

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, .
. Docket No. CR-91-504

vs. .

ZAYAD AL SAFARINI, .
. Washington, D.C.
Defendant. . Wednesday, May 12, 2004
. 10:15 a.m.

.....

TRANSCRIPT OF A SENTENCING
BEFORE THE HONORABLE EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Government: GREGG MAISEL, Esquire
JENNIFER LEVY, Esquire
U.S. ATTORNEY'S OFFICE
Judiciary Center Building
555 Fourth Street, NW
Washington, DC 20530

For Defendant: ROBERT TUCKER, Esquire
DAVID BRUCK, Esquire
FEDERAL PUBLIC DEFENDER FOR D.C.
625 Indiana Avenue, NW
5th Floor
Washington, DC 20004

Court Reporter: Elaine A. Merchant, RPR, CRR
Official Court Reporter
333 Constitution Avenue, NW
Room 6822
Washington, DC 20001
(202)289-1571

Proceedings recorded by machine shorthand, transcript produced
by computer-aided transcription.

1 P R O C E E D I N G S

2 THE CLERK: Criminal Case 91-504, United States
3 versus Zayad Al Safarini.

4 Would Counsel please identify yourself for the
5 record.

6 MR. MAISEL: Good morning, Your Honor. Gregg Maisel
7 on behalf of the United States.

8 THE COURT: Good morning, Counsel.

9 MR. MAISEL: With me at counsel table is Jennifer
10 Levy from the Department of Justice. Joining us also is
11 special agent Gregory Naples from the FBI and Eugene Lee from
12 the U.S. Attorney's Office.

13 THE COURT: Good morning.

14 MR. BRUCK: Good morning, Your Honor. David Bruck
15 for Mr. Safarini. And with me is Robert Tucker.

16 MR. TUCKER: Good morning, Your Honor.

17 THE COURT: All right. Welcome to the United States
18 District Court. I note there are a number of family members
19 and friends of victims. And, indeed, you're victims as well of
20 this, what can only be described as horrific criminal activity.

21 Pending before the Court is a plea agreement that's
22 been conditionally accepted by the Court that has a recommended
23 sentence of three consecutive life terms plus 25 years. The
24 Court has conditionally accepted that plea agreement. The
25 Court has requested a pre-sentence report, which is most

1 comprehensive. The Court has also requested the government to
2 provide the Court with victim impact statements because this
3 Court is always concerned about the impact of criminal activity
4 on victims. And that's most significant in this Court's view.
5 The Court will factor into its considerations the views of the
6 victims.

7 The Court has read the victim impact statements and I
8 have a sense of your loss. I feel your pain, I feel your anger
9 and I feel your emotion. And I invite anyone who would like to
10 speak to the Court today to do so. My heart goes out to you.
11 It's a terrible loss and everyone has suffered.

12 Mr. Maisel?

13 MR. MAISEL: Thank you, Your Honor.

14 We are here to remember, we are hear to recount, we
15 are here to bear witness, we are here to pay tribute, we are
16 here to punish, we are here for justice. We are here to
17 remember Defendant Safarini committed his crime more than 17
18 years ago. The United States Government never forgot. Within
19 less than 48 hours after Pakistan had released the defendant
20 from prison, the FBI captured him and brought him to this

21 country to face the charges against him.

22 The victims of this deadly hijacking and their family
23 members have certainly never forgotten. They live every day
24 without their loved ones who were killed. They live every day
25 with the injuries, both physical and emotional, inflicted by

1 the defendant. The victims have filled a notebook with their
2 memories of pain and loss. Some have published articles,
3 others have written books. They have told the Court in writing
4 about their feelings and their grief. They surely have not
5 forgotten.

6 We are here to recount. The facts of this case are
7 brutal. Mere words cannot adequately convey the carnage
8 experienced by those aboard Pan Am Flight 73. We will do our
9 best to recount the facts of this deadly terrorist attack
10 accompanied by visual images that provide a glimpse into the
11 horror that took place aboard that plane. Then victim after
12 victim, family member after family member, will recount their
13 own experiences. The voices of those victimized by the
14 defendant will be heard.

15 We are here to bear witness. More than 50 victims
16 and family members have traveled here from around the world and
17 around the country to bear witness to the defendant's
18 sentencing. Some will speak, some will remain silent, but all
19 by their presence are speaking volumes. Others too, are
20 bearing witness.

21 Numerous government agencies, embassies have
22 contributed to this prosecution. And some representatives from
23 those agencies are present today to demonstrate their support
24 of this prosecution to commemorate the victims and to witness
25 this sentencing. We are here to pay tribute.

1 Defendant Safarini is directly responsible for the
2 deaths of at least 21 people, the attempted murder of about 358
3 other hostages and the injury of at least 100 surviving
4 passengers and crew. We will do our best to honor those who
5 were murdered and those who survived. We are here to punish.

6 From the time this defendant was brought into the
7 custody of the United States, the government has consistently
8 asserted that the appropriate punishment for this defendant is
9 the death penalty. This Court, however, ruled that the death
10 penalty is not legally available in this case.

11 In light of the legal landscape in this case, the
12 government agreed to the only plea that could possibly be
13 appropriate under these circumstances; an admission of guilt to
14 all 95 counts of the superseding indictment and an agreement to
15 the maximum term of imprisonment on all 95 counts. The total
16 agreed upon sentence is three consecutive life terms, plus 25
17 years, equivalent to a sentence of 160 years in prison. The
18 government asks this Court to punish the defendant by accepting
19 the agreed upon sentence.

20 We are here for justice. Defendant Safarini should

21 never live as a free man again. The government has committed
22 itself to doing everything it can to assure that this defendant
23 is never released on parole. We ask the Court to recommend in
24 the strongest terms possible that the defendant never be
25 released on parole. Justice must be done. The defendant

1 should spend the rest of his life in jail.

2 Now, we begin to recount. On September 5th 1986, Pan
3 American Flight 73 began its normal schedule very early in the
4 morning. The jumbo jet, a Boeing 747, had a full compliment of
5 passengers and crew scheduled for the days flights.

6 Pan Am 73 began in Bombay, India and flew to Karachi,
7 Pakistan where some passengers left the flight and other
8 passengers began boarding for the next leg of the journey. The
9 flight was scheduled to go to Frankfurt, West Germany, and from
10 there Pan Am Flight 73 was to continue on to New York City, its
11 terminating destination.

12 However, Pan Am Flight 73 never left Karachi that
13 day. At approximately 6:00 a.m. local time, as passengers were
14 boarding the plane in Karachi, a van appearing to be an airport
15 security vehicle approached the aircraft on the tarmac. There
16 were four armed men in the vehicle, three of them wearing what
17 appeared to be airport security uniforms; pale blue shirts with
18 emblems, dark blue pants and a dark blue beret type hat. The
19 fourth man was wearing traditional Pakistani garb, called a
20 Pathani suit.

21 The driver of the van, dressed as a security
22 official, was the defendant, Zayad Safarini. The van parked
23 close to Pan Am Flight 73. Two of the four men ran up the
24 staircase set up for boarding passengers in the front of the
25 aircraft, firing weapons and knocking over some passengers on

1 the way, while the two other men ran up the staircase set up
2 for boarding passengers toward the rear of the aircraft. The
3 men were brandishing and firing automatic assault weapons and
4 carried pistols and numerous hand grenades.

5 On that day, Pan Am Flight 73 was carrying about 379
6 passengers and crew, including 13 flight attendants. All of
7 the flight attendants were Indian citizens in their early 20s,
8 and all had been employed by Pan Am for less than one year.
9 All had been trained in Miami, Florida by Pan Am in late 1985.
10 This was Pan Am's first group of flight attendants from a
11 country other than the United States.

12 The photos on the right show the members of this
13 distinguished class during their training period. The photo on
14 the left shows Neerja Bhanot, a member of this class, who
15 served as the senior purser on Flight 73. During the long
16 hours of September 5th 1996, Neerja and her fellow flight
17 attendants would act heroically to save countless lives. Four
18 of those flight attendants have traveled here today to be
19 present.

20 As the flight attendants noticed a commotion on the

21 outside front stairway to the aircraft, some initially thought
22 that Pakistani security personnel were handling a security
23 problem with a boarding passenger. Once the four armed men
24 entered the aircraft at both the front and rear entrance doors,
25 however, one of them at the front entrance grabbed a flight

1 attendant around the neck and pointed a pistol at her head,
2 while another of the armed men grabbed a flight attendant
3 stationed in the rear of the plane and held a pistol to one
4 side of her head and a grenade on the other side of her head.

5 The image now on the screen represents the inside of
6 the plane at this point once the hijackers had boarded the
7 plane and forced the flight attendants to close the doors. The
8 green dots represent the passengers trapped on board in the
9 first class, business class, and economy cabins. The blue dots
10 represent the flight attendants and other Pan Am employees who
11 were located throughout the cabins. The orange dots represent
12 three of the four hijackers. And the red dot represents
13 Defendant Safarini, the fourth hijacker who was the on-site
14 leader of the operation.

15 Several of the flight attendants who saw what was
16 happening communicated with the cockpit crew sending a "hijack"
17 code over the telephone intercom. As a result of this warning,
18 the pilot, co-pilot and flight engineer all followed Pan Am's
19 standard operating procedure and exited the cockpit using
20 emergency ropes before any hijacker could reach the cockpit to

21 commandeer the flight.

22 In order to maintain complete control over the

23 hostages on the aircraft, the hijackers ordered the passengers

24 and crew to move from the first class, business class, and one

25 of the three coach class sections of the cabin into two coach

1 sections. This required people to sit in the aisles. The
2 passengers and many crew members were forced to sit in a
3 crouched position with heads down and hands above their heads
4 for a long length of time.

5 The four hijackers maintained specific positions in
6 the front and the back areas of the aircraft to ensure full
7 control over the captive passengers and crew. No food or drink
8 was distributed until many hours had passed. And bathroom use
9 was initially denied and later required the permission of the
10 hijackers.

11 Once the passengers were secured, Defendant Safarini
12 began to make his way upstairs on the 747 aircraft to the
13 cockpit, forcing a flight attendant named Sunshine to accompany
14 him and show him where it was. When he finally forced the
15 cockpit door open, he discovered that the flight crew had
16 escaped.

17 Throughout the day, Safarini used Sunshine, and later
18 another flight attendant named Sherene, as a human shield with
19 his arm around each one's neck as he moved about the cabin.
20 Both Sunshine Vesuwala and Sherene Pavan have traveled here

21 today and both plan to address this Court later in the
22 proceedings.

23 Who is this person, the leader of this mission,
24 Defendant Zayad Hassan Abd Latif Safarini? Unbeknownst to his
25 captives and to all enforcement authorities at the scene, he

1 was 24 years old when he led the hijackers to commandeer
2 Pan Am Flight 73. Since 1979 he had been a member of the Abu
3 Nidal Organization, a notorious terrorist organization.

4 And this was not his first terrorist mission. During
5 the summer of 1981, when he was 19 years old, Safarini was sent
6 by the Abu Nidal Organization to the country of Malta to
7 assassinate a representative of the Palestinian Liberation
8 Organization.

9 On October 8, 1981, he saw what he believed to be the
10 PLO representative's car on a commercial street and waited for
11 the man to return to the car. When he saw the man, he shot the
12 man five times at close range with a semi-automatic pistol.
13 The man died, but he was not the person Safarini had been sent
14 to kill. The man was a Lebanese businessman. Safarini was
15 captured attempting to flee the area. He gave a detailed
16 confession of the planned assassination to the Maltese police
17 authorities.

18 About ten months later, on June 11, 1982, as he was
19 awaiting trial for that murder, Defendant Safarini escaped from
20 prison in Malta with another inmate facilitated by money, a

21 pistol, ammunition and a radio sent into the prison by friends
22 of the defendant after he contacted them in Iraq. Defendant
23 Safarini returned to the ANO after his successful escape from
24 Malta.

25 The Abu Nidal Organization, or ANO, was one of the

1 most dangerous, active, murderous terrorist organizations
2 operating in the 1980's. It is a Palestinian organization
3 founded in 1974 by a man named Sabri Al-Banna, who was also
4 known by the nom de guerre of Abu Nidal.

5 He founded the ANO after splitting from the PLO's
6 Fatah organization, which he considered to be too moderate.
7 The ANO's headquarters were in Bagdad, Iraq from it's founding
8 until 1980, and thereafter moved to Syria, and by 1985 had
9 moved to Libya. The ANO carried out operations against targets
10 in Arab countries, Europe, South America and Asia. Targets
11 included Palestinian militants considered to be too moderate.

12 Beginning in the 1980s the ANO attacked Jewish,
13 Israeli, and Western targets. Among the ANOs most well known
14 mass casualty operations carried out before the hijacking of
15 Pam Am Flight 73, was the November 1985 hijacking of EqyptAir
16 Flight 648, which resulted in the death of at least 57 people
17 at the airport in Malta, and the December 1985 coordinated
18 attacks on the Rome and Vienna airports, which killed 16 people
19 and wounded scores of others.

20 Back on Pan Am Flight 73, within a short time after

21 seizing control of the aircraft, Defendant Safarini ordered the
22 flight attendants to collect passports from the passengers.
23 Fearing that the hijackers would be most interested in
24 targeting American citizens for cruel treatment, the flight
25 attendants, risking their own lives, deliberately refused to

1 accept United States passports from some passengers and hid
2 several United States passports under seat cushions.

3 After the passports were collected, Defendant
4 Safarini ordered the flight attendants to separate the American
5 passports from the others and bring the American passports to
6 him. He became visibly distraught after the only United States
7 passports he received belonged to passengers of Indian or
8 Pakistani origin or ancestry.

9 Defendant Safarini began demanding a replacement crew
10 soon after taking over the aircraft. At first he spoke to a
11 Pan Am official face-to-face, periodically opening the front
12 door to the aircraft, dictating his message to a flight
13 attendant who used a megaphone to relay the demands to a Pan Am
14 official below. The Pan Am official, who bravely exposed
15 himself to stand on the tarmac and negotiate with Safarini, was
16 Pan Am Karachi station manager, Viraf Daroga. Mr. Daroga has
17 traveled here today and will address this Court later in the
18 proceedings.

19 On board Pan Am Flight 73, Defendant Safarini told
20 various flight attendants and passengers that he wanted to fly

21 the aircraft to Cyprus where he would demand the release of
22 certain Palestinian prisoners being held there for the murder
23 of several Israeli nationals. Safarini became extremely
24 frustrated with the lack of progress in obtaining a flight
25 crew. He began to walk through the economy sections of the

1 plane where his hostages were being held. He stopped to ask
2 passengers about their nationalities. He eventually reached
3 Rajesh Kumar, a 29 year old California resident of Indian
4 ancestry, who had become a United States citizen only two
5 months before the hijacking.

6 Defendant Safarini ordered Mr. Kumar to come to the
7 front of the aircraft. Mr. Kumar complied. Defendant Safarini
8 ordered Mr. Kumar to kneel at the front doorway of the aircraft
9 with his hands behind his head. Mr. Kumar was bent over. He
10 started to cry and told Defendant Safarini that he was on the
11 plane with his grandmother. Defendant Safarini kicked him and
12 told him to shut up. Defendant Safarini then ordered a flight
13 attendant to open the door. Safarini spoke with Mr. Daroga on
14 the tarmac about getting a flight crew to fly the plane to
15 Larnaca, Cyprus.

16 At about 10:00 a.m., after being told that a crew was
17 being flown into Karachi, Defendant Safarini became angry,
18 pulled Mr. Kumar by the scruff of the neck and threatened that
19 he would shoot Mr. Kumar if something was not done within 15
20 minutes. After this, Defendant Safarini ordered a flight

21 attendant to reopen the door to the aircraft. He grabbed
22 Mr. Kumar, put a pistol to his head and once the door was open
23 Defendant Safarini shot Mr. Kumar in the head.
24 Mr. Kumar dropped to the floor at the feet of two
25 flight attendants who witnessed the brutal execution. Safarini

1 then kicked Mr. Kumar in the bottom, heaved him out of the door
2 and onto the tarmac below, threw the pistol out after Mr. Kumar
3 and pulled the door shut. Mr. Kumar was still breathing as he
4 was placed in an ambulance, but he was pronounced dead shortly
5 after arriving at the hospital.

6 Repeatedly, throughout the hijacking, Defendant
7 Safarini threatened to blow up the aircraft with all passengers
8 and crew on board. Safarini's ability to carry out this threat
9 was clear to many of those on board the aircraft. After some
10 time, he removed his shirt at his waist. The passengers and
11 crew saw what appeared to be a wide belt. In fact, this belt
12 consisted of the highly explosive Semtex H. This explosive
13 material had the capacity to destroy the entire aircraft if the
14 belt were ever detonated.

15 After murdering Mr. Kumar, Defendant Safarini
16 threatened to kill another passenger every ten minutes if his
17 demands for a flight crew were not met. Safarini soon selected
18 another passenger to come forward. This passenger began to
19 pray to Allah. Satisfied that the passenger was a Muslim,
20 Defendant Safarini allowed him to return to his seat.

21 Defendant Safarini then called forward another
22 passenger, a British citizen who spent much of the rest of the
23 hijacking kneeling in front of the aircraft, certain that he
24 would be the next passenger killed. That passenger, Michael
25 Thexton, survived the hijacking, and he has flown here today.

1 He will address the Court later in the proceeding.

2 Following the murder of Mr. Kumar, Defendant Safarini
3 demanded someone who could operate the cockpit radio so that he
4 could establish radio communications with the Pakistani
5 authorities. Mr. Meherjee Kharas, a 25 year old Pan Am
6 mechanic, had been conducting equipment checks on the aircraft
7 during its stop in Karachi and was caught on board the plane
8 when the hijackers took control of the aircraft. Mr. Kharas
9 was identified as someone who could assist in operating the
10 radio in the cockpit to facilitate continuing communications.
11 From that point onward, until shortly before the end of the
12 hijacking, all communications between the cockpit and tower
13 were conducted by Defendant Safarini using the radio operated
14 by Mr. Kharas.

15 Defendant Safarini's words and his intentions were
16 very clear from the transcript of the cockpit to tower
17 communications, which were recorded and preserved and later
18 translated and verified by witnesses to the event. Defendant
19 Safarini threatened, "I possess enough bombs to blow up the
20 plane and all of its occupants. We will not spare anybody in

21 the plane, whether young or old. If you do not cooperate, we
22 will not leave anyone. I am the leader of this operation." He
23 continued. "We do not bargain, we do not seek a truce, we do
24 not negotiate. We are suicidal and capable of blowing
25 ourselves up at any moment. We are carrying bombs on our

1 bodies. I will kill all of them and I will not show mercy
2 toward any of them. I will kill all, including the children,
3 old people, the women, young and old. We are merciless people.
4 We do not know tolerance."

5 By the evening of September 5, the interior of the
6 aircraft had become uncomfortably warm. Pan Am employee
7 Meherjee Kharas told Defendant Safarini that the auxiliary
8 power unit would soon fail. This meant that the lighting,
9 circulation and other aircraft systems would shut down as
10 daylight faded into night.

11 The lights on the aircraft began to flicker,
12 indicating the approaching final power loss. Defendant
13 Safarini ordered Mr. Kharas and flight attendant Sherene Pavan
14 out of the cockpit area and escorted them along with a few
15 other hostages, who had been seated in the business class
16 section, back into the two economy class sections where all the
17 remaining hostages were compressed by the hijackers. People
18 were pressed literally on top of each other in seats and seated
19 in the aisles.

20 The four hijackers moved into their final positions

21 in the left and right aisles. Two men behind the assembled
22 hostages and two men, including Defendant Safarini, in front of
23 the hostages. There was any eerie silence as the plane went
24 dark. Safarini called out to each of his comrades, each of
25 whom responded, then there was a cry of "jihad."

1 Defendant Safarini and the other three hijackers
2 opened fire on the hostages from all four positions with their
3 automatic weapons. They continued firing their assault weapons
4 until their ammunition was exhausted, shooting everyone in
5 their line of fire. The interior of the aircraft was riddled
6 with bullets, as shown in these photos.

7 The automatic weapons fire was only one aspect of the
8 massive assault on the hostages. The hijackers also threw at
9 least six hand grenades at the hostages, which detonated inside
10 the airplane. The carnage was horrendous. The grenades ripped
11 through the floor of the aircraft, as shown in these photos.
12 At least 20 people were killed and more than 100 hostages were
13 maimed or injured in the final assault.

14 Still, it is no less than miraculous that so many
15 hostages managed to survive the final assault. One of those
16 survivors was the little girl who wore this dress, which was
17 drenched in the blood of other passengers. This girl, now
18 grown, has traveled here today, as has her mother, who shielded
19 her with her own body from the bullets, and several other
20 members of this family, who will address this Court later in

21 the proceeding.

22 Although the girl who wore this dress was traveling with

23 her mother, there were at least nine other children aboard Pan

24 Am Flight 73 who were unaccompanied by any adult. They endured

25 the horrors of this attack alone. And many were then cared for

1 by the flight attendants for days after the attack until they
2 could be reunited with family members. Some of those
3 unaccompanied minors, now grown, have traveled here today and
4 will address the Court.

