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4
5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

7 SALEH, an individual; SAMI ABBAS AL RAWI,
an individual; MWAFQA SAMI ABBAS AL
8 RAWI, an individual; AHMED, an individual;
ISMAEL, an individual; NEISEF, an individual;
9 ESTATE OF IBRAHIEM, the heirs and estate of an
individual; RASHEED, an individual; JOHN DOE
10 NO. 1; JANE DOE NO. 2; CLASSES OF
PERSONS SIMILARLY SITUATED, KNOWN
11 HEREINAFTER AS JOHN and JANE DOES NOS.
3 – 1050,

12 Plaintiffs,

13 v.

14 TITAN CORPORATION, a Delaware Corporation;
15 ADEL NAKHLA, a Titan employee located in Abu
Ghraib, Iraq; CACI INTERNATIONAL INC., a
16 Delaware Corporation; CACI INCORPORATED –
FEDERAL, a Delaware Corporation; CACI N.V., a
17 Netherlands corporation; STEVEN A.
STEFANOWICZ, a CACI employee located in Abu
18 Ghraib, Iraq; and JOHN B. ISRAEL, a Titan
subcontractor located in Abu Ghraib, Iraq,

19
20 Defendants.

) Case No. '04 CV 1143 R (NLS)

) **CLASS ACTION**

) **PLAINTIFFS' RICO CASE**
) **STATEMENT FILED PURSUANT**
) **TO LOCAL RULE 11.1**

) **FILED BY FACSIMILE**

21 Plaintiffs hereby file their initial RICO Case Statement pursuant to Local Rule 11.1.
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RESPONSES

1. **State whether the alleged unlawful conduct is in violation of 18 U.S.C. 1962(a), (b), (c), and/or (d).**

Defendants' unlawful conduct violates subsections (a), (c) and (d) of 18 U.S.C. § 1962. Plaintiffs believe additional discovery and investigation may reveal that Defendants' unlawful conduct also violates subsection (b) and respectfully reserves the right to supplement this RICO Case Statement upon the completion of discovery relating to subsection (b).

2. **List the defendants and state the alleged misconduct and basis of liability of each defendant.**

Titan Corporation ("Defendant Titan") - Defendant Titan, acting through its employees, engaged in racketeering activity by participating in a conspiracy that kidnapped persons and repeatedly threatened to murder and harm persons being detained in prisons in Iraq. Plaintiffs also believe that discovery and further investigation will establish that Defendant Titan, acting through its employees, conspired to murder persons being detained in prison in Iraq and transported stolen property across state lines. Defendant Titan acted in Iraq through Defendants Adel L. Nakhla and John B. Israel, as well as Simon Rouhana, Wagdy Ashamalla, Hussein Gurashi, Bakeer Naseef, Khalid Omran, Al Sleem, Leonardo Acho, Hoger Sairany, Sonia Mohammed, Hana Korkis, Keirkan Hovsepien, Nesrin Dikow, Amal Hanna, Mervat Mousa, Nada Fradi, Issam Hamama, and Rauf Zeerak. Further discovery and investigation is needed to establish which of these persons and other as yet to be identified persons participated along with Adel Nakhla and John B. Israel in racketeering activity.

Adel Nakhla. Defendant Nakhla engaged in racketeering activity by personally participating in a conspiracy that kidnapped persons, and repeatedly threatened to murder and harm persons being detained in prisons in Iraq.

John B. Israel. Defendant Israel engaged in racketeering activity by participating in a conspiracy that repeatedly threatened to murder and otherwise harm persons being detained in prisons in Iraq.

1 CACI International, Inc., CACI Incorporated – Federal, CACI N.V. (“CACI Corporate
2 Defendants”) The CACI Corporate Defendants, acting through its employees, engaged in
3 racketeering activity by participating in a conspiracy that kidnapped persons and repeatedly
4 threatened to murder and harm persons being detained in prisons in Iraq. In addition, Plaintiffs
5 believe that discovery and further investigation will establish that the CACI Corporate Defendants,
6 acting through its employees, conspired to murder and otherwise harm persons being detained in
7 prison in Iraq and transported stolen property across state lines. The CACI Corporate Defendants
8 acted in Iraq through, among others, Peter Bilon, Jeff McCall, Ferdinand Ibabao, Harold Mong,
9 Michael Tutor, Allen West, Tyrone Gardner, Ken Powell, Mohammed Ali, Joseph Solin, Dan
10 Porvoznik, Mike Cahoon, Donald Hyde, John Blee, Mike Hensch, Luke Olander, Kevin
11 Bloodworth, Martin Meadows, James Mayo, Tim Dugan, Torin Nelson, Skylar Greco, Don
12 Simpson, Eric Fair, William Armstrong, Sean Duysen, Scott Norman, Mike Bagdasarov, Defendant
13 Steven Stefanowicz, C. James Albury, Dan Johnson, Steve Hattabaugh, and Joseph Ryan. Further
14 discovery and investigation will establish which of these persons in addition to Defendant Steven
15 Stefanowicz engaged in racketeering activity.

16 Steven A. Stefanowicz. Defendant Stefanowicz engaged in racketeering activity by
17 participating in a conspiracy that kidnapped persons and repeatedly threatened to murder and
18 otherwise harm persons being detained in prisons in Iraq.

19 Basis for liability under RICO for Defendants: Defendant Titan, CACI Corporate
20 Defendants, Defendant Stefanowicz, Defendant Israel, and Defendant Nakhla conspired with
21 certain United States officials to engage in a series of wrongful and illegal acts, including but not
22 limited to, kidnapping and repeatedly threatening murder and harm.

23 Defendants intentionally participated in this conspiracy and knowingly engaged in a pattern
24 and practice of wrongful acts in order to inflate artificially by these acts the demand for
25 interrogation and other related services such as interpretation and translation (collectively referred
26 to as “Interrogation Services”).
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1 Defendants profited from this artificially-inflated “supply” of “intelligence” because it
2 caused the United States to increase the demand for such services and direct additional government
3 contracts to Defendant Titan and CACI Corporate Defendants.

