

# A Fistful of Contractors: The Case for a Pragmatic Assessment of Private Military Companies in Iraq



By *David Isenberg* Research Report 2004.4 September 2004

## ***British-American Security Information Council***

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### **Author**

David Isenberg has been researching and writing on private military companies for over a decade. His 1997 monograph "Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms" and television episode "Conflict Inc." are acknowledged staples in the field. He has written on the subject for the Christian Science Monitor, USA Today magazine, IntellectualCapitol, and Asia Times; lectured at US military schools and overseas on the subject; and been a frequent commentator on numerous radio and television shows on PMC activities.

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Responsibility for the report's contents is that of the author.

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# Executive Summary

Since the first civilian contractors started operating in Iraq in the aftermath of the U.S.-led invasion of Iraq there has been growing public scrutiny of their activities. While most of the attention has been paid to the activities of contractors doing reconstruction work such as Halliburton, Parsons, Fluor, et cetera, growing attention and concern has been paid to the operations of those private military and security firms (herein referred as Private Military Companies, or PMCs) who provide security for such firms, as well as for Coalition Provisional Authority (CPA) workers, nongovernmental organizations, and western media.

This BASIC Report provides an analysis of the PMC activities in Iraq over the past year.

To paraphrase the old Virginia Slims cigarette commercial, PMCs have come a long way. Where as little as a decade ago they were limited to African war zones they have now assumed a leading role in the activities of the world's sole military superpower, as well as being a front and center actor in the daily life of Iraq. If there were an Oscar category for combat participants, PMCs would certainly win the nomination for best supporting actor.

PMCs and their conduct are now out in the open, officially above the horizon of public awareness, although concerns about transparency, openness and regulatory oversight remain. An illustrative list of PMCs operating in Iraq can be found in the Appendix. Their relative numbers in the two Gulf Wars illustrate the increase in the use of PMCs: during the first Gulf War in 1991 for every one contractor there were 50 military personnel involved. In the 2003 conflict the ratio was 1 to 10.

It seems likely that any proliferation of private security firms will precede a period of consolidation as those companies that acquire profitability absorb those that fail.

## Scope of PMCs in Iraq

Nobody knows for certain how many PMCs are operating in Iraq. In response to a request from Congress, a CPA-compiled report lists 60 PMCs with an aggregate total of 20,000 personnel (including U.S. citizens, third-country nationals and Iraqis). But the CPA list is incomplete. Missing, for example, are companies implicated in the Abu Ghraib prison scandal. Most of the armed personnel are the 14,000 Iraqi guards who work the oil field contract for Erinys. Global Risk Strategies, said to be the largest PMC in Iraq, employs 1,000-1,200; Blackwater has about 600; SOC-SMG 300; Triple Canopy about 350; Control Risks Group 750; Olive 265; DynCorp 175.

The total number of non-Iraqi PMC personnel is certainly less than 20,000. When the Erinys personnel are subtracted from the total, the number is significantly less; perhaps as few as 6,000 security contractors. And despite claims to the contrary, PMCs do not

constitute the second or third largest Army in Iraq, they are not coordinated into one cohesive whole, nor do they engage in offensive operations.

PMCs provide three categories of services in Iraq: personal security details for senior civilian officials, non-military site security (buildings and infrastructure), and non-military convoy security. Rather than working directly for the U.S. government or the CPA, most PMCs are subcontracted to provide protection for prime contractor employees, or are hired by other entities such as Iraqi companies or private foreign companies seeking business opportunities in Iraq.

PMC operations tread the difficult line in providing protection in a manner that meets the intricate demands of corporate, military and government ethics, and come at significant cost. To date, at least 58 non-Iraqi PMC personnel (excluding those who worked as truck drivers and the like) have died. If one includes Iraqi PMC personnel the toll is much larger. The PMC Erinys alone has had about 21 killed and 26 wounded thus far.

## **Issues of concern**

### ***A drain on the regular armed services?***

The lure of higher salaries is causing an exodus of U.S. and British special forces to PMCs just as these military forces are being asked to play an increasing role in combating terrorism and helping to conduct nation-building operations worldwide. Competition over elite troops from private companies is so intense that the U.S. and British military commanders are formulating new pay, benefits, and educational incentives to try to retain them.

### ***Political influence***

Political connections are important to PMCs when landing contracts. Several companies, including Diligence LLC, The Steele Foundation and CACI, have senior directors or advisors with high-level experience or influence with current or former U.S. and British governments. PMCs also extensively use political campaign donations and employ lobbyists to influence government officials. In 2001, the ten leading private military firms spent more than \$32m on lobbying, while they invested more than \$12m in political campaign donations. Among the leading donors were Halliburton, which gave more than \$700,000 (during 1999-2002), 95 percent to Republicans, and DynCorp, which gave more than \$500,000, 72 percent to Republicans.

### ***Control and accountability***

U.S. government contracts with PMCs above \$50m have to be reported to Congress. Companies must comply with a set of arms transfer and services rules called the U.S. International Traffic in Arms Regulations (ITAR). Accountability has been enough of a concern that members of Congress wrote to Defense Secretary Rumsfeld in April 2004 requesting proper screening of security companies in Iraq. The CPA set some initial



minimum standards for regulating PMCs and new mandatory guidelines are under consideration by the Iraqi Ministries of Interior and Trade to vet and register PMCs.

At the end of June 2004, Deputy Secretary of State Richard Armitage and Deputy Secretary of Defense Paul Wolfowitz proposed guidelines for all U.S. Government contractors working in Iraq and for US government offices supporting and coordinating those contractors. It is intended to “provide an initial blueprint for eventual adoption of common contractor coordination and security rules for all nations providing contractors for the reconstruction of Iraq.”

Both the U.S. Congress and Senate are also directing the Pentagon to develop new management guidelines for defense contractors in Iraq and to provide a report on their activities. In Britain, where pressure for public regulation is growing, the House of Commons Defence Committee is to investigate the role of PMCs in Iraq.

### ***The legal status of PMCs***

PMCs have a somewhat ambiguous status under international law. While PMC personnel are commonly and misleadingly referred to as mercenaries, under definitions of international law (for example, Article 47, Additional Protocol I of 1977 to the Geneva Convention) they clearly are not. Even with the new regulations under consideration by the CPA, U.S. and British governments, it is likely that questions will still remain over the combat status of PMC employees.

Inadequate vetting procedures can also be a problem. PMCs generally subject potential employees to rigorous vetting, but such practice is not universal, particularly in Iraq where demand for experienced staff severely outruns supply.

Also, immunity provisions laid down by the CPA and carried forward by the Iraqi interim government mean that PMCs enjoy protection from local criminal prosecution. While new regulations are currently under consideration, this immunity is set to continue possibly until elections due in 2005. Finally, the arming of PMCs also raises a number of accountability, small arms non-proliferation and safety concerns. In Iraq, CPA rules restrict the weapons PMCs may use to small arms with ammunition as large as 7.62mm and to some other defensive weapons. However, some PMCs guarding foreign contractors and sensitive installations are demanding the right to carry more powerful weapons. U.S. Army regulations allow contractors performing combat support services to carry weapons when required by their combatant commander.

### **Lessons from Abu Ghraib**

The torture and abuse scandal at Abu Ghraib horrified people around the world and raised controversy over the role and activities of PMC personnel in the intelligence and interrogation process. But long before Abu Ghraib, Defense Secretary Rumsfeld was

preaching the virtues of using contractors in prisons, citing the success of private-run prisons in the United States. The number of PMC personnel at Abu Ghraib is far from clear, but at least 37 interrogators from private contractors were operating in the prison.

A whole series of mostly internal military investigations has been conducted (some are still ongoing) in the United States as a result of the revelations at Abu Ghraib. While much of the most relevant material is still classified, at least two reports (The Taguba and Jones-Fay Reports) implicate contractor personnel in the scandal. A lack of proper vetting of PMC personnel has also been uncovered.

In the wake of the scandal a number of new laws and guidelines have been proposed, including a new Contractor Accountability Bill in the United States, a new oversight mechanism involving the International Committee of the Red Cross (ICRC) and new Pentagon rules regulating contractors.

However, while over-reliance on private firms providing inadequately trained personnel certainly contributed to the scandal at Abu Ghraib, it is an issue that reflects broader policy failings. In short, the Bush administration has tried to fight a war and nation-build on the cheap. It has failed to commit the necessary number of trained and qualified personnel and failed to supply the necessary resources required for an occupation force under international law. In such a scenario failure and criminal behavior by both private and public actors was virtually inevitable.

## Conclusions and recommendations

### **Overview of strengths and failings of PMCs in Iraq**

PMCs have done reasonably well in fulfilling their contracts in Iraq. They have performed difficult missions under trying circumstances. Generally, their personnel have conducted themselves professionally and are more in tune with the local culture than are regular U.S. military forces. In several, little noted cases, they performed above and beyond the call of duty.

But, with the advantage of hindsight it seems clear that a lack of strategic planning has affected private sector operations in Iraq in the same way it has affected the regular U.S. military. Coordination of PMCs was deficient and they failed to be given sufficient early warning before the war about how much their services would be needed. The tendering process has been hasty with some contracts awarded on the basis of lobbying or political influence. PMCs also need a better understanding of the basic laws and regulations of the country they operate in. When, as in the case of Iraq, they are under contract to the U.S. government this becomes a governmental responsibility.

## **Changes that need to be made in the light of experiences in Iraq**

This report is premised on the belief that PMCs, whether we like it or not, are here to stay for the foreseeable future. PMCs, like regular military forces, are simply a means to an end, with advantages and disadvantages. In Iraq, although they have not been error-free they have generally performed better than they have been given credit for.

However, new or strengthened laws and regulations would benefit all concerned: client states, hiring governments and companies, as well as the PMCs themselves. Our recommendations fall within two broad categories:

- Improved regulatory oversight; and
- Clarification of, and amendment to, international law in relation to PMCs

### **Improved regulatory oversight in the United States**

1. Congress should bring in auditors from other governmental agencies, such as the inspector general offices of the various military services or the Defense Contract Audit Agency, to handle the increased oversight responsibilities.

2. The burden is not only on the PMC, but also on the client, in this case mainly the U.S. government, to guard its own interests and make sure the job is done right. Higher standards and greater clarity need to be brought to bear on current and future U.S. military outsourcing decisions.

3. Some of the provisions in the draft U.S. National Defense Authorization bill are worthy and should be passed into law. In addition, PMCs should take steps to ensure that the personnel recruited from third countries receive the same notification and training as those recruited from the PMC home country. And PMCs should pre-screen far more people than they currently do, even if it means added expense. The role of government in screening also needs to be reviewed and strengthened.

4. The loopholes in the Military Extraterritorial Jurisdiction Act (MEJA) need to be closed.

5. Industry-wide standards need to be established and enforced.

6. *The U.S. government needs to:*

- *Increase the number of contracting officer deployments to a theater where PMCs operate;*

- *Require competition rather than sole sourcing for future contracts;*
- *Punish former government contracting officers who violate regulations on proper process; and*
- *Ban the hiring of firms that have been found to have overcharged government in the past or have committed crimes in the contracting process.*

## **Clarification of international law in relation to PMCs**

Currently, the status of PMCs under international law is, at best, ambiguous. Most of their activities fall outside the mandate of the 1989 U.N. Convention of Mercenaries, which was enacted to cover such classic soldier-of-fortune activities as overthrowing a government. Human rights laws, such as the Geneva Conventions, are more relevant, but they are binding only on states, which reduce the formal legal responsibilities of PMCs, as other private firms often hire them, as well as states.

But the biggest obstacle to doing anything internationally is a lack of political will. Most states find PMCs useful for implementing their own foreign and military policies and oppose efforts to restrict, let alone prohibit them. Thus, the most feasible legal changes that can be expected are those that would enhance transparency in the PMC sector and allow for greater regulation. Difficulties notwithstanding, the following options should be considered:

- Extension of the International Court of Justice to PMC activities.
- Negotiation of a new 'Convention on the Use of Armed Non-Military Contractors by an Occupying Force'; and
- Harmonization of national laws to create common standards and to help the development of an eventual universal approach. The harmonization process could begin among NATO member states.

# Acronyms

<b>AID</b>	<b>Agency for International Development</b>
<b>ATCA</b>	<b>Alien Tort Claims Act</b>
<b>BASIC</b>	<b>British American Security Information Council</b>
<b>CIA</b>	<b>Central Intelligence Agency</b>
<b>CID</b>	<b>Criminal Investigative Division</b>
<b>CJTF</b>	<b>Combined Joint Task Force</b>
<b>CNN</b>	<b>Cable News Network</b>
<b>CPA</b>	<b>Coalition Provisional Authority</b>
<b>CSC</b>	<b>Computer Sciences Corporation</b>
<b>CSO</b>	<b>Contracting Support Office</b>
<b>CSOC</b>	<b>Contractor Security Operations Center</b>
<b>DBA</b>	<b>Defense Base Act</b>
<b>DFAR</b>	<b>Defense Federal Acquisition Regulation</b>
<b>DFID</b>	<b>Department for International Development</b>
<b>DOD</b>	<b>Department of Defense</b>
<b>DOJ</b>	<b>Department of Justice</b>
<b>DSL</b>	<b>Defence Systems Ltd</b>
<b>ESG</b>	<b>Executive Steering Group</b>
<b>GAO</b>	<b>Government Accounting Office</b>
<b>GE</b>	<b>General Electric</b>
<b>GROM</b>	<b>Polish abbreviation for Operational Mobile Reaction Group</b>
<b>GSA</b>	<b>General Services Administration</b>
<b>ICJ</b>	<b>International Court of Justice</b>
<b>ICRC</b>	<b>International Committee of the Red Cross</b>
<b>IED</b>	<b>Improvised Explosive Device</b>
<b>INC</b>	<b>Iraqi National Congress</b>
<b>IPOA</b>	<b>International Peace Operations Association</b>
<b>IT</b>	<b>Information Technology</b>
<b>ITAR</b>	<b>International Traffic in Arms Regulations</b>
<b>JAG</b>	<b>Judge Advocate General</b>
<b>KBR</b>	<b>Kellog, Brown and Root</b>

<b>MEJA</b>	<b>Military Extraterritorial Jurisdiction Act</b>
<b>MOD</b>	<b>Ministry of Defence</b>
<b>MP</b>	<b>Military Police</b>
<b>MPRI</b>	<b>Military Professionals Resources Inc.</b>
<b>MRE</b>	<b>Meals Ready to Eat</b>
<b>MTS</b>	<b>Meteoric Tactical Solutions</b>
<b>NATO</b>	<b>North Atlantic Treaty Organization</b>
<b>NCACC</b>	<b>National Conventional Arms Control Committee</b>
<b>NCO</b>	<b>Non Commissioned Officer</b>
<b>NGO</b>	<b>Non Governmental Organization</b>
<b>ORHA</b>	<b>Office of Reconstruction and Humanitarian Assistance</b>
<b>OSAC</b>	<b>Overseas Security Advisory Council</b>
<b>PCO</b>	<b>Project and Contracting Office</b>
<b>PMC</b>	<b>Private Military Company</b>
<b>PMO</b>	<b>Program Management Office</b>
<b>PSC</b>	<b>Private Security Companies</b>
<b>PSD</b>	<b>Personal Security Detail</b>
<b>ROE</b>	<b>Rules of Engagement</b>
<b>ROWPU</b>	<b>Reverse Osmosis Water Purification Unit</b>
<b>SAIC</b>	<b>Science Applications International Corp.</b>
<b>SANDF</b>	<b>South African National Defence Force</b>
<b>SAS</b>	<b>Special Air Service</b>
<b>SASI</b>	<b>Security Applications Systems International</b>
<b>SBS</b>	<b>Special Boat Service</b>
<b>SOF</b>	<b>Special Operations Forces</b>
<b>SOW</b>	<b>Statement of Work</b>
<b>TRADOC</b>	<b>Training and Doctrine Command</b>
<b>UAV</b>	<b>Unmanned Aerial Vehicle</b>
<b>UNITA</b>	<b>Uniao Nacional para a Independencia Total de Angola/ National Union for the Total Independence of Angola</b>
<b>WCA</b>	<b>War Crimes Act</b>

# 1. Introduction

## What are Private Military Companies?

The past several months have seen increased attention and publicity paid to the activities and role of private contractors in Iraq, especially those providing security and military functions.<sup>1</sup> Some of the coverage of these firms, generally called private military companies (PMCs) has been sensationalist. Journalists frequently characterize PMC employees as corporate mercenaries, though they have almost nothing in common with the image of mercenaries depicted in popular culture or the mercenaries of the last days of the colonial era, involving characters such as “Mad” Mike Hoare, Bob Denard, and Jean Jacques Schram.

In fact, in the current age when modern state militaries are staffed by volunteer recruits largely joining in peacetime, many joining for the pay and benefits, the difference between the private and public soldiers appears to revolve largely around the form of employment contract.<sup>2</sup>

What is a private military company? It is a sign of the confusion over and controversy about the idea of private sector firms carrying out military and security missions of many different kinds, from combat service support and military training to personal protection, that hardly anyone uses the term the same way. In truth, it is a definitional morass. The media invariably uses it to include non-weapons bearing firms such as Halliburton and its Kellogg, Brown & Root subsidiary. In Iraq many of the private firms are actually acting as bodyguards, rather than as combat military units, like the now disbanded Executive Outcomes, which fought in Angola and Sierra Leone in the 1990s. Some commentators prefer to call them Private Security Companies (PSC). But, given that the term is now embedded in popular culture we use PMC here for the sake of convenience.

The history of warfare, from the Greek and Roman times is inextricably linked with individuals providing combat services for someone outside their community.<sup>3</sup> Examples include: the Greek and Roman recruitment of hired units; European free companies during the Hundred Years war; Italian Condotierri; the Scots in eighteenth century Russia; Hessians in the American Revolution; Swiss mercenary units including the Swiss Guard at the Vatican which continues to this day; and Dutch and English East India Companies.

There is no consensus on what constitute a PMC, but three main categories stand out:

- *Military combatant companies* - Firms that actually provide military forces capable of combat are fairly rare and only constitute a minority of PMCs, even though such firms tend to receive the most publicity. Examples include: the now disbanded PMCs, Executive Outcomes of South Africa and Sandline of the United Kingdom. None are currently operating in Iraq.
- *Military consulting firms* - These traditionally provide training and advisory services, though some have expanded into personal security and bodyguard services. Examples include: Blackwater, MPRI, DynCorp and SAIC of the United States.
- *Military support firms* - Provide nonlethal aid and assistance, such as weapons maintenance, technical support, explosive ordnance disposal, and intelligence

collection and analysis. Examples include: Halo Group, Vinnell, and Ronco of the United States.

The current PMC sector is not a new Bush administration initiative either. By even the most narrow interpretation it dates back at least fifteen years to when the then little known South African firm, Executive Outcomes, started gaining world attention for its operations against Jonas Savimbi's UNITA in Angola.<sup>4</sup> But there has certainly been a recent expansion in the sector.

## **Advantages and operational downsides**

The drive to shift activities from the public to the private sector for military activities is largely ideologically motivated. Writing in the New Yorker Magazine, James Surowiecki notes:

*The notion that government is fundamentally inefficient and unproductive has become conventional wisdom. It had always had a certain hold on the American imagination, but it gained strength with the ascendancy of conservatism in the eighties and nineties. Second, Washington fell for the era's biggest business fad: outsourcing. For most of the twentieth century, successful corporations were supposed to look like General Motors: versatile, vertically integrated, huge. But by the nineties vertical integration had given way to "core competency": do only what you do best, and pay someone else to do the rest. The Pentagon decided that it should concentrate on its core competency "warfighting."*<sup>5</sup>

PMCs also hire many host country nationals. The reason is partly economic. Given that wages are generally lower in host countries, you can pay less; especially if the job is reasonably straightforward such as site security, i.e., guarding a factory or government building. But host country nationals are also hired for their language ability and superior knowledge of the local culture and customs. As a rule of thumb at least 25 percent of the staff of any PMC will be composed of host country nationals. And in most cases it is substantially more. Erinys, the largest PMC operating in Iraq is almost 100 percent Iraqi staffed.

On the other hand, sorting out lines of authority and communication can be complex. PMC personnel can be hired as "independent contractors" by companies that, in turn, are sub-contractors of larger security companies, which are themselves subcontractors of prime contractors, which may have been hired by a U.S. government agency. In practical terms, these convoluted relationships often mean that the governmental authorities have no real oversight of security companies on the public payroll.<sup>6</sup> Cynically, one might think this an advantage: the politicians do not have the same degree of accountability when things go wrong.

The level of outsourcing has also had a negative impact on the U.S. armed forces. Surowiecki again:

*It's a tidy picture [outsourcing the support functions]: the Army becomes a lean, mean killing machine, while civilians peel the potatoes and clean the latrines. But there's a reason that companies like General Motors existed in the first place. Effective as outsourcing can be, doing things in-house is often easier and quicker. You avoid the expense and hassle of haggling, and retain operational reliability and control, which is especially important to the military. No contract can guarantee that private employees will stick around in a combat zone. After*



*the Iraq war, some contractors refused assignments to dangerous parts of the country. That left American troops sitting in the mud, and without hot food. Last month, after two South Korean subcontractors who had been repairing the Iraqi power grid were killed by guerrillas north of Baghdad, sixty of their colleagues just up and quit.*

*Outsourcing works well when there's genuine competition among suppliers; that's when the virtues of the private sector come into play. But in the market for big military contracts the bidders tend to be the usual few suspects, so that the game resembles the American auto or steel industries before Japan and Germany became major players: more comfortable than competitive. Sometimes the lack of competition is explicit: many of the contracts for rebuilding Iraq were handed out on a no-bid basis. And many of them are "cost-plus" contracts. This means that the contractors' profit is a percentage of their costs, which gives them an incentive to keep those costs high. That's hardly a recipe for efficiency or rigor.<sup>7</sup>*

A professor at the U.S. Naval Academy has written that even if there are cost savings inevitable contractual hazards sharply limit the combat/combat support role of these companies.<sup>8</sup>

The push for outsourcing goes back to the Clinton administration, especially under the National Performance Review initiated by Vice President Al Gore.<sup>9</sup> Since then many of the original firms have been bought up by larger, established contractors, thus fixing their public image as just another military-industrial contractor, with all the attendant bad press that sector often gets.<sup>10</sup> Scandals around contracts awarded to Halliburton or its subsidiary Kellogg, Brown and Root have frequently been discussed in the media.<sup>11</sup>

## **Purpose and structure of this report**

This BASIC Report provides an analysis of the PMC activities in Iraq over the past year and is an attempt to shed a dispassionate light on PMC operations. Who are they? What are they doing in Iraq? Are they fulfilling the terms of their contracts? Is there sufficient accountability over their actions? What actions can be taken to ensure their operations are consistent with international law and human rights standards?

The structure of the remainder of this report is as follows. First, it describes the growing trend of private sector entities providing military services and functions that heretofore were provided by the public sector (section 2). It then analyzes the demand for PMC services in Iraq and lists the advantages and disadvantages of using them (section 3). This section also provides a description of an illustrative list of PMCs operating in Iraq.

The next section examines several issues of concern regarding PMC use in Iraq, including their political connections, efforts to regulate them, their rules of engagement, U.S. and U.K. oversight of their operations, their legal status, and vetting of their personnel (section 4).

This is followed by an analysis of PMC involvement in the Abu Ghraib torture scandal and details legal options for prosecution and new laws being offered in response (section 5).

The final section offers conclusions and recommendations (section 6).

The appendices include: a listing of PMC fatalities; an extended listing of PMCs operating in Iraq; excerpts from the Jones-Fay Investigation of Intelligence Activities at Abu Ghraib; a listing of selected PMC contracts; and a factsheet from one PMC operating in Iraq.

## 2. PMC Sector: A Marriage between Government and the Private Sector

### Growth in U.S. Government demand for PMCs

The role of PMC operations within the military is growing in the United States in particular. One Department of Defense (DoD) guide notes:

*The use of civilian contractors for support within the US military is not new. Up to World War II, support from the private sector was common. The primary role of contractors was simple logistics support, such as transportation, medical services, and provisioning.*

*As the Vietnam conflict unfolded, the role of the contractor began to change. The increasing technical complexity of military equipment and hardware drove the Services to rely on contractors as technical specialists, and they worked side by side with deployed military personnel.*

*Several factors have driven this expanded role for contractors:*

*Downsizing of the military following the Gulf War.*

*Growing reliance on contractors to support the latest weapons and provide lifetime support for the systems.*

*DoD-sponsored move to outsource or privatize functions to improve efficiency and free up funds for sustainment and modernization programs.*

*Increased operating tempos.*

*Today contractor logistics support is routinely imbedded in most major systems maintenance and support plans. Unfortunately, military operational planners have not been able to keep up with the growing involvement of contractors.<sup>12</sup>*

Another paper, prepared for a military conference noted:

*The notion, much less the requirement, of placing contractors on the battlefield is the cumulative effect of reduced government spending, force reductions/government downsizing, privatization of duties historically performed by the military, low retention rates--particularly in high technology positions, reliance upon increasingly complex technology, higher mission requirements, low military salaries, and recruitment shortfalls all within a booming economy and budgetary surplus projections.<sup>13</sup>*

#### The rise of the 'Third Wave'

The increase in the use of PMCs has grown dramatically these last ten years. During the first Gulf War in 1991 for every one contractor there were 50 military personnel involved. In the 2003 conflict the ratio was 1 to 10.<sup>14</sup> The military had been planning to dramatically increase its long-term reliance on the private sector in 2003, independently

of the conflict. The plan, overseen by then-Army Secretary Thomas E. White, was known as the "Third Wave" within the Pentagon, and could have affected 214,000 military and civilian positions, about one in six Army jobs around the world. It would also have provided a major boost to the Bush administration's effort to move large blocks of government work into the private sector.

But the initiative came to a temporary standstill in April 2003 when Secretary White resigned after a two-year tenure marked by strains with Defense Secretary Donald H. Rumsfeld.<sup>15</sup> White has claimed that in a memorandum dated March 8, 2002 he warned the Department of Defense under secretaries for army contracting, personnel and finances that the army lacked the basic information required to effectively manage its burgeoning force of private contractors.<sup>16</sup>

Though more than two years after White ordered the Army to gather information the Army still has not collected the data.<sup>17</sup>

The "Third Wave" initiative may now be showing new signs of life. One news report suggested that the Pentagon has set a deadline of October 2005 to increase by 20,000 the number of front-line troops by replacing back-room uniformed personnel with civilians and contractors. Within a decade, the target is 300,000 more troops.<sup>18</sup>

The PMC sector has been undergoing a significant quantitative and qualitative shift over the past decade. In an article published earlier this year Prof. Deborah Avant of George Washington University wrote:

*Private security contractors (PSCs) now provide more (and more kinds of) services, including some that have been considered core military capabilities in the modern era. This brings contractors closer to the battlefield. In Operation Iraqi Freedom, contractors provided operational support for systems such as JSTARS and Patriot, and were heavily involved in postconflict reconstruction, including in raising and training the Iraqi army and police forces. A small number of firms have provided armed personnel that operate with troops on the battlefield. Much more common, however, are PSCs that support weapons systems, provide logistics, provide advice and training, site security, and policing services to states and non-state actors. Also new is the transnational nature of the market. Private security is a global phenomenon. In the 1990s every multilateral peace operation conducted by the UN was accomplished with the presence of private military or security companies.*

*States that contracted for military services ranged from highly capable states like the United States to failing states like Sierra Leone. Global corporations contracted with PSCs for site security and planning and nongovernmental organizations (NGOs) working in conflict zones or unstable territories in Eastern Europe, the Middle East, Africa, Asia, and Latin America did the same.<sup>19</sup>*

And since the September 11, 2001 attacks on the World Trade Center and the Pentagon there has been a notable increase in the formation of new PMCs. "The idea was to create a security consulting company that could work for entities like the Department of State and the Department of Defense to deal with the situations that were going to arise in a post- 9/11 world," said Jamie Smith, a former Navy SEAL who founded SCG International Risk.<sup>20</sup>

Even the CIA has hired contractors to bolster its paramilitary force. Johnny "Mike" Spann, the first American killed in combat in Afghanistan, on November 25, 2001, was

one such CIA employee.<sup>21</sup> In light of the controversy over PMC involvement in the Iraqi prison scandal it is worth remembering that Spann was working as an interrogator when he was killed. Two other CIA civilian contractors, Christopher Glenn Mueller and William "Chief" Carlson, were killed in an ambush in Afghanistan on October 25, 2003 while tracking terrorists near Shkin, Afghanistan.<sup>22</sup> In fact, similar to the situation with PMC and regular military forces (discussed in section 3 below), private companies are aggressively seeking highly trained employees of intelligence agencies to fill government contracts, leading to a critical spy drain.<sup>23</sup>

But it is Iraq that has focused world attention on the role of PMCs to new heights. Though not noticed nearly as much as their post-major combat operations, PMCs were prominent during the war itself. The services relied on civilian contractors to run the computer systems that generated the tactical air picture for the Combined Air Operations Center for the war in Iraq. Other contract technicians supported Predator unmanned aerial vehicles (UAV) and the data links they used to transmit information.

The U.S. Navy relied on civilian contractors to help operate the guided missile systems on some of its ships. When the Army's technology-heavy 4<sup>th</sup> Infantry Division deployed to Iraq in 2003, about 60 contract employees accompanied the division to support its digital command-and-control systems. The systems were still in development, and the Army did not have uniformed personnel trained to maintain them.<sup>24</sup>

The Army depends entirely on civilian contractors to maintain its Guardrail surveillance aircraft. With relatively few planes packed with specialized intelligence-gathering systems on board, the service decided it was not cost effective to develop its own maintenance capability.

As the services have increased their use of commercial off-the-shelf equipment, they also increase their use of contractors. The Air Force and Navy used commercial communications systems throughout Southwest Asia, for example. But the services don't train troops to maintain commercial systems. Instead, they hire civilian contractors for that task.

Contractors were also used for base operations and logistics support, pre-positioned equipment maintenance, generator maintenance, biological and chemical detection systems, fuel and material transport, and medical services.

## **Operational Coordination between PMCs**

Companies have varying access to information, and as they are in competition for contracts, there is a resistance to sharing such information. U.S. and Coalition Forces share some information with PMCs on the ground, but the degree of cooperation in this regard remains unclear.<sup>25</sup>

Some security companies have formed their own 'quick reaction forces', and their own intelligence units that produce daily intelligence briefs with grid maps of 'hot zones'. But intelligence is still very much an ad hoc affair. One noted analyst wrote:

*PMFs are independent entities, responsible for their own operations, safety and security. They do not receive full or timely access to the military and CIA's complete intelligence picture, do not have full access to the military's communications net, and,*

*when out in the field on their own, do not have access to the same weapons, established systems of rapid reaction and response, or protection.*

*The lack of formally shared information on current threats and ongoing or planned operations is a crucial missing link. Military officers question why or how exactly the military should share confidential information with entities that not only lie outside their chain of command but also often hire local Iraqi and third-party nationals. But, according to one firm executive, the lack of information means that contractors are “flying blind, often guessing about places that they shouldn’t go”.<sup>26</sup>*

According to one former special forces soldier returned from Iraq, where he had a job as a bodyguard, contractors there have access to “a scrubbed version of the daily intel dump from the local military HQ”.<sup>27</sup>

In fact, PMCs now appear to have access to many of the same multiple intelligence products circulated to active Coalition forces such as the Daily CPA Operational Threat Update. Indeed, one company, SOC-SMG, produces its own Daily Intelligence Report, which is quite comprehensive, and probably better than that given to contractors by the coalition forces. According to one PMC employee, “the problem [with the CPA Operational Threat Update] is that it is released in the early morning but contains yesterday’s intel. It does not include trends or suspected hot spots. We had to find our own intelligence sources, develop our own informants.”<sup>28</sup>

Press reports indicate serious confusion in authority between PMCs and the military. For example, members the U.S. National Guard operating in Iraq were ordered to work as drivers for Kellogg Brown & Root.<sup>29</sup>

In April 2004 five Democratic Senators asked the Government Accounting Office to investigate the use and activities of PMCs in Iraq. Their six-page letter posed multiple questions on 35 different subjects, ranging from who they are and how many have been injured or killed so far, to an explanation of government costs and accountability.<sup>30</sup>

*“These are armed individuals. They’re operating in a combat zone. Who is their contract with? Is it with the new Iraqi government or the old CPA? What status do they have under the law? Can Iraqi police arrest them? All of these questions have not been resolved.”<sup>31</sup>*

There have been instances, many more than reported, where experienced PMC personnel have gone to the rescue of U.S. soldiers under fire. They have also been asked to assist with specific operations where the skills are not available within the army unit.

The role of PMCs in Iraq is examined in more detail in the next section.

# 3. PMCs in Iraq

## U.S. PMCs

PMCs were prominent during the war in 2003 and of course afterwards as hostilities continued.<sup>32</sup> U.S. armed services relied on civilian contractors to run a number of military systems (as described in section 2 above). The lack of security in post-war Iraq has created an enormous demand for PMC services. At least ten to fifteen cents of every dollar spent on reconstruction is for security, according to the inspector general for the Coalition Provisional Authority.<sup>33</sup> And PMCs are going to be in Iraq for some years to come. As Iraqis assume increasing responsibility for policing their own country, U.S. companies plan to play a large and profitable role in the process, training and assisting the locals.<sup>34</sup>

The PMCs are also doing work once reserved mostly for military managers. Under a contract awarded in March the Pentagon is paying \$22m to a Los Angeles-based engineering firm called AECOM Technology Corp to do work in Iraq. The firm's subsidiaries will help the Pentagon buy goods and services, plan projects and administer contracts in Iraq related to reconstruction work. The firm will also monitor and audit other contractors involved in billions of dollars worth of electrical, water and communications projects.<sup>35</sup>

## Recruiting personnel from around the world

PMCs are employing personnel from several countries, not just the United States. Contractors from Britain, Nepal, Chile, Ukraine, Israel, South Africa and Fiji, are doing a wide variety of tasks in Iraq but the common link is helping, in one way or another, to provide security.

According to David Claridge, managing director of Janusian, Iraq has boosted British military companies' revenues from £200m (\$320m) before the war to over £1bn, making security by far Britain's most lucrative post-war export to Iraq.<sup>36</sup>

More than 1,500 South Africans are believed to be in Iraq under contract to various PMCs, including members of the South African Police Services' elite task force and former members of the South African National Defence Force. Reportedly some active members are resigning from the SANDF to go to Iraq.<sup>37</sup>

All South African security companies working outside the country are required by law to register with the National Conventional Arms Control Committee (NCACC), headed by Minister of Education Kader Asmal.

It has also been reported that PMCs have illegally hired, in violation of a ban on Indian citizens traveling to Iraq, 1,500 ex-combat Indian troops as private guards to protect installations in Iraq.<sup>38</sup> In addition, the Pakistani media has reported that authorities there have stopped U.S. civil and military contractors from recruiting Pakistani ex-servicemen for carrying out non-combatant security operations in Iraq. Two illegal recruitment facilities being used by U.S. contractors to recruit the retired security personnel in Lahore and Rawalpindi were reportedly shut down.<sup>39</sup>

Security firms are also believed to be employing veterans of anti-insurgency conflicts in Colombia and Algeria and former soldiers who fought in the Russian government's war in Chechnya.<sup>40</sup> News reports also suggest about 100 Australians, including about 40 former SAS troops, are guarding corporate managers and infrastructure projects.<sup>41</sup>

## **Advantages of using PMC personnel**

Many PMC personnel, hired as independent contractors (IC), are not merely ex-military, but former members of elite units, usually in the special operations forces community (SOF).<sup>42</sup> In the United States that means former Rangers, Green Berets, Delta Force, and SEALs.<sup>43</sup> In the United Kingdom it means former Special Air Service (SAS),<sup>44</sup> former police officers from Scotland Yard's royalty protection squad (SO14), who specialize in close protection work, and members of the Special Boat Service (SBS), the Royal Navy equivalent of the SAS.<sup>45</sup>

Why SOF? Within the contracting world the type of individuals working as security contractors escorting convoys or providing static and roving protection of individuals and installations are far more likely to have a background in the combat arms sector, or policing at a minimum, if not special operations training and experience. In the role of security operator they are able to bring a lifetime of training and experience to a specific job.

Most of the actual security teams operating on the ground frequently are composed of former and retired senior NCOs, men in their 30s and early 40s. This level of experience contributes to a more relaxed environment that simplifies operations. Leaders trust their operators to ensure basic tasks have been performed as second nature, and that their staff is highly professional and disciplined. In contrast a young Army soldier or Marine, recently graduated from his or her basic training and specialty school is just that: young and inexperienced.

The typical SOF soldier is far more accustomed to interacting with foreign nationals than the average service member. Language skills and cultural appreciation are skills taught in their military training and carried over into the professional approach taken as a civilian specialist. Reconnaissance and tactical analysis of intelligence is a basic part of any special operations mission; within the conventional military, analysis is the realm of a limited few.

The security contractors working in a less isolated, localized environment have the opportunity to establish relationships with members of the community denied to the military locked up on a base. While lacking in a strategic or "big picture" view, in most instances that is unnecessary. They have more intimate knowledge of the issues that pertain to their small area of responsibility: protecting their clients and assets.

## **Disadvantages of relying on PMCs**

There are a number of concerns surrounding the use of PMCs, and these are discussed in more detail in section 4 below. Here we focus on some of the economic disadvantages from a U.S. governmental and corporate perspective, in employing private contract staff in Iraq. Arrangements for the provision of insurance, issues surrounding pay and the problem of retention of personnel in the armed services are three of the most problematic issues.



