

Iran And Syria Face \$360m U.S. Lawsuit For Sponsoring Hamas Killers In Israel

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By Zak Doffman

"When I shot the woman," Yahya Haj Hamed told investigators, "I saw there were three or four children in the car, but I didn't fire in their direction. We got back into our car and drove off." Yahya, a member of a Hamas terror cell, had already "fired in the direction" of the woman's husband, the children's father, "who was killed on the spot."

The killings in October 2015 of Eitam and Na'ama Henkin, to avenge an arson attack on the home of a Palestinian family, made headlines around the world. The family was driving in the West Bank when their vehicle was 'sprayed' with gunfire and forced to stop. The parents were killed. The children were spared.

"Islam forbids murdering children," Yahya said in his statement. "My character doesn't let me kill or hurt a baby."

The gunmen, all of whom admitted to being members of a Hamas terrorist cell, were arrested several days later. Yahya along with the rest of his cell was sentenced to life imprisonment. The four children, then aged nine, seven, four and ten-months, are now suing Iran and Syria for their sponsorship of Hamas. It is the first such lawsuit since the designation of Iran's Islamic Revolutionary Guards as a terrorist organization, and that carries extra weight.

"The number one sponsor of terrorism worldwide - even in Sri Lanka - is Iran," Jonathan Missner tells me. "There are many weapons to use against terrorism. As a law firm, we can do our part and utilize the U.S. court system."

Missner is the Managing Partner of Stein, Mitchell Beato & Missner, the law firm which has filed the "\$360 million lawsuit against the Islamic Republic of Iran and the Syrian Arab Republic. The suit also targets Iran's Islamic Revolutionary Guard Corps; the Iranian Ministry of Intelligence and Security; Bank Markazi Jomhouri, the Central Bank of Iran; Bank Melli Iran; and Bank Saderat Iran for their involvement." Missner explains that having multiple counterparties increases the likelihood of identifying enough assets to be seized to fund any judgment award.

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Mike Petrino, another partner on the case, tells me that "the way these cases work against Iran and Syria - or Sudan or other state sponsors of terrorism as designated by Congress or the Executive Branch or the State Department - is that they can be sued in the U.S. in federal court in Washington DC for their acts against U.S. nationals. They don't usually send lawyers. There's usually a default judgment. And the compensatory portion of that can be satisfied through a terrorism fund that is funded by confiscated assets from various regimes. Iranian assets form the bulk of it."

Missner breaks in at this point, explaining that "the first amount of money that went into the fund was the \$8.6 billion fine on BNP Paribas for their role in all sorts of illicit money operations."

In total, \$1.1 billion was put into the compensation fund from U.S. settlements with two French banks. \$100 million came from Credit Agricole, but the bulk, around \$1 billion, came from a near \$9 billion settlement 2014 with BNP Paribas. The terror fund provides for a portion of the compensatory value of any judgment award, to date, the fund has paid or allocated over \$2.1 billion to eligible claimants. But anything punitive needs to be satisfied with seized assets.

"A few years ago," Missner tells me, "some Iranian assets were found in the U.S., including a building in New York that was worth about \$1.4 billion. The case went to the Supreme Court and the victims won. Because the successful plaintiffs could attach to the building, they could go for compensatory and punitive damages. Now we want to win this case for the Henkins. And then find assets to satisfy the judgment as well as using this fund. Our firm has a history here. A few years ago, we collected almost \$200 million against Libya for their role in the La Belle disco bombing. We collected 100 cents on the dollar for that."

Three people were killed in the 1986 bombing of the disco in West Berlin, a venue frequented by American soldiers. The U.S. accused Libya of sponsoring the bombing after intercepting messages from Tripoli to the country's embassy in East Berlin, leading to retaliatory airstrikes on Tripoli and Benghazi ten days later. The law firm later secured \$172 million from the Libyan government for American victims and families of victims of the bombing.

In this latest case, Iran has replaced Libya as the world's leading state-sponsor of terrorism. Syria, it seems, is a sideshow. "The IRG being designated a terrorist entity is a huge deal," Missner tells me. "We're the first lawsuit anywhere since they were designated. This is one of those moments in time when you see the increased pressure on Iran. With Trump ending the waivers for countries who purchase oil, the basic talking point is that Iran uses those revenues to wreak havoc and terror all over the world. The continued use of terror as a mechanism is completely unacceptable."

The lawsuit was clearly in the works before the terrorism designation, before the shift in oil sanctions, but for the law firm, the timing now could not be better now.

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"What makes this interesting, Missner explains, "is the horrid nature of the crime, that they were convicted, and that it's well proven that Hamas is and has been funded by entities like Iran and Syria and we can show that."

As ever, nothing in law moves quickly and the lawyers expect this case to run for two to three years.

<https://www.forbes.com/sites/zakdoffman/2019/04/25/360m-u-s-lawsuit-against-iran-and-syria-for-sponsoring-hamas-killers-in-israel/#2dfa87822073>