4 Each of the Defendants was the agent, employee and/or joint venturer, and/or working in
5 concert with, other Defendants and was acting within the course and scope of such agency,
6 employment and/or joint venture or concerted activity. To the extent that any particular act was
7 perpetrated by a certain Defendant or Defendants, the remaining Defendant or Defendants
8 confirmed and/or ratified the same.

9 **3. List alleged wrongdoers, other than the defendants listed above, and state the**
10 **alleged misconduct of each wrongdoer.**

11 Certain government officials (hereinafter included in the term “Torture Conspirators”)
12 conspired with Defendants to engage in racketeering acts, including but not limited to threatening
13 murder and murder. Among other acts, these government officials adopted and/or implemented
14 “Rules of Engagement” for Interrogations purporting to permit Interrogators to threaten detainees
15 with death. These government officials adopted and/or implemented policies and practices that led
16 to detainees being kidnapped, tortured, threatened with death and bodily harm, physically and
17 mentally permanently disabled, and, in some cases, murdered.

18 Further discovery and investigation is needed to identify all of the conspiring government
19 officials, but they include Donald H. Rumsfeld, Douglas J. Feith, Major General Geoffrey D.
20 Miller, Stephen A. Cambone, Mark Jacobson, General Ricardo Sanchez, Lieutenant Colonel Jerry
21 Phillabaum, Brigadier General Janis L. Karpinski, Colonel Thomas M. Pappas, Lieutenant Colonel
22 Steven L. Jordan, Major David W. DiNenna, Sr., CPT Donald J. Reese, Major General Barbara
23 Fast, Maj. General Walter Wojdakowski, First Lieutenant Lewis C. Raeder, Sergeant Major Marc
24 Emerson, First Sergeant Brian G. Lipinski, Sergeant First Class Shannon K. Snider, Specialist
25 Sabrina Harman, Sergeant Javal S. Davis, Specialist Charles A. Graner, Jr., Staff Sgt. Ivan L.
26 Frederick II, 800th MP Brigade S-4 Major Green, Lieutenant Colonel James O’Hare, Lieutenant
27 Gary Maddocks, Specialist Jeremy Sivits, PFC Lynndie R. England, Captain Carolyn A. Wood,
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1 Spec. Megan M. Ambuhl, Master Sgt. Lisa Girman, Scott McKenzie, SFC Tracey E. Perkins, Lt.
2 Jack M. Saville, Sgt. Reggie Martinez, and SPC Terry Bowman.

3 Further discovery and investigation is needed to ascertain whether the following persons
4 also participated in the conspiracy and illegal racketeering activity: CPL Brottomesso, CPT
5 Chamorro, CPT McNealkidd, CPT Thompson, CW2 Graham, CW2 Rivas, CW2 Rumminger, MAJ
6 Price, PFC Banks, PFC Stumpf, PFC Williams, SFC Brokaw, SFC Cecil, SFC Johnson, SFC
7 Roberts, SFC Seija, SFC Yeske, SGT Brown, SGT Chan, SGT DeLaRosa, SGT Dennis, SGT
8 Eckroth, SGT Garcia, SGT Gouldner, SGT Hernandez, SGT Hill, SGT Kasse, SGT Knuth, SGT
9 Komarek, SGT Laursen, SGT Lee, SGT Monserate, SGT Moore, SGT Provance, SGT
10 Siegenthaler, SGT Stoltzman, SGT Yager, SGT Yi, SPC Blalock, SPC Blalock, SPC Borden, SPC
11 Breitman, SPC Caudill, SPC Chavarna, SPC Chavarrla, SPC Clardy, SPC Cruz, SPC DeLaRosa,
12 SPC Delgado, SPC Drown, SPC Ellis, SPC Forcash, SPC Garhart, SPC Gilchrist, SPC Griffin, SPC
13 Harris, SPC Heidenreich, SPC Janes, SPC Johnson, SPC Kersey, SPC Ketzer, SPC Langlanese,
14 SPC Mitchell, SPC Monath, SPC Nelson, SPC Pazdersky, SPC Porter, SPC Rivera, SPC Rush,
15 SPC Schlegal, SPC Shepherd, SPC Son, SPC Spencer, SPC Travise, SPC Walker, SPC Webster,
16 SPC Wong, SPC Zawacki, SSG Aston, SSG Blumenburg, SSG Burgess, SSG Henderson, SSG
17 Klesowitch, SSG Labonte, SSG Neal, SSG Schuster, SSG Strothenke, SSG Swiderski, SSG
18 Williams, SSG Yusufoff, and SSG Zambito.

19 **4. List the alleged victims and state how each victim was allegedly injured.**

20 Victims who have suffered RICO injuries include Plaintiff Sami Abbas Majdel Al Rawi
21 (“Plaintiff Sami”), a 56-year old Iraqi citizen, residing at Bhagdad – Amirya – PL636, St 74, House
22 No. 19, Bhagdad, Iraq. He owns and manages a company in Baghdad that had entered into a
23 number of reconstruction contracts with the United States government. On March 1, 2004, Plaintiff
24 Sami was arrested and detained at the Baghdad International Airport Prison, together with his four
25 sons. Plaintiff Sami was tortured and otherwise mistreated by the Defendants and their co-
26 conspirators. Plaintiff Sami was released without charge on March 6, 2004. At the time of his
27 arrest, Plaintiff Sami had in his possession \$65,750 and 15,350,000 Iraqi dinars, as well as other
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1 valuables. The Torture Conspirators wrongfully confiscated and kept this money and property
2 following Plaintiff Sami's arrest.

