

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

2009 JUN 10 A 10:23
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Estate of Husain Salih Rabea
Ali Kareem Fakhri

Plaintiffs reside in Hilla, Iraq
at addresses that cannot be disclosed
for safety and security

v.

Erik Prince
1650 Tysons Boulevard
McLean, VA 22012

Prince Group
1650 Tysons Boulevard
McLean, VA 22012

EP Investments LLC
1650 Tysons Boulevard
McLean, VA 22012

Greystone Ltd.
1650 Tysons Boulevard
McLean, VA 22012

Total Intelligence
1650 Tysons Boulevard
McLean, VA 22012

The Prince Group LLC
1650 Tysons Boulevard
McLean, VA 22012

Xe
850 Puddin Ridge Road
Moyock, NC 27958

Blackwater Worldwide
850 Puddin Ridge Road
Moyock, NC 27958

CIVIL ACTION

NO. 1:09CV645

CIVIL COMPLAINT
JURY DEMAND

Blackwater Lodge and Training Center
850 Puddin Ridge Road
Moyock, NC 27958

Blackwater Target Systems
850 Puddin Ridge Road
Moyock, NC 27958

Blackwater Security Consulting
850 Puddin Ridge Road
Moyock, NC 27958

Raven Development Group
850 Puddin Ridge Road
Moyock, NC 27958,

Defendants

COMPLAINT

1. Erik Prince and his companies are modern-day merchants of death. Prince and the companies (hereinafter referred to collectively as “Xe-Blackwater”) earn billions of dollars around the globe in exchange for providing men heavily armed with sophisticated weaponry. Unfortunately for those who come in contact with these merchants of death, Prince’s men do not abide by the laws governing the use of force. Instead, they repeatedly fire their weaponry without cause or care, killing and wounding innocent bystanders.

2. On August 13, 2007, Xe-Blackwater wantonly and recklessly fired weapons on the streets of Hilla, Iraq. Xe-Blackwater killed an elderly man, Husain Salih Rabea, and narrowly missed killing a young college student, Ali Kareem Fakhri.

JURISDICTION AND VENUE

3. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); 28 U.S.C. § 1350 (Alien Tort Statute); and 28 U.S.C. § 1367 (supplemental jurisdiction).

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

PARTIES

5. Plaintiff is the Estate of Husain Salih Rabea. On August 13, 2007, Xe-Blackwater shooters shot Mr. Rabea, a 72-year old Iraqi, for no reason, and departed without stopping to offer any medical aid. Shortly thereafter, Mr. Rabea died from the gunshot wounds, leaving behind five sons and three daughters.

6. Plaintiff Ali Kareem Fakhri is a student at the Babylon University College of Biology. On August 13, 2007, as Mr. Fakhri was driving on a public roadway in Hilla, Xe-Blackwater shooters opened fire on him for no reason. Mr. Fakhri watched in horror as the Xe-Blackwater shooters hit an elderly man in a nearby car.

7. Defendant Erik Prince is a resident of McLean, Virginia, with business offices at 1650 Tysons Boulevard, McLean, Virginia 22102. Defendant Prince personally and wholly owns holding companies known as The Prince Group and EP Investments LLC, which in turn own and control Defendants.

8. Defendant The Prince Group LLC is a holding company located at 1650 Tysons Boulevard, McLean, Virginia 22102.

9. Defendant EP Investments, LLC is a holding company managed by The Prince Group LLC. EP Investments, LLC is located at 1650 Tysons Boulevard, McLean, Virginia 22102.

10. Defendant Erik Prince personally controls all the Defendants. The various Xe-Blackwater, Greystone and The Prince Group corporate entities were formed merely to reduce legal exposures and do not operate as individual and independent companies outside the control of Erik Prince.

11. Defendants Xe, Blackwater Worldwide, Blackwater Lodge and Training Center, Inc., Blackwater Target Systems, Blackwater Security Consulting and Raven Development Group are all located at 850 Puddin Ridge Road, Moyock, North Carolina 27958.

12. Defendant Greystone Ltd. and Total Intelligence Solutions LLP are located at 1650 Tysons Boulevard, McLean, Virginia 22102.

**THE AUGUST 13, 2007 SHOOTING IS PART OF PATTERN OF
WILLFUL AND WANTON CONDUCT BY XE-BLACKWATER**

13. On August 13, 2007, Xe-Blackwater shooters fired their weapons without care or cause. Such willful and wanton conduct on that date is part of larger pattern of misconduct by Xe-Blackwater that evinces a conscious disregard for the safety of others.

14. Xe - Blackwater has a pattern and practice of recklessness in the use of excessive and deadly force.

15. Xe - Blackwater hires persons known to have been violent in the past, including former military officials known to have been involved in human rights abuses in Latin American and elsewhere.

16. Xe - Blackwater fails to train or supervise its personnel to prevent the unnecessary use of deadly force. Instead, Xe - Blackwater has created and fostered a corporate culture in which excessive and unnecessary use of deadly force by its employees is not investigated or punished in any way.

17. Xe - Blackwater repeatedly refuses to fire or discipline "shooters" who have been found to use steroids or other judgment-altering substances. Instead, such impaired personnel are sent into the streets of Baghdad heavily armed with deadly weapons.

18. Xe - Blackwater repeatedly refuses to fire or discipline "shooters" who have used unnecessary excessive force or used prohibited weaponry, such as hand grenades and grenade launchers.

19. Xe - Blackwater videotaped and audiotaped reckless and dangerous behavior by its shooters. Yet Xe - Blackwater did not investigate, report or punish the demonstrable misconduct. Instead, Xe - Blackwater intentionally destroyed the tapes.

