



TERROR VICTIMS FORCE IRAN TO DEFEND ITSELF IN US COURTS OR LOSE ANTIQUITIES

American terror victims have finally succeeded into compelling the Iranian government to litigate in legal proceedings involving Tehran's funding of Palestinian terror.



dozens of others were seriously injured. After being served with the complaint, Iran refused to hire attorneys to represent them in the case and did not even file a defense. It is the Islamic regime's position that they do not recognize the US justice system and will not litigate in American courts. The DC court went forward with the proceeding, however, and awarded the families a judgment in the amount of \$412 million dollars, finding Iran responsible for the deaths and injuries caused by the Hamas bombings.

Thus began the long struggle of the victims to satisfy their claims against the Islamic regime.

In 2004, attorneys for the plaintiffs located a house that had once belonged to the Shah of Iran in Lubbock, Texas. After the 1978 Iranian Revolution the house was now owned by the current Iranian government. The plaintiffs were able to force a sheriff's sale of the Texas home and the funds were distributed to the victims.

Shortly thereafter, the attorneys had a novel idea – the Iranians were always complaining to UNESCO that museums in the United States were illegally holding ancient Persian artifact collections that, Tehran claimed, had been unlawfully removed from Persia during archaeological expeditions in the 1930s. It was the Iranian government position that the Persian artifacts still belonged to Tehran. Why not then, reasoned the plaintiffs' lawyers, go after these antiquities to satisfy the unpaid judgments against Iran? If the museums, as Iran was always arguing, were indeed unlawfully holding onto Iranian property, they ought be turned over to the terror victims to pay off Iran's debts.

Turnover proceedings were quickly filed against several museums in the US. The plaintiffs are demanding that the museums turn over the ancient artifacts to them. The families would like to sell them off, hopefully, to other museums with Middle East collections (or even to the museums where they are currently being housed) and the funds distributed to the victims.

At first Iran again refused to appear in the turnover proceeding. Instead it allowed the museums to make its arguments for it. The museums appeared in court against the American victims of Hamas terrorism and argued that Iran had sovereign immunity (and could not be sued in a US court) and, moreover, that these ancient artifacts should not be seized to satisfy the judgments against Iran. However, the plaintiffs argued successfully to the court that the museums are simply stakeholders and the property actually belongs to Iran. If Iran has a defense it needs to come to court and assert it itself, it cannot do it by proxy.

As such, for the first time Iran, which does not recognize the "Great Satan's" court system found itself hiring an American law firm and litigating cases against the victims of Palestinian suicide bombings in US courts.

The cases are going slowly forward and the plaintiffs feel confident that they are in the right — the Persian artifact collections are Iranian property and must be turned over to the victim's families to satisfy their judgments against Iran. Tehran which for years had insisted the antiquities belong to them, cannot suddenly deny they are their property.

Efforts by the museums and Iran to have Congress change the law in the US, to deem items like the artifacts beyond the reach of terror victims in satisfying their court judgments, have not to date been successful. The Oriental Institute of the University of Chicago, which houses one of the collections, the Persepolis Fortification Tablets, has enlisted the efforts of Illinois Senator Roland Burris, to try and change the law. Fortunately, the original sponsors of the legislation that allows the victims of terrorism to sue regimes such as Iran, have not allowed Burris' proposed bill to proceed.

There has even been media reports recently hinting that Iran, sensing that will lose the litigation any way, might abandon its efforts at defending itself in the US court and once again default the case. This would be a tremendous victory over Tehran for the victims of the terrorism has sponsored.