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19 UNITED STATES DISTRICT COURT

20 CENTRAL DISTRICT OF CALIFORNIA

21 WESTERN DIVISION

22 EMAD KHUDHAYIR

23 SHAHUTH AL-JANABI,

24 Baghdad, Iraq

25 Plaintiff

26 v.

) CV08-2913

) FIRST AMENDED COMPLAINT
) FOR DAMAGES:) (1) Torture; (2) Civil Conspiracy to
) Commit Torture; (3) Aiding and
) Abetting Torture; (4) Cruel, Inhuman, or
) Degrading Treatment; (5) Civil

STEVEN A. STEFANOWICZ

6124 1/2 Glen Oak St.,
Los Angeles, CA 90068

CACI INTERNATIONAL INC.

1100 North Glebe Road,
Arlington, Virginia 22201

CACI PREMIER

TECHNOLOGY, INC.

1100 North Glebe Road,
Arlington, Virginia 22201

L-3 SERVICES, INC.

1320 Braddock Place
Alexandria, VA 22314

Defendants.

) Conspiracy to Treat Plaintiff in a Cruel,
) Inhuman, or Degrading Matter; (6)
) Aiding and Abetting Cruel, Inhuman, or
) Degrading Treatment; (7) War Crimes;
) (8) Civil Conspiracy to Commit War
) Crimes; (9) Aiding and Abetting
) Commission of War Crimes; (10)
) Assault and Battery; (11) Civil
) Conspiracy to Assault and Batter; (12)
) Aiding and Abetting Assaults and
) Batteries; (13) Sexual Assault and
) Battery; (14) Civil Conspiracy to
) Sexually Assault and Batter; (15) Aiding
) and Abetting Sexual Assaults and
) Batteries; (16) Intentional Infliction of
) Emotional Distress; (17) Civil
) Conspiracy to Inflict Emotional Distress;
) (18) Aiding and Abetting Intentional
) Inflection of Emotional Distress; (19)
) Negligent Hiring and Supervision; (20)
) Negligent Infliction of Emotional
) Distress
)
) **DEMAND FOR JURY TRIAL**

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FIRST AMENDED COMPLAINT

1
2 1. Emad Khudhayir Shahuth Al-Janabi, an Iraqi civilian, was
3
4 imprisoned and tortured at Abu Ghraib, a prison in Iraq. He brings this tort action
5 against those who tortured, and conspired with others to torture, him: Steven
6 Stefanowicz, a resident of this District, CACI, and L-3 Services (formerly Titan
7 Corporation), both publicly-traded corporations that made millions of dollars
8 selling the services of Stefanowicz and other employees to the United States
9 military.
10

JURISDICTION AND VENUE

11
12
13 2. This Court has original jurisdiction over the subject matter of this
14 action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332
15 (diversity jurisdiction); 28 U.S.C. § 1350 (Alien Tort Statute); and 28 U.S.C.
16 § 1367 (supplemental jurisdiction).
17

18 3. Venue is proper pursuant to 28 U.S.C. § 1391(a)(3) and
19 § 1391(b)(2).
20

PARTIES

21
22 4. Plaintiff Emad Khudhayir Shahuth Al-Janabi is a 43-year old
23 resident of Baghdad. He is an innocent Iraqi blacksmith who was badly tortured
24 by defendants and their co-conspirators.
25
26
27

1 5. Defendant Steven Stefanowicz is an individual residing at 6124 1/2
2 Glen Oak St., Los Angeles, CA 90068.

3 6. Defendant Stefanowicz was employed by Defendant CACI as an
4 interrogator at Abu Ghraib prison from October 2003 to February 2004.
5 Hereinafter, he is referred to as "Big Steve," which is the nickname he used in
6 Iraq.
7

8 7. Defendant CACI International Inc. is a publicly-traded Delaware
9 corporation with headquarters located at 1100 North Glebe Road, Arlington,
10 Virginia 22201. Defendant CACI Premier Technology, Inc. is a wholly-owned
11 subsidiary and alter ego of CACI International Inc., and is also located at 1100
12 North Glebe Road, Arlington, Virginia 22201.
13

14 8. CACI received millions of dollars from the United States in
15 exchange for providing the United States Army with services, including
16 interrogation services.
17

18 9. Defendant L-3 Services, Inc. is a publicly-traded Delaware
19 corporation with headquarters located at 1320 Braddock Place, Alexandria,
20 Virginia 22314. L-3 employed all the civilian translators used by the military in
21 Iraq, including a man named Adel Nakhla.
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1 10. L-3 received millions of dollars from the United States in exchange
2 for providing the United States Army with services, including translation and
3 interrogation services.
4

5 **THE TORTURE OF MR. AL-JANABI**

6 11. Mr. Al-Janabi was repeatedly and gravely tortured at Abu Ghraib
7 prison.
8

