other Decisions: ---

The appeal is still pending in the Fourth Circuit.

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

N) Sources:

<http://ccrjustice.org/ourcases/current-cases/al-shimari-v-caci-et-al>
(last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annexes on PMSCs in Iraq/U.S.: CACI, TITAN and L-3 SERVICES files.

BLACKWATER CASES

BOX. LEGAL CASE “ALBAZZAZ, ET AL V. PRINCE, ET AL”

A) Fact description: On 9 September 2007, “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, a 53-year old school teacher, was killed while visiting Baghdad for work. Numerous other civilians were injured in the incident.” The case has been consolidated with four other cases against Blackwater/Xe.

B) Date: 9 September 2007

C) Location: Al Watahba Square, Baghdad

D) Court: U.S. District Court for the District of Columbia; plaintiffs voluntarily dismissed the case in this District and filed a complaint in the Eastern District of Virginia.

E) Legal action class (criminal/civil): Civil Action

F) Plaintiffs: Ali Hussamaldeen Ibrahim Albazzaz, Sa’ad Raheem Jarallah, Adil Lafta Miza’el Shikhayiss, Mahdi Mohammed Salih Mahdi Al Sa’adi, Ammar Ali Mahdi Abood Al Sa’adi, Ali Mahdi Abood Al Sa’adi. (Source: see complaint below)

G) Defendants: Erik Prince, Prince Group, EP Investments LLC, Total Intelligence, The Prince Group LLC, Xe Services LLC, Blackwater Lodge and Training Center, Blackwater Target Systems, Blackwater Security Consulting, Raven Development Group. Blackwater Worldwide, amongst others, was dismissed by plaintiffs. (Source: see complaint below)

H) Claims description (criminal counts and /or prayer for damages):

- War crimes
- Against RICO defendants. Violation of Racketeer Influenced and Corrupt Organizations Act (RICO)
- Assault and battery
- Wrongful death
- Intentional infliction of emotional distress
- Negligent infliction of emotional distress
- Negligent hiring, training and supervision
- Tortious Spoliation of evidence

Complaint, filed 28 March 2009 to the U.S. Court for the District of Columbia: <http://ccrjustice.org/files/Albazzaz%20Proposed%20First%20Amended%20Complaint.pdf> (last visit 27 September 2011)

Plaintiff’s remedies claims:

- Compensatory damages for death, physical, mental, and economic injuries
- Punitive damages
- Attorneys’ fees and costs



I) Relevant Intermediate Court Resolutions/Memorandums: On 28 March 2008: Court ordered that Albazzaz be consolidated with Estate of Himoud Saed Abtan (see below), et al. v. Blackwater Lodge and Training Center, Inc., et al.

21 October 2009, Memorandum Opinion. Order on Defendant's motion to dismiss. Motion denied in part, granted in part, and deferred in part. http://ccrjustice.org/files/10.21.09%20Memorandum%20opinion%20re%20defendants'%20motion%20to%20dismiss_0.pdf (last visit 27 September 2011)

J) Current Status of proceedings:

K) Decision: 6 January 2010, Order Dismissing case due to private settlement including individual compensation to the plaintiffs. http://ccrjustice.org/files/1.6.10%20Order%20dismissing%20case%20due%20to%20settlement_3.pdf (last visit 27 September 2011)

L) Appeal Decision/Other Decisions: --

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case):

N) Sources:

<http://ccrjustice.org/ourcases/current-cases/estate-ali-hussamaldeen-albazzaz-v-blackwater-worldwide-et-al> (last visit 27 September 2011)

<http://www.guardian.co.uk/world/2010/jan/07/blackwater-xe-iraq-us-security> (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: The terms of settlement were not made public; According to some the settlement was established in \$100,000 to each family of a person who died and \$30,000 to those wounded: "... *Two sources with inside knowledge of Blackwater's settlement with Iraqi victims of a string of shootings, including the Nisour Square massacre, has confirmed to me that Blackwater is paying \$100,000 for each of the Iraqis killed by its forces and between \$20-30,000 to each Iraqi wounded. One source said it was "an absolute bargain" for Blackwater. Based on the number of dead and injured named in the civil lawsuits, the total amount paid by Blackwater is likely in the range of \$5 million. Blackwater has made more than \$1.5 billion in "security" contracts in Iraq alone since 2003... Blackwater released a statement saying the company was "pleased" with the ruling...*" "Blackwater Settles Massacre Lawsuit, Pays Families of Dead Iraqis \$100,000 Each", by Jeremy Scahill. <http://www.commondreams.org/further/2010/01/07-1>; and "... *The Associated Press has reported that the company has offered \$100,000 to each family of a person who died and \$30,000 to those wounded. Another separate civil suit filed in North Carolina by victims of the Nisour Square shootings was not part of the settlement...*" See: "Blackwater Settles Suits for \$100,000 per victim; UN Human Rights Council Urges Accountability", by Amol Mehra, Right Respect. <http://www.rightrespect.com/2010/01/08/blackwater-settles-suits-for-100000-per-victim-un-human-rights-council-urges-accountability/>; and "Blackwater settles civil lawsuits over Iraq deaths", by Mike Baker, Associated Press. http://www.usatoday.com/money/companies/2010-01-07-blackwater-iraqi-deaths-settlement_N.htm (last visit 27 September 2011).

P) Others: See Annexes on PMSCs in Iraq/U.S.: Xe.

