

# Center for American Progress Action Fund



**Statement of  
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before the  
United Nations Office of the High Commissioner for Human Rights  
Expert Meeting, Working Group On The Use Of Mercenaries  
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Chairman José Luis Gómez del Prado, distinguished members of the Working Group on the use of mercenaries, thank you for this opportunity to speak to you. My name is Pratap Chatterjee and I am a Visiting Fellow at the Center for American Progress, where I focus on government procurement reform as part of the “Doing What Works” team.<sup>1</sup> I’m also a member of the board of directors of Amnesty International USA.

First, I’ll give you a sense of my background. I have traveled to the Middle East and Central Asia more than a dozen times since September 11, 2001, spending more than 16 months on the ground in the region to investigate military contractors. I have visited Afghanistan and Iraq four times each, starting in January 2002. I traveled to both those countries as a journalist and spent almost all my time in the so-called “red zones,” accompanied generally only by a fixer or translator. In addition, I have also embedded with the U.S. military and visited bases in Afghanistan and Iraq, as well as in Kosovo and Kuwait, to research military logistics and police training contracts with KBR and DynCorp. I have written two books on this subject—*Halliburton’s Army* and *Iraq, Inc.*—as well as numerous articles and reports such as “Outsourcing Intelligence in Iraq,” which was produced in collaboration with Amnesty International.<sup>2</sup> In my role as managing editor of CorpWatch, a website tracking corporate malfeasance, I also commissioned and edited a number of other investigative reports such as “Afghanistan, Inc.” on reconstruction in that country.<sup>3</sup> I would be happy to make copies of any of these materials available to the Working Group should you be interested.

I would like to begin my remarks by noting that in the United States the use of private contractors for military purposes is now firmly entrenched in the Defense Department and many other government agencies. The activities of these contractors range from low-skill tasks like janitorial, kitchen, and transportation services, to essential military logistical support functions like weapons maintenance and protection. These armed security contractors can be further divided into two categories: static and mobile. Static guards are mostly relegated to enforcing entry rules, although they do carry weapons. The mobile security contractors who provide convoy support have attracted the most attention because of the likelihood of conflict with local populations. Most of the first “static”

group of workers do not pose such a threat to local populations since they are not typically armed. Yet it would be a mistake to assume that mobile security teams are the only group of private contractors that pose human rights threats in conflict zones.

There are several other groups worthy of attention, such as interrogators and translators, some of whom provide inherently governmental services and others that provide support for such work. The Working Group has reported on two such companies—CACI and L-3/Titan—yet it has not sufficiently addressed their work in the draft convention. I would also like to discuss briefly the inexperienced police officers that have been hired through companies like DynCorp and tasked to train local security forces.

Finally I would like to discuss the tracking of weapons and ammunition that were supplied by contractors, and the theft and misuse of weapons by security forces. Once again, these are matters that the Working Group has examined, but I feel has not sufficiently tackled.

Briefly, my recommendations to the Working Group are as follows: (i) Create a model register of private military and security companies, (ii) incorporate freedom of information into the draft convention, (iii) set up minimum standards and professional guidelines for translators, (iv) collaborate with the Arms Trade Treaty negotiators, and (v) start a "name and shame" campaign against private military and security companies that violate international humanitarian law.

### **Interrogators, translators, and police trainers**

Let me start by giving you a few examples of the lack of qualifications of the employees of many private security and military companies that have been hired to work in the U.S. War on Terror.

You are already very familiar with the Abu Ghraib prison outside Baghdad in Iraq. The Working Group has already reported on the lawsuits against CACI and L-3/Titan, the two companies that supplied interrogators and translators to the U.S. military after the 2003 invasion.