## Insurance

If an injury or death claim is related to a 'war-risk hazard', the U.S. War Hazards Compensation Act provides for government reimbursement to insurance carriers.<sup>46</sup> The definition of a war-risk hazard is limited and does not apply to most deaths in Iraq today. U.S. employers are required to provide limited insurance to all employees in war zones who are not from the host country, under the Defense Base Act. This excludes Iraqi employees. Such coverage is usually limited to \$4,000 a month in the event of death or disability.<sup>47</sup> Policies for additional coverage, which have risen in price, are often needed to attract workers to Iraq, with potential payments ranging from \$250,000 to more than \$1m.<sup>48</sup>

Firms are reluctant to reveal how much they are spending on security and insurance. It is estimated that for every \$100 in salary paid by the employer, around \$20 is spent on the life-insurance premium. In light of the worsening security situation, the insurance companies are forced to raise tariffs on a weekly basis.<sup>49</sup>

## Pay

Because such information is proprietary and has privacy implications PMCs and their parent companies usually do not make details available concerning their contracts, salaries, or number of employees. Given the obvious danger of working in a war zone where personnel are potential targets it seems reasonable that PMC personnel, especially those with highly sought after skills in short supply, can command high salaries. This was especially the case when PMCs first started operating in Iraq in the spring of 2003 but since then market forces have in many cases served to moderate salaries.

Michael Grunberg, spokesperson of recently closed Sandline International, put it this way:

*The market is bleeding out. Payments in Iraq exceed everything known so far. The best can get up to \$1,200 per diem. Small companies, like three people somewhere in an office in Washington, in need of some 250 trained former special forces and some 4,000 local support, have no chance. It's only a small reservoir of well trained former commandos world wide. People formerly earning \$400 to \$500 per diem from us, tell us today: "Sorry Comrade, but in Iraq I will earn \$1,000."*<sup>50</sup>

PMC personnel, especially those with highly sought after skills such as former SOF personnel, can still command high salaries. Some claim that they can earn more than £80,000 a year. Reportedly, companies are offering yearly salaries ranging from \$100,000 to nearly \$200,000 to entice senior SOF personnel to switch careers.<sup>51</sup> Members of the SAS can earn three times their pay when working for PMCs.<sup>52</sup>

Short-term, high-risk work can bring much higher rewards. It is claimed that security personnel working a seven-day contract in cities like Falluja can make \$1,000 a day.<sup>53</sup> Blackwater employees are said to have been paid up to \$2,000 a day, probably for a "three day special".<sup>54</sup> The Steele Foundation said it pays people willing to work in Iraq anywhere from \$10,000 to \$20,000 dollars a month.<sup>55</sup>

Mike Battles, co-founder of Custer Battles, downplays the level of pay: "I hear a lot of mistakes where people say, you know, a thousand dollars a day. That's not a thousand dollars a day the person is receiving. That's what someone is paying for that person, which includes insurance, equipment, travel and all of those types of things."<sup>56</sup>

The fact is that well trained former U.K. and U.S. special operations forces receive premium rates probably at most \$700 a day (less than \$50 an hour), but the Chileans, Poles, Fijians and South Africans are getting considerably less, but still the same proportional increase over what they would earn within their national armed forces. The attraction for PMC personnel is obvious says Duncan Bullivant, head of a small British firm Henderson Risk, which has around 40 employees operating in Iraq:

*Doing this kind of work for a year means some people have enough to retire on. Iraq is something of a goldmine at present. The profit margin is incredibly high, way in excess of the risk factor. I wouldn't give it more than another year at this level, the bubble will burst, but there's an immense drive to cash in while it lasts.<sup>57</sup>*

However, the financial rewards can be overplayed, especially since the downsides for PMC contractors can be considerable, including:

- Most companies enforce regular periods of unpaid mandatory leave out of country on their employees every few months for rest and recharge;
- The dangers are considerable, and the work frequently demands a high level of experience and training;
- Although it is for some tax-free, under U.S. law U.S. citizens are still liable to U.S. tax if they reside within the U.S. for more than one month in the year;
- Additional insurance and retirement contributions are the responsibility of individual contractors;

Thus, according to one insider:

*A typical PSC contractor earning \$500/day in Iraq might expect to work about 270 days in a year and gross \$135,000. If they remain outside the United States for the mandated tax minimum of 330 days and thus qualify for the first \$81,000 of income to be tax-free. They would still expect to pay some \$16,000 in federal income taxes, and \$9,000 in self-employment taxes on the remainder. More typical are those who will not qualify for the tax break since in these extremely high-risk jobs it is important seeing the family as often as possible - in case the worst happens. They can expect to pay over \$62,000 in total taxes, thus a net of about \$74,000 in this example.<sup>58</sup>*

### **A drain on the regular armed services?**

The lure of higher salaries is reportedly causing an exodus of the U.S. military's most seasoned members of Special Operation Forces (SOF) to higher-paying civilian security jobs in places like Baghdad and Kabul, just as the special forces are being asked to play an increasingly pivotal role in combating terror and helping to conduct nation-building operations worldwide.

Of course the same problem exists in many other areas of military specialism, such as information technology. Why work in the Army's tech operations when you can get a job at three times the remuneration in the private sector?

Reportedly, exhausted American and British special forces personnel are resigning in record numbers and taking highly-paid jobs as private security guards in Iraq and Afghanistan. Competition over elite troops from private companies is so intense that the U.S. Special Operations Command has formulated new pay, benefits, and educational

incentives to try to retain them. "Competition with the civilian world has never been greater," said Gen. Bryan "Doug" Brown, commander of the 49,000-strong U.S. Special Operations Command, in congressional testimony.<sup>59</sup>

Senior enlisted members of the Army Green Berets or Navy Seals with 20 years or more experience now earn about \$50,000 in base pay, and can retire with a \$23,000 pension. But private security companies, whose services are in growing demand in Iraq and Afghanistan, are offering salaries of \$100,000 to nearly \$200,000 a year to the most experienced of them.<sup>60</sup> But there is no guarantee beyond the contracted period and it is only paid when deployed, i.e., two on, one off – only paid in effect two-thirds of the annual sum.

Similarly, British officials say more than 300 soldiers have left the armed forces in six months to take up lucrative jobs with private companies such as Olive Security, Armour Security, Global and USDID.<sup>61</sup> In particular, the demand from PMCs operating in Iraq for former Special Air Service and Special Boat Service soldiers is such that between May 2003 and December 2004, between 40 and 60 men are expected to have sought premature voluntary release from the army and Royal Marines. In operational terms, this could mean that the equivalent of one entire Sabre squadron out of a total of six in the SAS and SBS is on its way to seek its fortune in the new Iraq.<sup>62</sup>

According to one British press report there are more ex-SAS soldiers acting as advisers for "private military companies" than currently serving in the elite, 300-man regiment based near Hereford. More than 40 regular SAS soldiers are understood to have applied to leave the Army in the last year, many because of the lure of short-term contracts in Iraq.<sup>63</sup>

To counter this, the British Army is offering soldiers' yearlong "sabbaticals" in an attempt to staunch the long-term damage being caused by troops leaving to take up private security work in Iraq. About 500 British soldiers a month are ending their military careers early. The Army, alarmed at the loss of some of its best men, has told soldiers that their jobs will be kept open for a year in the hope that they might consider returning.

It has been said by some observers that PMCs are also exhausting the supply of qualified short-term contractors willing to work in dangerous areas. Some are hired and return home within days alarmed at the hostile environment.

As an article in Fortune magazine noted, once the big PMCs started competing for contracts in Iraq the economics of the industry changed:

*They lured many of the firms' finest with what mercenaries respond to best: money. Standard wages for PSD (personal security detail) pros were previously running about \$ 300 a day, according to people who know this market. Once Blackwater started recruiting for its first big job, guarding Paul Bremer, the rate shot up to \$ 600 a day. Global Risk no longer had a lock on the market for Gurkhas, whose monthly wages rose from \$ 800 to as high as \$ 2,000 today.*

*The big firms didn't grab all the business by any means, but they squeezed the margins and exacerbated small firms' biggest problem: a shortage of people with management skills.*<sup>64</sup>

Largely lost in all the usual media blather about "supporting our boys" is the fact that the migration of active duty soldiers to the PMC sector reflects an obsolete military pay system, at least in the United States. As one former U.S. marine wrote:

*Paying civilians to play soldier makes no sense. Today the United States employs between 7,000 and 17,000 civilians in infantry roles. The pay is extraordinary, hovering between \$500 per day and \$1,000 per day for everything from site security (for government compounds throughout Iraq) to convoy/company security to personal security (for dignitaries). This money comes tax-free in a combat zone. There are four problems here: morale deflation, gross monetary waste, tactical confusion, and direct competition for a tiny talent pool.*

*Soldiers look at security contractors and think: Why the hell is he making eight times my salary for performing the same job? Is the military that pock-marked with overage and inefficiency? Using bottom-up cost-accounting, the military is essentially buying out its most experienced soldiers and luring them out of the active ranks (if Stop-Loss is ever lifted, that is) with rich contracts, even as it desperately seeks new recruits. Worse, it's paying introduction fees to private security companies like Dynacorps and Blackwater for the people it recruited in the first place. How in the world did this happen?*

*The answer may lie in the marginal recruit. Congress just passed legislation to increase the number of soldiers by 30,000. But the Army is just barely meeting its current recruiting goals. To attract these new hires, the Army will have to come up with a pay structure that lures the 30,000<sup>th</sup> recruit. The problem is, the military pay structure is so antiquated that if you pay one soldier more money, you pay all soldiers more money. So it's not a question of paying 30,000 recruits. It's a question of paying those 30,000, then upping the pay of the other 1.4 million active members and the other 1.1 million reservists. It's an expensive prospect, this reverse Dutch auction. Perhaps it's cheaper to shift 10,000 infantry jobs over to the privateers, jack up the pay of private contractors, and pay the brokerage fee to the company...*

*This is not to denigrate contractors themselves; they are experienced soldiers who have been there and done that. Which is precisely why we need to keep them in the Army. Less than one-tenth of 1 percent of the US population chooses to become an infantryman. It is a professional public expression of commitment rather than a job. This is a tiny talent pool. We need everyone who heeds the call to carry a rifle working toward a common goal, and the best way to do that is to keep these folks in the government.*

*How, then, should these elite infantrymen be compensated so that the United States' Armed Forces can attract and retain the best? By revamping the military pay structure. Today the 9-to-5 corporal disbursing pay on a base in Florida earns the same salary as the corporal working 20 hours a day in Iraq who is on his third deployment in three months. As for elite infantrymen, who are needed for special security in war zones, offer them the same pay structure we give today's contractors and then take a look at re-enlistment rates. They'll skyrocket. What's more, the military will pay no brokerage fees and will retain the flexibility to reassign these men as the battlefield shifts. The military needs an escalating, bonus-based pay system that coincides with performance and hardship, not rank and time-in-grade.<sup>65</sup>*

## **The key players**

Many of the civilian contractors doing logistical and reconstruction work in Iraq have hired a PMC to provide protection for their personnel. The following gives a flavor of the work of some of the PMCs operating in Iraq. A more comprehensive list of PMCs can be found in the Appendix.

Nobody knows for certain how many PMCs (and hence the number of personnel) are operating in Iraq. In response to a request from Congress the CPA did compile a report listing 60 PMCs with an aggregate total of 20,000 personnel.<sup>66</sup> That number included U.S. citizens, third-country nationals and Iraqis. But the CPA list is obviously incomplete, missing, for example, CACI and Titan personnel, both implicated in the Abu Ghraib prison scandal.<sup>67</sup> Most of the armed personnel are the 14,000 Iraqi guards who work the oil field contract for Erinys. Global Risk Strategies, said to be the largest PMC in Iraq, employs 1000-1200; Blackwater has about 600; SOC-SMG 300; Triple Canopy about 350; Control Risks Group 750; Olive 265; DynCorp 175.

As a result of the growth in demand for PMCs in Iraq that many former special operations forces personnel are planning on forming their own security firms. However, it seems likely that any proliferation of security firms will precede a period of consolidation as those companies that acquire profitability absorb those that fail.

PMCs are listed in the CPA report as providing three categories of services:

- personal security details for senior civilian officials;
- non-military site security (buildings and infrastructure); and
- non-military convoy security.

However, it should be noted that the CPA report only reflected a partial picture of the reality on the ground, which has continued to evolve since the publication of its May report.

The CPA report also made it clear that most PMCs do not work directly for the U.S. government. Instead, they work under subcontract to prime contractors providing employee protection, or are hired by other entities such as Iraqi companies or private foreign companies seeking business opportunities in Iraq. Of the 60 PMCs that the CPA identified as working in Iraq only eight have direct contracts with the CPA, for obligations currently totaling about \$147m: \$8.14m appropriated dollars and \$66.5m in funds from the Development Fund for Iraq.

PMC operations in Iraq tread the difficult line in providing protection in a manner that meets the intricate demands of corporate, military and government ethics, and come at significant cost. To date, at least 58 non-Iraqi PMC personnel (excluding those who worked as truck drivers and the like) have died. If one includes Iraqi PMC personnel the toll is much larger. The PMC firm Erinys alone has had about 21 killed and 26 wounded thus far.<sup>68</sup> Appendix 1 contains more details on PMC casualty figures.

Some of the key PMCs operating in Iraq, in alphabetical order, are as follows:

## **Aegis Defence Services (UK)**

In March, in a move to make the U.S. military presence less visible after the handover of sovereignty, the CPA offered a \$100m contract to protect the Green Zone, the four-square-mile headquarters area in Baghdad.<sup>69</sup> In May, a British firm called Aegis Defence Services won a contract reportedly valued at up to a maximum \$293m over the next three years (\$92m for the first year) to provide 75 teams of eight men to provide security on all major Iraqi government projects following the handover of sovereignty. If the full contract value is awarded it will be the fifth largest contract ever awarded by the CPA

and amounts to almost 3% of the CPA Program Management Office's entire Iraq reconstruction budget.<sup>70</sup>

The award of this contract strikes many observers as odd, as Aegis had no significant experience in Iraq, and an expertise largely limited to anti-piracy consulting. Its CEO, Tim Spicer, was involved in the 1997 Papua New Guinea affair, and the following year in the infamous 'Sandline Affair'. He left Sandline under a cloud, and then subsequently left the shell firm SCI (registered at a public relations office) with questions over legal registration and false claims of work done hanging over his head.<sup>71</sup> Spicer evidently just gave the minimum amount of information required under the contract process about his past.<sup>72</sup> Irish-Americans are actively campaigning against the contract because of Spicer's role as commanding officer of the Scots Guards in Belfast in 1992, when two of his soldiers shot dead 18-year-old Peter McBride.<sup>73</sup>

And, in what is apparently a case of life imitating art, it turns out that a shareholder of Aegis is Frederick Forsyth, who wrote the classic mercenary novel, *Dogs of War*. He owns (414 shares), giving him 3.1% ownership of the company.<sup>74</sup>

The award to Aegis was challenged by Dyncorp, which filed two formal protests.<sup>75</sup> The CPA Inspector General also is investigating the award.<sup>76</sup> Whether Aegis will end up with the contract as originally awarded is unknown.

## **AirScan Inc. (US)**

The Coalition Provisional Authority awarded a \$10m contract to the Florida-based AirScan Inc. for aerial surveillance of the pipelines in support of Erinys. AirScan will provide night air surveillance of the pipeline and oil infrastructure, using low-light television cameras. Under terms of the lease the Iraqi government has the right to buy the equipment after two years and will then use Iraqi pilots.<sup>77</sup>

## **AKE (UK)**

CNN uses a company called AKE, a British security firm with its roots in the SAS. Certainly, with CNN's high-profile correspondents and camera equipment ripe for pillaging, it is not hard to understand why they would seek efficient security.

## **ArmorGroup (UK)**

British-owned company, ArmorGroup has an £876,000 contract to supply 20 security guards for the Foreign Office. That figure rose by 50 per cent in July. The firm also employs about 500 Gurkhas to guard executives with the U.S. firms Bechtel and Kellogg Brown & Root.<sup>78</sup> KBR alone has 24,000 employees there and flies another 500 out of Houston every week.<sup>79</sup>

ArmorGroup recently announced the appointment of former Conservative foreign and defence secretary Sir Malcolm Rifkind as its chairman. Sir Malcolm is now the prospective parliamentary candidate for Michael Portillo's safe Tory seat of Kensington and Chelsea.<sup>80</sup>

## **Blackwater (US)**

Former Navy SEAL Gary Jackson founded Blackwater. Two years ago it signed a \$35.7m contract with the Pentagon to train more than 10,000 soldiers in force protection at its 6,000-acre training range in Moyock, North Carolina.<sup>81</sup>

In Iraq, Blackwater personnel guarded L. Paul Bremer, the head of the CPA, among other duties. In August 2003, Blackwater was awarded a \$21m no-bid contract to supply security guards and two helicopters for Bremer.<sup>82</sup> It now assists in providing security for U.S. Ambassador to Iraq John Negroponte. The killing and mutilation of four Blackwater employees in Falluja at the end of March was an extraordinarily high-profile event, causing the U.S. marines to launch a siege of the city for about a month.<sup>83</sup>

Blackwater has also, on at least one occasion, performed above and beyond the call of duty or contract. In April an attack by hundreds of Iraqi militia members on the U.S. government's headquarters in Najaf was repulsed not by the U.S. military, but by eight Blackwater commandos. Before U.S. reinforcements could arrive Blackwater Security Consulting sent in its own helicopters amid an intense firefight to re-supply its commandos with ammunition and to ferry out a wounded Marine.<sup>84</sup>

That same night, Hart Group, Control Risks and Triple Canopy were all involved in pitched battles. In one, at the city of Kut, the Ukrainian army retreated from its position and left CPA administrators in the facility. Personnel from Triple Canopy fought to secure those civilian individuals for over three days until ammunition shortage forced a risky retreat by road to the Kut airfield, where Kellog, Brown, and Root evacuated all individuals.<sup>85</sup> But another group of PMC personnel, from Hart, who were protecting workers nearby was surrounded. Abandoned by nearby Coalition forces the firm's employees had to leave one of their comrades dead on a rooftop on which he and four colleagues had been fighting after their house had been captured.<sup>86</sup>

## **Control Risks Group (UK)**

The U.K. government's largest contract with Control Risks Group, has reportedly earned the company £23.5m.<sup>87</sup> It has won the contract to distribute the new Iraqi currency when it is issued, a job it also carried out last year in Afghanistan.<sup>88</sup> Its proposal to use former Fijian soldiers to do so has been attacked as improper by human rights groups.<sup>89</sup>

Control Risks Group was also on the ground early, and was used by the Office of Reconstruction and Humanitarian Assistance (ORHA), the now-disbanded body established by the United States in the war's immediate aftermath, to plan and direct its entry into Iraq. The company says ORHA's successor agency, the CPA, as well as a wide range of other agencies including the U.S. Department of Defense, USAID, and the UN similarly employ it.

Control's CEO, Richard Fenning, wrote in a letter to *The Guardian* newspaper that:

*Our role is not to act as a substitute for the military or to be an adjunct to the campaign. Rather, it is to provide reconstruction agencies and those companies involved in the rebuilding process with on the ground risk assessment and security support to enable them to work as safely and effectively as possible in difficult circumstances. This is not the "privatisation of war", but an established private-sector activity in many parts of the world: Iraq is different only for the scale and complexity of the assignment.<sup>90</sup>*

## **Custer Battles (US)**

Custer Battles is a very new company. Prior to its work in Iraq it had been in existence for only nine months. Its first assignment involved guarding Baghdad's airport.<sup>91</sup> In winning that contract it beat more experienced companies such as Dyncorp and Armor Group, primarily by promising to have 138 guards on the ground within two weeks, faster than the others.<sup>92</sup>

Custer reportedly hired former Polish GROM commandos to help. GROM personnel deployed with U.S. and British forces during the main combat operations of the war. London-based Global Risk Strategies Ltd later won the airport contract.

Custer Battles also recruits Fijians. The company has been threatened with \$50,000 in penalties by the Fijian government if it, through a new subsidiary Custer Battles Fiji,<sup>93</sup> hires 250 local former soldiers without complying with regulations in regards to overseas employment.<sup>94</sup> Reportedly Custer is offering up to \$390 a day for three-month contracts.<sup>95</sup> In an example of the fierce rivalry between firms three former army officers who were with Global Risk Strategies are leading the recruitment drive.<sup>96</sup>

Custer provides security for Fluor Inc., CH2M Hill Cos., Washington Group International and the Berger Group.<sup>97</sup> Custer also reportedly offered to help the UN secure its headquarters in Baghdad after the war, more than three months before the August 2003 truck bombing of its headquarters there that destroyed the building and killed 23 people, including Sergio Viera de Mello, the top UN diplomat in Iraq.<sup>98</sup> Reports the following year suggest that the UN intends to hire "a top tier security firm" to provide services for its global operations following a highly critical report that blamed "dysfunctional" UN security for unnecessary casualties in that bombing. A request for security firms to express their interest in competing for the contract lists a wide-range of specialized services ranging from security assessments and crisis management planning to personal protection services for VIPs and consultations on kidnapping.<sup>99</sup> The UN has since withdrawn the request.

## **Dyncorp (US)**

DynCorp International, a unit of Computer Sciences Corporation (CSC), has been prominent for its hiring of police officers in the United States to train police recruits in Iraq.<sup>100</sup> DynCorp was awarded a one-year contract in a limited competition against SAIC worth up to \$50m in April 2003 from the U.S. State Department to support law enforcement functions in Iraq.<sup>101</sup> SAIC has since been brought in by DynCorp to cooperate in the contract delivery.<sup>102</sup> It involves up to 1,000 civilian technical advisors with ten years of domestic law enforcement, corrections and judicial experience, including at least two years in specialized areas, to help the government of Iraq organize effective civilian law enforcement, judicial and correctional agencies. Advisors will work with Iraqi criminal justice organizations at the national, provincial and municipal levels to assess threats to public order and mentor personnel at all levels of the Iraqi legal apparatus.<sup>103</sup> They will also be training 32,000 Iraqi recruits at a rebuilt military base at Muwaqqar in neighboring Jordan.<sup>104</sup> It pays \$75,000 to \$153,600 to those it has hired on year-long contracts.<sup>105</sup>

In February 2004, CSC won a State Department contract for civilian police services worth about \$1,750 m over five years. If all options are exercised DynCorp will compete for task orders under the contract. The CSC contract is one of three planned contracts



that will be awarded under the State Department's \$6,000m Civilian Police Program. CSC will recruit up to 2,000 experienced American law enforcement specialists to serve in civilian policing missions overseas.<sup>106</sup>

DynCorp achieved notoriety when its personnel gave CNN journalist Tucker Carlson an AK-47 when escorting him, and commandeered an Iraqi gas station.<sup>107</sup> In a separate incident, eight DynCorp personnel accompanied Iraqi police who raided the Baghdad home and offices of former U.S.-favored Iraqi politician Ahmed Chalabi on May 20. Their participation in a raid the U.S. Government has insisted it did not order is thus far unexplained.<sup>108</sup>

Another DynCorp contractor, talking about his work in Iraq, was quoted this way in a news report:

*He knows some tactics can anger Iraqis. The convoys barrel through this city's chaotic traffic creating their own right of way. In a traffic jam, security contractors may hop out of the vehicles and order Iraqis out of the way or hold up all traffic at a busy intersections and traffic circles to let their vehicles pass. They simply can't afford to be a sitting target for someone with an assault rifle, bomb or rocket-propelled grenade.*

*Most of the times I've been with the security teams on the ground, they behave very professionally and without really antagonizing the locals. However, the driving is a whole different story. We cruise through the streets fast and furious and without much regard for the locals. That would piss me off, and I imagine it does the Iraqis too.<sup>109</sup>*

An eyewitness account from the actor Sean Penn, in describing a trip he made to Baghdad, demonstrates how hyperbolic the discussion of PMCs can be:

*As the rifle concussion vibrates through my head, so does the name DynCorp. I've since done a little research, and here's what I found: DynCorp is a ubiquitous presence in Baghdad. A PMC, or private military corporation, DynCorp was started in the late '40s and given a big recruiting boost by the post-Church Commission firings of thousands of CIA operatives by President Carter in the late '70s.*

*PMCs, and there are many of them, tend to be staffed and directed by retired generals, CIA officers, counterterrorism professionals, retired Special Air Service men, Special Forces guys and so on. DynCorp is a subsidiary of the benignly named Computer Sciences Corp. DynCorp forces are mercenaries. Their contracts have included covert actions for the CIA in Colombia, Peru, Kosovo, Albania and Afghanistan.<sup>110</sup>*

None of DynCorp's contracts have been covert. All the activities that Penn cites were widely covered in the media.

## **Erinys (SA)**

In August 2003 the CPA awarded one of the largest security contracts worth \$100m, to defend vulnerable oil sites and pipelines in Iraq, to a little-known small Johannesburg-based company called Erinys. The company is headed by a South African, Sean Cleary, a former senior official in pre-independence Namibia and a senior political adviser to the

Angolan rebel leader Jonas Savimbi. He was one of the most vocal opponents of Executive Outcomes, the former South African based PMC that had fought against Savimbi on behalf of the Angolan government.<sup>111</sup>

Erinys is barely a year old, and although its website names five managers and directors, most of whom have been affiliated with Armor Holdings,<sup>112</sup> a Florida-based security company, its ownership structure remains opaque.<sup>113</sup>

Erinys Irak, an affiliate of Erinys International, landed the Iraq contract. The award was originally worth some \$40m and subsequent negotiations raised its value to over \$100m. The contract calls for an audit of the security requirements of each oil region, and the vetting, training and hiring of the estimated 14,000 Iraqi guards needed to do the job.<sup>114</sup> Erinys' Iraqi partners and many of its recruits are close to associates of Ahmad Chalabi and Faisal Daghistani, leaders within the Iraqi National Congress (INC).<sup>115</sup>

Erinys teamed up with Rubicon International, a mid-sized British company that will handle its U.K. recruitment and administration.<sup>116</sup>

Larger competitors, however, question whether Erinys has the infrastructural size and financial reserves to handle the contract. Though given that the CPA has extended the scope of their contract they seem to be handling it well enough.

#### **ERINYS EMPLOYMENT CONTRACT**

All employees of Erinys Iraq Ltd are required to sign the following declaration as a condition of their employment with Erinys Iraq Limited

Erinys Iraq Limited reserves the right to submit the names of employees, or prospective employees, to the appropriate government agencies of the employee's country of residence or citizenship, for the purpose of vetting to determine the suitability of that person for employment or prospective employment with Erinys Iraq Limited

#### **DECLARATION**

I \_\_\_\_\_ HEREBY DECLARE:

1. That I am not a serving member of the armed forces, police service or any other government agency or office of my country of residence and/or citizenship and that I am free to take up employment with Erinys Iraq Ltd.

2. That I have not been convicted of a criminal offence, in person or absentia, in the country of my residence or citizenship or any other country recognised as having an independent judiciary by the International Court of Human Rights in the Hague, Netherlands.

For citizens or residents of the Republic of South Africa

1. That I have not been convicted of any offence, in person or absentia, under the Regulation of Foreign Military Assistance Act, 1988

2. That I am not subject to any restrictions to my employment by a private company as a security manager, consultant or officer, or any related security appointment or title by virtue of my having been granted immunity from prosecution by the Truth and Reconciliation Commission in person or absentia.

For citizens or residents of the United States of America

1. That I have not been convicted of any offence, in person or absentia, under the Lautenberg Amendment 5 USC Section 922 (g) (9) which pertains to the charge of a Misdemeanour Crime of Domestic Violence	
•Certified by the declaring person as a true and accurate statement	
Signed.....	Date.....
Witness.....	Date.....

Involving so many Iraqis in the Erinys contract brings with it a unique security challenge, with the threat that insurgents may use the training or information acquired.<sup>117</sup>

As of early June 2004 nine Iraqis and three expatriates working for Erinys have been killed.<sup>118</sup> And despite the deployment of over 14,000 men the 7,000-km pipeline network is thus far proving a magnet for saboteurs eager to disrupt the economic lifeline of the interim authority and undermine any remaining legitimacy enjoyed by the U.S.-led coalition and the Iraqi government.<sup>119</sup>

Erinys has been negotiating a six-month extension to its contract. But Iraqi officials have expressed misgivings about its ability to protect the installations, particularly the pipelines from the northern Kirkuk fields, where attacks have all but choked off exports via Turkey.<sup>120</sup>

**Global Risk Strategies (UK)**

The UK’s largest private security firm in Iraq, Global Risk Strategies, is helping the coalition provisional authority and the Iraqi administration to draft new regulations. It has between 1,000 and 2,000 personnel, including 500 Gurkhas, operating in Iraq.<sup>121</sup>

Around 300 former Fijian soldiers plan to sue Global Risk in a class action lawsuit for failing to pay them the lucrative salaries they were promised.<sup>122</sup> 408 Fijians were also recruited to protect UN offices, VIPs and oilfields.<sup>123</sup> It was reported “Global need only pay around £35 a day to its 1,300 force of otherwise unemployed Fijians and Gurkhas.”<sup>124</sup> Fijians may still have earned enough to send \$7m back home to their families in the first year of operations.

Global Risk has reportedly won from Custer Battles the protection contract for the Ministry of Transport.<sup>125</sup> It is recruiting Fijians through its subsidiary Global Risk Strategies Fiji.

**Kroll (US)**

Kroll Inc., the U.S. corporate security firm, has secured a contract with USAID. It hired Aldwin Wight, a former head of Britain’s elite Special Air Service regiment, to take charge of its operations in Iraq.<sup>126</sup> Alastair Morrison, the founder of one of the earliest PMCs, Defence Systems Ltd., in 1981 and previously associated with Armor Holdings, is now head of Kroll’s security division. Marsh & McLennan, a huge insurance broker, bought Kroll in July for \$1,900m.<sup>127</sup>

## **Meteoric Tactical Solutions (SA)**

The South African-owned firm, Meteoric Tactical Solutions (MTS), has a £270,000 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.<sup>128</sup> MTS is based in Pretoria and run by former members of South African Special Forces. Meteoric, also landed a big contract to train a private Iraqi security force to guard government buildings and other important sites formerly protected by U.S. soldiers.<sup>129</sup>

To prevent future legal proceedings in South Africa under its anti-mercenary law, Meteoric and other South African security companies submitted an authorization request at the ad-hoc ministerial committee. But they never received a response.<sup>130</sup>

It was reported that some of those accused of planning an alleged coup in March 2004 in Equatorial Guinea also worked for Meteoric. Two of the firm's owners were arrested in Zimbabwe in March, accused of attempting to buy weapons for a coup plot.<sup>131</sup>

## **MPRI (US)**

MPRI, a unit of L-3 Communications, has been training U.S. active duty military soldiers on a course in Kuwait, on how to run convoys on supply routes, where U.S. troops are most vulnerable to ambushes, roadside bombs, land mines and accidents.<sup>132</sup> MPRI also supported the Coalition Provisional Authority (CPA) with staff and technical support and provided training support to the New Iraqi Army Training Program.<sup>133</sup>

MPRI also has the distinction of being the firm that literally wrote the book on rules for contractors on the battlefield. Under contract to the U.S. Army's Training and Doctrine Command (TRADOC) it produced the latest version of Field Manual 100-21, titled *Contractors on the Battlefield*.<sup>134</sup> This was officially published January 3, 2003, shortly before the U.S. invaded Iraq.<sup>135</sup>

The manual "established a doctrinal basis directed toward acquiring and managing contractors as an additional resource in support of the full range of military operations," according to the company's Web site.

## **Pilgrims Security Ltd. (SEYCHELLES)**

Pilgrims Security Ltd., based in the Seychelles, provides security for many Western news media outlets.<sup>136</sup> Pilgrims was founded by Roy Fonseka a former instructor at the Special Air Service (SAS). In April, four Italian civilians working for security companies in Iraq (one for Pilgrims) were kidnapped, and one was later executed.<sup>137</sup>

## **Science Applications International Corp (SAIC) (US)**

Since the war began, SAIC has been awarded contracts to reshape the oil industry, rebuild the prison system, advise on democracy, act as liaison with the United Nations and analyze intelligence. SAIC even launched and ran Iraq's first post-Saddam television network, although that task – under an \$82m contract headed by the Pentagon's psychological warfare division – ended last December amid complaints that the network was mainly a propaganda tool for the occupying forces.<sup>138</sup>

## **SSA Marine (UK)**

SSA Marine was awarded a USAID-approved six-month sub-contract last year, starting October 15, 2003, subsequently extended until June 30, 2004, for security at the port of Umm Qasr in Iraq. Olive Security, a U.K.-based company provided a team of 40 veterans from the Brigade of Gurkhas at the facility.<sup>139</sup>

## **Steele Foundation (US)**

The Steele Foundation has provided protection for construction firms. Two of its agents died in January fighting during an attack by guerillas against a convoy. In another incident, three of its agents were wounded in an attempted ambush of one of their clients, a construction consultant.<sup>140</sup> Steele employs around 500 agents in Iraq, about one-third Westerners and the rest Iraqis.<sup>141</sup>

## **Titan (US)**

Titan has had a contract with U.S. Army Intelligence and Security Command since 1990 to provide translators.<sup>142</sup> In its 2003 annual report, Titan listed its translator services as its single biggest source of income, accounting for 10.3 percent of its \$1,800m revenue.<sup>143</sup> The company is supplying 4,200 linguists to the Army under its current contract.

Titan is providing translators in a contract worth \$402m to support both reconstruction efforts and military interrogation in Iraq (as recently revealed in the scandal over torture and inhumane treatment of Iraqi prisoners).<sup>144</sup>

Titan is being challenged by Northrop Grumman Corp. and L-3 Communications Holdings. In June, the U.S. Army Intelligence and Security Command was deciding its next five-year worldwide translation contract, worth up to \$2,500m.<sup>145</sup> But that process was cancelled in July after a small business protested that the Army's procurement criteria unfairly excluded small businesses. The existing contract is scheduled to end September 30.

Titan was involved in the DoD's scandal over inadequate systems for documenting its billing of the Pentagon for labor costs, and for tracking the work of non-American consultants. The Defense Contract Audit Agency threatened to withhold \$4.9m in fees until it fixed accounting deficiencies.<sup>146</sup>

In June 2004 Titan announced a reduction in its charges of \$937,000 for over billing, and withdrew its demand for \$178,000 towards costs submitted for "the Titan employee and the subcontractor employee named in connection with potential abuses" at Iraq's Abu Ghraib prison.<sup>147</sup>

## **Vinnell (US)**

Vinnell, owned by Northrop-Grumman, is technically in charge of training the new Iraqi Army, having long done the same in Saudi Arabia. Vinnell won a one-year contract to train nine battalions of 1,000 men each for the new Iraqi army, with an option to train all 27 battalions if it performed well. Its contract is worth \$48m. But by the end of 2003 Vinnell was viewed as having performed badly, even though Vinnell had been paid \$24m

and had subcontracted some of that work to other American PMCs. The CPA decided to use the Jordanian military to train Iraqi officers and other PMCs to train Iraqi non-commissioned officers (NCOs).<sup>148</sup>

For several reasons the number of police officers and soldiers trained has been far below expectations. One year after the first training contracts were issued, the Iraqi army has only 6,700 troops and fewer than half of them have received training. The first real sign of trouble came in December 2003, when more than half of Vinnell's first battalion deserted. Some of the remaining soldiers had not mastered such basic skills as marching in formation or responding correctly to radio calls.<sup>149</sup>

Vinnell's subcontractors are MPRI, SAIC, Eagle Group International, Omega Training Group, and Worldwide Language Resources.<sup>150</sup>

### **Worldwide Language Resources Inc. (US)**

Worldwide Language Resources Inc. provides translation services. It has been reported to have around 500 translators overseas, mostly in Iraq and Afghanistan.<sup>151</sup>

# 4. Issues of concern around PMCs

## Political Connections

### Leadership

Political connections are important to PMCs when landing contracts. *Diligence LLC* is not an unusual example. It first set up shop in Baghdad last July to provide security for reconstruction projects.<sup>152</sup> In December, it established a new subsidiary, Diligence Middle East, and expanded its services to include screening, vetting and training of local hires, and the provision of daily intelligence briefs for its corporate clients.<sup>153</sup> One of its co-chairman is Joe Allbaugh, President Bush's campaign manager in 2000. In late 2003 Diligence sold a 40 percent stake in its new subsidiary to Mohammed Al-Sagar, a wealthy Kuwaiti who also runs the foreign-relations committee of Kuwait's parliament.<sup>154</sup> In April 2004, it quietly announced it had formed a joint venture with New Bridge Strategies,<sup>155</sup> a consulting company headed by Joe Allbaugh and Republican lobbyist Ed Rogers, which was established in 2003 to advise companies on business deals in postwar Iraq.

William Webster, the only man to head both the CIA and the FBI, founded Diligence. Mike Baker, its CEO, spent 14 years at the CIA as a covert field operations officer specializing in counter-terrorism and counterinsurgency operations. Whitley Bruner, its chief operating officer in Baghdad, was once the CIA station chief in Iraq. Shortly before the U.S. invasion, he directed a covert operation for the Bush administration to convince high-ranking generals loyal to Saddam Hussein to cooperate with U.S. forces. Although that management team sounds formidable, it is the Diligence directors and advisers who are the real power in the firm.

Richard Burt, the chairman, is the former U.S. ambassador to Germany and a key adviser to the Carlyle Group, the Washington private equity fund with a string of former senior officials and for whom the first President George Bush has worked for the past seven years. Ed Rogers, Diligence's Vice Chairman, was one of Bush's top assistants when he was President. Among Diligence's senior advisers are John Major, the former British prime minister and chairman of Carlyle Europe; Ed Mathias, Carlyle's managing director; and Lord Charles Powell, a former foreign policy adviser to Margaret Thatcher.

