Criminal Division

JOHN C. RICHTER
ACTING ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

ENSURING JUSTICE FOR VICTIMS IN THE AGE OF TERRORISM

REMARKS* TO THE
31ST ANNUAL NORTH AMERICAN VICTIM ASSISTANCE CONFERENCE

NOVA 2005, ATLANTA, GA
AUGUST 11, 2005

*Mr. Richter frequently speaks from notes and may depart from the speech as prepared.

Good evening, Thank you all. It is great to be back in Atlanta. I am honored to be here with you this evening. As a prosecutor, I have enormous respect and affection for those who work on behalf of victims of crime. I know first-hand that their dedication and commitment is extraordinary.

In the United States, we believe in the dignity and rights of every person. We believe in freedom and equal justice, the rule of law, and a Government of the people, by the people, and for the people. Our enemies in the war on terror, on the other hand, believe in murder. They believe in targeting innocent and defenseless people. They evaluate their success by how many they kill or injure.

The investigation and prosecution of terrorism cases to prevent, disrupt and defeat terrorist acts is our Nation's and our Department's highest priority. Our disruption and prevention efforts have broadened since September 11. We seek to prevent, disrupt and defeat terrorists before they can attack, not only by bringing terrorism charges, but by bringing lesser charges like identity theft and immigration violations in order to disrupt any terrorist cell planning.

Let me give you a few recent examples, in the Infocom cases in Houston, we convicted five defendants of conspiring to export proscribed computer equipment to state sponsors of terrorism and of money laundering involving a Hamas political leader. In New Jersey, we recently convicted Hemant Lakhani for his role in attempting to sell a ground-to-air missile to a cooperating witness posing as a terrorist. In the Northern Virginia Jihad cases we convicted 7 defendants, including Ali Al-Timimi, the spiritual leader at the Dar Al Arqam Islamic Center in Northern Virginia on a variety of charges, including soliciting others to wage war against the United States and attempting to aid the Taliban. Through our efforts, we have broken up terrorist cells in Buffalo, Tampa, and Portland. And you may be sure that similar cases are in the offing.

Our goal in all these cases is the same - catch terrorists raising money or otherwise planning for an attack - but, in any event, before any attack or any innocents are killed or suffer.

When attacks occur, however, we do all we can to seek justice for the victims and bring justice to the perpetrators.

We who seek justice have a duty and obligation to victims of terrorist attacks to keep them apprised of developments in the case and to give them the chance to provide appropriate input. In cases where Americans are killed by terrorist attacks overseas, a majority of the victims are usually foreign nationals. This presents investigators and prosecutors from the United States with unique challenges, including gathering of evidence on foreign soil, talking to foreign witnesses, and building a case thousands of miles away from the nearest US courthouse. Let me tell you a bit about two terrorism cases that highlight the challenges we face in this area but also illustrate the efforts this department ... your Department of Justice ... will go to ensure justice for victims of terrorism.

The September 1986 hijacking of Pan Am Flight 73 was one of the most brutal international terrorist attacks to occur in the eighties. The attack began in Karachi, Pakistan, as passengers were boarding an aircraft for a flight to New York. Terrorists stormed the stairway onto the plane, fired shots, and seized control of the aircraft. The pilot, co-pilot, and flight engineer were able to escape through a hatch, effectively grounding the aircraft.

Over the next 16 hours, Zaid Safarini, a Jordanian national identified as the leader of the terrorists, demanded the return of a flight crew to fly the aircraft to Cyprus, where he wanted to secure the release of Palestinian prisoners. During the course of negotiations between Safarini and Pakistani authorities, Safarini threatened to kill all the passengers. Safarini ordered Rajesh Kumar, a 29-year-old American citizen from California, to come to the front of the aircraft, kneel at the doorway, and face the front of the aircraft with his hands behind his head. Safarini shot Mr. Kumar in the head and heaved his body out of the plane onto the tarmac.

As nightfall came and the lights in the cabin dimmed, the terrorists herded the passengers and crew members into the center section of the aircraft, recited a purported martyrdom prayer, and opened fire on them, throwing hand grenades into the crowd and spraying the passengers with automatic weapons fire. They killed at least 20 additional passengers and crew in this final deadly assault, including a second United States citizen. Scores of other passengers were injured. Most of the surviving passengers and crew, including 76 United States citizens, escaped through doors forced open by heroic passengers and flight attendants. Pakistani authorities eventually arrested the terrorist. In September 2001, Safarini

was released from Pakistani custody and apprehended by United States law enforcement. In December 2003, he pled guilty in the District of Columbia to all 95 counts against him.

