

DIANE SYKES ON VICTIMS OF TERRORISM

Highlights:

- Diane Sykes ruled that victims of a 1997 terrorist attack could not collect their judgment because Iran was entitled to a presumption of immunity.

Sykes Ruled Against Victims Of Terrorism Seeking Compensation

SYKES RULED THAT VICTIMS OF A 1997 TERRORIST ATTACK COULD NOT COLLECT THEIR JUDGMENT BECAUSE IRAN WAS ENTITLED TO A PRESUMPTION OF IMMUNITY

Sykes Wrote The Majority Ruling Against Victims Of A Terrorist Attack In Israel Who Were Seeking Compensation From Iran. According to the State of Wisconsin Bar, “American victims of a 1997 terrorist attack in Israel recently lost an early appeals battle to satisfy a \$71.5 million judgment obtained against the Islamic Republic of Iran. Specifically, the U.S. Court of Appeals for the Seventh Circuit ruled that Iran did not waive protections afforded to foreign nations with property in the U.S. by failing to appear, and plaintiffs seeking collection of a \$71.5 million judgment against Iran must narrow their discovery request to identifiable property, not all Iranian-owned assets in the U.S. [...] In Rubin et al., v. Iran, No. 08-2805 (March 29, 2011), a panel for the Seventh Circuit Court of Appeals reversed the district court. The panel – in an opinion written by Judge Diane Sykes – concluded that Iran was entitled to a presumption of immunity under the FSIA regardless of whether it appeared or not, and the district court could not issue a general-asset discovery order. ‘The statute cloaks the foreign sovereign’s property with a presumption of immunity from attachment and execution unless an exception applies,’ Judge Sykes wrote, ‘and immunity does not depend on the foreign state’s appearance in the case.’” [State of Wisconsin Bar, [4/6/11](#)]

The Supreme Court Upheld The Decision

The Supreme Court Unanimously Upheld The Seventh Circuit’s Decision. According to Oyez, “No, Section 1610(g) does not provide a freestanding basis for parties to attach and execute against the property of a foreign state. Justice Sonia Sotomayor delivered the opinion for the 8-0 unanimous Court.” [Oyez, accessed [6/24/24](#)]