

Center for Constitutional Rights

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

<https://ccrjustice.org/home/press-center/press-releases/court-rules-abu-ghraib-survivors-case-torture-against-private>

Public Facing Advocacy Writing

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September 22, 2017, Alexandria, VA Today, a Virginia federal court ruled that three Iraqi individuals formerly detained at the infamous hard site at the Abu Ghraib prison in Iraq were subjected to treatment that could constitute torture or cruel, inhuman and degrading treatment and that the case to hold the private military contractor CACI Premier Technology accountable for this treatment can proceed. Attorneys from the Center for Constitutional Rights and co-counsel from Patterson Belknap Webb & Tyler LP argued the case on behalf of their clients, Salah Al Ejaili, Asad Al-Zubae, and Suhail Al Shimari, and Judge Leonie Brinkema ruled from the bench, issuing the decision in open court.

The case has taken a long time but we are now reaching its final steps, and I have hope that justice will be achieved. At that time, the success won't be only mine, but also to all those who have been tortured around the world, said [Salah Al Ejaili](#), a plaintiff in the case. We will have our day in court, and the story of Abu Ghraib will be told by me and other men who lived and survived it.

Today's hearing marked the first time in the course of the nine-year case that CCR presented in court the details of the torture and serious mistreatment their clients suffered at Abu Ghraib. In the proceedings to come, plaintiffs will seek to hold CACI directly accountable for cruel, inhuman, and degrading treatment, torture, and war crimes.

The court has sent an important message that there can be accountability for torture, a vital step for our clients who have yet to see justice, said CCR Legal Director [Baher Azmy](#). This is a crucial ruling in a political climate where Trump has called for bringing back widely denounced torture techniques like waterboarding.

The case, [Al Shimari v. CACI](#), was first filed in 2008 under the Alien Tort Statute (ATS), which allows non-U.S. citizens to sue for human rights violations committed abroad that touch and concern the United States. In October 2016, the Fourth Circuit denied CACI's attempt to have the case dismissed under the political question doctrine, and in June the district court [affirmed](#) that war crimes, torture, and cruel, inhuman and degrading treatment are well-recognized and definable norms and thus fall within the courts jurisdiction under the ATS. The court ordered both parties to brief whether the record supports a finding that the plaintiffs suffered these violations. Shortly after, CACI moved to dismiss the case.

U.S. military investigators long ago concluded that CACI interrogators conspired with U.S. soldiers, who were later court martialed, to soften up detainees for interrogations; according to statements by co-conspirators. A U.S. Army general referred to the treatment as [sadistic, blatant, and wanton](#) criminal abuses. Al Ejaili, Al-Subae, and Al Shimari were subjected to electric shocks, sexual assaults, sensory deprivation, mock executions, stress positions, broken bones, deprived of oxygen, food and water, stripped and kept naked, forced to witness the rape of a female prisoner, as well as experienced other dehumanizing acts of torture and threats to themselves and their families.

We applaud the court for rejecting outdated Bush-era conceptions of torture in denying the defendants motion to dismiss plaintiffs claims of torture and cruel, inhuman, and degrading treatment. Fourteen years later, Salah, Asad, and Suhail are still suffering from what they experienced, and the torture of Iraqi civilians at Abu Ghraib remains one of the darkest chapters in recent U.S. history, said CCR Senior Staff Attorney [Katherine Gallagher](#). Now we have the opportunity to narrow the egregious accountability gap that has persisted: while a number of military officers were court martialed, the private contractors walked away with large payments, and they continue to be awarded millions of dollars in government contracts.

For more information, visit CCR's [case page](#).

Jeena Shah of the International Human Rights Clinic at Rutgers Law School-Newark, Patterson Belknap Webb & Tyler LP, and Shereef Akeel & Valentine, P.C. in Troy, Michigan, are co-counsel on the case.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org.

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