

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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BENJAMIN WEIR, et al.,  
  
  Plaintiffs,  
  
  v.  
  
THE ISLAMIC REPUBLIC OF IRAN,  
et al.,  
  
  Defendants.  
\_\_\_\_\_

Civil Action No. 01-1303 (TPJ)

**FILED**

APR 29 2003

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

DECISION AND ORDER

Plaintiffs in this case are Reverend Benjamin Weir and his wife Carol Weir, their daughter Susan and son John, and the estate of a deceased daughter, Ann Weir. All are American citizens by birth. Defendants are the Islamic Republic of Iran ("Iran") and the Ministry of Information and Security ("MOIS") of the Iranian government. The cause of action upon which suit is brought is the kidnapping of Benjamin Weir in Beirut, Lebanon, in May, 1984, and his ensuing 16-month captivity as a hostage by defendants' agents in Lebanon, acts of terrorism committed in furtherance of Iran's political objectives.

Subject matter jurisdiction is conferred upon this Court by the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. §§ 1330(b) and 1605(a)(7). Defendants have been properly served with process pursuant to 28 U.S.C. § 1608(a)(4), and have failed to answer or otherwise respond to the complaint within the time allotted or otherwise. The Clerk of Court has entered a default, and the case has therefore proceeded ex parte. Upon the evidence presented to the Court

January 7, 2003, and the facts found therefrom as set forth below pursuant to Fed. R. Civ. P. 52(a), for the reasons hereinafter set forth the Court concludes that judgment will be given for the plaintiffs.<sup>1</sup>

## I.

Reverend Benjamin Weir was born on December 20, 1923, in Salt Lake City, Utah, and received his bachelor's degree from the University of California at Berkeley in 1947. He met his wife, Carol, at a church youth group in Berkeley, and they were married in 1949. Thereafter Weir attended the Princeton Theological Seminary where he received his master's in divinity in 1950.

Ordained a Presbyterian minister, Weir became pastor of a Presbyterian Church in Oakland, California. In 1953, he volunteered for missionary work in Lebanon for the Presbyterian Church, and he and Carol moved to Nabatiyeh, a Shiite Muslim town in southern Lebanon, to begin 31 years of missionary service in that country. The Weirs were briefly posted in Tripoli, in northern Lebanon, before settling permanently in Beirut in 1961. At the time of his abduction, Weir was the leader of the Church's missionary work in both Lebanon and Syria.

When he accepted the assignment, the Weirs understood they were committing to a life-long mission to the work of the Church in Lebanon. Weir immersed himself and his family in Lebanese culture, becoming fluent in the Arabic language, and deeply involved himself in a

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<sup>1</sup> The Court also takes judicial notice of the evidentiary record in the companion cases of Sutherland v. Islamic Republic of Iran, 151 F. Supp. 2d 27 (D.D.C. 2001); Jenco v. Islamic Republic of Iran, 154 F. Supp. 2d 27, 30 (D.D.C. 2001); Anderson v. Islamic Republic of Iran, 90 F. Supp. 2d 107 (D.D.C. 2000), and Cicippio v. Islamic Republic of Iran, 18 F. Supp. 2d 62 (D.D.C. 1998).

number of projects aimed at improving the lives of the needy, in particular, the impoverished Shiite Muslim community. Among other activities, Reverend Weir interceded for them in disputes between the warring factions in Lebanon's civil war, provided food and clothing to the victims of the internecine fighting, and helped to restore war-ravaged homes. All four of the Weirs' children were raised and educated in Lebanon.<sup>2</sup>

The Weirs remained in Beirut even as conditions grew increasingly perilous for Americans. In 1975, a civil war that was to last 15 years broke out among the many tribal and religious groups, and the turmoil was further exacerbated in 1982 when Israel invaded Lebanon. Hostility towards the Western presence in Lebanon—particularly American—increased, as the influence of radical Islamic fundamentalism spread. In 1983, suicide bombers successfully destroyed both the United States Embassy and the United States Marine barracks in Beirut, killing many Americans. Malcolm Kerr, the President of the American University of Beirut, was assassinated in January of 1984. Prior to Reverend Weir's abduction in May of that year, three other Americans had been kidnapped and held hostage in Lebanon.

