

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SEALED

Holding a Criminal Term

Grand Jury Sworn in on November 15, 2007

2:08mj350

UNITED STATES OF AMERICA)

CRIMINAL NO. **CR-08-360**

v.)

GRAND JURY ORIGINAL

PAUL ALVIN SLOUGH,)

VIOLATIONS:

NICHOLAS ABRAM SLATTEN,)

18 U.S.C. §§ 3261(a)(1); 1112
(Voluntary Manslaughter) (Counts
One through Fourteen)

EVAN SHAWN LIBERTY,)

18 U.S.C. §§ 3261(a)(1); 1113
(Attempt to Commit
Manslaughter) (Counts Fifteen
through Thirty-Four)

DUSTIN LAURENT HEARD,)

DONALD WAYNE BALL,)

Defendants.)

18 U.S.C. §§ 3261(a)(1); 924(c)
(Using and Discharging a Firearm
During and in Relation to a Crime
of Violence) (Count Thirty-Five)

URBINA, J. RMU

18 U.S.C. § 2
(Aiding and Abetting and Causing
an Act to be Done)

B

FILED IN OPEN COURT

INDICTMENT

DEC 04 2008

The Grand Jury charges that:

COUNTS ONE THROUGH FOURTEEN
(Voluntary Manslaughter) CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

At all times relevant to this Indictment:

1. On or about September 16, 2007, defendants PAUL ALVIN SLOUGH, NICHOLAS

ABRAM SLATTEN, EVAN SHAWN LIBERTY, DUSTIN LAURENT HEARD, and DONALD WAYNE BALL, were employed by the Armed Forces outside the United States, as defined in 18 U.S.C. § 3267(1), that is:

- a. The defendants were employees and subcontractors of Blackwater Worldwide, a company contracting with the United States Department of State, who were employed to provide personal security services in the Republic of Iraq, which employment related to supporting the mission of the United States Department of Defense in the Republic of Iraq.
- b. The defendants were present and residing outside the United States in connection with their employment with Blackwater Worldwide.
- c. The defendants were not nationals of nor ordinarily residents in the Republic of Iraq.
2. The conduct alleged in this Indictment occurred in and around the Nisur Square traffic circle in the city of Baghdad, in the Republic of Iraq.
3. The conduct alleged in this Indictment constitutes offenses each of which would be punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States.
4. The conduct alleged in this Indictment occurred outside of the jurisdiction of any particular State or district and within the venue of the United States District Court for the District of Columbia, as provided by 18 U.S.C. § 3238.
5. On or about September 16, 2007, in the city of Baghdad, in the Republic of Iraq, defendants PAUL ALVIN SLOUGH, NICHOLAS ABRAM SLATTEN, EVAN SHAWN LIBERTY, DUSTIN LAURENT HEARD, DONALD WAYNE BALL, and another joint offender

known to the Grand Jury, unlawfully and intentionally, upon a sudden quarrel and heat of passion, did commit voluntary manslaughter, as defined by 18 U.S.C. § 1112, by killing the following individuals:

- COUNT ONE: Ahmed Haithem Ahmed Al Rubia'y
- COUNT TWO: Mahassin Mohssen Kadhum Al-Khazali
- COUNT THREE: Osama Fadhil Abbas
- COUNT FOUR: Ali Mohammed Hafedh Abdul Razzaq
- COUNT FIVE: Mohamed Abbas Mahmoud
- COUNT SIX: Qasim Mohamed Abbas Mahmoud
- COUNT SEVEN: Sa'adi Ali Abbas Alkarkh
- COUNT EIGHT: Mushtaq Karim Abd Al-Razzaq
- COUNT NINE: Ghaniyah Hassan Ali
- COUNT TEN: Ibrahim Abid Ayash
- COUNT ELEVEN: Hamoud Sa'eed Abttan
- COUNT TWELVE: Uday Ismail Ibrahiem
- COUNT THIRTEEN: Mahdi Sahib Nasir
- COUNT FOURTEEN: Ali Khalil Abdul Hussein

(Voluntary Manslaughter and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United States Code, Sections 3261(a)(1), 1112 and 2.)

