

**FOREIGN CLAIMS SETTLEMENT COMMISSION  
IRAQ CLAIMS PROGRAM (Referral Dated October 7, 2014)  
INSTRUCTIONS FOR COMPLETING  
STATEMENT OF CLAIM (FCSC-1)**

**Please read these instructions carefully.**

**ELIGIBLE CLAIMS**

Pursuant to the discretionary authority of the Secretary of State, under 22 U.S.C. 1623(a)(1)(C), on October 7, 2014, the Department of State Acting Legal Adviser referred to the Foreign Claims Settlement Commission (the Commission) three categories of claims of United States nationals against the Republic of Iraq (Iraq) within the scope of the *Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq*, dated September 2, 2010 (“Settlement Agreement”). These categories are defined as claims of U.S. nationals against Iraq, the Government of Iraq, any agency or instrumentality of Iraq, or any official, employee or agent of Iraq acting within the scope of his or her office, employment or agency for, as more fully discussed below, (A) hostage taking or unlawful detention, (B) death while being held hostage or unlawfully detained, and (C) personal injury resulting from physical harm to the claimant.

**CLAIM FILING PERIOD**

Claims must be filed by submitting the Statement of Claim (FCSC-1) and documentary evidence to the Commission on or before \_\_\_\_\_. If a claimant is delayed in collecting all of the documentary evidence before the filing period expires, the claimant must nevertheless file the Statement of Claim (FCSC-1) and any available evidence by the filing deadline. The claimant must submit the additional evidence promptly when it is obtained.

A claimant must file the Statement of Claim (FCSC-1) even if other papers, forms, or documents have been filed previously with the Commission, the Department of State, or any other agency or government with respect to the claim.

**STATEMENT OF CLAIM**

The Statement of Claim, form (FCSC-1), must be downloaded from the Commission’s website, completed using either Adobe Reader or Adobe Acrobat, printed, signed by the claimant and the claimant’s attorney, if the claimant will be represented before the Commission, and delivered or forwarded by mail to the Foreign Claims Settlement Commission, 600 E Street N.W., Room 6002, Washington, D.C. 20579. (For claimants without online access, a hard copy of form FCSC-1 will be mailed upon request.) The claimant should identify and describe, in Section 4 of the Statement of Claim, all the wrongful acts alleged to form the basis of the claim (this information may be typed directly into the online claim form).

Any claimant, or any person filing any claim on behalf of a claimant, who knowingly and willfully conceals a material fact or makes a false statement or representation with respect to any matter before the Commission shall, under law, forfeit all rights to any award or payment on account of this claim, and shall also be subject to the criminal penalties provided in Title 18, United States Code, Section 1001.

**EXHIBITS AND DOCUMENTS IN SUPPORT OF CLAIM**

The claimant should submit original copies of all exhibits and documents used to prove the required

elements of his or her claim (see below under “Elements Required to Establish a Valid Claim”) with the Statement of Claim (FCSC-1). If such documentary evidence is not available by the final date for filing, the claimant must nevertheless file the Statement of Claim and submit additional documentary evidence promptly thereafter when it is obtained.

All sworn statements submitted in support of the claim shall include the following language:

"The undersigned is aware that this statement is to be submitted to the Foreign Claims Settlement Commission of the United States in connection with the claim of (Name of claimant) and that any willfully false statement herein may subject the undersigned to the criminal penalties provided by law in such cases."

Verified translations into English must accompany all documents written in a foreign language. The person making the translation shall sign a certificate similar to the following:

"I hereby certify that I am thoroughly familiar with the [-----] language; that I have read the attached document written in said language; and that the attached English translation thereof was made by me and is a true and accurate translation."

Signed -----  
(Translator's Name)

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(Translator's Address)

### **ELEMENTS REQUIRED TO ESTABLISH A VALID CLAIM**

With respect to all categories of claims under this referral, in order to make a valid claim the claimant must establish (1) the claimant or the claimant's predecessor in interest was a United States national on the date of the incident; and (2) the claim has been continuously held by a United States national from the date the claim arose until the date the Settlement Agreement entered into force (May 22, 2011).

In addition to the above elements claimants will be required to further prove the following elements based on the type of claim submitted.

**Category A – Hostage Taking:** (1) the claimant was held hostage<sup>1</sup> by Iraq in violation of international law prior to October 7, 2004; (2) the claimant was not a plaintiff in Pending Litigation for hostage taking; (3) the claimant has not received compensation under the Settlement Agreement from the U.S. Department of State.

**Category B – Death While Being Held Hostage:** (1) the claimant's decedent died while being held hostage by Iraq in violation of international law prior to October 7, 2004.

**Category C – Personal Injury Resulting from Physical Harm:** (1) the claimant suffered a personal injury or injuries resulting from physical harm to the claimant caused by Iraq in violation of international law prior to October 7, 2004; (2) the claimant had litigation pending against Iraq at the time the

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<sup>1</sup> For purposes of this referral, hostage-taking would include unlawful detention by Iraq that resulted in an inability to leave Iraq or Kuwait after Iraq invaded Kuwait on August 2, 1990.

