

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MOHAMMED ABDWIHED)	
TOWFEK AL-TAEE)	
Baghdad, Iraq)	
)	
Plaintiff)	
)	
v.)	
)	CIVIL COMPLAINT
)	AND JURY DEMAND
L-3 SERVICES, INC.)	
1320 Braddock Place)	
Alexandria, VA 22314)	
)	
Defendant.)	

COMPLAINT

1. Mohammed Abdwaihed Towfek Al-Taee, an innocent Iraqi, was imprisoned and tortured. He brings this tort action against the American company whose employees tortured, and conspired with others to torture, him: L-3 Services Inc. (formerly Titan Corporation). L-3 Services Inc. is a publicly-traded corporation that recruited heavily for translators in this District. L-3 made millions of dollars selling translator services to the United States military, but failed to expend any energy or resources to prevent its translators from torturing, and

participating in the torture, of Mr. Al-Taee and hundreds of other innocent Iraqis who were mistakenly swept up in raids.

JURISDICTION AND VENUE

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

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

4. Plaintiff Mohammed Abdwaihed Towfek Al-Taee is a resident of Baghdad. He is an innocent Iraqi who was badly tortured by L-3 employees and their co-conspirators.

5. Defendant L-3 Services, Inc. is a publicly-traded Delaware corporation with headquarters located at 1320 Braddock Place, Alexandria, Virginia 22314. L-3 employed all the civilian translators used by the military in Iraq, including a man named Adel Nakhla.

6. L-3 recruited extensively in this District, including in Wayne County and Dearborn. L-3 hired numerous persons from this District, and sent them to Iraq to serve as translators.

7. L-3 received millions of dollars from the United States in exchange for providing the United States Army with services, including translation and interrogation services.

THE TORTURE OF MOHAMMED ABDWIHED TOWFEK AL-TAE

8. Mr. Al-Tae, a 39-year old taxi driver, was repeatedly and gravely tortured during his imprisonment in American-controlled prisons.

9. On or about August 21, 2003, Mr. Al-Tae picked up a customer in his taxi, and drove him home. The customer invited him into his home. Mr. Al-Tae accepted his offer of hospitality. As he sat resting in his customer's home, he was detained by American forces. Mr. Al-Tae learned later that he likely was the victim of the American practice of paying money to Iraqis for "tips."

10. During his detention at numerous sites, including Abu Ghraib, Mr. Al-Tae was horrifically abused by L-3 translators and their co-conspirators. Mr. Al-Tae was forced to consume so much water that he began to vomit blood. After having vomited several times, Mr. Al-Tae fainted. After he resumed consciousness, the abuse continued. The translator and his co-conspirators tied a plastic line tight around Mr. Al-Tae's penis and forced him to consume even more liquid. This forced consumption of liquids, combined with the forcible prevention of urination, almost killed Mr. Al-Tae.

11. Mr. Al-Tae'e was struck and beaten with metal instruments.
12. Mr. Al-Tae'e was deprived of food.
13. Mr. Al-Tae'e was deprived of sleep for extended periods of time.
14. Mr. Al-Tae'e was placed in painful stress positions for extended periods of time.
15. Mr. Al-Tae'e was threatened with death.
16. Mr. Al-Tae'e was suffocated with a hood.
17. Mr. Al-Tae'e was forced to engage in physical activity to the point of exhaustion.
18. After being held for nine months in prison, Mr. Al-Tae'e was released on or about May 28, 2004 without being charged with any crime.

THE TORTURE CONSPIRACY

19. Although Mr. Al-Tae'e was often hooded when he was being tortured, and he was never told the names of his torturers, certain facts are known about L-3's participation in the torture. The facts known to date show that many L-3 employees (Adel Nakhla among others), conspired with military personnel and corporate personnel from a company called CACI to torture prisoners. These corporate employees instigated, directed, participated in, aided and abetted conduct towards prisoners that clearly violated the Geneva Conventions, the Army Field Manual, and the laws of the United States.

20. L-3 translators participated at every step along the way, translating threats and assisting with the physical torture of victims.

21. In addition, L-3 translators acted without direction from the military. L-3 translators beat prisoners, threatened them with death and rape, threatened their families, and other persecuted the defenseless prisoners.

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

23. L-3's motivation was wholly financial -- it made millions of dollars as a result of keeping quiet about and participating in the conspiracy to torture and mistreat Mr. Al-Tae and other prisoners.