Two other examples are the *Steele Foundation* and *CACI*. In April 2004, the Steele Foundation announced that retired U.S. Ambassador Robert Frowick had joined its Executive Advisory Board as an Executive Director. Prior to joining The Steele Foundation Ambassador Frowick was a career diplomat appointed to numerous Ambassadorships under four different U.S. Presidents.<sup>156</sup>

CACI, now known for its involvement in the Iraq torture and abuse scandal, is linked to U.S. Deputy Secretary of State Richard Armitage. He was elected a CACI director in 1999, when Armitage was a member of the Pentagon's Defense Policy Board and president of Armitage Associates, a consulting firm with a long list of powerful clients that included Boeing, Unocal, Texaco, Goldman Sachs and the Brown & Root subsidiary of Halliburton.<sup>157</sup> And, in an interesting example of close relations between some PMCs, CACI's board of directors includes Carl Vuono and Ronald Griffith, retired generals, who are the president and executive vice president, respectively of *MPRI*, which is helping to train and equip the new Iraqi Army.<sup>158</sup>

## Political donations and lobbying

PMCs extensively use political campaign donations and employ lobbyists to influence government officials. In 2001, the ten leading private military firms spent more than \$32m on lobbying, while they invested more than \$12m in political campaign donations.<sup>159</sup>

Among the leading donors were Halliburton, which gave more than \$700,000 from 1999 to 2002 (95 percent to Republicans), and DynCorp, which gave more than \$500,000 (72 percent to Republicans).<sup>160</sup>

Blackwater hired the Alexander Strategy Group to help shape the company's public response after four employees were murdered by a mob in Falluja in March.<sup>161</sup> The Alexander Group is closely connected to House Majority Leader Tom DeLay; its chairman is Ed Buckingham, his former chief of staff has also recruited Tony Rudy and Karl Gallant from his team.<sup>162</sup>

Similarly, CACI turned to a high-powered group of Washington lobbyists to help it deal with an investigation by the General Services Administration into whether the company violated federal contracting rules, which could have led to it being banned from future government work. The Clark & Weinstock lobby shop includes former representatives Vin Weber (R-MN) and Vic Fazio (D-CA); David Berteau, director of national security studies at Syracuse University; Edward Kutler, an aide to then-House Speaker Newt Gingrich (R-GA); and Sandra K. Stuart, assistant secretary of defense for legislative affairs in the Clinton administration.<sup>163</sup>

Both CACI and Titan, also involved in the Iraqi torture scandal, have made political donations that favored the Republican Party. Titan has contributed \$244,350 to Republicans since January 2003, more than seven times the \$32,209 it gave to Democrats. Between 1999 and 2002, the company spent more than \$268,000 on Republicans, again a 7-1 ratio relative to contributions to Democrats.

## Control and accountability

*The use of logistics contractors is not really a panacea that excuses the government from effective oversight and management responsibilities of a particular crisis or policy problem. Essentially, we can't let ourselves be tempted to treat a contractor-based project or program as a fire and forget program where we say here, you got it, send us a postcard telling us how you're doing and we launch off and busy ourselves with some higher priority activity elsewhere. We really have to remember on the U.S. Government side that we've got to stay engaged with those contractors and actively manage and work with those contractors because essentially, in many cases, those contractors are the only people on the ground really representing the U.S. Government and U.S. Government policy.*

Theresa Whelan, Deputy Assistant Secretary of Defense for African Affairs, Remarks to International Peace Operations Association Dinner, Washington, D.C., November 19, 2003

PMC contracts above \$50m entered into by the U.S. government have to be reported to Congress. Companies must comply with a set of arms transfer and services rules called the US International Traffic in Arms Regulations and the Pentagon can cancel a contract if it is not fulfilled.<sup>164</sup>



Accountability has been enough of a concern that members of Congress sent a letter, initiated by Sen. Jack Reed, D-R.I., to Defense Secretary Rumsfeld saying that security companies need to be properly screened and must operate within guidelines set up by the U.S. government.<sup>165</sup> The CPA had sought early on to set minimum standards in Iraq for PMCs.<sup>166</sup>

A CPA rule spells out circumstances under which security firms can use deadly force, including self-defense, the defense of people or property specified in their contracts, and the defense of civilians. It gives PMCs the right to detain civilians and to use deadly force in defense of themselves or their clients.<sup>167</sup> Mandatory guidelines will also apply to their operations in the future, and companies will need the appropriate authorization from the Iraqi interior ministry. To get this, they will have to show a record of operating in similar situations.<sup>168</sup>

## **Renewed efforts to regulate PMCs in Iraq**

Regulation is expected soon from the Iraqi Ministries of Interior and Trade to vet and register PMCs.<sup>169</sup>

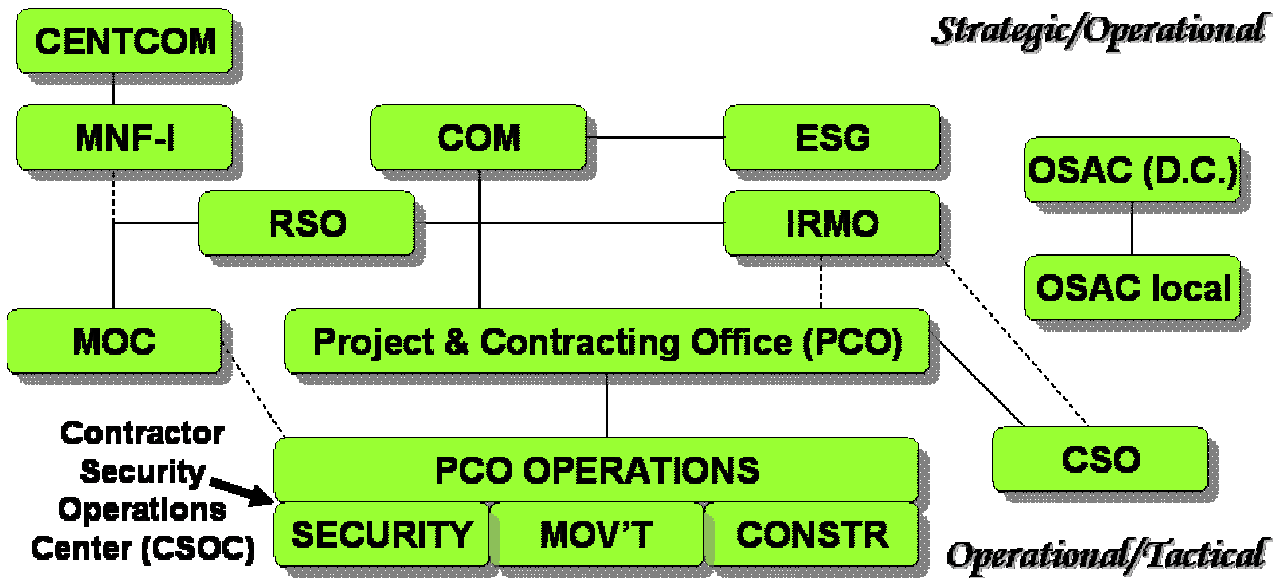
In addition, a draft June 30, 2004 Interagency Policy Memorandum, "Contractor Security in Iraq," prepared by Deputy Secretary of State Richard Armitage and Deputy Secretary of Defense Paul Wolfowitz proposed guidance for all U.S. Government contractors working in Iraq and for USG offices supporting and coordinating those contractors.<sup>170</sup> It is intended to "provide an initial blueprint for eventual adoption of common contractor coordination and security rules for all nations providing contractors for the reconstruction of Iraq."

Certification will include evidence of the following:

- training
- compliance with weapons policies
- getting appropriate licenses, permits, etc
- bonding, if applicable
- evidence of not having felons, etc
- capability to coordinate on proper radio channels, etc
- visas, work permits as required

The following diagram is from the above-mentioned Policy Memorandum. It illustrates the relationship between all US Government (USG) contractors working in Iraq and USG offices supporting and coordinating those contractors.

Diagram Of Relationships



Function	Owner
Policy	IRMO
Admin/Certification/Database	CSO (Contracting Support Office)
Tactical Operations Track/Assist	CSOC (Contractor Security Operations Center)
Industry/Contractor Interface	OSAC (Overseas Security Advisory Council) local
Executive Oversight	ESG (Executive Steering Group)

Some in the PMC industry greet this new guidance with a cautious enthusiasm, though they believe the regulatory organizations involved lack the necessary coordination ability required for a task of this importance.

### The application of U.S. military rules of engagement

At present the Defense Department lacks standardized rules for most issues involving private contractors accompanying U.S. forces in Iraq, including whether they may carry arms.<sup>171</sup>

However, the U.S. military has compiled an extensive list of service and departmental regulations, doctrine, and field manuals to govern contractors' behavior on the battlefield.<sup>172</sup> These rules of engagement (ROE) apply to security contractors and coalition forces military personnel alike. It is common for newly recruited PMC personnel to be handed a complete copy of the ROE set forth by the theatre commander and prepared by the regional judge advocate general (JAG) office, which the employee has to study and sign. They are often also briefed on any changes or updates to the ROE and during each operations order and convoy brief the convoy leader or team leader reviews the ROE.

One proposed provision to a Defense Department regulation requires deployed contractors to follow combatant commanders orders as long as those actions do not require the contractor employee to engage in armed conflict with an enemy force.<sup>173</sup> Those orders supersede any existing contract terms or directions from a contracting officer.<sup>174</sup> The draft regulation also bans contract personnel from carrying privately owned weapons unless authorized by a military commander, and from wearing military uniforms. The policy allows the combatant commander to issue weapons and ammunition to contractor employees.<sup>175</sup> Barring any major changes, officials hope to have an approved document by October 2004.<sup>176</sup>

While further regulation of PMCs is to be welcomed, this particular effort has several consequences for PMCs, most notably:<sup>177</sup>

1. It is unclear what risks a contractor must accept. For example, will contractors be required to obtain waivers of rights under the Defence Base Act and the War Hazards Compensation Act?
2. Military commanders can issue instructions to contractors without reference to the Contracting Officer. Contractors will be keen to ensure that they are adequately compensated for any consequences.
3. The contractor takes full responsibility for support operations, and for the evacuation of its personnel, dead or alive.
4. Facilities for the enforcement of the regulation are still unclear.

The rule is expected to resemble regulations intended to govern future contractor deployments and answer lingering questions on their role on the battlefield, completed in November 2003 by the US Army. Titled "Army Contractors Accompanying the Force," the guidebook consolidated several existing policies on the management of contractor personnel and establishes template contract language to foster consistency and completeness in Army contracts.<sup>178</sup>

The Army has always been a step ahead in crafting such regulations because its troops are increasingly reliant on private companies for logistical and technical support. Other requirements of the new regulations insist that contractors and contractor personnel:

- Be familiar with host nation laws, international treaties and licensing requirements.
- Comply with combatant commanders orders relating to military operations, force protection and health and safety; and replace any personnel who fail to comply with these provisions.
- Submit information on contractor employees for entry into military databases.
- Make sure all required security and background checks are completed.
- Meet all medical screening and requirements.
- Have a plan for replacing employees no longer available for work in the war zone for any reason, including injury or death.<sup>179</sup>

## Congressional oversight

The U.S. Congress, as part of its annual military authorization bill, is directing the Pentagon to develop new management guidelines for defense contractors in Iraq and to provide a report on their activities.<sup>180</sup> The House version of the Bill for the 2005 defense budget would require Rumsfeld within 30 days to implement a process for collection of information on contractors providing security services in Iraq. He would have 90 days to issue rules on managing contractors.

The Senate version also required the Defense Department to supply information on contractors.<sup>181</sup> Two amendments have been proposed. One prescribes new limitations so that contractors could only be used if DoD military or civilian personnel “cannot reasonably be made available to perform the functions.” Among other activities, those functions include supervising contractor performance and performing all inherently government related functions. The other amendment would prohibit the use of contractors in interrogation of prisoners and for use in combat missions.

The U.S. Congress thus far seems ambivalent to the amendments. On June 16, 2004 the Senate defeated the attempt to ban private contractors in military interrogations. The plan to bar private interrogators within 90 days and translators within a year was rejected on a 54-43 vote; the tougher criminal penalties, of as much as 20 years, were defeated 52-46.<sup>182</sup>

## British parliamentary oversight

In Britain, the Commons’ Defence Committee is to investigate the role of PMCs in Iraq and their use by the British government to support military operations.<sup>183</sup>

There are those within the PMC industry itself that share many of the concerns over accountability. According to David Claridge, managing director of the British company Janusian Security, “Most of the serious players are quite supportive of bringing in some degree of regulation. It is traditionally globally an unregulated industry except with a few exceptions. Iraq is forcing the industry to grow up and consider how the industry should be regulated.”<sup>184</sup>

It seems highly unlikely that PMCs will face any ban on their activities. Consider the following letter sent in May 2003 from the British MoD to the Defence Committee:<sup>185</sup>

*We agree that there would be some value in a central list of Government contracts with PMCs but currently we cannot produce a list that would be of real value to ourselves or to the Committee... The MoD lets contracts with reputable private companies to support a wide variety of military commitments both in the UK and overseas. Such contracts range from maintenance of equipment and accommodation, to logistic support such as transport of people and equipment. The fact that an office building is owned by the MoD, or that the equipment spare parts being carried relate to military equipment does not necessarily make the contractor a private military company.*

*What we can say is that we have no contracts with companies that supply mercenaries or associated military services involving the provision of armed personnel to parties involved in armed conflict. Also, if the UK has agreed to contribute to UN or other international military operations, the MoD does not consider it appropriate subsequently to contract with private companies for the provision of the requested military capability... The MoD does, however, see the utility in reputable*

*private companies offering their services directly to the UN or other nations for the provision of services such as logistic support or training. For this reason we agree with the Committee that an outright ban on PMCs would be counterproductive.*<sup>186</sup>

It is worth noting that the British government has less natural enthusiasm for PMCs than the U.S. government. The pressure for public regulation is growing, partly because the PMCs themselves have failed to agree on voluntary codes of conduct.<sup>187</sup> Jack Straw, the British Foreign Secretary, is said to believe that the arguments in favor of a new law to regulate mercenaries and private security firms have been strengthened by events in Iraq.<sup>188</sup>

## **The legal status of PMCs**

One real problem in regulating PMCs is their somewhat ambiguous legal status in regard to existing international treaties relevant to conflict and war. This is partly because the whole structure of diplomacy and international recognition rests on the state as the cornerstone and building block of international law and international relations. There is no clarity about the exact relationship between governments and PMCs. In their own interests, governments (and its military institutions, such as the Pentagon) often publicly distance themselves from PMCs.

Such ambiguity leaves companies open to arbitrary treatment by combatants or other countries if they stray over borders.<sup>189</sup> They are combatants under the Geneva Convention, as they bear arms and are clearly working on behalf of one side in a conflict; yet they could also be treated as non-combatants, as they do not wear recognizable uniforms nor are they (generally) under military command. Those working for their own government are clearly not mercenaries in the field.<sup>190</sup> Even with the new regulations from the CPA it is likely that questions will still remain over the combat status of PMC employees.<sup>191</sup>

Bear in mind that much of the commentary about PMCs being beyond the law is untrue.. Rather than PMCs being beyond the law it is a case of existing international law being unable to even define mercenaries in a consistent way; let alone regulate the full scope of PMC activities.<sup>192</sup>

Currently, the lack of a proper legal framework in Iraq gives PMCs more or less carte blanche to conduct their activities as they see fit. CPA Order No. 17 states that: ". all International Consultants shall be immune from Iraqi legal process", although it also requires contractors to "respect the Iraqi laws" (see the discussion on immunity from prosecution below). The bottom line at present, however, is that PMCs in Iraq are "subject to the exclusive jurisdiction of their Sending States". Thus, U.S. PMCs in Iraq are required to operate in accordance with U.S. laws and regulations.

The use of PMC personnel also raises troubling issues regarding the traditional immunity of civilians on the battlefield. The security and logistics contractors in Iraq are neutral under the laws of war. The Geneva conventions envision armed security needs for many endeavors in an occupied territory. Hence, someone guarding a hospital - or delivering banknotes - is not a legitimate military target.<sup>193</sup>

But this arrangement, while undoubtedly efficient, produces troubling battlefield logic. These contracts permit soldiers - who would otherwise be doing these kind of non-combatant tasks - to pick up guns and fight.

Since civilian workers are *de facto* force-multipliers, it is tempting for coalition opponents to view them as *de jure* combatants. This thinking has little basis in international law, but it has a basis in the minds of certain Iraqi insurgents, who are creating facts on the ground to enforce this point of view.

However, if this logic - which would signal the end of even the concept of civilian immunity - were followed, then the United Nations, non-governmental organizations, representatives of non-belligerent European states, and humanitarian groups would have no more claim to non-combatant status in Iraq than a unit of U.S. Marines.

## **Inadequate vetting of personnel?**

The most important factor in the risk-management trade is choosing and training the right people. PMCs generally subject potential employees to rigorous vetting.<sup>194</sup> Unfortunately, this is not universal, particularly in a situation as today in Iraq where demand for experienced staff severely outruns supply.

“There is a shortage of quality labour,” said David Claridge, head of Janusian Risk Management, a London-based security company. “Hiring people takes time now whereas before we had a database of people we could just call up. Now we have to wait for people to come off other jobs.”<sup>195</sup>

One case often cited concerns Derek William Adgey, serving with an ArmorGroup armed protection force in Iraq. He was a former British Royal Marine from Belfast, sentenced in 1995 to prison for four years on ten counts of soliciting murder for passing security details to loyalist terrorists in Ireland. Men serving alongside Adgey said that it was “appalling” that they were expected to carry out anti-terrorist duties alongside a convicted terrorist.<sup>196</sup> After media attention and a subsequent internal investigation Adgey was dismissed from the company.<sup>197</sup>

Armorgroup noted:

*With reference to Mr Adgey we can say that Adgey had a spent conviction and had spent ten years rebuilding his life, including apologising many years ago for his offences. The references we received before we employed him, of which there were eight including one from his ex-employer, were satisfactory and his performance in providing commercial security to those working on the reconstruction of Iraq was exemplary. However, once we received his military discharge papers, which he submitted late (which arrived concurrent with press disclosure) and which highlighted his previous offences, he was withdrawn from the field immediately. The company launched an internal enquiry and in co-operation with external bodies investigated the matter. As a result of the inquiry Mr Adgey was dismissed and the company revised its vetting processes, which were already more diligent than most, to avoid any further issues of this type.*<sup>198</sup>

According to one legal analyst:

*The legal murkiness helps shield the contractors from effective oversight and discipline. The Coalition Provisional Authority decreed that contractors and other foreign personnel will not be subject to Iraqi criminal processes. Yet, there's also no clear mandate for American jurisdiction. In the absence of any such mandate telling military officials to clamp down on contractors, American prosecutors can simply*

*decline to do so as a matter of discretion. This is what happened on US military deployments in the Balkans, as pointed out by Peter W. Singer in a Salon article on contractor transgressions during that deployment.*<sup>199</sup>

PMCs usually have codes of conduct for their staff, but there is no uniform check of these by government agencies. In the United States contractors to the government are theoretically liable to prosecution but as yet this has never happened. Disciplining contractor personnel is the contractor's responsibility. Personnel accused of criminal activities would normally be handled by Iraqi police. However, non-Iraqis acting within the scope of employment under contract with the Coalition forces or CPA are immune from Iraqi prosecution.<sup>200</sup>

## **Immunity from prosecution**

Under a public notice issued June 26, 2003 by the CPA, civilian contractors enjoy protection from local criminal prosecution. The exact language is as follows:

*Coalition contractors who are not normally resident in Iraq may be subject to the CPA's or Iraq's jurisdiction, as authorized by the administrator. Additionally, some of the administrative regulations regarding contractors will not apply to their contracts with the Coalition.*<sup>201</sup>

And the next day the CPA issued Order Number 17 on the "Status of The Coalition, Foreign Liaison Missions, Their Personnel and Contractors." Section 3, dealing with contractors, states that:

*Contractors will not be liable to Iraqi law with respect to their business and employment dealings, nor 'with respect to acts performed by them within their official activities pursuant to the terms and conditions'. Any Iraqi or CPA legal action against a Contractor for crimes unrelated to their contract require the written consent of the CPA Administrator.*<sup>202</sup>

This memorandum gave broad authority to the new Iraqi government to regulate security contractors. Reacting to this, six major PMCs (Blackwater USA, Triple Canopy, Diligence LLC, SOC-SMG, Control Risks Group and Erinys International) sent a letter to Secretary of State Powell, in which they protested that:

*We are concerned that the new Iraqi government does not yet have the infrastructure or capabilities to oversee the programs envisioned in Memo 17. More important, Memo 17 and CPA Order 17 only provide limited immunity for U.S. PSC personnel and citizens working on U.S. Government contracts. Thus, such personnel will be subject to an unproven Iraqi legal and justice system.*

*Memo 17 adds sweeping authority for the new Iraqi government. The new proposals include, among other things:*

*Bonding requirements that can be altered and manipulated at any time at the sole discretion of the Iraqi government.*

*Requirements that PSCs obtain licenses from two different Iraqi government ministries that may be refused or revoked at their discretion.*

*Requirements that PSCs provide the Iraqi government with the names of all employees and the serial numbers of all their weapons on an ongoing basis.*

*Requirements that PSCs provide to the Iraqi government all “relevant financial and employment records” every six months.*

*Unlimited and overly broad waiver authority for the Iraqi government that invites corruption and arbitrary differential treatment of PSCs.*

*These regulations create an opportunity for graft and are a troubling source of potential monetary and legal liability. Perhaps most troubling, Memo 17 provides insufficient immunity for PSC personnel from Iraqi criminal and civil law despite the fact that the vast majority of Iraqi law has yet to be written and the legal system lacks procedural protocol.*

Now, that “sovereignty” has officially been transferred back to Iraq it appears that the U.S. Department of Defense's Project and Contracting Office<sup>203</sup> looks set to inherit Order 17 - at least until September and possibly until elections due early in 2005.<sup>204</sup>

However, it is still uncertain after the official handover of “sovereignty” how much immunity PMC personnel enjoy. Ibrahim Jaafari, one of Iraq’s two new deputy presidents has challenged the United States to strip thousands of armed foreign bodyguards in the country of their immunity from prosecution. He said it was wrong for these personnel to operate outside the country’s law.<sup>205</sup>

News reports have also indicated that the new Iraqi government is resisting U.S. demands that thousands of foreign contractors be granted immunity from Iraqi law, in the same way U.S. military forces are now immune. The U.S. proposal would imply that the highly visible U.S. foreign contractors would not be subject to U.S. military nor Iraqi justice. Neither do they appear to be covered by the June 8 UN Security Council Resolution 1564, or the letter from Prime Minister Ayad Allawi requesting that U.S. forces remain in Iraq for an undetermined time.<sup>206</sup>

It should be remembered, however, that the legal status of PMC personnel has long been unclear (as discussed above), as national and international law has simply not kept up with changing circumstances.

## **Inadequate restrictions on weapons possession?**

U.S. Army regulations allow contractors performing combat support services to carry weapons when required by their combatant commander. But the regulations, which took effect last November, address only contractors working directly for the U.S. military.<sup>207</sup> In October 2003 the British government granted permission for the export of sub-machine guns and pistols for use by private security firms in Iraq.<sup>208</sup>

In Iraq CPA rules restrict the weapons PMCs may use to small arms with ammunition up to a maximum of 7.62mm and to some other defensive weapons. Such a limitation in terms of weaponry runs counter to the popular perception in the media of PMCs constituting some extraordinarily well armed force with massive firepower. After the deaths of a number of bodyguards during a series of major battles with Iraqi insurgents, some PMCs guarding foreign contractors and sensitive installations are demanding the right to carry more powerful weapons.<sup>209</sup> Such a move would add to concerns about the accountability and regulation of private military companies in Iraq as well as highlighting the “grey zone” between their formal role as bodyguards and the realities of operating against an insurgency in a *de facto* combat zone.



According to proposed Department of Defense regulations military commanders in places such as Iraq and Afghanistan will be given broad new powers over contractors, including the ability to arm them. The proposed rule, published March 23, in the Federal Register (69 Fed. Reg. 13500, "Contractors Accompanying a Force Deployed"), has been in the making for nearly a year. It would amend the Defense Federal Acquisition Regulation Supplement to add a new contract clause to such contracts.<sup>210</sup>

The draft regulation also proposes banning contract personnel from carrying privately owned weapons unless authorized by a military commander, and from wearing military uniforms. The policy allows the combatant commander to issue weapons and ammunition to contractor employees.<sup>211</sup>

The proposed regulation is to also require security companies to list all employees working in Iraq, and to provide copies of the contracts under which they are working and the serial numbers of their weapons. If a PMC sought to increase its weapons cache after its initial registration, it would have to coordinate with the Ministry of Interior. Weapons could be carried by employees only while "on duty" and would otherwise be stored in an armory or "secure facility".<sup>212</sup>

### **Reliability 'under fire'**

Another concern over PMCs, held particularly by those in the regular military, is whether they will stay the course, and not walk away from the job even in the midst of combat. Thus far the evidence suggests that they largely have stayed the course, with some exceptions. One such example took place in the summer of 2003. *Newhouse News* reported that U.S. troops in Iraq suffered through months of unnecessarily poor living conditions because some civilian contractors hired by the Army for logistics support failed to show up.<sup>213</sup> Although unnamed, it was clear that the report referred to Kellogg, Brown & Root.<sup>214</sup>

Also, a number of people have declined contracts because the companies offering the jobs have not been able to demonstrate an adequate support structure to back them up (something the military have no difficulty in providing). And this is hardly surprising when the companies are being forced to be as cost competitive as possible.

Of course, regular military forces have also failed to stay the distance under certain circumstances. For example, some countries contributing coalition forces have withdrawn them after suffering terrorist acts at home (Spain), or the threatened execution of their citizens in Iraq (the Philippines).

The *Newhouse News* reporter, David Wood, a veteran 'embedded' reporter, followed up on the difficulties of supply in questions to Pentagon staff. Lt Gen. Mahan, the Army general staff officer in charge of supply claimed that logistical breakdown was largely down to contractor 'no-shows', but then follow-up interviews elsewhere by Wood led him into a brick wall. He concluded:

*A very basic point is at play here: if we send young Americans into harm's way to do difficult work, then we owe it to them, as President Bush himself said, to support them with whatever they need. Warm ROWPU water, MREs three months into the op, broken-down plywood latrines, just don't make the grade. Somebody or something failed, and I hope I do not hear the faint sound of foot-shuffling and finger-pointing elsewhere.*<sup>215</sup>

The U.S. Government Accounting Office was also critical of current procedures in a report published in 2003. It said that:

*Despite requirements established in DOD guidance (Instruction 3020.37), DOD and the services have not identified those contractors that provide mission essential services and where appropriate developed backup plans to ensure that essential contractor-provided services will continue if the contractor for any reason becomes unavailable. Service officials told us that, in the past, contractors have usually been able to fulfill their contractual obligations and, if they were unable to do so, officials could replace them with other contractor staff or military personnel. However, we found that this may not always be the case. DOD's agencywide and servicewide guidance and policies for using and overseeing contractors that support deployed US forces overseas are inconsistent and sometimes incomplete. Of the four services, only the Army has developed substantial guidance for dealing with contractors. DOD's acquisition regulations do not require any specific contract in deployment locations for contract workers. Of 183 contractor employees planning to deploy with an Army division to Iraq, for example, some did not have deployment clauses in their contracts. This omission can lead to increased contract costs as well as delays in getting contractors into the field.<sup>216</sup>*

But perhaps the biggest disincentive for contractors to pull out of an effort so important to the Bush administration would be the almost certain loss of future government contracts.

Arguably one of the most controversial aspects of PMC activity in Iraq has surrounded events at the notorious Abu Ghraib prison. This is discussed next.

# 5. Lessons from Abu Ghraib Prison

## Private interrogators - accountable or not?

The torture and abuse scandal at Abu Ghraib horrified people around the world and raised controversy over the role and activities of PMC personnel in the intelligence and interrogation process.<sup>217</sup> Ironically, long before Abu Ghraib, Defense Secretary Rumsfeld was preaching the virtues of using contractors in prisons. The secretary said at a town hall meeting in August 2003 that the Army pays \$20,000 to \$40,000 to hold a prisoner each year, while it costs Kansas only \$14,000 per year. "I don't think of running a prison as a core competency of the United States military," he said.<sup>218</sup>

How many PMC personnel were at Abu Ghraib? One British news report said there was a 30 or so-strong team from CACI,<sup>219</sup> while during Congressional testimony Defense Secretary Rumsfeld said that there were 37 interrogators from private contractors in the prison.<sup>220</sup>

In the eyes of some critics the events at Abu Ghraib are proof that PMCs in Iraq cannot be held accountable. For example, Rep. Jan Schakowsky (D-IL), in a letter to President Bush demanding the suspension of all contracts involving the security, supervision and interrogation of prisoners pending an investigation into Abu Ghraib, wrote in May 2004:

*It has been reported that, more than two months after a classified Army report found that contract workers were implicated in the illegal abuse of Iraqis, the companies that employ them (CACI International Inc. and Titan Corp.) say that they have heard nothing from the Pentagon and that they have not removed any employees from Iraq...*

*It has been reported that the Military Extraterritorial Jurisdiction Act (the Act), passed in 2000, may provide "some basis" for the Justice Department to investigate and prosecute private military contractors who engage in illegal activity. Please tell me if your Administration directed the Justice Department to take such action under the Act. Finally, if you believe the United States currently lacks statutory authority to prosecute illegal actions of contractors under US hire in Iraq, I urge you to ask the Congress for that authority.*

*I maintain that the use of private military contractors by the United States is a misguided policy that costs the American people untold amounts, in terms of dollars, U.S. lives and is damaging our reputation with the international community. It also impedes the ability of the Congress to conduct appropriate oversight and keeps the American public in the dark.<sup>221</sup>*

Human Rights Watch foresaw the possibility of these events in a letter sent in April 2003 to Paul Bremer's predecessor, Lt. Gen. Jay Garner:

*The United States must also ensure that all U.S. and other foreign personnel hired to work in civilian law enforcement, civilian security, corrections and prisons, and reform of the justice system meet high professional and personal standards. This includes personnel hired through sub-contractors, for whom the United States remains responsible. The criteria and screening process used should be made publicly*

*available. Foreign personnel must not be immune from disciplinary measures or prosecution for committing violations of human rights and applicable criminal law. Contracted personnel should at all times uphold relevant international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.*

*The United States should ensure that the Military Extraterritorial Jurisdiction Act of 2000 (MEJA) applies to persons employed by the United States in Iraq.*<sup>222</sup>

The two PMCs implicated in the scandal are Titan and CACI.

## **Titan**

Though Titan is strongly denying that its employees managed or oversaw Iraqi prisoners, let alone tortured them, it decided to withhold \$178,000 in billings to the Pentagon for translators working at Abu Ghraib.<sup>223</sup> Most recently, Titan's long anticipated sale to Lockheed Martin imploded, due at least partly to its alleged involvement in the Iraqi prison scandal.<sup>224</sup> Still, Titan does not seem to have been cut out of the U.S. DoD procurement loop. On July 23 it announced that it has been awarded a contract by the Department of Defense having a potential value, with options if exercised, of over \$255m through August 2011 to provide comprehensive intelligence and information technology support worldwide.<sup>225</sup>

Titan has also had problems before. A Titan translator, a former taxi driver working at the U.S. detention center at Guantanamo Bay, Cuba, was arrested on charges of espionage last year.<sup>226</sup>

## **CACI<sup>227</sup>**

CACI, originally called California Analysis Center Incorporated, has always depended heavily on government contracts. In 2001 the private intelligence business exploded: CACI's revenue more than doubled and its stock price tripled. It has contracts worth \$2,500m.<sup>228</sup> In the six months up to May 2004 CACI signed more than \$300m in open intelligence contracts and an additional \$188m in classified intelligence contracts. CACI inherited its interrogation work from the acquisition of Premier Technology Group in 2003.<sup>229</sup>

CACI's opaque chain of command ends at an obscure contracting office of the Department of the Interior at Fort Huachuca, 70 miles southeast of Tucson in Arizona.<sup>230</sup> This arrangement was the result of federal efforts in the 1990s to "streamline and reduce duplication", by having agencies with particular skill at administrative functions such as payroll or contracting handle those jobs for other agencies.

In this instance, the Interior Department has taken on Army contracting.

In 2001, the Interior Department contracting office awarded a "blanket purchase agreement" to Premier Technology Group (inherited by CACI) for services to be provided to the Army.

This allows the purchase of services from CACI International without competitive bidding, perhaps ironic, given the original intention to save contract costs. Since 2001, the department has approved 81 delivery orders including 11 for services in Iraq.

Many of these contracts relate to information technology, but at least two involve the provision of interrogators, one for \$19.9m covering "interrogation support" and another

for \$21.8m labeled "human intelligence support". Under those contracts, CACI has provided 27 interrogators to work in detention centers in Iraq. Several work at Abu Ghraib, including Steven Stefanowicz, named in General Antonio M. Taguba's report on events in Abu Ghraib.

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BOX... Extract from CACI's Code of Ethics and Business Conduct Standards:

*It is the responsibility of an employee or consultant having knowledge of any activity that is or may be in violation of this Code, any law, rule or regulation applicable to CACI's work, or any Affirmative Action Policy to promptly disclose such activity.*

*a. For this purpose, CACI has established Bill Clancy, Executive Vice President, as the Company Ombudsman. Bill is the Director of Business Operations, and can be reached at (703) 841-7811 or by email at [wclancy@caci.com](mailto:wclancy@caci.com). Employees and consultants may report directly to him **in confidence** any impropriety of which they have knowledge whether committed by an employee of CACI, the Government, or a CACI client.*

*b. CACI also has available a "hotline," at (800) 928-3505, or email [gmadison@caci.com](mailto:gmadison@caci.com), where reports of potentially illegal, unauthorized or inappropriate conduct can be made confidentially at any time.*

*c. CACI's **Executive Vice President and General Counsel, Jeff Elefante**, is available for consultation on any question employees may have concerning their responsibilities within the Code. Jeff may be reached through (703) 841-7800.*

*d. Any supervisor or manager receiving a report of any impropriety will promptly report the matter to higher management, the Ombudsman, General Counsel, or Corporate Internal Audit.*

*e. Every employee and consultant is expected to cooperate fully with any investigation of any alleged violation of this Code of Ethics.<sup>231</sup>*

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On May 25, 2004, the Interior Department announced that it had blocked the Army from hiring any new civilian interrogators in Iraq while it investigated the propriety of the CACI contract (which was for the provision of information technology but was used to hire interrogators). CACI workers already in Iraq were to continue serving at least until the contract ran out in August.<sup>232</sup> In a report released July 16 the Inspector General recommended "given the improper contracting method used, these 11 [CACI] procurements should be terminated."<sup>233</sup>

However, on August 4 the U.S. Army announced it had awarded a new contract to CACI for interrogation services. The contract could be worth up to \$23m over a four-month period. The new contract was awarded without competitive bidding because CACI's interrogators were already on duty in Iraq and could not be replaced by the time the existing contract was due to expire in mid-August.<sup>234</sup>

## Reigning in the contracting

The Pentagon has announced that it is preparing a new rule to increase its oversight of contracts issued by sister agencies, with requirements for more stringent guidelines and approval.<sup>235</sup> As well as CACI's appointment of interrogators on an IT contract, in April 2003 the Pentagon hired Military Professional Resources Inc. to supply Arabic translators in Iraq for \$1.9m under a federal contract category designed for the employment of education and training analysts. According to company and government officials, the General Services Administration (GSA) never disciplined MPRI.<sup>236</sup>

The U.S. Army also violated contracting rules in late 2002 by hiring dozens of private interrogators working for a subsidiary of Lockheed Martin,<sup>237</sup> to operate at Guantanamo Bay, again on a contract designed for IT services. GSA officials terminated the contract in February, but the Southern Command, which administers the Guantanamo base, revived the work almost immediately by turning it over to an existing engineering-services contract that Lockheed had with the U.S. Interior Department.<sup>238</sup> In June the GSA demanded that Lockheed show why the company "should remain eligible for future government contracts."<sup>239</sup>

## Why externalize?

In October 2003, Charles Abell, principal deputy undersecretary of defense for personnel and readiness, testified to Congress that staffing shortages had forced the Department of Defense to hire contractors not only as interpreters but for interrogation work as well:

*We do use contractors as a means to hire linguists and interrogators... The Titan Corporation is among those. They run a background check and then, of course, the military does a more detailed check... In our rush to meet the requirements, the mere numerical requirements, I think folks were brought on based on those initial checks and then the more detailed checks followed as time permitted.*<sup>240</sup>

It is, however, far from certain that the military had so few interrogators within its own ranks that it needed to turn to the private sector. Speaking on the Nightline television program Brookings Institution's Peter Singer noted:

*Interrogation is something that we haven't contracted out to private companies in any previous war. It really starts in late 2001, and just as you note, it's a response to certain needs. There are a good number of skilled interrogators within the U.S. military system who weren't sent to Iraq. So it wasn't the case that our bench was empty, we actually have a lot of these personnel that weren't sent. And interesting enough, when you talk to them, they say that they were quite surprised that we contracted out. That's worrisome here.*<sup>241</sup>

## Breaking Army regulations

As if all of this wasn't strange enough it was recently reported that the use of private contractors as interrogators at Abu Ghraib and other prisons in Iraq violates an Army policy that requires such jobs to be filled by government employees because of the "risk to national security." An Army policy directive published in 2000 and still in effect today, classifies any job that involves "the gathering and analysis" of tactical intelligence as "an inherently governmental function barred from private sector performance."<sup>242</sup>

A memo signed by Undersecretary of the Army Patrick Henry at the beginning of the Bush administration cautioned against shifting responsibility for intelligence work to private military organizations. The concern was not only about a lack of adequate control, but also that PMCs may eventually work for other countries while retaining access to U.S. military secrets and tradecraft.