BOX. LEGAL CASE “ABTAN ET AL V. PRINCE ET AL”

A) Fact description: The morning of 16 September 2007, some Blackwater employees were allegedly involved in a shooting incident in which 17 Iraqis were killed and more than 20 civilians were wounded. The case has been consolidated with four other cases against Blackwater/Xe (No. 1:09-cv-615, No. 1:09-cv-616, No. 1:09-cv-617, No. 1:09-cv-618 and No. 1:09-cv-645).

B) Date: 16 September 2007

C) Location: Nisoor Square, Baghdad

D) Court: U.S. District Court for the District of Columbia; Eastern District Court of Virginia.

E) Legal action class (criminal/civil): Civil complaint Action.

F) Plaintiffs: Estate of Himoud Saed Abtan, Estate of Usama Fadhil Abbass, Estate of Oday Ismail Ibraheem, Estate of Ali Khaleel, Talib Mutlaq Deewan, Abdulwahab Abdulqadir Al-Qalamchi, Mahdi Abdulkhudhir Abbass, Sami Hawas Hamood, Fereed Waleed Hassoon, Bara’a Sa’adoon Ismael, Sameer Hoobi Jabbar, Abdulameer Rahmeem Jehan, Mohammed Hassan Mohammed, Haider Ahmed Rabe’a, Hassan Jabir Salman Estate of Mushtaq Karim Abd Al-Razzaq, Estate of Qasim Mohamed Abbas Mahmoud Estate of Mohamed Abbas Mahmoud, Estate of Ghaniyah Hassan Ali, Yassameen Abdulkhudir Salih, Affrah Sattar Ghafil, Wissam Raheem Fulaih, Alah Majeed Sghair Zaidi, Zuhair Najim Abbood Al-Mamouri, Ali Khalaf Salman Mansour, Sarhan Thiab Abdulmounem, Adel Jabir Shamma, Jassim Mohammed Hashim, Haider Sa’adoon Lateef, Sa’adoon Lateef Majeed, Estate of Sa’aidi Aki Abbas Husein, Nidhal Khaza’al Salman, Samah Sa’adi Ali, Surah Sa’adi Ali, Ali Sa’adi Ali, Mohammed Sa’adi Ali. (Source: see complaint below)

G) Defendants: Erik Prince, EP Investments LLC, Total Intelligence Solutions LLC, The Prince Group LLC, Xe Services LLC, Blackwater Lodge and Training Center Inc, Blackwater Target Systems, Blackwater Security Consulting LLC, Raven Development Group. (Source: see complaint below)

H) Claims description (criminal counts and /or prayer for damages):

- War crimes
- Against RICO defendants. Violation of Racketeer Influenced and Corrupt Organizations Act (RICO)
- Assault and battery
- Wrongful death
- Intentional infliction of emotional distress
- Negligent infliction of emotional distress
- Negligent hiring, training and supervision
- Tortuous Spoliation of evidence

Plaintiff’s remedies claims:

- Compensation for sorrow, mental anguish, and solace, including but not limited to society, companionship, comfort, guidance, kindly offices and advice of the decedent
- Compensation for reasonably expected loss of (a) income of the decedent and (b) services, protection, care and assistance provided by the decedent



- Compensation for the expenses for the care, treatment and hospitalization of the decedent incident to the injury resulting in death; - Reasonable funeral expenses; and punitive damages
- Attorneys fees

Second Amended Complaint presented to the District Court for the District of Virginia on 28 October 2009.

<http://ccrjustice.org/files/10.28.09%20Plaintiffs%20Second%20Amended%20Complaint.pdf> (last visit 27th September 2011) (last visit 27 September 2011)_

I) Relevant Intermediate Court Resolutions/Memorandums:

<http://www.haguejusticeportal.net/eCache/DEF/9/614.html> (last visit 27 September 2011)

J) Current Status of proceedings:

K) Decision: The case was settled on 6 January 2010 (see BOX. LEGAL CASE "ALBAZZAZ, ET AL V. PRINCE, ET AL")

Order dismissing Case due to settlement 6 January 2010.
<http://www.haguejusticeportal.net/eCache/DEF/9/614.html> (last visit 27 September 2011)

L) Appeal Decision/Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case):

N) Sources:

<http://www.haguejusticeportal.net/eCache/DEF/9/614.html> (last visit 27 September 2011)

<http://articles.latimes.com/2010/jan/08/nation/la-na-blackwater8-2010jan08> (last visit 27 September 2011)

<http://www.guardian.co.uk/world/2010/jan/07/blackwater-xe-iraq-us-security> (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: (see BOX. LEGAL CASE "ALBAZZAZ, ET AL V. PRINCE, ET AL")

P) Others: See annexes on PMSCs in Iraq/U.S.: Xe.

BOX LEGAL: UNITED STATES OF AMERICA V. SLOUGH ET AL. **(identified as "BLACKWATER 5" case)**

A) Fact description: The defendants were security guards employed by Blackwater Worldwide. On 16 September 2007, the defendants were part of a Blackwater Tactical Support Team (identified as "Raven 23"). A shooting incident erupted, the defendants allegedly shot and killed fourteen people and wounded twenty others. The dead and

wounded were unarmed civilians who were the victims of unprovoked violence by the defendants. The defendants maintain that they came under attack by insurgents and that their actions constituted a legitimate response to a mortal threat.

B) Date: 16 September 2007

C) Location: Nisoor Square, Baghdad

D) Court: U.S. District Court for The District Of Columbia

E) Legal action class: Criminal Case

F) Plaintiffs: United States of America (U.S. State, public institution)

G) Defendants: Paul Alvin Slough, Nicholas Abeam Slatten, Evan Shawn Liberty, Dustin Laurent Heard, and Donald Wayne Ball.

