

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20579**

In the Matter of the Claim of	}	
	}	
	}	
5 U.S.C. §552(b)(6)	}	Claim No. IRQ-I-026
	}	
	}	Decision No. IRQ-I-025
Against the Republic of Iraq	}	
	}	

Counsel for Claimant:	Daniel Wolf, Esq. Law Offices of Daniel Wolf
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FINAL DECISION

The Proposed Decision in this claim awarded Claimant \$1,000,000 for injuries she suffered while being held hostage in Kuwait. Claimant objects to the amount awarded and argues that she is entitled to a higher award. She contends that (1) the Commission employed a flawed methodology in its interpretation of the State Department’s letter authorizing this program, and (2) even applying that methodology, the Commission should award her more because her injuries are more severe than other claimants who received \$1 million awards. Because we conclude that our original interpretation of the State Department’s referral letter was correct and that the award in the Proposed Decision is the appropriate amount for Claimant’s injuries, we affirm the Proposed Decision’s conclusion that Claimant is entitled to an award of One Million Dollars (\$1,000,000).

BACKGROUND

Claimant brought a claim against the Republic of Iraq (“Iraq”) based on injuries she suffered as a result of being held hostage in Kuwait and Iraq between August and September 1990. She sought \$1.5 million, in addition to the compensation the State Department had previously provided her for her experience as a hostage. In a Proposed Decision entered on August 14, 2014, the Commission concluded that Claimant had met her burden of proving that she had suffered a “serious personal injury,” the severity of which was a “special circumstance” warranting additional compensation under the State Department’s letter to the Commission establishing this program.¹ *See* Claim No. IRQ-I-026, Decision No. IRQ-I-025 (2014) (“Proposed Decision”). Accordingly, the Commission awarded Claimant \$1 million in additional compensation—an amount within the recommended level of compensation contained in the 2012 Referral, but less than the recommended maximum of \$1.5 million.²

The Commission based its determination of the appropriate level of compensation on a variety of factors, including the State Department’s recommendation. Applying these factors, the Commission noted that Claimant had been sodomized by an Iraqi soldier while being detained at a hotel, an act that the Commission characterized as one “of blatant cruelty, revealing complete and utter disregard for Claimant’s physical and emotional well-being” The severity of the injury, which the Commission held was a “sexual assault” within the meaning of the 2012 Referral, was “evidenced not only by the

¹ *See Letter dated November 14, 2012, from the Honorable Harold Hongju Koh, Legal Adviser, Department of State, to the Honorable Timothy J. Feighery, Chairman, Foreign Claims Settlement Commission (“2012 Referral” or “Referral”).*

² The Referral states in relevant part, “If the Commission decides to award compensation for claims that meet these criteria, we recommend that the Commission award up to but no more than \$1.5 million per claim.” 2012 Referral, *supra*, ¶ 4.

attack itself, but also by what the rapist did both before and after: for example, his laughing at Claimant and his threats if Claimant tried to escape or tell anyone what had happened.” The Commission added, “although the rape was a single incident that lasted only a few minutes, we can presume that its effects on Claimant’s mental health were long-lasting.” For these reasons, the Commission held that Claimant was entitled to \$1 million in additional compensation.

On August 29, 2014, Claimant filed a notice of objection and requested an oral hearing. On October 22, 2014, Claimant submitted a brief containing further argument in support of her objection. The Commission held an oral hearing on November 6, 2014; the hearing consisted solely of argument by Claimant’s counsel, and the Claimant presented no witnesses for examination.

As explained further below, Claimant makes two arguments in support of her assertion that she is entitled to more than \$1 million. First, she argues that the Commission employed a flawed methodology in interpreting the State Department’s recommended maximum award of \$1.5 million. Second, she argues that, even accepting the Commission’s methodology, she “should have been granted a larger award than either [of the claimants in Claim No. IRQ-I-006, Decision No. IRQ-I-026 and Claim No. IRQ-I-014, Decision No. IRQ-I-027] because the psychological injury that she suffered is substantially more severe (and had correspondingly worse consequences) than that suffered by these two claimants.” Claimant argues that, applying the Commission’s methodology, she is entitled to an award of \$1.5 million, or alternatively, “an amount not less than \$1.25 million.”

DISCUSSION

I. The Proposed Decision's "Continuum" Approach

Claimant's first argument is that the Commission erred by interpreting the State Department's recommended maximum as establishing a continuum from zero to \$1.5 million based on the relative severity of a claimant's injuries, rather than a cut-off maximum for all claimants who would, in the absence of the cap, otherwise be entitled to more than \$1.5 million. As Claimant's counsel stated in his objection brief in Claim No. IRQ-I-025 (which he cross-references in his brief in this claim), "the Commission calculated [Claimant's] award by placing [her] injuries along a continuum of severity in which: (1) the stratum corresponding to a \$1.5 million award at the top of the continuum is reserved for the one or two claimants who sustained the severest injuries, and (2) the various strata below are occupied with claimants whose injuries are proportionately less severe." According to Claimant, "[i]n using the \$1.5 million capped amount that [other claimants] were awarded—rather than the amounts [they] would have been awarded absent that cap—as the benchmark for determining the comparative valuation of Claimant's damages, the Commission misapprehended the nature of the [State] Department's recommended cap and committed legal error." Instead, Claimant argues, the Commission should first determine the amount to which she (and, by extension, each of the other claimants in this program) would be entitled in the absence of the cap and then, if that amount is above \$1.5 million, reduce it to \$1.5 million.

Other claimants represented by Claimant's counsel have made the same argument, and in a recent decision, we rejected it. After carefully considering all of the arguments in favor of Claimant's proposed cut-off approach, we explicitly reaffirmed the

comparative-continuum approach that we implicitly used in determining Claimant's compensation. *See* Claim No. IRQ-I-003, Decision No. IRQ-I-006, at 8-18 (2014) (Final Decision). In that decision, the Commission held that "the Referral's recommendation to award 'up to but no more than \$1.5 million per claim' is best understood to recommend the creation of a continuum from zero to \$1.5 million, with amounts to be awarded within that range based on an assessment of claimant's injuries within this program." *Id.* at 18.

This conclusion applies equally here, and the Commission reaffirms the approach to compensation it adopted in the Proposed Decision: Claimant is entitled to compensation of an amount somewhere on a continuum from zero to \$1.5 million based on the severity of her injuries relative to all the other successful claimants in this program.