Perhaps one of the key issues that emerged from the prison torture scandal that broke in May 2004 was that Steven Stefanowicz, a CACI interrogator accused of involvement in torture, was trained as a satellite image analyst and received no formal training in military interrogation, which involves instruction in the Geneva Conventions on human rights.<sup>4</sup>

A subsequent report in July 2004 by Lieutenant General Paul Mikolashek, on behalf of the U.S. Army Inspector General, found that a third of the interrogators supplied in Iraq by CACI had not been trained in military interrogation methods and policies. The same report mentioned that of the four contract interrogators employed by a company named Sytex in Bagram, Afghanistan, only two had received military interrogation training, and the other two, who were former police officers, had not.<sup>5</sup>

Let me give you another example of the lack of qualification of these contractors: I spent several nights in a tent in a U.S. base in Iraq some years ago with a group of Arabic translators working for L-3/Titan. One night we heard the usual loudspeaker announcing an attack with the words “incoming mortar.” I asked one of the translators, who was an American, how to say “incoming mortar” in Arabic. The American who had just finished undergraduate Arabic in Southern California had no idea so he asked a nearby Yemeni translator. Unfortunately, since the Yemeni translator spoke almost no English, he had no way to understand the American. Eventually a third translator, who was Lebanese, helped interpret between the first two translators.

I use that example to demonstrate how unqualified the translators were. Any soldier who spent time in Afghanistan will surely testify to the bravery of these translators but many will tell you their interpretation skills left much to be desired. The contract with L-3/Titan stipulated that the translators meet Interagency Language Roundtable, or ILR, Translation and Interpretation Skill Level Standards.<sup>6</sup> The U.S. Defense Contract Audit Agency, or DCAA—which is charged with making sure taxpayer money is spent properly in the military—checked to see if the company had met this contract requirement of hiring qualified translators. Yet an initial survey showed there was little documentation to support this. Unfortunately, the audit on this subject was shelved.<sup>7</sup>

Anecdotal information from translators and soldiers suggest that many night raids, arrests, and interrogations have gone awry—sometimes fatally—because of the lack of professional translators. Some surveys show that the vast majority of people imprisoned by U.S. forces over the last few years in Afghanistan and Iraq should never have been detained, in large part because of poor translation. It’s entirely plausible that more people have been injured or killed because of poor translation than in drive-by shootings by private security contractors.

Next, let me tell you about some of the police trainers that have worked in Afghanistan and Iraq. I have met with a number of DynCorp police trainers in Kabul—decent men who were perfectly qualified to work as police officers back in the United States. Yet one man from Texas told me that the first time he saw a mortar attack, he thought it was a fireworks display. Here is another example: Former Northern Illinois University police chief Don Grady was dispatched in 2006 to be the senior adviser to the Iraqi minister in charge of the police forces.<sup>8</sup> Grady gave a presentation when he returned, which I attended, in which he explained how similar his job in Baghdad was to cleaning snow off sidewalks in Bloomer, Wisconsin. When I asked him about SWAT team training in Baghdad during his tenure, he was unaware of the training in question.

One message came across loud and clear in many conversations with police trainers and their supervisors in Afghanistan and Iraq: Few trainers were qualified in the complex field of Security Sector Reform that has evolved from the last several decades of work by a number of different multilateral forces in post-conflict countries. Most of the police trainers hired by the United States in Afghanistan and Iraq had working life experiences in small towns across America that were no more useful to them than if they had trained on the moon. They had never traveled outside the United States, they were unfamiliar

with the local legal system and security conditions, and they rarely spoke a single word of the local language. At best, they acted as babysitters to make sure that abuses did not take place on their watch. Their success in even that role is questionable, since they were never allowed to live in the field.

### **Security contractors and weapons supplies**

Let me briefly discuss a second topic: The United States has supplied tens of thousands of weapons and millions of rounds of ammunition to both Afghanistan and Iraq for the use of the local security forces. The U.S. government did so by paying a number of companies like AEY in Florida, Taos in Alabama, and Wolf in California.<sup>9</sup> These companies bought large quantities of materiel from Eastern Europe and even from China to send to both countries.<sup>10</sup> In February 2009, the U.S. Government Accountability Office suggested that neither the government nor the contractors recorded the serial numbers for a large quantity of these weapons shipped to Afghanistan. Spot checks also indicated that many could no longer be found.<sup>11</sup>

