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Abu Ghraib Torture Suit Against Defense Giant CACI

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In a blow to defense contracting giant, CACI International Inc., U.S. District Court Judge Gerald Bruce Lee ruled on March 18 that a lawsuit filed by the Center for Constitutional Rights (CCR) on behalf of torture victims held at the notorious Abu Ghraib prison in Iraq can proceed.

Denying CACI's motion to dismiss the former prisoners' claims, which allege multiple violations of U.S. law, including torture, war crimes and conspiracy, Judge Lee ruled that "[t]he fact that CACI's business involves conducting interrogations on the government's behalf is incidental; courts can and do entertain civil suits against government contractors for the manner in which they carry out government business. CACI conveniently ignores the long line of cases where private plaintiffs were allowed to bring tort actions for wartime injuries." According to CCR:

> The Court also rejected CACI's effort to shield itself from accountability by invoking the political question doctrine. The Court found "the policy is clear: what happened at Abu Ghraib was wrong." The Court reasoned "While it is true that the events at Abu Ghraib pose an embarrassment to this country, it is the misconduct alleged and not the litigation surrounding that misconduct that creates the embarrassment. This Court finds that the only potential for embarrassment would be if the Court declined to hear these claims on political questions grounds. Consequently, the Court holds that Plaintiffs' claims pose no political question and are therefore justiciable." ("Court Rules Abu Ghraib Torture Victims Can Sue Contractor CACI, According to Legal Team for Former Detainees," Center for Constitutional Rights, Press Release, March 19, 2009)

According to CCR, CACI employees "not only participated in physical and mental abuse of the detainees, but also destroyed documents, videos and photographs; prevented the reporting of the torture and abuse to the International Committee of the Red Cross; hid detainees and other prisoners from the International Committee of the Red Cross; and misled non-conspiring military and government officials about the state of affairs at the Iraq prisons."

Filed in January 2008 under the Alien Tort Statute, the suit originally included defense contracting giant L-3 Services (the former Titan Corporation) but were "dismissed without prejudice" last year. This means the plaintiff would be allowed to bring a new suit on the same claim.

While CACI believes "it is improper for the courts to allow lawsuits against either the government or contractors by aliens detained as enemies during wartime," Washington Technology reported, the court shot down their argument.

The insider tech publication averred, “CACI sought immunity against the lawsuits and claimed that the actions of its contract interrogators at Abu Ghraib were beyond judicial review. But court martial and other testimony of the soldiers convicted of abuse linked CACI personnel to the abuse.”

The giant defense firm claimed in a 2008 book, “Our Good Name,” that after five years of numerous investigations no CACI employee or former employee has been charged with misconduct in connection with CACI’s interrogation work.

True enough as far as it goes, the Bush gang sought to cover their tracks by crafting a legal smokescreen meant to conceal state policies that can only be described as torture in Iraq, Afghanistan, indeed on a planetary scale, and engaged in a systematic cover-up meant to shield high administration officials from the consequences.

Despite a pledge to be a “change administration,” the Obama national security team has reprised many of the same policies of their predecessors. While the administration has issued orders requiring strict adherence to antitorture statutes, vowed to close the Guantánamo Bay Detention facility, has dropped the term “enemy combatant” from its lexicon and is considering to kick the phrase “global war on terror” to the curb, the substance of their policies retain many features of the previous regime in Washington.

Although a picture of systematic torture of “enemy combatants” has been slowly pried from the state, the ACLU revealed March 20, that the CIA “has a list of roughly 3,000 summaries, transcripts, reconstructions and memoranda relating to 92 interrogation videotapes that were destroyed by the agency. The CIA refused, however, to disclose the list to the public. The agency also refused to publicly disclose a list of witnesses who may have viewed the videotapes or retained custody of the videotapes before their destruction.”

The Agency disclosed earlier this month that it had destroyed 92 tapes of interrogations, allegedly depicting CIA officers subjecting suspects to extremely harsh interrogations methods. The Obama administration has backed the CIA stonewall. Will they now do the same for a well-connected corporation?

Between August 2003 through 2005, CACI provided up to 28 interrogators to the the U.S. military in Iraq. According to The Washington Post, CACI’s 2003 Iraq interrogation contract “was awarded in 1998, with the stated purpose of providing inventory control and other routine services to the U.S. Army.”