3 Victims who have suffered RICO-injuries include Plaintiff Ahmed ("Plaintiff Ahmed"), an
4 Iraqi released without charge after five months of detention in Abu Ghraib Prison, Tent No. 7,
5 Camp No. 3. His prison number was No. 154120. Plaintiff Ahmed was tortured and otherwise
6 mistreated by the Defendants and their co-conspirators. Plaintiff Ahmed also suffered property
7 losses as a result of actions by the Torture Conspirators. They destroyed his house, and took
8 \$3,200 in cash, \$1,500 worth of gold, and jewelry and other property.

9 Victims who have suffered RICO injuries include Plaintiff Neisef ("Plaintiff Neisef"), an
10 Iraqi who was detained for seven months in Abu Ghraib Prison, Tent No. 7, Camp No. 3, and for
11 five months in Buka Prison. Plaintiff Neisef was tortured and otherwise mistreated by the
12 Defendants and their co-conspirators. Plaintiff Neisef suffered property losses as a result of actions
13 by the Torture Conspirators. They damaged his house, took \$6,000 in cash, \$1,000 worth of gold
14 and jewelry.

15 Victims who suffered RICO injuries also include the class known as Plaintiffs John and
16 Jane Does Nos. 3 – 500, which are persons who (a) have been forcibly detained in prisons or
17 facilities in or around Iraq subsequent to the fall of the Hussein regime; (b) have been subjected to
18 conditions and abuses that violate United States domestic law, international treaties, and norms of
19 customary international humanitarian and human rights law; and (c) have suffered injuries to their
20 properties and businesses as a result of those conditions and abuses. (This Class shall hereinafter
21 be known as the "RICO Class.")

22 The Torture Conspirators have caused extensive damage to certain Plaintiffs' businesses
23 and properties, including, upon information and belief, putative RICO Class Members' businesses
24 and properties located in the United States.

25 In addition to the victims who suffered RICO injuries, there are many victims of the Torture
26 Conspiracy who lost their lives or who survived but who were permanently physically and mentally
27 harmed by the torture. These include, but are not limited to, the persons identified as murdered in
28 response to Question No. 5, Amjed Isail Waleed, Hiadar Saber Abed Miktub-Aboodi, Huessin

1 Mohssein Al-Zayiadi, Kasim Medhaddi Hilas, Mohanded Juma, Mustafa Jassim, Shalan Said
2 Alsharoni, Abd Alwhab Youss, Asad Hamza Hanfosh, Nori Samier Gunbar Al-Yasseri, Thaar
3 Salman Dawod, Ameen Sa'eed Al-Sheikh, and Abdou Hussain Saad Faleh, plaintiffs, and the
4 putative class of plaintiffs. Plaintiffs reserve the right to conduct discovery to ascertain whether
5 these additional victims also suffered RICO injuries in addition to being deprived of life and/or
6 physical and mental health.

7 **5. Describe in detail the pattern of racketeering activities or collection of unlawful**
8 **debts alleged for each RICO claim. The description of the pattern of racketeering shall**
9 **include the following information:**

10 (a) **List the alleged predicate acts and the specific statutes that were allegedly**
11 **violated.**

12 Plaintiffs allege that Defendant Titan, CACI Corporate Defendants and the Individual
13 Defendants, together with the co-conspiring government officials, engaged in a systematic and
14 extensive series of illegal acts that formed a pattern and practice of racketeering activity. The
15 pattern and practice of racketeering activities included, but was not limited to, kidnapping, assault
16 including rape, acts and threats of murder, and murder.

17 Statutes violated include, among others, California Code Cal. Penal Code §§ 187-199
18 (homicide); 207-210 (kidnapping); 211-215 (robbery); 217.1-219.3 (attempts to kill); 261-269
19 (rape, abduction, carnal abuse of children, and seduction); 311-312.7 (obscene matter); 422-422.1
20 (criminal threats); United States Code, Title 18, U.S.C. § 1510 (relating to the obstruction of
21 criminal investigations), § 1951 (relating to interference with commerce, robbery, or extortion), §
22 1952 (relating to racketeering), § 1958 (relating to use of interstate commerce facilities in the
23 commission of murder-for-hire), §§ 2251-2252 and 2260 (relating to sexual exploitation of
24 children) and § 2315 (relating to interstate transportation of stolen property); Article 23 of the
25 Transitional Administrative Law, and Iraqi laws in force under Coalition Provisional Authority
26 Regulation No. 1, including Iraqi Penal Code of 1968 and the Criminal Procedure Code of 1972,
27 which include laws prohibiting murder, attempted murder, and robbery.

1 **(b) Provide the date of each predicate act, the participants in each predicate act,**
2 **and a description of the facts constituting each predicate act.**

3 On or about May 11, 2003, persons yet to be identified murdered Hussein Awad Al-Juwadi,
4 a male detainee being held in Bhadgdad, Iraq.

5 On or about June 6, 2003, persons yet to be identified murdered Naem Sadoon Htab, a male
6 Iraqi being detained in Nasyrah, Iraq, by strangling him until he died.

7 On or about June 13, 2003, persons yet to be identified murdered Dilar Dababa, a male
8 detainee being held at a classified interrogation facility in Bagdad known as Camp Cropper. The
9 murder was accomplished by blows to the head, which were described in the death certificate as
10 “closed head injury with a cortical brain contusion and subdural hematoma.”

11 On or about August 22, 2003, persons yet to be identified murdered Tariq Zaid Mohamed,
12 a detainee in Iraq.

13 On or about November 4, 2003, persons yet to be identified, including but not limited to
14 persons who worked with the Special Forces and Navy SEALs, murdered Manadel Al-Jamadi, an
15 Iraqi male detained in Abu Ghraib prison. The murder was described in the death certificate as
16 accomplished by “blunt force injuries complicated by compromised respiration.”

17 On or about November 20, 2003, persons yet to be identified murdered an Iraqi named
18 Jamadi. The murder occurred in Abu Ghraib prison. Subsequent to the murder, persons yet to be
19 identified tried to obscure the murder and portray it as death by natural causes by placing an IV into
20 his arm.

