

Abu Ghraib: The Outsourcing of Torture

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Will “outsourced” torture chickens finally come home to roost in American courts?

On June 30, the Center for Constitutional Rights (CCR), Burke O’Neil LLC, of Philadelphia and Akeel & Valentine, PLC, of Troy, Michigan filed a series of lawsuits in federal district courts in Maryland, Ohio, Michigan and Washington state against über-contractors CACI International, Inc., CACI Premier Technology and L-3 Services Inc., a division of L-3 Communications Corporation.

Monday’s announcement by CCR follow close on the heels of a similar suit filed in May in federal district court in Los Angeles by Iraqi torture victim Emad al-Janabi, also against CACI International, Inc. and L-3 Communications. Named as a codefendant in the al-Janabi case is CACI interrogator, Steven Stefanowicz aka “Big Steve.” Al-Janabi’s attorneys claim that Stefanowicz directed some of the torture tactics deployed against their client, according to the [Associated Press](#).

Al-Janabi told investigators that his “outsourced” interrogators punched him, slammed him into walls, hung him from a bed frame and kept him naked and handcuffed in “stress positions” in a filthy cell beginning in September 2003. Interviewed by *The Associated Press* in Istanbul, al-Janabi said:

“They (U.S. troops) did not tell me what was the reason behind my arrest ... during the interrogation, the American soldier told me I was a terrorist ... and I was preparing for an attack against the U.S. forces.” (Greg Risling, “Iraqi Alleges Abu Ghraib Torture, Sues U.S. Contractor,” *The Associated Press*, May 5, 2008)

Al-Janabi denied the allegations and told the *Associated Press* he was forced to give a false confession after “savage” intimidation by interrogators.

The latest suits, filed on behalf of four Iraqi civilians “wrongly imprisoned, tortured and later released without charge” from the notorious Abu Ghraib prison and torture center according to [CCR](#), were filed in four separate jurisdictions in which the individual contractor defendants reside. Alleged torture practitioners named in the suit include “Adel Nakhla, of Montgomery Village, Md., Timothy Dugan, of Pataskala, Ohio, and Daniel E. Johnson, of Seattle, Wash.” The plaintiffs are:

Mohammed Abdwaihed Towfek Al-Taee, a 39-year-old taxi driver who was detained and horrifically abused for nine months before his May 2004 release. He later learned that he likely was the victim of a customer who presumably turned him over in exchange for American money for intelligence “tips.”

Wissam Abdullateef Sa'eed Al-Quraishi, a 37-year-old married father of three, who was hung on a pole for seven days at the infamous Abu Ghraib "hard site" and subjected to beatings, forced nudity, electrical shocks, humiliating treatment, mock executions and other forms of torture during his incarceration at the prison.

Sa'adoon Ali Hameed Al-Ogaidi, a 36-year-old Arabic teacher and shopkeeper and father of four, who was held for a year, caged, brutally abused at the prison "hard site," stripped and kept naked, and was a "ghost" detainee hidden for a time from the International Committee of the Red Cross.

Suhail Najim Abdullah Al-Shimari, a farmer who was held for more than four years, including at the prison "hard site," was caged, threatened with dogs, and subjected to beatings and electrical shocks, and threatened with death and being sent to a "far away" place. ("CCR Files Four New Abu Ghraib Torture Lawsuits Targeting Military Contractors in U.S. Courts," Center for Constitutional Rights, Press Release, June 30, 2008)

According to [Washington Technology](#), the complaints also allege that the defendants

...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 Red Cross; and misled military and government officials about conditions at Iraqi prisons. (David Hubler, "CACI Calls Abu Ghraib Lawsuits Baseless," Washington Technology, July 2, 2008)

While an L-3 spokesperson had "no comment," CACI corporate communications executive vice president Jodi Brown told *Washington Technology* "CACI refuses to take these false accusations in these vexatious lawsuits lying down. We intend to set the record straight and will continue to fight the misguided and politically driven Center for Constitutional Rights to get the truth told and defend our good name."