9 12. The events began on or about two in the morning on September 20,
10 2003, when persons dressed in American military uniforms and civilian clothing
11 raided Mr. Al-Janabi's home. They began to beat Mr. Al-Janabi, his brother and
12 his nephew. These beatings occurred in front of Mr. Al-Janabi's wife and
13 children.
14

15 13. Along with his brother and nephew, Mr. Al-Janabi was forced from
16 his house. His captors did not permit him to dress, instead forcing him to go out
17 wearing nothing but his shorts. His captors placed a hood over his head, poured
18 cold water on him, and forced him to kneel in the back of a vehicle.
19

20 14. They took Mr. Al-Janabi to a military base, and forced him into a
21 wooden crate. There, with the hood still over his head, they interrogated him.
22 During the interrogation, the interrogator stuck his hand inside the hood, and
23 began to press his fingers into Mr. Al-Janabi's eyes. Mr. Al-Janabi screamed in
24
25
26
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1 agony, as the interrogator, speaking through an L-3 translator, threatened to claw
2 out his eyes. Mr. Al-Janabi has visible scars from this torture.

3
4 15. After this torture, three persons began to slam Mr. Al-Janabi into a
5 wall until he became unconscious.

6 16. After Mr. Al-Janabi regained consciousness, he was dragged (still
7 hooded and wearing nothing but his shorts) across stones and dirt. His captors,
8 again speaking through an L-3 translator, told him he was going to be executed
9 along with his brother and nephew. Mr. Al-Janabi then heard two gunshots fired
10 immediately next to him. Believing his brother and nephew to have been
11 executed, and believing himself to be the next one to be executed, he began to
12 say the al shahada, the Islamic prayer said immediately before death.
13
14

15 17. As he lay on the ground hooded and fearing imminent execution, a
16 helicopter hovered immediately above him. An L-3 translator threatened Mr. Al-
17 Janabi, stating that he had to provide information or he would be crushed by the
18 helicopter. Mr. Al-Janabi could hear other victims screaming for mercy.
19
20

21 18. After the helicopter left, Mr. Al-Janabi heard a mechanized vehicle.
22 The same L-3 translator threatened Mr. Al-Janabi again, stating that a tank was
23 going to run over him.
24

25 19. Thereafter, Mr. Al-Janabi was taken to a building. He was stripped
26 naked, and threatened with rape. He was photographed completely naked. After
27

1 being photographed naked, his hands and legs were chained and a hood was
2 placed on his head. He was placed on a cement floor, still naked. He passed out
3 from the pain.
4

5 20. When Mr. Al-Janabi regained consciousness, he was brought to an
6 interrogation room. In the room, there was an interrogator and an L-3 translator.
7 The interrogator, through the L-3 translator, said "welcome to Guantanamo." The
8 interrogator told Mr. Al-Janabi that he had been sentenced to execution. The
9 interrogator told Mr. Al-Janabi that if he cooperated, then his wife would not be
10 brought to the prison and his family would be given a stipend after his execution.
11
12

13 21. After many hours of interrogation, Mr. Al-Janabi was placed in a
14 cell now known to be in the section of the Abu Ghraib prison called the "hard
15 site."
16

17 22. On or about October 2, 2003, the International Committee of the
18 Red Cross ("Red Cross") conducted a surprise inspection and found Mr. Al-
19 Janabi in the hard site cell, naked and cuffed. The Red Cross worker observed the
20 bruises from the beatings, and told Mr. Al-Janabi that he was in the Abu Ghraib
21 prison, not Guantanamo. She told Mr. Al-Janabi that he did not have a prisoner
22 number, and that he was in grave danger as a result. She said that he could have
23 been killed if she had not found him, and she gave him a Red Cross number on a
24
25
26
27

1 card. She also had Mr. Al-Janabi write a letter to his family, which was
2 eventually delivered to them five months later.

3
4 23. After this initial visit from the Red Cross, Mr. Al-Janabi never again
5 was permitted to see the Red Cross. Mr. Al-Janabi's Red Cross card was taken
6 away from him, and the torture continued. Whenever a Red Cross visit was
7 scheduled, he and other prisoners were taken out of their cells, chained together,
8 hooded, and hidden away in another part of the prison.

9
10 24. Mr. Al-Janabi was kept naked and hand-cuffed in his cell.

11
12 25. Mr. Al-Janabi was repeatedly chained in painful positions.

13
14 26. Mr. Al-Janabi was repeatedly hung by his arms from the bed frame
15 and from the cell bars so that his feet could not touch the ground.

16
17 27. On one occasion, Mr. Al-Janabi was hung upside down, with his feet
18 chained to the steel slats of the top bunkbed. He was kept hanging until he lost
19 consciousness.

