

Outsourcing Intelligence in Iraq

A CorpWatch Report on L-3/Titan

Updated December 2008 with Recommendations from
AMNESTY INTERNATIONAL



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SERGEANT WAINE HALEY, 133RD MOBILE PUBLIC AFFAIRS DETACHMENT ON NOV. 10, 2005.



Titan translator and soldier on night raid in Tikrit.

Cover Photo: Prisoners working at Camp Cropper, the main U.S. detention facility in Baghdad, by Specialist Michael May (Task Force 134 – Detainee Operations), April 3, 2008.

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Introduction



Prisoners grips fence at Camp Cropper, the main U.S. detention facility in Baghdad.
Taken by Specialist Michael May (Task Force 134—Detainee Operations) on April 6th, 2008

When U.S. troops or embassy officials want to track and investigate Iraqis—such as interrogating those accused of terrorism, doing background checks on potential employees, or even to chat with ordinary citizens on the street—the principal intermediary is a relatively obscure company named L-3, that is just over a decade old. Although it is not as well known as companies such as Halliburton, it is now the ninth-largest private military and security company

(PMSC) in the United States, and is a spin-off of defense industry giants Lockheed Martin and Loral. Based in Manhattan, it is headquartered on the upper floors of a skyscraper on Third Avenue, a few blocks from the United Nations. The bulk of this critical interrogation and translation work is done by a recently acquired L-3 subsidiary: Titan Corporation of San Diego.

The company's principal role is to recruit, vet, hire, place, and pay these contract linguistic personnel. The

U.S. military oversees and directs the day-to-day work, but L-3 and Titan play a key role in staffing and maintaining what was once considered an *inherently governmental* function: the acquisition and analysis of human intelligence during war. All told, L-3 and Titan are now being paid approximately \$1 billion of U.S. taxpayer money a year for this work, with a cumulative total approaching \$3 billion since the 2003 invasion of Iraq.¹

L-3/Titan is now probably the second largest employer in Iraq (after Kellogg, Brown & Root—now KBR—a former Halliburton subsidiary) with almost 7,000 translators and more than 300 intelligence specialists.² Unfortunately, a number of the personnel hired by L-3 and Titan—some barely competent, and several previously indicted for criminal acts—has resulted in heightened risk of human rights abuses. These problems could be easily avoided through proper, thorough vetting and training practices.

The company also has the highest rate of casualties of any civilian contractor in the country (at least 280 have died so far³), with Titan personnel dying at a rate that is far greater than that of the U.S. military itself. This toll is mostly because Titan's Iraqi personnel face threats of assassination for working with the military. Both Iraqi and U.S. hires have also complained that Titan has failed to provide proper medical support to employees injured in the course of duty. Employees' basic labor right to a safe and healthful workplace is being violated when they are put in harm's way and not given adequate medical care.

In recent months, L-3/Titan's work has been criticized harshly by the military for poor performance, and it has lost its biggest contract. Nonetheless, company executives cut a deal with the winning bidder and the U.S. military to keep part of the work. The failures in Iraq are the most public face of this contract; reports suggest that the company also provides intelligence services such as translation to lesser known agencies such as the Counterintelligence Field Activity (CFA) and the Naval Criminal Investigative Service (NCIS).⁴

In writing this report, CorpWatch has been fortunate to draw directly from the experiences of numerous military and civilian interrogators and translators who have come forward as anonymous whistle-blowers. The U.S. military has responded to some information requests on

the financial details of the contract, but over the last two years, L-3 officials have failed to return repeated email and phone requests to discuss their work. Military officials have refused to discuss actual implementation. "We're not going to talk about intelligence contracts," Lieutenant Colonel Barry Johnson, spokesman for the Multi-National Force Command in Baghdad, told CorpWatch.⁵

Our research indicates that there are significant problems with these contracts for the conduct what is known as human intelligence, or HUMINT, services, notably with the hiring and vetting of contract interrogators and translators by PMSCs, many of whom are unqualified or poorly qualified for this critical and complex linguistic work. This failure has the potential to seriously compromise national security and human rights—as several examples cited in this report indicate.

The reasons that information on the performance of the contractor is hard to come by are two-fold: government rules on business confidentiality intended to protect a company's competitive edge, coupled with the blind belief that secrecy is the handmaiden of intelligence.

CorpWatch believes that excessive secrecy on contractor performance is neither necessary nor good practice because it leads to a lack of accountability and thus potentially to bad intelligence. Instead, there should be transparency in the contracting process, and contracts should be made publicly available, with strictly limited exceptions for classified information. We recommend that the U.S. Congress investigate what oversight actually exists for the work of L-3/Titan (and its sub-contractors) and how effective this oversight is, precisely because these companies have acquired inherently governmental functions. Finally, we urge the U.S. government to strengthen contracting rules and to crack down on human rights abuses immediately when there are credible reports and allegations, and for the company to compensate the workers and their families for injury and death.

This CorpWatch investigative report is interspersed with recommendations from Amnesty International to improve government and company respect for and protection of human rights in the context of outsourcing government, military and military support functions, particularly in zones of armed conflict and weak governance. ♦

Part One: The Interrogators

History of L-3

L-3 was created as a spin-off of several Lockheed Martin and Loral manufacturing units that specialized in advanced electronics. These small business units were having a hard time selling their products to such major military manufacturers as General Dynamics, Northrup Grumman, Boeing, and Raytheon, because of perceived competition with Lockheed. L-3 was created as an independent “mezzanine” or middle company, not linked to Lockheed or Loral, that would supply advanced electronics to anyone.¹

The deal was engineered in 1997 by Wall Street investment bankers working for Lehman Brothers, with the help of two former Loral executives, whose names coincidentally began with the letter L: Frank Lanza and Robert LaPenta. (L-3 stands for Lanza, LaPenta and Lehman).

Lanza told a reporter at the time that their plan was “to build one big company that would be like a high-tech Home Depot” competing against the “major gorillas” such as Lockheed and Northrop Grumman.²

The company quickly expanded through an aggressive acquisition strategy of buying up some 70 small, advanced technology manufacturers. As it grew, it recruited big names to its senior management and board: Gen. John Shalikashvili, former chairman of the Joint Chiefs of Staff of the U.S. Army and Gen. Carl Vuono, the former deputy



Omar El Memshawi, contract interpreter and interrogator, on night raid in Tikrit. Nov. 10, 2005, by Sergeant Waine Haley of the 133rd Mobile Public Affairs Detachment.

chief of staff for the U.S. Army, among others.³

In the last decade, this new company has ousted other older firms from the list of top-ten military contractors to join the “major gorillas.” In the last few years, L-3 has been aggressively taking over prime contracts, especially in the field of intelligence. In 2007 alone it won \$10.3 billion in Pentagon contracts, representing

almost three-quarters of L-3’s total business.⁴

Intelligence Contracts

On July 8, 2005, L-3 subsidiary Government Services Incorporated (GSI) won a contract to provide more than 300 intelligence specialists for an operation that spans 22 military bases in Iraq. The \$426.5 million contract was awarded by Cindy Higginbotham, operations chief of Division B of the U.S. Army Contracting Agency office at the Amelia Earhart Hotel in Wiesbaden, Germany.⁵ The contract is scheduled to run out in July 2009, although the Pentagon has the option of canceling the contract this coming July.

GSI’s partners on the intelligence contract include Florida-based, disabled-owned Espial Services and Virginia-based Gray Hawk Systems. Other L-3 subcontractors on the project include Future Technologies Inc., a South Asian-owned company which is hiring Middle East regional intelligence analysts; and Operational Support

and Services, a North Carolina company. This consortium was not the first to work on an Iraq interrogation contract; that distinction belongs to CACI, a Virginia-based company that was implicated in the Abu Ghraib scandal (see box).

L-3 also works on other high-level military contracts in Iraq. In January 2005, L-3 was tasked with providing advisors to the U.S. Special Forces under a no-bid contract. It was also one of four companies invited to bid on a five-year \$209 million contract to provide information technology, management and intelligence support services to the U.S. Army Intelligence and Security Command (INSCOM) at Fort Belvoir in Virginia.⁶

While these intelligence and related contracts are a significant expansion of the core electronics business of L-3, they also represent a significant evolution in the privatization of intelligence for the U.S. government. The U.S. employed almost no private interrogators in Afghanistan or Guantanamo in 2001 and 2002, relying on the existing capacity of the military interrogators.

However, the Bush administration's decision to go to war in Iraq and to occupy that country has resulted in the U.S. military taking thousands of prisoners without adequate capacity to process these individuals. The military first hired CACI in 2003,⁷ but when the initial contract was exposed and severely criticized in the Abu Ghraib scandal, the company chose not to pursue an extension of the work. So, in 2005, the U.S. government turned to L-3 to take over the explosion in demand for retired interrogators.

"The government is desperate for qualified interrogators and intelligence analysts so they are turning to industry," says Bill Golden who runs IntelligenceCareers.com, one of the biggest intelligence employment websites in the business. "Over half of the qualified counter-intelligence experts in the field work for contractors like L-3."⁸

The demand has risen much more quickly than it can be met. Golden says that on average people applying for jobs in 2005 had 11 years experience in intelligence; in 2006 they had just eight and he expects that the average applicant's experience is now dropping to as little as five years.

