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111TH CONGRESS
2d Session

SENATE

REPORT
111–345

INQUIRY INTO THE ROLE AND OVERSIGHT OF PRIVATE SECURITY CONTRACTORS IN AFGHANISTAN

REPORT

TOGETHER WITH

ADDITIONAL VIEWS

OF THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

OCTOBER 26 (legislative day OCTOBER 1), 2010.—Ordered to be printed

Filed, under authority of the order of the Senate of September 29, 2010

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EXECUTIVE SUMMARY

"What used to be called warlord militias are now Private Security Companies."

Kandahar City Municipality & Dand District, District Narrative Analysis
ISAF, Regional Command South
Stability Operations Information Center
March 30, 2010

(U) In 2009, the Senate Armed Services Committee initiated an inquiry into private security contractors operating in Afghanistan. In the course of the inquiry, the Committee reviewed hundreds of thousands of pages of documents from the Departments of Defense and State, the U.S. Agency for International Development, and private security contractors. Committee staff conducted more than 30 interviews of military and contractor personnel and solicited written answers from several others. This report is a product of that inquiry.

(U) The Committee's inquiry uncovered evidence of private security contractors funneling U.S. taxpayers dollars to Afghan warlords and strongmen linked to murder, kidnapping, bribery as well as Taliban and other anti-Coalition activities. It revealed squandered resources and dangerous failures in contractor performance, including untrained guards, insufficient and unserviceable weapons, unmanned posts, and other shortcomings that directly affect the safety of U.S. Military personnel. The Committee also identified serious gaps in government oversight that allowed such failures to persist.

(U) General Stanley McChrystal, the former Commander of U.S. Forces-Afghanistan and the International Security Assistance Force (ISAF), has said that private security contractors are "just not right for a country that is growing law and order." And yet, U.S. Central Command's (CENTCOM) Armed Contractor Oversight Directorate (ACOD) reported that, as of May 2010, they were aware of more than 26,000 private security personnel operating in Afghanistan. According to the ACOD, 90 percent of those personnel were working under either U.S. Government contracts or subcontracts. The Committee's investigation reveals the threat that security contractors operating without adequate U.S. government supervision can pose to the mission in Afghanistan.

U.S. and UN Funded Contracts Benefit Afghan Warlords

(U) In March 2007, the U.S. Air Force Center on Energy and Environment (AFCEE) hired the Environmental Chemical Corporation (ECC), a construction and environmental remediation company, to conduct master planning and construction for the Afghan Air Corps Regional Expansion at Shindand Airbase. ECC contracted with ArmorGroup North America (ArmorGroup) to perform site security at the airbase.

(U) To provide most of their guard force at the base, ArmorGroup initially relied on two warlords, who were known by the company as Mr. White and Mr. Pink. Documents and testimony link those warlords and their successors, to murder, kidnapping, bribery, and anti-Coalition activities. The first group of ArmorGroup guards supplied by the warlords began working at the U.S. airbase in June 2007.

(U) According to ECC's Security Manager, the warlords had been recommended by U.S. Military personnel. In fact, the U.S. Military Team Leader at the forward operating base (FOB) adjacent to the airbase said that he recommended Mr. Pink as the "point of contact" in the community in an effort to stop the flow of locals in search of jobs at the airbase from "bothering us while we were trying to do operations." The Team Leader did not recall recommending Mr. White. Nevertheless, the two warlords and their successors served as manpower providers for ArmorGroup for the next eighteen months – a period marked by a series of violent incidents.

(U) In July 2007, Mr. White was ambushed and shot just outside the airbase. Following the attack, armed ArmorGroup guards loyal to White attempted to leave their posts "to seek revenge" for the attack. It was never determined who was responsible for the shooting. A rivalry was apparently developing between White and Pink, however, and ECC's Security Manager later suggested that the shooting was likely committed by Pink.

(U) On December 12, 2007, Mr. White again came under attack. This time, it was known that the perpetrator was Mr. Pink and his men. The attack escalated into a firefight in the local bazaar with Pink shooting White three times, killing him. ECC's Security Manager later said of the shooting that it was "kind of like a mafia thing. If you rub somebody out, you'll get a bigger piece of the pie." Following the shooting, it was reported that Pink was in a local village with a number of Taliban fighters. With White dead and Pink reportedly holed up with the Taliban, ArmorGroup found itself without a guard force provider. The company soon turned to White's brother to fill that role. He would come to be known by the company as Mr. White II.

(U) Despite reports linking Pink to the Taliban, ArmorGroup continued to employ his men for more than a month after White I's murder. A company report said the men's eventual termination from ArmorGroup was a result of reports that they were sending information to Mr. Pink "regarding our movements to and from Herat, the routine of the airfield security," and "attempting to coerce fellow members of the guard that they should join with Pink..." ArmorGroup reported that they had "very little choice" but to fire Pink's men "particularly in light of Pink's move to the Taliban..."

(U) The threat posed by Pink was not limited to operations on the airbase. In spring 2008, U.S. Forces operating out of the FOB near the airfield, identified Mr. Pink as a potential military target. The U.S. Forces Team Leader said that his team considered Pink a "mid-level Taliban manager" and said that the fact that Mr. Pink resided "immediately outside our front gate... posed a force protection issue for us."

(U) Meanwhile, Mr. White II was expanding his security services. In summer 2008, the United Nations Office for Project Services (UNOPS) awarded ArmorGroup Mine Action

(AGMA), one of the ArmorGroup family of companies, a contract to conduct mine clearance in Herat Province, including in areas around Shindand. AGMA hired White II, paying him thousands of dollars a month to provide security guards and vehicles.

(U) As to what White II did with that money, an Army Sergeant operating out of the FOB in the area said that he was advised that White II "was a supporter of Taliban operations" and that he would "help [the Taliban] with money." According to the Army Sergeant, he was informed that White II "would provide money because of his contracting jobs with ArmorGroup. He had a lot of money from that and he would give that money to Taliban commanders, and they in turn would buy weapons and ammo, whatever they need."

(U) Shortly after AGMA hired White II, a consultant for the company raised his own concerns about the warlord. In a report for AGMA, the consultant wrote that White II had had his weapons confiscated by the Afghan Ministry of Defense (MOD) in "a new crack down by the government to collect all militia's unregistered weapons." The report said that White II and the MOD Commander in Herat had had "a 'financial' agreement allowing Mr. White [II] to operate without the necessary documents," that the agreement had not been honored by Mr. White II, and that the MOD Commander "threatened to take all his weapons off him."

(U) A Marine Officer said that he was aware of the seizure and that the Afghans had taken "some pretty significant stuff" from White II, including, he thought, landmines. The Marine officer said he had also seen open source reporting after the seizure that the Afghan National Directorate of Security (NDS) had returned on July 26, 2008 and found "an even bigger cache with the same group." In fact, a July 28, 2008 news report stated that "NDS officials in Herat uncovered 2 caches of arms and ammunition suspected of belonging to Taliban" on July 26, 2008. The report said the "arms caches were found in the Pashtoon Zarghoon and Shindand Districts" and stated that the Afghan NDS had issued a statement saying "the Taliban wanted to use these weapons in terrorist attacks."

(U) Notwithstanding those reports, AGMA officials said that White II was able to retrieve his confiscated weapons and he continued as AGMA's security provider until August 2008, when he was killed in a U.S. Military raid on a Taliban meeting.

(U) On August 21, 2008, U.S. and Afghan Forces conducted an operation in the village of Azizabad in the Shindand District to capture or kill Mullah Sadeq, a high value Taliban commander who U.S. Forces said "coordinate[d] IED attacks in Herat and Farah Provinces." The raid was based on intelligence reporting that Sadeq and a number of anti-coalition fighters would be attending a meeting that night in Azizabad. The meeting, it turns out, was being held at the home of Mr. White II. The raid met with intense resistance and one U.S. soldier was injured in the battle. The number of Afghan casualties was significant and included anti-Coalition militia and many civilians. A post-raid U.S. Army investigation found that some of the anti-Coalition militia "may have been security contractors or subcontractors for ArmorGroup." In fact, Mr. White II and seven men employed as security guards for either ArmorGroup or AGMA were killed in the operation. In addition, a search of the raid site revealed "extensive stores or weapons, explosives, [and] intelligence materials."

(U) The Azizabad raid was followed by local protests and strong criticism from Afghan officials. Afghan President Hamid Karzai condemned what he called "the unilateral operation of the Coalition Forces." The Afghan Independent Human Rights Commission expressed "deep[] concerns" about civilian casualties and sent a team to investigate the bombing. Then-President George W. Bush even called President Karzai to express his regret over the civilian casualties.

(U) In the meantime, assessing that they could "no longer be trusted," ArmorGroup dismissed its guards who had been affiliated with Mr. White II. AGMA, however, did the opposite. Not only did the company keep White II's men, but they agreed to hire the brothers of men who were killed in the Azizabad raid. AGMA also reached agreement with White II's brother to take over as the company's security provider, assessing that "Mr. White III," as he would be known, "was a man we could do business with."

(U) Notwithstanding that assessment, subsequent events led AGMA personnel to question White III's loyalties as well. On September 9, 2008, guards under White III's control were "observed making threatening phone calls" to individuals who AGMA suspected were "people loyal to Mr. Pink." And in the midst of an increase in the number of IED incidents in the area, AGMA actually discussed "the potential threat" from Mr. White III and his men. Despite their concerns about White III, and apparently unbeknownst to U.S. Forces on the ground in the area, AGMA kept his men employed as security through the end of the company's United Nations contract in December 2008.

EOD Technology Relies on Local Strongmen to Staff U.S.-Funded Contract

(U) Using warlords and local strongmen to staff security contracts is not unique to the ArmorGroup and AGMA contracts. EOD Technology, Inc. (EODT), a company that provides security under a U.S. Army contract, also partnered with local strongmen to support its operations at Adraskan, another village in Herat Province, just north of Shindand.

(U) In late 2007, the Combined Security Transition Command-Afghanistan (CSTC-A) selected Adraskan to be the site of a new National Training Center (NTC) for the Afghanistan National Civil Order of Police (ANCOP). On January 5, 2008, the U.S. Army awarded EODT the nearly-$7 million contract to provide site security at the Adraskan NTC. To staff its guard force, EODT assigned quotas to local strongmen or "notables." What was most "notable" about the men, however, was their reported affiliation with criminal and anti-Coalition activities.

(U) "General" (sometimes "Colonel") Said Abdul Wahab Qattili was one of those who recommended men for hire by EODT. Among the men he recommended were some that had been previously fired by ArmorGroup for reportedly providing sensitive security information to Mr. Pink, a Taliban-affiliated warlord. Wahab also lent EODT various weapons, including Soviet-made PKM machine guns and AK-47s.

(U) Wahab derived his military title from his former role as a mujahedeen commander. He has been described variously as the informal "number-two man" for Ismail Khan (the former governor of Herat Province), the "Aide de Camp" to Ismail Khan, and "the Godfather of the Herat Province." In 2003, Wahab was reported to be the commander of the "Jihadi Order

Regiment of Herat," and one media report stated that he commanded 300 men in an operation near Shindand. The "Jihadi Order Regiment of Herat" has been assessed to be a "militant group operating in and around Herat implementing Ismail's [Khan] personal agenda."

(U) The U.S. Military reports that Wahab's son, meanwhile, is suspected of being an agent of a hostile foreign government, that he maintains an "informant network" in the 207th Corps of the Afghan National Army, and has connections to local interpreters working with the U.S. Military. U.S. Military reporting also indicates that Wahab's son has been directly involved in the killing of local individuals to include interpreters and businessmen.

(U) Wahab is also the President and Director of Arya Security Company and has a relationship, through Arya, with other private security companies, including Compass Integrated Security Solutions (Compass). Compass, which has contracts and subcontracts with both Department of Defense (DOD) and non-DOD customers, subcontracts non-DOD convoy security in western Afghanistan to Arya. Wahab previously provided guards to U.S. Protection and Investigations (USPI), a private security company who performed on subcontracts with the U.S. Agency for International Development (USAID). In fact, in May 2005, a USPI site security coordinator reported being "bulldozed" by Wahab and a group of men Wahab had recruited. The USPI security coordinator called Wahab "a sweet talker but a criminal just the same."

(U) EODT described Haji Dawoud, another of its manpower providers, as a "[w]ell known tribal leader" and "one of the elders from the set of villages" from which the company drew most of its guard force. Other accounts, however, raise concerns about his activities. A U.S. Army Master Sergeant called him "a strong arm in the community" and said he "would play both sides." Additionally, a report from another security company said that a "Mulla Dawood" from Adraskan was the "main influence" at a "high profile" Taliban meeting in Farah Province and said he was "responsible for the recent kidnappings" around Adraskan.

(U) Military reporting also linked a Haji Dawoud to Taliban activities in Farah. On June 14, 2008, Mullah Sadeq, the Taliban target of the August 21, 2008 military raid discussed above, was in Farah raising funds and recruiting personnel to support Taliban operations. According to a military report, Dawoud and two other individuals hosted Sadeq. The report also identified Dawoud as Taliban and linked him to recent kidnappings.

(U) A third individual who supplied men to EODT was known to company personnel as "Commander Blue." The company's Deputy Country Manager said Blue "controls all the former soldiers—if you want to call [them] that—all the gentlemen that are doing security" and said "when you travel the road and you want to be secure, you contact [Blue] to make sure that, number one, it's okay to go through; number two, it's safe to go through; and number three, that you have his blessing." According to one U.S. Army Master Sergeant who was at Adraskan, Commander Blue, like Haji Dawoud, would "play both sides."

(U) The U.S. Military reports that Mirza Khan, which EODT says is Commander Blue's real name, is a former police officer who works with a hostile foreign government.

Failures in Government Oversight of Private Security Contractors

(U) In addition to uncovering evidence of private security contractors relying on Afghan warlords and strongmen engaged in criminal and anti-Coalition activities, the Committee's inquiry also found widespread failures in contractor performance and serious lapses in government oversight that allowed such failures to persist. Between 2007 and 2009, DOD had in excess of 125 direct contracts with more than 70 entities to perform security in Afghanistan. Frequently, those contracts were to provide security at U.S. forward operating bases (FOBs). The Committee found that many contract files lacked information on contractors' capabilities or past performance and contained no information about how contractors performed on the job. Where performance was examined, DOD documents frequently revealed significant gaps between contractor performance and DOD and CENTCOM standards.

Vetting Private Security Personnel

(U) Among CENTCOM's requirements for private security contractors is that they submit a "plan for accomplishing background checks on all contractor and subcontractor employees who will be armed under the contract." Notwithstanding that requirement, the Committee's inquiry revealed serious problems with screening and vetting of security personnel. To cite just one example, a September 2008 audit of a security contract at Camp [redacted] in Nangarhar Province reported that the private security company did "not have a current and complete list of guards" working on site and that they did not "know who works here."

(U) Failing to adequately screen contractor personnel can lead to security breaches. A March 2009 document indicated that a U.S. Military commander at an FOB in Konar Province "fired all of the [Afghan Security Guards] at FOB [redacted] as part of a counter intelligence operation." Another document indicated that the owner of the security company "was taken into the custody of the United States for his ties to a terrorist organization" and that all guards affiliated with the contractor were also removed.

Training of Private Security Contractor Personnel

(U) In addition to requirements for vetting, CENTCOM rules require that contractor personnel be qualified to use their weapons and trained in the Law of Armed Conflict and the Rules for the Use of Force. Failures to meet training standards, however, appear widespread among DOD's private security contractors. In fact, in September 2008, the Army's Chief of Contracting at Regional Contracting Command Fenty in Jalalabad cited a "recurring list of issues," including "lack of weapons, Law of Armed Conflict, [and] rules of engagement training" with 22 Afghan security guard contracts in his Area of Operations. DOD documents provide additional evidence of the problem.

- Several guards who were interviewed by military investigators following the February 2010 shooting death of a U.S. Marine by a private security guard working under a U.S. contract in Farah Province said they not been provided any weapons training. One even claimed not to have fired a weapon since the 1980s.

- A March 2009 performance audit of a security contract at [redacted] found "no evidence of annual qualification of safe handling of firearms" and "no annual training records for Rules of Use of Force (RUF) and Laws of Armed Conflict." Despite the Defense Contract Management Agency issuing a corrective action request, follow-up audits do not indicate that corrective measures were ever taken by the contractor. In fact, an audit performed in August 2009 indicated that the security guards at the site were no longer authorized to carry weapons.

- A May 2008 performance audit of a security contract at FOB [redacted] in Paktika Province found that there was "no proof of [guards'] authorization to be armed" and that they were "[n]ot receiving Rules on the Use of Force training... and Law of Armed Conflict training." The audit also found that the guards "have no ammo" and "are not receiving weapons training." A follow-up audit at the end of July 2008 stated that the site did not even have enough ammunition for the guards to undergo weapons training.

Private Security Contractor Performance

(U) DOD files for private security contracts that were reviewed by the Committee frequently contained little or no information about how security contractors performed on the job. Performance reviews, where they did exist, often indicated significant problems.

- A June 2008 audit of a security contract at FOB [redacted] in Zabul Province said the contractor had a "total of 600 bullets on site" for all of its guards, and reported that the vast majority of guards carried empty clips or clips with 2 bullets. The auditor stated "this does not seem to be enough ammunition to guard a FOB."

- An October 2008 assessment of a security contractor operating at Camp [redacted] in Nangarhar Province found that "Command and control is lacking" and that it was not known "who's in charge because of the constant firing/hiring of leadership." The assessment stated that observation posts at Camp [redacted] were "not fully manned," that the contractor "used rocks to simulate personnel," and that contract security personnel "constantly fail to search their boss's trucks because they will get fired if they do."

- In February 2009, the security contractor at FOB [redacted] in Paktika Province simply "walked off the job site."

Private Security Contracting's Impact on Long-Term Stability and Security in Afghanistan

(U) In his November 2009 inaugural statement, Afghan President Hamid Karzai stated that, within the next two years, he wanted "operations by all private, national and international security firms to be ended and their duties delegated to Afghan security entities." In August 2010, President Karzai signed a decree calling for the dissolution of most private security companies in Afghanistan. Although that decree discusses the reintegration of private security personnel into the Afghan National Security Forces, the Committee is not aware of any plan to transition armed security contractor personnel into the security forces or other Afghan government positions. Failing to adequately plan for a phase-out of private security contractors

could leave thousands of armed men, some of whom were drawn from extra-governmental militias, unemployed once their contracts are complete.

(U) Not only does there appear to be no plan to integrate security contractor personnel into Afghan National Security Forces, the ranks of government forces are apparently being depleted by security contractors. In April 2010, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia, David Sedney, testified before Congress that some ANP officers are leaving the force for better paying jobs with private security companies.

(U) An examination of pay differentials between private guards on one U.S. contract and Afghan National Police officers illustrates the problem. For example, security guards working for ArmorGroup under their U.S. Air Force subcontract at Shindand Air Base in Herat Province were paid $275 per month plus a per diem for food. By contrast, as of February 2008 (about the mid-point of ArmorGroup's performance on that contract) pay for an ANP 2nd class patrolman (the lowest ranking ANP officer) was $70 a month – about one quarter of what ArmorGroup guards were making. The rate earned by the ArmorGroup guards was roughly equivalent at that time to compensation for a Major or a Lieutenant Colonel in the ANP.

(U) Some private security contractors apparently draw their guard forces from ANP and ANA ranks. Compass Integrated Security Solutions employs more than 2,300 armed security guards, some of them under contracts and subcontracts with the U.S. Military. For their security contract at Camp [redacted] in Herat Province, Compass said that it "targeted former Afghan National Army (ANA) and Afghan National Police (ANP) personnel." On other contracts, Compass went even further.

(U) In October 2007, the company signed a contract with a "General [redacted]" to supply the company with guards for a convoy security contract Compass had with the Supreme Group. At that time, General [redacted] was a serving Afghan National Police District Commander. Not only that, but the contract stated that the men supplied by General [redacted] would be "fully trained, serving or ex-members of the Afghan National Police Force of the Ministry of Interior, Afghanistan or the Afghan National Army." While Compass ended its relationship with General [redacted] in 2008, as of June 2010, the company still had a contract with a "General [redacted]" to supply Compass with guards. According to Compass, General [redacted] is a serving Afghan National Air Force General.

(U) Success in Afghanistan has been defined as the point at which the Afghan Government earns the support of the people. That is the mission that our military personnel are charged with carrying out. But success depends on more than their actions. As Commander of ISAF and U.S. Forces Afghanistan, General David Petraeus has stressed, achieving our goals will require "unity of effort" among all those operating in Afghanistan. That includes contractors. The Committee's inquiry, however, revealed significant evidence that our contracting practices are detracting from that goal. The safety of our troops and the success of our mission require immediate and aggressive steps to remedy that situation.

CONCLUSIONS OF THE SENATE ARMED SERVICES COMMITTEE

Impact of Private Security Contracting on U.S. Goals in Afghanistan

(U) **Conclusion 1:** *The proliferation of private security personnel in Afghanistan is inconsistent with the counterinsurgency strategy.* In May 2010 the U.S. Central Command's Armed Contractor Oversight Directorate reported that there were more than 26,000 private security contractor personnel operating in Afghanistan. Many of those private security personnel are associated with armed groups that operate outside government control. U.S. Military counterinsurgency doctrine states that militias outside the control of the host nation "can often be obstacles to ending an insurgency" and "constitute a long-term threat to law and order." In August 2010, President Karzai signed a decree calling for the dissolution of private security companies in Afghanistan. Although that decree discusses the reintegration of the private security personnel into the Afghan National Security Forces, the Committee is not aware of a plan to transition armed security contractor personnel into the Security Forces or other Afghan government positions.

(U) **Conclusion 2**: *Afghan warlords and strongmen operating as force providers to private security contractors have acted against U.S. and Afghan government interests.* Warlords and strongmen associated with U.S.-funded security contractors have been linked to anti-Coalition activities, murder, bribery, and kidnapping. The Committee's examination of the U.S.-funded security contract with ArmorGroup at Shindand Airbase in Afghanistan revealed that ArmorGroup relied on a series of warlords to provide armed men to act as security guards at the Airbase. One of those warlords, known as Mr. White II, was holding a Taliban meeting at his home when it was raided by U.S. and Afghan forces. Mr. White II and several of his men were killed in a firefight during the raid.

(U) **Conclusion 3:** *U.S. government contracts for private security services are undermining the Afghan government's ability to retain members of the Afghan National Security Forces by recruiting men with Afghan National Army and Afghan National Police experience and by offering higher pay.* Secretary of Defense Robert Gates has said a primary objective of our effort in Afghanistan is increasing the size and capability of the Afghan National Security Forces so that we may begin transitioning security responsibility to the Afghan government. However, some private security contractors actively recruit those with ANA or ANP experience. Further, the Department of Defense reported in October 2009 that "private security contractors are, on average, paid more" than Afghan National Security Forces. Former Commander of U.S. Forces Afghanistan and the International Security Assistance Force (ISAF), General Stanley McChrystal, has said that these contractors "skew pay scales" and a Department official has testified that one reason for high attrition rates among Afghan National Civil Order Police officers is that "many of them are recruited by higher paying private security firms."

Private Security Contractor Performance

(U) **Conclusion 4:** *Failures to adequately vet, train, and supervise armed security personnel have been widespread among Department of Defense private security contractors, posing grave risks to U.S. and coalition troops as well as to Afghan civilians.*

(U) **Conclusion 5:** *Private security contractors operating under Department of Defense contracts have failed to adequately vet their armed personnel.* EOD Technology, Inc. (EODT), a DOD security provider in Herat Province, did not attempt to contact previous employers listed by prospective guards on their employment applications with EODT. EODT's failure resulted in the company hiring men who had been fired from another security contract for providing sensitive security information to a warlord associated with the Taliban. In another example, Golden State Group, a DOD security contractor in Nangarhar Province, could not even provide a by name roster of guards working for the company.

(U) **Conclusion 6:** *Private security contractors working under Department of Defense contracts in Afghanistan regularly failed to satisfy DOD requirements, including completing essential training requirements for their personnel.* Indicative of the prevalence of private security contractor training deficiencies, a September 2008 memo from the Army's Chief of Contracting at Regional Contracting Command Fenty in Jalalabad listed lack of weapons training, Law of Armed Conflict training, and training on the Rules of engagement among a "recurring list of issues" with 22 security contracts just in his area of operations. In another example, an audit of a DOD contractor guarding a forward operating base found that the contractor personnel had "little to no training in their occupation" and "zero training on the weapons they carry."

(U) **Conclusion 7:** *There have been dangerous deficiencies in the performance of Department of Defense private security contractors in Afghanistan.* For example, DOD private security contractors variously supplied guards with no weapons or weapons that were unserviceable, provided insufficient or no ammunition to their security guards, used rocks to simulate guard personnel, and failed to conduct required security patrols, among other deficiencies. U.S. Military personnel reported that Afghan security contractors "struggle to provide acceptable security services" and "do not fully understand contractual obligations that they have signed up to execute."

Department of Defense Oversight of Private Security

(U) **Conclusion 8:** *The Department of Defense contracted with companies in Afghanistan that appear to have had no prior experience providing security services.* Afghan contractors appear to have secured DOD contracts to provide security at facilities housing U.S. personnel and assets in Afghanistan without demonstrating any record of past performance as security providers, indicating how they intended to fulfill contractual obligations, or securing required licenses from the Afghan Ministry of Interior to operate as security companies in Afghanistan.

(U) **Conclusion 9:** *There have been significant gaps in U.S. government oversight of private security contractors in Afghanistan.* With some exceptions, such as certain contracts administered by the Defense Contract Management Agency (DCMA), the Department of Defense was unable to produce information sufficient for the Committee to evaluate the performance of private security contractors operating under DOD contracts. Files of many contracts administered by the Joint Contracting Command Iraq/Afghanistan and other contracting authorities contain little or no information about contractors' past performance and whether or how they vetted and trained their personnel. Further, most of those contract files contained no information about how those security contractors actually performed on the job.

(U) **Conclusion 10:** *The Department of Defense has failed to address serious deficiencies identified in the performance of private security contractors in Afghanistan.* Where the Department of Defense has audited private security contracts and identified deficiencies, DOD has frequently failed to sanction contractors or correct those deficiencies, allowing many serious problems to persist. The Committee reviewed DOD private security contracts administered by the Defense Contract Management Agency (DCMA) in Afghanistan between 2007 and 2009. DCMA audits of those contracts indicate widespread and dangerous deficiencies in contractor performance. Despite repeated failures by many private security contractors to fulfill basic contract requirements, such as vetting, training, and equipping their guards, DCMA issued corrective action requests to only five private security contractors during that period.

(U) **Conclusion 11:** *The Department of Defense has little insight into the operations of private security providers hired as subcontractors by DOD prime contractors.* For example, ArmorGroup was hired by the Environmental Chemical Corporation (ECC) to provide security under ECC's contract with the U.S. Air Force Center on Energy and Environment (AFCEE) at Shindand Airbase in Herat Province. No government contract oversight personnel were on-site at Shindand and AFCEE's contracting officer for the project was located in San Antonio, Texas. Over the course of the contract, warlords associated with ArmorGroup's security operations at Shindand engaged in murder, bribery, and anti-Coalition activities. Guards employed by ArmorGroup used drugs, threatened to attack Afghan Ministry of Defense personnel, attempted to leave their posts to seek revenge for an attack on the warlord to whom they were loyal, and knowingly provided sensitive security information to a Taliban-affiliated warlord.

(U) **Conclusion 12:** *The Department of Defense has failed to enforce its policies relating to private security contractors' accountability for their personnel.* For example, the Committee found numerous instances in which DOD's Synchronized Predeployment and Operational Tracker (SPOT) database did not include names or other information relating to private security contractor personnel working in Afghanistan. This is despite DOD guidance that all private security personnel operating under DOD contracts should be entered into SPOT by November 1, 2007. The SPOT system did not contain any information on ArmorGroup personnel employed under the company's contract at Shindand. In fact, the SPOT system did not even list ArmorGroup as having a contract to provide security at Shindand. As of May 2010, the Department of Defense had never issued a cure notice or taken any enforcement action against any contractor for failing to enter personnel into SPOT.

INTRODUCTION

(U) General Stanley McChrystal, the former Commander of U.S. Forces-Afghanistan and the International Security Assistance Force (ISAF) concluded in his August 2009 assessment that success in Afghanistan demanded a change in our strategy there. Since that time, significant steps have been taken to implement a comprehensive counterinsurgency or "COIN" operation in Afghanistan.[1] U.S. Army doctrine says that the primary objective of counterinsurgency strategy is "to foster development of effective governance by a legitimate government."[2] In announcing the commitment of an additional 30,000 U.S. troops to Afghanistan, President Barack Obama emphasized that goal, stating that a key objective was to "strengthen the capacity of Afghanistan's security forces and government so that they can take lead responsibility for Afghanistan's future."[3] Likewise, Secretary of Defense Robert Gates has said that the President's plan is intended to provide the "time and space necessary for the Afghans to develop enough security and governance capacity to stabilize their own country."[4]

(U) Success in Afghanistan has been defined as the point at which the Afghan Government "earns the support of the people."[5] That is the mission that our military personnel are charged with carrying out. But success in Afghanistan depends on more than their actions. Achieving our goals will require "unity of effort" among all those operating in Afghanistan.[6] That includes contractors.

(U) According to U.S. Central Command (CENTCOM), as of April 30, 2010, there were more than 112,000 Department of Defense (DOD) contractor personnel operating in Afghanistan.[7] More than 16,500 of those personnel (93 percent of whom are Afghan nationals) perform as private security and nearly all of them are armed.[8] The total number of private security contractor personnel operating in Afghanistan is significantly higher than CENTCOM's figure for DOD alone. As of May 2010, CENTCOM's Armed Contractor Oversight Directorate (ACOD) reported that it was aware of more than 26,000 private security personnel operating in Afghanistan. 90 percent of those personnel were working under either U.S. Government contracts or subcontracts with U.S. Government contractors.[9] By way of comparison, when the

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[1] General Stanley McChrystal, *Commander's Initial Assessment* (August 30, 2009).

[2] U.S. Army Field Manual 3-24, *Counterinsurgency*, 1-113 (December 2006).

[3] President Barack Obama, United States Military Academy at West Point, West Point, New York (December 1, 2009).

[4] Written Statement of Secretary of Defense Robert Gates, Hearing To Receive Testimony on Afghanistan, Senate Armed Services Committee (December 2, 2009).

[5] General Stanley McChrystal and Command Sergeant Major Michael Hall, *ISAF Commander's Counterinsurgency Guidance* (August 2009).

[6] General Stanley McChrystal, *Commander's Initial Assessment* (August 30, 2009).

[7] DOD, Assistant Deputy Under Secretary of Defense (Program Support), *Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan* (May 2010).

[8] *Id.*

[9] According to the ACOD, as of May 2010, there were 245 private security contracts with either the U.S. Government or a U.S. Government contractor in Afghanistan. 204 of those were with either DOD or a DOD

Army's 101st Airborne Division is fully deployed to Afghanistan, it will consist of just under 20,000 soldiers.

(U) Over the past year, the Senate Armed Services Committee has conducted an inquiry into private security contractors operating in Afghanistan. In the course of the inquiry, the Committee reviewed hundreds of thousands of pages of documents from the Departments of Defense and State, the U.S. Agency for International Development, and private security contractors. Committee staff conducted more than 30 interviews of military and contractor personnel and solicited written answers from several others. This report represents the findings from that inquiry.

(U) Part One of the Committee's report examines the operations of ArmorGroup and its sister company ArmorGroup Mine Action (AGMA), which operated from mid-2007 through December 2008 at and around Shindand Airbase in Herat Province, in western Afghanistan.[10] Part One also discusses the private security company EOD Technology, Inc. (EODT) which has provided security at Adraskan National Training Center, also in Herat Province, since January 2008. The Committee's inquiry revealed that ArmorGroup, AGMA, and EODT relied on local warlords and regional strongmen to supply men, and in some cases weapons, for use on their contracts. Documents and testimony link those warlords to murder, kidnapping, bribery and anti-Coalition activities.