H) Damages (allegedly): killing of 14 people, wounding of 20 people.

I) Claims description (criminal counts and /or prayer for damages):

- Voluntary manslaughter;
- Attempt to commit manslaughter; and
- Using and discharging a firearm during and in relation to a crime of violence.

Indictment case CR-08-360 filed on 4 December 2008. http://www.haguejusticeportal.net/Docs/NLP/US/Blackwater5_Indictment_4-12-2008.pdf (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums: ---

K) Current status of proceedings: Awaiting for lower court's final decision.

L) Decision: The indictment has been dismissed by 31 December 2009 Decision, on the ground that the government violated the defendant's constitutional rights by utilizing statements they made under a threat of job loss. In their zeal to bring charges against the defendants in this case, the prosecutors and investigators aggressively sought out statements the defendants had been compelled to make to government investigators in the immediate aftermath of the shooting. In doing so, the Government used the defendants' compelled statements to guide its charging and to obtain the indictment in this case, moreover, the explanations offered by the prosecutors and investigators in an attempt to justify their actions and persuade the court that they did not use the defendants' compelled testimony were all too often contradictory, unbelievable and lacking in credibility.

<http://www.haguejusticeportal.net/Docs/NLP/US/blackwater2009.pdf> (last visit 27 September 2011)

M) Appeal Decision: Dated on 22 April 2011, the appeal court remands the case to the lower court, which has still to decide over the case: "...We find that the district court's findings depend on "an erroneous view of the law." Kilroy, 27 F.3d at 687. We thus vacate and remand the case for the court to determine, as to each defendant, what evidence—if any—the government presented against him that was tainted as to him, and, in the case of any such presentation, whether in light of the entire record the government had shown it to have been harmless beyond a reasonable doubt...". **Source:** <http://www.haguejusticeportal.net/Docs/NLP/US/blackwaterfeb2011.pdf> (last visit 29 September 2011)

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

**O) Sources:**

Hague Justice Portal: <http://www.haguejusticeportal.net/ecache/def/10/132.html>
(last visit 27 September 2011)

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---**Q) Others: ---****UNITY RESOURCES GROUP CASES****BOX. LEGAL CASE "ESTATE OF MARANI MANOOK V. UNITY RESOURCES GROUP"**

A) Fact description: On 9 October 2007 Ms. Marani Awanis Manook was driving on Karrada Street in Baghdad, Iraq. An employee of Unity Resource Group allegedly shot and killed her.

B) Date: 9 October 2007

C) Location: Baghdad, Iraq

D) Court: U.S. District Court for the District of Columbia (at a later stage the case was transferred to the U.S. District Court for the Eastern District of North Carolina).

E) Legal action class (criminal/civil): Jury civil demand brought under the Alien Tort Statute and federal question jurisdiction.

F) Plaintiffs: Estate of Marani Awanis Manook

G) Defendants: Unity Resources Group LLC and Research Triangle Institute International

H) Claims description (criminal counts and /or prayer for damages):

- Claim under the Alien Tort Statute: war crimes
- Claim under the Alien Tort Statute: civil conspiracy to war crimes
- Claim under the Alien Tort Statute: Aiding and abetting war crimes
- Assault and battery
- Civil conspiracy to assault and battery
- Aiding and abetting an assault and battery
- Wrongful death
- Civil conspiracy to cause wrongful death
- Aiding and abetting wrongful death
- Intentional infliction of emotional distress
- Civil conspiracy to inflict emotional distress
- Aiding and abetting the intentional infliction of emotional distress
- Negligence
- Negligent infliction of emotional distress
- Negligent hiring, training and supervision
- Civil conspiracy

First Amended Complaint filed on 11 February 2008. <http://www.expose-the-war-profiteers.org/archive/legal/2008/20080211.pdf> (last visit 27 September 2011)

I) Relevant Intermediate Court Resolutions/Memorandums: ---

J) Current Status of proceedings: The case was dismissed by the U.S. District Court for the Eastern District of North Carolina on 12 August 2010.

K) Decision: 12 August 2010, eastern District of North Carolina, U.S. District Court: “[...] Decision by the Court: It is ordered and adjudged that the court grants RTI’s and Unity’s motions to dismiss for lack of subject-matter jurisdiction [...] and declines to exercise supplemental jurisdiction over the state-law claims. The court also dismisses Unity’s motion for a protective order [...] and all other pending motions [...] as moot. [...]”
<http://protect.theinfo.org/pacer/ecf.nced/13111958579.pdf> (last visit 27 September 2011)

L) Appeal Decision/Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

N) Sources: http://www.expose-the-war-profiteers.org/DOD/iraq_II/database/2007/antranick_manook.htm (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annexes on PMSCs in Iraq/United Arab Emirates: Unity Resources Group.

BOX. LEGAL CASE “JALAL ASKANDER ANTRANICK V. RESARCH TRIANGLE INSTITUTE & UNITY RESOURCES GROUP, LLC”

A) Fact description: Genevia Jalal Antranick was travelling in a car through the Karada neighbourhood of Baghdad when she was allegedly shot by employees of Defendant Unity Resources Group, L.L.C. Ms. Antranick died as a result of the injuries.

B) Date: 9 October 2007

C) Location: Karada neighborhood of Baghdad

D) Court: U.S. District Court for the District of Columbia; U.S. District Court for the Eastern District of North Carolina; Superior Court of the District of Columbia.