"That's not a sufficient base of expertise when you are fighting a worldwide war on terrorism," says Golden, a former military intelligence analyst with 20 years Army

experience. "We are now entering a new phase. Previously, government exported jobs to industry requiring subject matter expertise because that expertise was being institutionally lost. Now there are indications that industry may be losing some of [this expertise] as well."



See *Amnesty International Recommendation I.A.4.6*, on Transparency, Oversight and Accountability:

- States must ensure that all PMSC personnel receive training in human rights and humanitarian law and other relevant internationally accepted standards, such as those relating to the use of force.
- States must establish and acknowledge clear channels of authority, responsibility for the oversight of PMSCs and their personnel prior to contracting or deployment, shall ensure adequate resources devoted to overseeing contracts and shall not contract or assign to a PMSC or its personnel PMSC oversight or accountability functions.

Bad Hiring and Training Practices

The L-3 contract for intelligence services in Iraq requires the company to provide three kinds of personnel: analysts, interrogators, and screeners. The company is required to provide a total of 306 people in 22 forward operating bases (FOB) at an average cost to the taxpayer of about \$320,000 per person per year.⁹ If the company fails to meet this quota, it has to pay a fine of thousands of dollars for each position that remains unfilled, creating a strong incentive for bad hiring practices.

Indeed, the military contracting authorities noted this problem in March 2005 when the project was first put out to bid, suggesting that it may become "impossible for the Contractor Team to fill the slots within the required timeframe, if at all. In this highly unlikely, yet possible scenario, the Contractor Team will accrue an unlimited amount of Damages." At the time, contracting authorities stressed that excessive fines for not filling the positions could be counterproductive, and that it would take a "reasonable approach" to a failure to fill the positions.¹⁰

CACI's Interrogation Contracts

CACI, (referred to as “Khaki” in military circles) was originally called California Analysis Center Incorporated. It was formed in the 1960s by Harry Markowitz and Herbert Karr. (Markowitz later won a Nobel prize in economics in 1990 for his research on stock portfolio diversification.) The company's first federal contracts were for custom-written computer languages that could be used to build battlefield simulation programs.¹

In the last decade or so CACI, which moved its headquarters from California to the Washington DC area in 1972, has quietly pursued an aggressive business strategy. It has acquired weaker companies and bid on new military contracts ranging from Navy shipyard repair contracts to personnel support at the Kelly Air Force base in Texas and the McLellan Air Force base in California, to become a billion dollar company.²

In 2003 CACI bought up a company named Premier Technology Group. Included in the sale was Premier's “blanket purchase agreement” (an open-ended contract used by government agencies to buy anything from beans to bullets). The contract was issued to Premier from contracting office Building 22208, an unremarkable old military office on the south-eastern edge of the Brown Parade Field in the heart of Fort Huachuca, Arizona, the main interrogation training campus for the U.S. Army.³

In August 2003, Command Joint Task Force-7, the military group overseeing operations in Iraq, decided it wanted CACI to provide interrogators under the blanket-purchase agreement, and informed the Department of Interior (Dol), which was in charge of the contracting office at Building 22208, of its plan.⁴ An Interior contracting officer was asked to evaluate the new orders to make sure the work was not “outside the scope” of the contract. According to the agency's spokesperson, Frank Quimby, the official decided that the Army request was legal because the order included computer integration and data processing work. Dol issued a \$19.9 million order for the work.

During the two-year period (August 2003 to 2005) that the contract was in force, CACI provided up to 28 interrogators to the military in Iraq at any given time. (A total

of some 60 different individuals worked on this contract, according to a company FAQ.)⁵

An Army investigation in July 2004 by Lieut. Gen. Paul Mikolashek, on behalf of the Army Inspector General, found that a third of the interrogators supplied in Iraq by CACI had not been trained in military interrogation methods and policies.⁶

One of the CACI interrogators, Steven Stefanowicz (aka Big Steve), was accused of involvement in the Abu Ghraib prison torture scandal that broke in May 2004. It was soon revealed that Stefanowicz, who was trained as a satellite imagery analyst, had received no formal training in military interrogation or the Geneva Conventions on human rights.⁷

According to a military policeman who testified at the court-martial of Sergeant Michael J. Smith, an Army dog handler at Abu Ghraib, Stefanowicz directed the abuse in one of the most infamous incidents photographed at Abu Ghraib: A prisoner in an orange jumpsuit being threatened by an menacing looking dog, a black Belgian shepherd named Marco.⁸

“I was told by his interrogator, Big Steve, that he was al-Qaida,” testified Private Ivan Frederick II. “He said, ‘Any chance you get, put the dogs on.’” Frederick said that Stefanowicz would occasionally ask him to pause for the interrogations. “He would come down in between and we would pull the dogs off and he would go in and talk to him,” said Frederick.

Likewise Corp. Charles Graner told Army investigators that Stefanowicz gave instructions about “harassing, keeping off balance, yelling, screaming” and stripping prisoners naked. Under Stefanowicz's direction, according to Graner, prisoners could be sexually humiliated, kept awake for 20 hours at a stretch and put in “stress positions.”⁹

Another Abu Ghraib photograph shows Daniel Johnson, another civilian contractor, putting an Iraqi prisoner in “an unauthorized stress position.” This led the Army to conclude that there was “probable cause” that a crime had been committed.¹⁰

Graner said that Johnson told him to inflict pain by squeezing pressure points on the same prisoner's face and

But the reality is that the company has sought to avoid the fines by hiring a number of unqualified personnel, simply to fulfill the contract. For example, in order to fill the required positions, CorpWatch sources indicate that L-3/Titan hired several former Special Forces soldiers with no previous intelligence experience as site managers, who in turn have often hired unqualified workers to meet the quota provided for in the contract.¹¹ The pressure to meet the quota also means that there are personnel who are not properly vetted and may have criminal histories and/or who may have conflicting political motivation, such as local Iraqis who may have been driven by their factional agendas.

One of the areas in which L-3 has been particularly lax is the hiring of “screeners” who are in charge of doing background checks on every Iraqi who wishes to visit or work on a U.S. military base. Because the contract does not specify what kind of experience these screeners need to possess, some hires have only tangential qualifications. At least one employee’s professional experience consisted solely of working as a baggage screener at a U.S. airline. While some speak Arabic, others do not, which makes it impossible for them to evaluate who should have access to military locations and who should not.¹²

body and that he “roughed up” the prisoner at Johnson’s instigation. Frederick told the investigators that Johnson twice personally interfered with the prisoner’s breathing and that he copied him: “I would put my hand over his mouth and pinch his nose,” so the prisoner could not breathe.¹¹

CACI is now being sued for torture on behalf of several detainees in a civil case that names Johnson and Stefanowicz as defendants by the Center for Constitutional Rights (CCR) in New York and the law firm of Susan Burke in Philadelphia.¹² The lawsuit also names Timothy Duggan, a civilian interrogator (aka Big Dog) from Pataskala, Ohio,¹³ and alleges that he directed others such as soldiers “to torture and mistreat prisoners,” and made death threats to one person who reported the abuse to military authorities. Titan, now an L-3 subsidiary, was also a defendant in the lawsuit for providing translators who allegedly took part in the torture. (See next section.)

On November 6, 2007, U.S. District Judge James Robertson denied CACI International’s motion to dismiss a civil lawsuit on behalf of more than 200 Iraqis who at one time were detained at the Abu Ghraib prison, but granted summary judgment for Titan, ending the case against that company.¹⁴

Nor was CACI the only company awarded vaguely worded contracts that were then used to employ interrogators. A small company named Affiliated Computer Services (ACS) was issued a General Services Administration (GSA) technology contract in Kansas City, Missouri. ACS was subsequently bought up by Maryland-based Lockheed Martin Corporation, who then used the GSA contract to

employ private interrogators at Guantanamo Bay, Cuba as early as November 2002.¹⁵

Lockheed also bought up a company named Sytex in February 2005 that had been providing the military with “intelligence analysts” ranging from Arabic translators to counterintelligence and information warfare specialists, as far back as 2001. In mid-2005, Sytex was still advertising to hire 11 new interrogators for Iraq and 23 interrogators for Afghanistan. Once L-3 took over the Iraq interrogation contract, Lockheed appears to have discontinued its interrogation work.¹⁶ ♦



See Amnesty International Recommendations I.B.1-3. on Investigating and Prosecuting Abuses by PMSCs/ Personnel:

- States should enact legislation that provides for jurisdiction over abuses committed by PMSCs, and/or their personnel, extraterritorially.
- Host, home and contracting states should promptly investigate allegations of human rights abuses and prosecute perpetrators, exercising extraterritorial jurisdiction where necessary, and ensuring that jurisdictional confusion is not created or left unaddressed.
- States should also establish, before sending or receiving PMSCs and/or personnel, clear channels of authority, responsibility and procedures for the reporting, investigation and prosecution of abuses.

