

Transcript

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OTTOLENGHI: Welcome. What you just saw was the trailer of a powerful documentary about the AMIA bombing and the Argentine prosecutor Alberto Nisman who was charged with investigating the terrorist attack and bringing justice to its victims.

His investigation exposed the wide Iranian network operating in Latin America. Much of the network he exposed remains active, in fact it is expanding. Ten years ago, in 2006, the US Department of Treasury designated nine individuals and 2 companies in the tri-border area, the frontier between Argentina, Brazil, and Paraguay that is also the Ground Zero of Hezbollah.

And Iran-linked money laundering, arms trading, drug smuggling, and terror funds activities in Latin America. There is overwhelming evidence that from Tijuana to Ushuaia, Iran is on the march to strengthen its already robust presence in the region and expand existing networks.

More must be done across our government to address Iran's illicit activities in the Western hemisphere.

Tehran's emissaries continue Iran's work to export its revolution and brand of radical Islam, gaining new converts and recruits, while building influence into Latin America's political systems.

In countries like Brazil, Chile, Colombia, and Peru, Iran's public face may appear innocuous, mosques, cultural centers, schools, halal meat inspectors, religious literature, and social work, even Boy Scouts networks.

Yet beneath the thin veneer of religious (inaudible), social awareness, interfaith dialogue, Iran leverages its connections with anti-American regimes and movements to gain a solid foothold in the region.

And to indoctrinate local Muslims to the brand of militant radical Islam preached by Iran's Islamic revolution. This program enjoys the full partnership of Hezbollah and its Latin American followers.

It is run from Qom by Iran's supreme leader's representative to Latin America, (inaudible) and it is intoxicating an entire generation of Latin

American Shia Muslims with hatred for America, for Israel, and for Jews. Nisman identified many of those involved in these nefarious efforts, yet, the work continues unimpeded.

And much more needs to be done to follow in his footsteps. It gives me great pleasure to invite my friend and colleague, Toby Dershowitz FDD's vice president for government relations and strategy, to pay tribute to 2 individuals whose dedication to bringing justice to those affected by Iranian terrorism is second to none.

Toby, the floor is yours.

DERSHOWITZ: Last year FDD established the Alberto Nisman Award for Courage. Nisman, as you know, was the fearless prosecutor investigating the worst terrorist attack in Argentina's history.

Nisman was a true hero. For a decade he worked vigorously to identify the culprits and expose the network that Emmanuel (Otolenky) just mentioned. The network behind the 1994 bombing of the AMIA, the attack that killed 85 individuals, and wounded hundreds more, leaving countless families with scars that are still raw today.

Nisman's exhaustive investigation found senior officials of the Iranian government approved and directed the attack on the AMIA. Based on his investigation Interpol issued red notices for these Iranians.

Moreover, Nisman exposed an extensive network, including sleeper cells throughout the Western Hemisphere, in our very own backyard. His investigation did not end there. Nisman accused Argentina's top leaders of conspiring to cover up Iran's involvement in the AMIA attack.

A day before he was due to present his findings to the Argentinian Congress, he was found brutally murdered in his apartment in Buenos Aires. Hundreds of thousands of outraged Argentinians poured into the streets of Buenos Aires to demand justice, and for good reason.

They feared yet another cover-up, this time of Nisman's murder. Since taking office, newly elected president of Argentina, Mauricio Macri, has signaled a significant change of course from his predecessors' policies with regard to Iran.

He voided the agreement his predecessor made with Iran that was widely regarded as yet another effort to whitewash Iran's role in the AMIA bombing. He appointed a new bureau to oversee the AMIA investigation, and he reopened the probe into Nisman's murder. Nisman paid the ultimate price, his own life.

For his courage in exposing Iran's terrorist infrastructure, it is in recognition of such bravery in the unrelenting fight against terrorism, that

FDD established the Nisman Award. By the way FDD also established a website, albertonisman.org, to house the documents from the investigation, both in Spanish and in English.

So that it might be a resource today for counterterrorism and national security, and law enforcement efforts. In presenting the second annual Alberto Nisman Award for courage today to Judge Royce Lamberth, we are honoring another fearless fighter for justice. Judge Lamberth has served on the US District Court for the District of Columbia for nearly thirty years.

Much like Alberto Nisman, Judge Lamberth believes deeply that governments can and must be held accountable for what he has called their "cowardly support of terrorism." In March 1998, Judge Lamberth ordered Iran to pay \$247 million to the family of Alisa Flatow, a 20-year-old who was murdered in a suicide attack along with seven Israeli soldiers. Judge Lamberth at the time called Flatow's death "A willful and deliberate act of extrajudicial killing perpetrated by Islamic Jihad, acting under the direction of the Islamic Republic of Iran, including the Iranian Ministry of Information and Security, then-President Rafsanjani and then-Prime Minister of Intelligence Ali (Falahian) and Supreme Leader Khamenei." In announcing the ruling, Judge Lamberth said from the bench, "I hope the rule of law can contribute ultimately to solving the problems presented in this case, where an innocent girl was killed for no reason, in a way that serve no purpose.