E) Legal action class (criminal/civil): Civil actions

- Alien Tort Claims Act
- Torture Victim Protection Act
- Common law of the U.S.
- United Nations Charter
- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights



- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Declaration on the Protection of All Persons From Being Subjected to torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Vienna Declaration and Programme of Action
- Article 3 of the Geneva Conventions
- Statutes and common law of the District of Columbia, North Carolina, and Colorado, including but not limited to, wrongful death, negligence, and recklessness (...)

Complaint, dated 8 April 2008. U.S. Districts Court the districts of Columbia: <http://www.expose-the-war-profiteers.org/archive/legal/2008/20080408-1.pdf> (last visit 27 September 2011)

F) Plaintiffs: Jalal Askander (Jalal Askander Antranick's)

G) Defendants: Research Triangle Institute, International; Unity Resources Group, LLC and Does 1-5. (Complaint and jury demand, 24 August 2010)

H) Damages: Plaintiff seeks compensatory and punitive damages in amounts to be ascertained at trial.

I) Claims description (criminal counts and /or prayer for damages):

- Assault and battery
- Wrongful death
- Negligence *per se*
- Negligent hiring and supervision
- Negligence in failing to rescue,
- Loss of companionship

J) Current Status of proceedings: This case, together with the case *Estate of Marani Manook v. Unity Resources Group* were consolidated and decided on 12 August 2010.

K) Decision: 12 August 2010 - Judgment & Order Decision by the Court: *"It is ordered and adjudged that the court grants RTI's and Unity's motions to dismiss for lack of subject-matter jurisdiction [...] and declines to exercise supplemental jurisdiction over the state-law claims. The court also dismisses Unity's motion for a protective order [...] and all other pending motions [...] as moot."* (<http://www.expose-the-war-profiteers.org/archive/legal/2010-1/20100812.pdf>) (last visit 27 September 2011)

L) Appeal Decision/Other Decisions:

A new complaint was filed at the Superior Court for the District of Columbia in Washington, D.C. on 24 August 2010. (<http://www.expose-the-war-profiteers.org/archive/legal/2010-1/20100824.pdf>) (last visit 27 September 2011)

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

N) Sources: http://www.expose-the-war-profiteers.org/DOD/iraq_II/database/2007/antranick_manook.htm#CivilCasell (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annex A on PMSCs in Iraq/United Arab Emirates: Unity Resources Group.

ERINYS CASES

BOX. LEGAL CASE "MOHAMED ET AL V. ERINYS INTERNATIONAL LTD ET AL (Civil action n. NO. H-09-3362)"

A) Fact description: On the morning of 18 October 2007 plaintiffs hailed a taxi to take them from Erbil to Sulaimaniya. As the taxi travelled up, one of the Erinys employee opened fire on the taxi and then drove off without checking for survivors. The passengers suffered serious injuries.

B) Date: 18 October 2007

C) Location: Near the village of Kara Hanjir, Iraq

D) Court: Texas Southern District Court

E) Legal action class (criminal/civil): Civil action

F) Plaintiffs: Sangar Mawloud Mohamed, Sahar Shukri Hamasofi, Arazw Younus Qader, Zirag Younus Qader and Bayda Yahya Shamma.

G) Defendants: Erinys International Ltd, Erinys UK Ltd (dismissed by Order of Texas District Court), Erinys Iraq Ltd (Nour USA Ltd and Anaham LLC, dismissed by Plaintiffs).

H) Damages: Plaintiffs suffered serious injuries: a bullet tore off part of Sangar Mohamed's left ear, and he has shrapnel wounds in his face, scalp, neck, torso, and left arm; Zirag Qader was struck in the face with a bullet, which dislodged and destroyed his right eye. He also suffered wounds to his face from shrapnel; Arazw Qader, Zirag Qader's sister, suffered shrapnel wounds to her face and scalp. All three have suffered from psychological illness.

I) Claims description (criminal counts and /or prayer for damages):

- Causes of action for negligence and various intentional torts
- Damages for loss consortium

Complaint could not be found.

J) Current Status of proceedings: Case closed.

K) Decision: Dismissed due to lack of jurisdiction.

- Order 23 August 2010, U.S. District Court for the Southern District of Texas (Houston Division), a) granting dismissal of Erinys Limited U.K. as defendant for lack of jurisdiction; and b) order of payment of lawyer's fees (\$18,958,56) recovering for reasonable



and necessary attorney's fees incurred in obtaining the dismissal of Nour U.S.A. as defendant.

<https://docs.justia.com/cases/federal/district-courts/texas/txsdce/4:2009cv03362/705598/52/0.pdf?1282740796&chrome=true> (last visit 27 September 2011).

L) Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annex A on PMSCs in Iraq/United Arab Emirates: Erinys.

KELLOGG BROWN & ROOT CASES

BOX LEGAL: JAMIE LEIGH JONES V. KBR Y USA (CIVIL ACTION N. 1:07CV0295)

A) Fact description: Jamie Leigh Jones signed an employment contract with the foreign defence contracting firm Halliburton/Kellogg Brown & Root for a clerical position in Baghdad. On the evening of 28 July 2005 Jamie Leigh Jones alleges that she was drugged and brutally raped by several Halliburton/KBR fire-fighters.