(U) Counterinsurgency doctrine warns that armed groups outside the host nation's control "can often be obstacles to ending an insurgency."[11] U.S. contract funds, however, appear to be fueling such groups in Afghanistan. In addition to instances in Herat, which were a subject of the Committee's inquiry, a U.S. Military analysis of Kandahar City in southeastern Afghanistan quotes a U.S. civilian official as saying that "[w]ith our contracts [in that region]... [w]hat used to be called warlord militias are now Private Security Companies."[12]

(U) The success of the counterinsurgency operation demands careful consideration of who we choose to partner with in Afghanistan and careful management of those partnerships in pursuit of our strategic goals. As Major General Michael Flynn, the Intelligence Chief for ISAF and U.S. Forces in Afghanistan has said, "If we are going to conduct a population-centric strategy in Afghanistan, and we are perceived as backing thugs, then we're just undermining ourselves."[13] Asked his view of private security contractors operating in Afghanistan, the former ISAF Commander General McChrystal said simply "[W]e need to get rid of them" adding that private security contractors are "just not right for a country that is growing law and order. They need to be brought under the government of Afghanistan or be legitimate coalition forces. There

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contractor. Email from Office of Secretary of Defense for Legislative Affairs to Committee staff, reporting statistics collected by CENTCOM's Armed Contractor Oversight Directorate (May 12, 2010).

[10] ArmorGroup North America and ArmorGroup Mine Action are both subsidiaries of G4S plc.

[11] U.S. Army Field Manual 3-24, *Counterinsurgency*, 3-112 (December 2006).

[12] ISAF, Regional Command South, Stability Operations Information Center (SOIC-South), *Kandahar City Municipality & Dand District, District Narrative Analysis* at 59 (March 30, 2010).

[13] Dexter Filkins, Mark Mazzetti, and James Risen, *Brother of Afghan leader Said to Be Paid by CIA*, New York Times (October 28, 2009).

shouldn't be anybody wandering around with little armies...It's just a really unhealthy dynamic."[14]

(U) Part One of the report reveals evidence that certain relationships with Afghan warlords or strongmen forged by private security companies working under U.S. government contracts appear at odds with the counterinsurgency strategy and our broader goals in the region.

(U) Part Two of the Committee's report discusses the performance of U.S.-funded security contractors in Afghanistan. More than 26,000 private security personnel operate in the same battle space as U.S. forces. These men, who are typically armed, frequently act as the first line of defense for troops stationed at forward operating bases around the country. It is critical to the safety of U.S., Afghan, and Coalition forces, not to mention Afghan civilians, that those contractor personnel are properly vetted, trained, and equipped to do the job. The Committee's inquiry, however, revealed widespread performance deficiencies, including in critical areas like vetting and training security contractor personnel. Such failures create a risk that one senior contracting officer in Afghanistan said "relates directly to the safety and security of our U.S. Service Members."[15] In addition to discussing some of those failures, Part Two of the Committee's report also discusses major gaps in government oversight of security contractors that allow deficiencies to persist.

(U) Part Two also discusses other challenges posed by the use of private security contractors in Afghanistan. In his November 2009 inaugural statement, Afghan President Hamid Karzai stated that, within the next two years, he wanted "operations by all private, national and international security firms to be ended and their duties delegated to Afghan security entities."[16] In August 2010, President Karzai signed a decree calling for the dissolution of private security companies in Afghanistan. Although that decree discusses the reintegration of the private security personnel into the Afghan National Security Forces, the Committee is not aware of a plan to transition armed security contractor personnel into the Security Forces or other Afghan government positions. In fact, while growing the Afghan National Army and Police is key to our success in Afghanistan, the ranks of the Afghan National Police (ANP) are apparently being depleted by security contractors who offer higher pay. According to David Sedney, the Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia, the Afghan National Civil Order Police (ANCOP), which is a component of the ANP, "suffered from the highest attrition," in part because many police officers "were recruited by higher paying private security

[14] General Stanley McChrystal, Briefing on Operations in Afghanistan, Senate Armed Services Committee at 23 (May 13, 2010).

[15] In September 2008, the Army's Chief of Contracting at Regional Contracting Command Fenty in Jalalabad identified a "recurring list of issues" associated with 22 private security contracts in eastern Afghanistan, including "lack of weapons, Law of Armed Conflict, [and] rules of engagement training." The Contracting Chief said that the local Afghan contractors in that part of Afghanistan "have shown they lack the amount of in-depth management capability to fully manage complex security guard contracts" and said that risk associated with security guard contracts "relates directly to the safety and security of our U.S. Service Members." Memo from Chief of Contracting, RCC Fenty (September 23, 2008).

[16] President Hamid Karzai, Inauguration Speech (November 19, 2009).

firms to provide private security services in Afghanistan."[17] Part Two of the report describes this apparent conflict between growing and strengthening Afghan forces and the proliferation of better-paid jobs with U.S.-funded private security contractors.

[17] Testimony of David Sedney, Hearing on the Contracts for Afghan National Police Training, Ad Hoc Subcommittee on Contracting Oversight of the Senate Homeland Security and Governmental Affairs Committee (April 15, 2010).

PART ONE

A. U.S. and UN Funded Contracts Benefit Afghan Warlords

1. Background on Shindand

(U) The town of Shindand is located in south-central Herat Province, which borders Iran to the west and Turkmenistan to the north. Shindand Airbase, which the Soviet Union once developed as their largest airbase in the country, is located about 7 kilometers northeast of the town.[18] Located at the southwestern end of the airbase is Forward Operating Base (FOB) [redacted].[19]

(U) In March 2007, the U.S. Air Force Center on Energy and Environment (AFCEE) hired the Environmental Chemical Corporation (ECC), a construction and environmental remediation company, to conduct master planning and construction for the Afghan Air Corps Regional Expansion at Shindand Airbase.[20] On April 27, 2007, ECC signed a contract with the private security company ArmorGroup North America (ArmorGroup) to perform site security at the airbase.[21] ArmorGroup acted as the security provider at Shindand until mid-December 2008 and was paid approximately $5.1 million for its work.[22]

(U) When ECC entered into its contract with ArmorGroup, the private security company initially relied, in large measure, on two warlords in the Shindand area to provide men for its guard force. The two warlords were named Nadir Khan and Timor Shah, but ArmorGroup personnel referred to them as "Mr. Pink" and "Mr. White," respectively.[23] Mr. White would ultimately be succeeded in that role by his brothers Reza Khan and Gul Mohammed (aka Gul Ahmed), known to the company as Mr. White II and Mr. White III.

(U) Over the course of ArmorGroup's contract with ECC, that succession of warlords and the guards affiliated with them were implicated in murder, revenge attacks, bribery, and anti-coalition activities. One of the warlords even served as the host of an August 2008 Taliban meeting held in the village of Azizabad that was raided by U.S. and Afghan military forces. That August 21, 2008 raid gave rise to a violent battle, the results of which reverberated throughout Afghanistan.

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[18] Ahmed Rashid, Taliban: Militant Islam, Oil and Fundamentalism in Central Asia at 37 (Yale University Press 2001); ArmorGroup, *Security Plan, Afghan National Army Air Corps Regional Expansion Shindand, Afghanistan* at 2 (June 25, 2007); ArmorGroup, *Recognisance [sic] Report* at 2 (March 2007).

[19] ArmorGroup, *Recognisance [sic] Report* at 10 (March 2007).

[20] AFCEE, FA8903-06-D-8511 Task Order 18, *Statement of Requirements and Specifications* at 1 (January 3, 2007).

[21] ECC and ArmorGroup, Continuing Services Agreement No. Armor.CSA.HERC.4500 (signed April 27, 2007).

[22] Letter from attorney for ECC, Henry Schweiter, to Committee staff (February 12, 2010).

[23] The nicknames assigned to the warlords by ArmorGroup were apparently derived from characters in the movie Reservoir Dogs. Committee staff interview of Peter [redacted] at 39-40 (November 24, 2009).

2. August 21, 2008 – Azizabad, Afghanistan

(U) On August 21, 2008, well over a year after ArmorGroup began work at Shindand Airbase, U.S. Forces and Afghan forces conducted an operation in the village of Azizabad in the Shindand District to capture or kill Mullah Sadeq, a high value Taliban commander. U.S. Forces said at the time that Sadeq "coordinates IED attacks in Herat and Farah Provinces" and that "his support is instrumental in the Zer-e Koh Valley Taliban's strategy to increase IEDs against [U.S. Forces]."[24] The raid was based on intelligence reporting that Sadeq and 20 to 30 anti-coalition fighters would be attending a shura that night in Azizabad.[25] The shura was apparently planned in conjunction with a ceremony to commemorate the death of Mr. White – a local warlord who had been killed by his rival, Mr. Pink, eight months earlier – and was to be held at the home of Mr. White's brother, Mr. White II.[26]

(U) Shortly after 9:00 pm on August 21, 2008, U.S. Forces left FOB [redacted] followed shortly thereafter by Afghan commandos. As U.S. Forces approached Azizabad, they took incoming fire and dismounted their vehicles. Hostile fire continued from at least two directions, wounding a U.S. Serviceman. Pinned down, a U.S. Military Team Leader called for supporting fire from an AC-130 gunship. The team subsequently made several attempts to move forward to the target building but was unable to advance in the face of automatic weapons fire. Over the next two hours, the AC-130 continued to deliver fire and an unmanned aerial vehicle delivered a single 500-pound precision bomb. The fighting ended at around midnight.[27] The Team Leader said that in the seven months he had been in Afghanistan, he had never "met this type of resistance," calling the Azizabad raid "the most kinetic engagement" he had been involved in.[28]

(U) One U.S. soldier was injured during the fighting. The number of Afghan casualties in Azizabad was significant and included many civilians. The exact number of enemy fighters and civilians killed in the raid were publicly disputed between the U.S. Military, non-governmental organizations, and the Afghan government. A U.S. Army investigation of the raid concluded that at least 22 anti-Coalition militia were killed.[29]

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[24] MG Jeffrey Schloesser, Memorandum for the Record (August 31, 2008); Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command (October 1, 2008); Operation Aram Tander II Briefing (August 21, 2008).

[25] Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command (October 1, 2008).

[26] *Id.* at 6 (October 1, 2008); ArmorGroup, *Daily Situation Report* (December 12, 2007).

[27] Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command at 2, 3, (October 1, 2008); Timeline (August 27, 2008), attached to Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command.

[28] Army 15-6 Investigation, Interview of Captain [redacted] at 12-13 (undated).

[29] (U) The Army's initial 15-6 investigation concluded that between 30-35 Taliban and 5-7 civilians were killed in the operation. Civilian casualty estimates from the International Committee of the Red Cross (ICRC), the Afghan Independent Human Rights Commission, and the Afghan government were much higher, ranging from 89-91 civilians killed. While a spokesperson for Afghan President Hamid Karzai, however, said that "not a single Talib was killed" in the Azizabad raid, a second U.S. Military investigation conducted by Brigadier General Michael Callan ultimately judged that "approximately 55 persons were killed" in the operation, including 22 anti-coalition militia. Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command at 3

(U) U.S. Military reporting said that an Afghan military investigation into the Azizabad raid found that most of those killed "were associated with the insurgency."[30]

(U) Among those killed in the operation was Mr. White II, who was Mullah Sadeq's uncle and the host of the Taliban shura. At the time of the raid, Mr. White II was supplying ArmorGroup with local men to work as armed guards under the company's Air Force subcontract at Shindand Airbase. Mr. White II was also being paid to provide security under a separate ArmorGroup Mine Action (AGMA) contract with the United Nations in the area.[31] In addition to White II, seven of his men who were employed under those contracts were also killed.[32] ArmorGroup uniforms were found on site after the raid. An Army investigation of the operation concluded that "[m]ost likely, some of the [anti-coalition militia] in Azizabad were also security contractors for ArmorGroup."[33]

(U) In addition to ArmorGroup uniforms, the post-operation search of the site revealed "extensive stores of weapons, explosives, intelligence materials, and even an access badge to the nearby base."[34] In one building, U.S. forces found anti-tank landmines, landmine fuses, and a hand grenade.[35] In another, they found AK-47s, machine guns, 4,000 rounds of machine gun ammunition, body armor, and other military equipment, along with more than $4,000 in cash.[36] The initial military investigation stated that the operation "revealed firm evidence that the Taliban fighters planned to attack a nearby coalition forces base."[37] In fact, the U.S. Military Team Leader said there were "rudimentary sketches of what appeared to be Shindand Airfield" on the site.[38] The Team Leader was alarmed by what was uncovered at the site, saying "[n]obody should [have] sketches of Shindand Airfield and large numbers or a large quantity of weapons and ammunition."[39] The Team Leader added that there was "no reason" for people to have anti-tank mines in their living areas, noting that "one of our [American] brothers" had been killed by an anti-tank mine just weeks before the operation.[40]

(U) That a U.S. Forces raid on a Taliban shura met with violent resistance is not surprising. However, the U.S. Military's assessment that the enemy force "most likely" included

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(October 1, 2008); Jason Straziuso, *U.S. Duped Into Deadly Bomb Raid, Afghans Say*, Associated Press (September 15, 2008).

[30] [redacted]

[31] Email from Peter [redacted] to Alex Brown et al. (August 22, 2008).

[32] Armor Group, *Interim Incident Report* (August 2008).

[33] Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command at 3 (October 1, 2008).

[34] MG Jeffrey Schloesser, Memorandum for the Record (August 31, 2008).

[35] Initial SSE for Operation Commando Riot (August 26, 2008).

[36] *Id.*

[37] MG Jeffrey Schloesser, Memorandum for the Record (August 31, 2008).

[38] Committee staff interview of Captain [redacted] at 45, 49-50 (January 8, 2010).

[39] *Id.*

[40] *Id.*

personnel associated with a private security company that was working as a U.S. government subcontractor raises serious questions about how much is known about such companies and the individuals they rely on in Afghanistan.

3. *Contractor Personnel Meet Mr. White and Mr. Pink*

(U) In early May 2007, shortly after ArmorGroup signed the contract with ECC to provide security at Shindand Airbase, ECC's Security Manager Stephen [redacted] and two ArmorGroup expatriates travelled to Shindand. When the group arrived, construction had not yet begun on the airbase and no other contractor personnel were on site. Security consisted of Afghan Ministry of Defense (MOD) personnel who manned a number of guard towers around the airbase.[41] At that time, the U.S. Military presence at FOB [redacted] which was located at the southwestern end of the airbase, consisted of an embedded training team and a small contingent of other U.S. Forces.[42]

(U) In building a security force to support ECC's construction efforts at the base, ECC and ArmorGroup relied on two warlords to each provide half of the approximately 30 local guards initially needed for the job.[43] The warlords were named Timor Shah and Nadir Khan, but to company personnel they were known as Mr. White and Mr. Pink. ArmorGroup and ECC personnel have been able to provide little personal information about the two men, but company documents describe the two as local "warlords" and "clan leaders."[44] One ArmorGroup document said that White and Pink had fled Afghanistan for Iran when the Taliban fell and that White returned to Afghanistan in 2003 "on the side of the [Taliban]" until he was wounded in a fight with local warlords and subsequently began cooperating with American forces.[45] Another ArmorGroup document described White and Pink as "two feuding warlords" who controlled the area around the airbase.[46]

(U) The arrangement with the two warlords developed shortly after ECC and ArmorGroup personnel arrived at Shindand. According to ECC Security Manager Stephen [redacted] U.S. Military personnel had actually referred him to White and Pink, describing them as [redacted][47] According to Stephen [redacted], U.S. Military personnel told him: "let's throw [the two men] a bone and hire some of their people, and

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[41] ArmorGroup *Recognisance [sic] Report* at 2 (March 2007); Committee staff interview of Stephen [redacted] at 8 (January 15, 2010).

[42] Committee staff interview of Captain [redacted] at 9 (January 13, 2010).

[43] Committee staff interview of Nigel [redacted] at 49 (December 5, 2009).

[44] Email from Peter [redacted] to John Windham et al. (December 11, 2008); ArmorGroup, *Daily Situation Report* (December 12, 2007); Email from Mark [redacted] to [redacted] (December 13, 2007); ECC, Serious Incident Report (Initial Report) (December 12, 2007).

[45] Email from Nigel [redacted] to Peter [redacted] (March 15, 2008).

[46] Other sources, however, have said that the feud developed over time, resulting from competition for business at the airbase. *See* Committee staff interviews of Nigel [redacted] (December 5, 2009), Stephen [redacted] (January 15, 2010), Captain [redacted] (January 13, 2010).

[47] Committee staff interview of Stephen [redacted] at 26, 27, 32 (January 15, 2010).

kind of take care of them a little bit."[48] Stephen [redacted] said he never knew the real names of the two warlords and referred to them only as "Mr. White" and "Mr. Pink."[49]

(U) The U.S. Military Team Leader who was at FOB [redacted] at the time acknowledged recommending Mr. Pink to ECC. The Team Leader said that he "didn't want to be involved [in contracting]" and that he "had no interest in the development of an airfield that was not under [his] mission set."[50] He said that people from Shindand seeking jobs on the airfield "interrupted our mission."[51] The Team Leader said he sought to stop the flow of people from the community from "bothering us while we were trying to do operations" and recommended Mr. Pink to ECC as the "point of contact" in the community.[52]

(U) The Team Leader said that he recommended Mr. Pink because he "was the person that we felt comfortable with."[53] [redacted][54] Prior to recommending Pink, the Team Leader held a meeting with the Shindand governor and village elders from the Shindand District to make sure that they "had no issues" with the referral of Pink to the contractor.[55] Although U.S. Military personnel who were subsequently deployed to Shindand would come to hold a much different view of Mr. Pink, the Team Leader who referred Pink to the contractors said that he did not suspect that Pink had Taliban ties or was working against Coalition interests.[56]

(U) The Team Leader said that he did not discuss his decision to recommend Pink with his higher headquarters and that once Pink became the point of contact for the contractors at the airfield, "that was the end of our relationship with the contractors and the local populace providing jobs..."[57]

(U) The Team Leader said, however, that while Mr. White was known to him, he did not think he referred ECC to White.[58] [redacted][59]

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[48] Committee staff interview of Stephen [redacted] at 26, 27, 32 (January 15, 2010).

[49] *Id.*

[50] Committee staff interview of Captain [redacted] at 13 (January 13, 2010).

[51] *Id.* at 17.

[52] *Id.* at 17, 25.

[53] *Id.* at 20.

[54] *Id.* at 5, 22-23.

[55] *Id.* at 17, 20.

[56] *Id.* at 20.

[57] *Id.* at 17, 49.

[58] *Id.* at 25.

[59] *Id.* at 24.

(U) ECC's Security Manager, Stephen [redacted] said that, after speaking to U.S. Military personnel, he met with Pink and White and the two warlords agreed to provide men from their villages to work as security at the airbase.[60]

4. ArmorGroup Hires Local Guard Force

(U) ArmorGroup initially needed approximately 30 guards to meet security demands at the airbase. According to Nigel [redacted] the company's Senior Team Leader at Shindand, ArmorGroup's guard force was composed of men provided by White and Pink, supplemented by additional guards from Kabul.[61]

(U) Although Nigel [redacted] said that he provided U.S. Military personnel with the names of the guards he hired so that they could conduct background checks of the individuals, the U.S. Military Team Leader said that he did not see a list of names and did not know if anyone else on his team had seen such a list.[62] Nonetheless, Nigel [redacted] said he was advised that no derogatory information was found on any individual the company proposed to hire at Shindand.[63]

(U) In its contract proposal, ArmorGroup stated that security guards hired by the company would undergo extensive training, including training on the rules for the use of force and compliance with ISAF directives.[64] The proposal also stated that "[a]ll personnel assigned to the [Shindand] project will be trained to use their individually assigned weapon as well as all weapons deployed on site" and that training records would be "maintained for each operator."[65] Although company documents refer to guard training, the company has not been able to produce training records.[66] Nor has ArmorGroup or ECC been able to demonstrate that they sought authority from the U.S. Military to arm their personnel or that they provided the military with guard training records, as is required by Department of Defense regulations.[67]

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[60] Committee staff interview of Stephen [redacted] at 27 (January 15, 2010).

[61] Committee staff interview of Nigel [redacted] at 49 (December 5, 2009).

[62] *Id.* at 55-56 (December 5, 2009); Committee staff interview of Captain [redacted] at 30-31 (January 13, 2010).

[63] Committee staff interview of Nigel [redacted] at 56 (December 5, 2009).

[64] ArmorGroup, *Technical Proposal: Afghan National Army Air Corps Expansion, Shindand, Afghanistan for ECCI* at 17 (January 12, 2007).

[65] *Id.* at 19.

[66] Nigel [redacted] also said that training was conducted. Committee staff interview of Nigel [redacted] at 19-23 (December 5, 2009).

[67] Department of Defense regulations in place at the time required contractors who wanted their personnel operating in Afghanistan to carry weapons to submit requests for arming authority through their contracting officer to the Combatant Commander. Arming requests by contractors were required to include documentation of individual training on weapons, Rules on the Use of Force (RUF), and the Law of Armed Conflict (LOAC). Defense Federal Acquisition Regulations 252.225-7040 Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States (June 2006); Department of Defense Instruction 3020.41 (October 3, 2005).

(U) The first group of White's and Pink's men began working at Shindand Airbase in early June 2007.[68] ArmorGroup supplied the men with AK-47s, and staffed shifts according to which of the two warlords the men were loyal.[69] ArmorGroup paid wages directly to the men performing the security work. Nigel [redacted] said he had questioned whether White and Pink were siphoning off a portion of each man's wages, stating that he "had a suspicion of that in the beginning and I asked them directly. And they said no."[70] Nigel [redacted] said: "I pay the guy direct, he signs for the amount that I gave him. And what he does with his money outside and thereafter... I can't control that."[71]

(U) Documents suggest that incidents involving ArmorGroup's guard force occurred at least as early as July 2007. On July 15, 2007, a Gurkha supervisor argued with one of the local guards who reportedly threatened to strike the supervisor with his AK-47.[72] ArmorGroup attributed the incident to "a clash of personalities" and said that "no action need be taken."[73] Two weeks later, on July 29, 2007, a fight broke out between two members of the local guard force regarding their respective roles at the airbase's entry control point.[74] Although the guards "received [verbal] warnings as to their future conduct," no disciplinary action appears to have been taken in response to the incident.[75] In fact, the fight between the guards was overshadowed by a second, more serious incident that same day.

5. Ambush on Mr. White – Revenge Attacks Averted through "Tense Negotiations"

(U) On July 29, 2007, following a meeting with ArmorGroup at the airbase, Mr. White was ambushed and shot while returning to his village with his own security detail.[76] According to ArmorGroup and ECC documents, immediately following the attack, between nine and twelve armed members of ArmorGroup's guard force who were loyal to Mr. White attempted to leave their posts "to seek revenge" for the attack on their leader.[77] According to ECC's report of the incident, the camp was then "locked down by order of the U.S. forces."[78]

(U) ArmorGroup's written report of the incident stated that "tense negotiations" followed the guards' attempt to seek revenge and that, while the guards were ultimately persuaded to return to their posts, the company assessed that "retaliatory action" was "imminent."[79] Despite

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[68] Committee staff interview of Nigel [redacted] at 59 (December 5, 2009).

[69] Email from Peter [redacted] to John Windham et al. (December 11, 2008); ArmorGroup, *Daily Situation Report* (December 12, 2007); Committee staff interview of Nigel [redacted] at 73 (December 5, 2009).

[70] Committee staff interview of Nigel [redacted] at 63 (December 5, 2009).

[71] *Id.*

[72] ArmorGroup, *Final Incident Report* (July 15, 2007).

[73] *Id.*

[74] ArmorGroup, *Daily Situation Report* (July 29, 2007).

[75] *Id.*

[76] *Id.*

[77] *Id.*; ECC, *Serious Incident Report* (July 29, 2007).

[78] ECC, *Serious Incident Report* (July 29, 2007).

[79] ArmorGroup, *Daily Situation Report* (July 29, 2007).

the apparent seriousness of the incident, Ken [redacted], the ArmorGroup Senior Team Leader who was on duty at the time of the incident, said that to his knowledge, none of the guards who attempted to leave their posts to seek revenge for the attack was disciplined.[80]

(U) The U.S. Military Team Leader who was stationed at FOB [redacted] at the time of the ambush said that he was aware of Mr. White's shooting and that U.S. medics treated the wound. He did not know, however, that members of the guard force had attempted to leave the base to seek revenge for the attack.[81]

(U) It was never determined who was responsible for the shooting. ArmorGroup's Nigel [redacted] said that he was told by the local Afghan Ministry of Defense (MOD) Commander that a "criminal element" was responsible for the shooting.[82] ArmorGroup's written report attributed the shooting to local Taliban.[83] ECC Security Manager Rick [redacted] meanwhile, said later that the shooting was probably committed by Mr. Pink, though he was not implicated at that time.[84]

6. IED Kills Local Guard – ArmorGroup Guard Force to Attack Afghan Forces

(U) Issues with ArmorGroup's local guard force continued into the summer of 2007. In the early morning hours of August 9, 2007, an ArmorGroup patrol vehicle struck an improvised explosive device (IED) on the northwest side of the airbase, killing the local national driver of the vehicle and injuring the Gurkha guard riding in the passenger seat. Another ArmorGroup guard, who happened to be the driver's son, was in the vehicle at the time of the blast, but was uninjured.[85]

(U) Following the blast, ArmorGroup's local Afghan guards "made ready their weapons and wanted to attack" MOD soldiers who manned watch towers around the base.[86] Rick [redacted] ECC's Site Security Manager, said that following the IED incident "the guards were grieving, shooting in the air," and that they "wanted to go kill the MOD."[87] ArmorGroup's report of the incident stated that there had been "disharmony" in the past between the ArmorGroup guards and the soldiers of the MOD.

(U) Nigel [redacted] ArmorGroup's Senior Team Leader said it was initially thought that the MOD soldiers were to blame for the IED, but that those suspicions were "very unfounded and were proved not to be the case."[88] Ken [redacted] another ArmorGroup employee on site at the

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[80] Committee staff interview of Ken [redacted] at 67 (December 5, 2009).

[81] Committee staff interview of Captain [redacted] at 34 (January 13, 2010).

[82] Committee staff interview of Nigel [redacted] at 99 (December 11, 2008).

[83] ArmorGroup, *Daily Situation Report* (July 29, 2007).

[84] Committee staff interview of Rick [redacted] at 39 (January 7, 2010).

[85] ArmorGroup, *Final Incident Report* (August 9, 2007).

[86] *Id.*

[87] Committee staff interview of Rick [redacted] at 43-44 (January 7, 2010).

[88] Committee staff interview of Nigel [redacted] at 111 (December 5, 2009).

time, said that they considered at the time whether the MOD soldiers planted the device. Ken [redacted] acknowledged that ArmorGroup also considered the possibility that a member of their own guard force had inside information regarding the location of the IED.[89]

(U) Following the IED blast, an ECC report described what appears to have been a related incident that same day at the airbase's Entry Control Point (ECP). According to the report, an ArmorGroup guard "cocked and loaded his weapon and was going to shot [*sic*] [the] Gurkha guard in command."[90] In that report ECC's Security Manager wrote that it was "not clear as to exactly why" the incident involving the local national guard and the Gurkha guard in command had occurred, but said:

> There have been a few assumptions [to] make. First that the Gurkha commanding the patrol had been warned not to go down that road as an attack was going to happen there (obvious then that the [local nationals] had some kind of inside information.) The second assumption is that it was placed by the MOD guards that man from the towers...[91]

(U) ArmorGroup's Nigel [redacted] disputed Rick [redacted] s contemporaneous account of the warning and of the follow-on incident at the ECP.[92] Nevertheless, ArmorGroup guards serving on the night shift were disarmed and action was taken to "calm down an ever heightening situation."[93] ECC's Rick [redacted] called the incident "a tense moment" in "a tense day" and said that business at the airfield had to be shut down for that day.[94]

(U) As with previous incidents, no disciplinary action appears to have been taken by ArmorGroup against the guards who were reportedly readying their weapons to attack the MOD soldiers. ArmorGroup's Ken [redacted] said he was not aware of any action taken and that disciplining the guards "would only have expanded the controversy."[95] For his part, Nigel [redacted] said that he verbally reprimanded one ArmorGroup guard and told the company's guard force that "certain protocols and behavior will not be tolerated."[96]

(U) The U.S. Military Team Leader said that the day after the IED incident, ArmorGroup's Nigel [redacted] told him that an altercation had occurred on the airbase. The Team Leader said that he was unaware that ArmorGroup's local national guards had to be disarmed, noting that at the time, it "did not sound like as big a deal" as was indicated by the companies' written reports.[97] While the ECC report of the August 9, 2007 incidents said that

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[89] Committee staff interview of Ken [redacted] at 92 (December 5, 2009).

[90] ECC, *Serious Incident Report* (August 9, 2007).

[91] ECC, *Serious Incident Report* (August 9, 2007).

[92] Committee staff interview of Nigel [redacted] at 127-128 (December 5, 2009).

[93] ArmorGroup, *Final Incident Report* (August 9, 2007).

[94] Committee staff interview of Rick [redacted] at 45 (January 7, 2010).

[95] Committee staff interview of Ken [redacted] at 83 (December 5, 2009).

[96] Committee staff interview of Nigel [redacted] at 134 (December 5, 2009).

[97] Committee staff interview of Captain [redacted] at 37, 42-43 (January 13, 2010).

"[U.S. Military] assets called in the two tribal leaders of the [local national] guard force to diffuse the situation," the U.S. Military Team Leader said he did not meet with local elders to resolve the situation and was not aware if anyone on his team had.[98]

7. Mr. Pink Murders Mr. White

(U) The series of incidents involving Pink's and White's men in the summer of 2007 was followed that winter by a violent gun battle between the two warlords that proved fatal.

(U) On December 12, 2007, reportedly while traveling in a vehicle south of the airbase, Mr. White came under attack.[99] The ambush, it turned out, was conducted by Mr. Pink and his men. The attack escalated into a firefight in the local bazaar, and a number of civilians were reportedly injured. On the day of the attack, Nigel [redacted] reported that some of ArmorGroup's off-duty guard force were "involved in the fighting."[100]

(U) Local elders apparently managed to secure a brief cease fire in the gun battle. The elders called the warring factions together at the bazaar, but as the two men approached each other, Pink shot White three times, once each in the head, the hip, and the side. White was brought to the airbase, where first aid was administered by ArmorGroup personnel and then by U.S. Forces. White died of his wounds shortly after his arrival at the airbase.[101]

(U) Asked why Pink killed White, ArmorGroup's Senior Team Leader Nigel [redacted] attributed the shooting to competition over contracting work at the airbase:

> I think that it came down to sort of like he was getting very greedy and he wanted all the share of the work in the airfield and maybe by his way of thinking that he was in order he was going to get that if White was not in the picture.[102]

(U) Darcy [redacted], another ArmorGroup team leader who spent time at Shindand, said that he was told by U.S. Military personnel that White and Pink "were rivals in everything, and just didn't like each other."[103] ECC's Rick [redacted] added that "it was kind of like a mafia thing. If you rub somebody out, you'll get a bigger piece of the pie."[104]

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[98] ECC, *Serious Incident Report* (August 9, 2007); Committee staff interview of Captain [redacted] at 38, 43 (January 13, 2010).

[99] ECC, *Serious Incident Report (Initial Report)* (December 12, 2007).

[100] In his interview with Committee staff, Nigel [redacted] later denied that any off-duty company personnel were involved in the shooting. Committee staff interview of Nigel [redacted] at 161 (December 5, 2009); Email from Nigel [redacted] to Peter [redacted] (December 12, 2007).

[101] Committee staff interview of Nigel [redacted] at 145 (December 5, 2009).

[102] *Id.* at 161.

[103] Committee staff interview of Darcy [redacted] at 35 (December 4, 2009).

[104] Committee staff interview of Rick [redacted] at 30 (January 7, 2010).

8. Killing Has an Immediate Impact on Safety at the Airbase

(U) The impact of the killing on ArmorGroup's guard force was immediate. In his daily situation report, Nigel [redacted] said:

> Today White was ambushed and killed by Pink both are local warlords that are heavily involved in the airfield to which they provide construction labor and security. Our current [guard force] come from areas controlled by these two men and the shifts have loyalties to both parties. This has given cause for concern in that a revenge attack or killing over the incident is possible.[105]

(U) Peter [redacted] ArmorGroup's Country Operations Manager, later reported that Mr. White's men on duty at the airbase at the time of the shooting had "attempted to rally to his revenge."[106] Nigel [redacted] in fact, disarmed the ArmorGroup guards affiliated with White at the time as he felt there would be some "wanting revenge" for the attack.[107] Nigel [redacted] also locked down all ECC clients and restricted movement on the airbase.[108]

(U) The day after the shooting, ECC reported the incident to their government client for the Shindand work, the U.S. Air Force Center on Engineering and Environment (AFCEE). In an email and report to the Kabul-based project manager for AFCEE, ECC described Pink and White as "two tribal warlords" that supplied ECC with labor.[109] ECC acknowledged that its security force was "split 50/50" between the two warlords and said that the shooting "may affect the situation between the two different tribes that make up our security force."[110] ECC asked the AFCEE project manager whether their report of the shooting should be submitted to the government contracting officer.[111]

(U) The next day, the AFCEE project manager advised ECC to submit its report to the contracting officer as it "could have a big impact on [ECC's] labor force."[112] The AFCEE project manager later said that although ECC kept him updated on the situation, the incident did not give rise to a broader discussion at AFCEE about the wisdom of relying on two warlords to provide security. According to the AFCEE project manager, "you had to make sure your people [were] safe but...you couldn't really control... how those warlords interacted with each other."[113]

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[105] ArmorGroup Daily Situation Report (December 12, 2007).

