

**STATEMENT
OF
CAPTAIN (RET.) LAWRENCE RANDOLPH SLADE**

**BEFORE THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES**

**CONCERNING
“ENSURING LEGAL REDRESS FOR
AMERICAN VICTIMS OF STATE-SPONSORED TERRORISM”**

**PRESENTED
JUNE 17, 2008**

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Chairman Conyers, Chair Cohen, Ranking Member Smith, and members of the Committee:

It is an honor to appear before the Judiciary Committee today on behalf of myself and sixteen other American former prisoners of war (POWs) tortured by Iraq during the 1991 Gulf War and thirty-seven of our close family members. For my colleagues for whom I appear, the issue at stake in this hearing is clear; will the Congress, the President and the Nation adhere to their word to hold accountable those who torture American prisoners of war. Failure to do so will dramatically raise the risk that Americans held as POWs by the enemy will continue to be tortured. The Braley/Sestak Bill now before this Committee will honor that national commitment and reduce the risk that future American POWs will be tortured as we were. We strongly support its prompt passage.

On April 4, 2002, I joined with sixteen of my fellow Gulf War POWs who had been brutally tortured by Iraq during that War, and thirty-seven of our family members in filing an historic suit in federal court. We brought this suit to add deterrence against the torture of American POWs through enforcing the rule of law and holding accountable the torturing state. On July 7, 2003, Judge Richard Roberts of the Federal District Court for the District of Columbia, after a careful review of the facts and the law, awarded substantial judgments to each of the 54 affected American POWs and close family members. He found that: “No one would subject himself for any price to the terror, torment, and pain experienced by these American POWs,” and that “there must be a premium on protecting POWs [because] POWs are uniquely disadvantaged and deterring torture of POWs should be of the highest priority.” Despite these judgments for us, however, to date we have been unable to obtain closure of this matter.

My fellow POWs and I, who brought this historic case, were tortured by Iraq through brutal beatings, starvation, electric shock, whipping, burning, mock executions, threatened dismemberment, threats to our families, subjection to bombing, breaking of bones and eardrums, and horrifying genital inspections aimed at discrimination against

* Captain (Ret.) Lawrence Randolph Slade’s F-14 aircraft was hit by a surface-to-air missile during the 1991 Gulf War with Iraq. While held as a POW by Iraq he was brutally tortured. He lost 45 pounds during his period of captivity and torture and suffered serious injury at the hands of his captors. His testimony today is solely on behalf of the POWs and family members in *Acree v. Republic of Iraq*, 271 F.Supp.2d 179 (D.D.C. 2003), and he is not speaking for any other organization of which he is or has been a member.

Jews. For our spouses and other family members in the United States, Iraq's refusal to permit notification of capture, its public statements about using us as human shields, and its coerced propaganda tapes of beaten POWs produced severe mental anguish.

To provide but two brief examples of the torture, I was beaten with wooden bats or blackjacks all over my body so severely that when I was able to see my body days later it was as though I had been dipped in indigo ink. I was also subjected to horrifying mock executions and to beatings of my face and head, breaking my nose and eardrums. I lost 45 pounds during my captivity and torture. Marine Colonel Cliff Acree, for whom our case takes its name, endured a perfect hell of torture requiring him to endure one painful operation after another on his return because of his courageous refusal to criticize President George H.W. Bush to his Iraqi captors. The horrifying specifics for each of us, and our family members, are set out in detail in the opinion of the federal district court in *Acree v. Republic of Iraq*, 271 F.Supp.2d 179 (D.D.C. 2003).

On January 23, 1991, during our period of captivity, the House adopted Concurrent Resolution 48 by a vote of 418-0, condemning "the abuse by the Government of Iraq of captured United States and allied service members, including the apparent use of physical and mental coercion . . . , Iraq's stated intention to disperse prisoners of war to potential military targets, . . . [and Iraq's] flagrant and deliberate violations . . . of the Third Geneva Convention." (the POW Convention) (H.R. Con. Res. 48, 102d Cong. H663, January 23, 1991). The very next day, the Senate adopted Concurrent Resolution 5 by a vote of 99-0, condemning Iraq's failure "to treat prisoners of war in strict conformity with the Third Geneva Convention" (S. Con. Res. 5, 102d Cong. S1146, January 24, 1991). A week later the Senate adopted Concurrent Resolution 8 by unanimous voice vote declaring: "The United States condemns the Government of Iraq for brutal mistreatment of American and other prisoners of war, for deliberately placing their lives in danger, and for other violations of the Third Geneva Convention" (S. Con. Res. 8, 102d Cong., January 31, 1991). These were powerful and important statements that Iraq would be held accountable; statements for which we are grateful to the Congress. But these statements will ring hollow for the future unless backed with action now.

