

A government in search of cover: PMCs in Iraq

by

David Isenberg

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Author

David Isenberg is a senior research analyst with the British American Security Information Council (BASIC). He has been researching and writing on private military companies since the early 1990s. 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 numerous periodicals, 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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For further details, contact the author:

David Isenberg, Senior Analyst
British American Security Information Council (BASIC)
110 Maryland Ave, NE, Suite 205
Washington, DC 20002
(202) 546-8055, Ext. 103
disenberg@basicint.org

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1. What factors caused the increased reliance on PMCs in Iraq, especially after the end of major combat operations?

Macro geo-political factors

By now most casual observers of the PMC industry can easily cite the reasons for the growth of the industry. The standard explanations are that the end of the Cold War gave states a reason to downsize their military forces, freeing up millions of former military personnel from a wide variety of countries, many of them Western. Some of these personnel were highly trained, i.e. members of elite special operations units. But, and this is often lost on many commentators, even ex-regular soldiers from Western nations, are far better trained than the military forces in most developing nations.

At the same time, the end of the Cold War lifted the lid on many long simmering conflicts held in check by the former ‘superpowers’, the Soviet Union and the United States. Plus, as new conflicts emerged, the United States and Russia no longer felt the urgency to intervene as they had during the Cold War standoff. Since markets, like nature, abhor a vacuum, PMCs emerged to fill the void, when conflicts emerged or wore on and no one from the West or the United Nations came riding to the rescue.

Coupled with the now decades long push for privatization of government functions that has been sweeping much of the world, the emergence of PMCs, with the advantage of hindsight, was inevitable. And it is not confined to the United States. In the United Kingdom, the Ministry of Defense has contracted for commercial sector support under its CONDO (Contractors on Deployed Operations) policy and “public private partnership” programs.¹

In the United States one can at a minimum trace the push for outsourcing back to the Clinton administration, especially under the National Performance Review initiated by Vice President Al Gore.² But, in fact, it goes back far further, to the issue of the Office of Management and Budget (OMB) Circular A-76, in 1966.³ Indeed, private contractors were even prominent in the “nation building” effort in South Vietnam during the Vietnam War.⁴

Micro military organizational factors

The role of PMC operations within the military has grown and changed over time. 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; and
- Increased operating tempos.

And the conclusion is that:

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.⁵

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.⁶

Economic factors

Interestingly, though it is commonly asserted that the use of PMCs has grown because they are far more cost-effective than the use of large standing military forces, with all their attendant overhead costs (recruiting, retention, training, and equipping, benefits) there is actually very little empirical evidence to confirm it.⁷ One academic wrote:

Confronting the problem of controlling private contractors requires challenging a common myth – that outsourcing saves money. This philosophy stems from a wide craze of privatizing government services that began long before President Bush took office. But hiring private employees in Iraq at pay rates several times more than what soldiers make, plus paying the overhead at the private firms, has never been about saving money. It's more about avoiding tough political choices concerning military needs, reserve call-ups and the human consequences of war.⁸

Writing in the New Yorker Magazine, James Surowiecki notes:

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...

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.⁹

The rise of the 'Third Wave'

The increase in the use of PMCs has grown dramatically these last fifteen 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 10.¹⁰

The military had been planning to dramatically increase its long-term reliance on the private sector in 2003, independently of Iraq. 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.¹¹

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.¹² White has claimed in a memorandum dated March 8, 2002, that 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.¹³

As of fall 2004, more than two years after White ordered the Army to gather information, the Army still has not collected the data.¹⁴

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.¹⁵

PMCs in Iraq

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 4th 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.¹⁶

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 increased their use of commercial off-the-shelf equipment, they also increased 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.

Reliance on PMCs increased greatly after the initial major combat operations phase. This was mainly due to two factors. First, the U.S. political leadership grossly underestimated the number of troops that would be required for stability and security operations. Ignoring the advice of its own military professionals the Bush administration chose to invade with far less forces than were needed. So PMCs, such as Halliburton, were needed just to fill in the military logistics requirements of sustaining U.S. and other coalition forces.

Second, as part of its plan to bring democracy to the Middle East Iraq was to be remade into a new country. This required a massive reconstruction project to overcome the effects of over two decades of war, against Iran and then the United States, and sanctions. But once again the U.S. administration miscalculated and did not anticipate the emergence and growth of the insurgency. Since U.S. forces were not available to protect those doing reconstruction work, such firms had no choice but to turn to private security contractors in order to protect their employees.

