

# Center for Constitutional Rights

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://ccrjustice.org/home/what-we-do/our-cases/al-quraishi-et-al-v-nakhla-and-l-3-services>

### Campaign and Advocacy

This federal action brought under the Alien Tort Statute by 72 former Iraqi detainees was settled on October 10, 2012.

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*Al-Quraishi, et al. v. Nakhla and L-3 Services* is a federal lawsuit against U.S.-based private contractor L-3 Services, Inc. (formerly Titan Corporation, now Engility) and Adel Nakhla, a former employee of Titan/L-3 Services, for their role in torture and other war crimes at Abu Ghraib and other prisons in Iraq. CCR filed the suit on behalf of 72 Iraqi civilians who were subjected to horrifying acts of torture at the hands of these contractors and certain government co-conspirators. This case is part of CCR's effort to bring accountability for torture and other serious violations of international law arising out of the so-called war on terror and corporate human rights violations.

CACI International, Inc. had initially been named as a defendant in this case but was dismissed early in the litigation. This private military contractor, however, is the subject of another CCR lawsuit, [Al-Shimari v. CACI](#), a case brought on behalf of four Iraqi civilians who were tortured at the hard site in Abu Ghraib prison in 2003-2004. CCR previously litigated a case against CACI and Titan/L-3, [Saleh v. Titan](#), for war crimes and torture, on behalf of 256 former Iraqi civilian detainees, which was dismissed in 2009.

At Abu Ghraib and other prisons, our clients were subjected to heinous acts, including rape and threats of rape and other forms of sexual violence; electric shocks; repeated beatings; prolonged hanging from limbs; forced nudity; hooding; isolated detention; and being urinated on. They were also prevented from praying and otherwise abiding by their religious practices.

The named lead plaintiff, Wissam Al-Quraishi, a father of three, 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. Mr. Al-Quraishi also witnessed the defendant Adel Nakhla forcibly holding down a fourteen-year old boy as his co-conspirator raped the boy by placing a toothbrush in his anus. Another plaintiff, Emad Khudhayir Shahuth Al-Janabi, almost had his eyes clawed out, was stripped naked and threatened with rape, was hung upside down until he lost consciousness, and was deprived of sleep for extended periods of time. Like the other Iraqi civilians in this lawsuit, Mr. Al-Quraishi and Mr. Al-Janabi were released after enduring torture and other serious mistreatment without being charged with any crime.

This lawsuit was brought under the Alien Tort Statute (ATS), which CCR has pioneered for decades as a tool to pursue redress for international human rights violations, and federal question jurisdiction. The complaint charged L-3 Services, Inc. and Adel Nakhla with violations of U.S. and international law, including torture; cruel, inhuman, or degrading treatment; war crimes; assault and battery; sexual assault and battery; intentional infliction of emotional distress; negligent hiring and supervision; and negligent infliction of emotional distress.

After years of litigation, a settlement was reached on October 10, 2012, marking the first positive resolution to a U.S. civil case challenging detainee treatment outside the United States in the larger war on terror context.

For more information about accountability for torture by private military contractors, see CCR's [factsheet](#).

Case is settled

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Defendants move for an extension of time to file their answer on September 4, 2012 in order to allow for settlement discussions. Judge Messitte approves plaintiffs' voluntary dismissal of the case on October 10, 2012.

*En banc* panel dismisses L-3's appeal and remands case to district court

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The *en banc* panel, in an 11-3 decision, issues an order dismissing the appeal for lack of jurisdiction and remanding the case to the district court, in order to allow fact-finding to proceed.

Rehearing *en banc* briefing and argument

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On November 15, 2011, the Fourth Circuit invites the United States to file an amicus brief in the case before December 30, 2011. L-3 files its *en banc* opening brief on November 23, 2011. Plaintiffs file their opposition brief on December 14, 2011, arguing first that the Court of Appeals lacks jurisdiction under the collateral order doctrine, and then that there is no law of war immunity for torture, that L-3 is not entitled to derivative sovereign immunity, that state law cannot be wholly displaced through preemption or battlefield immunity, and that the political question doctrine does not bar the action. On December 20, 2011, retired military officers, professors of Civil Procedure and Federal Courts, and international human rights organizations and experts file amicus briefs in support of the plaintiffs on jurisdiction and preemption issues. The U.S. files its amicus brief on January 14, 2012, in which it agrees with the plaintiffs argument that the Court of Appeals lacks jurisdiction, and submits that the district court should reconsider the preemption argument under the combatant activities exception and that, *inter alia*, there should be no preemption for acts of torture. L-3 files its response to the U.S. amicus brief on January 20, 2012. Plaintiffs file their response to the U.S. amicus brief on January 24, 2012. The Fourth Circuit, sitting *en banc*, hears argument on January 27, 2012.