20 28. Mr. Al-Janabi was placed naked in a pyramid with other prisoners.

21 29. Mr. Al-Janabi was subjected to having his penis repeatedly pulled.

22 30. Mr. Al-Janabi was repeatedly punched and slammed into walls.

23 31. Mr. Al-Janabi was struck with a baton-like instrument and beaten.

24 32. Mr. Al-Janabi was deprived of food.

25 33. Mr. Al-Janabi was deprived of sleep for extended periods of time.
26
27

1 34. Mr. Al-Janabi was subjected to unbearably loud music for extended
2 periods of time.

3 35. Mr. Al-Janabi was threatened with dogs.

4 36. Mr. Al-Janabi was subjected to sensory deprivation.

5 37. Mr. Al-Janabi was repeatedly forced to crawl naked along the rough
6 cement floor, do push ups and other physical activity to the point of exhaustion.
7

8 38. Mr. Al-Janabi was kept imprisoned in the hard site cell for
9 approximately 48 days. Afterwards, he was released into a different part of the
10 prison. After being held for more than ten months in prison, Mr. Al-Janabi was
11 released on or about July 2004 without being charged with any crime.
12

13 **THE TORTURE CONSPIRACY**

14 39. Although Mr. Al-Janabi was often hooded when he was being
15 interrogated and tortured, and he was never told the names of his torturers,
16 certain facts about the "hard site" torture are known.
17

18 40. The facts known to date show that Big Steve, other CACI employees
19 (e.g. "DJ" Johnson and Tim Dugan), and L-3 employees (e.g. Adel Nakhla),
20 conspired with military personnel to torture prisoners kept at the Abu Ghraib hard
21 site.
22
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1 41. Sworn and unsworn testimony from military personnel who
2 participated in the torture establish that Big Steve was one of the interrogators
3 who most frequently directed that certain prisoners be tortured in certain ways.
4

5 42. Big Steve and other corporate employees instigated, directed,
6 participated in, aided and abetted conduct towards prisoners that clearly violated
7 the Geneva Conventions, the Army Field Manual, and the laws of the United
8 States.
9

10 43. Reasonable discovery will establish that Big Steve and his co-
11 conspirators attempted to avoid detection by treating Mr. Al-Janabi as a “ghost
12 detainee.” That term was the conspiracy’s code word for those prisoners who
13 were never recorded as having been detained. The conspiracy intentionally failed
14 to record Mr. Al-Janabi as detained at Abu Ghraib in order to try to prevent the
15 Red Cross from visiting with him and learning of the torture.
16
17

18 44. Reasonable discovery will establish that Big Steve repeatedly
19 conspired with military personnel to give Mr. Al-Janabi the “special treatment,”
20 which was code for torture of the type endured by Mr. Al-Janabi in the hard site.
21

22 45. Reasonable discovery will establish that Big Steve repeatedly
23 conspired with military personnel to deprive Mr. Al-Janabi of sleep, strip him
24 naked, and chain him to the cells bars or bedframes in painful positions for
25 extended periods of time, including on one occasion upside down.
26
27

1 46. The acts of Big Steve and other CACI employees constitute acts of
2 CACI. CACI conveyed its intent to join the conspiracy by making a series of
3 verbal statements and by engaging in a series of criminal acts of torture alongside
4 and in conjunction with several co-conspirators.
5

6 47. CACI's motivation was wholly financial -- it made millions of
7 dollars as a result of keeping quiet about and participating in the conspiracy to
8 torture and mistreat Mr. Al-Janabi and other prisoners.
9

10 48. Big Steve was not the only corporate employee involved in the hard
11 site torture. L-3 translators, including Adel Nakhla, participated at every step
12 along the way, translating threats and in some instances assisting with the
13 physical torture of hard site victims.
14

15 49. The acts of Adel Nakhla and other L-3 translators constitute acts of
16 L-3. L-3 conveyed its intent to join the conspiracy by making a series of verbal
17 statements and by engaging in a series of criminal acts of torture alongside and in
18 conjunction with several co-conspirators.
19

20 50. L-3's motivation was wholly financial -- it made millions of dollars
21 as a result of keeping quiet about and participating in the conspiracy to torture
22 and mistreat Mr. Al-Janabi and other prisoners.
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**CACI AND L-3 COULD HAVE PREVENTED AND STOPPED
THEIR EMPLOYEES BIG STEVE AND ADEL NAKHLA
FROM TORTURING MR. AL-JANABI**

51. Big Steve worked for CACI Premier Technology. CACI Premier Technology is an alter ego of CACI International Inc., not a separate fully-capitalized business governed and controlled by independent executives with full autonomy. CACI International Inc. wholly owns and controls CACI Premier Technology, and operates CACI Premier Technology as one of its corporate divisions. CACI International Inc. executives controlled how and whether CACI Premier Technology did business in Iraq.