B) Date: 28 July 2005

C) Location: Camp Hope, Bagdad

D) Court: District Court for the Eastern District Of Texas (Beaumont Division)

E) Legal action class (criminal/civil): Civil Action

F) Plaintiffs: Jamie Leigh Jones and Josep Daigle

G) Defendants: Halliburton Company d/b/a, KBR Kellogg Brown & Root; Kellogg Brown & Root Services, inc.; Kellogg Brown & Root International, inc.; Kellogg Brown & Root, LLC; Kellogg Brown & Root, S. de R.L.; overseas Administrative Services, LTD; Eric Iler, Charles Boartz; several John Doe rapists, and the U.S.

H) Damages (allegedly): Physical pain and suffering; mental anguish; physical impairment and disfigurement; loss of earnings; fear of a future disease condition; cost of medical monitoring and prevention.

I) Claims description:

- Negligence of U.S. and KBR workers
- Sexual harassment and hostile work environment
- Retaliation
- Breach of contract
- Fraud in the inducement to enter the employment
- Assault and battery
- Intentional infliction of emotional distress

See Second Amended Complaint: <http://fl1.findlaw.com/news.findlaw.com/cnn/docs/halliburton/joneshall53007cmp.pdf> (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums: ---

K) Current status of proceedings: Closed

L) Decision: Jury Charge and Verdict dated 7 July 2011. Decision: Dismissed for lack of evidence.

See Verdict (especially pages 4 and 11): <http://pdfserver.amlaw.com/tx/Jones-JuryForm.pdf> (last visit 27 September 2011)

M) Appeal Decision: ---

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Complementary information

- Intermediate appeal on arbitration clause: <http://www.ca5.uscourts.gov/opinions/pub/08/08-20380-CV0.wpd.pdf> (last visit 27 September 2011)

- Defendants seek recovery from plaintiff: On August 17, 2011 the defendants filed two motions seeking to recover from Jamie Leigh Jones: an undisclosed amount for attorneys' fees [update: \$2 million] and the costs of the lawsuit [update: \$140 K] brought by Jones. Source: "Disputing": <http://www.karlbayer.com/blog/?p=15341> (last visit 27 September 2011).

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

Q) Others:

The Jamie Leigh Jones case is similar to other sexual harassment cases to which KBR had to deal with: *Down Lemon v. KBR*, *Mary Beth Kineston v. KBR*, *Tracy Barker v. KBR*, *Pamela Johnes v. KBR*, and *Linda Lindsey v. KBR*. Most of the lawsuits were settled by arbitration, on the ground of the mandatory clause included to the contract intended to block employees from suing KBR. After 15 months of arbitration, Jones went to federal court to argue that the arbitration clause in her contract should not apply to cases of sexual assault, KBR then asked the Supreme Court to overturn the appeals court's decision and send Jones back to arbitration; Halliburton/KBR withdrew their appeal when the president signed the Franken Amendment to the 2010 Defense Appropriations Bill into law. That amendment (created for Jamie Jones) prevents the government from doing business with contractors who force victims of sex crimes and sexual harassment into arbitration. Jamie Leigh Jones lost the case for lack of evidence. Source: "Mother Jones", <http://motherjones.com/politics/2011/07/kbr-could-win-jamie-leigh-jones-rape-trial?page=1> (last visit 27 September 2011).



- See Annexes on PMSCs in Iraq/U.S.: KBR.

BOX LEGAL: U.S. V. KELLOGG BROWN & ROOT (CASE 1:10-CV-00530)

A) Fact description: Kellogg Brown & Root Services allegedly charged the government for impermissible private security costs. Houston-based KBR and 33 of its sub-contractors knew they were not authorized to bill for private armed security in Iraq but did so anyway. The expenses, along with other associated fees, were billed to the Army indirectly through an overhead account. Moreover, KBR violated the terms of the LOGCAP III contract repeatedly from 2003 through 2006 by failing to secure the Army's authorization before hiring armed subcontractors. The former Halliburton subsidiary also is accused of using security contractors that were not registered with the Iraqi Ministry of the Interior.

B) Date: 2003-2006

C) Location: Iraq, different districts

D) Court: U.S. District Court in Washington DC

E) Legal action class (criminal/civil): Civil Case

F) Plaintiffs: U.S. Department of Justice

G) Defendants: Kellogg Brown & Root, LLC

H) Damages: Damages in the amount of the loss caused to the U.S. by KBR's breach of contract plus interest and cost of the action; amount by which KBR has been unjustly enriched together with interests and cost of the action; damages in the amount of the loss caused to the U.S. by mistaken and unauthorized payments (approximately, more than 100 million dollar damages).

I) Claims description:

- False claims to the U.S. Army and Department of Defense
- Breach of contract
- Unjust enrichment
- Payment by mistake

Complaint: Filed 1 April 2010: <http://www.govexec.com/pdfs/040210rb1.pdf> (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums:

Decision 3 August 2011 (Memorandum Opinion); The federal judge rejected military contractor KBR Inc's request to dismiss a U.S. government lawsuit. U.S. District Judge Royce Lamberth ruled the false claims and breach-of-contract claims could proceed, but he dismissed the unjust enrichment and payment-by-mistake counts in the lawsuit.

See U.S. District Court for the District of Columbia Decision: http://mssparky.com/documents/USA_v_KBR_110_cv_00530.pdf (last visit 27 September 2011).

K) Current status of proceedings: Waiting for final decision.

