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## Defense contractor claims immunity in Iraq torture

By **DAVID DISHNEAU**  
*Associated Press Writer*

Defense contractor CACI is claiming immunity from an Abu Ghraib torture lawsuit because it was doing the government's work by supplying interrogators to the U.S.-run prison in Iraq, according to court documents.

CACI International Inc. and sister company CACI Premier Technology Inc., both of Arlington, Va., say they will use the immunity defense in a dismissal motion they plan to file next week in U.S. District Court in Alexandria, Va.

The CACI case and another civil lawsuit pending in federal court in Greenbelt, Md., against New York-based L-3 Communications Corp., formerly Titan Corp., allege the contractors conspired with others to torture Abu Ghraib detainees in 2003 and 2004.

Eleven low-ranking U.S. soldiers have been convicted of breaking military laws by abusing detainees whose degrading treatment, including being held naked on leashes, was revealed in widely seen photographs, but no contractors have been charged in the scandal.

In a memorandum filed Wednesday seeking to delay the proceedings, CACI lawyers J. William Koegel Jr. and John F. O'Connor said they would file a motion to dismiss the case. CACI "will assert a defense of absolute official immunity" stemming from its role as a contractor performing government work, the lawyers wrote.

A hearing on the motion is scheduled for Oct. 3.

Titan Corp. successfully used an immunity defense in winning dismissal last year of similar allegations its translators faced in a federal civil case in the District of Columbia; the plaintiffs are appealing. CACI failed to win dismissal in the same case because the judge ruled that unlike Titan, CACI had its own chain of command that required CACI interrogators to report abuse to the company as well as the military. The case, *Saleh v. Titan*, hasn't yet gone to trial.

Philadelphia attorney Susan L. Burke, lead attorney in the *Saleh* case and for the four plaintiffs in the Alexandria case, *Al Shimari v. CACI*, said Friday that the immunity claim is "ridiculous."

"They're not the government and they don't have absolute immunity," Burke said.

The CACI and L-3 cases are the survivors of five lawsuits Burke and the New York-based Center for Constitutional Rights filed around the country in May and June. Burke said the plaintiffs, now numbering 76, decided to merge the five lawsuits into two after CACI succeeded in having some of the cases moved to the federal court in northern Virginia.

The original complaints, filed in Greenbelt, Los Angeles, Seattle, Detroit and Columbus, Ohio, named individual CACI and L-3 employees who lived in those states. At the request of the defendants on the grounds of efficiency, three of the cases were transferred in August to the federal court in northern Virginia.

As a result, the plaintiffs revised their complaints to consolidate them and focus on the companies, rather than the workers.

"We basically reassessed, regrouped and adopted a different litigation strategy," Burke said. "Our original strategy was to go to the hometowns of individual participants. Once we were unsuccessful in that, our strategy now is more of corporate-focused strategy."

L-3 contended in a filing Sept. 8 in the case in Maryland that Burke was "judge shopping."

"These actions include selectively dismissing cases assigned to judges she preferred to avoid and defendants she wished to separate into different venues," attorney F. Greg Bowman wrote in a motion that seeks to have the L-3 case consolidated with the CACI case in northern Virginia.

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On the Net:

CACI International Inc.: <http://www.caci.com>

L-3 Communications Corp.: <http://www.l-3com.com>

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