



## Response to allegations made by War on Want against Erinys

In the past six months War on Want has published a number of Press Releases (and written to the Foreign Secretary) making serious allegations against Erinys. These include accusations of human rights abuses, prisoner abuse, plunder of Iraqi oil and employing 'apartheid-era' South African paramilitaries.

In breach of normal journalistic practice, no War on Want representative has ever put these allegations to Erinys in advance of publication and sought their response. In fact, War on Want has taken stories that originated in the mainstream press, and deliberately stripped out comments by any Erinys spokesman together with any explanatory press releases from other sources.

### **KIRKUK INCIDENT: 18 OCTOBER 2007**

WoW have referred on several occasions in their press releases to employees of Erinys International opening fire on a taxi near Kirkuk, wounding three civilians. In view of WoW's failure to give a full account of this incident, as has been reported in the wider media, we set out below the background to what happened in Kirkuk on 18 October 2007.

The Erinys team had been deployed to escort a convoy of vehicles carrying civilian employees of the US Army Corps of Engineers on a highway east of Kirkuk in Northern Iraq. When a vehicle approached the convoy at high speed the security team initiated escalation warning procedures under the rules for the use of force specified by the US Government. These rules are a legally enforceable part of contracts between security companies and the US Army Corps of Engineers in Iraq and are designed to protect convoys from attack by mobile suicide bombers. In the incident referred to above the convoy was halted to change a punctured tyre; all sirens and flashing lights were operating and all traffic was stationary and being held at a safe distance.

Despite the sirens and flashing lights a fast-moving taxi drove around the stationary traffic towards the convoy. The Erinys team gave the specified verbal, hand and bright light warnings to the taxi, but it did not stop. Carefully aimed disabling shots were then fired into the engine block to disable the vehicle as the penultimate stage of escalation. Regrettably, injuries were caused to the passengers by a ricochet. Before leaving the scene, the Erinys team noted that the occupants (two at their count) were being given medical assistance in a nearby ambulance.

A subsequent Press Release by the US Army Corps of Engineers confirmed that the Erinys team had complied with laid-down procedures.

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The incident in October 2007 has been relied on by WoW as an example of human rights abuse. In fact it was a professional response in self-defence against a potential vehicle-borne suicide bomb.

## THE PRESS RELEASES

Set out below are the allegations made against Erinys in various press releases published by WoW on their website. WoW have failed to include Erinys' response to these allegations or any other corroborating evidence from the original press reports in their publications. In view of this Erinys' response is now set out in full below:

### 1. 'Ban UK mercenaries' call after new shootings: October 2007

**1<sup>st</sup> Allegation made by WoW:** "British security company Erinys International is the employer of the guards who opened fire on a taxi near Kirkuk in Iraq yesterday, wounding three civilians, including two women"

**Fact:** The full factual details of this incident have already been stated. The original report in the New York Times of 19 October 2007 quotes a US Army Corps of Engineers Press Release which states that a car approached "at a high rate of speed and that the contractors fired into the vehicle when efforts to warn it off failed" ([http://www.nytimes.com/2007/10/19/world/middleeast/19iraq.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/10/19/world/middleeast/19iraq.html?_r=1&oref=slogin)).

The prevalence of vehicle-borne suicide bombs is also well documented. There is no basis for the assertion that two women were amongst the injured. The US Press Release identifies that there were two passengers and, although the NYT article refers to three passengers, it does not identify whether they were male or female. The gender of the occupants derives entirely from WoW and is unsubstantiated by other sources.

**2<sup>nd</sup> Allegation made by WoW:** "Erinys has encountered previous criticism for alleged prisoner abuse by its employees....."

**Fact:** Erinys has never been involved with holding prisoners in Iraq; its principal contracts have been for protection of Iraqi oil assets and protection of US civilian engineers engaged in reconstruction projects. The WoW reference is to a one-off incident that took place in May 2004 and was reported by The Observer on 14 November 2004 (<http://www.guardian.co.uk/world/2004/nov/14/iraq>). The Observer contacted Erinys before publishing the article and included extracts from a statement provided to them which gave a full account of the event. In view of WoW's failure to give a full account of this incident we set out below the background to what happened in May 2004.

A photograph was provided to The Observer of a young shepherd who was detained by Erinys' pipeline patrol for trying to steal newly-laid cable. The youth had been apprehended and brought back to the Kirkuk Sector Patrol Base near the Northern Oil

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Company compound from which the Sector's mobile pipeline patrols are deployed. The Patrol Base management sent a vehicle to collect the youth's father. On learning of the circumstances leading to the detention of his son, the father expressed shame at his son's activities and requested that he be taught a lesson. In the presence of his father, two Erinys employees restrained the youth using tyres; this process lasted for approximately 3 minutes, when the youth broke down in tears at which point the tyres were immediately removed and the individual released into the custody of his father. The father then started to assault his son and had to be restrained by Erinys' employees. Both father and son were then driven to the Northern Oil Company main gate and dropped off.