L) Decision: ---

M) Appeal Decision : ---

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Other sources:

Thomson Reuters (8 March 2011): "... A federal judge rejected on Wednesday military contractor KBR Inc's request to dismiss a U.S. government lawsuit seeking to recover more than \$100 million for alleged false claims over private security in Iraq...". http://newsandinsight.thomsonreuters.com/Legal/News/2011/08_-_August/Federal_judge_KBR_Iraq_false_claim_lawsuit_can_proceed/ (last visit 27 September 2011)

Complementary information:

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

Q) Others:

See annexes on PMSCs in Iraq/U.S: KBR

BOX LEGAL: RAMCHANDRA ADHIKARI ET AL V. DAOUD & PARTNERS, KBR ET AL

A) Fact description: In 2004, 13 Nepali men between the ages of 18 and 27 were recruited in Nepal to work as kitchen staff in hotels and restaurants in Amman, Jordan. But once the men arrived in Jordan, their passports were seized and they were told they were being sent to a military facility in Iraq. As the men were driven in cars to Iraq, they were stopped by insurgents. Twelve were kidnapped and later executed. The only survivor worked in a warehouse in Iraq, at the Al Asad military base, for 15 months before his passport was returned.

B) Date: 2004

C) Location: Nepal/Jordan/Iraq

D) Court: U.S. District Court Southern District Of Texas Houston Division

E) Legal action class (criminal/civil): Civil Action

F) Plaintiffs: Ramchandra Adhikari; Devaka Adhikari; Jit Bahdur Khadka; Radhika Khadka; Bindeshore Singh Koiri; Pukari Devi Koiri; Chittij Limbu; Kamala Thapa Magar; Maya Thapa Magar; Bhakti Maya Thapa Magar; Tara Shrestha; Nischal Shrestha; Ram Kumar Shrestha; Nirmaya Shrestha; Renuka Karki Shrestha; Dil Bahadur Shrestha; Ganga Maya Shrestha; Satya Narayan Shah; Ram Dulari Sudi; Ram Naryan Thakur; Samundri Devi Thakur; Jitini Devi Thakur; Bhim Bahadur Thapa; Bishnu Maya Thapa; Bhuji Thapa; Kul Prasad Thapa; Dhana Roka Magar; and Buddi Prasad Gurung.



G) Defendants: Daoud & Partners, Kellogg Brown & Root, inc., Kellogg Brown & Root Services, inc., and John Does 1-2-3-4-5.

H) Damages: Compensatory and punitive damages brought by the family members of twelve men who were victims of trafficking in persons and one surviving labourer.

I) Claims description:

- Violation of the Trafficking Victims Protection Reauthorization Act
- Violation of 18 U.S.C.
- Alien Tort Claims Act
- Common Law Fraud
- False Imprisonment
- Negligent Hiring
- Negligent Supervision

Civil Complaint (Jury Trial Demanded) filed on 27 August 2009.

http://www.contractormisconduct.org/ass/contractors/29/cases/1008/1369/halliburton-human-trafficking_complaint.pdf (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums:

With a decision of 1 march 2010, U.S. District Court Southern District Of Texas Houston Division dismissed the KBR's requests.

Decision: <http://docs.justia.com/cases/federal/district-courts/texas/txsdce/4:2009/cv01237/661919/183/> (last visit 27 September 2011)

K) Current status of proceedings: The case was settled for one million US dollar (approximately).

<http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202476608072&src=EMC-Email&et=editorial&bu=National%20Law%20Journal&pt=NLJ.com%20-Legal%20Times%20Afternoon%20Update&cn=20110103lt&kw=Pro%20Bono%20Awards%3A%20Justice%20for%20Contract%&slreturn=1> (last visit 27 September 2011)

L) Decision: ----

M) Appeal Decision: ----

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Sources: ---

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

Q) Others:

See annexes on PMSCs in Iraq/U.S.: KBR.

BOX LEGAL: CHERYL HARRIS AND DOUGLAS MASETH V. KBR (Case n.08-cv-563)

A) Fact description: On 2 January 2008, Sgt. Maseth stepped into the shower at his quarters in Baghdad's Green Zone and was electrocuted. According to the Army Criminal Investigation Division, Sgt. Maseth died when the electricity in the shower facility short-circuited because an electric water pump on the rooftop was not properly grounded.

B) Date: 2 January 2008

C) Location: Radwaniyah Palace Complex in Baghdad

D) Court: Court Of Common Pleas Of Allegheny Country Pennsylvania

E) Legal action class (criminal/civil): Civil Action

F) Plaintiffs: Cheryl Harris and Douglas Maseth (co-administratrix of the Estate of Ryan D. Maseth)

G) Defendants: Kellogg Brown & Root, LLC

H) Damages: The plaintiffs seek damages for: pain, suffering, anxiety and mental anguish, for the past present and futures incomes pension and benefit.

I) Claims description: Wrongful death, Punitive damages, Costs and interest

Complaint in civil action filed to the Court Of Common Pleas Of Allegheny Country Pennsylvania (Jury demanded): <http://www.courthousenews.com/2011/06/21/KBRLraqComplaint.pdf>, (last visit 22 September 2011).

J) Relevant intermediate court resolutions/memorandums:

KBR moved on 4 February 2011 asking to apply the Iraqi Civil Code to the case submitting an expert report that argued Iraqi law does not allow an estate to obtain damages for a decedent's pain, suffering or emotional distress. The judge dismissed this request.

See Memorandum Opinion 17 June 2011:

<http://www.courthousenews.com/2011/06/21/KBRLatestOpinion.pdf>, (last visit 27 September 2011).

K) Current status of proceedings: Waiting for final decision.

L) Decision: ---

M) Appeal Decision : ---

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Sources:---

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

Q) Others:



- KBR proposed appeal to the decision of the lower court arguing that the judge had no jurisdiction over military matters. The appeals court has refused to dismiss a lawsuit brought by the parents of the victim.