21 On or about November 26, 2003, persons yet to be identified murdered Maj. Gen. Abid
22 Hamed Mowhoush by shoving him head-first into a sleeping bag and smothering him. The murder
23 occurred in Al Qaim, Iraq. The death certificate describes the murder as accomplished by
24 “asphyxia due to smothering and chest compression.”

25 On or about January 9, 2004, persons yet to be identified murdered Abdul Jaleel, a 47-year
26 old Iraqi male. He was murdered at the Forward Operating Bases Rifles Bases, Al Asad, Iraq. His
27 body was discovered shackled to the door of his cell with his hands over his head and gagged. The
28 death certificate describes the murder as accomplished by “blunt force injuries and asphyxia.”

1 On or about April 5, 2004, persons yet to be identified murdered Fashad Mohamad, a male
2 detainee being held at an unknown location in Iraq.

3 On or about April 14, 2004, persons yet to be identified murdered Mousa Farhan. The
4 murder occurred in Abu Ghraib prison.

5 On or about April 28, 2004, persons yet to be identified murdered Fahin Ali Gumas, a 44-
6 year old Iraqi being detained in Baghdad, Iraq. The death certificate describes the murder as
7 accomplished by “multiple gunshot wounds.”

8 On or about June 28, 2003, five persons yet to be identified took a male detainee Saleh into
9 an interrogation booth at the Abu Ghraib prison. One of the persons pulled out a gun and fired at
10 Saleh from several yards away. The attempted murder occurred in Abu Ghraib prison.

11 On or around mid-December, 2003, Sgt. Cardona and other persons yet be identified
12 threatened Ballendia Sadawi Mohammed with death by loosing dogs on him. The threat occurred
13 at the Abu Ghraib prison.

14 On or about December 12, 2003, persons yet to be identified threatened a naked Iraqi
15 detainee with death by loosing a dog on him. The threat of murder occurred in Abu Ghraib prison.

16 On or around early January, 2004, Sgt. Cardona and other persons yet to be identified
17 threatened a yet-to-be identified person with death by bringing a dog to an interrogation booth.

18 On or before May 21, 2004, an unknown employee of Defendant Titan and other persons
19 yet to be identified threatened persons with death and/or severe bodily harm, and forcibly stripped
20 them, handcuffed them, and forced them to assume sexual positions.

21 On a date that has not yet been determined, SPC Sabrina D. Harman and other persons yet
22 to be identified threatened a detained Iraqi with death by loosing dogs on him. The attempted
23 murder occurred at the Abu Ghraib prison.

24 On a date that has yet to be determined, persons who have yet to be identified videotaped
25 the sexual molestation and rape of a 15-year old boy.

26 On dates that have not yet been determined, SPC Sabrina D. Harman and other persons yet
27 to be determined caused to be transported obscene materials.

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1 On or around winter 2003-2004, persons yet to be identified kidnapped the sixteen-year-old
2 son of an Abu Ghraib detainee, stripped the boy naked, threw him in the back of an open truck,
3 drove the truck around in the cold night air, splattered him with mud, and then brought him before
4 his father. The detainee thereafter promised to tell interrogators everything he knew.

5 At a date not yet determined, a translator identified by the media as "Abu Hamid" raped a
6 teenage Iraqi boy while a female who has not yet been identified photographed the rape.

7 At a date not yet determined, persons not yet identified videotaped Iraqi boys being
8 sodomized at the Abu Ghraib prison.

9 On or around November 2003, persons not yet identified imported obscene materials into
10 the United States, including but not limited to pictures of detainees in sexual positions at Abu
11 Ghraib prison.

12 **(c) If the RICO claim is based on the predicate offenses of wire fraud, mail fraud,**
13 **or fraud in the sale of securities, the “circumstances constituting fraud or mistake shall be**
14 **stated with particularity.” Fed. R. Civ. P. 9(b). Identify the time, place and substance of the**
15 **alleged misrepresentations and the identity of persons to whom and by whom the alleged**
16 **misrepresentations were made.**

17 The RICO claims are not based upon the predicate offenses of wire fraud, mail fraud, or
18 fraud in the sale of securities.

19 **(d) State whether there has been a criminal conviction for violation of any**
20 **predicate act.**

21 To date, one participant in the Torture Conspiracy has been convicted. He pleaded guilty
22 and was sentenced to one year in prison.

23 **(e) State whether civil litigation has resulted in a judgment with regard to any**
24 **predicate act.**

25 No.

26 **(f) Describe how the predicate act forms a “pattern of racketeering activity.”**

27 The predicate acts of murder, attempted murder and threats of murder are part of a series of
28 acts beginning as early as January 2002 and continuing to date. These predicate RICO acts, as well

1 as numerous other acts of torture were and are designed to intimidate and coerce hundreds of
2 detainees into providing a continuing stream of “intelligence.”

3 Defendants and the co-conspiring government officials jointly operate six “intelligence”
4 facilities in Iraq. These facilities are known as Talil Airbase, Bushmaster, Bucca, Dogwood,
5 Cropper and Abu Ghraib (which is also spelled as Abu Ghurayb).

6 At each of these facilities, and perhaps at other locations yet to be identified, Defendants
7 and the co-conspiring government officials operated an intensive interrogation, debriefing and
8 intelligence gathering program designed to screen and identify detainees who had valuable
9 “intelligence.”

10 Defendants and the co-conspiring government officials formed “tiger teams” and “break
11 teams.” These teams typically consisted of an Interrogator employed by either the CACI Corporate
12 Defendants or the United States, a Translator employed by Defendant Titan or the United States,
13 and an Analyst employed by either the CACI Corporate Defendants, Defendant Titan or the United
14 States.

15 These “tiger teams” and “break teams” interrogated detainees in interrogation booths. After
16 the completion of an interrogation session, the “intelligence” obtained from the detainee was
17 inputted into a database known as the Interrogation and Reporting Database. This Database was
18 used to generate a “daily interrogation rollup” as well as other statistical reports that reflected the
19 number of interrogations and the amount of information obtained from the interrogations.

