

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF THE DISTRICT OF COLUMBIA**

ILHAM NASSIR IBRAHIM, *et al.*, *
c/o Local Counsel L. Palmer Foret, *
Two Wisconsin Circle, Suite 660 *
Chevy Chase, Maryland 20815 *

Plaintiffs, *

v. *

TITAN CORPORATION, *et al.*, *

Defendants. *

CIVIL ACTION
FILE NO. 04-01248 (JR)

SECOND AMENDED COMPLAINT

COME NOW the Plaintiffs and, pursuant to the Court’s Order of August 12, 2005, hereby amend their Complaint by adding a sentence to paragraph no. 15 relating to the amount in controversy for purposes of diversity jurisdiction, so that the Complaint now reads as follows:

INTRODUCTION

1.

The Plaintiffs are citizens of Iraq who are asserting various tort claims against the Defendant corporations, which are domiciled in the United States and subject to the jurisdiction of this Court, under the Alien Tort Claims Act (28 U.S.C. §1350) and other applicable law per ¶15. Specifically, the Plaintiffs allege that they or their decedents, while forcibly detained under United States custody in

Iraq, were unlawfully tortured by agents or employees of the Defendants, who were under contract with the United States government to provide security and intelligence services and to maintain facilities for the incarceration of said detainees, with the result being that said Plaintiffs or their decedents suffered significant physical injury, emotional distress, and/or wrongful death for which the Defendants are liable for compensatory and punitive damages. Plaintiffs also contend that the tortious and unlawful acts of the Defendants were part of an ongoing pattern of racketeering activity under the Racketeer Influenced and Corrupt Organizations Act (“RICO”, 18 U.S.C. §§1961-1968), thereby entitling Plaintiffs to treble damages and attorney’s fees. Finally, Plaintiffs seek declaratory and injunctive relief under United States Federal Acquisition Regulations, the United States Truth in Negotiations Act, the United States Cost Accounting Standards, and other laws and regulations that govern the placement and implementation of federal government contracts, in order to force the Defendants to disgorge themselves of profits derived from unlawful torture, to prevent the Defendants from receiving future payments under existing contracts with the United States government, and to prohibit the Defendants from engaging in future contracts with the United States government.

PARTIES

2.

Plaintiff Ilham Nassir Ibrahim is an individual who brings this action on behalf of herself as widow of Akram Hanoush Yakou and on behalf of the estate of said deceased husband, who was murdered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants' agents and employees within the scope of their agency or employment.

3.

Plaintiff Saddam Saleh Aboud is an individual who brings this action to recover for injuries which he suffered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants' agents and employees within the scope of their agency or employment.

4.

Plaintiff Jilal Mehde Hadod is an individual who brings this action to recover for injuries which he suffered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants' agents and employees within the scope of their agency or employment.

5.

Plaintiff Nasir Khalaf Abbas is an individual who brings this action to

recover for injuries which he suffered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants' agents and employees within the scope of their agency or employment.

6.

Plaintiff **Ilham Mohamed Hamza Al Jumali** is an individual who brings this action on behalf of herself as widow of Munadel Hamed Majeed Al Jumali and on behalf of the estate of said deceased husband, who was murdered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants' agents and employees within the scope of their agency or employment.

7.

Plaintiff **Hamid Ahmed Khalaf** is an individual who brings this action to recover for injuries which he suffered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants' agents and employees within the scope of their agency or employment.

8.

Plaintiff **Al Aid Mhmod Hussein Abo Al Rhman** is an individual who brings this action to recover for injuries which he suffered in custody as a direct and proximate result of the tortious and unlawful conduct of the Defendants'

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agents and employees within the scope of their agency or employment.

9.

Defendant Titan Corporation (hereafter referred to as “Defendant Titan”) is a publicly traded corporation which was incorporated in Delaware, which maintains its principal place of business at 3033 Science Park Road, San Diego, California 92121-1199, and which maintains purposeful contacts with the District of Columbia by virtue of its contracts with the United States government. At all times relevant to this action, said Defendant acted through its agents and employees, who are hereinafter subsumed within the term “Defendant Titan.”