52. CACI has admitted that it had the ability to control, direct and influence the actions performed by Big Steve and their other employees. CACI had the ability to prevent Big Steve and the other employees from torturing Mr. Al-Janabi.

53. Adel Nakhla worked for L-3, as did the other translators who threatened Mr. Al-Janabi with death, rape, and the arrest of his wife. L-3's Adel Nakhla has confessed to government officials that he participated in torturing hard site prisoners.

1 54. L-3 had the ability to control, direct and influence the actions taken
2 by their employees who directly participated in the torture of prisoners. L-3 had
3 the ability to prevent Nakhla and the other translators from torturing prisoners.
4

5 55. CACI and L-3 at all times were obliged by the terms of its contract
6 to supervise their employees such as Big Steve and Nakhla.
7

8 56. CACI and L-3 at all times retained the ability to stop their Big Steve,
9 Nakhla and other employees from torturing Mr. Al-Janabi.
10

11 57. CACI and L-3 are responsible for the actions taken by their
12 employees towards Mr. Al-Janabi.

13 **DEFENDANTS AND THEIR CO-CONSPIRATORS TOOK STEPS TO**
14 **COVER UP THE SCOPE AND EXTENT OF TORTURE**

15 58. To date, the "investigations" of the events at Abu Ghraib have failed
16 to include the fundamental step of interviewing the hard site victims.
17

18 59. Reasonable discovery will establish that, in addition to participating
19 in the actual physical and mental abuse of the plaintiff, Big Steve, other CACI
20 employees (including but not limited to DJ Johnson and Tim Dugan), Adel Nakla
21 and other L-3 employees participated in other conspiratorial misconduct,
22 including, but not limited to:
23

24 (a) destroying documents, videos, and photographs,
25

26 (b) preventing the reporting of the torture and abuse to non-
27 conspiring authorities, the International Red Cross and the media,

1 (c) hiding plaintiff and other prisoners from the International Red
2 Cross, and

3 (d) misleading non-conspiring military and government officials
4 about the state of affairs at the prisons.
5

6
7 **CACI IS ENGAGED IN ONGOING EFFORTS**
8 **TO COVER UP THE TORTURE**

9 60. CACI has been an ongoing part of this conspiratorial campaign to
10 prevent the truth about the torture, and CACI's participation, from ever being
11 known to the public.
12

13 61. CACI embarked upon a campaign of intimidation to suppress any
14 coverage or investigation of their role in the conspiracy. CACI repeatedly had its
15 lawyers send letters threatening legal action to reporters who were considering
16 reporting on CACI's role in the torture and mistreatment of prisoners.
17

18 62. As part of this campaign of intimidation, CACI brought a frivolous
19 lawsuit against a radio station. CACI lost the lawsuit.
20

21 63. Reasonable discovery will establish that CACI did not anticipate
22 being able to prevail in the lawsuit, but rather brought it in order to intimidate
23 media members who otherwise would have reported more fully on CACI's role
24 in the torture.
25
26
27

1 64. CACI has repeatedly made, and continues to make, knowingly false
2 statements to the effect that none of its employees was involved in torturing
3 prisoners. In fact, co-conspirators have admitted that Big Steve and several other
4 corporate employees were involved in the torture.
5

6 65. CACI's former Chief Executive Officer has written a book called
7 *Our Good Name*, claiming that CACI has conducted a thorough investigation,
8 and found none of its employees at fault. Based on the description of the
9 investigation found in this book, it appears that CACI's view of a "thorough
10 investigation" is an investigation that fails to include any interviews of the Iraqi
11 torture victims.
12
13

14 66. Nor does the "thorough investigation" include interviews with the
15 CACI employee Torin Nelson, who blew the whistle on the misconduct of his
16 colleagues.
17

18 67. The book falsely claims that the publicly-released photographs of
19 torture at Abu Ghraib do not show any CACI employees. In fact, there is a
20 photograph of DJ Johnson interrogating a prisoner in a dangerous and harmful
21 stress position not authorized by the relevant military regulations governing
22 interrogation.
23
24

25 68. Reasonable discovery will establish that CACI consulted with one or
26 more of its co-conspirators during the preparation of this book. Reasonable
27

1 discovery will establish that Big Steve remains in contact with one or more of the
2 co-conspirators.

3
4 **DEFENDANTS KNEW THAT THEIR TORTURE OF PRISONERS**
5 **VIOLATED THE LAWS OF THE UNITED STATES**

6 69. Big Steve, CACI, and L-3 intentionally and knowingly agreed to and
7 did work in concert with the co-conspirators. To the extent that any particular act
8 was perpetrated by a co-conspirator, Big Steve, CACI and L-3 confirmed and
9 ratified the same.
10

11 70. Defendants knew that the conspiracy to torture would harm plaintiff.