The photograph clearly showed that there was no injury to the individual – no bruising, no bleeding, no torn clothing – part of the reason for taking the photo was to provide a record that whilst clearly apprehensive he was physically totally unharmed. It is not normal procedure for any individual to be restrained in such a manner and such treatment does not conform with Erinys' normal procedures. The members of staff seen in the photo were suspended and Erinys requested that the authorities to whom it reports in Iraq conduct an independent enquiry into the incident.

The Erinys Oil Protection Force was authorised by the government to detain suspects and conduct investigations. Such investigations did not include interrogation but may have included detention until hand over to the police or coalition forces. The procedure portrayed in the photograph was a one-off event and was a consequence of the special circumstances described.

**3<sup>rd</sup> Allegation made by WoW:** Erinys has encountered previous criticism ..... and for hiring former apartheid-era paramilitary police and mercenaries from South Africa

**Fact:** Erinys carries out detailed background checks of its prospective employees and has never employed 'former apartheid-era paramilitary police and mercenaries from South Africa'. The WoW reference is to an incident in January 2004, when a subcontractor to Erinys in Iraq was found to have employed such people after failing to carry out background checks: Erinys terminated that subcontract shortly afterwards. WoW would have known this by reference to articles in the Pretoria News of 29 January 2004 which stated that the individuals were employed by a sub-contractor.

2. 'Stop mercenaries abuse' call: 4 December 2007, introducing WoW Briefing 'Getting Away With Murder'

**1<sup>st</sup> Allegation made by WoW:** The Briefing repeats the earlier allegation that '...Erinys International opened fire on a taxi near Kirkuk, wounding three civilians'

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**Fact:** WoW did not include the US Army Press Release, which explains the circumstances.

**2<sup>nd</sup> Allegation made by WoW:** “Erinys is also being sued in the US for the death of a US soldier hit by an Erinys convoy in Iraq in 2005”

**Fact:** Reuters contacted Erinys before filing its original press report on 26 October 2007 (<http://www.reuters.com/article/latestCrisis/idUSL26662748>) and included a statement that “There was a full and very thorough investigation by the U.S. military into the case at the time, and both Erinys and its employees were fully exonerated”. This balance has been excised from the WoW report.

**3<sup>rd</sup> Allegation made by WoW:** “There are currently tens of thousands of mercenaries working for private military and security companies (PMSCs) outside legal ..... control”

**Fact:** Employees of security companies providing commercial support services, such as Erinys (and others), to the US Army Corps of Engineers in Iraq have always been subject to US Federal criminal law under the US Military Extraterritorial Jurisdiction Act of 2000. The US Department of Defense issued a memo (ref 5525.11) on 3 March 2005 to confirm this.

3. Corporations and Conflict – Corporate Mercenaries: December 2007

**Allegation made by WoW:** The Press Release accuses a number of companies, including Erinys, as being guilty of human rights abuses.

**Fact:** The only incident identified in respect of Erinys is the Kirkuk incident which was carried out in self-defence and in compliance with contractual ‘Escalation of Force’ procedures specified by and agreed with the US Army.

4. Demonstrators tell 'corporate pirates' Shell and BP: 'Hands Off Iraqi Oil': 22 February 2008

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**Allegation made by WoW:** WoW invited demonstrators to hold a protest outside the offices of companies working in Iraq, including Erinys' offices, to campaign against the 'plunder of Iraqi oil'. The clear allegation is that Erinys is complicit in this plunder.

**Fact:** The only involvement of Erinys in oil in Iraq was to train and manage an Oil Protection Force of up to 17,500 Iraqis under a contract with the Iraqi Ministry of Oil to protect Iraq's oil installations from attack.

5. Miliband challenged on mercenaries abuse: 18 February 2008

This Press Release introduced a letter written by WoW to the Foreign Secretary, David Miliband. This letter contained unfounded allegations:

**Allegation made by WoW:** the letter states that "some (employees of UK companies in Iraq)... have been involved in unlawful killings and human rights abuses". The letter then names Erinys and cites the Kirkuk incident where Erinys employees "opened fire on a taxi...wounding three individuals"

**Fact:** As stated earlier, the incident in Kirkuk is not an example of human rights abuse but of a professional response in self-defence against a potential vehicle-borne suicide bomb. WoW has made it clear that Erinys is not one of the companies it intended to accuse of being involved in unlawful killings.

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