

attacks. She remained there for the next two weeks, and in late August 1990 they moved to the U.S. Embassy. Claimant Estate asserts that Ms. McCann flew out of Kuwait on September 1, 1990, and arrived in the United States the next day. Ms. McCann died in May 1996.

Although neither Ms. McCann nor Claimant Estate was among them, many of the U.S. nationals in Iraq and Kuwait at the time of the 1990-91 Iraqi occupation of Kuwait sued Iraq (and others) in federal court for, among other things, hostage-taking.¹ Those cases were pending when, in September 2010, the United States and Iraq concluded an *en bloc* (lump-sum) settlement agreement.² The Agreement, which entered 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, including claims of personal injury caused by hostage-taking.³ Exercising its authority to distribute money from the settlement funds, the U.S. Department of State provided compensation to numerous individuals whose claims were covered by the Agreement, including some whom Iraq had allegedly taken hostage or unlawfully detained following Iraq's 1990 invasion of Kuwait.

Under the International Claims Settlement Act of 1949 ("ICSA"), the Secretary of State has statutory authority to refer "a category of claims against a foreign government" to this Commission.⁴ The Secretary has delegated that authority to the State Department's Legal Adviser, who, by letter dated October 7, 2014, referred three categories of claims to

¹ See, e.g., *Hill v. Republic of Iraq*, 175 F. Supp. 2d 36 (D.D.C. 2001); *Vine v. Republic of Iraq*, 459 F. Supp. 2d 10 (D.D.C. 2006).

² 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").

³ See *id.* Art. III(1)(a)(ii).

⁴ See 22 U.S.C. § 1623(a)(1)(C) (2012).

this Commission for adjudication and certification.⁵ This was the State Department's second referral of claims to the Commission under the Claims Settlement Agreement, the first having been by letter dated November 14, 2012 ("2012 Referral" or "November 2012 Referral").⁶

One category of claims from the 2014 Referral is applicable here. That category, known as Category A, consists of

claims by U.S. nationals for hostage-taking¹ by Iraq² in violation of international law prior to October 7, 2004, provided that the claimant was not a plaintiff in pending litigation against Iraq for hostage taking³ at the time of the entry into force of the Claims Settlement Agreement and has not received compensation under the Claims Settlement Agreement from the U.S. Department of State. . . .

¹ 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.

² 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.

³ For purposes of this category, pending litigation against Iraq for hostage taking refers to the following matters: *Acree v. Iraq*, D.D.C. 02-cv-00632 and 06-cv-00723, *Hill v. Iraq*, D.D.C. 99-cv-03346, *Vine v. Iraq*, D.D.C. 01-cv-02674; *Seyam (Islamic Society of Wichita) v. Iraq*, D.D.C. 03-cv-00888; *Simon v. Iraq*, D.D.C. 03-cv-00691.

⁵ See Letter dated October 7, 2014, from the Honorable Mary E. McLeod, Acting Legal Adviser, Department of State, to the Honorable Anuj C. Desai and Sylvia M. Becker, Foreign Claims Settlement Commission ("2014 Referral" or "October 2014 Referral").

⁶ Although the November 2012 Referral involved claims of U.S. nationals who were held hostage or unlawfully detained by Iraq, it did not involve hostage-taking claims *per se*. Rather, it consisted of certain claimants who had *already received* compensation under the Claims Settlement Agreement from the State Department for their hostage-taking claims, and it authorized the Commission to award additional compensation to those claimants, provided they could show, among other things, that they suffered a "serious personal injury" during their detention. The 2012 Referral expressly noted that 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." 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, at ¶3 n.3.

2014 Referral at ¶ 3.

On October 23, 2014, the Commission published notice in the *Federal Register* announcing the commencement of the second Iraq Claims Program pursuant to the ICSA and the 2014 Referral.⁷

On September 30, 2015, the Commission received from Claimant Estate a completed Statement of Claim seeking compensation under Category A of the 2014 Referral, together with exhibits supporting the elements of its claim.