Yet in a slight of hand meant to conceal the byzantine nature of that contract, the outsourced agreement between CACI and the Army was administered by the Interior Department! One order issued in August 2003 was worth $19.9 million dollars for interrogation support. In December 2003, CACI landed a $21.8 million order for Army “counter intelligence missions at secure and fixed locations,” according to the Post.

One of those “secure and fixed locations” was the notorious Abu Ghraib prison.

Responding to the Court decision, CACI claims that the lawsuit is “without merit and designed to pursue a political agenda.”

How upholding the rule of law and the right of injured parties to seek justice in an American court “is based upon an undefined ‘conspiracy’ involving the Department of Defense and

the military," certainly begs the question. While dismissing the Court's reasoning, the corporate news release states:

> CACI is a strong and vital partner to the U.S. government in combating terrorist attacks and saving American lives. CACI's technological advances and skilled workforce have played a key role in thwarting terrorism and defending our homeland. The men and women of this company make sacrifices every day to ensure Americans can go about their daily lives without having to worry about the next suicide bomber or aircraft attack on American soil. And they will continue to make these sacrifices for the good of their fellow Americans. ("CACI Responds to Court's Decision in Iraq Lawsuit," CACI International Inc., News Release, March 23, 2009)

One might reasonably inquire: how does the application of insidious torture techniques culled from the CIA's infamous KUBARK Counterintelligence Interrogation manual or the Pentagon's Human Resource Exploitation Training Manual-1983 compendium, or reverse-engineered Survival, Evasion, Resistance, Escape (SERE) tactics "save American lives."

Multiple reports by investigative journalists and human rights' advocates have revealed these were precisely the methods employed at Abu Ghraib by CIA, military interrogators and outsourced contractors on detainees, many of whom had been brutalized over a period of years.

According to CCR's synopsis of the case, Al Shimari v. CACI et al.: "Among the heinous acts to which the four Plaintiffs were subjected at the hands of the defendant and certain government co-conspirators were: electric shocks; repeated brutal beatings; sleep deprivation; sensory deprivation; forced nudity; stress positions; sexual assault; mock executions; humiliation; hooding; isolated detention; and prolonged hanging from the limbs."

Rather than the sadistic acts of "rogue elements" or a few "bad apples," the systematic application of sensory deprivation techniques and other horrific methods designed to psychologically break down prisoners at Abu Ghraib and elsewhere are practices that evolved from the CIA's torture playbook.

> The more completely the place of confinement eliminates sensory stimuli, the more rapidly and deeply will the interrogatee be affected. Results produced only after weeks or months of imprisonment in an ordinary cell can be duplicated in hours or days in a cell which has no light (or weak artificial light which never varies), which is sound-proofed, in which odors are eliminated, etc. An environment still more subject to control, such as water-tank or iron lung, is even more effective. (Central Intelligence Agency, KUBARK Counterintelligence Interrorgation, July 1963, p. 90)

The use of stress positions by interrogators to elicit compliance by "resistant subjects" was another technique employed at Abu Ghraib and across the planetary nexus of CIA "black sites." In A Question of Torture, historian Alfred W. McCoy describes the phenomenon as "self-inflicted pain." KUBARK theoreticians aver:

> It has been plausibly suggested that, whereas pain inflicted on a person from outside himself may actually focus or intensify his will to resist, his resistance

> is likelier to be sapped by pain which he seems to inflict upon himself. “In the simple torture situation the contest is one between the individual and his tormentor (…. and he can frequently endure). When the individual is told to stand at attention for long periods, an intervening factor is introduced. The immediate source of pain is not the interrogator but the victim himself. The motivational strength of the individual is likely to exhaust itself in this internal encounter…. As long as the subject remains standing, he is attributing to his captor the power to do something worse to him, but there is actually no showdown of the ability of the interrogator to do so.” (KUBARK Counterintelligence Interrogation, p. 94)

In other words, though completely at the tender mercies of his or her captors it is the detainee and not the interrogator, who is responsible for inflicting pain and suffering. As McCoy points out, “Synthesizing the behavioral research done by contract academics, the manual spelled out a revolutionary two-phase form of torture that relied on sensory deprivation and self-inflicted pain for an effect that, for the first time in the two millennia of this cruel science, was more psychological than physical.”

