

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA 2009 JUN -2 P 1:26

Estate of Sabah Salman Hassoon;
Hamzia Unbaid Alwan;
Sajjad Sabah Salman; Mohammed Sabah
Salman; Ali Sabah Salman;
Estate of Azhar Abdullah Ali; Ibtisam Abbass
Jorrey; Sajjad Azahar Abdullah; Emad Azhar
Abdullar; Sajah Azhar Abdullar;
And estate of Nibrass Mohammed Dawood;

Plaintiffs, all residing in Baghdad, Iraq
at addresses that cannot be disclosed
for safety and security

v.

Erik Prince
1650 Tysons Boulevard
McLean, VA 22012

Prince Group
1650 Tysons Boulevard
McLean, VA 22012

EP Investments LLC
1650 Tysons Boulevard
McLean, VA 22012

Greystone
1650 Tysons Boulevard
McLean, VA 22012

Total Intelligence
1650 Tysons Boulevard
McLean, VA 22012

The Prince Group LLC
1650 Tysons Boulevard
McLean, VA 22012

Xe
850 Puddin Ridge Road
Moyock, NC 27958

CIVIL ACTION CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

NO. 1:09cv618

LMB/IDD

CIVIL COMPLAINT
JURY DEMAND

3. Venue is proper in this Court pursuant to 28 U.S.C. Section 1391(a)(3) and Section 1391(b)(2).

THE PARTIES

3. Plaintiff is the Estate of Sabah Salman Hassoon. Before being shot by Xe-Blackwater, Sabah Salman Hassoon was a 38-year old father of three who worked as a security guard for the Iraqi Media Network.

4. Plaintiff Hamzia Ubaid Alwan is the widow of Sabah Salman Hassoon. She is a 45-year old mother now raising three young children without her husband.

5. Plaintiffs Sajjad Sabah Salman, Mohammed Sabah Salman, and Ali Sabah Salman are the three sons forced to grow up without their father. Now 12, 11 and 10 years old, they have suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

6. Plaintiff is the Estate of Azhar Abdullah Ali. Before being shot by Xe-Blackwater, Azhar Abdullah Ali was a 33-year old father of three who worked as a security guard for the Iraqi Media Network.

7. Plaintiff Ibtisam Abbass Jorrey is the widow of Azhar Abdullah Ali. She is a 29-year old mother now raising three young children without her husband.

8. Plaintiffs Sajjad Azhar Abdullah; Emad Azhar Abdullah; and Sajah Azhar Abdullah are the three children forced to grow up without their father. Now 9, 7 and 4 years old, they have suffered, and continue to suffer greatly, as a result of Xe-Blackwater's misdeeds.

9. Plaintiff is the Estate of Nibrass Mohammed Dawood. Before being shot by Xe-Blackwater, Nibrass Mohammed Dawood was a 25-year old who worked as a security guard for the Iraqi Media Network.

THE XE-BLACKWATER IRAQI MEDIA NETWORK SHOOTING

16. On February 7, 2007, heavily-armed Xe-Blackwater employees shot and killed three men working as security guards at the rear gate of the Iraqi Media Network compound in central Baghdad -- Sabah Salman Hassoon, Azhar Abdullah Ali, and Nibrass Mohammed Dawood. The Xe-Blackwater employees had no reason to shoot these three men.

17. Approximately 20 Xe-Blackwater employees witnessed the crimes. Blackwater-Xe supervisors learned of the killings shortly after they occurred. Yet Xe-Blackwater did nothing to report the shootings. Instead, Xe-Blackwater acted, and continues to act, in conspiracy with the shooters, to evade any accountability whatsoever.

18. Xe-Blackwater's bad acts include, among other things, refusing to identify the shooters to Iraqi authorities and destroying documents and other evidence relating to this and other Xe-Blackwater shootings.

19. This action seeks damages sufficient to stop Xe, formerly Blackwater, in all of its various corporate incarnations, from continuing its lawless behavior. These companies (including an Xe-Blackwater company called Falcon, which continues to operate in Iraq), are all component parts of a single private company wholly owned and personally controlled by a man named Erik Prince. Xe-Blackwater's unjustified killings of Sabah Salman Hassoon, Azhar Abdullah Ali, and Nibrass Mohammed Dawood are but one of a staggering number of senseless deaths that directly resulted from Xe-Blackwater's misconduct.

20. Xe-Blackwater provides armed forces to protect Department of State personnel in Iraq. These mobile armed forces that accompany diplomats and others in need of protection are consistently referred to by Xe-Blackwater as "shooters."

21. Xe - Blackwater earned more than two billion dollars from the United States. The United States paid Xe - Blackwater these substantial sums based on Xe - Blackwater's misrepresentations that it was a legitimate company able to conduct itself in a lawful manner. But in fact, Xe - Blackwater operates extra-legally, providing heavily-armed mercenaries who flout the laws of this nation and the host nation, Iraq.

22. On February 7, 2007, approximately 20 Xe-Blackwater employees in four SUVs escorted a U.S. diplomat to a meeting at the Iraqi Justice Ministry outside the Green Zone. During the meeting, Blackwater shooters took up positions on the Justice Ministry's roof.

