



# Department of Justice

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## **Transcript of Blackwater Press Conference**

**12:05 P.M. EST**

**ASSISTANT ATTORNEY GENERAL PATRICK ROWAN:** Good afternoon. My name is Pat Rowan and I'm the Assistant Attorney General for National Security here at the Department of Justice. I'm joined on the stage by Jeff Taylor, the U.S. Attorney for the District of Columbia, and Joseph Persichini, Jr., the Assistant Director in Charge of the Washington Field Office of the FBI. I'm also joined today by Jon Malis and Ken Kohl, the prosecutors on this case.

I'll provide some brief remarks and then turn over the podium to Jeff and Joe for further comment. Afterwards, we'll be happy to take some questions.

We're here today to announce that a 35-count indictment has been unsealed in the District of Columbia. As you are aware, an indictment is merely a formal charging document notifying a defendant of the charges against him or her. All defendants are presumed innocent unless and until proven guilty in a court of law.

The indictment unsealed charges five Blackwater security guards with voluntary manslaughter, attempt to commit manslaughter, and weapons violations, for their alleged roles in the September 16, 2007, shooting at Nisur Square in Baghdad, Iraq.

Specifically, the defendants are charged with killing 14 unarmed civilians and wounding 20 other individuals in connection with this event. In addition, we can report that a sixth Blackwater security guard has pleaded guilty to charges of voluntary manslaughter and attempt to commit manslaughter for his role in the same shooting. This guilty plea also was unsealed today.

While there were dangers in Baghdad in September 2007, there were also ordinary people going about their lives, performing mundane daily tasks, like making their way through a crowded traffic circle.

For the safety of these people, as well as U.S. government personnel and their own colleagues, security guards were obligated to refrain from firing their powerful weapons except when necessary for self-defense. The documents unsealed today allege that these six men disregard that obligation, and in doing so, violated U.S. law.

The consequences were devastating. The government alleges today that at least 34 unarmed Iraqi civilians, including women and children, were killed or injured without justification or provocation by these security guards in the shooting at Nisur Square.

Today's indictment and guilty plea should serve as a reminder that those who engaged in unprovoked and illegal attacks on civilians, whether during times of conflict or times of peace, will be held accountable.

I'd like to thank the FBI for its tremendous work investigating this crime, as well as the prosecutors from the U. S. Attorney's Office and the National Security Division, for their efforts in bringing this case. I'd also like to thank Iraqi authorities for their assistance in this matter.

I'd now like to turn it over to Jeff Taylor.

**U.S. ATTORNEY JEFFREY TAYLOR :** Thank you, Pat. Good morning, everyone. As Pat mentioned, the 35-count indictment that was unsealed today charges five security guards of Blackwater Worldwide with manslaughter, attempted manslaughter, and weapons violations for their alleged roles in the tragic September 16, 2007, shooting at Nisur Square in Baghdad, Iraq. Nisur Square is located just outside a fortified area of central Baghdad known as the International Zone, more commonly as the Green Zone, where most if not all of the foreign embassies in Iraq are located, including the United States Embassy.

As set forth in the indictment, the five defendants were all employed by the Armed Forces outside the United States. Specifically, the defendants worked as independent contractors and employees of Blackwater Worldwide, a company contracted by the Department of State to provide personal security services related to supporting the Department of Defense in the Republic of Iraq, within the meaning of the Military Extraterritorial Jurisdiction Act, or MEJA.

On September 16, 2007, the five defendants and 14 other Blackwater independent contractors were assigned to a convoy of four heavily armed trucks known as a Tactical Support Team, using the call sign Raven 23, whose function was to provide backup fire support for other Blackwater personal security guards operating in the city of Baghdad.

On September 16, 2007, at around noon, the Raven 23 convoy was responding to the detonation of a vehicle-borne improvised explosive device that had just exploded in the vicinity of a different Blackwater personal security detail located about a mile away from Nisur Square, and which was transporting a USAID protectee.