10.

Defendant CACI International Inc. (hereafter “Defendant CACI”) is a publicly traded corporation which was incorporated in Delaware, which maintains its principal place of business at 1100 North Glebe Road, Arlington, Virginia 22201, and which maintains purposeful contacts with the District of Columbia by virtue of its contracts with the United States government. At all times relevant to this action, said Defendant acted through its agents and employees, who are hereinafter subsumed within the terms “Defendant CACI” and the “CACI Defendants”.

11.

5

Defendant CACI Incorporated – Federal (hereafter “Defendant CACI Federal”) is a wholly owned and controlled subsidiary of Defendant CACI which was incorporated in Delaware, which maintains its principal place of business at 1100 North Glebe Road, Arlington, Virginia 22201, and which maintains purposeful contacts with the District of Columbia by virtue of its contracts with the United States government. At all times relevant to this action, said Defendant acted through its agents and employees, who are hereinafter subsumed within the terms “Defendant CACI Federal” and the “CACI Defendants”.

12.

Defendant CACI N.V. is a wholly owned and controlled subsidiary of Defendant CACI which was incorporated in the Netherlands, which maintains its principal place of business at 1100 North Glebe Road, Arlington, Virginia 22201, and which maintains purposeful contacts with the District of Columbia by virtue of its contracts with the United States government. At all times relevant to this action, said Defendant acted through its agents and employees, who are hereinafter subsumed within the terms “Defendant CACI N.V.” and the “CACI Defendants”.

13.

Defendant Titan and the CACI Defendants were part of a joint enterprise which provided interrogation services to the United States government with respect

to detainees held in Guantanamo and Iraq.

14.

Each of the Defendants was an agent, partner, and/or joint venturer of the other Defendants which was acting within the course and scope of such agency, partnership and/or joint venture or concerted activity, and to the extent that any particular act was perpetrated by a certain Defendant or Defendants, the remaining Defendant or Defendants either confirmed and ratified the same so as to be jointly and severally liable as well as vicariously liable as principals, partners, or joint venturers.

JURISDICTION AND VENUE

15.

This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331 (federal question); 28 U.S.C. §1332 (diversity jurisdiction); 28 U.S.C. §1367 (supplemental or pendant jurisdiction); 28 U.S.C. §2201 (declaratory judgment); 28 U.S.C. §1350 (Alien Tort Claims Act); and 18 U.S.C. §1964 (Racketeer Influenced and Corrupt Organizations Act). The amount in controversy as to each Plaintiff is in excess of the \$75,000 minimum jurisdictional limit under 28 U.S.C. §1332.

16.

Venue is proper pursuant to 28 U.S.C. §1391(b)(2) and (c) in that all of the Defendants transact business with the United States in the District of Columbia and they are all subject to the personal jurisdiction of this Court by virtue of their governmental contacts within the District.

GENERAL ALLEGATIONS

17.

On March 19, 2003 United States armed forces, supported by military forces from a coalition of an estimated thirty nations, invaded Iraq. President George W. Bush said that the purpose of the military operation was "to disarm Iraq, to free its people and to defend the world from grave danger."

18.

On 22 May 2003 the United Nations Security Council (SecRes/1483/2003) noted the letter of May 8, 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) which recognized the specific authorities, responsibilities, and obligations under applicable international law of these States as occupying powers acting under a unified command known as the Authority. Moreover, the United Nations Security Council determined that the

situation in Iraq, although improved, continued to constitute a threat to international peace and security.

19.

The U.N. Security Council then called upon the United States and other occupying powers, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future. In addition, the U.N. Security Council called upon all countries in Iraq to comply fully with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hague Regulations of 1907.

20.

During the course of military operations and their occupation of Iraq, the United States military and their Coalition allies detained a wide range of Iraqi citizens, both armed combatants and civilians having no involvement in the armed conflict, and held them as prisoners in a range of detention facilities under the control of the occupying armed forces with certain responsibilities and functions delegated to private contractors such as the Defendants.

21.