It has no place in civilized society," he said. Why is this important? Because it was the first time that the law had been used to penalize a foreign government for supporting terrorism, and it served as an important precedent for many subsequent cases.

Now, one such case was Peterson vs. Islamic Republic of Iran, in which Iran was charged responsibility for the bombing of the U.S. Marine barracks in Beirut in 1983. America at the time did not take decisive action, but an American court of law in 2003, some twenty years later, Judge Lamberth held Iran accountable.

He held Iran responsible, clearing the way for survivors' families to sue the regime. In three separate subsequent lawsuits, the judge levied monetary damages against Iran for supporting Hezbollah.

And perpetrating the bombing. In 2006, Judge Lambert ordered Iran to pay damages to the families of seventeen Americans who died in the 1996 attack on the Khobar Towers in Saudi Arabia, ruling that the evidence presented at trial firmly establishes that the Khobar terrorist bombing was

planned funded and sponsored by Iranian leadership in the government of Iran.

Lamberth commended the plaintiffs' courage, and expressed hope that this ruling would deter more tragic suffering innocent Americans at the hands of terrorists. While Judge Lambert has ruled on some of the most important national security cases of our country, he urged the President and Congress to develop other ways to hold rogue actors accountable. Alberto Nisman fearlessly pursued all leads in a very complex investigation against Iran, and when needed, even the top echelons of his own government. You, Judge Lamberth, have boldly applied the law to hold accountable those responsible for horrific terrorist attacks and that is why FTD feels it is fitting to award you the Alberto Nisman Award for Courage.

(APPLAUSE)

LAMBERTH: Thank you very much. That's very kind. I wanted to talk a little about the subject. I knew something about the subject because I was a career government lawyer and I was arguing to courts all the time that they shouldn't get involved in foreign affairs, they certainly shouldn't do what I ended up doing.

But when Congress changed the law in 1996, and said that state sponsors of terrorism should and could be held accountable in the courts of the United States with their terrorist acts. I had a new position, I was a judge myself, not a lawyer arguing what I would like the law to be, but I was trying to declare what the law is.

And I really had to struggle with what the right thing to do was. In my opinion in the Flatow case, which was my first, I did go at some length, weighing whether this was really constitutional for Congress to enact such a statute.

And for courts to go along with that sort of statute, and for a court in the United States try to hold a foreign state responsible and liable for damages to American people who were injured by or killed by acts of terrorism.

And my opinion is reported 999 F. Supp. 1. I remember the site well, because it was the last volume of F. Supp. 1 before they had to go to F. Supp. 2, and West gave me a copy, because they were putting it into page one of that 999 volume, so if you really are interested in the subject Flatow is where it all started. And you can read my opinion in Flatow. Where I did some gnawing and gnashing about is this really a good idea for the courts to do this and I decided that if Congress says "do it," and

the President goes along, the court should apply that law even though it makes the president, has throughout my tenure as a judge makes the president uncomfortable sometimes.

Certainly has not always been in what the President thought was in the foreign policy interests of the United States for me to enter some of the judgments that I have. I had a number of other cases come along but, as Toby mentioned, Peterson was the most significant because it was 241 Marines who were killed.

And I found ultimately that Iran was responsible for the bombing of our Marine barracks in Lebanon, and ultimately my judgments amounted to, at this point with the (inaudible) following cases of over \$2 billion in damages I've awarded, against Iran.

I have to be careful how much I say, because although that case is over in terms of judgment, I have other cases involving Iran. In fact, Thursday and Friday of last week I had my latest trial against Iran, this one for whether Iran can be held responsible for stone-throwing in the occupied territories that resulted in death of a U.S. child.

And whether Iran is ultimately accountable for promoting the terrorist acts resulted in all these Palestinian youth throwing stones at Americans. I haven't ruled yet, obviously in the case, it's still pending.

I did have Khobar Towers come along, I've had the USS Cole, I've had a number of other cases involving Iran. Judge Bates on my court had the embassy bombings in Lebanon, and follow-up embassy bombings that he found Iran responsible in Africa as well, for those bombings.

The body of law we've now developed in the District of Columbia is fairly substantial. You have to take, because it's a foreign state, you have to take the evidence of the side of the plaintiff can really establish their case. In Flatow, I set the framework for, the plaintiff has to have expert, usually an intelligence expert from Israel, who will detail what evidence there is that Iran was really responsible for the actions.