The members of the Raven 23 convoy understood that their mission was defensive in nature. They were not permitted to engage in offensive military actions, use the military tactic known as suppressive fire, or exercise police powers. They also understood that they were only authorized to discharge their firearms in self-defense and as a last resort.

The four heavily-armed vehicles in the Raven 23 convoy entered Nisur Square and then positioned themselves in order to block any traffic from entering the circle. Seconds after the Raven 23 convoy entered the traffic circle, it is alleged that at least six members of the Raven 23 convoy, including the five defendants named in the indictment, opened fire with automatic weapons and grenade launchers on unarmed civilians located in and around Nisur Square, killing, as Pat said, at least 14 persons, wounding at least 20 other individuals and assaulting but not injuring at least 18.

The first victim was later identified as a second-year medical student named Ahmed Haithem Ahmed Al Rubia'y, who was driving a white Kia sedan that was approaching the traffic circle from the south. The passenger of that vehicle was also shot and killed. That victim was Dr. Al-Khazali, the mother of the driver of the vehicle.

None of the victims of this shooting was armed. None of them was an insurgent. Many were shot while inside civilian vehicles that were attempting to flee from the convoy. One victim was shot in the chest while standing in the street with his hands up. Another was injured from a grenade fired into a nearby girls' school. At least 18 civilian vehicles were damaged by gunfire from the convoy, some substantially.

The indictment does not charge or implicate Blackwater Worldwide. It charges only the actions of certain employees for their roles in the September 16 shooting. They are Paul A. Slough, age 29, of Keller, Texas; Dustin L. Heard, 27, Maryville, Tennessee; Evan S. Liberty, 26, Rochester, New Hampshire; Nicholas A. Slatten, 23, of Sparta, Tennessee; and Donald W. Ball, 26, of West Valley City, Utah.

All five defendants are each charged with 14 counts of voluntary manslaughter, 20 counts of attempt to commit manslaughter, and one count of using and discharging a firearm and destructive devices during and in relation to a crime of violence. The firearms included an SR-25 sniper rifle, M-4 assault rifles and M-240 machine guns.

The destructive devices were M-203 grenade launchers and grenades.

If convicted of the charges in the indictment, the defendants could face up to ten years in prison on each manslaughter count, seven years in prison on each attempted manslaughter count, and a mandatory minimum sentence of 30 years on the firearms charge.

We remind the public that an indictment is merely a formal charging document notifying a defendant of the charges against him. All defendants are presumed innocent unless and until proven guilty in a court of law.

It is our understanding that earlier today the defendants surrendered in Utah and will have a court appearance in U.S. District Court later today.

Today, we also announce the unsealing of a guilty plea by a sixth defendant, Jeremy P. Ridgeway, age 35, of California, who entered a guilty plea on December 5, 2008, here in Washington, D.C. before Judge Ricardo Urbina. He pleaded to superseding information charging him with one count of voluntary manslaughter and one count of attempt to commit manslaughter.

Like the five defendants charged in the indictment, Mr. Ridgeway was an independent contractor, an employee of Blackwater Worldwide. He pleaded guilty to charges in connection with his role in the September 16th shooting at Nisur Square. His sentencing date has not yet been set by the court.

This indictment represents the first prosecution under MEJA to be filed against non-Defense Department private contractors, which was not possible prior to 2004 amendments that specifically expanded the reach of MEJA to non-Defense Department contractors who provide services, quote, "in support of the mission of the Department of Defense overseas" end quote.

We take no pleasure in charging individuals whose job it was to protect the men and women of our country, but when individuals are alleged to have violated the law while carrying out those duties, we are duty bound to hold them accountable, as no one is above the law, even when our country is engaged in war. This indictment is the first step of that process, and it is the virtue of our system that these individuals will have their day in court.

It bears emphasis that today's indictment is very narrow in its allegations. Six individual Blackwater guards have been charged with unjustified shootings on September 16, 2007, not the entire Blackwater organization in Baghdad. There were 19 Blackwater guards on the Raven 23 team that day at Nisur Square. Most acted professionally, responsibly and honorably. Indeed, this indictment should not be read as accusation against any of those brave men and women who risk their lives as Blackwater security contractors.