5 As the bullets and grenades flew, Neerja Bhanot, as well
6 as other flight attendants and passengers, heroically managed
7 to force open two exits in the economy section. The opening of
8 the rear exit triggered inflation of the emergency slide, but
9 the opening of the exit over the wing did not trigger the
10 inflation of a second emergency slide. People clamored to
11 reach both exits fearful that the hijackers would resume the
12 assault.

13 This diagram illustrates the efforts of surviving hostages
14 to escape the aircraft using the emergency slide and climbing
15 onto the wing of the plane. While the slide was a safer escape
16 route, the sheer number of people attempting to leave the plane
17 through this exit at night resulted in additional injuries to
18 some who were unable to exit quickly enough to avoid being
19 crushed by others behind them.

20 The many people who escaped onto the wing of the plane

21 were faced with three desperate options. Some chose to jump
22 almost 20 feet to the hard tarmac. Almost all of these people
23 suffered injuries as a result of this jump and some of them
24 were left unable to walk away from the aircraft. Others
25 attempted to jump from the wing to the inflated slide at the

1 rear exit of the plane many feet away. Few succeeded in making
2 this jump and many landed on the tarmac instead, suffering
3 serious injuries.

4 At the direction of several flight attendants, other
5 passengers reentered the plane climbing over the wounded and
6 the dead and used the rear exit where the slide was inflated to
7 the safer escape route.

8 Once off the aircraft and onto the tarmac, the injured
9 were taken to several area hospitals for treatment. Because of
10 the volume of injuries, trucks, vans and other vehicles were
11 used as makeshift ambulances. The list of those who suffered
12 serious injuries is too long to recount. Some suffered gunshot
13 wounds, others broken bones, many suffered from shrapnel
14 wounds, a few went into a coma and several lost limbs or other
15 body parts. Many of those who suffered serious injuries have
16 submitted written statements to the Court describing the
17 life-long struggle to live with their injuries. Some of those
18 people are in attendance today.

19 Personal belongings strewn outside the aircraft and in the
20 terminal building reflected the devastation of Pan Am Flight

21 73. Three of the hijackers left the plane at the same time as
22 the fleeing hostages. On this diagram, the orange dots
23 represent their effort to escape the plane. Their attempt to
24 blend into the crowd and escape detection failed when
25 passengers reaching the airport terminal in Karachi identified

1 them to the authorities.

2 Defendant Safarini had instructed one of his accomplices
3 to shoot him in the waist area at some point during the final
4 assault, presumably with the hope that the shot would detonate
5 the explosives belt that he wore. His fellow hijacker followed
6 instructions and shot Safarini, seriously wounding him, but not
7 detonating the explosives belt. Defendant Safarini was among
8 the wounded found on the plane. He was removed from the plane
9 by rescue workers who did not know he was a hijacker. He was
10 later identified as a hijacker at an area hospital still
11 wearing the plastic explosives belt. He was given full medical
12 treatment and recovered from his wounds.

13 Now Ms. Levy will continue.

14 MS. LEVY: During the tape-recorded negotiations,
15 Defendant Safarini had threatened, "There will be many victims
16 on the plane. The victims will be innocent children and women.
17 The passengers will be the victims." Tragically, Defendant
18 Safarini carried out his threat. The 21 people known to have
19 been murdered include citizens of four countries ranging from
20 the years of 7 years to the age of 81 years. People from many

21 walks of life. Some who had achieved remarkable
22 accomplishments, others who showed great promise of
23 contributions to their families and society at large.

24 When Defendant Safarini and his comrades opened fire
25 on the passengers and crew and killed these 21 people, they not

1 only took the lives of the 21 innocent people, but they
2 shattered the lives of hundreds of people who were their
3 family, their friends and colleagues. The loss of these
4 victims to their loved ones and the world at large may be
5 impossible to quantify. All were remarkable and are still
6 sorely missed by their loved ones, friends and colleagues.

7 Victim impact statements have been submitted to the
8 Court to give the Court a better sense of who many of these
9 people were and to serve as tributes to their lives. In
10 seeking such statements, we have found that many relatives
11 still bear deep scars of their loss. And for a considerable
12 number of people, the creation of statements was extremely
13 difficult and painful.

14 In some cases, the challenge of creating a victim
15 impact statement was too great for relatives to meet since the
16 prosecution of Defendant Safarini for his crimes has reopened
17 deep wounds that have taken almost 18 years to heal.

18 As was mentioned at the outset, we are also
19 privileged to have in Court family members of some of these
20 victims who may wish to address the Court concerning their

21 loved ones. In some cases, family members of the victims
22 killed by Defendant Safarini and his comrades found it too
23 difficult to relive their loss by attending the sentencing.
24 We're all the more grateful that the family members who are
25 here today have found the strength to be present despite the

1 great emotional challenge.

2 We would like to take this opportunity to tell the
3 Court a little bit about each of the victims who perished. For
4 some, despite extensive efforts, we've been unable to learn a
5 great deal, given the passage of time and the inability to
6 locate family or friends. In many cases, however, family
7 members and friends have shared with us memories and
8 information to help us describe their loved ones who were
9 killed.

10 29 year old Rajesh Kumar was an aspiring businessman
11 in California. He had been born in Kenya, but his family was
12 Indian by heritage. He was married and had just become a
13 United States citizen two months before the hijacking. In
14 fact, he was issued his United States passport on July 21,
15 1986. Mr. Kumar was the second of three sons. His older
16 brother died at the age of 35 before Mr. Kumar's fateful flight
17 on Pan Am Flight 73. His younger brother was killed in a car
18 accident just within the past couple of years.

19 Mr. Kumar had gone to India to escort his 81 year old
20 grandmother and his aunt back to the United States to celebrate

21 his new American citizenship and to show them his home.
22 Mr. Kumar's grandmother and aunt were on board Pan Am Flight 73
23 with him when he was executed by Defendant Safarini.
24 A first cousin of Mr. Kumar submitted a victim impact
25 statement on behalf of the family describing him as very humble

1 and always looking for ways to serve the community.

2 Surendra Patel had just celebrated his 50th birthday
3 in late August of 1986. He was a United States citizen and the
4 father of three children, ages 14, 12 and 6. His youngest
5 child, in fact, turned 7 years old the same week that Mr. Patel
6 was killed. Mr. Patel was of Indian ancestry and he was the
7 oldest of four sons in his family.

8 Mr. Patel had a masters degree from the University of
9 Southern California. He had several jobs at the time of his
10 death. He owned a video store and some rental properties, he
11 did tax preparations and he taught business classes at the
12 University of Southern California.

13 Mr. Patel was on Pan Am Flight 73 with his two older
14 children traveling home from a visit with relatives. They took
15 an earlier flight than his wife and youngest child because the
16 older children had to get back home for the beginning of
17 school.

18 Mr. Patel was shot to death in the final assault
19 carried out by Defendant Safarini and his comrades as his two
20 children sat in the seats next to him. The younger child

21 suffered a fractured skull from a bullet that grazed her head
22 and medical decisions about the care to be given in Pakistan
23 had to be made by the older sibling since no other parent or
24 guardian was available. Mr. Patel's two older children are
25 here in court today.

1 Seetharamiah Krishnaswamy was 61 years old when he
2 was killed. He was an Indian citizen who had retired as the
3 chief of operations and the assistant secretary to the railway
4 ministry of the western railway in Bombay. Before joining the
5 railway Mr. Krishnaswamy had earned both a bachelors and a
6 masters degree in physics and had been a lecturer at BMS
7 College in India.

8 Mr. Krishnaswamy was married and the father of four
9 children, three of whom are naturalized United States citizens.
10 He and his wife were traveling on Pan Am Flight 73 to the
11 United States to attend the wedding of one of their daughters.
12 Mr. Krishnaswamy's son is here in court today and plans to
13 address the court.

14 Kala Singh was an Indian citizen, 36 years old, the
15 mother of four children. She was married to a United States
16 citizen. Mrs. Singh was an audiologist by training. She had
17 been a part-time teacher of audiology at Ohio University and
18 thereafter co-authored a major textbook on phonetics with her
19 husband. Mrs. Singh was also a businesswoman, having first
20 opened, run and sold a thriving Indian boutique. And later on,

21 having founded a book publishing company with her husband.
22 In 1986 Mrs. Singh's husband had major heart surgery.
23 The couple decided to sell their publishing business and take
24 two of their children, then ages 13 and 8, to India to visit
25 their ancestral roots. The four of them were on Pan Am Flight

1 73 returning home to the United States after their trip to
2 India.

3 Mrs. Singh was shot in the head during the final
4 assault as she shielded her two children behind her. Mr. Singh
5 was also seriously injured. In the weeks after Mrs. Singh's
6 death Mr. Singh wrote a manuscript he titled, "Death of a
7 Lotus." A copy of that manuscript was submitted to the Court,
8 as well as a victim impact statement from the older of
9 Mrs. Singh's two children who were on the flight. The loss of
10 Kala Singh to her family, as described both in the manuscript
11 and in the child's statement, is nothing short of devastating.
12 Members of Kala Singh's family could not be here today because
13 of medical reasons.

14 Trupti Dalal was a 36 year old Indian citizen, the
15 mother of an 11 year old son who was traveling with her on Pan
16 Am Flight 73. This photograph is the last photo taken of her
17 and her son before she died. She was the leader of the
18 Aavishkar dance troupe, a group of 22 people traveling on Pan
19 Am Flight 73 to the United States to perform a cultural
20 program. Ms. Dalal's husband could not travel with her and her

21 son because of last minute difficulties with confirming the
22 airline ticket. Ms. Dalal's sister was among those that
23 traveled with the troupe.

24 When the final assault began, Ms. Dalal hid her son's
25 head in her lap. She was hit with a bullet in the head, but

1 her son was not told about his mother's death for three or four
2 days when he was with his father in India. Ms. Dalal had a
3 brother who is here in court today with his wife. Ms. Dalal's
4 son would also be here, but he is about to become a father
5 himself.

6 Imran Rizvi was 17 years old when he was killed on
7 Pan Am Flight 73. He was a Pakistani citizen who was the son
8 of a senior commercial analyst to the United States Consul
9 General in Karachi, Pakistan. Imran's father served in the
10 United States embassy for 28 years at the time of the
11 hijacking.

12 Imran was an active sportsman particularly interested
13 in cricket. Imran was traveling on Pan Am Flight 73 with his
14 sisters, then ages 15 and 24. They were all going to the
15 United States to visit an older brother who lived there. The
16 three Rizvi children were sitting in the front of the economy
17 section when Defendant Safarini and his comrades opened fire on
18 the passengers and crew.

19 A grenade was thrown directly in front of them,
20 seriously injuring all of them. Imran suffered head wounds,

21 but he was taken off the aircraft by his sisters alive. He was
22 hospitalized in Pakistan and placed on a life support system.
23 He died from his wounds several days later after he was removed
24 from life support.
25 His sisters suffered -- both of them suffered

1 amputations of parts of their feet and legs due to shrapnel
2 damage. Due to the physical condition of both sisters, Imran's
3 parents did not tell them about Imran's death until about seven
4 weeks after he died. Imran's father and one of his sisters
5 submitted a victim impact statement that reflects the
6 shattering effects that the hijacking had on the family. Even
7 today, one of Imran's brothers who had planned to attend the
8 sentencing could not because when he informed his father, the
9 father became so upset that he was hospitalized with heart
10 trouble.

11 The Commerce Department officials for whom Imran's
12 father worked at the United States Embassy also submitted a
13 victim impact statement to the Court. In his written
14 statement, this official described Imran's father as a man who
15 gave meaning to the expression "Salaam", meaning peace.

16 Neerja Bhanot was the senior purser on board Pan Am
17 Flight 73. She was an Indian citizen who was also employed as
18 a model. Her parents lived in Bombay where her father was a
19 journalist. She had two older brothers. She had been working
20 for Pan Am For approximately ten months at the time of the

21 hijacking. She was assigned to the first class cabin of the
22 aircraft. She helped to warn the cockpit crew of the hijacking
23 thereby enabling them to leave before Defendant Safarini could
24 get to the cockpit. During the 16 hours of the hijacking, Ms.
25 Bhanot was responsible for making announcements to the

1 passengers as authorized by Defendant Safarini and the other
2 hijackers.

3 When the lights went out just before the final
4 assault, Ms. Bhanot ran for the emergency door and activated
5 the inflatable chute. Instead of escaping as one of the first
6 off the aircraft, she remained on board to help others out of
7 the plane. She was shot in the final assault. Although she
8 was taken off the plane alive by her fellow flight attendants,
9 she died shortly afterwards of massive bleeding. Her family
10 received her coffin on September 7, 1986, which would have been
11 her 23rd birthday.

12 Ms. Bhanot was given a prestigious national award
13 posthumously for her bravery on board Pan Am Flight 73. Her
14 family also established an award in her name and each year a
15 new recipient is selected among Indian women who have
16 demonstrated particular courage and achievement. Ms. Bhanot's
17 brother is present in court today and plans to speak.

18 Meherjee Kharas was 25 years old when he was killed
19 on board Pan Am Flight 73. He was a Pakistani citizen and an
20 employee of Pan Am who was servicing the plane when it was

21 hijacked by Defendant Safarini and his comrades. He had been
22 employed by Pan Am since 1981, following his employment with
23 Air France. He had received his initial training in Karachi
24 and had obtained additional mechanical licenses from the U.S.
25 Federal Aviation Administration. Ironically, Mr. Kharas was

1 substituting for a colleague who had taken the day off and,
2 thus, was not supposed to be working that day. Mr. Kharas was
3 married at the time of his death.

4 As recounted earlier, after Defendant Safarini
5 executed Rajesh Kumar, Mr. Kharas became responsible for
6 operating the radio equipment when Defendant Safarini made
7 contact with the tower. He was also the one who told Defendant
8 Safarini as the lights began to flicker after about 16 hours,
9 that the auxiliary power unit would fail cutting power to the
10 lights and the ventilation system. Mr. Kharas was led from the
11 cockpit into the economy class section by Defendant Safarini
12 just before the final assault. Mr. Kharas was killed by
13 multiple gunshot wounds. He was a cheerful and sweet-natured
14 man who had many friends. He was also known to be cool headed.

15 Krishna Gadde was a 28 year old scientist. She was
16 an Indian citizen married to another scientist. Ms. Gadde was
17 working on her PhD in microbiology at the University of
18 Missouri-Columbia at the time of her death and was involved in
19 research to help develop a malaria vaccine. She had obtained a
20 graduate degree in India specializing in genetics and had

21 dreamt of becoming a genetic researcher with a research
22 institute in the United States.

23 Ms. Gadde had three sisters and two brothers. Four
24 of her siblings live in the United States. Ms. Gadde was on
25 board Pan Am Flight 73 with her husband after visiting family

1 and friends in India. They had missed an earlier flight that
2 would have brought them back home to the United States.

3 Ms. Gadde was killed by grenade explosions. Her
4 husband was seriously injured and lost several toes as a result
5 of his injuries. Two of Ms. Gadde's siblings, a nephew and her
6 widower are in court today.

7 Kuverben Patel was the 81 year old grandmother of
8 American murder victim Rajesh Kumar. She was an Indian citizen
9 traveling on Flight 73 with her daughter and her grandson to
10 visit her relatives living in the United States.

11 Dr. Ganapathi Thanikaimoni was a 48 year old Indian
12 citizen who was known as "Thani" to his friends and colleagues.
13 He was the director of Palynology Laboratory at the French
14 Institute in Pondicherry, India at the time of his death.
15 Palynology is the study of pollen grains. And Dr. Thanikaimoni
16 specialized in the study of pollen, both in modern flora and in
17 fossils. He wrote extensively in scientific publications and
18 created a definitive five-volume compilation of reference
19 material for laboratory use.

20 Thani was married and the father of two small

21 children at the time of his death. He was traveling on Pan Am
22 Flight 73 to present a lecture at a symposium on marine
23 palynology as part of the UNESCO sponsored conference at the
24 Woods Hole Oceanographic Institute in Massachusetts. He was
25 not only a world-renowned scientist, but a man known for his

1 humanity, his compassion and his respect for all living things.

2 Rupal Desai was approximately 26 years old at the
3 time of her death. She was an Indian citizen who was a member
4 of the Aavishkar dance troupe traveling to the United States
5 for a cultural program. She was engaged to be married.

6 Bogby Thomachen Mellor was a 7 year old boy, an
7 Indian citizen believed to be traveling with his family on Pan
8 Am Flight 73.

9 Thomachen Thoms Mellor was approximately 30 years
10 old. He is believed to have been the father of Bogby Thomachen
11 Mellor.

12 Aleyamma Skaria Nagatholy was an Indian citizen
13 approximately 39 years old. She was married and had been a
14 nurse by profession.

15 Ramikant Naik was an Indian citizen, approximately 55
16 years old. He was traveling on Pan Am Flight 73 with his wife
17 who also suffered gunshot wounds to her leg and shrapnel wounds
18 to her face during the final assault.

19 Gorgi Gopal was an Indian citizen. She was married
20 and traveling with her husband on Pan Am Flight 73.

21 Mrs. Gopal's husband suffered a gunshot wound to his hand and
22 five bullet wounds in his leg during the final assault on the
23 aircraft.

24 Kodiyattu Kurian. All we know about this victim is
25 that he was an Indian citizen approximately 25 to 30 years old.

1 Syed Nesar Ahmad was a 43 year old Pakistani citizen
2 who was a legal permanent resident of the United States when he
3 was killed, having moved to North America in 1965. He was
4 married to a United States citizen and the father of a 5 year
5 old child who was also a United States citizen. Trained in
6 philosophy, psychology, Islamic history and sociology,
7 Mr. Ahmad was a researcher and sociologist who taught at a
8 number of colleges and universities in Pakistan, Canada and the
9 United States.

10 At the time of his death, Mr. Ahmad was a member of
11 the faculty of Friends World College on Long Island. Mr. Ahmad
12 was traveling to New York on Pan Am Flight 73 after attending
13 the 11th World Congress of Sociology in New Delhi and
14 presenting his dissertation entitled, "Origins of Muslim
15 Consciousness in India, A World-System Perspective." His widow
16 arranged for a book to be published based on his dissertation
17 after Mr. Ahmad was killed.

18 Ricardo Munoz Rosales was a 35 year old Mexican
19 citizen. He was married and had four children, ages 8, 7, 6
20 and 4 when he was killed. He was the sole wage earner for his

21 family and his death caused great financial hardship to his
22 family.

23 Mr. Munoz had been employed as a derrick operator on
24 an offshore drilling rig in India at the time of his death. He
25 had stayed on the job past his 28-day shift to cover for

1 another employee who failed to appear for his shift. Mr. Munoz
2 was returning to the United States on Pan Am Flight 73 with
3 three co-workers.

4 Jose Alvarez Lamar Nunez, known to his colleagues as
5 "Pepe," Mr. Alvarez was a Mexican citizen, approximately 57
6 years old. He was married and had eight children. He was a
7 sole wage earner for his family and his death caused severe
8 financial hardship to his family. His family was forced to
9 sell their possessions and move after he was murdered because
10 they could no longer afford to live in their house.

11 Mr. Alvarez had been employed as a rig superintendent
12 for an offshore drilling operation underway in India at the
13 time of his death. He was returning to the United States with
14 three co-workers after completing his 28 days of work on the
15 offshore rig. Mr. Alvarez survived the final assault on the
16 aircraft and was hospitalized in Pakistan for several days
17 before succumbing to his injuries.

18 Defendant Safarini fully intended to undertake a
19 suicide mission when he led his three colleagues to take
20 control of Pan Am Flight 73 on September 5, 1986. He was

21 clearly disappointed that his hijacking mission was not fully
22 accomplished. When Safarini and his fellow hijackers were
23 tried in Pakistan in 1987 and '88, they submitted a joint
24 statement to the Court signed by each of them. The joint
25 statement revealed that the aim of the hijackers was to fly the

1 plane towards some, quote, "sensitive strategic center of the
2 Zionist enemy and to blow it there with us inside," unquote.
3 And that they wanted to quote, "destroy sensitive strategic
4 center of Zionists situated in Palestine through American
5 weapons, that is explosion of American airplane," unquote.
6 Since they wanted, quote, "to strike at both enemies with one
7 weapon at the same time," unquote.

8 Safarini stated, quote, "It is our dream and desire
9 to saturate the land of Palestine with our blood. That is why
10 we plan to blow the plane over Palestine. No doubt, this time
11 we failed, but one day we will be successful." There is no
12 justification or mitigation that can explain or excuse the
13 defendant's decision to inflict terror on 379 men, women and
14 children, to massacre 21 people, to maim and seriously injure
15 scores of others and to destroy the fabric of the lives of so
16 many who survived.

17 The plea agreement, if accepted by the Court,
18 stipulates that the defendant be sentenced to three consecutive
19 life terms, plus 25 years, equal to 160 years for his crimes on
20 board Pan Am Flight 73. Given the Court's ruling that the

21 death penalty is not available in this case, this sentence
22 represents the maximum penalty on each of the 95 counts against
23 the defendant.

24 The government, therefore, asks this Court to accept
25 the agreed upon sentence as appropriate and well justified.

1 There is no question, given the nature of this crime, and the
2 defendant's role in it, that Mr. Safarini should never live as
3 a free man again. The government has committed itself to doing
4 everything it can to assure that this defendant is never
5 released on parole.