An L-3 interrogator who worked closely with the screeners told CorpWatch that “It is hard to say whether [the screener] is doing a good job, because the result from our work is not measured in any type of tangible result. It is more measured in the amount of bad people you prevent from having access. You cannot gauge how many people get access from unqualified people. Most of the people looking for access are doing it to collect intelligence, not to attack directly. “I don’t know how many people [the screener] has stopped from gaining access, but if you are not trained correctly it would be safe to say the amount people you miss would be higher than someone who was trained.”¹³

L-3 also provides dozens of interrogators in Iraq who are typically retired military intelligence. These contractors actually do have years more experience than the enlisted soldiers conducting interrogations who have often just graduated from a three-month training course in Fort Huachuca. The contractors get paid a lot more than the enlisted soldiers — a qualified interrogator can get up to \$250,000 a year, three times what a soldier would get.¹⁴

The Abu Ghraib scandals, where unqualified contractors such as Steven Stefanowicz were hired as interrogators, have led to some changes in contractor hiring practices. Thus today, in order to work in Iraq, contractors are required to take regular training classes, but these are often just window dressing. “To be an interrogator you have to go through a refresher course [at Fort Huachuca]” one L-3 interrogator told CorpWatch. “Then every 90 days you get a four-hour block of instruction on the rules of interrogation. It is called 0502 training. This training was implemented some time after Abu Ghraib to cover someone’s ass in case that sort of thing ever happened again. It is a check-the-box type of training, meaning it teaches you nothing but makes the leadership feel like they are covered if someone crosses the line.”¹⁵

“The refresher course is done by power point. Everyone sits in a room and listens to some officer tell everyone else how things should be done and the laws that apply. Most of the time the officers have never done this job but only watched. The course is a joke. But it helps the military cover their ass if anything happens. They can always go back and say you had the training, you were told what you could do.”



See Amnesty International Recommendation II.A.1. on Training and Vetting of Contract Personnel:

- PMSCs must ensure that all personnel receive regular and timely training in human rights and humanitarian law and other relevant internationally accepted standards, such as those relating to the use of force. The substance of such training shall be incorporated into the PMSC’s operational policies and procedures.

Prison Quotas

The two sites at which L-3 provides a significant number of interrogators are Camp Bucca in the south, near the Kuwaiti border, and Camp Cropper, which is part of the gigantic U.S. military base located at Baghdad International Airport.¹⁶ Every one of the other U.S. military bases in Iraq, as well as the prison at Fort Suse in the Kurdish north, has at least one U.S. military interrogator stationed on site and often one or more contract interrogators. (Interrogators are often flown in to the other sites when a significant number of new prisoners arrive, and then leave when the interrogations are over.)¹⁷

CorpWatch has been able to glean some knowledge of the problems with the interrogation contracting system by talking directly to L-3 interrogators and translators in the field. Many have complained that one of their biggest problems is the vast number of new people who are being arbitrarily rounded up by U.S. troops to be imprisoned to fill unwritten “quotas.”

“The units that capture are all military. Every size. There are no quotas in writing, just if the previous unit arrested some many people, then the incoming unit wants to do better and show they made a bigger impact. They have to justify the bronze star they are going to get for sitting behind a desk,” an L-3 interrogator told CorpWatch.

“Most units DO NOT have counter-intel people with them. They watch TV and figure that is how it is done. A regular line unit made up of infantry will allow some captain to run sources because they see it on TV. It is il-

Border Surveillance Scandal

Congressman Mike Rogers, a Republican from Alabama, and chairman of the Homeland Security Subcommittee on Management, Integration and Oversight, conducted a hearing on June 16, 2005, to find out why an L-3 subsidiary botched a key U.S. border surveillance project.¹

In 1998, the Immigration and Naturalization Service (INS, now part of the Department of Homeland Security) awarded a contract to International Microwave Corporation (IMC) to build a border crossing monitoring system known as Integrated Surveillance Intelligence System (ISIS) to detect undocumented immigrants and drug traffickers. A major component of this was the Remote Video Surveillance Program that was to integrate multiple color, thermal and infrared cameras mounted on 50- to 80-foot poles along the borders, into a single remote-controlled system.²

When Congress threatened to eliminate the ISIS program, IMC turned to Congressman Silvestre Reyes from Texas, a former Border Patrol agent, and others to help rescue it. Reyes says that he never talked to U.S. officials to help IMC win the contract but he did help the project win congressional funding because he believes cameras “are an important part of our ability to defend the borders.” (Reyes is now a senior member of the Armed Services and Select Intelligence Committees of the House of Representatives.)

INS official Walter Drabik, who helped select IMC for the \$2 million contract in 1999, told the *Washington Post* that he recommended that IMC hire Rebecca Reyes, daughter of the Congressman as liaison to the INS. She ultimately became IMC’s vice president for contracts, and ran the ISIS program. In 2001, her brother, Silvestre Reyes Jr., a former Border Patrol employee, was also hired by IMC as an ISIS technician. (He quit a few years later to form his own company, according to the *Post*.)

In 2000, Drabik was taken off the ISIS project, after his superiors expressed discomfort over his close dealings with IMC. In 2003 IMC was bought up by L-3.

In December 2004, after IMC became an L-3 subsidiary, an audit of ISIS was issued by the inspector general of the General Services Administration (GSA), which found numerous problems with the ISIS project. The audit noted that the initial \$2 million contract had been awarded without competition, yet, one year later IMC received a \$200 million extension for many tasks that were outside the scope of the original contract.³

GSA also found multiple problems with the surveillance equipment that the company provided. At the Border Patrol

location in Blaine, Washington, for example, auditors found cameras and other pieces of equipment that did not work or needed frequent repair. At three other locations, including Detroit, Michigan, auditors found surveillance sites where no equipment had even been delivered and no work was underway. At other sites in New York, Arizona and Texas, some equipment had been installed, but was not operational.

Other problems, according to the GSA report, included: 60-foot poles that were paid for but never installed; sensitive equipment that failed to meet electrical codes; an operations center where contractors and government personnel did little or no work for over a year; and, not surprisingly, numerous cost overruns.

“The contractor sold us a bill of goods, and no one in the Border Patrol and INS was watching,” Carey James, the Border Patrol chief in Washington state until 2001 told the *Post*. “All these failures placed Americans in danger.”

In September 2004, GSA abruptly halted extending the contract, leaving approximately 70 border sites without monitoring equipment. It also told the contractor to ship truckloads of equipment back to the Border Patrol, which then stored it in a warehouse where it gathered dust.

“What we have here, plain and simple, is a case of gross mismanagement of a multimillion dollar contract,” said Congressman Rogers. “This agreement has violated federal contracting rules. And it has wasted taxpayers’ dollars. Worst of all, it has seriously weakened our border security.”

At the hearing, Joe Saponaro, president of Government Services, Inc., the L-3 subsidiary that absorbed IMC, admitted that there were problems with the project: “It is fair to say that the contract outgrew the company performing it and the Government offices administering it, neither of which had the processes in place at that time to efficiently work a contract of this magnitude.” Saponaro said that the company had “corrected” or “fully remediated” problems that were discovered but that many of the allegations were “clearly erroneous.”⁴

Despite the sub-committee hearing almost three years ago, the investigation has since been dropped. Robert Samuels, a spokesman for the General Services Administration, emailed an update to CorpWatch: “The results of the investigation were not sufficient, however, to pursue further legal action.”⁵

L-3’s then CEO Frank Lanza said the Rebecca Reyes was cleared of any wrongdoing.⁶ She is now director of policy, procedures and administration at L-3 subsidiary MPRI.⁷ ♦

legal for an untrained person to run a source. So the units don't recruit anyone. They treat them all as if they are just people offering information. The line gets crossed when you have talked to the person four times or more and you ask them for something. Now you are running a source.

"[This] is not getting vetted by higher-ups which is the way it should be. In most cases these unit sources are feeding bad information to the unit and using them to help cleanse the area. The units don't have enough trained persons to do the job and the ones that are trained are not allowed to do the job correctly. Every unit wants to be the unit to capture the next big terrorist and thus does not share their information. When you request information from them, you are usually stone walled or ignored completely. Then they think they have something good and continue to run things their way. No one in the chain will force them to stop because they make arrests. It does not matter if the arrests are right or wrong, they are simply numbers to boost the unit.

"If the unit you are replacing captured 200 people, then you must capture 250. I think the number is now up around 400. No one is tracking the number of people captured for no reason, just that they were captured. These are the kind of errors that can occur from unqualified people," an L-3 interrogator told CorpWatch.¹⁸

Task Force 145

Have L-3 interrogators been involved in any of the cases of abuse that have taken place at Iraq's prisons and military detention centers? To date, none have been revealed, but press reports indicate that the company has provided interrogators to Task Force 145 at Camp Anaconda in Balad, the successor to Task Force 626 at Camp Nama at the Baghdad International Airport complex.¹⁹ This autonomous and clandestine unit of Delta Force and Navy Seals, which was tasked with tracking down high level alleged terrorists, has been accused of numerous human rights abuses although no civilian contractors have been named or charged in these abuses.

Task Force 626, first put together in 2003, has been accused of cruel as well as juvenile practices in its early days (before L-3 supplied interrogators to the group), by both

the Central Intelligence Agency (CIA) and the Federal Bureau of Investigations (FBI). Indeed, the CIA banned its staff from working with interrogators at Camp Nama.²⁰

For example, interrogators on Task Force 145 allegedly stripped prisoners naked and hosed them down in the cold, beat them, used "stress positions" and kept them awake for long hours. Some 34 Task Force members have been disciplined, and 11 have been removed from the unit for mistreating prisoners.