Before turning the podium over to FBI Assistant Director in Charge Joseph Persichini, I, too, would like to commend the FBI agents who investigated the case, the prosecutors from my office, and those from the National Security Division for all their hard work on this investigation. They labored for a long time under very difficult circumstances. Today is the result of that labor. Because we're only at the indictment stage, we are limited in what we can say at this time, but we look forward to proving our case at trial.

Thank you.

**FBI ASSISTANT DIRECTOR IN-CHARGE JOSEPH PERSICHINI, JR :** Thanks, Jeff.

Good afternoon. As Assistant Attorney General Rowan and United States Attorney Jeff Taylor have indicated, we are here today due to unprecedented circumstances. I would first like to thank the career prosecutors, agents, linguists, forensic experts, for their dedication and work on this very complex and challenging investigation. This investigative team exemplifies the outstanding work by public servants who are working every day to make this nation and the world a safer place to live.

I also want to highlight the thousands of men and women who serve as contractors and civilian employees to the United States government, who are an integral part of our success in the continued pursuit of excellence. As U. S. Attorney Taylor has indicated, we are here today to announce the indictment of five United States citizens on charges that include manslaughter and attempted manslaughter relating to the deaths of 14 foreign citizens and the wounding of 20 other individuals in an incident that took place on the other side of the world.

The individuals charged today displayed a blatant disregard for the core values of the United States Constitution and failed to adhere to the rule of law and the respect for human life. These individuals must be held accountable for their actions, not just for the integrity of the American people, but the Iraqi men, women and children, whose lives have been destroyed.

The tragic events in Nisur Square on September 16 of last year were shocking and a violation of basic human rights. That day in Baghdad around a busy traffic circle at Nisur Square, the Iraqi citizens were going to lunch, stopping at the market, traveling with their families and children. The traffic circle soon became congested due to construction. Traffic slowed down then gunshots rang out. At that moment many innocent lives were altered. Unarmed citizens were traumatized, injured or killed.

Following this incident the Department of State requested that the FBI investigate the shooting. The FBI's Washington Field Office deployed an investigative team to Baghdad for four weeks of evidence collection and investigation. The FBI was augmented by two agents from the Department Diplomatic Security Service and the Department of State.

To add to the difficulty in an already challenging case, FBI and Department of State personnel had to face the dangers of working extensively outside the green zone. They had to overcome language barriers and deal with cultural and religious sensitivities.

Since that first deployment to Baghdad, members of the investigative team, which included up to 10 special agents, returned to Iraq four additional times in furtherance of our investigation. The FBI utilized every resource available to ensure that a comprehensive and thorough investigation was conducted. Those resources included forensic specialists from the FBI laboratory, members of the Washington Field Office, extra territorial squad and the evidence response team, and Department of Justice Attorneys.

As a result of the tireless dedication and extraordinary efforts of the team, over 250 interviews were conducted and more than 200 pieces of physical evidence were obtained to support the investigation. As with most FBI investigations, we would not have been successful without the assistance of local law enforcement partners. We had the extreme good fortune of working with members of the Iraqi national police. The assistance provided by the Iraqi national police was instrumental to our success of our mission. These officers work under extraordinary challenging circumstances every day and I extend my gratitude to them.

In addition to the Iraqi National Police, the FBI was supported by many members of the United States military. Their assistance was invaluable in the protection of our personnel. The FBI's legal attaché office in Baghdad and the U.S. embassy personnel provided unwavering support during each of our team's deployment to Iraq. The success of one of the FBI's most difficult investigations was truly a team effort with many components and challenges.

What was at stake here was not just an investigation into the allegations of the violation of federal law. But, more importantly, it was an investigation into the protection of basic human rights, that should be afforded to all people, not just citizens of the United States. The FBI is committed to investigating all allegations of violations of the rule of law and defending individual civil rights and civil liberties, whether at home or abroad.

