

Historic Abu Ghraib verdict: U.S. Contractor held accountable for torture

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After years of legal battles, three Iraqi survivors of torture in the Abu Ghraib prison have secured justice in a historic victory in U.S. courts. The jury ruled in favour of the Iraqi plaintiffs, holding a private contractor, CACI Premier Technology, Inc., accountable for its role in the abuse and torture of detainees during the Iraq War.

Background on torture in Abu Ghraib prison

Abu Ghraib, a prison located in Iraq, was used under the regime of Saddam Hussein to torture detainees. Following the regime fall after the American invasion of Iraq in 2003, the U.S. military started using Abu Ghraib as a detention facility.

In 2004, Abu Ghraib gained global notoriety and became a scandal for the U.S. government when leaked photographs revealed acts of torture, humiliation, and inhumane treatment of detainees by U.S. military personnel as well as private contractors, such as CACI, that were hired by the U.S. military to conduct interrogations at Abu Ghraib.

Many of the prisoners were detained by U.S. soldiers on suspicion of belonging to armed groups. However, the International Committee of the Red Cross (ICRC) reported that 70% to 90% were innocent civilians who had been mistakenly arrested (ICRC, 2004).

The abuse at Abu Ghraib in Iraq was not an isolated incident but rather part of a broader pattern of mistreatment that emerged during the U.S.-led 'War on Terror'. This pattern traces its roots to earlier policies and practices developed in detention facilities such as Guantánamo Bay, where U.S. forces also employed harsh interrogation techniques and circumvented standard detention rules through broad interpretations of international law (Human Rights Watch, 2004).

The legal case against CACI

In 2008, the three survivors of torture in Abu Ghraib filed a lawsuit against the American private contractor CACI to seek redress. The U.S. military hired CACI to conduct interroga-

tions, with their primary role being to supply civilian interrogators who assisted military personnel in gathering intelligence from detainees. CACI has unsuccessfully tried to dismiss the case more than 20 times, resulting in the three victims testifying many years after the events, making *Al Shimari, et al. v. CACI* the first case of its kind to be heard by a civil jury (Center for Constitutional Rights, 2024).

The plaintiffs, Suhail Al Shimari, a middle school principal, Asa'ad Zuba'e, a fruit vendor, and Salah Al-Ejaili, a journalist, testified suffering intense physical and psychological abuse, such as beatings, sexual assault, electric shocks, and enforced nudity in the prison of Abu Ghraib (Center for Constitutional Rights, 2024; Barakat 2024).

On November 12, 2024, a federal jury in a U.S. court in Alexandria, Virginia, found CACI liable for its role in the torture of the three survivors (Salah Al-Ejaili, during detention in Abu Ghraib prison in 2003-2004). The jury ordered CACI to pay a total of about 42 million dollars in financial compensation, \$32 million in punitive damages, and \$3 million in compensatory damages for each of the three plaintiffs (Rizzo 2024). The jury determined that although CACI's interrogators did not directly inflict the abuse, they collaborated with military police to 'soften up' detainees for interrogation, effectively enabling the mistreatment (Barakat 2024).

CACI released a statement expressing disappointment with the verdict and confirming its plan to file an appeal.

The verdict, in this case, carries profound significance for survivors of Abu Ghraib, as it represents a long-awaited acknowledgement of their suffering after years of a legal battle. This reinforces the importance of accountability in cases of human rights abuses and sets a crucial legal precedent, signalling that a private contractor, like those hired for the Abu Ghraib interrogations, can be held accountable for their actions.

The three survivors of Abu Ghraib were unable to sue the U.S. military due to legal protections like immunity, which can shield government bodies and officials from lawsuits (Gräs 2024).

As a result, survivors have no choice but to pursue legal action against the private contractors, like CACI, who were involved in the torture, setting the stage for a significant case.

The Abu Ghraib legal victory can be viewed in relation to the earlier, significant *Salim v. Mitchell* case, in which two psychologists, Mitchell and Jessen, agreed to a settlement — a first for a case involving CIA torture (ACLU 2017). In that case, two psychologists were contracted by the CIA to design, implement, and oversee the agency's post-9/11 torture program. A lawsuit filed in 2015 on behalf of three victims of the program accused Mitchell and Jessen of orchestrating the torture

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and experimentation of detainees. In 2017, after the case survived multiple attempts to be dismissed, the psychologists settled (ACLU 2017). However, the settlement did not include an admission of liability. The legal consequences in the Abu Ghraib case, where CACI was held accountable for its role in torture, may provide momentum to revisit the Mitchell and Jessen case, as well as other similar cases, and demand stronger legal and ethical consequences for their involvement. The American Psychological Association (APA) reacted to the *Salim v. Mitchell* case settlement, emphasising the importance of ethical standards and human rights in psychological practice, underscoring the need for greater professional responsibility in such cases (APA 2017).

Broader implications

This legal victory is an important part of the global fight against torture, as it shows survivors that there is a legal path to redress. Still, it also serves as a reminder that the fight against torture is ongoing and that those responsible, whether state actors or private contractors, must be held accountable and prosecuted both nationally and internationally, in accordance with the anti-torture convention.

It calls for a more robust global commitment to upholding human rights and preventing the use of torture in any form. Moreover, it challenges governments and private contractors to reevaluate their practices and adopt ethical standards that protect the dignity and rights of individuals, particularly in conflict zones.

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