<http://www.leagle.com/xmlResult.aspx?page=4&xmlDoc=in%20fco%2020100817106.xml&docbase=cslwar3-2007-curr&SizeDisp=7> (last visit 27 September 2011)

See annexes on PMSCs in Iraq/U.S.: KBR.

U.S./ DEFENSE SECRETARY DONALD RUMSFELD'S CASES

BOX LEGAL: DONALD VANCE AND NATHAN ERTEL V. DONALD RUMSFELD

A) Fact description: Donald Vance and Nathan Ertel were working for a private U.S. government contractor from Iraq, Shield Group Security in 2006 when they witnessed the trading of U.S. government weapons to Iraqi rebel groups for money and alcohol. After they became FBI informants and collaborated with an investigation into their employer, the company revoked their credentials for entering Iraq's Green Zone, effectively barring them from the safest part of the country. Shortly afterward, they were arrested and detained by U.S. troops, moved to the U.S.-run prison at Camp Cropper, and allegedly subjected to extreme sleep deprivation, intense interrogation measures for hours, kept in a cold cell, and were denied food and water for long periods. They were eventually released and never charged with any crime.

B) Date: 2006

C) Location: Bagdad, Camp Cropper (high profile detention centre)

D) Court: U.S. District Court for the Northern District of Illinois

E) Legal action class (criminal/civil): Civil Action

F) Plaintiffs: Donald Vance and Nathan Ertel

G) Defendants: Defense Secretary Donald Rumsfeld's, U.S. and unidentified agents

H) Damages (allegedly): Loss of liberty, physical damages, having suffering emotional distress and anguish, loss of private property.

I) Claims Description: -Dictating torture:

- Degrading and tortuous interrogation tactics
- Cruel, inhuman, degrading treatment
- Discriminatory detention procedure
- Dictating denial of access to court and counsel
- False arrest
- Unlawful detention
- Denial of medical care
- Retaliation of speech

According to the Second Amended Complaint the legal action seeks punitive damages, costs and fees and any other relief the plaintiffs may appear entitled.

Complaint (Second Amended Complaint Filed on 23 May 2008):

http://chicago.indymedia.org/usermedia/application/5/donald_vance_v_donald_rumsfeld.pdf (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums:

- Intermediate Appeal decision: On 8 August 2011 a federal appeals court refused to dismiss a lawsuit filed by two U.S. citizens against former Defense Secretary Donald Rumsfeld and unnamed others for developing, authorizing and using harsh interrogation techniques against detainees in Iraq. According to the Court, plaintiffs could move forward with a lawsuit against the person who allegedly approved the operation – former U.S. Defense Secretary Donald Rumsfeld.

http://chicago.indymedia.org/usermedia/application/12/vance-rumsfeld_decision_2011-08-08.pdf (last visit 27 September 2011)

K) Current status of proceedings: Waiting for final decision.

L) Decision: No final decision taken yet.

M) Appeal Decision: ----

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

O) Other sources:

Chicago Indymedia (news): <http://chicago.indymedia.org/newswire/display/94619/index.php> (last visit 27 September 2011)

Complementary information .

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

Q) Others: See annex on PMSCs in Iraq/companies headquartered in Iraq: Shield Group Security/National Shield Security.

BOX LEGAL: JOHN DOE V. U.S. (NUM.08-CV-1902)

A) Fact description: *"In December 2004, Doe, an American citizen and United States Army veteran, travelled to Iraq as a civilian employee of an American-owned defense contracting firm. Doe went to work as an Arabic translator and was detailed to a United States Marine Corps Human Exploitation Team operating in the United States military bases along the Iraq-Syria border." He was about to return home to the U.S. when he was allegedly kidnapped and taken to Camp Cropper, a U.S. military facility near the Baghdad airport dedicated to holding "high-value" detainees. He was later released without explanation or an apology. The U.S. Government says he was suspect of helping to get classified information to the enemy and helping anti-coalition forces enter into Iraq.*



He was never charged with any crime.

B) Date: November 2005

C) Location: Bagdad, Camp Cropper (high profile detention centre)

D) Court: U.S. District Court for the District of Columbia

E) Legal action class (criminal/civil): Civil case

F) Plaintiffs: "John Doe"- the plaintiff was granted anonymity by the court due to concerns about retaliation.

G) Defendants: Secretary Donald Rumsfeld's, Michael Chertoff, Robert S. Mueller, W. Ralph Basham, Julie I. Myers, unidentified agents, and the U.S.

I) Claims Description:

- Dictating torture
- Cruel, inhuman, degrading and tortuous interrogation tactics
- Cruel, inhuman, degrading treatment
- Discriminatory detention procedure
- Dictating denial of access to court and counsel
- False arrest
- Unlawful detention
- Denial of medical care
- Retaliation of speech

Complaint (assign date: 8 March 2011): http://chicago.indymedia.org/usermedia/application/13/john_doe_v_donald_rumsfeld.pdf (last visit 27 September 2011)

J) Relevant intermediate court resolutions/memorandums:

- Intermediate Appeal decision: According to the Decision (Opinion & Order) dated 2 August 2011 the District Court grants substantive due process claim for the plaintiff and decides that the plaintiff could assert a claim against Rumsfeld under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, (1971)*, for violation of his Fifth Amendment substantive due process right "to be free from conduct and conditions of confinement that shock the conscience."