**L-3 COULD HAVE PREVENTED AND STOPPED
ITS EMPLOYEES FROM TORTURING MR. AL-TAE**

24. Adel Nakhla worked for L-3, as did the other translators who beat and kicked and abused Mr. Al-Tae. L-3's Nakhla has confessed to government officials that he participated in torturing and abusing prisoners.

25. Other L-3 employees have admitted to participating in torturing and abusing prisoners.

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

27. L-3 at all times was obliged by the terms of its contract to supervise their employees.

28. L-3 at all times retained the ability to stop Nakhla and their other employees from torturing Mr. Al-Tae and other victims.

29. L-3 is responsible for the actions taken by their employees towards Mr. Al-Tae.

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

30. To date, the “investigations” of the events at Abu Ghraib have failed to include the fundamental step of interviewing the hard site victims.

31. Reasonable discovery will establish that, in addition to participating in the actual physical and mental abuse of Mr. Al-Tae, Adel Nakhla and other L-3 employees participated in other conspiratorial misconduct, including, but not limited to:

- (a) destroying documents, videos, and photographs,
- (b) preventing the reporting of the torture and abuse to non-conspiring authorities, the International Committee of the Red Cross (“ICRC” or “Red Cross”) and the media,

- (c) hiding Mr. Al-Tae and other prisoners from the ICRC, and
- (d) misleading non-conspiring military and government officials

about the state of affairs at the prisons.

**DEFENDANT KNEW THAT TORTURE OF PRISONERS
VIOLATED THE LAWS OF THE UNITED STATES**

32. L-3 intentionally and knowingly agreed to and did work in concert with the co-conspirators CACI and certain military personnel. To the extent that any particular act was perpetrated by a co-conspirator, L-3 confirmed and ratified the same.

33. Defendant knew that the conspiracy to torture would harm Mr. Al-Tae.

34. L-3 earned millions of dollars in revenues as a result of participating in the ongoing conspiracy.

35. L-3 invested the financial fruits of the conspiracy in ongoing operations.

36. L-3 knew that CACI employees and military officials were prohibited from torturing prisoners by the Army Field Manual and other controlling law, and that any military officials who were doing so were violating the law.

37. L-3 knew that the United States government has denounced the use of torture and other cruel, inhuman or degrading treatment at all times. L-3 knew that

it was illegal for them to participate in, instigate, direct, or aid and abet the torture of Mr. Al-Tae and other prisoners.

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

39. L-3 knew that the ban on torture is absolute and no exigent circumstances permit the use of torture.

40. L-3 knew that the United States intended and required that any person acting under the contract to the United States would conduct themselves in accord with the relevant domestic and international laws.

41. L-3 knew and understood that the United States does not condone torture of prisoners.

42. Defendant cannot credibly claim that the wrongful and criminal conduct of certain military and government personnel misled them into thinking that the torture of prisoners was lawful and permissible.

L-3 ACTED NEGLIGENTLY

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

44. L-3 acted negligently and wrongfully by failing to discipline those who engaged in wrongful acts in Iraq.

45. L-3 acted negligently and wrongfully by failing to take due care in recruiting and hiring employees for deployment to Iraq.

46. L-3 acted negligently and wrongfully by failing to train their employees.

47. L-3 acted negligently and wrongfully by failing to supervise adequately their employees. L-3 has admitted that it failed to supervise its employees despite being required by its contract with the United States to do so.

48. L-3 acted negligently and wrongfully by failing to investigate and report accusations of wrongdoing committed and witnessed by their employees and agents.

49. L-3 profited financially from their negligent misconduct. The United States paid L-3 millions of dollars in exchange for their contractual promises to provide services in a lawful manner.

50. Instead of providing those services in a lawful manner, L-3 failed to ensure that their employees and agents abided by the contract terms and in accordance with the Geneva Conventions.

51. L-3 injured Mr. Al-Taee and harmed the reputation of the United States throughout the world.

52. Mr. Al-Taee seeks compensatory and punitive damages in an amount far in excess of the jurisdictional amount set forth in 28 U.S.C. § 1332 (\$75,000).

53. Mr. Al-Taee seeks any and all additional remedies (such as attorneys' fees) available under law.

COUNT ONE
TORTURE

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

93. Defendant's acts and omissions were deliberate and intentional. Defendant acted purposefully to punish, intimidate, discriminate and to obtain

information from Mr. Al-Tae, who was in the physical custody and control of Defendant employees.

