

Jury awards \$42 million to 3 Iraqis tortured in Abu Ghraib prison 20 years ago, holding US military contractor responsible

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On November 12, a federal jury in Alexandria, Virginia, returned a unanimous verdict for Abu Ghraib torture victims Salah Al-Ejaili, Suhail Al Shimari and Asa'ad Al-Zuba'e, awarding each \$3 million in compensation and another \$11 million for punitive damages against CACI Premier Technology, Inc., a publicly traded defense contractor with annual revenues approaching \$3 billion.

The eight jurors found unanimously that late in 2003 CACI interrogators conspired “with military personnel to inflict torture or cruel, inhuman, or degrading treatment on detainees in the Abu Ghraib hard site that resulted in [each of the three men] being tortured or subjected to cruel, inhuman, or degrading treatment.”

Following US imperialism's illegal invasion and occupation of Iraq based on lies about complicity in the 9/11 attacks and “weapons of mass destruction,” in April 2004, CBS News' “60 Minutes” published graphic photos of Iraqis rounded up by the US military and incarcerated in Abu Ghraib Prison outside Baghdad being tortured by electric shocks, held in stress positions, threatened with dogs and humiliated sexually. Many photos depict gloating US soldiers posing with victims.

Denials by the administration of George W. Bush that the photographs represented US policy were exposed as fraudulent after the leak of three “torture memos” drafted by Department of Justice attorneys John Yoo and Jay Bybee. Using convoluted pseudo-legalisms, the memos created a paper trail declaring that “enhanced interrogation techniques,” including “cruel, inhuman, or degrading” treatment, do not constitute “torture”

prohibited by US law.

To quell outrage over the photos, 11 low-level soldiers were eventually court-martialed, with nine given significant sentences. None of their superiors were disciplined, however, and to date the US government has not compensated the torture victims themselves, who cannot sue the military because of governmental immunities.

Attorneys from the Center for Constitutional Rights (CCR) filed suit on behalf of the three plaintiffs in 2008 against CACI, asserting that those immunities do not protect private contractors. The complaint alleged that CACI was paid \$31 million to supply interrogators at Abu Ghraib, who advised the military guards on how to “soften up” detainees before questioning.

After 16 years of litigation, including multiple reviews in the Fourth Circuit Court of Appeals, a jury empaneled last April was unable to reach a verdict. After a mistrial was declared, several jurors reported that the majority wanted to find against CACI. This time, the jury reached a unanimous verdict in the exact amounts CCR attorneys requested, and judgment has been entered.

The trial and subsequent retrial are the only times a US jury has heard claims brought by Abu Ghraib torture victims.

The three plaintiffs were not depicted in any of the notorious photographs, but each described being subjected to similar treatment.

reactionary Supreme Court supermajority will have the last word.

Al Shimari, a middle-school principal, and Al-Zuba'e, a fruit vendor, both appeared at the trial by video. Al-Ejaili, a journalist, traveled from Iraq to testify in person at both trials.

Each described being beaten, deprived of sleep, isolated, stripped, shaved, forced to wear women's underwear, subjected to extreme temperatures, sexually assaulted, including forced masturbation, and threatened with firearms and dogs. Al-Ejaili told the jury about being held in a stress position until he vomited black liquid. A photograph exists of him standing in the vomit.

Other evidence at trial included reports from two retired US Army generals, who documented the widespread abuse in the facility and concluded that CACI interrogators encouraged the mistreatment, including at least one who lied to investigators about it.

CACI did not deny the abuse occurred, but claimed the interrogators had minimal interaction with the three plaintiffs, and under the "borrowed servants" doctrine the company cannot be held responsible for misdeeds by employees committed while under the control of the US military.

After the verdict, Al-Ejaili released a written statement. "This victory isn't only for the three plaintiffs in this case against a corporation," he said. "This victory is a shining light for everyone who has been oppressed and a strong warning to any company or contractor practicing different forms of torture and abuse."

CCR attorney Baher Azmy praised the three victims for their resilience, "especially in the face of all the obstacles CACI threw their way." CCR attorney Katherine Gallagher added, "Private military and security contractors are put on notice that they can and will be held accountable when they breach the most fundamental international law protections—like the prohibition against torture."

Time will tell whether the verdict stands. While the verdict is a significant milestone, the case is far from over. CACI has vowed to appeal and ultimately the



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