[106] Email from Peter [redacted] to Christopher Beese (December 11, 2008).

[107] Email from Nigel [redacted] to Peter [redacted] (December 12, 2007).

[108] *Id.*

[109] Email from Mark [redacted] to [redacted] (December 13, 2007).

[110] *Id.*

[111] *Id.*

[112] Email from [redacted] to Mark [redacted] (December 14, 2007).

[113] Committee staff interview of [redacted] at 29 (February 17, 2010).

(U) Asked whether AFCEE ran intelligence checks on the individual warlords to determine whether or not the U.S. government should be partnering with them, the project manager said "AFCEE relied on the primary contractor to do that."[114] AFCEE apparently relied heavily on contractor personnel. According to the project manager, AFCEE even relied on contractor personnel to provide on-site inspection services for the construction elements of the project.[115] No government contract oversight personnel were on-site in Shindand and AFCEE's contracting officer for the project was located in San Antonio, Texas. As to overseeing the security subcontract, AFCEE's project manager said that AFCEE did not have a security expert in the country at that time. He said that AFCEE would probably have discouraged him from getting involved in the security aspects of the project as he was there to deal with oversight of construction.[116]

9. Fallout from Pink's Killing of White

(U) Once it became known that Mr. Pink was responsible for the shooting, Pink "went to ground," according to Nigel [redacted] and was not seen again.[117] According to ArmorGroup's Darcy [redacted] who arrived in Shindand just days after the shooting, U.S. Forces "were trying to find him [Pink], because they [had] become aware of the incident and who was responsible for it."[118] ECC's Monthly Security Report from December 2007, the month of the killing, said that in the days that followed, local nationals reported that Mr. Pink was in a village near the airbase with a number of Taliban fighters and a Taliban commander.[119]

[redacted][120]

(U) Pink's men on the ArmorGroup guard force remained employed on the contract following the incident. Although ArmorGroup officials told the Committee that they decided to "disassociate ourselves with Pink" and began to "phase out" members of the guard force affiliated with him, there is little evidence that Pink's men were, in fact, "phased out" at that time.[121] Rick [redacted], ECC's Site Security Manager, said that he was not aware of a plan to

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[114] *Id.* at 21.

[115] In April 2010, the Government Accountability Office (GAO) reported that AFCEE used contractors to perform quality assurance on all of its construction projects in Iraq and Afghanistan. GAO said that obligations for construction on those projects "totaled over $790 million for approximately 200 task orders during fiscal year 2008 and the first half of fiscal year 2009." U.S. Government Accountability Office, *Contingency Contracting: Improvements Needed in Management of Contractors Supporting Contract and Grant Administration in Iraq and Afghanistan*, GAO-10-357 at 9 (April 12, 2010).

[116] Committee staff interview of [redacted] at 9, 12, 32 (February 17, 2010).

[117] Committee staff interview of Nigel [redacted] at 161 (December 5, 2009).

[118] Committee staff interview of Darcy [redacted] at 76 (December 4, 2009).

[119] ECC, *Monthly Situation Report TO 18 for December 2007.*

[120] Committee staff interview of Chief Warrant Officer [redacted] at 61 (December 16, 2009).

[121] Committee staff interview of Nigel [redacted] at 161 (December 5, 2009); Committee staff interview of Darcy [redacted] at 82 (December 4, 2009).

phase out Pink's men.[122] In addition, other than one guard who was fired on January 13, 2008 for "smoking drugs whilst on duty," ArmorGroup Daily Reports do not indicate that any local national guards were removed between December 12, 2007 (the day of the shooting) and January 19, 2008.[123] In fact, company records indicate that the number of local guards working at the airbase was unchanged during that period.[124] An ArmorGroup document also states that the company issued thousands of rounds of ammunition for training the "pink party" on January 3, 2008, more than three weeks after the shooting.[125]

10. ArmorGroup Meets Reza Khan (a.k.a. Mr. White II)

(U) On December 12, 2007, with White dead and Pink reportedly holed up with Taliban fighters, ArmorGroup was suddenly without a local force provider for its contract. That situation was short lived. On December 13, 2007, the day after the killing, ArmorGroup and ECC met Reza Khan, brother to the first Mr. White. Khan, who the company would call Mr. White II, would assume his brother's role as force provider to ArmorGroup at Shindand Airbase. Rick [redacted] said that, before meeting with White II, both he and Nigel [redacted] "thought there was going to be a civil war out there. We had both factions on our base protecting it. We were concerned."[126] ECC and ArmorGroup apparently sought to resolve that concern by "gain[ing] assurance" from White II that "the current tribal conflict [would] have no bearing on the situation at the airfield."[127] White II provided the companies with that assurance, reportedly telling Nigel [redacted] that "his intention [was] to pursue the [shooting of his brother] the legal way through ANP/ANA."[128] ECC's Rick [redacted] said that although he thought Afghanistan was "a vengeance society" and that White II would "be out to get Pink," the warlord "sold" him that he "was going to try to do it properly."[129]

(U) When they reached agreement with White II to assume his brother's role as force provider, ArmorGroup and ECC apparently knew very little about the man. Nigel [redacted] said he believed that White II was an Afghan National Police Commander since he traveled in police vehicles and was escorted by men in ANP uniforms.[130] Rick [redacted] said, however, that White II was a businessman who owned electronics stores in Herat.[131] Rick [redacted] said that

[122] Committee staff interview of Nigel [redacted] at 161 (December 5, 2009); Committee staff interview of Rick [redacted] at 66 (January 7, 2010).

[123] ArmorGroup, *Daily Situation Report* (January 13, 2008).

[124] ArmorGroup, *Daily Situation Reports* (December 12, 2007 through January 19, 2008).

[125] ArmorGroup, *Details of Ammunitions for AK-47* (undated).

[126] Committee staff interview of Rick [redacted] at 29 (January 7, 2010).

[127] ArmorGroup, *Daily Situation Report* (December 13, 2007).

[128] *Id.*

[129] Committee staff interview of Rick [redacted] at 29 (January 7, 2010).

[130] Committee staff interview of Nigel [redacted] at 68 (December 5, 2009).

[131] Committee Staff Interview of Rick [redacted] at 61 (December 13, 2010); Committee staff interview of Nigel [redacted] (December 5, 2009).

White II was not a member of the Afghan National Police, but that he had a "close working relationship" with the ANP.[132]

(U) According to a Marine Officer, the man that ECC and ArmorGroup referred to as Mr. White II was [redacted][133] The Marine Officer said that White II had no responsibility for policing.[134]

(U) Like his brother, White II was not paid directly by ArmorGroup for providing men to staff the company's operations at Shindand Airbase.[135] Instead, according to ArmorGroup's Nigel [redacted] all of White II's men who came to the airfield to work "contributed to him."[136] Nigel [redacted] added that this arrangement "went for all the persons [on the airfield] local labor and alike."[137] And White II took steps to ensure his men got their share of work on the airbase. On December 29, 2007, just two weeks after meeting with Nigel [redacted] and Rick [redacted] and before Pink's men were terminated from the contract, White II met with ArmorGroup's Darcy [redacted] Darcy [redacted] said that White II "expressed a desire to talk with local contract companies involved in the reconstruction of the airfield."[138] Darcy [redacted] said White II "wanted to ensure that the workers hired by the companies would be split evenly between himself and Mr. Pink..."[139]

11. Feud Continues to Impact Airbase Security

(U) Despite White II's assurances, fallout from the shoot-out between Pink and White I continued to affect security at the airbase. On January 9, 2008, less than a month after the shooting, another IED exploded.[140] According to an ArmorGroup report, two individuals were attempting to infiltrate the airbase to plant the IED when the device exploded, killing one of the two.[141] Company documents suggested that the man killed while reportedly planting the IED was a relative of Mr. Pink.[142]

(U) Just a few days after the IED incident, ArmorGroup received reports that "Pink has now aligned himself with the Taliban."[143] An ECC report from January 2008 said that Afghans

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[132] Committee Staff Interview of Rick [redacted] at 61 (December 13, 2010); Committee staff interview of Nigel [redacted] (December 5, 2009).

[133] Committee staff interview of Chief Warrant Officer [redacted] at 62 (December 16, 2009).

[134] *Id.* at 117-18.

[135] Committee staff interview of Nigel [redacted] at 61 (December 5, 2009).

[136] Email from Nigel [redacted] to Peter [redacted] (August 27, 2008).

[137] *Id.*

[138] ArmorGroup, *Daily Situation Report* (December 29, 2007).

[139] *Id.*

[140] Committee staff interview of Darcy [redacted] at 88 (December 4, 2009).

[141] ArmorGroup, *Daily Situation Report* (January 10, 2008).

[142] *Id.*

[143] ArmorGroup, *Daily Situation Report* (January 13, 2008).

employed by ArmorGroup had reported that Mr. Pink had "gone to the dark side (is in full league with the Taliban)" and that U.S. Forces had said that Pink was "promoted to Mulla after winning his feud (having killed) with Mr. White."[144] As a result of the reports about Pink, ArmorGroup removed all cell phones from the company's local guards, taking what they described as "a precautionary measure as half of the guard force is recruited from Pink's area."[145]

(U) On January 19, 2008, more than a month after Mr. Pink killed Mr. White I, ArmorGroup finally terminated members of the guard force who had been recruited by Pink. The company's daily report said their termination was:

> [A] direct result of information received from both our interpreters and certain reliable members of Mr. Pink's own guardforce that Pink's men have been sending information to Mr. Pink. The information was regarding our movements to and from Herat, the routine of the airfield security, attempting to coerce fellow members of the guard that they should join with Pink and this morning while on guard at the entry control point that they were only allowing Pink's men onto the construction sites. This has made their position as members of the guard untenable. Members of the new tower guard that belong to Mr. White have replaced them... we had very little choice in this matter particularly in light of Pink's move to the Taliban...We have moved to a heightened alert status, which will be maintained over the coming days.[146]

(U) In the days that followed the guards' termination, ArmorGroup acknowledged having to make changes at the airfield "in light of the compromised information."[147]

(U) Asked about Pink's reported move to the Taliban, Nigel [redacted] said "[m]y whole thought and thinking is that he went really down into a severe criminal road affiliated somewhat with the Taliban because he had no longer any income."[148] ECC's Rick [redacted] had a different take:

> I think he was always – you know, "Taliban" is a generic term here. Any guy that's a criminal is called "Taliban." I think he was more of a mafia guy than Taliban. I don't think he had any religious conviction whatsoever. I think it's all about mafia extortion and turf battles...This wasn't about religion. This was about power and him getting more than the other guy and jealousy. Power and jealousy is all it was... Those people buy their jobs from him: I'll get you a job on the base, but you've got to kick back to me a dollar every day of what you make. This ain't about religion. He could have the title of mullah, imam, whatever, but it's not about religion. This is straightforward 1920s Chicago.[149]

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[144] ECC, *Monthly Security Report TO 18 for January 2008.*

[145] ArmorGroup, *Daily Situation Report* (January 17, 2008).

[146] ArmorGroup, *Daily Situation Report* (January 19, 2008).

[147] ArmorGroup, *Daily Situation Report* (January 22, 2008).

[148] Committee staff interview of Nigel [redacted] at 199 (December 5, 2009).

[149] Committee staff interview of Rick [redacted] at 70 (January 7, 2010).

(U) On January 26, 2008, just a week after Pink's men were fired, ArmorGroup's Nigel [redacted] said he had received a report that Pink was "trying to place his sacked men from the airfield into another American compound further north in Adraskan."[150] Nigel [redacted] reported that the "positions they are hopefully looking to fill are that of security and convoy."[151] At the time of Nigel [redacted]'s report, EODT, a private security company who had been awarded a contract to provide security at the Afghan National Civil Order Police (ANCOP) National Training Center (NTC) in Adraskan, was in the process of recruiting a local guard force.[152] (The EODT contract is described more fully below.)

(U) Nigel [redacted] said that he created a document with the names and pictures of the ArmorGroup employees who were fired on January 19, 2008 and submitted it to U.S. Military personnel at the airbase, reportedly telling them "these guys here that we have just sacked from the airfield are now working up in Adraskan on another project with a company, EODT."[153] In fact, personnel records indicate that on January 25, 2008, less than a week after ArmorGroup fired Pink's men, EODT hired several former ArmorGroup guards to work on their contract to provide security at the Adraskan National Training Center (NTC).[154]

(U) A Marine Officer recalled seeing a military report that Mr. Pink's men who had been fired from Shindand were seeking work at Adraskan.[155] The Marine Officer, who arrived in Afghanistan in February of 2008 (after Pink's men had been fired from Shindand) and did not deploy to FOB [redacted] until June 2008, said he did not know whether any action had been taken as a result of that reporting.[156]

(U) The termination of Pink's men at Shindand did not, apparently, end either the feud between the warlords or the threat it posed to airbase security. On February 4, 2008, ArmorGroup went on high alert after a man attempted to encroach the airbase.[157] ArmorGroup obtained information through sources that the man was "Abdul Karim now an employee in Adraskan and an ally of Pink."[158] In the wake of the threat, ArmorGroup cited "an urgent need" to place their own guards alongside Afghan Ministry of Defense (MOD) soldiers in the airbase's perimeter towers to improve security.[159]

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[150] Armor Group, *Daily Situation Report* (January 26, 2008).

[151] *Id.*

[152] Committee staff interview of Ken [redacted] at 53-4 (November 24, 2009).

[153] Committee staff interview of Nigel [redacted] at 189 (December 5, 2009).

[154] EODT personnel records.

[155] (U) The Officer recalled the report having a "sensationalized" title like "Taliban members seek employment at this place." He said he did not see anything that supported the "sensationalized claim of being Taliban" and said that if Pink was "taking care of his people of course he's going to take them up the road to get them hired somewhere else." Committee staff interview of Chief Warrant Officer [redacted] at 56 (December 16, 2009).

[156] Committee staff interview of Chief Warrant Officer [redacted] at 56 (December 16, 2009).

[157] ArmorGroup, *Daily Situation Report* (February 4, 2008).

[158] ArmorGroup, Excerpts from Selected Incident Reports (undated).

[159] ArmorGroup, *Daily Situation Report* (February 4, 2008).

12. "Pink is now a known Taliban"

(U) ArmorGroup's Nigel [redacted] said that after Pink killed White I, Pink had gone "to ground."[160] Though apparently operating largely out of sight, Pink continued to pose a threat.[161] Nigel [redacted] reporting what White II had told him in a meeting, said that "Pink [is] now known [Taliban] and has gone into the kidnapping game for ransom," which Nigel [redacted] wrote "has been confirmed by [U.S. Forces]."[162]

(U) In fact, in May 2008, U.S. Forces at the FOB near the airbase identified Mr. Pink as a potential military target.[163] The U.S. Forces Team Leader said that his team considered Pink a "mid-level Taliban manager" and said that the fact that Mr. Pink resided "immediately outside our front gate... posed a force protection issue for us. There was really only one or two ways off our base and we were concerned about having [Pink] out there."[164]

(U) A Marine Officer agreed that Pink was a "force protection concern."[165] The Officer said that there were "several reports written, five or six that I can think of, accusations against [Pink]. Those reports were criminal activities, kidnappings, things of that nature."[166] He said, however, that he believed Pink's activities weren't "really in our lane" and that he had not seen information that showed "conclusively ... that [Mr. Pink] was involved in Taliban activities."[167] The Marine Officer called Pink a "low level thug" with "some nefarious dealings," but said he did not believe Pink should be a high priority military target.[168] The Marine Officer's boss disagreed and Pink was subsequently submitted to ISAF as a potential high priority target.[169]

13. ArmorGroup Mine Action Hires Mr. White II

(U) In summer of 2008, the United Nations Office for Project Services (UNOPS) awarded ArmorGroup Mine Action (AGMA) a contract to conduct mine clearance in Herat Province, including in 18 target areas around Shindand. AGMA is one of the ArmorGroup

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[160] Committee staff interview of Nigel [redacted] at 161 (December 5, 2009); Committee staff interview of Darcy [redacted] at 76 (December 4, 2009).

[161] On March 27, 2008, for example, an ArmorGroup guard reported that a van, similar in appearance to that used to by the company, was attacked in a local bazaar. ArmorGroup believed that their airbase guards were the intended target of the attack. Darcy [redacted] who was the acting Site Team Leader for ArmorGroup at the time of the incident, said that he discussed the incident with White II, who told him that Pink had staged the attack. Armor Group, *Daily Situation Reports* (March 26-27, 2008); Committee staff interview of Darcy [redacted] at 103 (December 4, 2009).

[162] Nigel [redacted] said that White II also told him that Pink was responsible for an incident that had occurred earlier in April where a truck was damaged in what Nigel [redacted] said was a "small explosion." ArmorGroup, *Daily Situation Report* (April 16, 2008).

[163] Committee Staff interview of Captain [redacted] at 29 (January 8, 2010).

[164] *Id.* at 29-30.

[165] Committee staff interview of Chief Warrant Officer [redacted] at 59 (December 16, 2009).

[166] *Id.* at 47.

[167] *Id.* at 47, 53.

[168] *Id.* at 24.

[169] (U) According to the Marine Team Leader, ISAF ultimately turned down Mr. Pink's nomination for lack of HUMINT reporting. Committee staff interview of Chief Warrant Officer [redacted] at 60 (December 16, 2009).

family of companies and was already conducting unexploded ordnance clearance on Shindand Airbase as a subcontractor under ECC's contract with the U.S. Air Force Center for Engineering and the Environment (AFCEE).[170]

(U) Before the UN awarded its contract, AGMA sent a reconnaissance team that included Rob [redacted], the company's Afghanistan Country Manager, to Shindand to evaluate the target areas in the UNOPS solicitation and assess the security situation.[171]

(U) Nigel [redacted] ArmorGroup's Senior Team Leader at Shindand, had recommended to AGMA that the company use Mr. White II as their security provider for the UN contract.[172] Rob [redacted] said that when he traveled to Herat for the reconnaissance visit, an ArmorGroup colleague brought White II and "some of his associates" to a hotel in Herat, where they met for a number of hours. According to Rob [redacted]

> [Mr. White II] arrived in a police vehicle. He arrived with armed security with him. I can't recall whether they were in police uniforms or not, but they were certainly in police vehicles. And I was aware, having already done my background on him a little bit, that he was a – I was informed he was a provincial police commander responsible for one of the checkpoints quite close to Shindand, as well. So, already, as far as I was concerned, he was a government official.[173]

(U) At his meeting in Herat, Rob [redacted] said he reached an agreement with White II to facilitate AGMA's reconnaissance visit. He said White II provided "two official police vehicles, with police officers, to escort a number of my senior local operations guys to each and every village."[174]

(U) Although White II apparently used police resources to support AGMA's work, a Marine Officer stationed at the local FOB told the Committee that White II had no responsibility for policing and did not operate a police checkpoint in the area, as Rob [redacted] had suggested.[175]

(U) Following the reconnaissance visit, AGMA submitted a security plan to the UN that said AGMA planned to use an unnamed "local ANP Commander and tribal elder" as its security provider for the UNOPS project.[176] The proposal called the man "a respected tribal elder... the

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[170] From mid-2007 until December 2008, ArmorGroup Mine Action conducted unexploded ordnance clearance at Shindand Airbase under subcontract to ECC under the U.S. Air Force Center on Engineering and Environment contract. ECC and ArmorGroup, Continuing Services Agreements (signed May 25, 2007, signed September 25, 2008); Letter from attorney for ArmorGroup, Craig King, to Committee staff (August 7, 2009); Letters from attorney for ECC, Henry Schweiter, to Chairman Carl Levin (September 22, 2009, February 12, 2010).

[171] Committee staff interview of David McDonnell at 8 (December 5, 2009).

[172] *Id.* at 21; Committee staff interview of Nigel [redacted] at 10 (December 5, 2009).

[173] Committee staff interview of Rob [redacted] at 16-17 (December 4, 2009).

[174] *Id.* at 17.

[175] Committee staff interview of Chief Warrant Officer [redacted] at 117-19 (December 16, 2009).

[176] ArmorGroup Mine Action Afghanistan, *Security Plan* (April 22, 2008).

local ANP commander" and said he had "strong ties at provincial authority level."[177] Mr. White II was not mentioned by name in the proposal and AGMA Director David McDonnell said that he did not know for certain whether AGMA ever told the UN Mr. White II's true name.[178]

(U) AGMA won the UN contract and subsequently entered into an agreement with White II "to provide twenty armed security guards and two vehicles" for the project.[179] There is no indication that Mr. White II was a licensed private security company when he was hired by AGMA, as was then required by Afghan law.[180]

(U) Rob [redacted] AGMA's Afghanistan Country Manager, described the payment arrangement for White II's men:

> [W]e would give all the money to [White II], and a signature sheet, and each guy would sign for his wages, and [White II] would return that signature sheet to us with either thumbprints, crosses, bona fide signatures, whatever. There wasn't a lot else we could do about – apart from that, apart from to make him pay his men in front of us, which [would] have been culturally insensitive and not acceptable.[181]

(U) Unlike their sister company ArmorGroup's arrangement with Mr. White II, AGMA paid the warlord himself a $1,000 monthly salary.[182] They also paid him directly for the services of the guards and other personnel he selected, including $6,000 per month (20 guards paid $300 each per month) intended for his guards, $2,100 per month intended for 14 cleaners, $1,000 a month intended for 5 cooks, and $2,250 per month to rent two vehicles.[183] In total, AGMA appears to have paid White II $12,350 per month. Rob [redacted] said he had "no idea what Mr. White [II] did with the money."[184]

(U) An U.S. Army Sergeant operating out of the nearby FOB was advised that Mr. White II "was a supporter of Taliban operations" and that White II would "help [the Taliban] with

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[177] ArmorGroup Mine Action Afghanistan, *Security Plan* (April 22, 2008).

[178] David McDonnell said he thought the UN's regional mine action staff "will have known Mr. White [II]." Committee staff interview of David McDonnell at 21 (December 5, 2009).

[179] Letter from attorney for ArmorGroup, Craig King, to Committee staff (August 7, 2009).

[180] Pursuant to regulations adopted by the Afghan Ministry of Interior in February 2008, "real and natural persons (nationals and foreigners) shall not establish a security company or provide security services . . . without having an operational license." Ministry of Interior, Joint Secretariat of Disarmament and Reintegration, *Procedure for Regulating Activities of Private Security Companies in Afghanistan* (February 2008).

[181] Committee staff interview of Rob [redacted] at 28-29 (December 4, 2009).

[182] Committee staff interview of Nedim [redacted] at 19 (November 20, 2009).

[183] In addition to providing security, there is evidence that Mr. White II sought to act as the force provider for AGMA battle area clearance (BAC) searchers. A July 2008 report by Tony [redacted] spoke of White II's efforts to assist in the recruitment of BAC searcher, said the effort "could cause a problem," and attributed it to "ulterior financial motives" on the part of Mr. White II. Committee staff interview of Nedim [redacted] at 19 (November 20, 2009); AGMA, *AGMA AFG UNOPS Shindand A Monthly Operational Budget*; Tony [redacted] *AGMA Project Consultancy Report for the UNOPS Shindand A Contract* (July 2008).

[184] Committee staff interview of Rob [redacted] at 28-29 (December 4, 2009).

money."[185] According to the Army Sergeant, he was informed that White II "would provide money because of his contracting jobs with ArmorGroup. He had a lot of money from that and he would give that money to Taliban commanders, and they in turn would buy weapons and ammo, whatever they need."[186] The Army Sergeant said that he talked to the defense officer who worked with White II and was told that they "know about it," but that "they didn't want to talk about it, for whatever reason."[187] The Sergeant said he also spoke with [redacted] officer but that "because it was single source information...we really couldn't do anything."[188]

(U) An Army Captain who was deployed to the FOB near Shindand in July 2008 to be the Senior Army Intelligence Officer said he was not aware that Mr. White II was a force provider for ArmorGroup at the airbase or that White II was alleged to be a Taliban supporter. The Army Officer was surprised not to be aware of those facts and said that there had been indications around that time that there were "leaks of information coming out [about U.S. Military operations]."[189] He said: "[w]e probably did five or eight raids in a matter of a month and Taliban communications indicated that they would task people to provide information, who was detained, where they were located, that sort of thing."[190]

(U) In addition to paying Mr. White II $6,000 per month intended for his guards, AGMA paid $180 per month directly to each of the guards. Rob [redacted] said the latter was to ensure that "a good bulk of their salary was going home to their family; you know, they're going to function more effectively if they're being paid something."[191] It was later reported that the guards were not receiving "a cent" of their salaries.[192]

(U) Steve [redacted] an AGMA consultant, said AGMA's decision to hire Mr. White II "wasn't a case where we turned up – took a bunch of guys off the street and, you know, said, 'Bring your guns along, guys' . . . It was kind of a long-term relationship, where standards and practices had already been checked, and so on, before we got there. That's the way we understood it."[193] However, neither Steve [redacted] nor any other AGMA personnel could describe how Mr. White II chose his men or what training, if any, they underwent prior to being hired.[194]

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[185] Committee staff interview of Sergeant [redacted] at 19 (December 18, 2009).

[186] *Id.* at 20.

[187] *Id.*

[188] *Id.* at 22.

[189] Committee staff interview of Major [redacted] at 23 (February 23, 2010).

[190] *Id.*

[191] Committee staff interview of Rob [redacted] at 28-29 (December 4, 2009).

[192] Email from Tony [redacted] to Nedim [redacted] et al. (September 1, 2008).

[193] Committee staff interview of Steve [redacted] at 24 (November 19, 2009).

[194] Committee staff interview of David McDonnell at 29 (December 5, 2009); Committee staff interview of Rob [redacted] at 14 (December 4, 2009); Committee staff interview of Tony [redacted] at 10 (December 5, 2009).

14. AGMA Identifies "Problems" with Mr. White II, but Maintains Status Quo

(U) In June 2008, shortly after the UN contract was awarded to ArmorGroup Mine Action (AGMA), the company hired Tony [redacted] to conduct an assessment of the contract and to help the company meet its contractual requirements for mobilization, training, and logistics.[195] Tony [redacted] traveled to Shindand on June 9, 2008 and remained there through mid-July. On July 19, 2008, Tony [redacted] produced a written report that discussed, among other things, AGMA's relationship with Mr. White II and security issues relating to the contract.[196] The report was circulated among ArmorGroup Mine Action's senior leadership.

(U) In his report, Tony [redacted] advised that with White II providing security, "the problems involving Mr. White [II] and his conflict with a rival militia (Mr. Pink) would have to be monitored closely."[197] The report also discussed the concerns of AGMA personnel in Shindand, who worried that using White II as the company's security provider would affect their personal safety, stating:

> During one of the Project Meetings the Field Manager and the Field Supervisors informed the [Project Leader] that they were not happy with Mr. White [II] being involved in the security. They are fully aware of the friction between Mr. White [II] and Mr. Pink and are worried that there will be an altercation between the two militias while on operations and the team will be caught in the middle.[198]

(U) Commenting on the consultant's report, AGMA Director David McDonnell expressed his own concerns about the safety of AGMA personnel, given the conflict between Pink and White II, saying in an email to company personnel that the "Mr. White [II]/Pink security issue is a concern" and that "I would hate to see our people as the meat in the sandwich."[199]

(U) In his report, Tony [redacted] recommended that AGMA consider the option of recruiting independent guards from Kabul if "Mr. White [II] can no longer provide adequate and reliable security to the AGMA Clearance Teams in Shindand."[200] Rob [redacted] AGMA's Afghanistan Country Manager, wrote in response that AGMA's security plan was "designed in line with a number of factors," including a "[l]ong standing relationship between [ArmorGroup International] & White [II]." Rob [redacted] said that "it is anticipated that these problems will have to be solved locally" rather than AGMA's Kabul office intervening.[201] When he was later asked why the company decided against using guards from outside the area, Rob [redacted] said that it was for safety reasons and that it "would have been the absolute last-ditch solution for me, to bring our outsiders to perform outside of the wire. It would have been suicide for the guys to

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[195] Tony [redacted] *AGMA Project Consultancy Report for the UNOPS Shindand A Contract* at 4 (July 2008).

[196] *Id.*

[197] *Id.* at 16.

[198] *Id.* at 17.

[199] Email from David McDonnell to Rob [redacted] et al. (July 23, 2008).

[200] Tony [redacted] *AGMA Project Consultancy Report for the UNOPS Shindand A Contract* at 17 (July 2008).

[201] *Id.*

do it. They would have been killed. I wouldn't have done it."[202] Nigel [redacted] ArmorGroup's Senior Team Leader, said he would have preferred to use Afghan guards from outside of the local area for his company's guard force on Shindand Airbase. He said: "it was highly unusual" to "recruit people from the local area" because of their ties to the people in that area. Instead, he wanted guards from Kabul because they were "not affiliated to anybody" and would perform their jobs to the best of their abilities.[203] Nedim [redacted], AGMA's Project Leader, said that there were options other than using Mr. White II for security but that they were "more expensive."[204]

(U) Over the course of the contract, AGMA personnel said that the conflict between the warlords was a "permanent concern" and "constantly under review."[205] Rather than changing their security force to address the concern, however, AGMA sought repeated assurances from White II that the conflict would not affect AGMA operations. In fact, Nedim [redacted], who was AGMA's Project Leader on the UN contract, said company personnel sought such assurances from White II "every time" they met with him.[206]

15. Weapons Confiscated From Mr. White II

(U) The ongoing conflict between Mr. White II and Mr. Pink was not the only problem that Tony [redacted] identified with respect to AGMA's use of Mr. White II. At the time of Tony [redacted]'s report, White II's weapons had been confiscated by the Afghan government in what Tony [redacted] called a "crack down" on unregistered weapons held by militias in the country.[207] Although not referenced in Tony [redacted]'s report, media accounts from this time linked weapons confiscated in the Shindand area to those belonging to the Taliban for their expected use in "terrorist attacks."[208]

(U) Tony [redacted] reported on the confiscation to AGMA:

> Mr. White had his weapons and two vehicles confiscated by the [Ministry of Defense (MOD)] in a new crack down by the government to collect all militia's unregistered weapons and vehicles. Mr. White [II] and the MOD Commander in Herat have a "financial" agreement allowing Mr. White [II] to operate without the necessary documents, however it seems that this financial agreement has not been honoured by Mr. White [II] and the MOD Commander has now threatened to take all his weapons off him unless the agreement is honoured.[209]

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[202] Committee staff interview of Rob [redacted] at 70 (December 4, 2009).

[203] Committee staff interview of Nigel [redacted] at 230-31 (December 5, 2009).

[204] Committee staff interview of Nedim [redacted] at 75 (November 20, 2009).

[205] Committee staff interview of Tony [redacted] at 42 (December 5, 2009); Committee staff interview of Nedim [redacted] at 75 (November 20, 2009); Committee staff interview of Steve [redacted] at 140 (November 19, 2009).

[206] Committee staff interview of Nedim [redacted] at 75 (November 20, 2009).

[207] Tony [redacted] *AGMA Project Consultancy Report for the UNOPS Shindand A Contract* at 16 (July 2008).

[208] *Weapons Cache in Herat Uncovered* (July 28, 2008), *available at* www.quqnoos.com.

[209] Tony [redacted] *AGMA Project Consultancy Report for the UNOPS Shindand A Contract* at 17 (July 2008).

