



Judge declines to drop charges in Nisoor Square shooting

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WASHINGTON

Federal prosecutors won a pair of preliminary victories today in their bid to bring five former employees of Blackwater Worldwide to trial on manslaughter and weapons charges arising out of a September 2007 shooting spree that killed at least 14 Iraqis in Baghdad's Nisoor Square.

U.S. District Judge Ricardo Urbina said the Justice Department's claims that the men were working in support of the military's mission in Iraq are sufficient to take the case to trial. He also ruled that the government had authority to charge the men in the District of Columbia, rejecting defense suggestions that the case be moved to Utah, where one of the defendants, Donald Ball, lives.

Defense lawyers had argued that the law the government relied on in bringing charges, the Military Extraterritorial Jurisdiction Act, applies only to service members or civilian contractors working in support of Pentagon missions. Blackwater's contract in Iraq was to provide security for State Department employees, they said.

If Blackwater was working for the Pentagon, "nobody told the Secretary of Defense, nobody told the Secretary of State," said Washington lawyer Mark Hulkower.

But Justice Department lawyer Kenneth Kohl argued that the defense was attempting to put Blackwater employees into "a legal no man's land," where they would be free to kill or injure Iraqis without fear of prosecution.

Kohl conceded that Blackwater was not working under contract with the military but argued that its activities in providing security for State Department workers were geared to free troops for other missions.

While siding with prosecutors today, Urbina suggested he'll want to hear additional evidence of how Blackwater's activities supported the military when the case comes to trial.

In addition to Ball, of West Valley, Utah, the others charged are Paul Slough of Keller, Tex.; Nicholas Slatten of Sparta, Tenn.; Evan Liberty of Rochester, N.H.; and Dustin Heard of Maryville, Tenn. Heard is a former Marine who served with the Norfolk-based First Fleet Anti-Terrorism Security Team between 2000 and 2003.

Prosecutors say the five defendants and a sixth man, Jeremy Ridgeway, fired on unarmed civilians without provocation, killing at least 14 and wounding 20. Ridgeway has pleaded guilty to counts that could send him to prison for 17 years and is cooperating with the government.

The incident sparked outrage across Iraq and led to the Iraqi government's decision last month to bar Blackwater personnel from that country. Blackwater last week announced that it has changed its name to Xe and will shift the bulk of its business away from providing personal security.

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