

Abu Ghraib torture victims' case against U.S. contractor ends in mistrial



Washington, May 3 (RHC)-- The trial was an historic attempt at justice, marking the first time victims of the abuse that took place at the Abu Ghraib prison in Iraq testified in front of civilian jurors in the United States.

But on Thursday, the judge overseeing the civil case in Virginia declared a mistrial, as the jury was unable to overcome a deadlock after eight days of deliberation.

The trial focused on the human rights abuses committed at the prison following the US's invasion and subsequent occupation of Iraq. Reports of abuse started to emerge in 2003 and later hit a fever pitch in 2004, with the release of photographs showing smiling US captors standing next to naked prisoners, posed in degrading positions.

The images became emblematic of the fallout of Washington's so-called "global war on terror". Calls for justice have continued two decades later.

At question in the Virginia trial was whether civilian interrogators, supplied to the US Army by the Virginia-based contractor CACI, conspired with soldiers to abuse detainees as a means of "softening them up" for questioning.

The trial began on April 15th, and lawyers for the three Iraqi plaintiffs argued that CACI was liable for mistreatment even if they could not prove that the contractor's interrogators were the ones who directly inflicted the abuse.

The evidence presented at the Virginia court included testimony from the three former prisoners: Salah Hasan al-Ejaili, Suhail Al Shimari, and Asa'ad al-Zuba'e. It was the first time any victims had testified directly to a civilian US jury.

They recounted being subjected to different forms of torture by U.S. military personnel and private contractors. The result, they said, has been physical and psychological torment that has weighed on their lives for the past two decades.

Al-Ejaili, who was working as a journalist for Al Jazeera at the time of his arrest, described offering his testimony as akin to "a form of treatment or a remedy."

Prosecutors also introduced reports and testimony from two retired U.S. Army generals, who documented the abuse. They had concluded that multiple CACI interrogators were complicit.

The reports found that one of the civilian interrogators, Steven Stefanowicz, lied to investigators about his conduct at the prison. They concluded that Stefanowicz likely instructed soldiers to mistreat detainees and used dogs to intimidate people during interrogations.

Stefanowicz denied participating in the mistreatment in a recorded video deposition. Evidence introduced at the trial, however, showed that officials at CACI had doubts about Stefanowicz's ability to work as an interrogator — but that he was promoted to the position shortly after arriving in Iraq due to a manpower shortage.

Lawyers for CACI broadly argued that its employees had extremely limited interaction with the three plaintiffs. They said that any liability for the mistreatment belonged to the US government.

The abuses at Abu Ghraib came to light largely as the result of an April 2004 report by CBS News. An image of a hooded prisoner holding electrical wires and standing on a box soon became emblematic of what rights groups have characterised as wide-scale abuses committed by US military personnel and private contractors following the 2003 Iraq invasion.

A subsequent report by the International Red Cross found that the vast majority of detainees were civilians with no links to armed groups.

The myriad abuses it documented at the facility were in some cases “tantamount to torture,” the Red Cross said.

A total of 11 U.S. soldiers were convicted in military courts in the following years, with nine sentenced to time in prison. But it has been difficult for victims to pursue further legal recourse. US law broadly grants the government immunity from lawsuits arising from war.

In September, Human Rights Watch said the U.S. has “apparently failed to provide compensation or other redress to Iraqis who suffered torture and other abuse by US forces at Abu Ghraib and other US-run prisons in Iraq two decades ago.”

Former prisoners have instead sought compensation from contractors. In 2013, the Center for Constitutional Rights won a \$5 million settlement for its Iraqi clients against contractor Titan Corp.

The group also represented the three clients in the case against CACI. Thursday’s mistrial, however, leaves open the possibility that the plaintiffs can pursue another trial. When asked if they would do so, Baher Azmy, a lawyer with the Center for Constitutional Rights, indicated they would.

“The work we put into this case is a fraction of what they endured as survivors of the horrors of Abu Ghraib, and we want to honour their courage,” he said.

Al-Ejaili, one of the Abu Ghraib survivors, likewise indicated in a press statement that he could continue to seek justice.

“We might not have received justice yet in our just case today, but what is more important is that we made it to trial and spoke up so the world could hear from us directly,” he said. “This will not be the final word; what happened in Abu Ghraib is engraved into our memories and will never be forgotten in history.”

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