12 71. CACI and L-3 earned millions of dollars in revenues as a result of
13 participating in the ongoing conspiracy.
14

15 72. CACI and L-3 invested the financial fruits of the conspiracy in their
16 ongoing operations.
17

18 73. Big Steve, CACI, and L-3 knew that military officials were
19 prohibited from torturing prisoners by the Army Field Manual and other
20 controlling law, and that any military officials who were doing so were violating
21 the law.
22

23 74. Big Steve, CACI, and L-3 knew that the United States government
24 has denounced the use of torture and other cruel, inhuman or degrading treatment
25 at all times. Big Steve, CACI and L-3 knew that it was illegal for them to
26
27

1 participate in, instigate, direct, or aid and abet the torture of plaintiff and other
2 prisoners.

3
4 75. For example, in its Initial Report to the United Nations Committee
5 Against Torture, the United States Department of State noted that, “[t]orture is
6 prohibited by law throughout the United States. It is categorically denounced as
7 a matter of policy and as a tool of state authority No official of the
8 government, federal, state or local, civilian or military is authorized to commit or
9 to instruct anyone else to commit torture. Nor may any official condone or
10 tolerate torture in any form.” *U.S. Department of State: Initial Report of the*
11 *United States of America to the U.N. Committee Against Torture, Introduction*
12 *(1999)*. The State Department’s Report on Human Rights Practices characterized
13 the following as prohibited forms of torture: repeated slapping, exposure to cold,
14 stripping and blindfolding, food and sleep deprivation, threats to detainees or
15 family members, dripping water on the head, squeezing of the testicles, threats of
16 executions, and sexual humiliation.

17
18 76. Big Steve, CACI, and L-3 knew that the ban on torture is absolute
19 and no exigent circumstances permit the use of torture.

20
21 77. Big Steve, CACI, and L-3 knew that the United States intended and
22 required that any person acting under the contract to the United States would
23 conduct themselves in accord with the relevant domestic and international laws.
24
25
26
27

1 78. Big Steve, CACI and L-3 knew and understood that the United
2 States does not condone torture of prisoners.

3 79. Defendants cannot credibly claim that the wrongful and criminal
4 conduct of certain military and government personnel misled them into thinking
5 that the torture of prisoners was lawful and permissible.
6

7 **THE CORPORATE DEFENDANTS ACTED NEGLIGENTLY**
8

9 80. CACI acted negligently and wrongfully by failing to prevent Big
10 Steve and other employees from engaging in foreseeable and predictable
11 wrongful acts.
12

13 81. L-3 acted negligently and wrongfully by failing to prevent Adel
14 Nakhla and other employees assigned to Iraqi detention centers from engaging in
15 foreseeable and predictable wrongful acts.
16

17 82. CACI and L-3 acted negligently and wrongfully by failing to
18 discipline those who engaged in wrongful acts in Iraq.
19

20 83. CACI and L-3 acted negligently and wrongfully by failing to take
21 due care in hiring employees being deployed to Iraq.
22

23 84. CACI and L-3 acted negligently and wrongfully by failing to train
24 their employees.
25

26 85. CACI and L-3 acted negligently and wrongfully by failing to
27 supervise adequately their employees. CACI admitted on its web site that CACI

1 employees in Iraq work under “minimal supervision.” L-3 has likewise admitted
2 that it failed to supervise its employees.

3
4 86. CACI and L-3 acted negligently and wrongfully by failing to
5 investigate and report accusations of wrongdoing committed and witnessed by
6 their employees and agents.

7
8 87. CACI and L-3 profited financially from their negligent misconduct.
9 The United States paid CACI and L-3 millions of dollars in exchange for their
10 contractual promises to provide services in a lawful manner.

11
12 88. Instead of providing those services in a lawful manner, CACI and L-
13 3 failed to ensure that their employees and agents abided by the contract terms
14 and in accord with the Geneva Conventions.

15
16 89. Big Steve, CACI and L-3 injured Plaintiff and harmed the reputation
17 of the United States throughout the world.

18
19 90. Plaintiff seeks compensatory and punitive damages in an amount far
20 in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332 (\$75,000).

21
22 91. Plaintiff seeks any and all additional remedies (such as attorneys’
23 fees) available under law.

24 **COUNT ONE**
25 **TORTURE**

26 92. All preceding paragraphs are hereby incorporated by reference as if
27 fully set forth herein.

