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3:04-CV-01143 AL RAWI V. TITAN CORPORATION

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(10)

FILED

JUL 30 2004

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

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

8 SALEH, an individual; SAMI ABBAS AL RAWI,
9 an individual; MWAFaq SAMI ABBAS AL
10 RAWI, an individual; AHMED, an individual;
11 ISMAEL, an individual; NEISEF, an individual;
12 ESTATE OF IBRAHIEM, the heirs and estate of an
13 individual; RASHEED, an individual; JOHN DOE
14 NO. 1; JANE DOE NO. 2; CLASSES OF
15 PERSONS SIMILARLY SITUATED, KNOWN
16 HEREINAFTER AS JOHN and JANE DOES NOS.
17 3 - 1050,

14 Plaintiffs,

15 v.

16 TITAN CORPORATION, a Delaware Corporation;
17 ADEL NAHKLA, a Titan employee located in Abu
18 Ghraib, Iraq; CACI INTERNATIONAL INC., a
19 Delaware Corporation; CACI INCORPORATED -
20 FEDERAL, a Delaware Corporation; CACI N.V., a
21 Netherlands corporation; STEPHEN A.
22 STEFANOWICZ, a CACI employee located in Abu
23 Ghraib, Iraq; and JOHN B. ISRAEL, a Titan
24 subcontractor located in Abu Ghraib, Iraq,

20 Defendants.

Case No. 04 CV 1143 R (NLS)

CLASS ACTION

**SECOND AMENDED CLASS
ACTION COMPLAINT
ALLEGING VIOLATIONS OF
RICO, CONSPIRACY TO
VIOLATE RICO, VIOLATIONS
OF THE ALIEN TORT CLAIMS
ACT, VIOLATIONS OF THE
GENEVA CONVENTIONS,
VIOLATIONS OF THE UNITED
STATES CONSTITUTION,
VIOLATIONS OF THE
RELIGIOUS LAND USE AND
INSTITUTIONALIZED PERSONS
ACT, AND COMMON LAW
TORTS.**

[DEMAND FOR JURY TRIAL]

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SECOND AMENDED COMPLAINT

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1. This class action alleges that Defendants engaged in a pattern of racketeering activity, violated United States domestic and international law and intentionally and negligently committed a series of tortious acts against Plaintiffs. Defendants contracted with the United States to provide interrogation and other related intelligence services. Instead of providing such services in a lawful manner, they conspired with each other and with certain United States government officials to direct and conduct a scheme to torture, rape, and, in some instances, summarily execute Plaintiffs. This action seeks a permanent injunction against this illegal conduct, compensatory and punitive damages, treble damages and attorneys fees under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), declaratory relief, and a permanent injunction against any future contracting with the United States.

PARTIES

2. Plaintiff Saleh ("Plaintiff Saleh") is a Swedish citizen residing in both Sweden and Dearborn, Michigan. Plaintiff Saleh opposed Saddam Hussein, who had him imprisoned and tortured in the Abu Ghraib prison in Iraq. After being released from prison, Plaintiff Saleh fled from Iraq to Sweden. After the fall of the Hussein regime, Plaintiff Saleh responded to United States' plea for expatriates to return and help rebuild Iraq. Plaintiff Saleh returned to Iraq with funds to invest and rebuild the country. Upon his arrival on or about September 25, 2003, he was detained, sent to the same Abu Ghraib prison where he had been tortured by Saddam Hussein, and was tortured, abused, and otherwise mistreated by the Defendants and their Co-Conspirators.

3. Plaintiff Sami Abbas Majdel Al Rawi ("Plaintiff Sami") is a 56-year old Iraqi citizen, residing at Bhagdad – Amirya – PL636, St 74, House No. 19, Bhagdad, Iraq. He owns and manages a company in Baghdad that had entered into a number of reconstruction contracts with the United States government. On March 1, 2004, Plaintiff Sami was arrested and detained at the Baghdad International Airport Prison, together with his four sons. Plaintiff Sami was tortured, abused, and otherwise mistreated by the Defendants and their co-conspirators. Plaintiff Sami was released without charge on March 6, 2004.

1 4. Plaintiff Mwafaq Sami Abbas Al Rawi ("Plaintiff Mwafaq") is the 28-year old son
2 of Plaintiff Sami. Plaintiff Mwafaq is a lawyer. He was arrested and detained with Plaintiff Sami
3 and his three brothers on March 1, 2004 at the Baghdad International Airport. Plaintiff Mwafaq
4 was tortured, abused, and otherwise mistreated by the Defendants and their co-conspirators.
5 Plaintiff Mwafaq was released without charge on March 6, 2004.

6 5. Plaintiff Ahmed ("Plaintiff Ahmed") is an Iraqi released without charge after five
7 months of detention in Abu Ghraib Prison, Tent No. 7, Camp No. 3. His prison number was No.
8 154120. Plaintiff Ahmed was tortured, abused, and otherwise mistreated by the Defendants and
9 their co-conspirators.

10 6. Plaintiff Ismael ("Plaintiff Ismael") is an Iraqi released without charge on June 6,
11 2004, after months of detention in Abu Ghraib Prison in Tent No. 7, Camp No. 3. He also was
12 detained in the Buka Prison. His prison number was No. 154110. Plaintiff Ismael was tortured,
13 abused, and otherwise mistreated by the Defendants and their co-conspirators. He is concerned
14 about his son, Burban, who remains in detention in an unknown location.

15 7. Plaintiff Neisef ("Plaintiff Neisef") is an Iraqi who was detained for seven months in
16 Abu Ghraib Prison, Tent No. 7, Camp No. 3, and for five months in Buka Prison. Plaintiff Neisef
17 was tortured, abused, and otherwise mistreated by the Defendants and their co-conspirators.

18 8. Plaintiff Estate of Ibrahiem ("Ibrahiem Estate Plaintiff") is the heirs and estate of
19 Ibrahiem, a 63-year old man who died in Abu Ghraib Prison as a result of acts and inactions by
20 Defendants and their co-conspirators.

21 9. Plaintiff Rasheed ("Plaintiff Rasheed") is an Iraqi citizen who was detained and
22 tortured in Iraq. Upon information and belief, the Defendants participated in torturing, abusing,
23 and otherwise mistreating Plaintiff Rasheed.

24 10. Plaintiff John Doe No. 1 is an Iraqi citizen who was recently released without charge
25 from the Abu Ghraib Prison. Plaintiff John Doe No. 1 was tortured, abused, and otherwise
26 mistreated by the Defendants and their co-conspirators. The identity of Plaintiff John Doe No. 1 is
27 known to counsel, but he has asked not to be publicly identified due to concerns about his safety.

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1 11. Plaintiff Jane Doe No. 2 is an Iraqi citizen who was released without charge on
2 January 22, 2004. She is a 55-year old English teacher. Her 70-year old husband had been tortured
3 to death in Abu Ghraib Prison during the Saddam Hussein regime. Plaintiff Jane Doe No. 2 was
4 tortured, abused, and otherwise mistreated by the Defendants and their co-conspirators. The
5 identity of Plaintiff Jane Doe No. 1 is known to counsel, but she has asked not to be publicly
6 identified due to concerns about her safety.

7 12. Plaintiffs John and Jane Does Nos. 3 - 500 are the Class of persons who (a) have
8 been forcibly detained in prisons or facilities in or around Iraq subsequent to the fall of the Hussein
9 regime; (b) have been subjected to conditions and abuses that violate United States domestic law,
10 international treaties, and norms of customary international humanitarian and human rights law;
11 and (c) have suffered injuries to their properties and businesses as a result of those conditions and
12 abuses. (This Class shall hereinafter be known as the "RICO Class.")

13 13. Plaintiffs John and Jane Does Nos. 500 - 1000 are the Class of persons who (a) have
14 been forcibly detained in prisons or facilities in or around Iraq subsequent to the fall of the Hussein
15 regime; (b) have been or will be subjected to conditions and abuses that violate United States
16 domestic law, international treaties, and norms of customary international humanitarian and human
17 rights law; and (c) have suffered injuries as a result of the treatment. (This Class shall hereinafter
18 be known as the "Common Law Class.")

19 14. Plaintiffs John and Jane Does Nos. 1001-1050 are the Class of the estates and heirs
20 of persons who (a) were detained in Iraq; (b) were subjected to conditions and abuse that violates
21 United States domestic law, international treaties, and norms of customary international
22 humanitarian and human rights law; and (c) wrongfully died as a result of those conditions and
23 abuses. (This Class shall hereinafter be known as the "Wrongful Death Class.")

24 15. Defendant Titan Corporation (hereinafter "Defendant Titan") is a publicly traded
25 corporation with headquarters located at 3033 Science Park Road, San Diego, California 92121-
26 1199. Defendant Titan Corporation was formed and incorporated under the laws of Delaware.
27 Defendant Titan Corporation acted at all times relevant to this action through individual agents and
28 employees, who are hereinafter subsumed within the term "Defendant Titan."

1 16. Defendant Titan Corporation employed and directed the action of Defendant Adel
2 Nahkla, an individual identified by the United States as participating in illegal conduct at the Abu
3 Ghraib Prison in Iraq.

4 17. Defendant Titan Corporation retained and/or employed Defendant John Israel as an
5 employee, representative, and/or agent and who was an individual identified by the United States as
6 participating in illegal conduct at the Abu Ghraib Prison in Iraq.

7 18. As an employee and agent of Defendant Titan, and acting within his scope of
8 authority, Defendant Nahkla participated directly and indirectly in illegal conduct at the Abu
9 Ghraib Prison in Iraq and, upon information and belief,¹ other locations.

10 19. As a representative, constructive employee, and/or agent of Defendant Titan,
11 Defendant Israel directed and participated in illegal conduct at the Abu Ghraib Prison in Iraq and,
12 upon information and belief, other locations.

13 20. Defendant CACI International Inc. (hereafter "Defendant CACI") is a publicly
14 traded corporation with headquarters located at 1100 North Glebe Road, Arlington, Virginia 22201.
15 Defendant CACI was formed in 1962 and incorporated under the laws of Delaware. Defendant
16 CACI Corporation acted at all times relevant to this action through individual agents and
17 employees, who are hereinafter subsumed within the term "Defendant CACI" and the term "CACI
18 Corporate Defendants." Defendant CACI does business throughout the United States and the rest
19 of the world.

20 21. Defendant CACI Incorporated – Federal is a subsidiary wholly owned and
21 controlled by Defendant CACI. Defendant CACI Incorporated – Federal was formed and
22 incorporated under the laws of Delaware. Defendant CACI Incorporated – Federal acted at all
23 times relevant to this action through individual agents and employees, who are hereinafter
24 subsumed within the term "Defendant CACI" and the term "CACI Corporate Defendants."
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28 ¹ The term "information and belief" is used throughout the Second Amended Complaint to
connote those instances when Plaintiffs believe the allegations are likely to have evidentiary
support after a reasonable opportunity for further investigation or discovery.

1 22. Defendant CACI N.V. is a subsidiary wholly owned and controlled by Defendant
2 CACI. Defendant CACI N.V. is a Netherlands corporation doing business in the United States at
3 1100 North Glebe Road, Arlington, Virginia 22201. Defendant CACI N.V. acted at all times
4 relevant to this action through individual agents and employees, who are hereinafter subsumed
5 within the term "Defendant CACI" and the term "CACI Corporate Defendants."

6 23. Defendant Stephen A. Stefanowicz, a resident of Pennsylvania, is or was employed
7 by Defendant CACI, Defendant CACI Incorporated – Federal, and Defendant CACI N.V.
8 (hereinafter "CACI Corporate Defendants"). As an employee and agent of the CACI Corporate
9 Defendants, Defendant Stefanowicz directed and participated in illegal conduct at the Abu Ghraib
10 Prison in Iraq and, upon information and belief, other locations.

11 24. Defendant John B. Israel is or was retained by, constructively employed by, or
12 contracted with Defendant Titan Corporation as its employee, agent, and/or representative.
13 Defendant Israel, acting within the scope of his agency and/or authority, engaged and participated
14 directly and/or indirectly in illegal conduct at the Abu Ghraib Prison in Iraq and, upon information
15 and belief, other locations.

16 25. Acting together, Defendants Titan, CACI Corporate Defendants, Stefanowicz, Israel,
17 and Nahkla conspired with certain United States officials (a) to engage in a series of wrongful and
18 illegal acts, including but not limited to, summary execution, torture or other cruel, inhuman or
19 degrading treatment, arbitrary arrest and detention, assault and battery, false imprisonment and
20 intentional interference with religious practices; (b) to inflate artificially by these acts the demand
21 for interrogation and other related services such as interpretation and translation; and (c) to profit
22 and gain a competitive advantage from this artificially-inflated demand for such services and from
23 additional government contracts directed to Defendant Titan and CACI Corporate Defendants.

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

1 27. Each Defendant conspired with other Defendants by entering into an agreement to
2 commit wrongful and tortious acts contained herein and each Defendant participated in or
3 committed a wrongful act in furtherance of said conspiracy that resulted in injury to the Plaintiffs.

4 **JURISDICTION AND VENUE**

5 28. This Court has original jurisdiction over the subject matter of this action pursuant to
6 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); 28 U.S.C. § 1367
7 (supplemental jurisdiction); 28 U.S.C. § 2201 (declaratory judgment); 28 U.S.C.A. § 1350 (Alien
8 Tort Claims Act); and 18 U.S.C. § 1964 (Racketeer Influenced and Corrupt Organizations Act).