At all times relevant herein, the Defendants knew or should have known, that the United States intended that all interrogations of Iraqi detainees, as well as all other services provided by Defendants under their contracts with the government, be performed in accordance with the laws and treaties of the United States as well as international law.

22.

Such laws and treaties prohibit summary execution, torture, or other cruel, inhuman and degrading treatment, arbitrary arrest and detention, assault and battery, false imprisonment and intentional interference with religious practices.

23.

Such laws and treaties include, but are not limited to, the following:

(a) The core legal values of American society which are embodied by the Constitution of the United States, including the Eighth Amendment's prohibition of cruel and unusual punishment, the Fifth and Fourteenth Amendments' prohibition of deprivations of life and liberty without due process of law, and the Fourth Amendment's prohibition unreasonable searches and seizures of persons and property;

(b) Treaties ratified or Signed By the United States, including Articles 55

and 56 of the Charter of the United Nations, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153, *entered into force* Oct. 24, 1945, which protects human rights and fundamental freedoms and specifically guarantees the right to be free from torture; the Third Geneva Conventions, *Geneva Conventions Relative to the Treatment of Prisoners of War*, 75 U.N.T.S. 135, arts. 13, 14, 17, 21, 25, 87, 130, *entered into force*, Oct. 21, 1950, which prohibits acts of torture and abuse against prisoners of war; the Fourth Geneva Conventions, *Geneva Conventions Relative to the Protection of Civilian Persons in Time of War*, 75 U.N.T.S. 287, arts. 5, 27, 31, 32, 33, 27, 41, 42, *entered into force* Oct. 21, 1950, which prohibits acts of torture and abuse against civilians; the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 75, 1125 U.N.T.S. 3, *entered into force* Dec. 7, 1978, which requires the humane treatment of *any* person who is in the power of a party to an armed conflict, regardless of status or national origin, and specifically prohibits the use of torture at any time; Article 7 of the *International Covenant on Civil and Political Rights*, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 3, *entered into force* Mar. 23, 1976, which provides that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;” Article 4 of ICCPR, which states that Article 7 is

nonderogable even in times of public emergency; Article 1 of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, which prohibits any act: “by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

(c) Customary International Law, as reflected in the above treaties and international instruments and others, including the *Universal Declaration of Human Rights*, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948) which states “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”; the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture, General Assembly Resolution 3452, 30 U.N. GAOR Supp. (No. 34) 91, U.N. Doc. A/1034 (1975), which expressly prohibits “any act by which severe pain and suffering, whether physical or mental, is intentionally

inflicted by or at the instigation of a public official on a person for such purposes as . . . intimidating him or other persons”; the *American Convention on Human Rights*, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123 *entered into force* July 18, 1978, *reprinted in* Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 art. 5 (1992), which provides, “no one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment”; the European Convention on the Protection of Human Rights and Fundamental Freedom, Nov. 4, 1950, Art. 3, 213 U.N.T.S. 221, 224, which provides “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”; and the Restatement (Third) of the Foreign Relations Law of the United States, section 702, which provides: “A state violates international law if, as a matter of state policy, it practices, encourages or condones . . . (d) torture or other cruel, inhuman or degrading treatment or punishment.”

(d) Statutes and common law of the United States, including but not limited to the common law of the District of Columbia, including the common law relating to wrongful death, assault and battery, intentional infliction of emotional distress, false imprisonment, conversion, negligence, agency and vicarious liability, proximate cause, damages, and other applicable tort law principles.

24.

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

25.

In the same report, the United States explicitly stated that no exigent circumstances permit the use of torture: “No exceptional circumstances may be invoked as a justification for torture. U.S. law contains no provision permitting otherwise prohibited acts of torture or other cruel inhuman or degrading treatment or punishment to be employed on grounds of exigent circumstances (for example, during a “state of public emergency”) or on orders from a superior officer or public authority.” *Id.*

26.

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

27.

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

28.

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

29.

Despite these clear expressions of United States policy, and despite the expectation that the Defendants would perform their contractual duties in accordance with United States and international law, the Defendants committed unlawful acts of torture constituting actionable torts for which the Defendants are liable to the Plaintiffs, and for which there is no adequate or available remedy under Iraqi law.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF IBRAHIM

30.