DISCUSSION

Standing

As an initial matter, the Commission has reviewed the Order for Issuance of Letters of Co-Administration and Authority for Full Independent Administration, issued on December 9, 2011, by the District Court of Clark County, Nevada, appointing George Daniel Carpenter co-administrator of Betty McCann's estate. Based on this review, the Commission finds that the ESTATE OF BETTY JEAN MCCANN, DECEASED; GEORGE DANIEL CARPENTER, CO-ADMINISTRATOR, is the proper claimant in this claim.

Jurisdiction

This Commission's authority to hear claims is limited to the category of claims referred to it by the United States Department of State.⁸ The Commission's jurisdiction under the "Category A" paragraph of the 2014 Referral is limited to claims for hostage-taking of (1) "U.S. nationals," provided that the claimant (2) was not a plaintiff in any litigation against Iraq for hostage taking pending on May 22, 2011 (the "Pending

⁷ *Program for Adjudication: Commencement of Claims Program*, 79 Fed. Reg. 63,439 (Oct. 23, 2014).

⁸ See 22 U.S.C. § 1623(a)(1)(C) (2012).

Litigation”), and (3) has not received compensation under the Claims Settlement Agreement from the Department of State. 2014 Referral at ¶ 3.

Nationality

This claims program is limited to claims of “U.S. nationals.” Here, that means a claimant must have been a national of the United States when the claim arose and continuously thereafter until May 22, 2011, the date the Agreement entered into force.⁹ Because the decedent, Ms. McCann, died before May 22, 2011, this claim passed from her to her estate prior to May 22, 2011. In such circumstances, the nationality of the beneficiaries of the estate, as well as of the injured party, must be evaluated in order to establish that the claim has been held continuously by U.S. nationals from the date of injury through the date of the Settlement Agreement.¹⁰ Thus, to satisfy the U.S. nationality requirement, Claimant Estate must show that Ms. McCann was a U.S. national from the time of the alleged hostage-taking until she died and that the Estate’s beneficiaries were U.S. nationals from Ms. McCann’s death until May 22, 2011.

Claimant Estate satisfies the nationality requirement. It has provided evidence sufficient to show that the claim was held continuously by a U.S. national from August 2, 1990, which is the date that the alleged hostage-taking began, through the effective date of the Claims Settlement Agreement. From August 2, 1990, to May 12, 1996, the claim was held by the decedent. Claimant Estate has submitted a copy of the decedent’s cancelled U.S. passport, valid from January 1985 to January 1995, which shows that she was a U.S.

⁹ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 4-5 (2016).

¹⁰ See, e.g., *Claim of ESTATE OF WAYNE LEE MCCORMICK*, Claim No. IRQ-II-085, Decision No. IRQ-II-184 (2017); *Claim of ESTATE OF ELIZABETH L. ROOT, DECEASED*, Claim No. LIB-II-040, Decision No. LIB-II-026 (2011); *Claim of THE ESTATE OF JOSEPH KREN, DECEASED*, Claim No. Y-0660, Decision No. Y-1171 (1954); *Claim of PETER KERNAST*, Claim No. W-9801, Decision No. W-2107 (1965); *Claim of RALPH F. GASSMAN and URSULA ZANDMER*, Claim No. G-2154, Decision No. G-1955 (1981); *Claim of ELISAVETA BELLO*, Claim No. ALB-338, Decision No. ALB-321 (2008).

national at the time of the alleged hostage-taking (between August and September 1990) and that she remained a U.S. national through the date of her death (May 12, 1996).

From May 12, 1996, to July 9, 2005, the claim was held by the decedent's husband and three children, George Daniel Carpenter, Janenne Marie Araujo, and Sandra Kay Frost. Claimant Estate has provided a copy of Leonard McCann's voting history record, showing his voting history from November 1996 to June 1999, as well as copies of official U.S. Government records, published between March 1998 and September 2005, confirming that Mr. McCann did not lose his United States nationality during that time period. This evidence substantiates that Mr. McCann was a U.S. national at the time of his wife's death, and that he remained a U.S. national until his own death on July 9, 2005. Claimant Estate has also submitted copies of current U.S. passports for George Daniel Carpenter, Janenne Marie Araujo, and Sandra Kay Frost, which show that all three of the decedent's children were born in the United States, were U.S. nationals at the time they inherited portions of their mother's claim, and remain U.S. nationals to this day. (Janenne Araujo, however, died on June 9, 2007, and her interest in Ms. McCann's claim passed to her heirs as described below.)