II. Comparison with Other Claims

Claimant's second argument focuses on the nature and severity of her injuries. She argues that, even under the Commission's comparative-continuum methodology, the evidence establishes that her injuries were severe enough to warrant an award of greater than \$1 million. In particular, she compares her claim with three other claimants who received awards of \$1 million. First, she says that she is entitled to more than the claimants in Claim Nos. IRQ-I-006 and IRQ-I-014, claims in which the Commission awarded \$1 million to claimants who were subjected to mock executions. Claimant argues that

[t]he brutal sodomization that [she] endured in this case cannot be regarded as any less terrifying, humiliating or traumatic than the mock executions to which [those claimants] were subjected. However, unlike in [those cases], the psychological injuries that [Claimant] suffered were so severe as to disable her from pursuing her highly successful career as a

performing artist, which, in turn, caused her loss of income in the amount of some \$200,000 per year and forced her into extreme poverty.

She asserts that “[n]owhere in its Proposed Decision did the Commission raise any question regarding the evidence [concerning] her loss of livelihood or indicate that such evidence was in any sense insufficient to establish her claim that her ordeal had disabled her from pursuing her career.” Claimant contends that “[t]he Commission’s failure to compensate [her] for the full severity of her psychological injuries – including the fact that they have prevented her from pursuing her profession . . . and pushed her into extreme poverty – is inconsistent with international law and equity.” On this point, Claimant states that “the extent of the impairment of the health and earning capacity of the claimant” is a factor in determining appropriate compensation in personal-injury cases under international law. *See* Claim No. IRQ-I-009, Decision No. IRQ-I-004, at 12 (2014) (Proposed Decision); Claim No. IRQ-I-001, Decision No. IRQ-I-005, at 21-22 (2014) (Proposed Decision).

Second, Claimant argues that she is entitled to more than the Commission awarded in its Proposed Decision in Claim No. IRQ-I-009, *supra*, another claim involving sexual assault. She notes that, in that decision, the Commission awarded the claimant \$1 million based on a single sexual assault, but that, unlike in this case, the claimant was “‘not incapacitated in any permanent way’ and had ‘returned to his place of employment,’ where he continued to work for 15 years” *See id.* at 13-14. According to Claimant, if the Commission had found that that other sexual-assault claimant had been permanently disabled from returning to work, “the Commission presumably would have granted him an award in excess of \$1 million.”

Finally, Claimant argues that, unlike the two mock-execution claimants, she “suffered a bodily assault that caused her intense physical pain and suffering” She argues that, if one thus compares her with the mock-execution victims, she should be entitled to \$1 million even without having suffered any physical injuries, but because she also suffered “extreme physical pain” from the sexual assault, she should be awarded more. For all these reasons, Claimant seeks \$1.5 million (the State Department’s recommended maximum) or alternatively, an additional \$250,000 based solely on her severe physical injuries.

We are not persuaded by Claimant’s comparative arguments. In determining compensation, our task is to determine where on the continuum from zero to \$1.5 million Claimant’s injuries fall, based on the severity of those injuries relative to all other successful claimants in this program, *see supra* at 5-6, using the factors we have previously articulated, and taking into account the fact that we are making awards in this program in broad categories, *see* Claim No. IRQ-I-022, Decision No. IRQ-I-008, at 9 (2015) (Final Decision). The Proposed Decision awarded Claimant \$1 million based on the injuries she suffered as a result of the sexual assault, injuries supported by various medical records and the Commission’s own presumption of long-term emotional injury. In at least one other claim of sexual assault in this program, we made the same presumption and also awarded \$1 million. *See* Claim No. IRQ-I-009, *supra*. In contrast, the only claimants in this program to have been awarded \$1.5 million—indeed, the only claimants to have been awarded more than Claimant—all suffered weeks of subhuman conditions, repeated merciless beatings, and brutal interrogations. *See* Claim No. IRQ-I-001, Decision No. IRQ-I-005 (2014); Claim No. IRQ-I-002, Decision No. IRQ-I-007

(2014); Claim No. IRQ-I-022, *supra*; Claim No. IRQ-I-018, Decision No. IRQ-I-009 (2015). Thus, to show that she is entitled to \$1.5 million, Claimant would have to show that the injuries Iraq inflicted on her are comparable to what it inflicted on those four other claimants.

Claimant has failed to do this. Rather than compare her experience to the most seriously injured claimants in the program, Claimant focuses on others who have received \$1 million awards. She argues that the severity of her emotional injuries is greater than those of the mock-execution and other sexual-assault victims because she has been unable to pursue her career as a performing artist, causing her substantial loss of income and forcing her to live in extreme poverty: according to Claimant, she lost \$200,000 per year in income and was “unemployed for the past 23 years and forced to spend extended periods of time living on public assistance.”³ Starting from that premise, she argues that the Commission should raise her award from \$1 million to \$1.5 million.

The problem with Claimant’s argument is that it calls for a fine-grained comparative assessment of the precise severity of each individual claimant’s psychological injuries. We simply cannot engage in such an inquiry in this program. As we noted in this program’s very first claim, to “do an individualized determination of how ‘serious’ every claimant’s [post-traumatic stress disorder] was” would force us to engage in “an unworkable analysis.” Claim No. IRQ-I-005, Decision No. IRQ-I-001, at 12. This concern is part of what led us to decide to make awards in this program in broad categories. *See* Claim No. IRQ-I-022, Decision No. IRQ-I-008, *supra*, at 9.

³ Claimant asserts in her brief that she “suffered income losses that, according to a report by Price Waterhouse, amounted to over \$200,000 per year (or an inflation adjusted amount of over \$4 million on the assumption that her career would have lasted just more than 10 years)”

Indeed, for two salient reasons, this claim illustrates exactly why it is important that we not make distinctions based on details about the severity of a claimant's psychological injuries.

First, Claimant's allegations raise especially difficult questions about causation, questions that are inherently difficult to assess, especially in the context of this Commission's non-adversarial process. Claimant argues that the sexual assault led to emotional injuries that destroyed her performing career. But it is extremely difficult to know what could have caused her career to decline without extensive evidence about her career, her life, and any other possible psychological causes -- evidence that would of course have to date back more than two decades. Moreover, it is difficult to know whether she could have pursued any other livelihood, whether comparably lucrative or not, without detailed evidence that this Commission simply cannot acquire. Indeed, Claimant has provided very little information about the effects of these injuries on her career in the years from 1993 to 2005 and has not submitted any evidence of treatment during that time. The fact that Claimant received mental-health treatment 47 times in the year from January 2005 to January 2006, following 12 years without any evidence of treatment, only adds to the difficulty of attributing her emotional injuries or employment problems to the 1990 rape.