Plaintiff Ilham Nassir Ibrahim is the widow of Akram Hanoush Yakou. They had two children: Akram Hanoush (age 9) and Sahar Akram Hanoush (age 5).

31.

On or about December 31, 2003, Mr. Yakou was arrested without cause by United States military forces and taken to the Abu Ghraib prison where Defendants

were performing detention and interrogation services for the United States.

32.

Mr. Yakou was subsequently detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants.

33.

During the course of said detention, interrogation, and physical abuse, the Defendants and/or others tortured Mr. Yakou by repeatedly inflicted blows and other injuries to his head and body without legal or factual justification, thereby causing extreme physical and mental pain and suffering and, ultimately, his death on or about January 2, 2004, although his body was not sent to the morgue until February 10, 2004.

34.

Upon Mr. Yakou's death the Defendants and others responsible for his detention failed to conduct an official inquiry into the circumstances surrounding his death as well as failed to undertake any and all measures for the prosecution of the person or persons responsible for Mr. Yakou's death as required by international law, thereby engaging in concealment of the truth, spoliation of evidence and obstruction of justice.

35.

Plaintiff Ibrahim is entitled to recover for the wrongful death of Mr. Yakou and the injuries and damages suffered by him as a proximate result of the tortious and unlawful conduct of the Defendants and/or their complicity in the torture of Mr. Yakou.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF ABOUD

36.

On November 29, 2003, Plaintiff Saddam “Sam” Saleh Aboud went to local Iraqi police to report a suspicious vehicle containing weapons in his neighborhood. Instead of acting upon his information, the police arrested him without cause and turned him over to United States military authorities, who transported him to the Abu Ghraib prison where Defendants were performing detention and interrogation services for the United States.

37.

Until his release on March 29, 2004, Mr. Aboud was detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants. Mr. Aboud is able to identify two (2) individuals who were involved in his torture at Abu Ghraib: Adel Nakhla (an interpreter who was an agent or employee of CACI) and a man he knew as Steven (believed to be Steve

Stephanowicz, an interrogator who was an agent or employee of Titan), both of whom were acting within the scope of their agency or employment on behalf of the Defendants.

38.

During the course of said detention, interrogation, and physical abuse, the Defendants and/or others tortured Mr. Aboud as follows:

- (a) By beating him with fists and sticks;
- (b) By urinating on him;
- (c) By sleep deprivation;
- (d) By making him listen to loud music;
- (e) By forcing him to be naked throughout most of his time in custody;
- (f) By photographing him while naked;
- (g) By causing him to witness the rape of another prisoner;
- (h) By threatening to attack him with dogs; and
- (i) By exposure to cold.

39.

Said acts of unlawful torture were committed without legal or factual justification, thereby causing extreme physical and mental pain and suffering for which said Plaintiff is entitled to recover for the injuries and damages suffered by

him as a proximate result of the tortious and unlawful conduct of the Defendants and/or their complicity in the torture of said Plaintiff.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF HADOD

40.

On November 1, 2003, United States military forces raided Plaintiff Jilal Hadod's family home, seizing a weapon and \$400 in United States money that was never returned, as well as seizing without cause Mr. Hadod and several members of his family. After four (4) days of detention by the military, Mr. Hadod, along with his father and two (2) brothers, were taken to the Abu Ghraib prison where Defendants were performing detention and interrogation services for the United States.

41.

Until his release on April 2, 2004, Mr. Hadod was detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants. Mr. Aboud is able to identify one of the individuals who was involved in his torture at Abu Ghraib as Adel Nakhla, also known as Abu Hamid (an interpreter who was an agent or employee of CACI) who was acting within the scope of his agency or employment on behalf of one or more of the Defendants.

42.

During the course of said detention, interrogation, and physical abuse, the Defendants and/or others tortured Mr. Hadod as follows:

- (a) By beating him with fists and striking his head against a wall;
- (b) By forcing him to wear women's underpants on his head;
- (c) By photographing him while naked;
- (d) By forcing him to watch his elderly father being hung up and then beaten;
- (e) By exposure to cold.