PMCs are also doing work once reserved mostly for military managers. Under a contract awarded in March 2004 the Pentagon paid \$22 million 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.¹⁷

Over time, PMCs have provided three main 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 Coalition Provisional Authority (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.

The lack of security in post-war Iraq 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 CPA.¹⁸

Given the frequent assertions that private military and security contractors suffer from a lack of control it should be pointed out that contractors also make many sacrifices that get little notice.

In November 2005, Knight Ridder newspapers reported that 428 civilian contractors had been killed in Iraq and another 3,963 were injured, according to Department of Labor insurance-claims statistics. Those figures, however, were incomplete, and the true total is likely higher. For all practical purposes this means the United States suffered its 2000th casualty in Iraq far sooner than the date in late October 2005 that the media focused on.

2. What problems of control (through the DoD), co-operation (problem of two parallel military hierarchies - PMCs operating outside the military chain of command), and accountability (to the hiring government, to the host government (if different), to both the local and home population) arose?

General concerns about accountability and the legal status of PMCs

Concerns over accountability and regulation of PMCs have long been a staple in academic discussion of the industry.¹⁹ But the widespread use of PMCs in Iraq brought increased publicity to and discussion of the issue.²⁰

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 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.²¹ They are combatants under the Geneva Convention, if they bear arms and are clearly working on behalf of one side in a conflict; yet they could also be treated as non-combatants, if they do not wear recognizable uniforms or are not under military command. Those working for their own government are clearly not mercenaries in the field.²²

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.²³ It simply is unfair to characterize firms as being beyond the law when the law can't even define what such firms are.

Regulation by the Coalition Provisional Authority in Iraq

With respect to Iraq, under the CPA there were, nominally, various rules and orders regulating PMCS. A CPA Public Notice issued June 26 2003 laid out the status of contractor personnel, stating:

In accordance with international law, the CPA, Coalition Forces and the military and civilian personnel accompanying them, are not subject to local law or the jurisdiction of local courts. With regard to criminal, civil, administrative or other legal process, they will remain subject to the exclusive jurisdiction of the State contributing them to the Coalition. A mechanism exists for this immunity and jurisdiction to be waived by the State contributing the personnel to the Coalition at their discretion.

Foreign Liaison Missions and their personnel enjoy immunity from Iraqi legal proceedings, but are subject to the CPA's jurisdiction. 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.

The immunities provided will not prevent legal proceedings against Coalition personnel for unlawful acts they may commit. It simply ensures that such proceedings will be undertaken in accordance with the laws of the State that contributed the personnel to the Coalition. Furthermore, the immunity will only apply to acts or omissions during the authority of the CPA within Iraq.²⁴

CPA Order No. 3 on Weapons Control stated, "Private security firms may be licensed by the Ministry of Interior to possess and use licensed Firearms and Military Weapons, excluding Special Category Weapons, in the course of their duties, including in public places."²⁵

CPA Order No. 17 specified:

Section 4
Contractors

- 1) Sending States may contract for any services, equipment, provisions, supplies, material, other goods, or construction work to be furnished or undertaken in Iraq without restriction as to choice of supplier or Contractor. Such contracts may be awarded in accordance with the Sending State's laws and regulations.*
- 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.

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.

CPA Memorandum 5, which implemented CPA Weapons Control Order No. 3, established a Weapons Authorization Program whereby individuals who can demonstrate a necessity to carry weapons may apply for temporary weapons authorization cards (TWCs) in order to carry weapons.²⁶

CPA Memorandum No. 17 established registration requirements for private security companies.²⁷

By now it is clear that there have been numerous problems with accountability of private contractors of all kinds. Consider these excerpts from a study released in February 2006 by the Special Inspector General for Iraq Reconstruction:

- *The other relevant DoD document was Joint Publication 1-0, Joint Doctrine for Personnel Support to Joint Operations, which provides guidance for developing personnel requirements during the planning and execution of joint operations. Although the planning document presumes the use of DoD civilians and contractors within joint operations, its primary focus is on the allocation of military and support personnel directly involved in military operations. Moreover, this document does not provide any guidance for managing post-conflict personnel requirements.*
- *The U.S. government also experienced shortcomings in accounting for personnel deployed to Iraq—especially civilians and contractors. There was, and still is, a lack of effective control procedures at many entry and exit points for Iraq, and there is no interagency personnel tracking system. Official and contract personnel often arrived and departed with no systematic tracking of their whereabouts or activities, or in some cases, with no knowledge of their presence in country. Shortly before its dissolution in June 2004, CPA was still unable to account for 10% of its staff in Iraq.*
- *Mechanisms to track contractors supporting CPA have been left largely to the contractors' individual firms and have not been enforced.*²⁸

The most important factor in the risk-management trade is choosing and training the right people. PMCs generally subject potential employees to rigorous vetting.²⁹ 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 seen as the contractor's responsibility.

