

April 27, 2005

SUPREME COURT LETS STAND RULING AGAINST AMERICAN POWs TORTURED BY IRAQ

(Colonel Clifford Acree v. Iraq, No. 04-820)

The U.S. Supreme Court this week declined to hear an appeal of a court of appeals decision that overturned a trial court judgment in favor of 17 American servicemen who were brutally tortured by Saddam Hussein's forces while being held as POWs during the 1991 Gulf War. The decision was a disappointment to the ex-POWs and the Washington Legal Foundation (WLF) which filed a brief in the Court on behalf of itself and a distinguished bipartisan group of 20 United States Senators and Representatives.

WLF's brief was filed on behalf of U.S. Senators George Allen (R-VA), Tom Harkin (D-IA), and Patty Murray (D-WA); and Representatives Roscoe Bartlett (R, MD-06), Howard L. Berman (D, CA-28), John Conyers, Jr. (D, MI-14), Elijah E. Cummings (D, MD-07), Rep. Bob Filner (D, CA-51), Virgil H. Goode, Jr. (R, VA-05), Bart Gordon (D, TN-06), Katherine Harris (R, FL-13), Sheila Jackson-Lee (D, TX-18), James McGovern (D, MA-03), Gregory W. Meeks (D, NY-06), Major R. Owens (D, NY-11), Charles B. Rangel (D, NY-15), Silvestre Reyes (D, TX-16), Jim Saxton (R, NJ-03), Ted Strickland (D, OH-06), and Lynn Woolsey (D, CA-06).

Under provisions of the Foreign Sovereign Immunities Act (FSIA), U.S. nationals can bring damage suits against foreign states that sponsor terrorism and commit acts of torture, and the trial court ruled in favor of the POWs. However, in the court of appeals, the Justice Department intervened arguing that a Congressional Appropriations bill in 2003 to aid Iraq also divested the trial court of jurisdiction. In the court of appeals, WLF argued on behalf of Senators George Allen, Patty Murray, and Harry Reid and several Congressmen that Congress did not intend to revoke court jurisdiction over suits against Iraq. The court agreed with WLF's argument, but threw out the case anyway on spurious grounds that the POWs have not made their case under the FSIA.

"Colonel Acree and our brave American servicemen were brutally tortured during the Gulf War, including having their bones broken and being starved. They fought for their country, but found their country, through the Justice Department, fighting them in court to deny them their right to compensation against Iraq as the law provides," said Paul Kamenar, WLF's Senior Executive Counsel. The POWs are considering further legal options, including refileing the case invoking other provisions of law. WLF will continue to support their legal battles.

* * *

For further information, contact Paul D. Kamenar at 202-588-0302. WLF's brief is posted on its website at www.wlf.org.