(U) When later asked about the "financial agreement" between Mr. White II and the MOD Commander, Tony [redacted] said that at the time he wrote his report, he thought that Mr. White II was "paying off" the Commander.[210] Tony [redacted] said that White II subsequently told him, however, that the "financial agreement" related to a "fee" associated with registering the weapons and that White II "went up to Herat and registered [the weapons] with the ANA commander."[211] Tony [redacted] said that he never saw documentation indicating the weapons had been registered, nor did he ask for such documentation.[212] Tony [redacted] said he did not believe that White II had a registered private security company. In fact, Tony [redacted] said that he did not believe that White II had a company at all.[213]

(U) Rob [redacted] AGMA's Country Director said that he had "no idea" how the problem with White II's weapons was resolved but that it was "dealt with in an Afghan manner when he went to Herat and met with the MOD commander; and whatever criteria he had to fulfill, he fulfilled and came back with the authorization."[214]

(U) ArmorGroup's Nigel [redacted], who recommended Mr. White II to AGMA, said that he never saw any documentation to suggest that White II had a license to possess weapons or provide security services, but said that he knew "nothing of a financial agreement between White [II] and the MOD commander in Herat."[215]

(U) Despite Nigel [redacted] s representation, a Marine Officer said that Nigel [redacted] not only told him that White II's weapons had been seized, but also informed him that the reason for the seizure was that White II "had not made large enough kickbacks or bribes or whatever you want to call them, to others, Afghan security officials."[216] The Marine Officer said that the Afghans seized "some pretty significant stuff" from White II, and said he thought "there were some landmines in there and some other stuff like that."[217] The Marine Officer said that some of White II's men were detained at the time of the seizure and that until he saw the intelligence reporting he was "unaware of [White II] having the cache."[218] He said that after the weapons seizure he had seen some open source reporting that the National Directorate of Security (NDS) had gone back on July 26, 2008 and found "an even bigger cache with the same group."[219]

(U) In fact, a July 28, 2008 news report stated that "NDS officials in Herat uncovered 2 caches of arms and ammunition suspected of belonging to Taliban on Saturday [July 26]."[220]

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[210] Committee staff interview of Tony [redacted] at 36 (December 5, 2009).

[211] *Id.* at 37.

[212] *Id.* at 37.

[213] *Id.* at 33.

[214] Committee staff interview of Rob [redacted] at 39 (December 4, 2009).

[215] Committee staff interview of Nigel [redacted] at 208 (December 5, 2009).

[216] Committee staff interview of Chief Warrant Officer [redacted] at 67 (December 16, 2009).

[217] *Id.* at 70.

[218] *Id.* at 67, 69.

[219] Army 15-6 Investigation, Interview with Chief Warrant Officer [redacted]

[220] *Weapons Cache in Herat Uncovered* (July 28, 2008), *available at* www.quqnoos.com.

The report said the "arms caches were found in the Pashtoon Zarghoon and Shindand Districts of Herat Province" and stated that the NDS had issued a statement that said "the Taliban wanted to use these weapons in terrorist attacks."[221]

(U) The Marine Officer who was deployed to the FOB near Shindand at the time said that he discussed the seizure of Mr. White II's weapons with an Army Captain who had recently been deployed to Shindand.[222] The Army Captain, however, said he was unaware of the seizure.[223]

(U) In addition to maintaining a cache of weapons and landmines, military reporting from July or early August 2008 suggested that Mr. White II was working to place a Taliban commander from Farah into a government position. An Army Sergeant who maintained a formal relationship with certain local nationals said that two of those local nationals, whom he called Romeo and Juliet, spoke to him about White II's efforts to place the Taliban commander [redacted][224] The two told the Army Sergeant that:

> Since [White II] had money, a large amount of money from the contracting on the airfield, he was... going to pay somebody in Herat to place Mullah Sadeq...in a government office up in Herat...And from that government position [Sadeq] was still going to be conducting his Taliban supporting by providing arms and whatever it is that the Taliban needed to continue fighting.[225]

16. Lead Up to the Azizabad Raid

(U) On August 21, 2008, Romeo and Juliet came to see the Army Sergeant. The two told him that there was going to be a meeting that night at Mr. White II's home in Azizabad that was to be attended by Mullah Sadeq and a number of other Taliban commanders and fighters.[226] The Army Sergeant passed the information to the Marines, who advised him that Sadeq was on the military's target list.[227] In fact, U.S. Forces reporting said that Sadeq "coordinates IED attacks in Herat and Farah Provinces" and that "his support is instrumental in the Zer-e Koh Valley Taliban's strategy to increase IEDs against [U.S. Forces]."[228]

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[221] *Id.*

[222] Committee staff interview of Chief Warrant Officer [redacted] (December 16, 2009).

[223] Committee staff interview of Major [redacted] at 20 (February 17, 2010).

[224] [redacted]

[225] Committee staff interview of Sergeant First Class [redacted] at 24 (December 18, 2009). An Army Captain who had been deployed to Shindand in early July to be the senior intelligence officer said he recalled Mullah Sadeq "talking about PTS-ing, 'Pts-ing' is 'Peace Through Strength' that's coming over to the ... government side." Committee staff interview of Major [redacted] at 18 (February 17, 2010).

[226] Committee staff interview of Sergeant First Class [redacted] at 31 (December 18, 2009); [redacted]

[227] *Id.* at 31.

[228] MG Jeffrey Schloesser, Memorandum for the Record (August 31, 2008); Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command (October 1, 2008); Operation Aram Tander II Briefing (August 21, 2008).

(U) The Marine Officer said that when he heard that Sadeq was coming to Azizabad to meet with Mr. White II, he emailed another U.S. Military officer who told him that White II was, in fact, Sadeq's uncle. That officer also offered that Sadeq was "now hitting [White II] up to work some kind of deal, maybe the reconciliation process," corroborating what Romeo and Juliet had earlier reported to the Army Sergeant.[229]

(U) That afternoon, the Army Sergeant met again with Romeo and Juliet, who brought with them [redacted]. [redacted] provided information regarding the logistics and security for the planned Taliban meeting.[230]

(U) That night, Romeo and Juliet called the Army Sergeant and passed information from [redacted] that Mullah Sadeq had arrived at Mr. White II's home. The Army and Marine elements at FOB [redacted] subsequently received final approval to execute a joint mission with ANA forces to capture or kill Sadeq.[231]

17. The Azizabad Raid

(U) As described above, on the night of August 21, 2008, U.S. and Afghan forces took incoming fire as they approached Azizabad. A prolonged battle ensued and included fire from an AC-130 and a single 500 precision bomb delivered by an unmanned aerial vehicle. The Marine Team Leader said that in the seven months he had been in Afghanistan, he had never "met this type of resistance," calling the Azizabad raid "the most kinetic engagement" he had been involved in.[232]

(U) While casualty figures from the operation varied widely, particularly with respect to the number of civilians killed, a U.S. Military investigation ultimately judged that "approximately 55 persons were killed" in the operation, including 22 anti-Coalition militia.[233] That investigation also found that "some of the [anti-Coalition militia] may have been security contractors for ArmorGroup."[234] In fact, Mr. White II and seven men affiliated with him and employed as security for either ArmorGroup or ArmorGroup Mine Action were killed in the operation. A post-operation search of the site revealed thousands of dollars in cash and a host of weapons and other military equipment, including anti-tank landmines, landmine fuses, AK-47s, machine guns, thousands of rounds of ammunition, body armor, and a hand grenade.[235]

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[229] (U) The Marine Officer called the reconciliation process "frequently abused," saying "[y]ou will watch them go through the reconciliation process just so they can lie low for a little while, and then come back and just continue what they were doing anyway." Committee staff interview of Chief Warrant Officer [redacted] at 77 (December 16, 2009).

[230] Committee staff interview of Sergeant First Class [redacted] at 32-33 (December 18, 2009).

[231] Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command at 3 (October 1, 2008).

[232] Army 15-6 Investigation, Interview of Captain [redacted] at 12-13 (undated).

[233] Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command at 3 (October 1, 2008).

[234] *Id.*

[235] (U) [redacted] (August 26, 2008).

18. Reaction to Azizabad Raid

(U) Immediately following the raid, Shindand Airbase was locked down and all construction work was suspended.[236] Nigel [redacted] ArmorGroup's Senior Team Leader at the airbase, filed a report that day calling the impact of Azizabad "massive" and saying the company was "43 men short" as a result of the bombing.[237] Nigel [redacted] said at the time that he expected "an attack of some sort" on the airbase as it was "known that we are weak on the manpower front."[238] He also expressed concern about the loyalties of his local guard force, pointing out that if they returned to work "there would [be] an armed individual who at any time could turn on any Gurkha or [ArmorGroup] Expat/Client as a result of the strikes."[239] Nigel [redacted] s report said that Armor Group Mine Action would also be "impacted greatly" by the incident.[240]

(U) In a second report filed that day, Nigel [redacted] confirmed that Mr. White II, one ArmorGroup guard, and six ArmorGroup Mine Action guards had been killed in the battle. Nigel [redacted] reported that the "entire [local country national] guard force has left the airfield" and said again that the threat on the airfield was "very high for some sort of reprisal."[241] Nigel [redacted] said that the "entire guardforce will need to be replaced as the existing men can no longer be trusted."[242] Nigel [redacted] wrote that he "expected that there will be a lot of tribal infighting in the coming weeks and months which yet again will affect all operations here and increase the threat."[243]

(U) In an August 22, 2008 email, Peter [redacted] ArmorGroup's Kabul-based Country Operations Manager, described the situation to Alex Brown, the company's London-based Afghanistan Country Director:

> At 4 a.m. this morning a further air strike has taken place on a village within 2 km of Shindand Airbase. Resident at this village was Mr. "White" [II], a local warlord and our "friendly" in the area. Mr. White [II] provided the majority of our local national security staff for the Shindand project and security for AGMA in their x16 outlying (UN) projects. During the coalition attack on the village, Mr. White [II] and x6 of our local guards, off duty at the time, have been killed (body and injury count ongoing)... During the subsequent military follow-up, AG uniforms were found in the villages and ISAF Forces have asked a few

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[236] ArmorGroup, *Interim Incident Report* (August 22, 2008).

[237] ArmorGroup, *First Incident Report* (August 22, 2008).

[238] *Id.*

[239] *Id.*

[240] *Id.*

[241] ArmorGroup, *Interim Incident Report* (August 22, 2008).

[242] *Id.*

[243] *Id.*

questions in relation to why "adversaries" would be in possession of AG clothing.[244]

(U) Peter [redacted] s email requested that the company deploy 20 third-country nationals or trusted local national guards to fill the void left by the absence of local guards from the airbase.[245]

(U) For its part, ECC emailed the U.S. Air Force Center on Engineering and Environment and reported that Mr. White II, who ECC called "the local fixer for manpower," had been killed.[246] ECC reported that work on the airbase had stopped and repeated Nigel [redacted] s warnings about the threat level, calling the threat of a reprisal attack "very high."[247]

(U) ArmorGroup Situation Reports noted local public reaction to the airstrikes, stating "[t]here has been a lot of unrest in the area with the burning of ANA vehicles and protests."[248] Afghan President Hamid Karzai "strongly condemned" what he called "the unilateral operation of the Coalition Forces."[249] The Afghan Independent Human Rights Commission expressed "deep[] concerns" about civilian casualties at Azizabad and sent a team to investigate the bombing.[250] On August 25, 2008 the Afghan cabinet adopted a resolution calling for a status of forces agreement.[251]

(U) On September 3, 2008 then-President George W. Bush called President Karzai to express regret over civilian casualties from the operation.[252] Two weeks later, in a meeting with senior Afghan officials, Secretary of Defense Robert Gates again apologized, but warned of Taliban attempts to use civilian casualties as propaganda.[253]

(U) ArmorGroup and ArmorGroup Mine Action (AGMA) officials, meanwhile, discussed whether or not the company should make payments to the families of Mr. White II, who had hosted the Taliban shura, and the guards that had been killed. ArmorGroup's Afghanistan Country Operations Manager, Peter [redacted] said that while White II "was not an [ArmorGroup] employee in the service agreement sense . . . he was an integral part of our operation."[254] ArmorGroup authorized a $1,000 discretionary payment to White II's family and

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[244] Email from Peter [redacted] to Alex Brown et al. (August 22, 2008).

[245] *Id.*

[246] Email from Troy [redacted] to Afcee.iprogram@[redacted] (August 22, 2008).

[247] *Id.*

[248] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (August 25, 2008).

[249] *Afghan President Sacks Military Brass Over Civilian Deaths*, Japan Economic Newswire (August 24, 2008).

[250] Afghanistan Independent Human Rights Commission, Press Release (August 23, 2008).

[251] *Afghan Cabinet Demands Review of International Presence*, AFP (August 23, 2008).

[252] *Bush Apologizes to Karzai for Civilian Deaths*, Reuters (September 4, 2008).

[253] DOD, *Meetings of Secretary Robert Gates with Afghan Cabinet Ministers on September 17, 2008, Kabul, Afghanistan.*

[254] Email from Peter [redacted] to afgmedcen et al. (August 27, 2008).

the company filed an insurance claim for the guard who was killed during the raid.[255] AGMA's Director David McDonnell said that he was not aware if AGMA ever made payments to White II's family, but that the company made payments to the families of the AGMA guards killed in the raid.[256]

19. Reports Claim Pink-White Feud Linked to Azizabad Operation

(U) In the weeks following the Azizabad bombing, information circulated that the raid was a result of false information provided to coalition forces by Mr. Pink, with one media report stating that the men known as Pink and White II "were competing for lucrative security company contracts for the U.S. airbase at Shindand and for control of drug-smuggling routes into nearby Iran."[257] Another media report quoted a spokesperson for Afghan President Hamid Karzai that the Azizabad raid resulted from "total misinformation fed to the collation forces... How the information was gathered, how it was misfed, and their personal animosity led to trying to use the international forces for their own political disputes, which led to a disastrous event and caused a strain on the relationship of the Afghan government and international forces."[258] That view was shared by ArmorGroup and AGMA personnel.

(U) In an August 25, 2008 email, AGMA's Tony [redacted] said "it is believed that the person the [Afghan National Army]/[U.S. Forces] were using as local inelegance [*sic*] was a member of Mr. Pink's militia and when asked to identify the compound where Mullah Siddiq [*sic*] was hiding, he pointed out Mr. White [II]'s compound, the rest as they say is history. You got to hand it to Pink, pretty shrewd."[259]

(U) The report of Brigadier General Callan's investigation into Azizabad called claims that the operation resulted from a tribal feud "disingenuous, without merit, and concretely disputed" by evidence presented in his findings.[260] Nevertheless, in September 2008, Mr. Pink was arrested and subsequently charged with providing false information that led to the raid to coalition forces. On February 28, 2009, Pink was convicted in an Afghan court in Herat, and sentenced to death for the offense.[261] The verdict was later overruled.[262]

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[255] Nigel [redacted] said that the money was never paid to Mr. White II. Committee staff interview of Nigel [redacted] at 226 (December 5, 2009); Email from Christopher Beese to Nigel [redacted] et al. (August 27, 2008).

[256] Committee staff interview of David McDonnell at 73 (December 5, 2009).

[257] Jason Straziuso, *Afghanistan Blames Vendetta for Civilian Deaths*, Associated Press (September 14, 2008); *War Update*, Newsday (September 15, 2008); Tom Coghlan, *Clan Rivals led US Forces to Attack Wrong Target,* The Times (London), (September 9, 2008).

[258] Jason Straziuso, *Afghanistan Blames Vendetta for Civilian Deaths*, Associated Press (September 14, 2008)

[259] The Committee believes that the word "inelegance" was used in place of "intelligence." Email from Tony [redacted] to Marty [redacted] et al. (August 25, 2008).

[260] Memorandum from Brig Gen Michael Callan to Acting Commander, United States Central Command at 3 (October 1, 2008).

[261] *Afghan Court Sentences Man to Death For Role in Civilian Deaths*, British Broadcasting Corporation (March 1, 2009).

[262] Email from Office of the Joint Chiefs of Staff Legislative Affairs to Committee Staff (May 23, 2010).

20. AGMA Finds Replacement to Mr. White II – "Strange How Business Goes On"

(U) Assessing that they could "no longer be trusted" after Azizabad, ArmorGroup dismissed its guards who had been affiliated with Mr. White II.[263] ArmorGroup Mine Action (AGMA), however, did just the opposite. Not only did the company keep White II's men but they agreed to hire the brothers of White II's men killed in the raid on the Taliban at Azizabad.

(U) On August 23, 2008, Tony [redacted] who was then-AGMA's Country Projects Manager, raised the possibility of not using White II's men as guards for the company's UN contract, but warned that if AGMA did not employ them, the men "might join forces with either the [ArmorGroup] security guards which have been released or worse still Mr. Pink and become a formidable force against ArmorGroup, the [Afghan National Army], and the [U.S. Forces]."[264] The company decided to keep White II's men and, just two days after the raid, Nigel [redacted] reportedly informed his AGMA colleagues that there was "a possible replacement" to Mr. White II from "within Mr. White [II]'s militia."[265] Nigel [redacted] reportedly said that there was even a possibility that "once the dust settles [the replacement to Mr. White II] will approach AGMA and inform us that there is business as usual…"[266]

(U) Nigel [redacted] s assessment proved correct. Just two days later, on August 25, 2008, Tony [redacted] reported that "Mr. White [II]'s younger brother (who will now be known as Mr. White III) has taken over the family security business and would like to meet with me to rekindle the security contract."[267] AGMA's Marty [redacted] responded "great news at the moment regarding White [II]'s replacement, strange how business goes on."[268]

(U) On August 28, less than a week after the Azizabad operation, Tony [redacted] met with Mr. White III, whose real name was Gul Mohammed (a.k.a. Gul Ahmed) and reported back to AGMA executives in Kabul:

> I have had a very productive meeting tonight with Mr. White III and all is on track for his security to be operational on Saturday morning… He was very accommodating and said that he is here to help. There has been no changes in terms and conditions and we will use his men on a limited basis with 8 guards for the first week to test the water. His only request was that the six men killed in the raid who were part of the AGMA security be replaced by their brothers. This of course I agreed to. Nigel was present during this meeting and it was really reassuring to find out that he and the village of Aziz Abad did not have a problem with either AG, ANA or ISAF and that his gripe was with Mr. Pink who gave the information to the coalition.[269]

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[263] ArmorGroup, *Interim Incident Report* (August 22, 2008).

[264] Email from Tony [redacted] to Marty [redacted] et al. (August 23, 2008).

[265] *Id.*

[266] *Id.*

[267] *Id.*

[268] *Id.*

[269] Email from Tony [redacted] to Rob [redacted] et al. (August 28, 2008).

(U) Like his brother before him, Mr. White III assured AGMA in his meeting with [redacted] that the conflict with Mr. Pink would not affect AGMA's UN project.[270] That assurance apparently satisfied the company. Rob [redacted], AGMA's Country Manager, said that after the meeting with White III "Tony and Nigel both came to the decision that he was a man we could do business with. He wasn't looking for revenge, and that we could continue comfortably with that individual."[271]

(U) Although AGMA's Country Operations Manager said that coalition forces were "absolutely" aware of the relationship between White III and AGMA, no Army or Marine personnel interviewed by the Committee said they were aware that AGMA had continued to employ White II's men after the raid at Azizabad.[272] An Army Captain who was deployed to the FOB near Shindand in July to act as the Senior Intelligence Officer said he "absolutely" would have had concerns about keeping the men, saying the men were "working with explosives near the firebase" and "it's a counterintelligence threat."[273]

(U) In the days that followed the meeting with White III, AGMA discussed how to handle payments to his guards. For his part, Tony [redacted] expressed a reluctance to give all the guards' pay to White III, rather than to the guards themselves since he had "heard that some of [the guards] have not had a cent since we started operating with them."[274]

21. White III's Men Observed Making "Threatening Calls"

(U) On September 9, 2008, less than two weeks after AGMA received White III's assurance that the conflict would not affect AGMA operations, company guards under his control were "observed making threatening phone calls" to individuals who Tony [redacted] said he could "only imagine being people loyal to Mr. Pink."[275] Tony [redacted] spoke to White III about the incident and told him that "under no circumstances are his men to contact anyone during their operations with AGMA," saying doing so would "put my men at risk and jeopardize the ongoing investigation into the [Azizabad] air strike."[276]

22. Improvised Explosive Devices on the Rise in the Wake of Azizabad

(U) In the days following the Azizabad bombing, ArmorGroup reported a "sharp increase" in Improvised Explosive Devices (IEDs) in the area, and said that movements from the

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[270] Committee staff interview of Tony [redacted] at 52 (December 5, 2009).

[271] Committee staff interview of Rob [redacted] at 78 (December 4, 2009).

[272] Committee staff interview of Marty [redacted] at 83-84 (November 19, 2009).

[273] Committee staff interview of [redacted] at 36 (February 17, 2010).

[274] Email from Tony [redacted] to Nedim [redacted] et al. (September 1, 2008).

[275] Email from Tony [redacted] to Rob [redacted] (September 9, 2008).

[276] *Id.*

airbase north to Herat were going to "become more difficult."[277] One report stated that "[i]t seems at the moment everyone is jumpy and the constant reports of IEDs is very common."[278]

(U) On September 24, 2008, three members of an ArmorGroup Mine Action Demining Team were injured by an IED.[279] (White III provided AGMA security, but not deminers.) The following day, Nedim [redacted], AGMA's Project Leader at Shindand, met with Mr. White III to ask him about the IEDs. White III apparently told him that he did not have any "idea who laid the IED."[280]

(U) Tony [redacted] said that he believed that two IEDs in September 2008 had been "placed specifically" for AGMA personnel.[281] Tony [redacted] said that the "ill feeling towards the international community in Shindand, although not apparent, is a concern."[282] Tony [redacted] raised a question as to whether guards supplied by White III and working for AGMA may have had foreknowledge of one of the IEDs.[283] He described the basis for his concern:

> ...[W]hen [AGMA Battle Area Clearance (BAC) teams] were proceeding...on the 21st September they were led by the security from Mr. White as normal, however on this particular day they veered off the normal dirt track and then back onto it. When [an AGMA employee] followed them a short while later he had noticed that at this point they had created another road but thought nothing of it and continued driving along the normal dirt track. It was at this stage he noticed the first IED at a specific part of the road where the security force had left the road and created another one. The question has to be asked is that, did the security force know there was a devise [*sic*] there hence the reason they left the road at that particular point. This could be a coincidence however it seems a little strange.[284]

(U) AGMA's senior staff subsequently held a conference call where they discussed the IEDs. Concerns raised in the call included "ill feeling" in the local community from Azizabad, the "potential threat from Mr. Pink," as well as a concern raised by Rob [redacted] AGMA's Country Manager, about "the potential threat from our security provider for either financial gain (to increase his capacity in response) or as a means of striking back in misplaced revenge."[285]

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[277] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (August 30, 2008).

[278] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (August 31, 2008).

[279] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (September 24, 2008).

[280] Email from Nedim [redacted] to Tony [redacted] et al. (September 26, 2008).

[281] Email from Tony [redacted] to Rob [redacted] et al. (September 30, 2008).

[282] Rob [redacted] said that he disagreed with [redacted] that AGMA was targeted. His view was that the IEDs were "a direct repercussion from Azizabad, and they were just out there to get anybody they could." Committee staff interview of Rob [redacted] at 112 (December 4, 2009); Email from Tony [redacted] to Rob [redacted] et al. (September 30, 2008).

[283] Email from Tony [redacted] to Rob [redacted] et al. (September 30, 2008).

[284] *Id.*

[285] ArmorGroup, Summary of Conference Call (undated).

(U) Asked about Rob [redacted]'s concern that White III was seeking to either profit from or seek revenge through attacks, Steve [redacted], an AGMA consultant on the project said "we would be remiss if we didn't, you know, put a question mark over anybody that could bring harm to us. And the security provider is a guy; he's a community leader; he has a security company; and he has guys, and he has guns. And so, there has to be a question mark that's looked into until the question mark goes away."[286] Steve [redacted] said he thought that, over the life of the project, the concern "was probably raised every week."[287]

(U) The company decided that Tony [redacted] would travel to Shindand as soon as possible to meet with Mr. White III. AGMA also considered a number of measures to mitigate the IED threat, including paying White III a monthly "performance bonus" if there were "no security incidents that result in any injury to AGMA staff" and there was "no lack of service" from White III.[288]

(U) Tony [redacted] met with White III at the end of October 2008, nearly two months after company personnel first felt compelled to ask White III if he knew who might be responsible for IEDs found around Shindand. During his meeting, Tony [redacted] asked again if White III had anything to do with the IEDs. Tony [redacted] told the Committee that he revisited the issue with White III for his "own peace of mind" and that he "just wanted to see [Mr. White III's] reaction . . . You know, that's all I wanted is just to satisfy myself."[289] White III reportedly told Tony [redacted] at the meeting that he did not have anything to do with the IEDs and White III continued as AGMA's security provider.[290]

23. ArmorGroup and ArmorGroup Mine Action Wind Down Work at Shindand

(U) Threats to the airbase persisted into the fall of 2008, as did questions about local feeling toward the ArmorGroup companies and coalition forces. One day in late October 2008, only 23 out of an expected 500 local national workers showed up for work at the airbase. The absences occurred just after ArmorGroup had received reports of a possible suicide-borne improvised explosive device attack on the airbase. The company called the absences "a clear sign that the information was accurate and that the local population were fully aware of what was about to happen."[291]

(U) In the final week of November, control of airfield security began transitioning from ArmorGroup to the Afghan National Army (ANA) with the ANA taking full control on December 1, 2008.[292]

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[286] Committee staff interview of Steve [redacted] at 162 (November 19, 2009).

[287] *Id.*

[288] ArmorGroup, Summary of Conference Call (undated). AGMA personnel stated that the incentive was never implemented. Committee staff interview of Rob [redacted] at 101 (December 4, 2009).

[289] Committee staff interview of Tony [redacted] at 81, 83 (December 5, 2009).

[290] *Id.* at 82.

[291] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (October 21, 2008).

[292] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (November 23, 2008).

(U) On December 11, 2008, ten days after the ANA took over at Shindand, Peter [redacted] ArmorGroup's County Operations Manager, sent an email to the Security Manager for the British Embassy in Kabul. According to Peter [redacted] the British Ambassador "was getting an ear bashing" by Afghan President Hamid Karzai because Karzai believed that ArmorGroup had "sacked all of the people involved in the guard force at Shindand."[293] Peter [redacted] s email described the company's time at Shindand:

> AG have been present in Shindand providing security services to a U.S. construction company for over a year... The security situation throughout our tenure has been volatile at best... The lack of infrastructure meant that the area was controlled and influenced by two feuding warlords; Mr. White and Mr. Pink. In order to be fair to both factions AG employed a total of 44 local national armed guards on the base, 22 from each faction. Early in the project a dispute arose between White and Pink that saw several tribal members on each side killed. A Jirga was called to resolve the issue where, in front of the elders, [Pink] shot [White] dead at point blank range. Having staffed the shifts according to tribal loyalty, [White's] shift (on duty at the time) attempted to rally in his revenge. Several similar incidents arose throughout the duration of the project. Other incidents included a buildup of Taliban activity in the area, suicide and IDF attacks close to perimeter and general inter-faction fighting/murders/criminality. This sets the atmosphere for the project and illustrates AG patience, tenacity and capability at holding such a difficult project together for so long. [White] was replaced as tribal leader by his brother, a more businesslike than criminal oriented chap but the feuding, regularly fatal in outcome, continued. It appears that [White II] aligned himself to the [U.S. Forces] and [Pink] engaged in more serious criminality and possibly anti-government activity.[294]

(U) Peter [redacted] went on to describe the Azizabad bombing and its aftermath before he concluded that "the activities of Pink and White's people, without the careful and balanced leadership and management of AG staff, at worst could have caused the project to fail long before the [21st] August tragedy..."[295]

(U) For ArmorGroup Mine Action's part, Company Director David McDonnell acknowledged the White family for contributing to the company's efforts, telling the Committee, "I would like to put on the record recognition of the services that the Whites provided us . . . we are forever grateful to Mr. White's family . . . because they kept our people safe."[296] McDonnell made his statement despite being aware of events that raised serious questions about the character and loyalties of the White family, including: The Afghan government's seizure of a cache of unregistered weapons belonging to White II; the belief that White II had bribed a government official; the killing of White II in a military raid on a Taliban shura, and; AGMA employees' suspicion of White III's knowledge of IEDs planted in the area.

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[293] Committee staff interview of Peter [redacted] at 199-200 (November 24, 2009).

[294] Email from Peter [redacted] to John Windham, et al. (December 11, 2008).

[295] *Id.*

[296] Committee staff interview of David McDonnell at 76 (December 5, 2009).

B. EODT Relies on Local Strongmen to Staff U.S. Contract

(U) Using warlords and local strongmen to staff security contracts is not unique to the ArmorGroup and ArmorGroup Mine Action contracts at Shindand. EOD Technology, Inc. (EODT), a company that provided security under a U.S. Army contract in the village of Adraskan, just north of Shindand in Herat Province, also partnered with local strongmen to staff and support its operations. EODT referred to those strongmen as "commanders" or "notables."[297] The Committee's inquiry revealed, however, that what was most notable about those individuals was their affiliations with criminal and anti-coalition activities.

1. EODT Partners with Local "Notables" to Supply Guard Force

(U) Adraskan is a village in Herat Province, just north of Shindand. In late 2007, the Combined Security Transition Command-Afghanistan (CSTC-A) selected Adraskan to be the site of a new National Training Center (NTC) for the Afghanistan National Civil Order of Police (ANCOP).[298] On January 5, 2008, the U.S. Army awarded EODT the nearly-$7 million contract to provide site security at the Adraskan NTC.[299] Later that month, EODT's Afghanistan Security Manager, Ken [redacted] began the process of mobilizing personnel and equipment for EODT to begin work on the contract.[300]

(U) In late January 2008, Ken [redacted] and other EODT personnel travelled to Herat to recruit a guard force. EODT initially asked local "notables" in the area to "get the word out" that EODT would be hiring guards.[301] That approach, however, resulted in "no less than 2,000" Afghans appearing at the Adraskan NTC looking for work on the 350-man EODT guard force.[302] When fights broke out among the groups of Afghan men competing for jobs, Ken [redacted] shut down operations and returned to Herat to "regroup."[303]

(U) On January 26, 2008 Ken [redacted] emailed colleagues a status of the company's recruiting efforts, which had involved at least two "notables," i.e. Salim Khan and "General" Said Abdul Wahab Qattili:

> I can't tell you how frustrating this is in words... the competitive BS, tribal crap, this little ego I have to stroke and that little ego... is getting old. We are WAY behind in vetting and hiring a functional guard force... as every notable has a

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[297] EODT, Volume II: Past Performance, Facilities Protective Services for Task Force Duke, Solicitation #W91B4K-09-R-2001, at 6 (January 2009); Committee staff interview of Ken [redacted] at 56 (November 24, 2009).

[298] Committee staff interview of Colonel [redacted] at 7-8 (December 15, 2009).

[299] Department of the Army Contract with EODT, No. W91B4M-08-C-0014, Provision of Site Security Services at Adraskan National Training Center (Award/Effective Date January 5, 2008).

[300] Committee staff interview of Ken [redacted] at 37-38 (November 24, 2009).

[301] *Id.* at 42, 53.

[302] *Id.* at 53.

[303] *Id.* at 53-54.

> better batch of guys, a better way to vet, their own self interests running up to the table, etc., et al...and it is stifling. The Army hates General Wahab, but loves Salim Khan. General Wahab and his cronies, swear the name of Salim Khan. The villagers at Adraskan all want jobs first ... but are all uneducated mud hut dwellers, with no clue of security. So...round and round we go.[304]

(U) Moving forward, Ken [redacted] decided that a better approach to hiring would be "to assign quotas [to particular notables], fair and equitable quotas, to tribal sensitivities, the geographic divisions, and so forth."[305] EODT's Deputy Country Manager, Luis [redacted], explained the importance of that approach:

> In the scope of Afghanistan, there's a lot of tribal lines, commander lines. And those lines—you're not supposed to cross them, okay? ...Commander Wahab... controls part of the road...about 10 kilometers, 5 or 10 kilometers north of Adraskan...So, if anything's going to happen there, you need to have Wahab on your side...Commander Blue commands, for lack of a better term, Adraskan village...and about 5 kilometers north to about 5 kilometers south or 10 kilometers south. And then, Salim Khan, south of Adraskan. So, in essence, you need the cooperation of all of them to make sure that you don't cross a tribal line or you don't cross a commander line and step on their toes, which could be detrimental for [] well-being. You know, I mean, if you're going to travel, you need to be safe.[306]

(U) Ken [redacted] directed Mahmoud, an Afghan who served as EODT's Deputy Country Security Manager, to ask the local "notables" to attend a jurgha to "talk about employment opportunities at Adraskan."[307]

(U) The local notables who attended the jurgha included "General" Said Abdul Wahab Qattili, "Commander Blue" (also known as Mirza Khan), Salim Khan, and two men who represented the village of Adraskan.[308] Regarding the latter two men, Ken [redacted] said, "I never caught their names. They didn't speak a lick of English, and I simply shook their hand and let Mahmoud facilitate."[309] One of the two was apparently Haji Dawoud of Adraskan district, who Geoff [redacted], EODT's Adraskan NTC Site Security Manager, described as "one of the initial elders [EODT] contacted...to kind of get their buy-in to this whole process."[310] The day after the jurgha, the "notables" arrived at Adraskan with their respective candidates for EODT's guard force.[311]

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[304] Email from Ken [redacted] to Luis [redacted] and Matt [redacted] (January 26, 2008).