6 As the Court is aware, because of the laws in effect
7 at the time of this crime in 1986, Defendant Safarini will,
8 nonetheless, periodically receive parole hearings while he is
9 serving his 160 year sentence. To ensure that this defendant's
10 life-long incarceration occurs, the government urges this Court
11 to make a specific recommendation to the parole commission in
12 the strongest terms possible, never to release the defendant on
13 parole.

14 The government further requests that the Court order
15 that a copy of the transcript of these proceedings be sent to
16 the parole commission for its files.

17 Defendant Safarini did not see fit to spare the lives
18 of any of the hostages on board Pan Am Flight 73, nor did he
19 offer his 21 murder victims the opportunity to enjoy the rest
20 of their lives in freedom. He did not show any compassion when

21 he forced Mr. Kumar to his knees, shot him in the head and
22 kicked his body out of the aircraft. He did not show any
23 compassion, he did not show any hesitation when he ordered his
24 comrades to open fire on the assembled hostages and
25 participated in the ensuing holocaust.

1 The government respectfully submits that the Court
2 should accept Defendant Safarini's guilty plea and sentence him
3 to spend 160 years in prison. It is time for justice to be
4 done.

5 Thank you, Your Honor.

6 MR. MAISEL: Your Honor, this might be a good time
7 for a short break. We have about 22 victims who have expressed
8 an interest in speaking.

9 THE INTERPRETER: Excuse me, Your Honor, we could not
10 hear the prosecutor.

11 MR. MAISEL: I said this would be a good time for a
12 break.

13 THE COURT: I agree. We'll spend as much time as
14 needed to hear from those 22 victims, as well as anyone else
15 who wishes to speak today. If there's a need to carry over
16 proceedings until tomorrow, we'll do so. And, again, I take
17 very seriously the impact of criminal activity on victims and
18 the families of victims, so we'll spend as much time as
19 necessary to help the family members and friends of victims to
20 hopefully bring some closure to what can only be described as,

21 and I said earlier, horrific criminal activity.

22 It's appropriate to give the court reporter and

23 everyone else a short recess. We'll take a 15 minute recess.

24 We will break at 1:00. I ask counsel to keep that in mind,

25 but, again, we'll take as much time as needed to hear from each

1 who would like to be heard from. We'll take a 15 minute
2 recess. There's no need to stand. Thank you.

3 (Recess taken.)

4 THE COURT: All right. Mr. Maisel?

5 MR. MAISEL: Thank you, Your Honor.

6 THE INTERPRETER: Your Honor, the defendant is not
7 here.

8 MR. MAISEL: Good point.

9 (The defendant entered the courtroom.)

10 THE COURT: All right.

11 MR. MAISEL: Thank you, Your Honor. The Court has
12 made it clear throughout from the plea forward that it wished
13 to hear from as many of the victims that wanted to come forward
14 and we have shared that with them. We have about 22 who have
15 told us that they plan to speak. In accordance with the
16 Court's wishes, we have informed each of them that up until the
17 last moment if they decide that they can't go forward with it,
18 that's fine.

19 THE COURT: That's certainly understandable.

20 MR. MAISEL: And, similarly, at the end of those

21 names, we will, as the Court has suggested, open it up to see
22 if any victims have decided to come forward. And at the
23 marshal's request, they've asked that all victims enter through
24 this gate to my left and speak from the witness stand from the
25 chair.

1 THE COURT: All right. That's fine.

2 MR. MAISEL: Our first witness addressing the Court
3 is Mr. Viraf Daroga. Mr. Daroga, as was mentioned, was the
4 Karachi station manager for Pan Am. He's the man who bravely
5 stood below the plane face-to-face with Mr. Safarini
6 negotiating. He's the man whose employees were on that plane.
7 He's the man who first reached the body of Rajesh Kumar when it
8 reached the tarmac. So we call for Mr. Viraf Daroga.

9 THE COURT: All right.

10 Good morning, sir.

11 MR. VIRAF DAROGA: Good morning, Your Honor. On
12 September 5, 1986 four armed individuals commanded Pan Am
13 Flight 73 parked on Bay 9 at Karachi International Airport at
14 approximately 0530 hours. For the next 18 hours over 350
15 passengers, plus crew, were held hostage. Many culminated with
16 the shoot-out by the perpetrators of the passengers when the
17 aircraft power supply failed.

18 My memory of that painful day is very vivid. As Pan
19 Am's director for Pakistan, I was the senior most official of
20 Pan Am in charge. My name is Viraf Daroga. Contrary to belief

21 that it was a hijack incident, it was a commando raid carried
22 out against innocent people. And its tragic consequences was a
23 brutal senseless action which shocked the world. Its
24 conclusion was a mindless assault on a group of innocent people
25 who, in themselves, had no power whatever to right any of the

1 supposed grievances of the assailants.

2 My emotions on that day fluctuated between a way and
3 means for safety and security for each and every person on the
4 aircraft, the anger and frustration of dealing with ground
5 officials on-site and how best to negotiate with the hijackers
6 to ease the tense situation and to avoid untoward happening
7 resulting in loss of life.

8 They knew their mission had failed when they found
9 out that the cockpit crew was not there to fly the airplane
10 out. Yet they declined time and again every appeal to at least
11 release women and children. There were several elderly
12 passengers who suffered from one form of ailment or another.
13 They were deprived of medication or medicine that they needed.

14 After the execution of the first passenger,
15 Mr. Kumar, who was shot and thrown out of the aircraft within
16 less than 30 seconds, and in spite of agreeing to allowing me
17 at least 20 to 30 minutes to discuss with Pak officials the
18 nature of their demand, it was apparent to me that we were
19 dealing with hardcore criminals to whom the success of their
20 mission was more paramount than other options that were being

21 looked into. And time and time again, they mentioned that they
22 will not spare any lives.

23 When the aircraft power unit failed, even at the 11th
24 hour, seconds before the shooting started inside the aircraft,
25 I was under the aircraft at the request of Pak officials to

1 call on the hijackers to assure them that no untoward action
2 was being contemplated and that the tarmac lights would be
3 switched on.

4 It was only later on I found out that they intended
5 to shoot me if and when I presented in front of them again
6 because of my position with Pan Am. And that perhaps I could
7 have authorized the release of the aircraft to fly out of
8 Karachi, which was their demand right from the start.

9 As the first wave of passengers came down the chute
10 on the tarmac, which included some Pan Am staff, from the right
11 corner door of the aircraft, I was the first person they met.
12 And with panic in their voice, they told me that the hijackers
13 were shooting and killing people on board. With shooting
14 continuing, I directed whoever I could to walk or run towards
15 the terminal building, which was visible in lights.

16 Those who were injured were picked up as they came
17 down the chute, put in ambulances that came rushing to the
18 aircraft, and were driven off to various hospitals.

19 Neerja, the senior purser, was brought down by her
20 colleagues and was taken to the hospital. She died in the

21 hospital in the arms of one of my staff.

22 The accused, present in the Court, was shot by one of

23 his own accomplices and he, too, was taken to the hospital

24 where the doctors attending to him found plastic explosives,

25 detonators, batteries, amongst possible other objects or

1 weapons tied to his body when they stripped him of his clothing
2 to attend to his wounds. This showed his intentions to blow up
3 the aircraft with all passengers on board.

4 The other three hijackers disembarked mingling with
5 the passengers in hope of escaping.

6 The dead remained on board and were removed
7 subsequently and taken to the morgue. The hijack drama
8 unfolded at approximately 2100 hours with a shoot-out by the
9 hijackers in which 20 passengers were killed and over 150
10 injured with severe to minor injuries.

11 In the face of such unreasoning cruelty, the
12 inevitable reactions of the mind and spirits is to recoil in
13 horror and revulsion. And, indeed, we will share with the
14 families and the friends of all of these victims the bitter
15 pain of their loss. Yet in the end, grief and sorrow are, by
16 their very nature, essentially private solitary emotions.

17 The aircraft was handed back to Pan Am shortly after
18 midnight. I had the responsibility and the unpleasant task of
19 assessing the state of the interior of the aircraft. No
20 training prepares an individual as to how he or she might react

21 to carnage.

22 As I walked into the aircraft, I was met with the

23 sight of blood, human remains, charred aircraft seats from

24 grenade explosions and bullet marks on the aircraft cabin

25 fuselage. The cabin was littered with passports and commissary

1 items, personal belongings. It was like a battlefield.

2 For my staff and I at Pan Am, we had a 52-hour
3 workday. It was over 56 hours before I got home. For days and
4 weeks following the incident, it was difficult for me to sleep
5 more than five to six hours because I just couldn't get the
6 horrible incident and the images of the dead passengers out of
7 my mind.

8 The loss of staff, Meherjee Kharas, who I knew
9 personally, whom I employed and who I identified to the
10 hijackers as the one who could operate the aircraft radio in
11 order to set up a better line of communication that the
12 hijackers demanded, left me with a sense of guilt on having
13 done so. I had to do it in order to avoid execution of more
14 passengers after Kumar. I was faced with Hobson's choice.

15 The death of Neerja was another painful memory to
16 this day. The days and weeks following the incident was spent
17 between hospitals, the briefings and inquiries dealing with Pak
18 officials, the news media and the legal and insurance officials
19 of Pan Am. The nightmare was still not over.

20 But the real nightmare started when it was known that

21 the captured hijackers would stand trial. It was also known
22 that I would testify at the trial, which was held in a prison
23 in a remote place called Adiala, on the outskirts of the city
24 of Islamabad.

25 Even during the trial, they did not show remorse or

1 guilt. Prior to the trial, I started receiving phone call
2 threats in the middle of the night at least four to five times
3 of the week. Basically, the threats were not only directed
4 towards me, but my family as well. Pan Am hired round the
5 clock armed security service for my residence, as well as an
6 armed body guard accompanying me wherever I went. This was an
7 infringement of my privacy, but with good intentions for my
8 protection. This service stayed with me until the ultimate
9 closure of Pan Am in 1990.

10 During this entire period, there wasn't a single day
11 when the thoughts of the welfare and safety of my family, when
12 away from me, did not cross my mind. It has been 18 years
13 since that day, but somehow it seems it is not a matter of the
14 past. Even now, the issue is kept alive from time to time
15 through newspaper media on the incarceration of the hijackers,
16 although they have supposedly served a life term imprisonment
17 in Pakistan.

18 Can one not suffer from trauma after this visual
19 experience? Indeed, one does. And it happens in several ways.
20 It manifests in the form of distressing memories, in flashbacks

21 and even depression at times. For me, personally, even now as
22 the month of September approaches, my mind-set gets distracted
23 with memories and flashbacks. At the core of the problem is
24 the nature of trauma, an event that shatters beliefs about the
25 world being safe and benevolent.

1 There are still four hijackers who are presently in
2 the prison in Pakistan. The thought that some day they may be
3 released from prison and that they may extract revenge or
4 vendetta from my family worries me. Can I not help feeling
5 that? These people are known to extract revenge even after
6 years have elapsed after an incident.

7 Finally, Your Honor, I thank you for giving me an
8 opportunity to address your court. Thank you.

9 MS. LEVY: Your Honor, Sunshine Vesuwala. She was a
10 flight attendant on board Pan Am Flight 73.

11 THE COURT: Good morning.

12 MS. SUNSHINE VESUWALA: Good morning. My name is
13 Sunshine Vesuwala. I was a flight attendant on Pan Am 73 back
14 in '86. It seems a long time ago to a lot of people. It's
15 like yesterday for me. The effects of being a victim have
16 lasted many years after the fact. I don't think they'll ever
17 wear off; not while he's alive. The first few years were the
18 worse. But any little thing can bring it back.

19 It took me years to sleep without nightmares. If I
20 had to even go to the washroom, my husband had to walk with me.

21 I had to wake him up. I would wake up in the act of throwing
22 things around the house, shaking, flailing out. We had to
23 change all the ornaments in my house from glass to plastic. I
24 nearly killed my husband once with a glass ashtray at night
25 because I woke up in the midst of a nightmare.

1 It was okay when we were flying because we could --
2 we shared rooms, we flew together, we stayed together. It was
3 different. But when I was at home, when my husband was at work
4 I went to work with him, when I was at home. I stayed there
5 until midnight because that's when he finished work and then we
6 would come back home together. I couldn't be left alone for a
7 minute for years after that. I was really aggressive, really
8 nasty, got into fights if anyone so much as touched me. People
9 I didn't know, if they approached me from the back, they got a
10 fist in the face.

11 It was many years after that before I had the courage
12 to have a baby. I had been married two months when we were
13 hijacked with only flying five. We were relatively new to the
14 position. All of us were kids at that time, just 22, straight
15 out of college, and we had never had to experience something
16 like this.

17 I went back to Karachi to testify. Initially, for
18 the first ten minutes they pretended to be human. They smiled
19 at us across the courtroom pretending we were friends, waved to
20 us across the courtroom. And then, when I started testifying,

21 they started glaring at me to such an extent the judge had to
22 stop the proceeding and ask them to stop because I was
23 stuttering so much I could barely speak.

24 The pictures were taken in the court and they were so
25 comfortable there. They had it made. It wasn't a life

1 sentence for them. It was a holiday. One of them who's not
2 here, he's still in Karachi, he pulled the two security guys
3 holding him across to the journalist who took his picture and
4 he said, "my picture in paper, you dead." Well, guess whose
5 pictures were in the paper? Ours. I didn't want to have a kid
6 after that. Our general address was in the newspapers, our
7 pictures were in the newspapers and they were protected. It
8 made us feel like criminals.

9 I can't watch movies with a lot of violence. There's
10 a lot I can't do. From the time my kids were born, if they
11 caught me around the neck, I behaved irrationally. I'd throw
12 them away physically. I still can't have anyone hold me around
13 the neck.

14 It was watching human behavior at its worst. At the
15 final shoot-out, I'll never, ever, forget the noise of 400
16 passengers howling. They were howling and they were crying,
17 "Oh God, oh God, oh God." And they were howling. They sounded
18 like animals. All of us did. We were so scared.

19 And they would have gone on shooting. The reason
20 they couldn't is because the lights went out and the ammunition

21 was at L2. They couldn't get to it. They would have gone on
22 and on and on shooting. They didn't stop until they ran out of
23 ammunition and then the two of them were the first ones off the
24 plane. They weren't man enough to stand and take the
25 consequences of their action.

1 Do you know what he said to Kumar before he shot him
2 up? He shot him in the head. And the full hour he was there
3 he was crying and begging for his life he asked him, "Are you a
4 man." Is he a man? Every time he opened the door, he put me
5 in front of him. Every time he entered the cockpit, I was in
6 front of him. Is he a man?

7 It took him all of two minutes to pick his next
8 victim. Two minutes. That's how much remorse he had. He sent
9 him back because he was praying in the Muslim way. But he got
10 someone else after that. And he kept him there the rest of the
11 flight and treated him with such indignity. Is he a man? What
12 makes a man; a weapon?

13 They knew what they intended to do right from the
14 beginning. They put all of us together and shot us like we
15 were animals. They tried to commit mass murder. They nearly
16 succeeded in killing all of us, every single one of us.

17 The people who died, they suffered a lot more than
18 anything I went through. The families that lost loved ones,
19 they suffered way more than I can ever hope to understand.
20 I'll never be able to understand that. He messed so many

21 people's lives. You look at the qualifications of the people.
22 He took away such talent from this world and has left himself
23 behind for us.
24 This group is responsible for more than the deaths of
25 all the people on that day. If he gets out, if he comes

1 anywhere near the public, he'll start again. He did nothing to
2 show he was remorseful at all. When he shot Kumar and kicked
3 him out like he was garbage, he blamed the people on the
4 ground. "They made me do it." That's what he said.

5 Neerja had the rest of her life ahead of her. We
6 were all going. We had all carried food and snacks and alcohol
7 to have a party in Frankfurt to celebrate her birthday. She
8 never got to celebrate her birthday. She never got to have
9 children. She never got to have a family. She enjoyed her
10 job, she loved it, it was her new lease on life. He took that
11 away from her.

12 Kharas, he had a young wife, he had so much going for
13 him. All the people who died, they had so much going for them.
14 He took it away, he and his four criminal friends.

15 Kumar was a kid. He didn't deserve to be treated
16 like that the last few minutes of his life. He didn't allow
17 anybody to die with dignity.

18 I went to identify --

19 The Pakistani authorities thought one of the
20 hijackers were dead, so they took me to identify all the dead

21 that were in the morgue. I saw every dead person there. I saw
22 every injury that was done. And he was up undergoing surgery.
23 Neerja bled to death on the floor in Karachi and he was taken
24 up for treatment.
25 He made the flight attendants the victims. We felt

1 responsible. We had a sense of responsibility because it was
2 our job. He made us feel guilty for the people he killed. He
3 doesn't deserve to have a third chance at justice. He was in
4 Karachi and testified. We had the Grand Jury hearing. Why are
5 we here? He doesn't deserve a thing. He doesn't deserve any
6 decency. All he's done all his life is bully people. Walking
7 around with a gun doesn't make anyone strong. Put a weapon in
8 my hand and I'll show you.

9 I'm done.

10 THE COURT: Thank you.

11 MR. MAISEL: Our next speaker will be Dr. Prabhat
12 Krishnaswamy. His father and mother were aboard the plane.
13 His father was killed.

14 THE COURT: Good afternoon, sir.

15 MR. PRABHAT KRISHNASWAMY: Good afternoon, Your
16 Honor. My name is Prabhat Krishnaswamy. This statement is
17 dedicated with all my affection to the memory of my father and
18 friend, Seetharamiah Krishnaswamy, my first and greatest
19 teacher. And to my mother's courage and bravery during the
20 ordeal.

21 There is still a small suitcase that sits in the
22 corner of my basement just like any other that is carried on
23 board an airplane and fits neatly under the seat. It was
24 bright green and brand new 17 years ago when it was first used
25 for the only time. It is rarely opened because of the flood of

1 memories associated with it.

2 Upon closer examination, the case has small black
3 spots and chip marks on it; damage as a result of shrapnel from
4 hand grenades that were exploded by the defendant and his
5 fellow terrorists on Pan Am Flight 73. My parents carried that
6 suitcase on that fateful flight during which my father was
7 taken from us and my mother suffered shrapnel wounds to her
8 foot.

9 Our lives were shattered that day, never to be the
10 same again. After almost a 36-hour long tense and suspenseful
11 wait, there was a call from my mother early on Saturday morning
12 September 6, 1986 from a stranger's house in a foreign country.
13 In a calm, dignified voice, she conveyed to me as best as
14 translation permits, "Your father's life story has just come to
15 an end. If possible, please come home as soon as you can to
16 perform his funeral rites. I do not want you to lose it at
17 this time. If you do, it will hurt me even more." That
18 chilling phone call will be etched in my memory as long as life
19 lasts.

20 Before I knew what hit me, it was the evening of

21 Tuesday, September 9, 1986 and I found myself wading into the
22 cool waters of the Arabian sea, my hands clenched fiercely, the
23 small urn containing his ashes ready for emersion. He and I
24 had enjoyed watching numerous sunsets on that sea. Looking up
25 at the horizon I realized that this would be the last time that

1 he and I would partake silently in that sacrament of sundown.
2 And then he was gone. And the madness and the grief sank in
3 slowly pervading through every sense and every cell in my body.
4 What mattered most, did not remain. What remained, didn't seem
5 to matter.

6 I cannot honestly say that we have ever understood or
7 made sense of the tragedy and the reasons for its provocation
8 at first. But my family and I have, indeed, moved on with
9 fierce determination not to let the likes of the defendant
10 destroy what was left of our lives.

11 At your request I will share with the Court the
12 circumstances of my parents' travel, my mother's experience in
13 Karachi, a description of the type of person my father was, and
14 what we lost that day.

15 After 17 years, this is not a statement of grief, for
16 excessive grief dishonors the memory of the dead. It's a
17 description of loss and suffering inflicted by the defendant on
18 our innocent lives. The statement also expresses my candid
19 reaction to the outcome of this trial and some thoughts on this
20 courage.

21 My parents were on their maiden flight abroad from
22 India on Pan Am Flight 73 traveling from Bombay to Seattle,
23 Washington where I was in graduate school. The primary reason
24 was to celebrate the wedding of my younger sister. Obviously,
25 that was not to be.

1 During the incident, with the help of a number of
2 strangers, family friends and their friends and business
3 associates in Karachi, I was actually able to get in touch with
4 Mr. Daroga, who had testified earlier. And he was able to
5 convey to the hijackers a message from me that my mother was in
6 poor health and they took her aside and put her in a first
7 class cabin, apparently. She and my father were separated, and
8 she never saw my father alive again. Only the sight of his
9 body in Bombay several days later.

10 As the defendant and the other terrorists slaughtered
11 passengers, my mother ran frantically up and down the aircraft
12 looking for my father in the middle of the night without any
13 lights in the plane. As the passengers escaped by the
14 emergency chute, my mother ran on the wing of the plane, it's
15 two stories high, shouting for help to locate my father, there
16 were bullet shots randomly flying all around her. Eventually,
17 she had to exit the aircraft via the emergency chute. While
18 sliding down, her clothes were stained with blood of the many
19 injured and dying victims who had come before her and she had
20 to discard that attire.

21 Due to bureaucratic snafus, at the last minute, they
22 tried to convince her to board a special flight back to Bombay
23 without his body. She refused, and refused to take a sip of
24 water until they had located his coffin and brought it and
25 loaded it on that plane.

