

TWA Flight 847 Hijacking Victims and Families Win \$353 Million Judgment Against Iran

A Washington, D.C. federal judge entered a \$353 million default judgment March 23 against Iran for its role in the 1985 hijacking of TWA Flight 847, according to the plaintiffs' law firm, **Mitchell Silberberg & Knupp**.

The commercial airliner was hijacked in 1985 shortly after takeoff from Athens, Greece, headed to Rome, and then on to Boston and Los Angeles, with 139 passengers aboard, most of whom were Americans. The lawsuit, filed by 108 passengers and family members, was filed under a 2008 statute creating a federal cause of action against foreign states designated as State Sponsors of Terrorism for supporting terrorist attacks. Iran was added to the list in 1984, based on its support for a campaign of terrorist hijackings, bombings and kidnappings largely aimed at American citizens.

On June 14, 1985, terrorists from the Iranian-financed terrorist group Hezbollah boarded TWA Flight 847, posing as passengers, while heavily armed with guns, hand grenades and other explosives. When the aircraft reached cruising altitude, they stood up and ran down the aisle, threatening to blow up the aircraft unless Israel released 700 imprisoned Shiite Muslims. The plane was diverted to Beirut, Lebanon for refueling. The hijackers then ordered the plane to fly back and forth between Beirut and Algiers, Algeria for the next three days, releasing small groups of mostly women and children along the way. On the second stop in Beirut, airport authorities turned out the lights and blocked the runways, nearly forcing a crash landing.

During the flight, passengers were beaten, made to hold

torturously painful positions for hours, and subjected to mock executions. In Beirut, the terrorists killed Navy diver Robert Stethem, dumping his body on the tarmac. Family members could only imagine the worst, having no way of knowing the fate of their loved ones. Then, 39 male passengers were taken into Beirut, where they were held for several more weeks until Israel agreed to satisfy some of the terrorists' demands by releasing prisoners held in Israel and Kuwait.

The lawsuit centered on evidence that Iran financed, supported, trained, and guided Hezbollah for the purpose of using terrorist attacks to promote a largely anti-Semitic and anti-American agenda. The U.S. Foreign Sovereign Immunities Act affords plaintiffs the ability to sue a foreign country for damages caused by its sponsorship of terrorist attacks. Similar lawsuits against Iran, Sudan, Syria and North Korea have resulted in judgments for compensatory damages totaling billions of dollars.

In his order granting plaintiffs' motion for entry of default judgment, District Court Judge Richard Leon noted that the victims' declarations "paint a harrowing tale of the events that transpired aboard TWA Flight 847."

"These families have lived with the trauma of the hijacking for over 30 years with little hope of getting closure," said plaintiffs' counsel Mark N. Bravin, partner at Mitchell Silberberg & Knupp LLP (MSK). "They have now succeeded in holding Iran accountable in a court of law for its role in the hijacking and are entitled to the damages awarded by the court."

Each of the 108 plaintiffs will be eligible to seek partial payment of their judgments from the U.S. Victims of State Sponsored Terrorism Fund. Congress created the Fund in December 2015 to address the difficulties American victims have encountered when trying to enforce court judgments against the foreign states that sponsor terrorist attacks.

“The District Court’s decision acknowledges the significant physical and emotional trauma our clients suffered and will enable them to collect at least a portion of the damages awarded to them by the court,” added Bravin.

The case is *Allan, et. al. v. Islamic Republic of Iran*, Civil Action No. 1:17-cv-00338, United States District Court for the District of Columbia. In addition to Bravin, plaintiffs were represented by Theresa Bowman and Matthew Williams, also of MSK.