20 Defendants and the co-conspiring government officials (“Torture Conspirators”) did not
21 conduct the interrogations in a manner that complied with the law. Instead, the Torture
22 Conspirators repeatedly and routinely engaged in a series of unlawful acts, including predicate
23 RICO acts such of kidnapping, murdering, and threatening to murder detainees and otherwise
24 torturing and mistreating the detainees.

25 **(g) State whether the alleged predicate acts relate to each other as part of a**
26 **common plan. If so, describe the relationship and common plan in detail.**

27 As described in the Complaint, acting together, Defendants Titan, CACI Corporate
28 Defendants, Stefanowicz, Israel, and Nakhla conspired with certain United States officials to

1 engage in a series of wrongful and illegal acts, including but not limited to, threatening to murder,
2 murder, torture or other cruel, inhuman or degrading treatment, arbitrary arrest and detention,
3 assault and battery, false imprisonment and intentional interference with religious practices.

4 These predicate acts were all part and parcel of a common plan. The plan's purpose was to
5 inflate artificially by these acts the demand for interrogation and other related services such as
6 interpretation and translation. By designing and implementing this plan, Defendants expected to,
7 and did, profit and gain a competitive advantage from this artificially-inflated demand for such
8 services and from additional government contracts awarded to them.

9 The alleged predicate acts all relate to each other as part of this common plan. These acts
10 are part of a series of wrongful and illegal acts that are all part of the common plan to intimidate
11 and coerce detainees into providing interrogators with "intelligence" as a means to cease the
12 physical and mental harm being done to them. The "intelligence" obtained by these illegal and
13 unlawful means was disseminated both by means of the Interrogation and Reporting Database and
14 otherwise. The Torture Conspirators, relying on the existence of "intelligence" obtained by
15 unlawful means, successfully created additional demand for the Interrogation Services being
16 marketed and sold by the Corporate Defendants.

17 The murders, kidnappings, robberies, threats of murder, and obscene acts identified above
18 are part of the series of wrongful acts all designed to intimidate and coerce detainees into providing
19 "intelligence." To date, based on the United States' preliminary investigations, there are already
20 more than 94 instances of theft, physical assault, sexual assault and murder by the Torture
21 Conspirators.

22 **6. Describe in detail the alleged "enterprise" for each RICO claim. A description of**
23 **the enterprise shall include the following:**

24 **(a) State the name of the individuals, partnerships, corporations, associations, or**
25 **other legal entities, which allegedly constitute the enterprise.**

26 The RICO Enterprise consists of an association-in-fact between Defendant Titan, the CACI
27 Corporate Defendants, Defendants Nakhla, Stefanowicz and Israel, and the co-conspiring
28 government officials.

1 **(b) A description of the structure, purpose, function and course of conduct of the**
2 **enterprise.**

3 The Enterprise is an association-in-fact formed by the CACI Corporate Defendants,
4 Defendant Titan, the individual Defendants and certain government officials. The central purpose
5 of the Enterprise is to increase the United States' demand for the non-governmental professionals to
6 assist the United States' intelligence-gathering efforts.

7 To achieve that end, the Enterprise seeks to prove the capacity to obtain "intelligence" from
8 detained persons. To accomplish that purpose in Iraq, the Enterprise organized itself into a series
9 of interrogation teams that function as units. The personnel assigned to each interrogation team
10 shifts over time, but typically includes a person designated as an Interrogator, a person designated
11 as a Translator, and a person designated as an Analyst. On occasion, an interrogation team may
12 include more than three persons.

13 The Enterprise obtained "intelligence" from detainees by both lawful and unlawful means.
14 The Enterprise is an ongoing organization that continues to function as a unit and engage in activity
15 separate and apart from the criminal and illegal activity. The Enterprise operates in locations in
16 Iraq, other foreign locations, and in the United States. The Enterprise is managed and operated by
17 executives from the CACI Corporate Defendants, Defendant Titan, and by certain government
18 officials, including military officials.

19 The Enterprise conducts legitimate business in Iraq, other foreign countries, and in the
20 United States. For example, discovery likely will reveal that in some instances the Enterprise
21 conducted certain interrogations in Iraq in a lawful manner. Note, however, that the overarching
22 goal of the Enterprise (to obtain more government contracts for Interrogation Services) may be
23 illegal to the extent that the law of government contracts prohibits and prevents the United States
24 from hiring outside contractors to perform uniquely-governmental functions such as intelligence
25 gathering.

26 **(c) A statement of whether any defendants are employees, officers or directors of**
27 **the alleged enterprise.**

1 Defendant Nakhla was an employee of Defendant Titan, one of the entities comprising the
2 Enterprise. Defendant Israel was an agent, constructive employee and/or subcontractor of
3 Defendant Titan, one of the entities comprising the Enterprise. Defendant Stefanowicz is an
4 employee of the CACI Corporate Defendants, one of the entities comprising the Enterprise.

5 Defendant Titan and the CACI Corporate Defendants are corporate entities that, together
6 with certain government officials, comprise the Enterprise.

7 **(d) A statement of whether any defendants are associated with the alleged**
8 **enterprise.**

9 As described above, all of the Defendants were associated with the Enterprise during the
10 events alleged in the Second Amended Complaint. At present, Defendants Nakhla and Israel do not
11 appear to be employed or subcontracted by any of the Enterprise entities.

12 **(e) A statement of whether plaintiff is alleging that the defendants are individuals**
13 **or entities separate from the alleged enterprise or that the defendants are the enterprise itself,**
14 **or members of the enterprise.**

15 Plaintiffs allege that Defendant Titan and CACI Corporate Defendants, together with the
16 individual Defendants and certain government officials are members of, and have an association-in-
17 fact that is, the Enterprise.