The December 26, 2000 memo noted:

*At the operational and strategic level, the intelligence function (less support) performed by military personnel and Federal civilian employees is a non-inherently Governmental function that should be exempted from private sector performance on the basis of risk to national security from relying on contractors to perform this function. The acquisition of intelligence-related technologies and systems, and the instruction and training of soldiers and Army civilian employees on intelligence doctrine and methods are non-inherently Governmental functions. The capabilities provided by military performing these functions also are exempted from conversion to private sector performance on the basis of risk to national security in order to retain a core capability.<sup>243</sup>*

The Senate Armed Services Committee in July 2004 witnessed Catch-22 linguistic acrobatics by Les Brownlee, Acting Secretary of the Army, when he was asked how the hiring of PMC personnel for interrogation could be justified under such a memorandum:

*if these functions are performed by contract interrogators under an entity, which in this case was Central Command, or CGATF-7 specifically, then they would not be considered inherently governmental.<sup>244</sup>*

## **Abu Ghraib: the charges**

A whole series of mostly internal military investigations have been conducted (some are still ongoing) in the United States as a result of the revelations at Abu Ghraib. These include:

- the Final Report of the Independent Panel to Review DoD Operations;
- Army Provost Marshal General assessment of detention and corrections operations in Iraq, November 6, 2003 (Ryder Report);
- Joint Task Force Guantanamo assistance visit to Iraq to assess intelligence operations, September 5, 2003 (Miller Report);
- Army Inspector General Assessment of doctrine and training for detention operations, July 23, 2004 (Mikolashek Report);
- Fay investigation of activities of military personnel at Abu Ghraib and related LTG Jones investigation under the direction of Gen Kern, August 16, 2004; (see Appendix 3);
- Naval Inspector General's review of DoD worldwide interrogation operations;
- Commander, Joint Task Force-7 review of activities of military intelligence personnel at Abu Ghraib (Taguba Report); and
- Army Reserve Command Inspector General Assessment of Military Intelligence and Military Police Training.<sup>245</sup>

While much of the most relevant material is still classified, at least one report (The Taguba Report) implicates contractor personnel in the scandal. General Antonio M. Taguba was tasked by Gen. Ricardo Sanchez, Commander, Combined Joint Task Force Seven (CJTF-7) to investigate the conduct of operations within the 800<sup>th</sup> Military Police (MP) Brigade, whose responsibilities including running Abu Ghraib prison. Among Gen. Taguba's findings, which were first publicly revealed in an article by Seymour Hersh in *The New Yorker* magazine,<sup>246</sup> were the following charges:

*11. (U) That Mr. Steven Stephanowicz<sup>247</sup>, Contract US Civilian Interrogator, CACI, 205th Military Intelligence Brigade, be given an Official Reprimand to be placed in his employment file, termination of employment, and generation of a derogatory report to revoke his security clearance for the following acts which have been previously referred to in the aforementioned findings:*

*\* Made a false statement to the investigation team regarding the locations of his interrogations, the activities during his interrogations, and his knowledge of abuses.*

*\* Allowed and/or instructed MPs, who were not trained in interrogation techniques, to facilitate interrogations by "setting conditions" which were neither authorized and in accordance with applicable regulations/policy. He clearly knew his instructions equated to physical abuse.*

*12. (U) That Mr. John Israel, Contract US Civilian Interpreter, CACI, 205th Military Intelligence Brigade, be given an Official Reprimand to be placed in his employment file and have his security clearance reviewed by competent authority for the following acts or concerns which have been previously referred to in the aforementioned findings:*

*\* Denied ever having seen interrogation processes in violation of the IROE, which is contrary to several witness statements.*

*\* Did not have a security clearance.*

*13. I suspect that COL Thomas M. Pappas, LTC Steve L. Jordan, Mr. Steven Stephanowicz, and Mr. John Israel were either directly or indirectly responsible for the abuses at Abu Ghraib (BCCF) and strongly recommend immediate disciplinary action as described in the preceding paragraphs as well as the initiation of a Procedure 15 Inquiry to determine the full extent of their culpability.*

*30. In 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. During our on-site inspection, they wandered about with too much unsupervised free access in the detainee area. Having civilians in various outfits (civilian and DCUs) in and about the detainee area causes confusion and may have contributed to the difficulties in the accountability process and with detecting escapes. (ANNEX 51, Multiple Witness Statements, and the Personal Observations of the Investigation Team)<sup>248</sup>*

Stepanowicz himself has said that Army guards at the Abu Ghraib prison in Iraq kept some prisoners awake for as much as 20 hours a day at the direction of private contractors and military intelligence soldiers. Prison guards were given copies of written



interrogation plans for each inmate, which were prepared by three-person teams comprised of contractors or military intelligence soldiers.<sup>249</sup>

News reports have identified Israel as an Iraqi-American Christian and an employee of Titan. Titan has said he works for one of its subcontractors, SOS Interpreting Ltd.<sup>250</sup> As Prof. Deborah Avant of George Washington University noted,

*we are not even sure for whom these contractors work or worked. Other Pentagon officials cited different figures in their testimony.) Nor do we know precisely what roles these contract employees had at the prison or to which group or agency they were accountable. To trace that, we would need to know the contracting agent -- someone representing a group within the Army, probably, but which one? Military Intelligence? The Iraqi Survey Group (a Defense Intelligence Agency unit responsible for investigating weapons of mass destruction and reportedly in charge of the most important Iraqi prisoners)?<sup>251</sup>*

## Security clearances

Although the lack of a security clearance may seem to be among the lesser offenses it is seen by some as an indication of a lack of proper vetting of PMC personnel. Because of a lack of trained people available, there is a strong suspicion that untrained, inexperienced and unvetted individuals are being used.<sup>252</sup>

Alternatively, it may be much ado over nothing. The Army records show that, of 15 Titan or SOS translators working at Abu Ghraib prison last fall, only one held a security clearance. Nearly all of them are foreign-born American citizens, and most come from backgrounds that have nothing to do with the sort of government work that would require a security clearance.<sup>253</sup>

A report by the U.S. Government Accounting Office, found that the Pentagon has a backlog of nearly 200,000 people working for contractors who are still awaiting security clearances. The report says that the average time required to grant a security clearance for a contract employee now exceeds a year.<sup>254</sup>

Contractors don't see this as their responsibility. A *New York Times* article reported that:

*every company official interviewed said he did not consider it his company's responsibility to research the backgrounds of the people it hires for government contracts.*

*"No, we are not in the background investigation business," J. P. London, chief executive of CACI Inc., said in an interview Thursday. A CACI employee, Steven Stefanowicz, was implicated in the abuse case. Ralph Williams, spokesman for Titan, said, "It's up the government to execute" background checks."<sup>255</sup>*

In fact Stephanowicz may not have been well qualified. Another *New York Times* article reported that he had no military experience in interrogation. As a junior Navy intelligence specialist, a petty officer third class, he did all of his work in an office, reading and analyzing intelligence reports.<sup>256</sup>

## No rush to investigate

Regardless of vetting, it is hard to defend what can be only viewed as an extremely dilatory way of investigating contractor involvement in the scandal. One commentator noted:

*it's important to follow the time line here. The crimes happened in the fall. The investigation takes place in January. The news doesn't break until May. So we had in a sense four months to get this straight, and at least at the point of when the news broke, the individuals had not been criminally charged, nor had been fired yet. The companies, in fact, defended themselves saying--at the start of this, leaders of the companies said, 'Well, we didn't have any people there. We don't know what you're talking about.' And then when Major General Taguba's report went public and specifically identified their employees as being there, they changed their story and said, 'Well, actually we've not been notified by the military of this report, so why should we have fired these guys if the military never told us to?'<sup>257</sup>*

Titan Corp confirmed in May 2004 that it had terminated the contract of Adel L. Nakhla, who was cited in the Taguba report, on the same day the Justice Department said that it had opened a criminal investigation into "a civilian contractor" in Iraq related to the abuse of prisoners at Abu Ghraib. The inquiry marked the first move toward prosecuting civilian employees of contractors who worked as translators and interrogators at Abu Ghraib.<sup>258</sup>

*It also needs to be remembered that there were real crimes committed at Abu Ghraib. The published versions of all the official reports into Abu Ghraib have only been released in redacted, unclassified form. In short, this means that most of the appendices listing the really vile crimes have not been made public. A July report in Salon.com, for example, noted that an Army CID [Criminal Investigative Division] report does have an allegation, made by a detainee, of a male rape.<sup>259</sup>*

## Quality control

Joe Ryan, a CACI employee at Abu Ghraib kept an online weblog hosted on the web site of KSTP-AM, a St. Paul, Minnesota radio station, now removed from the Internet.<sup>260</sup>

Ryan's diary reportedly said that the head of U.S. intelligence in Iraq, Major General Barbara Fast, barred officials from the CIA from freely entering the Abu Ghraib prison at one point because of misconduct.<sup>261</sup>

Torin Nelson, a key witness in Major General Antonio Taguba's report, served as a military intelligence officer at Guantanamo Bay before being sent to Iraq by CACI as a civilian contractor assigned to interrogations.<sup>262</sup> He said it was the over-reliance on private firms providing inadequately trained personnel that led to the scandal at Abu Ghraib.

Nelson told *The Guardian* newspaper that the quality of the contractors sent to the prison was "hit or miss" because companies like CACI International were "under so much pressure to fill slots quickly".<sup>263</sup>

"(The Pentagon) penalize contracting companies if they can't fill slots on time and it looks bad on companies' records," he said.

"If you're in such a hurry to get bodies, you end up with cooks and truck drivers doing intelligence work."<sup>264</sup>

Though *The Guardian* subsequently published a clarification:

*In the interview below, we quoted a remark Torin Nelson made about “cooks and truck drivers”. Mr. Nelson has asked us to make it clear that he intended the remark to be rhetorical. He did not mean that people from those jobs were actually working at the prison as interrogators. He intended the remark to reflect what he felt was the declining quality of private interrogators at the prison.*<sup>265</sup>

In a press release in response to this, CACI claimed that:

*The US Military specified in its contract Statement of Work how CACI must operate in Iraq and included the required qualifications for interrogators and other allied specialties. The company has followed these instructions.*

*The US Military required individuals with proven information-gathering and analysis experience at the tactical and operational levels and that such persons needed to possess at a minimum a Department of Defense SECRET level security clearance, which requires US government background checks on the individuals. The Statement of Work further specified that the US Military was to provide readiness training and briefings on rules of engagement and general orders applicable to US Armed Forces, DoD civilians, and US contractors.*

*CACI carefully screened and qualified all potential interrogators presented to the US Military in accordance with the Statement of Work. CACI reviewed nearly 1,600 job applications but approved less than 3% for submission to the US Military for final review and approval and/or rejection prior to presentation of employment offers.*<sup>266</sup>

Nor is Abu Ghraib the only place where contractors may have acted illegally. The Justice Department is examining the involvement of CIA officers and contract employees in three suspicious deaths of detainees, two in Iraq [one in Abu Ghraib and one at an interrogation center in western Iraq] and one in Afghanistan.<sup>267</sup>

However, the report of the Army Inspector General “Detainee Operations Inspection”<sup>268</sup> into the Abu Ghraib scandal, dated July 21, 2004, barely mentioned contractors. It determined that all CACI contract interrogators satisfied the Army’s requirement for relevant experience as set forth in its statement of work criteria (work order).

It also found that the Army statement of work (work order) did not mandate “military training” as a prerequisite for assignment; other appropriate and relevant experience was also authorized.<sup>269</sup> But that was splitting hairs. Work statements issued under the CACI contract required all contractors to have between five and ten years of interrogation and intelligence experience.<sup>270</sup> Given such a level of familiarity with proprietary military systems and procedures military commanders would have expected that potential contractors would be former military intelligence officers qualified in interrogation. After all, how likely is it that one is going to have military interrogation skills unless one was trained to do so while in the military?

The bar may have been set too low. The Inspector General’s report itself stated:

*Of the contract interrogators in OPERATION IRAQI FREEDOM (OIF), 35% (11 of 31) had not received formal training in military interrogation techniques, policy, and doctrine. These personnel conducted interrogations using skill sets obtained in*

*previous occupational specialties such as civilian police interrogator or Military Intelligence (MI) officer. The lack of specific training in military policies and techniques has the potential of placing these interrogators at a higher risk of violating Army policies and doctrine, and decreasing intelligence yield.*

...

*Prior to May 2004, there was no CACI or CJTF-7 requirement for all contract interrogators to receive formal, comprehensive, military-specific interrogator training prior to performing interrogations in OIF. While in Iraq the DAI Team did not find evidence of a formal training program for contract interrogators.*

*In summary, contract interrogators in OIF met the requirements of the CJTF-7 C2 Interrogation Cell SOW. The SOW did not mandate military interrogation training as a prerequisite for employment. While some training may have occurred at Abu Ghraib, there is no evidence of a formalized POI for contract interrogators. All contract interrogators should receive training on specific theater and Army techniques, policies, and doctrine for conducting military interrogations. This requirement should be reflected in the CJTF-7 C2 Interrogation Cell SOW.<sup>271</sup>*

...

*(4) Root Cause: The CJTF-7 C2 Interrogation Cell SOW did not require contract interrogators to be trained in military interrogation procedures, policy, and doctrine. Pre-deployment and in-theater training for contract interrogators on military interrogation techniques, policy, and doctrine did not occur or was inconsistent.*

*(5) Recommendation: The CFLCC contracting officer representative modify the CJTF-7 C2 Interrogation Cell Statement of Work to require civilian interrogators to be former military interrogators trained in current interrogation policy and doctrine or receive formal training in current military interrogation policy and doctrine.<sup>272</sup>*

This issue is far from being resolved. On August 12, 2004, CACI said that the U.S. Army had asked some of its 36 interrogators that worked in Iraq to leave their positions and confirmed that those personnel were no longer working for the company.<sup>273</sup> Yet in a press release CACI said, "that the internal investigation it is conducting concerning its interrogator personnel in Iraq to date has not produced any credible or tangible evidence that substantiates the involvement of CACI personnel in the abuse of detainees at Abu Ghraib prison or elsewhere in Iraq."<sup>274</sup>

On August 25 the Pentagon released the results of its investigation of intelligence activities at Abu Ghraib. It detailed numerous examples of contractor misconduct, including abuse, which have been referred to the Department of Justice. It is clear from this report that both Titan and CACI employees were complicit in unlawful activity. (See Appendix 3)

While the Inspector General appeared to fight shy of directly criticizing contract interrogators others blame them more directly. Brig. Gen. Janis Karpinski was in charge of the 800<sup>th</sup> Military Police Brigade that ran Abu Ghraib and other prisons. The Taguba report recommended that she be relieved from command and given a General Officer Memorandum of Reprimand. Thus, she is not a dispassionate observer. In an extended phone interview with a California cable television program she had this to say regarding the control that the military had over Titan translators:

*Signal: John Israel was provided to the Army by Titan Corp, which has an estimated 4,400 translators in Iraq. Did you have Titan translators working for your MP brigade?*

*Karpinski: Yes, I did.*

*Signal: How does the chain of command work?*

*Karpinski: We have no control over them at all.*

*Signal: How does it work?*

*Karpinski: Titan Corp. would- my guy who was the point of contact for the brigade would call them and tell them, "We need six more interpreters"" And then he would say, "But here's the limitations: They're going to be working out at, for example, at Abu Ghraib; they won't be able to leave; we'll take care of feeding them, housing them, blah blah blah blah," and they'll find interpreters that will agree to those conditions.*

*And they will remain at the facility because the interpreters are not vetted successfully. If you get one in there that can speak English and speak the language and he hasn't been vetted successfully or completely or at all, in most cases if they leave, they could be giving information to the insurgency or the opposition or whatever.*

*So that was the only control. But their work schedules or their uniforms or what they did or we had no control over them at all.*

*Signal: There has been discussion recently that some of these contracting firms are basically acting as employment agencies for the military.*

*Karpinski: That's exactly what they're doing.*

*Signal: And that may not conform strictly to federal guidelines.*

*Karpinski: No, I'm sure it doesn't. I was extremely frustrated with it because, you know, we'd look for the interpreter and we didn't have nearly enough interpreters but I'd look for one and they'd say, "Oh, he's sleeping." Or, "He doesn't usually come in on time" And we couldn't fire them, we couldn't and they were so the military in Iraq was so desperate to get more translators that they were the divisions were asking for more and more and more translators, and they were the priority, and they didn't have nearly what they needed. So these people, these contracting Titan Corp. and I guess there were similar corporations they had practically a blank check.*

*Signal: There are chain of command issues, too*

*Karpinski: There was none for them.*

*Signal: Reading through the Army regulation, "Contractors Accompanying the Force," evidently the contracting company is supposed to provide a job site manager to supervise the civilian employees, and the Army would designate a liaison to confer with the manager*

*Karpinski: Right. Or Col. Jordan would.*

*Signal: So in the field, when contractors were assigned to the MP brigade, would the MP person in charge ever give direct orders to civilians?*

*Karpinski: No.*

*Signal: How did it work?*

*Karpinski: Well, if there was a problem with the interpreter or, like, for us, because we didn't have interrogators but for interpreters, they would call my point of contact in the brigade and he would try to get it resolved. And the job manager, or the site manager, was down in the CPA building. They were never out at the site. Never.*

*But the battalion commander or the company commander would voice those concerns to my lieutenant commander, who would work on getting it resolved. But even documentation to poor performance or poor English language skills or whatever, it was just a document. Nobody was ever fired.*

*Signal: And as you've mentioned, not all the translators were Americans who were shipped over there. A lot of native Iraqis were among the civilians.*

*Karpinski: Right. And then initially, the first ones that were brought over were from the United States, from throughout the United States. They were paid very, very well. Which is why they were like a lot of contractors over there, they agreed to work under those hostile fire conditions because they were paid extremely well.*

*Signal: How well is extremely well? What did they earn a month?*

*Karpinski: A month? At least \$12,000 (to) \$20,000. Sometimes they were paid \$100 an hour, depending on what location they were in.*

*Signal: Translators?*

*Karpinski: Yes. Now, I don't know what the interrogators were paid. I can't even begin to imagine.<sup>275</sup>*

The only thing that is really clear at this point is that the full details of exactly what PMC personnel did are not yet known. Six Democrat members of Congress wrote to President Bush in June asking for his assistance in obtaining key documents relevant to investigating abuses at Abu Ghraib and elsewhere. These include:

- All contracts, subcontracts and task orders for interrogation or translation work in Iraq, Afghanistan, and Guantanamo Bay.
- All reports or assessments of contractor performance for these contracts.
- All written statements of detainees, military personnel or civilian contractors regarding the abuse of prisoners in Iraq, Afghanistan, and Guantanamo Bay.<sup>276</sup>

Given the reluctance of the executive branch to answer such requests, it is not clear when, if at all, the Congressmen can expect a reply.

## **Legal options for prosecuting criminal activities**

Given the conventional wisdom that private contractors are not accountable to a chain of command what can be done to punish them if they break the law? According to one former Army officer:

*A more serious way to discipline bad contractors is through “suspension” or “debarment” proceedings. Military procurement officials can decide not to consider a private contractor for future federal contracts for a certain period of time. For example, in July 2003, the Air Force suspended three divisions of Boeing from eligibility for new contracts in response to misconduct relating to the Evolved Expendable Launch Vehicle program. “Serious improper misconduct” by an employee during the performance of a contract can serve as grounds for suspension or debarment. A criminal indictment (of either an individual or a company) may be enough to support a debarment, as can an internal investigation like the one conducted by the Army at Abu Ghraib. However, if the grounds for debarment depend on an individual employee’s conduct, that conduct must be attributed to the corporation, which may, say, have shown negligence in failing to investigate, train, or supervise its employees. The decision to suspend or debar a company rests with the executive agency-in the case of Abu Ghraib, the Army.<sup>277</sup>*

In short, there are five legal options for seeking prosecution of the activities uncovered at Abu Ghraib:

- Iraqi justice;
- Civil suits;
- The Alien Tort Claims Act;
- The War Crimes Act; and
- The Military Extraterritorial Jurisdiction Act (MEJA)

### **Iraqi justice**

Contractor personnel are not totally beyond the reach of the law. The U.S. government could consent to local trials. Section 5 of the June 2003 order notes that the contractors' immunity from prosecution “may be waived by the Parent State”. There are no current plans, however, to prosecute any contractors involved with the abuses at Abu Ghraib.

### **Civil suits**

Civil suits may also be brought against the contractors and the U.S. government, as was done following the U.S. Navy’s downing of an Iranian passenger jet in 1988. Families of the dead passengers attempted to sue the government contractors who built the USS Vincennes and its weapons systems under the Federal Tort Claims Act. However, this lawsuit failed, in part because of a legal doctrine known as the “government contractor” defense, which shields government contractors from liability when they build something or provide services in accordance with government specifications. This defense, and other procedural obstacles, may prevent the Iraqi detainees from suing contractors in American courts for damages resulting from their treatment at Abu Ghraib, if the treatment were deemed part of the U.S. government’s operations.<sup>278</sup>

### **Alien Tort Claims Act (ATCA)**

The victims would have to show not only that they were subject to torture by the contractors, but also that the contractors acted under “color of state law”. As the

contractors were acting in close coordination with military personnel at the prison this would seem clear.<sup>279</sup>

A lawsuit has already been filed under ATCA. In a class-action lawsuit filed June 9 in federal court in San Diego, California, by the New York-based Centre for Constitutional Rights (CCR) and a Philadelphia law firm, lawyers for Iraqis tortured while in U.S. custody have sued the two private security companies operating in the prison, and three individuals who work for the firms (Stephen Stephanowicz and John Israel of CACI, Inc, and Adel Nakhla of Titan), for allegedly abusing prisoners to extract information from them with the goal of winning more contracts from the U.S. government.<sup>280</sup>

On June 29, however, the U.S. Supreme Court in ruling on a previous case, said that foreigners have only a limited right to use the ATCA to sue in America over alleged human rights abuses.<sup>281</sup>

Another ATCA suit, *Ilham Nassir Ibrahim V. Titan Corp.*, was filed July 27, 2004.<sup>282</sup> A consortium of trial lawyers from a number of states, collectively referred to as the Iraqi Torture Victim Group (ITVG), filed a lawsuit in federal court in Washington, D.C. on behalf of five Iraqis who claimed they were subjected to acts of murder, torture and other abuses while they or their family members were held in Abu Ghraib.<sup>283</sup>

### **War Crimes Act**

Attorney General Ashcroft had said in May that killings or abuse of military detainees in Iraq that involved civilian contractors could be prosecuted by the Justice Department under several statutes, including civil rights violations and anti-torture laws. Federal criminal prosecutors can pursue cases against non-military personnel and against those who have left the military.<sup>284</sup> If the evidence suggests war crimes, they might be charged under the U.S. War Crimes Act of 1996 (18 USC. 2441) which defines such crimes as any grave breach of the 1949 Geneva Conventions, such as torture or inhuman treatment and violations of the Conventions' common article 3 (such as "outrages upon personal dignity" and "humiliating and degrading treatment").<sup>285</sup> The act gives U.S. courts jurisdiction in cases in which an American is either the victim or perpetrator of a war crime.

An analysis by the Institute for International Law of Peace and Humanitarian Law of the Ruhr-University Bochum in Germany found that perpetrators at Abu Ghraib were clearly liable to prosecution under U.S. Federal Law. It noted that according to the 1996 War Crimes Act as amended in 1997...

*CIA agents and private contractors are criminally liable under US federal law... over offences committed whether in the United States or overseas. The US court would then need to examine whether the acts perpetrated by these CIA agents and private contractors fall within the scope of section 2441(c)(1) that provides that any act listed as a grave breach in the Geneva Conventions is to be considered as a "war crime"... According to articles 130 GCIII and 147 GCIV, grave breaches are violations of international humanitarian law that are committed against protected persons, i.e., prisoners of war (article 4 GC III) and persons "who are in the hands of a party to the conflict or occupying power of which they are not nationals" (article 4 GCIV)... one needs to point that even unconventional combatants shall be treated with humanity and be granted the full rights and privileges of a protected person (Article 5 GCIV).*

*By virtue of articles 130 GCIII and 147 GCIV, torture or inhuman treatment, willfully causing great suffering or serious injury to body or health are to be considered grave*



*breaches of the conventions. There is hardly any doubt that the rape of a detainee is regarded as a grave breach (see ICTY, Furundzija case). As for ordering guards to treat detainees in an inhumane manner, this can also be considered as falling under the grave breaches provision. Consequently, CIA agents and private contractors may be prosecuted under section 2441(c)(1) US federal law.*

*In addition, it is possible to prosecute these persons under section 2441(c)(3) of US federal law since Common Article 3 is also applicable to international armed conflict (see ICTY, Tadic Jurisdiction Appeal case). It is however unlikely that a US court would follow international jurisprudence on the subject. Nevertheless, if it would, it could prosecute private contractors for “outrages upon personal dignity, in particular humiliating and degrading treatment” that would without a doubt apply to the treatment suffered by the detainees in Abu Ghraib since the threshold of applicability is lower than the one enshrined in articles 130 GCIII and 147 GCIV.<sup>286</sup>*

Once a federal court's jurisdiction is established, contractors can then face charges under a 1994 provision of the criminal code (PL 103-236) that prohibits U.S. nationals from engaging in acts “intended to inflict severe physical or mental pain or suffering.”<sup>287</sup> That provision was passed to implement the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which imposes on governments a duty to prosecute all instances of torture in their jurisdiction. The law holds that anyone who commits torture outside the United States shall be fined or imprisoned for up to 20 years, or if the victim died, could receive a life sentence or the death penalty.<sup>288</sup>

### **Military Extraterritorial Jurisdiction Act (MEJA)**

Another option is the Military Extraterritorial Jurisdiction Act (MEJA) of 2000 (Public Law 106-523, Amended Title 18, US Code). It was passed to establish federal jurisdiction over certain criminal offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.<sup>289</sup>

Essentially, the Act applies to anyone who engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than one year, the same as if the offense had been committed within U.S. jurisdiction.<sup>290</sup> The person must be employed by or accompanying the Armed Forces outside the United States.<sup>291</sup>

However, the Pentagon has not yet formalized or signed the implementing regulations for the 2000 law. On February 10, 2004 the Department of Defense issued its first proposed rules for MEJA implementation. The rules, however, were limited by the statutory constraints of MEJA, preventing DoD from clarifying the outstanding questions about civilians contracted by agencies outside DoD.

Military officials said May 6 that the directives are still in the final stages of review by the Justice and State departments.<sup>292</sup>

The first case under the MEJA was brought last year in California against the wife of a murdered Air Force staff sergeant at Incirlik Air Base, Turkey.<sup>293</sup> Thus far in Iraq the situation is not encouraging. U.S. army lawyers washed their hands of the situation in Abu Ghraib, deciding that they had no jurisdiction and left it up to the firms to decide how to discipline their staff.

According to Peter Singer of the Brookings Institution the challenge on MEJA is not actually the lack of precedent, but rather the loopholes in it and the lack of doctrine around it.

*The problem is essentially twofold: there are questions as to whether MEJA applies to contractors working for those agencies other than DoD and for foreign subcontractors, and more importantly, the doctrine of how, when, where, and who would apply MEJA was never established (DoD was supposed to, but never did). This is partly how you get this punting of the problem right now between DoD and DoJ, where DoD says it has no jurisdiction, while DoJ says its not going to do anything until DoD tells it. There is no specificity there and so military jurists look at it and feel that MEJA is close to useless for going after US citizen contractor, let alone what you do to a 3rd party national. The way the laws are written, or rather not written, make it somewhere between highly problematic and useless.<sup>294</sup>*

A bill introduced in May 2004 by Rep. David E. Price and Rep. Christopher Shays, would extend the law to contractors with any federal agency, so long as they are “supporting the mission of the Department of Defense.”<sup>295</sup> Furthermore MEJA gives no authority to prosecute foreign nationals employed by contractors and subcontractors or U.S. citizens employed as contractors by the United Nations or foreign governments.

While this may be irrelevant to Abu Ghraib it is clearly worthy of clarification. What happens, for example, if illegal activities are carried out by in-country employees of a PMC? Given that Erinys has employed over 14,000 Iraqis to protect Iraqi petroleum infrastructure it is at least a possibility.

Currently, it appears that MEJA will not cover the contractors at Abu Ghraib, because they were formerly on a contract administered by the Interior Department (themselves working under contract from DoD). Federal prosecutors using the MEJA would have to argue that they were *de facto* employees or contractors of the Defense Department.

## **New laws in response to the scandal**

Several concerned actors in the wake of the scandal have suggested a number of new laws and guidelines. On May 18, 2004, Rep. David Price and Martin Meehan (D-MA) sponsored the Contractor Accountability Bill that would extend the MEJA to include non-U.S. citizens working as a contractor to the U.S. government.<sup>296</sup> As of this writing it is included in the Senate version of the defense authorization bill but not the House version, as the Republican leadership is concerned it will make the administration look bad. But as it enjoys popular bipartisan support in both houses there is at least an even chance it will pass during conference.

The International Committee of the Red Cross (ICRC) is preparing to implement a “triangular strategy” aimed at PMCs in areas of conflict. When they have concerns over activities, or lack of training and expertise, the ICRC will approach the company, the hiring military organization and the company’s government to bring to bear the need for compliance.<sup>297</sup>

In addition, the Pentagon is preparing new rules regulating contractors going far beyond their role in the prison system. These new rules will affect all private contractors, including those providing translation services, foreign army training, security for government officials, reconstruction projects, weapons maintenance, base security and information technology and communications services.

One likely requirement is that companies will be suspended or banned from Pentagon contract work if employees violate standards of military conduct or international conventions. Another proposed change will put the U.S. military back in charge of providing personal security for U.S. officials.

Companies that provide combat assistance in the field will also have to more fully disclose their ownership, finances and legal histories and be subject to more-thorough performance reviews and employee background checks.<sup>298</sup>

## **Conclusion**

Finally, what does Abu Ghraib tell us about control over and accountability of PMCs? Though not all investigations have been completed and much of the most relevant material is still classified, the bulk of the evidence to date suggests that most of the abuses were carried out by regular military forces. Though several PMC contractors seem guilty of criminal behavior and merit prosecution, it does not appear that the use of translators and interrogators from private firms like Titan and CACI were part of any effort to deliberately avoid oversight. If anything, such efforts came from government agencies like the CIA, which requested the Army to keep certain prisoners off the books, i.e., the so-called “ghost” detainees.

What Abu Ghraib indicates above all else is that, much like the overall slipshod, ill-planned way the United States prepared for post-major combat operations, it is a reflection of broader policy failings. In short, the Bush administration has tried to fight a war and nation-build on the cheap. It has failed to commit the necessary number of trained and qualified personnel and failed to supply the necessary resources required for an occupation force under international law. In such a scenario failure and criminal behavior by both private and public actors was virtually inevitable.

The CIA and civilian leadership higher up the chain of command in the U.S. Department of Defense (DoD) created and encouraged the culture in which such offenses occurred. In short, Iraq has shown that higher standards of accountability are required in both the public and private sector.

In addition, while Abu Ghraib has shown that certain tasks, such as prisoner interrogation, are too sensitive, to be outsourced to the private sector without proper government oversight (because of the potential for human rights violations), it is a sad, current reality that the U.S. military plans to continue using PMC personnel for that task because it lacks sufficient qualified personnel of its own.

# 6. Conclusions and recommendations

## Overview of strengths and failings of PMCs in Iraq

What do we know from the experience of PMCs in Iraq thus far?

First, PMCs have done reasonably well in fulfilling their contracts. They have performed difficult missions under trying circumstances. For the most part they were operating in Iraq for the first time, and managed to field dozens or hundreds of personnel, in far less time that it would take to field comparable regular military units.

Generally, their personnel have conducted themselves professionally and are more in tune with the local culture than are regular U.S. 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.

But, with the advantage of hindsight it seems clear that a lack of strategic planning has affected the private sector in the same way it affected the regular U.S. military in regard to the post-major combat operations phase of the war in Iraq.

On occasion, PMC personnel have been so focused on the security aspect of their mission that they have jeopardized the larger strategic goal of bringing peace and stability to Iraq. Using force to protect clients from attacks should not be allowed to result in actions that alienate the Iraqi population, i.e., running people off the road, taking over gas stations, et cetera. In the future PMC contracts need to be written that ensure the balance between the two is maintained.

While it is true that the private sector can scale up and adapt faster than the regular military it is also true that the Pentagon's oversight mechanisms could not be scaled up as quickly.

And, clearly coordination of PMCs was deficient. PMCs did not receive sufficient early warning before the war about how much their services would be needed. The U.S. Project and Contracting Office, set up this year, should have been established before the war. Similarly, the contract awarded to Aegis Defence to provide security on all major Iraqi government projects should have been envisioned before the war.

The shortened timeframe meant hasty tendering of contracts, which denied both the contracting PMC and the awarding organization the necessary time to make careful decisions. In addition, with the explosion of companies within the industry in Iraq, and the reduced timeframes for tenders, those awarding contracts had insufficient information about the companies tendering for contracts. This was exacerbated by that fact that those awarding the contracts often had little experience of the industry or of their own organizations security needs.<sup>299</sup>

Iraq also shows that some flexibility in contract pricing and delivery is required. Some fixed-price contracts, for example, have led to underbidding by less reputable companies (whereas their more reputable counterparts have given more realistic bids to include costs to cover a deterioration in the security situation).<sup>300</sup>

It also appears that in some cases PMCs received contracts on the basis of lobbying or political influence. Future contracts must be more transparent and based solely on value for money criteria.

And some PMCs have traded on the military backgrounds of their founders and directors, but lack the proper business and management skills to run their firms efficiently. This is a crucial failing, given that some PMCs only emerged during the Iraq war but are now employing hundreds of people.

PMCs also need a better understanding of the basic laws and regulations of the country they operate in. When, as in the case of Iraq, they are under contract to the U.S. government this becomes a governmental responsibility.

### **Changes that need to be made in the light of experiences in Iraq**

Many experts have called for changes in the regulation and running of PMCs. Some of these recommendations, such as independent monitors, contractual restrictions and incentives, have been advocated many times before.<sup>301</sup> Clearly, some of them should be adopted without further delay, while others (such as changes to international law) will take some time to agree and implement. These recommendations fall within two broad categories:

- Improved regulatory oversight; and
- Clarification of, and amendment to, international law in relation to PMCs

### **Improved regulatory oversight**

In theory, given the failings in governmental regulatory oversight, this function could also be outsourced to the private sector, for example, to an independent accounting company. However, given the current political climate of suspicion towards private sector activities in Iraq that is not a viable option.

A more politically acceptable solution perhaps would be for Congress to authorize bringing in auditors from other governmental agencies, such as the inspector general offices of the various military services or the Defense Contract Audit Agency to handle the increased oversight responsibilities.

In the context of PMCs involved in peace operations, which is not the case in Iraq, Peter Singer at the Brookings Institution has recommended the creation of:

- standardized monitoring and contracting processes;
- establishment of clear contractual standards and incentives programs;
- systems for outside vetting of personnel; and
- independent observer teams.

These measures should be applied to PMCs operating in Iraq without delay.

But what other measures should be put in place in the United States to ensure greater accountability of and control over PMC operations?

First, the burden is not on the PMC, but on the client, in this case mainly the U.S. government, to guard its own interests and make sure the job is done right. Higher standards and greater clarity need to be brought to bear on current and future U.S. military outsourcing decisions. This also applies to other states with similar approaches, especially the United Kingdom. It also means far better financial scrutiny of contract competitions, awards and oversight to ensure that money is being saved through outsourcing (no formal study has yet proven this).<sup>302</sup>

Second, some of the provisions specified earlier in the U.S. National Defense Authorization (for 2005) bill are worthy and should be passed into law. Some provisions, however, appear to be more trouble than they are worth. It is also difficult to see how some of the provisions can be effectively implemented. For example, how should actual numbers of PMC personnel be counted? Should all non-military personnel doing DoD contracts and subcontracts be included? Should Iraqi personnel be included? What about day laborers? Given that many PMCs themselves subcontract out their own operations, such as providing meals and housing for their personnel in the field, keeping track of the numbers can become difficult, especially considering the lack of an effective bureaucracy in Iraq.

As for warning contractor personnel of the hazards this is already being done. See the EG&G Technical Services Inc., questionnaire in Appendix 5 as an example. No reputable PMC is likely to hire anyone without making him/her aware of the risks. With specialist Western personnel in particular, the PMC is required to make too much of an investment in training, equipment and transportation to want potential employees who might break their contract and return prematurely. Even the much-vilified Halliburton and its KBR subsidiary go out of their way to ensure that their employees know exactly what they are letting themselves in for.

Still, PMCs should take steps to ensure that the personnel recruited from third countries receive the same notification and training as those recruited from the PMC home country. Otherwise recruiting agencies, such as the one in India cited earlier, will recruit people who are unprepared and unqualified for the job.

In any event, PMCs would do well to pre-screen far more people than they currently do, even if it means added expense.

The role of government in screening also needs to be reviewed and strengthened. If the Pentagon continues to have a role in carrying out background checks, instead of or in addition to those carried out by the companies, one of the benefits of using PMCs—their ability to speedily deploy to a conflict zone—may be lost. For example, recent U.S. GAO reports on the existing background checking system suggest that it can take 12 months or more for clearance to be given<sup>303</sup>

However, a number of measures could be introduced to prevent this from happening, including increasing the number of regulators and earlier screening of PMC personnel. If PMCs were required to keep a register of their staff some form of periodical review by government inspectors would be possible, with less intrusive oversight for those companies with a good record (as currently happens with export licensing). Alternatively, a purely voluntary regulatory approach might be considered, with companies solely responsible for carrying out their own background checks, but with a system of financial and criminal penalties in place as a 'backstop' for when transgressions come to light. Given the sensitivities of the sector, however, a purely voluntary approach is not desirable at present.

Third, the loopholes in the Military Extraterritorial Jurisdiction Act (MEJA) need to be closed to ensure that it applies to all contractors (other governmental agencies, foreign contractors and subcontractors) and not just DOD direct contractors. The Pentagon also needs to complete and formally publish the legal doctrine around the MEJA before it hires any new PMCs. Legislation has been introduced in Congress to do this, such as the bills by Rep. David E. Price and Rep. Christopher Shays and the one by Rep. Meehan. These should be enacted without delay. Clients, especially the Defense Department, have to be comfortable that the contractors can be held accountable. Notably there is universal support for this in the PMC industry.

Fourth, the industry needs to set up some industry-wide standards and start enforcing them. Some PMCs, such as Sandline in the UK proposed, such standards years ago.<sup>304</sup> And, the International Peace Operations Association, a private sector grouping of PMCs, has also put forward a Code of Conduct, which has many worthwhile provisions that could be incorporated into industry-wide standards.<sup>305</sup>

Additionally, as Peter Singer advocates, the Pentagon needs to start operating as a smart client. In addition, to reviewing screening procedures (as described above), this will include:

*Increase the number of contracting officer deployments to a theater where PMC operate. Currently, in Iraq --less than 10% of army contracting force is deployed there;*

*Requiring competition rather than sole sourcing for future contracts (with built-in flexibility to allow for minor contractual modifications);*

*Punishing former government contracting officers who violate regulations on proper process; and*

Banning the hiring of firms that have been found to have overcharged government in the past or have committed crimes in the contracting process.

