



Corporations & Torture in Prisons in Iraq

The cases against Titan/L-3 and CACI

**human
rights &
corporate
accountability**

In April 2004, *60 Minutes II* and *The New Yorker* exposed a system of torture and humiliation of Iraqi prisoners detained by the U.S. at Abu Ghraib prison in Iraq. The release of pictures and video documenting the horrific abuses led to the court-martial of a small-number of low-level U.S. soldiers. Relatively unexamined, however, is the role played at Abu Ghraib and other detention facilities by contractors from two U.S.-based corporations: L-3 Services, Inc. (formerly Titan Corporation) and CACI International, Inc. Although Titan/L-3 and CACI employees were directly involved in the torture of Iraqi detainees at Abu Ghraib, no employee of either company has been convicted of any offense.

For-profit companies working in prisons in Iraq

After the U.S. military invaded Iraq in March 2003, dozens of private military companies—including CACI and Titan/L-3—were hired to support U.S. military and government operations there. Companies with U.S. government contracts provide a vast array of services in Iraq, ranging from personal security for Iraqi and American officials to protection of oil facilities to armed escorts for “reconstruction” businesses. The contracts between the U.S.-led occupation authority and for-profit military companies are worth billions of dollars.

Titan/L-3 and CACI are two corporations with headquarters in the U.S. which contracted with the U.S. military to provide services in Iraq. Titan/L-3 was hired to provide translation services for U.S. personnel at Iraqi prisons. CACI was contracted to provide interrogation services, supplying nearly half of the interrogators at Abu Ghraib. Employees from both corporations were part of the conspiracy to torture Iraqi detainees at Abu Ghraib and other prisons.

Saleh v. Titan, et al

In June 2004, the Center for Constitutional Rights (CCR) and a team of lawyers that included Susan Burke of Burke O’Neil LLC and Shereef Akeel of Akeel & Valentine, PLC., brought a lawsuit against Titan/L-3 and CACI on behalf of torture survivors from Abu Ghraib and their families. The suit charges that Titan/L-3 and CACI violated international, federal and state law by participating in a torture conspiracy, along with certain U.S. government personnel, that led to the rape and other acts of

torture, assault and killing of Iraqi detainees held at Abu Ghraib and other prisons in Iraq. The international law claims were brought under the Alien Tort Statute (ATS), a 1789 statute which allows non-U.S. citizens to file suits for well-recognized international human rights violations in U.S. courts.

The Plaintiffs

The plaintiffs in this case include more than 250 named individuals who were swept up in military raids in Iraq and detained at prisons under the control of the U.S., including at Abu Ghraib. No plaintiff was ever charged or convicted of any crime. Plaintiffs include both women and men; some claims are brought by family members on behalf of relatives who died at Abu Ghraib.

The named plaintiff, Haidar Saleh, is a Swedish citizen who was staying in Dearborn, MI at the time the suit was filed. He opposed the Ba’ath Party and was imprisoned and tortured under Saddam Hussein, in the Abu Ghraib prison in Iraq. After being released from prison, Mr. Saleh fled from Iraq to Sweden. After the Hussein regime fell, he responded to the U.S.’ plea for expatriates to return and help rebuild Iraq and returned to Iraq with funds to invest and help rebuild the country. In the cruelest of ironies, he was detained upon his arrival in September 2003 and tortured by CACI and Titan/L-3 employees and their co-conspirators in Abu Ghraib, the very same prison where he had been tortured by Saddam Hussein.

The Litigation

Over the five years it has been litigated, *Saleh v. Titan* has been transferred from the Southern District of California to the District Court for the District of Columbia. Both L-3/Titan and CACI filed motions to dismiss. These motions were granted in part in June 2006. The District Court judge, Judge James Robertson, dismissed the international law claims brought under the ATS but denied defendants’ attempts to have the case dismissed on political question grounds. The case proceeded on the basis of common law tort claims. In November 2007, summary judgment was granted for Titan on the government contractor defense but denied as to CACI.