[305] Committee staff interview of Ken [redacted] at 54 (November 24, 2009).

[306] Committee staff interview of Luis [redacted] at 80-81 (March 15, 2010).

[307] Committee staff interview of Ken [redacted] at 54 (November 24, 2009).

[308] *Id.* at 54-55.

[309] Committee staff interview of Ken [redacted] at 54 (November 24, 2009).

[310] Committee staff interview of Geoff [redacted] at 27 (January 26, 2010).

[311] Committee staff interview of Ken [redacted] at 56 (November 24, 2009).

(U) On September 24, 2009, the Committee asked the Defense Intelligence Agency (DIA) for a summary of the intelligence reporting on the individuals EODT relied on to select its guard force.

(U) As addressed in detail below, intelligence reporting by DIA suggests that some of the men associated with EODT's work at Adraskan have been involved in activities at odds with U.S. interests in the region. A March 24, 2010 letter from Secretary of Defense Robert Gates confirmed DIA's reporting. Secretary Gates wrote that [redacted] and stated there is [redacted][312] While Secretary Gates said that [redacted] the Committee's inquiry revealed strong evidence of connections between EODT at Adraskan and [redacted][313]

2. "General" Said Abdul Wahab Qattili

(U) "General" Said Abdul Wahab Qattili, the man EODT's Luis [redacted] described as "control[ling] part of the road" north of Adraskan, "sponsored" guards for the EODT guard force and provided a variety of other services for the company. While referred to as "General" (and sometimes "Colonel"), Wahab did not derive his title from a position with the Afghan National Security Forces, but from his former role as a mujahedeen commander fighting against Soviet forces in the 1980s.[314]

(U) In 2003, Wahab was reported to be the commander of the "Jihadi Order Regiment of Herat," and one media report stated that he commanded 300 men in an operation near Shindand. The Jihadi Order Regiment was not apparently affiliated with Afghan National Security Forces.[315] Wahab is listed on Arya Security Company letterhead as its President and Director.[316] He has also been described as the informal "number-two man" for Ismail Khan (the former governor of Herat province), the "Aide de Camp" to Ismail Khan, and "the Godfather of the Herat Province."[317]

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[312] Letter from Secretary of Defense Robert Gates to Chairman Carl Levin (March 24, 2010).

[313] *Id.*

[314] Committee staff interview of Ken [redacted] at 27 (November 24, 2009).

[315] The article refers to General Wahab as Colonel Sayd Abdol Wahab Qatali. EODT documents also use "General Wahab" interchangeably with "Sayd Abdol Wahab Qatali." *Afghan Authorities Destroy Opium Crop in Western District*, British Broadcasting Corporation (March 17, 2003) (citing Herat TV in Dari 1600 gmt March 16, 2003); Email from Ken [redacted] to Matt [redacted] and Brian [redacted] (January 15, 2008).

[316] Letter from Arya Security President Sayed Abdul Wahab Qattali to Compass-ISS Herat Province (August 26, 2009).

[317] Committee staff interview of Luis [redacted] at 11 (March 15, 2010); ISS-Safenet JV Proposal for Department of the Army, W91B4M-09-T-7000, Section 4.0 Direct Experience in the Camp Shouz Area.

(U) The "Jihadi Order Regiment of Herat" has been assessed to be a "militant group operating in and around Herat implementing Ismail's [Khan] personal agenda."[318] Military reporting also indicated that Arya Security Company provides security escort services for American companies and "provides security escort of military commodities from Kabul to many destinations in regional command (RC) West."[319]

(U) Wahab has a relationship, through Arya Security, with at least one other private security company, Compass Integrated Security Solutions (Compass). Compass has a large subcontract to provide security for both U.S. Department of Defense (DOD) and non-DOD supply convoys in Afghanistan. Compass subcontracts non-DOD convoy security in western Afghanistan to Arya and has said that it is currently seeking DOD approval to use Arya on its DOD convoys.[320]

(U) The U.S. Military reported that General Wahab's son is the director of the Mujahedeen Museum in Herat City and is suspected of being an agent of a hostile foreign government.[321] The U.S. Military reported that Wahab's son maintains an "informant network" in the 207th Corps of the Afghan National Army and has connections to local interpreters working with U.S. Military.[322] The U.S. Military also said that reporting indicates that Wahab's son has been directly involved in the killing of local individuals to include interpreters and businessmen.[323]

(U) Luis [redacted] EODT's Deputy Country Manager, introduced General Wahab to the company in the fall of 2007.[324] Luis [redacted] said that when he learned that EODT might be interested in the Adraskan NTC contract, he advised Ken [redacted] EODT's Afghanistan Country Security Manager, that someone from the company should contact General Wahab.[325] Luis [redacted] had met Wahab in early 2005 when Luis [redacted] worked in Herat as a security coordinator for U.S. Protection and Investigations (USPI), a private security company which, at that time, was performing security on subcontracts with the U.S. Agency for International Development (USAID).[326] (USPI's owners have since been convicted for conspiracy, major fraud, and wire fraud arising from a scheme to "defraud the United States"

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[318] [redacted] (October 15, 2009).

[319] *Id.*

[320] Letter from Attorney for Compass, Joshua Levy, to Committee staff at 4 (April 19, 2010); Committee staff interview of Mark [redacted] at 19 (May 26, 2010).

[321] DIA Response to Committee Questions at 2 (October 15, 2009).

[322] *Id.*

[323] *Id.* at 1.

[324] Committee staff interview of Ken [redacted] at 27 (November 24, 2009); Committee staff interview of Luis [redacted] (March 15, 2010).

[325] Committee staff interview of Luis [redacted] (March 15, 2010).

[326] *Id.*

related to those contracts.)[327] Luis [redacted] said Wahab was a "commander" who provided his "soldiers" to staff USPI's guard force in and around Herat.[328] Wahab's relationship with USPI, however, was not without incident. In May 2005, a USPI site security coordinator at Adraskan sent an email to the head of USPI reporting an incident involving General Wahab:

> Last night both Wahab's escorts and the [Ministry of Interior] tried to bulldoze me, to intimidate me into paying money to people who did not work here. The escorts showed up with about 100 men, all demanding pay. Only a few names matched the list we were given…I paid according to the proper number and then cut the pay off. I was threatened both verbally and physically and was escorted out of the area by my interior guard. We had also positioned our guys on top of the containers to prevent any unrest from going too far. Later we found out that Wahab had enlisted drivers as well as people from Adraskhan to make a show of force… Wahab is a sweet talker but a criminal just the same.[329]

(U) The USPI site security manager reported that Wahab had similarly "bulldozed" another USPI security worker a month earlier.[330]

(U) Luis [redacted] said he did not know about General Wahab's threats or "show of force" when he recommended him to Ken [redacted]. He nonetheless described why he thought it was important that EODT have a relationship with General Wahab:

> [L]et's say … I told General Wahab, you know, 'We're not going to use you…'… all my logistics come from Herat… Therefore, I've got to use part of General Wahab's area – I've got to transit his area. Now, if he's mad at me, or upset with me, you know, the – I'm not saying that he would have ambushed us, but the potential for something happening on the road, without his protection, certainly has increased.[331]

(U) When staffing their Adraskan NTC contract, EODT initially planned to rely on General Wahab to supply its entire local national guard force and their weapons. On January 15, 2008 Ken [redacted] emailed colleagues that Wahab had "agreed to provide us the entire local national force… to pay the entire force… replace people as required… provide weapons for all

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[327] 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).

[328] Committee staff interview of Luis [redacted] (March 15, 2010).

[329] Email from Mike [redacted] to Del Spier (May 27, 2005).

[330] (U) *Id.* Wahab was not the only Afghan strongman with whom USPI had a relationship. Company documents indicate that Mohammed Din Jurat, a former Afghan Ministry of Interior (MOI) official supplied the company with MOI soldiers to act as guards for the company's contracts. Public reports have linked Jurat to criminal activity including, allegedly, the murder of the Afghan aviation minister in 2002. [redacted] Simon Denyer, *Karzai's Credibility Rests on Finding VP's Killers*, Reuters (July 8, 2002); [redacted]

[331] Committee staff interview of Luis [redacted] at 83 (March 15, 2010).

armed billets, until such time as we have our own. Free."[332] In exchange, [redacted] reported that "Wahab states he does not want anything, except perhaps future business for procurement and expendables."[333]

(U) While Wahab did not fulfill all of the roles initially envisioned by the company, his involvement with EODT operations was significant. EODT ultimately borrowed Soviet-made PKM machine guns, AK-47s, and a handgun from Wahab.[334] On February 27, 2008, Ken [redacted] reported that EODT had "purchased one PKM as ours, others we have are borrowed, they will not sell them. (They) is Gen Wahab, one of our key enablers."[335] On occasions when EODT personnel traveled to Herat for company business, the company coordinated with Wahab to deliver them safely back to Adraskan and elsewhere in the province. Ken [redacted] called Wahab EODT's "eyes in Herat."[336]

(U) EODT's Afghanistan Country Security Manager described General Wahab's relationship with EODT this way:

> He was like the guy, the go-to guy. If he didn't have it, he could find it. He was trusted...He was the force provider for a whole lot of our better forces. And we had borrowed weapons from him. We had borrowed vehicles initially to get us around at mobilization in Herat.[337]

(U) Wahab remained involved throughout EODT's contract performance at Adraskan. In October 2008, following an IED incident discussed below, Wahab provided updates to EODT on one of its guards injured in the blast.[338] When EODT needed men for its guard force to replace those lost due to attrition, the company would dispatch one of their team leaders – who was one of Wahab's men – to bring in the required number.[339]

3. Wahab, EODT, ArmorGroup, and Pink: Questions About EODT Guard Loyalties

(U) EODT personnel records from Adraskan reveal that General Wahab sponsored at least thirty of the initial members of EODT's guard force. EODT personnel records also indicate that at least ten of the guards hired at Adraskan at the end of January and beginning of February 2008 had previously worked for ArmorGroup, another private security company who was

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[332] Email from Ken [redacted] to Matt [redacted] (January 15, 2008).

[333] *Id.*

[334] Letter from EODT to Committee staff (September 24, 2009). In its response to Committee questions, EODT claims that it borrowed only one PKM from General Wahab, but Ken [redacted]'s contemporaneous email suggests that the company borrowed more than one. Email from Ken [redacted] to Matt [redacted] Geoff [redacted] and Andrew [redacted] (February 27, 2008).

[335] Email from Ken [redacted] to Matt [redacted] Geoff [redacted] and Andrew [redacted] (February 27, 2008).

[336] Committee staff interview of Ken [redacted] at 142-43 (November 24, 2009).

[337] *Id.* at 145.

[338] Committee staff interview of Luis [redacted] at 72-3 (March 15, 2010).

[339] Committee staff interview of Chris [redacted] at 42 (April 1, 2010).

performing security on a U.S. Air Force subcontract at Shindand Airbase.[340] Of those ten former ArmorGroup guards, Wahab sponsored at least six for jobs with EODT.[341]

(U) As addressed above, when ArmorGroup began operations at Shindand, the company relied on two local warlords, Mr. Pink and Mr. White, to act as force providers for the company's guard force. Later, in December 2007, Pink murdered White and was subsequently reported to have aligned himself with the Taliban. On January 19, 2008, several weeks after the killing, ArmorGroup fired at least fifteen of Pink's men from its Shindand guard force for sending information to Pink about airfield security.[342] On January 26, 2008, ArmorGroup reported: "Pink is trying to place his sacked men from the [Shindand] airfield into another American compound further north in Adraskhan. The positions they are hopefully looking to fill are that of security and convoy."[343] The ArmorGroup report was filed within a day or two of EODT's jurgha with local "notables" to assign quotas for the Adraskan guard force.

(U) Mr. Pink appears to have been successful in placing men fired by ArmorGroup onto EODT's contract. A February 4, 2008 ArmorGroup report states, "Last night we were on high alert. A person had been seen and challenged on the airfield to which he fled...Information on the man is coming through sources to be that of Abdul Karim, now an employee at Adraskhan and an ally of Pink."[344] ArmorGroup records list Abdul Karim as one of Pink's men who was fired on January 19, 2008.[345] EODT records indicate that Karim was hired by the company at Adraskan on January 25, 2008. (On EODT paperwork, Karim listed his prior work experience with ArmorGroup and identified General Wahab as his sponsor.)[346] Other guards fired by ArmorGroup for their loyalties to Pink were also apparently hired by EODT. On October 1, 2008, three EODT guards were driving near Shindand when an IED exploded, killing at least two of the men.[347] An ArmorGroup report of the explosion said that "EODT from Adraskhan were struck by an IED today outside ANA checkpoint one heading south. The vehicle was full of their [local national] employees who by chance are Pink's men removed from the airfield back in January 08."[348] Three men in the truck, including the two who were killed, had previously

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[340] Geoff [redacted] EODT's Site Security Manager, said EODT "had a lot of employees that had in the past worked down at Shindand, more than a few of them, for ArmorGroup." Committee staff interview of Geoff [redacted] at 22-3 (March 3, 2010).

[341] Wahab also sponsored two additional guards, who referred to their experience at Shindand, the location of the ArmorGroup contract. One of those EODT guards listed experience as a security guard at Shindand. The other EODT guard (also sponsored by Wahab) listed experience with "special force" in Shindand. Adding these two guards would bring the total number of EODT guards with listed experience at ArmorGroup/Shindand to twelve. EODT Employment Application Form for Ainullah [redacted] (January 25, 2008); EODT Employment Application Form for Abdul [redacted] (January 25, 2008).

[342] ArmorGroup, *Daily Situation Report* (January 19, 2008).

[343] ArmorGroup, *Daily Situation Report* (January 26, 2008).

[344] ArmorGroup, Excerpts from Selected Incident Reports (undated).

[345] ArmorGroup, *Men Recruited from Mr. Pink Whose Employment Was Terminated January 19, 2008* (chart listing names and photos).

[346] The photo of Abdul Karim in ArmorGroup's records matches the photo of him in EODT's records. *Id.*; EODT Employment Application Form for Abdul Karim (January 25, 2008).

[347] EODT Serious Incident Report (October 1, 2008).

worked for ArmorGroup and had been hired by EODT on January 25, 2008, just a week after ArmorGroup fired Pink's men.[349] General Wahab sponsored all of these men.[350]

(U) While EODT's proposal for the Adraskan NTC contract describes the company's vetting process for local nationals as "rigorous," the company did not contact ArmorGroup prior to hiring men who indicated prior work experience with ArmorGroup in their applications with EODT.[351] Geoff [redacted], EODT's Adraskan Site Security Manager said he knew that he had "more than a few" guards that had worked for ArmorGroup, but he never asked anyone from ArmorGroup about those guards when he hired them, despite the fact that he "maintained an informal liaison" with ArmorGroup's Senior Team Leader at Shindand.[352]

(U) Ken [redacted] EODT's Country Security Manager said that at the time he was recruiting the guard force for Adraskan "Shindand had been infested by Taliban...[and he] didn't have a good feeling about recruiting out of the south."[353] While DCMA audits indicated that EODT screened potential employees for security, Ken [redacted] said that calling a previous employer for a reference on a local national guard was "very rare."[354] Ken [redacted] characterized his view of relationships between security companies in Afghanistan:

> [T]hey're the competition...It's a highly competitive environment in Afghanistan because there are no less than, when I left, 37 registered private security companies in the country.[355] There's not a lot of work. So it's extremely competitive. So no, we don't interact a lot, and we are literally robbing Peter to pay Paul.[356]

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[348] ArmorGroup Shindand Daily Situation Report (October 1, 2008).

[349] EODT Employment Application Form for Mardan [redacted] (January 25, 2008); EODT Employment Application Form for Mohammad [redacted] (January 25, 2008); EODT Employment Application Form for Farooq [redacted] (January 25, 2008); Committee staff interview of Geoff [redacted] at 22 (March 3, 2010).

[350] EODT Employment Application Form for Mardan [redacted] (January 25, 2008); EODT Employment Application Form for Mohammad [redacted] (signed January 25, 2008). EODT Employment Application Form for Farooq [redacted] (signed January 25, 2008).

[351] EODT, Volume I: Technical Proposal, Adraskan National Training Center (NTC) Security Herat, Afghanistan at 24 (November 2007).

[352] In fact, Geoff [redacted] did not check with any of the security companies that EODT guards listed in their job applications. In addition to the former ArmorGroup guards, EODT hired nearly 40 guards who listed prior work experience with USPI, another private security company. Luis [redacted] EODT's Deputy Country Manager at the time, was a former USPI employee. Luis [redacted] said that he would have expected EODT personnel Geoff [redacted] and Chris [redacted] to contact USPI and "to use every possible avenue available to them to complete a – to do a vetting process," including checking with the companies listed as prior experience. Committee staff interview of Geoff [redacted] at 31, 43 (January 26, 2010); Committee staff interview of Luis [redacted] at 60 (March 15, 2010).

[353] Committee staff interview of Ken [redacted] at 69 (November 24, 2009).

[354] *Id.* at 95; Defense Contract Management Agency audit (July 26, 2008, November 29, 2008).

[355] According to the Afghan Ministry of the Interior (MOI), by January 30, 2010, the number of licensed private security companies had grown to 52.

[356] Committee staff interview of Ken [redacted] at 168 (November 24, 2009).

(U) EODT's Deputy Site Security Manager at Adraskan, Chris [redacted] agreed: "Every company is bidding on the same contract, and they're—not everybody is inclined to help each other out."[357]

(U) While a Marine Officer recalled seeing a military report that Mr. Pink's men who had been fired from Shindand were seeking work at Adraskan, EODT managers have said that the U.S. Military never told them that the men were seeking jobs on EODT's guard force.[358]

4. Haji Dawoud

(U) In addition to General Wahab, EODT also relied on Haji Dawoud to provide men to staff their Adraskan contract. Although EODT describes Haji Dawoud as a "[w]ell known tribal leader" and "one of the elders from the set of villages" from which the company drew most of its guard force, other accounts raise concerns about Dawoud's activities in the region.[359]

(U) A Master Sergeant who was deployed to Adraskan and had "daily contact" with EODT personnel had several discussions with Haji Dawoud during his time at Adraskan.[360] The Master Sergeant described his interactions with Dawoud as "a cat and mouse game for information."[361] He continued: "[Haji Dawoud] was a strong arm in the community and would play both sides. I did not know anything about his real relationship with EODT, but I know they would talk a lot."[362] Indeed, Geoff [redacted], EODT's Site Security Manager at Adraskan, acknowledged that he met with Dawoud several times over the course of the year.[363]

(U) On June 1, 2008, five months after Haji Dawoud began supplying men for EODT's guard force, an ArmorGroup report identified a "Mulla Dawood" from Adraskan. The report, which was apparently based on information received from U.S. Forces said:

> There was a high profile [Taliban] meeting in Farah today and the main influence at the meeting was Mulla Dawood from Adraskhan. He was responsible for the recent kidnappings of the EODT employees in the area of Adraskhan.[364]

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[357] Committee staff interview of Chris [redacted] at 69 (April 1, 2010).

[358] Committee staff interview of Chief Warrant Officer [redacted] at 56 (December 16, 2009); Committee staff interview of Luis [redacted] (March 15, 2010); Committee staff interview of Ken [redacted] at 98-9 (November 24, 2009); Committee staff interview of Geoff [redacted] at 47-8 (January 26, 2010); ArmorGroup, *Daily Situation Reports* (January 20, 26, 2008).

[359] Response of EODT to Committee Follow-Up Questions (August 26, 2009); Committee staff interview of Geoff [redacted] at 26-27 (January 26, 2010).

[360] Response of Master Sergeant [redacted] to Committee Questions (March 10, 2010).

[361] *Id.*

[362] *Id.*

[363] Committee staff interview of Geoff [redacted] at 26 (January 26, 2010).

[364] ArmorGroup, *ArmorGroup Shindand Daily Situation Report* (June 1, 2008). ArmorGroup's statement that "EODT employees" were the victims of a kidnapping in the area of Adraskan is probably incorrect. Rather, employees of the Indian-owned construction company called HEB were kidnapped during the relevant time period. HEB was located at the Adraskan NTC, constructing the facilities that were to be used by the ANCOP. Committee staff interview of Geoff [redacted] at 14 (March 3, 2009).

(U) Military reporting also linked a Haji Dawoud to Taliban activities in Farah around the time of the ArmorGroup report and suggested he was responsible for kidnappings. On June 14, 2008, Mullah Sadeq, the Taliban target of the August 21, 2008 raid in Azizabad discussed above, was in Farah Province raising funds and recruiting personnel to support Taliban operations against the Afghan government, Afghan security forces, and Coalition Forces.[365] According to a military report, on the night of June 14, Dawoud and two other individuals hosted Mullah Sadeq.[366] The report identified Dawoud as one of the village's Taliban and said he was responsible for the kidnapping of an Afghan National Directorate of Security officer and his son twenty days earlier.[367]

5. Commander Blue (Mirza Khan)

(U) To provide men for its guard force, EODT also relied on an individual by the name of Mirza Khan, known to company personnel as "Commander Blue." EODT described Commander Blue as a "person of influence in the town of Adraskan."[368] Luis [redacted] the company's Deputy Country Manager, who also knew Commander Blue from his time at USPI, described him this way:

> As far as security goes, he's the man...if you need security, you go to him. He controls all the former soldiers—if you want to call [them] that—all the gentlemen that are doing security. And when you travel the road and you want to be secure, you contact him to make sure that, number one, it's okay to go through; number two, it's safe to go through; and number three, that you have his blessing.[369]

(U) As of March 2010, Commander Blue was still an EODT employee at Adraskan.[370] In addition to providing men, Commander Blue has run what EODT called "a surveillance and detection" or counterintelligence program throughout Adraskan and the surrounding areas.[371] According to Ken [redacted] EODT's Country Security Manager, Commander Blue's surveillance detection program was "supposed to be low profile, eyes and ears, intermix[ed] in the locales where the security forces lived...It was almost like a perpetual internal investigations team, eyes and ears, just watching and observing, to be better attuned to potential threats."[372]

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[365] [redacted]

[366] *Id.*

[367] *Id.*

[368] Response of EODT to Committee Follow-Up Questions (August 26, 2009); Committee staff interview of Geoff [redacted] at 26-27 (January 26, 2010).

[369] Committee staff interview of Luis [redacted] at 13 (March 15, 2010).

[370] Committee staff interview of Geoff [redacted] at 71 (March 3, 2010); Response of EODT to Committee Follow-Up Questions (March 31, 2010).

[371] According to Ken [redacted] "[Blue] was the manager for the surveillance-detection hirees, and by default the intelligence provider for the tactical operations center." Committee staff interview of Ken [redacted] at 69, 146 (November 24, 2009).

[372] Committee staff interview of Ken [redacted] at 146 (November 24, 2009).

(U) But EODT apparently knew little about whom Commander Blue was interacting with. According to Chris [redacted] "We didn't go with Blue, because that would blow his cover."[373] Chris [redacted] continued:

> We had no idea who it was that we needed to talk to. So, no, [Blue] certainly had the ability to go and talk to who he felt he needed to...When you tangle your hands with the man with the boots on the ground, sometimes nothing gets accomplished...We had to let him do his thing.[374]

(U) According to the U.S. Army Master Sergeant who was at Adraskan, Commander Blue "was a main player in getting information on and off the FOB from other local nationals."[375] The Master Sergeant said, however, that Blue would "play both sides."[376] Intelligence reporting also raises concerns about Commander Blue.

(U) The U.S. Military reports that Mirza Khan, which EODT says is Commander Blue's real name, is a former police officer who works with a hostile foreign government. [redacted][377]

(U) Defense Intelligence Agency (DIA) Director, Lieutenant General Ronald Burgess testified before the Committee that the Iranian regime uses the Qods force "to clandestinely exert military, political, and economic power to advance Iranian national interests abroad." He added that Qods Force activities include "providing training, arms, and financial support to surrogate groups and terrorist organizations."[378]

6. U.S. Military Oversight of EODT's Partnerships

(U) There was apparently little government oversight of EODT's recruiting at Adraskan. The contracting officers and contracting officer's representative (COR) with oversight responsibilities appear to have been, for the most part, unfamiliar with the backgrounds of individuals who EODT relied on to staff its guard force. The contracting officer who was responsible for the contract from the time the request for proposals was issued until the contract was awarded, was located in Kabul and traveled to Adraskan only once.[379] He recalled General Wahab's name "coming up quite a few times" during the contract pre-award period and said the

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[373] Committee staff interview of Chris [redacted] at 28 (April 1, 2010).

[374] *Id.* at 29-30.

[375] Response of Master Sergeant [redacted] to Committee Questions (March 10, 2010).

[376] Response of Master Sergeant [redacted] to Committee Questions (March 10, 2010).

[377] DIA response to Committee Questions at 2 (October 15, 2009).

[378] Written Statement of Director, Defense Intelligence Agency, Lieutenant General Ronald Burgess, Jr., Hearing on Iran's Military Power, Senate Armed Services Committee (April 14, 2010).

[379] Committee staff interview of Captain [redacted] at 13 (January 8, 2010).

name Haji Dawoud "sounded familiar" but indicated that he would not ordinarily be involved at the "level of detail" of examining from whom the company hired its security guards.[380]

(U) The contracting officer who succeeded him and who had responsibility for the contract from early January 2008 until mid-March 2008 was also located in Kabul. She has said that she never knew that either General Wahab or Haji Dawoud was providing men for EODT's Adraskan guard force.[381] Furthermore, while she had oversight responsibility, she "did not have any interaction with any EODT personnel."[382] Ken [redacted] EODT's Country Security Manager said that the initial COR for EODT's contract was "well aware" that EODT was using General Wahab and Salim Khan as force providers.[383] The initial COR said, however, that while he was aware that EODT held a jurgha and apportioned the guard force among local elders, he did not know all of the elders EODT relied on for that purpose.[384]

(U) In February 2008, when EODT began standing up operations at Adraskan, the issue of vetting the guards was raised. At the time, EODT's Ken [redacted] wrote to the COR that he "seemed very concerned" about EODT's vetting the guard force and "appropriately so."[385] Ken [redacted] apparently seeking to reassure the COR, wrote that local guards were "sponsored" by a "notable" or "elder" and subsequently interviewed by the company "to challenge their background..."[386] There is no indication that the COR or any other government official inquired to determine the identity or background of guard force "sponsors."

(U) Ken [redacted] said that he probably did not vet General Wahab with the initial COR for EODT's contract.[387] However, he said that on his first day at Adraskan in January 2008, he discussed Wahab with a Police Mentor Team (PMT) comprised of U.S. Military servicemembers operating at Adraskan.[388] The PMT, according to Ken [redacted] immediately registered dissatisfaction with Wahab.[389] When he asked the PMT about Wahab, Ken [redacted] said that he got a "spew of how Wahab was such a bad guy."[390] He subsequently reported to Luis [redacted] EODT's Deputy Country Manager, that "the Army hates General Wahab."[391] The

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[380] *Id.* at 63, 69.

[381] Response of Captain [redacted] to Committee Questions (March 9, 2010).

[382] *Id.*

[383] Committee staff interview of Ken [redacted] at 64, 103 (November 24, 2009).

[384] The initial COR said he thought that one of the individuals that EODT used as a force provider may have been named Salim Khan. The COR could not precisely recall Salim Khan's background. Committee staff interview of Colonel [redacted] at 48, 49, 63 (December 15, 2009).

[385] Email from Ken [redacted] to Colonel [redacted] (February 5, 2008).

[386] *Id.*

[387] Committee staff interview of Ken [redacted] at 65 (November 24, 2009).

[388] *Id.* at 65, 79. Although in his interview, Ken [redacted] referred to a Provincial Reconstruction Team (PRT), others have advised the Committee that a Police Mentor Team (PMT) was operating at Adraskan at that time.

[389] Committee staff interview of Ken [redacted] at 65 (November 24, 2009).

[390] *Id.* at 79.

PMT's unfavorable view of him did not prevent EODT from using Wahab to supply men for its guard force or provide the company other services at Adraskan.

(U) A subsequent COR who was assigned to the EODT contract at Adraskan said that the company did not vet Wahab, Haji Dawoud, or Commander Blue with him.[392] The COR was, however, familiar with General Wahab, describing him as "money-motivated" and "a high roller."[393] He said: "If Afghan[s]—and they do—if they have a mafia, he's part of their mafia."[394] He continued: "[Wahab]'s the guy – he's like the Godfather. He would have a piece of everything. Almost every contract that was run north of Adraskan."[395] The COR said that Wahab was "influential in getting people contracts, but he would also expect kickbacks."[396] Indeed, he said he heard from members of EODT's local national guard force that they were not getting paid what they were promised for their work at Adraskan and that skimming was occurring.[397] EODT guards told the COR that they were receiving about $100 per month, which was well below the salary listed in company personnel records, leading him to conclude that Wahab was probably taking a "small tax from it."[398] Despite his apparent knowledge of Wahab's activities, the COR said that he did not independently vet Wahab or the other individuals EODT relied on as he said the relationships had been established before he arrived.[399]

(U) As to Haji Dawoud, EODT's Ken [redacted] said he never even asked the PMT about him or the other elder from the village of Adraskan, saying:

> We didn't really mention them, because that was what it was. They were our neighbors. The village borders the facility and they were going to be an entity we had to contend with no matter what.[400]

(U) Chris [redacted] EODT's Deputy Site Security Manager at Adraskan, expressed indifference regarding the need to vet the "notables" upon whom EODT relied for its guard

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[391] Email from Ken [redacted] to Luis [redacted] and Matt [redacted] (January 26, 2008). In his Committee staff interview, Ken [redacted] later dismissed the PMT's view of Wahab as "unfounded animosity" caused by disagreements between the PMT and General Wahab over pricing of supplies that the PMT was interested in purchasing from him. Committee staff interview of Ken [redacted] at 66 (November 24, 2009).

[392] Committee staff interview of Major [redacted] at 36-37, 107 (April 9, 2010).

[393] *Id.* at 21.

[394] *Id.*

[395] *Id.*

[396] *Id.* at 22.

[397] *Id.* at 23-24.

[398] *Id.* at 97.

[399] *Id.* at 36-37.

[400] Committee staff interview of Ken [redacted] at 66 (November 24, 2009).

force. According to Chris [redacted] "We didn't hire...the elders. I'm not interested in anybody that doesn't work for me."[401]

(U) In June 2009, EODT announced that it had received a $99.9 million contract award to provide security services to U.S. Military facilities in several provinces of northeastern Afghanistan.[402]

[401] Committee staff interview with Chris [redacted] at 16 (April 1, 2010). DCMA audits indicated that EODT screened potential employees for security but did not discuss screening force providers. DCMA audits (July 26, November 29, 2008).

[402] EODT press release (June 4, 2009).

PART TWO

A. The Need For Government Oversight: What's At Stake

(U) On the morning of February 19, 2010, a squad of U.S. Marines was conducting a foot patrol near Patrol Base Barrows in northeastern Farah Province. The Marines observed an Afghan on the roof of a mud hut several hundred meters away.[403] The Afghan, it was later discovered, was a guard for a security contractor working under a Commander's Emergency Requirement Project (CERP) awarded by the Kandahar Regional Contracting Center.[404] Shortly after sunrise, the Afghan guard began firing on the Marines who sought to identify themselves by yelling "U.S. Marines" and firing signal flares. But by the time the firing stopped, Marine Lance Corporal [redacted] had been shot. A medical evacuation helicopter was dispatched to the scene but Lance Corporal [redacted] died before the helicopter was able to reach him.[405]

(U) Following the shooting, seven Afghan private security personnel were detained by the Marines. Weapons and a substance suspected to be opium were seized as evidence. Naval Criminal Investigative Service (NCIS) interviews of the U.S. Marines who came under fire and of the Afghans who were detained, reveal troubling information about Afghan contract security personnel.[406]

(U) According to Marines interviewed by NCIS, the February 19, 2010 incident was not the first time they had taken fire from private security personnel. One Marine told NCIS that "Personally while on patrol... we have been shot at by contractors and after we yelled 'Marines' the firing continued from the contractors. As well as on other patrols I have been shot at with a few short shots."[407] A second Marine told NCIS "On occasion the contractors have been known to shoot at Marine[s] – I know this as a fact because it happened to my [squad] approximately 3 weeks ago."[408] A third Marine also mentioned "prior problems with the contractors shooting at Marines."[409]

(U) Not only did the Marines report that security contractors shot at them, but they also said they knew Afghan contract security guards to be high on opium while on the job. One Marine said that "Pretty much everyone knows the security contractors routinely use drugs and work their posts while high on drugs" and that he "personally observed different security contractors using drugs at various posts while on patrol in the past during earlier dates."[410]

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[403] Summary of Naval Criminal Investigative Service investigation into the death of LCpl [redacted] Email from Office of the Secretary of Defense Legislative Affairs to Committee staff (May 25, 2010).