This problem is not unique to adjudicating this particular claim. Claimant's suggested approach to determining compensation would require the Commission to undertake this sort of impractical causation analysis in each and every claim. For instance, the Commission would have to determine how much of any given claimant's financial losses resulted from psychological injuries due to the sexual assault, as opposed

to the hostage experience in general. The Commission would also have to determine how much of a claimant's financial losses can be attributed to the psychological effects of the sexual assault as opposed to any other factors that might affect a claimant's professional standing. Here, one would have to consider, for example the possibility of numerous other factors that could lead to the decline of a career in a highly volatile industry. The Commission simply cannot undertake such an analysis in a way that is fair to all claimants across all professions and stations in life. In a non-adversarial setting, the most the Commission can reasonably do is to find (or to presume) that a claimant suffered severe mental and emotional injuries as a result of her sexual assault and that these injuries have undermined her ability to make a living. Moreover, even if we were inclined to inquire into the causal connection in this claim, Claimant's evidence—including the dearth of evidence about the 12-year period from 1993 to 2005—would be insufficient to establish Iraq's liability for all of Claimant's mental-health troubles and career woes.

Second, this program's humanitarian purpose would not be well-served by awarding greater compensation to individuals whose financial losses from psychological injury are greater simply by virtue of their career path and relative financial success. Indeed, such an approach, in the context of a claims program such as this, would conflict with fundamental notions of justice, and more importantly, equity, which this Commission is required to apply.⁴ An approach that awards one claimant more than another on the basis of either pre-injury income or the amount of income said to have been lost due to psychological injury would require treating claimants who were subjected to the exact same Iraqi act differently. Under Claimant's theory, she would

⁴ 22 U.S.C. § 1623(a)(2)(B) (2012).

receive more than someone else who had been subjected to the same rape simply because she suffered a greater change in her income from the years before the rape to the years after.

She supports this theory by noting that “the extent of the impairment of the health and earning capacity of the claimant” is one of the factors the Commission is to take into account. On that point, she is correct. But, by having us determine the financial losses of each individual claimant based on his or her career and likely future earnings, Claimant’s approach would have us consider not just “the extent of *impairment* of the . . . earning capacity of the claimant[,]” Claim No. IRQ-I-001, *supra*, at 21-22 (citing I Marjorie M. Whiteman, *Damages in International Law* 628 (1937) (emphasis added), but also to quantitatively assess the *actual earning capacity itself*. The extent of impairment is not the same as the extent of the actual earning capacity: assessing the former does not require different victims of the same act to receive different compensation awards based on different earnings capacities, whereas assessing the latter would.

Nothing in our previous decisions in this or in other claims programs favors such an approach. Indeed, other claims programs for personal-injury compensation for violations of international law have eschewed making distinctions of this kind, including in the context of Iraq’s invasion of Kuwait, the precise situation under which Claimant brings her claim.⁵ Even if we were to conclude that she had established the facts

⁵ See *United Nations Comp. Comm’n Governing Council, Priority of Payment and Payment Mechanism (Guiding Principles)*, S/AC.26/Dec. 17 (1994), at 1 (March 23, 1994) (“The Compensation Commission should ensure that similarly situated claimants within each category of claims are treated equally”); see also *Claim of CLARA EMMA TINNEY*, Claim No. W-1276, Decision No. W-8 (Proposed Decision on May 13, 1964, Supplemental Final Decision on Dec. 8, 1965) (in deciding claims made pursuant to the War Claims Act of 1948, the Commission noted the Act sought to accomplish a “humane purpose” and that to “hold that one life is more valuable than another on the basis of rules that govern tort actions would serve only to defeat that purpose” and therefore awarded a single, fixed amount of \$25,000 per wrongful death without regard to economic damage); *Claim of ESTATE OF VIRGEN MILAGROS FLORES*, Claim No.

necessary to show that the rape caused her \$200,000 in lost annual income, taking facts of this sort into account would require us to award more to her than to a low-wage rape victim. Treating victims differently when they are essentially alike from the perspective of the injury Iraq inflicted upon them would, in the context of this program, conflict with the notion of “equity,” as we interpret that term in our statutory mandate.⁶

Even if we viewed Claimant’s argument as not premised on the idea that we need to do a detailed accounting of income losses but instead on the notion that the demise of her career and lengthy period of unemployment provide evidence of how great her psychological injuries were, we would not be inclined to countenance different award amounts based on different alleged levels of psychological injury from the same Iraqi act. In a non-adversarial proceeding with extraordinarily permissive rules of evidence, distinguishing between claimants on the basis of different alleged levels of psychological injury is also fraught with difficulties. In fact, these sorts of difficulties are exactly why we require claimants to prove a specific Iraqi act of sufficient brutality in order to show a “serious personal injury” in this program. *See* Claim No. IRQ-I-005, Decision No. IRQ-I-001, at 11-12 (2014) (Final Decision).

Finally, Claimant is not entitled to greater compensation because of the physical pain and suffering she endured. Again, Claimant seeks to create fine-grained distinctions in this program. In essence, Claimant argues that she suffered all the psychological harm that the mock-execution victims suffered *plus more* (i.e., the physical harm caused by the

LIB-II-065, Decision No. LIB-II-043 (2011); Claim No. LIB-II-159, Decision No. LIB-II-167 (2013); *cf. also* Kenneth R. Feinberg, *What Is Life Worth?* 165 (2005) (special master of 9/11 Compensation Fund describing his desire to “exercise[] [his] discretion . . . to assure that [compensation] not be skewed in the direction of high income families”) .

⁶ 22 U.S.C. § 1623(a)(2)(B) (2012).

rape). But in this program, the Commission is making awards in broad categories. *See supra* at 7. We will thus not parse the details of the physical and emotional injuries that any given individual claimant suffered in order to determine compensation. By saying this, we are not saying that the sum total of Claimant's injuries is *identical* to those of the mock-execution victims, only that the act Iraq committed and the scope of the injuries Claimant suffered place her injuries in the same broad category as those of the mock-execution victims in this program.