20. Xe-Blackwater constantly operates in an illegal fashion, sending a clear message to its personnel that they should consider themselves free to act with impunity. As but one recent example, Xe-Blackwater continues to provide armed protection services in Iraq despite the fact the Iraqi government has refused to grant Xe-Blackwater the licenses needed to do business and carry weapons in Iraq.

21. That is, Xe-Blackwater is providing armed protection services under contract to the International Republican Institute ("IRI"), an American government-funded organization operating in Iraq. Xe-Blackwater, seeking to obscure its continued illegal operation in Iraq, directed its employees to enter into new contracts under the Greystone name rather than the Blackwater name. But Greystone is simply another corporate incarnation of Xe-Blackwater, and is not licensed to carry weapons in Iraq.

**COUNT ONE AS TO ALL PLAINTIFFS -
WAR CRIMES**

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

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

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

25. Defendants committed war crimes, including willful killing and willfully causing great suffering or serious injury to body or health, against Plaintiffs and others.

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

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

**COUNT TWO AS TO ALL PLAINTIFFS -
ASSAULT AND BATTERY**

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

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

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

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

32. Defendants committed the assaults and batteries.

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

**COUNT THREE AS TO THE ESTATE OF RABEA –
WRONGFUL DEATH**

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

35. Defendants' wrongful acts and omissions caused the death of Husain Salih Rabea.

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

37. The death of Mr. Rabea was a foreseeable result of Defendants' wrongful acts and omissions.

**COUNT FOUR AS TO ALI KAREEM FAKHRI –
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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

39. Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct on Plaintiff Ali Kareem Fakhri.

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

41. Defendants' acts caused grave and foreseeable injuries to Plaintiff.

**COUNT FIVE AS TO ALI KAREEM FAKHRI -
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

43. Defendants negligently inflicted severe emotional distress on Plaintiff Ali Kareem Fakhri.

44. Defendants breached a duty to Plaintiff and others present at the scene of the killings and infliction of bodily injury.

45. Defendants' negligence directly and foreseeably harmed Plaintiff.

**COUNT SIX AS TO ALL PLAINTIFFS -
NEGLIGENT HIRING, TRAINING AND SUPERVISION**

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

47. Defendants acted negligently and directly harmed Plaintiffs by:

- (a) failing to take the appropriate steps in hiring proper personnel to perform services;
- (b) failing to properly screen personnel before their hiring;
- (c) failing to train personnel properly;
- (d) failing to investigate allegations of wrongdoing;
- (e) failing to reprimand for wrongful actions;
- (f) failing to adequately monitor for and stop illegal substance abuse;
- and
- (g) negligently permitting repeated lawlessness by employees.

48. Defendants' negligence directly and foreseeably harmed Plaintiffs.

**COUNT SEVEN AS TO ALL PLAINTIFFS -
TORTIOUS SPOILATION OF EVIDENCE**

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

50. Defendants had a legal duty to preserve evidence relating to unauthorized and excessive use of force.

51. Defendants intentionally destroyed that evidence to prevent detection of its wrongdoing.

52. Defendants' destruction of evidence significantly impaired Plaintiffs' ability to prove certain facts in this action.

53. Defendants' intent in destroying the evidence was to lessen the risk that they would be found liable by a jury hearing this action.

54. Defendants' intentional destruction of evidence harmed and continues to harm the Plaintiffs.

PRAYERS AND DAMAGES

55. Defendants are liable for killing Mr. Rabea and assaulting Mr. Fakhri. Defendants seek compensation to the full extent permitted by law, including compensation for sorrow, mental anguish, and solace, including but not limited to society, companionship, comfort, guidance, kindly offices and advice ; compensation for loss of income and loss of services, protection, care and assistance; and compensation for the expenses for the care, treatment and hospitalization; reasonable funeral expenses; and all other compensation permitted by law or equity.

56. Plaintiffs seek punitive damages because Xe-Blackwater engaged in willful and wanton misconduct, and acted with such recklessness as evinces a conscious disregard for the safety of others.

ADDITIONAL DEFENDANTS

**Prince Group
1650 Tysons Boulevard
McLean, VA 22012**

**EP Investments LLC
1650 Tysons Boulevard
McLean, VA 22012**

**Greystone Ltd.
1650 Tysons Boulevard
McLean, VA 22012**

**Total Intelligence
1650 Tysons Boulevard
McLean, VA 22012**

**The Prince Group LLC
1650 Tysons Boulevard
McLean, VA 22012**

**Xe
850 Puddin Ridge Road
Moyock, NC 27958**

**Blackwater Worldwide
850 Puddin Ridge Road
Moyock, NC 27958**

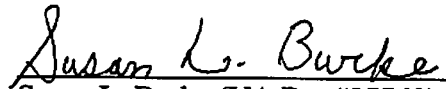
**Blackwater Lodge and Training Center
850 Puddin Ridge Road
Moyock, NC 27958**

**Blackwater Target Systems
850 Puddin Ridge Road
Moyock, NC 27958**

**Blackwater Security Consulting
850 Puddin Ridge Road
Moyock, NC 27958**

**Raven Development Group
850 Puddin Ridge Road
Moyock, NC 27958,**

57. Plaintiffs seek compensatory and punitive damages in an amount in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332. Plaintiffs also seek any and all additional remedies (such as attorneys' fees) available under law and equity.



Susan L. Burke (VA Bar #27769)

sburke@burkeoneil.com

William F. Gould

Rosemary B. Healy

BURKE O'NEIL LLC

Attorneys for Plaintiffs

1000 Potomac Street

Washington, DC 20007

Telephone: 202.445.1409

Facsimile: 202.232.5513

Date: June 10, 2009