[404] Principal Assistant Responsible for Contracting-Afghanistan, *Summary CERP PSC Incident* (2010).

[405] Summary of Naval Criminal Investigative Service investigation into the death of LCpl [redacted]

[406] *Id.*

[407] *Id.*

[408] *Id.*

[409] *Id.*

[410] *Id.*

Marines told NCIS that, following the February 19, 2010 incident, they found opium believed to belong to the security contractors involved in the shooting.[411]

(U) The Afghans detained after Lance Corporal [redacted]'s shooting were ill-prepared to perform as security personnel. NCIS reported that one Afghan guard said he "was given a rifle and ammunition," but "that he was never provided with any training on how to use the weapon and didn't even know what kind of weapon he actually carried."[412] NCIS reported that another Afghan guard "described his 'rifle' as being a Rocket Propelled Grenade (RPG) launcher" and "stated the last time he shot an RPG was two years ago, when he was with the Afghan National Army (ANA) in Farah working at a checkpoint."[413] A third guard told NCIS that "he carried a rifle with ammunition while working but wasn't ever given training in the use of the weapon."[414] A fourth Afghan guard said he had "never been a member of the Afghan National Police or Army and has never shot or had training in shooting the rifle he carried."[415] That guard told NCIS that "the last time he fired a rifle was in the late 1980s when the Russians occupied Afghanistan."[416] A fifth Afghan said that he had "never shot his assigned rifle or received any formal weapons training."[417]

(U) U.S. Lance Corporal [redacted]'s shooting exemplifies the risks that untrained and unsupervised armed private security contractor personnel can pose for U.S. troops. It appears that the U.S. government knew little about the armed guards encountered by the Marines in Farah on the day he was shot. This was despite the fact that the guards were being paid under a contract with the U.S. Military. As of May 2010, there were more than 26,000 private security contractor personnel working under U.S. Government or ISAF contracts in Afghanistan.[418] The Committee's inquiry revealed widespread deficiencies in the performance of security contractors, including in the training provided to their personnel. The inquiry also found major gaps in government oversight that allow those deficiencies to persist.

B. Government Oversight of Private Security Contractor Performance

(U) Over the last 15 years there has been tremendous growth in the number and cost of Department of Defense (DOD) contracts. According to Congressional testimony, in 1994 the U.S. Army alone awarded 75,000 contracts worth $11 billion. By 2008 those numbers had grown to 571,000 contracts worth $165 billion.[419] Growth in contracting in contingency

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[411] *Id.*

[412] *Id.*

[413] *Id.*

[414] *Id.*

[415] *Id.*

[416] *Id.*

[417] *Id.*

[418] Email from Office of Secretary of Defense for Legislative Affairs to Committee staff (May 13, 2010).

[419] Written Statement of Deputy Assistant Secretary of the Army (Procurement), Edward Harrington, and Principal Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, LTG William Phillips, Hearing on Use of Service Contracts in Support of Wartime Operations and Other Contingencies Commission on Wartime Contracting (April 19, 2010).

operations has also been striking and occurred over a shorter period of time. For example, according to U.S. Central Command (CENTCOM), as of the second quarter 2010 there were more than 112,000 Department of Defense contractor personnel operating in Afghanistan alone, a more than 380 percent increase just since the fourth quarter of 2007.[420] The growth rate in armed private security contracting personnel in Afghanistan has been even greater. According to CENTCOM, as of the third quarter of 2007, there were slightly more than 1,000 armed DOD private security contractor personnel in Afghanistan.[421] By the first quarter of 2010, that number had grown to more than 16,000, an increase of nearly 1600 percent.[422] In May 2010, CENTCOM's Armed Contractor Oversight Directorate (ACOD) reported that the total number of private security contractor personnel working on U.S. Government or ISAF contracts in Afghanistan was more than 26,000.[423]

(U) As two Department of Defense officials testified to Congress, "the success of our Warfighters [is] linked to the success of the contracting workforce."[424] Unfortunately, while the number of Department contractor personnel has exploded, the Department's acquisition workforce has shrunk. The Army's acquisition workforce, for example, declined by more than 45 percent in real terms between 1994 and 2008.[425] While the military's success may be linked to contractor performance, officials acknowledge that "poor contract oversight and poor contractor performance that may result, can negatively affect the military's mission."[426] The risks are particularly serious in the case of armed contractor personnel, such as those hired to perform security.

(U) An April 2010 report by the Office of the Assistant Deputy Under Secretary of Defense (Program Support) stated that "DOD's use of [private security contractors (PSCs)] is carefully considered and managed."[427] "Where PSCs are employed," the report concluded, "DOD applies strict vetting, qualification, and training standards; requires adherence to arming authorization procedures; and provides close monitoring and oversight."[428] The Committee's review of more than 125 DOD contracts for private security in Afghanistan and their associated contract files, however, raises serious questions about the accuracy of those statements.

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[420] US CENTCOM, *1st Quarter Contractor Census Report* (January 30, 2008); DOD, *Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan* (May 2010).

[421] USCENTCOM, *1st Quarter Contractor Census Report* (January 30, 2008).

[422] *Id.*; DOD, *Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan* (February 2010).

[423] Email from Office of Secretary of Defense for Legislative Affairs to Committee staff (May 12, 2010).

[424] Written Statement of Edward Harrington and LTG William Phillips, Hearing on Use of Service Contracts in Support of Wartime Operations and Other Contingencies, Commission on Wartime Contracting (April 19, 2010).

[425] *Id.*

[426] U.S. Government Accountability Office, *Warfighter Support: Continued Actions Needed by DOD to Improve and Institutionalize Contractor Support in Contingency Operations*, GAO-10-551T, at 6 (March 17, 2010).

[427] DOD, Office of Assistant Deputy Under Secretary of Defense (Program Support), *Performance by Private Security Contractors of Certain Functions in an Area of Combat Operations* at 9 (April 5, 2010).

[428] *Id.*

(U) Prior to the award of a contract, contracting officials are required to examine a company's past performance as part of the process for determining whether a contractor is qualified to perform services sought by the government. Although some files of Department of Defense security contracts in Afghanistan contain evaluations of past performance and other evidence of a competitive contracting process, many contain little or no information about security providers, their personnel, or their past performance. This is frequently true of contracts between U.S. Military and Afghan-owned security providers. In fact, some proposals to provide security services in Afghanistan consist only of a one-page price quote with no information about the Afghan company involved, how they recruit and train their personnel, and whether they have any experience at all.

(U) For example, in August 2008, a U.S. Special Operations Command Regional Contracting Office entered into a contract with Assadullah Security Company to provide more than 150 security guard personnel at a U.S. Military base in Oruzgan Province. Other than the contract itself, the contract file provided by the Department consisted of a one page price proposal from the company. Documents provided by the Department contained no information about the company, its personnel, its capabilities, or its experience.[429]

(U) Once a contract is awarded, the government relies on contracting officers and their delegated representatives to oversee performance. A contracting officer is responsible for ensuring that a contractor meets requirements set forth in its agreement with the government. Where a contract exceeds $1 million and is for a duration of one year or more, the Joint Contracting Command Iraq/Afghanistan (JCC I/A), now known as CENTCOM Contracting Command, may also delegate oversight responsibility to the Defense Contract Management Agency (DCMA).[430] In either case, Contracting Officer Representatives (CORs) typically provide day-to-day oversight of a contract. CORs are often referred to as the government's "eyes and the ears" on a contract.[431]

(U) Audits conducted by the Government Accountability Office (GAO), however, have repeatedly cited the Department of Defense for its "inability to provide an adequate number of oversight personnel," including CORs, in CENTCOM's theater of operations.[432] Although efforts have been made to increase the number of oversight personnel, according to GAO, the problem had "not been resolved" in Iraq or Afghanistan as of March 2010.[433]

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[429] USSOCOM Regional Contracting Office, Forward Contract with Assadullah Security Company (August 1, 2008); Assadullah Security Company price quote (undated).

[430] DCMA Commander, Captain David Graff, briefing for Committee staff (May 5, 2010).

[431] U.S. Government Accountability Office, *Warfighter Support: Continued Actions Needed by DOD to Improve and Institutionalize Contractor Support in Contingency Operations*, GAO-10-551T at 5 (March 17, 2010); Written Statement of Director, Defense Procurement Acquisition Policy Shay Assad, Hearing on Use of Service Contracts in Support of Wartime Operations and Other Contingencies, Commission on Wartime Contracting (April 19, 2010).

[432] U.S. Government Accountability Office, *Warfighter Support: Continued Actions Needed by DOD to Improve and Institutionalize Contractor Support in Contingency Operations*, GAO-10-551T at 7 (March 17, 2010).

[433] Department of the Army, HQDA EXORD 048-10: Pre-Deployment Training for Contracting Officer's Representative (COR) Candidates and Commander's Emergency Response Program (CERP) Personnel (December 5, 2009); U.S. Government Accountability Office, *Warfighter Support: Continued Actions Needed by DOD to Improve and Institutionalize Contractor Support in Contingency Operations*, GAO-10-551T (March 17, 2010).

(U) Deficiencies in contract oversight also stem from a failure by oversight officials to regularly evaluate contractor performance. In October 2009, CORs for DCMA-delegated contracts, not limited to private security contracts, were not consistently completing their required audits.[434] In December 2009, officials at the Kandahar Regional Contracting Command advised GAO that "their workload required them to devote all their efforts to awarding contracts, and as a result they could not provide contract oversight."[435]

(U) Lapses in government oversight are particularly dangerous when the safety of U.S. forces is at stake. Between 2007 and 2009, DOD had in excess of 125 direct contracts with more than 70 entities to perform security in Afghanistan. Those contracts were frequently to provide security at U.S. forward operating bases. In addition to lacking information on contractors' capabilities or past performance, files relating to those DOD contracts often contained no information about how security providers actually performed on the job. An exception to that lack of information was contracts where the Defense Contract Management Agency (DCMA) was delegated oversight authority and completed audits of contractor performance. That the most complete record about private security contractor performance comes from an agency that has not consistently completed its necessary audits, raises concerns about the adequacy of DOD oversight.

(U) Between January 2007 and September 28, 2009, DCMA conducted at least one performance audit of 47 separate DOD contracts to provide security in Afghanistan.[436] A review of those audits show that they frequently identified serious deficiencies in contractor performance and compliance with contractual obligations, such as requirements to properly vet and train armed guards. Many of those failures are described below.

(U) DCMA's primary tool for influencing remedial action by a contractor is for the agency to issue a corrective action request (CAR) requiring the contractor to take steps to both fix a problem and prevent it from happening again. Despite the large number of deficiencies identified in DCMA audits of security providers in Afghanistan, however, DCMA reports issuing CARs to only five private security providers during the period reviewed by the Committee

1. Rules Governing Armed Private Security Contractors in Afghanistan

(U) The Department of Defense and CENTCOM have established standards applicable to security contractors operating in Afghanistan. The Federal Acquisition Regulation (FAR) is the principal set of rules that governs the government's acquisition of products and services. The Department of Defense supplements the FAR with rules of its own. In June 2006, DOD issued an interim rule amending a contract clause contained in the Defense FAR Supplement (DFARS) governing the carriage of weapons by contractor personnel in Afghanistan.[437]

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[434] Defense Contract Management Agency chart (September 8, 2010).

[435] U.S. Government Accountability Office, *Warfighter Support: Continued Actions Needed by DOD to Improve and Institutionalize Contractor Support in Contingency Operations*, GAO-10-551T at 7 (March 17, 2010).

[436] According to then-DCMA Commander, Captain David Graff, DCMA was not tasked with oversight of PSCs until January 2008. DCMA Commander, Captain David Graff, briefing for Committee staff (May 5, 2010).

[437] DFARS 252.225-7040

(U) That DFARS clause states that a contractor may request, through their contracting officer, authority from the Combatant Commander for their personnel to carry weapons. Contractors must ensure, however, that their armed personnel are "adequately trained to carry and use [weapons]... safely...with a full understanding of, and adherence to, the rules of the use of force issued by the Combatant Commander... and [i]n compliance with applicable agency policies, agreements, rules, regulations, and other applicable law."[438] The DFARS clause also requires that contractor personnel adhere to "all guidance and orders issued by the Combatant Commander regarding possession, use, safety, and accountability of weapons and ammunition."[439]

(U) In November 2006, U.S. Central Command (CENTCOM) issued an order directing contractors who wished their personnel to be armed to submit requests to CENTCOM. The CENTCOM order required that contactors maintain documentation of training their personnel on weapons familiarization and qualification, Law of Armed Conflict (LOAC), and the Rules for the Use of Force (RUF).[440] The order also stated that whenever carrying a weapon, contractor personnel must carry proof that they are authorized to do so. And, similar to the DFARS clause described above, CENTCOM directed that contractor personnel follow "all applicable policies and regulations" issued by the Deputy Commander of CENTCOM and placed limits on the type of weapons contractor personnel are permitted to use.[441]

(U) In May 2007, CENTCOM's Joint Contracting Command for Iraq and Afghanistan (JCC-I/A) published its own "acquisition instruction," detailing contract terms for inclusion in private security and other contracts that contemplated arming contractor personnel. In addition to specifically requiring compliance with the DFARS clause and the CENTCOM order described above, JCC-I/A directed that contracts include language requiring contractors and subcontractors "at all tiers" to "obey all existing and future laws, regulations, orders, and directives applicable to the use of private security personnel in Iraq and Afghanistan, including U.S. CENTCOM, Multi-National Force Commander and Multi-National Corps Commander orders, instructions and directives."[442] JCC I/A also directed that contracts include language that, prior to requesting arming approval, the contractor will submit to the contracting officer's representative "an acceptable plan for accomplishing background checks on all contractor and subcontractor employees who will be armed under the contract."[443] The standard contract terms published by JCC I/A also required that "at a minimum," contractors vet individuals who are to be armed using "Interpol, FBI, Country of Origin Criminal Records, Country of Origin U.S. Embassy Information Request, CIA records, and/or any other records available."[444]

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[438] *Id.*

[439] *Id.*

[440] USCENTCOM, Modification to USCENTCOM Civilian and Contractor Arming Policy and Delegation of Authority for Iraq and Afghanistan (November 7, 2006).

[441] *Id.*

[442] Joint Contracting Command-Iraq/Afghanistan (JCC–I/A), Acquisition Instruction at 36-39 (May 1, 2007).

[443] *Id.*

[444] *Id.* Although there were subsequent revisions to the JCC-I/A instruction, the requirements relating to arming, training, and vetting were not modified substantively.

(U) Over the course of the inquiry, the Committee reviewed more than 125 DOD contracts and subcontracts for private security services in Afghanistan. That review revealed wide gaps between contractor performance and DOD and CENTCOM standards in place during the time the contracted services were performed. With few exceptions, the records reviewed by the Committee do not indicate that contractors took remedial action or the government enforced penalties, even for the most serious deficiencies.[445]

2. Arming Authority and Requirements to Screen Contract Personnel

(U) A review of the Department of Defense contracts and subcontracts to provide security in Afghanistan indicates frequent noncompliance by security providers with DOD guidelines. It also reveals a failure by contractors to live up to standards they set for themselves in their contract proposals.

(U) As discussed in Part One above, the Environmental Chemical Corporation (ECC) contracted with ArmorGroup North America to provide security at Shindand Airbase. ECC's contract with ArmorGroup, which was funded by the Air Force Center for Engineering and the Environment (AFCEE), stated that ArmorGroup "shall obtain and show proof of all required (Afghanistan and Coalition) applicable permits, agreements, licenses, and certificates."[446] Private security personnel working under Department of Defense contracts in Afghanistan must be properly authorized to carry arms in accordance with host nation law and pursuant to CENTCOM approval. Among CENTCOM's requirements for contractors seeking authority for their employees to carry weapons is that contractors submit a "plan for accomplishing background checks on all contractor and subcontractor employees who will be armed under the contract."[447] It does not appear, however, that ArmorGroup or ECC ever sought authority from CENTCOM to arm their local national guards at Shindand.

(U) ArmorGroup's own proposal to ECC for the Shindand contract said, however, that every local national employed by the company was "subject to a strict vetting and screening

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[445] The most recent set of government-wide standards followed Section 862 of the National Defense Authorization Act (NDAA) FY08, which was signed into law in January 28, 2008. The statute, which originated in the Senate Armed Services Committees, required the Secretary of Defense, in coordination with the Secretary of State, to prescribe regulations on the selection, training, equipping, and management of contractors performing private security functions in areas of combat operations. Public Law 110-181 § 862 (January 28, 2008). The required regulations were issued as a Department of Defense Instruction on June 22, 2009 and were concurrently published in the Federal Register as an interim final rule. Although the interim final rule is an important step in regulating the conduct of private security contractors in Afghanistan, its impact depends on improving oversight and enforcement.

[446] ECC, Statement of Work for Continuing Services Agreement (dated April 27, 2007).

[447] Joint Contracting Command-Iraq/Afghanistan (JCC–I/A), Acquisition Instruction at 36-39 (May 1, 2007). ArmorGroup's contract to provide security at Shindand was a subcontract under a task order issued in March 2007 by the Air Force Center on Engineering and Environment (AFCEE) to ECC under an existing contract. At the time the task order was issued, JCC I/A had not yet published its arming requirements. As a result, the arming requirements were not initially included in the AFCEE task order or the underlying contract. In March 2008, AFCEE modified its contract with ECC to include the arming requirements. When the contract was modified, the requirements should have been flowed down through ECC's task order under the contract to ECC's subcontract with ArmorGroup. ECC has been unable to confirm that its contract with ArmorGroup was modified to include the arming requirements.

process."[448] The proposal also described requirements used by the company's recruiting agency in selecting candidates, including "a signed declaration stating that they were not a member of the Taliban," verification of their "family and background," "high levels of discipline and conduct," and that the candidates were "previously trained in weapons and small arms."[449]

(U) ArmorGroup relied on a series of local warlords to provide men for its security force at Shindand. The company has been unable to produce records for those men indicating that the requirements described in the proposal were followed. And while ArmorGroup's Senior Team Leader said that he vetted guards with the Team Leader of the U.S. Forces unit at FOB [redacted], the U.S. Forces Team Leader did not recall that happening.[450]

(U) EODT's contract to provide security at Adraskan National Training Center (NTC), which is also discussed in Part One of this report, contained the JCC I/A contract requirement for training and vetting security guard personnel. In addition, the company's proposal for the contract said that "sound vetting and screening is a key to establishing reliable, efficient, guard force performance" and called the company's vetting process "rigorous."[451] EODT fell far short of both standards.

(U) As discussed in Part One of this report, EODT relied on local "notables" to staff its security guard force. EODT documents indicate that at least ten guards hired by the company in 2008 had previously worked for ArmorGroup and nearly 40 guards had previously worked for USPI, another U.S. private security company who operated in Afghanistan. (USPI's owners pled guilty in 2009 to conspiracy, major fraud, and wire fraud arising from a scheme to "defraud the United States.")[452] While DCMA audits indicated that EODT screened potential employees for security and the company's contract required it to use "any... records available" to vet its guard, the company apparently never contacted either ArmorGroup or USPI to inquire about those guards.[453] In fact, EODT's Country Security Manager said that it was "very rare" for the company to ever call a previous employer for a reference on a local national guard.[454]

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[448] ArmorGroup, *Technical Proposal: Afghan National Army Air Corps Expansion, Shindand, Afghanistan for ECCI* at 15 (January 12, 2007).

[449] *Id.*

[450] Committee staff interview of Nigel [redacted] at 56 (December 5, 2009); Committee staff interview of Captain [redacted] at 30-31 (January 13, 2010).

[451] EODT, Volume I: Technical Proposal, Adraskan National Training Center (NTC) Security, Herat, Afghanistan at 22-24 (November 2007).

[452] EODT personnel files; 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).

[453] While JCC I/A requires contractors to perform background checks, the General Accounting Office has been critical of the Department of Defense for failing to establish a Department or command-wide policy with respect to contractor vetting. According to the GAO, as of March 17, 2010, "DOD had not developed a department-wide policy on how to screen local national and third-country national contractor personnel, and as a result it continues to face challenges in conducting background screening of these personnel." GAO further reported that "absent a DOD-wide policy, commanders develop their own standards and processes to ensure that contractor personnel have been screened." This lack of uniform guidance on screening local nationals may pose a risk to military personnel. According to the GAO, "without a coordinated DOD-wide effort to develop and implement standardized policies and procedures to ensure that contractor personnel—particularly local nationals and third-country nationals—have been screened, DOD cannot be assured that it has taken all reasonable steps to thoroughly screen contractor

(U) Not only did EODT fail to check with their guards' previous employers, despite indications to the contrary in DCMA audits of EODT's contract, the company does not appear to have regularly vetted their guards with the U.S. Military. Chris [redacted], who was the company's Deputy Site Security Manager at Adraskan NTC recalled only one occasion on which he showed a list of guards to military personnel, but acknowledged that there was no formal or regular process for vetting EODT guards with the military.[455] In addition, Chris [redacted] himself raised questions about the effectiveness of providing the military a list of names to vet, stating that "turnover and [] attrition rate on our guard force [was] absolutely astronomical. So, one list one day is definitely not the list the next day."[456]

(U) Obviously, high turnover presents a challenge to effective vetting. But high turnover rates among private security guard forces in Afghanistan was not unique to EODT. In a September 2008 memo discussing 22 security contracts in his area of operations, the Chief of Contracting at Regional Contracting Command (RCC) Fenty also identified high turnover rates as a problem.[457] Other documents indicate the problem was widespread.

(U) The security force at FOB [redacted] in Jalalabad experienced a 77 percent turnover rate over a nine month period in 2008.[458] A July 2008 DCMA audit of a contract at Camp [redacted] in Kunar Province reported that 195 guards resigned at the camp.[459] Another DCMA audit, this one conducted in June 2008 of a contract at FOB [redacted] in Paktika Province said that "new individuals are hired on a monthly basis."[460] And DCMA called retention of the guard force at one FOB "a problem" and said that it had been "very difficult to maintain enrollment numbers" within the guard ranks at a second FOB.[461]

(U) An October 2008 evaluation of a security contract at Camp [redacted] in Nangarhar Province said that the Golden State Group, the contractor on site "[c]annot ever provide accurate by name roster of guards."[462] An audit of the same company conducted the following month

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personnel and minimize any risks to the military posed by these personnel." U.S. Government Accountability Office, *Contingency Contract Management: DOD Needs to Develop and Finalize Background Screening and Other Standards for Private Security Contractors*, GAO-09-351 at 13 (July 31, 2009); U.S. Government Accountability Office, *Warfighter Support: Continued Actions Needed by DOD to Improve and Institutionalize Contractor Support in Contingency Operations*, GAO-10-551T at 15 (March 17, 2010).

[454] Committee staff interview of Ken [redacted] at 95 (November 24, 2009).

[455] Committee staff interview of Chris [redacted] at 14, 15, 17 (April 1, 2010); DCMA audit (July 25, Nov. 29, 2008)

[456] *Id.* at 14.

[457] Memo from Chief of Contracting, RCC Fenty (September 23, 2008).

[458] Final Price Negotiation Memorandum for W91B4K-08-C-2001 (October 2, 2008).

[459] DCMA audit of W91B4K-08-C-0003 (July 19, 2008).

[460] DCMA audit of W91B4P-08-C-0114 [redacted] (June 19, 2008).

[461] DCMA audit of W91B4M-08-P-7405 FOB [redacted] (December 19, 2008); DCMA audit of W91B4P-08-C-0115 [redacted] (July 30, 2008).

[462] Email from Staff Sergeant [redacted] to Major [redacted] et al. (October 1, 2008). On October 14, 2008, DCMA issued a Corrective Action Request (CAR) to the Golden State Group. DCMA documents indicate that the contractor was "non-responsive" and a follow-up "disclosed unresolved issues." DCMA reports indicate that, as of March 2009, the agency was working with the regional contracting command to "ensure [the Golden State Group] is not considered for future contracts." DCMA CAR spreadsheet (May 5, 2010).

indicated that the Golden State Group had "no acceptable plan for background checks."[463] Turnover was a problem on Compass Integrated Security Solutions' contract at Camp [redacted] in Herat as well. As one Compass security manager at Camp [redacted] put it, "I can confirm that two [local national] guards were sacked by myself for smoking hashish on duty, and that 4 others walked out following this. [redacted] has the delight of changing guards at a rapid rate of knots, and this is common place."[464] He added, "We lose guards every week, it's a high turnover down here."[465]

(U) High turnover is not the only impediment to vetting. In Panshir Province, the U.S. government was actually denied the ability to vet guards for a security contract it funded. Contract documents state that the Afghan "governor has handpicked a local national guard force to provide security and will only accept that handpicked guard force to provide security for the [Provincial Reconstruction Team (PRT)]. Unless these terms are met, the PRT can not [*sic*] live in or operate in the province...If any other guard force or a U.S. [security force] is used, the governor will eject the PRT from the valley."[466]

(U) Failures in screening and vetting contractor personnel can lead to security breaches. As described above in Part One, in January 2008 ArmorGroup fired at least 15 guards at Shindand after determining that some of them were providing information on airfield security to a local warlord who was reportedly aligned with the Taliban. Similar problems appear to have occurred on another security contract. A March 2009 document indicated that a U.S. Military commander at a forward operating base in Konar Province "recently fired all of the [Afghan Security Guards] at FOB [redacted] as part of a counter intelligence operation."[467] Another document indicated that the owner of the security company "was taken into the custody of the United States for his ties to a terrorist organization" and that all guards affiliated with the contractor were also removed.[468] The firing "left a void of guards at the FOB" and the U.S. Military was "not manned to be able to adequately sustain this posture."[469]

(U) In another reported case, a DCMA audit of a security contract in Nangarhar Province reported a **"SERIOUS INSIDE [redacted] THREAT"** and said that a guard commander reported that a guard who had previously worked on the base "had been spreading Taliban propaganda," "sold opium and drugs ..." and was fired.[470] Nonetheless, the guard commander said the man was subsequently hired at FOB [redacted][471] The DCMA auditor said that he forwarded the

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[463] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (November 20, 2008).

[464] Email from John [redacted] to Mark [redacted] (February 2, 2009).

[465] *Id.*

[466] BAF Contracting Center, Justification and Approval Document For Other Than Full and Open Competition (April 20, 2009).

[467] CJTF-101/Regional Command East, Staff Action Cover Sheet (March 2009) (emphasis in original).

[468] Justification and Approval for Other Than Full and Open Competition, ASG Services for FOB [redacted] (undated).

[469] *Id.*

[470] DCMA audit of W91B4K-07-C-0007 Afghan Security Guards [redacted] Afghanistan (April 19, 2009) (emphasis in original).

[471] *Id.*

information to Army CID but did not know what, if any, action was taken in response to his audit.[472]

3. Training

(U) While DOD, CENTCOM, and its subordinate contracting command have all promulgated standards for training contract security guards, DOD contract files and other documents reviewed by the Committee indicate serious deficiencies in private security contractors meeting those standards.

a) Training of ArmorGroup Guards at Shindand

(U) As discussed above, ECC's contract with ArmorGroup to provide security at Shindand Airbase stated that ArmorGroup "shall obtain and show proof of all required (Afghanistan and Coalition) applicable permits, agreements, licenses, and certificates."[473] Company documents, however, do not indicate that ArmorGroup or ECC ever even sought CENTCOM approval for the guards at Shindand to carry weapons. The Department of Defense reported that none of ArmorGroup's armed guards at Shindand are listed in the database that tracks Department contractor personnel.[474]

(U) If ArmorGroup had sought CENTCOM permission for its security personnel to carry weapons, the company would have been obligated to retain documentation showing that all armed employees were qualified to use their weapons, and had received training in the Law of Armed Conflict (LOAC), and the Rules for the Use of Force (RUF).[475] ArmorGroup's own proposal for the Shindand contract stated that all company personnel undergo extensive training to include training relative to the rules on the use of force and compliance with ISAF directives and said that "[a]ll personnel assigned to the project will be trained to use their individually assigned weapon as well as all weapons deployed on site."[476] The proposal stated that training records would be "maintained for each operator... updated following each training session and... available upon request."[477] The company has been unable, however, to produce those records in response to Committee requests.

b) EODT Training for Guards at Adraskan

(U) EODT's contract to provide site security at Adraskan National Training Center (NTC) explicitly requires the company to retain documentation showing that all armed

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[472] [redacted] *Follow-Up Question Responses to the Senate Armed Services Committee with the Defense Contract Management Agency October 9, 2009 Meeting* (October 30, 2009).

[473] ECC, Statement of Work for Continuing Services Agreement (signed April 27, 2007).

[474] Email from Office of the Assistant Deputy Under Secretary of Defense (Program Support) to Committee staff (September 4, 2009).

[475] Afghanistan (JCC–I/A), Acquisition Instruction at 36-39 (May 1, 2007).

[476] ArmorGroup, *Technical Proposal: Afghan National Army Air Corps Expansion, Shindand, Afghanistan for ECCI* (January 12, 2007).

[477] *Id.* at 19.

employees received training in the Law of Armed Conflict (LOAC) and the Rules for the Use of Force (RUF).[478] According to the terms of the contract, EODT is supposed to keep training records for six months following the termination of the contract.[479] EODT records indicate that 40 armed guards in the early part of 2008 did not have documented LOAC or RUF training, as training forms were not completed, not signed, or missing altogether.[480]

(U) EODT's contract also requires the company to retain documentation showing that all employees have met weapons qualification standards.[481] Company records also indicate that 27 of the armed guards failed their weapon qualifications, but still performed as armed guards on the contract.[482] Another 16 guards contained no weapons qualification data at all.[483] While a July 2008 DCMA audit said that EODT personnel were "properly trained and qualified" and company personnel stated that, by that month they were able to qualify all of their armed guards, there appears to be no documentation that that happened. When asked about the company's training records, Chris [redacted] the Deputy Site Security Manager at Adraskan responsible for training the guard force replied, "I mean, there should be, I guess, X amount of training sheets in the file, or whatever. I don't know. I'm not an admin guy."[484] One of the contracting officer representatives for the EODT contract at Adraskan explained, "[t]hat was a problem I had...even though they claimed that individuals had been trained, they weren't able to prove it through their documentation."[485]

c) Training Deficiencies on Other DOD Security Contracts

(U) Failures to meet DOD standards appear to be widespread among DOD's private security contractors in Afghanistan. In fact, in September 2008, the Army's Chief of Contracting at Regional Contracting Command Fenty in Jalalabad stated that there were 22 separate Afghan security guard contracts in his Area of Operations in eastern Afghanistan with a "recurring list of issues," including "lack of weapons, Law of Armed Conflict, [and] rules of engagement training."[486] Documents reviewed by the Committee suggest that the problems identified by the Contracting Chief were pervasive in private security contracts in Afghanistan.

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[478] Department of the Army Contract with EODT, No. W91B4M-08-C-0014, Provision of Site Security Services at Adraskan National Training Center at 18 (Award/Effective Date January 5, 2008).

[479] *Id.* at 20.

[480] A review of records for current EODT armed guards suggests that the company has improved their compliance with the requirement to maintain LOAC and RUF training records.

[481] EODT is obligated to keep these weapons qualification records throughout the duration of and for six months following the termination of the contract. Department of the Army Contract with EODT, No. W91B4M-08-C-0014, Provision of Site Security Services at Adraskan National Training Center at 18, 20 (Award/Effective Date January 5, 2008).

[482] Personnel records reviewed by the Committee do not indicate that those men were retrained.

[483] EODT said it faced problems with the construction and orientation of their firing range that affected their ability to qualify their guards. Committee staff interview of Ken [redacted] at 110 (November 24, 2009).

[484] Committee staff interview of Chris [redacted] at 54 (April 1, 2010); DCMA audit (July 25, 2008).

[485] Committee staff interview of Major [redacted] at 71 (April 9, 2010).

[486] Memo from Chief of Contracting, RCC Fenty (September 23, 2008).

