

Abu Ghraib Detainees Awarded \$42 Million in Torture Trial Against Virginia Based CACI

For the first time, an American jury has found a U.S. company — CACI — liable for its work at the military prison.

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A federal jury held a defense contractor legally responsible for contributing to the abuse of detainees at Abu Ghraib for the first time on Tuesday.

The jury awarded a total of \$42 million to three Iraqi men — a journalist, a middle school principal, and fruit vendor — who were held at the notorious prison two decades ago. The plaintiffs' suit accused Virginia-based CACI, which was hired by the U.S. government to provide interrogation services at Abu Ghraib, of conspiring with American soldiers to torture detainees.

Tuesday's verdict marks a rare victory for plaintiffs seeking to bring American corporations to justice for playing a part in the country's so-called war on terror.

“What the jury did today is send a very clear message that the contractors who go to war or go work with the government overseas, they will be held accountable for their role in whatever violations their employees may commit,” said Katherine Gallagher, senior staff attorney at the Center for Constitutional Rights, which represented the plaintiffs, at a press conference on Tuesday afternoon. “They need to have far better oversight over their employees to ensure that something like what happened at Abu Ghraib never happens again.”

The case hinged largely on the legal definition of conspiracy, which doesn't require an overt act but can also include cooperation with others engaging in torture, said Stjepan Meštrović, a sociology professor at Texas A&M University and expert witness in multiple courts-martial of soldiers who served at Abu Ghraib.

“This ruling opens the door to future findings of responsibility based upon conspiracy to commit war crimes by civilian contractors and other adjuncts to military forces,” he said in an emailed statement.

CACI had argued that while abuses did occur at Abu Ghraib, it was ultimately the Army who was responsible for this conduct, even if CACI employees may have been involved. The defense contractor also argued there was no definitive evidence that their staff abused the three Iraqi men who filed the case — and that it could have been American soldiers who tortured them. The jury did not find that argument persuasive.

A lawyer for CACI did not immediately respond to a request for comment.

The monetary compensation for plaintiffs includes \$3 million each for compensatory damages and \$11 million each for punitive damages. Their lawyers say that's what they requested. Baher Azmy, legal director at the Center for Constitutional Rights, said in a press conference on Tuesday that the verdict **“sends a strong message that this kind of corporate malfeasance and neglect and recklessness and deflection is outrageous and deserves to be punished.”**

The case was filed 16 years ago but got caught up in procedural hurdles, as CACI tried more than 20 times to dismiss the lawsuit. November's case was a retrial; in an initial trial in April, jurors were deadlocked following more than a week of deliberations. The judge declared a mistrial. That trial, earlier this year, also marked the first time that an American jury heard directly from Iraqis who were detained at Abu Ghraib.

The lawsuit was first brought in 2008 under the Alien Tort Statute, which allows noncitizens to bring cases involving clear violations of international law, such as torture, to an American federal court when there's a substantial connection to the U.S.

“It was the United States that invaded Iraq, it was the United States that detained our clients, and it was a US company that profited from their torture and abuse,” Gallagher said in Tuesday's press conference.

That *Al Shimari v. CACI* survived so many procedural hurdles is impressive, notes Shirin Sinnar, a law professor at Stanford University, in an emailed statement. In recent years, the Supreme Court has made it harder for cases involving national security concerns to get a trial.

“It's exceedingly rare for torture survivors or other human rights victims of the U.S. global war on terror to prevail in U.S. courts, whether against government officials or military contractors,” Sinnar wrote. “The Supreme Court has made it incredibly difficult to hold the national security state accountable in court. So this victory is exceptional in every sense of the term.”

It's also notable that an American jury sided with the Iraqi men against an American military contractor, says Yumna Rizvi, a senior policy analyst at the Center for Victims of Torture, an international nonprofit.

“It shows that they're clearly not in lockstep with the decisions of their government,” Rizvi said. “The American public is putting its government and its contractors on notice that, ‘We see you and we don't agree with what you've done or are doing.’”

Rizvi wonders about the precedent that could have been set for other cases if plaintiffs had been able to go to trial earlier.

“You can't just go around destroying people's bodies and spirits and minds and just walk away from it,” she said. “Unfortunately, that's what we've seen for too long in the U.S. war on terror and how the U.S. has behaved around the world.”

The plaintiffs — Suhail Najim Abdullah Al Shimari, Salah Hasan Nusaif Al-Ejaili, and Asa'ad Hamza Hanfoosh Zuba'e — had testified about facing sexual abuse and harassment, as well as being beaten and threatened with dogs at Abu Ghraib in the early 2000s.

“My body was like a machine, responding to all external orders,” Al-Ejaili, a former journalist with Al Jazeera, [had previously said](#). “The only part I owned was my brain, which could not be stopped by the black plastic bag they used to cover my head.”

Al-Ejaili flew to the U.S. to be present for both trials, but he first heard the jury’s verdict while he was at home with his family in Sweden. On Tuesday, he was expecting a call from Azmy notifying him about the jury’s decision. When his phone rang, Azmy’s first words were:

“Salah, we won.”

“It was pure, profound joy,” Al-Ejaili said.

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