Some, perhaps many of the problems noted above were unavoidable, given the relative haste with which the reconstruction effort was mounted.

Still, accountability was enough of a concern that members of Congress wrote to Defense Secretary Rumsfeld in April 2004 requesting proper screening of security companies in Iraq.

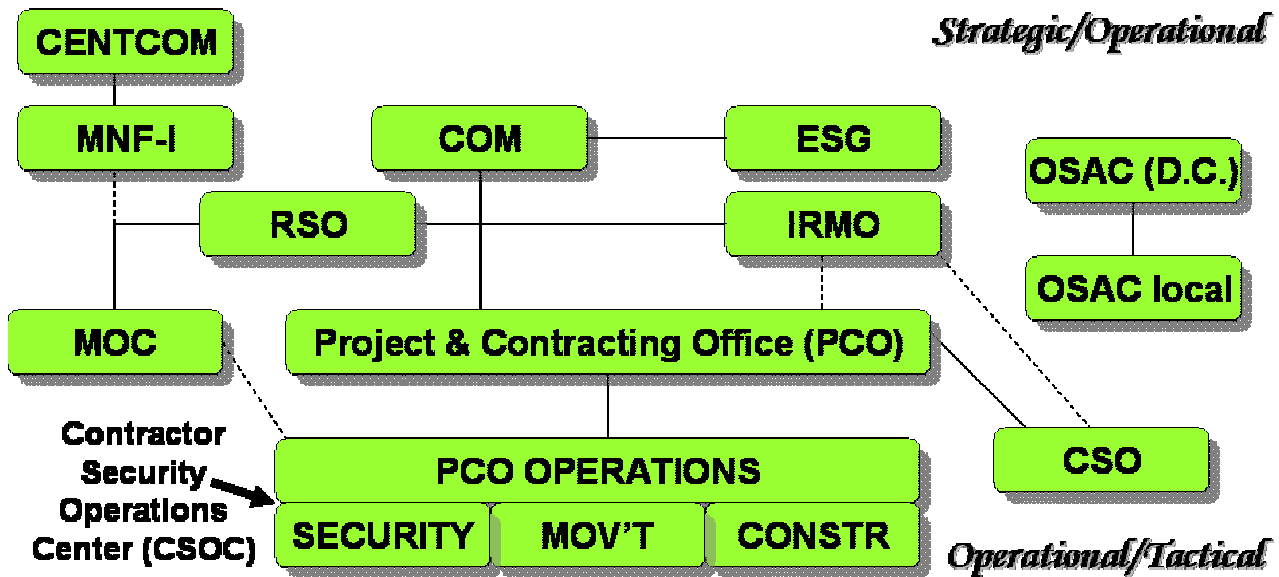
The CPA set some initial minimum standards for regulating PMCs and subsequently new mandatory guidelines were adopted by the Iraqi Ministries of Interior and Trade to vet and register PMCs.

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.³⁰ It was 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 greeted 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.

Regulation by the Iraqi government

While the Iraqi government is, in a *de jure* sense, in charge especially since the end of the Coalition Provisional Authority and handover of sovereignty back to the Iraqi government, it is a sovereignty that is still largely theoretical, given the challenges posed to it by the insurgency and its lack of resources. Thus, from the viewpoint of the PMC sector, doing business with the relevant Iraqi ministries is extremely difficult, if not entirely ridiculous.³¹ Currently, the way things stand there is nobody in the Iraqi Interior Ministry who can issue a Weapons Authorization Card. This means security contractors are using a variety of IDs, making their own, or using none at all.

PMCs in Iraq: Beyond the law?