9 29. Venue is proper pursuant to 28 U.S.C. § 1331(a)(3) and § 1391(b)(2).

10 **CLASS ALLEGATIONS**

11 30. This action should be certified as a class action pursuant to Fed. R. Civ. P. 23(b)(2),
12 which permits the certification of a class when the defendants “have acted or refused to act on
13 grounds generally applicable to the class, thereby making appropriate final injunctive relief or
14 corresponding declaratory relief with respect to the class as a whole” Fed. R. Civ. P. 23(b)(2).

15 31. This action should be certified as a class action pursuant to Fed. R. Civ. P.
16 23(b)(1)(A), which permits the certification of a class if the lack of a class could lead to
17 inconsistent or varying adjudication with respect to individual members which would establish
18 incompatible standards of conduct for the defendants.

19 32. This action should be certified as a class action pursuant to Fed. R. Civ. P.
20 23(b)(1)(B), which permits the certification of a class when adjudication with respect to individual
21 Plaintiffs would, as a practical matter, be dispositive of the interests of the other putative Class
22 Members.

23 33. This action should be certified as a class action pursuant to Fed. R. Civ. P. 23(b)(3)
24 because common questions of law and fact predominate over any questions affecting only
25 individual members and a class action is superior to other method for the fair and efficient
26 adjudication of the controversy.

27 34. This action should be certified as a class because Plaintiffs satisfy all of the
28 prerequisites to a class action set forth in Fed. R. Civ. P. 23(a). Specifically,

- 1 (a) the class is so numerous that joinder of all members is impracticable;
- 2 (b) there are questions of law common to the class;
- 3 (c) there are questions of fact common to the class;
- 4 (d) the claims of the named Plaintiffs are typical of the claims of the class; and
- 5 (e) the representative parties will fairly and adequately protect the interests of
- 6 the class.

7 35. Counsel are experienced in bringing and defending class actions and will adequately
8 represent the class interests.

9 36. There should be at least three subclasses certified. These subclasses should be
10 defined as follows:

11 (a) The RICO Class consists of persons who (i) have been forcibly detained in
12 prisons or detention facilities in or around Iraq subsequent to the fall of the Hussein regime; (ii)
13 have been subjected to conditions and treatment that violate United States domestic law,
14 international treaties, and customary international humanitarian and human rights law; and (iii)
15 have suffered or will suffer injuries to their properties and/or businesses as a result of those
16 conditions and abuses.

17 (b) The Common Law Class consists of persons who (i) have been forcibly
18 detained in prisons or detention facilities in or around Iraq subsequent to the fall of the Hussein
19 regime; (ii) have been subjected to conditions and treatment that violate United States domestic
20 law, international treaties, and customary international humanitarian and human rights law; and (iii)
21 have suffered injuries as a result.

22 (c) The Wrongful Death Class consists of persons and other legal entities who
23 are the estates and heirs of persons who (i) were forcibly detained in prisons or detention facilities
24 in prisons or detention facilities in or around Iraq subsequent to the fall of the Hussein regime; (ii)
25 were subjected to conditions and treatment that violate United States domestic law, international
26 treaties, and customary international humanitarian and human rights law; and (iii) who wrongfully
27 died as a result of those conditions.

28 (d) There may be additional subclasses suitable for certification.

1
2 **ALLEGATIONS OF FACT**

3 **DEFENDANTS' FINANCIAL GROWTH DEPENDED ON**
4 **CREATING AND MAINTAINING A DEMAND**
5 **FOR INTERROGATION SERVICES**

6 37. Defendant Titan performs the government contracts at issue in this action through a
7 division previously known as "Titan Systems" and now known as "National Security Solutions."
8 That division has approximately 1,000 government contracts.

9 38. Defendant Titan invested significantly in building capacity for services such as
10 interrogation, interpretation, translation, intelligence gathering, and security (hereinafter referred to
11 as "Interrogation Services").

12 39. As revealed in Defendant Titan's 2003 annual report, "[s]ince January 1, 1998, Titan
13 has acquired 19 government information technology businesses as part of Titan's strategy of
14 consolidating government information technology business." Among others, Titan bought
15 SEMCOR, Pulse Engineering, BTG Inc., Unidyne Corp., VisiCom Services Inc., and Eldyne Inc.

16 40. Defendant Titan became increasingly dependent on federal revenues. Always a high
17 portion of its overall business, Defendant Titan's federal revenues went from 90% in 2000 to 96%
18 in 2004. No business other than federal government business mattered significantly to the bottom
19 line of Defendant Titan.

20 41. Defendant Titan relied almost exclusively on increased demand for the type of
21 intelligence and interrogation services provided by its National Security Solutions business to
22 sustain the company and reach its revenue targets. As recently as May 3, 2004, Defendant Titan
23 attributed a 21 percent increase in revenues – up to \$459 million for the first quarter of 2004 as
24 compared to \$378 million for the first quarter in 2003 – to revenue growth in the National Security
25 Solutions business.

26 42. Defendant Titan also relied heavily on relationships with certain government
27 officials. As the Securities and Exchange Commission ("SEC") filings reveal, Defendant Titan
28 believed the industry experience of its executives was a reason why it obtained new business: "The
industry experience of Titan Systems executives and general managers has also helped Titan

1 Systems to develop a significant presence with many civilian government agencies, which has
2 contributed to Titan Systems' success in securing new contracts.”

3 43. CACI Corporate Defendants have been involved in government contracting for
4 many years. Beginning in 2001, the CACI Corporate Defendants began to grow dramatically – in
5 terms of both employees (approximately 5,000 employees in 2001 to 6,300 employees in 2003) and
6 revenue.

7 44. CACI Corporate Defendants hit a new revenue record, reporting revenue of \$263.4
8 million in the second quarter of FY04. This represents a 29% growth from the prior year's results.

9 45. In 2001, CACI Corporate Defendants received an additional \$108.8 million in
10 revenue from the Department of Defense (hereinafter “DoD”) over and above what they had
11 received in 2000. In 2003, DoD revenue grew by another \$102.3 million as compared to 2002.

12 46. As with Defendant Titan, CACI Corporate Defendants' growth resulted from a
13 deliberate strategy to build capacity and provide increased amounts of Interrogation Services to the
14 United States. CACI Corporate Defendants' SEC filings reveal “a significant part of the
15 company's growth over the past two years was primarily due to the expansion of the managed
16 network services and intelligence community work.”

17 47. To implement the strategy to build Interrogation Services capacity, CACI Corporate
18 Defendants made the following acquisitions:

19 (a) On February 1, 2000, they acquired all the common stock of a company
20 known as XEN for \$4.3 million.

21 (b) On October 6, 2000, they acquired the contracts and selected assets of the
22 Special Projects Business of Radian International, LLC, a subsidiary of URS Corp. for \$1.3 million.

23 (c) On February 28, 2003, they purchased all of the stock of Applied
24 Technology Solutions of Northern Virginia, Inc. for \$13.1 million.

25 (d) On May 15, 2003, they acquired all of the assets of Premier Technology
26 Group, Inc. (“PTG”) for \$49 million. The company paid \$45.6 million in cash and paid the balance
27 of \$3.4 million “in the form of earn-out payments tied to the continuation of existing business.”
28

1 PTG had been providing professional services to the DoD and United States government
2 intelligence agencies.

3 (e) On October 16, 2003, they acquired yet another intelligence company, C-
4 CUBED Corporation. C-CUBED was described in press reports as providing specialized services
5 in support of C4ISR (command control communications computers intelligence surveillance and
6 reconnaissance initiatives) to the DoD and the United States intelligence agencies.

7 (f) On October 16, 2003, they acquired all of the outstanding capital stock of
8 Acton Burnell, Inc., another company providing services to the intelligence agencies.

9 48. CACI Corporate Defendants viewed these acquisitions as a means of increasing their
10 intelligence services offerings to the DoD and other unidentified intelligence agencies, which likely
11 include the Central Intelligence Agency (hereinafter "CIA") and the National Security
12 Administration (hereinafter "NSA").

13 49. As reflected in the SEC filings, CACI Corporate Defendants became increasingly
14 financially dependent on revenues generated from federal intelligence agency contracts and
15 permitted their other revenue sources (such as commercial, state and local governments) to
16 dwindle. As stipulated in their SEC filings, "continued and expanded focus on DoD and federal
17 civilian agency opportunities has resulted in a reduced emphasis on state and local government
18 business. CACI Corporate Defendants maintained close relationships with certain government
19 officials. As their SEC filings reveal, "our senior management team is very important to our
20 business because personal reputations and individual business relationships are a critical element of
21 obtaining and maintaining client engagements in our industry, *particularly with agencies*
22 *performing classified operations. The loss of any our senior executives could cause us to lose*
23 *client relationships or new business opportunities*, which could cause actual results to differ
24 materially from those anticipated." (Emphasis added.)

25 51. Defendant Titan and Corporate CACI Defendants contracted with the United States
26 using two types of government contract (among others): "indefinite delivery/indefinite quantity"
27 ("ID/IQ") contracts and blank purchase agreements (BPA). These contract vehicles permitted the
28

1 United States government to award substantial contracts for Interrogation Services to Defendants
2 without disclosure to the public and to modify the contract terms without any competitive bidding.

3 52. Defendant Titan and CACI Corporate Defendants recruited heavily throughout the
4 United States to build their capacity to provide Interrogation Services.

5 53. Defendant Titan advertised throughout the United States by posting job positions on
6 their web sites and in newspapers and other print media to obtain persons with relevant skills.
7 These advertisements sought, among other persons, persons skilled in interrogation and persons
8 who had "secret" security clearances.

9 54. CACI Corporate Defendants and Defendant Titan worked together on a contract
10 relating to intelligence services known as "Assistance and Advisory Services" contract. Recently-
11 printed excerpts from Defendant Titan's web site that show Defendant Titan and the CACI
12 Corporate Defendants working together as "Team Titan" are attached as Exhibit A.²

13 55. An employee of Defendant Titan has stated in an email communication that
14 Defendant Titan intends to use the Assistance and Advisory Services contract to deploy people to
15 Iraq in the near future. Upon information and belief, Defendant Titan and/or the CACI Corporate
16 Defendants used and/or continue to use the Assistance and Advisory Services contract as one of the
17 contract vehicles related to Interrogation Services conducted in Iraq.

18 56. Defendant Titan and the CACI Corporate Defendants offered persons with the
19 necessary skill sets salaries far in excess of what had been the prevailing market rates for their
20 services. Defendant Titan and the CACI Corporate Defendants were willing to pay above-market
21 rates for interrogation services because they had entered into significant numbers of contracts with
22 various United States agencies, including the United States military, which called for them to
23 provide Interrogation Services. A selection of relevant printouts from the Defendant Titan web site
24

25 ² In the initial Complaint, plaintiffs had attached as Exhibit A various relevant text excerpted
26 from Defendant Titan's web site. (This information is now located in the printouts attached
27 separately for clarity as Exhibit A and Exhibit B.) In the prior version of Exhibit A, there was a
28 reference to a third party included on Defendant Titan's web site as part of "Team Titan."
Defendant Titan had not obtained permission to use the name of this third party on its web site.
Although this third party was not named or identified in any way in the initial Complaint, the
plaintiffs want to make crystal clear that they have not and are not making any allegations against
this third party. To further that goal, the name of the third party has been redacted from the revised
Exhibit A.

1 is attached as Exhibit B; a selection from CACI Corporate Defendants' web site is attached as
2 Exhibit C.

3 57. Upon information and belief, neither Defendant Titan nor CACI Corporate
4 Defendants properly screened persons being hired.

5 58. Upon information and belief, neither Defendant Titan nor CACI Corporate
6 Defendants nor the Individual Defendants properly trained and supervised persons conducting
7 Interrogation Services.

8 59. Defendant Titan acknowledged that it was responsible for supervising its employees
9 located in Iraq. According to a document apparently issued by Defendant Titan, the policy
10 regarding supervision in Iraq was as follows: "While supporting OEF [Operation Enduring
11 Freedom], any professional issues that may arise need to be brought to your site manager's
12 attention. Do not to bring personal or professional issues to the U.S. Government representatives.
13 We are supporting the U.S. Government, but they do not exercise administrative control over the
14 group." See Exhibit E.

15 60. Upon information and belief, Defendant Titan failed to properly fulfill its
16 responsibilities to train and supervise employees. Defendant Titan delegated to a "Human
17 Resource/Administrative Assistant" the critical task of "[e]nsur[ing] that linguists adhere to OSD
18 [Office of the Secretary of Defense] regulations and standards of conduct concerning in-theater
19 operations." See Exhibit B.

20 61. Upon information and belief, CACI Corporate Defendants failed to properly fulfill
21 their responsibilities to train and supervise employees. The CACI Corporate Defendants admit on
22 their web site that Interrogators and other employees in Iraq work under "minimal supervision" or
23 "moderate supervision." For example, one excerpt on the CACI Corporate Defendants' web site
24 stated:

25 Assists the US Military interrogation support program team leader
26 (under direction and supervision) to *increase the effectiveness of*
27 *getting intelligence information from Detainees, Persons of Interest,*
28 *and Prisoners of War (POWs) that are in the custody of US/Coalition*
Forces in the CJTF 7 AOR, in terms of screening, interrogation, and
debriefing of persons of intelligence value. Under minimal CACI
supervision [see Additional Job Information below], will assist the

1 government team leader in managing a multifaceted interrogation
2 support cell consisting of database entry/intelligence research clerks,
screeners, tactical/strategic interrogators, and intelligence analysts.