In connection with his sentencing, which occurred in May 2004, almost two decades after the attack, a massive effort was undertaken by the Department to locate victims and/or victims' family members to afford them an opportunity to participate in the sentencing. In all, 59 victims and/or family members from the United States and five other nations were located and agreed to attend the sentencing. Victim-witness assistance personnel worked out funding arrangements from a variety of federal sources in order to pay for the travel, lodging, and other expenses of the victims and family members attending the sentencing. Prior to the sentencing, prosecutors and support staff developed and presented a Victim Orientation Program, explaining the sentencing process to the victims and family members.

As a direct result of these efforts, the court heard firsthand at sentencing from many of the people most affected by Safarini's horrific acts. He was sentenced to three consecutive life terms plus 25 years–the equivalent of 160 years

in prison. You may recall we don't have parole in the Federal System.

In the case of Zacarias Moussaoui, who we arrested and convicted in connection with the 9-11 investigation, the outreach efforts of the Department have been herculean. Contact was made with every victim or surviving family member that wanted to be interviewed for victim impact purposes. Teams were formed and they met with 846 victims, mostly relatives of people in the attacks.

Every victim and surviving family member that has asked to be advised of all significant court events has been notified by letter. Our database includes approximately 4800 persons who receive these regular letters. To date, court events have required mailings totaling 97,588. In addition, our database of names and addresses was utilized by the 9/11 Commission to provide notifications to victims and surviving family members.

Also in connection with *Moussaoui*, a toll-free telephone number has been established for victims and witnesses to answer their questions. We worked with Congress to pass a bill allowing victims and surviving family members to view the trial via closed-circuit television (CCTV). We have arranged for mental health

treatment for many victims.

Since 9/11 we have continued to meet with victim families from the four flights to disclose to them all known events that took place in the planes, including telephone calls from their loved ones. In particular, we met privately with family members from those murdered on Flight 93 to play the cockpit voice recorder from that flight.

Moussaoui recently plead guilty. He acknowledged that, on behalf of al Qaeda, he planned to murder American citizens by participating in a plot to hijack airplanes and crash them into prominent buildings in the United States. Moussaoui admitted that after his arrest he lied to Federal agents to allow his fellow al Qaeda terrorists to go forward with the plan to fly planes into American buildings. We are currently working hard to prepare for the February 6th, 2006, penalty phase of this case, in which the Department will seek the death penalty for Moussaoui.

As a result of our work with the victims and witnesses in the Moussaoui investigation and prosecution, we have learned a great deal. You may be assured

that in cases that arise in the future, we are committed to using innovative measures on behalf of victims. Among other things:

* We will continue to use toll-free hotlines which may be set up on a statewide, nationwide, or international basis.

* We will continue to set up and maintain case-specific web pages to provide timely information to victims about the cases.

* We will provide victims with access to CCTV broadcasts of trial proceedings when a change of venue is granted and a trial is moved out of state and more than 350 miles from the location in which the proceeding would originally have been brought.

* We will hold informational briefings with victims or victim families when case information cannot be appropriately communicated to them in writing.

* Victims of terrorism will be eligible to receive assistance with travel to, and lodging near, criminal justice proceedings, support for crisis and mental

health counseling, and access to "safe havens" or separate and secure designated areas near a courthouse or CCTV site for viewing a trial.

I also want to tell you about one more recent development in this area. This Administration recently worked with Congress to pass legislation establishing a new office dedicated to terrorism victims, the Office of Justice for Victims of Overseas Terrorism. This past May, the Attorney General announced the creation of this office, which is under my supervision in the Criminal Division. This office is responsible for monitoring the investigation and prosecution of terrorist attacks against Americans abroad and working with the FBI, prosecutors and the Department's victim-witness coordinators to ensure that the rights of victims and their families are honored and respected.

I am pleased to tell you that I have appointed an experienced federal prosecutor as the Acting Director of the Office, which is now up and running. We have created a Joint Task Force consisting of DOJ and State Department personnel, to be activated in the event of a terrorist incident against American citizens overseas. When we received word of the recent bombings in London and Sharm El-Sheikh, we immediately reached out to the State Department and began

coordinating with them concerning the American victims of those attacks.

As this Office grows, I expect that it will make a very significant contribution to our efforts on behalf of the victims of terrorism.

In closing, let me say that the Department of Justice recognizes that the needs of victims of terrorism are varied and extensive. The need for information regarding loved ones who may be involved in the attack and the emotional need for a sense of security are often the most pressing concerns for victims. These attacks and court cases are life-altering not only for individual victims but our Nation as well.

We will never be able to take away the suffering of victims and their families or restore all that they have lost. However, you can be certain that the Department of Justice will continue to work tirelessly on their behalf.

The Department's number one priority is to prevent terrorist attacks and to protect our citizens. But in doing our best, we must plan for the worst, and if the worst comes, we will provide victims all the support and assistance they need.

They deserve no less.