Not so fast. Far from being "unsubstantiated" as CACI spokespeople assert, plaintiffs' attorneys were forced to file five separate lawsuits because in 2004, a federal District of Columbia judge refused to grant class-action certification for some 237 victims of alleged abuse by CACI and Titan employees, the *Associated Press* [reports](#). The original complaint is still pending and charges made against defendants in that suit, Stefanowicz, Nakhla, Dugan and Johnson were dismissed by the court due to its alleged "lack of jurisdiction" not because they were "baseless allegations" as CACI claims.

However, it would appear that CACI and codefendant L-3 have their own "politically driven" motives for fighting off charges of torture and abuse of Iraqi detainees by their employees: *cold, hard cash*-and lots of it.

According to *Washington Technology's* ["Top 100 List"](#) of high-flying corporations subsisting on U.S. government "national security" handouts, L-3 Communications clocked in at No. 8 with \$3,944,840,524, while No. 17 CACI International Inc. "earned" some \$1,337,472,153 as "federal government prime contractors."

Among L-3 "products" hawked to the federal government are C3ISR (command, control, communication, intelligence, surveillance and reconnaissance) systems for the global

intelligence and surveillance markets specializing in signals intelligence (SIGINT) and communications intelligence (COMINT). C3ISR “products” are used by the National Reconnaissance Office (NRO) and the National Geospatial Intelligence Agency (NGA) for space-based spy satellite platforms as well as the National Security Agency (NSA). During 2007, according to [Reuters](#), C3ISR “represented 17% of the Company’s total net sales.” Additionally L-3, “Government Services,” raked in big bucks for shareholders, representing some 31% of total net sales. “Customers” include the Department of Defense, Department of Justice, Department of State, the Department of Homeland Security, as well as U.S. intelligence agencies. L-3’s Aircraft Modernization and Maintenance division provides “upgrades and sustainment, maintenance and logistics support services for military and various government aircraft and other platforms.” The AM&M division represents 18% of sales revenue.

CACI’s “products” include Enterprise IT and network services, C4ISR (command, control, communications, computers, intelligence, surveillance and reconnaissance) platforms, information and “knowledge management” services, information operations and cyber security services. According to [Reuters](#), CACI “is engaged in the simulation technology. The Company has diversified primarily within the information technology (IT) and communications industries.” Amongst its “clients” can be found the “Justice Department, State Department, Defense Department, Housing and Urban Development Department, Navy, Army and Homeland Security Department,” according to [Washington Technology](#).

Vigorous proponents of the “free market,” except that is, when it comes to the corporatist bottom-line, “accountability” is a rather fluid and dynamic concept better left to Wall Street analysts and upscale investors. According to [CorpWatch](#) investigative journalist Pratap Chatterjee,

Titan was bought by L-3 in June 2005 for approximately \$2 billion in cash, specifically so that the company could expand its intelligence portfolio. “It elevates us a notch to be a prime contractor in intelligence” work, Frank Lanza, L-3’s chairman and chief executive at the time told the **Wall Street Journal**. He noted that until then the company had been mainly a products company, making everything from night-vision goggles to sensors to luggage-scanning devices. Lanza noted that Titan had 9,000 employees with security clearance for classified work, of whom 5,000 had top-secret clearance, a classification that can take the government two years to process.

The buy-out was made on condition that the San Diego company settle outstanding federal charges of bribery as well as related shareholder lawsuits in California and Delaware for \$67.4 million. In June 2006, Steven Lynwood Head, Titan’s Africa president, pled guilty to making payments to support the 2001 reelection of President Mathieu Kerekou in the West African nation of Benin, where Titan was building a telecommunications system. The company paid \$28.5 million to settle charges under the Foreign Corrupt Practices Act. (“Outsourcing Intelligence in Iraq: A CorpWatch Report on L-3/Titan, CorpWatch, April 29, 2008)

CorpWatch discovered during its investigation that L-3’s intelligence contract in Iraq requires the company to provide three kinds of personnel: analysts, interrogators and screeners. Chatterjee reports, “The company is required to provide a total of 306 people in 22 Forward Operating Bases (FOBs) at an average cost to the taxpayer of about \$320,000

per person per year.” While the L-3 Iraq contract was lucrative (after all \$979 million is nothing to sneeze at), its still so-much chump change considering its other corporate “products” and total sales of \$14 billion in 2007.