Finally, lawmakers could try to tackle areas where they consider outsourcing has gone too far, such as the use of contractors for interrogations. While the key consideration should be whether someone is qualified and operating legally the reality is that some positions, such as interrogators are just too sensitive to be outsourced.

### **Clarification of international law in relation to PMCs**

As detailed above most of the legal options for dealing with PMC violations are national, rather than international. The national regulations within different countries are varied in quality and effectiveness, and in many cases likely to be non-existent or full of loopholes. And in many cases there are large legal grey areas, including extra-territoriality issues and problems related to a mixture of state and private actors working together.<sup>306</sup>

Currently, the status of PMCs under international law is, at best, ambiguous. Most of their activities fall outside the mandate of the 1989 U.N. Convention of Mercenaries, which was enacted to cover such classic soldier-of-fortune activities as overthrowing a government.

Human rights laws, such as the Geneva Conventions, are more relevant, but they are binding only on states, which reduce the formal legal responsibilities of PMCs, as they are often hired by other private firms, not by states.

But perhaps the biggest obstacle to doing anything internationally is lack of political will. Most states find PMCs useful for implementing their own foreign and military policies and oppose efforts to restrict, let alone prohibit them. Thus, the most feasible legal changes that can be expected are those that would enhance transparency in the PMC sector and allow for greater regulation, i.e. performing audits of PMCs, which would make them sanctioned businesses.

Given that current environment the following options should be considered:

- *Extension of the International Court of Justice to PMC activities.* Peter Singer has recommended the extension of the International Court of Justice to PMC activities and clear contract provisos that PMC personnel fall under the jurisdiction of international tribunals. This idea has merit and diplomatic negotiations to accomplish this could be instituted immediately by the United States and Britain.<sup>307</sup>
- *Negotiation of a new 'Convention on the Use of Armed Non-Military Contractors by an Occupying Force'.* Such a convention could be negotiated with the aim of closing some of the existing loopholes in international law.
- *Harmonizing of national laws.* The different national laws for PMC regulation could be harmonized to create a common standard in order to help set the basis for an eventual international approach. EU and U.S. cooperation, or discussion within NATO might be useful places to start such a dialogue.



# Appendix 1: PMC Casualties in Iraq

It is not easy to keep track of PMC casualties. Coalition forces do not track civilian contractor deaths; instead this is left to the companies themselves. However, the number of PMC casualties is significant, as explained by Peter Singer of the Brookings Institution:

*From a survey of industry insiders as well as hometown press reports that sometimes announce the deaths, estimates are that between 30 and 50 private military contractors have been killed in the fighting in Iraq, with tens more killed in accidents. Assuming the rough ratio of killed versus wounded that has held among US troop casualties (1 to 6), this means that upward of 200 to 300 private casualties have gone unreported on the public ledger. That is more than the entire 82nd Airborne Division lost in Iraq over the past year.<sup>308</sup>*

On November 19, 2003, at a conference sponsored by the International Peace Operations Association, an official from Kellogg, Brown & Root gave a presentation and noted that as of that date there had been:

- 15 recordable incidents resulting from 132 hostile acts
- 2 KBR employees killed, 6 subcontractors killed
- 4 Subcontractors missing as a result of convoy ambushes

Of course, since then the numbers of casualties have significantly increased.

By anyone's standard, Iraq is clearly a dangerous place to work. One measure of the danger comes from the U.S. Department of Labor, which handles workers' compensation claims for deaths and injuries among contract employees working for the military in war zones.

Since the start of 2003, contractors have filed claims for 94 deaths and 1,164 injuries. For all of 2001 and 2002, by contrast, contractors reported 10 deaths and 843 injuries. No precise nation-by-nation breakdown is yet available, but Labor Department officials said an overwhelming majority of the cases since 2003 were from Iraq.<sup>309</sup>

More recent Labor Department data show that eighty-five civilians working on U.S. government contracts or subcontracts have died in Iraq since spring 2003. The figures don't include all the dozens of contractor casualties in Iraq since early April; claims for many of those victims are still being processed.<sup>310</sup> An Associated Press report said that since January 2003, there have been claims for 476 injuries in Iraq.<sup>311</sup>

A July 30, 2004 report from the CPA Inspector General noted:

*Claims for injuries and fatalities among civilian workers in Iraq appear to be underreported. Based on prime contractor and major insurance company estimates of 300,000 civilian employees in Iraq performing work under contract with U.S. funds, US Department of Labor (Labor) officials estimate that 27,000 claims would be processed annually. However Labor officials indicated that, as of June 30, 2004, only*

*635 DBA [Defense Base Act] claims had been submitted for civilians working under US contracts in Iraq. Labor officials expressed two concerns:*

*The number of total claims is low.*

*Claims filed by local nationals and third-country nationals working under U.S. contracts in Iraq are noticeably absent.<sup>312</sup>*

This data, indicates that not one Iraqi claim has yet been filed. So either Iraqi PMC employees are extraordinarily lucky or they are not being counted. Of course, the latter is true.

The following is a list, compiled from open source material, of fatalities from only private military and security firms. It excludes those killed working for primarily civilian contractors such as Halliburton, Kellogg, Brown and Root, GE, et cetera. It is admittedly incomplete and will, unfortunately and undoubtedly, increase over time. If other, non-security contractor personnel were to be included, the list would be much larger. Such a list can be found at <http://icasualties.org/oif/Civ.aspx>.

**August 10, 2003.** Iraqi gunmen shot dead a Nepalese Gurkha security officer in an ambush in central Basra. He worked for private security contractor Global Security, and was in a vehicle that had been delivering mail for the United Nations.<sup>313</sup>

**November 2003.** A Fijian known as Tak, a highly decorated former SAS soldier, was wounded in a shoot-out in the Safwan area near Basra.<sup>314</sup> It appears that he, and another who was also wounded in the ambush, was working for Control Risks.<sup>315</sup>

**November 2, 2003.** Two contractors, Roy Buckmaster, 47, of Lake Oswego, Ore., and David Dyess, 53, of Havelock, N.C., working for EOD Technology Inc., a Knoxville, Tennessee company were killed and one was slightly wounded outside Baghdad when an improvised explosive device (IED) was detonated along the roadside as their truck passed. EOD is one of several companies contracted through the Army Engineering and Support Center in Huntsville, Ala., to support the Captured Enemy Ammunition program.<sup>316</sup>

**November 11, 2003.** An Erinys team was attacked while traveling from Latafiya to Baghdad. James Wilshire and Majid Hussain Jasim were killed. Another bodyguard was injured.<sup>317</sup> Wilshire, 43, of Corona, California retired in 2000 after 20 years in the US Marine Corps.<sup>318</sup>

**November 23, 2003.** Sinclair Lewis, 55, and Todd Drobnick, 35, killed in a head-on collision with a petroleum truck near Mosul, Iraq. Drobnick was a senior manager in charge of a team of translators working for San Diego defense contractor Titan Corp. Army Chief Warrant Officer Christopher G. Nason, 39, of Los Angeles, was also killed.<sup>319</sup> In an example of how the line between active duty soldiers and private sectors is blurred even though he was not on active duty Drobnick was posthumously awarded a Purple Heart and Bronze Star. Several other contractors have received battlefield commendations in Iraq, too, but the military says it was a mistake. Only active-duty soldiers are eligible for the awards and those received by civilians are being rescinded.<sup>320</sup>

**January 2004.** Two private security agents hired by the Steele Foundation of San Francisco were killed north of Baghdad while protecting a convoy of US construction executives.<sup>321</sup>

**January 24, 2004.** Warren Burch Hoffecker, 57, a manager for government contractor DynCorp, died of a heart attack Jan. 24 at Welcare Hospital in Dubai, United Arab Emirates. He served as a Green Beret in the Army Special Forces in Vietnam, where he was seriously wounded. In 2003 he became a manager for DynCorp's Close Personal Protection Program for the Iraqi Governing Council and the Iraqi judiciary.<sup>322</sup>

**January 28, 2004.** Francois Strydom was killed when an ambulance Vehicle Borne Improvised Explosive Device was detonated in the vicinity of the Shaheen Hotel in Baghdad. He was a former member of the Koevoet, a brutal counterinsurgency arm of the South African military that operated in Namibia during the neighboring state's fight for independence in the 1980s. His colleague Deon Gouws, who was injured in the attack, is a former officer of the Vlakplaas, a secret police unit in South Africa. In 1996 Gouws admitted targeting anti-apartheid activists in a series of bombings, assassinating a cabinet minister in a tribal homeland and the mass murder of nine African National Congress recruits.<sup>323</sup> Strydom worked for Indianapolis, Indiana based Security Applications Systems International (SASI), which is sub-contracted by Erinys International.<sup>324</sup> Erinys has since severed its relationship with SASI.

**February 8, 2004.** Tomasi Ramatau of Navunievu, Bua, Fiji died as a result of head injuries caused by mortar shrapnel while on duty at Baghdad International Airport. One of his colleagues, Tevita Tukana, suffered leg injuries from the shrapnel.<sup>325</sup> They worked for Global Risk Strategies International Ltd.

**March 29, 2004.** Colour Sergeant Christopher McDonald and Andy Bradsell, a former British soldier, died when rebel gunmen in northern Iraq ambushed the vehicle in which they were traveling. McDonald was moonlighting for Olive Security, working as civilian security guard protecting foreign engineers from the US company General Electric at a power station east of Mosul. He appears to have violated regulations by traveling to Iraq without the permission of superior officers as he was preparing to return to civilian life while on resettlement leave.<sup>326</sup> British soldiers are allowed seven weeks off before they retire to allow them to retrain for civilian life, but some are taking advantage of high salaries in Iraq and working for military contractors before they formally retire. McDonald was not the only member of Northern Island security services to work in Iraq. One news report estimates there are up to 200 Ulster people working in Iraq as security guards.<sup>327</sup>

**March 31, 2004.** Four Blackwater Security Consulting (one of five subsidiaries of Blackwater USA) employees killed and mutilated in an ambush in Falluja. Three were ex-Navy SEALs, Wesley J. Batalona, Scott Helvenston, Michael Teague, and one, Jerry Zovko was a former Army Ranger.

**As of early April 2004** San Diego's Titan's Corp. has lost at least 13 employees - including four Americans - since the defense company began providing interpreters to the US Army in Iraq, according to published reports. Nine of the 13 killed from July through December were Iraqis, although not all of the deaths were combat-related.<sup>328</sup>

**April 3, 2004.** Titan Corp. translator Emad Mikha, 44, of Sterling Heights, Mich., died in Muqdadiyah, Iraq.<sup>329</sup>

**April 6, 2004.** South African Gray Branfield, 55, was killed in a battle for the eastern Iraq city of Kut, which was surrendered by Ukrainian coalition troops to Shia militants. A veteran of the Rhodesian bush war, he was later involved in South Africa's special forces. The Truth Commission report names him as one of about 5 000 Rhodesian security force personnel who were recruited into the SA Defence Force in the 1980s and

involved later in covert South African operations in Zimbabwe. He was working for a British security company, Hart Security.<sup>330</sup> He was, employed to guard the power lines of the Iraqi ministry of electricity and was extracted from a rooftop in Kut by his firm's Iraqi interpreter after he bled to death. He was pinned down on the rooftop of the house he and four colleagues had been occupying when insurgents overran the house. The other four were wounded.<sup>331</sup> Reportedly they defended the home for two days and the Hart employees called US and Ukrainian military forces so many times during the two-day siege that "the battery on their mobile phone ran out"<sup>332</sup>

**April 8, 2004.** Michael Bloss, originally from Bridgend, south Wales, was shot while he was protecting electrical workers employed by a United States firm near the town of Hit. He had been in country for three weeks as an employee of Custer Battles.<sup>333</sup>

**April 12, 2004.** Hendrik "Vis" Visagie, 29, a former member of the Pretoria Task Force, died after being critically injured during an ambush on April 7. Visagie, was working on a contract with Erinys Iraq. He was shot dead during a skirmish between Shi'a radicals and Ukrainian forces in Al-Kut, 185km south-east of Baghdad. He is believed to have been killed in the same fighting in which another South African, Gray Branfield (above), was killed.<sup>334</sup>

**April 12, 2004.** Fabrizio Quattrocchi, one of four Italian security guards who had been kidnapped, was executed by an Iraqi Islamist group, two days after the men were captured, on April 12. His death was videotaped.<sup>335</sup> Three of the guards reportedly worked for an American PMC and one for Pilgrims. It is not clear which one Quattrocchi worked for. And, in a tragic twist, it turns out the four guards had their personal protection weapons confiscated by American soldiers, leaving them vulnerable, just hours before they were kidnapped. The three other kidnapped guards were rescued by coalition forces June 8.<sup>336</sup>

**April 22, 2004.** - A gunman shot and killed a South African security guard, Francois De Beer, in a Baghdad shop Thursday after accusing him of being a Jew.<sup>337</sup> He was trained by the South African Police Service's Task Force in 1996 and spent two years as an operational member before leaving the service. He worked for Meteoric Tactical Solutions.<sup>338</sup>

**April 25, 2004.** Thomas Carter, of Oregon and Vince Foster of Port Orchard, WA died in an ambush in Iraq while working for Cochise Consultancy to provide security for the US Army Corps of Engineers. Carter had been a member of the Delta Force when he was in the US Army. Foster was a Marine Corps vet who served in both the Persian Gulf and Somalia. They were escorting other contractors from USA Environmental of Tampa from Florida, hired by the Corps to destroy old Iraqi munitions.<sup>339</sup>

**April 30, 2004.** Mike Price, 33, of Concord, CA died from wounds suffered during an attack on his convoy earlier in the week. Price worked for the Halo Group as a weapons instructor and a security specialist. He was a former Navy corpsman.<sup>340</sup>

**May 1, 2004.** Christian Frederick Kilpatrick a former US Army Ranger, was killed May 1 in an ambush in northern Iraq. Kilpatrick was killed when his convoy was hit by rocket-propelled grenades, machine gun fire and artillery near Tikrit. Kilpatrick, 25, of Santa Rosa, CA worked for DynCorp, which received a \$50 m contract last year for law-enforcement support in occupied Iraq.<sup>341</sup>

**May 13, 2004.** Henry “Hank” Doll, a former Collier, FL sheriff’s corporal, was killed in a vehicle crash on a road between Tikrit and Baghdad. Cpl. He worked for DynCorp International as a contract provider of law enforcement assigned to Iraq. Another DynCorp contractor, Jesse Gentry, 61, a retired Army veteran and police officer, was also killed.<sup>342</sup>

**May 18, 2004.** Brian Tilley, a former Royal Marine was shot dead in Iraq while working as a private contractor. Sources said that a gunman had walked into the house where Mr. Tilley was staying and opened fire. Mr. Tilley is believed to have served in the first Gulf war in 1991. He left the Royal Marines Special Boat Squadron about two years ago, and had been based in Baghdad for 14 months. Mr. Tilley set up his own company called Peak after leaving the Royal Marines, and was believed to be working with an Egyptian company on a communications project.<sup>343</sup>

**May 18, 2004.** Andrew Harries, 33, of Llwydcoed, Aberdare, UK, was killed when a gunman opened fire on a convoy outside Mosul. He was a former soldier who had taken part in the first Gulf war in 1991 and had served in Northern Ireland. He worked for ArmorGroup, which split from its US parent company Armor Holdings in a management buy-out in November last year. He had been in Iraq for around eight weeks at the time of his death.<sup>344</sup>

**May 25, 2004.** Mark Carman, a bodyguard working for Control Risks, was killed when the car he was in was hit by an RPG as it waited to enter the so-called Assassin’s Gate of the Green Zone, the heart of the CPA’s operation in Baghdad. The man he was bodyguard for, Bob Morgan, 63, a retired senior project director for BP working on a six-month contract for the Foreign Office and on secondment to the Coalition Provisional Authority was also killed. Carman, 38, was a former member of the Royal Artillery who left the Army in 1996. Another British bodyguard was seriously injured.<sup>345</sup>

**May 30, 2004. Bruce Tow,** 57, a highly decorated former Denver police SWAT officer, who worked for DynCorp, was killed when his convoy, going from downtown Baghdad to the city’s airport, was ambushed at an overpass. Tow was in Iraq to train civilian police officers.<sup>346</sup>

**June 3, 2004.** Kenneth Barker, 25, a former Marine, who worked for Critical Intervention Services, died as the result of injuries sustained in an automobile accident in Iraq on May 31.<sup>347</sup>

**June 5, 2004.** Four civilians - two Poles and two Americans - working for Blackwater Security Consulting were killed in an ambush in Baghdad. They were protecting a convoy of Texas-based Kellogg, Brown and Root, a division of Halliburton Company responsible for supplying US bases with food and other necessities.<sup>348</sup> One of them was Chris Neidrich, 31, who worked for a firm called Critical Intervention Services. Neidrich was on temporary assignment, assigned as Detail Leader for Blackwater, providing Executive Protection for American diplomats.<sup>349</sup>

**June 5, 2004.** Craig Dickens, a British security contractor was killed and three colleagues, Peter Lloyd, Stephen Baigent and David Leach, all Britons, were injured in a drive-by shooting near Mosul in northern Iraq as they traveled in a civilian convoy.<sup>350</sup> Dickens worked for ArmorGroup.

**June 14, 2004.** Keith Butler, 42, and John Poole, 44, were among five foreign contractors killed in central Baghdad when a suicide bomber drove a car filled with explosives into their convoy.<sup>351</sup> Butler was a Falklands veteran who served in the British

army for 22 years. They worked for Olive Security. Rex G. Sprague III, 39, a retired US Army sergeant was killed in a convoy attack while on the road to the Baghdad International Airport. Despite being wounded by small arms fire in the ambush he was still able to drive three co-workers to safety. He worked for Titan Corporation.<sup>352</sup>

**June 24, 2004.** Julian Davies, a former sergeant in the Territorial Army ranks of the SAS, was helping train the Iraqi police force when he was killed on June 24 in Mosul. He worked for Global Risk Strategies.<sup>353</sup>

**August 1, 2004.** Robert Wagner, 29, a former US Marine and Army reservist, died when a bomb blew up a convoy he led that was transporting materials for the reconstruction of Iraq, just two months into his one-year contract with the private firm, Custer Battles. Two Iraqis were also killed, and two American contractors were injured.<sup>354</sup>

**August 16, 2004.** Herman Pretorius, 37, a citizen of South Africa, was seriously wounded and is missing following an ambush on a convoy near Mosul, Iraq. He was part of a DynCorp International security team that was returning from an escort mission. He was driving the lead vehicle when, at approximately 10:55 a.m. local time, the convoy was struck by small arms fire and an improvised explosive device. Mr. Pretorius was very seriously wounded in the initial attack. The security team was unable to extract him from the vehicle before being forced to withdraw by heavy machine gun and small arms fire as well as the explosion of a second device. The security team withdrew a short distance away and radioed for assistance. They then regrouped and attempted to return to the scene to recover Mr. Pretorius. Upon arrival, they encountered a force of Iraqi National Guardsmen who had responded to their call for assistance. The National Guardsmen reported witnessing unknown individuals removing Mr. Pretorius from his disabled vehicle, placing him in another vehicle and driving off before they could be stopped. Efforts by US and Iraqi authorities to locate Mr. Pretorius have thus far been unsuccessful. These efforts are continuing.<sup>355</sup> An August 19, 2004 South African news report cited a South African foreign affairs spokesman as confirming that Pretorius was dead.<sup>356</sup>

**September 14, 2004.** Todd Engstrom, 35, from Illinois, was killed when a rocket-propelled grenade hit the truck he was riding in. He was traveling in a two-vehicle convoy on his way to Balad, Iraq when the convoy was attacked. Engstrom had spent the last 21 months in Iraq working for Tennessee-based EOD Technology Inc. For 18 of those months, he was in charge of security at a camp used by the U.S. military and its contractors in Fallujah.<sup>357</sup>



# Appendix 2: Security Companies Doing Business in Iraq<sup>358</sup>

The below list does not claim to be comprehensive; rather it is intended to be illustrative in order to show the wide range of shapes and sizes that PMCs come in and the scope of activities they perform.

Some have been around for decades; others are newly created subsidiaries of other firms. Some have contracts directly with the CPA or the Army, other U.S. governmental agencies, or as subcontractors working for contractors, working for a government agency. Others work as subcontractors to primarily civilian contractors such as Halliburton, Fluor, GE, Parsons et cetera. Still others work for the media or various nongovernmental organizations.

Some individuals and small teams have simply incorporated a company and offer their services through it. They are not necessarily looking for client contracts, although they might get lucky enough to get one, but are looking to be employed by the established firms, although the employment contract would be written with their company, not themselves as individuals.

## AD Consultancy

[www.adconsultancy.com](http://www.adconsultancy.com)

Headquarters: ADC House, P.O. Box 153, Sutton, Surrey SM3 9WF, UK.

tel: 0870 707 0074; fax: 0870 707 0075; email: [security.services@adporta.com](mailto:security.services@adporta.com)

Description of Services: Risk and threat assessment as well as close protection teams/bodyguards for personnel in Iraq. Travel and escort security to and from oil and gas facilities as well as surveillance and counter surveillance.

Contact in Iraq: Ian Grealey: tel: 0870 707 0074; email: [ian.grealey@adporta.com](mailto:ian.grealey@adporta.com)

## Aegis Defence Services

<http://www.aegisdef-webservices.com/>

Headquarters: 118 Piccadilly, London W1J 7NW, UK

tel: +44 20 7495 7495; fax: (44) 20 7493 3979; email: [info@aegisdef.com](mailto:info@aegisdef.com)

Lieutenant Colonel Tim Spicer, CEO. You can call Spicer directly at 1 (703) 343 8136 (a US number that rings through to the CPA Program Management Office in Baghdad).

Description of services: Traditionally only involved in maritime security, Aegis won a contract valued at £293 m over the next three years. It is to provide 75 teams of 8 members each to provide security on all major Iraqi government projects following the June 30 handover. Projects include the guarding of oil and gas fields and electricity and



water supplies but also security for prisoners and for the vetting of all local Iraqi employees.

## **AirScan**

<http://www.airscan.com/>

Headquarters: AirScan, Inc., 3505 Murrell Road, Rockledge, FL 32955

tel: 866-631-0005; tel: 321-631-0005; fax: 321- 631-5811; email [airscan@airscan.com](mailto:airscan@airscan.com)

Description of services: AirScan was created in 1989 to provide airborne surveillance security for US Air Force launch facilities. Provides ground, air and maritime surveillance equipment.

## **AKE Limited**

[www.akegroup.com](http://www.akegroup.com)

Headquarters: Mortimer House, Holmer Road, Hereford HR4 9TA, UK

tel: [44] (0) 1432 267111; fax: [44] (0) 1432 350227; email: [services@akegroup.com](mailto:services@akegroup.com)

Description of Services: Security risk specialists, who provide not only armed security services but also hostile regions training, political, security, intelligence and cultural briefings, secure database of security, risk and intelligence information. Thought to be employing 13 SAS-trained Australians in Iraq.<sup>359</sup>

Contact in Iraq: Peter Hornett, tel: [44] (0) 7739 094598, email: [operations@akegroup.com](mailto:operations@akegroup.com)

Subsidiaries in Iraq: AKE Asia-Pacific Pty Ltd., Level 4, 201 Miller Street, North Sydney, NSW 2060, Australia

tel: +61 (0)2 9025 3525; mobile: +61 412 552 888 email: [australia@akegroup.com](mailto:australia@akegroup.com)

## **American International Security**

<http://www.aisc-corp.com>

Headquarters: Sixty State Street, Suite 700, Boston, MA 02108, USA

tel: 617-523-0523; fax: 617-367-4717; email: [info@aisc-corp.com](mailto:info@aisc-corp.com).

Description of services: Services include executive protection and vulnerability assessment

## **Applied Marine Technology Inc.**

[www.amti.net](http://www.amti.net)

### **Headquarters**

Mr. Bill DeSteph  
Business Development and Strategic Planning

2900 Sabre Street, Suite 800  
Virginia Beach, VA 23452  
Phone: (757) 431-8597  
fax: 757-431-8391  
E-mail: [desteph@amti.net](mailto:desteph@amti.net)

Description of services: Provides government and private sector customers with professional and technical services in international and homeland security, information systems and communications, and the rapid prototyping of unique technical solutions. This includes the test and evaluation contract for the Predator UAV drone.<sup>360</sup>

## **ArmorGroup**

<http://www.armorgroup.com/>

Headquarters: 25 Buckingham Gate, London SW1E 6LD

tel: [44] (20) 7808-5800; fax: [44] (20) 7233-7434; email: [info@armorgroup.com](mailto:info@armorgroup.com) or [jmillar@armorgroup.com](mailto:jmillar@armorgroup.com).

Description of services: ArmorGroup operates in Mosul, Baghdad, and Basra, and has on-going operations throughout the country. The purpose of this is to provide major corporate and government clients in Iraq with risk assessment and management by UK and US ex -servicemen. Operations include the guarding of the Baghdad headquarters and transport depots of the US conglomerates Bechtel and the Halliburton subsidiary KBR.<sup>361</sup>

The British-based private security company DSL (Defence Systems Ltd.) was previously bought by Armor Holdings Inc. and turned into ArmorGroup. Subsequently, the DSL principles fought with the new management, which wanted lots more transparency and bookkeeping since Armor Holdings is listed on the New York Stock Exchange and left soon after the purchase.

Contact in Iraq: John Farr, MBE, Country Manager; tel: 0088 216 511 20010; email: [jfarr@armorgroup.com](mailto:jfarr@armorgroup.com)

## **BH Defense**

[www.bhdefense.com](http://www.bhdefense.com)

Headquarters: BH Defense, LLC, 2300 9th Street South, Suite 503, Arlington, VA 22204, USA

tel: 703-553-0561; fax: 703-553-0562; email: [info@bhdefense.com](mailto:info@bhdefense.com)

Description of services: BHD works for the Coalition Provisional Authority Program Management Office. Its services in Iraq includes providing secure warehousing, logistics support, and convoy escort

## **Blackheart International, L.L.C.**

<http://www.1stoptacticalgear.com>

Headquarters: 114 East Erie Street, P.O. Box 10, Linesville, PA 16424-0010, USA

tel: 814-683-1048; fax: 683-4113; email: [support@1stoptacticalgear.com](mailto:support@1stoptacticalgear.com)

Description of services: Blackheart International, L.L.C. is a young and aggressive veteran woman owned company that is providing equipment procurement services, security and training to military, law enforcement agencies and private clients. It has been providing these services since 1999. The bulk of its consultants and contracts are former Special Operations individuals that were trained to primarily be instructors of not only military subjects, but also subjects related to nation building to US and foreign military and police units.

## **Blackwater USA**

<http://www.blackwaterusa.com/>

Headquarters: 850 Puddin Ridge Rd. Moyock, NC 27958, USA

tel: (Toll Free) 877-425-5987; tel: Alternate, 252-435-2488; fax: 252-435-6388; email: [susanm@blackwaterusa.com](mailto:susanm@blackwaterusa.com)

Description of Services: The division of Blackwater operating in Iraq is Blackwater Security Consulting. It provides services through its Mobile Security Teams comprised of former operators primarily from the ranks of the US special operations and intelligence communities. Estimated to have 450 personnel in Iraq, supplying security for coalition facilities, escorting convoys, and providing the personal bodyguard for Paul Bremer. The firm also received a five-year Navy contract in 2002 worth \$35.7 m to train Navy personnel in force protection, shipboard security, search-and-seizure techniques and armed sentry duties. Blackwater, and other companies, have recruited ex-Chilean soldiers, including some who served during the time of Gen. Pinochet.<sup>362</sup> Blackwater Security Consulting LLC has a \$10,994,423 contract for support services for protective security detail.

## **BritAm Defence Ltd.**

<http://www.britamdefence.com/>

Headquarters: 3rd Floor, Marvic House, Bishop's Road, London SW6 7AD, UK

tel: 44 207 61001111; fax: 44 207 3859311

Description of Services: BritAm was awarded a contract for providing security cover for a humanitarian visit to Basra and Baghdad by executives from Demag Delaval Industrial Turbomachinery Ltd from Lincoln in the UK and whom Siemens Company wholly owns.

## **CACI**

[www.caci.com](http://www.caci.com)

Headquarters: CACI House, Kensington Village, Avonmore Road, London, W14 8TS, UK

tel: 020 7602 6000; fax: 020 7603 5862

US office: 1100 North Glebe Road, Arlington, Virginia 22201, USA

tel: (703) 841 7800; fax: (703) 841 7882; email: [msgw@caci.com](mailto:msgw@caci.com)

Description of services: Provide a range of logistics services to the US Navy, with a combined value of \$125 million. CACI's standing in Iraq has been blighted by the issue of prisoner abuse at Abu Ghraib prison, where it has the contract for the interrogation of prisoners for the US Army. On its website CACI, while not mentioning "interrogation" as one of its services does state, that it helps "America's intelligence community collect, analyze and share global information in the war on terrorism."<sup>363</sup>

The government contract that led interrogators working for CACI International Inc. into Abu Ghraib prison in Iraq was awarded in 1998, with the stated purpose of providing inventory control and other routine services to the US Army. This kind of "blanket-purchase agreement" is becoming increasingly popular with federal agencies because it is supposed to increase efficiency. Large, vaguely worded contracts are designed so the agencies can make quick requests and get fast results, without requiring separate bids and evaluations for each service. Critics say these open-ended contracts allow agencies to skirt public oversight and give big companies an unfair advantage in winning government business.

The CACI contract with the Army is administered by the Interior Department, under an outsourcing agreement with the Army, which has made it even harder to track. The CACI contract has a \$500 m limit. CACI has received 80 requests, or delivery orders, from the Army under this contract. Most requests are for ordinary offerings, such as information technology services, but 11 of the delivery orders were for projects in Iraq. Three of those dealt with interrogation and intelligence gathering. One order, issued in August 2003, was worth \$19.9 m for a year-long stint of interrogation support. It is under that order that CACI's Steven A. Stefanowicz and other contractors worked as interrogators at the Abu Ghraib prison near Baghdad.<sup>364</sup>

## **Carnelian International Risks**

<http://www.carnelian-international.com>

Headquarters: Carnelian International Risks, 4 Lubards Lodge, Rayleigh, Essex SS6 9QG, UK

tel: +44 1245 380 683, fax: + 44 1245 382 894, email: [enquiries@carnelian-international.com](mailto:enquiries@carnelian-international.com)

## **CastleForce Consultancy Ltd.**

[www.portaliraq.com/showbusiness.php?id=464](http://www.portaliraq.com/showbusiness.php?id=464)

Headquarters: Town Lane, Bebington, Wirral CH63 5JF, UK

tel: +32 48445 8672

Description of services: 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.

## **Centurion Risk Assessment Services**

[www.centurion-riskservices.co.uk](http://www.centurion-riskservices.co.uk)

Headquarters: P.O. Box 1740, Andover, Hants, SP11 7PE, UK

tel: 44 (0) 1264 355255; tel: 44 (0) 7000 221221; mobile: 44 (0)7785 248934; fax: 44 (0)1264 355322; fax: 44 (0)7000 221222

Description of Services: Centurion prepares people both mentally and practically for dangerous work in extreme conditions. These people are usually in the news media, international organizations, humanitarian aid agencies, charities and other Non-Governmental Organizations (NGOs), and commercial businesses. Staff works in Iraq providing security for media crews

## **Cochise Consultancy Inc.**

<http://www.cochiseconsult.com>

Headquarters: 5202 Silverado Way, Valrico, FL 33594, USA

tel: 813-643-0022; fax: 813-643-1007; e-mail: [Cochiseconsult@aol.com](mailto:Cochiseconsult@aol.com);  
[Cochisearabia@yahoo.com](mailto:Cochisearabia@yahoo.com)

Jesse L. Johnson, President and CEO (Commander Special Operations Forces, Central Command, Desert Shield / Desert Storm).

Description of Services: Cochise is pursuing contracts in security and VIP protection for major US companies doing business in Iraq. It has a contract to help provide security for an ammunition-clearing contract held by USA Environmental.

## **Combat Support Associates**

[www.csakuwait.com](http://www.csakuwait.com)

Headquarters: tel: (+1) 965 486-5338; fax: 800-783-3220; fax: Non-US 965 468-5646; email: [csajobs@kuwait.com](mailto:csajobs@kuwait.com)

Description of Services: CSA provides comprehensive combat support services for the US Army and essential readiness for mobilization, including wartime and contingency issue of equipment in a rapid deployment scenario. Its main business is performing the Combat Support Service Contract - Kuwait (CSSC-K) until September of 2009. But according to Radio Netherlands it appears to do work in Iraq.

## **Control Risks Group**

[www.crg.com](http://www.crg.com)

Headquarters: 83 Victoria Street, London SW1H OHW, UK

tel: [44] (20) 722 1552; fax: [44] (20) 7222 2296

Description of Services: Hires armed guards to protect officials from Whitehall, aid workers and businesses. Directors include Sir Michael Rose, former SAS commander and head of UN protection force in Bosnia. Operations in Iraq are led by up of 500 mainly ex-British military personnel in Iraq, especially former members of the elite Special Air Services (SAS). They currently have an office in Baghdad providing major governmental and corporate clients with a range of services, including security management, discreet armed protection, and information support.

Contact in Iraq: James Blount, Country Manager; tel: 1-914-822-9502 (NY number but person is located in Iraq); email: [james.blount@control-risks.com](mailto:james.blount@control-risks.com) or [criraq1@control-risks.com](mailto:criraq1@control-risks.com)

## **Critical Intervention Services**

<http://www.cisworldservices.org/>

Headquarters: Critical Intervention Services, 1261 South Missouri Avenue, Clearwater, Florida 33756, USA

tel: 727-461-9417; tel toll-free: 800-247-6055; tel: 813-910-4247; fax: 727- 449-1269

Description of services: Founded in 1992 Critical Intervention Services is a Clearwater, Florida-based company providing a range of protection and investigative services to businesses, governments and individuals inside Florida and throughout the world.

## **Custer Battles**

[www.custerbattles.com](http://www.custerbattles.com)

Headquarters: 8201 Greensboro Drive, Suite 214, McLean, VA 22102, USA

tel: 703-356-2424; fax: 703-356-3001; email: [info@custerbattles.com](mailto:info@custerbattles.com)

Description of Services: Security services, life supports, construction, logistics, transportation, and personal security details. Also has a contract to provide security at Baghdad International Airport.<sup>365</sup>

Contact in Iraq: Brig. General Charles Baumann, Director; tel: [1] 914-360-9223; email: [cbaumann@custerbattles.com](mailto:cbaumann@custerbattles.com)

## **Decision Strategies**

<http://www.decision-strategies.com>

Headquarters: 31 Old Burlington Street, 2<sup>nd</sup> Floor, London W1S 3AS, UK

tel: 44 207 734 5361; fax: 44 207 734 5378

US offices: 33 East 33rd Street, New York, NY 10016, USA

tel: (800) 759-7402; fax: (212) 935-4046

Description of services: Specializes in all aspects of corporate, criminal and financial investigations, background and due diligence inquiries, security audits, protecting proprietary information and in gathering litigation intelligence. Decision Strategies' clients include corporations, leading law firms, financial institutions, government agencies, foreign governments and businesses and private individuals.

Contact in Iraq: Joint office with Vance International, Charles Blackmore or Nicholas Copeland; +44 (0) 20 7734 5361; email: [nicholas.copeland@ds.spx.com](mailto:nicholas.copeland@ds.spx.com)

## **Diligence Middle East**

[www.diligencellc.com](http://www.diligencellc.com)

Headquarters: 1275 Eye Street, NW, Washington, DC 20005, USA

tel: [1] 202-659-6210; fax: [1] 202-659-6210

Description of Services: Diligence Middle East is the Middle East subsidiary of Diligence LLC, a global information and security services firm. In Iraq, Diligence provides risk advisory consulting, competitive due diligence, close protection, site security, and security escort services for multiple international clients and contractors.

Contact in Iraq: Ken Josey, Country Manager; tel: [1] 914-822-9746 (NY number rings in Baghdad); email: [kjosey@diligenceiraq.com](mailto:kjosey@diligenceiraq.com)

## **D S Vance Iraq**

<http://www.iraqitradecenter.com/companies/?inc=comvw&coid=162>

Headquarters: 31 Old Burlington St, London W1S 3AS, UK

Decision Strategies and Vance International, a subsidiary of the SPX CORPORATION, created DS Vance Iraq in 2003.

Description of Services: Services include General Security, Convoy Protection, Close Protection and Asset Protection. Former Special Forces personnel run offices in Baghdad and Sulaymanyah. It operates several teams from bases throughout Iraq. It is recognized as a functioning Force Protection security company within Iraq and is registered with the Coalition Provisional Authority as a Security Provider for Iraq with the Force Protection Unit in Baghdad.

## **DTS Security LLC**

DTS was in the news in April because three of its employees were kidnapped in April. DTS is apparently based in Nevada but not much is known about it because it is a limited liability company, meaning there are minimal disclosure requirements. According to a news report, Nevada state records on DTS Security LLC show that its incorporation papers were filed March 11. The resident agent for DTS has another name, Headquarters Company, which has an address next to the Douglas County sheriff's substation at Stateline, Nevada on Lake Tahoe's south shore.

The address lists a "suite" that turned out to be a 12-by-6-by-18-inch mailbox at a UPS Store, located in a building behind a Burger King fast-food restaurant. Linked with Headquarters Company in management of DTS Security LLC is First Genesis Limited, located at the same address. Headquarters Company also is resident agent for more than 160 other companies that aren't tied to DTS. They include other security firms, consultants, private investors, and companies dealing in films, financing, equipment rental, art and auctions.