On two subsequent trips in 2009, I visited police training centers and stations in Afghanistan and looked into the tracking system for these weapons and ammunition. In one meeting my translator overheard the Afghan police officials discussing in Dari how to answer my question because they did not have proper systems to track the guns, let alone the ammunition. The biggest problem they faced was that most Afghan police officers are illiterate—at least 70 percent by the most optimistic estimate I heard and as much as 95 percent—and are unable to fill out forms to track the weapons. The second problem was that Afghan officials were shortchanged by some contractors, such as Efraim Diveroli of AEY, who was sentenced to jail in March for supplying 50-year-old ammunition.<sup>12</sup>

I have been given anecdotal information about weapons being sold by unscrupulous police officers. I was even offered the opportunity to purchase a police gun. I recommend the work of Chris Chivers at the *New York Times* who has documented a number of cases of these weapons falling into the hands of the Taliban in the At War blog and in his new book, *The Gun*.<sup>13</sup> Nor are guns the only items that are traded. It was common knowledge that one could buy Afghan police officer uniforms and boots at the Kohan Froshi market in downtown Kabul.<sup>14</sup>

Weeks after my last trip to Afghanistan, news emerged of the case of Paravant, a Blackwater subsidiary, whose employees were hired to train the Afghan security forces in the use of weapons. You are undoubtedly aware of the incidents described to the U.S. Senate Armed Services Committee in February about Paravant employees allegedly raiding Bunker 22, the Afghan police armory, and taking a number of AK-47s for their personal use.<sup>15</sup> In addition, diplomatic and intelligence personnel I met with in Kabul told me it was not just the weapons that have gone missing but also large quantities of 7.62 ammunition that can be used in the ubiquitous AK-47.

One does not even have to look into the actions of the Taliban to understand the implications of a failure to track ammunition and weapons transfers to Afghanistan. Justin Cannon and Christopher Drotleff, two Paravant employees, left their military base in May 2009 without authorization and opened fire into the back of a civilian car after a traffic accident.<sup>16</sup> The driver of the car and a civilian bystander were killed. Drotleff and Cannon were convicted of manslaughter by a jury in Virginia in March.<sup>17</sup> The two Paravant employees were found to have records of misconduct and violent behavior as well as terminations for alcohol and drug use.<sup>18</sup> At least one former Paravant assistant team leader, Sebastian Kucharski, was even blacklisted from being hired by the company itself for his work in Iraq, yet he was given a job in Afghanistan.<sup>19</sup>

Anywhere you go in Kabul you can see armed private security guards in front of businesses and major buildings, most of whom are Afghan. I have occasionally stopped to chat with them to ask them about where they come from. At least one group I met was comprised entirely of young men from the same village Vice President Fahim is from. They worked for his brother, who has multimillion-dollar contracts supplying fuel to the Kabul Power Plant.<sup>20</sup> Everybody I talked to referred to the vice president's brother's security company as a militia.

This company is not unusual. Back in 2006, I commissioned and edited a report that revealed that a company called U. S. Protection and Investigations, or USPI, was hiring local thugs to protect U.S. construction contractors in Afghanistan working for USAID, thereby supplying money and weapons to some of the worst elements of society.<sup>21</sup> Since then, Del and Barbara Spier, co-owners of USPI, pleaded guilty to defrauding the U.S. government, billing for nonexistent expenses from fictitious companies, and inflating the number of Afghan guards on their payroll.<sup>22</sup>

You are also no doubt aware of the findings of the staff of the U.S. Senate Subcommittee on National Security and Foreign Affairs, who released a report entitled "Warlord, Inc." about the actions of several trucking firms that made payments to private security firms controlled by local warlords to ensure safe passage of goods destined for U.S. bases.<sup>23</sup>

These examples suggest that if the U.S. plans to finance private security companies and provide large quantities of ammunition and weapons to local security forces, it behooves the government to check the records of the companies they award work to, who they hire, and what happens to the lethal products that are provided to them. Otherwise, governments are likely to be funding conflict and people who commit human rights abuses.

I do not want to suggest that the majority of the individuals that the United States has hired are bad people. To the contrary. In the course of my work over the last 10 years, I have met several hundred contract workers in a number of the war zones. Some of them were U.S. truck drivers from places like El Paso, Texas; others were cooks from Pampanga in the Philippines; yet others were Arabic-speaking immigrants from Yemen. Almost all of them were honest people trying to pay their bills and support families; very few fit the media image of crooked gunslingers.