94. The acts committed by Defendant and their agents constitute torture in violation of the law of nations. The acts of torture committed against Mr. Al-Tae include, among other things, beatings, forced nudity, death threats, withholding of food, water and necessary medical care, and intentional exposure to extremes of heat and cold. The acts, done by Defendant working under contract with the United States, directly contradicted the United States' express policy against torture.

95. Defendant's misconduct caused grave and foreseeable injuries to Mr. Al-Tae.

COUNT TWO CIVIL CONSPIRACY TO TORTURE

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

97. Defendant agreed to participate in a series of unlawful acts.

98. Defendant performed one or more overt acts pursuant to and in furtherance of the common scheme.

99. Defendant is liable for torture because their employees set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to torture Mr. Al-Tae.

100. Defendant's knowing participation in the conspiracy caused grave and foreseeable damages to Mr. Al-Taee.

**COUNT THREE
AIDING AND ABETTING TORTURE**

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

102. Defendant knowingly and substantially assisted others in torturing Mr. Al-Taee.

103. Defendant is liable for the torture because their employees aided and abetted others who were torturing Mr. Al-Taee.

104. Defendant's substantial assistance caused grave and foreseeable damages to Mr. Al-Taee.

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

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

106. The acts described herein had the intent and the effect of causing serious mental and physical pain and suffering to Mr. Al-Taee, grossly humiliating and debasing the Mr. Al-Taee, and forcing him to act against his will and conscience, inciting fear and anguish and breaking his physical or moral resistance.

107. Defendant set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to subject Mr. Al-Tae to cruel, inhuman or degrading treatment.

108. Defendant is liable for their employees' conduct that led to the cruel, inhuman and degrading treatment of Mr. Al-Tae.

109. Defendant's misconduct caused grave and foreseeable injuries to Mr. Al-Tae.

COUNT FIVE
CIVIL CONSPIRACY TO TREAT PLAINTIFF IN
A CRUEL, INHUMAN OR DEGRADING MANNER

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

111. Defendant agreed with CACI International Inc. and certain military personnel to participate in a series of unlawful acts.

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

113. Defendant is liable for the cruel, inhuman and degrading treatment of Mr. Al-Tae because their employees set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to so treat Mr. Al-Tae.

114. Defendant's knowing participation in the conspiracy caused grave and

foreseeable damages to Mr. Al-Tae.

**COUNT SIX
AIDING AND ABETTING
CRUEL, INHUMAN AND DEGRADING TREATMENT**

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

116. Defendant knowingly and substantially assisted others in treating Mr. Al-Tae in a cruel, inhuman and degrading manner.

117. Defendant is liable for the injuries caused by the cruel, inhuman and degrading treatment because their employees substantially aided and abetted others in so treating Mr. Al-Tae.

118. Defendant's knowing and substantial assistance to others caused grave and foreseeable damages to Mr. Al-Tae.

**COUNT SEVEN
WAR CRIMES**

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

120. Defendant's acts were deliberate, willful, intentional, wanton, malicious and oppressive and constitute grave breaches of the Geneva Conventions and war crimes. These acts included torture, cruel, inhuman and degrading treatment, and willfully causing great suffering and serious bodily injury to Mr. Al-Tae.

121. Defendant's acts took place during a period of armed conflict, in connection with hostilities.

122. Defendant set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to commit war crimes against Mr. Al-Tae.

123. Defendant is liable for employee conduct that constitutes war crimes.

124. Defendant's misconduct caused grave and foreseeable injuries to Mr. Al-Tae.

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

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

126. Defendant agreed with each CACI International Inc. and certain military personnel to participate in a series of unlawful acts.

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

128. Defendant is liable for war crimes against Mr. Al-Tae because their employees set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to commit war crimes against Mr. Al-Tae.

129. Defendant's knowing participation in the conspiracy caused grave and

foreseeable damages to Mr. Al-Tae.

COUNT NINE
AIDING AND ABETTING COMMISSION OF WAR CRIMES

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

131. Defendant knowingly and substantially assisted others in committing war crimes against Mr. Al-Tae.

132. Defendant is liable for the injuries caused by the war crimes because their employees substantially aided and abetted others in committing war crimes against Mr. Al-Tae.

133. Defendant's knowing and substantial assistance to others in the commission of war crimes caused grave and foreseeable damages to Mr. Al-Tae.

COUNT TEN
ASSAULT AND BATTERY

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

135. Defendant unlawfully intended to and did inflict immediate injury upon Mr. Al-Tae.

136. Defendant intentionally assaulted, battered and made other offensive contacts; and aided and abetted the assault and battery and offensive contacting, of Mr. Al-Tae.

