
Hughes Hubbard & Reed

HHR Helps Americans Held Hostage in Iraq Win Compensation 30 Years Later

News & Events

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August 26, 2020 — Hughes Hubbard has secured substantial compensation for Americans taken hostage by Saddam Hussein's regime after his 1990 invasion of Kuwait.

Between June 15 and July 1, 30 former hostages or their families each received between \$285,000 to \$800,000, for a total of \$11.5 million. The awards were long overdue after several major hurdles over the years blocked victims from obtaining compensation.

The payments stem from a \$400 million settlement reached between Baghdad and Washington in September 2010 to end years of legal battles by U.S. nationals who claim they were tortured or traumatized during the buildup to the Gulf War, including hundreds that Iraq held as human shields in a desperate bid to deter the U.S. and its allies from attacking.

Many of the Americans, who had been living and working in Kuwait at the time of the invasion, pursued lawsuits for years against Saddam's government, persisting in their legal fight after Saddam was overthrown in 2003 and a new government came to power.

The \$400 million settlement was designed for up to eight groups of claims. While the State Department immediately compensated one group, it referred other claims to the U.S. Foreign Claims Settlement Commission, a body within the Department of Justice, for adjudication and certification.

Established in 1954, the Commission's primary mission is to receive, examine, adjudicate and render final decisions on claims of U.S. nationals against foreign governments. Compensation from foreign governments to settle claims is kept in a special fund from which the Treasury Department is authorized and directed to make payment of claims certified by the Commission.

In 2014, the State Department referred nearly 300 claims by U.S. hostages (or their personal representative if they had died), who could prove all the elements of the claim as defined by the Commission. HHR alum Daniel Wolf represented approximately 200 of the clients, and in 2017 referred to the firm's D.C. office 30 claimants who had not submitted claims to the Commission by the filing deadline set by the Commission.

After persuading the Commission that it should accept and adjudicate the late-filed claims, the HHR team collected documents, as well as statements from claimants and their family members and friends, to support their claims. All the affected individuals now live in the U.S., having been evacuated via Baghdad and London in the fall of 1990, except for two who reside in Qatar.

The matter involved a combination of human rights, immigration, citizenship and family law issues. Nearly half of the 30 individuals HHR represented were taken hostage as young children, which presented unique challenges to proving they were U.S. citizens at the time they were taken hostage (a necessary element under the program).

Several of the individuals HHR represented lost their documentation in coming to the United States, while others relied on information and testimony submitted by family members to prove elements of their claims. HHR handled appeals on behalf of several individuals whose claims were denied or reduced due to lack of documentation, including in an evidentiary hearing and oral arguments before the Commission in May 2019.

Bill Stein, Eleanor Erney and paralegal Svitlana Stegny worked on this matter, with initial assistance from HHR alums Scott Christensen and Sam Cowin.

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