

Senate Democratic Policy Committee Hearing

“An Oversight Hearing on Accountability for Contracting Abuses in Iraq”

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Mr. Chairman and members of the Committee, I want to thank you for inviting me to today's hearing. It is an honor to be here.

I am here today to talk about the events of April 9, 2004. That morning, in my capacity as a Civilian Convoy Commander for KBR/ Halliburton, I was leading a convoy heading north past Baghdad International Airport (also known as “BIAP”), toward Camp Anaconda. However, my convoy never arrived at Camp Anaconda. When we approached the area surrounding BIAP, I saw on the road ahead, and heard over my handheld radio heavy insurgent attacks at the junction of Main Supply Routes (“MSR”) Tampa and Sword, and turned my convoy around. Although I immediately advised Halliburton of the heavy insurgent attacks at Tampa and Sword, KBR/Halliburton nevertheless sent the Thomas Hamill convoy south from Camp Anaconda towards BIAP. Predictably, when the Thomas Hamill convoy arrived at the very same location, the junction of MSRs Tampa and Sword, they too came under heavy insurgent attack and seven KBR/Halliburton employees unnecessarily lost their lives.

From approximately April 2003 through August 31, 2004, I was employed by and under the orders and direction of the management and supervisory employees of Service Employees International, Inc., Halliburton Company, and Kellogg Brown & Root, Inc. (hereinafter “KBR/Halliburton”). I was a Civilian Convoy Commander in Iraq for KBR/Halliburton from approximately June or July 2003 through May 2004.

During the time I was employed by KBR/Halliburton, I participated in more than 100 convoys, serving as a Civilian Convoy Commander for approximately 85 of those. While a Civilian Convoy Commander in the latter part of 2003, I was asked to help develop a training program for convoy commanders, including a training and safety manual. At approximately the end of May 2004, I was promoted to the position of flatbed foreman at Camp Arifjan.

Based upon my position as a Civilian Convoy Commander with KBR/Halliburton, I have personal knowledge that KBR/Halliburton convoys communicated and transmitted real-time information via a satellite-linked computer

system known as Qualcomm. The Qualcomm System consisted of a Mobile Data Terminal (“MDT”) located inside our trucks, and stationary base-station computers located in the Theatre Transportation Mission Operations (“TTMO”) office. The System operates on Global Position Satellite (“GPS”) technology, and served as both a communication and mobile tracking system, allowing KBR/Halliburton management to communicate and see the position and movement of its convoys at all times. The Mobile Data Terminal in the truck has a keyboard that allows the driver to type and send messages to TTMO.

As a Civilian Convoy Commander for KBR/Halliburton, I was responsible for contacting TTMO prior to departure, upon arrival at the destination, and during any delay that lasted longer than 30 minutes. I was also responsible for reporting to TTMO the status of the road conditions along the routes that my convoys traveled.

Likewise, TTMO was responsible for providing the Civilian Convoy Commanders with current information through the Qualcomm system regarding the status of the road conditions, extent of the risk of harm, and threat of enemy attack along routes where the convoys were to travel. TTMO also used the Qualcomm System to instruct convoys to stop and turn back if they developed information indicating that the routes had become too dangerous.

KBR/Halliburton’s TTMO monitors Qualcomm transmissions at all times and operators are on duty to provide an immediate response to any question and to check the location of a convoy while on the road.

The Qualcomm Mobile Data Terminal unit is capable of storing up to the last 100 messages sent or received, and the messages remain in temporary storage unless or until they are deleted or overwritten by more recent messages. As a result of this function, my Qualcomm Mobile Data Terminal also stored the last 100 messages sent or received. Shortly after the Thomas Hamill convoy was attacked, I took photographs of the screens stored in my Qualcomm. I took these photographs because I was concerned that if these messages were not preserved, they may later be destroyed. I knew that many people had been unnecessarily put in danger and I thought that the photographs might later be useful to the injured men and the families of the men that lost their lives that day.

On April 7, 2004, my convoy left Kuwait on a mission north that was supposed to take us to Camp Anaconda. On this mission, I had as members of my convoy both third country nationals (drivers from countries other than the United States, also known as “TCNs”) and expatriate, or American drivers. On April 7, 2004, we traveled north from our starting point in Kuwait to Camp Cedar, where we spent the night.

