

Contact: A. Katherine Toomey
+1 202 659-7216
katherine.toomey@lewisbaach.com

RETIRED MILITARY OFFICIALS TELL COURT THAT CONTRACTORS' ABUSE OF PRISONERS AT ABU GHRAIB VIOLATED CLEARLY ESTABLISHED MILITARY STANDARDS

WASHINGTON DC (September 30, 2015): A group of distinguished retired military officers, represented by Washington DC law firm Lewis Baach, told a US Appeals Court on Monday that military contractors should be held accountable for their abuse and torture of four prisoners at Abu Ghraib prison during the war in Iraq. The group, convened by Human Rights First, pointed out that the military had already tried and convicted its own personnel responsible for similar conduct. The Officers who filed the "friend of the court" brief include numerous Generals, an Admiral, and two former Naval Judge Advocates General, which is the highest legal position in the Navy. The Officers' brief challenged a trial court decision that it could not judge the contractors' conduct because the standards for treatment of prisoners were unclear. In the brief, the military officials emphasized the United States' long tradition of requiring humane treatment of detainees, drawing upon their wealth of experience concerning the practical realities of military operations abroad.

The specific abuses perpetrated by the contractor's employees included oxygen, food, and sleep deprivation, electric shocks, beatings, forced sexual acts, and mock executions of prisoners at Abu Ghraib. Notwithstanding its previous statement that such conduct was an "embarrassment," in June 2015, the U.S. District Court for the Eastern District of Virginia held that it could not decide the prisoners' claims because the case would require the court to question sensitive military judgments. Not so, said the distinguished group of officers, whose brief explained that the conduct violated "well established and unambiguous" military standards, as well as domestic and international law.

In their brief, the Officers noted that, paradoxically, the military personnel involved in abuses at Abu Ghraib were tried and convicted of violating standards which the District Court now says are too "ambiguous" and "malleable" to apply to military contractors. Katherine Toomey, one of the Officers' attorneys, stated that "the conduct at issue here is repugnant to the values for which these Officers fought throughout their distinguished military careers. As a nation, we have already tried and convicted military personnel for similar misconduct, and they have in fact completed their sentences. The argument that we can't apply the same standard to military contractors, or that it is somehow unclear, is simply anathema to our system of justice."

The case is Al Shimari v. CACI, Civil Appeal No. 15-1831, currently pending in the Fourth Circuit Court of Appeals.

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