## **DynCorp International LLC**

<http://www.csc.com/industries/government/mds/mds81/265.shtml>

Headquarters:

Commercial Security Solutions, James Menendez, 132 National Business Parkway, Annapolis Junction, MD 20701, USA

tel: +1 240 456 6115; email: [jmenend1@csc.com](mailto:jmenend1@csc.com)

International Security Solutions, Kim Valois

tel: +61 2 9464 4244; email: [kvalois@csc.com](mailto:kvalois@csc.com)

Description of services: Recently purchased by CSC, Dyncorp is involved in the international effort to re-establish police, justice and prison functions in post-conflict Iraq by the presence of 1,000 civilian advisors.<sup>366</sup> It has a \$19,640,359 contract from the US State Dept.

## **EOD Technology**

[www.eodt.com](http://www.eodt.com)

Headquarters: P.O. Box 24173, Knoxville, TN 37933-2173, USA

tel: 865 988 6063; fax: 865 988 6067; email: [eodt@eodt.com](mailto:eodt@eodt.com)

Description of services: EOD is currently working on a long-term joint contract worth \$65 m to EODT alone to dispose some of the 650,000 tons of ammunition in Iraq. It has also sent 30 former military operatives to oilfields in southern Iraq to ensure the safety of repair crews who were shutting off leaking pipelines and cleaning up spills.<sup>367</sup>

## **Erinys International**

<http://www.erinysinternational.com>



Headquarters: Erinys Middle East, Old Bank of Kuwait Building, Deira, Dubai, UAE

tel: +971 4 22 33 646; fax: +971 4 22 70 099; email: [uae@erinysinternational.com](mailto:uae@erinysinternational.com)

Description of services: This expatriate and Iraqi based security service is part of a joint contract worth \$100m to provide security for Iraq's vital oil infrastructure.<sup>368</sup> Erinys employs some 14,000 Iraqi security guards under the command of dozens of former British and South African soldiers.<sup>369</sup>

Contact in Iraq: Michael Hutchings; tel: +873763692882 or +96447901921231; email: [mhutchings@erinysinternational.com](mailto:mhutchings@erinysinternational.com)

## **Genric**

[www.genric.co.uk](http://www.genric.co.uk)

Headquarters: Hereford House, East Street, Hereford, HR1 2LU, UK

tel: [44] 1432 379083; fax: [44] 1432 370786; email: [nick.duggan@genric.co.uk](mailto:nick.duggan@genric.co.uk)

Description of Services: Genric has constructed a secure facility outside Basra, which provides: armed site security 24/7, air con accommodation, air con offices, 4x4 armored and non-armored vehicle hire or purchase, service and parts center, generation hire or purchase and communications equipment.<sup>370</sup>

Contact in Iraq: Nick Duggan; tel: [44] 7919 478484 or [965] 904-8217/8257; email: [nick.duggan@genric.co.uk](mailto:nick.duggan@genric.co.uk)

## **Global Risk Strategies Ltd.**

[www.globalrsl.com](http://www.globalrsl.com)

Headquarters: 6 Stratton Street, London W1J 8LD, UK

tel: [44] (20) 7491 7492; fax: [44] (20) 7491; email: [ops@globalrsl.com](mailto:ops@globalrsl.com)

Description of Services: GRS is working with the US government, United Nations, and key commercial clients to provide significant security, logistics and facilitation services in post conflict Iraq. GRS is thought to number 1,500-strong with over 500 ex members of the British Army Gurkha regiment. It was awarded the contract worth \$28 m to oversee the secure changeover of Iraq's currency.<sup>371</sup> The US Defense Contract Management Agency has awarded Global Risk four contracts: three under the Personal and Facility Security Program (for \$7, 112,813, \$3,537,449, and \$2,413,205) and one for security mobilization and start up (\$1,633,032).

Contact in Iraq: Damian Perl, Charlie Andrews, Nick Arnold; tel: 1-914-360-6148; email: [babylonops@yahoo.com](mailto:babylonops@yahoo.com)

## **Global Security Source**

<http://www.globalsecuritysource.com>

Headquarters: 1363 Anvil Ave. Rifle, CO 81650, USA

tel: 970-625-0588; fax: 970-625-8994

Description of Services: GSS is a recently created affiliate of Executive Security International (<http://www.esi-lifeforce.com/>). 300 security positions have opened up in Iraq to guard the new American Embassy there. As a human resources broker GSS will have an arrangement to supply personnel to private security service firms for deployment in Iraq.

## **Group 4 Falck A/S**

[www.group4falck.com](http://www.group4falck.com)

Headquarters: Panchwati, 82-A, Sector 18, Gurgaon 122016 (Haryana), India

tel: [91] 124-2398888; fax: [91] 124-2397131; email: [reg.office@group4falckmesea.com](mailto:reg.office@group4falckmesea.com)

Description of Services: Guarding services including static guards, patrol guards, close protection, control room guards, and air marshals (armed and unarmed).

Contact in Iraq: Abraham Ghazarian; tel: 919811768800; fax: 971508131680; email: [brahem@group4falckmesea.com](mailto:brahem@group4falckmesea.com)

## **Halo Group**

[www.halointernational.com](http://www.halointernational.com)

Headquarters: PO Box 1095, Clayton, CA 94517, USA

tel: 888-997-3275; email: [info@halointernational.com](mailto:info@halointernational.com)

## **Hart Group**

<http://www.hartgrouplimited.com/main.html>

Headquarters: tel: 44 (0)20 7751 0771; fax: 44 (0)20 7384 0501; email: [hrm@hartgrouplimited.com](mailto:hrm@hartgrouplimited.com)

Description of Services: A Bermuda-registered security consultancy run by former SAS and Scots Guards officer Richard Bethell, the son of Lord Westbury. The Hart Group, along with financiers Tufton Oceanic, also has a stake in Global Marine Security Systems Company, known as GMSSCO. GMSSCO is a subcontractor to the Al Shammery Group, known as Sapco, which has been awarded the job of ensuring that Iraqi ports are compliant with the International Ship and Port Facility Security Code by the July 1 deadline.<sup>372</sup>

## **Henderson Risk Ltd.**

<http://www.hrlgroup.org/hrl/index.html>

Headquarters: 7 Barton Buildings, Old King Street, Bath BA1 2JR, UK

Director: Duncan Bullivant; tel: +44 (0) 1225 470099; fax: +44 (0) 1225 448566; email: [info@hendersonrisk.com](mailto:info@hendersonrisk.com); mobile: +44 - 7710 392 898

Description of Services: Henderson Risk Ltd. is a subsidiary of DBA Henderson (<http://www.dbahenderson.com>). Its Iraq office is HRL IRAQ, which is part of the HRL Group ([www.hrlgroup.org](http://www.hrlgroup.org)), based in the United Kingdom. HRL Iraq is supported by partners in Amman and Kuwait City. It is reported to have 40 staff in Iraq.<sup>373</sup>

## **Hill and Associates, Ltd.**

[www.hill-assoc.com](http://www.hill-assoc.com)

Headquarters: 2604-9 Harbour Center, No. 25 Harbour Road, Wanchai, Hong King

tel: [852] 2802-2123; fax: [852] 2802-2133; email: [info.ae@hill-assoc.com](mailto:info.ae@hill-assoc.com)

Description of Services: H&A have been in Iraq since June 2003, and with an office in Baghdad are focused on providing clients in Iraq with a range of services, including: executive protection, information services and security audits.

Contact in Iraq: Richard Hancock, Director Operations - Middle East; tel: [971] (4) 211-5447 (Dubai) or (65) 6322-2558; Thuraya: 882-162-1100-133; email: [richard.hancock@hill-assoc.com](mailto:richard.hancock@hill-assoc.com) or [richancock@hotmail.com](mailto:richancock@hotmail.com)

## **ICP Group Ltd.**

[www.icpgroup.ltd.uk](http://www.icpgroup.ltd.uk)

Headquarters: 2 Old Brompton Road, London SW7 3DQ, UK

tel: [44] (0) 207-591-4411; fax: [44] (0) 207-584-1460; email: [iraq@icpgroup.ltd.uk](mailto:iraq@icpgroup.ltd.uk)

Description of Services: With representation country-wide since Desert Storm (1991), ICP Group Ltd have provided security support and services to many major multi-national companies, NGO and government agencies. It provides protection services, security equipment, logistics management and liaison services. ICP Group Ltd. protection employees are only either former British or US Special Forces or Elite Forces personnel.

Contact in Iraq: Will Geddes or Andy King; tel: [44] (870) 464-1000 (UK number that rings in Baghdad); email: [iraq@icpgroup.ltd.uk](mailto:iraq@icpgroup.ltd.uk)

## **ISI**

<http://www.isiiraq.com/isisecurity.htm>

Headquarters: Baghdad Conference Palace, Mansour, Baghdad

tel: [1] 914-360-2492; GSM: 44 7974 312967; email: [omarhadi@hotmail.com](mailto:omarhadi@hotmail.com)

Description of Services: ISI Iraq is a part of the ISI Group and is the only security company to provide 24-hour Iraqi security guards to the CPA "Green Zone". All guards are trained by the US army, vetted through "local knowledge" and have been a valuable asset to the American troops at the convention center in Baghdad. ISI also provides guards for residences, offices, and also do low key protection work for foreign nationals. ISI has also been involved in due diligence, providing information for foreign and domestic companies through a network of personalities, companies, and families

throughout Iraq. ISI has existing joint venture agreements with both US and UK established security firms.

## **Janusian Security Risk Management Ltd.**

<http://www.janusian.com>

Headquarters: Russell Square House, 10-12 Russell Square, London WC1B 5EH, UK

tel: +44 (0) 20 7578 0009; fax: +44 (0) 20 7578 7855; email: [general@janusian.net](mailto:general@janusian.net)

Principal team members are: Dr David Claridge, Managing Director; Gary Wood, Director; and Maj. Gen. Walter Courage, Director, Business Development.

Description of Services: Janusian Security Risk Management Ltd was formed as a subsidiary of The Risk Advisory Group to respond to the demand from corporate security professionals for high quality analysis-led support to protect their organizations from the challenges of terrorism, political violence and serious crime. Set up in 1997 by an ex-SAS soldier, Arish Turle, Janusian has been active in Iraq since 17 April 2003. It claims to be the only Western security company in Baghdad with an independent operational office and a country manager permanently based there.

## **Kroll Security International Ltd.**

<http://www.krollworldwide.com>

Headquarters: 900 Third Ave., 7th Floor, New York, NY 10022, USA.

tel: 212-593-1000; fax: 212-593-2631

Description of Services: On March 25 it was announced that Kroll Inc. the global risk consulting company, has formed a new company dedicated to addressing the security needs of corporate and government clients operating in high risk areas which went on to win the contract to provide security for USAID. Alastair Morrison, a British Special Air Service (SAS veteran, who co-founded DSL in 1981, joined Kroll as chairman and chief executive of Kroll Security International Ltd.

Contact in Iraq: Kroll Europe, Middle East & Africa, 10 Fleet Place, London EC4M 7RB, UK; tel: +44 (0) 207 029 5000; fax: +44 (0) 207 029 5001

## **ManTech International Corp.**

Headquarters: 12015 Lee Jackson Hwy, Fairfax, VA 22033, USA

tel: 703-218-6000

Description of Services: Based in Fairfax it maintains a 44-person telecommunications base in Baghdad that supports US armed forces there.

## **Meteoric Tactical Solutions**

Headquarters: 6 Meteor Road, Valhalla, Pretoria, South Africa

tel: [27] 12 651 3402; fax: [27] 12 651 3402; email: [Juanitavr@bestmed.co.za](mailto:Juanitavr@bestmed.co.za)

Contact in Iraq: Lourens Horn (Louwtjie); tel: 914-360-3113; email: [louwtjeh@hotmail.com](mailto:louwtjeh@hotmail.com)

Description of Services: Specialized training programs, VIP protection, asset protection, risk management and analysis, even management, asset recovery as well as training to the new Iraqi police and security units. The US Defense Contract Management Agency awarded it a \$599,383 contract for security advisors and planners.

## **Meyer & Associates**

[www.meyerglobalforce.com](http://www.meyerglobalforce.com)

Headquarters: P.O. Box 1800, Joshua (DFW), TX 76058

tel: 817-426-1199; fax: 817-558-4868; email: [gdesmith@meyerglobalforce.com](mailto:gdesmith@meyerglobalforce.com)

Description of Services: Claims have been made that Meyer & Associates can liaison with government, diplomatic, military, local and guerrilla leaders in Iraq coupled with a more traditional security services, including executive protection/bodyguards, advance work, intelligence and transportation.<sup>374</sup>

Contact in Iraq: Tim Meyer or Gary DeSmith; tel: 1-817-401-8142 or 1-817-821-8820; email: [tjmeyer@meyerglobalforce.com](mailto:tjmeyer@meyerglobalforce.com) or [gdesmith@meyerglobalforce.com](mailto:gdesmith@meyerglobalforce.com)

## **MPRI**

Headquarters: 1201 E Abingdon Drive, Ste. 425

tel: 703-684-7114 / 7115 or 866-262-4501; fax: 703-684-3528; email: [info@mpri.l-3com.com](mailto:info@mpri.l-3com.com)

Description of Services: MPRI instructors have been training National Guard and Reserve soldiers to be convoy drivers at places like Camp Udairi, Kuwait. They talk to soldiers about the most recent tactics employed by insurgents in Iraq and suggest ways to respond. MPRI also supports the Iraq Survey Group and has a \$1,901,962 contract to provide linguists and a \$706,833 contract for technical support to the Iraqi Army Reconstruction Support Program.

## **MZM, Inc.**

<http://www.mzminc.com>

Headquarters: 1523 New Hampshire Avenue, N.W., Washington, D.C. 20036, USA

tel: 202-518-5240; fax: 202-518-5241

Description of Services: MZM has a \$3,640,896 contract for interpreter/linguists support services.

## **Neareast Security**

Description of services: Involved in witness protection for the Ministry of Justice on behalf of the Iraqi Provisional Authority.<sup>375</sup>

## **New Korea Total Service**

<http://www.nkts.co.kr/eng/serv1/sub3.php>

Headquarters: 3rd Floor SungBo B/D 724-44, Yuksam-dong, Kangnam-gu, Seoul, Korea, 135-080

tel: 566-5353; fax: 566-5225

Description of Services: Sent 100 bodyguards to Iraq to carry out security missions for international businesses.

Contact in Iraq: Bldg.41, Lane: 34, District: 611, Al-Dawoodi Area, Baghdad, Iraq

tel: 964-1-54; fax: 964-1-54 22588; email: [iraq@nkts.co.kr](mailto:iraq@nkts.co.kr)

## **Olive Security (UK) Limited**

[www.olivesecurity.com](http://www.olivesecurity.com)

Headquarters: 2 Charles Street, Mayfair, London W1J 5DB, UK

tel: [44] (0) 207307 0540; fax: [44] (0) 207307 0542; email: [barrylb@olivesecurity.com](mailto:barrylb@olivesecurity.com)

Description of Services: Armed VIP protection, armed convoy escort, threat and risk analysis, security site survey, key point security and manned guards. Provided security for TV crews during the war and then was awarded initial security contract by the major US contractor Bechtel, one of the main US companies rebuilding the country.

Contact in Iraq: John Yourston and Douglas Dick

tel: 008821652100377 or [965] 914-0169 (Kuwait office)

## **Optimal Solution Services**

Headquarters: 4/35 Spencer Street, Fairfield NSW, Australia

tel: [61] (2) 97555840; fax: [61] (2) 97559835; email: [optimal1@optusnet.com.au](mailto:optimal1@optusnet.com.au)

Description of Services: The infrastructure is streamlined to ensure maximum efficiency and effectiveness in vigilance and security alert response. Our emphasis is on maintaining the highest industry standards with our security personnel adhering to safety and health regulation and best work practices.

Contact in Iraq: Zahir F. Hameed; tel: +8821621233556; email:

[optimal\\_solution@hotmail.com](mailto:optimal_solution@hotmail.com)

## **Overseas Security & Strategic Information, Inc/Safenet – Iraq**

Headquarters: Post Office Box 52067; Atlanta, GA 30355; USA

tel: 404-307-4072; fax: 413-208-6069; email: [OSSInc@hotmail.com](mailto:OSSInc@hotmail.com)

Description of Services: Services include close protection of VIPs, general personal security of employees, convoy escorts of personnel and equipment, training of local security personnel, provision of armored and unarmored vehicles, threat and intelligence reporting, and provision of combat medics with proper equipment.

Contact in Iraq: John H. Walbridge, Jr. or Mauritz Le Roux; tel: [964] 7901915494 or [88] 216 5201 4591/4592

## **Pilgrims Group**

[http://www.pilgrimgroup.co.uk/pss\\_home.html](http://www.pilgrimgroup.co.uk/pss_home.html)

Headquarters: Pilgrims House, PO Box 769, Wokin,; Surrey GU21 5EU, UK

tel: +44 (0) 1932 339 180; fax: +44 (0) 1932 349 943

Description of services: Trains members of the media how to cope in potentially dangerous countries.

## **RamOPS Risk Management Group**

[www.ramops.com](http://www.ramops.com)

Headquarters: 7312 Suite 8 Hihenge Court, Raleigh, NC 27615

tel: [1] 919-740-4597; email: [globalservices@ramops.com](mailto:globalservices@ramops.com)

Description of Services: Security consulting that includes threat assessments, recommended precautions, and contingency planning for personnel, sites, and equipment.

Contact in Iraq: Andy Potts or John Autenreith; email: [globalservices@ramops.com](mailto:globalservices@ramops.com); tel: [1] 919-740-4597 (US)

## **Ronco Consulting Corporation**

[www.roncoconsulting.com](http://www.roncoconsulting.com)

Headquarters: 2301 M St, Suite 400, Washington DC 20037, USA

tel: 202 785 2791; fax: 202 785 2078

Description of services: Ronco is doing demining work pursuant to a contract by the US State Department per a three year plan, with funding of \$12.6 m from the Iraqi Relief supplemental enacted by Congress in April 2003. Ronco was supposed to implement deployment of a quick reaction demining force. This force is base in Mozambique. After the end of major combat operations in 2003, it made a 45-day deployment, where it did EXO/UXO work along the path of two power lines, and cleared roads leading to

Baghdad. It has been establishing, training and developing and Iraqi mine clearing force. As of May 2004 it has trained approximately 140 Iraqis.<sup>376</sup>

## **Rubicon International Services**

<http://www.rubicon-international.com/>

Headquarters: 70 Upper Richmond Road, London SW15 2RP, UK

tel: 44 (O)20 8874 0055; fax: 44 (O)20 8874 5522; email: [info@rubicon-international.com](mailto:info@rubicon-international.com)

Description of services: Rubicon is a UK registered private limited company established in 1996. Its security services include: Personnel protection, such as close protection. Its Personal Protection Officers (PPOs) are former Special Forces or close protection trained military personnel.

Asset Protection, including continuous intelligence monitoring, dedicated in-country security management, security personnel, security education for local guard forces and 24-hour management support from the UK.

## **Saladin Security**

<http://www.saladin-security.com/>

Headquarters: 7 Abingdon Rd., London, W8 6AH, UK

tel: 020 7376 2655; fax: 020 7 937 5805; email: [saladin@saladin-security.com](mailto:saladin@saladin-security.com)

Description of services: Bodyguards, Security Officers, Security consultancy, Crisis management and the full range of Corporate Defence.

## **SCG International Risk**

<http://www.scgonline.net>

Headquarters: Post Office Box 6671, Virginia Beach, VA 23456-0671, USA

tel: 757-689-2148; fax: 703-995-4550; tel toll free: 877.597.5381 (Toll Free); email: [info@scgonline.net](mailto:info@scgonline.net)

Description of Services: SCG is a private company, which specializes in providing security, intelligence, technical, and training solutions. SCG provides consultant/instructors in various categories.

## **Security Applications Systems International LLC**

Headquarters: Howard Biddell, Director of Government Services; tel: 317-841-3303; email: [biddlesasi@aol.com](mailto:biddlesasi@aol.com)

Description of Services: SASI has been operating in Iraq since January 4, 2004. SASI was subcontracted to Erinys Iraq Ltd. to provide security and management personnel in support of its activities<sup>377</sup>. But the contract has been terminated because SASI had hired



François Strydom, who was member of a South African counterinsurgency unit during the apartheid era.

## **SOC-SMG (Special Operations Consulting-Security Management Group)**

<http://www.soc-smg.com/>

Headquarters: P.O. Box 28909, Las Vegas, NV 89126, USA

tel: 1-877-883-4507; fax: 925-934-1431; email: [information@soc-smg.com](mailto:information@soc-smg.com)

Description of services: Currently deployed in 3 classified sites in Iraq, one in Baghdad for the purposes of providing security support to US defense contractors who are tasked to recover and dispose of Captured Enemy Ammunition (CEA) within Iraq.<sup>378</sup> Also does convoy/security work for the US Army Corp of Engineers.

## **Steele Foundation**

<http://www.steelefoundation.com/>

Headquarters: 388 Market Street, 5th Floor, San Francisco, CA 94111, USA.

tel: 415-781-4300; email: [info@wwwsteele.com](mailto:info@wwwsteele.com)

Description of Services: The Steele Foundation is a preferred security provider for prime contractors participating in the rebuilding of Iraq's infrastructure. Working with contractors in the rebuilding of the country's electrical sector, public works and water, military courts and borders, building, housing and health, transportation, communications, and oil infrastructure. For more detail see <http://www.secureiraq.com> and [http://www.steelefoundation.com/pdf/Steele\\_SecureIraq.pdf](http://www.steelefoundation.com/pdf/Steele_SecureIraq.pdf).

Contact in Iraq: Secure Operations Center, Baghdad

tel: +964 (0)790 191 57 40; tel: +964 (0)790 191 57 30; [Iraq@wwSteele.com](mailto:Iraq@wwSteele.com)

## **Sumer International Security**

<http://www.thesandigroup.com>

Headquarters: Almasbah - Dis Babilon, Sec. 929, St. 10, Building 10(54/356), Baghdad, Iraq

tel: [1] 312-869-7336 (VOIP); fax: [1] 202-438-9710; email: [lipmani@thesandigroup.com](mailto:lipmani@thesandigroup.com)

US office: 1733 Connecticut Avenue NW, Washington, D.C. 20009, USA

tel: 202-483-5900; fax: 202-483-9710; email: [contact@thesandigroup.com](mailto:contact@thesandigroup.com)

Description of Services: SIS security guards, bodyguards, and private police armed and uniformed are trained by DynCorp International. Our clients are protected by a 365 days, 24/7 basis and we maintain a 24 hours dispatch operation with field supervision.

Contact in Iraq: Janna Lipman

tel: [1] 312-869-8336 (VOIP) or [964] 7901-916-338 or [1] 202-483-5900; email: lipmanj@thesandigroup.com or karslim@corporatebankintl.com

## **Titan Corp.**

<http://www.titan.com/>

Headquarters: The Titan Corporation, 3033 Science Park Road, San Diego, California 92121, USA

tel: 858 552 9500; fax: 858 552 9645

Description of services: Provides translators.

## **Triple Canopy Inc.**

[www.triplecanopy.com](http://www.triplecanopy.com)

Headquarters: 600 Knightsbridge Parkway, Lincolnshire, IL 60069, USA

tel: 312-261-8000; fax: 312-261-8010; email: [sales@triplecanopy.com](mailto:sales@triplecanopy.com)

Description of Services: Triple Canopy provides executive protection, site security, and convoy security. Services range from discreet travel companions to heavily armored, high profile convoy escort. The company has been in existence less than a year. According to a company staffer it had 18 contracts with the CPA, which were rolled over to the State Department, after the handover of sovereignty.<sup>379</sup> Since the rollover the State Dept. had reduced the company's site security work and it now does mainly personal security work.<sup>380</sup>

Contact in Iraq: Ron Boline or Tony Nicholson

tel: [1] 914-360-6961 (NY number rings in Baghdad) or [44] 208-792-629 (UK number rings in Baghdad); email: [ron.boline@triplecanopy.com](mailto:ron.boline@triplecanopy.com), [tony.nicholson@triplecanopy.com](mailto:tony.nicholson@triplecanopy.com) or [sales@triplecanopy.com](mailto:sales@triplecanopy.com).

## **Unity Resources**

<http://www.unityresourcesgroup.com/contact.htm>

Headquarters: Level 6, 140 George Street, Museum Of Contemporary Art Building, Sydney, NSW 2000, Australia

tel: 61 2 9252 5259; fax: 61 2 9252 5258; email: [email@unityresourcesgroup.com](mailto:email@unityresourcesgroup.com)

Description of Services: Provides personal and asset protection services.

## **USA Environmental**

<http://usa-environmental.com/>

Headquarters: 5802 Benjamin Center Drive, Suite 101, Tampa, FL 33634, USA

tel: 813-884 5722; fax: 813-884 1876

Description of services: USA Environmental has teams of weapons and explosive experts in Iraq and a \$65m contract to collect and destroy unexploded ordinance.<sup>381</sup>

## **Vance International**

<http://www.vancesecurity.com>

Headquarters: 10467 White Granite Drive, Oakton, Virginia 22124, USA

tel: 703-385-6754; toll free: 800-533-6754; fax: 703-359-8456; email: [info@vancesecurity.spx.com](mailto:info@vancesecurity.spx.com)

## **Vinnell Corporation.**

[www.vinnell.com](http://www.vinnell.com)

Headquarters: 12150 Monument Drive, Suite 800, Fairfax, VA 22033-4053, USA

tel: (877) 270-8339; fax (703) 218-5230

Description of services: A subsidiary of Northman Grumman, Vinnell has a \$48m contract to assist in the training of a new Iraqi Army.

## **Wade-Boyd and Associates LLC**

[www.wade-boyd.com](http://www.wade-boyd.com)

Headquarters: Suite 116, Main Street, Lawler, IA 52154, USA

tel: 641-330-4581 or 931-302-7822; fax: 270-518-5780; email: [wbaprotection@yahoo.com](mailto:wbaprotection@yahoo.com)

Description of Services: Provides former military/federal law enforcement armed close protection teams, K-9 dogs for explosive detection and armored vehicles.

Contact in Iraq: Malek (Ali) Mehanna or V. Brooke Phillips; tel: 641-330-4581 (US); email: [malekmehanna@hotmail.com](mailto:malekmehanna@hotmail.com) or [invops@yahoo.com](mailto:invops@yahoo.com).

## **Worldwide Language Resources, Inc.**

<http://www.wwlr.com/home.htm>

Headquarters: P.O. Box 125, Andover, Maine 04216

tel: (207) 364 – 5866; fax: (207) 364 – 5867; E-mail: [info@wwlr.com](mailto:info@wwlr.com)

Description of Services: Interpretation, language training, translations, in-country language and cultural Immersion Programs.

# Appendix 3: Investigation of Intelligence Activities at Abu Ghraib<sup>382</sup>

- Alleged incidents of abuse by **civilian contractors** have been referred through the Department of Defense to the Department of Justice. (p. 3, Executive Summary)
- Clearly abuses occurred at the prison at Abu Ghraib. For purposes of this report, I defined abuse as treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification. Whether the Soldier or **contractor** knew, at the time of the acts, that the conduct violated any law or standard, is not an element of the definition. MG Fay's portion of this report describes the particular abuses in detail. (p. 4, Executive Summary)
- Intentional violent or sexual abuses, for purposes of this report, include acts causing bodily harm using unlawful force as well as sexual offenses including, but not limited to rape, sodomy and indecent assault.<sup>2</sup> These incidents of physical or sexual abuse are serious enough that no Soldier or **contractor** believed the conduct was based on official policy or guidance. If proven, these actions would be criminal acts. I found that no policy, directive, or doctrine caused the violent or sexual abuse incidents. Soldiers knew they were violating the approved techniques and procedures. The primary causes of these actions were relatively straight-forward — individual criminal misconduct, clearly in violation of law, policy, and doctrine and contrary to Army values. (pp. 15-16, LTG Anthony Jones)
- Integration of some **contractors** without training, qualifications, and certification created ineffective interrogation teams and the potential for non-compliance with doctrine and applicable laws. (p. 18, LTG Jones)
- I find that a number of causes outside of the control of CJTF-7 also contributed to the abuses at Abu Ghraib. These are discussed in Section 8 and include, individuals' criminal propensity; Soldier knowledge of interrogation techniques permitted in GTMO and Afghanistan and failure to distinguish between those environments and Iraq; interaction with OGA and other agency interrogators who did not follow the same rules as U.S. Forces; **integration of some contractors without training, qualifications, and certification.** (p. 34 LTG Jones)
- This investigation identified forty-four (44) alleged instances or events of detainee abuse committed by MP and MI Soldiers, as well as **civilian contractors**. (p. 7, MG George Fay portion of report)
- Leaders also failed to react appropriately to those instances where detainee abuse was reported, either by other service members, **contractors**, or by the International Committee of the Red Cross (ICRC). Fifty-four (54) MI, MP, and Medical Soldiers, and civilian contractors were found to have some degree of

responsibility or complicity in the abuses that occurred at Abu Ghraib. (p. 7, MG Fay)

- No doctrine exists to guide interrogators and their intelligence leaders (NCO, Warrant Officer, and Officer) in the contract management or command and control of **contractors** in a wartime environment. These interrogators and leaders faced numerous issues involving contract management: roles and responsibilities of JIDC personnel with respect to **contractors**; roles, relationships, and responsibilities of contract linguists and **contract** interrogators with military personnel; and the methods of disciplining **contractor** personnel. All of these need to be addressed in future interrogation and interrogation management training. (p. 19, MG Fay)
- Civilian CACI **contract interrogators** began to arrive in late September 2003. There are a number of shortfalls connected to this issue (See paragraph 4.g., below). It was another complicating factor with respect to command and control. CPT Wood relied on the CACI site manager, CIVILIAN-18, to interview **contractors** as they arrived and to assign them based on his interviews. She knew little of their individual backgrounds or experience and relied on “higher headquarters” to screen them before arrival. Such screening was not occurring. (p. 40, MG Fay)
- **Contracting**-related issues contributed to the problems at Abu Ghraib prison.
- Several of the alleged perpetrators of the abuse of detainees were employees of government **contractors**. Two contractual arrangements were involved: one with **CACI**, for interrogators and several other intelligence - related occupational categories; and one with BTG, for linguists. Since 28 November 2001, BTG has been part of **Titan** Corporation. The contract is still in the name of BTG. Most people have referred to it as the **Titan** Contract. (pp. 47-48, MG Fay)
- There is another problem with the **CACI** contract. A **CACI** employee, Thomas Howard, participated with the COR, LTC Brady, in writing the Statement of Work (SOW) prior to the award of the contract (Reference Annex B, Appendix 1, BOLTZ). This situation may violate the provisions of Federal Acquisition Regulation (FAR) (pp. 49, MG Fay)
- Although intelligence activities and related services, which encompass interrogation services, should be performed by military or government civilian personnel wherever feasible, it is recognized that contracts for such services may be required in urgent or emergency situations. The general policy of **not contracting** for intelligence functions and services was designed in part
- to avoid many of the problems that eventually developed at Abu Ghraib, i.e., lack of oversight to insure that intelligence operations continued to fall within the law and the authorized chain of command, as well as the government’s ability to oversee contract operations. (pp. 49, MG Fay)
- Some of the employees at Abu Ghraib were not DoD **contractor** employees.
- **Contractor** employees under non-DoD contracts may not be subject to the Military Extraterritorial Jurisdiction Act (18 US Code 3261- 3267). The Act allows DoD **contractor** employees who are “accompanying the Armed Forces outside the United States” to be subject to criminal prosecution if they engage in conduct

that would constitute an offense punishable by imprisonment for more than one year if the conduct had occurred within the jurisdiction of the United States. (pp. 50, MG Fay)

- It needs to be made clear that **contractor** employees are bound by the requirements of the Geneva Conventions. (pp. 50, MG Fay)
- Another indication of the apparent inadequacy of on-site **contract** management and lack of contract training is the apparent lack of understanding of the appropriate relationship between contractor personnel, government civilian employees, and military personnel. Several people indicated in their statements that **contractor personnel** were “supervising” government personnel or *vice versa*. SGT Adams indicated that **CACI** employees were in positions of authority, and appeared to be supervising government personnel. She indicated a **CACI** employee named “First Name” was listed as being in charge of screening. CIVILIAN-08 (CACI) was in charge of “B Section” with military personnel listed as subordinates on the organization chart. SOLDIER-14 also indicated that CIVILIAN-08 was a supervisor for a time. CPT Wood stated that CACI “supervised” military personnel in her statement, but offered no specifics. Finally, a government organization chart (Reference Annex H, Appendix 6, Tab B) showed a CIVILIAN-02 (CACI) as the Head of the DAB. CIVILIAN-02 is a CACI employee. (pp. 51-52, MG Fay)
- Given the sensitive nature of these sorts of functions, it should be required that the **contractor** perform some sort of background investigation on the prospective employees. A clause that would allow the government to direct the **contractor** to remove employees from the theater for misconduct would seem advisable. The need for a more extensive pre-performance background investigation is borne out by the allegations of abuse by **contractor personnel**. (p. 52, MG Fay)
- It is apparent that there was no credible exercise of appropriate oversight of **contract** performance at Abu Ghraib. (p. 52, MG Fay)
- On an unknown date, SGT Hernandez, an analyst, observed **CIVILIAN-05, a CACI contractor**, grab a detainee from the back of a High-Mobility, Multipurpose, Wheeled Vehicle (HMMWV) and drop him on the ground. **CIVILIAN-05** then dragged the detainee into an interrogation booth. The detainee was handcuffed the entire time. When the detainee tried to get up to his knees, **CIVILIAN-05** would force him to fall. SGT Hernandez reported the incident to CID but did not report it in MI channels. (p. 79, MG Fay)

# Appendix 4: PMC Contracts in Iraq

The following describes some of the PMC contracts in Iraq. It is not a comprehensive list, due, in large part, to the reluctance of both the clients (U.S. government department or agency, other foreign government agency, or other contractor) and the contractor to reveal such information. It is also difficult to calculate contract values for the following reasons. The funding appropriated by the U.S. government to the Coalition Provisional Authority for contracts is not the same as that which has actually been spent. The latter is far lower than the former. And the duration of the contracts varies significantly; from a few or several months to years. And, as the contract awarded to Aegis is being challenged (and has not yet started), so it skews the total. Thus, the figures given below are not a total for Iraq PMC contracts.

Still, given that the twelve contractors below have contracts totaling an estimated **\$951,614,615.34, (or \$658,614,615.34 without Aegis)** and not all of them big contracts, it seems clear that a majority of the overall PMC contracts are concentrated in a small number of firms.

The Center for Public Integrity, as part of their Windfalls of War Project has posted a number of specific contracts of firms working in Iraq. These include several, though not all, U.S.-based PMC contracts. They can be found at <http://www.publicintegrity.org/wow/resources.aspx?act=resources>

Specific PMC contacts include:

- DynCorp Contract (Iraq) <http://www.publicintegrity.org/wow/docs/DynCorp.pdf>
- EOD Technology <http://www.publicintegrity.org/wow/docs/EOD.pdf>
- MPRI, Linguists, [http://www.publicintegrity.org/wow/docs/MPRI\\_Linguists.pdf](http://www.publicintegrity.org/wow/docs/MPRI_Linguists.pdf)
- MPRI, Iraqi Armed Forces, [http://www.publicintegrity.org/wow/docs/MPRI\\_Iraqi\\_Armed\\_Forces.pdf](http://www.publicintegrity.org/wow/docs/MPRI_Iraqi_Armed_Forces.pdf)
- MZM Inc., Linguists, <http://www.publicintegrity.org/wow/docs/MZM.pdf>
- Ronco Consulting Corp, Iraq Demining, <http://www.publicintegrity.org/wow/docs/RoncoConsultingStateDeplIraq.pdf>
- Vinnell Corp, Iraqi Army Training, <http://www.publicintegrity.org/wow/docs/Vinnell.pdf>

Blackwater Security Consulting L.L.C.      \$21,331,693    DoD    8/28/2003

Blackwater Security provides security guards and two helicopters for the administrator of the CPA, Ambassador L. Paul Bremer.

DynCorp (Computer Sciences Corp.) \$50,000,000 State 04/18/2003

The estimated value of this contract for law enforcement support is up to \$50m for the first year, depending on Iraqi capabilities and needs. President Bush's new spending request to Congress calls for \$800m for a training facility for the Iraqi police force, which could significantly increase DynCorp's contract.

EOD Technology Inc. \$71,900,000 DoD 03/2003 & 08/2003

In March, the US Army Corps of Engineers awarded a contract worth \$3.45m to help clear ordnance and explosives from Iraqi sites. Under a pre-existing contract, EODT has also received task orders worth at least \$66,947,670.95 for disposing of Iraqi munitions.

Kroll Inc. Value Unknown USAID 2003

Kroll Inc. has a contract with USAID to provide security for the agency's personnel in Iraq.

Military Professional Resources Inc. \$2,608,794.74 DoD 04/28/2003

Two contracts were awarded by the Defense Department to provide a plan for putting ex-soldiers to work on public works programs and to provide 20 interpreters.

MZM Inc. \$1,213,632 DoD 03/21/2003

The contract calls for providing 21 linguists to serve as interpreters for US government representatives, ministries and other government offices. The company's translators also will be used in interrogations and psychological operations. The contract was modified one month later, but the Pentagon redacted the modifications, as well as the new contract value.

Ronco Consulting Corporation \$12,008,289.60 DoD 03/14/2003

Ronco was tasked to come up with a plan to disarm, demobilize and reintegrate the Iraqi armed forces, as well as national and regional militias. This contract was worth \$419,792.60. In addition, Ronco was tasked under an existing State Department contract for demining operations in Iraq, worth at least \$11,588,497.

Vinnell Corporation (Northrop Grumman) \$48,074,442 DoD 07/01/2002

Vinnell has been tasked with training the New Iraqi Army under a one-year contract worth at least \$48m. It was not clear whether Vinnell's contract might be extended.<sup>383</sup>

The value of other PMC contracts, as reported in open source news reports, is:

Aegis	\$293,000,000
Air Scan	\$10,000,000
Erinys	\$40,000,000
Meteoric Tactical Solutions	\$492,764 <sup>384</sup>
Titan	\$400,985,000 <sup>385</sup>





# Appendix 5: Iraq - In Country Working Conditions<sup>386</sup>

\_\_\_ Must live on a government facility, military facility or military base. These bases can be potentially dangerous, example: random gunfire, rocket or mortar fire.