23. Across the street from the Iraqi Justice Ministry sits the compound of the Iraqi Media Network, a state-owned and operated enterprise, which operates newspapers, radio stations and the al-Iraqiya television station. (The United States provides assistance to this network.) The rear gate to the Iraqi Media Network compound sits across the street from the Iraqi Justice Ministry. A traffic circle known as King Faisal Square separates the two compounds.

24. The three deceased were guards for Iraqi Media Network, and were manning their guard stations on February 7, 2007.

25. Xe-Blackwater shooters located on the roof across the street opened fire on Nibrass Mohammed Dawood, who was stationed on a balcony overlooking gate. The Xe-Blackwater shooters hit him, and he fell to the balcony floor. Xe-Blackwater shooters had no reason to shoot him.

26. Several other guards heard the shot and saw Nibrass Mohammed Dawood fall. As they ran to his side to assist him, they too came under fire from the Xe-Blackwater shooters.

27. Azhar Abdullah Ali and Sabah Salman Hassoon were among those who ran to assist Nibrass. Xe-Blackwater shooters shot them both as they were assisting Nibrass.

28. The Iraqi Army commander at the site, Captain Ahmed Thamir Abood, received a phone call from the Justice Ministry telling him that the shots were coming from the Americans stationed on the roof of the Ministry.

29. Captain Abood rushed toward the Justice Ministry, where he confronted the Xe-Blackwater shooters as they were preparing to leave. Captain Abood questioned them about the shootings.

30. Xe-Blackwater personnel refused to identify who was in charge or to answer Captain Abood's questions. They joked among themselves, giving contradictory statements regarding to whom the Captain should speak. Instead of answering questions posed by the Iraqi military captain, Xe-Blackwater shooters loaded up their vehicles, released smoke grenades and sped off toward the Green Zone.

31. The families later discovered from Iraqi police reports that Xe-Blackwater had been involved in the shootings, and that the shootings were described as "an act of terrorism."

32. Xe-Blackwater failed to conduct any investigation whatsoever into the shootings.

33. Instead, Xe-Blackwater conspired with the shooters to protect their identities from discovery and to evade any accountability.

XE – BLACKWATER'S PATTERN AND PRACTICE OF ILLEGAL ACTIVITY

34. Blackwater's shootings of Nibrass Mohammed Dawood, Azhar Abdullah Ali and Sabah Salman Hassoon were neither the first nor the last time Xe-Blackwater shot and killed innocents for no reason.

35. Xe - Blackwater has a pattern and practice of recklessness in the use of deadly force. Xe - Blackwater has created and fostered a corporate culture in which excessive and unnecessary use of deadly force by its employees is not investigated or punished in any way.

36. Xe - Blackwater routinely sends heavily-armed "shooters" into the streets of Baghdad with the knowledge that some of those "shooters" are chemically influenced by steroids and other judgment-altering substances.

37. Xe-Blackwater routinely gives weapons to men known to be alcoholics or drug users. Xe-Blackwater fails to prevent its employees from carrying their weapons when they are imbibing alcohol or using drugs.

38. Xe - Blackwater management refused to fire or discipline mercenaries who murdered innocent Iraqis. Mercenaries known to have committed "bad shoots" (i.e. murder) would not even be placed on the "do not use" list. Instead, Xe - Blackwater would continue to rehire and deploy mercenaries known to have killed innocents for no reason. Plaintiffs will show at trial a litany of illegal shootings around the globe by Xe-Blackwater.

39. Xe-Blackwater repeated engages in illegal conduct. Xe - Blackwater engages in conduct that violates the laws governing the use and sale of firearms. Xe-Blackwater fails to track or monitor its weaponry and ammunition as is required by law.

40. Plaintiffs will show at trial that Xe - Blackwater hired and continues to hire former military officials known to have been involved in human rights abuses in Latin American and elsewhere. Although Xe - Blackwater tries to pass itself off as a company using retired American military, the company actually recruits mercenaries from the Philippines, Chile, Nepal, Colombia, Ecuador, El Salvador, Honduras, Panama, Peru, Bulgaria, Poland, Romania, Jordan and perhaps South Africa. Xe - Blackwater hires and deploys to Iraq foreign nationals without

regard for the fact that they were forbidden by the laws of their country from serving as mercenaries.

41. Given its status as a mercenary or quasi-mercenary organization, Xe – Blackwater violates the law by seeking and accepting work from the United States government. The Anti-Pinkerton Act, 5 U.S.C. § 1803, prohibits the United States from doing business with “[a]n individual employed by the Pinkerton Detective Agency, or similar organization.” The legislative history of the Act makes it clear that a “similar organization” means any mercenary or quasi-mercenary organization.

XE-BLACKWATER’S DESTRUCTION OF EVIDENCE

42. Xe – Blackwater captured much of the illegal conduct on videotape and audiotape. Reasonable discovery will show that Xe-Blackwater generated documents that revealed the identities of the shooters in the February 7, 2007 incident. Reasonable discovery will show that Xe – Blackwater intentionally destroyed evidence relating to this incident.