We had a professor here at G.W. with Flatow I like to tell story about because I relied on his testimony. In Iran, they would debate in Parliament how much money should be appropriated each year for terrorist acts against the United States, at that time they were appropriating \$75 million dollars a year to commit acts of terrorism against the United States.

And it was in their daily newspapers. He read all the newspapers each day and translated them at the university where he teaches. And so he became an expert on whom I relied for a lot of the evidence about Iran state-sponsored terrorism. The plaintiffs had established to my

satisfaction that Iran was responsible for the specific action in the case at trial, and I found that.

I think the most interesting thing about the Marine barracks case has been the Treasury Department and you heard from the Assistant Secretary, Acting Assistant Secretary today, by the Treasury Department in the Bush administration, the second Bush administration, notified me that there was \$2 billion of Iranian money transiting a bank in New York.

And under protective order I could tell the plaintiffs about that, and they could get an attachment to enforce my judgment. I gave it to them the same day, they got the attachment the same day, and that money has now been ordered paid over to the plaintiffs to satisfy my judgment.

(APPLAUSE)

It had to be litigated in the District Court in New York which ruled in favor of enforcing my judgment. It was affirmed by the Second Circuit, in a case reported at 758 F. 3d 185, and much to my surprise the Supreme Court agreed to hear the case. Supreme Court heard it in January. I assume they will decide it by June.

My own analysis is, I think I have four, and four affirms the Second Circuit, and four means my judgment will be enforced and the \$2 billion seized in New York will be used to pay the Marine barracks judgment that I had.

(applause)

If I don't have four, obviously the victims will again suffer and have to wait. There is some relief in sight Congress had changed the law in 2008 in a number of ways. The Foreign Sovereign Immunities Act was amended. I did a long opinion, took several weeks to do a long opinion in 2008, in which I set forth those changes.

And I did some sort of public gnawing and gnashing of my teeth about, I hope this these aren't just Pyrrhic victories because the judgments aren't being paid. I hope ultimately the victims do receive some compensation, that I was worried that this is all for nothing, and that Congress needed to take some further action.

And ultimately, last December Congress did. Congress passed what they call the United States Victims of State-Sponsored Terrorism Act. It became law in December and it actually gives the United States victims of state-sponsored terrorism a fund, which has over billion dollars in so far

for this year, in which you can apply to the special master there, for money out of that fund to satisfy judgments.

Unlike some of the other special master programs, like the 9/11 victims, the BP disaster, and some other cases, the victim does not have to try to prove their case, they could use the judgment, and the judgment itself is proof that they're entitled to the money.

And the special master will simply apportion out depending on how much money is available, some percentage to go to each of the victims that has a judgment. And so I think, with that Iranian money that this year will be over billion dollars, a special master will begin to apportion that out.

I hope if the Supreme Court does the right thing, and my judgment in the Marine barracks is enforced through the court, \$2 billion that's been attached, then there'll be more money for other victims to use out the fund.

Just 2 weeks ago, March 30th, the Attorney General announced that the special master would be Ken Feinberg who's a fine lawyer, who's done a number of special master cases. This one will be a little different for him, because here he doesn't have to evaluate the claim, the claim will have been evaluated by a judge, and the judge will have entered the judgment. All he has is apportion how much money each person will get. So I think there's hope on the horizon for the victims. I think what I'm most proud of in getting this award, it's an unusual award for me.

But what I'm most proud of in getting the award is, some of the victims are here today to see this event. Some of them are Marines who testified before me in the Marine barracks case, the families rather, the Marines died, but some of their families are here. There are others from the embassy bombing. Individuals here, and others that have had these Iranian cases.

The Iranian cases continue, so I don't want to say anything more than that they continue, and I continue to evaluate the evidence in each case, decide whether the plaintiff can prove their case, individual case, and then to enter a judgment. I don't really look at it as a matter of courage on my part.

I'm appointed for life, I'm just going to do what I think is right, and the chips fall where they may. Hopefully, the chips are going to fall in a way that I've just made a number of Marine families' millionaires, but we'll see. Thank you very much. (laughter, applause)

DERSHOWITZ: I promised you an award, right? Here's the award. I forgot the award.

(applause)

Your landmark decisions affected not only legal precedent and principles, but also human beings. Survivors and families of victims crushed by the losses they suffered.

Some of these survivors and their families are here with us today. They join FDD in paying tribute to you, and now with the short video we honor their sacrifice and recognize their courage today.

(MUSIC)

(APPLAUSE)

DERSHOWITZ: Will our honored guests please allow us to recognize you?

(APPLAUSE)

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