In the summer of 2004 Task Force 626 was renamed Task Force 145 and moved north to Camp Anaconda. A May 2007 *Atlantic Monthly* article by Mark Bowden says that several L-3 interrogators were hired to work at the new facility, and described at least one: "Tall, wiry, and dark-haired, Nathan (a pseudonym used by Bowden) was one of the few (interro)gators who could speak some Arabic" who was described as questioning a prisoner nick-named "Abu Raja." ♦

NOTE: This report is about L-3's role in U.S. military interrogation, which is distinct from the Central Intelligence Agency (CIA) rendition program. The bulk of the alleged human rights abuses to date have been blamed on military police at Abu Ghraib, Bagram, Guantanamo and Task Force 626 at Camp Nama in Iraq, not on civilian interrogators. (Roughly five percent of the 500 cases of detainee abuse studied by Human Rights Watch/Human Rights First were linked to civilians.)²¹



See Amnesty International Recommendation I.C.1. on Standards for Contract Awards and Renewals:

- States must establish publicly available, clear standards for contract awards and renewals which should include past performance, particularly relating to the respect of and accountability for abuses of human rights in operations. This should include a PMSC's past involvement in human rights abuses, steps taken to remedy past abuses and prevent future abuses and measures taken to compensate victims.²¹

Part Two: The Translators

History of Titan

Titan was co-founded in 1981 in San Diego, California, by Gene W. Ray, a former senior Air Force advisor and a board member of Science Applications International Corporation (most of whose work comes from the CIA and the NSA) who then became the company CEO.¹

Titan was bought by L-3 in June 2005 for approximately \$2 billion in cash, specifically so that the company could expand its intelligence portfolio.² “It elevates us a notch to be a prime contractor in intelligence” work, Frank Lanza, L-3’s chairman and chief executive at the time told the *Wall Street Journal*. He noted that until then the company had been mainly a products company, making everything from night-vision goggles to sensors to luggage-scanning devices. Lanza noted that Titan had 9,000 personnel with security clearance for classified work, of whom 5,000 had top-secret clearance, a classification that can take the government two years to process.

The buy-out was made on condition that the San Diego company settle outstanding federal charges of bribery as well as related shareholder lawsuits in California and Delaware for \$67.4 million. In June 2006, Steven Lynwood Head, Titan’s Africa president, pleaded guilty to making payments to support the 2001 reelection of President Mathieu Kerekou in the West African nation of Benin, where Titan was building a telecommunications system. The company paid \$28.5 million to settle charges under the Foreign Corrupt Practices Act.³

Translation Contracts

In late 2001 Titan bought up a company called BTG for \$141.9 million soon after the September 11 attacks on the

New York World Trade Center and the Pentagon. Just two years prior to being acquired BTG had won a competitive bid worth \$10 million to provide about 30 translators to the Coalition Forces Land Component Command in Kuwait for five years.⁴ Soon after that Titan started to aggressively recruit translators in Arabic, Aramaic, Dari, Farsi, Georgian, Kurdish, Pashto, Tajik, Ughyur, Urdu and Uzbek by faxing community groups and visiting job fairs and language clubs. This contract that would eventually swell some 250-fold by the time it was canceled in 2008.⁵

The company provides three different kinds of translators to the military. Category One is comprised of local hires who were initially paid \$10 a day in 2003, rising to about \$45 a day today or about \$15,000 a year. Category Two are U.S. residents or citizens who started out being paid about \$70,000 in 2003, rising to \$140,000 and more today for well-qualified candidates.⁶ Finally the company also provides a limited number of Category Three translators with “Secret” and “Top Secret” clearances for classified work such as in the field of intelligence. (However many of the translators who work in the interrogation facilities do not possess these high-level security clearances.)

From the very first day Titan began providing translators to the military, the biggest issue has been the uneven quality of the personnel. “They came from Morocco, Syria, Lebanon, Yemen, from the 22 Arab countries in the neighborhood, even from Somalia,” Wadie Deddeh, a senior Titan manager who was born in Baghdad, told the *San Diego Union-Tribune* in 2004. “They spoke good English, but maybe broken Arabic. Or good Arabic, but no English. So both sides were unhappy with this situation.”⁷



Linguists Needed

Titan Systems Corporation is seeking native speakers of Pashto, Dari, Tadjik, Uyghur, Uzbeki, Georgian, Arabic, and Turkmen languages who also possess strong oral and written American English skills to support U.S. Army operations in the war on terrorism. This unique employment opportunity affords you the chance to simultaneously assist Afghanistan and the United States in forging a new and promising future for the Afghan people and to bolster global security. Our linguists provide operational contract linguist support to the U.S. Army in Afghanistan, Uzbekistan, Guantanamo Bay, Cuba and other locations.

As a Titan Systems Corporation contractor linguist, you will be called upon to support critical missions such as interpreting during interviews, translating key documents of interest, and providing the U.S. Government with an understanding of the Afghan culture that only a native can provide. To qualify as a Titan Systems linguist you must be a U.S. citizen, pass a language test, and be subject to a U.S. government background investigation. You must also be willing to travel to and work in Afghanistan, Uzbekistan, or the U.S. Naval Base at Guantanamo Bay. Some work environments and conditions are harsh, but the rewards are great. If you or someone you know is interested in a meaningful job that offers great pay, benefits and the chance to make a positive impact in the war on terrorism, please contact us.



3877 Fairfax Ridge Road Fairfax, VA 22030
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www.titansystemscorp.com



Guantanamo Bay Support



Afghanistan Support



Community Support

A number of Titan translators are equally critical. “I saw people who cannot spell Bob. B-O-B,” Walid Hanna, an Iraq-born executive director of Michigan Community Financial Services in Sterling Heights, Michigan, and a former translator in Iraq told the *American Prospect*. “I saw translators who didn’t even understand English.”⁸

A Titan supervisor, who worked in the Sunni Triangle in 2003, interviewed by CorpWatch, says that the reason for this was that initially contract translators underwent little or no background checking and their qualifications

varied. “I’d say most of them were just there for the pay check and should never have been involved in military operations because they were incompetent or unqualified. Many of them did a terrible job,” the former U.S. soldier said.⁹

This is still true today. An L-3 interrogator who worked in Iraq in 2006 told CorpWatch: “I can tell you some of the interpreters I worked with knew less Arabic than I, and I don’t know crap. I had one person [Iraqi] tell me I should replace my translator. He told me this in English

after he got tired of the translator messing up the translation. We conducted the rest of the interview in English.”¹⁰

Over the course of our work in Iraq, CorpWatch has met with dozens of Titan translators (as recently as April 2008) who confirm that the language skills of translators hired is still uneven. To this day, the company hires translators on the basis of a simple résumé review and phone interview. Although translators have to travel to Virginia to pass a written test, the company mails prospective employees sample tests to help them pass. Anecdotal evidence suggests that very few are rejected once they pass the initial phone interview.¹¹

Despite the fact that the quality of the personnel hired has been poor, Titan has still struggled to provide the 7,000 translators mandated under its contract. Indeed in 2006, the Iraq Study Group noted that the 1,000-staff U.S. Embassy in Iraq had only six translators who spoke fluent Arabic.¹²

The government sent L-3 a “cure notice” in December 2007 for failing to fill quotas. In a call with financial analysts, Michael Strianese, L-3’s CEO explained: “... the percentage that were actually hired versus the target was at about 84 percent, than which, of course, is the desire to be at 100 percent. It is actually true, but again, as I mentioned, it is in a war zone, and people are targeted for assassination. It is not like you are recruiting kids off a college campus. It is a difficult environment. We believe that rate represents an excusable delay.”¹³

Several of the translators hired by the company have done worse than just provide poor quality language services, although that itself could create an environment rife for abuse. Indeed some have even been arrested, and indicted or charged with criminal action, such as stealing classified documents from the military and at least one who was caught trying to bribe Iraqi and U.S. officials. Others have been dismissed after being implicated in human rights abuses at Abu Ghraib.

Corpwatch recommends that the U.S. government enforce, and private contracting companies comply with, the Interagency Language Roundtable (ILR) Translation and Interpretation Skill Level Standards in executing linguistic-related contracts, especially in wartime situations.

According to its web site, the ILR is an unfunded Federal interagency organization established for the coordi-

nation and sharing of information about language-related activities at the Federal level. See:

- <http://www.govtilr.org/>
- <http://www.govtilr.org/Skills/AdoptedILRTranslationGuidelines.htm>
- <http://www.govtilr.org/Skills/interpretationSLDsapproved.htm>

Beyond that, according to the Progressive Translator, the New England Translator’s Association (NETA, <http://www.netaweb.org/>) has adopted a strongly worded Anti-Torture Resolution with regard to the participation of translators and interpreters in such activities, and provides an excellent example. See:

- <http://theprogressivetranslator.blogspot.com/2007/02/new-england-translators-association.html>

NETA’s February 2007 resolution came in the face of an apparent lack of political will on the part of the broader American Translator’s Association (ATA) to adopt a resolution on the matter on a par of those of the American Psychiatric Society and other such professional associations whose members may play a critical human interface role in “global war on terror” contexts.