COUNTS FIFTEEN THROUGH THIRTY-FOUR
(Attempt to Commit Manslaughter)

6. The Grand Jury realleges and incorporates by reference as if fully stated herein

paragraphs 1 through 4 of Counts One through Fourteen of this Indictment.

7. On or about September 16, 2007, in the city of Baghdad, in the Republic of Iraq, defendants PAUL ALVIN SLOUGH, NICHOLAS ABRAM SLATTEN, EVAN SHAWN LIBERTY, DUSTIN LAURENT HEARD, DONALD WAYNE BALL, and another joint offender known to the Grand Jury, unlawfully and intentionally, upon a sudden quarrel and heat of passion, did attempt to commit manslaughter attempting to kill the following individuals, who were wounded as a result therefrom:

COUNT FIFTEEN:	Majed Salman Abdel Kareem Al-Gharbawi
COUNT SIXTEEN:	Jennan Hafidh Abid al-Razzaq
COUNT SEVENTEEN:	Yasmin Abdul Kidr Salhe
COUNT EIGHTEEN:	Mohanad Wadhnah
COUNT NINETEEN:	Haydar Ahmad Rabie Hussain Al-Khafaji
COUNT TWENTY:	Hassan Jaber Salman
COUNT TWENTY-ONE:	Farid Walid Hasoun Al-Kasab
COUNT TWENTY-TWO:	Abdul Amir Raheem Jihan Yasser
COUNT TWENTY-THREE:	Wisam Raheem Fliah Hasan Al-Miri
COUNT TWENTY-FOUR:	Talib Mutluk Diwan
COUNT TWENTY-FIVE:	Adel Jaber Sham'ma Al-Jadiri
COUNT TWENTY-SIX:	Nasir Hamzah Latif Al-Rikabi
COUNT TWENTY-SEVEN:	Mahdi Abid Khider Abbas Al-Faraji
COUNT TWENTY-EIGHT:	Abdul Wahab Abdul Qadar Al-Qalamchi
COUNT TWENTY-NINE:	Bara Sadoon Ismail Al-Ani

COUNT THIRTY: Sami Hawa Hamud Al-Sabahin
COUNT THIRTY-ONE: Fawziyyah Aliwi Hassoon
COUNT THIRTY-TWO: Ali Hadi Naji Al-Rubaie
COUNT THIRTY-THREE: Alah Majeed Sghair Zaidi
COUNT THIRTY-FOUR: Jassim Mohammad Hashim

(Attempt to Commit Manslaughter and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United States Code, Sections 3261(a)(1), 1113 and 2.)

COUNT THIRTY-FIVE
**(Using and Discharging a Firearm During and
In Relation to a Crime of Violence)**

8. The Grand Jury realleges and incorporates by reference as if fully stated herein paragraphs 1 through 4 of Counts One through Fourteen of this Indictment.

9. On or about September 16, 2007, in the city of Baghdad, in the Republic of Iraq, defendants PAUL ALVIN SLOUGH, NICHOLAS ABRAM SLATTEN, EVAN SHAWN LIBERTY, DUSTIN LAURENT HEARD, and DONALD WAYNE BALL, and another joint offender known to the Grand Jury, knowingly used and discharged firearms, that is, an SR-25 sniper rifle; machine guns (M-4 assault rifles and M-240 machine guns); and destructive devices (M-203 grenade launchers and grenades), during and in relation to a crime of violence for which each of them may be prosecuted in a court of the United States, that is, in connection with the crime of voluntary manslaughter, as alleged in Counts One through Fourteen of this Indictment, and the crime

of attempt to commit manslaughter, as alleged in Counts Fifteen through Thirty-Four of this Indictment.

(Using and Discharging a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting and Causing an Act to be Done, in violation of Title 18, United States Code, Sections 3261(a)(1), 924(c) and 2.)

