

# Getting Away With Murder

## The need for action on UK Private Military and Security Companies

Killings and human rights abuses by private armies in Iraq have dominated the headlines in recent months. There are currently tens of thousands of mercenaries working for private military and security companies (PMSCs) outside legal or democratic control. Both the US and Iraqi governments have begun to take action to control these mercenary armies. Yet the UK government has failed to act, despite UK companies being some of the biggest players in the industry.

***“I saw women and children jump out of their cars to escape being shot. Many were killed.”***

Hassan Jabar Salman, shot by Blackwater guards, September 2007

### Human rights abuses and violations of the law

On 16 September 2007, traffic at a busy crossroads in Baghdad turned into a violent bloodbath when mercenaries working for US PMSC Blackwater opened fire and killed 17 Iraqi civilians. This massacre has focused attention on the threat posed by PMSCs, but it was just one of hundreds of human rights violations by mercenary troops in Iraq. Despite this record not a single prosecution has been brought against a PMSC in Iraq.

- In November 2007 an Iraqi taxi driver was shot three times and killed by mercenaries working for DynCorp International, a private security company hired to protect American diplomats.
- In October 2007 mercenaries from Australian firm Unity Resources Group killed two Iraqi women in an attack that saw 40 shots fired at their car.
- In the same month mercenaries working for UK group Erinyes International opened fire on a taxi near Kirkuk, wounding three civilians.
- Erinyes is also being sued in the US for the death of a US soldier hit by an Erinyes convoy in Iraq in 2005. This is the first case of its kind.
- In February 2007 a Blackwater sniper shot and killed three Iraqi guards working for the Iraqi Media Network from the roof of the Ministry of Justice.



Conflict has condemned Iraqis to immense poverty and suffering

- In July 2006 a Triple Canopy mercenary opened fire on two Iraqi civilian vehicles in Baghdad and left the occupants for dead.
- In November 2005, a trophy video was published on the internet showing employees of UK company Aegis Defence Services randomly shooting civilian cars from out of the back of their vehicle on the road to Baghdad airport.
- At Abu Ghraib prison in 2003, employees of Titan and CACI were implicated in the abuse-of-prisoners scandal, including allegedly raping a male juvenile detainee and directing the use of dogs and other forms of torture during interrogations.

***“These guys run loose in this country and do stupid stuff. There’s no authority over them, so you can’t come down on them hard when they escalate force. They shoot people, and someone else has to deal with the aftermath.”***

Brigadier General Karl Horst, US Army 3rd Infantry Division, responsible for security in and around Baghdad 2005-2006

## **Security or military forces?**

PMSCs are operating in a situation of conflict that has condemned Iraqis to considerable poverty and suffering. Mercenaries working for PMSCs regularly come under fire or engage in firefights. For Iraqis there is no distinguishable difference between private armies and foreign troops, except that the mercenaries are operating with impunity.

- In the first four months of 2007 mercenaries working for UK company ArmorGroup were attacked 293 times. ArmorGroup’s Non-Executive Chair is former defence and foreign secretary Sir Malcolm Rifkind MP.
- UK company Aegis Defence Services chief Tim Spicer says his company’s men have been attacked 168 times in the last three years and have had eight employees killed. Tim Spicer is the former Chief Executive of Sandline International, of the 1998 ‘Arms to Africa’ scandal.
- In April 2005, six Blackwater mercenaries were killed when their Mi-8 helicopter was shot down by a rocket-propelled grenade north of Baghdad.
- In April 2004, eight commandos working for Blackwater engaged in an intense firefight with Iraqi militia during an attack on the US government headquarters in Najaf, calling in their own helicopter support to supply more ammunition and take away the wounded until reinforcements arrived.

## **UK companies are making a killing**

Iraq has turned the work of mercenaries into a multi-billion pound industry, and UK firms are amongst the biggest winners. UK companies increased profits from £320 million in 2003 to £1.8 billion in 2004. Estimates have suggested the total income for the private security sector worldwide has reached between \$80 and \$100 billion a year. The British government has spent £179 million between 2003/2004 and 2007/2008 on contracts with PMSCs in Iraq and £46 million during the same period in Afghanistan.

- Aegis Defence Services has won a new contract with the Pentagon worth \$475 million over the next two years. The US Army has favoured the company for a second time, following its earlier \$293 million contract from 2004.
- Erinys International was granted a \$100 million contract to guard oil installations and pipelines in Iraq.
- In 2006, ArmorGroup saw revenues totalling \$273 million. The company earned \$133 million in Iraq that year.
- In 2007 ArmorGroup won the UK government’s £20 million annual contract for security services in Afghanistan.
- ArmorGroup has reported lower profits in 2007. The company’s share price has fallen and Chief Executive David Seaton has resigned. The company has blamed negative publicity resulting from recent high profile human rights abuses and killings.

