

Limbo for U.S. Women Reporting Iraq Assaults



Left, Andrew Cuttonaro for The New York Times. Right, David Ahnholz for The New York Times

Jamie Leigh Jones, left, a former employee for the military contractor KBR, told Congress that she had been gang-raped by co-workers in Iraq in 2005. Mary Beth Kinston, also a former KBR worker, said she was sexually assaulted by one driver, groped by another worker and fired after complaining.

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WASHINGTON Mary Beth Kinston, an Ohio resident who went to Iraq to drive trucks, thought she had endured the worst when her supply convoy was ambushed in April 2004. After car bombs exploded and insurgents began firing on the road between Baghdad and Balad, she and other military contractors were saved only when Army Black Hawk helicopters arrived.

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But not long after the ambush, Ms. Kinston said, she was sexually assaulted by another driver, who remained on the job, at least temporarily, even after she reported the episode to KBR, the military contractor that employed the drivers. Later, she said she was groped by a second KBR worker. After complaining to the company about the threats and harassments endured by female employees in Iraq, she was fired.

"I felt safer on the convoys with the Army than I ever did working for KBR," said Ms. Kinston, who won a modest arbitration award against KBR. "At least if you got in trouble on a convoy, you could radio the Army and they would come and help you out. But when I complained to KBR, they didn't do anything. I still have nightmares. They changed my life forever, and they got away with it."

Ms. Kinston is among a number of American women who have reported that they were sexually assaulted by co-workers while working as contractors in Iraq but now find themselves in legal limbo, unable to seek justice or even significant compensation.

Many of the same legal and logistical obstacles that have impeded other types of investigations involving contractors in Iraq, like shootings involving security guards for Blackwater Worldwide, have made it difficult for the United States government to pursue charges related to sexual offenses. The military justice system does not apply to them, and the reach of other American laws on contractors working in foreign war zones remains unclear five years after the United States invasion of Iraq.

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KBR and other companies, meanwhile, have required Iraq-bound employees to agree to take personnel disputes to private arbitration rather than sue the companies in American courts. The companies have repeatedly challenged arbitration claims of sexual assault or harassment brought by women who served in Iraq, raising fears among some women about going public with their claims.

The issue gained national attention when Jamie Leigh Jones, a 23-year-old former employee of KBR, testified at a Congressional hearing in December that she had been gang-raped by co-workers in Iraq in 2005. She appeared again on Tuesday and talked in detail about the episode, urging lawmakers to make it easier for crime victims to sue employers.

"Victims of crime perpetrated by employees of taxpayer-funded government contracts in Iraq deserve the same standard of treatment and protection governed by the same laws whether they are working in the U.S. or abroad," she said.

Since she spoke out publicly in December, other women have begun to step forward.

Ms. Jones and her lawyers said 38 women who worked as contractors in Iraq, Kuwait and other countries had contacted her since she testified to discuss their own experiences. Now, Congressional leaders are seeking answers from the Pentagon, the State Department and other agencies to try to determine the scope of the threats facing women who are contractors.

Paul Brand, a Chicago psychologist who counsels contractors who have served in Iraq, said the harassment of female workers by male colleagues was common. "The extent of the harassment varies greatly from contractor to contractor, depending on how diligently they screen job candidates and management's willingness to encourage women to report problems," he said. "In many instances, very little or nothing is done."

Comprehensive statistics on sexual assaults in Iraq are unavailable because no one in the government or the contracting industry is tracking them. Court documents, interviews with those who were victims, their lawyers and other professionals, along with the limited data made available by the Bush administration, suggest a troubling trend.

The Criminal Investigation Command of the Army has reported that it investigated 124 cases of sexual assault in Iraq over the last three years. Those figures, provided to Senator Bill Nelson, the Florida Democrat who has taken the lead in the Senate on the issue, include cases involving both contractors and military personnel, but do not include cases involving contractors or soldiers investigated by other branches of the military.

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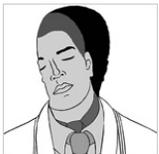
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