1 Such was the trauma from the incident that it was
2 only after the funeral that my mother realized the pain from
3 the wound to her foot. An x-ray revealed the pieces of
4 shrapnel that were lodged in her ankle. Shortly after, she
5 underwent surgery to remove the pieces and she recovered
6 completely after that.

7 Like a deer caught in headlights and then hit by a
8 speeding truck, each one of us in our family was left
9 bewildered and heartbroken. Tragedy they say is sometimes
10 defined as the difference between what is and what might have
11 been. It is no different in our case as we wonder every day,
12 if not every hour of every day, what might have had happened if
13 my parents never ran into this defendant.

14 What might have been would include a father's pride
15 at the commencement ceremonies at two doctoral degrees awarded
16 to his children. What might have been is his majestic presence
17 as his children got married. What might have been is the
18 simple and sublime joy on his face at the sight of his
19 beautiful grandchildren, none of whom he ever saw. What might
20 have been is the sweetness of companionship for my mother in

21 her advancing years. What might have been is an opportunity to
22 perpetuate the values and culture he so dearly held to another
23 generation in the family.

24 What should never have been, Your Honor, is this gut
25 wrenching experience of preparing and presenting this horrid

1 statement before you. It is obviously difficult to convey in a
2 few pages what my father meant to my family and what we lost
3 during the attack. He was a caring husband, a devoted father,
4 an admired and respected colleague, a consummate professional
5 and a relentless perfectionist. He was very cultured and
6 highly involved and conducted himself with dignity and grace in
7 every situation that he encountered. I have submitted his
8 biographical sketch for the record in the written statement.
9 It suffices to say that my father and this defendant did not
10 belong on the same planet, let alone the same plane. And
11 unfortunately for him, he paid for it with his life.

12 Even though it's been 17 years, no one else in my
13 family was up to come and speak before you today. The energy
14 and the emotion expended in coping with the tragedy was so
15 immense that they were not inclined to relive this nightmare.

16 The only possible way to fully comprehend the crime
17 and punishment in this case is to fast forward the events
18 simultaneously with these proceedings. We have amidst us the
19 21 bodies that he slaughtered and over 100 were wounded.
20 Amongst the dead is my father. Amongst the wounded is my

21 mother. And those bodies now beg the two questions of us: Why
22 was my life so uselessly terminated or destroyed, and what are
23 you and the system going to do about it?

24 We heard quite extensively why their life was
25 terminated. It was not bad luck, a cruel twist of fate. It

1 was an act of war against the U.S., but cowardly carried out
2 against innocent, defenseless, unarmed civilians.

3 What would the victims like to do about it? The
4 victims would like to charge the defendant, tear him into
5 pieces, one limb at a time, and feed his remains as a feast for
6 hyenas and vultures. But in spite of that pain and anger, the
7 victims do subscribe to the dignity of law and survived life
8 with the unwavering belief in the system that our government
9 will deliver justice that we seek.

10 When I first heard that Your Honor had granted the
11 defense motion barring the government from seeking the death
12 penalty, there was an outburst, you cannot be serious. But
13 this is, indeed, far more serious than a bad line call in a
14 tennis match.

15 I have studied your opinion issued by Your Honor, as
16 well as the Anti-Hijacking Act of 1974, the Federal Death
17 Penalty Act of 1994, as best as possible. From a common sense
18 interpretation of these acts, the intent of Congress was to
19 make sure that murdering terrorists, such as the defendant, are
20 put to death. However, due to the quirks in these statutes

21 with regard to their timing, constitutionality tests, apparent
22 lack of clarity and congressional intent in 1994 and
23 retroactive applicability of the law, Your Honor apparently
24 ruled on the matter based on legal scholarship applied with
25 academic rigor.

1 I am very keenly aware of your distinguished career
2 in public service and the fact that three United States
3 presidents have appointed you to your office. Nevertheless, I
4 respectfully disagree with the opinion of the Court in this
5 case. A jury trial without any restrictions in the death
6 penalty would have been fitting. The decision of 12 ordinary
7 citizens like me deciding the case on a common sense
8 interpretation of the United States Code and the Federal Death
9 Penalty Act would have been more palatable.

10 From the viewpoint of the victim, it appears that
11 clever lawyering prevailed over common sense. In this case the
12 facts are irrefutable, the evidence is uncontrovertible, the
13 suffering immeasurable. But the Court seems to have succumbed
14 to legal maneuvering. Even a Palestinian butcher would show
15 greater mercy while slaughtering cattle. He deserves three
16 forms of death penalty, not three consecutive life sentences.

17 A human being is defined as someone who's endowed
18 with reason and a conscience, so says the very first article in
19 the Declaration of Human Rights from the UN. What human
20 conscience could possibly consent to or condone the slaughter?

21 What human reason could possibly rationalize these murders?
22 The defendants and people like him are beasts that are
23 manifested in human form. They are personifications of evil
24 itself. A mountain lion encroaches on a neighborhood and
25 indiscriminately kills innocent children, it's eventually

1 hunted down and either killed violently, or, if captured,
2 humanely terminated. There is no third choice.

3 And so I return to that suitcase in my basement
4 filled with morbid memories. Perhaps this experience of
5 participating in this sentence is sufficient for me to finally
6 discard that piece of luggage from my life.

7 I would like to go on record and publicly thank
8 dozens of people, friends, relatives, bureaucrats, strangers in
9 foreign countries, telephone operators, the White House Task
10 Force, travel agents who helped and carried my family through
11 that tragedy, sometimes stopping everything that they did just
12 to come and help us. It is heartening to know that for every
13 one defendant, there are a thousand others who have that basic
14 goodness in human beings, that fragile thread of humanity that
15 binds us and reminds us of our innate obligation to help other
16 beings in distress. I am internally grateful for that.

17 I do wish to thank you for requesting to hear from
18 the victims, for allowing me to express my feelings, explain my
19 disappointment of the outcome. To my fellow victims, my
20 heartfelt condolences for the loss you suffered. To Brad

21 Deardorff and his fellow agents, my hats off to you for
22 apprehending and bringing the defendant to justice. To the
23 Victims Advocate Office, I appreciate all your assistance and
24 help and offer for help in planning a memorial for the victims.
25 To Jennifer Levy and Gregg Maisel, thank you for making

1 this day happen.

2 The feelings of a victim are best described by the
3 words of a Muslim poet from the 11th Century. "The moving
4 finger writes, and, having writ, moves on, nor all your piety,
5 nor wit, can lure it back to cancel half a line, nor all your
6 tears wash out a word of it."

7 Your Honor, God bless you for your kindness. God
8 bless America.

9 THE COURT: Thank you, sir.

10 MS. LEVY: Your Honor, Mr. Aneesh Bhanot, the brother
11 of Neerja Bhanot.

12 MR. ANEESH BHANOT: Good afternoon, Your Honor.

13 THE COURT: Good afternoon, sir.

14 MR. ANEESH BHANOT: This is the first time I am
15 seeing Mr. Safarini. And when he walked in after the break, he
16 gave a big smile. And my first few words will probably make
17 him smile a little bit more. I come from India, a land that
18 preaches nonviolence. It's a land of Muhammad al-Amin who
19 recommends that you turn the other cheek when faced with
20 injustice, do not spread hatred, forgive and forget.

21 THE INTERPRETER: Excuse me, Your Honor. The
22 interpreter would ask Your Honor to ask the witness to speak in
23 the microphone.

24 THE COURT: That's fine.

25 MR. ANEESH BHANOT: Is this okay?

1 THE INTERPRETER: Yes.

2 MR. ANEESH BHANOT: Would you like me to repeat what
3 I just said?

4 THE COURT: Sure, if you can.

5 MR. ANEESH BHANOT: I come from India, a land that
6 preaches nonviolence. It's a land of Muhammad al-Amin who
7 recommends that you turn the other cheek when faced with
8 injustice, do not spread hatred, forgive and forget. I'm sure
9 the person you are translating to right now will be very happy
10 to hear these words. And yet as I sit here in this courtroom,
11 all I can say is any punishment given to him is not enough.
12 These are not words of hatred, they're not of anger, they're
13 simply words that express something that the entire world
14 believes in, and that is hunt all terrorists down one by one
15 and bring them down to justice.

16 As I took my seat in the aircraft which brought me
17 here from India to Washington, my mind could well imagine what
18 had happened on the terrible day September 5, 1986. On board
19 Flight 73 of Pan American World Airways was a young, fair
20 haired, 23 year old flight purser, Neerja, who I'm very proud

21 to say was my sister. As the day progressed, this delicate
22 looking girl and all the other flight attendants, Sunshine
23 especially, showed to Mr. Safarini and his gang of brutal
24 terrorists that hate and the threats of death cannot pull down
25 a great spirit and compassion for a fellow human being.

1 Neerja was an Indian citizen. All the other flight
2 attendants were also Indian citizens. Mr. Safarini and his
3 gang were targeting Americans, as was very obvious from the
4 passenger calls which you heard later on. Neerja and all the
5 other attendants knew this. That is why when they asked them
6 to get the passports of all the passengers, they hid the
7 American passports on the airplane. There was a passenger on
8 this particular flight, Sheik Imitra. And Sheik Imitra
9 recounted in a newspaper of America called the Cincinnati
10 Inquirer of September 8, 1986. And I'll quote from that, "The
11 leader passed by our seat pointing guns at us saying, 'Do you
12 have American passports?'" Neerja hid his U.S. passport and
13 the other flight attendants hid other passports. I still can't
14 believe they did that. If the terrorists had found that out,
15 they would have killed them all immediately. I'm very sure of
16 that.

17 Neerja did not just die from the fighting at the end
18 of the hijack. She was murdered in cold blood by inhuman
19 terrorists who had no value for human life. Sheik Imitra, in
20 fact, in that article said, "the flight attendant," and he was

21 talking about Neerja, "smiled throughout the incident despite
22 the fears surrounding her. And that infuriated the terrorists.
23 They often pointed their guns at the young woman accusing her
24 of carrying on secret communications with the passengers."
25 There's another passenger from Pakistan, a gentleman

1 called Hussein, who had written an article in a newspaper
2 called the Star of Pakistan. And he wrote again that says as
3 the lights went out at 10:00 p.m. we was herded with the
4 passengers and the shooting started. From nowhere, his savior,
5 Neerja, and I'm sure other flight attendants also did the same
6 thing, had the presence and the nerve to steer through the
7 pandemonium to lead the passengers where to go.

8 Neerja, by sheer zest, it seems, single-handedly
9 opened the chute. Her favorite words to him and other
10 passengers were, get out, run. Neerja could have been the
11 first one to escape from the aircraft as she opened the
12 emergency door, yet she chose not to do that. Instead, she got
13 the passengers out and gave her own life, as we are told, while
14 shielding three small children from gunfire. Her actions
15 probably saved hundreds of lives.

16 September 7 was Neerja's birthday. That was also the
17 day on which we received her coffin at Bombay Airport. It was
18 a traumatic experience for all of us. Such is the nature of
19 the human mind that even until then we were hoping against hope
20 that it was a case of mistaken identity, that Neerja is still

21 alive. But then when the coffin was opened, there she was.

22 Her face was looking so peaceful, just like an angel.

23 My mother had been on tranquilizers right from

24 September 5. But as she saw Neerja's face, even the

25 tranquilizers did not work. "It's her, it's her." That's all

1 she could say, and she kept on repeating that, "it's her."

2 As the long night of September 7 wore on, there were
3 many questions that were uppermost in our minds. Why her?
4 What enemy did Neerja have with the terrorists? She was a
5 stranger to them. How did they benefit by murdering her? Or
6 was it just sheer madness on their part?

7 Neerja was my only sister. She was younger to me by
8 six years and we were very close to each other. We shared our
9 hopes, our dreams, our aspirations, our sorrows. Our parents
10 had taught us to be responsible, fearless, and independent.
11 And Neerja especially displayed these traits.

12 Neerja was an accomplished model. I saw her. On
13 September 4 she had spent a full day on a grueling modeling
14 assignment. When she came home in the evening, my mother told
15 her to ring up Pan Am and ask to be taken off this flight. But
16 the highly duty conscious Neerja had refused. Had she done so,
17 perhaps Mr. Safarini here and his gang would have managed to
18 slaughter many more passengers.

19 The days after the hijack were a disturbing period
20 for all of us. Our parents became overprotective. There were

21 anxious calls from them, even if we were slightly late at the
22 office. We tried to avoid public places. We don't relish the
23 fear of traveling, especially flying. It was a black period
24 best forgotten.

25 Your Honor, Mr. Safarini here might be a very

1 pleased man that he killed Neerja's body, but he may not be so
2 happy to know that her spirit is still alive. And it is alive
3 in the shape of a number of similarly courageous women whom we
4 recognize and reward every year through a specially created
5 trust, of which I am the honorary administrator.

6 No, there is no anger against Safarini, no hatred
7 either, just a calm satisfaction that a person who spews venom,
8 a person who cold bloodedly murdered so many innocent people, a
9 person who with a scar on the face of mankind is now facing
10 just retribution. Mr. Safarini has showed to the world that he
11 is not responsible enough to live in a free world, in a free
12 society, and any number of years he stays behind bars, is
13 simply not enough.

14 Thank you, Your Honor.

15 THE COURT: All right. Thank you, sir.

16 MR. MAISEL: Your Honor, our next speaker is
17 Mr. Tushar Nagar, who is the brother of Trupti Dalal, who was
18 killed aboard the plane. Your Honor, with the Court's
19 permission, if Mr. Nagar's wife could accompany him and stand
20 next to him during his speaking?

21 THE COURT: Sure. Absolutely.

22 Good afternoon to you both.

23 MR. TUSHAR NAGAR: Good afternoon, Your Honor. My

24 name is Tushar Nagar and I am the brother, only brother, of

25 Trupti Dalal, who by marriage had changed her name to Dalal.

1 Trupti was only about five years younger than me and we both
2 were very close. We grew up together. My story is parallel to
3 her son's.

4 My mother passed away when I was ten and then Trupti
5 was five. Khanjan, Tripti's son, his mother was taken away by
6 Mr. Safarini when Kungan was ten. We both grew up without our
7 mother. Trupti was a very kind, caring, loving person. She
8 would get upset if somebody else was hurt and she did not go
9 and help or could not go and help.

10 After my mother's death, my father remarried and we
11 had, so to speak, you know, what you say is a typical
12 stepmother, who, in the typical sense, was and is not a very
13 nice person. Trupti, being the younger one than me, and the
14 girl, had suffered a lot through her hands. And I tried my
15 best at the time to save her certain occasions. Being, you
16 know, young at that time also and to speak up at the adults and
17 talk to them was very difficult and is not according to the
18 Indian customs.

19 Finally, when she got married, she married to a nice
20 boy who was only living three houses away and they were

21 starting together. And I arranged their marriage in the sense
22 that being of different castes, you know, there were problems.
23 And I was the person who solved the problems and did that. So
24 we were very close to the fact that we cared for each other, we
25 loved each other very much.

1 I moved here, you know, to the United States, you
2 know, in '72. And they got married in '73. Well, I could not
3 attend her wedding being on a student visa and short of funds.
4 So my only sister's wedding and I could not attend and I felt
5 very bad about it, which she did too.

6 Khanjan is her son and they both were coming over
7 here with a troupe called Aavishkar. And Aavishkar was formed
8 by Trupti. She was very talented in singing and typical Indian
9 culture dances. Not, you know, the regular kind, but, you
10 know, from different cultures. Even in India, there are so
11 many cultures. And she would go live with the people, learn
12 the authentic dances, and then come and present it to, you
13 know, the troupe and train them.

14 So she was coming here and I was going to meet her
15 after five years. I had not seen her, you know, in five years.
16 She was going to stay with me. Her husband could not accompany
17 her and she did not want to go on the flight and she was
18 crying, saying I don't want to go without her husband. And the
19 husband had a problem of some visa that he had applied for and
20 did not get his passport back from the German Embassy.

21 Reluctantly she did go with the troupe saying that
22 since you are in charge of the troupe, and my cousin's sister
23 was also with her, so she finally agreed to go.

24 She was sitting in the back, in the economy class in
25 the back. The whole troupe was. And because these people

1 ordered all of the passengers to come out and sit in one of the
2 sections, she was sitting in the aisle, right in the center, in
3 probably the front. Her son was sitting next to her and my
4 cousin was sitting right back.

5 You heard the stories about the shooting and all
6 that, so I'm not going to repeat it. But, you know, when the
7 shooting had started, she --

8 THE COURT: Take whatever time you want to.

9 MR. TUSHAR NAGAR: Thank you. She put her son's face
10 in her lap trying to protect him from getting hit while not
11 knowing at the time that she would be the one who would, you
12 know, catch the bullet from this man. To this day, the son,
13 Khanjan, sees a psychiatrist. He's not well even though he's
14 learned to live his life and be independent. There is a
15 tremendous sense of guilt in him which is very difficult to
16 forget, is that his mother passed away because she wanted to
17 save him, which every mother would do that, which is natural
18 for anyone.

19 I can't forget her. I still get nightmares about
20 this. When I heard, you know, the 5th of September a plane was

21 hijacked, I just thought in my mind, oh, there goes another
22 hijacking, not knowing, realizing, that she was on that same
23 flight. Then I get a call from her father-in-law, which we are
24 very close, that she and the troupe are on that flight. And
25 then I tried to get all kinds of information from all sources.

1 I had just become a U.S. citizen at the time on
2 July 4 and had not applied for a passport or a visa and I had
3 to rush over to get the passport and I had instructed my
4 brother-in-law that I do not want them to cremate the body
5 until I'm there. I wanted to see her for the last time.

6 They had preserved the body and kept it in a room.
7 And I saw her. And I was supposed to hug her and be close to
8 her at the time when she was coming here. Instead, I was faced
9 with seeing her lying down, breathless, and her face was so
10 peaceful. It still is in my mind and will remain to this day
11 or until the day I die. She did not deserve to die. She had
12 just begun to enjoy her life and she was very happy with the
13 life that she was to help other people.

14 To this day, I remember every Friday she would
15 prepare meals for the poor and go and distribute and give them
16 the meals. Every Friday without fail she would be caring for
17 people who were less privileged than her. And this man,
18 Mr. Safarini, took away an innocent life who had just learned
19 to live the life the way she wanted and was meant to be lived.
20 What and why he did that is besides, but taking an innocent

21 life is not justifiable in any country or anywhere in the
22 world. And the person who does that should be punished to the
23 fullest.

24 To this day, in my mind it comes that why did it have
25 to happen to her, like I'm sure everyone who has lost, you

1 know, their relative or somebody is feeling the same. My
2 father could not take this. Any father cannot bear to see
3 their sons or daughters die before them. And he was devastated
4 and had lost interest in his life. He was a doctor. He helped
5 people. He was helping. He was not satisfied until he did
6 something to help somebody. And that was what my sister had in
7 her; the same thing. She would be very happy if she could help
8 somebody no matter what.

9 Since Mr. Safarini cannot get the death penalty, as I
10 understand, Your Honor, I wish that he should be put away for
11 life without parole and without even a chance of getting
12 parole. He should suffer. I'm not angry, but --

13 THE COURT: I think you have the right to be angry.

14 MR. TUSHAR NAGAR: Well, not angry at him. I'm just
15 angry at terrorists in general. You know, I can't bear to see
16 still the news when you see the terrorist news and all that.
17 And all the flashbacks come back, you know, to your mind. But
18 the thing that I want is, he should suffer like everybody on
19 the plane suffered for 18 hours, you know, with a gun pointing
20 at the heads, basically, and not knowing what's going to happen

21 or when he's going to pull the trigger.

22 It's similar to like, you know, the Russian roulette

23 where they pull the trigger with only one bullet in it and the

24 feeling is the same. And to suffer for 18 hours. And this man

25 does not have any remorse. I can see he's still laughing.

1 THE COURT: I agree with you in that regard. I've
2 not seen any remorse or emotion shown whatsoever.

3 MR. TUSHAR NAGAR: Right. I mean, you know, like he
4 doesn't even feel that he has done something.

5 THE COURT: I think you're absolutely correct.

6 MR. TUSHAR NAGAR: Finally, you know, he should be
7 put away and take away all the privileges that normal people
8 get in prison.

9 THE COURT: I agree with you. And that will be one
10 of my recommendations; that he not have the privileges.

11 MR. TUSHAR NAGAR: Right.

12 THE COURT: And I will recommend also that he be in
13 solitary confinement in maximum security.

14 MR. TUSHAR NAGAR: Thank you, Your Honor.

15 THE COURT: I have no authority to place him. That's
16 a decision made by the Bureau of Prisons. But I will make a
17 number of recommendations to make it as uncomfortable for him
18 in prison for the rest of my life as I can. I will also
19 recommend to the parole board -- he can be eligible for parole
20 hearings, it may sound bizarre, he's eligible for parole

21 hearings. I can't imagine any parole board that will allow him
22 to return to civilized society again -- that he's denied
23 parole.

24 MR. TUSHAR NAGAR: I can tell you now that he will do
25 the same thing again.

1 THE COURT: I have no doubt. He's forfeited his
2 right to walk in civilized society. It's never going to happen
3 again.