Thank you very much.

**MR. ROWAN:** Thanks, Joe.

We can take some questions now, if you have any. Yes?

**QUESTION:** The defense is going to challenge you on venue, on jurisdiction under MEJA, also on the Garrity statements. What's the government's response to each of those issues, and can you talk about why you're charging the guards with 14 counts of manslaughter when 17 people were killed?

**MR. ROWAN:** Take the second question first. We obviously have an obligation to be able to prove every element in the offense, including the fact of a deceased victim. The 14 counts of manslaughter are what our current evidence supports. Our investigation is continuing but that's what we have charged currently.

The issues you raised, we will obviously be responding in court to the arguments that the defendants will make with respect to those issues. I will tell you as to venue there is a federal venue statute that indicates when a crime is committed outside the United States and outside any particular district that the defendant's trial may be conducted in the District of Columbia. So that provides us venue in this instance. In addition, it's the case that one of the joint offenders in this case, Ridgeway, who has already plead guilty, was arrested in the District in connection with his guilty plea. And, according to the venue statute, when joint offender is arrested in one district, that is an appropriate venue for the rest of the case to go forward in.

**QUESTION:** Can you speak to the Garrity statements?

**MR. ROWAN:** Well, we fully expect that the defendants will raise the issue of Garrity, that there were statements that were compelled that would somehow taint our efforts thereafter. It's something that we understand will be an issue, something we've been working long and hard to deal with for a considerable period of time, and something we expect to win when we finally go to court on that issue.

**QUESTION:** But why do you expect to win it?

**MR. ROWAN:** Well, as I said, we've been very careful and very painstaking in the way we have investigated this case, the way we have assembled evidence. We know where our evidence comes from and we fully expect to prevail when the court hears that issue.

**QUESTION:** Can I ask whether you considered the consequences of bringing these charges? Obviously, your job is to enforce the law, but did you have to consider what the potential consequences of your actions today are such as whether it will make it more difficult to recruit contractors in war zones?

Whether it will make it particularly difficult going forward if the potential defendants in such cases have to be prosecuted by Iraqi authorities, and things like that. Were those factors in deciding what charges to bring?

**MR. ROWAN:** Our focus was obviously on what the defendants did that day and whether or not there were violations of U.S. law. We take no satisfaction, as I believe Jeff said, in charging individuals whose job it was to protect U.S. personnel over in Iraq. We have a great deal of respect for the work they do. But I think that as Jeff also indicated, and then I would hope people would recognize, this is a narrow indictment.

There were 19 Blackwater personnel who are part of the four-truck convoy involved in this incident there at Nisur Square. Most of them acted very responsibly. We've charged six, between those who've been charged and the one who pled guilty, and there are six involved in this. So I think that from that alone, there's a demonstration we have been judicious in the way we have investigated and charged this case.

I think when the evidence comes out at trial, everyone will understand much better how it was that we made the decision we made, and will understand that this is a unique incident which required prosecution. Yes?

**QUESTION:** Since the Obama Justice Department will inherit this case along with its legal difficulties, did you brief the transition on the case? Did you ask them to sign off on the evidence?

**MR. ROWAN:** No. We did not. I think our ordinary policy in criminal matters is we move forward with those cases. When they're ready to be charged, we charge them and we proceed forward. We followed that policy in this case.

**QUESTION:** It's always tricky to bring charges when you have the heat of the battle. But is it your contention here that even taking that into account this conduct was so outrageous that it overcomes any doubt that might arise in situations of combat?

**MR. ROWAN:** Yes. The charge that we've leveled, the first charge in the indictment is voluntary manslaughter which in the code talks about the notion that this is an unlawful killing upon a sudden quarrel or heat of passion. Now that's the actual language of the statute, but what it captures is the idea that there may be mitigating circumstances surrounding the offense itself. And in this case, of course, these offenses occurred in a difficult situation, and so that was taken into account in the way this case was charged.