While CACI may protest that “none of the four Iraqi plaintiffs alleges any interaction with anyone affiliated with CACI,” on the contrary, CCR’s case summary states that,

> All of the plaintiffs are innocent Iraqis who were ultimately released without ever being charged with a crime. They all continue to suffer from physical and mental injuries caused by the torture and other abuse. Suhail Najim Abdullah Al Shimari was detained from 2003 until 2008, during which he was held at Abu Ghraib “hard site” for about two months. While he was there, CACI and its co-conspirators tortured him in various ways. He was subjected to electric shocks, deprived of food, threatened by dogs, and kept naked while forced to engage in physical activities to the point of exhaustion. Taha Yaseen Arraq Rashid was detained from 2003 until 2005, during which he was imprisoned at Abu Ghraib “hard site” for about three months. While detained there, CACI and its co-conspirators tortured Mr. Rashid by placing him in stress positions for extended periods of time, humiliating him, depriving him of oxygen, food, and water, shooting him in the head with a taser gun, and by beating him so severely that he suffered from broken limbs and vision loss. Mr. Rashid was forcibly subjected to sexual acts by a female as he was cuffed and shackled to cell bars. He was also forced to witness the rape of a female prisoner. Sa’ad Hamza Hantoosh Al-Zuba’e was imprisoned at Abu Ghraib from 2003 until 2004. CACI and its co-conspirators tortured him while he was detained there by subjecting him to extremely hot and cold water, beating his genitals with a stick, and detaining him in a solitary cell in conditions of sensory deprivation for almost a full year. Salah Hasan Nusaif Jasim Al-Ejaili was imprisoned at the Abu Ghraib “hard site” for approximately four months. While he was there, CACI and its co-conspirators stripped him and kept him naked, threatened him with dogs, deprived him of food, beat him, and kept him in a solitary cell in conditions of sensory deprivation. (Al Shimari v. CACI et al., Center for Constitutional Rights, updated March 19, 2009)

The veracity of CACI’s rejection of the charges were undercut by investigative journalist Mark Benjamin in 2006. Among the infamous torture photographs released by Salon, one shows CACI interrogator Daniel Johnson placing an Iraqi prisoner in an “unauthorized stress position.” Etaf Mheisen, a civilian translator with Titan Corp., was assisting Johnson during the interrogation. Army investigators concluded that there was “probable cause” that a crime had been committed, according to Salon. Corporal Charles Graner, convicted and imprisoned for his role in the scandal told Army investigators,

> …that Johnson told him to inflict pain by squeezing pressure points on the same prisoner's face and body and that he "roughed up" the prisoner at Johnson's instigation. Frederick told the investigators that Johnson twice personally interfered with the prisoner's breathing and that he copied him: "I would put my hand over his mouth and pinch his nose," so the prisoner could not breathe. (Mark Benjamin, "No Justice for All," Salon, April 14, 2006)

Despite these serious charges, CACI continues to be showered with multi-million dollar contracts by the federal government. Democracy Now! reported in 2008 that the corporation received a $60 million dollar contract "to provide technical assistance" to the U.S. Army and a five-year $12.5 million award to provide "management support" to the Department of Justice.

Washington Technology revealed that the firm earned some $1,105,765,855 from defense-related contracts across a wide array of federal agencies. The Arlington, VA firm derived only $231,706,298 in civilian revenue. CorpWatch's Collaborative Research on Corporations (Crocodyl) reports:

> CACI, founded in the early 1960s as California Analysis Center Inc., is almost entirely a Beltway Bandit–some 94 percent of its revenue is derived from contracts with the U.S. government. About two-thirds of that revenue comes from the Pentagon, but CACI also enjoys the patronage of the Departments of Homeland Security, State, Commerce, Justice and Transportation. At the end of its last fiscal year, CACI had a contract backlog worth some $6.4 billion. (Phil Mattera, "Company Profile: CACI International Inc.," Crocodyl, September 14, 2008)

As retired U.S. Army Major General Antonio Taguba, forced out of the Army after uncovering widespread prisoner abuse in Iraq wrote in Broken Laws, Broken Lives,

> After years of disclosures by government investigations, media accounts, and reports from human rights organizations, there is no longer any doubt as to whether the current administration committed war crimes. The only question that remains to be answered is whether those who ordered the use of torture will be held to account.

Whether the torture enablers were high government officials or corporations who have profited handsomely from America's oxymoronic "war on terror," it is a matter of justice and human decency that those who designed or perpetrated these criminal acts be brought to book.

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