Claimant has established that she was brutally raped, and as we noted in the Proposed Decision, we presume that she suffered long-term emotional harm, a presumption that her medical records and affidavits support.⁷ Except for the four claimants who were subjected to weeks of brutal interrogations, beatings, threats, and the like, Claimant's award of \$1 million is the highest in this program. To the extent that the precise gradation of Claimant's emotional and physical harm might be higher or lower than others who suffered similar attacks or might depend on Claimant's particular career choice or financial status before or after the incident, we decline to increase or decrease the award from that amount. Of course, as we have noted in other claims in this program, we recognize that no amount of money can truly "compensate" Claimant in the literal sense of that word.⁸ She was brutally raped, and we have no illusions that money can in any sense make her whole. All we conclude is that, in the context of this program, her award should be \$1 million.

⁷ *See* Proposed Decision, *supra*, at 19-20; *see also* Dinah Shelton, *Remedies in International Human Rights Law* 292 (2d ed. 2006) (" '[P]resumed damages' ... may be given for the value of the right violated, even though there is no provable loss. ").

⁸ *See* Claim No. IRQ-I-001, Decision No. IRQ-I-005, at 20 (2015) (Final Decision); Claim No. IRQ-I-002, Decision No. IRQ-I-007, at 20 (2015) (Final Decision); Claim No. IRQ-I-022, Decision No. IRQ-I-008, at 9 (2015) (Final Decision).

CONCLUSION

In sum, for the reasons discussed above and in the Proposed Decision, and based on the evidence and information submitted in this claim, the award entered in the Proposed Decision in this claim is restated below, and will be certified to the Secretary of the Treasury for payment under sections 7 and 8 of Title I of the International Claims Settlement Act (22 U.S.C. §§ 1626-27). This constitutes the Commission's final determination in this claim.

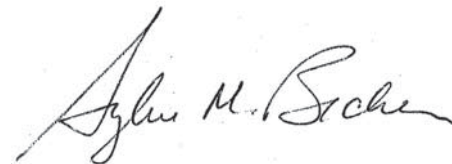
AWARD

Claimant is entitled to an award in the amount of One Million Dollars (\$1,000,000.00).

Dated at Washington, DC, July 13, 2015
and entered as the Final Decision
of the Commission.



Anuj C. Desai, Commissioner



Sylvia M. Becker, Commissioner

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Against the Republic of Iraq	}	

Counsel for Claimant:

Daniel Wolf, Esq.
Law Offices of Daniel Wolf

PROPOSED DECISION

Claimant brings this claim against the Republic of Iraq (“Iraq”) based on injuries she suffered while being held hostage in Kuwait and Iraq between August and September 1990. The United States Department of State has already provided her compensation for her experience as a hostage. She now seeks additional compensation based on a claim that an Iraqi military officer raped her, and that, as a result, she suffered severe physical and emotional injuries, some of which persist to this day. We conclude that Claimant has established that an Iraqi military official did in fact rape her, that the rape led to severe injuries, and that she is entitled to \$1,000,000 in additional compensation.

BACKGROUND AND BASIS OF CLAIM

Claimant alleges that she was traveling in Kuwait on business when Iraq attacked the country in August 1990. She claims that she was detained in Kuwait and Iraq for 41 days: first for about 31 days at a hotel in Kuwait City, and then for about 10 more days at

two different safe houses in Kuwait, before escaping to Jordan through Iraq. This claim focuses on her allegation that, while she was held at the hotel in Kuwait, an Iraqi soldier sodomized her. Claimant's experiences and injuries are detailed in the Merits section below.

In 2001, Claimant sued Iraq in federal court for, among other things, hostage-taking and intentional infliction of emotional distress. That case was pending when, in September 2010, the United States and Iraq concluded an *en bloc* (lump-sum) settlement agreement. See *Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq*, Sept. 2, 2010, T.I.A.S. No. 11-522 ("Claims Settlement Agreement" or "Agreement"). The Agreement, which came into force in May 2011, covered a number of personal injury claims of U.S. nationals arising from acts of the former Iraqi regime occurring prior to October 7, 2004. Exercising its authority to distribute money from the settlement funds, the State Department provided compensation to numerous individuals whose claims were covered by the Agreement, including some, like Claimant, whom Iraq had taken hostage or unlawfully detained following Iraq's 1990 invasion of Kuwait. According to the State Department, this compensation "encompassed physical, mental, and emotional injuries generally associated with" being held hostage or subject to unlawful detention.¹ Claimant states that the amount of the payment she received was based on a formula, consistently applied to all of the hostages, of \$150,000 plus \$5,000 per day of detention (\$355,000 total).

¹ A group of hostages, not including Claimant, received compensation for economic loss. The hostages that received compensation for economic loss are not before the Commission in this program.

The State Department's Legal Adviser subsequently requested that the Commission commence a claims program for some of the hostages that it had already compensated. More specifically, the State Department authorized the Commission to award additional compensation to hostages who suffered a "serious personal injury," when that injury was "knowingly inflicted ... by Iraq" and the severity of that injury is a "special circumstance warranting additional compensation." The State Department made its request in a letter dated November 14, 2012 pursuant to its discretionary statutory authority. *See* 22 U.S.C. § 1623(a)(1)(C) (2012) (granting the Commission jurisdiction to "receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States . . . included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State"). The letter sets forth the category of claims as follows:

claims of U.S. nationals for compensation for serious personal injuries knowingly inflicted upon them by Iraq¹ in addition to amounts already recovered under the Claims Settlement Agreement for claims of hostage-taking² provided that (1) the claimant has already received compensation under the Claims Settlement Agreement from the Department of State³ for his or her claim of hostage-taking, and such compensation did not include economic loss based on a judgment against Iraq, and (2) the Commission determines that the severity of the serious personal injury suffered is a special circumstance warranting additional compensation. For the purposes of this referral, "serious personal injury" may include instances of serious physical, mental, or emotional injury arising from sexual assault, coercive interrogation, mock execution, or aggravated physical assault.

¹ For purposes of this referral, "Iraq" shall mean the Republic of Iraq, the Government of the Republic of Iraq, any agency or instrumentality of the Republic of Iraq, and any official, employee or agent of the Republic of Iraq acting within the scope of his or her office, employment or agency.

² Hostage-taking, in this instance, would include unlawful detention by Iraq that resulted in an inability to leave Iraq or Kuwait after Iraq invaded Kuwait on August 2, 1990.

³ The payment already received by the claimant under the Claims Settlement Agreement compensated the claimant for his or her experience for the entire duration of the period in which the claimant was held hostage or was subject to unlawful detention and encompassed physical, mental, and emotional injuries generally associated with such captivity or detention.