## Recommendations

I want to close with one example of a government agency that did something right. You might be familiar with the name Robert Stein, a former felon from North Carolina, who was paid to oversee reconstruction in northern Iraq after the invasion.<sup>24</sup> Stein awarded millions of dollars' worth of contracts to his friends in Romania, but was caught, pleaded guilty to fraud in November 2005, and was sentenced to nine years in prison and ordered to pay \$3.6 million in fines.<sup>25</sup>

Most of the corruption Stein was involved in was stealing from the Development Fund for Iraq, which had no checks and balances. He used the money to buy weapons, a plane, jewelry, and even prostitutes. But what is most astonishing is not any of his sins. It's that when he got a contract from the U.S. Agency for International Development, or USAID, to repair a police station in Al Hillah, which required him to turn in proof of work to get paid, this former felon actually did a reasonable job, according to a Special Inspector General Report for Iraq.<sup>26</sup>

Just as Stein did a good job when doing so was a requirement for getting paid, governments need to make sure that the translators and police trainers are paid for good work, that the guns that they use are properly tracked, and kept safe.

How do governments make sure that contractors do not violate human rights? I believe that the draft convention on private military and security companies that you have developed and your work toward enacting such an international convention is paramount. It is not sufficient to have volunteer efforts by security companies to police themselves. We need international regulation as well as enforcement of criminal judgments against violators, such as de-licensing.

As proposed in Article 4 and Article 9 of the draft convention that you have drawn up, I agree that banning certain kinds of activities such as intelligence gathering and offensive operations because they are inherently governmental is one answer. For those activities that are permitted, good record keeping through a system of state registers that can be shared between governments is an important part of the solution, as you suggest in Article 13 and Article 30. Equally important are regular investigations of violators as you suggest in Article 34 and 37.

I recommend that the Working Group on the use of mercenaries support the following further strategies for creating regulatory frameworks for private military and security companies:

- This Working Group should study existing registration systems for private military and security companies and their individual employees and propose a model register based on best practices rather than wait till after the signing of a convention. The key criteria should be to find a system that establishes minimum qualifications and licensing to prevent violations.

- A freedom-of-information system needs to be incorporated into the convention whereby both governments as well as the general public should be allowed to examine the records of private military and security companies.

For example, the U.S. government has launched a new database called the Federal Awardee Performance and Integrity Information System, which allows government officers to examine a contractors past performance record.<sup>27</sup> The public version of this database is not great so far but the idea is a good one.<sup>28</sup> Had the contracting officers also been able to check if individual contractors had any prior convictions, Robert Stein's criminal record would have come to light. So, too, might have the record of the Paravant employees.

Should governments deny work to those with prior convictions? Not at all, but if a government hires former felons like Robert Stein or startup companies like AEY and USPI, it needs to pay closer attention. The general public and the media play an equally important role because they can help monitor violations when states are unwilling or unable to track offenders.

- Establish a system of minimum standards and professional guidelines for translators, whether they work for the government or for contractors, to prevent human rights abuses and also to ensure that mistaken detentions or attacks do not take place.
- This working group should collaborate with the United Nations bodies working on the draft convention on common international standards for the import, export, and transfer of conventional arms, often known as the Arms Trade Treaty.
- Given that there is a substantial risk of leakage of weapons and ammunition from private security and military companies, it is important that the convention on private military and security companies reinforce the common international standards set up by this treaty.
- Begin a "name and shame" campaign against private security and military companies that violate international humanitarian law. The basis for such actions could be either existing state legal judgments or international investigations undertaken by this Working Group.

Thank you again for your invitation to speak at the Working Group and for your leadership in this matter. I welcome your questions.

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<sup>1</sup> "Doing What Works," available at [http://www.americanprogress.org/projects/doing\\_what\\_works](http://www.americanprogress.org/projects/doing_what_works).