4 MR. TUSHAR NAGAR: Because I'm seeing him for the
5 first time and I feel, you know, what he did at the time the
6 fear the people had just by looking at him, you know. And like
7 people have named him "Rambo" or whatever. But, you know, I
8 would request you to at least recommend, you know, just like
9 we're talking, you told me.

10 THE COURT: Absolutely.

11 MR. TUSHAR NAGAR: That he would never see daylight
12 again.

13 THE COURT: No.

14 MR. TUSHAR NAGAR: And let him suffer for it.

15 THE COURT: In fact, the facility that I recommend
16 that he be incarcerated in is an underground facility.

17 MR. TUSHAR NAGAR: Thank you very much, Your Honor.

18 THE COURT: So, in effect, if that happens, he'll
19 spend the rest of his life in solitary confinement in a
20 facility that's essentially underground.

21 MR. TUSHAR NAGAR: I agree with you, Your Honor.
22 Thank you very much.
23 THE COURT: All right. Take care of yourself.
24 MR. TUSHAR: NAGAR: Thank you.
25 THE COURT: Counsel, it's 1:00. At some point we

1 will have to break for lunch. I'm mindful that there are other
2 speakers. And again, I mean it when I say it, we'll spend as
3 much time as is necessary to hear from everyone. And if that
4 means resuming tomorrow, then that's fine. We planned on this,
5 we talked about the possibility of two days being allotted to
6 this proceeding.

7 MR. MAISEL: I think now would be a good time to
8 break for lunch.

9 THE COURT: All right. We have a very small
10 cafeteria. And I recognize there are a number of jury trials
11 going on in the courthouse as well. Normally, if this were a
12 trial, we would break for an hour or so. We are probably not
13 going to finish today. I don't think we can finish today.
14 That's my belief at this point. I'm not sure.

15 Do you know who else is going to talk?

16 MR. MAISEL: I have some optimism. There will,
17 obviously, be varying lengths of statements. Many of the
18 longer ones were up front. There will still be some longer
19 ones. But I think it's still possible. We have also provided
20 them with a list of places to eat near the courthouse, in

21 addition to the cafeteria.

22 THE COURT: I think it probably makes more sense to

23 break for an hour and a half. I wouldn't normally do that, but

24 there are so many people present. There are how many speakers

25 remaining; 15 or so?

1 MR. MAISEL: I think we've gone through five. I
2 think we have around 17 left.

3 THE COURT: Seventeen left. I don't think we can
4 finish today. And that's fine, that's absolutely fine. We
5 should break until 2:30. We'll start promptly at 2:30, all
6 right?

7 Thank you, Counsel. There's no need to stand. Thank
8 you.

9 (Recess taken for lunch.)

10 THE COURT: All right, let's proceed.

11 MS. LEVY: Thank you, Your Honor. Mr. Gopal
12 Dadhirao.

13 THE COURT: All right. Good afternoon, sir.

14 MR. GOPAL DADHIRAO: Good afternoon. My name is
15 Gopal Dadhirao. My wife was Krishna Gadde and I am a victim.
16 For 29 years, until the day of hijacking I worked hard to
17 become a scientist, a doctor, a husband, a father. These were
18 the titles I was working hard to. All that changed when this
19 man changed that day with his actions and I got a new title,
20 the title of a victim.

21 For the last 18 years I have been working to get past
22 the title "victim." When I wake up in the morning and I look
23 at my feet with three of the toes missing, I'm reminded that
24 I'm a victim. When I look at the picture of my wife, a vibrant
25 beautiful young woman who got shot in the prime of her life, I

1 know that I'm a victim.

2 Your Honor, this is a picture of my wife. We were
3 trying to have a baby for a couple of years. And Krishna
4 thought she was pregnant. I was going to be a great dad, but
5 he changed that when he and his cohorts murdered my wife and my
6 unborn child. Instead of a father, I am forever a victim.

7 I lost a person who had absolute faith in me. I live
8 each day with the guilt that I betrayed that faith. She is
9 dead and I could not save her. I saved my life, but I could
10 not save her. Instead of the title "husband", I am the living
11 dead.

12 After the hours in the plane, after they had tossed
13 all their hand grenades and fired all the bullets, I saw my
14 wife's beautiful tranquil face. I tried to wake her up. She
15 looked as if she was asleep. I pulled her towards me, only to
16 recoil in horror. She was missing the entire right side of her
17 body from the neck up. I saw a gaping hole, a skull.

18 Each and every day I wake up to that horrendous site
19 of my wife's skull etched in my memory. Like that picture, a
20 serene face on one half and the scarred skeleton on the other,

21 my life is divided. My life, our life was peaceful and so full
22 of promise and hope of a bright successful and a joyful future
23 before the hijacking. Then my life became one of nightmares,
24 unfulfilled dreams and guilt, remorse and grief after the
25 hijacking.

1 It has been 18 years and I have not summoned up
2 enough courage to visit my home. My brothers, sisters and
3 their families have not seen me in all these years. He has not
4 just victimized me and my wife, but all of our families, all of
5 our friends. I'm not a doctor, I'm not a father, I'm not a
6 scientist, but a victim. That one senseless act of 18 years
7 ago is going to be with me and all those people here and
8 thousands of other families and friends of other victims who
9 could not be here today.

10 Your Honor, there is nothing you or this court can do
11 to this man that will ever make the things right or normal
12 again. But if it could prevent a future Lockerbie, if it could
13 prevent another World Trade Center, we owe it to that 29 year
14 old somewhere in the world who is working hard to become a good
15 doctor, a good scientist, to become a good father and a husband
16 from becoming yet another victim. I am a victim.

17 Thank you very much, Your Honor.

18 THE COURT: I would just like to say that your
19 statement was one of the last victim statements received by the
20 Court. And, indeed, I printed it out this morning and read it

21 and shared it with my law clerks. And I was remarking to them
22 this morning how powerful a statement it is. And I did not
23 know that you had planned to attend today. And if you had not
24 been here, I was planning to read this into the record myself.
25 I happen to have a copy with me, but sorry to meet you under

1 these circumstances. That was a very powerful very moving
2 message that you sent to the Court.

3 MR. GOPAL DADHIRAO: Thank you, sir.

4 THE COURT: Thank you.

5 MR. MAISEL: Our next speaker, Your Honor, is Sherene
6 Pavan, one of the flight attendants aboard Flight 73.

7 THE COURT: Good afternoon.

8 MS. SHERENE PAVAN: Good afternoon to you. My name
9 is Sherene Pavan. I was a flight attendant on board Pan Am 73.

10 It is ironic that a few extremists, the ones that demand
11 justice, freedom and peace, are the ones that commit the most
12 violent crimes and take the lives of innocent people. Opening
13 fire on an unarmed person and into a passively seated crowd,
14 these are definitely cowardly acts.

15 When asked to submit a victim impact statement, I
16 found it extremely difficult as I had never expressed my
17 feelings and emotions with regards to what happened that day.
18 In the days that immediately followed the hijacking, when asked
19 to give an account of what had happened, I would give a sketchy
20 brief outline of what had happened that day in an extremely

21 unemotional, bland, matter of fact manner. I would omit
22 details that had horrified me and appalled me. And there were
23 plenty of those, thanks to the defendant. I doubt with
24 everything in my own mind, even now, I'm unable to express what
25 exactly I went through that day with all of you.

1 When Judge Emmet Sullivan recently asked us to hand
2 in victim impact statements, I wondered why he wanted to put
3 everyone through that harrowing experience of reliving that day
4 in public again. Why, I wondered, did he want to pass the
5 sentence that he had already decided on and why did he not let
6 the matter rest without having us all go through this.

7 Most people's lives would have moved on to a certain
8 extent. However, I felt I owed it to the families of those
9 that had lost their lives that day and to those that survived
10 life-long injuries to give an account of what happened and this
11 time truly express my feelings.

12 I started the victim impact statement with what I
13 thought would be just one or two pages, but it ended up with
14 six long pages of details. What surprised and shocked me was
15 that for two whole days after writing that statement, I felt
16 strangely shaky. I felt my movements were jerky,
17 uncoordinated. And when people spoke to me I had to really
18 force myself to focus on what they were saying. I felt
19 distanced from everything around me.

20 On the third day, I acknowledged to myself that I was

21 undergoing posttraumatic stress symptoms. I found the thought
22 extremely shocking taking into consideration the fact that this
23 incident had taken place many years ago and when it did take
24 place, I had no such reactions then. I definitely did not lose
25 an immediate family member on board that day, nor was I

1 physically injured. And yet, although my life has moved on, I
2 have not forgotten at all what must it be like for those who
3 have suffered the loss of a loved one or have life-long
4 injuries.

5 Today we have felt and witnessed some of that pain
6 and horror. I felt that I had to make an appearance and do my
7 bit, however small, to ensure that the sentence was not changed
8 to a more lenient one. Most people present today would like to
9 see justice served. And although their loss can never be
10 compensated for in any way, a sense of closure can certainly be
11 achieved if the people responsible for their grief and pain are
12 dealt with in an appropriate manner and they are given the
13 maximum possible sentence with no chance of parole.

14 Your Honor, you reassured us earlier about the
15 defendant and the conditions he would face in the future. I've
16 spoken to a few people during the lunch hour. It has given a
17 lot of people hope and they certainly look forward to the
18 maximum sentence in the most difficult conditions, especially
19 since some of us have viewed that the defendant shows no signs
20 of remorse. We have faith in you and hope that you will see

21 that some closure is brought about today with this sentencing.

22 Thank you.

23 THE COURT: Thank you. Let me attempt to respond to

24 one question you raised, though, as to why the Court asked

25 victims to relive the horror, to relive the nightmares.

1 Personally, and this is just my personal belief, I
2 don't think that judges, I don't think the judicial system does
3 enough to recognize the impact of criminal activity on the
4 victims. That's my personal belief based on my 20 years
5 experience as a judge. I, for one, think it's very important
6 that the victims be recognized and that the system understand
7 just what impact has occurred with respect to victims and
8 criminal activity. I think that's most important.

9 I think we need to have a sense of the loss, have a
10 sense of the pain, have a sense of the anguish, the anger, the
11 emotion. We need to know that because we need to know whether
12 or not our decisions that we make appropriately take into
13 consideration those feelings that victims have. And also I
14 think that it assists victims with respect to closure. And if
15 it does that -- I mean, you're not going to forget, no one is
16 going to forget the nightmares, no one is going to forget the
17 horror.

18 After you leave this proceeding today, it's not going
19 to be automatic, although I'm sure there are those that think
20 it would be that. Sometimes you forget that chapter of your

21 life. It's not going to happen. But maybe with the
22 possibility by expressing your views, by confronting, indeed,
23 the person who hurt you and your family so terribly, maybe it
24 will help bring a small part of closure to that horror that
25 you've been experiencing and living for the last 17 years or

1 so.

2 MS. SHERENE PAVAN: No, I understand now.

3 THE COURT: But it's very important that we have a
4 sense of your loss. It's very easy to read about a loss, but
5 until you actually talk to people and witness just how the loss
6 has played out in their lives in the past several years, you
7 don't really get a true feel for it. I mean, I feel the pain
8 and emotion of everyone who has spoken today, and it will
9 certainly impact any decisions that I make in this case.

10 And I think that we need to do more insofar as
11 victims are concerned. I think it's most appropriate that the
12 United States Senate very recently passed a bill that will
13 recognize victims rights. I hope that bill is transformed to
14 law. We need to do more as a system to understand and
15 appreciate and recognize the impact of criminal activity on the
16 lives of victims. So that's why I requested that people give
17 serious consideration to expressing their views about their
18 loss and about the impact of this man's acts on their family
19 and friends.

20 MS. SHERENE PAVAN: Well, actually for me, someone

21 who doesn't express myself without being asked to, it was
22 definitely a good experience because I did get to write it down
23 and work it out of my system. Not all of it. But to a greater
24 extent. And I guess for that I should thank you.

25 THE COURT: Thank you. I think you did a great job

1 of expressing yourself and expressing your views and expressing
2 how this loss has affected you over the past many, many years.

3 MS. SHERENE PAVAN: Okay, thank you.

4 THE COURT: You're welcome.

5 MS. LEVY: Your Honor, Madhvi Bahaguna. She was also
6 a flight attendant on board Pan Am 73.

7 THE COURT: Good afternoon.

8 MS. MADHVI BAHAGUNA: Good afternoon. My name is
9 Madhvi Bahaguna. To the Judge and to all of you that joined me
10 on the journey on September 5, those that are physically
11 present and to each and every one of the others who could not
12 be present today.

13 My journey continued on from that day, Judge. I did
14 continue to live on until today. And I got to become a mother
15 of two beautiful children. I was a daughter, and I am a
16 daughter to my parents and a sister to my brothers. I have
17 continued from that date and I'm still a flight attendant.

18 Judge Sullivan, I ask you to please pause and
19 acknowledge their spirits that I hear. They're telling us
20 there could be just more than just memories in the hearts of

21 each and every one of us. When you make your decision, Judge
22 Sullivan, please don't forget to acknowledge the voice of those
23 spirits that I hear. The photographs of each and every one of
24 them we saw this morning, they all spoke to us. And I'm hoping
25 and wishing they spoke to you to convey in their own words

1 other than the sorrow felt by each and every one of us for
2 their loss.

3 I thank you very much for giving me this opportunity
4 to be able to express myself.

5 THE COURT: Well, thank you very much.

6 MR. MAISEL: Your Honor, our next speaker is Gargi
7 Dave who was a child passenger, nine years old, traveling with
8 her 13 year old sister at the time on Flight 73. Ms. Dave has
9 brought some photos on a CD and so we're going to put them up.
10 We've not had a chance to rehearse or practice.

11 THE COURT: Sure. That's fine.

12 Good afternoon.

13 MS. GARGI DAVE: Good afternoon, Your Honor. Thank
14 you. I would like to start by just thanking you and the
15 attorneys, Jennifer Levy and Gregg Maisel.

16 After the hijacking it was kind of forgotten. Well,
17 forgotten in the sense that I didn't hear anything about it. I
18 didn't hear about what was happening with the terrorists and
19 just kind of felt like it was something that almost was a
20 dream. I mean, that sounds kind of funny, but in the sense

21 that it just happened to me and that was it. I was
22 disconnected from the other victims for different reasons. So
23 I want to thank you for acknowledging this. This means so
24 much.
25 Even though it is hard to relive and to reexperience

1 and to talk, I think it's healing. I think the experience of
2 grieving is good for us. I think acknowledging how terrible,
3 how intense the pain is, that that really acknowledges how
4 human we are. And that's what's powerful about what's human in
5 us. And that's what the terrorists somehow were lacking that
6 day and that's something, you know, that troubles me; what
7 drives humans to do that.

8 But after that experience --

9 Well, I would just like to backtrack a little bit and
10 share a little bit so you have some context of what my
11 experience was that day.

12 My sister and I were traveling alone and we were
13 leaving India and then were in Karachi, Pakistan when the
14 hijackers boarded. And we were just waking up and some people
15 mentioned the word "hijack". And I was very young and I had
16 just learned in junior high school what hijacking was, what
17 terrorism was. And I connected it in my mind that, my gosh, I
18 think that that's actually what's happening right now.

19 And it was soon I started seeing hands going up and
20 the terrorists going down the aisles saying "hands up, hands

21 up," you know, very ferociously and aggressively. And
22 everybody started putting their hands up. And we were like
23 that for hours, I think. And then we were asked to -- well, my
24 heart was racing. And I'm telling you all this because some of
25 this I didn't put in my victim statement because I couldn't.

1 THE COURT: And that's fine. That's fine. Take
2 whatever time you need.

3 MS. GARGI DAVE: This is helpful or it means
4 something? Okay. I don't know if I'm sounding redundant.

5 THE COURT: No, you're not.

6 MS. GARGI DAVE: Okay. I'm sharing this too because
7 I think it's important for people to know what it's actually
8 like, what the actual experience is like. Because it's not
9 just that experience but, you know, it reverberates throughout
10 our lives in so many different ways, in so many ways I didn't
11 know and I still am discovering.

12 But, yeah, while my heart was racing I was still
13 very, very confident I would live. I just had this certainty.
14 And I would just like to share that because I think that really
15 conveyed the strength of the human spirit that I think you see
16 in this room. It's just remarkable. And it's wonderful to see
17 that humanity, that sense of desire to live, and, you know,
18 that fighting spirit.

19 The fact that people leaped from one wing to the
20 chute and they made it. And the fact that my sister jumped and

21 she made it. And I fell over two stories or however high that
22 was. I ended up with a head concussion and I was in a coma
23 later, but I made it. And after we were off the plane I wasn't
24 with it. I was partially there, partially not. And my sister
25 found me after she jumped and she dragged me.

1 But we were also --

2 It was chaotic because we didn't know where to go and
3 we were told that the terrorists were shooting outside too. We
4 were told to go under the plane. We went under the plane.

5 There was nobody there. And finally we saw some other people.

6 And one thing that was really, really difficult was
7 that there was a man who was crying and he was holding a woman
8 in his arms and he was crying for somebody to help him because
9 his wife, or this woman, was dying. And there was nothing -- I
10 just remember not being able to do anything. And that's what
11 was so hard, is, you know, these are good people and we can't
12 help. There's only so many things we can -- you know, I wasn't
13 able to help and that's what must have been so tough for some
14 of the people who were adults. And, you know, I was only ten.
15 I can only imagine what the parents felt and what the flight
16 attendants felt in not being able to save people or help in
17 that instance.

18 Anyway, so we ended up being picked up somehow and we
19 got to the terminal. And at the terminal, the lights went out
20 and we got frightened because we thought the hijackers were

21 there too and we ended up getting to the floor. And then I was
22 experiencing tremendous pain in my head and there were
23 apparently no ambulances to take us to the hospital. There
24 were just no ambulances. It was just crazy.
25 And it started emptying out, the terminal. And me

1 and my sister were alone. And I was just -- my head was
2 killing me. And then two men, I have no idea who they were,
3 but they offered to give us a ride to the hospital. And my
4 sister was really scared because she thought they might be, you
5 know, terrorists. We had no idea who they were. And they took
6 us to the Aga Khan Hospital. And I thank them. I don't know
7 who they were, but thank God.

8 And then I ended up lapsing into a coma for three
9 days. And part of the coma was horrific because somehow I had
10 forgotten that I had escaped. And I couldn't open my eyes, I
11 couldn't hear, I couldn't speak, and I felt ropes or what I
12 thought were ropes in my nostrils and I started pulling
13 everything. I thought they were ropes. I thought I had been
14 held hostage. And apparently like eight doctors or so had to
15 hold me down. That was probably one of the most frightening
16 parts of the experience. Well, there were a lot of frightening
17 parts of the experience, but that was one more.

18 But, yeah, I made it out and then was recovering in
19 the hospital for a while and I had trouble getting back. I was
20 on phenobarbital medication for years to prevent seizures. I

21 had trouble learning. I had forgotten some of my memory. And
22 I was afraid of different things. A lot of the things that
23 some of the people have mentioned like fear of, you know, loud
24 noises, profanity definitely scared me. I was scared of large,
25 big men. Especially hearing people speak in Arabic loudly and

1 harshly definitely frightened me. And I stayed away from
2 public places, concerts, things like that.

3 But then I kind of thought it was no big deal because
4 I didn't really have a way to deal with it. I didn't go
5 through therapy or anything like that. And my sister didn't
6 want to deal with it. She had a very hard time dealing with
7 it. I think it's sad that a lot of people in society think
8 that the best way of dealing with things is to not deal with
9 it, or, you know, to think it didn't happen. But it affects
10 you. And I've seen that in my sister. And I've seen that in
11 me. And I think it's great that our society is trying to
12 recognize more of the need for psychotherapy and psychological
13 counseling and how powerful that can be.

14 So, fortunately, three years ago I started therapy.
15 Not for this, in particular, but started. And then when
16 Jennifer Levy and Gregg Maisel contacted me about this, it
17 completely surprised me. It was like the carpet had been
18 pulled out from under me. But I hadn't really thought about
19 the hijacking. It wasn't something I had quite dealt with.
20 And I'm in the middle of law school and they're asking me to

21 deal with this, to write a victim statement. And, oh my God, I

22 mean, that's quite a thing to ask of you when you're in the

23 middle of school. And I had a very hard time with it.

24 But that's what triggered a lot of the -- it's

25 basically like I was going through delayed onset. That's what

1 my psychologist told me. And I'm experiencing the intense
2 emotions of what it's actually like to see what I didn't
3 experience then of people being killed, you know, and how
4 terrible that is. And, you know, the agony and the screaming
5 that was described. People howling, and saying, "oh my God, oh
6 my God, oh my God."

7 And that's appropriate. That's what we should be
8 saying. It's not okay. It's not okay. It's not okay. It's
9 not okay to take an innocent person's life. It's not. And at
10 least the terrorists, while they do it for political reasons,
11 it's just not the right way to do it. It's not the right way
12 to do it. There are other ways.

13 What else did I want to say? Oh, yeah.

14 In the hospital I just wanted to let people know how
15 kind people were in Karachi. There were people who I didn't
16 even know who brought me and my sister gifts and just expressed
17 so much compassion and love. And that was just the most
18 beautiful side of this experience, you know, just seeing the
19 beautiful side of people.