See Letter dated November 14, 2012, from the Honorable Harold Hongju Koh, Legal Adviser, Department of State, to the Honorable Timothy J. Feighery, Chairman, Foreign Claims Settlement Commission (“2012 Referral” or “Referral”) at ¶ 3 & nn.1-3 (footnotes in original). The Commission then commenced the Iraq Claims Program to decide claims under the 2012 Referral. Commencement of Iraq Claims Adjudication Program, 78 Fed. Reg. 18,365 (Mar. 26, 2013).

Claimant submitted a timely Statement of Claim under the 2012 Referral, along with exhibits supporting the elements of her claim, including evidence of her U.S. nationality, her receipt of compensation from the Department of State for her claim of hostage-taking, and her alleged personal injuries.

DISCUSSION

Jurisdiction

The 2012 Referral’s statement of the category of claims defines the Commission’s jurisdiction. *See* 22 U.S.C. § 1623(a)(1)(C). Thus, the Commission has jurisdiction to entertain only claims of individuals who (1) are U.S. nationals and (2) “already received compensation under the Claims Settlement Agreement from the Department of State[¶] for [their] claim of hostage-taking,” where “such compensation did not include economic loss based on a judgment against Iraq[.]” 2012 Referral, *supra*, ¶ 3. Claimant satisfies both requirements, and the Commission thus has jurisdiction over this claim.

Nationality

This claims program is limited to “claims of U.S. nationals.” Here, that means that a claimant must have been a national of the United States at the time the claim arose and continuously thereafter until May 22, 2011, the date the Agreement entered into force. Claim No. IRQ-I-005, Decision No. IRQ-I-001, at 5-6 (2014) (Proposed Decision). Claimant satisfies the nationality requirement. She has provided a copy of two U.S. passports: one from the time of the hostage-taking (valid from January 1984 to January 1994) and her current one (valid from November 2010 to November 2020).

Compensation from the Department of State

The Claimant also satisfies the second jurisdictional requirement. She has submitted a copy of a Release she signed on August 8, 2011, indicating her agreement to accept a given amount from the Department of State in settlement of her claim against Iraq. She has also submitted a copy of an email from the Department of State indicating that this sum was sent for payment on September 9, 2011. Claimant further stated under oath in her Statement of Claim, and the Commission has confirmed to its satisfaction, that this compensation did not include economic loss based on a judgment against Iraq.

In summary therefore, the Commission has jurisdiction over this claim under the 2012 Referral.

Merits

The 2012 Referral requires a claimant to satisfy three conditions to succeed on the merits of his or her claim. First, the claimant must have suffered a “serious personal injury,” which may be “physical, mental, or emotional.” The Commission has held that in order to satisfy this standard, the injury must have arisen from one of the four acts

specifically mentioned in the Referral—*i.e.*, sexual assault, coercive interrogation, mock execution, or aggravated physical assault—or from some other discrete act, separate from the hostage experience itself, that is comparable in seriousness to one of those four acts—that is, an act of a similar type or that rises to a similar level of brutality or cruelty as the four enumerated acts. *See* Claim No. IRQ-I-005, Decision No. IRQ-I-001 (2014).

The second requirement is that Iraq must have “knowingly inflicted” the injury. Thus, even where a claimant suffered a serious personal injury that satisfies the other requirements in the 2012 Referral, the claimant must prove that Iraq knowingly inflicted the injury.²

The third requirement is that the Commission determine that the severity of the serious personal injury suffered constitutes a “special circumstance warranting additional compensation.” In making this determination, the Commission will consider the nature and extent of the injury itself (including the specific acts committed by Iraq giving rise to the injury), the extent to which the injury substantially limits one or more of the claimant’s major life activities (both in the immediate aftermath of the injury and on a long-term basis), and/or the extent to which there is permanent scarring or disfigurement that resulted from the injury.

Here, Claimant alleges that an Iraqi military officer raped her and that the rape led to physical, mental, and emotional injuries, including some that persist to the present day. To prove these allegations, Claimant has submitted, *inter alia*, two sworn statements of her own describing her ordeal and her alleged personal injuries (one dated June 2004 prepared for her federal court litigation and the other prepared specifically for this proceeding in June 2013); two sworn statements from a friend describing how Claimant

² “Iraq” is defined in footnote 1 of the Referral.

told her about her time in captivity (one from 2003 that was submitted to the United Nations Compensation Commission and another prepared in October 2013 for this proceeding); various medical records from 1993 to 2014 documenting physical and mental conditions she has suffered since her hostage experience; records referencing business losses Claimant allegedly suffered because of Iraq's invasion of Kuwait; a copy of a Jordanian laissez-passer issued to Claimant on August 21, 1990; and copies of several magazine articles and photographs evidencing Claimant's business activities at the time of the Iraqi invasion of Kuwait. Except where noted, the facts we outline below are those established by this evidence.

Seizure of the Hotel in Kuwait City: At the time of Iraq's invasion of Kuwait, Claimant, who was a well-known performing artist in the Middle East, was staying at the Sheraton Kuwait Hotel in Kuwait City while on a promotional tour for her new album. On the morning of August 2, 1990, she was awakened by gunfire outside the hotel. After initially being told by the hotel receptionist that the gunfire was part of a religious celebration, she later received a phone call from the front desk informing her that Iraqi troops had invaded Kuwait and had taken the hotel as their headquarters. The caller advised Claimant to conceal her identity and nationality, and to proceed carefully to the hotel lobby by crawling on her stomach so as to avoid the "indiscriminate shooting going on all around" The caller further advised Claimant that, once in the lobby, she should surrender to the Iraqi guards and identify herself as a Jordanian national (Claimant was born in Jordan, moved to the U.S. in 1970 and describes herself as "an American of Middle Eastern (Jordanian) descent."). The caller stressed that Claimant should come

down to the lobby right away, as she “was one of the last hotel guests to be accounted for in the lobby”

Claimant went downstairs as directed; she was so terrified that she “could not control [her] functions, urinating on [her]self.” Once in the lobby, she saw approximately 25 Iraqi soldiers pointing guns at people and demanding that people identify themselves. Claimant was able to convince the Iraqi guards that she was Jordanian. The other Americans, however, were then taken outside, and Claimant “never saw them again.” Shortly thereafter, the guards allowed the remaining guests to return to their hotel rooms.

Captivity in Hotel and Sexual Assault: Three days after the invasion, on August 5, 1990, Claimant received a call from the front desk and was told to come downstairs with her U.S. passport and a single piece of luggage. She states that at that moment her “bladder control problems again flared up.” Claimant complied with the instruction and went downstairs. When she arrived in the lobby, an individual she describes as the “Iraqi soldier in command” was “looking at [her] in a very empathetic way, because [she] was so humiliated by losing control of [her] bladder and urinating on [her]self” Claimant states that after he examined her passport, the soldier “handed it back to [her] and then said to [her], in Arabic, ‘you go upstairs.’”