On the morning of May 8, 1984, Benjamin and Carol Weir left their apartment to attend a meeting. As they were walking, a car pulled up behind the Weirs and two men got out. Weir asked "What do you want?" One man replied, "I want you," and then both seized him. Although Weir struggled and cried for help, his assailants ultimately overpowered him, forced him into their car, and sped off, leaving Carol screaming for help.

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<sup>2</sup> The three Weir children who are parties to this lawsuit were all born in Lebanon. Susan Weir was born in Tripoli, Lebanon in 1954; John Weir was born in Beirut in 1957; and Ann Weir was also born in Beirut in 1961. The Weirs' oldest daughter, Christine, who is not a plaintiff, was born in Oakland, California in 1951.

Once in the car, the kidnappers pointed a gun at Weir, put a sack over his head and forced him to the floor. He was later bound from head to foot in adhesive tape, with only a small space left open over his nostrils, then put into a metal container on a truck and driven around for hours, all the while forced to inhale exhaust fumes. Once at their destination, his abductors mercilessly ripped the adhesive tape from Weir's body, blindfolded him, and chained him to a fixture – conditions which were to persist for the next 14 months of solitary confinement. Altogether Weir was held at as many as 20 locations during his ordeal, and all were similarly unsanitary and excruciatingly uncomfortable.<sup>3</sup>

Weir was permitted only one trip to the bathroom a day and was given little food. Throughout his captivity he was regularly tormented, both psychologically and physically. On one occasion, Weir made the mistake of removing his blindfold to wipe his eyes. A guard spotted him, put a gun to his head, and threatened him with death if he dared to do it again. Another time he awoke and did not hear or sense the presence of the guards. Fearing that he had been abandoned so that the guards could blow up the building (as they had threatened to do in the past) he screamed in panic. Guards immediately rushed in and subdued him by brutally beating him. The guards also played cruel mind games on him. One of their favorites was to tell Weir that his release was imminent, only to inform him the following day that he was to be kept captive indefinitely.

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<sup>3</sup>The circumstances of Reverend Weir's captivity were typical of that of his fellow hostages, as described in Sutherland v. Islamic Republic of Iran, 151 F. Supp. 2d 27 (D.D.C. 2001), Jenco v. Islamic Republic of Iran, 154 F. Supp. 2d 27, 30 (D.D.C. 2001), Anderson v. Islamic Republic of Iran, 90 F. Supp. 2d 107 (D.D.C. 2000), and Cicippio v. Islamic Republic of Iran, 18 F. Supp. 2d 62 (D.D.C. 1998). See supra n. 1.

To pass the time, and to maintain his sanity, Reverend Weir kept a calender by making pockmarks in the wall. He celebrated family birthdays and religious holidays, the remembrance of these important days helping to salvage his belief in the meaning of his life. He also sought solace in his faith, reciting psalms, prayers and Bible stories to himself. Notwithstanding, at times he grew so despondent that he questioned how long his faith in God could last, but ultimately realized that his only choice was to trust in God.

During the last two months of his captivity, Weir was joined by other hostages: Father Lawrence Martin Jenco, Terry Anderson, David Jacobsen, and Thomas Sutherland. On September 14, 1985, Benjamin Weir was the first of them to be released. Altogether, he had been held hostage for 495 days.

Following his release, Reverend Weir was joyously reunited with his family, but the elation of his release was short-lived: Only two months after his release from captivity, during the Weirs' visit to their daughter Ann in Egypt, Ann was killed in a bus-train collision, rendering his lost time with his daughter irretrievable.