20 And just, you know, how good there is in humanity and

21 how powerful that is and how much stronger that is than the
22 other side. And there doesn't need to be that other side. And
23 just, yeah, how powerful the strength is. I mean, the strength
24 of people to work through this and to come here speaks volumes.
25 People coming from India, people who lost their spouses and

1 their children, it's so wonderful to see that. It's just so
2 amazing. And I think that's just what's so beautiful about
3 humanity.

4 And, I mean, yes, we can call ourselves victims, but
5 we're survivors and we're overcoming it. And I think it's
6 important that we're living. We're living life, we're going
7 through things and we're succeeding in different ways. Many of
8 you continued on and are doing remarkable things.

9 I managed to get into law school despite the problems
10 I had. And, you know, I plan to become an attorney. And I'm
11 not going to let this dominate who I am. It's definitely a
12 part of who I am. But it's made me, in some ways, I hope, a
13 better human being. I'm in touch with, you know, the fact that
14 people suffer and what depth there is to that suffering and how
15 impactful something like this is.

16 You know, the trauma that we talk about, about
17 shaking, being jittery and losing focus and being scared and
18 not being able to sleep at night. I mean, those are the
19 symptoms of trauma. And, you know, they reverberate in so many
20 aspects of a person's life. But I think that they can be

21 worked through. Not to say that that belittles or in any way
22 undermines how hard it is, but that's what we can do. We can
23 work through it and we can be healthier and stronger. And, you
24 know, not that we want to ever, ever think that this was
25 anything less, but I think I made my point.

1 And was there anything else I wanted to say?

2 Oh, photos. I just wanted to point out the photos
3 because my dad, I think, had taken them. They're after I was
4 out of the coma. And they just give you a sense of the
5 physical injuries because I had head trauma and the first day
6 afterwards, like half my face was black.

7 Oh, yeah. They didn't think I was going to survive,
8 the doctors. And so that's why my parents came to Pakistan.
9 And they thought if I survived, I would be a vegetable.

10 So, yeah, we frequently prove, you know, a lot wrong
11 by our spirit. And I think that's wonderful.

12 Okay. I just wanted to thank you and thank everyone
13 and thank everyone for being here. It means a lot for me that
14 everyone is here. Despite how hard it is, it's nice to think
15 that the people like the last flight attendant who spoke, that
16 she did her best. It's wonderful that she came. That means a
17 lot that they care enough to extend themselves for other
18 people, even if it's not what they want to do at the moment.
19 They did that and it's very kind. So thank you, thank you and
20 thank you, Judge.

21 THE COURT: I think you're absolutely correct.
22 Everyone is a victim, but you're all survivors. And you've
23 survived and done well. And you're in law school and you'll
24 have a brilliant career, I have no doubt about that. But
25 everyone is a survivor. We can't lose sight of that. Thank

1 you.

2 Do you have an opinion as to the sentence in this
3 case?

4 MS. GARGI DAVE: Gosh, no. I know it's tough. I
5 hear what people want, but I'm not in that same space. I'm not
6 saying that I don't want a hard punishment, but I don't believe
7 in people treating people inhumanely. I don't. I don't know
8 what solitary confinement is like, but I can imagine. And no
9 matter how vile a person is, I just don't believe in treating
10 people inhumanely.

11 I think it's good to keep him away from a situation
12 where he can communicate with other terrorists. I think he's
13 going to be suffering enough in jail. I mean, why make
14 somebody else suffer? How do we gain from that? I think
15 what's important is for us to work through our own pain. A
16 person that does that is suffering as it is. I mean, why would
17 they do that? They are going through their own internal
18 demons. I mean, that's their issue, that's their life.

19 What I think is important is enforcement agencies to
20 prevent that from happening again. But inflicting suffering on

21 someone because we've suffered by them, I mean, a person has a
22 right to want that, but I don't necessarily agree with it.

23 THE COURT: Let me share one thought with you. I
24 don't know if you've read the brief filed by the defense
25 attorneys, but there's reference in the brief to there being

1 somewhat enjoyable times that Mr. Safarini has playing chess
2 with prison guards while at the D.C. Jail. And I find that
3 hard to accept, that someone should have that pleasure of
4 playing chess while incarcerated. I mean, that's a pleasure.
5 Taking away the chess, you believe taking away that opportunity
6 to play chess or checkers with comrades or guards in prison is
7 unacceptable?

8 MS. GARGI DAVE: I guess -- I think people have their
9 own issues. I don't know what his psyche is like. I don't
10 know what -- perhaps he -- I don't want to be -- you know, I
11 don't know what his background is. But there are mad men in
12 the world. And for mad men who are totally uncontrollable and
13 who are just going to go and kill madlessly, I think then,
14 yeah, maybe if they definitely can't control that, then they
15 need to be confined. But what's the point in just trying to
16 take away any pleasure from a human being? What is the point
17 of that?

18 THE COURT: Punishment.

19 MS. GARGI DAVE: Punish them. But I guess I don't
20 agree with the idea of punishment for no purpose. I mean,

21 punish, yes, okay, to acknowledge the fact that people have
22 suffered.

23 THE COURT: Right. Well, it's punishment for the
24 atrocities he's committed for the people who are dead.

25 MS. GARGI DAVE: Right. And I agree with that. If

1 he experiences a moment of happiness, what's wrong with that?
2 I don't think there's anything wrong with that. I think that's
3 his life. I think we should focus on our own lives. I mean,
4 I'm only 28. I'm not that wise, obviously.

5 THE COURT: You're very wise. Even though I may
6 disagree with that last point, I have no doubt you'll have a
7 brilliant career as a lawyer.

8 MS. GARGI DAVE: It's a very, very difficult issue.
9 And I'm one life. And what I believe in terms of punishment is
10 just mine. And I don't want to hurt anyone by expressing what
11 I have because I have no right to. I haven't experienced what
12 other people have experienced. I haven't experienced the loss
13 of a child or the loss of a spouse. And if I did, God knows
14 what I would feel like. So I can't. You know, that's my
15 voice. So, you know, you need to take into regard my voice, as
16 well as their voices.

17 THE COURT: Absolutely. I totally agree with that.

18 MS. GARGI DAVE: But I just don't believe in treating
19 people inhumanely. I don't think there's anything to gain from
20 that. And I think that just encourages problems in the system.

21 I think when we go that direction, what's preventing people
22 from being tortured?

23 THE COURT: I'm not advocating that.

24 MS. GARGI DAVE: No, I know you're not. We can lose
25 sight of -- I don't believe in treating somebody like they're

1 less than human. And when we start thinking people are less
2 than human, we start justifying all kinds of things. That's
3 when we start going along the lines of what we saw about the
4 soldiers in Iraq, as well as in other prison systems across the
5 world. When people start thinking people are less than human,
6 thinking they're monsters, and then they treat them that way.
7 And I'm not saying that he's not. I don't know what he is.
8 But I think it's important as human beings to not cross that
9 line.

10 THE COURT: All right. Thank you very much. I
11 really appreciate your views. Thank you.

12 MS. GARGI DAVE: Thank you.

13 THE COURT: Good luck to you.

14 MS. GARGI DAVE: Oh, thank you.

15 MR. MAISEL: Your Honor, I just wanted to add, and I
16 hope you won't mind me sharing this, Ms. Dave shared with me
17 last night that her career goal is to be a defense attorney and
18 to advocate for prison reform. And I'm quite confident that
19 she's going to do a great job.

20 THE COURT: I have no doubt about that. That's

21 great.

22 MS. GARGI DAVE: Thank you. Just to keep the focus,

23 it's about people not being treated properly in prisons.

24 There's a lot of inhumane treatment that goes on. And that's

25 what I'm absolutely against. But I do believe, you know, in

1 justice, of course. And that's why I'm here. So I hope I
2 don't -- I hope what I've said hasn't been misinterpreted. I
3 definitely believe in justice.

4 THE COURT: No, it's not. Good luck to you. I have
5 no doubt, again, that you'll have a brilliant career.

6 MS. GARGI DAVE: Oh, thank you. Thank you.

7 THE COURT: Good luck.

8 MR. MAISEL: Our next speaker, Your Honor, is Dwijal
9 Dave, who was also a child passenger aboard Flight 73.

10 MR. DWIJAL DAVE: Good afternoon. Hello Honorable
11 Judge Sullivan, ladies and gentlemen, Mr. Murderer.

12 First of all, I was going to read this, but the
13 subject that's been brought up really got to me. I think that
14 inhumane treatment, if given to people who don't deserve it, is
15 truly wrong. But when there's people out there who are killing
16 people out there who are doing these injustices, people out
17 there who are taking advantage of other people, of their lives,
18 I think that there has to be some sort of almost an incentive
19 for them not to do it. And if we take that away from the
20 prison system, there will be nothing left for these guys to not

21 do. There has to be a fear in their hearts so that they know
22 if they do something like this, there's going to be hell to
23 pay.

24 And the super-max sounds great to me for
25 Mr. Safarini. I think he deserves to repent for all the sins

1 that he's done, for all the hearts that he's broken, for all
2 the scars that he's put on this earth. And that's what I want
3 to say about that. I'll get to my speech now.

4 I, Dwijal Dave, sit here before you to express the
5 thoughts and feelings that have been boiling up inside me for
6 the past 18 years. I was so excited after spending a happy,
7 fun-filled three months of summer vacation with my grandparents
8 in India. I was headed home to the U.S. to be with my parents
9 and my friends once again. I was flying on Pan Am Flight 73.
10 I was 11. I was traveling without an adult. And traveling
11 without an adult had its own fears back then, especially since
12 it was my first time and since the journey was a very long one.

13 I sat there in my seat, for what seemed days. I was
14 hungry and tired. I was scared and I felt really helpless. I
15 remember, I remember you, I remember you coming in with all
16 your guns pushing people down, hitting them for no apparent
17 reason, just because they were in your way.

18 I remember the darkness that took over the plane. I
19 remember the deafening shots as I sat there crouched between
20 the seats. I could barely hear my own screams over those of

21 the others. I remember the blood, the bullets, I remember
22 feeling numb. I remember the seven year old boy sitting in the
23 aisle next to me, who I was playing with throughout the siege,
24 shot to death.
25 Afterwards, I was in a hotel in Karachi, a strange

1 city, a very strange city to me. I had never been there. I
2 was 11 and I felt very, very alone. I was without the care and
3 love of my parents. I was pretty traumatized and scarred.

4 When I came home to the U.S., I was a different
5 person all together. No longer did I yearn to go out and play
6 with my friends like I used to. No longer did I want to even
7 go to school. I was afraid of crowds. I wanted to just be in
8 my room. And when I was at school, I would just sit in the
9 class by myself at lunch not doing anything because I was
10 scared. I was scared to face people. I was scared to be in
11 the same position I was when I was on that plane. I was angry.
12 I was angry at the world.

13 I felt guilty that I could not do anything for Bogby,
14 the seven year old who sat in the aisle next to me. I had
15 nightmares for years. I still have nightmares. Today I'm
16 still haunted by the images that you are responsible for
17 putting in my head. Today I'm still riddled with the thoughts
18 of paranoia and social anxiety. Today I still wake up in a
19 sweat and have the urge to scream my lungs out. And even
20 today, you will still find a chair under the door knob of my

21 front door, trying to barricade my family and myself from the
22 evil that you brought that dreadful day.

23 But today, I sit here, I sit here facing you. You're
24 the reason for my nightmares, my paranoia and my grief, and I
25 can wholeheartedly attest that you no longer scare me. I pity

1 you for you were a coward back then and you are a coward now.
2 And you will never ever harm an 11 year old again, or any other
3 person ever again. And me, I'm doing fine, I'm living every
4 day to the fullest and enjoying my freedoms. One thing you
5 will only dream of in your lonely cell.

6 In closing, I'd like to thank all of the parties
7 responsible for bringing this man to justice and putting some
8 form of closure on this most dreadful event of my life.

9 Thank you.

10 THE COURT: Thank you, sir. Good luck to you.

11 MS. LEVY: Your Honor, the next speaker is Anu
12 Nemivant. She was also a child at the time. She was 11 -- I'm
13 sorry, she was 14 years old traveling with her mother.

14 THE COURT: Hello.

15 MS. ANU NEMIVANT: Good afternoon.

16 THE COURT: How are you?

17 MS. ANU NEMIVANT: Great. How are you?

18 THE COURT: Fine.

19 MS. ANU NEMIVANT: My name is Anu Nemivant. And I
20 was one of the passengers on Pan Am Flight 73. I have a real

21 distaste for the word "victim," so I'll call myself one of the
22 lucky passengers. By lucky I mean I suffered no physical
23 injury, and unlike others, I did not lose anyone dear to me. I
24 consider myself lucky because even though I sat six or seven
25 rows back from where Mr. Safarini opened fire on my mother and

1 me, we managed to survive while many others, including the man
2 sitting next to my mom, weren't so lucky. In the brief time
3 that we will share today, I'm going to tell you how the
4 hijacking in 1986 affected my life. I can confidently say that
5 I've come to terms with the trauma of the hijacking and the
6 equally tormenting experiences that followed afterwards.
7 However, it took me nearly 15 years to find that closure. I'm
8 going to share with you specific examples between 1986 and
9 2001, which taken individually may seem trivial, but when
10 compounded together, represent a life full of fear and anxiety
11 and depression.

12 These basic situations, which most people take for
13 granted, were some of the most difficult and confusing times in
14 my life. I hope I'll be able to show you how this one event,
15 lasting 17 hours, carried on and on in my life over the 15
16 years that followed. But before I do that, I need to share
17 with you a little bit about who I am today.

18 I identify more today with the young teenager I was
19 before the hijacking. Back then I was an honor roll student.
20 I had lots of friends and was full of energy. Today I'm a

21 confident and successful professional, a person willing to try
22 new things and someone who works with charities to improve the
23 lives of others. I now have lots of friends and, am happy to
24 say, very strong relationships with those I love.
25 But the times between 1986 and early 2001 was not

1 this way, not even close. I spent much of this time shut off
2 from other people, very shy and not terribly interested in
3 anything. I spent nine of those years in a relationship that
4 ended after six years of marriage. I didn't care enough about
5 me and spent many years having poor eating habits and exercise
6 habits. And I know I cannot use the events of September 5 as a
7 scapegoat for all of the misfortunes during that time, but
8 knowing how drastically I had changed after the hijacking, it
9 isn't surprising to me how easily misfortune came my way.

10 When the hijackers stormed the plane, I remember
11 being very scared and I started to hyperventilate. My mom even
12 had to hit me on my back to start me breathing properly. What
13 I remember most vividly was a comment the man sitting next to
14 my mom made. He said, "Don't let them see your fear. You will
15 only draw more attention to yourself."

16 This was the beginning of me shutting down and
17 becoming emotionless. For 17 hours, though, it worked for my
18 advantage. But for the next 15 years, to my detriment. At the
19 end of the 17 hours, my mom said something was about to happen.
20 She took her wallet out of her purse and handed it to me.

21 Along with her green card, driver's license and money were two
22 rings we had made for my sister. I had a set that I'm wearing
23 today.

24 My mom decided to put my sister's rings in her wallet
25 because she initially thought the hijackers were simply looting

1 the plane. When Mr. Safarini opened fire on all of us, my mom
2 shoved me down under the seat next to the window, and she laid
3 on top of me in silence. Have you ever flown coach? You know
4 there's not a lot of room, but we sit there anyway. But in
5 that instant I dropped the wallet losing my mom's only source
6 of identification and the rings we made for my sister.

7 For years to come, I blame myself for losing that
8 wallet and my sister's rings. I felt so awful about the whole
9 thing that when I came home and showed my sister the rings we
10 had made and saw how much she liked them, I lied to her and
11 gave her the rings as if they were hers in the first place. I
12 told her mine were lost with the wallet. She bought the story
13 and that was that until 2000 when I finally told her the truth
14 about the whole thing. And without hesitation she gave the
15 rings back to me.

16 It also wasn't until 2000 that I realized why my mom
17 had given me the wallet in the first place. Being a minor, I
18 had no identification other than my passport, which had already
19 been taken. She gave me the wallet so that if anything had
20 happened to her, I would have had some kind of identification

21 and connection to her. It took 15 years to figure that out.
22 And once I did, I realized what a courageous and strong person
23 my mother is. The rings no longer carry the significance they
24 once did, but my mother's strength and perseverance is clear to
25 me now.

1 My experiences after the hijacking were equally
2 troubling. Growing up in a small town we were hounded by
3 reporters for days that followed our return. A local CBS
4 station even sent reporters and a camera crew down to Bali so
5 they could accompany us during our last leg on the way home. I
6 had never felt so bothered before. All I wanted was to be left
7 alone with my mom. And, instead, I had bright lights in my
8 face from the cameras. The reporters even commented how I was
9 squinting because of all the lights. We were on the cover of
10 all the local newspapers for what seemed like days. Everywhere
11 we went I could see people pointing and staring. Many times I
12 heard people stare and say, "there's that girl that was on that
13 hijacked plane". From that moment I knew I was different from
14 all those people.

15 My return to school was probably the worse experience
16 short of the hijacking. No one spoke to me for weeks. When I
17 left to go to India for the summer, I had lots of friends and
18 was always invited to everyone's parties. I never excluded
19 anyone and lots of kids liked me. So when I returned, I was so
20 confused by everyone's behavior that I finally asked a good

21 friend of mine what was going on. And he said to me, "Our
22 English teacher told us not to talk to you; if you wanted to
23 talk to us, you would." I was dumfounded by what he said.
24 Teenagers take things so literally, and this was no exception.
25 I continued to crawl into that hole where I stayed

1 for a very long time. The effects of the hijacking continued
2 in the spring of 1987. I lost a large section of my hair on
3 the back of my head. It turned out to be from stress that I
4 apparently internalized. And as a teenager, I was horrified by
5 this discovery. Again, I was very different from the others.

6 My first encounter with fireworks came after the
7 hijacking on July 4 of 1987. This was the first time I
8 realized how much I hated fireworks, even though I had never
9 hated them before.

10 More troubling, was my reaction to loud noises. I
11 would flinch and duck every time a loud noise startled me. I
12 specifically remember an incident in late 1999 when I worked at
13 an office that was still under construction. A friend and I
14 were walking between buildings when we heard a loud noise from
15 the construction. My immediate reaction was to hit the floor
16 for cover. My reaction was so unusual that I scared my friend
17 in the process. I couldn't have been more embarrassed and
18 finally told my friend the reason for this strange reaction. I
19 was so frustrated that even after 13 years, I could not control
20 my behavior and I thought I could.

21 Over the years there have been many triggers that
22 have brought back memories from the hijacking. In the fall of
23 1991, I watched The Fisher King in the movie theatre. There
24 was one scene where the character, played by Robin Williams, is
25 having lunch in a restaurant with his wife. They are sitting

1 at a table near a window when someone opens fire into the
2 restaurant and shoots her head. Her flesh is spewed on Robin
3 Williams' face and glasses. It was at that very moment I
4 realized what had been on my seat when I put my hand down to
5 get up off the floor after the gunfire that stopped. It was
6 the flesh and blood of someone on the plane. It took five
7 years before that connection was made for me and I was
8 absolutely horrified and visibly upset.

9 The last trigger came in March of 2000, when I had
10 taken up the hobby of running. At that time, 40 pounds
11 overweight, my running was really no more than a shuffle. But
12 as I started to gain strength, I started to speed up. But when
13 I reached a certain speed, I found myself turning around to see
14 if someone was behind me. I remember running during the
15 daytime and having flashbacks of running away from the plane at
16 night. How frustrated I felt to finally find an activity I
17 enjoyed, but yet was tormented every time I reached a certain
18 speed, which really wasn't all that fast. I finally realized I
19 needed help.

20 Battling depression after my marriage failed,

21 continued flashbacks, being visibly overweight, enough was
22 enough. Not surprisingly, help came when I finally convinced
23 myself it was time to go back to India in December of 2000.
24 There I found the loving care of my uncle again. He was the
25 same person who cared for me after my mom and I returned from

1 India briefly before heading back home to the U.S.

2 During 2000 and 2001, I spent five of the best months
3 of my life there and returned a new, happier, healthier,
4 lighter person, much like the person I was before the
5 hijacking. And I know I've come a long way from hating
6 reporters and fireworks. Coincidentally, those are the two
7 things I'm proudly embracing his year. I'm happy to say I'm
8 marrying a reporter on the day before the 4th of July.

9 I want to sincerely thank you for this opportunity to
10 share so many parts of my life that very few people have ever
11 heard before. It has been a privilege to share those few
12 minutes and I appreciate the time that you've given me today.

13 THE COURT: Thank you.

14 MS. ANU NEMIVANT: Thank you.

15 MR. MAISEL: Your Honor, our next speaker is Michael
16 Thexton. He was the British citizen who spent much of the day
17 believing that he would be the next to die.

18 THE COURT: Good afternoon, sir.

19 MR. MICHAEL THEXTON: My name is Michael Thexton from
20 England. I was 27 years old in 1996. I was in Pakistan for

21 two months leading up to the 5th of September on a mountain
22 area expedition in the Himalayas in the north of that country.
23 The expedition was held in memory of my brother Peter, who died
24 of altitude sickness there in 1983 and he is buried high in the
25 mountains. Although I'm not a mountaineer, I went along with

1 the other expedition members to stand at the foot of the
2 mountain and say goodbye to my brother.

