

Alleged torture by US forces of two Americans in Iraq: Judge won't Dismiss Suit Naming Rumsfeld

By [Global Research](#)

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A federal judge refused Friday to dismiss a civil lawsuit accusing former Defence Secretary Donald Rumsfeld of responsibility for the alleged torture by US forces of two Americans who worked for an Iraqi contracting firm.

US District Judge Wayne R Andersen's ruling did not say the two contractors had proven their claims, including that they were tortured after reporting alleged illegal activities by their company. But it did say they had alleged enough specific mistreatment to warrant hearing evidence of exactly what happened.

Andersen said his decision "represents a recognition that federal officials may not strip citizens of well settled constitutional protections against mistreatment simply because they are located in a tumultuous foreign setting."

Andersen did throw out two of the lawsuit's three counts but gave former contractors Donald Vance and Nathan Ertel the green light to go forward with a third count alleging they were unconstitutionally tortured under procedures personally approved by Rumsfeld.

In Washington, Justice Department spokesman Charles Miller said by telephone only that the department, which is representing Rumsfeld in the suit, "is reviewing the court's decision."

Vance and Ertel were described by their lawyer, Mike Kanovitz of Chicago, as being in their early thirties. He said the two Americans went to Iraq in the fall of 2005 to work for the Iraqi-owned contracting firm of Shield Group Security.

The suit filed in 2006 alleges that while working for the company they saw fellow employees making payments to "certain Iraqi sheikhs" and dealing in armaments in a way they believed would not be approved by the US military.

According to the suit, Vance contacted an FBI official in Chicago with his suspicions and the two men eventually shared their concerns with three US Embassy officials in Baghdad.

The suit said their actions provoked suspicion at the company and on April 14, 2006, fellow employees confiscated the identity cards that allowed them to enter the safe area known as the Green Zone.

The two men said they locked themselves in a room, called the Embassy for help and were extricated by "United States forces" who took them to the Embassy where they were taken into custody.

They were taken to two military camps in the Baghdad vicinity in the weeks that followed, the suit said. It said Ertel was released after a month and Vance after two months.

While in custody, they were subjected to sleep deprivation, long hours of interrogation, blasting music, threats, hunger and a practice known as "walling" in which subjects are blindfolded and walked into walls, according to the suit.

The suit describes such practices as forms of torture and alleges Rumsfeld personally took part in determining such methods were acceptable for use by the military in Iraq.

The two men are seeking unspecified damages. The next hearing is set for March 25.

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