43.

Said acts of unlawful torture were committed without legal or factual justification, thereby causing extreme physical and mental pain and suffering for which said Plaintiff is entitled to recover for the injuries and damages suffered by him as a proximate result of the tortuous and unlawful conduct of the Defendants and/or their complicity in the torture of said Plaintiff.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF ABBAS

44.

On an unknown date for an unknown period of time, both of which will be provided by amendment after counsel is able to conduct further investigation and

discovery, Plaintiff Nassir Abbas was detained without cause at the Abu Ghraib prison where Defendants were performing detention and interrogation services for the United States during the same approximate time frame as the other events alleged herein.

45.

During the course of his incarceration at Abu Ghraib, Mr. Abbas was detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants.

46.

The circumstances of said detention, interrogation, and physical abuse amounted to acts of unlawful torture which are actionable as torts for which the Defendants are liable.

47.

Said acts of unlawful torture were committed without legal or factual justification, thereby causing extreme physical and mental pain and suffering for which said Plaintiff is entitled to recover for the injuries and damages suffered by him as a proximate result of the tortious and unlawful conduct of the Defendants and/or their complicity in the torture of said Plaintiff.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF AL JUMALI

48.

Plaintiff **Ilham Mohamed Hamza Al Jumali** is the widow of Munadel Hamed Majeed Al Jumali, who is also survived by the following children: Hajar, Mustaffa, and Abdullah.

49.

On November 3, 2003, Mr. Al Jumali was arrested without cause by United States military forces and taken to the Abu Ghraib prison where Defendants were performing detention and interrogation services for the United States.

50.

Mr. Al Jumali was subsequently detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants.

51.

During the course of said detention, interrogation, and physical abuse, the Defendants and/or others tortured Mr. Al Jumali by beating him, gouging out one of his eyes, electrocuting him, breaking one of his legs, and spearing him, all without legal or factual justification, thereby causing extreme physical and mental pain and suffering and, ultimately, his death.

52.

Upon Mr. Al Jumali's death the Defendants and others responsible for his detention misidentified his body and concealed the fact of his death until February 10, 2004, when it was produced to the morgue, and upon information and belief, subsequently failed to conduct a reasonable inquiry into the circumstances surrounding his death as well as failed to undertake any and all measures for the prosecution of the person or persons responsible for Mr. Al Jumali's death as required by international law, thereby engaging in concealment of the truth, spoliation of evidence and obstruction of justice.

53.

Plaintiff Al Jumili is entitled to recover for the wrongful death of her husband and the injuries and damages suffered by him as a proximate result of the tortious and unlawful conduct of the Defendants and/or their complicity in the torture of Mr. Al Jumali.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF KHALAF

54.

Plaintiff Hamid Ahmed Khalaf (prisoner no. 151417) is a shop owner and Imam who was taken into custody by United States military forces on or about October 9, 2003 and subsequently taken to the Abu Ghraib prison where

Defendants were performing detention and interrogation services for the United States.

55.

Until his release on or about May 28, 2004, Mr. Khalaf was detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants. Mr. Aboud is able to identify two (2) individuals who were involved in his torture at Abu Ghraib: a U.S. soldier named “Graner” (believed to be Charles Graner) and a civilian interpreter named “David” (believed to be an agent or employee of CACI), both of whom were acting in concert with the Defendants and/or within the scope of their agency or employment on behalf of the Defendants.

56.

During the course of said detention, interrogation, and physical abuse, the Defendants and/or others tortured Mr. Aboud as follows:

- (a) By being ordered to take off his clothes by women soldiers and then beaten when he refused;
- (b) By being beaten on a regular basis;
- (b) By exposure to extreme cold while naked, and by being awakened at night and forced to take cold showers and then exposed to cold air;

(c) By sleep deprivation;

(d) By being held in a urine soaked cell;

(e) By not being allowed to pray, by having food withheld from him during Ramadan when his religious beliefs required him to break the fast, and by otherwise being ridiculed and mistreated for his religious beliefs;

(f) By being forced to watch other prisoners being attacked and mauled by dogs, to watch other prisoners being forced to take cold showers and then stand in front of large electric fans, and being forced to watch fathers and sons being beaten in front of one another;

(g) By being cursed at, laughed at and verbally abused; and

(h) By being told that his wife and children had been killed in an explosion.