3 When we came out of the mountains, I received some
4 mail saying that I was expected back at work sooner than I
5 thought and I used this as an excuse to rearrange my flight.
6 In reality, I said goodbye to my brother and I really wanted to
7 see the rest of my family as soon as possible. I was so keen
8 to get back that for the only time in my life so far I
9 stretched my funds to buy a business class ticket because no
10 other earlier flights were available. And that's why I was in
11 the business class on Pan Am 73 on that Friday morning.

12 I was a curious sight in the first and business class
13 departure area at the Karachi Airport. I had a long beard down
14 to about here, long hair, deep suntan and about 35 pounds less
15 than I'm carrying today.

16 After the hijacking and I got home some people said
17 it must have been an awful experience because of the way that I
18 looked. And I said that was the two months before the
19 hijacking and not actually the hijack itself.

20 I boarded the plane by the port number one door and I

21 was directed to a seat a few rows back on that port aisle. I
22 saw the first hijacker while I was standing by my seat getting
23 ready to stow my hand luggage, a man struggling with a
24 stewardess in the second doorway. A moment later, a man
25 dressed as a security guard armed with a rifle, appeared in the

1 doorway by where I had just entered and he ordered the
2 stewardess to close the door. He was the man that I realized
3 afterwards was the leader of the hijackers.

4 At first, I thought that this was a domestic
5 Pakistani disturbance happening on the apron below and the
6 security guard was protecting us. But soon someone said, "This
7 is a hijack. Put up your hands." And I had the awful sinking
8 realization that this could be my problem and not just somebody
9 else's problem.

10 Very soon, the first and the business class
11 passengers were herded back to the front cabin and some people
12 further back still made to sit in the aisles around the
13 windows. I spotted a seat on the port aisle. And there were
14 people sitting beside me between me and the window and there
15 were people sitting on the floor beside me on the other side.

16 We sat with our hands in the air and there were
17 people who have mentioned this before, but I want to say two
18 more things about that, particularly for the people from the
19 press. Afterwards, the journalist eagerly asked me, "Did they
20 beat you?" And they seemed disappointed when I said, "No, but

21 they made us sit with our hands in the air". How long? I
22 cannot remember. It gets pretty tiring after awhile. And if
23 you dare to lower your hands, you don't know what will happen
24 to you if you do.
25 The drawn out discomfort of little things like that,

1 combined with acute fear is not much short of a beating. We
2 were lucky. We were allowed to lower our hands after a while.
3 As I say, I don't know how long. And sitting on the hard floor
4 lasted no more than 16 or 17 hours. But in a way, it could
5 almost be worse than a beating. If you take a beating, it's
6 easier to realize how tough it was. If you don't get beaten
7 up, if you end up physically fine but you suffer a mental
8 breakdown, you come out thinking that you have failed somehow,
9 that it's your fault. But if you've been put in an intolerable
10 position, it's not your fault, it's his fault.

11 The other thing is that we were terrorized. The word
12 "terrorism" is used so much to describe a global news issue
13 that I think people forget what it means individually and in
14 detail. To me, I was deprived of the capacity for rational
15 thought. I was convinced that there was a man with a gun right
16 behind me watching my every move. Not that there were any of
17 those. For most of the day, they had two men watching 350 of
18 us. One at the front of the economy class, one at the back.
19 They couldn't see most of the people in there.

20 I'll tell you the truth; that at this point of the

21 day they could have left the plane, they could have gone away,
22 had breakfast, come back a half an hour later and I would have
23 been sitting in my seat like this. I don't know how long it
24 would have been before I realized that they had gone. I was
25 terrorized. But I tried to get a grip of myself and I told

1 myself that people survive hijacks. I should try to remain
2 inconspicuous. Do what I was told and I should be all right.

3 I looked at the people sitting next to me, between me
4 and the window, a man and his wife, and I thought they looked
5 like Americans and they were possibly Jewish as well. And I
6 couldn't help thinking they were in front of me. It was a
7 brutal thing to think and I hope that I was not the only person
8 who was looking around looking for someone who was in a worse
9 position than them. I sank down in my seat to be out of the
10 way. And once we were allowed to lower our hands, I felt
11 pretty well invisible and I felt reasonably safe.

12 I was just a few rows behind where Rajesh Kumar was
13 taken from on that port aisle, but I didn't see him go and I
14 didn't hear him shot. I think I was trying to hide from
15 everything that was going on, as well as from the hijackers.

16 Then came the call for passports, and I should have
17 ignored it. But I felt that I had to obey orders. So I took
18 out my passport and I handed it in, still thinking that the
19 Americans would be in front of us, not reckoning the ingenuity
20 and the extraordinary bravery of the stewardess who was making

21 the collection in discarding American passports that had a
22 white face. I suppose the British were third choice for the
23 terrorists. And after the Americans and the Israelis, mine was
24 the only one of a small handful of British passports with a
25 white face in that pile. I think maybe six or seven, something

1 of that sort. So the call came over the public address for
2 passenger Michael John to come forward, then Michael John
3 Thexton, and I knew that they wanted to shoot me. I couldn't
4 understand it. I knew I now couldn't hide, that they would
5 come and find me. So I stood up. And I'm afraid I uttered an
6 obscenity at the bloke, and went forward past one gunman, I
7 believe the second in command who was standing at the front of
8 the economy class.

9 By the front port door where I had entered earlier
10 that morning, there were four stewardesses in the two pairs of
11 seats behind the doorway. The security guard had now taken his
12 shirt off, with a white belt protruding out of the top of his
13 trousers, a rifle across his chest, a big pile of passports at
14 his feet, my passport in his hand. And he looked at me as I
15 came forward with my hands in the air and he said, "Are you a
16 soldier?"

17 I said, "No, I'm a teacher."

18 "Do you have a gun?" And I burst out laughing
19 because it was a ridiculous question.

20 I said, "I haven't got a gun. You've got all the

21 guns around here."

22 Then he told me to kneel in a space behind the door

23 which was opened just a crack. And one of the stewardesses

24 stood in the doorway with a megaphone to speak to someone below

25 the nose of the plane. I now know that that was Viraf Daroga.

1 And he got her to say to him, "If anyone comes near the plane,
2 if any U.S. troops come near the plane, we will kill one body
3 immediately." One body, that's what I was. "I have bombs on
4 board and all my men have bombs."

5 And Mr. Daroga said that there was a ground crew
6 member on board who could operate the cockpit radio, and if
7 they spoke on the cockpit radio, they would withdraw everyone
8 from around the plane. And I now know that in a way Mr. Daroga
9 was trading that man for me and I feel very sad. So that man
10 was called forward and the door was closed.

11 I spent the next ten hours or so kneeling, sitting,
12 and lying on the floor behind that closed door waiting for them
13 to make a demand. It would not be met and then I would be
14 shot. I was absolutely certain that this would happen. I
15 didn't know, as the stewardesses knew, that it had already
16 happened to Rajesh Kumar. I simply was unaware of that. I
17 thought I was going to be the first.

18 I'll tell you very few things about that time at the
19 front of the plane. I felt awful. But I felt awful mainly for
20 my parents and my sisters who had already lost one son and

21 brother in Pakistan and now they were going to lose the other.
22 I, at least, had been able to say goodbye to my brother. So I
23 said goodbye in my mind to my family and my friends. Today
24 when I have a wife and I have two daughters of my own, I don't
25 think I could do that. It would tear me to pieces to think

1 that I would never see them again and I would not be able to
2 say goodbye in person.

3 I think that on that day I was very fortunate to be
4 traveling on my own. Apart from saying goodbye, I said prayers
5 and I made promises in the unlikely event that I got off the
6 plane, I would do certain things. And I went and did those
7 things. I don't want to have an argument with St. Peter that I
8 shortchanged the All Mighty for my life. I made my peace with
9 God, and in my mind, I made my peace with these men. I decided
10 that I did not want to die angry or frightened. I made up my
11 mind that I would forgive them.

12 Throughout this time that I was in front of the
13 plane, I was probably kept sane by the kindness of the flight
14 attendants that are sitting there, several of them here today.
15 Thank you. But I think they knew, as well as me, that I was a
16 deadman. I had very little conversation with the leader. At
17 one point, the stewardesses were down the plane serving drinks
18 and he sat down in the seat opposite me. I didn't intend to
19 speak unless I was spoken to, but he turned to me and said,
20 "Are you married?"

21 I said, "No. I have a girlfriend."
22 And he said, "Oh. I'm sorry about this. I do not
23 like this fighting, this killing. I would like to go out
24 dancing, go out drinking, go out with women. But the Americans
25 and the Israelis have stolen my country, and without my

1 country, these things are no good."

2 "Oh, so you're Palestinian, then?" I said.

3 "Yes, Palestinian."

4 I don't know why he said this to me. Maybe he was
5 playing me for a sucker. Maybe I am a sucker. I have to say I
6 felt sorry for him. I felt that he was perhaps not just a
7 madman doing this because he liked it, but maybe he really did
8 believe it would help a cause that he really believed to be
9 just. But how sad that is to carry on a circle of killing on
10 and on, an unjust act diminishing the justice of the cause and
11 refusing the likelihood of any proper peaceful settlement.

12 Apart from that, they never gave any indication to me
13 what they wanted. They treated me and they treated us all, I
14 think, as nothing more than trading stock. They could trade
15 us, or they could dispose of us. For the rest of the day I
16 will only say that sometime later I woke up from a doze to see
17 Neerja and another stewardess opening a small hatch in the
18 floor below a small spiral staircase. Mr. Safarini came
19 clattering down the stairs. "What are you doing?"

20 "We have a sick passenger. We have found a doctor.

21 We are getting out the medical equipment."

22 He just said, "Put it back."

23 Neerja said, "But we need the medical equipment for
24 the sick passenger."

25 He said to put it back. Now, then she stood up to

1 him and put a finger in his face and said, "You are a very bad
2 man. These people have done nothing to you. You must let us
3 take the medical equipment for the sick passenger."

4 He was quiet, calm, but he insisted that they put it
5 back. Neerja had to go back down the plane and explain why the
6 medical equipment was unavailable. And I remember thinking,
7 that's funny, he's been perfectly reasonable all day, why won't
8 he let her take the medical equipment. I suppose my view had
9 become so distorted by the fact that he hadn't actually beaten
10 me that I was prepared to think of him as a reasonable man.

11 It took me several years to realize that he could be
12 a reasonable man driven to brutality in his cause or he could
13 be a brutal man pretending to be reasonable when it suited him
14 and I wouldn't know the difference. But either way, a sick
15 passenger moaning and groaning would probably be quite a good
16 lever in the negotiations on the radio and it suited his
17 purpose to be brutal at that moment.

18 I was awoken again by one of the others kicking my
19 feet and telling me to move back down the plane. I did so
20 noticing it was hotter and darker. I was lucky again because

21 when I came through into the economy class cabin, several of
22 the other people, stewardesses and passengers, were upstairs
23 and a member of the ground crew who had been operating the
24 radio had sat down in the front row, and they will die, or many
25 of them died. But the front row was full when I got there and

1 so I kept walking and I saw an empty window seat just forward
2 of the port wing, sat in it, got my head down and the plane
3 came completely dark.

4 You've heard about the shooting and all that followed
5 the first burst of shooting. I looked up and saw that the wing
6 exits were open. And I got out through the exit onto the port
7 wing. I jumped to the ground, lucky to be 35 pounds
8 underweight, extremely fit and still wearing my mountaineering
9 boots, and so succumbed to no injury at all but only a scratch
10 on the elbow, picked myself up and ran way.

11 I want to say something about the affect on me
12 afterwards. It's difficult because people have different
13 emotions and this is very much just about me, and I don't
14 expect other people to share this view at all. I'm only
15 speaking of myself.

16 For two years afterwards, at least, I should think I
17 thought about the hijack every day. I wasn't thinking about it
18 necessarily really in fear and trembling, it was just running
19 over and over in my mind in the background. Every day I would
20 be thinking about this and thinking about that at least two

21 years. I had only a few nightmares, three or four, in all

22 these years.

23 Since it stopped being an every day occurrence, and

24 in the background then I'm probably more paranoid than I would

25 otherwise be, although I could easily be a paranoid person

1 anyway. I tend to expect bad things to happen to me because
2 they picked out my passport. It will always be my passport
3 that they would pick. But, on the other hand, when bad things
4 do happen to me, which they do occasionally, I feel I'm
5 probably better at dealing with them than I would otherwise be.

6 What I would like to say is that he has not and will
7 not make a victim out of me. And I will prefer to be as you
8 are, more a survivor, than a victim. I've had 17 and a half
9 very good years that I never expected to see and I'm still
10 counting. And I know better than many people how precious
11 every single day is.

12 I've had the opportunity to do some useful work,
13 telling courses for hostage negotiators what it's like to be on
14 the inside of a siege. And I think that helped me a lot
15 because it meant that I got the opportunity shortly afterwards,
16 and regularly, to talk through the whole thing for even longer
17 than I'm going on about it today for people who were genuinely
18 interested in hearing the whole thing. And, to me, that
19 helped. Again, it's different for different people, but I
20 think I talked it out in that way.

21 So in my life, just in my life, I've been very lucky.
22 And the impact of this event on me, I would say, has really
23 been positive at least in the long term. During the hijack
24 when I was expecting to die, I made up my mind that I would not
25 die hating this man or angry with him or frightened of him.

1 It's rather old-fashioned, but I determined that I would offer
2 to shake his hand if he came down and said he was going to
3 shoot me. From what Sunshine said this morning, I doubt if he
4 would have let me and perhaps that is the case. But I was
5 determined to do it. And after that, I felt that he could not
6 take away my self respect. And after that I did not fear him.

7 I suppose I forgave him on that day and cannot now
8 unforgive him for myself, but I can't forgive him for the
9 others. I have no business speaking for the 21 others who
10 haven't had those extra 17 and a half years and for the many
11 more for whom those years have been hard and bitter. I have a
12 much loved wife like Gopal there. I have a much loved father
13 like Prabhat had. And a younger sister like Aneesh had. And
14 if it happened to any of them, I don't think I could have
15 forgiven him even if they had survived. I know how lucky I was
16 to escape that injury that I would carry as a daily reminder of
17 what he did. I don't think I could forgive him if that had
18 happened to me. My little piece of forgiveness has nothing to
19 do with justice.

20 I know that this Court will bring justice for

21 everyone and I don't think justice has any business forgiving
22 him at all. Looking at him here, now, I'm just sad. What a
23 waste. He might have been misled by those above him in the
24 organization. He might have had some justice behind his cause,
25 but he has ruined the lives of scores of people and he has

1 ruined his own. I'm only concerned that what he's done with
2 them can't be used as an excuse for others to carry on the
3 circle of violence.

4 Just for myself and one or two other people I'm glad
5 that this is not about the death penalty. I feared that if the
6 death penalty were asked for and given and carried out, then
7 there would be some twisted people who would elevate him to the
8 status of a martyr and would go out and take revenge. And he
9 doesn't deserve to be a martyr, he doesn't deserve that.

10 There's a number of people who said there's nothing noble about
11 taking innocent lives when you have a gun and they're kneeling
12 on the floor. He's a coward, not a martyr.

13 If somehow in the rest of his life he could find some
14 remorse, then maybe it would be worth preserving that life
15 until he actually realized what he's done.

16 Now, I have a suggestion, Your Honor.

17 THE COURT: Sure.

18 MR. MICHAEL THEXTON: First, that you don't put him
19 necessarily in solitary confinement, but you get a tape made of
20 some of the statements that we've heard today and you play some

21 of those to him every day. Because if he can listen to them

22 without feeling anything, then he truly is inhumane.

23 And if, when he does feel some remorse, he could go

24 out and try and tell somebody else who might otherwise hijack a

25 plane or become a suicide bomber what a senseless, useless,

1 evil waste it is, that it will undermine the justice of your
2 cause, it will never contribute to the success of your cause,
3 then I suppose something good might possibly still come out of
4 it.

5 Thank you.

6 THE COURT: Thank you, sir. We're going to have to
7 take a short recess. How many more speakers are there?

8 MS. LEVY: About ten, Your Honor.

9 THE COURT: All right. We'll take a 15 minute
10 recess. I'm not sure whether we're going to finish today or
11 not.

12 Let me hear from Counsel. What's your pleasure? We
13 can go on. We don't have to stop at 5:00. Maybe it's a
14 hardship for people to have to come back tomorrow.

15 MS. LEVY: Why don't we see how it's running.

16 THE COURT: All right. We'll play it by ear. I have
17 to give the court reporter a short recess. There's no need to
18 stand.

19 (Recess taken.)

20 MS. LEVY: Your Honor, the next speaker is Mr. A. Jay

21 Grantier. He was a passenger on board the flight who was one
22 of the American passports who was hidden by the flight
23 attendants.

24 THE COURT: All right. Thank you. Good afternoon,
25 sir.

1 MR. A. JAY GRANTIER: Good afternoon, Your Honor. My
2 name is Jay Grantier. I was a passenger on Pan Am Flight 73
3 seated in the starboard side of the aircraft in row 26, seat K.
4 I was, at the time, an international marketing director for a
5 software company with responsibility to market some of the
6 Pacific Rim and I visited those markets several times a year.

7 In Bombay on a Thursday in early September,
8 September 4, 1986 I had finished my work and was preparing to
9 return home. I checked out of my hotel about 11:00 p.m. that
10 evening and caught a taxi to Bombay's International Airport. I
11 checked in and once the flight was called, boarded Pan Am's
12 Flight 73 destined for a connection in Frankfurt with an
13 immediate stop in Karachi, Pakistan.

14 We landed at the Karachi airport approximately
15 5:30 a.m. Karachi time, I believe. After being on the ground a
16 short time, perhaps 30 minutes, we heard gunshots and shouting
17 outside of the aircraft. And suddenly a young man appeared in
18 what seemed to be a Pakistani security uniform and appeared at
19 the main hatch of our aircraft. He turned toward the people
20 seated in our section of the aircraft waving a pistol and

21 yelling, "Hands up, hands up."

22 We had been hijacked by terrorists who, 16 hours

23 later, in failing to meet their objectives, would, using hand

24 grenades and automatic weapons, open fire first on passengers

25 in our section of the aircraft, followed by another round of

1 fire in the aft section of the aircraft. I would later learn
2 that 21 passengers had been killed and another 100 or so
3 injured as a consequence of these murderous acts.

4 Among those murdered, a Mexican man across the aisle
5 from me who, exhausted from the days ordeal, had been sleeping.
6 When the terrorists opened fire by their automatic weapons, he
7 was riddled with bullets. His blood pouring down on two small
8 children whose mother had hidden them underneath the seat on
9 which the man was lying.

10 Across the table, and also in the direct line of
11 fire, a beautiful little boy, perhaps two years old, who
12 earlier in the day, not understanding any part of what was
13 going on, had been playing with a window shade by his seat.
14 The leader of the terrorists intervened telling the little
15 boy's mother that he must stop, that the shade must remain
16 down, and then allowed the little boy to touch his automatic
17 weapon. The little boy, touching that weapon, was simply a
18 matter of a young child's curiosity. But for the terrorists,
19 one might guess a calculated gesture to reassure surrounding
20 passengers that he meant them no harm.

21 Was that little boy wounded or killed when the
22 hijackers opened fire many hours later? I never knew because
23 he was seated in the section of our cabin that was later
24 described by U.S. military inspectors as being total carnage.
25 Another victim, our flight's purser, a beautiful and

1 courageous young Indian woman 23 years old in the bloom of
2 life, who had been such a calming and reassuring presence
3 during the day's endless hours, and so many more. What had
4 been their crimes? Why do they have to die to satisfy the
5 twisted minds of those responsible for this act of violence?

6 Examples of man's inhumanity to man are endless and
7 such acts are seldom, if ever, justified. But some may at
8 least be so. Hijacking, on the other hand, committed by
9 heavily armed terrorists against totally defenseless men, women
10 and children, can never be justified, nor understood.

11 Hijackings are despicable, barbarous, savage acts of cowards
12 perpetrated by cowards. How else can you characterize an
13 action in which heavily armed individuals take several hundred
14 totally defenseless men, women and children hostage with the
15 intention of murdering them all?

16 My initial reaction upon learning that Flight 73s
17 terrorists had been captured so many years ago was that they
18 should be tried, convicted and executed. My feelings were a
19 consequence of the rage I felt, the rage that only now after 17
20 years is beginning to ease. But to execute such people is to

21 reduce ourselves to their level and this we should not do.

22 Mr. Safarini has admitted his guilt on the hijacking
23 of Pan Am Flight 73. He and others like him found guilty of
24 such crimes have abandoned their right to live freely among
25 civilized people. For those convicted of such acts,

1 incarceration for the balance of their natural lives seems,
2 however sadly, to be the best solution.

3 Thank you.

4 THE COURT: Thank you, sir.

5 MR. MAISEL: Your Honor, in Mr. Grantier's comments,
6 he mentioned seeing a woman with two small children perhaps
7 below a seat that was above a Mexican victim who had been shot.
8 Many members of that family are here and plan to address the
9 court.

10 THE COURT: That's fine.

11 MR. MAISEL: Two of them need to leave after today,
12 so we're going to call them now. The first is Hameed Hussain,
13 who was one of those two children.