3 (Emphasis added.) See Exhibit C, job description BZSG308.

4 62. Upon information and belief, the document attached as Exhibit D was prepared by a
5 CACI Corporate Defendant employee. Among other information, the document reveals that CACI
6 Corporate Defendants permitted, allowed and/or facilitated untrained persons to perform
7 Interrogation Services.

8 63. Upon information and belief, Defendant Titan and CACI Corporate Defendants
9 permitted their employees to wear, and their employees did wear, uniforms and other attire that
10 portrayed them as part of the United States military..

11 64. Some of the contracts between Defendants and the United States government that
12 may be related to Interrogation Services are identified in Exhibit F. Upon information and belief,
13 some contracts cannot be identified by review of publicly available records because the United
14 States and Defendants kept secret certain contracts, such as those with the CIA and NSA. Upon
15 information and belief, Defendant Titan and the CACI Corporate Defendants provided
16 Interrogation Services under blanket-purchase agreements with agencies not related to Interrogation
17 Services, such as the Interior Department.

18 65. Defendant Titan and CACI Corporate Defendants knew that the amount of
19 Interrogation Services for which the United States contracted was directly related to the United
20 States government's perception of the amount of information that could be obtained by
21 interrogating Plaintiffs.

22 **DEFENDANTS KNEW OR SHOULD HAVE KNOWN**
23 **THE UNITED STATES INTENDED TO CONDUCT INTERROGATIONS**
24 **IN ACCORD WITH THE RELEVANT DOMESTIC AND INTERNATIONAL LAWS.**

25 66. Defendants knew, or should have known, that the United States intended to conduct
26 interrogations in accord with the relevant domestic and international laws.

27 67. The laws that prohibit summary execution, torture, or other cruel, inhuman or
28 degrading treatment, arbitrary arrest and detention, assault and battery, false imprisonment and
intentional interference with religious practices include, but are not limited to, the following:

1 (a) The Constitution of the United States, including the Eighth Amendment,
2 which prohibits cruel and unusual punishment; the Fifth and Fourteenth Amendments, which
3 prohibit deprivation of life and liberty without due process of law; and the Fourth Amendment,
4 which prohibits unlawful searches and seizures.

5 (b) Treaties ratified or signed by the United States, including *Articles 55 and 56*
6 *of Charter of the United Nations*, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, *entered*
7 *into force* Oct. 24, 1945, which protects human rights and fundamental freedoms and specifically
8 guarantees the right to be free from torture; the *Third Geneva Convention, Geneva Convention*
9 *relative to the Treatment of Prisoners of War*, 75 U.N.T.S. 135, arts. 13, 14, 17, 21, 25, 87, 130,
10 *entered into force*, Oct. 21, 1950, which prohibits acts of torture and abuse against prisoners of war;
11 *the Fourth Geneva Convention, Geneva Convention relative to the Protection of Civilian Persons*
12 *in Time of War*, 75 U.N.T.S. 287, arts. 5, 27, 31, 32, 33, 27, 41, 42, *entered into force* Oct. 21,
13 1950, which prohibits acts of torture and abuse against civilians; the *Protocol Additional to the*
14 *Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International*
15 *Armed Conflicts*, art. 75, 1125 U.N.T.S. 3, *entered into force* Dec. 7, 1978, which requires the
16 humane treatment of *any* person who is in the power of a party to an armed conflict, regardless of
17 status or national origin, and specifically prohibits the use of torture at any time; Article 7 of the
18 *International Covenant on Civil and Political Rights*, G.A. res. 2200A (XXI), 21 U.N. GAOR
19 Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 3, *entered into force* Mar. 23, 1976,
20 which provides that: "No one shall be subjected to torture or to cruel, inhuman or degrading
21 treatment or punishment;" Article 4 of ICCPR, which states that Article 7 is non-derogable even in
22 times of public emergency; Article 1 of the *Convention against Torture and Other Cruel, Inhuman*
23 *or Degrading Treatment or Punishment*, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at
24 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987, which prohibits any act: "by
25 which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for
26 such purposes as obtaining from him or a third person information or a confession, punishing him
27 for an act he or a third person has committed or is suspected of having committed, or intimidating
28 or coercing him or a third person, or for any reason based on discrimination of any kind, when such

1 pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a
2 public official or other person acting in an official capacity.”

3 (c) Customary international law, as reflected in the above treaties and
4 international instruments and others, including the *Universal Declaration of Human Rights*, G.A.
5 res. 217A (III), U.N. Doc A/810 at 71 (1948) which states “no one shall be subjected to torture or to
6 cruel, inhuman or degrading treatment or punishment”; the *United Nations Declaration on the*
7 *Protection of All Persons from Being Subjected to Torture*, General Assembly Resolution 3452, 30
8 U.N. GAOR Supp. (No. 34) 91, U.N. Doc. A/1034 (1975), which expressly prohibits “any act by
9 which severe pain and suffering, whether physical or mental, is intentionally inflicted by or at the
10 instigation of a public official on a person for such purposes as . . . intimidating him or other
11 persons”; the *American Convention on Human Rights*, O.A.S. Treaty Series No. 36, 1144 U.N.T.S.
12 123 entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in
13 the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 art. 5 (1992), which provides, “no
14 one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment”; the
15 *European Convention on the Protection of Human Rights and Fundamental Freedom*, Nov. 4,
16 1950, Art. 3, 213 U.N.T.S. 221, 224, which provides “no one shall be subjected to torture or to
17 inhuman or degrading treatment or punishment;” and the *Restatement (Third) of the Foreign*
18 *Relations Law of the United States*, section 702, which provides: “A state violates international law
19 if, as a matter of state policy, it practices, encourages or condones . . . (d) torture or other cruel,
20 inhuman or degrading treatment or punishment.”

21 (d) Statutes and common law of the United States, including but not limited to, United
22 States Code, Title 18, U.S.C. § 1510 (relating to the obstruction of criminal investigations), § 1951
23 (relating to interference with commerce, robbery, or extortion), § 1952 (relating to racketeering), §
24 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), and
25 §§ 2315 and 2315 (relating to interstate transportation of stolen property); and Article 23 of the
26 Transitional Administrative Law;

1 (e) Iraqi laws in force under Coalition Provisional Authority Regulation No. 1, including
2 Iraqi Penal Code of 1968 and the Criminal Procedure Code of 1972, which include laws prohibiting
3 murder, attempted murder, rape, assault and battery, and robbery; and.

4 (e) state law, including but not limited to the common law of the State of California relating
5 to wrongful death, assault and battery, intentional infliction of emotional distress, negligent
6 infliction of emotional distress, negligent hiring and supervision, and negligence; as well as
7 California Code Cal. Penal Code §§ 182-85 (conspiracy); 186-186.8; (criminal profiteering);
8 186.11 (fraud and embezzlement); 187-199 (homicide); 203-206.1 (mayhem); 207-210
9 (kidnapping); 210.5 (hostages); 211-215 (robbery); 217.1-219.3 (attempts to kill); 220-222
10 (assaults with intent to commit felony); 236-237 (false imprisonment); 240-248 (assault and
11 battery); 261-269 (rape, abduction, carnal abuse of children, and seduction); 302-310.5 (crimes
12 against religion and conscience); 311-312.7 (obscene matter); 313-313.5 (harmful matter); 346-368
13 (other injuries to persons); 422-422.1 (criminal threats); 484-502.9 (larceny); 503-515
14 (embezzlement); 518-527 (extortion); 528-539 (false pretenses); 594-625c (malicious mischief).

15 68. The United States government in official pronouncements has repeatedly and
16 forthrightly denounced the use of torture and other cruel, inhuman or degrading treatment at all
17 times. In its Initial Report to the United Nations Committee Against Torture, the United States
18 Department of State noted that, “[t]orture is prohibited by law throughout the United States. It is
19 categorically denounced as a matter of policy and as a tool of state authority No official of the
20 government, federal, state or local, civilian or military is authorized to commit or to instruct anyone
21 else to commit torture. Nor may any official condone or tolerate torture in any form.” *U.S.*
22 *Department of State: Initial Report of the United States of America to the U.N. Committee Against*
23 *Torture, Introduction (1999).*

24 69. In the same report, the United States explicitly stated that no exigent circumstances
25 permit the use of torture: “No exceptional circumstances may be invoked as a justification for
26 torture. U.S. law contains no provision permitting otherwise prohibited acts of torture or other
27 cruel inhuman or degrading treatment or punishment to be employed on grounds of exigent
28

1 circumstances (for example, during a “state of public emergency”) or on orders from a superior
2 officer or public authority.” *Id.*

3 70. More recently, President Bush, in an address on United Nations International Day in
4 Support of Victims of Torture, reiterated the United States position on the use of torture and other
5 cruel, inhuman or degrading treatment: “The United States is committed to the worldwide
6 elimination of torture and we are leading the fight by example. I call on all governments to join
7 with the United States and the community of law-abiding nations in prohibiting, investigating and
8 prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.”
9 *President George W. Bush, United Nations International Day in Support of Victims of Torture,*
10 *June 26, 2003.*

11 71. The United States annually publishes a compilation of practices and techniques used
12 by foreign governments that transgress the laws against torture and other cruel, inhuman or
13 degrading treatment. This publication, called the U.S. Department of State Select Country Reports
14 on Human Rights Practices, criticized the following practices and techniques when engaged in by
15 other countries: repeated slapping, exposure to cold, stripping and blindfolding, food and sleep
16 deprivation, threats to detainees or family members, dripping water on the head, squeezing of the
17 testicles, mock executions, and sexual humiliation.

18 72. The United States has adopted regulations to govern the military to ensure its
19 adherence to the Geneva Conventions and United States laws generally, including a 1995 Central
20 Command regulation.

21 73. The United States’ Supreme Court recently reaffirmed in *Sosa v. Alvarez-Machain*,
22 2004 U.S. Lexis, 4763 (June 29, 2004) that the federal district courts should recognize private
23 claims under federal common law for violations of international law norms that have definite
24 content and acceptance among civilized nations, such as the international law against torture.

25 **FORMATION OF A CONSPIRACY**
26 **TO INCREASE DEMAND FOR INTERROGATION SERVICES**

27 74. Defendants knew or should have known that United States domestic and
28 international law governing the conduct of interrogations and other methods of obtaining

1 intelligence from detained persons prohibits them from torturing, abusing, or otherwise mistreating
2 Plaintiffs.

3 75. Defendants knew or should have known that torturing, abusing, or otherwise
4 mistreating Plaintiffs may result in their divulging information (whether true or untrue) in order to
5 end their torture or other mistreatment.

6 76. Upon information and belief, Defendants were indifferent as to whether their
7 Interrogation Services yielded useful or reliable information able to be used by the United States.
8 Instead, they wanted to ensure that the Interrogation Services created the impression of
9 effectiveness and met with "quotas" imposed by the United States government for intelligence
10 gathering.

11 77. Certain government officials who were involved with Defendants' intelligence
12 gathering efforts were indifferent to whether Defendants' Interrogations Services complied with the
13 relevant laws. Those government officials who were indifferent to the lawfulness of Defendants'
14 conduct and who were otherwise involved with, directed, supervised or ignored Defendants'
15 wrongful acts are hereinafter referred to as "conspirators," or "co-conspirators," or are subsumed
16 within the term "Torture Conspirators" defined below.

17 78. Defendants and co-conspiring government officials decided, ratified and/or agreed,
18 expressly and/or implicitly, that the efforts to acquire information from Plaintiffs should not be
19 hampered by ensuring that interrogation efforts complied with the mandates of United States
20 domestic and international law.

21 79. The Torture Conspirators knew, or should have known, that there are many United
22 States and international laws that strictly circumscribe the manner in which the Plaintiffs could
23 lawfully be treated.

24 80. Defendants and certain government officials conspired and formed an ongoing
25 criminal enterprise designed to flout the United States domestic and international laws prohibiting
26 the torture, abuse, and other mistreatment of the Plaintiffs (hereinafter "Torture Conspiracy"). (The
27 actors implementing this Torture Conspiracy are hereinafter referred to as "Torture Conspirators,"
28 which includes the corporate defendants, individual defendants and certain government officials).

1 81. This criminal enterprise was premised on the fact that Defendants and certain
2 government officials knew, and intended, that creating an environment and setting conditions in
3 which persons were being tortured, abused, and otherwise mistreated would result in more persons
4 “willing” to provide so-called “intelligence” (of whatever value) to their interrogators in order to
5 end their mistreatment. In turn, an environment in which the United States perceived the
6 Interrogation Services as being productive and useful would create, maintain, and increase the
7 United States’ demand for Defendants’ Interrogation Services.

8 82. The Torture Conspiracy began in or around 2001 and, upon information and belief,
9 is on going. The Torture Conspiracy exists separate and apart from the ongoing lawful operations
10 of the corporate Defendants.

11 83. Certain government officials and senior management in Defendant Titan and CACI
12 Corporate Defendants had relationships that assisted in the formation and implementation of the
13 Torture Conspiracy. Upon information and belief, these relationships were formed and fostered by
14 meetings, telephonic discussions, in-person discussions, email discussions and other
15 communications that occurred in, among other places, California, Virginia and the District of
16 Columbia.