1) Paktika Province

(U) In December 2007, Mohammed Atta, an Afghan security provider, agreed to provide security at FOB [redacted] in Paktika Province. The contract included requirements for training personnel on the use of weapons, Rules on the Use of Force, and the Law of Armed Conflict.[487] While a May 2008 DCMA audit indicated that the contractor met all contract requirements, a second audit completed by a different auditor less than three weeks later reached the opposite conclusion, stating that "[a]lthough the [previous] report the [contracting officer's representative] sent in indicates that everything is great, in reality none of the necessary actions have been performed.... The [rules on the use of force] and [law of armed conflict] have not been fulfilled in addition to the required weapons training."[488] The latter review also found that when new guards were hired "no training" was being provided and said that the COR believed that the contractor did not "fully understand[] the contract requirements."[489]

(U) A contract for private security at [redacted] Firebase, west of FOB [redacted] also contained the regulatory training requirements for armed guards. A June 2008 audit of that contract disclosed, however, that "when new individuals were hired [on the contract] there was no one available to provide training."[490] That audit also indicated that there were no records that the guards had completed weapons, rules for the use of force, or law of armed conflict training.[491]

(U) A contract issued in December 2007 for Mohammed Gul Security to provide 34 security guards at FOB [redacted] also included the training requirements.[492] A May 2008 DCMA audit of the contract, however, said that there was 'no proof of [guards'] authorization to be armed" and that they were "[n]ot receiving Rules on the Use of Force training... and Law of Armed Conflict training."[493] The audit said that the guards "have no ammo" and "are not receiving weapons training."[494] A follow-up audit conducted in early July 2008 said that guards were "not receiving weapons training at this time" and indicated that RUF and LOAC training was also not being conducted.[495] Another follow-up audit conducted at the end of July 2008 suggested that, while RUF and LOAC training may have occurred, the guards still had not begun weapons training. In fact, the audit stated that the site did not even have enough ammunition for the guards to undergo weapons training.[496]

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[487] Defense Federal Acquisition Regulations 252.225-7040 (June 2005).

[488] DCMA audit of W91B4P-08-C-0114 [redacted] (June 19, 2008).

[489] *Id.*

[490] DCMA audit of W91B4P-08-C-0116 [redacted] ([redacted] Fire Base) (June 19, 2008).

[491] *Id.*

[492] Eastern Regional Contracting Office Camp Salerno contract with Mohammed Gul Security (December 29, 2007).

[493] DCMA audit of W91B4-P-08-C0111 [redacted] ASG (May 21, 2008).

[494] *Id.*

[495] DCMA audit of W91B4-P-08-C0111 [redacted] ASG (July 6, 2008).

[496] DCMA audit of W91B4-P-08-C0111 [redacted] ASG (July 31, 2008).

2) Parwan Province

(U) In August 2008, the Bagram Regional Contracting Center issued a contract to Haji Asil Khan, a former Northern Alliance commander, to provide 162 security guards at [redacted] [497] The contract included JCC I/A's training requirements.[498] A DCMA audit of that contract conducted in March 2009 stated that there was "no evidence of annual qualification of safe handling of firearms" and "no annual training records for Rules of Use of Force (RUF) and Laws of Armed Conflict."[499] Despite DCMA issuing a corrective action request, follow-up audits conducted over several months do not indicate that corrective measures were ever taken by the contractor.[500] An audit performed in August 2009 indicated that the security guards at the site were no longer authorized to carry weapons.[501]

3) Lowgar Province

(U) Akmad Zia, an Afghan security provider, was contracted to provide 22 security guards at FOB [redacted]. The contract included the DFARS clause requiring training for contractor personnel on the use of weapons, Rules for the Use of Force, and the Law of Armed Conflict.[502] While an April 2008 DCMA audit indicated that the guards had received weapons training, a May 31, 2008 audit reported "unsatisfactory" results with "no proof ... of contractor security guards receiv[ing] weapons training."[503]

(U) A May 2008 audit of a second security contract in Lowgar, this one for 60 guards at FOB [redacted] stated that, other than the word of the guards' commander, there was "no proof" of guards receiving weapons, RUF, or LOAC training.[504] A follow-up audit, conducted in October 2008 said that, while RUF and LOAC training had been completed, that there was still no documentation of guards having received weapons training.[505] More than two months later, a DCMA audit indicated that weapons training could not be completed because the firing range at the FOB had been torn down.[506] Training had still not been started by March 2009.[507] By April

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[497] *See* Jake Sherman and Victoria DiDomenico, *The Public Cost of Private Security in Afghanistan*, Center on International Cooperation (September 2009). Haji Asil Khan is reported to have been a former Northern Alliance commander allied with Haji Almas, a member of parliament who Human Rights Watch has said was "implicated in war crimes and crimes against humanity that occurred during hostilities in Kabul in the early 1990s." Human Rights Watch, *World Report 2006 – Afghanistan* (January 18, 2006).

[498] Contract for Local National (Perimeter) Security Guards (August 23, 2008).

[499] DCMA audit of W91B4N-08-C-0061 [redacted] (March 2, 2009).

[500] DCMA audits of W91B4N-08-C-0061 [redacted] (March 9, March 25, April 13, May 13, 2009).

[501] DCMA audit of W91B4N-08-C-0061 [redacted] (August 16, 2009).

[502] W91B4P-07-C-0097, Contract for Security at FOB [redacted] (January 5, 2007).

[503] DCMA audits of W91B4P-07-C-0097 (April 20, 2008, May 31, 2008).

[504] DCMA audit of W91B4P-07-C-0281 (May 31, 2008).

[505] DCMA audit of W91B4P-07-C-0281 (October 10, 2008).

[506] DCMA audit of W91B4P-07-C-0281 (December 21, 2008).

[507] DCMA audit of W91B4P-07-C-0281 (March 11, 2009).

2009, nearly a year after the lack of guard training had first been noted, a DCMA audit indicated that training was finally completed.[508]

4) Nangarhar Province

(U) Repeated audits of two Golden State Group contracts to provide security at Camp [redacted] in Nangarhar Province showed serious training deficiencies. A September 2008 audit of one of those contracts indicated that the contractor lacked proof that guards had been trained.[509] An audit of the second contract said that Golden State Group's owner was listed as one of the guards but that he "has no documentation for training and is absent over 70% of the time."[510] That audit also found that guards lacked weapons and that weapons training "was not given."[511] On October 14, 2008, DCMA issued a Corrective Action Request (CAR) to the Golden State Group. DCMA documents indicate, however, that the contractor was "non-responsive" and follow-up "disclosed unresolved issues."[512]

(U) Both of Golden State Group's contracts at [redacted] were audited again in November 2008. One of those audits found that "weapons training and documentation are incomplete" and that guards lacked proof of authorization to be armed.[513] The audit noted that "[o]ne guard stated that he had never fired a weapon."[514] The audit of the Golden State Group's other contract found that guards "do not have their own weapons" and that "all guards have not received training."[515] An audit conducted of one of the company's [redacted] contracts three months later indicated that weapons range training had apparently been conducted.[516] However, in April 2009, the contracting officer's representative (COR) reported that Golden State Group guards had "little to no training in their occupation and ha[d] received zero training on the weapons they carr[ied]."[517]

(U) A March 2009 DCMA audit of a separate contract to guard FOB [redacted] also in Nangarhar, stated that the "current unit has not conducted" RUF or LOAC training.[518] Three follow-up audits over the next five months indicated that that training of guards at the base was not conducted.[519]

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[508] DCMA audit of W91B4P-07-C-0281 (April 6, 2009).

[509] DCMA audit of W91B4K-07-C-0076 CJ4 [redacted] (September 27-30, 2008).

[510] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (September 27-30, 2008).

[511] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (September 2008).

[512] DCMA CAR spreadsheet (May 5, 2010).

[513] DCMA audit of W91B4K-07-C-0076 CJ4 [redacted] (November 21, 2008).

[514] *Id.*

[515] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (November 20, 2008).

[516] DCMA CAR spreadsheet (May 5, 2010).

[517] Monthly Contracting Officer's Representative Report (April 5, 2009).

[518] DCMA audit of W91B4K-08-C-0088 FOB [redacted] ASG (March 13, 2009).

[519] DCMA audits of W91B4K-08-C-0088 FOB [redacted] ASG (June 13, 2009, July 30, 2009, August 10, 2009).

5) Kabul Province

(U) An August 2009 audit of a contract to provide security guards at the [redacted] found "deficiencies with weapons: use, familiarization, quality, proficiency" and said that equipment in place was "poor and contracted employees are inadequately trained to engage targets with a direct fire weapon."[520] The contracting officer's representative wrote at that time that he did not believe LOAC, RUF, weapons safety, and qualification training had "ever been done."[521] Although an audit completed in mid-September said that LOAC and RUF training had been completed, as of mid-October 2009 it was "unknown" whether guards were receiving weapons training and a DCMA audit reported that while "guards state they know how to use weapons, [that] has not been verified ..."[522] Verification was not provided until at least late October 2009.

6) Zabul Province

(U) In March 2008, DCMA audited a contract with a "local business man" named [redacted] to provide security at FOB [redacted] in Zabul. The audit revealed that the guards provided by [redacted] (whose company was later identified as Nasiri Construction) had not received training, did not have proof of authorization to be armed, and were not briefed on RUF or LOAC.[523] Nor could the security provider produce any documentation on how the company had screened the guards, if at all. Follow-up audits in June, July, and August showed little progress on screening, training requirements, or arming authorization, with an August 22, 2008 audit noting that the "guards still have not been trained."[524] The contract was eventually terminated after it was discovered that the company was stealing fuel from the FOB and that [redacted] was selling stolen vehicles to U.S. Forces.[525]

(U) A September 2008 DCMA audit of a contract at FOB [redacted] in Zabul reported that there was "no documentation[] of any training done."[526] The auditor said that not every guard even had a weapon and that the contractor "only [has] 10 weapons that they rotate around."[527] A follow-up audit conducted in December 2008 said that while the guards "appear to be trained," there was no documented proof of such training.[528]

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[520] DCMA audit of W91B4M-09-P-0297 [redacted] (August 3, 2009).

[521] *Id.*

[522] DCMA audit of W91B4M-09-P-0297 [redacted] (September 20, 2009; October 15, 2009).

[523] DCMA audit of W910B4L-08-M-0075 (March 1-3, 2008).

[524] DCMA audit of W910B4L-08-M-0075 (March 1-3, 2008; June 27, 2008; July 9, 2008; August 22, 2008).

[525] DCMA audit of W910B4L-08-M-0075 (August 27, 2008).

[526] DCMA audit of W91B4M-08-P- 7405 (September 18, 2008).

[527] *Id.*

[528] DCMA audit of W91B4M-08-P- 7405 (December 19, 2008).

7) Ghazni Province

(U) A contract for security at FOB [redacted] required the contractor, Mohammed Gul, to provide up to 55 guards.[529] The amount of $40 per year, per guard was designated for the contractor to conduct annual weapons training.[530] A March 2009 DCMA audit said, however, that the contractor was not conducting weapons training "due to not enough funds to buy ammo" for guard personnel and said that "only the best qualifiers [among the guards] can train with live ammo."[531] Following the audit, DCMA issued a Corrective Action Request that required the contractor to file a plan to correct the deficiency by April 4, 2009.[532] Subsequent audits contain no indication that, as of June 20, 2009, the guards had undergone weapons training.[533]

(U) DOD-subcontractor Compass Integrated Security Solutions (Compass) provides convoy security throughout Afghanistan, including under a subcontract with the Supreme Group, a food and fuel supplier in Afghanistan. Supreme's clients include the U.S. Department of Defense (DOD), the United Kingdom's Ministry of Defense (UK MOD), the United Nations (UN), the North Atlantic Treaty Organization (NATO), and the International Security Assistance Force (ISAF). In June 2009, Compass used 40 new, untrained guards to provide security on a Supreme convoy traveling from Kandahar to Ghazni and back, supporting the UK MOD. The new guards were brought on to replace 40 guards who had left Compass the month prior.[534]

(U) According to Compass personnel, the company used the new, untrained guards after it had failed to plan for turnover among its guardforce. Compass's Deputy National Training Manager explained that "[a]s a company, we know that the guards do leave, for whatever reason," but at the time, "[w]e had done nothing to get guys in place, trained, so that, when these guys left, then we would have a pool of trained men who we could just put straight into their place, so that it wouldn't impact [] operations."[535]

(U) Prior to the untrained guards being deployed, a Compass Regional Training Manager protested the company's decision to his boss, the company's Deputy National Training Manager, and wrote that the "training wing" would be "absolved of any wrong doing and cannot be held accountable if when these poor blokes get killed tomorrow."[536] The Deputy National Training Manager, in turn, expressed his own concerns to both Aaron Staunton, Compass's Regional Operations Manager, and Peter McCosker, the company's owner and Executive Director, stating:

> As far as I am concerned, these guys cannot be used on convoys. We are in breach of our own Induction SOP...As we haven't taught them anything, let alone

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[529] Statement of Work (Security Guard) for CJTF-82, FOB [redacted] Afghanistan (August 1, 2007).

[530] *Id.*

[531] DCMA audit of W91B4P-07-C-0311 (March 15, 2009).

[532] DCMA Memo for Samsheer Security Services, Ghazni City (March 24, 2009).

[533] DCMA audit of W91B4P-07-C-0311 (April 25, 2009; May 23, 2009; June 20, 2009).

[534] Email from Leon [redacted] to Bob [redacted] (June 5, 2009).

[535] Committee staff interview of David [redacted] at 44 (May 25, 2010).

[536] Email from Bob [redacted] to David [redacted] (June 5, 2009).

> assessed them, they fall under the umbrella of not having achieved competency, therefore are not to be employed in their contracted role. Black and white, no room for maneuver...Furthermore we have a moral obligation to give these men as much preparation as possible – especially down there. For this action to continue is yet another retrogressive step, taking us back 2 years. We are clearly in breach of our contractual obligations where we are obliged to provide sufficient training for the men to do the job.[537]

(U) Notwithstanding those objections, the company senior leadership sent the convoys with the untrained guards. While Compass had delayed other Supreme convoys for security reasons in the past, Staunton could not recall whether or not he recommended to Supreme that this convoy not depart with 40 untrained guards as part of its security force.[538] Staunton also could not recall whether or not he told anyone at Supreme that Compass was putting 40 untrained guards on the UK MOD convoy.[539] Staunton said that he did not ask the military for help in securing the convoy, though he later acknowledged that it would have been wise to do so.[540] According to Staunton:

> I guess we were definitely caught short, and we were. Part of it was because of the high attrition rate, which was so high at the time, and we just hadn't accommodated for all the moves in place at the time. That's really what it comes down to.[541]

(U) Later asked about the decision to use the untrained guards, Compass's Deputy National Training Manager stated that the dangers associated with that decision was not limited to the guards themselves, but could extend to coalition forces in the region and had "the potential to put lives at risk."[542] One Compass employee resigned, in part, over the use of the untrained guards, writing in his resignation letter:

> I know that if ISAF/MOI/DOD found out what actually happens within the company, they would no doubt conduct a major investigation which would not be in the company's favour. The failure of training mobile guards is a prime example of this. This has been 'sanctioned' by senior management due to "Operational Demands." What they fail to see is by submitting to these practices, it not only sends untrained guards out on the road, but it also undermines my position within the company. They have now set a precedent where staff can fall back to "operational demands" when they are not conforming to standards. This

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[537] Email from David [redacted] to Aaron Staunton, Peter McCosker, Drew [redacted] Leon [redacted] (June 5, 2009).

[538] Committee staff interview of Aaron Staunton at 180-81 (June 23, 2010).

[539] *Id.* at 181.

[540] *Id.* at 184-85.

[541] *Id.* at 184.

[542] Committee staff interview of David [redacted] at 39-41 (May 25, 2010).

[*sic*] reason these guards are being sent out is not due to 'operational demands', but poor management and planning skills shown by those in charge.[543]

(U) Peter McCosker, Compass's owner and Executive Director, told the Committee that the convoy "went without a hitch."[544] A Compass document, however, suggests otherwise. According to Compass, the company ran only one convoy from Kandahar to Ghazni on June 6, 2009, the convoy on which the company deployed its untrained guards.[545] A Compass incident report states that the June 6, 2009 Kandahar to Ghazni convoy was ambushed by 100 to 120 insurgents. The ensuing firefight lasted in excess of an hour-and-a-half and, according to the incident report, the convoy was only able to move after ISAF forces arrived.[546]

4. Performance

(U) In addition to problems with vetting and training contract security personnel, documents indicate significant problems with the security contractors' performance. Those problems include inadequate leadership; an insufficient number of weapons and ammunition; unserviceable weapons and equipment; unmanned security posts; and other problems that could affect the safety of U.S. Military personnel. Even when these problems were identified by U.S. personnel, it is unclear whether any action was taken to remedy them.

a) EODT's Performance

(U) EODT's contract to provide security at Adraskan National Training Center (NTC), addressed in Part One above, required the company to supply weapons for its guard force.[547] The contract also dictated that "Equipment that is unserviceable [not working] or overdue maintenance will not be used for security operations."[548] In its proposal, EODT boasted that the company had "demonstrated the ability to procure all...weapons...to execute security project [*sic*] in Afghanistan."[549] Company documents and interviews indicate, however, that during the first months of its performance at Adraskan, EODT failed to provide working weapons to members of its guard force.

(U) When EODT began at the Adraskan NTC in 2008, the company obtained its weapons from two sources – it borrowed some weapons from General Wahab, a local strongman, and

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[543] Email from Grant [redacted] to Alan [redacted] and Malcolm [redacted] (July 7, 2009).

[544] Committee staff interview of Peter McCosker at 109 (June 30, 2010).

[545] Letter from Attorney for Compass, Joshua Levy, to Committee staff (July 20, 2010).

[546] Compass, *Incident Report* (June 6, 2009)

[547] Department of the Army Contract with EODT, No. W91B4M-08-C-0014, Provision of Site Security Services at Adraskan National Training Center at 4, 27 (Award/Effective Date January 5, 2008).

[548] *Id.* at 30.

[549] EODT Volume I Technical Proposal, Adraskan National Training Center (NTC) Security, Herat, Afghanistan, W91B4M-08-R-0001, at 15 (November 2007).

transferred others from another EODT contract in Kandahar.[550] At the time, Ken [redacted] EODT's Country Security Manager, described the condition of the transferred weapons: "Of the 43 AKs we got from [Kandahar Air Field] to gap us, about 1/2 of them work...What we got, was shit."[551] Luis [redacted] EODT's Deputy Country Manager for Afghanistan, later echoed that view stating: "My understanding of the problem was that the weapons that they were getting were not adequate, as far as – some of them were rusted out, some of them were not in a good working condition, not shooting straight, and that sort of problem – not being enough."[552] EODT's Site Security Manager also said they did not have enough weapons to assign each of its armed guards an individual weapon.[553]

(U) In January 2008, Ken [redacted] told colleagues that broken weapons were actually put on post with EODT's guards, stating that "[w]e are here supposedly mobilized, and operationalised, but guys are on post with stuff that does not work. Just looks good."[554] Ken [redacted] has since said that his email was "sensationalized" to give his logistics people a sense of urgency about resolving the issues with Adraskan's weapons, and other EODT employees have denied that EODT guards were armed with broken weapons at Adraskan.[555] EODT's Deputy Site Security Manager at Adraskan conceded, however, that "junk weapons" affected the company's ability to meet training obligations, saying:

> When [the EODT guards] were qualifying, initially, with the – Wahab's weapons and some of the other contracts' weapons, those barrels were so shot out that there was – there had to be a, kind of, grace-period implemented until we had gotten better AK-47s, new-barreled AK-47s in. I mean, I could shoot out to 1,000 yards, myself, and I could barely hit the broad side of the barn with some of these junk weapons that we had... The whole weapons issue was a major, major issue as far as qualifications, as far as, you know, arming our folks and what not.[556]

b) Compass's Performance

(U) Compass Integrated Security Solutions is a security subcontractor to the Supreme Group, a food and fuel supplier in Afghanistan. In addition to the June 2009 decision to send 40 untrained guards on a Supreme convoy, company documents have described instances in which Compass personnel apparently failed to secure the convoys they were hired to protect.

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[550] The exact number of weapons that EODT borrowed from Wahab is uncertain. However, Wahab lent EODT some number of AK-47s, at least one pistol, and PKM heavy machine guns to EODT. Additional weapons purchased by EODT were apparently held up in customs. Committee staff interview of Ken [redacted] at 107-08 (November 24, 2009); Committee staff interview of Chris [redacted] at 35 (April 1, 2010); Response of EOD Technology, Inc. to Committee Follow-Up Questions, paragraph 4 (September 24, 2009).

[551] Email from Ken [redacted] to Matt [redacted] and Andrew [redacted] (February 27, 2008).

[552] Committee staff interview of Luis [redacted] at 65 (March 15, 2010).

[553] Committee staff interview of Geoff [redacted] at 68 (January 26, 2010).

[554] Email from Ken [redacted] to Matt [redacted] and Andrew [redacted] (February 27, 2008).

[555] Committee staff interview of Ken [redacted] at 119 (November 24, 2009); Committee staff interview of Geoff [redacted] at 84 (January 26, 2010); Committee staff interview of Chris [redacted] at 78 (April 1, 2010).

[556] Committee staff interview of Chris [redacted] at 53 (April 1, 2010).

(U) In October 2007 Compass investigated an allegation that only half of the assigned Compass guards showed up for a Supreme convoy traveling from Herat to Kandahar. In addition, the guards who did show up allegedly robbed a service station along the convoy route. According to the Compass investigation, General [redacted] the Commander of the Compass guard force for the convoy, admitted that his men did, in fact, take 10,000 Pakistani rupees from the service station. At the same time, however, he claimed to have provided the correct number of guards and denied that his men committed a robbery.[557] It is difficult to determine what actually occurred as Compass does not permit westerners to ride along on their convoys, reducing the company's visibility into their own convoy operations. Rather, the company uses Afghan interpreters to act as their "eyes and ears" on convoys.[558]

(U) In August 2008, a Compass operations manager reported a particular problem with men provided by General [redacted] another company guard force commander. The operations manager stated that "On numerous occasions the required number of escorts by [General] [redacted] have never been seen at the [Kandahar] gate with the convoy."[559] In an incident the next month, Compass guards affiliated with General [redacted] apparently failed to show up and a Supreme convoy departed Ghazni without a Compass security detail.[560] And a company email from November 2008, again discussing General [redacted] s guards, stated that "there were actually no [Compass security] escorts" accompanying a Supreme convoy traveling to Kandahar.[561]

(U) In addition to the recurring problem of Compass guards apparently failing to show up, the company had other problems with its personnel. In March 2008, Compass management discovered that two Afghan interpreters who had been procuring ammunition for the company had been "loading the ammo prices and lining their own pockets, to the tune of quite possibly a few thousand [dollars] per month."[562] Despite that discovery, rather than fire the two interpreters, the company simply reassigned them.[563] Months later, one of those two interpreters was involved a violent confrontation with a Compass manager. According to a report of that confrontation, the manager slapped the interpreter, who retaliated by throwing stones at the manager and threatening "to attack the [Compass] camp."[564] The Compass manager then loaded and brandished his sidearm before the situation deescalated. Compass did not fire either man involved in the incident.[565]

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[557] Compass Integrated Security Solutions Confidential Initial Investigative Report (October 1, 2007).

[558] Compass-ISS Rectification Plan: Mobile Escorts (June 5, 2008).

[559] Email from Malcolm [redacted] to Aaron Staunton et al (August 4, 2008).

[560] Email from Mark [redacted] to Peter McCosker et al (September 29, 2008).

[561] Email from Leon [redacted] to Philip [redacted] (November 23, 2008).

[562] Email from Mark [redacted] to Peter McCosker (March 23, 2008).

[563] *Id.*

[564] CSC Incident Report (August 15, 2008). The confrontation reportedly occurred after the Compass manager confronted the interpreter about allegations that the interpreter had authorized the detention and interrogation of a suspected Taliban. Committee staff interview of Aaron Staunton at 148 (June 23, 2010).

[565] Committee staff interview of Aaron Staunton at 148 (June 23, 2010).

(U) Concerns were also raised about the sufficiency of Compass control over convoy security operations. One company document reported suspicions that convoy escort teams "sometimes send fake ambush reports because they can then sell their ammunition and get resupplied by Compass-ISS without any questions being asked because our suspicions could not be proven."[566] That same report stated that "Insufficient control measures" allowed some mobile escort teams "to resell the fuel that was allocated to their escort vehicles."[567] The report stated that the practice was "very profitable" and that the "easy profits and secondary income have enormous financial gains for the mobile guards and it will not stop."[568] The report also stated that the company had insufficient controls to "ensure that all the escorts remain with the convoy up to the destination" and suggested that guards were deserting the convoys they were supposed to protect.[569]

c) Performance Deficiencies on Other DOD Contracts

(U) Contract files for the vast majority of the more than 125 DOD private security contracts reviewed by the Committee are devoid of information about how security contractors performed on the job. As a result, the Committee relied on documents provided by the Defense Contract Management Agency (DCMA) to assess private security contractor performance. However, DCMA only conducted audits of contracts that were delegated to it by the Joint Contracting Command Iraq/Afghanistan (JCC I/A) and JCC I/A delegated to DCMA only a portion of the private security contracts that existed in Afghanistan during the period reviewed by the Committee. DCMA has reported that it has not consistently conducted required audits for the contracts delegated to it.[570]

(U) In one of the few examples of a non-DCMA review, in September 2008, the Army's Chief of Contracting at Regional Contracting Command Fenty in Jalalabad reported on 22 security contracts in his Area of Operations (AO) in eastern Afghanistan. He wrote:

> [The] local [Afghan Security Guard (ASG)] contractors have shown they lack the amount of in-depth management capability to fully manage complex security guard contracts. The current Afghan owned contractors struggle to provide acceptable security services under the existing contracts without a high level of USG oversight and intervention. Any avoidable risk accepted with these security guard contracts relates directly to the safety and security of our U.S. Service Members.[571]

(U) A September 2008 DCMA audit of a security contract at Camp [redacted] in Konar Province stated that "Although local contractors sign up to be ASG contractors they do not fully

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[566] *Id.*

[567] *Id.*

[568] *Id.*

[569] *Id.*

[570] Defense Contract Management Agency chart (September 8, 2010)

[571] Memo from Chief of Contracting, RCC Fenty (September 23, 2008).

understand contractual obligations they have signed up to execute."[572] The audit said that a U.S. Army Platoon Sergeant "has had interpreters ask and try to explain contractual obligations the contractor has taken responsibility for, however, they do not understand... as [the Army Platoon Sergeant] stated, it's like talking to a wall..."[573] Not only that, but the Army Platoon Sergeant told the auditor that "he has one Observation Post that is currently insufficiently armed because contractual funding is not there to purchase the required weapon and ammunition."[574]

(U) Between 2007 and 2009, the Golden State Group had two separate contracts to provide security at Camp [redacted] in Nangarhar Province. In November 2007, only a few months after the company began performing one of those contracts, a contracting officer's representative raised questions about the company, stating that while guards were performing well, the "leadership of [the] Golden State Group remains suspect..." and that "management seems poor to nonexistent and they don't seem to be making any progress with the requirements of the contract."[575]

(U) Both of the Golden State Group's contracts at Camp [redacted] were audited in September 2008. One of those audits reported that the company did "not have a current and complete list of guards" and that they did not "know who works here."[576] The audit indicated that guards lacked sufficient ammunition and the contractor lacked proof that guards had been trained. The auditor wrote that he met with two officials from the Golden State Group but that "nothing was resolved."[577] An audit of the second contract found that "guards lack ammunition" and "do not have their own weapons."[578] That audit said that Golden State Group's owner was listed as one of the guards but that he "has no documentation for training and is absent over 70% of the time."[579] It also found that guards lacked weapons and that weapons training "was not given."[580] The auditor reported that "the soldiers would love to see Golden State Group gone."[581]

(U) An October 2008 assessment of Golden State Group's performance found that "Command and control is lacking" and that it was not known "who's in charge because of the

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[572] DCMA audit of W91B4P-07-C-6004 (COP [redacted] (September 11, 2008).

[573] *Id.*

[574] *Id.*

[575] Email from Lieutenant [redacted] to Captain [redacted] (November 24, 2007). Department of Defense and company documents name Sean [redacted] as Golden State Group's Director and project manager for the contract at Camp [redacted] Prior to joining the Golden Sate Group in 2004, Sean [redacted] does not appear to have had any experience in security, having worked as operations manager at a computer company in California after finishing college in 2002. [redacted] Commander Memorandum for Record (October 8, 2007); Resume of Sean [redacted]; Golden State Security document (undated).

[576] DCMA audit of W91B4K-07-C-0076 CJ4 [redacted] (September 27-30, 2008).

[577] *Id.*

[578] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (September 27-30, 2008).

[579] *Id.*

[580] *Id.*

[581] *Id.*

constant firing/hiring of leadership."[582] The assessment stated that observation posts at [redacted] were "not fully manned," that the contractor "used rocks to simulate personnel," and that contract security personnel "constantly fail to search their boss's trucks because they will get fired if they do."[583]

(U) On October 14, 2008, DCMA issued a Corrective Action Request (CAR) to the Golden State Group. DCMA documents indicate, however, that the contractor was "non-responsive" and follow-up "disclosed unresolved issues."[584]

(U) Both Golden State Group contracts at [redacted] were audited again in November 2008. One of those audits found that "weapons training and documentation are incomplete" and guards lacked proof of authorization to be armed.[585] The audit said that "[o]ne guard stated that he had never fired a weapon."[586] The audit of the Golden State Group's second contract found that guards "do not have their own weapons," "all guards have not received training," and there was "no proof of [guards'] authorization to be armed."[587] It also indicated that the company had "no acceptable plan for background checks."[588] Despite those deficiencies, the audit indicated that that contract was on track to be extended.[589] An audit conducted of one of the company's [redacted] contracts three months later indicated that, while weapons range training had apparently been conducted, the company still could not produce a complete roster of its guards and that its weapons and ammunition were "in bad shape."[590]

(U) DCMA documents indicate that, as of March 2009, the agency was working with the regional contracting command to "ensure [the Golden State Group] is not considered for future contracts."[591] In April 2009, the contracting officer's representative (COR) reported that Golden State Group guards had "little to no training in their occupation and ha[d] received ZERO training on the weapons they carr[ied]" and that "it was not uncommon" for military personnel to have to "force the [s]upervisor to call [g]uards at home" to make them come in.[592] The COR said that "we do not desire this company to retain the contract... Please do not extend this contract AGAIN."[593] In June 2009 one Golden State Group contract at [redacted] was finally

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[582] Email from Staff Sergeant [redacted] to Major [redacted] et al. (October 1, 2008).

[583] Email from Staff Sergeant [redacted] to Major [redacted] et al. (October 1, 2008).

[584] DCMA CAR spreadsheet (May 5, 2010).

[585] DCMA audit of W91B4K-07-C-0076 CJ4 [redacted] (November 21, 2008).

[586] *Id.*.

[587] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (November 20, 2008).

[588] *Id.*

[589] *Id.*

[590] DCMA audit of W91B4K-07-C-0076 CJ4 [redacted] (February 2009).

[591] DCMA CAR spreadsheet (May 5, 2010). Notwithstanding the statement that DCMA was working to ensure that the company did not receive future contract, as of July 2010, Golden State Group's website suggests that the company continues to do business with the United States Government.

[592] Monthly Contracting Officer's Representative Report (April 5, 2009) (emphasis in original).

[593] *Id.* (emphasis in original).

completed, the other was terminated for convenience and the contractor was "directed to leave the compound."[594]

(U) An August 2009 audit of a contract to provide security guards at the [redacted] found that guards were not conducting security patrols or properly manning guard towers as required by contract. The contracting officer's representative (COR) wrote that guards' equipment at that time was "unserviceable," they had limited ammunition, "did not know how to properly use weapons," and that there were "excessive" weapons malfunctions.[595] As to whether the contractor was performing in accordance with the contract's statement of work, the COR wrote simply "Absolutely Not."[596] A September 2009 audit indicated that many of these issues had been resolved.