Fourth Circuit grants plaintiffs' petition for rehearing *en banc*

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Plaintiffs file a petition for rehearing *en banc* on October 5, 2011. On October 6, 2011, the Fourth Circuit requests that the defendants respond, and the defendants file their response on October 17, 2011. A majority of Fourth Circuit judges in active service and not disqualified grant the petition for rehearing *en banc*.

In 2-1 decision, Fourth Circuit reverses district court and orders case be dismissed

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In a 2-1 decision, a panel of the Fourth Circuit reverses the district court and orders the case be dismissed. Judges Paul V. Niemeyer and Dennis W. Shedd find the court has jurisdiction, and dismiss the case under a theory of battlefield preemption. Judge Robert B. King dissents, finding that the court lacks jurisdiction over the appeal, and that the state law claims cannot be preempted.

Court issues stay pending Supreme Court decision regarding cert petition filed in [Saleh v. Titan](#)

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The Fourth Circuit orders that the case be held in abeyance pending decision on the petition for certiorari filed in [Saleh v Titan](#) with the Supreme Court.

Defendants appeal to Fourth Circuit Court of Appeals

Defendants appeal to Fourth Circuit Court of Appeals

L-3 files a notice of appeal, asserting the Fourth Circuit has jurisdiction over the appeal pursuant to the collateral order doctrine, on August 4, 2010. L-3 and Nakhla file their opening briefs on September 2, 2010. The plaintiffs file their brief on September 22, 2010 and the defendants file their reply on September 30, 2010. The Court of Appeals grants leave to file an amicus brief on October 15, 2010, and Earthrights International files an amicus brief on October 18, 2010. Defendants file a supplemental reply brief on October 21, 2010. A panel of the Fourth Circuit hears oral argument on October 26, 2010.

Judge Messitte denies motions to dismiss

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In a 92-page decision, Judge Messitte denies defendants' motions to dismiss. In so doing, he rejects defendants government contractor preemption defense, law of war and derivative sovereign immunity arguments, and finds the case does not raise non-justiciable political questions. He also finds that plaintiffs assert valid causes of action against a corporate defendant under the ATS. The case proceeds to discovery.

Hearing on motions to dismiss and to transfer venue

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Judge Messitte hears the motions to dismiss the case as well as the motion to transfer venue. At the hearing, Judge Messitte denies without prejudice the motion to transfer venue.

Briefing on motions to dismiss

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Adel Nakhla and L-3 Services file motions to dismiss on November 26, 2008. Plaintiffs file their oppositions on January 2, 2009. L-3 Services and Adel Nakhla file their replies on January 26, 2009.

Plaintiffs file second amended complaint

Plaintiffs file second amended complaint

Plaintiffs move to file their second amended complaint, which includes two additional plaintiffs. Judge Messitte grants plaintiffs motion to amend the complaint on November 12, 2008.

Briefing on motion to transfer venue

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L-3 Services files a motion to transfer the venue to the Eastern District of Virginia on September 8, 2008. Plaintiffs file their opposition on October 2, 2008. L-3 Services files its reply on October 17, 2008.

Plaintiffs file amended complaint

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Plaintiffs file an amended complaint, with 69 additional plaintiffs included.

CACI dismissed as defendant

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Plaintiff's motion to dismiss CACI defendants without prejudice is granted.

Plaintiff Al-Quraishi files complaint

Plaintiff Al-Quraishi files complaint

Wissam Al-Quraishi files a complaint against Adel Nakhla, L-3 Services, CACI International, Inc. and CACI Premier Technology, Inc. in the U.S. District Court for Maryland, Greenbelt Division, which is assigned to Judge Peter J. Messitte.

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