A TRUE BILL:

Brian Lynch

FOREPERSON

Jeffrey A. Taylor / JAT



Attorney of the United States in
and for the District of Columbia

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAVERICK WASHINGTON, Clerk

By *Nancy Maverick*

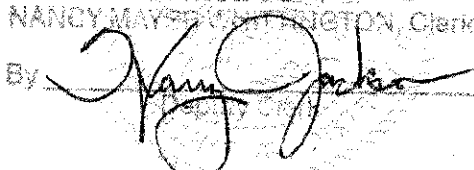
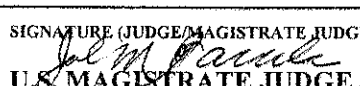
WARRANT FOR ARREST

CO-180 (Rev. 4/02)

UNITED STATES DISTRICT COURT		FOR THE DISTRICT OF COLUMBIA	
UNITED STATES OF AMERICA v. Nicholas Abram Slatten DOB: 12/3/1983 PDID:		DOCKET NO:	MAGIS. NO:
		CR-08-360	
		NAME & ADDRESS OF INDIVIDUAL TO BE ARRESTED	
		Nicholas Abram Slatten 3181 Cedar Creek Road Sparta, TN 38583	
WARRANT ISSUED ON THE BASIS OF:		DISTRICT OF ARREST	
INDICTMENT			
TO: ANY UNITED STATES MARSHAL OR OTHER AUTHORIZED OFFICER		CITY	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available Magistrate Judge to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Voluntary Manslaughter Attempt to Commit Manslaughter Using and Discharging a Firearm During and in Relation to a Crime of Violence Aiding and Abetting and Causing an Act to be Done			
United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk By 			
IN VIOLATION OF:		UNITED STATES CODE TITLE & SECTION:	
		18 U.S.C. §§3261(a)(1); 1112 (Counts One through Fourteen); 18 U.S.C. §§ 3261(a)(1); 1113 (Counts Fifteen through Thirty-Four); 18 U.S.C. §§ 3261(a)(1); 924(c) (Count Thirty-Five); 18 U.S.C. § 2	
BAIL FIXED BY COURT:		OTHER CONDITIONS OF RELEASE:	
ORDERED BY:		SIGNATURE (JUDGE/MAGISTRATE JUDGE)	DATE ISSUED:
MAGISTRATE JUDGE JOHN M. FACCIOLA		 U.S. MAGISTRATE JUDGE JOHN M. FACCIOLA	12/4/2008
CLERK OF COURT:		BY DEPUTY CLERK:	DATE:
Nancy Mayer-Whittington			12/4/2008
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER	
DATE EXECUTED			
HIDTA CASE: Yes No X			
		OCDETF CASE: Yes No X	


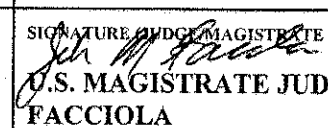
WARRANT FOR ARREST

CO-180 (Rev. 4/02)

UNITED STATES DISTRICT COURT		FOR THE DISTRICT OF COLUMBIA	
UNITED STATES OF AMERICA v. Evan Shawn Liberty DOB: 08/03/1982 PDID:		DOCKET NO:	MAGIS. NO:
		CR-08-360	
		NAME & ADDRESS OF INDIVIDUAL TO BE ARRESTED	
		Evan Shawn Liberty 31 High Street Rochester, NH 03867	
WARRANT ISSUED ON THE BASIS OF: INDICTMENT		DISTRICT OF ARREST:	
TO: ANY UNITED STATES MARSHAL OR OTHER AUTHORIZED OFFICER		CITY:	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available Magistrate Judge to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Voluntary Manslaughter Attempt to Commit Manslaughter Using and Discharging a Firearm During and in Relation to a Crime of Violence Aiding and Abetting and Causing an Act to be Done			
District Court For the District of Columbia A TRUE COPY NANCY MAYER-WHITTINGTON, Clerk By: 			
IN VIOLATION OF:		UNITED STATES CODE TITLE & SECTION:	
		18 U.S.C. §§3261(a)(1); 1112 (Counts One through Fourteen); 18 U.S.C. §§ 3261(a)(1); 1113 (Counts Fifteen through Thirty-Four); 18 U.S.C. §§ 3261(a)(1); 924(c) (Count Thirty-Five); 18 U.S.C. § 2	
BAIL FIXED BY COURT:		OTHER CONDITIONS OF RELEASE:	
ORDERED BY:		SIGNATURE (JUDGE/MAGISTRATE JUDGE)	DATE ISSUED:
MAGISTRATE JUDGE JOHN M. FACCIOLA		 U.S. MAGISTRATE JUDGE JOHN M. FACCIOLA	12/4/2008
CLERK OF COURT:		BY DEPUTY CLERK:	DATE:
Nancy Mayer-Whittington			12/4/2008
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER	
DATE EXECUTED			
HIDTA CASE: Yes No X			
		OCDETF CASE: Yes No X	

