

Next step in Abu Ghraib suits

6 years after abuse charges, with no amends made, Iraqis take case to Supreme Court

The Associated Press

WASHINGTON — Fending off demands that he resign over the Abu Ghraib prison scandal, then-Defense secretary Donald Rumsfeld told Congress in 2004 that he had found a legal way to compensate Iraqi detainees who suffered “grievous and brutal abuse and cruelty at the hands of a few members of the United States armed forces.”

“It’s the right thing to do,” Rumsfeld said. “And it is my intention to see that we do.”

Six years later, the Army is unable to document a single payment for prisoner abuse at Abu Ghraib. Nor can the more than 250 Iraqis or their lawyers now seeking redress in U.S. courts. Their hopes for compensation may rest on a U.S. Supreme Court decision this week.

The Army says that about 30 former Abu Ghraib prisoners are seeking compensation from the U.S. Army Claims Service. Those claims are still being investigated; many do not involve inmate abuse.

The Army said that U.S. Forces-Iraq looked at its records and could not find any payments to former detainees. The Army also cannot verify whether any such payments were made informally through Iraqi leaders.

From the budget years 2003-06, the Defense Department paid \$30.9 million to Iraqi and Afghan civilians who were killed, injured or incurred property damage as a result of U.S. or coalition forces’ actions during combat. The Army has found no evidence that any of those payments were used to compensate victims of abuse at Abu Ghraib.

So instead of compensation, the legacy of the most infamous detainee abuse episode from President George W. Bush’s tenure is lawsuits, and the court battle mirrors the Iraq war — a grinding, drawn-out conflict.

At the Supreme Court, the former detainees are asking the justices to step into a case alleging that civilian interrogators and linguists conspired with soldiers to abuse the prisoners. All the detainees, who allege they were held at Abu Ghraib or one of the other 16 detention centers in Iraq, say they were eventually released without any charges against them. Their case presents a fundamental legal issue: Can defense contractors working alongside military jailers be sued for claims arising in a war zone?

The U.S. government is immune from lawsuits arising from combatant activities of the military during time of war.

The former detainees are suing CACI International of Arlington, Va., and L-3 Services of New York, formerly called Titan Corp. of San Diego. Both companies say the suits fail to link any of their employees to abuse.

The Supreme Court considers the case in private today and could announce as early as Tuesday whether it will take the case.

“It’s really outrageous that there hasn’t been a widespread commitment to compensate the clear victims of this abuse, and it’s extremely troubling that the government doesn’t appear able to document any compensation for victims whatsoever,” said Vince Warren, executive director of the Center for Constitutional Rights, a private group that has overseen lawsuits against the contractors since 2004. “The U.S. government seems to have failed miserably in securing at least one portion of the accountability for these actions,” he said.

Although the U.S. military used signs, pamphlets, broadcasts and word of mouth to let the Iraqi public know how to make claims against U.S. forces, “very few claims appear to have been made” related to Abu Ghraib inmate abuse, said Lt. Col. Craig Ratcliff, an Army spokesman.

Ratcliff said that 31 requests for compensation filed with the U.S. Army Claims Service “could involve possible detention at Abu Ghraib” and that many of the 31 involve allegations such as missing cash and lost items rather than physical abuse. All 31 “are pending investigation and action.”

The detainees’ allegations and Rumsfeld’s testimony on Capitol Hill on May 7, 2004, offer conflicting views of what took place at Abu Ghraib.

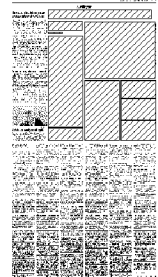
The lawsuits, which seek unspecified compensatory and punitive damages, allege that four prisoners died at Abu Ghraib from beatings and that employees of the defense contractors, U.S. soldiers, or both, were responsible.

Among the hundreds of allegations in the cases:

► While detained at Abu Ghraib, two sisters were forced by their captors to witness their detainee brother being beaten so severely he died of his injuries several days later.

► A young prisoner at Abu Ghraib was forced to watch his detainee father being beaten with guns in the head, back, stomach and genitals days before he died of those injuries.

In contrast, Rumsfeld’s testimony about compensation was based on graphic photographs leaked to



the news media showing abuse inflicted on a relatively small number of detainees during the night shift along Tier 1 at Abu Ghraib from September to December in 2003.

Sworn statements by 13 Abu Ghraib inmates, which U.S. Army investigators found credible, form a key piece of the first public U.S. military report in 2004 on what took place at the prison. At the time, Abu Ghraib was the largest detention facility in Iraq, with 7,000 inmates.

One detainee told investigators that his jailers "beat me so bad, I lost consciousness for an hour or

so." A second prisoner said his assailant "started beating me with the chair until the chair was broken. After that they started choking me. ... I thought I was going to die."

A military investigation later in 2004 identified 44 alleged incidents of detainee abuse at Abu Ghraib.

Eleven U.S. soldiers were convicted of crimes at Abu Ghraib ranging from aggravated assault to taking pictures of naked Iraqi prisoners being humiliated. Five officers were disciplined.



By Maya Alleruzzo, AP

Changes in procedure: Detainees mingle outside their cellblock at a U.S. detention center in Baghdad in November 2008. Allegations of abuse in 2004 at Abu Ghraib led to improvements at other facilities.