137. Mr. Al-Tae did not consent to the offensive contacts. Mr. Al-Tae feared his personal safety and felt threatened by Defendant's actions.

138. Defendant set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to commit the assaults and batteries.

139. Defendant's acts caused grave and foreseeable damage to Mr. Al-Tae.

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

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

141. Defendant agreed with each other and others to participate in a series of unlawful acts.

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

143. Defendant is liable for the assaults and batteries against Mr. Al-Tae because they set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to commit the assaults and batteries.

144. Defendant's knowing participation in the conspiracy to assault and batter caused grave and foreseeable damages to Mr. Al-Tae.

**COUNT TWELVE
AIDING AND ABETTING
ASSAULTS AND BATTERIES**

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

146. Defendant knowingly and substantially assisted others in assaulting and battering Mr. Al-Tae.

147. Defendant is liable for the injuries caused because they substantially aided and abetted others in assaulting and battering Mr. Al-Tae.

148. Defendant's knowing and substantial assistance to others caused grave and foreseeable damages to Mr. Al-Tae.

**COUNT THIRTEEN
SEXUAL ASSAULT AND BATTERY**

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

150. Mr. Al-Tae was sexually assaulted and battered by Defendant and their co-conspirators.

151. Defendant intended to, and did, cause offensive sexual contacts with intimate parts of Mr. Al-Tae. Defendant acted to cause Mr. Al-Tae imminent apprehension of harmful and offensive contact with his intimate parts.

152. Mr. Al-Tae did not consent to the contacts. Mr. Al-Tae feared for his personal safety and felt threatened by Defendant's actions.

153. Defendant set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to sexually assault and batter Mr. Al-Taee.

154. Defendant's act caused grave and foreseeable damages to Mr. Al-Taee.

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

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

156. Defendant agreed with each other and others to participate in a series of unlawful acts.

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

158. Defendant is liable for the sexual assaults and batteries against Mr. Al-Taee because their employees set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to sexually assault and batter Mr. Al-Taee.

159. Defendant's knowing participation in the conspiracy caused grave and foreseeable damages to Mr. Al-Taee.

**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. Defendant knowingly and substantially assisted others in sexually assaulting Mr. Al-Tae.

162. Defendant is liable for the injuries caused by the crimes because they substantially aided and abetted others in sexually assaulting and battering Mr. Al-Tae.

163. Defendant's knowing and substantial assistance to others caused grave and foreseeable damages to Mr. Al-Tae.

**COUNT SIXTEEN
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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

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

166. Defendant set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to inflict emotional distress on Mr. Al-Tae.

167. Defendant's acts caused grave and foreseeable injuries to Mr. Al-Tae.

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

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

169. Defendant agreed with others to participate in a series of unlawful acts.

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

171. Defendant is liable for intentional infliction of emotional distress on Mr. Al-Tae because their employees set the conditions, directly and indirectly facilitated, ordered, acquiesced, confirmed, ratified and conspired with others to inflict emotional distress on Mr. Al-Tae.

172. Defendant's knowing participation in the conspiracy to inflict intentionally emotional distress caused grave and foreseeable damages to Mr. Al-Tae.

**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. Defendant knowingly and substantially assisted others in intentionally inflicting emotional distress upon Mr. Al-Taee.

175. Defendant is 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 Mr. Al-Taee.

176. Defendant's knowing and substantial assistance to others caused grave and foreseeable damages to Mr. Al-Taee.

**COUNT NINETEEN
NEGLIGENT HIRING AND SUPERVISION**

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

178. Defendant acted negligently and directly harmed Mr. Al-Taee 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

services in a legal fashion;

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

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

(f) failing to adequately supervise and discipline their employees; and

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

179. The negligence of L-3 directly and foreseeably harmed Mr. Al-Tae.

**COUNT TWENTY
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

181. Defendant negligently inflicted severe emotional distress on Mr. Al-Tae.

182. Defendant had a duty to Mr. Al-Tae, which they breached.

183. The negligence of CACI and L-3 directly and foreseeably harmed Mr. Al-Tae.

JURY DEMAND AND PRAYER FOR DAMAGES

184. Mr. Al-Tae seeks a jury trial.

185. Mr. Al-Tae is 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; and
- (c) any attorneys' fees and costs permitted by law.

Date: June 30, 2008

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