



March 19, 2019

Steve A. Linick
Inspector General
U.S. Department of State
Office of Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Mr. Linick:

The Project On Government Oversight (POGO) writes to request an investigation into an urgent national security matter. We believe that a long-running labor dispute involving the contractor guard force at the U.S. Embassy in Nairobi, Kenya, is compromising security at the embassy.

POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. At various times over our 38-year history, POGO has voiced concerns about issues raised by the reliance on private security guards, both at home¹ and abroad.²

Last month, POGO reported that hundreds of guards at the Kenya embassy took part in a work stoppage over a six-year-long wage dispute with their employer, Aegis-KK Security Burundi, a subsidiary of Canadian security firm GardaWorld.³ State Department security officers worried this labor protest, occurring days after a deadly terrorist attack in Nairobi, would “put Kenyan and American lives at risk,” according to official State Department internal communications POGO obtained.⁴ Moreover, we were told by sources with first-hand knowledge that guards who

¹ Peter Stockton, “Nuclear Power Plant Security: Voices From Inside the Fences,” Project On Government Oversight, September 12, 2002. <https://www.pogo.org/report/2002/09/nuclear-power-plant-security-voices-from-inside-fences/>

² Danielle Brian, “POGO Letter to Secretary of State Hillary Clinton regarding U.S. Embassy in Kabul,” Project On Government Oversight, September 1, 2009. <https://www.pogo.org/letter/2009/09/pogo-letter-to-secretary-of-state-hillary-clinton-regarding-us-embassy-in-kabul/>

³ Adam Zagorin and Neil Gordon, “‘American Lives at Risk’: Security Breakdown in Kenya Echoes Benghazi,” Project On Government Oversight, February 7, 2019. <https://www.pogo.org/investigation/2019/02/american-lives-at-risk-security-breakdown-in-kenya-echoes-benghazi/> The article was posted a day earlier on *The Daily Beast*. <https://www.thedailybeast.com/security-breakdown-at-this-us-embassy-echoes-benghazi>. Records in the [Federal Procurement Data System - Next Generation](#) database refer to the company as “Aegis-KK Security Burundi” (a screenshot of one of the records is posted here: https://docs.pogo.org/document/2019/Task+Order+21.pdf?_ga=2.63870828.2130283613.1552312179-2097082068.1550090302).

⁴ Email from Assistant Regional Security Officer Kip L. Hogan, dated January 28, 2019. <https://www.pogo.org/document/2019/02/kk-american-lives-at-risk/>

participated in the walkout—about one-third of the total force—were fired and replaced with local commercial guards, many of whom are not adequately trained or vetted.⁵

According to our sources, the situation is still dire: the labor dispute remains unresolved, the guard force is understaffed, and the embassy remains vulnerable. They claim that, as a result of the shortfall, guards are working longer shifts, and new hires are not undergoing the necessary training and screening, which indicates that Aegis-KK Security may be in serious breach of its contract. Our sources have also observed that embassy personnel are being transferred to other locations around Nairobi, which remains a “high-threat location for terrorist activity directed at or affecting official U.S. government interests,” according to the latest assessment by the Bureau of Diplomatic Security’s Overseas Security Advisory Council.⁶

We urge you to investigate this matter immediately. All of the parties involved—the State Department (the Office of the Secretary, the U.S. ambassador, the Bureau of Diplomatic Security, and the contract management office), Aegis-KK Security, and the representative of the fired local guards—must be pressed for answers to the following questions:

1. How is the embassy taking precautions against the sudden influx of untrained and unvetted replacement guards?
2. Are there any safeguards to ensure the dismissed guards do not divulge sensitive information about the embassy and its staff?
3. According to our sources, the wage dispute has been ongoing since at least 2013. Was the State Department aware of the dispute when it awarded the contract to Aegis-KK Security, and when it added supplemental funding to the contract?
4. Does the contract contain any provisions that address the wage dispute specifically or labor disputes generally?
5. What actions has the U.S. government taken to resolve the dispute?
6. What tools does the U.S. government have to ensure Aegis-KK Security compensates its employees in accordance with the contract, Kenyan law, and the rulings of Kenyan courts?
7. Is Aegis-KK Security violating the terms of the contract?
8. Has there been an audit or review of Aegis-KK Security’s performance of the contract, including a determination of whether it is a “responsible” contractor eligible to receive U.S. government funds?
9. Have there been any corrective action requests, show cause letters, or cure notices issued on the contract?
10. Has there been a review of the whistleblower policies of Aegis-KK Security and whether those policies adequately inform employees as to their whistleblower rights and provide employees a safe and effective channel through which they can raise workplace grievances and other concerns?

⁵ These allegations were also raised in a February 13, 2019, letter from Congress to Secretary of State Pompeo, which was posted on Twitter: <https://twitter.com/PDWilliamsGWU/status/1096058169309253633>

⁶ U.S. Department of State Bureau of Diplomatic Security, Overseas Security Advisory Council, “Kenya 2018 Crime & Safety Report,” March 23, 2018. <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=23745>

11. What is the status of the Bureau of Diplomatic Security investigation, initiated in November 2018, to “look closely at contract compliance with a focus on guard compensation as required by the contract,” as referenced in POGO’s article?

The situation in Nairobi closely parallels that in Benghazi, Libya, before the 2012 attack that killed a U.S. ambassador and three other Americans. In both instances, contractor guards complained about pay and other working conditions. It is therefore imperative that your office gets to the bottom of this situation as soon as possible. Your intervention can help settle this labor dispute once and for all, restore security at the Nairobi embassy, ensure the terms of the contract are adhered to and enforced, and—above all—ensure that such events do not occur at other U.S. diplomatic posts.

Thank you for your consideration of this matter. If you have any questions, please contact Neil Gordon at ngordon@pogo.org or 202-347-1122.

Sincerely,



Danielle Brian
Executive Director

cc:

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