

Colonialist Injustice: The Pardoning of the Blackwater Killers

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Along with a motley collection of wealthy swindlers and fraudsters, President Donald Trump on Dec. 22 pardoned four former Blackwater private contractors (mercenaries) convicted in the infamous Sept. 16, 2007, Nisour Square massacre in Baghdad.

Seventeen Iraqis were killed and 14 seriously wounded in an unprovoked attack by the four, who indiscriminately fired machine guns, sniper rifles, and rocket-propelled grenades into a crowd of unarmed civilians. Among the dead were two boys, 9 and 11 years of age, and a woman burned alive in her car. The four killers suffered no injuries, and their claims of self-defense were rejected by Iraqi and U.S. investigations. It was one of many atrocities committed by U.S. and allied forces.

Trials and retrials in the U.S. found the four guilty of heinous crimes including first-degree murder and manslaughter.

But why were they never tried in Iraq, site of their monstrous actions? Answering that question unmask the colonial relationship between the U.S. and Iraq that began with the 2003 “Shock and Awe” invasion.

Now the four will walk free, as do the much higher-ranking war criminals who planned and executed the war against Iraq, a country half-way around the world that did not and could not threaten the United States. Iraq remains decimated, while George W. Bush, Dick Cheney, Donald Rumsfeld, Condoleezza Rice, Colin Powell, who perpetrated the war and occupation that followed, have never had to face justice. Nor have such fervent supporters of the war like Hillary Clinton and Joe Biden.

The reaction in Iraq to news of the pardons was widespread outrage, from Iraqi government officials to people on the street, and renewed demands that the U.S. finally get out.

Reaction in Iraq

A well-known Iraqi commentator, Muhammad Waeli, tweeted:

“Pardoning the Blackwater killers is renewing the crime committed against the Iraqi people.”

Fares Saadi, an official who led the Iraqi investigation leading to the convictions of the Blackwater, told the AFP news agency, “I knew we’d never get justice.”

“The infamous Blackwater company killed Iraqi citizens at Nisour Square. Today we heard they were released upon personal order by President Trump, as if they don’t care for the spilled Iraqi blood,” said Saleh Abed, a Baghdad resident, interviewed by Al-Jazeera.

Blackwater was notorious for its extreme racist brutality against the Iraqi population. Founded by Erik Prince, billionaire brother of Trump’s Secretary of Education Betsy DeVos and a frequent visitor to the Trump White House. Blackwater, which had thousands of high-paid mercenaries supporting 150,000 U.S. troops in Iraq from 2003-11, were hated and feared by the population.

“We used to be terrified of them, especially Blackwater, who were the nastiest of them all,” said Ribal Mansour, a witness to the massacre.

Dr Haidar al-Barzanji, an Iraqi researcher and academic, told the Guardian: “Trump has no right to decide on behalf of victims’ families to pardon these criminals. It is at odds with human rights and against the law. In Iraqi law they can only be pardoned if the families of victims pardon them.”

If the Nisour Square killers had been tried in an Iraqi court, there can be little doubt that they would be in prison today. But neither they nor any other occupation personnel were subject to Iraqi law.

Colonial injustice protected Blackwater guards from trial in Iraq

After conquering Iraq in April 2003, Washington dismantled the Iraqi state and government, and set up a new colonial-style dictatorship answerable only to the Pentagon. The “Coalition Provisional Authority” was headed by an American bureaucrat, J. Paul Bremer.

In June 2003, Bremer issued CPA Order 17, which stated: “Multinational forces, international consultants, and U.S. personnel are immune from the Iraqi legal process. ... Coalition contractors and their sub-contractors as well as their employees not normally resident in Iraq, shall not be subject to Iraqi laws. ... ”

Order 17 remained in place until 2008. What replaced it differed very little in substance. In the 2008 Status of Forces Agreement, Iraq was granted jurisdiction over U.S. military and civilian forces *only* for the commission of “grave premeditated felonies” and *only* when the personnel are off-duty. What the definition of “grave premeditated felonies” meant was left to a “Joint U.S-Iraqi Commission.”

In 2011, the Obama administration withdrew U.S. troops from Iraq after a new agreement to grant U.S. forces continued extraterritorial immunity. U.S. forces returned in 2014 when much of Iraq and Syria was conquered by ISIS.

While tens of thousands of Iraqis were arrested, imprisoned and abused by the occupying forces, the search for records of U.S. personnel locked up in Iraqi jails yields nothing.

CPA Order 17 and the 2008 SOFA embodied the old colonial policy of “extraterritoriality,” the racist doctrine that holds the colonizers cannot be judged by the colonized. It means that the occupiers can murder, rape and steal with impunity.

Extraterritoriality and colonialism

When China was divided into “spheres of influence” by several imperialist powers in the late 19th and early 20th centuries, violent acts by soldiers and civilians against Chinese nationals and the fact that the perpetrators were immune from prosecution in Chinese courts led to many acts of resistance.

In 1906, Washington established a special U.S. Court for China based in Shanghai, with jurisdiction over all U.S. citizens in its district, which was all of China. It was only disbanded in 1943 in the midst of World War II when the U.S. and China were allies.

And it was not just China. Wherever colonialism has existed so have racist parallel systems of justice/injustice.

What it means to live under colonial rule was expressed by the classmate of a medical student killed in Nisour Square. She spoke anonymously to the Guardian, fearing retaliation:

“The Americans have never approached us Iraqis as equals. As far as they are concerned, our blood is cheaper than water and our demands for justice and accountability are merely a nuisance.”

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