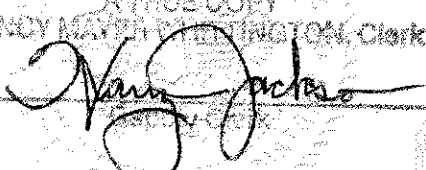

WARRANT FOR ARREST

CO-180 (Rev. 4/02)

UNITED STATES DISTRICT COURT		FOR THE DISTRICT OF COLUMBIA	
UNITED STATES OF AMERICA v. Paul Alvin Slough DOB: 10/2/1979 PDID:		DOCKET NO:	MAGIS. NO:
		CR-08-360	
		NAME & ADDRESS OF INDIVIDUAL TO BE ARRESTED	
		Paul Alvin Slough 3249 Butler Bush Drive Keller, TX 76248	
WARRANT ISSUED ON THE BASIS OF:		DISTRICT OF ARREST	
INDICTMENT			
TO: ANY UNITED STATES MARSHAL OR OTHER AUTHORIZED OFFICER		CITY	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available Magistrate Judge to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Voluntary Manslaughter Attempt to Commit Manslaughter Using and Discharging a Firearm During and in Relation to a Crime of Violence Aiding and Abetting and Causing an Act to be Done			
United States District Court For the District of Columbia A TRUE COPY NANCY MAYER WHITTINGTON, Clerk By: 			
IN VIOLATION OF:		UNITED STATES CODE TITLE & SECTION:	
		18 U.S.C. §§3261(a)(1); 1112 (Counts One through Fourteen); 18 U.S.C. §§ 3261(a)(1); 1113 (Counts Fifteen through Thirty-Four); 18 U.S.C. §§ 3261(a)(1); 924(c) (Count Thirty-Five); 18 U.S.C. § 2	
BAIL FIXED BY COURT:		OTHER CONDITIONS OF RELEASE:	
ORDERED BY:		SIGNATURE (JUDGE/MAGISTRATE JUDGE)	DATE ISSUED:
MAGISTRATE JUDGE JOHN M. FACCIOLA		 U.S. MAGISTRATE JUDGE JOHN M. FACCIOLA	12/4/2008
CLERK OF COURT:		BY DEPUTY CLERK:	DATE:
Nancy Mayer-Whittington			12/4/2008
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER		SIGNATURE OF ARRESTING OFFICER
DATE EXECUTED			
HIDTA CASE: Yes No X			OCDETF CASE: Yes No X

WARRANT FOR ARREST

CO-180 (Rev. 4/02)

UNITED STATES DISTRICT COURT		FOR THE DISTRICT OF COLUMBIA	
UNITED STATES OF AMERICA v. Donald Wayne Ball DOB: 07/31/1982 PDID:		DOCKET NO:	MAGIS. NO:
		CR-08-360	
		NAME & ADDRESS OF INDIVIDUAL TO BE ARRESTED	
		Donald Wayne Ball 45365 South Woodcreek Street West Valley City, UT 84119	
WARRANT ISSUED ON THE BASIS OF: INDICTMENT		DISTRICT OF ARREST	
TO: ANY UNITED STATES MARSHAL OR OTHER AUTHORIZED OFFICER		CITY	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the nearest available Magistrate Judge to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Voluntary Manslaughter Attempt to Commit Manslaughter Using and Discharging a Firearm During and in Relation to a Crime of Violence Aiding and Abetting and Causing an Act to be Done			
United States District Court For the District of Columbia A TRUE COPY NANCY MAYER-WHITTINGTON, Clerk By: 			
IN VIOLATION OF:		UNITED STATES CODE TITLE & SECTION:	
		18 U.S.C. §§3261(a)(1); 1112 (Counts One through Fourteen); 18 U.S.C. §§ 3261(a)(1); 1113 (Counts Fifteen through Thirty-Four); 18 U.S.C. §§ 3261(a)(1); 924(c) (Count Thirty-Five); 18 U.S.C. § 2	
BAIL FIXED BY COURT:		OTHER CONDITIONS OF RELEASE:	
ORDERED BY: MAGISTRATE JUDGE JOHN M. FACCIOLA		SIGNATURE (JUDGE/MAGISTRATE JUDGE)  U.S. MAGISTRATE JUDGE JOHN M. FACCIOLA	DATE ISSUED: 12/4/2008
CLERK OF COURT: Nancy Mayer-Whittington		BY DEPUTY CLERK:	DATE: 12/4/2008
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED		NAME AND TITLE OF ARRESTING OFFICER	
DATE EXECUTED		SIGNATURE OF ARRESTING OFFICER	
HIDTA CASE: Yes No <input checked="" type="checkbox"/> X		OCDETF CASE: Yes No <input checked="" type="checkbox"/> X	