14 THE COURT: All right.

15 MR. HAMEED HUSSAIN: Good afternoon, Your Honor.

16 THE COURT: Hello. How are you?

17 MR. HAMEED HUSSAIN: Good. How are you? I just have
18 something very, very short to say. At the time of the
19 hijacking, I was only two years old. Being so young, I was
20 unable to comprehend the severity of the situation at the time.

21 To this day, I have no recollection of the event other than
22 what I've been told and what I have read and saved in newspaper
23 clippings.

24 I was told that immediately following the hijacking,
25 I had to undergo counseling to deal with my fears. As I said,

1 I was only two years old. And being so young I was saved from
2 having any memory of the events that took place. I am sure
3 that my being in that position has affected my life and it is a
4 link as to how my life has been affected that I know is
5 present, but I'm not able to express.

6 The reason I decided to come here today was to show
7 support for my family and to personally express my gratitude to
8 all those who have dedicated their time and efforts to bring
9 this case to justice.

10 I thank you all.

11 THE COURT: All right. Thank you.

12 MS. LEVY: Your Honor, Hameed's sister, Saneela
13 Hussain will now speak. She was not on the plane. She was 12
14 years old at the time of the hijacking.

15 THE COURT: Good afternoon.

16 MS. SANEELA HUSSAIN: Good afternoon. I was 12 years
17 old at the time my family's plane was hijacked. My two sisters
18 and I had just returned from Pakistan earlier because school
19 was starting and we were anxiously awaiting the arrival of my
20 mother and our siblings.

21 And I remember the night before the arrival I was the
22 last of the three of the kids to go to sleep and my father had
23 just left the room to do something. I don't remember what that
24 was. And I was just about to get up and leave at the end of a
25 TV program when there was a news flash at the bottom of the

1 screen that the Pan Am flight had been hijacked at the Karachi
2 Airport.

3 At the moment, I reassured myself saying that, you
4 know, there is probably more than one flight and that I
5 shouldn't be afraid of anything. But in the back of my mind I
6 knew that something was wrong.

7 When my father returned into the room, I nonchalantly
8 asked him what my mom's flight number was, and since he had no
9 idea why I was asking, he just said he had no idea offhand. So
10 I didn't say anything to him and I went off to sleep. But,
11 again, thinking that something was terribly wrong.

12 When we woke up the next morning to get ready for
13 school we were eating breakfast and usually, as habit is at
14 that age, we wanted to watch cartoons while eating breakfast.
15 And my father suddenly turned to us and said, "No, you can't
16 turn the TV on at all." So we just -- we asked why and we
17 didn't get really any response. So at that point my worse
18 fears were confirmed.

19 During that car ride to school, I kept trying to work
20 up the courage to ask my father what was wrong or if that plane

21 was the one that my family was on. But I couldn't do it. So
22 basically I went to school that day thinking that half of my
23 family had died the night before. It was obviously one of the
24 most miserable days of my life.

25 I remember telling one of my friends at school during

1 lunch what had happened and she, of course, asked me what I
2 would do. And I still remember saying to her that I would
3 probably have to quit school in order to take care of the
4 family. I was the oldest of the children. It sounds funny
5 right now, but kind of sad at the same time.

6 When my father picked us up from school later that
7 day, he -- I know he didn't want to tell us what had happened,
8 but he really had no choice because the house was surrounded
9 basically by media people. And that was when I found out that
10 someone, his friend, had called him the night before to express
11 their concern. And basically that friend ended up being the
12 bearer of bad news pretty much.

13 After that, everything is kind of a blur. I remember
14 neighbors and friends stopping by with support and with food.
15 I remember a lot of media people wanting to interview everybody
16 in the family. So many people walking in and out of the house
17 asking us questions of how we were feeling and what we thought
18 of the situation. I really don't remember what I said, what I
19 felt at the time. I think we were all in a state of shock and
20 we really didn't even know at that time if our family was alive

21 or not. We had no contact with them.

22 At the end of the day is when we finally were able to
23 confirm that the three of them had survived. Whether they were
24 injured or not, we didn't know. But we knew that at least they
25 were alive. I'm sure I was relieved at that moment, but I

1 really honestly don't remember the details of any of that until
2 we were actually reunited with them at the airport which, you
3 know, there was a lot of crying, hugging and a lot of relief
4 that they were home.

5 I still get very emotional, as you can see, when I
6 think of all that. After that for me, although I wasn't on the
7 plane, it was after this time that the tough part started
8 because suddenly a couple weeks afterwards, you know, for the
9 first two weeks there was a lot of people coming over, helping
10 us out, this and that, so we were distracted by that.

11 And suddenly that stopped and that's when you finally
12 realize how affected you are by this. I mean, those of us who
13 weren't on that plane can never come close to understanding the
14 effect on the people that were there, but I just wanted to
15 represent the family members that we also did suffer. Not, of
16 course, in the same way, but still a little bit.

17 I know that my mother and my sister did change after
18 this incident. As for my brother who just came up earlier, I
19 really can't tell. He was very young at that time. I'm sure
20 it affected him, but I really don't know.

21 I do remember one thing my mother said after that
22 quite frequently. She said, quote, "although we are all one
23 family, the three of us," meaning herself and Annya and Hameed,
24 "have gone through something that has created a different bond
25 between us that the rest of you cannot understand or be

1 included in." It was -- for me it was basically she was saying
2 that they were kind of one family separate from us and it made
3 me feel as if I was being pushed away.

4 A couple of just memories that I have afterwards.

5 I remember the first time my mom finally got back
6 into the driver's seat. She was dropping me off at school and
7 she turned onto a road and she started driving on the wrong
8 side of the road. And I was just looking at her and people are
9 honking at her. There's cars coming at her and she's just
10 driving away. And suddenly she realized people are honking and
11 she's looking around trying to figure out what's going on, what
12 she's doing. And she didn't understand until I actually told
13 her, "you're driving on the wrong side of the road". And I
14 could see on the expression on her face she was terrified that
15 she was doing this.

16 And a lot of people also mentioned they were
17 terrified of loud noises and things like that. The most major
18 direct effect of this is the problem that my mom has had with
19 her back. Because of this incident, she has ruptured disks in
20 her back. And although I'm mature by nature, I think I had to

21 take more responsibility in our house and family because of
22 that. And especially when my mother became bedridden for a
23 whole six months after that. And she's a very strong and
24 active woman and through no fault of her own she has to live
25 with this problem for the rest of her life.

1 And I remember, and only I know, I think, how hard it
2 was to juggle my last year of university with the full
3 responsibility of housework and the rest of the kids and all
4 that. And even after that, at the end of it all, my mother
5 wasn't even able to see me walk on graduation. And I know that
6 she and I will always regret that.

7 I just want to thank you for letting me read this and
8 just sharing with you how this has affected our family and I
9 appreciate it.

10 THE COURT: Sure. Thank you.

11 MR. MAISEL: Your Honor, the next speaker will be
12 Mr. Darrell Pieper, who was a passenger aboard the plane.

13 THE COURT: Good afternoon, sir.

14 MR. DARRELL PIEPER: Good afternoon, sir. My name is
15 Darrell Pieper. I will not be quite as eloquent as some of the
16 past speakers. I will try and give it in my own training,
17 which is engineering.

18 I was headed to the U.S. from Karachi on the morning
19 of September 5, 1986 when the hijacking of Pan Am Flight 73
20 occurred. After initial takeover of the aircraft by hijackers

21 my fellow passengers in first and business class were herded
22 towards the back of the aircraft where we sat on the floor
23 wherever possible. I was by the left exit door just after the
24 main wing. Others were crowded in the same space. If ever I
25 wanted to stretch my legs in this crouched, seated position, I

1 had to lift a leg one at a time over other passengers and then
2 put it back. Even so, compared with other passengers on the
3 plane, I was lucky.

4 First, the pilot and crew escaped the aircraft which
5 then had to remain on the ground instead of taking off and
6 being blown up in mid air, which we know was the plan. This
7 saved others as well as my own life.

8 Second, Sunshine hid my passport when she realized
9 the hijackers are looking for Americans. I'm grateful to her
10 for her quick thinking and action, which again saved my life.

11 Third, my position on the plane placed me as far from
12 the hijackers as possible. I did not have to endure looking at
13 them for almost 17 hours, especially at the end when they
14 callously murdered many helpless injured passengers. In our
15 location we found a manual that described how to open the doors
16 and extend the chutes. In our area we all read that. We all
17 knew what to do. The only question was when.

18 We knew when the firing started, I personally escaped
19 unscathed, except for splattered blood from others on my
20 clothing. My position in this case saved my life, and again I

21 was lucky.

22 Because of this incident, my life took an unexpected
23 turn. For three years I had been working with the Pakistani
24 Government as a project and engineering manager on the upgrade
25 of airport facilities in Karachi and Islamabad. Following the

1 events of September 5, I made the decision to not return to my
2 managerial position in Karachi.

3 Back in the United States, my employer, a large
4 design construction organization, did not have any airport
5 projects on the books other than those in the Middle East. Not
6 wanting to return there, after seven and a half years I retired
7 after 20 successful years with them ending a 30 year career in
8 airport design, engineering and construction management.

9 Psychologically, there are occurrences that swell to
10 the surface from time to time. Quite frequently I'm asked to
11 relate the details of this mad incident. I can relate my end
12 of the story, but hopefully with not too much emotion. But
13 it's when Barbara, my wife, relates her part of the story that
14 I get emotional. I had no idea what she was experiencing just
15 waiting and watching. Her side is still unsettling after all
16 these years.

17 Barbara had left Karachi and was in California
18 waiting for my arrival for a short holiday. It was dinnertime
19 for her in California and she was staying with some neighbors.
20 One of the neighbors asked when I was to arrive and she said,

21 "Tomorrow." The neighbor said, "I hope he's not on Pan Am, I
22 heard it's just been hijacked.

23 After checking with Pan Am, calling my company in San
24 Francisco and talking with my staff in Karachi, there is
25 nothing that she could do but wait. She and friends stayed up

1 all night glued to the TV for the next 16 hours. Media
2 distortion didn't help. It was a highly strained situation
3 just staring at the picture of the aircraft and the tarmac not
4 knowing for her what to expect. Because we had connections in
5 Pakistan, Barbara could occasionally get information that the
6 news media could not. My project architect was in the command
7 center where negotiations were taking place. He would check in
8 with Barbara several times to assure her and give her an update
9 on progress.

10 Late morning the next day in California, as the
11 shootings and explosions began, she, family and friends
12 expected the worse. Barbara was on the phone with friends when
13 an operator broke in saying there was a call from the State
14 Department. She was informed that I was safe and uninjured, a
15 very emotional time for her. The architect also called her
16 shortly after to relay more details on the event and to confirm
17 that I was okay and being taken to a local hotel.

18 Because the international phone lines in Pakistan
19 were jammed by the U.S. media, it took me several hours to
20 reach Barbara. I relayed to her what I knew, what I felt, and

21 then I finally went to sleep. It was the next morning in
22 reading the local English newspaper that I realized how
23 violently the hijacking ended with 21 innocent people killed,
24 more than 100 wounded or injured.
25 The hijackers killed indiscriminately, uncaring.

1 They changed the lives of all of us, of people that never knew.
2 The U.S. Government has chosen to give this man life in prison
3 without parole in the most secure facility U.S. prison never to
4 see the light of day again. For him I hope it's going to be a
5 hell.

6 THE COURT: Thank you, sir.

7 MS. LEVY: Your Honor, the next speaker will be
8 Antusa Dasgupta. She was traveling with her husband and her
9 two young children, ages three and eight.

10 MS. ANTUSA DASGUPTA: Good afternoon, Your Honor.

11 THE COURT: Good afternoon.

12 MS. ANTUSA DASGUPTA: My name is Antusa Dasgupta. I
13 was traveling with my husband and my two children, aged eight
14 and three, coming back from a short family vacation coming back
15 to the United States when the hijacking occurred. We have
16 heard throughout the day incidents that took place in the
17 plane. My experiences are similar and slightly different, but
18 I am here mainly to talk about my two children. The effect,
19 how it affected them, the whole ordeal of hijacking.

20 When we returned home from the hijacking, we had no

21 contact with anybody, not Pan Am, nobody called us. And we had
22 to deal -- you know, we had no family in the United States
23 either, so we had to deal single-handedly, you know, my husband
24 and I, with problems, our emotional problems and my two
25 children's problems. So we contacted a friend of ours who was

1 a medical doctor who asked us to go see a child psychologist.
2 So we took our two children every week to see the psychologist.

3 My eight year old would not speak to him. She just
4 said nothing. She just sat there the whole time. My three
5 year old drew pictures. And the pictures were all about an
6 airplane and the slide that she came down on. And before the
7 year was over we had to stop these sessions because our
8 insurance wouldn't pay for them anymore. And so there was no
9 treatment.

10 So we carried on for a long time and my eight year
11 old had difficulties in school for a year. And the principal
12 wouldn't understand how a bright student like her could not
13 concentrate anymore. And we explained to him, the school
14 psychologist also met with him and explained to him the ordeal
15 that she had gone through.

16 Anyway, the year passed, you know, went on and she
17 was back again with her studies. But her social life was
18 affected. She did not want to go out as much, you know, didn't
19 have as many friends coming over. And I think this was
20 mainly -- it was from her. She did not want to mix up too much

21 with other people. Perhaps because she had fears or whatever.

22 But my three year old, we decided to take them for

23 fireworks on the 4th of July. And she had, she just started

24 screaming and crying because she thought people were shooting

25 at her. We had taken her, you know, initially to the doctor

1 when we came back and the doctor had said to us that the
2 grenade that exploded had ruptured her eardrum. So now she
3 would heal, but she would lose the elasticity of the eardrum
4 and therefore she will never be able to hear loud sounds. So
5 it continues to this day. So this is something that's affected
6 her for the rest of her life.

7 But when she turned about 13 or 14 she was showing
8 signs of fear. And we just kind of took it for granted it was
9 her teenage rebellion. And finally when she was in college,
10 the first year, freshman year of college, the symptoms grew
11 more severe. And when we took her to a psychiatrist, they
12 finally connected that to the trauma she had suffered as a
13 three year old, and not being able to verbalize was having an
14 impact on her. So she had to stop her -- you know, she had to
15 take a year off from the university and undergo treatment. And
16 she's still undergoing this treatment. We don't know for how
17 long.

18 Then came, you know, 9-11 came by -- you know,
19 happened. And all the fears we started reliving again. So I
20 went back to the doctor because I was having anxiety attacks,

21 panic attacks. So I went on medication as well.

22 So all I wanted to say, Your Honor, is that, you

23 know, foolish acts of certain people, it has had a severe

24 effect on our family. And will this go away? I doubt it

25 because we have been scarred for life.

1 So I just wanted to make the statements because I
2 felt that I needed to share my feelings of what happened to my
3 family and share it with other members, other passengers on the
4 plane. And I hope that we will continue to be in touch with
5 each other so we can keep in touch and share our adventure.

6 No, it's not an adventure, but, you know, experience.

7 Thank you.

8 THE COURT: Thank you very much.

9 MS. LEVY: Your Honor, at this time there was a
10 survivor, one of the two daughters of Sangita Patel, who was
11 the second American who was killed on the plane. She asked
12 that a statement be read for her, but she did not want to be in
13 court when it happened. So with the Court's permission, I will
14 do that in her place.

15 THE COURT: Sure.

16 MS. LEVY: The girl's name is Sangita Patel. She was
17 14 years old at the time of the hijacking. We asked her to
18 describe whatever she wanted to tell you as far as an impact
19 statement. And she said as follows, "My family and I spent the
20 summer of '86 in India visiting relatives and sightseeing

21 around the country. We were on our way back to the U.S. when

22 Pan Am Flight 73 was hijacked."

23 "My father was 50 years old when he was killed. When

24 I think of my father, I remember how much energy and full life

25 he exuded. He loved all sports, but his passion was baseball,

1 football and golf. He instilled his love for baseball by
2 encouraging my siblings and I to participate in baseball and
3 softball and take us to Dodger games in the summer. He enjoyed
4 traveling and made it a point to take my family on a vacation
5 every year."

6 "By the time I was 14 I had visited India, Japan,
7 Hawaii, Canada and the Bahamas. But my favorite memories
8 included the times my family spent curled up on the couch
9 watching Dallas every week, and Sunday mornings reading the
10 newspaper. For me the comics."

11 "Professionally he had held a full-time management
12 job at Arco specializing in computer programming. But
13 everything business related interested him. He had such an
14 inquisitive mind and wanted to do everything. He dabbled in
15 the stock market, opened a video store, was a tax consultant
16 during tax season, taught at a university and invested in real
17 estate property."

18 When asked how the loss of her loved one affected her
19 and the family, she wrote, "Losing a parent at a young age is
20 always rough on kids, but for me it was particularly difficult

21 given the circumstances. In the ensuing moments after the
22 shooting on the plane there was so much confusion and panic. A
23 lot of my memories are now vague as I've tried to forget the
24 nightmare. But there are two feelings I will always carry with
25 me."

1 "The first is the feeling of guilt in leaving my
2 father on the plane after the shooting not knowing if he was
3 alive or dead and agonizing over the decision I had made to get
4 my sister and I off the plane without him. To this day, I
5 still question if I could have done something to save him. If
6 I had made a different decision, that would have changed the
7 outcome of the family."

8 "Secondly, is my loss of faith in God. During the
9 days following the hijackings, as I sat in the hospital while
10 my sister was being treated for a head injury, I prayed for
11 hours that my dad would be okay and we would be reunited. But
12 that never happened. When my father's death was confirmed, I
13 was so angry with God for not saving my father. The bitterness
14 I felt toward God still lingers after all these years."

15 When asked about her most vivid memories, she refers
16 again to the earlier statements and the vivid memory of leaving
17 her father on the plane. She writes, "I was terrified of not
18 finding my father, panicked at the language barrier as the
19 doctors were trying to communicate the extent of my sister's
20 head trauma, and feeling helpless in helping the local police in

21 locating my mother and relatives in India."

22 She further described some of the conditions at the

23 hospital. "There was no sophisticated machinery. The

24 environment wasn't as sterile." She didn't go to the bathroom

25 for two days because the public toilets were filthy and filled

1 with flies. One of the doctors took pity on her and allowed
2 her to use a toilet reserved for the hospital staff. She still
3 doesn't know how she was reunited with her mother and relatives
4 in India. And she was always worried that her sister wasn't
5 going to make it through the surgery.

6 She also writes, "The loss of my father due to the
7 hijacking has impacted my life in many ways. One significant
8 impact includes the change in my family dynamics. After my
9 father's death, as the oldest child of three, I was forced to
10 become the second parent as my mother started working full
11 time. As a result, a lot of responsibilities were thrust on
12 me. I had to watch over my siblings after work, make sure they
13 did their homework, shuttled them around to and from school
14 once I started driving, make rules and ground them when they
15 didn't follow them. In fact, parents of my brother's friend
16 would often call me for permission when they wanted my brother
17 to join them for some activity, not my mother."

18 "Essentially my role was to be the strict parent.
19 Obviously, this created a lot of bad feelings for my brother,
20 that my brother had for me. As I've gotten older, I stopped

21 playing that role, however, there is a distance between my
22 brother and me that still exists."

23 She was asked how the hijacking affected her
24 emotionally. And she writes, "Soon after my return to the U.S.
25 my mother had my sister and I see a therapist for a few

1 sessions. For a few years after the hijacking, I would get
2 nervous about the plane crashing whenever I was on a flight.
3 Other than that, the hijacking hasn't had an impact on my
4 sleeping abilities or evoked a special reaction to hearing
5 about other hijacking events."

6 Finally, she was asked if there were any observations
7 she would offer about the affect on her family members or
8 others close to her. She writes, "Only my sister and I were
9 affected directly by the hijacking as we were the only two
10 people with my father on the plane ride back to the U.S.
11 However, the aftermath of the event had impacted my entire
12 family in some way. My mother, who was primarily a housewife
13 prior to my father's death, she was forced to struggle and
14 raise three children while taking on the role of being a
15 breadwinner. In addition, she had to deal with the fact that
16 she would be alone for the rest of her life, as it was not the
17 custom for Indian women to remarry.

18 "For my brother, he no longer had a male role model.
19 He deeply resented being dictated by me as I tried to fill the
20 role as a second parent. And for my sister, she took on the

21 role of being the family mediator, especially as my brother and
22 I started fighting more and more as we grew older."

23 THE COURT: Thank you.

24 MR. MAISEL: Your Honor, by my count we have eight
25 people more here that have told us that they wanted to speak.

1 I think this would be probably a good time to break for the
2 day.

3 THE COURT: That's fine. It's 5:00. We'll start
4 promptly at 10:00 tomorrow morning.

5 Is there anyone present who has expressed an interest
6 in speaking who cannot return tomorrow? And, if so, I'll be
7 happy to hear from that person today. If it's going to create
8 a hardship for you, I don't want to create a hardship.

9 All right. Have a nice evening. There's no need to
10 stand. Have a nice evening. Thank you.

11 (The hearing concluded at 5:00 p.m.)

12

13

14 CERTIFICATE OF REPORTER

15 I certify that the foregoing is a correct transcript
16 from the record of proceedings in the above-entitled matter.

17

18

19 _____
ELAINE A. MERCHANT, RPR, CRR

20 Official Court Reporter

21

22

23

24

25