From July 9, 2005, to June 9, 2007, Mr. McCann's portion of the decedent's claim was held by his three children. Claimant Estate has submitted a copy of Leonard McCann's probated will (and the court order admitting the will to probate), which directs that his probate estate (apart from certain tangible personal property not relevant here) be placed in the McCann Family Trust, a copy of which Claimant Estate has also provided. The trust directs that the estate assets be placed in separate trusts for the benefit of each of the decedent's three children. As noted above, all three were U.S. nationals during the relevant time period.

From June 9, 2007, until May 22, 2011, the date of the Claims Settlement Agreement, portions of the decedent's claim continued to be held by George Daniel Carpenter and Sandra Kay Frost—both the portion they inherited directly from the decedent, as well as the spousal portion for which they were the beneficiaries under the McCann Family Trust. Janenne Araujo, however, died on June 9, 2007. Although Claimant Estate has provided a copy of Ms. Araujo's last will and testament, it does not appear to have been admitted to probate. In the absence of an effective will, her estate would pass under the intestacy law of Washington, and her portion of her mother's claim would pass to her husband, Jeffrey Araujo, and their three children, Jennifer Shoemaker, Jessica Araujo, and Jillian Araujo.¹¹ If, on the other hand, the will were to be found effective, Ms. Araujo's residuary estate would pass entirely to her husband. Claimant Estate has submitted current U.S. passports for both Jeffrey Araujo and he and his wife's three children, which show that all four individuals were U.S. nationals at the time they inherited portions of the decedent's claim until the date of the Claims Settlement Agreement. Therefore, Claimant Estate has proven the U.S. nationality of each of the beneficiaries through the date of the Claims Settlement Agreement regardless of whether the claim passed to Ms. Araujo's heirs via intestacy or her last will and testament.¹² Thus, Claimant Estate has satisfied this element of its claim.

¹¹ Washington is a community property state; however, under state law, property owned by one spouse and acquired by descent is considered the separate property of that spouse. *See* Wash. Rev. Code § 26.16.010 (2007).

¹² There is some question as to whether Leonard McCann's spousal share of the decedent's claim passed only to Janenne Araujo's children upon her death via the terms of the McCann Family Trust, or rather to both her children and her surviving husband, Jeffrey Araujo, pursuant to an agreement among them signed in March 2012. (the McCann Family's estate lawyer explained in a letter provided with this claim that the intent behind the agreement was to avoid the administrative costs of "reactivat[ing] the dormant trust . . .") We need not decide the issue, however, as either way, counsel has provided evidence sufficient to show that all of the persons involved were U.S. nationals at the time Ms. Araujo died and remain so to this day.

No Pending Litigation

Additionally, Category A states that the claimant must not have been a plaintiff in any of the so-called Pending Litigation cases at the time of the entry into force of the Claims Settlement Agreement.¹³ Footnote 3 of the 2014 Referral specifically lists the Pending Litigation cases for purposes of the Referral. Claimant Estate, through its co-administrator, has averred under oath in a September 2015 declaration, and the pleadings in the cases cited in footnote 3 confirm, that neither Ms. McCann nor her estate was a plaintiff in any of those Pending Litigation cases. The Commission thus finds that Claimant Estate has also satisfied this element of its claim.¹⁴

*No Compensation under the Claims Settlement Agreement
from the Department of State*

Claimant Estate also satisfies the final jurisdictional requirement. George Daniel Carpenter, the co-administrator of Betty McCann's estate, has stated that the decedent never "receive[d] any compensation under the [Claims Settlement Agreement] from the Department of State." Further, we have no evidence that the State Department has provided the decedent or her estate any compensation under the Claims Settlement Agreement. Therefore, Claimant Estate meets this element of its claim.¹⁵

¹³ The Agreement entered into force on May 22, 2011. See Claims Settlement Agreement, art. IX.

