

# Center for Constitutional Rights

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

<https://ccrjustice.org/home/what-we-do/our-cases/saleh-et-al-v-titan-et-al>

## Campaign and Advocacy

On June 27, 2011, the Supreme Court declined without comment to take up the case, following a 2-1 dismissal by the Court of Appeals for the District of Columbia on September 11, 2009, thereby ending this litigation.

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256 Iraqi civilians who were tortured at Abu Ghraib prison

*Saleh, et al. v. Titan, et al.* is a federal class action lawsuit against U.S.-based private contractors CACI International, Inc. and Titan Corporation (which first changed its name to L-3 Services, and later to Engility), for their role in torture and other illegal acts committed at Abu Ghraib prison, where they were hired by the U.S. to provide interrogation and translation services. The Center for Constitutional Rights filed the suit on behalf of over 250 Iraqi civilians who were subjected to horrifying acts of torture at the hands of these contractors and certain government co-conspirators. Along with [AL Shimari v. CACI](#) and [Al-Quraishi v. Nakhla](#), 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.

At Abu Ghraib, our clients were subjected to heinous acts, including rape and threats of rape and other forms of sexual violence; repeated beatings with chains and other objects; forced nudity; hooding; isolated detention; and sleep deprivation. They were also prevented from praying and otherwise abiding by their religious practices. One of our clients was forced to watch his father being tortured to such a degree that he died.

The named lead plaintiff, Haidar Saleh, is a Swedish citizen who had opposed the Baath Party and was imprisoned and tortured under Saddam Hussein in the Abu Ghraib prison. After being released from prison, Mr. Saleh fled from Iraq to Sweden. After the Hussein regime fell, in response to the United States plea for expatriates to return and help rebuild Iraq, Saleh returned to Iraq with funds to invest and rebuild the country. Upon his arrival in September 2003, he was detained and sent to the same Abu Ghraib prison where he had been tortured by Saddam Hussein.

While Mr. Saleh was at Abu Ghraib, he was tortured as part of a conspiracy by contractors named in this lawsuit and their co-conspirators. Mr. Saleh was beaten with a stick, and his genitals were stretched with a rope. He was kept naked for extended periods of time with a hood over his head, sodomized, subjected to electric shocks, deprived of sleep, and threatened with dogs. Chemicals were poured on his body and rubber bullets were shot at his chest. Mr. Saleh observed his torturers summarily execute other detainees and rape two young men. He also saw them rounding up and imprisoning local women. For approximately 13 days, he heard the women cry and scream. Although he did not see the acts, he is convinced they were being raped.

The lawsuit was brought under the [Alien Tort Statute](#) (ATS), which CCR has pioneered for decades as a tool to pursue international human rights violations, and federal question jurisdiction. The complaint charged CACI International, Inc. and Titan Corporation with violations of state, federal, and international law, including torture; cruel, inhuman, or degrading treatment; war crimes; crimes against humanity; negligent hiring and supervision; and sexual assault and battery.

On June 27, 2011, the Supreme Court declined without comment to take up the case after a federal appeals court in Washington dismissed the case, ruling that claims against the contractors were precluded under a doctrine the two majority judges called battlefield preemption, over a strong dissent. The majority also found that the Alien Tort Statute claims, including claims of torture, could not be brought against contractors because they are not state actors.

Supreme Court denies cert, refusing to hear case

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The Supreme Court denies CCR and co-counsel's petition for certiorari, thereby ending this case.

United States files amicus brief; parties respond

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The U.S. files its amicus brief on May 27, 2011, submitting that cert should be denied. CCR and co-counsel file a supplemental brief in response to the U.S. amicus brief on June 17, 2011.

Supreme Court invites U.S. to submit brief expressing views on case

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The U.S. Supreme Court invites the Acting Solicitor General to file a brief expressing the views of the United States on the case on October 4, 2010.

Three amicus briefs are filed in support of petition for certiorari

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Briefing on petition for writ of *certiorari* to U.S. Supreme Court

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CCR and co-counsel petition for a writ of *certiorari* in the U.S. Supreme Court on April 26, 2010. Titan/L-3 and CACI file opposition briefs on June 28, 2010. CCR and co-counsel at Burke PLLC and Akeel & Valentine PLC file their reply brief on July 13, 2010.

CCR clients denied rehearing *en banc*

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CCR and co-counsel file their petition for rehearing *en banc* on October 14, 2009. The defendants file their response to the petition on November 4, 2009. Defendants in the CACI appeal file their response to the petition on November 30, 2009. The D.C. Circuit denies the petition for rehearing *en banc* on January 25, 2010.