On the morning of April 8th, the TCN drivers approached me as a group, and their spokesman, the only English-speaking member of the group, advised me that all 20 of them were refusing to go on this mission because of news they had heard on the local radio regarding hostilities on the MSR where our convoy was headed. They told me that bad things were going to happen, and they were sorry, but they could not go. In fact, not

only did the TCN's refuse to go, they pled with me and the rest of my drivers not to go on the mission that day. I informed KBR/Halliburton that the TCNs refused to go on the convoy.

I and the remaining drivers in my convoy did, in fact, leave Camp Cedar at about 11:00 a.m. on April 8, 2004. It was our goal to reach Camp Anaconda. At 3:18 p.m., I received a Qualcomm message from TTMO asking if we were aware of the hostilities that awaited us. The message further stated that there had been direct ambushes on "every" convoy consisting of mortar fire, improvised explosive devices (IED's), and heavy small arms fire, and that several KBR/Halliburton personnel had been "hit." The message advised us to proceed with "caution."

Within the hour, at 3:51 p.m. on April 8, 2004, I received orders through the Qualcomm to turn around and seek safety at Camp Scania due to the "hostilities." The message stated that the orders were directly from KBR/Halliburton Project Manager, Keith Richard. Our convoy returned to Scania where we spent the night.

On April 9, 2004, it was our intention to leave Scania and reach Camp Anaconda. At 5:39 a.m. on April 9, I received a Qualcomm message stating that per Keith Richard, Project Manager of KBR/Halliburton's TTM, no convoys were to move between Cedar II north to Anaconda and no traffic was to move south from Anaconda to Cedar II. I immediately inquired via the Qualcomm whether this was an "all day situation" or temporary. I was told via Qualcomm that I would be kept advised.

To my surprise, exactly 30 minutes later, at 6:09 a.m., I received a Qualcomm message that stated that per Keith Richard, Project Manger, all traffic was to proceed as normal and that all main supply route traffic lanes were open in all directions. Shortly thereafter, my convoy left Scania heading north.

At 9:02 a.m. on the morning of April 9th, I received another Qualcomm message that stated one convoy had been "hit" at the junction of Tampa and Sword, on the west side of Baghdad International Airport, with mortars and small arms fire. I was told to proceed with "extreme caution" in this area and that I should advise our military escorts of "possible ambush" in this area. It is inconceivable to think that proceeding with "extreme caution" will protect a convoy in Iraq from deadly weapons such as small arms fire, mortars, improvised explosive devices and rocket propelled grenades.

As we neared the west gate of Baghdad International Airport at approximately 9:10 a.m. on April 9, my convoy was attacked by small arms, mortar, and rocket propelled grenade (RPG) fire. When we were about one mile north of the turnoff for the west entrance of Baghdad International Airport, I saw mortar fire landing in the road just north of us at the interchange of main supply routes, Tampa and Sword. I also heard loud explosions and on the hand held radio I overheard conversations of members of other convoys as they were being attacked.

I made the decision that to proceed further north would surely result in death and/or serious injury to me and the members of my convoy. I turned my convoy around and returned to seek safety at Baghdad International Airport.

At 9:25 a.m., I sent KBR/Halliburton's TTMO a Qualcomm message informing them of the attack at 9:10 a.m. with small arms and mortar, south of Bridge 33, and that more mortar fire was visible at Bridge 36. I also advised that there were "reports of heavy fire on Sword" and that our convoy was returning to Baghdad International Airport.

Five minutes later, at 9:30 a.m., I received a Qualcomm message from TTMO asking me to keep them advised. Therefore, there is absolutely no question in my mind that as of 9:30 a.m. on April 9, 2004, KBR/Halliburton was aware of the hostilities that existed at the juncture of Tampa and Sword. Despite that knowledge, at least one hour later, KBR/Halliburton sent the Thomas Hamill convoy south from Camp Anaconda to Baghdad International Airport -- a journey that necessitated they drive directly through the raging battle that was ongoing at the junction of Tampa and Sword. This resulted in the unnecessary injury and loss of life and was, in my opinion, criminal.

Based on KBR/Halliburton's intelligence and information as reflected in the Qualcomm screens that I photographed, together with my own personal observations of the ongoing combat that was occurring in this area, I believe it was substantially certain that the drivers in convoys between Baghdad International Airport and Camp Anaconda, where the Thomas Hamill convoy was attacked on April 9, 2004, would come under insurgent attack and would suffer injury and death if convoys were allowed to deploy in that area.

I was never asked to be interviewed by anyone at KBR/Halliburton about the events of April 8 and April 9, 2004.

Thank you for your time and I am prepared to answer any questions that you may have for me.