\_\_\_ Confined to the base at all times for protection.

\_\_\_ Potential of being captured and/or detained by hostile forces is possible.

\_\_\_ Living Quarters: 8-30 man medium tents; you will be sleeping on cots and provided a sleeping bag. Upgrades not expected.

\_\_\_ Temperatures from 0 to 120+ degrees

\_\_\_ There are a lot of mice, snakes, scorpions, ticks, fleas and spiders in the camp and living quarters.

\_\_\_ Expect to be dirty the majority of the time.

\_\_\_ Sand storms and dust storms are very common in this region.

\_\_\_ Dust gets everywhere: eyes, mouth, clothes, food, and living quarters.

\_\_\_ Showers are cold, if and when you get a shower, and sometimes they are only bottled water showers. (Hot water is available)

\_\_\_ **NO ALCOHOL ALLOWED!** Alcohol violations carry a zero tolerance factor and can lead to termination on the first infraction.

\_\_\_ Meals provided - (Mostly Dining Facilities) could be hot food or meals ready to eat.

\_\_\_ All jobs require hands-on effort. Regardless of the position, every employee must be prepared to do physical labor.

\_\_\_ Safety violations carry a zero tolerance factor and can lead to termination on the first infraction.

\_\_\_ Few vehicles and lots of walking. For example, 100 yards to shower, or 200 yards to dining facilities. (Bus Service to Dining facilities further away)

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<sup>1</sup> Numerous articles have been written about PMCs, especially since the invasion of Iraq. A small sample include: Barry Yeoman, "Soldiers of Good Fortune," *Mother Jones*, May/June 2003, [http://www.motherjones.com/news/feature/2003/05/ma\\_365\\_01.html](http://www.motherjones.com/news/feature/2003/05/ma_365_01.html); Barry Yeoman, "Need an Army? Just Pick Up the Phone," *New York Times*, April 2, 2004; P.W. Singer, "Warriors for hire in Iraq," <http://www.salon.com/news/feature/2004/04/15/warriors>; Adams, Thomas K. "The New Mercenaries and the Privatization of Conflict", *Parameters*, Summer 1999, pp. 103-16; James Dao, "'Outsourced' or 'Mercenary,' He's No Soldier," *New York Times*, April 25, 2004; Eugene B. Smith, "The New Condotierris and U.S. Policy: The Privatization of Conflict and Its Implications," Eugene B. Smith, *Parameters*, Winter 2002-2003; Kim Richard Nossal, "Global governance and national interests: regulating transnational security corporations in the post-Cold War era," *Melbourne Journal of International Law*, December 2001; Ian D. Jeffries, *Private Military Companies – a positive role to play in today's international system*, [http://coursenligne.sciences-po.fr/2003\\_2004/securete\\_defense/setting\\_scence.pdf](http://coursenligne.sciences-po.fr/2003_2004/securete_defense/setting_scence.pdf); Deborah Avant, "Think Again: Mercenaries," *Foreign Policy*, July/August 2004; and Mariyam Hasham. "Public Wars, Private Profit," *The World Today*, June 2004, Vol. 60, Issue 4.

<sup>2</sup> Brendan O'Neill, "Is it mercenary to join military for perks, not war?," *Christian Science Monitor*, June 01, 2004, <http://www.csmonitor.com/2004/0601/p09s02-coop.html>.

<sup>3</sup> See Chap. 2, "Privatized Military History" in *Corporate Warriors: The Rise of the Privatized Military Industry* by Peter Singer (Ithaca, NY: Cornell University Press, 2003).

<sup>4</sup> Jim Hooper, *Bloodsong: First Hand Accounts of a Modern Private Army in Action, Angola 1993-1995*, (London, UK: HarperCollins Publishers, 2002).

<sup>5</sup> James Surowiecki, "Army, Inc.," *New Yorker*, January 12, 2004. See also Cullen Murphy, "Feudal Gestures: Why the Middle Ages are something we can still look forward to," *The Atlantic Monthly*, October 2003, <http://www.theatlantic.com/issues/2003/10/murphy.htm>.

<sup>6</sup> David Barstow, "Security Companies: Shadow Soldiers in Iraq," *New York Times*, April 19, 2004.

<sup>7</sup> James Surowiecki, "op. cit."

<sup>8</sup> Eric J. Fredland, "Outsourcing Military Force: A Transactions Cost Perspective on the Role of Military Companies," *Defence and Peace Economics*, Volume 15, Number 3 / June 2004, pp. 205 – 219.

<sup>9</sup> John Berlau, "Democrat Attacks On Contractors: Supposed "reforms" of the Clinton-Gore era instead created a flawed federal-contracting system that shuts out innovative businesses," *Insight on the News*, March 1, 2004, Pg. 18.

<sup>10</sup> Nicholas von Hoffman, "Contract Killers: How privatizing the US military subverts public oversight," *Harper's Magazine*, June 2004.

<sup>11</sup> For an article that depicts Halliburton as a war profiteer see Pratap Chatterjee and Herbert Docena, "Occupation, Inc.," *Southern Exposure*, Winter 2003/2004, <http://www.southernstudies.org/reports/OccupationInc.htm>. See also "Iraq and the Hidden Costs of War," Testimony of William D. Hartung, Director, Arms Trade Resource Center, World Policy Institute at the New School, Before the Senate Democratic Policy Committee, February 13, 2004,

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<sup>13</sup> Gordon L. Campbell, United States Army Combined Arms Support Command, *Contractors on the Battlefield: The Ethics of Paying Civilians to Enter Harm's Way and Requiring Soldiers to Depend upon Them*, A paper prepared for presentation to the Joint Services Conference on Professional Ethics 2000 Springfield, VA, January 27-28, 2000, <http://www.usafa.af.mil/jscope/JSCOPE00/Campbell00.html>.

<sup>14</sup> Deborah Avant, "The Privatization of Security and Change in the Control of Force," *International Studies Perspectives* (2004) 5, 153-157.

<sup>15</sup> Christopher Lee, "Army Outsourcing Put on Hold: Plan for Jobs Came to Halt After White's Resignation," *The Washington Post* January 5, 2004, p. A15.

<sup>16</sup> Alan Green, "Early Warning: The U.S. Army can hardly be surprised by its problems with contractors in Iraq," May 5, 2004, <http://www.publicintegrity.org/report.aspx?aid=274&sid=200>.

<sup>17</sup> Jason Peckenpaugh, "Army Contractor Count Stymied By Red Tape," *GovExec.com*, June 3, 2004.

<sup>18</sup> James W. Crawley, "Conversion Of Military Jobs Set To Boost Front And Bottom Lines," *San Diego Union-Tribune*, May 24, 2004.

<sup>19</sup> Deborah Avant, "The Privatization of Security and Change in the Control of Force," op. cit.

<sup>20</sup> Kirsten Scharnberg and Mike Dorning, "Iraq violence drives thriving business," *Chicago Tribune*, April 2, 2004.

<sup>21</sup> John J. Lumpkin, "CIA Seeks Guns-For-Hire in Terror Fight," *Associated Press*, Nov 27, 2003.

<sup>22</sup> "CIA REMEMBERS EMPLOYEES KILLED IN THE LINE OF DUTY," May 21, 2004, [http://www.cia.gov/cia/public\\_affairs/press\\_release/2004/pr05212004.html](http://www.cia.gov/cia/public_affairs/press_release/2004/pr05212004.html).

<sup>23</sup> James Bamford, "This Spy for Rent," *New York Times*, June 13, 2004.

<sup>24</sup> William Matthews, "Counting On Contractors: Industry Employees Are a Growing Power in the U.S. Arsenal," *Defense News*, April 12, 2004.

<sup>25</sup> HEARING OF THE SENATE ARMED SERVICES COMMITTEE. "US POLICY AND MILITARY OPERATIONS IN IRAQ AND AFGHANISTAN," WASHINGTON, D.C., APRIL 20, 2004.

<sup>26</sup> Peter W. Singer, "Outsourcing the War," Part 2, Salon.com, April 16, 2004, <http://www.brookings.edu/views/articles/fellows/singer20040416.htm>.

<sup>27</sup> David Wood, "Risks of Private Military Contracting Highlighted in Iraq Turmoil," *Newhouse News Service*, <http://www.newhousenews.com/archive/wood040604.html>.

<sup>28</sup> Ibid.

<sup>29</sup> Kit Wagar, "Holden Protests Missouri Guard Unit's Use In Iraq," *Kansas City Star*, May 12, 2004.

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<sup>30</sup> Lolita C. Baldo, "Senators seek investigation into private security firms in Iraq," The Associated Press, April 30, 2004. The uses of PMCs the GAO is being asked to review include: The scope and extent to which PMFs are being used in Iraq and how this utilization of PMFs compares with previous conflicts; The cost and effectiveness of using civilian workers instead of military personnel for activities broadly defined as related to security; Whether DoD budgeting and accounting processes enable the government to predict and track the actual cost of PMFs and the services they provide; The screening process required for PMF personnel; The statutory authority under which DoD and the CPA have contracted with PMFs to perform security functions, in some cases without security clearance, in Iraq; The laws and code of conduct that govern the activities of PMF personnel, including the extent to which PMFs are performing tasks that would be illegal or improper for military personnel; Whether the use of PMFs has compromised the military chain of command; The extent to which PMFs are involved in security and other "mission critical" activities that would leave our mission in Iraq vulnerable if PMFs were unable or unwilling to continue to perform the duties under their contracts; Whether the comparatively higher salaries of PMF personnel are affecting retention or morale among our armed forces; The propriety of using humanitarian funds from the Development Fund for Iraq to pay for activities of PMFs.

<sup>31</sup> Senator Reed speaking on National Public Radio discussing the letter to the GAO, "Iraq Mercenaries," Morning Edition, April 29, 2004.

<sup>32</sup> J.R. Wilson, "Sharing The Risk: Contractors work side-by-side with war fighters," *Armed Forces Journal*, July 2004, Pg. 26.

<sup>33</sup> Seth Borenstein, "Insurance, security prove costly for contractors in Iraq," Knight Ridder/Tribune News Service, April 1, 2004.

<sup>34</sup> James Flanigan, "In Iraq, Army of Private Contractors Is Set to Stay Entrenched," *Los Angeles Times*, May 23, 2004.

<sup>35</sup> Robert O'Harrow Jr. and Ellen McCarthy, "Private Sector Has Firm Role At the Pentagon," *Washington Post*, Jun 09, 2004.

<sup>36</sup> "Mercenaries: the Baghdad boom," *The Economist*, 25 March 2004.

<sup>37</sup> "Lucrative pay lures cream of SA cops to Iraq," *The Sunday Independent*, February 08 2004.

<sup>38</sup> "India probes reports of ex-soldiers working illegally in Iraq," *Agence France Presse*, May 3, 2004.

<sup>39</sup> "Pak busts US secret drive to recruit ex-servicemen for Iraq," May 25, 2004, <http://www.webindia123.com/news/showdetails.asp?id=38944&cat=Asia>.

<sup>40</sup> Harvey Thompson, "Washington fields mercenary army in Iraq," May 6, 2004, [http://www.axisoflogic.com/artman/publish/article\\_7322.shtml](http://www.axisoflogic.com/artman/publish/article_7322.shtml).

<sup>41</sup> Mark Dunn, "Hired guns: Australian mercenaries in Iraq," Herald Sun (Melbourne, Australia), May 17, 2004.

<sup>42</sup> Note this section is based on email comments by a PMC member in Iraq that appeared on the PMC listserv run by Doug Brooks, founder of the International Peace Operations Association.

<sup>43</sup> Michael Stetz, "'It's Who We Are': War against terror gives former SEALs the chance to resurrect their skills," *San Diego Union-Tribune*, June 3, 2004.

<sup>44</sup> For detail see Pratap Chatterjee, "Ex-SAS Men Cash in on Iraq Bonanza," June 9, 2004, <http://www.corpwatch.org/article.php?id=11355>.

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<sup>45</sup> For a detailed examination of British PMCs and their personnel in Iraq see the transcript of *File On 4* program "Iraq security firms", May 25, 2004, [http://www.bbc.co.uk/radio4/news/fileon4/transcripts/fileon4\\_iraq.pdf](http://www.bbc.co.uk/radio4/news/fileon4/transcripts/fileon4_iraq.pdf).

<sup>46</sup> [http://www.dol.gov/dol/allcfr/ESA/Title\\_20/Part\\_61/toc.htm](http://www.dol.gov/dol/allcfr/ESA/Title_20/Part_61/toc.htm).

<sup>47</sup> Established in 1941, the primary goal of the Defense Base Act was to cover workers on military bases outside the United States. The Act was amended to include public works contracts with the government for the building of non-military projects such as dams, schools, harbors and roads abroad. A further amendment added a vast array of enterprises revolving around the national security of the US and its allies. Today, almost any contract with an agency of the US government, for work outside the US, whether military in nature or not, will likely require Defense Base Act coverage. There are five provisions in the current version of the Defense Base Act that prompt coverage: Any employee working on a military base or reservation outside the US; Any employee engaged in US government funded public works business outside the US; Any employee engaged in public works or military contract with a foreign government which has been deemed necessary to US National Security; Those employees that provide services funded by the US government outside the realm of regular military issue or channels; . Any employees of any sub-contractors of the prime or letting contractor involved in a contract like numbers 1 - 4 above.

Waivers - One should note that DBA coverage makes no reference to the nationality of covered employees; thus, local nationals or third country nationals are automatically covered under the DBA. Waivers can be granted, but they need to follow certain criteria, and only the Secretary of Labor is able to authorize any such waiver. Key points for gaining waivers include:

- \* Class of employee must have available alternate means of compensation such as Employers Liability, Workers' Compensation, or Social Security
- \* Waivers can not be requested for any class of employee including US citizens or those employees hired inside the US
- \* Agency letting the contract must recommend that such a waiver be granted
- \* Contractor must file an application with the US Department of Labor

Coverage Issues: The courts rely on precedent when determining liability issues. Two doctrines known as the Zone of Special Danger and Reasonable Recreation are central to finding coverage under the Act. The Zone of Special Danger doctrine requires that an employee's injury or death occurs arising out of or in the course of employment. In addition, the Zone of Danger states that where there exists unique conditions or circumstances of employment that place an employee in a zone of danger, then an accident resulting in injury or death need not be strictly related to job duties. The Reasonable Recreation doctrine requires that an employee's injury or death occur arising out of or in the course of the employer's furnished, funded or promoted recreational activities. Some non-sponsored activities may also be included. Please note that these two doctrines taken together do not lead to "24 Hour Coverage" for an employee.

Failure to obtain DBA insurance carries stiff penalties. All government contracts contain a provision that requires bidding contractors obtain necessary insurance. Failure to do so will result in fines and possible loss of contract. The additional and most severe penalty is that employers without DBA coverage are subject to suits under common law wherein common law defenses are waived. In other words, the claimants or their heirs need only file suit and do not have to prove negligence. Lastly, all claims may be brought in Federal Court and are against the insured directly.



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The DBA requires full disability compensation for two-thirds of a worker's average weekly earnings, up to a maximum \$1,030.78 per week. Death benefits are 50 percent of an employee's average weekly earnings payable to the surviving spouse or to one child, and two-thirds of earnings for two or more survivors, up to the weekly maximum. Benefits may be payable for life, and are subject to annual cost-of-living adjustments. For further information see Defense Base Act Workers' Compensation Insurance Coverage: Guide for US Contractors in Iraq, [http://www.export.gov/iraq/bus\\_climate/dba.html](http://www.export.gov/iraq/bus_climate/dba.html); and <http://www.dol.gov/esa/owcp/dlhwc/ExplainingDBA.htm>.

<sup>48</sup> Andrew Jacobs and Simon Romero, "US Workers, Lured By Money And Idealism, Face Iraqi Reality," *New York Times*, April 14, 2004, Pg. 1.

<sup>49</sup> Zvi Bar'el, "Taking Iraq to account," *Haaretz*, April 22, 2004, <http://www.haaretz.com/hasen/spages/415039.html>. See also Russell Gold and Sara Schaefer Muñoz, "Security Costs Rise For Iraq Contractors," *Wall Street Journal*, May 17, 2004, Pg. 3.

<sup>50</sup> "With one foot in the grave," *Der Spiegel*, Nr. 19, 3rd May 2004, pp. 142-143.

<sup>51</sup> James Dao, "Private US guards take big risks for right price," *New York Times*, April 2, 2004.

<sup>52</sup> "Thomas Catan and Stephen Fidler, 'The military can't provide security'," op. cit.

<sup>53</sup> Robert Fisk and Severin Carrell, op. cit.

<sup>54</sup> Kirsten Scharnberg and Mike Dorning, op. cit.

<sup>55</sup> "Private Company Provides Soldiers' Duties In Iraq: Steele Foundation Pays Employees Up To \$20,000 Monthly," April 22, 2004, <http://www.nbc11.com/news/3033866/detail.html>.

<sup>56</sup> "Custer Battles - Co-Founder Interview," *YOUR WORLD WITH NEIL CAVUTO*, Fox News Network, Inc., April 16, 2004.

<sup>57</sup> Clare Murphy, "Iraq's mercenaries: Riches for risks," *BBC News Online*, April 4, 2004, [http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle\\_east/3590887.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/3590887.stm).

<sup>58</sup> Email from Doug Brooks, President of the International Peace Operations Association, August 16, 2004.

<sup>59</sup> Ann Scott Tyson, "Private firms take on more military tasks: The deaths of security workers in Falluja show risks of 'outsourcing' war-zone jobs," *Christian Science Monitor*, April 2, 2004. See also Lisa Burgess, "DOD Trying To Retain Its Special Operators," *European Stars and Stripes*, March 16, 2004.

<sup>60</sup> Eric Schmitt and Thom Shanker, "Big Pay Luring Military's Elite to Private Jobs," *New York Times*, March 30, 2004.

<sup>61</sup> David Rennie and Michael Smith, "Weary special forces quit for security jobs," *Daily Telegraph*, March 31, 2004, <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/03/31/wspec31.xml>.

<sup>62</sup> Christian Jennings, "Special forces quitting to cash in on Iraq," *The Scotsman*, 21 February 2004, <http://news.scotsman.com/index.cfm?id=205892004>.

<sup>63</sup> Ian Bruce, "SAS veterans among the bulldogs of war cashing in on boom," *The Herald*, March 29, 2004.

<sup>64</sup> John Helyar, "Fortunes Of War," *Fortune*, July 26, 2004.

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<sup>65</sup> Owen West, "Private Contractors Aren't the Answer to the Army's Problems," *Slate.com*, July 29, 2004, <http://slate.msn.com/id/2104305/entry/2104507>.

<sup>66</sup> Press release from Rep. Skelton's office, "DOD Responds to Skelton Inquiry on Contractors in Iraq," May 4, 2004. See <http://www.house.gov/skelton/pr040504a.htm> for actual CPA discussion paper on PMC in Iraq.

<sup>67</sup> Robert Schlesinger, "The imperial Pentagon," *Salon*, May 20, 2004, <http://www.salon.com/news/feature/2004/05/20/secrets/print.html>.

<sup>68</sup> September 8, 2004 email from Erinys to author.

<sup>69</sup> Robert Collier, op. cit. See also Walter Pincus, "More Private Forces Eyed For Iraq: Green Zone Contractor Would Free US Troops for Other Duties," *Washington Post*, March 18, 2004, Pg. 25.

<sup>70</sup> Press reports said the contract falls within the "Security and Justice" component of the CPA Program Management Office's budget. The main S&J contract, amounting to \$900m (around 5% of the PMO's overall budget), was let to Parsons Inc on March 26, 2004. Parsons announced the award in a press release on March 29 and some further details have since emerged on a web page of its subsidiary, Parsons Iraq, in which three UK-based CPA partners are listed, including Control Risks Group. The PMO website shows that Control Risks is listed as a registered supplier in the Security and Justices category but there is no entry for Aegis Defence.

Curiously, there is no reference to this new major S&J contract for close protection services on either CPA or PMO websites. A project status report by the PMO's Director on May 24 gives no indication of contract awards after the last published list on the site of March 26.

Pratap Chatterjee of CorpWatch says that the contract value is actually \$293m cap over three base periods (probably three years) not 280m pounds.

<sup>71</sup> Peter W. Singer, National Security Fellow, Brookings Institution, made these points in a June 10, 2004 email on the PMC email list (<http://groups.yahoo.com/group/pmcs>) run by Doug Brooks. See also Peter W. Singer, "Nation Builders and Low Bidders in Iraq," *New York Times*, June 15, 2004; and Pratap Chatterjee, "Controversial Commando Wins Iraq Contract," June 9th, 2004, <http://www.corpwatch.org/article.php?id=11350>.

<sup>72</sup> Mary Pat Flaherty, "Iraq Work Awarded To Veteran Of Civil Wars: Briton Who Provided Units in Asia and Africa Will Oversee Security," *Washington Post*, June 16, 2004, Pg. E1. See also Sinclair Solomon, "Spicer in Iraq: Sandline mercenary fame of B'ville crisis to head private army in Baghdad," 16 June 2004, National (PNG), <http://www.thenational.com.pg/0616/nation1.htm>; and Charles M. Sennott, "London firm with Iraq pact involved in past scandals," *Boston Globe*, June 21, 2004. Two British members of the Advisory Council for Aegis Defense Systems, are General Wheeler and Sir John Birch who were outspoken critics of the war in Iraq. But evidently their opposition doesn't prevent them from being part of a firm making money off of it.

<sup>73</sup> Tom Griffin, "Irish-Americans target Iraq contract," *Asia Times*, July 30, 2004, [http://www.atimes.com/atimes/Middle\\_East/FG30Ak03.html](http://www.atimes.com/atimes/Middle_East/FG30Ak03.html).

<sup>74</sup> 23 July 2004, *Private Eye*. Forsyth owns 414 shares in the company. The total that have been issued are 13,374. Therefore, he owns 3.1% of the company. The shareholdings in Aegis, as filed by the company in its most recent statutory declaration (available on-line at <http://www.companieshouse.gov.uk> gives the following holdings:

<i>Tim Spicer</i>	5,000
<i>Mark Bullough</i>	2,500

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<i>J Day Group Ltd</i>	2,500
<i>Dominic Armstrong</i>	1,250
<i>F Forsyth</i>	414
<i>Saad Investments Ltd</i>	414
<i>Lombard Atlantic Bank NV</i>	414
<i>MJ &amp; AM Donovan</i>	138
<i>D&amp;T Pemberton</i>	138
<i>R Sale</i>	138
<i>AM Sladen</i>	138
<i>C Wood &amp; M Lemsey</i>	138
<i>BAO Ltd</i>	138
<i>Paragon Returns SDN BHD</i>	138
<i>Pershing Keen Nominees</i>	138
<i>Royal Bank of Canada Trustees</i>	138
<i>Total shares issued</i>	13,734

*According to one industry analyst the story on Aegis's incorporation and shareholders is as follows:*

*The executives in the company are the first four, totalling 11,250 shares, i.e., 81.9% of the equity. Some of these, such as J Day Group (Jeffrey Day) would have received their shares in exchange for making an investment in the business. Day may have invested £500,000 for his 2,500 shares, which have a face value of £25 but which gives him 18.2% of the ownership.*

*Aegis now owns Trident (Spicer's old firm) outright, i.e., 100% of the shares in that company, making it a "wholly owned subsidiary". However, before Aegis even existed, about three years ago Spicer secured an investment in Trident from a Lloyds underwriting syndicate with which he was developing maritime security business. They underwrite maritime risk and presumably were interested in referring their clients to Trident for them to carry out risk assessments to help them improve their security. This has the upside of reducing the underwriter's exposure, so everyone benefits: the insured client improves security; the underwriters reduce risk; and Trident makes money. The underwriters were probably attracted by the business side of Trident's activities and decided to invest in the company in order to participate in the profits from this security business that they were in fact referring to Spicer.*

*Now, when a company makes an investment, shares are issued in the name of the company. However, Lloyds syndicates are not companies, they are partnerships. So the partners presumably chose to receive the shares in Trident in their own names (or in the names of nominees. Assuming that the partners invested between them £270,000 and Forsyth put in £45,000 of this then he would get one-sixth of the shares issued.*

*Subsequently, Spicer established Aegis Defence Services Ltd and presumably set about restructuring the business. Presumably he proposed to subsume Trident into Aegis. A benefit to the shareholders in Aegis which includes himself and the 12 syndicate members is that the latter group would now participate in the wider profits that the business would generate, not just*

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*maritime contracts, and Spicer gets to tidy up his share structure. The alternative would have been to leave the 12 syndicate members with between them their existing say 50% interest in Trident (he would own the balance) but it may have been that the plan was to write all future business in Aegis so the restructuring becomes a necessity.*

So, the syndicate members surrender their shares in Trident and receive shares in Aegis Defence in their stead. In this case it is agreed that they will receive between them a number divisible by 18 closest to but lesser than 2,500, thus equating to the investment holding of Jeffrey Day and his more recent £0.5m and/or the 50% that Spicer owns in Trident which gives him half of his 5,000 shares in Aegis. Thus, we get 2,484 shares. Forsyth receives one-sixth of this figure, equating to the proportion of his holding in the original syndicate investment in Trident, i.e., 414 shares. Thus Forsyth owns 3% of Aegis as a result of his membership in a Lloyds insurance syndicate and that syndicate's earlier investment in Trident.

<sup>75</sup> Paul Lashmar, "Spicer's security firm in battle with DynCorp over \$290m deal," *Independent on Sunday*, July 4, 2004, and Jimmy Burns and Thomas Catan, "Dyncorp seeks to overturn Iraq contract," *Financial Times*, July 21, 2004. The first protest was filed June 22, 2004, File number B-294232.001, Solicitation No. W911S0-04-R-0005, with a due date of September 30, 2004. The second protest was filed August 2, 2004, File number B-294232.002, Solicitation No. W911S0-04-R-0005, with a due date of November 10, 2004. DynCorp's challenges were denied by the GAO on September 13, 2004.

<sup>76</sup> Tony Capaccio, "U.S. Inspector Probing \$293 Mln Aegis Award For Iraq Security," *Bloomberg.com*, July 30, 2004.

<sup>77</sup> Jackie Spinner, "Iraqi Oil Gets Its Own Police Force," *Washington Post*, January 17, 2004.

<sup>78</sup> *Ibid.*

<sup>79</sup> "Civilian Contractors in Iraq," NBC Nightly News NBC TV, APRIL 1, 2004.

<sup>80</sup> Matthew Tempest, "Rifkind made head of Iraq security firm," *The Guardian*, 13 April 2004, <http://politics.guardian.co.uk/iraq/story/0,12956,1190968,00.html>.

<sup>81</sup> Alissa J. Rubin, "Security businesses operate in shadows," *Los Angeles Times*, April 2, 2004. An industry source says the original contract was for \$6.5m but was extended.

<sup>82</sup> "Blackwater USA," April 1st, 2004, <http://www.democracynow.org/article.pl?sid=04/04/01/1621244>.

<sup>83</sup> The precise nature of the mission of the Blackwater personnel is still being debated. An article in *Time Magazine* noted, "It's still unclear whether the four Blackwater employees found themselves in Falluja inadvertently or were on a mission gone awry. Even by Pentagon standards, military officials were fuzzy about the exact nature of the Blackwater mission; several officers privately disputed the idea that the team was escorting a food convoy. Another officer would say only the detail was escorting a shipment of "goods." Source: Michael Duffy, "When Private Armies Take to the Front Lines: The security contractors killed in Falluja represented a little known reality of the war in Iraq," *Time Magazine*, April 12, 2004. According to one news report Blackwater violated its own standards by sending the four men on an undermanned mission. The four men drove into the ambush without the full six-man team specified in Blackwater's contract to protect a company feeding U.S. troops. Jay Price and Joseph Neff, "Security company broke own rules," *The News & Observer*, August 22, 2004, <http://www.newsobserver.com/news/v-printer/story/1552996p-7741192c.html>.

<sup>84</sup> Dana Priest, "Private Guards Repel Attack On US Headquarters," *Washington Post*, April 6, 2004, Pg. 1.

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<sup>85</sup> Matthew Schofield, "IRAQ: Fierce battle for Falluja continues," Grand Forks Herald [Knight Ridder Newspapers], April 9, 2004; and private email to author.

<sup>86</sup> P.W. Singer, "Warriors for hire in Iraq," op. cit. and Matthew Schofield, *Ibid*.

<sup>87</sup> "Britain banks on private security firms in Iraq as civilian gunned down," *Agence France Presse*, March 28, 2004. The £23.5 m fee is disputed by Controls Risks Group. An email from their London office stated, "As a company we do have a policy of confidentiality re: our clients which means we will never disclose who we work with. However, the Department for International Development do state on their website that we provide services for emergency aid sector. We do not disclose fees that we are paid - however, the fee you quote is incorrect and exaggerated."

<sup>88</sup> *Ibid*.

<sup>89</sup> David Pallister, op. cit.

<sup>90</sup> *The Guardian*, December 11, 2003,  
<http://politics.guardian.co.uk/foreignaffairs/story/0,11538,1104379,00.html>.

<sup>91</sup> David R. Baker, "In Peril: Private security guards face constant danger in Iraq," *San Francisco Chronicle*, April 2, 2004. For background on Mike Battles, one of the firm's founders, see Michael Corkery, "Newport man out to strike it rich in Iraq," *The Providence Journal*, January 25, 2004, Pg. A-01. See also press release "Custer Battles marks successful year securing Baghdad International Airport," June 30, 2004, <http://www.custerbattles.com/press/pr063004.html>.

<sup>92</sup> Neil King Jr. and Yochi J. Dreazen, "Amid Chaos In Iraq, Tiny Security Firm Found Opportunity: Once Funded by Credit Cards, Custer Battles Garnered Millions in U.S. Contracts Using Gurkhas at the Airport," *Wall Street Journal*, August 13, 2004, Pg. 1.

<sup>93</sup> "Recruits told to be cautious," *Fiji Times*, May 17, 2004, Pg. 3.

<sup>94</sup> "Firm faces \$50,000 fine," *Fiji Times*, May 24, 2004, Pg. 4.

<sup>95</sup> Atunaisa Sokomuri, "US Firm Stresses Groundwork Done On Fiji Recruitment," *Fiji Sun* web site, Suva, in English 13 May 2004.

<sup>96</sup> "US Firm Recruiting In Fiji For Iraq Oil Pipeline Security," Source: *Fijilive* web site, Suva, in English 13 May 2004.

<sup>97</sup> Andrew G. Wright, "Despite a String of Setbacks, CPA Vows To Stay the Course," *Engineering News-Record*, April 26, 2004, Vol. 252, No. 17, Pg. 14.

<sup>98</sup> Vivienne Walt, "Firm Says UN Office In Iraq Refused Security," *Boston Globe*, August 23, 2003.

<sup>99</sup> Edith M. Lederer, [Associated Press Writer], "UN Intends to a Hire Security Firm," *Newsday*, March 4, 2004.

<sup>100</sup> Larry Hendricks, "The High Price of Security in Iraq: Former sheriff lieutenant off to train Iraqi officers," *Arizona Daily Sun*, April 2, 2004; Ben Schmitt, "Detroit cop gets a new beat: Iraq," *Detroit Free Press*, Dec. 22, 2003; Andrew Higgins, "As It Wields Power Abroad, U.S. Outsources Law And Order Work: DynCorp Is Asked to Restore Policing In Iraq Vital to an American Exit," *Wall Street Journal*, February 2, 2004, p. 1. The website of DynCorp International FZ-LLC (DIFZ) is <http://policemission.dyncorp.com/iraq.asp>.

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- <sup>105</sup> “Connecticut civilians offer view from Baghdad,” *Newsday*, April 18, 2004.
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- <sup>110</sup> Sean Penn, “At war Sean Penn finds getting out of Iraq even tougher than getting in,” *San Francisco Chronicle*, January 15, 2004.
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- <sup>123</sup> Malakai Veisamasama, "Fjian ex-peacekeepers to boost security in Iraq," *Reuters*, September 5, 2003.
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- <sup>126</sup> "Private firms move to fill Iraq's security vacuum," op. cit. Kroll recently set up a new subsidiary, Kroll Security International, whose chairman and C.E.O. is Alastair Morrison. Morrison, a British Special Air Service (SAS) veteran and founder of Defence Systems Ltd, one of the first PMCs, later sold DSL to Armor Holdings.
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- <sup>131</sup> Antony Barnett, Solomon Hughes and Jason Burke, "Mercenaries in 'coup plot' guarded UK officials in Iraq: Shocked MP demands a rethink of the way government awards its security contracts," *The Observer*, June 6, 2004. See also "Meteoric fall of an SA firm," August 8, 2004, *News24.com*, [http://www.news24.com/News24/Africa/Zimbabwe/0,,2-11-259\\_1569960,00.html](http://www.news24.com/News24/Africa/Zimbabwe/0,,2-11-259_1569960,00.html).
- <sup>132</sup> Michael Gilbert, "Getting ready to supply Iraq," *The News Tribune*, November 25, 2003. See also Steve Liewer, "In Kuwait, 1st ID Trains For Convoy," *Stars and Stripes*, European Edition, March 6, 2004; and Troops Train to Fight Iraqi Guerrillas; and Jim Krane, [Associated Press], *Mercury News*, Feb. 24, 2004, <http://www.mercurynews.com/mlid/mercurynews/news/world/8029373.htm>.
- <sup>133</sup> [http://www.mpri.com/site/int\\_mideast.html](http://www.mpri.com/site/int_mideast.html).
- <sup>134</sup> <http://www.publicintegrity.org/wow/docs/ContractorsBattlefield.pdf>.
- <sup>135</sup> Jonathan Werve, "Contractors Write the Rules: Army policy governing use of contractors omits intelligence restrictions," June 30, 2004, Center for Public Integrity, <http://www.publicintegrity.org/wow/report.aspx?aid=334&sid=100>.
- <sup>136</sup> "A security firm in Iraq," *The Indian Ocean Newsletter*, N. 1084, April 10, 2004. Roy Fonseca, the founder of Pilgrims served in the British military in Northern Ireland and during the Falklands war against Argentina. He returned to the Seychelles in 1992 to provide security for the former

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Seychelles president, James Mancham, organizing his annual leave from the SAS to coincide with this mission, for which he recruited 18 mercenaries, including 4 former members of the SAS. Fonseka then resigned from the British army and settled on Mahe to set up Pilgrims Security, which provided Mancham's security. After that, Fonseka was arrested in Mahe in February 2000 for illegal holding of arms and ammunition. He was provisionally detained and later released without charge.

<sup>137</sup> "Setbacks for a Seychelles security firm in Iraq," *The Indian Ocean Newsletter*, N. 1085, April 17, 2004.

<sup>138</sup> Dean Calbreath, "A Blueprint For A Nation: The Pentagon leans on San Diego's SAIC in rebuilding Iraq; the sole-source contracts are lucrative and controversial," *San Diego Union-Tribune*, July 4, 2004.

<sup>139</sup> "SSA Marine Safeguards Port of Umm Qasr, Iraq With Gurkha Security Force," *Business Wire*, October 22, 2003; and <http://www.ssamarine.com/news/pr/031604.html>.

<sup>140</sup> Robert Collier, "S.F. agency has guns, will travel: With guards and investigators for hire, Steele Foundation keeps busy in Iraq," *San Francisco Chronicle*, June 25, 2004.

<sup>141</sup> Robert Collier, "Global security firms fill in as private armies: 15,000 agents patrol violent streets of Iraq," *The San Francisco Chronicle*, March 28, 2004, Pg. A1.

<sup>142</sup> Greg Jaffe, David S. Cloud and Gary Fields, "Legal Loophole Arises In Iraq: Abuse Case Raises Question Of How to Prosecute Civilian Workers," *Wall Street Journal*, May 4, 2004, Pg. 4. For background on Titan see Pratap Chatterjee, "Titan's Translators in Trouble," CorpWatch, May 7, 2004, <http://warprofiteers.com/article.php?id=11284>.

<sup>143</sup> Bruce V. Bigelow, "Translation service pays off big for Titan," *San Diego Union-Tribune*, August 11, 2004. See also Renae Merle, "Prisoner-Abuse Report Adds To Titan's Troubles: Lockheed Plan to Buy Firm Already Stalled," *Washington Post*, May 7, 2004, Pg. E3.

<sup>144</sup> The following job description is from Titan Corp.'s web site. "Provide operational contract linguist support to reconstruction efforts in Iraq. Provide general linguistic support for military operations and interpret during interviews, meeting, and conferences. Interpret and translate written and spoken communications. Transcribe and analyze verbal communications. Perform document exploitation. Scan, research, and analyze foreign language documents for key information. Translate and gist foreign language documents. Identify and extract information components meeting military information requirement list criteria. Provide input to reports. Linguists are required to work 12-hour shifts and in excess of 60-hour weeks in order to provide continuous contract linguist support that this 24 x 7 operation requires. Linguists must be available for worldwide deployment as the mission dictates. Minimum required: Native proficiency in the Arabic/Iraqi dialect, (Interagency Language Roundtable skill level 4-5). Must be capable of providing idiomatic translations of non-technical material using correct syntax and expression from English to the native language or vice versa; ability to conduct consecutive, accurate translations/interpretation of on going conversations/activities; must be capable of providing cultural social, ethnic context of translations and interpretations, and advise supported organization on the cultural, social and ethnic significance of conversations, situations, documents, etc., in one or more Iraqi cultural traditions and or regions; must be familiar with the local culture, conduct oneself in accordance with local customs, and deal unobtrusively with the populace; must be familiar with and adhere to U.S. Army standards of conduct and the laws of the host nation in performing work assignments; must have good interpersonal skills and ability to work as part of a civil-military team in an unstructured environment; must be willing and capable to live and work in a harsh environment. Desired: University degree from accredited North American or European university." Source: <http://www.titan.com/careers/list.html?req=3979&callid=2>.



