

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

**Statement of Congressman Bruce Braley**  
**House Committee on the Judiciary**  
**“Ensuring Legal Redress for American Victims**  
**of State-Sponsored Terrorism”**  
**June 17, 2008**

Thank you, Chairman Conyers, Ranking Member Smith, and Members of the Committee for holding this important hearing on ensuring legal redress for American victims of state-sponsored terrorism. And thank you for inviting me to testify on this issue which is very important to me and, I believe, to our country.

I know that many members of Congress shared my shock and disappointment when they learned in December of last year that President Bush was vetoing H.R. 1585, the *Fiscal Year 2008 National Defense Authorization Act* – with no prior warning, and while Congress was not in session – in order to deny Americans tortured under Saddam Hussein’s regime from pursuing justice in U.S. courts. In fact, several members of this Committee, including Chairman Conyers, are co-sponsors of the *Justice for Victims of Torture and Terrorism Act*, which I introduced this January in response to President Bush’s veto and the waiver that was subsequently granted to Iraq.

I believe that the Bush Administration’s willingness to allow torture of American citizens – including 17 prisoners of war who were beaten and starved by Hussein’s regime, and hundreds of victims who were used by Iraq as “human shields” – is outrageous. Preventing these victims from seeking justice is also a direct violation of our obligations under Article 131 of the Third Geneva Convention relative to the Treatment of Prisoners of War, which prohibits the United States, as a party to that treaty, from absolving the Government of Iraq of any liability incurred due to the torture of prisoners of war.

The President’s rationale for the veto – that the bill would expose Iraq to billions of dollars of liability and harm reconstruction efforts – is clearly a ridiculous claim, as there are a very limited number of plaintiffs with claims against Iraq. The argument that Iraq cannot afford to pay its debts to torture victims is also ridiculous when you consider that Iraq is expected to make around \$100 billion in oil revenues for 2007-2008.

I believe that Iraq's threat to withdraw billions of dollars out of U.S. financial institutions if H.R. 1585 was signed into law is offensive, considering the incalculable sacrifices that American troops have made for Iraq and the staggering amount of money that the United States has poured into Iraq. It is also hypocritical of Iraq to refuse to compensate American victims of Iraqi torture and terrorism while simultaneously working to resolve its debt to foreign corporations like Mitsubishi of Japan and Hyundai of Korea. This clearly sends the message that it is more important to Iraq and to the Administration to settle Iraq's debt with corporations than with tortured American prisoners of war and hostage victims.

Despite working with Iraq to resolve its commercial debt, and despite language that was put into the revised Department of Defense bill urging the President to ensure compensation for claims which cannot be resolved in U.S. courts because of the waiver, the Bush Administration has *still* not worked to resolve the claims of the American victims of Saddam Hussein's regime. That is why I believe it is essential that Congress acts soon to ensure that these victims are compensated for the torture and terrorism that they were subjected to by Iraq.

H.R. 5167, the *Justice for Victims of Torture and Terrorism Act*, the bill which I introduced in January, would eliminate the waiver for Iraq that was put into the revised 2008 Defense Bill. Since introducing that bill, I have also been working closely with the victims' attorneys on an alternative proposal which would give the Government of Iraq 90 days to resolve the claims of American victims before the waiver would be terminated.

This alternative proposal should quell any alleged fears of a flood of expensive lawsuits against Iraq because it specifies plaintiffs against Iraq and specifies relatively modest amounts which would constitute adequate settlements for these claimants. There is also no threat of future claims, since Iraq is no longer designated as a state sponsor of terrorism.

In fact, Iraq would be getting a good deal with this proposal. For example, the overall judgment against Iraq in the POWs' case, *Acree v. Republic of Iraq*, was \$959 million. However, as a concession to Iraq, under the formula in my proposal, the POWs are waiving approximately 77 percent of their entire judgment. The POWs and their family members are forgoing all punitive damages awarded to them, and two-thirds of all compensatory damages awarded to them by the court. Additionally, as a concession to Iraq, the American victims who were held as human shields have also been willing to establish a cap on their settlements. Previous judgments paid in a similar case before the beginning of Operation Iraqi Freedom had no such cap.

I believe that passing legislation allowing these American victims to be compensated for torture and terrorism is essential to upholding the rule of international law and to upholding our international treaty obligations. I also believe that it is critical to upholding the intent of Congress, which passed unanimous resolutions during the Gulf War stating an intention to hold Iraq accountable for the torture of American POWs. Giving victims of torture and terrorism access to U.S. courts also provides another important tool for deterring terrorism and holding perpetrators of torture and terrorism accountable.

Ensuring redress for these victims is also crucial to protecting our current and future troops from torture by holding *all* state sponsors of terrorism accountable and by allowing *all* American victims of terrorism and torture recourse in the U.S. court system. We can already see that allowing one country to torture and terrorize Americans with immunity is a slippery slope: Libya is currently seeking a similar waiver based on the waiver that was put into the *Fiscal Year 2008 Defense Authorization Act*, and the State Department is actively negotiating with Libya to grant this waiver.

I am strongly committed to securing justice for these American victims, and I believe that all of you will share my commitment after hearing the compelling testimony of the witnesses today. I hope that the Judiciary Committee will act quickly to move my legislation to the House floor for a vote. Enacting legislation allowing these victims to be compensated will send a strong signal to the world that the United States will not allow perpetrators of terrorism and torture to operate with immunity, and that we will *never* put the interests of any foreign state over the interests of American victims of torture.

Thank you again for holding this important hearing. I am happy to answer any questions that you may have.