

In pursuit of justice

A suicide-bomb victim's father has launched a legal action in the US against the government of Iran. Hillel Kuttler reports from Washington

TO this day, Stephen Flatow believes his 20-year-old daughter Alisa never saw it coming. He does not mean only the suicide bomber who rode alongside Egged bus No. 36 and blew up himself and eight passengers traveling near Kfar Darom on April 9, 1995. But danger generally.

Alisa was on her way that day with two friends on her first-ever outing to the Gaza Strip. The New Jersey woman was religious and loved to sunbathe. And Gush Katif's beach provided separate men's and women's swimming areas.

Just three months earlier, father and daughter met for what would be the last time, when the Flatows traveled to Israel to visit Alisa.

She was on her sixth visit to Israel, spending the year studying at Jerusalem's Nishmat seminary. Stephen and Alisa were leaving Friday night prayers at the Western Wall and stopped at the plaza steps.

Stephen told her that being in Israel was like being in the Garden of Eden. Alisa replied: "It really is, isn't it?" They spoke briefly about the need to bring peace with the Arabs.

"Her view was that it wouldn't affect her directly," Stephen says of the region's tensions. "And she felt that there's people here dealing with people, that you had to give both sides the opportunity to get together and talk."

"I don't think she saw herself in harm's way being in Israel."

"I think she felt comfortable there; I felt she was comfortable there ... I don't think she ever really thought that something like this would happen to her. I used to be more comfortable when Alisa was in Israel than when she was visiting her boyfriend on the Lower East Side."

Alisa was careful. Stephen impressed a set of rules on each of the five children he and wife Rosalyn have sent to Israel: Only travel to recognized destinations. Never go alone.

And always take public buses.

Alisa abided by the rules.

NOW STEPHEN Flatow is hoping the new rules drawn up by Congress bring solace and justice to the family and levy a financial disincentive on those involved in her death from perpetrating such a crime again.

Stephen Flatow is suing Iran.

Until last year, he might have been left to trudge off and join hands in the somber circle of bereaved parents, with no outlet other than the pride of knowing that Alisa's organs are now keeping three Israelis alive.

But last April President Clinton signed a massive counter-terrorism bill that stripped away the "sovereign immunity" foreign countries enjoyed from prosecution by Americans. And in September, amendments in both houses of Congress went a step further by opening up those countries to civil suits for damages for their involvement in international terrorism.

The case, which Flatow filed in federal court in Washington last Wednesday, could be a precedent. Flatow is seeking \$150 million in damages. Suits brought by the families of terrorism victims of the PLO and Libya have gone nowhere yet. Flatow knows the fight will be difficult and lengthy (at least seven years), but believes that unlike the others, he has statutory teeth behind his effort.

He also has Steven Perles, the Washington lawyer who tried to sue Germany for dam-

ages on behalf of Hugo Princz, who suffered through and survived the Holocaust as a naturalized American citizen. The case was thrown out when a judge determined US courts had no jurisdiction, but in a second attempt Princz and Perles got the case heard and eventually won.

Perles intends to muster America's greatest counter-terrorism experts, marshaling testimony and evidence to buttress his claim that Iran is culpable in Alisa's death. The logic being: Iran funds and supports the Palestine Islamic Jihad, and PIJ took responsibility for the bomb that killed Alisa.

According to Perles, the State Department's coordinator for counter-terrorism, Philip Wilcox, told him and Flatow that Iran funds PIJ to the tune of \$2 million annually. Wilcox also told them that the US believes PIJ did in fact carry out the attack that killed Alisa and seven others. In last year's report on terrorism, the State Department only stated that PIJ claimed responsibility for the Kfar Darom bombing.

WHILE REFUSING to comment directly on the Flatow case, Wilcox says the US is concerned about state-sponsored terrorism and is looking "for ways to bring those states into account." The administration, he says, supports laws making the Flatow suit possible.

Flatow and Perles met with Israeli Ambassador Eliahu Ben-Elissar and officials of the New York consulate. But, even though prime ministers Yitzhak Rabin and Shimon Peres charged repeatedly that the tentacles of Iran are wrapped around international terrorism, Flatow has not yet asked for Israel's assistance in their case.