Court of appeals dismisses case 2-1

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In a 2-1 decision, the Court of Appeals for the District of Columbia affirms the dismissal of all claims against Titan (at this point called L-3 Services, later called Engility), and, reversing to the district court, also dismisses all claims against CACI. In the majority, Judges Silberman and Kavanaugh find CCR's state law claims are preempted under either conflict preemption (combatant activities exception) or field preemption (battlefield preemption). The majority also finds that CCR's ATS claims, including claims of torture and war crimes, cannot be brought against contractors because they are not state actors. Judge Garland dissents, finding no basis in law or policy for dismissing the claims and arguing that the state law claims should not be preempted and the case against both Titan/L-3 and CACI should be allowed to proceed.

Oral argument takes place before Judges Garland, Kavanaugh, and Silberman of the Court of Appeals for the District of Columbia on CACI and CCR's appeal of the Titan dismissal.

CCR appeals dismissal of Titan from case

CCR appeals dismissal of Titan from case

CCR and co-counsel file a notice of appeal with the Court of Appeals for the District of Columbia to appeal Judge Robertsons final judgment in favor of Titan on January 29, 2008. They file their opening brief in the Titan appeal on September 2, 2008. Human rights experts and organizations file three amici briefs in support of CCR's clients on September 11, 2008, but the court denies their motions to participate in the proceedings on October 2, 2008. Titan files its appellate brief on October 17, 2008. Also on October 17, 2008, CACI files an intervenor brief. CCR and co-counsel file a motion to strike portions of CACI's intervenor brief on October 30, 2008, and then file their reply brief on October 31, 2008.

CACI appeals denial of summary judgment

CACI appeals denial of summary judgment

Judge Robertson grants CACI's motion for certification of interlocutory appeal on December 17, 2007. CACI files a petition with the Court of Appeals for the District of Columbia to appeal Judge Robertsons denial of its motion for summary judgment on January 2, 2008. CCR files a motion in opposition to CACI's petition to appeal on January 14, 2008. The U.S. District Court grants CACI's petition to appeal the denial of summary judgment on March 17, 2008. CACI files its opening appellate brief on July 28, 2008. CCR and co-counsel file their response on August 27, 2008. CACI files its reply on September 10, 2008.

CCR and co-counsel file fourth amended complaint

CCR and co-counsel file fourth amended complaint

Judge Robertson rules on summary judgment on government contractor defense; denies CACI's motion and dismisses Titan as defendant

Judge Robertson rules on summary judgment on government contractor defense; denies CACI's motion and dismisses Titan as defendant

After granting limited discovery on the government contractor defense issue following the filing of motions for summary judgment by the defendants, Judge Robertson denies CACI's motion for summary judgment and orders a jury trial against CACI. Judge Robertson also, however, grants Titan's motion for summary judgment, thereby dismissing the case against Titan.

Briefing on motions to dismiss

Briefing on motions to dismiss

Defendants file motions to dismiss the amended complaint on April 7, 2006. CCR and co-counsel file their oppositions to the motions to dismiss on May 8, 2006. The defendants file their replies on May 26, 2006.

CCR and co-counsel file third amended complaint

CCR and co-counsel file third amended complaint

Briefing on motion to transfer and transfer to District Court for District of Columbia

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The case is transferred to the Eastern District of Virginia on March 21, 2005, upon CACI's motion. It is then transferred to the United States District Court for the District of Columbia on June 3, 2005. The order to transfer to the D.C. District Court is reaffirmed on January 13, 2006 upon reconsideration by Judge Claude M. Hilton of the Eastern District of Virginia. Judge Hilton finds that the D.D.C. has personal jurisdiction under the RICO Act.

CCR files motion for preliminary injunction

CCR files motion for preliminary injunction

CCR and co-counsel file a motion for preliminary injunction against CACI on September 14, 2004. CACI files its opposition on October 20, 2004.

Briefing on motions to dismiss

Briefing on motions to dismiss

Defendants file motions to dismiss on September 10, 2004. CCR and co-counsel file their oppositions on October 22, 2004. Defendants file their replies on November 19, 2004. Defendant Titan files its reply on December 3, 2004.

CCR and co-counsel file second amended complaint

CCR and co-counsel file second amended complaint

Attorneys file a RICO case statement along with a second amended complaint.

CCR and co-counsel file initial and first amended complaints on behalf of hundreds of Iraqis tortured at Abu Ghraib

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CCR and co-counsel at Burke PLLC and Akeel & Valentine, PLC file a class action complaint against Titan Corporation (later L-3 Services, and later still Engility), CACI International Inc., Steven Stefanowicz (a CACI interrogator), Adel Nakhla (a Titan linguist), and John Israel (a Titan linguist) in the U.S. District Court for the Southern District of California. CCR and co-counsel file an amended complaint on June 30, 2004.

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