**QUESTION:** So, to put it positively, taking into account that there were emotional factors here, what does this tell us about the fact that you've decided to bring these charges, nonetheless?

**MR. ROWAN:** Well, it should tell you that we think that notwithstanding those factors, we believe that there was sufficient evidence to demonstrate the defendants were guilty beyond a reasonable doubt, and that we thought it was appropriate to bring the case; and, obviously, more importantly, the grand jury thought it was appropriate to prove the charges.

**QUESTION:** What kind of analysis have you done about trying to try this under U.S. law? There's been a huge debate about whether MEJA really did apply to State Department contractors, and you have raised 2004 amendments which do not talk about the State Department.

How are you going to argue that that does extend beyond just someone who is working in conjunction with the military to someone who has actually contracted to the State Department?

**MR. ROWAN:** Under the statute as it exists now after the 2004 amendments, I believe the language is individuals working for any other federal agency or any provisional authority to the extent such employment relates to supporting the mission of the Department of Defense overseas. So one can be an employee or a contractor of any other federal agency provided that their employment relates to supporting the mission of the Defense Department overseas. And, in this instance, we've obviously alleged that in our charging document and at trial we will present the evidence that demonstrates that the work that these men were doing supported the mission of the Department of Defense.

**QUESTION:** In Ridgeway's plea deal, is there any way that he can argue you don't have venue under MEJA? Or, if the other defendants are successful, then getting the case kicked out before trial? Does that invalidate his plea deal?

**MR. ROWAN:** I'm not going to comment on the particulars of Mr. Ridgeway's plea.

**QUESTION:** They were authorized to carry firearms, so why did you bring the firearm charge? And I noticed also it was not in the plea with Mr. Ridgeway. But they were authorized to carry firearms.

**MR. ROWAN:** That's correct. The offense, the charge that you're referring to, 18 USC Section 924(c), is an offense that we use when there's either a drug trafficking offense or a crime of violence. In this instance we have a crime of violence. The federal courts have recognized that this Section 924(c) applies equally to persons who

are licensed to carry firearms and abuse that privilege by committing a crime with a weapon. I believe that principle has come up in the context of civil rights charges against police officers who obviously are permitted to carry weapons. But then if they use that weapon in the course of a crime of violence, it's an appropriate charge, and one that we thought made sense in this case.

**QUESTION:** If I could just follow up on your answer on MEJA, your contention is then that the State Department was in Iraq supporting the Department of Defense?

**MR. ROWAN:** Well, our contention is that, well first of all let me make it clear. Our evidence on this point is something we will present to the judge and the jury, and they will have the opportunity to determine whether or not we've provided sufficient evidence of this point.

What we are saying is that the defendants who we've charged were supporting the mission of the Department of Defense and that's the charging language we use, that's the predicate for the use of MEJA in this case.

**QUESTION:** So any U.S. personnel in Iraq at the time were supporting the Department of Defense, is that the theory here?

**MR. ROWAN:** I wouldn't go so far as to say that's so. We believe -- and again I'm obviously avoiding getting into the evidence. But we believe the evidence in this case is sufficient to establish that these individuals were supporting the mission in the Department of Defense.

**QUESTION:** So the Blackwater guards weren't the ones protecting the convoy or the diplomatic people at the time. It would have been the military, is that what you're saying?

**MR. ROWAN:** I'm not going to get into what the evidence shows about who would have done what or who was doing what at that time. It's just not something I'm comfortable getting into today.

**QUESTION:** I wonder if I could ask Mr. Persichini a question?

**MR. PERSICHINI:** Sure.

**QUESTION:** This is your first opportunity to talk about this case publicly, and I wonder if you could address some of the difficulties from the FBI's point of view, and one of the early subjects that was widely discussed was the potential dangers or damages that might result in the investigation from diplomatic security people giving certain assurances to the Blackwater guards in the first place. That's one of the hurdles that your agents had to deal with. I wonder if you could talk about some of the challenges, like you say.