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PAUL ALVIN SLOUGH,

NICHOLAS ABRAM SLATTEN,

EVAN SHAWN LIBERTY,

DUSTIN LAURENT HEARD,

DONALD WAYNE BALL,

Defendants.

CRIMINAL NO. **CR-08-360**

FILED

DEC 04 2008

Clerk, U.S. District and
Bankruptcy Courts

ORDER

Based on the representations in the government's motion to seal the Indictment, bench warrants, and other pleadings, records, proceedings and files and to delay entry on the public docket of the filing of this motion to seal, this Court makes the following:

FINDINGS OF FACT

The Indictment in this case charges the defendants with multiple counts of Voluntary Manslaughter, in violation of Title 18, United States Code, Sections 3261(a)(1), 1112, and 2; multiple counts of Attempt to Commit Manslaughter, in violation of Title 18, United States Code, Sections 3261(a)(1), 1113, and 2; and one count of Using and Discharging a Firearm During and in Relation to a Crime of Violence, in violation of Title 18, United States Code, Sections 3261(a)(1), 924(c), and 2. The charges constitute crimes of violence carrying substantial statutory penalties.

The public disclosure of the Indictment, bench warrants, and related sealing documents filed

in this case, or even the public-docketing of those documents, will likely substantially hinder law enforcement's efforts in apprehending the defendants, and may also endanger law enforcement personnel and confidential civilian witnesses. Disclosure of the Indictment and bench warrants will complicate law enforcement efforts to secure the voluntary surrender of the defendants on these charges. Accordingly, it is essential that any information concerning the defendants' having a pending case in this district be kept under seal until their arrest is accomplished.

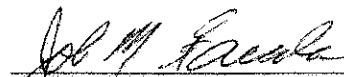
Based on the representations in the government's motion, see Washington Post v. Robinson, 935 F.2d 282, 289 n. 10 (D.C. Cir. 1991), and this Court's findings of facts, this Court finds that there is a compelling governmental interest in sealing the Indictment, bench warrants, pleadings, records and files in this case and that an extraordinary situation exists which justifies a delay in the public docketing of any notice that the government's motion and this Order have been filed with the Criminal Clerk's office under seal.

Based on the above, it is this 4th day of December, 2008

ORDERED that this Order, and the attached government motion to seal the Indictment, bench warrants, and other pleadings, recordings, proceedings, and files and to delay entry on the public docket of the filing of this motion to seal shall be filed under seal in the Criminal Clerk's office.

It is further **ORDERED** that the Indictment, bench warrants, all proceedings and all pleadings, records and files in this case shall remain under seal until the arrest of one or more of the defendants, except that the existence and/or contents of the Indictment in the above-captioned matter may be disclosed to United States and Iraqi military, intelligence, diplomatic and law enforcement officials, to the extent that such disclosure is necessary for those officials to prepare appropriately

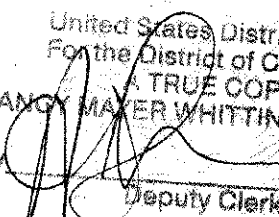
for the potential effects of disclosure of the Indictment.



United States Magistrate Judge
for the District of Columbia

Copies to:

Kenneth C. Kohl
Jonathan M. Malis
Assistant United States Attorneys
555 4th Street, N.W., Room 11-850
Washington, D.C. 20530

United States District Court
For the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
By 
Deputy Clerk

8/4/08