Both the U.S. Congress and Senate also directed the Pentagon to develop new management guidelines for defense contractors in Iraq and to provide a report on their activities. That report provided a description of the “overall chain of command and oversight mechanisms that are in place to ensure adequate command supervision of such contractor employees in critical security roles.”³²

Internal oversight of contractors was accomplished through contracting activities and various laws, regulations and guidelines. These included the Federal Acquisition Regulations, heads of federal agencies, head of contracting activities, contracting officer, and contracting officer's representatives.

External oversight was provided by the Government Accountability Office³³, the Special Inspector General for Iraq Reconstruction, DoD Office of the Inspector General, Defense Contract Management Agency, and the Defense Contract Audit Agency

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. 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 were conducted as a result of the revelations at Abu Ghraib. At least two reports (The Taguba and Jones-Fay Reports) implicated contractor personnel in the scandal. A lack of proper vetting of PMC personnel was also uncovered.³⁴

In the wake of the scandal a number of new laws and guidelines were 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.

One crucial issue, which remains to be solved, is who ultimately should be held responsible for any criminal activities carried out by PMCs? Even though PMC personnel have effectively had immunity, courtesy of CPA Order No. 17, from Iraqi prosecution for any criminal offenses committed, enough accusations have been made to make people ask exactly who has jurisdiction over PMCs, and exactly what laws can be used to prosecute them, if necessary.

A major controversy occurred late last year when an alleged "trophy" video appeared to show security guards in Baghdad randomly shooting Iraqi civilians. The video, which first appeared on a website that has been linked unofficially to Aegis Defence Services, contained four separate clips, in which security guards open fire with automatic rifles at civilian cars. All of the shooting incidents apparently took place on "route Irish", a road that links the airport to Baghdad.

There are no clues as to the shooter or the company that he and the rest of the detail worked for. While there has been much hue and cry over the shootings, it is far from clear that the guards did anything wrong. Much of the commentary by other contractors appearing on email chat boards find at least three of the shootings justified. An investigation reportedly has been completed into the shootings and is due to be released shortly.

Also, the *Los Angeles Times* reported December 4 that private security contractors have been involved in scores of shootings in Iraq, but none have been prosecuted despite finding in at least one fatal case that the contractors had not followed proper procedures. Instead, security contractors suspected of reckless behavior are sent home, sometimes with the knowledge of U.S. officials, raising questions about accountability and stirring fierce resentment among Iraqis.

There have also been problems between contractors and regular military forces. One of the better-known complaints occurred in May 2005 when a group of armed American private security guards

from a security convoy from Zapata Engineering, a company hired to destroy enemy ammunition, were taken into custody on suspicion of shooting at the Marine tower. The contractors were subsequently released, and each side tells a different story. Contractors and their families feel they were unfairly arrested and, once in the military prisons, they say they were treated with disrespect. Some say they were subjected to humiliating treatment and were abused. The marines say the contractors were treated professionally. Recently it was announced that the contractors had been cleared of all charges.³⁵

Another major PMC in Iraq, Triple Canopy, also had several friendly fire incidents with military personnel in Iraq.³⁶

The application of U.S. military rules of engagement

In the early stages of the Iraqi reconstruction efforts the Pentagon lacked standardized rules for most issues involving private contractors accompanying U.S. forces in Iraq, including whether they may carry arms.³⁷

However, the U.S. military had compiled an extensive list of service and departmental regulations, doctrine, and field manuals to govern contractors' behavior on the battlefield.³⁸ 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 required deployed contractors to follow combatant commanders orders as long as those actions did not require the contractor employee to engage in armed conflict with an enemy force.³⁹ Those orders superseded any existing contract terms or directions from a contracting officer.⁴⁰ The draft regulation also banned 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.⁴¹ These changes were incorporated into the DoD Instruction cited below.

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.⁴²

The most important news, though not well covered in the press, was the issue of DoD Instruction 3020.41 "Contractor Personnel Authorized to Accompany the U.S. Armed Forces" by the Pentagon on October 3 2005. This regulation, issued pursuant to a provision in the FY 2005 Defense Authorization Act, is a 33-page document that clarifies the legal status of civilians hired to support those forces in a contingency. The new instruction also explains when contractors can carry weapons in areas where U.S. troops operate -- places like Iraq, where armed contractors have been operating for more than two years without clear regulatory guidance.

The regulation ties together nearly 60 Pentagon directives and Joint Staff doctrinal statements that relate to the role of contractors on the battlefield.