**MR. PERSICHINI:** Well I think that topic was discussed with Mr. Rowan. And as he said, we made some considerable issues to protect any of those statements or any issue related to that. And I go back to Garrity or a statement such as that we've dealt with in the past, not just on this case.

So again, I think that's something that you'll hear in court and Mr. Rowan will discuss that I think in depth.

**QUESTION:** What other difficulties can you talk about that you're agents had to overcome in their four trips to Baghdad to collect evidence?

**MR. PERSICHINI:** I just think that again you're on foreign soil, you're outside the Green Zone, just the operating within that community. And again, understanding cultural differences, religious practices, language barriers.

But I think the team did a fantastic job. Again, as we operate as a team. Whether it's the investigators, the linguists, and analysts, forensic experts.

We spent 80 days in country. And I think they've done a tremendous job of operating within that area.

**QUESTION:** Could I ask a question for Mr. Rowan? Are there plans to brief families of the victims? And when will that occur? And who is going to do those briefings?

**MR. ROWAN:** There will be further contact with the victims, obviously, by the agents and prosecutors who are directly involved in the case. I'm not going to get into timing today, but consistent with the way we would this in any offense, the agents and the prosecutors who have had contact with them before will have further contact with them hopefully in the near future, and continue to work with them as this case moves forward.

**QUESTION:** Do you know if the Iraqi government, given the fact that the immunity has now been lifted under the state of the status of forces agreement, is there any way in which they can now prosecute this case as well as the United States?

**MR. ROWAN:** I'm not going to comment on Iraqi law or whether or not they could proceed on it. I would be -- it would be way beyond my expertise.

**QUESTION:** Can you tell us, will Mr. Ridgeway be testifying on behalf of the government?

**MR. ROWAN:** I'm not going to talk who our witnesses will or will not be.

**QUESTION:** My question as far as the 15 Blackwater guards, can you discuss charges that were not presented against them. They were part of the same incident. What was their role and to what extent would their testimony be significant to your case?

**MR. ROWAN:** I'm going to wait for trial.

**QUESTION:** Technical question on the venue issue. You said the fact that you have this guilty plea in the District weighs in your favor for venue here. Well, you have the other arrests in Utah. So how do those two balance out?

**MR. ROWAN:** The defendants, as you heard at the outset, their homes are all over the country and the fact that all decided to get together and turn themselves in Utah, I don't think that that will have a great deal of effect. It's obviously an issue that we assume will be litigated, but the statute recognizes that venue exists for other defendants if one of the defendants is first arrested in a particular jurisdiction.

**QUESTION:** So the fact that he was arrested before them is what weighs in your favor?

**MR. ROWAN:** That is the principle in that part of the venue statute, yes.

**QUESTION:** Pat, can you tell me a little bit about some of the challenges that you expect during the trial in terms of bringing Iraqi witnesses here. Are you going to have to work very closely with the State Department? How do you plan to do this?

**MR. ROWAN:** We have worked with the State Department in the course of this case, and we expect that they will continue to help us. And that will be one of the challenges that we'll have to face at some point or another, but we don't expect to have any serious problems, provided that we have, you know, appropriate lead time. The State Department has been very good to work with on that issue, and we expect that that will be true, going forward.

**QUESTION:** Can you give me any sense of how many witnesses that will be coming from Iraq?

**MR. ROWAN:** I don't have a number for you. I'm sorry.

**QUESTION:** Question for Jeff.

**MODERATOR:** Last question.

**QUESTION:** Did Raven 23 have authority to be in Nisur Square in the first place?

**MR. TAYLOR:** That's going to fall under the category of we're not going to be able to discuss it today. We're confined to what's alleged in the indictment and in the factual proffer that has been unsealed. We'll present the evidence at trial when the time comes.

**QUESTION:** Was Nisur Square on the way to the other convoy a mile away?

**MR. TAYLOR:** I don't know the answer to that.

**MODERATOR:** Thanks, everybody.

**MR. ROWAN:** Thank you.

**12:35 P.M. EST**

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