My fellow POWs also appreciate that on February 7, 2002, President George W. Bush issued an Executive Order in which he stated: "The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law." And we appreciate that in apparent understanding of the brutality of the torture we faced the President's Press Secretary issued a statement on November 6, 2003, concerning our torture, that "there is simply no amount of money that can truly compensate these brave men and women for the suffering that they went through at the hands of Saddam Hussein's brutal regime."

Our Nation has also pledged its word in this matter, as has Iraq. For Article 131 of the Third Geneva Convention (the POW Convention) creates a binding treaty obligation never to "absolve" a torturing state of "any liability" for the torture of POWs. This Treaty is in force for every nation in the world, including Iraq and the United States.

It embodies one of the core deterrent mechanisms built into the Treaty against the torture of POWs, that of non-absolvable liability. In turn, President George W. Bush has pledged to the Nation that America will abide fully by the Geneva Conventions.

The record is clear; Congress, the President, and – by solemn treaty obligation -- America and Iraq, have pledged that those who torture American POWs will be held accountable. This Treaty obligation, as it binds both Iraq and America, is non-absolvable.

We are mindful, of course, that there is a new Government in Iraq and that America is fighting a new war there. This, however, is another reason to support the Braley/Sestak Bill. For that Bill will assist the War effort and normalization of relations with Iraq by dramatically reducing the outstanding debts against Iraq. Thus, it will resolve valid American claims with strong legal and political backing on terms closely paralleling the deep cuts which Iraq is using to settle its sovereign and commercial debts. In our case, for example, the Braley/Sestak Bill would effectively waive all punitive damages (\$306 million) and almost two-thirds of the compensatory damages awarded to us by the Court. While supporting this dramatic reduction in our court-awarded judgments as a voluntary compromise to resolve this matter, we emphatically reject any view that the cost of “reconstruction of Iraq,” a public purpose, should be borne by asking American POWs tortured by Iraq personally to pay for the “reconstruction” of the state which tortured us. We also emphatically reject any effort to turn our national back on the rule of law and ignore the treaty obligations which are so crucial for the protection of American POWs held by the enemy.

Mr Chairman, we are also mindful that our historic effort to deter torture of American POWs is rooted in the rule of law. With the support of this Committee, which is dedicated to the rule of law, we are hopeful that future generations of American POWs will not have to endure our ordeal. The rule of law is a key bulwark against tyranny and evil. At a not inconsiderable risk to ourselves we have sought to ensure that the rule of law can make a difference in the struggle against torture of American POWs held by the enemy.¹ With the help of this Committee it can and it will.

Chairman Conyers, on behalf of all the POWs and family members, I would like especially to extend heartfelt thanks to you and your staff. You have been steadfast in this matter of national honor. Your determination to support the rule of law most assuredly will greatly assist any Americans held as POWs by the enemy in the future. And we greatly appreciate your support in our quest for Justice. We also greatly appreciate the clarity, vigor and commitment with which Congressman Bruce Braley has championed this matter of national honor. And we are deeply honored that Congressman Joseph A. Sestak, a former Vice Admiral and high ranking official in the National

¹ When we originally filed this action, which was while Saddam Hussein was still in power, we were required on the complaint to be served against him to list our home addresses even though we had resisted giving this information under torture. It has now been over six years since our case was filed and almost five years since we were awarded a substantial judgment against Iraq. We hope that Congress will agree that this is more than enough delay of obvious justice.

Security Council, and the highest ranking member of the military ever elected to the Congress, has been willing to again provide national leadership on a matter of such significance for us, as well as for all American service personnel who will serve our great Nation in the future. I would like to extend our greatest thanks also to the many other members of the House and the Senate who have championed our cause, including Speaker Pelosi, Senate Majority Leader Reid, and the Ranking Member of the Senate Foreign Relations Committee, Senator Richard G. Lugar.

The United States has an imperative national interest in deterring torture of American prisoners of war held by the enemy and the taking of American citizens as hostages. The Braley/Sestak Bill will strongly serve that national interest.

Thank you for this opportunity to appear before you and testify on this matter of national honor.