## II

The evidence adduced at trial established that Reverend Weir was kidnapped and imprisoned by agents of the Islamic Republic of Iran, known as Hizbollah, a radical Shi'a paramilitary group in Lebanon employed by the Iranian government—specifically, MOIS—to perpetrate terrorist activity to advance Iran's political goal of establishing a fundamentalist Islamic state in Lebanon. Iran actively nurtured the development of Hizbollah, and thereafter, according to Dr. Patrick Clawson, a scholar of Iranian affairs, supported Hizbollah with funds, arms, training, supplies, and sanctuary. Thus, as this Court has repeatedly found in prior related

cases, Iran is liable for terrorist acts committed by Hizbollah. See, e.g., Kerr v. Islamic Republic of Iran, 245 F. Supp. 2d 59 (D.D.C. 2003); Stethem v. Islamic Republic of Iran, 201 F. Supp. 2d 78 (D.D.C. 2002); Wagner v. Islamic Republic of Iran, 172 F. Supp. 2d 128 (D.D.C. 2001); Anderson v. Islamic Republic of Iran, 90 F. Supp. 2d 107 (D.D.C. 2000); Cicippio v. Islamic Republic of Iran, 18 F. Supp. 2d 62 (D.D.C. 1998). The record in those cases, and the evidentiary record in this case as well, conclusively demonstrate that Hizbollah was directly responsible for Benjamin Weir's kidnapping and captivity.<sup>4</sup>

The "Flatow Amendment" to the FSIA provides a cause of action for American citizens against a foreign state designated as a sponsor of terrorism for personal injuries "caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act . . . ." 28 U.S.C. § 1605(a)(7).<sup>5</sup>

Plaintiffs Reverend Benjamin Weir, Carol Weir, Susan Weir, John Weir, and the Estate of Ann Weir, seek compensatory damages against the Islamic Republic of Iran and its Ministry of Information and Security, as well as punitive damages against MOIS. In Cicippio, 18 F. Supp.

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<sup>4</sup>Hizbollah was positively identified as the organization responsible for the kidnappings of the other hostages with whom Weir was held captive. Sutherland, 151 F. Supp. 2d at 27; Jenco v. Islamic Republic of Iran, 154 F. Supp. 2d 27, 30 (D.D.C. 2001); Anderson, 90 F. Supp. 2d at 112; Cicippio, 18 F. Supp. 2d at 64.

<sup>5</sup> The FSIA defines hostage taking as follows: "Any person who seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a third party, namely a State . . . to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offense of taking hostages[.]" This definition is derived from Article 1 of the International Convention Against the Taking of Hostages. 28 U.S.C. § 1605(e)(2).

Iran was designated a state sponsor of terrorism on January 19, 1984.

2d at 69-70, this Court developed a calculus for computing compensatory damages under the FSIA, granting former hostages roughly \$10,000 in intangible damages (*i.e.*, pain and suffering) for each day of their captivity, plus any tangible economic loss shown by the evidence. Thus Joseph Cicippio was held hostage for 1,908 days and received judgment for \$20,000,000. Similarly, Terry Anderson, a co-hostage of Reverend Weir, was awarded \$24,540,000 in compensatory damages for 2,454 days' imprisonment. See Anderson, 90 F. Supp. 2d at 113; see also Sutherland v. Islamic Republic of Iran, 151 F. Supp. 2d 27, 51 (D.D.C. 2001) (awarding hostage Thomas Sutherland \$23,540,000 for 2,354 days). Employing the same formula in this case, the Court will award compensatory damages to Benjamin Weir in the amount of \$4,950,000, no evidence of actual economic loss having been presented.<sup>6</sup>

Reverend Weir's wife and children are also entitled to compensatory damages under the FSIA. The wives of Reverend Weir's co-hostages received awards for compensatory damages for emotional distress and loss of consortium and solatium. For example, both Terry Anderson's and Thomas Sutherland's wives received \$10,000,000. See Sutherland, 151 F. Supp. 2d at 51-52; Anderson, 90 F. Supp. 2d at 113; see also Cicippio, 18 F. Supp. 2d at 70 (awarding the wives of hostages Joseph Cicippio and Frank Reed \$10,000,000 each). Here, the Court finds that Carol Weir is entitled to \$2,000,000 for the emotional suffering caused by her husband's 495 days of imprisonment.