1 93. Defendants' acts and omissions were deliberate and intentional.
2 Defendants acted purposefully to punish, intimidate, discriminate and to obtain
3 information from Plaintiff, who was in their physical custody and control.
4

5 94. The acts committed by Defendants and their agents constitute torture
6 in violation of the law of nations. The acts of torture committed against Plaintiff
7 include, among other things, beatings, forced nudity, death threats, withholding of
8 food, water and necessary medical care, and intentional exposure to extremes of
9 heat and cold. The acts, done by Defendants working under contract with the
10 United States, directly contradicted the United States' express policy against
11 torture.
12
13

14 95. Defendants' misconduct caused grave and foreseeable injuries to
15 Plaintiff.
16

17 **COUNT TWO**
18 **CIVIL CONSPIRACY TO TORTURE**

19 96. All preceding paragraphs are hereby incorporated by reference as if
20 fully set forth herein.
21

22 97. Defendants agreed with each other and others to participate in a series
23 of unlawful acts.

24 98. Each Defendant performed one or more overt acts pursuant to and in
25 furtherance of the common scheme.
26
27

1 99. Defendants are liable for torture because they set the conditions,
2 directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and
3 conspired with others to torture Plaintiff.
4

5 100. Defendants' knowing participation in the conspiracy caused grave and
6 foreseeable damages to Plaintiff.
7

8 **COUNT THREE**
9 **AIDING AND ABETTING TORTURE**

10 101. All preceding paragraphs are hereby incorporated by reference as if
11 fully set forth herein.

12 102. Defendants knowingly and substantially assisted others in torturing
13 Plaintiff.
14

15 103. Defendants are liable for the torture because they aided and abetted
16 others who were torturing Plaintiff.
17

18 104. Defendants' substantial assistance caused grave and foreseeable
19 damages to Plaintiff.
20

21 **COUNT FOUR**
22 **CRUEL, INHUMAN OR DEGRADING TREATMENT**

23 105. All preceding paragraphs are hereby incorporated by reference as if
24 fully set forth herein.

25 106. The acts described herein had the intent and the effect of causing
26 serious mental and physical pain and suffering to Plaintiff, grossly humiliating and
27

1 debasing the Plaintiff, and forcing him to act against his will and conscience,
2 inciting fear and anguish and breaking his physical or moral resistance.

3
4 107. Defendants set the conditions, directly and indirectly facilitated,
5 ordered, acquiesced, confirmed, ratified and conspired with others to subject
6 Plaintiff to cruel, inhuman or degrading treatment.

7
8 108. Defendants are liable for their conduct that led to the cruel, inhuman
9 and degrading treatment of Plaintiff.

10 109. Defendants' misconduct caused grave and foreseeable injuries to
11 Plaintiff.
12

13 **COUNT FIVE**
14 **CIVIL CONSPIRACY TO TREAT PLAINTIFF IN**
15 **A CRUEL, INHUMAN OR DEGRADING MANNER**

16 110. All preceding paragraphs are hereby incorporated by reference as if
17 fully set forth herein.

18 111. Defendants agreed with each other and others to participate in a series
19 of unlawful acts.
20

21 112. Each Defendant performed one or more overt acts pursuant to and in
22 furtherance of the common scheme.
23

24 113. Defendants are liable for the cruel, inhuman and degrading treatment
25 of Plaintiff because they because they set the conditions, directly and indirectly
26
27

1 facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to so
2 treat Plaintiff.

3
4 114. Defendants' knowing participation in the conspiracy caused grave and
5 foreseeable damages to Plaintiff.

6
7 **COUNT SIX**
8 **AIDING AND ABETTING**
9 **CRUEL, INHUMAN AND DEGRADING TREATMENT**

10 115. All preceding paragraphs are hereby incorporated by reference as if
11 fully set forth herein.

12 116. Defendants knowingly and substantially assisted others in treating
13 Plaintiff in a cruel, inhuman and degrading manner.

14 117. Defendants are liable for the injuries caused by the cruel, inhuman and
15 degrading treatment because they substantially aided and abetted others in so
16 treating Plaintiff.

17 118. Defendants' knowing and substantial assistance to others caused grave
18 and foreseeable damages to Plaintiff.

19
20
21 **COUNT SEVEN**
22 **WAR CRIMES**

23 119. All preceding paragraphs are hereby incorporated by reference as if
24 fully set forth herein.

25 120. Defendants' acts were deliberate, willful, intentional, wanton,
26 malicious and oppressive and constitute grave breaches of the Geneva Conventions
27

1 and war crimes. These acts included torture, cruel, inhuman and degrading
2 treatment, and willfully causing great suffering and serious bodily injury to
3 Plaintiff.
4

5 121. Defendants' acts took place during a period of armed conflict, in
6 connection with hostilities.
7

8 122. Defendants set the conditions, directly and indirectly facilitated,
9 ordered, acquiesced, confirmed, ratified and conspired with others to commit war
10 crimes against Plaintiff.
11

12 123. Defendants are liable for their conduct that constitutes war crimes.

