



CARNAGE AND DESPAIR IRAQ FIVE YEARS ON

THE ROLE OF PRIVATE MILITARY SECURITY CONTRACTORS

In the context of the “war on terror”, the USA and UK are outsourcing key security and military support functions, particularly in Iraq and Afghanistan, to private companies. Many of these contractors are based in the USA or UK. In addition, the US and UK governments have contracted private military security contractors (PMSCs) from other countries to carry out work in Iraq on their behalf. This document, issued alongside Amnesty International’s report *Carnage and despair: Iraq five years on* (AI Index: MDE 14/001/2008), focuses on the responsibilities of the US and UK authorities in this context. Recommendations are addressed to these governments as well as to PMSCs.

Work that is contracted out to PMSCs ranges from security for government personnel and reconstruction projects to logistical support; from training military and security personnel to operating and maintaining weapons systems. In some cases, personnel from the contracted companies serve in highly sensitive roles, such as serving as interrogators or translators during the questioning of alleged terrorist suspects. In this environment, allegations of contractor involvement in serious human rights violations have emerged. However, both the US and UK governments have failed to hold contractors accountable or compensate victims.

The role of PMSCs in shootings, killings, torture and other serious violations in Iraq has been largely unaddressed by

governments. The US Department of Justice established in 2004 a “Detainee Abuse Task Force” to handle all cases of torture and other abuses of detainees by US government contractors, including torture at Abu Ghraib. More than three years later, the Task Force has not brought a single indictment against a contractor for abuse of detainees.

Similarly, not one of the many credible allegations of deaths and injuries caused by unlawful shootings by contractors has yet been heard in court. These include the widely reported 16 September 2007 incident in which Blackwater employees killed 17 Iraqi civilians in Baghdad. The failure of US authorities to properly investigate serious violations committed by PMSCs and to bring suspected perpetrators to justice is denying victims and their families their right to justice. The US government must respect its obligations under international human rights law, international humanitarian law and domestic US law and end impunity for violations by private military and security contractors.

When the US and UK governments contract PMSCs, the governments are responsible for actions of those companies that contravene international law.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

TO THE US AND UK GOVERNMENTS:

Ensure that the many PMSCs in Iraq contracted by the US and UK governments (whether from their own country or a third country), are subject to adequate legal control. Specifically the governments should:

- Promptly investigate all allegations of human rights violations committed by employees or contractors of PMSCs. Where clear evidence of human rights violations exists, suspected perpetrators should be immediately prosecuted.
 - The US Department of Justice should transparently and publicly report on the number and general status of cases referred to it. Where it is shown that cases are not tried because of ambiguities in law or insufficient prosecutorial resources, the US Congress should legislate to ensure the US authorities can fulfil their obligation to prosecute human rights violators.
 - The UK government, which has failed to take effective action to regulate UK-based PMSCs, must swiftly enact binding regulation that will ensure accountability for human rights violations committed by PMSCs and increase transparency and oversight over their activities.
- Ensure rigorous scrutiny: all incidents of employees or contractors of PMSCs involved in the use of force against civilians and detainees must be subject to rigorous scrutiny by the US Congress and the UK parliament. This should include regular reports by all applicable government agencies to the US Congress

and the UK parliament, including information on the state of investigations.

- Require effective screening of all employees or contractors of PMSCs and all employees or contractors of these companies' sub-contractors fulfilling a government contract. This screening must include reviewing the criminal record and job history of any prospective employee or contractor for past involvement in human rights violations.

- Ensure that all employees or contractors of PMSCs and all employees or contractors of these companies' sub-contractors fulfilling a government contract are trained in human rights and humanitarian law.

TO PRIVATE MILITARY SECURITY CONTRACTORS:

- Develop and implement a comprehensive human rights policy, including an explicit commitment to support and uphold the principles and values contained in the Universal Declaration of Human Rights.

- Publicly disclose this human rights policy and periodically issue public reports on its implementation.

- Incorporate a policy on human rights into all hiring procedures, contracts and training.

- Make public the results of any investigation the company may carry out into alleged human rights abuses by employees or sub-contractors, and the terms of service contracts with governments and military with respect to human rights.

Amnesty International
International Secretariat, Peter Benenson House
1 Easton Street, London WC1X 0DW
United Kingdom
www.amnesty.org

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