57.

Said acts of unlawful torture were committed without legal or factual justification, thereby causing extreme physical and mental pain and suffering for which said Plaintiff is entitled to recover for the injuries and damages suffered by him as a proximate result of the tortious and unlawful conduct of the Defendants and/or their complicity in the torture of said Plaintiff.

SPECIFIC ALLEGATIONS AS TO PLAINTIFF AL RHMAN

58.

On an unknown date for an unknown period of time, both of which will be provided by amendment after counsel is able to conduct further investigation and discovery, Plaintiff Al Aid Mhmod Hussein Abo Al Rhman was detained without cause at the Abu Ghraib prison where Defendants were performing detention and interrogation services for the United States during the same approximate time frame as the other events alleged herein.

59.

During the course of his incarceration at Abu Ghraib, Mr. Al Rhman was detained, interrogated, and physically abused by the Defendants and/or others while under the custody and control of the Defendants.

60.

The circumstances of said detention, interrogation, and physical abuse amounted to acts of unlawful torture which are actionable as torts for which the Defendants are liable.

61.

Said acts of unlawful torture were committed without legal or factual justification, thereby causing extreme physical and mental pain and suffering for which said Plaintiff is entitled to recover for the injuries and damages suffered by him as a proximate result of the tortious and unlawful conduct of the Defendants and/or their complicity in the torture of said Plaintiff.

COUNT I

CLAIMS UNDER THE ALIEN TORT CLAIMS ACT

62.

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

63.

The above described acts of the Defendants constitute violations of the law of nations and actionable torts under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that such conduct is prohibited by customary international law as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

64.

Said violations of the law of nations and actionable torts include, but are not limited to, the following:

a) war crimes, including but not limited to an occupying power's mistreatment of prisoners of war, its failure to care for the sick and wounded under its control, its failure to protect civilians in time of war and international conflict and its failure to prosecute all persons responsible for violations of the laws and customs of war;

b) crimes against humanity;

c) torture;

d) abuse of persons in custody;

e) murder;

f) enforced kidnapping and/or wrongful detention;

g) unlawful seizure of property;

h) disrespect for religious beliefs;

i) assault and battery;

j) intentional infliction of emotional distress;

k) wrongful death;

l) false imprisonment;

- m) conversion;
- n) obstruction of justice; and
- o) negligence.

65.

Defendants are liable for said conduct under the Alien Tort Claims Act in that Defendants directed, ordered, confirmed, ratified, or were otherwise complicit in the torture of the Plaintiffs.

66.

As a direct and proximate result of said violations of the law of nations and tortious acts, Plaintiffs have suffered physical and mental injuries. In addition, they have suffered present and future economic damage.

67.

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

COUNT II

CLAIM UNDER RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (“RICO”)

68.

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

69.

The Defendants violated the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961-1968.

70.

The corporate Defendants operated and continue to operate ongoing publicly-traded corporations formed under Delaware law. These corporations have combined to conduct legitimate business for the United States government in California and other states in the United States as well as overseas. These publicly traded corporations are listed on the stock exchange, conduct business throughout the fifty states, and otherwise impact interstate commerce. These corporations, separately and in combination with one another, constitute an ongoing enterprise as that term is defined by RICO. The enterprise is an ongoing organization that continues to function as a unit and engage in activity separate and apart from the criminal and illegal activity. The enterprise operated, and continues to operate, legitimate business on behalf of the United States.

71.

Said Defendants, separately and in combination with another, have repeatedly and continuously engaged in a pattern of illegal racketeering activity that term is defined by 18 U.S.C. § 1961(5) and other applicable law. The predicate acts of illegal racketeering activity include, but are not limited to, the following:

- (a) murder;
- (b) threats of murder by assault, battery and intimidation;
- (c) extortion by use of torture; and
- (d) obstruction of justice.

