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from the December 04, 2006 edition

# Tehran court judgment could turn over US embassy to plaintiff

**Court rules that US must pay damages to Iranian businessman abducted in 1992, or present a list of assets for seizure.**

By **Mike Theodoulou** | *Correspondent of The Christian Science Monitor*

**NICOSIA, CYPRUS** – The United States is in danger of losing its sprawling embassy in Tehran to an Iranian businessman who was abducted in a bungled sting operation by US customs agents 14 years ago.

A Tehran court awarded Hossein Alikhani more than half a billion dollars in damages in the first lawsuit by an Iranian against the US for supporting terrorism.

Now, three years after that ruling, a writ of enforcement is due to be served this week, from when the US will have 10 days to respond by paying or presenting a list of assets in Iran to be seized as compensation.

The most valuable of those assets is the defunct US embassy. Mr. Alikhani, a Cyprus-based businessman, estimates it to be worth at most \$120 million.

He spent 105 days in a US jail in 1992 after being abducted in the Bahamas for allegedly violating US sanctions against Libya. He argued the sanctions did not apply to non-Americans outside the US.

The Bahamian government was furious, saying it had not been consulted. Alikhani's case also caused consternation in Congress.

In his ruling three years ago, Chief Justice Mansour Pour Nouri of the Third Branch of the Tehran Public Court accused US investigators of "kidnapping, false imprisonment, using force, battering, abusing, and ultimately inflicting physical and psychological injuries."

Alikhani says he has made no plans yet what to do with the embassy if he receives the deeds. "Maybe I would make it into a school, a university or a public park," he told the Monitor from Tehran.

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While few observers expect the embassy's title to land in Alikhani's hands any time soon, the embassy is a potent emblem of the enmity between the US and Iran since 1980, after militant students seized the embassy and held 52 US diplomats hostage for 444 days. The compound, its walls scrawled with anti-American graffiti, has long housed Revolutionary Guards.

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The US says that under the Vienna Convention on Diplomatic Relations, diplomatic premises are immune from court judgments. But Alikhani counters that the US flouted that convention in 1996 when it adopted the Antiterrorism and Effective Death Penalty Act. The act stripped countries on the State Department's list of sponsors of terrorism of their immunity from lawsuits in US courts for terror acts perpetrated against US citizens.

Since then, US courts have awarded hundreds of millions of dollars in damages to victims of terror overseas.

"So how can they come back and say that according to the Vienna Convention their assets are immune?" Alikhani asks.

Alikhani says his action was motivated by principle and followed US court rulings to hold Iran responsible for damages awarded to Americans held hostage by pro-Iranian groups in Lebanon during the 1980s.

"Everyone is suing Iran. For instance, the hostages in Lebanon. They were taken in Lebanon by Lebanese but they sued Iran and not the hostage-takers themselves or the Lebanese government," Alikhani says.

His legal action in Iran followed his bid in a Florida court to sue the US for \$360 million. The case collapsed in 2001 with a ruling that he had agreed not to sue as a condition of his release. His lawyers argue that was invalid because Alikhani agreed under threat of an indefinite prison term.

Alikhani's saga began in July 1990, when he sought to buy \$1.6 million of spare parts for gas generators from a Florida company. He planned to ship the equipment through Germany to Libya for use in a government oil field.

The company said that the parts could not be supplied because Libya was under US sanctions for supporting terrorism. Alikhani did not pursue the deal. However, the Florida company tipped off US Customs and agreed to set up a sting operation that resulted in Alikhani's arrest.

For 30 days, Alikhani was questioned in several Florida hotels, where he says he was shackled to his bed at night, before being moved to a Miami prison where inmates included Manuel Noriega, former dictator of Panama. With anger in the Bahamas and in Congress over the abduction, Alikhani accepted a token charge and was freed after being sentenced to time served.

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


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