From the viewpoint of firms like Blackwater or Triple Canopy the new regulation is important because it establishes detailed criteria for civilian contractors to carry weapons, which are to be used only in self-defense. It also sets forth detailed procedures for arming contingency contractor personnel for security services.

However, the question now is, how it will be implemented? Reportedly, a number of Defense Federal Acquisition Regulations are being modified to reflect the guidance in the new instruction. But it may be too difficult to retroactively implement all of the rules and regulations spelled out in the policy to cover all of the contracts in effect in Iraq.

Congressional Oversight

Thus far, aside from a few members who have mostly grandstanded on the issue, focusing on the misdeeds by Halliburton and KBR, there has not been a lot of sustained Congressional attention paid to the issue of control and accountability of PMCs. This is regrettable since most firms in the industry would welcome any reasonable proposals to improve accountability.

While only a handful of security companies have publicly voiced their support for new regulatory guidelines, these are the 20 percent of the companies who control 80 percent of the people on the ground. Hence, Congress would be smart to work with them in trying to craft new laws to ensure greater transparency. According to David Claridge, managing director of the British company Janusian Security, for example, "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."⁴³

From the viewpoint of the companies their biggest concern is that no proprietary information be released that would adversely affect them in competing for contracts.

In 2004 the U.S. Congress, as part of its annual military authorization bill, directed the Pentagon to develop new management guidelines for defense contractors in Iraq and to provide a report on their activities.⁴⁴ The House version of the Bill for the 2005 defense budget required Rumsfeld within 30 days to implement a process for collection of information on contractors providing security services in Iraq. It also gave him 90 days to issue rules on managing contractors.

The Senate version also required the Defense Department to supply information on contractors.⁴⁵ Two amendments were 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 52-46.⁴⁶

3. What lessons have been learned?

With the advantage of hindsight it seems clear that a lack of strategic planning affected private sector operations in Iraq in the same way it 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 U.S. Project and Contracting Office, set up in 2004, 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.

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.

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.⁴⁷

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).⁴⁸

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.

There have also been several cases that have come to light where security contractor personnel in Iraq turned out to be unqualified. Though there were far less of these cases than often casually asserted in media reports there were enough to warrant concern.

A number of measures could be introduced to prevent similar abuses happening in the future, 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.

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.

4. How might practice be improved?

Administratively

Many of the recommendations I made a year and a half ago in my 2004 report are still relevant today. New or strengthened laws and regulations would benefit all concerned: client states, hiring governments and companies, as well as the PMCs themselves.

In the United States, 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 associated with PMCs.

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.

The loopholes in the Military Extraterritorial Jurisdiction Act (MEJA) need to be closed. Just as importantly, Government lawyers must be bold enough to start prosecuting cases using MEJA. To date, they have been reluctant to do so for fear of insufficient precedent to rely on. But there isn’t going to be any precedent until they start trying cases.

Industry-wide standards need to be established and enforced. In that regard the formation of new trade groups in Britain and Iraq, aside from the International Peace Operations Association, is a welcome step.

Finally, firms that have been found to have overcharged government in the past or have committed crimes in the contracting process should be banned from applying for future contracts. In that regard the recent guilty verdict against Custer Battles for fraud, and their having to pay over \$10 million in fines, is an encouraging precedent.⁴⁹

Legally

Most international law relevant to the subject was developed with mercenaries in mind. Contemporary private military and security firms assert, and rightfully so, that what they do is not at all the same and it is wrong to label them mercenaries. Still, until international law develops new terms and legal mechanisms to address the industry, the existing legal framework is all that we have, as set out in Table 1 below. Further research is needed to assess the relative utility of this legal framework and the legislative measures needed to strengthen it.

Table 1: International Legal Framework for Holding PMCs Accountable

1. Legal instruments

International Law

Sources of International law:

treaties, customary international law, jus cogens

a. Treaties

- Hague Convention No V on Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land of 1907.

Art 4: neutral powers are prohibited from forming mercenaries armies or allowing recruitment of mercenaries on their territories

- 1949 Geneva Convention Relative to the Treatment of Prisoners of war (POW Convention)
There is nothing on the status of mercenaries. But scholars believe that POW convention intended to confer POW status to mercenaries. It does not criminalize acts of mercenaries.

UN charter

- Art 2(4) all states must “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state” thus, reinforcement of sovereignty.