¹⁴ Mr. Carpenter has submitted with the Estate's claim a December 16, 2010 declaration filed in the *Vine* litigation, see *supra* note 1, filed "on behalf of the claims of Leonard and Betty Jean McCann." However, in his 2015 declaration, Mr. Carpenter states that at the time he had been "under the impression that the Estate of Betty Jean McCann was a plaintiff" in that case, but that he later learned that her estate, in fact, was never made a plaintiff. A review of the pleadings and the docket in the *Vine* case confirms that, indeed, neither Betty McCann nor her estate was ever a plaintiff in that case, although her husband Leonard McCann was.

¹⁵ As a plaintiff in the *Vine* case, the Estate of Leonard McCann (as successor to Mr. McCann's claim) would have received compensation directly from the Department of State for Mr. McCann's claim following the receipt of funds from Iraq under the Claims Settlement Agreement. See November 2012 Referral, *supra*, ¶ 1. However, there is no indication that any proceeds of this payment were ever received by Claimant Estate from the State Department, particularly since Ms. McCann died in 1996, almost ten years before her husband died in 2005.

In summary, this claim is within the Commission's jurisdiction pursuant to the 2014 Referral and is entitled to adjudication on the merits.

Merits

Factual Allegations

Claimant Estate asserts that Iraq held Ms. McCann hostage for 31 days, from August 2, 1990, until September 1, 1990. It states that she was living with her husband near Kuwait City in a compound for employees of Texaco/Getty Oil Company (which employed Ms. McCann's husband) when Iraq invaded Kuwait on August 2, 1990. According to a declaration submitted by the McCanns' son, George Carpenter, Iraqi troops surrounded his parents' compound the morning of the invasion, and the Department of State advised them to stay inside. Meanwhile, Leonard McCann had suffered two heart attacks in July 1990, and was scheduled to undergo heart surgery, but was unable to do so because of the invasion. Mr. Carpenter and his sisters heard nothing further until August 9, 1990, when a Texaco employee called to inform that their parents were hiding inside a hospital in Kuwait City, where a Kuwaiti driver had taken them, and where Ms. McCann stayed with her husband by his bedside for two weeks.

On August 18, 1990, the McCanns' children learned that Iraqi troops were "clearing out" all Kuwaiti hospitals; the next day, on August 19, 1990, they learned that their parents had been evacuated to the U.S. Embassy, where they remained, surrounded by Iraqi security forces, until September 1, 1990. On that day, as the McCanns' children later learned, both of their parents were released and were evacuated on a flight out of Kuwait arranged by the Reverend Jesse Jackson for Americans suffering from medical problems. The McCanns' children met their parents at Dulles International Airport near Washington, DC, the next day.

Supporting Evidence

Claimant Estate has supported its claim with, among other things, two sworn statements from George Carpenter, dated December 16, 2010, and September 20, 2015, describing his mother's experience in Kuwait; a copy of Ms. McCann's then-valid U.S. passport, which contains, *inter alia*, a Kuwaiti entry stamp dated April 28, 1990, and an Iraqi exit stamp dated September 1, 1990; and a copy of Leonard McCann's then-valid U.S. passport, which contains, *inter alia*, a U.S. immigration stamp dated September 2, 1990.

Claimant Estate has also submitted a number of documents that provide background about the broader geopolitical situation during the First Gulf War in 1990-91, including some that relate specifically to the circumstances faced by U.S. nationals in Iraq and Kuwait at the time. These documents include statements from U.S. and Iraqi officials, resolutions of the United Nations Security Council, newspaper articles, a report from Amnesty International on human rights violations committed by Iraq in 1990, unclassified cables and a memorandum from the U.S. Department of State, and affidavits submitted in a lawsuit brought by other U.S. nationals who were also in Kuwait or Iraq during the First Gulf War.