17 84. The corporate Defendants formed and implemented the Torture Conspiracy in order
18 to make money selling Interrogation Services to the United States and in order to gain a
19 competitive advantage in the market. The corporate Defendants also formed and implemented the
20 Torture Conspiracy to ensure that they did not lose money on their past acquisitions of
21 Interrogation Services capacity.

22 85. The individual Defendants formed and implemented the Torture Conspiracy in order
23 to obtain personal financial rewards and/or financial rewards for their employers.

24 86. The Torture Conspirators actively recruited individuals willing to participate in the
25 illegal conspiracy. Upon information and belief, the Torture Conspiracy took steps in California,
26 Virginia and other locations throughout the United States to screen potential applicants to ascertain
27 whether they would be willing to engage in illegal acts. Certain Team Titan postings sought “male
28 U.S. citizens” and revealed that applicants “must undergo a favorable U.S. Army

1 Counterintelligence screening interview.” Applicants perceived as potentially willing to participate
2 in the conspiracy were retained to provide Interrogation Services.

3 87. Upon information and belief, Defendant Titan employees were essential to the
4 Interrogations conducted in an unlawful manner in Iraq. Defendant Titan supplied employees “to
5 work 12 hour shifts and in excess of 60-hour weeks in order to provide continuous contract linguist
6 support that this 24x7 operation requires.” See Exhibit B, job description OAT730. Defendant
7 Titan employees “work as part of a civil-military team in an unstructured environment; [they] live
8 and work in a harsh environment.” See Exhibit B, job description TOSG26. They are expected to
9 “[i]dentify and extract information components meeting military information requirement list
10 criteria, and to “[p]rovide input to reports” See Exhibit B, job description OAT730.

11 88. Upon information and belief, CACI Corporate Defendants employees were essential
12 to the Interrogations conducted in an unlawful manner in Iraq. CACI Corporate Defendants
13 supplied, among other persons, “Interrogators” and “Jr CI Agent[s],” who “[c]onduct[]
14 interrogations of detainees.” See Exhibit C, job descriptions BZSG224 and BZSG191. CACI
15 Corporate Defendants also supplied, among other persons, “Intelligence Analysts” who:

16 Provides intelligence analytical support to the interrogation team
17 during development and execution of the interrogation plan/cycle.
18 Interfaces with higher, lower and adjacent intelligence organizations
19 to *fully prepare interrogation team for exploitation of detainees*, as
20 well as preparing post interrogation analytical products/assessments
21 that support further targeting efforts, source development and
22 analysis of the threat.

20 (Emphasis added.) See Exhibit C, job description BZSG192. CACI Intelligence Analysts not only
21 provided guidance before Interrogations, but also provided feedback afterward about how the next
22 Interrogation could be more effective.

23 89. Upon information and belief, CACI Corporate Defendants amended the CACI Code
24 of Ethics and Business Conduct Standards to facilitate the Conspiracy. The 2002 version of the
25 CACI Code of Ethics and Business Conduct Standards stated that:

26 All employees should be aware that if they are a party to violations
27 that affect or involve transactions with the U.S. Department of
28 Defense or other U.S. government agencies, a record of any
involvement and disciplinary action taken *will* be made available to
the U.S. government.

1 (Emphasis added.) See Exhibit G. This language was changed on some date between 2002 and
2 2003 to read:

3 All employees should be aware that if they are a party to any
4 *demonstrably illegal activity*, the Company *in its discretion may*
5 make a record of any involvement and disciplinary action taken
available to the appropriate law enforcement officials.

6 (Emphasis added.) See Exhibit G.

7 90. The Torture Conspiracy was successful in achieving its unlawful ends. With
8 assistance from certain conspiring government officials, Defendants were able to reap handsome
9 monetary rewards in exchange for facilitating setting the conditions and assisting in detaining the
10 Plaintiffs under unlawful conditions and torturing, abusing, and otherwise mistreating them.

11 91. During the period 2001 to present, upon information and belief, Defendant Titan
12 earned millions of dollars in revenue from the provision of Interrogation Services. These fruits of
13 the criminal Torture Conspiracy have been invested in the ongoing operations of Defendant Titan.

14 92. During the period 2001 to present, upon information and belief, CACI Corporate
15 Defendants earned millions of dollars in revenues from their provision of Interrogation Services.
16 These fruits of the criminal Torture Conspiracy have been invested in the ongoing operations of
17 CACI Corporate Defendants.

18 93. Upon information and belief, each individual Defendant, through their participation
19 in the Torture Conspiracy, earned far more money per hour than they could otherwise have earned,
20 and had far more demand for their services than would have existed, absent the Torture Conspiracy.

21 94. Upon information and belief, the corporate Defendants also benefited financially by
22 forming the Torture Conspiracy because their co-conspirators used their influence to ensure that the
23 corporate Defendants were awarded contracts or modifications of existing contracts on a no-bid
24 basis. Some of these no-bid contracts are identified in Exhibit F.

25 95. Numerous predicate acts have been committed by the conspirators (and others acting
26 at their direction) in their implementation of the Torture Conspiracy.

27
28

1 96. The predicate acts include, but are not limited to, kidnapping, murder, assault and
2 battery, unlawful imprisonment, obstruction of justice, and other acts intended to be humiliating
3 and mentally devastating to those who practice the faith of Islam.

4 97. On information and belief, the Torture Conspirators working in Guantánamo
5 developed an approach to interrogation (“tiger teams”) based on study and review of what practices
6 would be most humiliating to those who practice the Muslim faith. On information and belief, the
7 Torture Conspirators conspired to, and adopted this same interrogation method in Iraq.
8 Specifically, in or around October 2003, five Interrogation Teams (including Torture Conspirators)
9 who had been conducting interrogations in Guantánamo were sent to Iraq to set up a “Gitmo-style”
10 prison at Abu Ghraib. (“Gitmo” is the colloquial term used for Guantánamo Bay.)

11 98. Certain employees of the Defendants have admitted to engaging in these predicate
12 acts. For example, on or before May 21, 2004, an unknown employee of Defendant Titan working
13 in Iraq admitted to stripping, handcuffing, and forcibly restraining putative Class Members as they
14 were placed by the employee and others in sexual positions.

15 99. Upon information and belief, the United States government has sought and obtained
16 additional admissions from employees of Defendant Titan and CACI Corporate Defendants during
17 the course of ongoing investigations into the allegations of the torture, abuse, and other
18 mistreatment of detainees in Iraq.

19 100. Upon information and belief, Defendant Titan has admitted that it cannot bill the
20 United States government for services provided by Defendants Nakla and Israel.

21
22 **SPECIFIC EXAMPLES OF WRONGFUL ACTS**
 RELATING TO PLAINTIFF SALEH

23 101. On or about September 25, 2003, the Torture Conspirators detained Plaintiff Saleh
24 without any cause. Plaintiff Saleh, an opponent of Saddam Hussein, was returning to Iraq with
25 certain monies and a vehicle to assist with the rebuilding efforts. The Torture Conspirators tied him
26 up, placed a hood over his head, and placed him in the trunk of a vehicle. The Torture Conspirators
27 stole his car and cash he had brought with him to invest in rebuilding Iraq.

1 102. Thereafter, the Torture Conspirators imprisoned Plaintiff Saleh in El-Najaf for
2 approximately 8 days for no reason whatsoever. They beat him with a stick so fiercely he lost
3 consciousness.

4 103. On or about October 4, 2003, the Torture Conspirators took Plaintiff Saleh to Abu
5 Ghraib Prison, the same prison where he had been tortured by Saddam Hussein. The Torture
6 Conspirators thereafter engaged in a series of actions against Plaintiff Saleh, including, but not
7 limited to, the following:

8 (a) Roping Plaintiff Saleh and 12 other naked prisoners together by their genitals
9 and then pushing one of the male detainees to the ground, causing the others to suffer extreme
10 physical, mental and emotional distress.

11 (b) Stretching Plaintiff Saleh's penis with a rope and beating it with a stick.

12 (c) Stripping Plaintiff Saleh naked for extended periods of time (as long as a day
13 and a half) and leaving him this way with a hood over his head.

14 (d) Forcing Plaintiff Saleh to ejaculate in a plastic cup and pouring the semen
15 over his head and body.

16 (e) Forcing Plaintiff Saleh to lay naked over another male with his penis
17 touching the buttocks of the male, causing both males to cry profusely and ask for forgiveness from
18 God.

19 (f) Pouring cold water over him.

20 (g) Repeatedly shocking Plaintiff Saleh with an electric stick and beating him
21 with a cable.

22 (h) Depriving Plaintiff Saleh of sleep by blasting music and pouring cold water
23 over him every time he attempted to sleep.

24 (i) Subjecting him to dehumanizing name-calling using Arabic phrases such as
25 "minuk" which means "bitch" and "ishtah", meaning worthless scum.

26 (j) Tying a belt around his neck and dragging him approximately 70 feet.

27 (k) Using a dog to threaten and intimidate him.

28 (l) Beating him with a pistol and slamming his head against the wall.

- 1 (m) Pouring chemicals on his body.
- 2 (n) Tying his hands above his head and sodomizing him while slapping his head
3 back and forth.
- 4 (o) Placing him naked on a table, face down with a hood over his head, and
5 grabbing his penis and inserting fingers up his anus.
- 6 (p) Urinating on him.
- 7 (q) Shooting him with plastic bullets to his chest as he was trying to call for
8 prayer.
- 9 (r) Forcing him to carry buckets of feces as the Torture Conspirators bumped the
10 buckets to have the feces cover Plaintiff Saleh.
- 11 (s) Denying his ability to perform his prayers.

12 104. Plaintiff Saleh also observed the Torture Conspirators summarily execute other
13 detainees. A Torture Conspirator shot randomly at a crowd of detainees, killing approximately five
14 prisoners, including an individual by the name of "Saed," whom Plaintiff Saleh had befriended. Mr.
15 Saed was shot in the neck and chest and left to bleed on the ground for a couple of hours. Plaintiff
16 Saleh witnessed two men dying slowly, without being provided medical treatment.

17 105. Plaintiff Saleh also observed the Torture Conspirators strip and rape two young male
18 detainees. The Torture Conspirators tied their hands, and raped them in front of Mr. Saleh and
19 other prisoners. The Torture Conspirators then warned Plaintiff Saleh and other plaintiffs that if
20 they told anyone, they would be next.

21 106. Plaintiff Saleh observed the Torture Conspirators strip naked three plaintiffs and
22 hang them by their hands from a hook in the ceiling, while a laughing Conspirator beat on their
23 genitals and sodomized them with a stick in front of other detainees.

24 107. Plaintiff Saleh observed the Torture Conspirators rounding up and imprisoning local
25 females. For approximately 13 days, Mr. Saleh heard constant screaming and crying at night from
26 many females. Mr. Saleh heard some females screaming "No! No! Shame on you! This is against
27 God's laws." Although Plaintiff Saleh did not see the acts, he is convinced the Torture
28 Conspirators were raping these women.

1 108. To date, Mr. Saleh's money and car have not been returned.

2
3 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PLAINTIFF AHMED**

4 109. The Torture Conspirators detained Plaintiff Ahmed and his father Ibrahiem (now
5 deceased) without cause in the Abu Ghraib Prison.

6 110. The Torture Conspirators tortured, abused, and otherwise mistreated Plaintiff
7 Ahmed and his father Ibrahiem by committing the following acts, among others:

8 (a) Removing their clothes and spraying them with cold water during the cold
9 winter;

10 (b) Stripping them of their clothes entirely and then tying their hands and legs
11 together and allowing fierce and hungry dogs to come two inches away from their faces and bark in
12 their faces;

13 (c) Kicking them with their heavy military boots on all parts of their bodies
14 including their heads, backs, private parts, and stomach;

15 (d) Hitting them with guns on their bodies, including their heads, backs,
16 stomach, and private parts;

17 (e) Removing all their clothes and leaving them outside for days;

18 (f) Depriving them of food and keeping them in the cold for such lengths of time
19 as to cause fainting;

20 (g) Lifting their hands above their heads and leaving them standing in that
21 position for days, and beating them whenever they moved or twitched;

22 (h) Leaving them lying on their stomachs naked on the floor with their hands
23 tied above their heads for long hours.

24 111. Plaintiff Ahmed was forced to observe the Torture Conspirators torturing his father
25 and putative Class Plaintiffs by physically and verbally assaulting them, humiliating them,
26 including sexual humiliation.

27 112. Plaintiff Ahmed was forced to observe the Torture Conspirators torturing his father
28 to such a degree that he died.

1 113. Plaintiff Ahmed also suffered property losses as a result of actions by the Torture
2 Conspirators. They destroyed his house, took \$3,200 in cash, \$1,500 worth of gold, jewelry and
3 other property.

4
5 **SPECIFIC EXAMPLES OF WRONGFUL ACTS**
6 **RELATING TO PLAINTIFF ISMAEL**

7 114. The Torture Conspirators detained Plaintiff Ismael without cause in the Abu Ghraib
8 Prison and the Buka Prison.