Customary international law (definition: when a predominant number of states follow a certain practice out of a sense of opinio juris; a sense of legal obligation)

UN resolutions

- Resolution 2131 : “no state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other states”

- Resolution 2465 specifically addresses mercenaries.. “ using mercenaries against movements for national liberations and independence is punishable as a criminal act and that the mercenaries themselves are outlaws.”
- Resolution 2625 : “ states have a duty to refrain fro; organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another state”
- Resolution 3103. The use of mercenaries by colonial or “racist regimes” is a criminal act and mercenaries are punishable as criminals.

Additional Protocol to the Geneva Convention of 12th August 1949.

(Art. 47) It deprives mercenaries of POW status.

Regional initiatives in Africa

- International Commission of Inquiry on Mercenaries issued a draft convention on the suppression of Mercenarism. It is a crime.
- Organization of African Unity (1963). Convention for the elimination of mercenarism in Africa

Other Conventions

- UN Mercenary Convention (1989) International Convention against the Recruitment, use, Financing and training of mercenaries. Very large. Includes all conflicts (international, domestic...)
- Rome Statute of the ICC (2002)
Defines aggression. It includes mercenarism as an act of aggression.

Legal institutions

International Court of Justice (ICJ)

It is the UN legal institutions. Its role and function are set out in the UN charter.

Can only be consulted by states or convention committees (committee against torture for example)

International Criminal Court

(The United States is not a party to the ICC so it is not very useful

European Institutions

- European court of Justice (only states)

- European Court of Human rights
- Protocol 11 of the European Convention on Human Rights was opened for signature on 11 May 1994 and entered into force on 1 November 1998. This amending Protocol has brought about a complete overhaul of the Convention control mechanisms, with the creation of a single Court of Human Rights to replace the Commission and Court, and the automatic right to individual petition instead of the renewable declaration

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.

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.⁵⁰

But the biggest obstacle to doing anything internationally to control PMCs 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 multilateral 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 to make them officially sanctioned businesses.⁵¹

Difficulties notwithstanding, 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 with 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.⁵² The downside is that any successful action in this regard is likely to take many years, if not decades.
- *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.
- *Harmonization of national laws to create common standards and to help the development of an eventual universal approach.* 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 to this end might be a useful starting place or the harmonization process could begin among NATO member states.

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? 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 CPA order noted 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. In any even the CPA no longer exists and, presumably, that order no longer applies.

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.⁵³

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.⁵⁴

A lawsuit has already been filed under ATCA. In a class-action lawsuit filed June 9 2004 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.⁵⁵

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.⁵⁶

Another ATCA suit, *Ilham Nassir Ibrahim V. Titan Corp.*, was filed July 27, 2004.⁵⁷ 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.⁵⁸

War Crimes Act

Attorney General Ashcroft had said 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.⁵⁹ 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").⁶⁰ The act gives U.S. courts jurisdiction in cases in which an American is either the victim or perpetrator of a war crime.

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."⁶¹ 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.⁶²

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.⁶³

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.⁶⁴ The person must be employed by or accompanying the Armed Forces outside the United States.⁶⁵

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.

The first case under the MEJA was brought in 2003 in California against the wife of a murdered Air Force staff sergeant at Incirlik Air Base, Turkey.⁶⁶ 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 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 U.S. 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.⁶⁷

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.”⁶⁸ 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.

Several concerned actors in the wake of the scandal 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.⁶⁹

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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.

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⁵³ Op. cit., Phillip Carter, "How To Discipline Private Contractors."

⁵⁴ For detail see Anthony J. Sebok, "What Tort Claims, If Any, Can Be Brought By the Inmates Who Were Tortured in Iraq?," May. 17, 2004, <http://writ.news.findlaw.com/sebok/20040517.html>.

⁵⁵ Renae Merle, "CACI And Titan Sued Over Iraq Operations: Legal Center Alleges Abuse of Prisoners," *Washington Post*, June 10, 2004, Pg. E3. The actual filing, UNITED STATES v. DAVID F. PASSARO (June 17, 2004) can be accessed at http://www.ccr-ny.org/v2/legal/september_11th/docs/Al_Rawi_v_Titan_Complaint.pdf.

⁵⁶ Gina Holland, "Supreme Court Rejects Human Rights Suit," *The Guardian*, June 29, 2004, <http://www.guardian.co.uk/uslatest/story/0,1282,-4258365,00.html>. See the Court decision in *Sosa v. Alvarez-Machain* at <http://wid.ap.org/documents/scotus/040629sosa.pdf>. See also Anthony J. Sebok, "The Alien Tort Claims Act: How Powerful a Human Rights Weapon Is It?," Findlaw's Writ, Legal Commentary, July 12, 2004, <http://writ.news.findlaw.com/sebok/20040712.html>.