<sup>2</sup> Pratap Chatterjee, *Halliburton's Army: How a Well-Connected Texas Oil Company Revolutionized the Way America Makes War* (New York: Nation Books, 2009); Pratap Chatterjee, *Iraq, Inc.: A Profitable Occupation* (New York: Seven Stories Press, 2004); Pratap Chatterjee, *Outsourcing Intelligence in Iraq: A CorpWatch Report on L3/Titan* (San Francisco: CorpWatch, 2008), available at <http://www.amnestyusa.org/pmscs/corwatchl3rpt.pdf>.

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<sup>3</sup> “CorpWatch,” available at <http://www.corpwatch.org/>; Fariba Nawa, “Afghanistan, Inc.: A CorpWatch Investigative Report” (San Francisco: CorpWatch, 2006), available at <http://s3.amazonaws.com/corpwatch.org/downloads/AfghanistanINCfinalsmall.pdf>.

<sup>4</sup> Department of the Army Inspector General, “Detainee Operations Inspection” (2004). See also Josh White and Scott Higham, “Army Calls Abuses ‘Aberrations’ Report Cites 94 Detainee-Mistreatment Cases in Iraq and Afghanistan,” *The Washington Post*, July 23, 2004.

<sup>5</sup> Ibid.

<sup>6</sup> Chatterjee, *Outsourcing Intelligence in Iraq*.

<sup>7</sup> L-3/Titan staff, interviews with author, 2008.

<sup>8</sup> Stu Woo, “Police Chief at Northern Illinois University Is Headed to Iraq,” *The Chronicle of Higher Education*, October 6, 2006.

<sup>9</sup> Department of Defense contracts for weapons supplies included (but are not limited to) W914NS-05-M-859, W91GY0-06-C-020 W914NS-05-D-003, W914NS-04-M-004, W91GY0-08-M-0011, W914NS-05-D-9010, and W914NS-04-D-0115 (Taos contracts in Iraq) Contracts W91CRB-04-D-0025; W52P1J-07-C-0042 (Taos contracts in Afghanistan). Contract W52P1J-07-D-0004 and Contract W91CRB-04-D-0025. (AEY in Afghanistan) W91GY0-07-M-0861 and W914NS-05-D-012 (AEY in Iraq) Wolf ammunition supplies observed and photographed by author at Afghan National Army training exercise. (No contract numbers available). See also: Amnesty International, “Dead on Time – arms transportation, brokering and the threat to human rights” (2008), available at <http://www.amnesty.org/en/library/asset/ACT30/008/2006/en/ca2bf8eb-d434-11dd-8743-d305bea2b2c7/act300082006en.pdf>.

<sup>10</sup> C.J. Chivers, “Supplier Under Scrutiny on Arms for Afghans,” *The New York Times*, March 27, 2008.

<sup>11</sup> Government Accountability Office, “Afghanistan Security: Lack of Systematic Tracking Raises Significant Accountability Concerns about Weapons Provided to Afghan National Security Force” (2009).

<sup>12</sup> U.S. Attorney’s Office, Southern District of Florida, “Munitions Supplier Sentenced on Defense Procurement Fraud and Lying to Army on Government Munitions Contract,” Press release, March 23, 2011, available at <http://www.justice.gov/usao/fls/PressReleases/110323-01.html>.

<sup>13</sup> See, notably, the following six articles: C.J. Chivers, “Taliban Gun Lockers: The Rifles of Rural Ghazni Province,” *At War*, January 31, 2011, available at <http://atwar.blogs.nytimes.com/2011/01/31/taliban-gun-lockers-the-rifles-of-rural-ghazni-province/>; C.J. Chivers, “One Poor Choice in Arming the Afghans, and Its Repercussions,” *At War*, October 26, 2010, available at <http://atwar.blogs.nytimes.com/2010/10/26/one-poor-choice-in-arming-the-afghans-and-its-repercussions/>; C.J. Chivers, “Afghan Gun Lockers, Revisited,” *At War*, September 30, 2010, available at <http://atwar.blogs.nytimes.com/2010/09/30/afghan-gun-lockers-revisited/>; C.J. Chivers, “What’s Inside a Taliban Gun Locker?,” *At War*, September 15, 2010, available at <http://atwar.blogs.nytimes.com/2010/09/15/whats-inside-a-taliban-gun-locker/>; C.J. Chivers, “Arming Both Sides: The Perils of Ammunition Leakage in the Afghan War,” *At War*, February 22, 2010, available at <http://atwar.blogs.nytimes.com/2010/02/22/arming-both-sides-the-perils-of-ammunition-leakage-in-the-afghan-war/>; C.J. Chivers, “Reading (Rifle) Magazines,” *At War*, February 1, 2011, available at <http://atwar.blogs.nytimes.com/2010/02/01/reading-rifle-magazines/>. C.J. Chivers, *The Gun* (New York: Simon & Schuster, 2010).