On September 11, 2009, a three-judge panel of the Court of Appeals ruled in favor of both CACI and L-3 in a 2-1 decision, thereby dismissing the case. Among other findings, the Court found that state law tort claims that the Court found arose out of “combatant activities” of the military would conflict with federal interests in “the elimination of tort from the battlefield.” The dissenting judge

found that there was no basis in law or policy for dismissing the plaintiffs' claims. The plaintiffs are submitting a petition for a rehearing of the case *en banc*. If granted, all of the active judges from the Court of Appeals will rehear the case.

Al-Shimari v. CACI International and Al-Quraishi v. Nakhla and L-3

In the spring and early summer of 2008, CCR, with Susan Burke and other attorneys from Burke O'Neil and Shereef Akeel of Akeel & Valentine, filed five new cases against CACI and Titan/L-3 and individual torturers. These cases were filed on behalf of new plaintiffs. (The motion in *Saleh* for class certification was denied in December 2007). These cases have since been condensed into two lawsuits: *Al Shimari v. CACI International* and *Al-Quraishi v. Nakhla and L-3 Services, Inc.*

Al-Shimari v. CACI International was brought on behalf of four "hard site" victims of torture at Abu Ghraib prison. According to statements by co-conspirators now serving time in a military prison, CACI employees Steven Stefanowicz and Daniel Johnson directed and caused some of the most egregious torture and abuse at Abu Ghraib. Plaintiffs were subjected to electric shocks, sexual assaults, being stripped and kept naked, sensory deprivation, mock executions, stress positions, broken bones, deprivation of oxygen, food and water as other brutal and dehumanizing acts of torture. In March 2009, CACI's motion to dismiss was denied. Among other findings, the court rejected CACI's use of the political question doctrine, stating that courts are competent to resolve actions between private parties, even where the defendant is a government contractor.

Al-Quraishi v. Nakhla and L-3 Services, Inc. includes claims of torture and war crimes as well as state law tort claims brought on behalf of 72 Iraqi plaintiffs who were abused at more than 25 prisons in Iraq. The acts of torture the plaintiffs were subjected to include rape and other forms of sexual assault, sleep deprivation, beatings, painful stress positions, sensory deprivation, electric shocks, threats (including with unleashed dogs), denial of medical treatment and other brutal acts. In addition to being a case against L-3, this case specifically names L-3 employee Adel Nakhla as a co-conspirator for his role in instigating, directing and participating in torture and other abusive conduct. Oral arguments in this case were heard in March 2009 in the District Court in the District of Maryland and a decision is pending.

L-3 and CACI are arguing that they should receive immunity because they are contractors and because the violations in this case arise out of detentions in Iraq. The plaintiffs argue that torture is clearly against the law and anyone who tortures, no matter who they are, must be held accountable.



Mr. Al-Janabi, a plaintiff in *Al-Quraishi v. Nakhla and L-3* is an Iraqi blacksmith who was held in Abu Ghraib for nearly a year and tortured by L-3 and co-conspirators.

What can you do?

Victims of torture at Abu Ghraib and other prisons in Iraq have waited long enough to have their day in court. Stand with CCR as we demand that torturers be held accountable, no matter who they are or where they torture. Here are some steps you can take:

- **Contact CCR to get involved** by writing to lraymond@ccrjustice.org
- **Raise awareness** on these issues by writing Op-Ed pieces or Letters to the Editor
- **Sign up for CCR action alerts** to receive updates and calls to action about contractors in Iraq and other corporate human rights cases on our website www.ccrjustice.org

For more information...

Visit CCR's website at [ccrjustice.org](http://www.ccrjustice.org)

For specific information on these cases, visit:

- <http://www.ccrjustice.org/ourcases/current-cases/saleh-v-titan>
- <http://www.ccrjustice.org/ourcases/current-cases/al-quraishi-et-al-v-nakhla-et-al>
- <http://ccrjustice.org/alshimari>