13 124. Defendants' misconduct caused grave and foreseeable injuries to
14 Plaintiff.
15

16 **COUNT EIGHT**
17 **CIVIL CONSPIRACY TO COMMIT WAR CRIMES**

18 125. All preceding paragraphs are hereby incorporated by reference as if
19 fully set forth herein.
20

21 126. Defendants agreed with each other and others to participate in a series
22 of unlawful acts.

23 127. Each Defendant performed one or more overt acts pursuant to and in
24 furtherance of the common scheme.
25

26 128. Defendants are liable for war crimes against Plaintiff because they
27 because they set the conditions, directly and indirectly facilitated, ordered,

1 acquiesced, confirmed, ratified and conspired with others to commit war crimes
2 against Plaintiff.

3
4 129. Defendants' knowing participation in the conspiracy caused grave and
5 foreseeable damages to Plaintiff.

6
7 **COUNT NINE**
8 **AIDING AND ABETTING COMMISSION OF WAR CRIMES**

9
10 130. All preceding paragraphs are hereby incorporated by reference as if
11 fully set forth herein.

12
13 131. Defendants knowingly and substantially assisted others in committing
14 war crimes against Plaintiff.

15
16 132. Defendants are liable for the injuries caused by the war crimes
17 because they substantially aided and abetted others in committing war crimes
18 against Plaintiff.

19
20 133. Defendants' knowing and substantial assistance to others in the
21 commission of war crimes caused grave and foreseeable damages to Plaintiff.

22
23 **COUNT TEN**
24 **ASSAULT AND BATTERY**

25
26 134. All preceding paragraphs are hereby incorporated by reference as if
27 fully set forth herein.

135. Defendants unlawfully intended to and did inflict immediate injury
upon Plaintiff.

1 136. Defendants intentionally assaulted, battered and made other offensive
2 contacts; and aided and abetted the assaulting and battering and offensively
3 contacting, of the Plaintiff.
4

5 137. Plaintiff did not consent to the offensive contacts. Plaintiff feared his
6 personal safety and felt threatened by Defendants' actions.
7

8 138. Defendants set the conditions, directly and indirectly facilitated,
9 ordered, acquiesced, confirmed, ratified and conspired with others to commit the
10 assaults and batteries.
11

12 139. Defendants' acts caused grave and foreseeable damages to Plaintiff.
13

14 **COUNT ELEVEN**
15 **CIVIL CONSPIRACY TO ASSAULT AND BATTER**

16 140. All preceding paragraphs are hereby incorporated by reference as if
17 fully set forth herein.

18 141. Defendants agreed with each other and others to participate in a series
19 of unlawful acts.
20

21 142. Each Defendant performed one or more overt acts pursuant to and in
22 furtherance of the common scheme.
23

24 143. Defendants are liable for the assaults and batteries against Plaintiff
25 because they because they set the conditions, directly and indirectly facilitated,
26 ordered, acquiesced, confirmed, ratified and conspired with others to commit the
27 assaults and batteries.

1 144. Defendants' knowing participation in the conspiracy to assault and
2 batter caused grave and foreseeable damages to Plaintiff.

3
4 **COUNT TWELVE**
5 **AIDING AND ABETTING**
6 **ASSAULTS AND BATTERIES**

7 145. All preceding paragraphs are hereby incorporated by reference as if
8 fully set forth herein.

9 146. Defendants knowingly and substantially assisted others in assaulting
10 and battering Plaintiff.

11 147. Defendants are liable for the injuries caused because they
12 substantially aided and abetted others in assaulting and battering Plaintiff.

13 148. Defendants' knowing and substantial assistance to others caused grave
14 and foreseeable damages to Plaintiff.

15
16
17 **COUNT THIRTEEN**
18 **SEXUAL ASSAULT AND BATTERY**

19 149. All preceding paragraphs are hereby incorporated by reference as if
20 fully set forth herein.

21 150. Plaintiff was sexually assaulted and battered by Defendants and their
22 co-conspirators.

23 151. Defendants intended to, and did, cause offensive sexual contacts with
24 intimate parts of Plaintiff. Defendants acted to cause Plaintiff imminent
25 apprehension of harmful and offensive contact with his intimate parts.
26
27

1 152. Plaintiff did not consent to the contacts. Plaintiff feared for his
2 personal safety and felt threatened by Defendants' actions.

3
4 153. Defendants set the conditions, directly and indirectly facilitated,
5 ordered, acquiesced, confirmed, ratified and conspired with others to sexually
6 assault and batter Plaintiff.

7
8 154. Defendants' act caused grave and foreseeable damages to Plaintiff.