(U) In March 2008, DCMA audited a contract for security at FOB [redacted] in Zabul province. The audit revealed that guards were receiving only $120 per month even though the contract specified payment of $210.[597] The auditor also found that three vehicles, for which the contractor had been provided $10,400, had not been provided. A follow-up audit conducted in June 2008 identified problems with weapons and ammunition.[598] While the contract included $20,000 for the company to provide weapons to its 20 guards, the auditor found that guards were sharing 10 weapons which had apparently been "borrowed from ANA in [redacted] for 6 months" prompting the auditor to question "Where did the money go if he didn't buy [the weapons]?"[599] The auditor also said that ammunition shortages were a "big issue" reporting that the contractor had a "total of 600 bullets on site" for all of its guards and that vast majority of guards carried empty clips or clips with 2 bullets.[600] The auditor stated "this does not seem to be enough ammunition to guard a FOB."[601] In July 2008, the contractor was issued a cure notice for its failure to provide adequate living conditions for its guards.[602] An August 2008 audit reported that the contractor was "stealing fuel from the FOB" and that the contractor was "selling stolen vehicles to U.S. forces," leading to the cancellation of the contract.[603]

(U) A September 2008 DCMA audit of another security contract in Zabul Province said there were "many issues with this contract. The main ones are the guards are not getting paid each month and the contractor [is] not providing enough food for them."[604] The audit said that there was "no documentation[] of any training done," that the contractor lacked a site manager,

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[594] DCMA audit of W91B4K-08-C-0310 CJ4 [redacted] (June 9, 2009).

[595] DCMA audit of W91B4M-09-P-0297 Camp [redacted] (August 3, 2009).

[596] *Id.*

[597] The auditor also noted that the payment of the guards' wages went through [redacted] instead of the guards themselves. DCMA audit of W910B4L-08-M-0075 (March 1-3, 2008).

[598] DCMA audit of W910B4L-08-M-0075 (June 27, 2008).

[599] *Id.*

[600] *Id.*

[601] *Id.*

[602] DCMA audit of W910B4L-08-M-0075 (July 9, 2008).

[603] DCMA audit of W910B4L-08-M-0075 (August 27, 2008).

[604] DCMA audit of W91B4M-08-P-7405 (September 18, 2008).

and that "[e]ach guard does not have a weapon. They only have 10 weapons that they rotate around."[605]

(U) An audit of a security contract in Lowgar Province conducted in September 2009 indicated that the contractor had not paid their security guards paid for the previous month.[606] Apparently the former owner of the contracting company had left the country and there were no funds in the company bank account to pay the men.[607] While a September 8, 2009 DCMA audit indicated that the pay issue was resolved, an October 23, 2009 audit stated that the contractor had not paid his guards "for months."[608]

(U) A May 2008 DCMA audit of the security contractor at FOB [redacted] in Paktika said that the security contractor had "no ammo."[609] In November 2008, a contracting officer called the performance of a security contractor in Parwan Province "substandard" and said there were "some issues with the contractor not providing the agreed upon number of workers."[610] The contract, nonetheless was extended to avoid the site having a break in security service.[611] In February 2009 the security contractor at FOB [redacted] simply "walked off the job site."[612]

5. Private Security Personnel and Military Functions

(U) Documents also raise questions about the role played by some private security contractors. In an April 2010 report, the Department of Defense stated that private security companies do not perform functions "related to the core competency of military forces."[613] Representatives for the Department have also stated, unequivocally, that "the role of PSCs is strictly limited to defensive protection of people, assets and property."[614]

(U) Two DCMA audits, however, raise questions about the role played by some private security personnel. A DCMA audit of a security contractor at FOB [redacted] said that contract security guards "go[] with the military to 'hold the high ground'" and noted that guards were "supposed to be non combatants."[615] A separate audit of a security contract at [redacted] Firebase also said guards "go[] out with the military on missions."[616]

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[605] *Id.*

[606] DCMA audit of W91B4P-07-C-0281 (September 1, 2009).

[607] DCMA audit of W91B4P-07-C-0281 (September 8, 2009).

[608] DCMA audit of W91B4P-07-C-0281 (September 8, 2009; October 23,2009).

[609] DCMA audit of W91B4-P-08-C0111 [redacted] ASG (May 21, 2008).

[610] Memo For Record W91B4N-08-M-0229 P00001, Extension of Service (November 15, 2008).

[611] *Id.*

[612] Contracting Officer Memorandum for the Record, W90U42-09-P-6074 (February 1, 2009).

[613] DOD, Office of the Assistant Deputy Under Secretary of Defense (Program Support), *Performance by Private Security Contractors of Certain Functions in an Area of Combat Operations* (April 5, 2010).

[614] DOD, *Info Paper, Management of Private Security Contractors (PSCs) in Iraq and Afghanistan* (March 5, 2009).

[615] DCMA audit of W91B4P-08-C-0114 [redacted] (June 19, 2008).

[616] DCMA audit of W91B4P-08-C-0116 [redacted] ([redacted] Firebase) (June 19, 2008).

6. *Accuracy, Reliability, and Completeness of Contract Data*

(U) Contract oversight begins with knowing basic facts about which contracts exist, where they are being performed, and the contractor personnel who are performing them. That information is particularly important when the contract involves armed personnel operating in a contingency operation. In places like Afghanistan and Iraq, the safety of our troops depends on military commanders knowing who is operating in their battle space. Although there have been improvements in tracking private security and other contractors in combat areas, efforts to come up with accurate, reliable, and complete data on those contractors have been beset by problems.

a) DOD Database to Track Contractors and Their Personnel

(U) In 2007, the Department of Defense issued guidance directing that, by November 1, 2007, all contractor personnel employed on DOD security contracts in Iraq and Afghanistan be entered into the Department's Synchronized Predeployment and Operational Tracker (SPOT) system.[617] The SPOT database is supposed to include, among other things, a brief description of each contract, the total value of each contract, and the number of contract personnel. For DOD contracts and subcontracts in Iraq and Afghanistan, the database is also supposed to include a by-name listing of all personnel on a contract, including all U.S., third country, and local nationals.[618] In furtherance of Section 861 of the National Defense Authorization Act for fiscal year 2008, DOD, along with the State Department, and U.S. Agency for International Development (USAID) agreed to require that all contracts and contractor personnel serving in Iraq and Afghanistan be entered into SPOT.[619]

(U) SPOT implementation, however, has been lacking. In fact, an October 2009 Government Accountability Office (GAO) audit found that the information in the SPOT database was incomplete, sometimes inaccurate, and unreliable.[620] While DOD, State and USAID officials advised GAO that "the personnel numbers provided for their private security contractors are the most accurate and reliable" the Committee's inquiry revealed that information in SPOT about private security contracts has been far from complete.[621]

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[617] DOD, *DPAP Implementation Guidance for the Synchronized Predeployment and Operational Tracker (SPOT) to Account for Contractor Personnel Performing in the United States Central Command Area of responsibility (AOR)* citing October 17, 2007 memorandum issuing Class Deviation 2007-O0010 (January 28, 2008).

[618] Defense FAR Supplement § 252.225.7040(g) (specifying that contractors are to enter information into SPOT for all personnel authorized to accompany the U.S. Armed Forces during contingency operations and certain other actions outside the United States); DODI 3020.41 (4.5) (October 3, 2005) (requiring "by-name accountability" of contract personnel in a joint database).

[619] Memorandum of Understanding (MOU) Between the U.S. Department of State (DoS) and the U.S. Department of Defense (DOD) and the U.S. Agency for International Development (USAID) Relating to Contracting in Iraq and Afghanistan (July 2008).

[620] U.S. Government Accountability Office, *Contingency Contracting: DOD, State, and USAID Continue to Face Challenges in Tracking Contractor Personnel in Iraq and Afghanistan*, GAO-10-1, at 11 (October 2009).

[621] GAO reported that "these same officials told us obtaining accurate information on local nationals is especially difficult." *Id.* at 14.

(U) For example, no personnel from ArmorGroup North America or ArmorGroup Mine Action's Air Force subcontracts at Shindand Airbase were entered into the SPOT system.[622] In its December 2008 proposal, Compass Integrated Security Solutions (Compass) described their ongoing performance of two separate Department of Defense subcontracts. The proposal stated that the company employed 772 local nationals on one DOD subcontract and 900 on another.[623] Those contracts are ongoing. While Compass has said that the company has entered 2,070 employees into the SPOT database, DOD reported that, as of May 2010, the SPOT system included only 196 personnel operating under the company's contract with Supreme Food Services.[624] Despite this and other examples, DOD has never issued a cure notice or taken any other enforcement action against any contractor for its noncompliance with these requirements.[625]

(U) DOD, State, and USAID have acknowledged that they "could not verify whether the reported data" in SPOT "were accurate or complete."[626] The Department of Defense also conducts its own quarterly census of contractors operating in the CENTCOM area of operations to track the number of contractor personnel in CENTCOM's area of operations. That data, however, has also proven to be unreliable and incomplete.[627] Moreover, it lacks the by-name accountability that the SPOT system is intended provide.

(U) In May 2010, the Department of Defense reported that they continue to "transition from manual accounting of contractor personnel to SPOT."[628] As of April 2010, efforts were underway to reconcile the CENTCOM quarterly census with the SPOT database in an initiative known as "SPOT Plus." DOD's internal goal is to ensure that SPOT represents an accurate picture of contracts, grants and cooperative agreements by the fourth quarter of fiscal year 2010.[629]

(U) In his confirmation hearing to be the Commander of ISAF and USFOR-A, General David Petraeus acknowledged that the Department has not "adequately enforced provisions

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[622] DOD's prime contractor at Shindand, ECC, was in the SPOT database, and some of its other subcontractors at Shindand were also in the database. Email from Office of the Assistant Deputy Under Secretary of Defense (Program Support) to Committee staff (September 4, 2009).

[623] Compass, Proposal for the Provision of Security Services, Combined Joint Task Force Phoenix Camp Shouz (December 6, 2008).

[624] Email from Office of the Assistant Deputy Under Secretary of Defense (Program Support) to Committee staff (May 3, 2010).

[625] Briefing from DOD, Office of the Assistant Deputy Under Secretary of Defense (Program Support) and Office of the Defense Procurement Acquisition Policy (May 21, 2010).

[626] U.S. Government Accountability Office, *Contingency Contracting: DOD, State, and USAID Continue to Face Challenges in Tracking Contractor Personnel in Iraq and Afghanistan*, GAO-10-1, at 9 (October 1, 2009).

[627] *Id.* at 26.

[628] DOD, *Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan* (May 2010).

[629] *Id.*

requiring prime contractors and PSCs to report detailed census data, register their employees properly, [and] report serious incidents."[630]

C. Private Security Contracting and Long-Term Stability and Security in Afghanistan

(U) In his November 2009 inaugural statement, Afghan President Hamid Karzai stated that, within the next two years, he wanted "operations by all private, national and international security firms to be ended and their duties delegated to Afghan security entities."[631] In August 2010, President Karzai signed a decree calling for the dissolution of private security companies in Afghanistan. Although that decree discusses the reintegration of the private security personnel into the Afghan National Security Forces, the Committee is not aware of a plan to transition armed security contractor personnel into the Security Forces or other Afghan government positions. Failing to adequately plan for a phase-out of private security contractors could leave thousands of armed men, some of whom were originally drawn from extra-governmental militias, unemployed once their contracts are complete. Former ISAF Commander General Stanley McChrystal has said that Afghanistan "has a history of having armed groups...evolve into bands of warlords" and that there are "a lot of concerns on the part of the [Afghan] population that we not create that unintentionally."[632] DOD documents describe the potential threat that unemployed former security contractor personnel could pose to security and stability in Afghanistan.

(U) In 2007, a contracting officer wrote that if a contractor who was then under consideration for a contract to guard [redacted] was not hired "it is possible that his unemployed personnel may be persuaded to utilize their military skills in ways that would be injurious or potentially fatal to U.S./Coalition personnel..."[633] Similarly, an Army officer, in discussing the need to keep an incumbent security provider in place in Konar Province despite a new contract having been competitively awarded to another company wrote that "recent attacks have proven that [Afghan Security Guards] who are fired do in fact turn to the Taliban and use their knowledge of the camp to mount assaults."[634]

(U) Despite such risks, there does not appear to be a plan to integrate security contractor personnel into Afghan National Security Forces. Not only that, but the ranks of government forces are apparently being depleted by security contractors offering higher pay.

(U) In December 2009, in announcing his decision to deploy additional troops to Afghanistan, President Barack Obama said "we must strengthen the capacity of Afghanistan's security forces and government so that they can take lead responsibility for Afghanistan's

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[630] Testimony of General David Petraeus, Hearing for Reappointment to the Grade of General and to be Commander, International Security Assistance Force and Commander, United States Forces Afghanistan, Senate Armed Services Committee (June 29, 2010).

[631] President Hamid Karzai Inauguration Speech (November 19, 2009).

[632] Tom Vanden Brook, *McChrystal: Jobs Could Curb Taliban Fighting*, USA Today (August 9, 2009).

[633] Justification for Other Than Full and Open Competition (2007).

[634] Justification for Other Than Full and Open Competition, Control No: W91B4K-07-C-0054 (August 31, 2007).

future."[635] Echoing the President, General Stanley McChrystal, then-Commander of U.S. Forces in Afghanistan and the International Security Assistance Force said that the "main focus" of the Afghan campaign is to "grow and develop the capacity of the Afghan army and police."[636] But building an effective Afghan National Security Force, and particularly the Afghan National Police (ANP) has been a challenge. Department of Defense reports have consistently cited the ANP's inability to retain members of the police as a major part of the problem.[637]

(U) A primary impediment to the ANP's ability to sustain its ranks has been the low pay provided to police officers. As General Khudadad Agha, an Afghan officer in charge of police training has said, "[w]e simply can't recruit enough police... The salary is low and the job is very dangerous."[638] Brigadier General Carmelo Burgio, who serves as the Commanding General of the Combined Training Advisory Group for Police at CSTC-A went even further, stating that "it's better to join the Taliban; they pay more money."[639]

(U) At the same time the ANP has struggled to stem attrition, the ranks of private security contractors in Afghanistan have risen dramatically. While Department of Defense reports indicate that there were 1,060 armed DOD security contractor personnel in Afghanistan in the third quarter of 2007, by the second quarter of 2010 that number had grown to more than 16,000.[640] And, according to Department figures, more than 93 percent of private security contractor personnel in Afghanistan are local nationals.[641]

(U) The Department has linked its struggle to retain Afghan National Security Forces with private security contracting. While a focused effort has been made to improve police salaries, General McChrystal testified in May 2010 that private security contractors continued to "skew pay scales."[642] In fact, in October 2009, the Department of Defense reported that "private security contractors are, on average, paid more" than Afghan National Security Forces.[643] And

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[635] President Barack Obama, United States Military Academy at West Point, West Point, New York (December 1, 2009).

[636] *McChrystal Voices Support for President's Afghanistan Strategy,* American Forces Press Service (December 1, 2009).

[637] DOD reports have called ANP forces "difficult to man and sustain." An additional June 2009 DOD report said that, although the ANP met recruiting targets, those figures were not a reliable measure of ANP strength as many candidates "do not complete the vetting and training process" and police ranks are "further decreased by high casualty rates and the failure of ANP officers to report for duty." And an April 2010 DOD report said that poor retention threatened the success of the Afghan Uniform Police (AUP) program and noted that the Afghan Ministry of Interior estimated attrition in the Afghan National Civil Order Police Program (ANCOP) at 70 percent over the previous ten months alone. *See* Progress Toward Security and Stability in Afghanistan (June 2008, January 2009); Progress Toward Security and Stability in Afghanistan, at 37 (June 2009); Progress Toward Security and Stability in Afghanistan (April 2010).

[638] *Allied Exit Strategy at Risk as Afghan Police Run out of Recruits*, Times of London (October 23, 2009).

[639] *With Raw Recruits, Afghan Police Buildup Falters*, New York Times (February 3, 2010).

[640] USCENTCOM, *1st Quarter Contractor Census Report* (January 30, 2008); DOD, *Contractor Support of U.S. Operations in USCENTCOM AOR*, Iraq, and Afghanistan (May 2010).

[641] DOD, *Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan* (May 2010).

[642] General Stanley McChrystal, Briefing on Operations in Afghanistan, Senate Armed Services Committee at 23 (May 13, 2010).

[643] Report on Progress Toward Security and Stability in Afghanistan (October 2009).

in April 2010 Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia, David Sedney, testified before Congress that some ANP officers are leaving the force for better paying jobs with private security companies. Assistant Secretary of Defense Sedney said that the Afghan National Civil Order Police (ANCOP) "suffered from the highest attrition," in part, because many officers "were recruited by higher paying private security firms to provide private security services in Afghanistan."[644]

(U) To cite just one example, security guards working for ArmorGroup under their U.S. Air Force subcontract at Shindand Air Base in Herat Province were paid $275 per month plus a per diem for food.[645] By contrast, as of February 2008 (about the mid-point of ArmorGroup's performance on the Shindand contract) an ANP 2nd class patrolman (the lowest ranking ANP officer) was paid $70 a month – about one quarter of what ArmorGroup guards at Shindand were making. The rate earned by the ArmorGroup guards was roughly equivalent at that time to compensation provided to a Major or a Lieutenant Colonel in the ANP.[646]

(U) The Committee's review of the pay rates of private security contractor personnel under other DOD contracts reveals that their pay consistently outpaced that of the Afghan National Police. For example, an August 2008 contract for security at a firebase in Farah Province lists the standard guard salary at $200 per month plus additional funds for subsistence.[647] An August 2008 contract for more than 150 security contractor personnel at a firebase in Oruzgan Province indicated monthly pay of $200 for guards, $240 for guard leaders, $320 for guard supervisors, $400 for guard managers, and $450 for the guard director.[648] By contrast, ANP pay in the summer 2008 was $100 a month for a 2nd Patrolman. Monthly pay exceeded $450 at that time only for ANP officers who reached the rank of brigadier general.[649]

(U) The pay discrepancy between the DOD-funded Afghan National Police and the DOD-funded private security contracts do not appear to reflect, at least in DOD's view, a difference in their respective roles. An April 2010 Department of Defense report said that the "roles of [private security contractors] are generally analogous to functions normally performed by police..."[650] Perhaps it should not be surprising then that some private security contractors apparently draw their guard forces from ANP and ANA ranks.

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[644] Testimony of David Sedney, Hearing on Contracts for Afghan National Police Training, Ad Hoc Subcommittee on Contracting Oversight of the Senate Homeland Security and Governmental Affairs Committee (April 15, 2010).

[645] Committee staff interview of Darcy [redacted] at 30 (December 4, 2009).

[646] In summer 2008, pay for an ANP 2nd class patrolman increased to $100. While pay for other ranks increased as well, the comparison of ArmorGroup guard pay to an ANP Major of Lieutenant Colonel remains accurate. Report on Progress Toward Stability and Security in Afghanistan (June 2008).

[647] USSOCOM Regional Contracting Office, Contract with Gulam Sephar Personal Security (August 1, 2008).

[648] USSOCOM Regional Contracting Office, Forward Contract with Assadullah Security Company (August 1, 2008); Assadullah Security Company price quote (undated).

[649] Progress Toward Stability and Security in Afghanistan (January 2009).

[650] Office of the Assistant Deputy Under Secretary of Defense (Program Support), *Performance by Private Security Contractors of Certain Functions in an Area of Combat Operations* at 5 (April 5, 2010).

(U) For example, a proposal from Tundra SCA, a DOD security provider in Zabul Province speaks of the company's "pool of experienced and vetted Afghans" which includes "personnel with ...ANA/ANP/Security experience..."[651] And a Defense Contract Management Agency audit of a security contract at Kabul Military Training Center said that "[m]ost guards are prior service Afghan National Army soldiers."[652]

(U) Compass Integrated Security Solutions, another private security company operating in Afghanistan, employs more than 2,300 armed security guards, some of them under contracts and subcontracts with the U.S. Military. For their DOD security contract at Camp [redacted] in Herat Province, Compass reported that it actually "targeted former Afghan National Army (ANA) and Afghan National Police (ANP) personnel" to staff its guard force.[653] On other contracts, Compass went even further.

(U) In September 2007, Compass entered into a contract with Major General [redacted], an Afghan National Army Commander.[654] The contract stated that General [redacted] would provide Compass with a minimum of 120 guards, nine team leaders and one guard commander.[655] Although he has since claimed that Compass's relationship with General [redacted] was appropriate, in discussing that relationship in April 2008, Aaron Staunton, Compass's Operations Manager, wrote that "NO-ONE in a position of power / authority is permitted to provide manpower for PSCs."[656] Staunton also wrote that concerns had been raised (apparently by a Afghan police official) that the ANA Commander "[General] [redacted]'s people are not official" and said that "this is a problem that needs addressing."[657] For his part, Compass Director Peter McCosker has said that Compass operated in an "open and transparent" manner with the Afghan Ministry of Interior (MOI) and that he understood the MOI had told Compass that the company's relationship with General [redacted] was consistent with MOI rules.[658]

(U) The company's relationship with General [redacted] has not been without controversy. There were allegations (described above) that the men provided by General [redacted] may have engaged in an armed robbery while working for Compass. In addition to those allegations, in late March 2008, between 20-25 armed men reportedly affiliated with General [redacted] were involved in a "standoff" with about 300 armed Compass guards affiliated with another one of the

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[651] Tundra Armed Security Guard IDIQ (ASG) Proposal (December 11, 2008).

[652] DCMA audit of W91B4M-09-P-0297 Camp [redacted] (October 15, 2009).

[653] Letter from Attorney for Compass, Joshua Levy, to Committee staff (April 19, 2010).

[654] Compass contract with Major General [redacted] for the Provision of Mobile Security Convoy Protection Personnel (September 10, 2007).

[655] Compass contract with Major General [redacted] for the Provision of Mobile Security Convoy Protection Personnel (September 10, 2007).

[656] Staunton comments on email from Mark [redacted] to Peter McCosker (April 3, 2008).

[657] Staunton comments on email from Mark [redacted] to Peter McCosker (April 3, 2008); Committee staff interview of Aaron Staunton at 159 (June 23, 2010).

[658] Committee staff interview of Peter McCosker at 81 (June 30, 2010).

company's manpower providers.[659] Shots were fired by at least one member of Compass's guard force but the company apparently never determined who among their guards actually fired.[660] As of May 21, 2010, Compass continued to employ guards supplied by General [redacted].[661]

(U) In October 2007, less than a month after the company signed its contract with General [redacted] Compass also signed a contract with a "General [redacted]" to supply the company with guards for a convoy security contract Compass had with the Supreme Group. At the time the company signed that contract, General [redacted] was a serving Afghan National Police District Commander.[662] The contract, which was in effect until Compass terminated the ANP Commander in December 2008, required him to provide Compass with 60 mobile guards, three team leaders, and one guard commander. The contract stipulated that, in return, Compass would pay him nearly $23,000 per month. According to Aaron Staunton, who signed the contract on behalf of Compass, the company's payment to the ANP Commander included a sum for him as well as funds intended for the guards he provided.[663] The contract stated that the men supplied by the ANP Commander would be "fully trained, *serving* or ex-members of the Afghan National Police Force of the Ministry of Interior, Afghanistan or the Afghan National Army."[664] That language appears to have violated Afghan Ministry of Interior (MOI) regulations, in effect at the time, that prohibit security companies from "recruiting the serving officers, sergeants, soldiers and other active officials of the Ministry of Defense and Ministry of Interior and other state departments."[665]

(U) In addition to barring private security companies from recruiting Afghan soldiers and police officers, the regulations state that officials of the Ministry of Defense and Ministry of Interior "cannot be the owner or partner of a private security company."[666] In November 2008, Mark [redacted] a Regional Operations Manager for Compass, sent an email to a colleague warning him not to discuss the ANP Commander with the MOI, writing that it was "imperative that we do NOT mention [redacted]'s name" to an MOI official.[667] Asked later why he wrote the

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[659] Email from Mark [redacted] to Peter McCosker (March 23, 2008). According to Compass's operations manager Aaron Staunton, subsequent to the stand-off, General [redacted] "vehemently denied" that that the incident had anything to do with him or his men. Committee staff interview of Aaron Staunton at 141 (June 23, 2010).

[660] Committee staff interview of Aaron Staunton at 141 (June 23, 2010).

[661] Letter from Stein Mitchell & Muse to Committee staff at 7 (May 10, 2010).

[662] Committee staff interview of Aaron Staunton at 92 (June 23, 2010).

[663] Compass contract for the Provision of Mobile Security Convoy Protection Personnel (October 5, 2007); Committee staff interview of Aaron Staunton (June 23, 2010).

[664] Compass contract for the Provision of Mobile Security Convoy Protection Personnel (October 5, 2007) (emphasis added).

[665] Procedure for Regulating Activities of Private Security Companies in Afghanistan, Islamic Republic of Afghanistan Ministry of Interior (February 2008).

[666] *Id.* Staunton claimed that Compass's contract with the ANP Commander was consistent with the regulatory requirements though he did not believe the regulations were in effect at the time the contract was in effect. By contrast, the Afghan MOI advised the Committee that the regulations were in effect at that time. Committee staff interview of Aaron Staunton at 133 (June 23, 2010); Email from Office of the Islamic Republic of Afghanistan Ministry of Interior (June 27, 2010).

[667] Email from Mark [redacted] to Colin [redacted] (November 3, 2008).

email, Mark [redacted] said that "it was just important to us that no misconceptions occurred, especially within the regulatory office that Compass was... contracting [the ANP Commander]."[668] Mark [redacted] said that "it was known, at that time, as it is now, that government officials in the employ of security forces are not allowed to have a second job or a second income, and definitely not with security companies, particularly. And we were just wary to avoid that any connection was made with Compass and be misconstrued that [the ANP Commander] [redacted] was in Compass's employ."[669] Mark [redacted]'s assertion that the ANP Commander was not in Compass's employ is contradicted by the written contract with the ANP Commander, as well as statements from Staunton and Peter McCosker, Compass's owner.[670]

(U) The ANP Commander was employed by the company until he was terminated in December 2008, at least in part due to suspicions by Compass officials that he maintained a relationship with another local strongman named Ruhullah.[671] Ruhullah, in turn, reportedly maintains "a powerful security network controlling much of Highway One between Kabul and Kandahar."[672] According to Compass, beginning in mid-2008, Ruhullah began threatening and launching attacks on company convoys with the intent to disrupt operations and create "an opportunity [for him] to take up a contract for the delivery of fuel."[673]

D. Task Forces Established to Examine Contracting in Afghanistan

(U) Based on an assessment that Private Security Contractors (PSCs) are often perceived by Afghans as "disruptive, undesirable, and lawless militias," U.S. Forces-Afghanistan created Task Force Spotlight in June 2010 to look into PSC misconduct and non-compliance with U.S. government mandates, both of which are "exacerbated by inadequate oversight."[674] Task Force Spotlight's mission includes improving PSC oversight, transparency, and accountability, reducing the potential influence of malign actors, and bolstering the Afghan government's credibility and ability to govern.[675]

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[668] Committee staff interview of Mark [redacted] at 69-70 (May 26, 2010).

[669] *Id.*

[670] Compass contract for the Provision of Mobile Security Convoy Protection Personnel (October 5, 2007); Committee staff interview of Aaron Staunton at 98 (June 23, 2010); Committee staff interview of Peter McCosker at 63 (June 30, 2010).

[671] Committee Staff Interview of [redacted]; Email from [redacted]

[672] Carl Forsberg and Kimberly Kagan, Institute for the Study of War, *Consolidation Private Security Companies in Southern Afghanistan* (May 28, 2010); A compass email suggests that Ruhullah works for Akhtar Mohammad who a U.S. Military analysis called one of 12 "Kandahar City Power Brokers" and an associate of Ahmad Wali Karzai, the head of the Kandahar Provincial Council. Akhtar Mohammed is described as "likely the 'go to guy' for issues from which [Ahmad Wali Khan] must keep his distance... He is believed to supply vehicles, weaponry and accommodations to private security firms, criminal groups and possibly insurgents." Stability Operations Information Center-South, *Kandahar City Municipality & Dand District: District Narrative Analysis* at 18, 39 (March 30, 2010).

[673] Email from [redacted]

[674] Briefing for Committee Staff (August 5, 2010)

[675] *Id.*

(U) In July 2010, Task Force 2010 was established to examine the flow of contract funds, including private security contract funds, in Afghanistan. According to ISAF, there is "little awareness of money flows and linkages to malign actors at the subcontracting level" in Afghanistan, leading to waste, fraud, and abuse while "enriching powerbrokers" undercutting counterinsurgency efforts, delegitimizing the Afghan government and "empowering the insurgency."[676] Task Force 2010's mission is to "better employ contracting in support of counterinsurgency operations" while providing operational commanders "actionable information" on subcontracting networks.[677] Task Force 2010 also seeks to "reform contracting regulations, laws, and procedures nationwide."[678]

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[676] *Id.*

[677] *Id.*

[678] *Id.*

COMMITTEE ACTION

On September 28, 2010, by voice vote, the Committee adopted the report and conclusions of the inquiry into the role and oversight of private security contractors in Afghanistan. Twenty-three Senators were present. No Senator voted in the negative.

ADDITIONAL VIEWS OF SENATORS McCAIN, INHOFE, SESSIONS, CHAMBLISS, GRAHAM, THUNE, WICKER, LeMIEUX, BURR, VITTER, COLLINS, & BROWN

While the case studies highlighted in the report demonstrate the risks of using private security contractors in terms of their reliability, training, effectiveness, background screening, and potential for divided allegiances, we do not believe that anyone should conclude from what is presented here that the use of private security contractors in Afghanistan always decreased the security of U.S. and Coalition forces, or that using private security contractors inevitably undercut the Afghan Government. We believe that the facts require a more nuanced interpretation.

During the period covered by the report, military operations in Afghanistan were secondary to those on-going in Iraq. In 2007, the success of our military engagement in Iraq was very much in doubt. As a result, the primary focus of our military effort was in Iraq and military operations in Afghanistan were limited to what was described as an "economy of force." In fact, during the period covered by the report, U.S. force strength in Afghanistan was never higher than 26,000; Coalition forces added no more than 31,600 additional troops; and the Afghan Army was beginning to grow from only 47,000 to 76,000. To the extent that the Committee report implies that the decision to rely on private security contractors in Afghanistan was a grave mistake that undercut our larger strategic objectives there, the report simply fails to acknowledge the lack of other feasible options given the commitment of U.S. forces to Iraq and the limited number of U.S., Coalition, and Afghan Security Forces available at the time to provide routine security throughout Afghanistan.

Moreover, the narrow focus of the report, which singles out for extensive discussion only two major cases studies, could leave the reader with the impression that use of private security contractors provided no benefit whatsoever. Unfortunately, the report does not attempt a more balanced review of the pros and cons involved with using private security contractors in situations such as those that existed at the time when U.S. and Coalition military forces were not available for routine security functions and in places where the Afghan National Government had not been able to extend its influence. The report also fails to acknowledge the positive impact of providing employment to local inhabitants in hotly contested areas who otherwise would be more likely to become insurgents for simple economic reasons, or the resentment and negative impact on security that could have resulted if third-country nationals were brought in and paid to provide security services to the economic detriment of those living there and struggling to survive.

Additionally, the report does not in our view give sufficient emphasis to the dramatic changes that have taken place over the last two years and that are taking place in Afghanistan now. Our current commander in Afghanistan, General David Petraeus, has testified before our Committee as recently as during his nomination hearing in July, 2010, that he firmly understands the potential downside of relying on private security contractors and is moving in cooperation with President Karzai to first reduce and then largely eliminate their use:

> Our counterinsurgency mission depends heavily upon perceptions, and therefore requires a clear distinction between licensed, trained and restrained PSCs that help us accomplish our mission, and illegally armed groups that must be disbanded and held accountable for their actions. As the security environment in Afghanistan improves, our need for PSCs will diminish, but in the meantime, we will use legal, licensed and controlled PSCs to accomplish appropriate missions.

President Karzai and his government have adopted a policy to reduce the reliance on private security contractors and focus responsibility for achieving and maintaining security on the official security forces of the national government. This is a move in a positive direction, but one which is only possible now with the addition of 30,000 U.S. troops in 2010, bringing the total U.S. force level in Afghanistan to 103,000, Coalition forces to 47,700, and the substantial growth of the Afghan National Security Forces to 135,000 Army and 110,000 Police.

In summary, this Committee report on the real and significant potential for problems associated with use of private security contractors in Afghanistan cannot be read as a balanced and comprehensive record of a controversial and difficult issue. It highlights problems and very real concerns, but it falls short of providing a more robust discussion of how slim our options were at the time and how our commanders have recognized these dangers and are moving together with our Afghan allies now to incrementally reduce the dependence on private security contractors through a transfer of responsibilities to the growing and more capable Afghan National Security Forces.

JOHN MCCAIN
JAMES M. INHOFE
JEFF SESSIONS
SAXBY CHAMBLISS
LINDSEY GRAHAM
JOHN THUNE
ROGER F. WICKER
GEORGE S. LEMIEUX
RICHARD BURR
DAVID VITTER
SUSAN M. COLLINS
SCOTT P. BROWN

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