18 **(f) If any defendants are alleged to be the enterprise itself, or members of the**
19 **enterprise, an explanation of whether such defendants are perpetrators, passive instruments,**
20 **or victims of the alleged racketeering activity.**

21 Plaintiffs allege that Defendant Titan, CACI Corporate Defendants, and the individual
22 Defendants are all members of the association-in-fact that is the Enterprise.

23 Defendant Titan, CACI Corporate Defendants, and the individual Defendants are all
24 members of the Torture Conspiracy and are perpetrators of the alleged racketeering activity.

25 **7. State and describe in detail whether plaintiff is alleging that the pattern of**
26 **racketeering activity and the enterprise are separate or have merged into one entity.**

27 Plaintiffs allege that the pattern of racketeering activity (“the Torture Conspiracy”) and the
28 Enterprise are separate and apart. Plaintiffs allege that the racketeering activity was committed in

1 furtherance of the business of the Enterprise but did not constitute entirety the business of the
2 Enterprise. The Enterprise is an ongoing association-in-fact that continues to function as a unit and
3 appears to be engaging in lawful activity separate and apart from the criminal and illegal activity of
4 the Torture Conspiracy.

5 **8. Describe the alleged relationship between the activities of the enterprise and the**
6 **pattern of racketeering activity. Discuss how the racketeering activity differs from the usual**
7 **daily activities of the enterprise, if at all.**

8 The Enterprise operated both legally and illegally to obtain intelligence from detainees and
9 to disseminate that intelligence to others via the Interrogation and Reporting Database and other
10 means. To the extent discovery reveals that an Enterprise “team” conducted an interrogation in a
11 lawful manner, and recorded intelligence obtained from that interrogation in the Database, the
12 Enterprise’s daily activities may have been lawful. However, to the extent an Enterprise “team”
13 conducted an interrogation in an unlawful manner, the Enterprise is part of the Torture Conspiracy.
14 Thus, the Torture Conspirators’ illegal racketeering activities are a subset, albeit a large subset, of
15 the Enterprise’s overall activities.

16 **9. Describe what benefits, if any, the alleged enterprise receives from the alleged**
17 **pattern of racketeering.**

18 The Enterprise received significant financial benefits from the pattern of racketeering. The
19 Corporate Defendant members of the Enterprise received millions of dollars over and above what
20 they otherwise would have received in the absence of the racketeering activity. In addition, the
21 Corporate Defendant members received government contracts providing future revenue streams
22 that they would not have otherwise received in the absence of the racketeering activity.

23 The Individual Defendant members of the Enterprise received thousands of dollars over and
24 above what they otherwise would have received in the absence of the racketeering activity.

25 The government official members of the Enterprise received financial incentives,
26 institutional praise and recognition (including but not limited to promotions and pay raises), and
27 power over and above what they would have received in the absence of the racketeering activity.
28

1 **10. Describe the effect of the activities of the enterprise on interstate or foreign**
2 **commerce.**

3 Plaintiffs allege that the activities of the Enterprise had a substantial effect on interstate and
4 foreign commerce.

5 The Enterprise impacted interstate and foreign commerce by permitting Defendant Titan
6 and CACI Corporate Defendants to receive more United States government contracts than they
7 would otherwise have received. This impacted competitors and others in commerce.

8 The Enterprise's ongoing pattern and practice of illegal acts was designed to, and did,
9 inflate artificially the demand for "intelligence" and the resulting demand for independent
10 contractors' Interrogation Services. The Enterprise distorted the United States' overall investment
11 in intelligence-gathering exercises and caused the expenditure of United States funds that should
12 not have been spent. This spending impacts interstate commerce.

13 The Enterprise interfered with the United States' hiring patterns by causing the United
14 States to forego adding personnel to government payroll. These failures to hire impact interstate
15 commerce.

16 **11. If the complaint alleges a violation of 18 U.S.C. 1962(a), provide the following:**

17 **(a) State who received the income derived from the pattern of racketeering activity**
18 **or through the collection of unlawful debt.**

19 Plaintiffs allege that the Defendant Titan, CACI Corporate Defendants, and the individual
20 Defendants received the income derived from the pattern of racketeering activity.

21 **(b) Describe the use or investment of such income.**

22 Plaintiffs allege that the income received from the pattern of racketeering was used by
23 Defendant Titan and CACI Corporate Defendants to invest in and operate the ongoing operations of
24 the corporations, including but not limited to those portions of the corporate operations that were
25 members of the Enterprise and the Torture Conspiracy.

26 **12. If the complaint alleges a violation of 18 U.S.C. 1962(b), describe in detail the**
27 **acquisition of maintenance of any interest in or control of the alleged enterprise.**

28

1 Plaintiffs do not allege a violation of this subsection. Plaintiffs reserve the right to amend
2 this statement if discovery reveals violation of this subsection.

3 **13. If the complaint alleges a violation of 18 U.S.C. 1962(c), provide the following:**

4 **(a) State who is employed by or associated with the alleged enterprise.**

5 The Enterprise consists of an association-in-fact comprised of Defendant Titan, CACI
6 Corporate Defendants, Defendant Nakhla, Defendant Israel and Defendant Stefanowicz, as well as
7 certain government officials. All defendants either are or were employed by an entity that
8 comprises the Enterprise.

9 **(b) State whether the same entity is both the liable “person” and the “enterprise”**
10 **under 18 U.S.C. 1962(c).**

11 Plaintiffs do not allege that the same entity is both the liable “person” and the “enterprise”
12 under § 1962(c).

13 **14. If the complaint alleges a violation of 18 U.S.C. 1962(d), describe in detail the facts**
14 **showing the existence of the alleged conspiracy.**

15 The facts that show the existence of the alleged conspiracy include, but are not limited to,
16 the following:

17 First, the corporate Defendants openly recruited in California, Virginia and other locations
18 throughout the United States to hire Interrogators, Translators, and Analysts to work in Iraq. The
19 corporate Defendants publicized that they would only hire persons acceptable to government
20 officials.