43. Reasonable discovery will show that on or about March 18, 2008, Defendants’ high-level executives Messrs. Gary Jackson and Dave Jackson met with others at Xe-Blackwater (then called Blackwater) to discuss ongoing Department of Justice investigations and other legal troubles. Reasonable discovery will show that after that meeting, Xe-Blackwater employees began to destroy documents and other evidence relating to the events at issue in this and other legal proceedings.

DAMAGES

44. Defendants are liable for killing Nibrass Mohammed Dawood, Azhar Abdullah Ali and Sabah Salman Hassoon. Defendants are liable for the pain and suffering caused to

Nibrass Mohammed Dawood, Azhar Abdullah Ali and Sabah Salman Hassoon, as well as the pain and suffering and loss of consortium caused to the family members of these victims.

45. Defendants are liable for the physical and mental injuries caused to all Plaintiffs. Plaintiffs seeks compensatory and punitive damages in an amount for each individual in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332. Plaintiffs also seek any and all additional remedies (such as attorneys' fees) available under law and equity.

COUNT ONE – WAR CRIMES

46. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

47. Defendants' acts were deliberate, willful, intentional, wanton, malicious and oppressive and constitute war crimes.

48. Defendants' acts took place during a period of armed conflict.

49. Defendants committed war crimes against Nibrass Mohammed Dawood, Azhar Abdullah Ali and Sabah Salman Hassoon and others.

50. Defendants are liable for their conduct that constitutes war crimes.

51. Defendants' misconduct caused grave and foreseeable injuries to Plaintiffs.

COUNT TWO – ASSAULT AND BATTERY

52. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

53. Defendants unlawfully intended to and did inflict immediate injury upon Plaintiffs.

54. Defendants intentionally assaulted, battered, and made other offensive contacts; and aided and abetted the assaulting, battering and offensively contacting of the Plaintiffs.

55. Plaintiffs did not consent to the offensive contacts. Plaintiffs feared for their personal safety and felt threatened by Defendants' actions.

56. Defendants committed the assaults and batteries.

57. Defendants' acts caused grave and foreseeable damages to Plaintiffs.

COUNT THREE – WRONGFUL DEATH

58. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

59. Defendants' wrongful acts and omissions caused the death of Plaintiffs.

60. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to act in the manner that led to the wrongful deaths.

61. The Estate Plaintiffs are the duly appointed personal representative of Nibrass Mohammed Dawood, Azhar Abdullah Ali and Sabah Salman Hassoon, respectively.

62. The deaths of Nibrass Mohammed Dawood, Azhar Abdullah Ali and Sabah Salman Hassoon were the foreseeable result of Defendants' wrongful acts and omissions.

COUNT FOUR – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

63. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

64. Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct on Plaintiffs and their family members.

65. Defendants set the conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with others to inflict emotional distress on Plaintiffs.

66. Defendants' acts caused grave and foreseeable injuries to Plaintiffs and his family members.

COUNT FIVE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

67. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

68. Defendants negligently inflicted severe emotional distress on Plaintiffs.

69. Defendants breached a duty to Plaintiffs.

70. Defendants' negligence directly and foreseeably harmed Plaintiffs.

COUNT SIX – NEGLIGENT HIRING, TRAINING AND SUPERVISION

71. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

72. Defendants acted negligently and directly harmed Plaintiffs by:

(a) failing to take the appropriate steps in hiring proper personnel to perform services;

(b) failing to properly screen personnel before their hiring;

(c) failing to train personnel properly;

- (d) failing to investigate allegations of wrongdoing;
 - (e) failing to reprimand for wrongful actions;
 - (f) failing to adequately monitor for and stop illegal substance abuse; and
 - (g) negligently permitting repeated lawlessness by employees.
73. Defendants' negligence directly and foreseeably harmed Plaintiffs.

COUNT SEVEN – TORTIOUS SPOILATION OF EVIDENCE

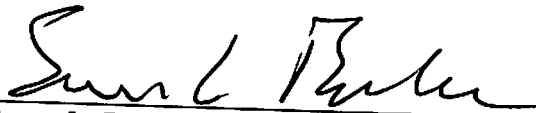
74. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.
75. Defendants had a legal duty to preserve evidence relating to unauthorized uses of force.
76. Defendants intentionally destroyed that evidence to prevent detection of its wrongdoing.
77. Defendants' destruction of evidence significantly impaired Plaintiffs' ability to prove certain facts in this action.
78. Defendants' intent in destroying the evidence was to lessen the risk that they would be found liable by a jury hearing this action.
79. Defendants' intentional destruction of evidence harmed and continues to harm the Plaintiffs.

DAMAGES

80. Plaintiffs, acting when necessary through the Estates, are entitled to any and all remedies available to them as a result of the conduct alleged herein, including, but not limited to:
- (a) compensatory damages for death, physical, mental and economic injuries;

(b) punitive damages in an amount sufficient to strip Defendants of all of the revenue and profits earned from their pattern of constant misconduct and callous disregard for human life; and

(c) any attorneys' fees and costs permitted by law.



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