

# Rumsfeld's 'SS' Contractors Are Sued for Torture

by Edward Spannaus

The private military contractors CACI and Titan Corp.—identified in last week's *EIR* as a central part of the torture and abuse of prisoners at Abu Ghraib—are being sued by Iraqi citizens who were victimized by this private SS at that prison and other sites in Iraq. One of the suits, *Al Rawi v. Titan*, which includes Federal racketeering charges, was first filed in San Diego in June 2004, and is still pending today in Federal court in Washington, D.C. A second is *Ibrahim v. Titan*, also pending in the District of Columbia.

Besides the contractors, Defense Secretary Donald Rumsfeld, Undersecretaries of Defense Steven Cambone and Doug Feith, former Guantanamo commander Gen. Geoffrey Miller, and others in the military chain of command are named as "Torture Conspirators" in the *Al Rawi* case—part of a criminal conspiracy under The Federal RICO (Racketeering Influenced and Corrupt Organizations) Act.

"The government officials adopted and/or implemented policies and practices that led to detainees being kidnapped, tortured, threatened with death and bodily harm, physically and mentally permanently disabled, and, in cases, murdered," says a legal document in the case.

The actions cited in these lawsuits are far more brutal and extensive than those that have come to light so far in government reports. These included prolonged and vicious beatings, causing death in some instances; rape and sodomy and sexual humiliation, exposure to extreme heat and cold, using dogs to threaten or attack prisoners, and threatening family members with rape and murder.

The original complaint in the *Al Rawi* case charges that CACI and its employees Stephan Stefanowicz and John Israel, and Titan and its employee Adel Nakhla, "conspired with certain United States officials to engage in a series of wrongful and illegal acts, including . . . summary execution, torture or other cruel, inhuman or degrading treatment, arbitrary arrest and detention, assault and battery, false imprisonment and intentional interference with religious practices."

The most recently filed complaint charges that both CACI and Titan lacked the trained personnel to even bid for the interrogation contracts, but that they instead scrambled to hire people who were not adequately screened or trained for intelligence work. Both companies have become heavily dependent on providing intelligence and interrogation services

to the military, and have conspired with the government to block any reporting of abuses, and to obstruct any investigations into their wrongdoing.

Titan told its employees, according to the lawsuit, "that the fact that the United States had issued a declaration immunizing government contractors from the reach of Iraqi law meant that they did not need to fear any legal consequences flowing from their unlawful actions"—thus acknowledging that they constitute a lawless "SS" force.

According to pleadings in the *Al Rawi* case, CACI and Titan were first retained by the government for interrogations at Guantanamo. The original complaint states that "The Torture Conspirators working in Guantanamo developed an approach to interrogation ('tiger teams') based on study and review of what practices would be most humiliating to those who practice the Muslim faith. . . . [T]he Torture Conspirators . . . adopted this same interrogation method in Iraq." And around October 2003, five interrogation teams from Guantanamo were sent to Iraq to set up a "Gitmo-style" prison at Abu Ghraib. This was shortly after General Miller had been sent to Iraq by Rumsfeld, Cambone, et al., to "Gitmo-ize" prison operations there. *EIR* has been told that Miller was in frequent contact with Rumsfeld while he was in Iraq.

## Outside the Law

Both CACI and Titan claim that the suits should be dismissed, because their interrogators were acting in the same capacity as military personnel, and that "combatant activities" are exempt from civil claims.

But, of course, private contractors are not subject to military law and military discipline, as soldiers are. These contractors are truly in a "no man's land" legally—which is one reason that Cheney, Rumsfeld, Felix Rohatyn, et al. prefer using this private "SS" army of contractors who are legally accountable to no one.

The *Al Rawi* suit, brought by former Iraqi prisoners or their survivors, was first filed in San Diego, California. The contractors had the case transferred to the Eastern District of Virginia, regarded as an extremely pro-government district. But late last year, the plaintiffs succeeded in having the case further transferred to the Federal court in the District of Columbia, where it is now being heard by District Judge James Robertson, along with the *Ibrahim* case. Robertson has resigned from the super-secret Foreign Intelligence Surveillance Court, reportedly in protest against the Administration's warrantless domestic spying program.

There has yet to be any thorough investigation of prisoner torture and abuse at Guantanamo, or in Afghanistan and Iraq. Congress has abstained, the Pentagon investigations for the most part of been cover-ups, and the Justice Department—which has jurisdiction over private contractors—has refused to move on it. For the moment, these civil suits may be the best forum for digging out the truth as to what really happened.