Claimant complied with the soldier’s instruction, and shortly after she returned to her room, the soldier entered, asked to see her papers, and began to approach her. She states that he then “pulled [her] toward him and began caressing [her] breasts.” Claimant tried to escape from the room, but another soldier, who was just outside her door, pushed her back in and slammed the door shut. According to Claimant, the Iraqi officer then “grabbed [her] by [her] hair . . . spun [her] around and slapped [her] very hard on the

right side of [her] head and face, causing a severe ringing in [her] right ear and a painful welt to form on [her] cheek.” The officer verbally abused her and told her that if she tried to resist, he would beat her or would “call the soldier in the hallway to join him.” Claimant states that she began to panic and again urinated on herself, and that the officer laughed at her. Claimant describes how the officer then placed her face-down on the bed and sodomized her, causing her “extreme physical pain and horrific humiliation.” She estimated that the assault lasted “for several minutes.”

Claimant states that, after the assault, the Iraqi officer warned her that if she told anybody what happened, her “life would be worthless” He then left the room, leaving Claimant in “severe pain” and “feeling completely debased” Claimant states that she thereafter “began to constantly receive anonymous, threatening telephone calls from men speaking in Arabic[]” hurling insults at her and saying things like “We’re men who are alone, we can comfort you”

Second Sexual Assault: Claimant alleges that, the following day, she encountered a man in the hotel elevator who identified himself as “a physician to the royal family in Kuwait.” She says that she had seen the man before, and she seems to have thought he was another one of the hotel guests. According to Claimant, he offered to help her both get medications and escape from the hotel. Out of desperation, she alleges, she gave him her room number and said he could call her.

Claimant states that, shortly after they parted, the doctor came to her room and described a possible escape plan; but he then stated that “in return for doing this for [her], [she] needed to realize that ‘there is a price for everything.’” He then said to her, “like now, I’m paying a price.” Claimant then “asked what he meant by that[,] and he

responded, ‘never mind.’” According to Claimant, the doctor then “explained that it would be worth it for [her] to get out of there safely in exchange for [] having sex together.” She alleges that “he grabbed [her] very hard by both [her] arms (bruising them) and threw [her] backwards onto the edge of the bed” Claimant alleges that the doctor then exposed himself and sexually assaulted her. She states that she struggled with him, and that he “slapped [her] twice on the face, once with each hand.”

Claimant alleges that she continued to struggle against the doctor until a hotel attendant knocked on the door with some tea that Claimant had ordered from room service shortly before the doctor arrived. The doctor then stopped assaulting her, “but told [her] that [she] would not get away—he would get [her] another time.” The doctor then left. Claimant alleges that the waiter did not ask what happened—and she did not tell him—but that when Claimant asked who the doctor was, the waiter replied that he “had something to do with a woman [from] a very prominent (perhaps royal) family in Kuwait”

Claimant explains that she “did not tell the waiter—or anyone else in the hotel—what had happened because of the shameful cultural stigma of the circumstances[,]” and because, “as a woman and Middle Eastern celebrity, such a thing would be considered extremely scandalous and potentially very damaging to [her] career.” Plus, she states that “there may not have been much anyone could have done under the circumstances.”

Escape from Kuwait and Iraq: After the first week of the invasion, Claimant disguised herself on several occasions and was driven to the Jordanian embassy, where she tried to obtain a visa to leave Kuwait. Eventually, after approximately 31 days of captivity at the hotel, she managed to obtain a Jordanian laissez-passer and was smuggled

to a safe house where she prepared to drive from Kuwait through Iraq and into Jordan. Claimant stayed at two different safe houses for approximately 10 days until, finally, she was able to arrange transport with a taxi driver who drove her through Iraq and into Jordan.

Injuries Alleged: Claimant alleges both physical and mental injuries, both during and after the assaults. She further alleges that many of these injuries have persisted to the present day. Soon after the Iraqi officer raped her, Claimant suffered from rectal bleeding which only stopped after she had taken a bath and treated the wound. However, the immediate physical injuries were only the start; as she puts it, “[a]s brutally painful and horrific as the rape/sodomization by the Iraqi officer was from a physical standpoint, the mental and emotional consequences of the attack have [been] far more disastrous,” causing her “shame, humiliation, weakness and hopelessness” She states that she “suffered from terrible nightmares and daily panic and anxiety attacks, during which [she] experienced heart palpitations, convulsions, tremors, breathlessness and loss of bladder control.”

Shortly after her release, Claimant sought medical treatment in Cairo, Egypt, from her physician, Dr. Wagdi E. Rafla. Claimant has submitted a one-page medical report from Dr. Rafla, dated October 1993, confirming that he treated Claimant in September 1990 and noting that Claimant suffered from “palpitation[,] breathlessness and [was physically] exhausted with mild incontinence” Dr. Rafla further notes that he conducted a series of tests to determine the reason for Claimant’s heart problems and incontinence, but that he concluded that both conditions were due to “psychological” causes. Although at the time of the report, Claimant was “much b[e]tter[,]” Dr. Rafla

treated her “for about two years,” and she “frequently visit[ed]” the office during this time. Although the report makes no mention of the rape, Claimant says that she told Dr. Rafla about it at the first visit, but pleaded with him not to mention it in his report for fear of the potential damage to her career.

Claimant states that she attempted to resume her performing career after her experience in Iraq and Kuwait, but “because of the emotional trauma, panic and anxiety attacks[,] . . . [she] found that [she] had lost [her] former ability to remember the lyrics to songs [she] had sung for years while p[er]forming on stage before live audiences.” She asserts that the attack did “permanent damage to [her] self-confidence and self-esteem[,]” and that, “[a]s her career began to falter, the panic and anxiety attacks grew more serious.” She also experienced heart palpitations before performing on stage, and her memory lapses caused her to forget the lyrics to songs more frequently. Claimant recounts one such incident in which she “suffered a memory lapse while singing, lost bladder control, and immediately thereafter became incontinent onstage, forcing [her] to halt the performance and leave the engagement in embarrassment and indescribable humiliation.” In the months that followed, Claimant states that her career began to fall apart: she “received fewer and fewer recording contracts and bookings for singing engagements, and [her] one-time career as an actress was destroyed.” Her talent agent also dropped her as a client.