<sup>14</sup> Ray Rivera, “Afghan Police Seek to Stop Illicit Trade in Uniforms,” *The New York Times*, April 23, 2011.

<sup>15</sup> “Contracting in a Counterinsurgency: An Examination of the Blackwater-Paravant Contract and the Need for Oversight,” Senate Armed Services Committee hearing, February 24, 2010.

<sup>16</sup> U.S. Department of Justice, “Two Individuals Charged with Murder and Other Offenses Related to Shooting Death of Two Afghan Nationals in Kabul, Afghanistan,” Press release, January 7, 2010.

<sup>17</sup> U.S. Department of Justice, “Two Contractors Convicted of Involuntary Manslaughter for Death of Afghan National in Kabul, Afghanistan,” Press release, March 11, 2011.

<sup>18</sup> Mike Baker, “Charged contractors had checkered military pasts,” Associated Press, January 25, 2010.

<sup>19</sup> “Contracting in a Counterinsurgency.”

<sup>20</sup> “Recurring problems in Afghan construction,” Commission on Wartime Contracting hearing, January 24, 2011. For details on Vice President Fahim’s companies, see also: Pratap Chatterjee, “Black & Veatch’s Tarakhil Power Plant: White Elephant in Kabul,” CorpWatch, November 19, 2009, available at <http://www.corpwatch.org/article.php?id=15472>.



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<sup>21</sup> Nawa, "Afghanistan, Inc." See also: Fariba Nawa, "The Gunmen of Kabul," CorpWatch, December 21, 2007, available at <http://www.corpwatch.org/article.php?id=14863>; Daniel Shulman, "The Cowboys of Kabul," *Mother Jones*, July 29, 2009, available at <http://motherjones.com/politics/2009/07/cowboys-of-kabul>.

<sup>22</sup> U.S. Department of Justice, "Husband and Wife Co-owners of Subcontracting Company Plead Guilty to Contract Fraud Related to Afghanistan Rebuilding," Press release, September 9, 2009.

<sup>23</sup> House of Representatives Committee on Oversight and Government and Reform, Subcommittee on National Security and Foreign Affairs, "Warlord, Inc.: Extortion and Corruption along the U.S. Supply Chain in Afghanistan," (2010).

<sup>24</sup> James Glanz, "Issuing Contracts, Ex-Convict Took Bribes in Iraq, U.S. Says," *The New York Times*, November 18, 2005.

<sup>25</sup> U.S. Department of Justice, "Former DOD Contractor Sentenced in Case Involving Bribery, Fraud and Money Laundering Scheme in al-Hillah, Iraq," Press release, January 29, 2007.

<sup>26</sup> Office of the Special Inspector General for Iraq Reconstruction, "Police Academy: Hilla, Iraq" (2006), available at <http://www.sigir.mil/files/assessments/PA-05-032.pdf>.

<sup>27</sup> "Federal Awardee Performance and Integrity Information System," available at <https://www.fapiis.gov/fapiis/govt/fapiispubaccessmain.jsp>.

<sup>28</sup> Neil Gordon, "FAPIS First Impressions," Project on Government Oversight, April 18, 2011, available at <http://pogoblog.typepad.com/pogo/2011/04/fapiis-first-impressions-.html>. See also: Tom Lee, "FAPIS May Be the Worst Government Website We've Ever Seen," Sunlight Foundation, April 19, 2011, available at <http://sunlightfoundation.com/blog/2011/04/19/fapiis-may-be-the-worst-government-website-weve-ever-seen/>.