21 For example, a Team Titan postings sought “male U.S. citizens” and revealed that
22 applicants “must undergo a favorable U.S. Army Counterintelligence screening interview.”
23 Defendant Titan advertised for employees “to work 12 hour shifts and in excess of 60-hour weeks
24 in order to provide continuous contract linguist support that this 24x7 operation requires.” *See*
25 FAC Exhibit B, job description OAT730. Defendant Titan employees “work as part of a civil-
26 military team in an unstructured environment; [they] live and work in a harsh environment.” *See*
27 First Amended Complaint (“FAC”) Exhibit B, job description TOSG26. They are expected to
28

1 “[i]dentify and extract information components meeting military information requirement list
2 criteria, and to “[p]rovide input to reports” See FAC Exhibit B, job description OAT730.

3 The CACI Corporate Defendants recruited for, among other persons, “Interrogators” and “Jr
4 CI Agent[s],” who “[c]onduct[] interrogations of detainees.” See FAC Exhibit C, job descriptions
5 BZSG224 and BZSG191. CACI Corporate Defendants also sought, among other persons,
6 “Intelligence Analysts” who:

7 Provides intelligence analytical support to the interrogation team
8 during development and execution of the interrogation plan/cycle.
9 Interfaces with higher, lower and adjacent intelligence organizations
10 to *fully prepare interrogation team for exploitation of detainees*, as
11 well as preparing post interrogation analytical products/assessments
12 that support further targeting efforts, source development and
13 analysis of the threat.

14 (Emphasis added.) See FAC Exhibit C, job description BZSG192.

15 Second, the individual Defendants and other Titan and CACI employees worked hand-in-
16 hand with government officials on “tiger teams” and “break teams” in Iraq. Attached as Exhibit A
17 is an organization chart that demonstrates the composition of the teams working in the Abu Ghraib
18 prison in Iraq.

19 Third, it is beyond dispute that these teams engaged in illegal conduct. At present, the
20 United States’ initial investigative efforts have revealed that there are at least 94 cases in which
21 detainees were tortured, killed, sexually assaulted or robbed.

22 Fourth, plaintiffs hereby incorporate by reference the additional facts alleged in the Third
23 Amended Complaint that establish the existence of the Torture Conspiracy.

24 **15. Describe the alleged injury to business or property.**

25 These injuries are described in detail above in response to Question No. 3. Plaintiff Sami,
26 Plaintiff Ahmed, Plaintiff Neisef and Putative RICO Class members have been injured in their
27 business and/or property in amounts to be determined at trial by the ongoing pattern and practice of
28 illegal acts by the Torture Conspirators.

**16. Describe the direct causal relationship between the alleged injury and the violation
of the RICO statute.**

1 But for the existence of and wrongful acts by the Torture Conspirators, Plaintiffs Saleh,
2 Sami, Ahmed, Neisef and Putative RICO Class members would not have been injured, either
3 physically or financially. There is a direct causal relationship between the injury and the pattern of
4 racketeering activity.

5 **17. List the damages sustained by reason of the violation of 18 U.S.C. 1962, indicating**
6 **the amount for which each defendant is allegedly liable.**

7 Plaintiffs and members of the class have sustained damages to their businesses and/or
8 property in amounts to be determined at trial.

9 **18. List all other federal causes of action, if any, and provide the relevant statute**
10 **numbers.**

11 Plaintiffs allege that the acts described in the Complaint constitute summary execution,
12 torture, cruel, inhuman or degrading treatment, enforced disappearance, arbitrary arrest and
13 detention, war crimes, and crimes against humanity in violation of the law of nations under the
14 Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts violated definite and specific customary
15 international law norms accepted by civilized nations and reflected, expressed, and defined in
16 multilateral treaties and other international instruments, international and domestic judicial
17 decisions, and other authorities. Defendants are liable for said conduct directly and in so far as they
18 directed, ordered, confirmed, ratified, and/or conspired with certain government officials to commit
19 these violations.

20 Plaintiffs and putative Class Members were treated in a manner that violates the Religious
21 Land Use and Institutionalized Persons Act, 24 U.S.C. §2000cc-1 (hereinafter “RLUIPA”).
22 Defendants acting under the color of the law of the United States intentionally imposed a
23 substantial burden on the Plaintiffs’ and putative Class Members’ exercise of their religious beliefs.

24 Plaintiffs and putative Class Members were tortured and otherwise mistreated in violation
25 of specific protections of the Third and Fourth Geneva Conventions. Violations under the Geneva
26 Conventions are direct treaty violations, and are also violations of customary international law.
27 Defendants are liable for said conduct directly and in so far as they directed, ordered, confirmed,
28 ratified, and/or conspired to violate the Geneva Conventions.

1 Plaintiffs and putative Class Members were treated in a manner that violates the
2 Constitution of the United States and its Amendments. Defendants intentionally, and with
3 deliberate disregard for any injury Plaintiffs and putative Class Members would suffer, deprived
4 Plaintiffs of life and liberty without due process of law. Defendants were acting under the color of
5 the law of the United States when they deprived Plaintiffs of life and liberty without due process of
6 law. Defendants' actions were accorded the color of the United States law because they were
7 conspiring with certain public officials, including certain military officials, and other persons acting
8 in an official capacity on behalf of the United States.

9 **19. List all pendent state claims, if any.**

10 Plaintiffs assert state claims of assault and battery, sexual assault and battery, wrongful
11 death, false imprisonment, intentional infliction of emotional distress, negligent hiring and
12 supervision, negligent infliction of emotional distress, conversion, and unjust enrichment.