In the midst of all this, Claimant sought treatment from Dr. Zakaria S. Halim, a psychiatrist in Cairo. Claimant has submitted both a contemporaneous (1993) report and a recent (July 2014) affidavit from Dr. Halim. His 1993 report confirms that Claimant sought treatment from him over several months in 1992 and 1993, “complaining of

insomnia, nightmares, palpitations and shortness of breath.” In his report, Dr. Halim states that Claimant “was found to be depressed with overwhelming feelings of pessimism, helplessness, low self-esteem and bouts of uncontrollable crying.” He also noted “for[e]boding continuous anxiety, irritability, numbness and tingling sensations, abdominal distress, fatigue and diminished emotional control” In addition, he reported that Claimant suffered from recurrent dreams of her Gulf War experience, a “sense of foreshortened future, [and] markedly diminished interest in her work and career” Dr. Halim diagnosed Claimant with post-traumatic stress disorder (“PTSD”), prescribed medications for her, and recommended that she attend regular psychotherapy sessions. Although Dr. Halim’s report makes no mention of the rape, it specifically states that Claimant “reported that the condition first developed when she was in Kuwait during the Gulf War in 1990” and also provides several sentences with details about her time in captivity.

Dr. Halim’s July 2014 affidavit does even more to link Claimant’s psychological injuries to the rape. It states that “although [Claimant] could not bring herself to discuss the details of the experiences causing her conditions, she did say that the events . . . were terrible[,] and it was apparent that they had caused her deep feelings of shame and humiliation[.]” He further states that “the feelings [Claimant] described to me and the symptoms that she exhibited in my presence . . . are fully consistent with her allegations of having been sodomized in Kuwait and that I was thus not at all surprised when I learned of those allegations last week[.]”

Claimant states that the mental and emotional injuries that she suffered in Kuwait continue to the present day—she still suffers from severe anxiety and depression, as well

as heart palpitations, low self-esteem, and nightmares, among other things. Although there is no evidence for injuries between 1993 and 2004 or after 2005, there is evidence that Claimant suffered particularly acute mental health problems in 2005. An April 2005 medical treatment summary from Kaiser Permanente, a healthcare provider, indicates that Claimant had “been seen in [the Department of Psychiatry] for ongoing assessment and treatment for [her] symptoms.” It also notes that Claimant “[d]isplayed symptoms includ[ing] depression as well as symptoms of unresolved posttraumatic stress syndrome connected with the trauma that [she] had experienced many years ago.” A recent (2013) letter from Kaiser seems to confirm the 2005 letter, stating that Claimant visited Kaiser’s Department of Psychiatry 47 times between January 2005 and January 2006, that she had been diagnosed with PTSD and major depression, and that the “traumas [she] underwent were inflicted by the Iraqi army during the first gulf war.”

Analysis: Claimant is entitled to compensation in this program. First, Claimant suffered a “serious personal injury” within the meaning of the Referral. The 2012 Referral specifically provides that the phrase “serious personal injury” may include injuries arising from, *inter alia*, “sexual assault.” A rape is a sexual assault within the meaning of the Referral, and a nonconsensual penetration of a victim’s anus by the perpetrator constitutes rape. *See* Claim No. IRQ-I-009, Decision No. IRQ-I-004, at 6 (2014) (Proposed Decision).

Claimant has established that an Iraqi soldier raped her and that Iraq thus subjected her to a sexual assault. Although there is no direct medical evidence of the rape, the evidence suffices to establish the relevant aspects of what happened. In circumstances where, as here, a claim relies heavily on written statements, certain factors

must be considered in determining how much weight to place on such statements. *See generally* Claim No. IRQ-I-023, Decision No. IRQ-I-021, at 13-14 (2014) (Proposed Decision). These include the length of time between the incident and the statement, whether the declarant is a party interested in the outcome of the proceedings or has a special relationship with the Claimant, and whether there has been an opportunity for cross-examination. *Id.* (internal citations omitted).

Here, Claimant's allegation that an Iraqi officer raped her is supported not only by her own sworn statements, but also those of ^{5 U.S.C. §552(b)(6)}, who appears to be unrelated to Claimant. Although ^{5 U.S.C. §552(b)(6)} is a friend and thus has some relationship with the Claimant, she does not have a legal or monetary interest in the outcome of these proceedings. Moreover, although one of ^{5 U.S.C. §552(b)(6)} statements is from 2013, the other was sworn in December 2003—7 years before the Claims Settlement Agreement was signed.³ ^{5 U.S.C. §552(b)(6)} 2003 affidavit, although less detailed than her 2013 affidavit, specifically mentions that Claimant told her that she had been sexually assaulted. Moreover, ^{5 U.S.C. §552(b)(6)} more detailed 2013 affidavit includes a description of what Claimant told her that is consistent with the details of the sexual assault in Claimant's own statements.

In addition to her own and ^{5 U.S.C. §552(b)(6)} sworn statements, Claimant's evidence also includes medical reports and records, including contemporaneous records, as well as a recent affidavit from the psychiatrist who treated her in 1992. Although none of the

³ Claimant submitted ^{5 U.S.C. §552(b)(6)} 2003 affidavit to the United Nations Compensation Commission when she sought damages stemming from both the Iraqi invasion and her sexual assault. The fact that the affidavit was submitted as part of a claim for compensation might, in some cases, lessen its credibility; however, in this case, it also shows a consistent narrative over a period of at least 11 years, which lends greater weight to the more recent affidavits. ^{5 U.S.C. §552(b)(6)} 2003 affidavit is thus a relevant piece of evidence in support of this claim.

medical evidence links Claimant's injuries to the rape in particular, it is all consistent with Claimant's allegations. The medical evidence indicates a profound change in Claimant's emotional health in the immediate aftermath of her captivity, and some of it specifically references events during that period. While Dr. Rafla's one-page report merely indicates that Claimant's physical ailments were all psychological, Dr. Halim's 1993 report specifically notes that Claimant "reported that [her] condition first developed when she was in Kuwait during the Gulf War in 1990" and discusses many other details about her time in captivity. His recent affidavit, although not conclusive evidence, further corroborates Claimant's account. Although Dr. Halim acknowledges that Claimant did not describe the sexual assault when he first met with Claimant, he notes in retrospect that the symptoms and behavior he witnessed at the time were "fully consistent with her allegations of having been sodomized" The two Kaiser documents are also consistent with the idea that her time in Kuwait in 1990 was the key moment when her psychological problems began, although they seem to provide evidence only for mental health issues during the period between January 2005 and January 2006.