Settlement Agreement entered into force (May 22, 2011) arising out of acts other than hostage taking; (3) the claimant has not already been compensated pursuant to the Settlement Agreement; and (4) the claimant does not have a valid claim under and has not received compensation pursuant to Category B of this referral.

## **METHODS OF ESTABLISHING UNITED STATES NATIONALITY**

There are several ways to establish the United States nationality (i.e., U.S. citizenship) of the claimant or of another person whose nationality is important, such as a claimant's decedent who was the injured party.

- If the person whose citizenship must be established was born in the United States, a copy of that person's birth certificate or U.S. passport should be submitted. If neither of these is available, a copy of his or her baptismal certificate or similar document may be submitted instead.
- If the person whose citizenship must be established was naturalized as a United States citizen, a copy of the certificate of naturalization should be submitted.<sup>2</sup>
- If the claimant is a corporation or other legal entity, evidence of organization under the laws of the United States, its States and territories, the District of Columbia or Puerto Rico must be provided.<sup>3</sup> Further, the corporation or entity must certify that natural persons who are nationals of the United States hold, directly or indirectly, an interest in the corporation or entity equivalent to 50 percent or more of its capital stock.
- If the claimant is the estate of a decedent, the claimant must establish its decedent's U.S. nationality as well as the U.S. nationality of each of the decedent's heirs.

## **PENDING LITIGATION**

In order to be eligible for compensation under Category A, the claimant must *not* have been a party in one of the following lawsuits:

1. *Acree v. Iraq*, (D.D.C.) 02-cv-00632 and 06-cv-00723.
2. *Hill v. Iraq*, (D.D.C.) 99-cv-03346.
3. *Vine v. Iraq*, (D.D.C.) 01-cv-02674.
4. *Seyam (Islamic Society of Wichita) v. Iraq*, (D.D.C.) 03-cv-00888.
5. *Simon v. Iraq*, (D.D.C.) 03-cv-00691.

## **REPRESENTATION BEFORE THE COMMISSION**

A claimant may represent himself or herself before the Commission, or may be represented by an attorney. Commission rules do not require claimants to have legal representation.

If a claimant chooses to be represented by an attorney, the attorney must be licensed to practice law in a State or Territory of the United States, or in the District of Columbia.

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<sup>2</sup> Aliens, including those admitted to the United States for permanent residence, are not considered nationals of the United States.

<sup>3</sup> Foreign corporations are not considered nationals of the United States even if they are subsidiaries of U.S. corporations or they are owned in whole or in part by U.S. nationals. If a loss was suffered by a foreign corporation owned in whole or in part by U.S. nationals, whether natural persons or legal entities, the claim should be made in the name of the U.S. nationals that hold the ownership interest in the foreign corporation.

It should be noted that Commission rules and applicable law limit an attorney's fees to 10% of the total amount paid on any award certified by the Commission.

## **CLAIMS PROCESS**

The Commission will review the Statement of Claim as soon as it is filed and will advise claimants if more information is needed. After all information is submitted, the Commission will issue a Proposed Decision on the claim. A copy of the Proposed Decision will be sent to the claimant and, if the claimant is represented by an attorney, to the claimant's attorney. Unless an Objection is timely filed with the Commission, the Proposed Decision, upon the expiration of 30 days after delivery of the Proposed Decision to claimant or claimant's attorney, becomes the Final Decision of the Commission.

A claimant may file a Notice of Objection within 15 days of delivery of the Proposed Decision. The Notice of Objection should explain why the claimant believes the Commission erred in its decision, and should include any additional supporting evidence to be considered by the Commission. A claimant is also entitled to an oral hearing; requests for oral hearings must be made at the same time as the Objection. At the hearing, the claimant or claimant's attorney may present arguments, additional evidence, and live statements by witnesses. The Commission will consider the Objection as well as the testimony and evidence presented at the hearing, if a hearing is held. The Commission will then issue its Final Decision on the claim. A copy of the Final Decision will be sent to the claimant and claimant's attorney, as applicable.

After the Final Decision is issued, a claimant may request that the Commission reopen the claim if new evidence is discovered that could change the result reached in the Final Decision. The claimant must file the petition to reopen immediately upon obtaining the new evidence.

## **PAYMENT OF CLAIMS**

If the Commission finds that a claim is compensable, it will certify the amount of the claim to the Secretary of the Treasury, who will make payment from the funds available under this referral. Payments made by the Secretary of the Treasury will be governed by 22 U.S.C. §1627(e), which designates the order of priority of payment of claims.

## **FOR MORE INFORMATION**

If a claimant has questions or needs help completing the Statement of Claim form, the claimant may call the offices of the Commission at (202) 616-6975, Monday through Friday, 9:00 a.m. to 5:30 p.m. Claimants may also contact the Commission by fax at (202) 616-6993, or by e-mail addressed to [Info.Fcsc@usdoj.gov](mailto:Info.Fcsc@usdoj.gov). The Commission's mailing address is:

**Foreign Claims Settlement Commission  
600 E Street, N.W. Room 6002  
Washington, D.C. 20579**