9 115. Thereafter the Torture Conspirators continued to detain and otherwise mistreat
10 Plaintiff Ismael and committed the following acts, among others, during his Abu Ghraib Prison
11 detention:

12 (a) During interrogation, hitting him with electric cables and kicking him with
13 boots if he did not answer or did not answer in the manner desired by the Torture Conspirators;

14 (b) Tying his hands behind his backs and terrorizing him by shooting electric
15 guns at him;

16 (c) Stripping him, tying his hands behind his back and releasing dogs to attack
17 his private parts;

18 (d) Using demeaning and dehumanizing language;

19 (e) Depriving him of sleep by use of loud music or loose dogs roaming around
20 the tent;

21 (f) Stripping his clothes off and forcing him to stand on one leg for as long as 6
22 hours, during which they would hit him with a rifle if he showed any sign of fatigue or moved in
23 any manner;

24 (g) Hitting his private parts repeatedly.

25 116. During a particular interrogation, the Torture Conspirators asked Plaintiff Ismael a
26 question that he refused to answer. As a result, they stripped off his clothes and covered his face
27 with a bag. Hours later they removed the bag and showed him two photographs of sexual torture
28 committed on detainees known to Plaintiff Ismael. The first photograph showed a young boy (age
12-15) being sexually molested by a person in a United States uniform. The Torture Conspirators

1 told Plaintiff Ismael that he would be treated in the same fashion if he did not answer their question.
2 The Torture Conspirators then showed him another photograph of a different detainee, also known
3 to Plaintiff Ismael, who was being forced to perform oral sex on a person in a United States
4 uniform. The Torture Conspirators again threatened Plaintiff Ismael with similar treatment if he
5 refused to answer questions.

6 117. The Torture Conspirators also tortured, abused, and otherwise mistreated Plaintiff
7 Ismael during his detention at the Buka Prison. They committed the following acts, among others:

8 (a) Turning on very loud music whenever he and other detainees tried to pray or
9 read the Quran and otherwise preventing any type of worship;

10 (b) Placing him standing outside in the burning sun for long hours;

11 (c) Stripping him and tying him together with other detainees and dragging their
12 naked bodies with a leash across the hot summer sand;

13 (d) Kicking him with their heavy boots on their heads;

14 (e) Tying him to other detainees by their feet and forcing them to sleep on their
15 stomachs on the hot sand.

16 118. Even after Plaintiff Ismael's release, the Torture Conspirators continue to inflict
17 harm on him by continuing to detain his 27-year old son, Burban, in an unknown location. Plaintiff
18 Ismael has not seen his son since they were both detained.

19
20 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PLAINTIFF NEISEF**

21 119. The Torture Conspirators detained Plaintiff Neisef without cause in the Abu Ghraib
22 and Buka Prisons.

23 120. During his detention in the Abu Ghraib Prison, the Torture Conspirators tortured,
24 abused, and otherwise mistreated Plaintiff Neisef by committing the following acts, among others:

25 (a) Placing brown mesh bags on his head as they questioned him;

26 (b) Hitting him on his face and body with heavy military boots if he did not
27 provide the desired answers;

28

1 (c) Placing him and other male detainees in a room with a naked female detainee
2 who had a brown mesh bag on her head and who was screaming;

3 (d) Depriving him of sleep for as much as 48 hours by placing him in a room
4 with very loud music close to his ears;

5 (e) Spraying cold water on him and placing him outside in the cold for long
6 periods of time.

7 121. During his detention in the Buka Prison, the Torture Conspirators committed the
8 following acts, among others:

9 (a) Stripping him, tying his hands and feet together with other detainees, and
10 placing them on a dog's leash and dragging their naked bodies on the hot summer sand;

11 (b) Hitting him with their heavy boots on his head;

12 (c) Forcing him to stand in the hot summer sun outside with his hands tied
13 behind his neck for periods between 6 hours to 24 hours without movement, and beating him if he
14 showed any sign of movement or fatigue.

15 122. The Torture Conspirators raped Plaintiff Neisef. A female conspirator placed a hood
16 over his head and called in two other conspirators, who held Neisef down while she raped him.
17 After sexually abusing him for approximately thirty minutes, she left him naked on the floor and
18 told him "it is our job to take your manhood away from you by the time you leave, you son of a
19 bitch."

20 123. The Torture Conspirators forced Plaintiff Neisef to touch other detainees' body parts
21 by threatening him with attack dogs. The Torture Conspirators poured cold water on Plaintiff
22 Neisef and the other detainees, wrapped electric wire around their penises, and gave them electric
23 shocks. Plaintiff Neisef started to bleed and suffered a ruptured vein on his penis. The Torture
24 Conspirators refused to tend his wounds.

25 124. The Torture Conspirators again degraded Plaintiff Neisef sexually by forcing him to
26 assume a dog position and by threatening to sodomize him with a stick.

27 125. The Torture Conspirators prevented Plaintiff Neisef from praying. Whenever he and
28 other detainees tried to pray the religious prayer of salah, the Torture Conspirators would place

1 their heavy boots on their heads and prevent them from lifting their heads off the ground. When
2 asked, "why do you torture us and prevent us from worshipping God?", the Torture Conspirators
3 answered "you are under our authority, we can do whatever we want with you."

4 126. Plaintiff Neisef suffered property losses as a result of actions by the Torture
5 Conspirators. They damaged his house, took \$6,000 in cash, \$1,000 worth of gold and jewelry.

6
7 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PLAINTIFF IBRAHIEM ESTATE**

8 127. The Torture Conspirators detained, tortured, abused, and otherwise mistreated
9 Ibrahiem as described above in the paragraphs relating to Plaintiff Ahmed.

10 128. The Torture Conspirators wrongfully killed Ibrahiem by torturing him and thereafter
11 refusing to provide him the needed medical attention to prevent his death.

12
13 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PLAINTIFF SAMI**

14 129. The Torture Conspirators subjected Plaintiff Sami to a series of unlawful acts,
15 including, but not limited to, the following:

16 (a) Hooding him for extended periods of time so that he was completely
17 disoriented and had difficulty breathing.

18 (b) Handcuffing him with flexi-cuffs around the wrists for extended periods
19 causing skin lesions.

20 (c) Depriving him of food, water and hygiene facilities.

21 (d) Repeatedly kicking and beating him;

22 (e) Subjecting him to loud rock music;

23 (f) Depriving him of sleep;

24 (g) Making him stand on one leg for a prolonged period and beating him
25 whenever he fell down;

26 (h) Forcing him to crouch up and down repeatedly until he fell over.

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1 130. At the time of his arrest, Plaintiff Sami had in his possession \$65,750 and
2 15,350,000 Iraqi dinars, as well as other valuables. The Torture Conspirators wrongfully
3 confiscated and kept this money and property following Plaintiff Sami's arrest.

4
5 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PLAINTIFF MWAFaq**

6 131. While detained the Torture Conspirators subjected Plaintiff Mwafaq to a series of
7 unlawful acts, including, but not limited to, the following:

8 (a) Hooding him for two days so that he was completely disoriented and had
9 difficulty breathing;

10 (b) Handcuffing him with flexi-cuffs around the wrists for extended periods
11 causing skin lesions;

12 (c) Depriving him of food, water and hygiene facilities;

13 (d) Repeatedly kicking and beating him, particularly around the head, which
14 required stitches to his eyelids;

15 (e) Subjecting him to loud rock music;

16 (f) Depriving him of sleep;

17 (g) Making him stand on one leg for a prolonged period and beating him
18 whenever he fell down;

19 (h) Forcing him to crouch up and down repeatedly until he fell over.

20
21 **SPECIFIC EXAMPLES OF WRONGFUL
ACTS RELATING TO PLAINTIFF RASHEED**

22 132. The Torture Conspirators participated in detaining Plaintiff Rasheed without cause.

23 133. Throughout his detention and interrogation the Torture Conspirators participated in
24 torturing and otherwise mistreating Plaintiff Rasheed by subjecting him to the following acts,
25 among others:

26 (a) Forcing him to lie on a cold floor and pouring cold water on him;

27 (b) Electrocuting his tongue and anus;

28 (c) Beating his feet with iron skewers;

- 1 (d) Pulling out his toe nails; and
2 (e) Tying his hands, hanging him on the ceiling and beating him severely on all
3 parts of his body.

4
5 **SPECIFIC EXAMPLES OF WRONGFUL**
6 **ACTS RELATING TO PLAINTIFF JOHN DOE NO. 1**

7 134. On or about August 24, 2003, the Torture Conspirators detained Plaintiff John Doe
8 No. 1 without cause. Initially detained and interrogated at the United States military prison facility
9 at the Baghdad International Airport, Iraq, Plaintiff John Doe No. 1 was eventually transferred to
10 Abu Ghraib Prison. Plaintiff John Doe No. 1 was recently released from detention without charge.

11 135. Throughout his detention and interrogation the Torture Conspirators tortured,
12 abused, and otherwise mistreated Plaintiff John Doe No. 1 by subjecting him to the following acts,
13 among others:

- 14 (a) Hooding him for extended periods of time so that he was completely
15 disorientated and had difficulty breathing;
16 (b) Humiliating and degrading him by making him walk "like a dog" on all
17 fours;
18 (c) Restraining him in awkward and painful positions;
19 (d) Sexually humiliating him by stripping him naked and parading him in front
20 of other prisoners and prison guards, including women;
21 (e) Subjecting him to extremes of temperature by pouring cold water on him,
22 causing him to lose consciousness;
23 (f) Threatening to kill him as well as his wife;
24 (g) Placing electric cables on his body and threatening to use electrical shocks
25 on him;
26 (h) Hanging weights on his neck for extended periods resulting in spinal
27 damage;
28 (i) Continually mocking his Islam faith and interrupting his efforts to pray;

1 (j) Sexually humiliating and degrading him by stripping him naked and
2 attempting to make him masturbate in front of women and fondling his penis with a stick so as to
3 give him an erection;

4 (k) Subjecting him to prolonged interrogation while he was tied tightly by the
5 hands and hung up;

6 (l) Hanging him by his feet;

7 (m) Beating and kicking him until he fainted;

8 (n) Coercing him to beat other prisoners;

9 (o) Subjecting him to loud music for extended periods; and

10 (p) Applying electric shocks to his body parts.

11 136. Throughout his detention, Plaintiff John Doe No. 1 observed the Torture
12 Conspirators torturing, abusing, and otherwise mistreating other Plaintiffs in similar fashion. In
13 particular, Plaintiff John Doe No. 1 learned that the Torture Conspirators tortured to death two
14 Generals from the Hussein regime who had been detained at the same time.

15
16 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PLAINTIFF JANE DOE NO. 2**

17 137. On or about September 24, 2003, the Torture Conspirators detained Plaintiff Doe
18 No. 2 without cause. Plaintiff Jane Doe No. 2 is a 55-year old English teacher by profession.
19 Plaintiff Jane Doe No. 2's 70-year old husband had been tortured to death in Abu Ghraib Prison
20 during the Saddam Hussein regime.

21 138. Plaintiff Jane Doe No. 2 was detained and interrogated by the Torture Conspirators
22 in four of its prison facilities in Iraq – Samarra Airport, Tikrit, Abu Ghraib, and Sahia – before
23 being released without charge on January 22, 2004.

24 139. During her detention and interrogation, the Torture Conspirators tortured, abused,
25 and otherwise mistreated Plaintiff Jane Doe No. 2 by subjecting her to the following acts, among
26 others:

27 (a) Detaining her incommunicado, in isolation, for prolonged periods in a tiny (3
28 metres by 2 metres) dark, unhygienic, cold cell;

- 1 (b) Hooding her for extended periods of time so that she was completely
2 disorientated and had difficulty breathing;
- 3 (c) Handcuffing her with flexi-cuffs around the wrists and ankles for extended
4 periods causing skin lesions;
- 5 (d) Depriving her of food, water, and hygiene facilities;
- 6 (e) Threatening and intimidating her with guard dogs;
- 7 (f) Threatening her and members of her family with death; and
- 8 (g) Interrogating her for extended periods while she was restrained in awkward
9 positions.

10
11 **SPECIFIC EXAMPLES OF WRONGFUL ACTS
RELATING TO PUTATIVE CLASS PLAINTIFFS**

12 140. On or about August 31, 2003 to September 9, 2003, the Torture Conspirators issued,
13 or caused to be issued, a report that expressly directed other non-conspirators to violate the law and
14 set the conditions for the continued success of the Torture Conspiracy. The report stated "it is
15 essential that the guard force be actively engaged in setting the conditions for the successful
16 exploitation of the internees." See Maj. Gen. Antonio M. Taguba, *U.S. Army Report on Iraqi*
17 *Prisoner Abuse* (May 5, 2004) at 8 (attached as Exhibit H).

18 141. On September 13, 2003, the Torture Conspirators located in Basrah, Iraq, arrested
19 nine putative Class Plaintiffs in a hotel. They forced the nine men to kneel, face and hands against
20 the ground, as if in a prayer position. They then stamped on the back of the neck of those persons
21 raising their head. They confiscated their money without issuing a receipt. This torture and theft is
22 documented by a report prepared by the International Committee of the Red Cross (hereinafter
23 "ICRC) attached as Exhibit I.

24 142. Thereafter, also on September 13, 2003, the Torture Conspirators took the nine
25 putative Class Plaintiffs to Al-Hakimiya, a former office previously used by the *mukhabarat* in
26 Basrah, and beat them.

1 143. On or about September 13, 2003, the Torture Conspirators beat one man to death.
2 He was aged 28, married, and the father of two children. This murder is documented in Exhibit I,
3 the report prepared by the ICRC.