Legal Standard

To make out a substantive claim under Category A of the 2014 Referral, a claimant must show that (1) Iraq was engaged in an armed conflict and (2) during that conflict, Iraq took the claimant hostage.¹⁶ The Commission has previously held that, to establish a hostage-taking claim, a claimant must show that Iraq (a) seized or detained the claimant

¹⁶ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 16 (2016). In claims such as this that involve an estate claimant, this applies to the claimant's decedent.

and (b) threatened the claimant with death, injury or continued detention (c) in order to compel a third party, such as the United States government, to do or abstain from doing any act as an explicit or implicit condition for the claimant's release.¹⁷ A claimant can establish the first element of this standard by showing that the Iraqi government confined the claimant (or, in this case, the Claimant Estate's decedent) to a particular location or locations within Iraq or Kuwait, or prohibited the claimant from leaving Iraq and/or Kuwait.¹⁸

Application of Standard to this Claim

(1) Armed Conflict: Claimant Estate alleges that Iraq took Ms. McCann hostage in Kuwait on August 2, 1990, and held her hostage for 31 days, until September 1, 1990, when she was evacuated to the United States. In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that during this entire period, Iraq was engaged in an armed conflict with Kuwait.¹⁹ Thus, Claimant Estate satisfies this element of the standard.

(2) Hostage-taking: To satisfy the hostage-taking requirement of Category A of the 2014 Referral, Claimant Estate must show that Iraq (a) seized or detained the decedent and (b) threatened her with death, injury or continued detention (c) in order to compel a third party, such as the United States government, to do or abstain from doing any act as an explicit or implicit condition for his release. Claimant Estate satisfies this standard for the 31-day period from August 2, 1990 to September 1, 1990.

(a) Detention/deprivation of freedom: For purposes of analyzing the Estate's allegations of Ms. McCann having been detained, her time in Kuwait following

¹⁷ See *id.* at 17-20.

¹⁸ See *id.* at 17.

¹⁹ See *id.* at 16-17.

the Iraqi invasion can be divided into three periods: (i) between the Iraqi invasion on August 2, 1990, and the Iraqi government's formal closing of the borders on August 9, 1990; (ii) from that August 9th formal closing of the borders until the August 28, 1990 announcement that women and minors could leave Iraq and Kuwait; and (iii) from that August 28th announcement until Ms. McCann's departure on September 1, 1990.²⁰

From August 2, 1990, until Iraq formally closed all borders under its control to foreign nationals on August 9, 1990, Iraq confined Ms. McCann to her housing compound in Kuwait by threatening all U.S. nationals with immediate seizure and forcible detention.²¹ Although some foreign nationals did manage to leave Kuwait and/or Iraq during this period, Ms. McCann could not reasonably be expected to have escaped.²² Iraqi authorities were forcibly detaining foreign nationals (including U.S. nationals) in Kuwait, relocating many to Baghdad against their will.²³ Ms. McCann understandably had, as the United Nations Compensation Commission has put it, a "manifestly well-founded fear" of being killed or forcibly detained if she had made any attempt to leave the country.²⁴ The Commission has previously recognized that for the purposes of the legal standard applicable here, putting a claimant in this situation in effect amounts to detention.²⁵ Iraq thus detained Ms. McCann from August 2, 1990 to August 9, 1990.

From August 9, 1990, until she departed Iraq on September 1, 1990, the Iraqi government confined Ms. McCann to Kuwait and Iraq, preventing her from leaving the country by the threat of force. As the Commission has previously held, starting on August

²⁰ *See id.* at 20-21.

²¹ *See id.* at 7, 21.

²² *See id.* at 21.

²³ *See id.*

²⁴ Report and Recommendations Made by the Panel of Commissioners Concerning the First Instalment of Individual Claims for Damages up to US \$100,000 (Category "C" Claims), UN Doc. S/AC.26/1994/3 (1994), at 93.

²⁵ *See* Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21.

9, 1990, the Iraqi government formally closed Kuwait's borders, forcibly prohibiting U.S. nationals from leaving.²⁶ As the Commission has previously held, as of that date, Iraq prohibited Ms. McCann from leaving the country, effectively detaining her within the borders of Kuwait and Iraq.²⁷ For Ms. McCann, this formal policy of prohibiting U.S. nationals from leaving Kuwait and Iraq lasted until August 28, 1990, when the Iraqi government announced that all female and minor U.S. nationals could leave.²⁸

Although Ms. McCann may have been legally permitted to leave Kuwait on August 28, 1990, her detention did not end on that date. As the Commission has previously recognized, a claimant's detention ends only on the date that she is released from the control of the person or entity that detained her.²⁹ Any attempt "[by the perpetrator] to restrict [the] movements" of a claimant establishes control,³⁰ whereas a claimant who has a reasonable opportunity to leave the site of his or her captivity is deemed no longer to be under the perpetrator's control.³¹