For further discussion, see:

- <http://theprogressivetranslator.blogspot.com/2006/10/translating-torture.html>



See Amnesty International Recommendation II.A.1 on Training and Vetting Contractor Personnel:

- PMSCs must ensure that all personnel receive regular and timely training in human rights and humanitarian law and other relevant internationally accepted standards, such as those relating to the use of force. The substance of such training shall be incorporated into the PMSC’s operational policies and procedures.

A: HUMAN RIGHTS ABUSES

U.S. Army records show that there were 15 Titan translators and sub-contractors working at Abu Ghraib prison in late 2003 where a number of human rights abuses oc-

curred. The abuses happened mostly at the hands of military police, although a couple of contract interrogators have also been accused of torture (see CACI box, p. 8). Only one of the Titan translators held a security clearance. For example, Khalid Oman was a hotel manager in Kalamazoo, Michigan, while Emad Mikha, a Chaldean from Basra, managed the meat department at a supermarket in Pontiac, Michigan, before going to work in Iraq. Most had no military background at all, nor did they receive training on working with prisoners, let alone in human rights.¹⁴

Maj. Gen. George R. Fay, one of the military officials who investigated the Abu Ghraib scandals, wrote: “The contracting system failed to ensure that properly trained and vetted linguist and interrogator personnel were hired to support operations at Abu Ghraib.”¹⁵

The CCR/Susan Burke lawsuit (see CACI box, p. 8) filed against Titan goes further. It states that company recruiters hired individuals “known to be full of hatred and violent animus towards Iraqis in the custody of the United States.” Many translators were members of minorities—Kurds, Iraqi Christians—whose communities had been victims of oppression in Saddam Hussein’s Iraq.¹⁶

Three translators have been named in the military investigations into the scandals. At least one—Adel Nakhla—has been accused of participating in the abuses while the role of the others is unclear. John Israel, who was Steve Stefanowicz’s translator, is accused of lying to investigators (he said that he had not witnessed any abuses), while a woman, Etaf Mheisen, has simply been identified as having been present during photographs of the abuses but has not been accused of any crime.¹⁷

Nakhla has been clearly identified in three October 2003 photos of abuses where he is shown with three naked male prisoners shackled together, lying on the floor. In one, Nakhla has his hand near a detainee’s neck.

Nakhla is alleged to have accompanied and helped Charles Graner, a soldier, commit human rights abuses at the prison (Graner has since been found guilty and sentenced to ten years in prison). A vivid description of Graner and Nakhla’s abuses by former prisoners was recounted in the *American Prospect*:¹⁸

“That night, Nakhla told him to step on a platform in the doorway of the cell. He climbed up. His hands were

shackled behind his back. “You son of a bitch,” Nakhla said, as A.A. recalled. “You move your legs from the surface.” He took his feet off the platform and stepped into the air, hanging now by the arms that were handcuffed behind his back. This is known as a ‘Palestinian hanging,’ a form of torture reportedly once used by Israeli troops.

“I tried to put my hands out ... and to put my feet back on the bar, but Abu Hamid [as Nakhla was known by the prisoners] said, ‘Don’t,’ ” he recalled. “He was right behind me. I heard whistling in my head. I cried out to Abu Hamid for help. I told him, ‘Abu Hamid, I am dying. Abu Hamid, I am going to die.’ I hoped he would influence [Graner] for my sake because he is an Arab. But he was even worse than Graner. ‘When Abu Hamid saw that I was going to put my feet back on the bar, he became very angry,’ he says. He cursed. I started to sweat, and I lost consciousness. When I woke up, I was lying on the floor. I don’t know who untied me or who put me on the floor. ... This was the last I saw of Abu Hamid and Graner.”

Two military investigations relate similar accusations. The Fay Report describes a civilian, widely believed to be Nakhla, who is accused of cutting a detainee’s ear “to an extent that required stitches.”

In the first Abu Ghraib investigation report written by Maj. Gen. Antonio Taguba, Nakhla told military investigators that he watched as soldiers “handcuffed [detainees’] hands together and their legs with shackles and started to stack them on top of each other.”¹⁹

Detainee Kasim Mehaddi Hilas also told Taguba that he saw Abu Hamid “fucking a kid,” said Hilas. “His age would be about 15 to 18 years. The kid was hurting very bad and they covered all the doors with sheets. Then when I heard the screaming I climbed the door because on top it wasn’t covered and I saw Abu Hamid who was wearing the military uniform, putting his dick in the little kid’s ass ... And the female soldier was taking pictures.”

Taguba said he found the accounts “credible based on the clarity of their statements and supporting evidence provided by other witnesses.” He named Nakhla as a suspect in detainee abuse.

Interviewed by Army investigators, Nakhla first claimed he tried to help the prisoners. Later Nakhla acknowledged holding down a prisoner. “I did not say the part of how I held the detainee’s foot that was on the

floor so he would not run away,” adding. “Not in any powerful way.”²⁰

So far Nakhla has not been charged with any crime and the CCR lawsuit against him/Titan was dismissed. Legal experts say that there isn’t enough evidence against him to pursue him in court.

Both Israel and Nakhla have stated that they did not speak up because they were afraid of losing their jobs. This is a clear indication that using private contractors who can be dismissed at a moment’s notice is a significant deterrent to the tradition of whistleblowers reporting questionable or egregious practices.



See Amnesty International Recommendation I.6.1 and ii. for States on Whistleblower Protections:

- States should pass or enforce whistleblower protection laws to ensure that personnel of PMSCs are able to report human rights abuses by other PMSC personnel, including management, without reprisal such as job termination or suspension.

As well as Recommendations II.D.1-2., II.E.1-8. for PMSCs on Whistleblower Protections and Accountability Policies and Procedures:

- Whether working for a state or other non-state actor, PMSCs should establish internal whistleblower protection policies and procedures, in accordance with the law, or in absence of applicable law, to ensure that personnel of PMSCs are able to report human rights abuses by other PMSC personnel, including management, without reprisal such as job termination or suspension.
- All personnel should be clearly informed of policies and procedures at the time of being hired or contracted to work with or for the PMSC and/or deployment to host state.
- Develop and implement a comprehensive human rights policy, which would include an explicit commitment to support and uphold the principles and values contained in the Universal Declaration of Human Rights.

- Integrate human rights policy into decision-making and operational processes and procedures. Specifically, incorporate a policy on human rights into all hiring procedures, contracts and training.
- Ensure that all personnel, including company Board, senior officers and others responsible for key decisions that impact human rights, are fully informed of human rights policy and procedures.
- Publicly disclose this human rights policy and periodically issue public reports on its implementation.
- Where there are credible allegations that personnel have been involved in human rights abuses, the company should immediately report such allegations to relevant authorities (including in the home and host states), preserve any potential evidence of the abuse, and suspend the alleged offender from any role or responsibility connected to the abuse, pending investigation.
- Companies must not act in a way that hinders investigation by state authorities or allows further abuses to occur, including, for example, assisting in any way alleged offenders from evading the jurisdiction of prosecuting authorities or enabling them to engage in capacities with high-risk for reoccurrence of human rights abuses.
- Make public the results of any investigation the company might have made into alleged human rights abuses by personnel. Cooperate with any government investigation into alleged human rights violations.
- Publicly disclose the terms of contracts with the government and military clients with respect to human rights.

B: CRIMINAL CHARGES

Ahmed Mehalba

Ahmed Fathy Mehalba, a taxi driver from Boston, failed Army interrogation school in Fort Huachuca, Arizona, and received a medical discharge from the Army in May 2001. While at the interrogation school, one of his classmates was dishonorably discharged after allegedly being caught with a stolen laptop containing classified information. When

she was under probation, Mehalba wrote to a superior court judge in Arizona to ask permission for her to serve probation in Massachusetts so he could marry her.²¹

Placed under surveillance by the Massachusetts state police following these incidents, he then applied for a job as an airfield gatekeeper at Boston airport in the wake of the September 11, 2001 attacks, but was rejected. Nonetheless, Titan hired him as a translator to aid interrogations in Guantanamo Bay, Cuba, in late 2002.

“It seems like this guy tried three different ways to get in, and just kept trying doors that were locked until he found one that was unlocked,” Tim Brown, an analyst with GlobalSecurity.org told the *Orlando Sentinel*. “Red flags should have gone off when he showed up.”²²

Mehalba was arrested in September 2003 after returning from his native Egypt with what authorities claimed was classified information from the Cuban base.

Customs officials found 132 compact discs in his luggage. The discs contained at least 368 government documents marked “SECRET” and “SECRET/NOFORN,” meaning they should not be viewed by foreign government officials.

Mehalba said he did not know how the information got there. He initially told FBI interrogators that he got the CD from an uncle had worked in military intelligence in Egypt but had long since retired.