See Appeal decision: <http://www.emptywheel.net/wp-content/uploads/2011/08/110803-Doe-v-Rummy.pdf> (last visit 22 September 2011)

K) Current status of proceedings: Waiting for final decision

L) Decision: No final decision taken yet.

M) Appeal decision: ---

N) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case):

O) Other sources:.

RT: Military contractor to sue Rumsfeld over torture <http://rt.com/usa/news/iraq-sue-torture-rumsfeld/> (last visit 27 September 2011)

Chicago Indymedia: <http://la.indymedia.org/news/2011/08/247226.php> (last visit 27 September 2011)

Complementary information

Out of the many suits brought against Rumsfeld over the torture of detainees in Iraq, this is the second case that has been allowed to proceed. (other: *Donald Vance and Nathan Ertel v. Donald Rumsfeld*)

P) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

HILLARY CLINTON, U.S. SECRETARY OF STATE, CASE

BOX. LEGAL CASE «MUNNS ET AL V. CLINTON ET AL (Civil case n. 2:2010cv00681)»

A) Fact description: In November 2006 seven security contractors working for Crescent Security were assigned to guard a half mile convoy made up of 46 trailer trucks. The convoy was meant to be protected on a journey from Kuwait to southern Iraq when it was ambushed by Iraqi men. The attackers seized five Crescent Security Group contractors (4 Americans and 1 Austrian) who were subsequently killed. The victim's families sued Hillary Clinton and Jennifer Foo who allegedly oversaw "many of the actions and policies".

B) Date: 16 November 2006

C) Location: Iraq

D) Court: California Eastern District Court

E) Legal action class (criminal/civil): Civil action. Complaint for declaratory relief, violation of 42 U.S.C. 1983 (Procedural Due Process Fourteenth Amendment Violations), Violation of 42 U.S.C. 1983 (Taking Clause of the Fifth Amendment Violations).

F) Plaintiffs: Mark Munns, Christa Munns, administrators for the separate state of Joshua Munns; Dennis Debrabander, Sharon Debrabander, administrators for the separate state of John Young; and Lori Silveri, administrator for the separate Estate of John Cote. (Source: see Complaint and demand for Jury Trial below)

G) Defendants: Hillary Diane Rodham Clinton, in her official capacity as U.S. Secretary of State; Jennifer Foo, in her official capacity as employee of the Office of the Secretary of the State. The Company Crescent Security Group is not considered as defendant in the complaint. (Source: see Complaint and demand for Jury Trial below)

H) Damages: ---

I) Claims description (criminal counts and /or prayer for damages):



"Plaintiffs pray for judgment against defendants and each of them, as follows:

- For declaration of the law as set forth in the First Claim for Relief*
- For a declaration that legislation enacted as CPA order 17 is an unconstitutional exercise of government authority*
- For a permanent injunction against further ongoing Unconstitutional acts as described hereinabove and under the First Claim for Relief*
- To the extent that private funds have been converted to public use, restitution of such funds, or damages equal to the value of the private property, such as the labor of the sons under the contracts taken for public use, in any case in a sum according to proof as the time of trial*
- General and special damages from the Defendants, and each of them, in their individual capacities, in a sum according to proof at the time of trial*
- For punitive and injunctive relief as determined by this Court, including imposition of a constructive trust over an accounting of any and all transactions unlawfully entered into by Defendants under contracts without the appropriate notification and disclosures to the taxpaying public*
- For an accounting*
- For all costs and attorneys' fees incurred by Plaintiffs to date and to be incurred by Plaintiffs hereafter in connection with this action*
- For such other and further relief as the Court deems just and proper"*

In the suit, "the families allege that State Department officials kept them in the dark about the months long kidnapping investigation and then blocked the families' efforts to negotiate with the kidnappers.

The families claim State Department officials even went so far as to stop a shipment of 90,000 fliers the families had sent to Iraq. The lawsuit goes on to question the government's definition of the word "terrorist" and the phrase "War on Terror" since the family alleges the abductors were merely criminals looking for money. The lawsuit also challenges the constitutionality of having the nation employ contractors to fight its battles but then refusing to support them when they are kidnapped, injured or killed. Basically, the law suit states that the mentality of the Secretary of State seems to be that if the United States loses a member of the United States military, then the loss becomes a relevant statistic on the 'War on Terror,' but when the United States loses a contractor then there is no accounting for the loss of life. ... As a result, the true cost in lives and money of the 'War on Terror' is understated."

Complaint and demand for Jury Trial, 19 March 2010, presented to the Court of Eastern District of California. <http://media.redding.com/media/static/Munnslawsuit.pdf> (last visit 27 September 2011)

J) Current Status of proceedings: Ongoing.

Last document: an order signed on 27 May 2011: last hearings were previewed to be continued on 23 June 2011, no further information found. <http://docs.justia.com/cases/federal/district-courts/california/caedce/2:2010cv00681/205014/35/> (last visit 27 September 2011)

K) Decision: ---

L) Appeal Decision/Other Decisions: ---

M) Extrajudicial damages and/or symbolic reparation (complementary or alternatively to the legal case): ---

N) Sources:

Washington post: http://www.washingtonpost.com/wp-dyn/content/article/2007/07/28/AR2007072801407_pf.html (last visit 27 September 2011)

Redding: <http://www.redding.com/news/2010/mar/25/state-department-sued-in->

[slaying-of-anderson-man/](#) (last visit 27 September 2011)

COMPLEMENTARY INFORMATION

O) In the absence of legal action or dismissal, institutional and/or company initiatives for redress: ---

P) Others: See annex on PMSCs in Iraq/U.S.: Crescent Security Group



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