Under this standard, Ms. McCann remained under Iraq's control until September 11, 1990. The Commission has recognized that Iraq imposed conditions on air travel that limited the ability of foreign nationals, including U.S. nationals, to leave Iraq and/or Kuwait immediately after the August 28, 1990 release announcement.³² Indeed, the available evidence indicates that Ms. McCann left Kuwait at the first reasonable opportunity, on the September 1, 1990 evacuation flight. Therefore, we conclude that she was under Iraq's control and thus detained from August 28, 1990 to September 1, 1990.

²⁶ *See id.* at 7, 21-22.

²⁷ *See id.* at 22.

²⁸ *See id.*

²⁹ *See id.* at 22; *see also* Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 13 (2012).

³⁰ Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22 (citing Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 12 (2012)).

³¹ *See id.*

³² *See id.*

In sum, Iraq thus detained Ms. McCann from August 2, 1990 until September 1, 1990.

(b) Threat: In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission determined that the Iraqi government threatened U.S. nationals in Kuwait and Iraq numerous times with continued detention.³³ Both Iraqi President Saddam Hussein and the Speaker of Iraq's National Assembly Saadi Mahdi made clear that American nationals (as well as those from numerous other countries) would not have been permitted to leave.³⁴ Claimant Estate has thus established that Iraq threatened to continue to detain Ms. McCann.

(c) Third party coercion: The Commission has previously held that Iraq detained all U.S. nationals in Kuwait or Iraq at the time and threatened them with continued detention in order to compel the United States government to act in certain ways as an explicit and/or implicit condition for their release.³⁵ Iraq itself stated that it sought three things from the United States government before it would release the detained U.S. nationals; it wanted the United States (i) not to attack Iraq, (ii) to withdraw its troops from Saudi Arabia; and/or (iii) to end the economic embargo imposed on Iraq.³⁶ Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.³⁷

³³ See *id.* at 23.

³⁴ See *id.*

³⁵ See *id.*

³⁶ See *id.* at 23-24.

³⁷ See George H. W. Bush, "These Innocent People . . . Are, In Fact, Hostages" in U.S. Dep't of State, *American Foreign Policy Current Documents 1990* 484 (Sherrill Brown Wells ed. 1991); see also 2014 Referral at ¶ 3; cf. United Nations S.C. Res. 674 (Oct. 29, 1990) (noting "actions by . . . Iraq authorities and occupying forces to take third-State nationals hostage" and demanding that Iraq "cease and desist" this practice).

In sum, this claim meets the standard for hostage-taking within the meaning of the 2014 Referral. Iraq held Ms. McCann hostage in violation of international law for a period of 31 days, and her Estate is thus entitled to compensation.

COMPENSATION

Having concluded that the present claim is compensable, the Commission must next determine the appropriate amount of compensation.

In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that successful claimants should be awarded compensation in the amount of \$150,000 plus an additional \$5,000 for each day the claimant was in captivity.³⁸ Therefore, for the 31 days Iraq held Ms. McCann hostage, her Estate is entitled to an award of \$305,000, which is \$150,000 plus (31 x \$5,000). This amount constitutes the entirety of the compensation to which Claimant Estate is entitled under the Claims Settlement Agreement.

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.³⁹

³⁸ See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

³⁹ 22 U.S.C. §§ 1626-1627 (2012).

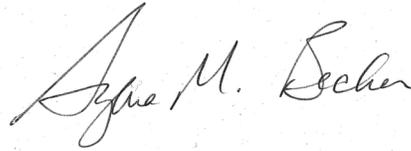
AWARD

Claimant Estate is entitled to an award in the amount of \$305,000.

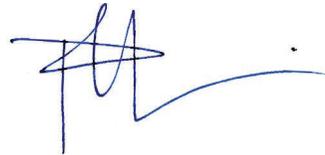
Dated at Washington, DC, April 12, 2019
and entered as the Proposed Decision
of the Commission.

**This decision was entered as the
Commission's Final Decision on**

August 20, 2019



Sylvia M. Becker, Commissioner



Patrick Hovakimian, 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) (2018).