4 144. On or about September 13, 2003, the Torture Conspirators beat two other putative
5 Class Plaintiffs so severely that they had to be hospitalized with severe injuries, including, but not
6 limited to, broken noses, severely broken ribs and skin lesions on the faces. Approximately one
7 week after the injuries were intentionally inflicted by the conspirators, an International Red Cross
8 physician examined the victims in the hospital and observed haematomas with dried scabs on the
9 abdomen, buttocks, sides, thigh, wrists, nose and forehead.

10 145. A few weeks prior to September 22, 2003, the Torture Conspirators located at Camp
11 Buka, Iraq, kidnapped a 61-year old putative Class Plaintiff, tied him up, placed a hood over his
12 head, and forced him to sit on the hot surface of a vehicle until he lost consciousness and suffered
13 severe burns to his buttocks.

14 146. In September or October 2003, the Torture Conspirators located in the so-called
15 "High Value" section of a prison in Iraq tortured a putative Class Plaintiff. They placed a hood
16 over his head, handcuffed his hands behind his back, and forced him to lie on a hot surface until he
17 was severely burned. Conspirators' assault on this person caused such substantial injuries that he
18 was hospitalized for three months and forced to undergo several skin grafts, and the amputation of
19 his right index finger. He suffered the permanent loss of the use of his left fifth finger secondary to
20 burn-induced skin retraction and extensive burns over the abdomen, anterior aspects of the lower
21 extremities, the palm of his right hand and the sole of his left foot.

22 147. In or around November 2003, Torture Conspirators located in Ramadi, Iraq, detained
23 approximately 30 putative Class Plaintiffs in a house. The conspirators released German shepherd
24 dogs into the house and encouraged the dogs to attack the detainees.

25 148. On or about November 19, 2003, Torture Conspirators located in Iraq managed to
26 wrest control over the detention conditions in Abu Ghraib prison from those charged with such
27 control under normal military procedures. The Torture Conspirators' success in gaining control
28 over the conditions of detention is reflected in a memorandum signed by General Sanchez, which

1 formally transferred tactical control over the conditions of detention to the 205th Military
2 Intelligence Brigade.

3 149. On or about December 12, 2003, the Torture Conspirators located in Abu Ghraib,
4 Iraq, terrorized a putative Class Plaintiff with German shepherds. They stripped this victim and
5 subsequently permitted the dogs to attack him.

6 150. On or around Ramadan, 2003, the Torture Conspirators located in Abu Ghraib, Iraq
7 tortured a putative Class Plaintiff by putting sandbags on his head, stripping him naked, forcing him
8 onto his hands and knees, piling other naked prisoners on top of him, taking pictures from front and
9 back views of the pile of naked prisoners, forcing him to stroke his penis, pretending to put his
10 penis in the mouth of a guard while taking pictures, playing with his penis with a pen, writing on
11 his buttocks, leaving him naked in a cell with no mattress for two days and denying him all food but
12 bread and water for three days.

13 151. On or around Ramadan, 2003, the Torture Conspirators located in Abu Ghraib, Iraq
14 tortured a putative Class Plaintiff by stripping him naked, ordering him to stroke his penis in front
15 of a female guard, placing three other naked prisoners on his back, forcing him onto his stomach
16 and then placing six other prisoners on top, taking pictures of him in a pile of naked prisoners,
17 writing on his body, forcing him and others to walk and bark like dogs, beating him on the face and
18 chest and forcing him to sleep on the floor with bags on his head for ten days.

19 152. The Torture Conspirators located in Abu Ghraib, Iraq tortured a putative Class
20 Plaintiff by handcuffing him to a cell door for two hours, pouring cold water on him, putting his
21 head in urine, beating him with a broom, stepping on his head and legs, pressing a broom into his
22 buttocks, spitting on him and yelling at him over a loudspeaker for three hours.

23 153. On September 10, 2003 the Torture Conspirators in Abu Ghraib, Iraq tortured a
24 putative Class Plaintiff by placing him in solitary confinement for sixty-seven days, during which
25 time they further tortured him by hitting him on the chest, cuffing him to a window for five hours,
26 and depriving him of food for twenty-four hours.

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2 **CONTINUING PATTERN AND PRACTICE OF**
3 **WRONGFUL AND ILLEGAL ACTS**

4 154. Beginning in January 2002 and, upon information and belief, continuing to present,
5 the Torture Conspirators have engaged in an ongoing pattern and practice of illegal acts designed to
6 generate alleged "intelligence" from Plaintiffs and putative Class Plaintiffs. Defendants and their
7 co-conspirators used physical and psychological coercion in a systematic way to extract alleged
8 "information" or other forms of co-operation from Plaintiffs allegedly deemed to have "intelligence
9 value."

10 155. The Torture Conspirators committed a series of acts specifically designed to
11 mentally devastate Plaintiffs and putative Class Plaintiffs by attacking and ridiculing their religious
12 faith of Islam.

13 156. The Torture Conspirators conducted this illegal activity in several prisons and
14 detention centers, including but not limited to, the Umm Qasr camp in Iraq, Camp Buka in Iraq, the
15 Abu Ghraib prison in Iraq, Camp Cropper near the Bhagdad Airport in Iraq, the Wood Building in
16 Iraq, the Steel Building in Iraq, and the Tikrit holding area formerly known as the Saddam Hussein
17 Islamic School.

18 157. Beginning in January 2002 and, upon information and belief, continuing to present,
19 the Torture Conspirators, including but not limited to the corporate Defendants and the named
20 Individual Defendants, continually tortured, abused, and otherwise mistreated Plaintiffs and
21 putative Class Plaintiffs by repeatedly engaging in the following acts:

22 (a) Hooding, used to prevent Plaintiffs and putative Class Plaintiffs from seeing
23 and to disorient them, and also to prevent them from breathing freely. The conspirators used one or
24 sometimes two bags, sometimes with an elastic blindfold over the eyes which, when it slips down,
25 further impedes proper breathing. The Torture Conspirators use hooding in conjunction with
26 beatings, thus increasing anxiety as to when blows would come. The practice of hooding also
27 allows the Torture Conspirators to remain anonymous and act with impunity. At times, Plaintiffs
28

1 and putative Class Plaintiffs are hooded up to 2 to 4 consecutive days, during which hoods are
2 lifted only for drinking, eating or going to the toilets;

3 (b) Handcuffing with flexi-cuffs, which are sometimes made so tight and used
4 for such extended periods that they caused skin lesions and long-term after-effects on the hands
5 (nerve damage);

6 (c) Beatings with hard objects (including pistols and rifles), slapping, punching,
7 kicking with knees or feet on various parts of the body (legs, sides, lower back, groin);

8 (d) Pressing the face into the ground with boots;

9 (e) Threatening further ill-treatment, reprisals against family members, and
10 imminent execution or transfer to Guantánamo;

11 (f) Stripping them naked and holding them naked for several days while held in
12 solitary confinement in an empty and pitch black cell;

13 (g) Placing them in solitary confinement for extended periods of time;

14 (h) Depriving them of food and water and access to showers and open air;

15 (i) Holding them incommunicado for prolonged periods;

16 (j) Parading them naked outside cells in front of other detainees, and guards,
17 and sometimes hooded with women's underwear over the head;

18 (k) Humiliating them by making them stand naked against the wall of their cells
19 with their arms raised or with women's underwear over the head for prolonged periods - while
20 being laughed at by guards, including female guards;

21 (l) Urinating on them;

22 (m) Force-feeding them foreign objects, such as baseballs;

23 (n) Photographing them in humiliating positions;

24 (o) Raping them;

25 (p) Restraining them while government officials raped them;

26 (q) Forcing them to engage in sex acts;

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1 (r) Repeatedly attacking and beating them over several days, for several hours
2 each time, as they are handcuffed to the bars of their cell door in humiliating (*i.e.* naked or in
3 underwear) and/or uncomfortable positions causing physical pain;

4 (s) Exposing them to loud noise or music, prolonged exposure to the sun over
5 several hours, including during the hottest time of the day when temperatures could reach 122
6 degrees Fahrenheit or higher;

7 (t) Forcing them to remain for prolonged periods in stressful positions such as
8 squatting or standing with or without their arms raised;

9 (u) Depriving them of sleep for days or weeks, by various means, including but
10 not limited to throwing cold water on them and illuminating their cells with powerful arc lighting
11 for 24-hours per day;

12 (v) Engaging in other acts for the purpose of ridiculing and attacking their
13 religious faith of Islam.

14 158. In addition to torturing, abusing, and otherwise mistreating Plaintiffs and putative
15 Class Plaintiffs in order to make them more willing to talk, Torture Conspirators failed to provide
16 Interrogation Services that complied with the laws governing arrest and detention as well as
17 interrogation. As observed by the ICRC, for example, the Torture Conspirators failed to inform
18 detainees of the reasons for their arrest, even when repeatedly asked to do so. The Torture
19 Conspirators also interrogated Plaintiffs and putative Class Plaintiffs without charging them.

20
21 **CONTINUING PATTERN AND PRACTICE OF
ATTEMPTING TO OBSTRUCT JUSTICE**

22 159. The Torture Conspiracy's activities have been observed by, among others, the
23 ICRC. These observations were verbally shared with the United States on several occasions,
24 including April 1, 2003. These observations were also shared with the United States in memoranda
25 dated May 2003, July 2003, and February 2004. Upon information and belief, the ICRC also had
26 additional communications on dates not known to Plaintiffs.

27 160. ICRC reports as well as reports by other entities, such as Amnesty International and
28 allied countries, resulted in concerns being raised by some United States government officials about

1 Plaintiffs' treatment. For example, Secretary of State Colin Powell wrote a strongly worded letter
2 to Secretary of Defense Donald Rumsfeld on April 14, 2003, urging that the mistreatment of the
3 detainees cease. Secretary Powell asserted that the mistreatment of the detainees was a threat to
4 national security.

5 161. Torture Conspirators took steps to obstruct justice and interfere with the steps being
6 taken by the ICRC and certain United States government officials to investigate allegations of
7 mistreatment.

8 162. The Torture Conspirators repeatedly acted to obstruct justice by persuading and
9 attempting to persuade others in positions of authority that the ICRC reports were not credible and
10 should not be used to guide the United States' actions. However, the conspirators had no
11 information or evidence upon which to rely to suggest the ICRC reports were not credible. Rather,
12 the Torture Conspirators intentionally made false statements in order to prevent the certain United
13 States officials from discovering and ending the Torture Conspiracy.

14 163. Among other steps taken to obstruct justice, the Torture Conspirators attempted to
15 move Plaintiffs and putative Class Plaintiffs out of the view of the investigators. *See* Exhibit I.

16 164. On and after September 13, 2003, the Torture Conspirators took a series of steps to
17 obstruct justice in relation to the summary executions. They issued an "International Death
18 Certificate" for the person they killed that attributed the death directly to "card-respiratory arrest -
19 asphyxia" and claimed the "cause of the condition" was "unknown." The conspirators made these
20 false statements on official documents to obstruct the on-going investigations into the murder,
21 including an investigation conducted by the United States military, which began on or about
22 October 3, 2003. Upon information and belief, these documents were sent to the United States.

23 165. For example, the Torture Conspirators, beginning in or around October 2003 and
24 continuing to present, attempted to prevent the commencement of an investigation into the assault
25 on a putative Class Plaintiff.

26 166. Upon information and belief, the Torture Conspirators took steps to obstruct justice
27 in the District of Columbia, Virginia, California, and other states, as well as abroad.

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DAMAGES

167. Upon information and belief, the Torture Conspirators have summarily executed at least 15 persons.

168. Upon information and belief, the Torture Conspirators have caused as many as 50 suicides.

169. The Torture Conspirators have caused serious physical injuries, including irreversible brain damage, broken bones, permanent paralysis, and permanent physical ill health.

170. The Torture Conspirators have caused persons to become seriously mentally ill. Plaintiffs subjected to abuse by the Torture Conspirators have developed, among other conditions, concentration difficulties, memory problems, verbal expression difficulties, incoherent speech, acute anxiety reactions, abnormal behavior and suicidal tendencies. For example, the ICRC observed one person held in isolation to be unresponsive to verbal and painful stimuli. His heart rate was 120 beats per minute and his respiratory rate 18 per minute. He was diagnosed as suffering from somatoform (mental) disorder, specifically a conversion disorder.

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

**COUNT I
VIOLATION OF RACKETEER INFLUENCED AND
CORRUPT ORGANIZATIONS ACT ("RICO")**

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

173. Defendant Titan and CACI Corporate Defendants, together with the Individual Defendants violated the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968.

174. The corporate Defendants operated and continue to operate ongoing publicly-traded corporations formed under Delaware law. These corporations, together with the co-conspiring government officials and the individual Defendants, have formed an association-in-fact and

1 combined to conduct legitimate business for the United States in California, other states, and
2 overseas. This association-in-fact conducted both legal and illegal business and constitutes an
3 ongoing Enterprise as that term is defined by RICO. The Enterprise began in or around January
4 2002 and continues as an ongoing concern that engages in legitimate activity separate and apart
5 from the criminal and illegal activity.

6 175. Defendant Titan, CACI Corporate Defendants and the Individual Defendants
7 together with the co-conspiring government officials worked together on a repeated and continuous
8 basis to facilitate and engage directly and indirectly in the illegal racketeering activity. The
9 predicate acts include, but are not limited to, acts and threats of murder, assault and abuse,
10 kidnapping, and obstruction of justice.