Steve Emerson, a Washington-based expert on terrorist groups, believes that Perles has a tough case ahead. While the US ascertained Libya's involvement in the Pan Am 103 bombing over Lockerbie, he says, it must first be proven in a court of law that the PIJ is guilty in this case and that Iran is behind the group.

Flatow and Perles make a striking team, sitting at a conference table in the latter's office just hours before filing the suit. Flatow: grayish and stocky, Perles: balding and lean.

They're both in their mid-to-late 40s, dressed in the oh-so-proper lawyerly style of starched white shirts and red suspenders, jackets off for now.

Flatow is serious but chuckles occasionally. He's used to talking about his daughter. His composure is in check. He speaks in short sentences and to the point.

He finds amusing the suggestion that Alisa might have followed her father into the legal field. (He practices real-estate law.)

"Alisa was what you would call a people person. Alisa wanted to be perhaps a physical therapist, an occupational therapist," he says.

"I think she could have done that or gone into Jewish education. But most importantly, she would have been the mother of a strong Jewish family." When asked why he's taking on an entire country, his voice sounds determined, but lacks any hint of anger.

"We want to expose the underbelly of the [Islamic] Republic of Iran," he says. "We believe that no country should be permitted to sponsor or encourage terrorist attacks against innocent civilians, no matter where they are."

"I don't think the wound ever heals," he says. "It's a step in the healing process, a



Alisa Flatow loved Israel. Inset: Her parents, Stephen and Rosalyn, attend her funeral in 1995.

(Isaac Harari)

step in making us get on with our lives.

"It's a logical step to take. I'm not a country. I can't wage war against the Iranians or PIJ. I rely upon those tools that we have at our hands, and that's the legal system..."

"You have to react to a loss of a child. You have to react to a terrorist attack. If you don't react, it's just going to stay inside you and do whatever it goes to your psyche and to your physical being."

"So this gives us a means to work with whatever emotions we have pent up inside us. It lets us do something constructive, as opposed to destructive, with our lives. And to an extent, it keeps Alisa alive because we're talking about her and working on her behalf."

In contrast, Rosalyn does not wish to be interviewed. Nor does Vicki Eisenfeld of West Hartford, Connecticut, whose son Matthew was killed in the first No. 18 bus bombing in Jerusalem one year ago last week. She says only that the Flatow family "has to do what they have to do." People deal with loss differently, Stephen Flatow explains.

He has spoken with Arline Duker of Paramus, New Jersey, whose daughter Sara was killed along with Eisenfeld, her fiancé. The two victims' families would face different circumstances should they someday decide to sue, since Hamas took responsibility for that bombing.

Flatow says he draws strength from the Dukers and from Israeli families he's met with who experienced the same trauma as he.

But another parent of a terrorism victim, Susan Cohen, wants no part of a civil suit. Cohen, whose daughter Theodora was killed in the Lockerbie bombing, charges that two lawyers approached her with a "hard-sell" pitch for enlisting Perles in a lawsuit against Libya that would deliver many millions of dollars.

Their promotional literature included a photograph of Alisa Flatow and listed something called the Raoul Wallenberg Center for Civil Justice that is at the same address as Perles's law firm.

"It was reprehensible," she says.

Perles denies the claim, saying no one represents him and that victims' families recruit him and not the opposite. He says he's been contacted by the Wallenberg Center and asked to consult with families of terrorist victims, which he has done on a pro bono basis.

Flatow is silent as Perles gives his side.

BESHERT ("destiny"). Flatow says that what happened to Alisa was fated.

When she was five, she got into a bicycle accident. As he drove her to the hospital, Alisa cried in the back seat, asking why "these things" always happen to her. It was her third trip to the emergency room in three years.

"I tried to explain to her that things happen that we don't understand. They're called accidents. She didn't expect her friend to ride over her foot. She shouldn't let it bother her because she was in the wrong place at the wrong time."

"Now, when I travel around the country to speak to Jewish groups about organ donations or about Alisa, I sometimes hear her saying, 'Daddy, why did this happen to me?' So I pretty much think the same way: She didn't expect this to happen to her, I didn't expect this to happen to her."

"But there's one thing I know. She was in Israel; she was very proud of being Jewish. She stood up with the seven *hayalim* [soldiers] who were killed along with her, to say: 'I am a Jew. I am here with you.'

"So I came to realize that at that time, she was not in the wrong place. She was in the right place."