In January 2005, he changed his plea to guilty under an agreement with prosecutors that would give him a 20-month prison sentence, most of which he had served before the plea bargain.²³

Noureddine Malki/“Abu Hakim”

“Abu Hakim” (father of Hakim) — another Titan employee — pled guilty in February 2007 to stealing classified national defense documents while deployed with an intelligence group in the U.S. Army’s 82nd Airborne Division to the Al Taqqadam Air Base in the volatile “Sunni Triangle” in Iraq from September 2003 to March 2004.²⁴ He was also accused of having sympathies for Al Qaeda and communicating with insurgent groups in Iraq, although those charges were dropped under the plea-bargain arrangement.²⁵

Abu Hakim was charged by the U.S. Department of Justice with downloading classified 82nd Airborne documents onto his unclassified “thumb drive,” and then tak-

ing the computer drive back to New York along with several physical documents containing classified 82nd Airborne information. The documents included “highly-detailed descriptions of insurgent activity in Iraq. One document, for example, details the precise coordinates from where the U.S. Army believed insurgents were using weapons to fire on Al Taqqadam Air Base, and specifies the weaponry being used to try to destroy those locations.” Another document detailed the routes Iraqi Shiite pilgrims were to take on their pilgrimage (Hajj) to Mecca, Saudi Arabia. It “specifies which routes will have military protection, and describes insurgent groups likely to attack the pilgrims during their religious journey.”²⁶

Complicating the matter was the fact that Abu Hakim allegedly faked his name and birth date, according to the U.S. Department of Justice. To acquire U.S. citizenship and then to obtain secret and top-secret clearances he called himself Noureddine Malki, claimed he was single and that his parents and siblings had been killed by shelling in Lebanon. The FBI’s investigations suggest that he was actually Moroccan and married.²⁷

Faheem Mousa Salam

Faheem Mousa Salam, of Livonia, Michigan, an Iraqi-American translator with Titan was arrested in March 2006 for offering to pay a senior Iraqi police official approximately \$60,000 to help him buy approximately 1,000 flak jackets and a sophisticated map printer for approximately \$1 million for the multinational Civilian Police Assistance Training Team (CPATT) in Iraq. Salam was caught when he finalized the arrangements with Michael DuBois, an undercover FBI agent posing as a procurement officer.²⁸

A spokesman for L-3 Government Services, Rick Kieran, said that “L-3 has not been related in any way to the incident itself. We have been cooperating with the Department of Justice on this entire matter.”²⁹

C: TAKING PART IN COMBAT?

Goran Habbeeb started working for Titan in 2003 doing stints with the 173rd Airborne Brigade, the 64th Military Police Company and the 21st Infantry, among others. Officially, he was a civilian translator, but the job often en-

compassed military functions. For example, he was sometimes sent alone into villages to look for insurgents and to covertly record locations on a global positioning device to provide to the troops—a task normally reserved for counter-intelligence officers.³⁰

“We have to find the terrorists and sometimes go with the troops to identify them,” he said. If he did not accompany the troops, the American soldiers often raided the wrong houses, he added. Sometimes he would get caught in a firefight and have to fire back, another task not covered by his job description.

His active role in gathering intelligence and combat was probably one of the reasons Habbeeb and his family were targeted for assassination. In November 2004, after working for Titan for over a year, he left his house to drop his daughter off to school before going to work at a U.S. Army base in the northern Iraqi city of Kirkuk. When he got into his car with his brother and his seven year-old daughter, Soleen, a group of armed men dressed in police uniforms opened fire. Taken by surprise, he just managed to get the white Toyota Previa van into motion and escape.

But Habbeeb’s relief lasted only a few minutes. After he dropped his brother off, the nightmare began again. Two cars pulled alongside him and opened fire again, so he pulled out his pistol and fired back while trying to push his daughter out of the direct line of fire. She received three bullets and he took seven, including one that damaged his spine.

“I felt something in my back and I fell down,” he told CorpWatch. Perhaps taking him for dead, the gunmen sped away. Local people helped Habbeeb get first to the Azady hospital and then his father called the military base, which arranged for him to be airlifted to the U.S. military’s largest base—Camp Anaconda in Balad. The military doctors told him that they did not have any medicine for children, he said, so his daughter went to the local hospital and then to an Italian hospital in the nearby city of Sulamaniya.

“I heard the terrorists saying on television that they killed Goran Habbeeb because he was a collaborator, but they don’t know that I am still alive because the doctors said they couldn’t save me,” he said.

Other Titan personnel have confirmed that troops have occasionally asked them to assist in combat roles.

Drew Halldorson, a Titan site manager, was asked to accompany the 82nd Airborne Division in patrolling downtown Mosul, one of Iraq’s more dangerous cities.

In January 2005 he says he took part in more than 40 combat missions, kicking in doors, rounding up suspected insurgents, and “shooting and being shot at,” he told the *San Diego Union Tribune*. “In January alone I fired between 300 to 500 bullets in self-defense,” Halldorson told the newspaper, which confirmed the story with an 82nd Airborne company commander.³¹ Some Titan translators have also been mistakenly trapped by blunders made by the U.S. soldiers they were accompanying.

Tunjay Celik and Savas Dalkilic, two Turkish translators who also worked for the 173rd Airborne Brigade in Kirkuk, had to flee the region after the American troops they were accompanying mistakenly jailed 11 Turkish special forces. When a Turkish colonel realized that the translators were his countrymen, they were told that serving as translators was illegal and they would be “severely punished” when they returned to Turkey.³²

Today, Celik and Dalkilic, who have been granted political asylum in the U.S., are seeking damages of at



See Amnesty International Recommendation I.A.3-5. on Transparency, Oversight and Accountability:

- Contracts should be made publicly available, redactions should be limited, have a reasoned, legitimate basis in law, should be challengeable by elected officials or other bodies with political accountability or nationals or other members of the public of such state with the burden on the state to show just cause for redaction.
- States must ensure that all PMSC personnel receive training in human rights and humanitarian law and other relevant internationally accepted standards, such as those relating to the use of force.
- Contracts must not imply nor indicate in any way a departure from, replacement of or lessening of responsibility of the state or the PMSC with regard to international law and standards regarding human rights, the laws of war, or other relevant bodies of law.

least \$1 million each from Titan for failing to protect them on the job.

Meanwhile both Halldorson and Habbeb have lost their jobs. Halldorson was fired for selling assault rifles and handguns to fellow contractors and other civilians in Iraq and returned to Maryland. Habbeb remains in Kirkuk, where the 33 year old suffers from severe back pain from his spinal injuries.

Casualty Rate

In September 2004, the *New York Times* described how Titan's Iraqi personnel were being assassinated one-by-one: Zeena, a 31-year-old translator who worked on an U.S. military base in western Baghdad was blocked by gunmen in two cars a few blocks from her house. When she tried to hide in a neighboring house, she was shot to death at the gate. Atimad, a translator at the Falcon base, was killed when she hailed a taxi to go home. "They grabbed her out of the car, shot her and just left her there," her friend told the newspaper. "No one could do anything about it." Hameeda, another Titan employee, was shot five times and her body dumped in a garbage heap.³³

It got more gruesome. In October 2004, the army of Ansar Al-Sunna posted a video on the internet of the execution of Luqman Mohammed Kurdi Hussein, a 41-year old Titan translator from the nearby city of Dohuk.³⁴

All told, more than 280 Titan translators have been killed in Iraq and several hundred more have been injured, according to a Titan tally provided to the media in August 2007, the highest of any company in Iraq. (That number that does not include former translators, killed after they quit the company.)³⁵

Rick Kiernan, a spokesman for L-3 Communications, says that their personnel face the highest risks: They're "with the combatants; they're with the special forces; they're with the infantry units. That probably puts them out in the most dangerous places," he said. He told Knight Ridder newspapers that two-thirds of those killed before the end of last year were murdered because they collaborated with Americans.³⁶

A *San Diego Union-Tribune* reporter puts the blame for the high death rate on both the company and the government: "Employees of Titan and other corporations

have become part of an experiment in government contracting run largely by trial and error." The newspaper quoted Rick Inghram, who was Titan's highest-ranking executive in Iraq for most of 2004, acknowledging that their Iraq contract was "a working experiment."

"I never had that kind of training," said Inghram. "In 31 years in the Marine Corps, nobody ever sat me down and gave me a class on contracting on the battlefield. Ever."

But labor rights are not the only risk when Titan and other PMSC personnel find themselves in dangerous combat situations and become assassination targets. They also risk losing protection of their own human rights if they are ever captured. Because of the ambiguous definition of the private contractor role in armed conflict—not truly civilian and not truly combatant—such personnel could lose their protected civilian status under the Fourth Geneva Convention, and thereby potentially lose their Prisoner of War (POW) status from the Third Geneva Convention in case they are captured and are labeled "mercenary."

Injured Workers

Titan personnel who have been injured in the course of their duties say that the company has been very unsupportive of them. For example, American Insurance Group (AIG), the company that provided insurance for Titan employees, refused to pay for Goran Habbeb to get treatment in Germany despite the fact that the military doctors strongly recommended it. They also refused to pay for care for Soleen, his daughter, saying that she was not covered by the insurance.³⁷

"Other translators who were injured went to Germany and to America," said Habbeb. He is bitter because these translators, who typically had U.S. citizenship, were also paid as much as ten times more than the locals for less work.

"We got paid \$750 a month to work with the troops and up to \$1,000 if we went on missions outside the city, but they were paid \$7,000 to stay at the base and translate documents," he said, noting that many of these translators were born in Iraq, and received the same education as he did, but had the advantage of having acquired U.S. residence or citizenship at some point in their lives.

AIG paid for him to go to Jordan three times for treatment, he says, but the doctors took advantage of him.

“The first time they kept my weekly allowance, but when I found out I was supposed to get money, I demanded that they give me better treatment,” he said. Habbeb was also disappointed that his \$300 weekly allowance didn’t meet the cost of his daughter’s treatment.