11 176. Defendants were and continue to be associated with and employed by the Enterprise.

12 177. Defendants and employees employed by the Enterprise engaged in a pattern of
13 racketeering activity as that term is defined in 18 U.S.C. § 1961(5) and as described above and in
14 the accompanying exhibits.

15 178. The Defendants and their co-conspirators engaged for several years and are still
16 engaging in a pattern of racketeering activity (referred to as the "Torture Conspiracy") that is
17 separate and apart from the legitimate activity conducted by the Enterprise. The acts of the
18 Enterprise and the acts of the Torture Conspirators have a major impact on interstate commerce.

19 179. Defendants have earned millions of dollars from the Torture Conspiracy.
20 Defendants implemented the Torture Conspiracy in order to earn millions of dollars for
21 Interrogation Services that would not have been earned through the Enterprise's legitimate conduct
22 of business.

23 180. Plaintiff Sami, Plaintiff Ahmed, Plaintiff Neisef, and the putative RICO Class
24 Members have been injured in their business or property, as required by 18 U.S.C. § 1964(c). The
25 impact caused by Defendants' pattern and practice of criminal conduct, if not remedied by this
26 Court, will continue to harm the named Plaintiffs and putative RICO Class Members.

27 181. The Torture Conspiracy's victims include all detainees who have been killed,
28 tortured, abused, or otherwise mistreated by the Torture Conspirators. The Enterprise's victims

1 also include United States citizens were harmed by Defendants' illegal conduct, such as former
2 military police officer Spc. Dean Baker who was injured while posing as an uncooperative prisoner
3 during a training session.

4 182. As a direct and proximate result of the Torture Conspirators' actions as aforesaid,
5 Plaintiff Sami, Plaintiff Ahmed, Plaintiff Neisef, and the putative RICO Class have been damaged
6 in an amount to be determined at trial.

7 **COUNT II**
8 **CONSPIRACY TO VIOLATE**
9 **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT ("RICO")**

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

12 184. Defendants and their co-conspirators in the government conspired to violate the
13 Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968.

14 185. The corporate Defendants operated and continue to operate ongoing publicly-traded
15 corporations formed under Delaware law. These corporations, together with the co-conspiring
16 government officials and the individual Defendants, have formed an association-in-fact and
17 combined to conduct legitimate business for the United States in California, other states, and
18 overseas. This association-in-fact conducted both legal and illegal business and constitutes an
19 ongoing Enterprise as that term is defined by RICO. The Enterprise began in or around January
20 2002 and continues as an ongoing concern that engages in legitimate activity separate and apart
21 from the criminal and illegal activity.

22 186. Defendants were and continue to be associated with and employed by the Enterprise.

23 187. Defendants facilitated and/or directed, expressly and implicitly, that employees
24 employed by the Enterprise engage in a pattern of racketeering activity as that term is defined in 18
25 U.S.C. § 1961(5) and as described above and in the accompanying exhibits.

26 188. The Torture Conspirators engaged for several years and is still engaging in a pattern
27 of criminal conduct.

28 189. Defendants and their co-conspirators conspired together to conduct, facilitate and to
participate directly and indirectly in the conduct of the affairs of the Enterprise through a pattern of

1 racketeering activity as that term is defined in 18 U.S.C. § 1961(5) and as described above and in
2 the accompanying exhibits.

3 190. The Enterprise has earned millions of dollars in exchange for participating with co-
4 conspiring government officials in the racketeering activities described above. The Enterprise and
5 the co-conspirators designed and implemented the Torture Conspiracy in order to earn millions of
6 dollars for Interrogation Services that would not have been earned through the Enterprise's
7 legitimate conduct of business.

8 191. The acts of the Enterprise and the acts of the Torture Conspirators have a major
9 impact on interstate commerce.

10 192. Plaintiff Sami, Plaintiff Ahmed, Plaintiff Neisef, and the putative RICO Class
11 Members have been injured in their businesses or properties, as required by 18 U.S.C. § 1964(c).
12 The impact caused by Defendants' pattern and practice of criminal conduct, if not remedied by this
13 Court, will continue to harm the named Plaintiffs and putative RICO Class Members.

14 193. The Enterprise's victims include not only the named Plaintiffs but all detainees who
15 have been killed, tortured, abused, or otherwise mistreated by the Torture Conspirators. The
16 Enterprise's victims also include all United States citizens, who are subjected to greater security
17 risks as a result of Defendants' illegal conduct.

18 194. As a direct and proximate result of the Torture Conspirators' actions as aforesaid,
19 Plaintiff Sami, Plaintiff Ahmed, Plaintiff Neisef, and the putative RICO Class have been damaged
20 in an amount to be determined at trial.

21
22 **COUNT III**
23 **CLAIM UNDER THE ALIEN TORT CLAIMS ACT –**
24 **SUMMARY EXECUTION**

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

27 196. The deliberate killings, under color of law, of Ibrahiem and putative Wrongful Death
28 Class Members were not authorized by a lawful judgment pronounced by a regularly constituted

1 court affording all the judicial guarantees which are recognized as indispensable by civilized
2 peoples.

3 197. The acts described herein constitute summary execution in violation of the law of
4 nations under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts violated customary
5 international law prohibiting summary execution as reflected, expressed, and defined in multilateral
6 treaties and other international instruments, international and domestic judicial decisions, and other
7 authorities.

8 198. The acts described herein violate the Alien Tort Claims Act, which recognizes as
9 federal common law those international norms that have definite content and acceptance among
10 civilized nations. The acts described here are within the body of acts that violate such definite and
11 accepted international norms and are within the body of acts deemed actionable under the federal
12 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
13 4763 (June 29, 2004).

14 199. Defendants are liable for said conduct in that Defendants set the conditions, directly
15 and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with certain
16 government officials to execute summarily Ibrahim and other members of the putative Wrongful
17 Death Class.

18 200. Plaintiffs and putative Class Members were forced to suffer severe physical and
19 psychological abuse and agony.

20 201. Plaintiffs are entitled to monetary damages in an amount to be determined at trial.

21 **COUNT IV**
22 **CLAIM UNDER THE ALIEN TORT CLAIMS ACT –**
23 **TORTURE**

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

26 203. Plaintiffs bring this claim on their own behalf and on behalf of the class against all
27 Defendants.
28

1 204. The acts described herein were inflicted deliberately and intentionally for purposes
2 which included, among others, punishing the victim or intimidating the Plaintiffs and putative Class
3 Members. Torture includes rape and other sexual assault.

4 205. The acts described herein constitute torture in violation of the law of nations under
5 the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts violated customary international law
6 prohibiting torture as reflected, expressed, and defined in multilateral treaties and other
7 international instruments, international and domestic judicial decisions, and other authorities.

8 206. The acts described herein violate the Alien Tort Claims Act, which recognizes as
9 federal common law those international norms that have definite content and acceptance among
10 civilized nations. The acts described here are within the body of acts that violate such definite and
11 accepted international norms and are within the body of acts deemed actionable under the federal
12 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
13 4763 (June 29, 2004).

14 207. Defendants are liable for said conduct in that Defendants set the conditions, directly
15 and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with certain
16 government officials to commit the acts of torture against the Plaintiffs and potential class
17 members.

18 208. Plaintiffs and putative Class Members were forced to suffer severe physical and
19 psychological abuse and agony.

20 209. Plaintiffs are entitled to monetary damages and other relief to be determined at trial.

21 **COUNT V**
22 **CLAIM UNDER THE ALIEN TORT CLAIMS ACT –**
23 **CRUEL, INHUMAN OR DEGRADING TREATMENT**

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

26 211. Plaintiffs bring this claim on their own behalf and on behalf of the putative Class
27 Members against all Defendants.
28

1 212. The acts described herein had the intent and the effect of grossly humiliating and
2 debasing the Plaintiffs and class members, forcing them to act against their will and conscience,
3 inciting fear and anguish, and breaking their physical or moral resistance.

4 213. The acts described herein constitute cruel, inhuman or degrading treatment in
5 violation of the law of nations under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts
6 violated customary international law prohibiting cruel, inhuman or degrading treatment as reflected,
7 expressed, and defined in multilateral treaties and other international instruments, international and
8 domestic judicial decisions, and other authorities.

9 214. The acts described herein violate the Alien Tort Claims Act, which recognizes as
10 federal common law those international norms that have definite content and acceptance among
11 civilized nations. The acts described here are within the body of acts that violate such definite and
12 accepted international norms and are within the body of acts deemed actionable under the federal
13 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
14 4763 (June 29, 2004).

15 215. Defendants are liable for said conduct in that Defendants set the conditions, directly
16 and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with certain
17 government officials to cause the cruel, inhuman or degrading treatment of Plaintiffs and class
18 members.

19 216. Plaintiffs and putative Class Members were forced to suffer severe physical and
20 psychological abuse and agony.

21 217. Plaintiffs are entitled to monetary damages and other relief to be determined at trial.

22 **COUNT VI**
23 **CLAIM UNDER THE ALIEN TORT CLAIMS ACT –**
24 **ENFORCED DISAPPEARANCE**

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

27 219. Plaintiffs bring this claim on their own behalf and on behalf of the putative Class
28 Members against all Defendants.

1 220. The Torture Conspirators abducted Plaintiffs and class members and thereafter
2 refused to acknowledge their abduction or their fate.

3 221. The acts described herein constitute the enforced disappearance of Plaintiffs and
4 class members in violation of the law of nations under the Alien Tort Claims Act, 28 U.S.C.
5 § 1350, in that the acts violated customary international law prohibiting enforced disappearances as
6 reflected, expressed, and defined in multilateral treaties and other international instruments,
7 international and domestic judicial decisions, and other authorities.

8 222. The acts described herein violate the Alien Tort Claims Act, which recognizes as
9 federal common law those international norms that have definite content and acceptance among
10 civilized nations. The acts described here are within the body of acts that violate such definite and
11 accepted international norms and are within the body of acts deemed actionable under the federal
12 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
13 4763 (June 29, 2004).

14 223. Defendants are liable for said conduct in that Defendants set the conditions, directly
15 and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with certain
16 government officials in bringing about the enforced disappearance of Plaintiffs and putative Class
17 Members.

18 224. As result of Defendants' unlawful conduct, Plaintiffs and putative Class Members
19 were deprived of their freedom, separated from their families and forced to suffer severe physical
20 and mental abuse.

21 225. Plaintiffs seek compensatory and punitive damages in an amount to be determined at
22 trial.

23 **COUNT VII**
CLAIM UNDER THE ALIEN TORT CLAIMS ACT – ARBITRARY DETENTION

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

26 227. Plaintiffs bring this claim on their own behalf and on behalf of the putative Class
27 Members against all Defendants.

28

1 228. The acts described herein constitute arbitrary arrest and detention of Plaintiffs and
2 class members in violation of the law of nations under the Alien Tort Claims Act, 28 U.S.C.
3 § 1350, in that the acts violated customary international law prohibiting arbitrary detention as
4 reflected, expressed, and defined in multilateral treaties and other international instruments,
5 international and domestic judicial decisions, and other authorities.

6 229. The acts described herein violate the Alien Tort Claims Act, which recognizes as
7 federal common law those international norms that have definite content and acceptance among
8 civilized nations. The acts described here are within the body of acts that violate such definite and
9 accepted international norms and are within the body of acts deemed actionable under the federal
10 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
11 4763 (June 29, 2004).

12 230. Defendants are liable for said conduct in that Defendants set the conditions, directly
13 and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or conspired with certain
14 government officials in bringing about the arbitrary arrest detention of Plaintiffs and putative Class
15 Members.

16 231. As result of Defendants' unlawful conduct, Plaintiffs and putative Class Members
17 were deprived of their freedom, separated from their families and forced to suffer severe physical
18 and mental abuse.

19 232. Plaintiffs are entitled to monetary damages and other relief to be determined at trial.

20 **COUNT VIII**
CLAIM UNDER THE ALIEN TORT CLAIMS ACT – WAR CRIMES

21 233. All preceding paragraphs are hereby incorporated by reference as if fully set forth
22 herein.

23 234. The acts described herein constitute war crimes in violation of the law of nations
24 under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts violated customary international
25 law prohibiting war crimes as reflected, expressed, and defined in multilateral treaties and other
26 international instruments, international and domestic judicial decisions, and other authorities.

27 235. The acts described herein violate the Alien Tort Claims Act, which recognizes as
28 federal common law those international norms that have definite content and acceptance among

1 civilized nations. The acts described here are within the body of acts that violate such definite and
2 accepted international norms and are within the body of acts deemed actionable under the federal
3 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
4 4763 (June 29, 2004).

5 236. Defendants are liable for said conduct directly and also in so far as they set the
6 conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or
7 conspired with certain government officials to commit the war crimes against Plaintiffs and
8 putative Class Members.

9 237. Defendants' acts described above constitute war crimes in violation of the applicable
10 provisions of the Geneva Conventions, the Additional Protocols thereto, and customary
11 international law.

12 238. Defendants' acts violated, among others, Article III Common to the Geneva
13 Conventions, the Third Geneva Convention, the Fourth Geneva Convention and Additional
14 Protocol I to the four Geneva Conventions.