9 **COUNT FOURTEEN**
10 **CIVIL CONSPIRACY TO SEXUALLY ASSAULT AND BATTER**

11 155. All preceding paragraphs are hereby incorporated by reference as if
12 fully set forth herein.

13
14 156. Defendants agreed with each other and others to participate in a series
15 of unlawful acts.

16 157. Each Defendant performed one or more overt acts pursuant to and in
17 furtherance of the common scheme.

18
19 158. Defendants are liable for the sexual assaults and batteries against
20 Plaintiff because they because they set the conditions, directly and indirectly
21 facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to
22 sexually assault and batter Plaintiff.

23
24 159. Defendants' knowing participation in the conspiracy caused grave and
25 foreseeable damages to Plaintiff.
26
27

COUNT FIFTEEN
AIDING AND ABETTING
SEXUAL ASSAULTS AND BATTERIES

160. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

161. Defendants knowingly and substantially assisted others in sexually assaulting Plaintiff.

162. Defendants are liable for the injuries caused by the crimes because they substantially aided and abetted others in sexually assaulting and battering Plaintiff.

163. Defendants' knowing and substantial assistance to others caused grave and foreseeable damages to Plaintiff.

COUNT SIXTEEN
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

164. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

165. Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct on Plaintiff. Defendants intended or recklessly disregarded the probability of Plaintiff suffering emotional distress when directing offensive conduct toward Plaintiff or carrying out offensive conduct while aware of Plaintiff's presence.

1 166. Defendants set the conditions, directly and indirectly facilitated,
2 ordered, acquiesced, confirmed, ratified and conspired with others to inflict
3 emotional distress on Plaintiff.
4

5 167. Defendants' acts caused grave and foreseeable injuries to Plaintiff.

6 **COUNT SEVENTEEN**
7 **CIVIL CONSPIRACY TO INFLICT EMOTIONAL DISTRESS**

8 168. All preceding paragraphs are hereby incorporated by reference as if
9 fully set forth herein.
10

11 169. Defendants agreed with each other and others to participate in a series
12 of unlawful acts.
13

14 170. Each Defendant performed one or more overt acts pursuant to and in
15 furtherance of the common scheme.

16 171. Defendants are liable for intentional infliction of emotional distress on
17 Plaintiff because they because they set the conditions, directly and indirectly
18 facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to
19 inflict emotional distress on Plaintiff.
20

21 172. Defendants' knowing participation in the conspiracy to inflict
22 intentionally emotional distress caused grave and foreseeable damages to Plaintiff.
23
24
25
26
27

**COUNT EIGHTEEN
AIDING AND ABETTING
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

173. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

174. Defendants knowingly and substantially assisted others in intentionally inflicting emotional distress upon Plaintiff.

175. Defendants are liable for the injuries caused by the intentional infliction of emotional distress because they substantially aided and abetted others in causing the emotional distress to Plaintiff.

176. Defendants' knowing and substantial assistance to others caused grave and foreseeable damages to Plaintiff.

**COUNT NINETEEN – AGAINST THE CORPORATE DEFENDANTS
NEGLIGENT HIRING AND SUPERVISION**

177. All preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

178. Defendants acted negligently and directly harmed Plaintiff by taking or failing to take one or more of the following steps:

(a) failing to take the appropriate steps in hiring proper personnel to perform services;

(b) failing to screen properly personnel before their hiring;

(c) failing to train personnel or subsidiary personnel properly to perform

1 services in a legal fashion;

2 (d) failing to investigate allegations of torture and abuse carried out by their
3 subsidiaries or their employees;

4 (e) failing to report to the government allegations of torture and abuse
5 carried out and witnessed by their agents

6 (f) failing to adequately supervise and discipline their employees, and

7 (g) negligently setting the conditions that facilitated the abuse.

8
9
10 179. The negligence of CACI and L-3 directly and foreseeably harmed
11 Plaintiff.
12

13 **COUNT TWENTY –**
14 **AGAINST THE CORPORATE DEFENDANTS**
15 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

16 180. All preceding paragraphs are hereby incorporated by reference as if
17 fully set forth herein.

18 181. Defendants negligently inflicted severe emotional distress on Plaintiff.

19 182. Defendants had a duty to Plaintiff, which they breached.

20 183. The negligence of CACI and L-3 directly and foreseeably harmed
21 Plaintiff.
22
23
24
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27

JURY DEMAND AND PRAYER FOR DAMAGES

Plaintiffs seek a jury trial. Plaintiffs are entitled to any and all remedies available to them as a result of the conduct alleged herein, including, but not limited to:

- (a) compensatory damages for physical, mental and economic injuries;
- (b) punitive damages in an amount sufficient to punish Defendants for engaging in human rights abuses and deter similar behavior
- (c) any attorneys' fees and costs permitted by law.

Date: May 19, 2008



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