In the spring of 2007, Alico, the company that represents AIG in Jordan, offered Habbeb a cash settlement of \$125,000, which he accepted.³⁸

Saad Abdul Taha, an Iraqi translator hired by Titan, suffered a similar fate. Employed near Baghdad, he was severely injured in a bomb explosion on July 22, 2005. Taha first received treatment in a U.S. military hospital in Iraq, then transferred to the Walter Reed Hospital in Washington, DC, and finally to St. Joseph Mercy Hospital in Ann Arbor, Michigan, where he lived in a house owned by his cousin.³⁹

Titan paid Taha permanent total disability benefits of \$2,400 a year, a compensation rate based upon his actual salary, which was \$10 a day, neither of which are a living wage in Iraq. Ironically his average annual wage as a driver during the regime of Saddam Hussein, prior to his employment by Titan, was about \$5,000 a year. Subsequently, Taha moved to the United States, and initiated a claim to have the compensation increased to a rate based upon an average weekly wage of other translators in Iraq who were from the United States (which would have increased his compensation to about \$53,000 or more).

On March 10, 2006, Janice Hill, an administrative law judge in Cherry Hill, New Jersey, reviewed Taha’s case and ruled against his claim, stating: “Although I am not without sympathy for Claimant’s plight, he has not established that his wage earning capacity at the time of his injury was any more than the actual wage of \$10 per day which Titan paid him.”

Even U.S. residents claim that the company has been deaf to their plight if the injury was not clearly documented in the course of working for the company. For example, Mazin al Nashi, an Iraqi American from San Diego, who worked for Titan from April through November 2003, was injured in a “friendly-fire” incident when a soldier accidentally discharged his weapon inside a

Humvee. The bullet ricocheted inside the vehicle and hit Nashi on the side of his helmet. In the melee that ensued he was knocked unconscious—but partly because he was a civilian, and partly because the incident coincided with the bombing of the United Nations compound, he did not get medical attention. Titan did not help either. “We contacted Titan four or five times, and they just gaffed off,” William Black, who befriended Nashi in the hospital told the *San Diego Union-Tribune*. “They didn’t care.”⁴⁰

Two months later, Nashi started to lose his vision and eventually went blind, with stroke-like symptoms on the right side of his body. Today Nashi says that he experiences pain in his neck so severe that he cannot stand up straight for any length of time or sleep through the night. He also says that Titan has not fully paid him the compensation that he believes he is owed under the law.

Habbeb, Nashi and Taha are not isolated cases; there are dozens of injured Titan personnel who have been left to fend for themselves and literally hundreds of families who have lost a breadwinner with little by way of compensation. (The company’s official tally stands at 280 as of August 2007, the vast majority—probably over 90 percent—of whom are Iraqi.)



See Amnesty International Recommendation II.B.2-3. on Respecting Labor Rights:

- Make all possible provisions for the safety of workers in carrying out assigned duties.
- Provide adequate compensation to workers or their families when workers incur injury, illness or death in the performance of work.

Penalizing the company

Titan has been investigated and reprimanded several times in the last four years, which led to its losing the translator contract in December 2006. The company has tried to challenge the verdict, but INSCOM ordered it to relinquish the contract no later than May 31, 2008.⁴¹

The first major challenge to Titan came in March 2004, when the Defense Contract Audit Agency (DCAA) discovered that Titan had inadequate systems for documenting its labor costs and for tracking the work of non-U.S. consultants. The agency said it would hold as much as \$4.9 million in payments until the company fixed the accounting deficiencies uncovered by the audit.⁴²

After several abortive attempts to write and bid a new contract (partly stymied by challenges from potential competitors), in August 2006, the translation contract was successfully put up for competitive bid by INSCOM, which oversees the work. The translation work was split into four parts. Iraq is the largest at \$4.6 billion. The three other contract awards were set aside to go to small businesses—one in Afghanistan valued at as much as \$703 million; one in Guantanamo Bay, Cuba, for up to \$66 million; and a support contract worth as much as \$104 million.⁴³

Titan lost the bid, and instead a new Iraq contract was awarded to a joint venture named “Iraq Global Linguist Solution” (GLS). GLS was set up by DynCorp, a Virginia-based security company (which already has several Iraq contracts, including training the Iraqi police) that teamed up with McNeil Technologies, which had the advantage of employing James “Spider” Marks. Marks was the Pentagon official in charge of planning intelligence operations for the 2003 Iraq invasion and of running the interrogation training school at Fort Huachuca.⁴⁴

L-3/Titan promptly filed a protest with the Government Accountability Office, which upheld the challenge in March 2007, saying that the Army did not “reasonably apply” evaluation factors laid out in the bid. But the Army refused to back down.⁴⁵ The company finally dropped its opposition when GLS agreed to sub-contract approximately a quarter of the work in Iraq back to Titan. Other Titan personnel are to be offered jobs with GLS, so effectively the U.S. military will be employing the same workers, but they will have a new boss who will collect the profit on the contract.⁴⁶

By April 2008, an initial 45 GLS staff members, led by Mike Simone and Brian Greene, had deployed to Iraq for the 90-day transition period. The company also established regional recruiting centers in the U.S. to hire an additional 2,000 linguists.⁴⁷ ◆



See Amnesty International Recommendation I.B.1-3. on Investigating and Prosecuting Abuses by PMSCs/ Personnel:

- States should enact legislation that provides for jurisdiction over abuses committed by PMSCs, and/or their personnel, extraterritorially.
- Host, home and contracting states should promptly investigate allegations of human rights abuses and prosecute perpetrators, exercising extraterritorial jurisdiction where necessary, and ensuring that jurisdictional confusion is not created or left unaddressed.
- States should also establish, before sending or receiving PMSCs and/or personnel, clear channels of authority, responsibility and procedures for the reporting, investigation and prosecution of abuses.

See also Recommendations I.C.2-3. on Standards for Contract Awards and Renewals:

- States should not award or renew a contract to a PMSC, where, because of the PMSC’s past involvement in abuses and failure to adequately respond to such abuse, or the state’s own inability or unwillingness to effectively oversee and control the activities of the PMSC, the contract is likely to result in further human rights abuses.
- States should suspend contracts with PMSCs that are likely to result in human rights abuses, until clear vetting and accountability mechanisms are in place to prevent future abuse.

NOTE: The \$703 million contract to provide linguists in Afghanistan was awarded to California-based Thomas Computer Solutions, while the \$66 million contract for Guantanamo Bay, Cuba, was awarded to Virginia-based Calnet.

Conclusion



A prisoner appears before the Multinational Forces Review Committee at Camp Bucca.
Taken on April 8th, 2008, by Sergeant Amie J. McMillan

On May 31, 2008, Titan officially relinquished the translation contract to GLS. Most of the translators that it hired will keep their jobs; most observers agree that Titan lost the contract not just because it failed to meet quotas but also because it did such a poor job of vetting and hiring translators. What is astonishing is that it has taken approximately four years from the time that the original contract expired in spring of 2004, for the contract to effectively be canceled.

Is L-3 doing better in hiring analysts, screeners, and interrogators? Anecdotal evidence gathered by CorpWatch suggests that there are similar problems, particularly in the hiring of screeners. The military has the option of concluding the intelligence contract in July 2008 or extending it for one more year. If there are indeed problems with the intelligence contract, one would sincerely hope that it will not take four years to find a replacement.

Will GLS do a better job with the mammoth translation contract? If the system of vetting and incentives is not changed, there is no reason to believe that Spider Marks, the new president of the project, will do any better despite his background with both Fort Huachuca and with intelligence during the 2003 invasion of Iraq. He will be compensated handsomely, as will his company, for this work that he would previously have overseen as a public servant. Some may have a legitimate issue with this (particularly in light of the fact that he has promoted himself as an expert on the war with CNN television, while lobbying to get this multi-billion dollar contract). But the bigger issue is why the contract was so poorly managed for so long.

Why has the U.S. government taken so long to create strict rules for the vetting and hiring of translators and interrogators—which could have been legally enforced upon the contractor? The system of fining the company for failing to meet quota must be removed—it is more important to have fewer good, qualified, honest translators than many bad ones. Why has the government failed to crack down on human rights abuses by translators and interrogators? (Not one contractor has been brought to court in the Abu Ghraib scandals, despite the fact that their military counterparts have been sentenced to prison.)

The answer is simple: The U.S. government does not have the capacity to enforce existing rules, challenge abuses, or write better rules because it is overwhelmed by the task it has set itself in Iraq, so private contractors thus enjoy virtual (though not complete) impunity.

Would the public be better served if the translation had been done by the public sector? It would not be unprecedented. In the wake of the September 11, 2001 attacks, the U.S. government nationalized airport security screening by creating the Transportation Security Administration (TSA).

Whether this work continues to be done by the private or the public sector, transparency and accountability are

key tools that the government needs to use in order to solve these problems. We believe that the U.S. Congress should demand sunshine be let into these contracts. In particular it needs to investigate what oversight actually exists for the work of L-3/Titan (and its sub-contractors) and how effective this oversight is, precisely because these companies are implementing *inherently governmental* functions. There also need to be robust on-the-ground oversight and support for whistleblowers to detect problems with the contract.