Meanwhile, between August 2003 to 2005, CACI provided up to 28 interrogators to the 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.” *Post* reporter Ellen McCarthy wrote,

The CACI contract with the Army is administered by the Interior Department, under an outsourcing agreement with the Army, which has made it even harder to track. (CACI Contract: From Supplies to Interrogation, The Washington Post, Monday, May 17, 2004; Page E01)

One “order” issued in August 2003, was worth \$19.9 million dollars for a year-long stint of interrogation support. Additionally, in December 2003, CACI landed a \$21.8 million “order” for Army “counter intelligence missions at secure and fixed locations,” according to the *Post*.

Commenting on the cosy arrangement Danielle Brian, executive director of the Project on Government Oversight told McCarthy, “‘It’s considered this fabulously successful streamlining of the system, but in the process you lose any accountability.’ Brian said she described large, open contracts like the one given to CACI as ‘hunting licenses’.”

Speaking of the lack of contract transparency and enforcement, Chatterjee reports that according to the July 2004 Army investigation by “Lieutenant General Paul Mikolashek, on behalf of the Army Inspector General, found that a third of the interrogators supplied in Iraq by CACI had not been trained in military interrogation methods and policies.” This despite the fact that CACI’s contract “require[d] specific intelligence and technical expertise.”

Indeed, Steven Stefanowicz (aka Big Steve) named as a codefendant in the al-Janabi complaint against CACI and L-3, had no formal training as a military interrogator or the Geneva Conventions on human rights. During the court-martial of Sergeant Michael J. Smith, an Army dog handler at Abu Ghraib, a military policeman testified that Stefanowicz directed the abuse “in one of the most infamous incidents photographed at Abu Ghraib: A prisoner in an orange jumpsuit being threatened by an menacing looking dog, a black Belgian shepherd named Marco,” according to [Salon](#) investigative reporters Mark Benjamin and Michael Scherer.

Another of Abu Ghraib’s infamous torture photographs released by [Salon](#) 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 Mark Benjamin’s 2006 *Salon* report. Corporal Charles Graner, convicted for his role in prisoner abuse 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)

According to reporter Tara McKelvey, Titan Corporation translator Adel Nakhla (known as "Abu Hamid" at Abu Ghraib), and described as a "bully" by neighbors was named as a suspect in detainee abuse by Major General Antonio Taguba's investigative [report](#). McKelvey [reported](#),

In a January 18, 2004, statement in the Taguba report, detainee Kasim Mehaddi Hilas said he saw Nakhla sexually assault an Iraqi boy. Nakhla was "fucking a kid," said Hilas. "His age would be about 15 to 18 years. The kid was hurting very bad and they covered all the doors with sheets. Then when I heard the screaming I climbed the door because on top it wasn't covered and I saw Abu Hamid who was wearing the military uniform, putting his dick in the little kid's ass ... And the female soldier was taking pictures."

Taguba said he found the accounts "credible based on the clarity of their statements and supporting evidence provided by other witnesses." He names Nakhla as a suspect in detainee abuse. But so far Nakhla has not been charged with any crime. ("The Unaccountables," The American Prospect, September 7, 2006)

Forced from the U.S. Army after uncovering the abuse of prisoners in Iraq, now retired Major General Antonio Taguba wrote in [Broken Laws, Broken Lives](#) published by Physicians for Human Rights,

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.

Despite posturing and bluster by CACI's Jodi Brown, justice for the victims of these heinous crimes may finally be served. Perhaps too, these well-connected corporate scofflaws and their war criminal friends in Washington just might be knocked off their privileged perches in the process.

One can only hope...

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