72.

The enterprise conducted by the Defendants is engaged in an ongoing, multi-year pattern of criminal conduct for which the enterprise has earned, and will continue to earn, millions of dollars in profits over the course of their multi-year contracts with the United States government.

73.

The enterprise's victims include all detainees who have been killed, tortured, lost money or property, or otherwise abused by the Defendants.

74.

As a direct and proximate result of the Defendants' misconduct, the Plaintiffs has suffered damages in an amount to be determined at trial, and to the extent that such damages are recoverable under RICO, Plaintiffs are entitled to recover treble damages as well as reasonable attorney's fees.

COUNT III

ASSAULT AND BATTERY

75.

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

76.

Defendants intentionally and maliciously assaulted and battered, and aided and abetted in assaulting and battering, the Plaintiffs by causing the Plaintiffs to be subjected to offensive physical contact without the Plaintiffs' consent.

77.

As a direct and proximate result of said assaults and batteries, Plaintiffs suffered physical and mental injuries. In addition, they have suffered present and future economic damage.

78.

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

COUNT IV

WRONGFUL DEATH AND SURVIVAL ACTION

79.

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

80.

The aforementioned Plaintiffs' decedents wrongfully died as a direct and proximate result of the intentional and negligent acts and omissions of the Defendants.

81.

The heirs and estates of said decedents are entitled to seek redress for the damages and injuries which were caused by his wrongful death.

82.

In their representative and/or individual capacity, Plaintiffs Ibrahim and Al Jumali are entitled to compensatory and punitive damages in an amount to be determined at trial.

COUNT V

FALSE IMPRISONMENT

83.

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

84.

Certain Plaintiffs were falsely imprisoned and had their liberty restrained without proper authority by Defendants, and without the consent of the Plaintiffs.

85.

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

86.

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

COUNT VI

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

87.

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

88.

Defendants intentionally inflicted severe emotional distress by way of extreme and outrageous conduct directed toward the Plaintiffs.

89.

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

90.

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

COUNT VII

CONVERSION

91.

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

92.

Defendants converted certain Plaintiffs' possessions, thereby depriving said Plaintiffs of the use and enjoyment of same.

93.

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

COUNT VIII

NEGLIGENCE

94.

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

95.

The aforementioned conduct of the Defendants constitutes negligence in that it violates the standard of due care owed by reasonable persons similarly situated.

96.

As a direct and proximate result of the Defendants' failure to exercise reasonable care for the rights and safety of the Plaintiffs and their decedent, Plaintiffs have incurred physical and mental injuries. In addition, they have suffered present and future economic damage.

97.

The conduct of the Defendants rises to such a level of willfulness, recklessness, and conscious disregard for the consequences as to authorize the imposition of punitive damages.

98.

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

COUNT IX
VIOLATION OF LAWS GOVERNING
CONTRACTORS WITH THE UNITED STATES

99.

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

100.

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

101.

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

102.

Plaintiffs are entitled to an order requiring Defendants to disgorge their ill-gotten gains, preventing Defendants from receiving future payments under existing contracts with the United States, and preventing Defendants from being awarded any future contracts from the United States.

PRAYER FOR RELIEF

103.

Plaintiffs are entitled to judgment against the Defendants as follows:

- (a) Compensatory damages to make the Plaintiffs whole;
- (b) Punitive damages in an amount sufficient to punish Defendants and to deter them from engaging in similar misconduct;
- (c) Equitable declaratory and injunctive relief as is permitted by law, including, but not limited to, an order requiring disgorgement of profits and an injunction against any future government payments or contract awards;
- (d) Treble damages to the extent permitted by RICO;
- (e) Attorneys' fees and costs, including but not limited to such fees and costs as may be awarded under RICO; and

(f) Any additional or alternative relief which may be appropriate.

JURY DEMAND

The Plaintiff demands a trial by jury on all issues raised herein.

Respectfully submitted this 8 day of September, 2005.

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this date a true and correct copy of the foregoing SECOND AMENDMENT TO COMPLAINT was served via electronic filing upon the following counsel of record:

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This the 8th day of September, 2005.

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