15 239. Defendants' acts were deliberate, willful, intentional, wanton, malicious and
16 oppressive and should be punished by an award of punitive damages to be determined at trial.
17 Plaintiffs and putative Class Members were forced to suffer severe physical and psychological
18 abuse and agony.

19 240. Plaintiffs are entitled to monetary damages and other relief to be determined at trial.

20 **COUNT IX**
21 **CLAIM UNDER THE ALIEN TORT CLAIMS ACT –**
22 **CRIMES AGAINST HUMANITY**

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

25 242. The acts described herein committed against Plaintiffs constitute crimes against
26 humanity, including willful killing, torture, rape, arbitrary arrest and detention, and other inhumane
27 acts committed as part of a widespread or systematic attack against any civilian population or
28 persecutions on political, racial or religious grounds. Leaders, organizers, instigators and

1 accomplices participating in the formulation of these acts are responsible for all acts performed by
2 any person in execution of such plan.

3 243. The acts described herein constitute crimes against humanity in violation of the law
4 of nations under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that the acts violated customary
5 international law prohibiting crimes against humanity as reflected, expressed, and defined in
6 multilateral treaties and other international instruments, international and domestic judicial
7 decisions, and other authorities.

8 244. The acts described herein violate the Alien Tort Claims Act, which recognizes as
9 federal common law those international norms that have definite content and acceptance among
10 civilized nations. The acts described here are within the body of acts that violate such definite and
11 accepted international norms and are within the body of acts deemed actionable under the federal
12 common law by the United States' Supreme Court in *Sosa v. Alvarez Machain*, 2004 U.S. LEXIS
13 4763 (June 29, 2004).

14 245. Defendants are liable for said conduct directly and also in so far as they set the
15 conditions, directly and/or indirectly facilitated, ordered, acquiesced, confirmed, ratified and/or
16 conspired with certain government officials to commit the crimes against humanity against the
17 Plaintiffs and putative Class Members.

18 246. Plaintiffs and putative Class Members were forced to suffer severe physical and
19 psychological abuse and agony.

20 247. Plaintiffs are entitled to monetary damages and such other relief as to be determined
21 at trial.

22
23 **COUNT X**
VIOLATION OF THE GENEVA CONVENTIONS

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

26 249. Plaintiffs bring this claim on their own behalf and on behalf of the putative Class
27 Members against all Defendants.

1 259. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
2 determined at trial.

3 **COUNT XII**
4 **CLAIMS UNDER THE CONSTITUTION OF THE UNITED STATES –**
5 **VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS**

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

8 261. Plaintiffs and putative Class Members were treated in a manner that violates the
9 Constitution of the United States and its Amendments. Defendants intentionally, and with
10 deliberate disregard for any injury Plaintiffs and putative Class Members would suffer, deprived
11 Plaintiffs of life and liberty without due process of law.

12 262. Defendants were acting under the color of the law of the United States when they
13 deprived Plaintiffs of life and liberty without due process of law.

14 263. Defendants' actions were accorded the color of the United States law because they
15 were conspiring with certain public officials, including certain military officials, and other persons
16 acting in an official capacity on behalf of the United States.

17 264. As a direct and proximate result of Defendants' violations of the Fifth and
18 Fourteenth Amendments, Plaintiffs suffered physical and mental injuries. In addition, they have
19 suffered present and future economic damage.

20 265. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
21 determined at trial.

22 **COUNT XIII**
23 **CLAIM UNDER THE CONSTITUTION OF THE UNITED STATES –**
24 **VIOLATION OF THE FOURTH AMENDMENT**

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

27 267. Plaintiffs and putative Class Members were treated in a manner that violates the
28 Constitution of the United States and its Amendments. Defendants intentionally, and with
deliberate disregard for any injury Plaintiffs and putative Class Members would suffer, violated the
right to be free from unlawful seizures.

1 268. Defendants were acting under the color of the law of the United States when they
2 unlawfully searched and seized Plaintiffs and putative Class Members.

3 269. Defendants' actions were accorded the color of the United States law because they
4 were conspiring with certain public officials, including certain military officials, and other persons
5 acting in an official capacity on behalf of the United States.

6 270. As a direct and proximate result of Defendants' violations of the Fourth
7 Amendment, Plaintiffs suffered physical and mental injuries. In addition, they have suffered
8 present and future economic damage.

9 271. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
10 determined at trial.

11 **COUNT XIV**
CLAIM UNDER THE RELIGIOUS LAND USE
AND INSTITUTIONALIZED PERSONS ACT

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

14 273. Plaintiffs and putative Class Members were treated in a manner that violates the
15 Religious Land Use and Institutionalized Persons Act, 24 U.S.C. § 2000cc-1 (hereinafter
16 "RLUIPA"). Defendants intentionally imposed a substantial burden on the Plaintiffs' and putative
17 Class Members' exercise of their religious beliefs.

18 274. Defendants were acting under the color of the law of the United States when they
19 imposed this substantial burden on Plaintiffs' exercise of their religious beliefs.

20 275. Defendants' actions were accorded the color of the United States law because they
21 were conspiring with certain public officials, including certain military officials, and other persons
22 acting in an official capacity on behalf of the United States.

23 276. As a direct and proximate result of Defendants' violations of the RLUIPA, Plaintiffs
24 suffered damages.

25 277. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
26 determined at trial. Plaintiffs also are entitled to recover attorneys' fees under RLUIPA.

**COUNT XV
ASSAULT AND BATTERY**

1
2 278. All preceding paragraphs are hereby incorporated by reference as if fully set forth
3 herein.

4 279. Defendants unlawfully intended to and did inflict immediate injury upon Plaintiffs.

5 280. Defendants intentionally assaulted, battered, and made other offensive contacts; and
6 aided and abetted the assaulting, battering and offensively contacting, of the Plaintiffs and putative
7 Class Members.

8 281. Plaintiffs and putative Class Members did not consent to the offensive contacts.
9 Plaintiffs feared for their personal safety and felt threatened by Defendants' actions.

10 282. As a direct and proximate result of the assaults and batteries, Plaintiffs and putative
11 Class Members suffered physical and mental injuries. In addition, they have suffered present and
12 future economic damage.

13 283. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
14 determined at trial.

**COUNT XVI
SEXUAL ASSAULT AND BATTERY**

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

18 285. Certain Plaintiffs and certain putative Class Members were raped and otherwise
19 sexually assaulted and battered by Defendants and their co-conspirators.

20 286. Defendants intended to, and did, cause offensive sexual contacts with intimate parts
21 of another, including but not limited to Plaintiffs. Defendants acted to cause Plaintiffs' imminent
22 apprehension of harmful and offensive contact with their intimate parts.

23 287. Plaintiffs and putative Class Members did not consent to the contacts. Plaintiffs and
24 putative Class Members feared for their personal safety and felt threatened by Defendants' actions.

25 288. As a direct and proximate result of the rapes and other sexual assaults, Plaintiffs and
26 putative Class Members suffered physical and mental injuries. In addition, they have suffered
27 present and future economic damage.
28

1 289. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
2 determined at trial.

3
4 **COUNT XVII**
WRONGFUL DEATH

5 290. All preceding paragraphs are hereby incorporated by reference as if fully set forth
6 herein.

7 291. Detainee Ibrahiem wrongfully died as a result of intentional and negligent actions
8 and inactions by Defendants and their co-conspirators.

9 292. Defendants breached a custodial duty to Detainee Ibraheim when Defendants'
10 intentional and negligent actions and inactions caused Detainees Ibraheim's injuries and wrongful
11 death.

12 293. The Ibrahiem Estate Plaintiff and the putative Wrongful Death Class are the estates
13 and heirs of the dead detainees, which seek redress for the emotional, physical and pecuniary
14 injuries caused by the deaths.

15 294. Plaintiff Ibrahiem Estate is entitled to compensatory and punitive damages in an
16 amount to be determined at trial.

17 **COUNT XVIII**
FALSE IMPRISONMENT

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

20 296. Plaintiffs and putative Class Members were intentionally and falsely imprisoned and
21 had their liberty restrained without proper authority by Defendants and their co-conspirators.
22 Plaintiffs and putative Class Members did not consent to the imprisonment.

23 297. As a direct and proximate result of the false imprisonment, they suffered physical
24 and mental injuries. In addition, they have suffered present and future economic damage.

25 298. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
26 determined at trial.

27
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**COUNT XIX
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

1
2 299. All preceding paragraphs are hereby incorporated by reference as if fully set forth
3 herein.

4 300. Defendants intentionally inflicted severe emotional distress by way of extreme and
5 outrageous conduct on Plaintiffs and putative Class Members. Defendants intended or recklessly
6 disregarding the probability of Plaintiffs and putative Class Members suffering emotional distress
7 when directing offensive conduct toward Plaintiffs and putative Class Members or carrying out
8 offensive conduct while aware of Plaintiffs' and putative Class Members' presence.

9 301. As a direct and proximate result of the intentional infliction of emotional distress,
10 they suffered and continue to suffer physical and mental injuries. In addition, they have suffered
11 present and future economic damage.

12 302. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
13 determined at trial.

**COUNT XX
NEGLIGENT HIRING AND SUPERVISION**

14
15
16 303. All preceding paragraphs are hereby incorporated by reference as if fully set forth
17 herein.

18 304. Defendants Titan and CACI Corporate Defendants acted negligently and directly
19 harmed Plaintiffs and putative Class Members by:

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

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

23 (c) failing to train personnel properly to perform interrogation services legally;

24 and

25 (d) negligently setting the conditions which facilitated the abuse.
26
27
28

1 305. Defendants Titan and CACI Corporate Defendants acted negligently and directly
2 harmed Plaintiffs and putative Class Members by failing to take appropriate steps to supervise
3 those persons performing Interrogation Services.

4 306. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
5 determined at trial.

6
7 **COUNT XXI**
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

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

10 308. Defendants negligently inflicted severe emotional distress on Plaintiffs and putative
11 Class Members.

12 309. Defendants had a custodial duty to Plaintiffs and putative Class Members, which
13 they breached.

14 310. Defendants had a duty to bystanders Plaintiffs and putative Class Members, who had
15 close relationships to the victims, were present at the scene of the infliction of injury, and were
16 immediately aware of the victim's injury.

17 311. As a direct and proximate result of the negligent infliction of emotional distress,
18 Plaintiffs and putative Class Members suffered and continue to suffer physical and mental injuries.
19 In addition, they have suffered present and future economic damage.

20 312. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
21 determined at trial.

22 **COUNT XXII**
CONVERSION

23 313. All preceding paragraphs are hereby incorporated by reference as if fully set forth
24 herein. Defendants wrongfully converted certain Plaintiffs' and the putative RICO Class Members'
25 possessions. Plaintiffs owned and had a right to the property at the time of conversion.

26 314. Plaintiffs are entitled to compensatory and punitive damages in an amount to be
27 determined at trial.

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**COUNT XXIII
UNJUST ENRICHMENT**

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

14 316. Defendants' were unjustly enriched by their criminal conduct. Defendants should be
15 prevented from benefiting from their illegal and criminal conduct.

16 317. Plaintiffs are entitled to an order requiring Defendants to disgorge their ill-gotten
17 gains. Plaintiffs are entitled to an order preventing Defendants from continuing to be unjustly
18 enriched by their co-conspiring government officials influencing the award of government
19 contracts.

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**COUNT XXV
VIOLATION OF LAWS GOVERNING CONTRACTING WITH THE UNITED STATES**

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

26 319. Defendants violated the United States Federal Acquisition Regulations, the United
27 States Truth in Negotiations Act, the United States Cost Accounting Standards, and other laws and
28 regulations that govern the placement and implementation of contracts.

318. Defendants should be prevented from benefiting from conduct that violates these
laws and regulations.

319. Plaintiffs are entitled to an order requiring Defendants to disgorge their ill-gotten
gains. Plaintiffs are entitled to an order preventing Defendants from being awarded any future
contracts from the United States.

**COUNT XXVI
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

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

323. Plaintiffs request declaratory and injunctive relief to prevent Defendants from
continuing their illegal and inhuman treatment of Plaintiffs.

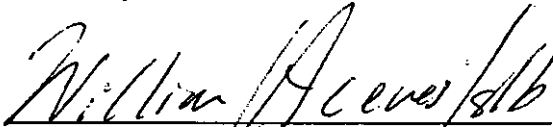
1 (b) punitive damages in an amount sufficient to punish Defendants and to deter
2 them from engaging in similar misconduct;

3 (c) equitable declaratory and injunctive relief as is permitted by law (including
4 RICO), including, but not limited to, an injunction against any continued torture and abuse and an
5 injunction against any future government contract awards;

6 (d) treble damages to the extent permitted by RICO and RULIPA;

7 (e) attorneys' fees and costs, including but not limited to such fees and costs as
8 may be awarded under RICO and RULIPA.

9 Date: July 30, 2004

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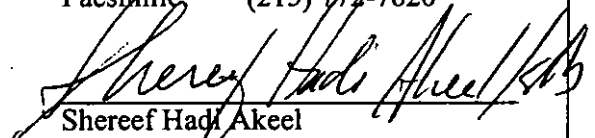
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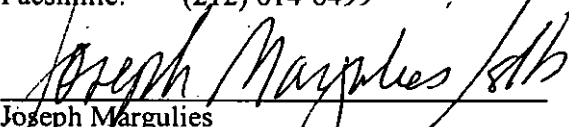
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