But there is much more to this than just contractor accountability and reform. The government and the military also have much to answer for their own actions: Why have civilian contractors been used in combat roles? Why does the military continue to arbitrarily round up thousands of suspects with little or no evidence and hold these innocent people for months at a time? This cannot be the best way to pursue justice. Indeed, it may well be one of the reasons that there is so much resentment of the U.S. military and its allies in Iraq. These problems also beg the bigger question of U.S. political/military strategy in Iraq. If U.S. troops left Iraq or at least ceased to arrest so many innocent people, and allowed the Iraqi government to deal with its own internal problems, the need for so many translators might be reduced considerably.

We also believe that enforcement and punishment are important tools: Human rights abuses should never be tolerated. We call on the U.S. government to investigate and prosecute offenders in civilian courts (not though arbitration or in military tribunals). Clearly this policy must apply equally to contractors and soldiers.

And finally we call on L-3/Titan and the ultimate paymaster, the government, to do the right thing by its personnel who have been injured in the course of their work, and those who lost their lives, by paying adequate compensation, and more importantly, ensuring that they are adequately protected for their work. ♦



AMNESTY INTERNATIONAL RECOMMENDATIONS
to States and Companies on Human Rights and Transparency in Contracting
with Private Military and Security Companies

I. Recommendations for States

A. Transparency, Oversight, Accountability

1. States should establish publicly accessible channels for reporting human rights impacts of PMSCs and personnel to politically accountable bodies in home and host states. This may include regular reporting of incidents of human rights abuses by PMSC personnel to elected officials or bodies responsible for oversight of PMSC activity.
2. States should require all PMSC personnel to have been effectively screened. This screening must include reviewing the criminal and job history for prospective personnel, especially relating to prior incidents of human rights abuse.
3. Contracts should be made publicly available, redactions should be limited, and a) have a reasoned, legitimate basis in law, and b) should be challengeable by elected officials or other bodies with political accountability with the burden on the state to show just cause for redaction.
4. States must ensure that all PMSC personnel receive training in human rights and humanitarian law and other relevant internationally accepted standards, such as those relating to the use of force.
5. Contracts must not imply nor indicate in any way a departure from, replacement of or lessening of responsibility of the state, the PMSC or its personnel with regard to international law and standards regarding human rights, the laws of war, or other relevant bodies of law.
6. States must establish and acknowledge clear channels of authority, responsibility for the oversight of PMSCs and their personnel prior to contracting or deployment, shall ensure adequate resources devoted to overseeing contracts and shall not contract or assign to a PMSC or its personnel PMSC oversight or accountability functions.

B. Investigate and Prosecute Abuses by PMSCs/Personnel

1. States should enact legislation that provides for jurisdiction over abuses committed by PMSCs, and/or their personnel, extraterritorially.
2. Host, home and contracting states should promptly investigate allegations of human rights abuses and prosecute perpetrators, exercising extraterritorial jurisdiction where necessary, and ensuring that jurisdictional confusion is not created or left unaddressed.
3. States should also establish, before sending or receiving PMSCs and/or personnel, clear channels of authority, responsibility and procedures for the reporting, investigation and prosecution of abuses.

C. Standards for Contract Awards and Renewals

1. States must establish publicly available, clear standards for contract awards and renewals which should include past performance, particularly relating to the respect of and accountability for abuses of human rights in operations. This should include a PMSC's past involvement in human rights abuses, steps taken to remedy past abuses and prevent future abuses and measures taken to compensate victims.
2. States should not award or renew a contract to a PMSC, where, because of the PMSC's past involvement in abuses and failure to adequately respond to such abuse, or the state's own inability or unwillingness to effectively oversee and control the activities of the PMSC, the contract is likely to result in further human rights abuses.
3. States should suspend contracts with PMSCs that are likely to result in human rights abuses, until clear vetting and accountability mechanisms are in place to prevent future abuse.
4. Awards or renewals of contracts should be reviewed by an independent body, particularly

where human rights abuses, or credible allegations of abuses, have previously arisen.

D. Labor Rights Protections

1. Host, contracting and labor-exporting states must respect basic labor rights recognized in the ILO Declaration of Fundamental Principles and Rights at Work, including freedom of association, the right to collective bargaining, elimination of all forms of forced or compulsory labor, abolition of child labor and elimination of discrimination in respect of employment and occupation.
2. Host, contracting and labor-exporting states should ratify the UN Convention on the Rights of All Migrant Workers and Members of their Families (“The Migrant Workers Convention”) and should abide by the standards it establishes as well as those in the ILO Conventions No. 97 on Migration for Employment, and on Migrant Workers. Protections within these instruments include: non-discrimination and equality of opportunity and treatment in such areas as remuneration, membership of trade unions and access to social services, regardless of their migratory status.
3. Labor exporting states should regulate recruitment of nationals by PMSCs, by only allowing officially sanctioned recruitment agencies to operate within the state, and to monitor those agencies according to international standards (above).
4. Contracting states must ensure that all PMSC personnel, particularly with regard to personnel hired from third-countries, receive equal treatment in working conditions, remuneration, and termination of employment.¹

E. Compensation to Victims in Affected Communities

1. Contracting and host states must ensure victims of human rights abuses by PMSCs receive access to justice and fair treatment, restitution, compensation and assistance.

1. In particular, the Migrant Workers Convention makes it unlawful for employers to discriminate between migrant workers and native workers in private employment contracts (article 25 (2)).

F. Whistleblower Protections

1. States should pass or enforce whistleblower protection laws to ensure that personnel of PMSCs are able to report human rights abuses by other PMSC personnel, including management, without reprisal such as job termination or suspension.
2. PMSCs and their personnel should be clearly informed of protections before contract award/renewal and/or deployment to host state.

II. Recommendations for Companies

A. Training and Vetting

1. PMSCs must ensure that all personnel receive regular and timely training in human rights and humanitarian law and other relevant internationally accepted standards, such as those relating to the use of force. The substance of such training shall be incorporated into the PMSC’s operational policies and procedures.

B. Respect Labor Rights

1. Respect the labor rights of all personnel relating to working conditions, freedom of association, and non-discrimination in terms of treatment, work assignment and compensation.
2. Make all possible provisions for the safety of workers in carrying out assigned duties.
3. Provide adequate compensation to workers or their families when workers incur injury, illness or death in the performance of work.
4. Where hiring or contracting or subcontracting work to individuals from third countries, recruitment should occur only through legitimate, monitored and government-sanctioned channels.
5. All employment contracts, whether for permanent employment, short-term or fixed assignments, or other arrangement, should reference all appropriate labor rights and safeguards. All standards must be equally present in contracts and sub-contracts with personnel of all nationalities.
6. Labor rights, protections and safeguards must be clearly communicated to all personnel in accessible language and format.

C. Compensation to Victims in Affected Communities

1. Where personnel are implicated in the abuse of human rights of individuals in the area of PMSC operations, the company should provide adequate compensation to victims.
2. Encourage and support, and not hinder through employment contracts or other mechanisms or activities, victims' access to justice including fair and open trials and legal representation.



During a night raid, an unnamed interrupter works with U.S. troops questioning an Iraqi citizen while U.S. troops search an IED cell leaders home near Tikrit, Iraq. by Spc Wayne D. Haley

D. Whistleblower Protections

1. Whether working for a state or other non-state actor, PMSCs should establish internal whistleblower protection policies and procedures, in accordance with the law, or in absence of applicable law, to ensure that personnel of PMSCs are able to report human rights abuses by other PMSC personnel, including management, without reprisal such as job termination or suspension.
2. All personnel should be clearly informed of policies and procedures at the time of being hired or contracted to work with or for the PMSC and/or deployment to host state.

E. Accountability Policies and Procedures

1. Develop and implement a comprehensive human rights policy, which would include an explicit commitment to support and uphold the principles and values contained in the Universal Declaration of Human Rights.
2. Integrate human rights policy into decision-making and operational processes and procedures. Specifically, incorporate a policy on human rights into all hiring procedures, contracts and training.
3. Ensure that all personnel, including company Board, senior officers and others responsible for key decisions that impact human rights, are fully informed of human rights policy and procedures.
4. Publicly disclose this human rights policy and periodically issue public reports on its implementation.
5. Where there are credible allegations that personnel have been involved in human rights abuses, the company should immediately report such allegations to relevant authorities (including in the home and host states), preserve any potential evidence of the abuse, and suspend the alleged offender from any role or responsibility connected to the abuse, pending investigation.
6. Companies must not act in a way that hinders investigation by state authorities or allows further abuses to occur, including, for example, assisting in any way alleged offenders from evading the jurisdiction of prosecuting authorities or enabling them to engage in capacities with high-risk for recurrence of human rights abuses.
7. Make public the results of any investigation the company might have made into alleged human rights abuses by personnel. Cooperate with any government investigation into alleged human rights violations.
8. Publicly disclose the terms of contracts with the government and military clients with respect to human rights. ♦

another foto??

Endnotes

Introduction (pp. 4-5)

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THANKS TO **CHARLIE CRAY, ERIC LEAVER, MOIRA MACK, PHILIP MATTERA, TOM SWANN, AMY O'MEARA, ERICA RAZOOK, LILLIAN TK.**

FUNDING PROVIDED BY THE **EDUCATIONAL FOUNDATION OF AMERICA** AND THE **JEHT FOUNDATION**

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