

Blackwater: Hired Guns, Above the Law

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Editor's Note: This is an edited transcript of the prepared testimony of Jeremy Scahill before the Senate Democratic Policy Committee, September 21, 2007.

My name is Jeremy Scahill. I am an investigative reporter for *The Nation* magazine and the author of the book [Blackwater: The Rise of the World's Most Powerful Mercenary Army](#). I have spent the better part of the past several years researching the phenomenon of privatized warfare and the increasing involvement of the private sector in the support and waging of US wars. During the course of my investigations, I have interviewed scores of sources, filed many Freedom of Information Act requests, obtained government contracts and private company documents of firms operating in Iraq, Afghanistan and elsewhere. When asked, I have attempted to share the results of my investigations, including documents obtained through FOIA and other processes, with members of Congress and other journalists.

I would like to thank this committee for the opportunity to be here today and for taking on this very serious issue. Over the past six days, we have all been following very closely the developments out of Baghdad in the aftermath of the [fatal shooting](#) of as many as 20 Iraqis by operatives working for the private military company Blackwater USA. The Iraqi government is alleging that among the dead are a small child and her parents and the prime minister has labeled Blackwater's conduct as "criminal" and spoke of "the killing of our citizens in cold blood." While details remain murky and subject to conflicting versions of what exactly happened, this situation cuts much deeper than this horrifying incident. The stakes are very high for the Bush administration because the company involved, Blackwater USA, is not just any company. It is the premiere firm protecting senior State Department officials in Iraq, including Ambassador Ryan Crocker. This company has been active in Iraq since the early days of the occupation when it was awarded an initial \$27 million no-bid contract to guard Ambassador Paul Bremer. During its time in Iraq, Blackwater has regularly engaged in firefights and other deadly incidents. About 30 of its operatives have been killed in Iraq and these deaths are not included in the official American death toll.

While the company's operatives are indeed soldiers of fortune, their salaries are paid through hundreds of millions of dollars in US taxpayer funds allocated to Blackwater. What they do in Iraq is done in the name of the American people and yet there has been no effective oversight of Blackwater's activities and actions. And there has been absolutely no prosecution of its forces for any crimes committed against Iraqis. If indeed Iraqi civilians were killed by Blackwater USA last Sunday, as appears to be the case, culpability for these actions does not only lie with the individuals who committed the killings or with Blackwater

as a company, but also with the entity that hired them and allowed them to operate heavily-armed inside Iraq—in this case, the US State Department.

While the headlines of the past week have been focused on the fatal shootings last Sunday, this was by no means an isolated incident. Nor is this simply about a rogue company or rogue operators. This is about a system of unaccountable and out of control private forces that have turned Iraq into a wild west from the very beginning of the occupation, often with the stamp of legitimacy of the US government.

What happened Sunday is part of a deadly pattern, not just of Blackwater USA's conduct, but of the army of mercenaries that have descended on Iraq over the past four years. They have acted like cowboys, running Iraqis off the road, firing indiscriminately at vehicles and, in some cases, private forces have appeared on tape seemingly using Iraqis for target practice. They have shown little regard for Iraqi lives and have fueled the violence in that country, not just against the people of Iraq but also against the official soldiers of the United States military in the form of blowback and revenge attacks stemming from contractor misconduct. These private forces have operated in a climate where impunity and immunity have gone hand in hand.

Active duty soldiers who commit crimes or acts of misconduct are prosecuted under the Uniform Code of Military Justice, the court martial system. There have been scores of prosecutions of soldiers—some 64 courts martial on murder-related charges in Iraq alone. That has not been the case with these private forces. Despite many reports—some from US military commanders—of private contractors firing indiscriminately at Iraqis and vehicles and killing civilians, not a single armed contractor has been charged with any crime. They have not been prosecuted under US civilian law; US military law and the Bush administration banned the Iraqi government from prosecuting them in Iraqi courts beginning with the passage of Coalition Provisional Authority Order 17 in 2004. The message this sends to the Iraqi people is that these hired guns are above any law.

US contractors in Iraq reportedly have their own motto: “What happens here today, stays here today.” That should be chilling to everyone who believes in transparency and accountability of US operations and taxpayer funded activities— not to mention the human rights of the Iraqis who have fallen victim to these incidents and have been robbed of any semblance of justice.

The Iraqi government says it has evidence of seven deadly incidents involving Blackwater. It is essential that the Congress request information on these incidents from the Iraqi authorities. What we do know is that in just the past nine months, Blackwater forces have been involved with several fatal actions. Last Christmas Eve, as Katy mentioned, an off-duty Blackwater contractor allegedly killed a bodyguard for the Iraqi Vice President. Blackwater whisked that individual out of the country. Iraqi officials labeled the killing a “murder” and have questioned privately as to why there has apparently been no consequences for that individual. Blackwater says it fired the individual and is cooperating with the US Justice Department. To my knowledge no charges have yet been brought in that case.

This past May, Blackwater operatives engaged in a gun battle in Baghdad, lasting an hour, that drew in both US military and Iraqi forces, in which at least four Iraqis are said to have died. The very next day in almost the same neighborhood, the company's operatives reportedly shot and killed an Iraqi driver near the Interior Ministry. In the ensuing chaos, the

Blackwater guards reportedly refused to give their names or details of the incident to Iraqi officials, sparking a tense standoff between American and Iraqi forces, both of which were armed with assault rifles.

The actions of this one company, perhaps more than any other private actor in the occupation, have consistently resulted in escalated tension and more death and destruction in Iraq—from the siege of Fallujah, sparked by the ambush of its men there in March of 2004, to Blackwater forces shooting at Iraqis in Najaf with one Blackwater operative filmed on tape saying it was like a “turkey shoot” to the deadly events of the past week.

Colonel Thomas Hammes, the US military official once overseeing the creation of a new Iraqi military, has described driving around Iraq with Iraqis and encountering Blackwater operatives. “[They] were running me off the road. We were threatened and intimidated,” Hammes said. But, he added, “they were doing their job, exactly what they were paid to do in the way they were paid to do it, and they were making enemies on every single pass out of town.” Hammes concluded the contractors were “hurting our counterinsurgency effort.”

Brigadier General Karl Horst, deputy commander of the 3rd Infantry Division said of private security contractors, “These guys run loose in this country and do stupid stuff. There’s no authority over them, so you can’t come down on them hard when they escalate force.... They shoot people, and someone else has to deal with the aftermath. It happens all over the place.” Horst tracked contractor conduct for a two month period in Baghdad and documented at least a dozen shootings of Iraqi civilians by contractors, resulting in six Iraqi deaths and the wounding of three others. That is just one General in one area of Iraq in just 60 days.

The conduct of these private forces sends a clear message to the Iraqi people: American lives are worth infinitely more than theirs, even if their only crime is driving their vehicle in the wrong place at the wrong time. One could say that Blackwater has been very successful at fulfilling its mission—to keep alive senior US officials. But at what price?

It is long past due for the actions of Blackwater USA and the other private military firms operating in Iraq—actions carried out in the names of the American people and with US tax dollars—to be carefully and thoroughly investigated by the US Congress. For the Iraqi people, this is a matter of life, and far too often, death. In the bigger picture, this body should seriously question whether the linking of corporate profits to war making is in the best interests of this nation and the world. I would humbly submit that the chairs of relevant committees in both the House and Senate use their power of subpoena to compel the heads of the major war contracting companies operating on the US payroll in Iraq to appear publicly before the American people and answer for the actions of their forces. I am prepared to answer any questions.

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