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<sup>6</sup>As noted in Sutherland, Congress has tacitly approved the \$10,000 per day compensation figure. It was adopted prior to the enactment of the Victims of Trafficking and Violence Protection Act of 2000, which obligates the U.S. Treasury to pay victims of terrorism the precise amounts awarded to them by the Court. Thus, in Sutherland the Court found that "Congress must be presumed to have [been] aware of the damages formula, and its failure to amend it in any way amounts to a tacit approval of the scheme." Sutherland, 151 F. Supp. 2d at 51.

Susan Weir, John Weir, and the Estate of Ann Weir seek solatium damages. In Anderson and in Sutherland, the Court awarded the children of Reverend Weir's co-hostages approximately \$1 million dollars for each year their fathers were held hostage. Thus, Terry Anderson's daughter received \$6,700,000, Anderson, 90 F. Supp. 2d at 113, and Thomas Sutherland's three daughters were each awarded \$6,500,000. Sutherland, 151 F. Supp. 2d at 52. For their suffering, the Court will award each of Reverend Weir's children \$1,500,000.

Plaintiffs also seek punitive damages against defendant MOIS. Although foreign states are expressly exempted from liability for punitive damages, 28 U.S.C. § 1606, as an "agency or instrumentality" of a foreign state, MOIS is susceptible to an award of punitive damages under the FSIA. See Anderson, 90 F. Supp. 2d at 114.

In other FSIA cases against MOIS, this Court has awarded victims and their families punitive damages in an amount three times the amount of Iran's approximate annual expenditures for the terrorist activities it instructs MOIS to sponsor, *i.e.*, \$300 million. Accordingly, in Jenco, 154 F. Supp. 2d at 38-39; Sutherland, 151 F. Supp. 2d at 52; and Anderson, 90 F. Supp. 2d at 114, this Court levied punitive damages against MOIS in the amount of \$300 million. Thus, consistent with this Court's past decisions, this Court awards plaintiffs in the instant case \$300 million in punitive damages against the MOIS.

It is therefore, this 29<sup>th</sup> day of April, 2003,

ORDERED, that judgment be entered in favor of the plaintiffs against defendants the Islamic Republic of Iran and its Ministry of Information and Security, jointly and severally, for compensatory damages as follows:

Benjamin Weir:

\$4,950,000

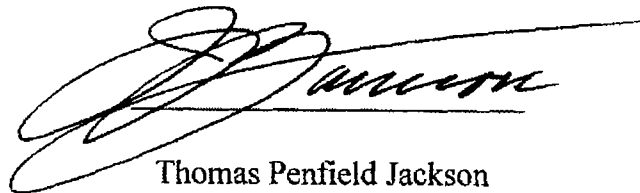


Carol Weir:	\$2,000,000
Susan Weir:	\$1,500,000
John Weir:	\$1,500,000
Estate of Ann Weir:	\$1,500,000

It is further ordered, that judgment be entered in favor of plaintiffs, jointly and severally against the defendant Iranian Ministry of Information and Security for punitive damages in the amount of \$300,000,000; and it is

FURTHER ORDERED, that the Clerk of Court forthwith enter judgments in accordance with the foregoing; and it is

FURTHER ORDERED, that plaintiffs may arrange for this Decision and Order to be translated into Farsi and, at plaintiff's request, the Clerk's Office shall cause a copy of the translated Decision and Order to be transmitted to the U.S. Department of State for service upon defendants through diplomatic channels.



Thomas Penfield Jackson  
U.S. District Judge