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- <sup>145</sup> “Titan Competing With Northrop, L-3 to Keep Its Largest Contract,” *Bloomberg News*, June 7, 2004.
- <sup>146</sup> Tony Capaccio, “Titan Payments Withheld Over Iraq Billing Dispute,” *Bloomberg.com*, March 12, 2004.
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- <sup>148</sup> Steven Rosenfeld, “Forget Halliburton,” Originally published in Tom Paine, <http://progressivetrail.org/articles/040117Rosenfeld.shtml>.
- <sup>149</sup> Dean Calbreath, “Iraqi Army, Police Force Fall Short On Training,” *San Diego Union-Tribune*, July 4, 2004.
- <sup>150</sup> Geoff S. Fein, “Training Iraqi Army Is a 'Wild Card',” *National Defense*, December 2003.
- <sup>151</sup> Sarah Coffey (Associated Press), “Pentagon relies on private sector contractors to fill void for interpreters,” *Napa News.com*, December 24, 2003.
- <sup>152</sup> [http://www.diligencemiddleeast.com/dme\\_iraq.html](http://www.diligencemiddleeast.com/dme_iraq.html).
- <sup>153</sup> “Diligence, LLC Expands Into the Middle East: New Subsidiary Focuses on Security in Iraq and Launches Comprehensive Information Services in Region,” *PR Newswire*, December 8, 2003.
- <sup>154</sup> “Allbaugh Getting Diligence Its Due,” *National Journal*, December 6, 2003.
- <sup>155</sup> <http://www.newbridgestrategies.com/index.asp>.
- <sup>156</sup> “Ambassador Robert Frowick Joins The Steele Foundation As Executive Director,” April 14, 2004, <http://www.pnewswire.com/cgi-bin/stories.pl?ACCT=SVBIZINK3.story&STORY=/www/story/04-14-2004/0002151497&EDATE=WED+Apr+14+2004,+11:34+AM>.
- <sup>157</sup> Tim Shorrock, “CACI and Its Friends,” *The Nation*, June 21, 2004, <http://www.thenation.com/doc.mhtml?i=20040621&s=shorrock>.
- <sup>158</sup> Robert Schlesinger, “The private contractor-GOP gravy train,” *Salon*, May 11, 2004, <http://www.salon.com/news/feature/2004/05/11/private/print.html>.
- <sup>159</sup> P.W. Singer, “Warriors for hire in Iraq,” op. cit.
- <sup>160</sup> Ibid.
- <sup>161</sup> Jonathan E. Kaplan, “Private army seeking political advice in D.C.,” *The Hill*, April 14, 2004. See also [http://www.disinfopedia.org/wiki.phtml?title=Alexander\\_Strategy\\_Group](http://www.disinfopedia.org/wiki.phtml?title=Alexander_Strategy_Group).
- <sup>162</sup> Robert Schlesinger, op. cit.
- <sup>163</sup> Judy Sarasohn, “A Contractor Calls In The Big Guns,” *Washington Post*, June 17, 2004, Pg. 27.
- <sup>164</sup> “Private security firms in Iraq,” *The Economist*, April 7, 2004.
- <sup>165</sup> “US Sens Seek Better Control Over Civilian Workers In Iraq,” *Wall Street Journal* (wsj.com), April 8, 2004. Se. Reed’s letter can be seen at <http://reed.senate.gov/iraq.htm>.
- <sup>166</sup> See now expired RFP “DABV01-03-R-001: Unified Security Services for Iraq,” [http://www.cpa-iraq.org/business/RFP\\_DABV01-03-R-0011.html](http://www.cpa-iraq.org/business/RFP_DABV01-03-R-0011.html).

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<sup>167</sup> David Barstow, op. cit.

<sup>168</sup> Daniel Box, "Move To Curb Iraq Security Groups," *London Sunday Times*, April 18, 2004.

<sup>169</sup> Mary Pat Flaherty, "Private Guards' Status Outlined By Pentagon: Number in Iraq Expected to Grow," *Washington Post*, May 5, 2004, Pg. E2.

<sup>170</sup> The Project and Contracting Office (PCO) will establish a Contractor Security Operations Center (CSOC) within its Operations Center. This office has already been planned and funded, to be led by the PCO Security Chief and staffed through a contract with Aegis, a British PMC.

The Iraq Reconstruction Management Office (IRMO), answerable to the Chief of Mission (COM), will establish certification standards with which all contractors will comply. COM will consult over these standards with CENTCOM and PCO. These certifications will be tracked and enforced through the Contracting Support Office (CSO) within PCO. IRMO, in coordination with the CSO and the Iraq cell of the Overseas Security Advisory Council (OSAC), will generate a handbook for contractors, detailing all applicable rules, and will continue to promulgate rules through the website and monthly contractor meetings.

<sup>171</sup> Jim Wolf, "US Lacks Standardized Rules for Iraq Contractors," *ABC News*, [http://www.abcnews.go.com/wire/US/reuters20040624\\_514.html](http://www.abcnews.go.com/wire/US/reuters20040624_514.html), June 24, 2004.

<sup>172</sup> For example see *Air Force Journal of Logistics*, "Contractors on the Battlefield," Oct 1999; Air Force General Counsel Guidance Document, Department of the Air Force, *Deploying With Contractors: Contracting Considerations*, November 2003; HQ AFMC Contingency Contracting Web Site <https://www.afmc-mil.wpafb.af.mil/HQ-AFMC/PK/pko/gotowar.htm>; Army Field Manual 4-100.2 (FM100-10-2), *Contracting Support on the Battlefield*, 4 Aug 1999; Army Regulation 715-9, *Contractors Accompanying the Force*, 29 October 1999; Army Materiel Command Pamphlet 715-18, *AMC Contracts and Contracting Supporting Military Operations*, 16 June 1999; *Concept for Managing Weapon System Contractors During Military Operations*, Draft, 16 June 1999; Department of the Army Pamphlet 715-16, *Contractor Deployment Guide*, 27 February 1998; Army Field Manual 3-100.21 (FM100-21), *Contractors On The Battlefield*, March 2000; 21; "Institutionalizing Contractor Support on the Battlefield," *Army Logisticians*, (Vol. 32, Issue 4), July-August 2000, pp. 12-15; 22; Joe A. Fortner, "Managing, Deploying, Sustaining, and Protecting Contractors on the Battlefield," *Army Logisticians*, (Vol. 32, Issue 5), September-October 2000, pp. 3-7; P.L.106-523, *Military Extraterritorial Jurisdiction Act of 2000*; and OMB Circular No. A-76, "Performance of Commercial Activities", 4 August 1983 (Revised 1999); and the bibliography *Contractors on the Battlefield*, Library Notes, Naval War College, October 2003, Vol. 32, No. 2, <http://www.nwc.navy.mil/library/3Publications/NWCLibraryPublications/LibNotes/libContractors.htm>.

<sup>173</sup> Ibid.

<sup>174</sup> David Phinney, "DoD Rule Would Permit Arming Of Contractors," *Federal Times*, March 29, 2004, Pg. 1. See also Federal Register: March 23, 2004 (Volume 69, Number 56) [Proposed Rules] [Page 13500-13503] SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to address issues related to contract performance outside the United States. The proposed rule contains a clause for use in contracts that require contractor employees to accompany a force engaged in contingency, humanitarian, peacekeeping, or combat operations. <http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAIISdocID=781503386090+0+2+0&WAIISaction=retrieve>. Public comment on the proposed rule, which would amend the Defense Federal Acquisition Regulation Supplement, is being solicited until May 24 and will be considered when the final version is written.

<sup>175</sup> Ibid.

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<sup>176</sup> John Liang, "Lawmaker Calls For 'Go-Slow' Approach To Outsourcing DOD Work," *InsideDefense.com*, June 24, 2004. Essentially, DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to address issues related to contract performance outside the United States. The proposed rule contains a clause for use in contracts that require contractor employees to accompany a force engaged in contingency, humanitarian, peacekeeping, or combat operations. Source: *Federal Register*: March 23, 2004 (Volume 69, Number 56), pp. 13500-13503, <http://www.acq.osd.mil/dpap/dars/dars/fedregs/2003d087p.txt>. A Microsoft Word format document showing all additions and deletions proposed by this rule is [http://www.acq.osd.mil/dpap/dfars/chnotices/20040323\\_files/2003d087.doc](http://www.acq.osd.mil/dpap/dfars/chnotices/20040323_files/2003d087.doc). A Microsoft Word format document showing the text proposed for inclusion in DFARS Procedures, Guidance, and Information (PGI) is [http://www.acq.osd.mil/dpap/dfars/chnotices/20040323\\_files/2003d087pgi.doc](http://www.acq.osd.mil/dpap/dfars/chnotices/20040323_files/2003d087pgi.doc).

<sup>177</sup> These were taken from a briefing by McKenna Long & Aldridge LLP, available on their website at: "DoD Issues Proposed Rules for Contractors in War Zones," April 15, 2004, <http://www.mckennalong.com/news-pressrelease-945.html>.

<sup>178</sup> Megan Scully, "Army Issues New Guidebook On Sending Contractors To War," *Inside The Army*, July 28, 2003, Pg. 1.

<sup>179</sup> David Phinney, "DoD Drafting New Rules for Wartime Contractors," *Federal Times* February 9, 2004, <http://federaltimes.com/index.php?S=2624186>.

<sup>180</sup> See section 1205 of the House version of the 2005 Defense Authorization Act (HR 4200) on "guidance and report required on contractors supporting deployed forces in Iraq," <http://www.fas.org/sqp/congress/2004/default-cont.html>.

<sup>181</sup> Edmond Lococo, "US Congress Seeking More Information on Contractors in Iraq," *Bloomberg*, May 21, 2004, <http://quote.bloomberg.com/apps/news?pid=10000103&sid=aHT5mc1ZzE5s&refer=us>. S. 2400, [Report No. 108-260], To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. In the Senate of the United States, May 11, 2004, <http://thomas.loc.gov/cgi-bin/query/C?c108:/temp/~c108KJI1KU>. This legislation was passed June 22. The relevant language was in Sec. 865, which called for a report on contractor performance of security, intelligence, law enforcement, and criminal justice functions in Iraq.

<sup>182</sup> Carl Hulse, "Senate Rejects Harder Penalties On Companies, And Ban On Private Interrogators," *New York Times*, June 17, 2004.

<sup>183</sup> Adam Nathan, "Private military firms face Iraq probe," *Sunday Times*, June 20, 2004.

<sup>184</sup> Peter Brownfeld, "Military Contractors Shoulder Heavy Burden in Iraq," April 16, 2004, <http://www.foxnews.com/story/0,2933,117239,00.html>.

<sup>185</sup> Damian Lilly, "The privatization of peace: an unlikely prospect," *Conflict, Security, Development*, 2(3) 2002: pp. 139-144.

<sup>186</sup> Memorandum submitted by the Ministry of Defence, Letter to the Clerk of Committee from the House of Commons Defence Committee Liaison Office, Ministry of Defence, 27 May 2003, <http://www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmfaaff/115/11503.htm>.

<sup>187</sup> For detail on European efforts to control PMC see Elke Krahnmann, *Controlling Private Military Companies: The United Kingdom and Germany*, International Studies Association, February 25-March 1, 2003, Portland, OR, <http://www.isanet.org/portlandarchive/krahnmann.pdf>. Other past and future publications by her on the subject can be found at <http://eis.bris.ac.uk/~poxek/>.

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<sup>188</sup> Andrew Grice and Ben Russell, "Mercenaries in trouble spots to be regulated," *The Independent*, July 31, 2004.

<sup>189</sup> For detail see pp. 19-76, Maj. Todd S. Milliard, "Overcoming Post-Colonial Myopia: A Call to Recognize and Regulate Private Military Companies," *Military Law Review*, Vol. 176, June 2003; and Peter Singer "War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law" *Columbia Journal of International Law*, Vol. 42, No. 2, pp. 523-550, <http://www.brookings.edu/dybdocroot/views/articles/fellows/singer20040122.pdf>.

<sup>190</sup> Phillip Carter, "Hired Guns: What to do about military contractors run amok," *Slate*, April 9, 2004, <http://slate.msn.com/id/2098571>.

<sup>191</sup> Megan Scully, "Use of Private Security Raises Questions in Iraq," *Defense News*, May 3, 2004, p. 25.

<sup>192</sup> For detail see pp. 19-76, Maj. Todd S. Milliard, "Overcoming Post-Colonial Myopia: A Call to Recognize and Regulate Private Military Companies," *Military Law Review*, Vol. 176, June 2003; and Peter Singer "War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law" *Columbia Journal of International Law*, Vol. 42, No. 2, pp. 523-550, <http://www.brookings.edu/dybdocroot/views/articles/fellows/singer20040122.pdf>.

<sup>193</sup> This point is a summary of the following article, Christopher Caldwell, "The battle lines are blurring," *Financial Times*; Apr 16, 2004.

<sup>194</sup> James Glanz, "Modern Mercenaries on the Iraqi Frontier," *New York Times*, April 4, 2004.

<sup>195</sup> Gabriel Milland, "AS FOUR US 'CONSULTANTS' ARE BUTCHERED BY HATE MOB IN FALLUJA. . .; SECRET DOGS OF WAR CASHING IN ON IRAQ," *The Express*, April 2, 2004, Pg. 13.

<sup>196</sup> Paul Dykes, "Desert storm: How did a convicted Ulster terror squaddie get security job in Iraq?," *Belfast Telegraph*, Feb. 5, 2004.

<sup>197</sup> May 24, 2004 email from Christopher Beese, Chief Administrative Officer, ArmorGroup.

<sup>198</sup> Ibid.

<sup>199</sup> Phillip Carter, "Hired Guns: What to do about military contractors run amok," *Slate*, April 9, 2004, <http://slate.msn.com/id/2098571>.

<sup>200</sup> Coalition Provisional Authority Order Number 17 (Revised) "Status of the CPA, MNFI, Certain Missions and Personnel in Iraq w/Annex," [http://www.iraqcoalition.org/regulations/20040627\\_CPAORD\\_17\\_Status\\_of\\_Coalition\\_Rev\\_wit\\_h\\_Annex\\_A.pdf](http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_wit_h_Annex_A.pdf).

<sup>201</sup> Office of the Administrator of the Coalition Provisional Authority, Baghdad, Iraq, Public Notice Regarding the Status of Coalition, Foreign Liaison and Contractor Personnel, June 26, 2003, [http://www.cpa-iraq.org/regulations/20030626\\_20030626\\_CPANOTICE\\_Foreign\\_Mission\\_Cir.html.pdf](http://www.cpa-iraq.org/regulations/20030626_20030626_CPANOTICE_Foreign_Mission_Cir.html.pdf).

<sup>202</sup> CPA Order Number 17 "Status of The Coalition, Foreign Liaison Missions, Their Personnel and Contractors." [http://www.cpa-iraq.org/regulations/CPAORD17Status\\_of\\_Forces.pdf](http://www.cpa-iraq.org/regulations/CPAORD17Status_of_Forces.pdf). NOTE: This order was subsequently revised but the essential point regarding contractor's legal immunity remained unchanged. The relevant language now reads:

**Sec. 4**

**Contractors**

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2) contractors shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their Contracts, including licensing and registering employees, businesses and corporations; provided, however, that Contractors shall comply with such applicable licensing and registration laws and regulations if engaging in business or transactions in Iraq other than Contracts. Notwithstanding any provisions in this Order, Private Security Companies and their employees operating in Iraq must 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.

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. In all such circumstances, the appropriate senior representative of the Contractor's Sending State in Iraq shall be notified.

4) Except as provided in this Order, all Contractors shall respect relevant Iraqi laws, including the Regulations, Orders, Memoranda and Public Notices issued by the Administrator of the CPA.

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.

6) With respect to a contract or grant agreement with or on behalf of the CPA and with respect to any successor agreement or agreements thereto, the Sending State shall be the state of nationality of the individual or entity concerned, notwithstanding Section 1(5) of this Order.

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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.

## **Section 5**

### **Waiver of Legal Immunity and Jurisdiction**

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.

2) Requests to waive immunity for MNF, CPA and Foreign Liaison Mission Personnel and International Consultants shall be referred to the respective Sending State. Such a waiver, if granted, must be express and in writing to be effective.

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.

Source:

[http://www.iraqcoalition.org/regulations/20040627\\_CPAORD\\_17\\_Status\\_of\\_Coalition\\_Rev\\_wit\\_h\\_Annex\\_A.pdf](http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_wit_h_Annex_A.pdf).

<sup>203</sup> This is the new name for what was the Coalition Provisional Authority's Program and Management Office (PMC). The name officially changed June 28, 2004. Source: [http://www.rebuilding-iraq.net/pls/portal/docs/PAGE/IPMO/HOME/035\\_TRANSITION.DOC](http://www.rebuilding-iraq.net/pls/portal/docs/PAGE/IPMO/HOME/035_TRANSITION.DOC).

<sup>204</sup> Jeremy Scott-Joynt, "Iraqi security in private hands," BBC News, June 28, 2004, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/business/3842561.stm>.

<sup>205</sup> Stephen Gray, "Iraq Targets Private Guards," *London Sunday Times*, June 6, 2004.

<sup>206</sup> Edward Cody, "Contractor Immunity a Divisive Issue," *Washington Post*, June 14, 2004; Pg. A1.

<sup>207</sup> David Phinney, "US Seeks More Security For Contractors," *Defense News*, March 1, 2004, Pg. 22.

<sup>208</sup> Trevor Mason, "GO-AHEAD FOR IRAQ GUARDS ARMS EXPORT," Press Association, October 14, 2003.

<sup>209</sup> Jamie Wilson, "Private security firms call for more firepower in combat zone: Coalition forces do little to help as bodyguards protecting foreign workers are targeted by deadly insurgents," *The Guardian*, 17 April 2004, <http://www.guardian.co.uk/Iraq/Story/0,2763,1193871,00.html>.

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<sup>210</sup> David Phinney, "DoD Rule Would Permit Arming Of Contractors," *Federal Times*, March 29, 2004, Pg. 1. See also Federal Register: March 23, 2004 (Volume 69, Number 56)] [Proposed Rules] [Page 13500-13503] SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to address issues related to contract performance outside the United States. The proposed rule contains a clause for use in contracts that require contractor employees to accompany a force engaged in contingency, humanitarian, peacekeeping, or combat operations. <http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=781503386090+0+2+0&WALSaction=retrieve>. Public comment on the proposed rule, which would amend the Defense Federal Acquisition Regulation Supplement, is being solicited until May 24 and will be considered when the final version is written.

<sup>211</sup> Ibid.

<sup>212</sup> Mary Pat Flaherty and Dana Priest, "More Limits Sought for Private Security Teams," *Washington Post*, April 13, 2004, Page A15.

<sup>213</sup> David Wood, "Some Of Army's Civilian Contractors Are No-Shows In Iraq," Newhouse.com, August 1, 2003. See also Paul Krugman, "Thanks for the M.R.E.'s," *New York Times*, August 12, 2003.

<sup>214</sup> "Outsourcing War: An inside look at Brown & Root, the kingpin of America's new military-industrial complex," *Business Week* (International Edition), September 15, 2003.

<sup>215</sup> Email from David Wood to the AMPM listserve run by Doug Brooks, August 2003.

<sup>216</sup> *Military Operations: Contractors Provide Vital Service to Deployed Forces But Are Not Adequately Addressed in DoD Plans*, GAO-03-695, June 24, 2003.

<sup>217</sup> Some relevant works on torture are:

The best account of American torture in Vietnam from soldiers is "Winter Soldier Investigation" (Detroit, January 31 February 2, 1971), the complete transcript of which was introduced into the Congressional Record by Senator Mark Hatfield of Oregon. See Veterans Testimony on Vietnam, 92nd Congress, 1st sess., Congressional Record, 117, part 8 (April 5-19, 1971), 9947-10055. The edited version is available under Vietnam Veterans Against the War (VVAW), *The Winter Soldier Investigation* (Boston: Beacon Press, 1972). Also valuable is Mark Lane's *Conversations with Americans and House Committee on Government Operations, Subcommittee on Government Operations, U.S. Assistance Programs in Vietnam: Hearings, 92nd Cong., 1<sup>st</sup> sess., 1971.*

James Ron, *Frontiers and Ghettos*.

Forthcoming, Darius Rejali, *Torture and Democracy* (Princeton 2005).

Edward Peters, *Torture* 2nd edition.

On the legal debate on "ill treatment" versus "torture" the best recent discussion of this is in John Conroy's *Ordinary People, Unspeakable Acts*.

The best recent study of US interrogation manuals and methods was conducted by the Baltimore Sun in the 1990s, and the declassified material is available at the National Security Archives at George Washington University. A recent analysis of what is permitted during interrogation is Jennifer K. Elsea, *Lawfulness of Interrogation Techniques under the Geneva Conventions*, Congressional Research Service, U.S. Library of Congress, RL32567, September 8, 2004.

<sup>218</sup> William Neikirk, "Use of contractors for military purposes under scrutiny," *Chicago Tribune*, May 9, 2004.



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- <sup>219</sup> Julian Borger, 'Cooks and drivers were working as interrogators': Witness: Private contractor lifts the lid on systematic failures at Abu Ghraib jail," *The Guardian*, May 7, 2004, <http://www.guardian.co.uk/international/story/0,3604,1211351,00.html>.
- 220 HEARING OF THE SENATE ARMED SERVICES COMMITTEE, "MISTREATMENT OF IRAQI PRISONERS," WASHINGTON, D.C., MAY 7, 2004.
- <sup>221</sup> [http://www.house.gov/apps/list/press/il09\\_schakowsky/pr5\\_04\\_2004iraq.html](http://www.house.gov/apps/list/press/il09_schakowsky/pr5_04_2004iraq.html).
- <sup>222</sup> Human Rights Watch Letter to Gen. Jay Garner on Human Rights Priorities During Iraqi Reconstruction, <http://www.hrw.org/press/2003/04/iraq42403ltr.htm>.
- <sup>223</sup> Joshua Chaffin, "Contractor defers billings for Abu Ghraib work," *Financial Times*, June 16, 2004.
- <sup>224</sup> Jonathan Karp, "As Titan Mutates To Meet Needs Of Pentagon, Risks Become Clear," *Wall Street Journal*, June 28, 2004, Pg. 1.
- <sup>225</sup> "Titan Wins \$255 Million Department of Defense Joint Intelligence Support Contract," Titan Corp. July 23, 2004, [http://www.defense-aerospace.com/cgi-bin/client/modele.pl?prod=43022&session=dae.4430928.1090888536.QQWjWMOa9dUAAHexZY&modele=jdc\\_1](http://www.defense-aerospace.com/cgi-bin/client/modele.pl?prod=43022&session=dae.4430928.1090888536.QQWjWMOa9dUAAHexZY&modele=jdc_1).
- <sup>226</sup> Joel Brinkley and James Glanz, "Many who work in Iraq aren't fully checked out," *The International Herald Tribune*, May 8, 2004, Pg. 2.
- <sup>227</sup> CACI's website has a FAQ list, "CACI in Iraq - Frequently Asked Questions and Special Information" at [http://www.caci.com/iraq\\_news.shtml](http://www.caci.com/iraq_news.shtml).
- <sup>228</sup> *Marketplace*, National Public Radio, May 3, 2004.
- <sup>229</sup> CACI Completes Acquisition of Premier Technology Group, Inc.: *Expands CACI Support for Military Intelligence and Information Technology*, "CACI News Release, May 15, 2003, [http://www.caci.com/about/news/news2003/05\\_15\\_03\\_NR.html](http://www.caci.com/about/news/news2003/05_15_03_NR.html). For a description of a job opening for a CACI Interrogator/Intel Analyst see <http://cacirecruiting.caci.com/jobpostings.nsf/%%Search>. For detail on how CACI became involved in intelligence work see Ellen McCarthy, "Intelligence Work Comes To CACI Via Acquisitions," *Washington Post*, July 8, 2004, Pg. E1.
- <sup>230</sup> Scott Shane, "Some US prison contractors may avoid charges," *Baltimore Sun*, May 24, 2004, Pg. 1A.
- <sup>231</sup> <http://www.caci.com/about/ethics.shtml>.
- <sup>232</sup> Matt Kelley, "Iraq interrogator contracts blocked," *Associated Press*, May 26, 2004.
- <sup>233</sup> "Review of 12 Procurements Placed Under General Services Administration Federal Supply Schedules 70 and 871 by the National Business Center (Assignment No. W-EV-OSS-0075-2004), United States Department of the Interior, Office of Inspector General, Memorandum, July 16, 2004, <http://www.oig.doi.gov/upload/CACI%20LETTER.txt>; and Ellen McCarthy, "Interior Dept. Inquiry Faults Procurement," *Washington Post*, July 17, 2004.
- <sup>234</sup> Ellen McCarthy, "CACI Gets New Interrogation Contract," *Washington Post*, August 5, 2004, p. E5. The contract, for a period of four months, is worth \$15.3m, and has two optional extensions worth up to \$3.8m each, for a total value of \$23m. CACI noted that the contract was issued directly by the Army and not through any other government organization. The interrogation support services will continue to be provided under the direction of the US military in Iraq. Source:



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"CACI Receives Contract Extension for US Army Interrogation Support in Iraq," August 10, 2004, [http://biz.yahoo.com/pnews/040810/dctu005\\_1.html](http://biz.yahoo.com/pnews/040810/dctu005_1.html).

<sup>235</sup> David Phinney, "DoD Tightening Contracting Rules After Iraqi Prison Scandals," *Federal Times*, June 7, 2004, Pg. 4; and Shane Harris, "Defense Tightens Reins On Outside Contracts," *GovExec.com*, June 17, 2004.

<sup>236</sup> Ellen McCarthy, "Contractors Sometimes Stretch Their Deals: Iraq Work Done Beyond Scope of Agreements," *Washington Post*, May 31, 2004; Page E01.

<sup>237</sup> Neil King Jr. and Christopher Cooper, "Army Hired Cuba Interrogators Via Same Disputed System In Iraq," *Wall Street Journal*, July 15, 2004, Pg. 4.

<sup>238</sup> Ibid.

<sup>239</sup> Shane Harris, "GSA Queries Lockheed Martin On Interrogation Contracts," *GovExec.com*, July 29, 2004.

<sup>240</sup> Gail Gibson and Scott Shane, "Contractors act as interrogators," *Baltimore Sun*, May 4, 2004.

<sup>241</sup> "OUTRAGE," *NIGHTLINE*, ABC News Transcripts, May 5, 2004.

<sup>242</sup> Joel Brinkley, "Private contractor use violated Army's policy," *New York Times*, June 12, 2004.

<sup>243</sup> Memo from Patrick T. Henry, Office of the Assistant Secretary, Manpower and Reserve Affairs, Department of the Army, December 26, 2000, [http://www.publicintegrity.org/wow/docs/25-d\\_intelligence.pdf](http://www.publicintegrity.org/wow/docs/25-d_intelligence.pdf).

<sup>244</sup> Hearing of the Senate Armed Services Committee, "The Army Inspector General's Report on the Abuse in Abu Ghraib Prison and Detention Operations Doctrine and Training." Witnesses: Les Brownlee, Acting Secretary of the Army; General Peter Schoonmaker, Chief of Staff of the Army; Lieutenant General Paul Mikolashek, Inspector General of the Army, July 22, 2004.

<sup>245</sup> The Final Report of the Independent Panel to Review DoD Operations, p. 21 and Appendix B, p. 1, <http://www.dod.gov/news/Aug2004/d20040824finalreport.pdf>. Details of past and ongoing investigations can also be read in the August 25 Background Briefing on Investigations at Abu Ghraib, <http://www.defenselink.mil/transcripts/2004/tr20040825-1222.html>.

<sup>246</sup> Seymour M. Hersh, "Torture at Abu Ghraib," *New Yorker*, May 10, 2004.

<sup>247</sup> Stefanowicz, 34, enlisted in the US Naval Reserve in February 1998, according to records from the Navy. He served in Muscat, Oman, for most of 2002, and his rank is listed as intelligence specialist 3rd class. Stefanowicz, who received a number of military awards, including a medal for meritorious service, left his last post, at Willow Grove, Pa., September 2003. Source: Ellen McCarthy, "CACI Worker Did Nothing Wrong, Lawyer Says," *Washington Post*, May 11, 2004, Pg. 13.

<sup>248</sup> *ARTICLE 15-6 INVESTIGATION OF THE 800th MILITARY POLICE BRIGADE*, <http://cryptome.org/army-report.htm>.

<sup>249</sup> "Private Contractors Directed Some Iraqi Prisoner Abuse," *Capitol Blue*, June 15, 2004, [http://www.capitolhillblue.com/artman/publish/article\\_4692.shtml](http://www.capitolhillblue.com/artman/publish/article_4692.shtml); and Scott Shane, "Civilian interrogator denies promoting physical abuse of Abu Ghraib prisoners," *Baltimore Sun*, June 15, 2004.

<sup>250</sup> Renae Merle, "Contractor Investigated By Justice: Criminal Inquiry Targets Civilian," *Washington Post*, May 22, 2004; Page A17; and Joel Brinkley, "US Civilian Working At Abu Ghraib Disputes Army's Version Of His Role In Abuses," *New York Times*, May 26, 2004.

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<sup>251</sup> Deborah Avant, "What Are Those Contractors Doing in Iraq?," *Washington Post*, May 9, 2004, pg. B01.

<sup>252</sup> Peter Singer on *All Things Considered*, National Public Radio, May 3, 2004.

<sup>253</sup> Joel Brinkley, "U.S. Civilian Working At Abu Ghraib Disputes Army's Version Of His Role In Abuses," op. cit.

<sup>254</sup> Joel Brinkley, "200,000 Employees Awaiting Clearance to Work for Military," *New York Times*, May 12, 2004.

<sup>255</sup> Joel Brinkley and James Glanz, "Civilian Employees: Contractors in Sensitive Roles, Unchecked," *New York Times*, May 7, 2004.

<sup>256</sup> Joel Brinkley, "The Civilians: 9/11 Set Army Contractor on Path to Abu Ghraib," *New York Times*, May 19, 2004.

<sup>257</sup> Peter Singer of the Brookings Institute discusses the role of private military contractors working at Abu Ghraib in Iraq, on Fresh Air, National Public Radio, May 11, 2004.

<sup>258</sup> Jonathan Karp, "Titan Fires Translator Accused Of Mistreating Iraqi Prisoners," *Wall Street Journal*, May 24, 2004, Pg. 7.

<sup>259</sup> This was the written statement - made two hours before Nakhla's second interview - by Kasim Mehaddi Hilas. Hilas identified the rapist only by the pseudonym Abu Hamid. The man was a translator, recalled Hilas. He was also large ("not skinny or short"), and his accent was Egyptian.

In the CID report, Nakhla is never mentioned by the detainees in Tier 1, even though the translator had been reassigned there. When asked about Nakhla, Nelson says that he didn't really know the man. "He would have had much more interaction with the M.P.'s," Nelson says, "and especially the Tier 1 M.P.'s."

While Nakhla's name is absent from the detainee claims of abuse, there are references to a man named Abu Hamid (sometimes spelled Abu Hamed by an interpreter). Hayder Sabbar Abd was one of the six victims of the November night of torture and humiliation that was documented in photographs that have caused outrage around the world: pictures of men naked, hooded with sandbags, forced to form a human pyramid, to ride on each other's backs, and to simulate oral sex. Abd, whose prison number was 13077, said in his sworn statement that a translator named Abu Hamed was there, translating the commands of Abd's tormentors. In May, after Abd was released, he told a *New York Times* reporter the same thing. The translator's name isn't mentioned in the *Times* piece, just the fact that the man was Egyptian.

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<sup>291</sup> The term “employed by the Armed Forces outside the US” means “employed as a civilian employee of DoD, as a DoD contractor or as an employee of a DoD contractor, who is present or residing outside the US in connection with such employment, and is not a national of or ordinarily resident in the host nation.” The term “accompanying the Armed Forces outside the US” means a family member of a member of the Armed Forces, a civilian employee of the DoD, a DoD contractor or an employee of a DoD contractor, not a national of or ordinarily resident in the host nation. See <http://www.dscp.dla.mil/contract/doc/contractor.doc>.

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<sup>294</sup> This is taken from a May 11, 2004 email sent to the author.

<sup>295</sup> Gail Gibson, “Prosecuting Abuse Of Prisoners,” op. cit. According to Rep. Price:

I also authored an amendment to the National Defense Authorization Act of 2005 to ensure that civilian contractors are not above the law. The amendment would have clarified that the Military Extraterritorial Jurisdiction Act (MEJA) applies to all civilian contractors supporting US military missions overseas, even if they are subcontractors or foreign nationals. It also would have delineated the enforcement responsibilities of the Departments of Justice and Defense. Unfortunately, the Rules Committee decided not to allow the House to debate this amendment. I have introduced the amendment as a stand-alone bill, HR 4390, and have also introduced a companion bill, HR 4749, which would set standards for contracting and require that the government collect basic information from its contractors to ensure accountability. I will be working to enact both into law in the remaining months of the 108th Congress.

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<sup>298</sup> Richard Sammon, “Pentagon to Rein In Private Companies,” *Kiplinger Business Forecasts*, Vol. 2004, No. 0521, May 18, 2004.

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and online searching. For some companies we have listed the type and dollar value of the contract. If another source is not otherwise listed these figures come from Appendix II: Iraq Reconstruction Contracts/Task Orders and Obligations as of September 30, 2003, U.S. Government Accounting Office report *Rebuilding Iraq: Fiscal Year 2003 Contract Award Procedures and Management Challenges*, GAO-04-605, June 15, 2004,  
<http://www.gao.gov/new.items/d04605.pdf>. Other lists of PMCs, though not just the ones that currently do business in Iraq, are at <http://www.topsy.org/contractors.html#Change>;  
[http://www.export.gov/iraq/bus\\_climate/vetting.html](http://www.export.gov/iraq/bus_climate/vetting.html); and <http://www.hk94.com/defense-contractor.php>.
- <sup>359</sup> James Conachy, "Private military companies in Iraq: profiting from colonialism," May 3, 2004,  
<http://www.rhfweb.com/npmil.html>.
- <sup>360</sup> [http://www.anti.net/6-2\\_archives.htm#article5](http://www.anti.net/6-2_archives.htm#article5).
- <sup>361</sup> James Conachy, op. cit.
- <sup>362</sup> Louis E.V. Nevaer, "For Security In Iraq, Corporate America Turns South," *Pacific News Service*, June 15, 2004,  
[http://news.pacificnews.org/news/view\\_article.html?article\\_id=a929b507890cca245693a89efbaa52de](http://news.pacificnews.org/news/view_article.html?article_id=a929b507890cca245693a89efbaa52de).
- <sup>363</sup> <http://www.caci.com/business/intel.shtml>.
- <sup>364</sup> Ellen McCarthy, "CACI Contract: From Supplies To Interrogation," *Washington Post*, May 17, 2004, Pg. E1.
- <sup>365</sup> James Conachy, op. cit.
- <sup>366</sup> "Firm With New U.S. Iraq Contract Drops Balkan Sex Case Appeal," May 5, 2003, U.N. Wire,  
[http://www.unwire.org/UNWire/20030505/33537\\_story.asp](http://www.unwire.org/UNWire/20030505/33537_story.asp).
- <sup>367</sup> EOD Technology Inc., <http://www.publicintegrity.org/wow/bio.aspx?act=pro&ddlC=19>.
- <sup>368</sup> Knut Royce, op. cit.
- <sup>369</sup> James Conachy, op. cit.

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- <sup>370</sup> "Guns for Hire," March 16, 2003, *Salaam*, [http://www.salaam.co.uk/themeofthemoth/january03\\_index.php?l=49%82%22=0](http://www.salaam.co.uk/themeofthemoth/january03_index.php?l=49%82%22=0).
- <sup>371</sup> James Conachy, op. cit.
- <sup>372</sup> David Osler, "UK firm gets slice of Iraq ISPS compliance job," *Lloyds List*, Jun 09, 2004.
- <sup>373</sup> Clare Murphy, "Iraq's mercenaries: Riches for risks," BBC News, April 4, 2004, [http://news.bbc.co.uk/2/hi/middle\\_east/3590887.stm](http://news.bbc.co.uk/2/hi/middle_east/3590887.stm).
- <sup>374</sup> James Conachy, op. cit.
- <sup>375</sup> "Program Review Board (PRB) Minutes – February 15, 2004," [http://www.cpa-iraq.org/budget/PRB/PRB\\_Feb15.html](http://www.cpa-iraq.org/budget/PRB/PRB_Feb15.html).
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- <sup>377</sup> "Subcontractor Personnel Killed in Baghdad Bomb Blast," Einys Information Release, January 28, 2004, <http://www.erinysinternational.com/pdfs/28%20Jan%202004%20Subcontractor%20killed%20in%20bomb%20blast.pdf>.
- <sup>378</sup> <http://www.soc-smg.com/faq.htm#faq2>.
- <sup>379</sup> July 28, 2004 email from Triple Canopy.
- <sup>380</sup> Phone conversation with Joe Mayo of Triple Canopy, August 5, 2004.
- <sup>381</sup> James Conachy, op. cit.
- <sup>382</sup> The following excerpts are taken from Executive Summary, Investigation of Intelligence Activities At Abu Ghraib pages 1-5; AR 15-6 Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade, LTG Anthony R. Jones, pages 6-33; and AR 15-6 Investigation of the Abu Ghraib Detention Facility and 205th Military Intelligence Brigade; MG George R. Fay, pages 34-176; released August 25, 2004, <http://news.findlaw.com/hdocs/docs/dod/fay82504rpt.pdf>.
- <sup>383</sup> The information on the above 8 companies is taken from the Windfalls of War project of the Center for Public Integrity, Washington, D.C., <http://www.publicintegrity.org/wow/bio.aspx?act=pro&fil=IQ>.
- <sup>384</sup> Based on calculation converting British pounds to US dollars.
- <sup>385</sup> This was originally a reported contract value of \$402m but Titan has agreed to give \$1,115,000 back; \$937,000 in adjustments to the million contract and \$178,000 for costs submitted for "the Titan employee and the subcontractor employee named in connection with potential abuses" at Iraq's Abu Ghraib prison.
- <sup>386</sup> EG&G Technical Services Inc., <http://egginc.com/Iraq-Work-Condition.pdf>.