13 **20. Provide any additional information that you feel would be helpful to the court in**
14 **processing your RICO claims.**

15 Plaintiffs will continue to supplement this RICO Statement with the fruits of additional
16 investigation.

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18 DATED: July 30, 2004
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Exhibit A

JIDC On Leave:15

SFC Yeske
SGT Knuth
CPL Brottomesso
SPC Webster
SPC Cruz
SPC Clardy
SPC Rivera
SPC Son
SPC Garhart
SPC Schlegel
Emergency Leave:
CW2 Graham
SSG Neal
SFC Brokaw
SGT Eckroth
SSG Williams

JIDC Organization

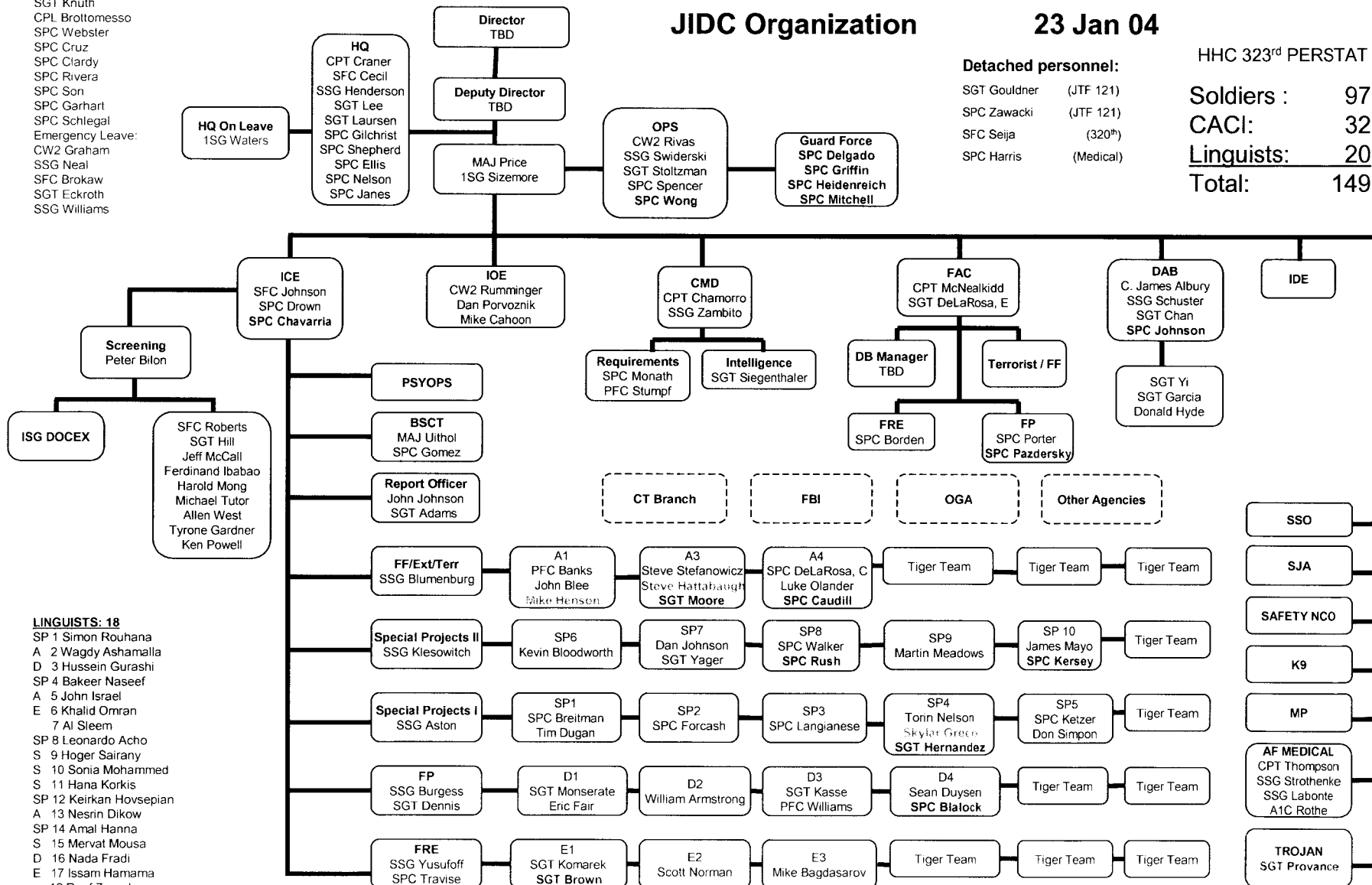
23 Jan 04

HHC 323rd PERSTAT

Detached personnel:

SGT Gouldner (JTF 121)
SPC Zawacki (JTF 121)
SFC Seija (320th)
SPC Harris (Medical)

Soldiers : 97
CACI: 32
Linguists: 20
Total: 149



LINGUISTS: 18

SP 1 Simon Rouhana
A 2 Wagdy Ashamalla
D 3 Hussein Gurashi
SP 4 Bakeer Naseef
A 5 John Israel
E 6 Khalid Omran
7 Al Sleem
SP 8 Leonardo Acho
S 9 Hoger Sairany
S 10 Sonia Mohammed
S 11 Hana Korkis
SP 12 Keirkan Hovsepian
A 13 Nesrin Dikow
SP 14 Amal Hanna
S 15 Mervat Mousa
D 16 Nada Fradi
E 17 Issam Hamarna
18 Rauf Zeerak
On Leave
Mohammed Al-Joseph Sotiri

Tiger Teams: 18 out of 21 teams conducting interrogations

Scheduled to Leave 26 Jan 04:

SPC Wong SPC Mitchell SPC Caudill SGT Brown
SPC Delgado SPC Heidenreich SPC Kersey SGT Hernandez
SPC Griffin SPC Pazdersky SPC Johnson SGT Moore
SPC Rush SPC Chavarria SPC Blalock SGT Provance

1 CERTIFICATE OF SERVICE

2
3 I, Jonathan H. Pyle, do hereby certify that on the 30th day of July 2004, I caused a true and
4 correct copy of the foregoing Plaintiffs' RICO Case Statement Filed Pursuant to Local Rule 11.1 to
5 be served via U.S. First Class Mail, postage prepaid, upon the following individuals at the addresses
6 indicated:

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