Finally, as the Commission has previously noted, the U.N. Special Rapporteur of the Commission on Human Rights found that Iraqi military forces had engaged in widespread rape during the occupation of Kuwait. *See* Claim No. IRQ-I-009, Decision No. IRQ-I-004, at 11 (2014) (Proposed Decision) (citing UN *Report on the Situation of Human Rights in Kuwait Under Iraqi Occupation*, E/CN.4/1992/26 at 28-31 (January 16, 1992) ("Kälin Report"); *Recommendations Made by the Panel of Commissioners Concerning Individual Claims for Serious Personal Injury or Death (Category "B" Claims)*, S/AC.26/1994/1 at 36-37 (May 26, 1994)).

In sum, although the evidence does not corroborate each and every detail of Claimant's assertions, the evidence suffices to demonstrate that an Iraqi soldier raped her, and that the injuries she suffered from that sexual assault are "serious personal injuries" within the meaning of the Referral.

Claimant has not, however, met her burden of proving all of her factual allegations. In particular, she has not submitted sufficient evidence to establish that she was sexually assaulted a second time. This allegation appears only in Claimant's 2004 declaration. She does not mention it in her 2013 declaration, nor does ^{5 U.S.C.} §552(b)(6) in either of her affidavits. Indeed, Claimant does not appear to include this incident as part of her claim as described in her supporting brief. For these reasons, Claimant has not met her burden of proving the second alleged sexual assault or that Iraq is responsible for it.

With respect to the first sexual assault, Claimant has also satisfied the Referral's second requirement. The Referral defines "Iraq" to include "any official, employee or agent of the Republic of Iraq acting within the scope of his or her office, employment or agency." The definition thus encompasses the Iraqi military officer involved in this incident and he obviously acted "knowingly" when he raped Claimant with full knowledge of both his actions and the injuries they were sure to cause.

Finally, Claimant has proven that the severity of the injuries caused by the Iraqi officer's rape constitutes a "special circumstance warranting additional compensation[.]" Claimant was subjected to a humiliating and traumatic experience in a hotel room with the door closed. She was threatened with beatings and the possibility of a second soldier also raping her. The sodomization, which lasted for several minutes, was violent enough to make Claimant bleed. After it was over, the rapist warned her not to tell anybody or

else her “life would be worthless” Even apart from the rape itself, Claimant received anonymous phone calls from men insulting her and insinuating the threat of future sexual assaults. Moreover, the rape appears to have harmed her career and well-being. Although Dr. Halim’s July 2014 affidavit is the only medical evidence that explicitly links Claimant’s injuries to the rape in particular, much of the rest of that evidence does seem to establish that some of the injuries she suffered in the first few years after the attack, and possibly those she suffered in 2005 as well, were linked to events that occurred during her captivity. The evidence is thus strongly supportive of a link between the rape and many of her subsequent emotional injuries. These acts and the injuries Claimant suffered because of them are thus severe enough to constitute a “special circumstance” under this Referral.

In sum, the evidence establishes that Claimant’s personal injuries meet the standard for compensability under the 2012 Referral. Accordingly, Claimant is entitled to compensation as set forth below.

COMPENSATION

In determining the appropriate level of compensation under the 2012 Referral, the Commission will consider such factors as the severity of the initial injury or injuries; the number and type of injuries suffered; whether the claimant was hospitalized as a result of his or her injuries, and if so, how long (including all relevant periods of hospitalization in the years since the incident); the number and type of any subsequent surgical procedures; the degree of permanent impairment, taking into account any disability ratings, if available; the impact of the injury or injuries on claimant’s daily activities; the nature and extent of any disfigurement to the claimant’s outward appearance; whether the claimant

witnessed the intentional infliction of serious harm on his or her spouse, child or parent, or close friends or colleagues; and the seriousness of the degree of misconduct on the part of Iraq. *See* Claim No. IRQ-I-001, Decision No. IRQ-I-005, at 22 (2014) (Proposed Decision). In addition, all claims in this program must be viewed in light of the State Department's \$1.5 million recommended maximum and the full range of claims before the Commission under this Referral, some of which are based on repeated and brutal beatings, numerous harsh interrogations, and consistent ill-treatment over many days. *See, e.g.*, Claim No. IRQ-I-001, Decision No. IRQ-I-005 (2014) (Proposed Decision); Claim No. IRQ-I-002, Decision No. IRQ-I-007 (2014) (Proposed Decision); Claim No. IRQ-I-022, Decision No. IRQ-I-008; *see generally* Claim No. LIB-II-109, Decision No. LIB-II-112 at 5-6 (2012) (in determining what injuries are a special circumstance, the Commission considers, among other things, the nature of all of the injuries that fall under the referred category of claims).

Here, an Iraqi soldier sodomized Claimant. A rape of this sort constitutes serious misconduct on Iraq's part, and the injuries Claimant suffered because of it have been severe. The rape was an act of blatant cruelty, revealing complete and utter disregard for Claimant's physical and emotional well-being, evidenced not only by the attack itself, but also by what the rapist did both before and after: for example, his laughing at Claimant and his threats if Claimant tried to escape or tell anyone what had happened. Indeed, not only was the officer aware of the harm he was causing, but he also seemed to enjoy causing it. Moreover, although the rape was a single incident that lasted only a few minutes, we can presume that its effects on Claimant's mental health were long-lasting. Claimant has put forward evidence to support this presumption, and there is even

evidence that Claimant continues to suffer to this day. Accordingly, the Commission determines that the Claimant is entitled to an award of \$1,000,000.00 and that this amount (not including the amount already received from the Department of State) constitutes the entirety of the compensation that the Claimant is entitled to in the present claim.

The Commission hereby enters the following award, which will be certified to the Secretary of the Treasury for payment under sections 7 and 8 of the ICSA. 22 U.S.C. §§ 1626-27 (2012).

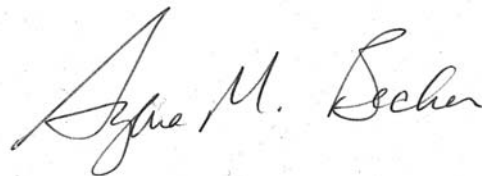
AWARD

Claimant is entitled to an award in the amount of One Million Dollars (\$1,000,000.00).

Dated at Washington, DC, August 14, 2014
and entered as the Proposed Decision
of the Commission.



Anuj C. Desai, Commissioner



Sylvia M. Becker, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days of delivery of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after delivery, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. § 509.5 (e), (g) (2013).