⁵⁷ ILHAM NASSIR IBRAHIM v. TITAN CORP. (July 27, 2004), Iraqi Plaintiffs Sue Private US Contractors Under The Alien Tort Claims Act And RICO Laws, Seeking Damages For Alleged Torture By Defendants Working In Iraq, <http://news.findlaw.com/hdocs/docs/torture/ibrahimtitan72704cmp.html>.

⁵⁸ “Edmond & Jones, LLP: Iraqi Civilians File Claim Against Private US Firms, Claiming Murder, Torture and Abuse in Abu Ghraib Prison,” July 27, 2004, *PR Newswire*, <http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=109&STORY=/www/story/07-27-2004/0002218903&EDATE=>.

⁵⁹ Dan Eggen and Walter Pincus, “Ashcroft Says US Can Prosecute Civilian Contractors For Prison Abuse,” *Washington Post*, May 7, 2004, Pg. 18.

⁶⁰ Kathleen Cahill, “Outside Contractors, Outside Military Law,” *Washington Post*, May 9, 2004, Pg. B5; and Joanne Mariner, *Private Contractors Who Torture*, May 10, 2004, http://writ.news.findlaw.com/scripts/printer_friendly.pl?page=/mariner/20040510.html.

⁶¹ “SEC. 506. TORTURE CONVENTION IMPLEMENTATION,” Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, <http://thomas.loc.gov/cgi-bin/query/F?c103:6:./temp/~c103XuDdl2:e263954>.

⁶² Charlie Savage, “Justice Dept. Can Target War Crime: Scholars cite way to punish abuse of Iraqis,” *Boston Globe*, May 12, 2004.

⁶³ For detail on MEJA see Maj. Joseph R. Perlak, “The Military Extraterritorial Jurisdiction Act of 2000: Implications of Contractor Personnel,” *Military Law Review*, Vol. 169, September 2001, pp. 92-140, [http://www.jagcnet.army.mil/JAGCNETINTERNET/HOMEPAGES/AC/MILITARYLAWREVIEW.NSF/20a66345129fe3d885256e5b00571830/35ccda315e4a930a85256e5b00577372/\\$FILE/Volume169Perlak.pdf](http://www.jagcnet.army.mil/JAGCNETINTERNET/HOMEPAGES/AC/MILITARYLAWREVIEW.NSF/20a66345129fe3d885256e5b00571830/35ccda315e4a930a85256e5b00577372/$FILE/Volume169Perlak.pdf); and Capt. Glenn R. Schmitt (USAR) “The Military Extraterritorial Jurisdiction Act: The Continuing Problem of Criminal Jurisdiction Over Civilians Accompanying the Armed Forces Abroad—Problem Solved?,” *The Army Lawyer*, December 2000.

⁶⁴ For background see *MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 1999*, HEARING BEFORE THE SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, ONE HUNDRED SIXTH CONGRESS, SECOND SESSION, ON H.R. 3380, MARCH 30, 2000, http://commdocs.house.gov/committees/judiciary/hju64399.000/hju64399_0.htm

⁶⁵ 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>.

⁶⁶ Jessica Iñigo, “In first use of jurisdiction act, USAF spouse to be tried in husband's death,” *Stars and Stripes*, European edition, June 5, 2003, <http://www.estripes.com/article.asp?section=104&article=15275&archive=true>. See also Gail Gibson, “Prosecuting Abuse Of Prisoners,” *Baltimore Sun*, May 29, 2004.

⁶⁷ This is taken from a May 11, 2004 email sent to the author.

⁶⁸ 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.

Source: <http://price.house.gov/UploadedFiles/abu%20ghraib.doc>.

⁶⁹ “Meehan Introduces Legislation to Increase Private Contractor Accountability,” May 18, 2004, http://www.house.gov/apps/list/press/ma05_meehan/NR040518IraqContractors.html. The bill can be accessed at http://thomas.loc.gov/home/gpoxmlc108/h4387_ih.xml. See also “Price Introduces New Bill on Civilian Contractors,” <http://price.house.gov/News/DocumentSingle.aspx?DocumentID=4875>.