***“The dangers of inaction in this area of foreign policy are considerable.”***

House of Commons Select Committee on Foreign Affairs

## Regaining control of PMSCs

This recent and rapid expansion of PMSCs means that there is an urgent need to bring their activities under legal and democratic control.

The US government has recognised this need and begun the process of reining in PMSCs. The House of Representatives has passed the Military and Security Contracting Act of 2007, establishing American



An armed PMSC employee on a Baghdad highway

jurisdiction over the activities of private security companies, while additional bills in the House and Senate call for more wide-ranging oversight and accountability for PMSCs.

After recent atrocities by mercenaries in Iraq, the Iraqi government is attempting to overturn PMSC contractors' immunity and bring in legislation to hold companies to account. A bill passed by the Iraqi cabinet, and currently being debated in the parliament, seeks to overturn the Coalition Provisional Authority order 17 that has granted PMSCs immunity from Iraqi law.

The Afghan government, mirroring developments in Iraq, has initiated its own crackdown on PMSCs. Nine PMSCs have already been shut down for operating without a licence. Now the office of President Hamid Karzai has come out saying that all PMSCs operating in Afghanistan will need to close. On a temporary basis, those firms operating in the country with licences will be able to stay, especially the large companies currently defending members of international organisations. Said Karzai's spokesman Siamak Hirawi, "Only the Afghan government has the right of having and handling weapons, so private companies are against the constitution."

### **The Law of subjecting Non-Iraqi Security Companies and its Contractors to the provisions of the Iraqi law**

*(Draft form currently before the Iraqi Parliament)*

**Article 1:** Non-Iraqi security companies and its non-Iraqi employees and contractors shall be subject to the Iraqi legislations and the jurisdiction of the Iraqi judiciary in all civil and criminal cases. All immunities granted to them in accordance with any valid legislation shall be canceled.

**Article 2:** The categories mentioned in Article 1 of this law shall be subject to the Iraqi legislations including those related to the residency, granting visas, possessing and carrying weapons, paying taxes, fees and customs, registering companies and granting them license to work in the Iraqi territories.

**Article 3:** The vehicles, ships, airplanes belonging to the categories mentioned in Article 1 of this law shall be subject to the procedures of registration, licensing, checking and inspection stipulated in the Iraqi legislations.

**Article 4:** This law shall be deemed as an amendment for the Dissolved CPA Order No17 of 2004.

**Article 5:** This Law shall enter into force on the date of its publishing in the Official Gazette.

***“The Select Committee on Foreign Affairs has been asking for and expecting a response to the representations that it made some eight years ago, following the Sandline inquiry and the problems arising from the fact that London is one of the world recruitment capitals for security firms.”***

Andrew MacKinlay,  
Labour MP for Thurrock

## **The urgent need for regulation in the UK**

The UK government demonstrated that it was aware of the problems posed by PMSCs when it published a Green Paper on the issue in 2002. In its response to the Green Paper, the House of Commons Select Committee on Foreign Affairs proposed “a strong regulatory regime” and recommended that “private companies be expressly prohibited from direct participation in armed combat operations”.

The government has failed to introduce legislation to take forward any of the options presented in the Green Paper. The official response to a postcard campaign by War on Want supporters suggested that the government has not yet “agreed” that regulation is appropriate, despite the overwhelming support for the regulation of this industry.

The United Nations, the British parliament and the industry itself are calling on the UK government to take decisive action. Even the British Association of Private Security Companies (BAPSC), the trade association for the PMSCs, is urging the government to introduce legislation.

The United Nations working group on mercenaries has repeatedly called for governments where PMSCs are incorporated (such as the UK) to introduce legislation to regulate the private military sector and to guard against the “inherent dangers” of privatising the use of violence in war zones.

The government has faced questions on this issue from members of parliament from across the political spectrum. In the last parliamentary session over 100 MPs signed EDM 690 urging the government to move towards binding legislation to bring the PMSC sector under democratic control.

### **Take action**

War on Want calls on the UK government to move towards legislation to control the PMSC sector as an urgent priority. Self-regulation by the industry is not an option. Legislation must outlaw PMSC involvement in all forms of direct combat and combat support, understood in their widest possible senses.

***“The need for comprehensive regulation has become more urgent and pressing.”***

British Association of Private  
Security Companies

All readers of this briefing are urged to support these recommendations by sending personal letters to the same effect to: Rt Hon David Miliband MP, Secretary of State for Foreign and Commonwealth Affairs, Foreign and Commonwealth Office, King Charles Street, London SW1A 2AH.

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