

SEEKING JUSTICE FOR VICTIMS OF PALESTINIAN TERRORISM IN ISRAEL

HEARING BEFORE THE SUBCOMMITTEE ON NATIONAL SECURITY OF THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTEENTH CONGRESS SECOND SESSION

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SEEKING JUSTICE FOR VICTIMS OF PALESTINIAN TERRORISM IN ISRAEL

Tuesday, February 2, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to call, at 2:04 p.m., in Room 2154, Rayburn House Office Building, Hon. Ron DeSantis [chairman of the subcommittee] presiding.

Present: Representatives DeSantis, Mica, Lynch, Lieu, and Kelly.
Also Present: Representative Meadows.

Mr. DESANTIS. The Subcommittee on National Security will come to order. Without objection, the chair is authorized to declare a recess at any time. And we do have floor votes pending. It's just one 15-minute vote. I'm going to give my opening statement, and if the vote has not been called, then we'll go with the opening statements of the witnesses. Once the vote's called, my plan is to just recess the hearing, allow members to vote, and then come back and reconvene.

Since the signing of the Oslo Accords in 1993, more than 64 Americans, including two unborn children, have been murdered by Palestinian terrorists in Israel and the disputed territories. Some of them were tourists, some were students, some were living and working in Israel. Many were Jewish, but some were not. The stories of these American victims are heart wrenching. In 1996, Matthew Eisenfeld was a young graduate of Yale University who was studying abroad in Israel. He and his girlfriend, Sara Duker from New Jersey, had the misfortune to ride the number 18 bus that was blown up by Palestinian terrorists. Matthew's mother, Vicki, later bemoaned the quote, "lack of justice. It makes me feel like my son's blood is less American," unquote.

In 2002, Americans Dina Carter, Benjamin Blutstein, Marla Bennett, Janis Coulter, and David Gritz were studying at Hebrew University in Jerusalem. They were eating in the school cafeteria when Palestinian terrorists detonated a bomb inside the cafeteria, killing them all.

Malki Roth was a beautiful and talented 15-year-old girl, who was eating at the Sbarro Pizza Restaurant on Jaffa Road in Jerusalem on August 9th, 2001, when a Palestinian suicide bomber blew himself up. He took 15 civilians with him, including Malki and another American, Judith Greenbaum, who was pregnant at the time. The person responsible for planning and executing this dastardly attack, Ahlam Tamimi, has boasted about this many

times on video, yet, she resides in Jordan and hosts a television show for Hamas. We are honored to have Mr. Arnold Roth with us at today's hearing. He has traveled from Jerusalem, and we are looking forward to hearing his testimony.

So thank you for joining us, sir.

In 2001, Koby Mandell was a 13-year-old American boy who went on a hike with an Israeli friend, Yosef Ishran. They didn't come home, and their parents were worried. Their bodies were later found in a cave. They were so brutally bludgeoned that dental records were needed to positively identify the bodies. More than 10 years ago, the memories of American victims of terrorism, such as Koby and others, provide an inspiration for a bill bearing Koby's name, which became the legislative source for the opening of the Office of Justice for Victims of Overseas Terrorism within the Department of Justice.

The American people overwhelmingly believe that terrorists who kill Americans abroad must face justice. To this end, the office was designed with a purpose of ensuring, quote, "that the investigation and prosecution of terrorist deaths of American citizens overseas are a high priority within the Department of Justice."

The families of the victims of terrorism and their advocates celebrated the creation of the office in the hope that justice would be sought and achieved for the victims of terrorist attacks. Indeed, when commemorating the establishment of the new office, then-Attorney General Alberto Gonzalez remarked that it would guarantee, quote, "A voice for the victims and their families in the investigation and prosecution of terrorists who prey on American overseas," end quote.

Yet, DOJ has not been able to cite one example for this committee of even a single terrorist that has been prosecuted in the United States for any of the 64 attacks against Americans in Israel. Indeed, many of these terrorists roam free as a result of prisoner exchanges or evasions. This is not what Congress intended. This is not what the American people want. And this does not provide the justice to the victims' families that has been so tragically elusive.

In fact, the mother of Koby Mandell called the office, quote, "an affront to her son's name." The case of Ahlam Tamimi is a good example of the DOJ's failure. She is a terrorist who helped orchestrate the bombing that killed Malki Roth and Judith Greenbaum. She was released from an Israeli prison in 2011 as part of a prisoner exchange with the Palestine authority, but she's bragged about her conduct and has maintained a consistent presence on a Hamas television station, and, yet, this malignant woman continues to roam free, sowing the seeds of hate.

When the committee questioned the DOJ about this case, the Department declined to comment. If, in fact, bringing to justice the perpetrators of terrorism against Americans in Israel is a high priority for the DOJ, then, surely, people of this nature should be prosecuted for their crimes.

This afternoon, we will hear from those who might have been harmed in terrorist attacks or have lost loved ones. I thank them for their courage to speak out on this important issue. I also ask unanimous consent to insert into the record statements from indi-

viduals who have been impacted by terrorism. We have received testimony from Sherri Mandell, mother of Koby Mandell; Alan Bauer, a victim and father of a victim; and Mark Sokolow, whose family was in a terrorist attack in 2002, as well as the National Council of Young Israel. Israel is a magnet for terrorist attacks because it is a pro-Western Democratic nation of biblical significance. When Americans are the victims of terrorist attacks in Israel, they are, in a sense, being attacked for the shared values that bind our two nations, values that drive the jihadists to consume themselves in a culture of hate. We cannot allow the lives of our own American citizens to be devalued as merely pawns on a diplomatic chessboard. This effectively excuses the terrorist, invites more attacks, and leaves lasting scars on our own citizens due to justice being denied.

I look forward to today's testimony and eagerly await progress on bringing justice to the American victims of terrorism in Israel.

And with that, I am going to recess the hearing for 5 minutes. We have 12 minutes left on the clock. I'm going to go vote. Once we have some other members come back, we will reconvene. So I thank you for your patience, and I look forward to reconvening the hearing in about 15 minutes.

The hearing is in recess.

[Recess.]

Mr. DESANTIS. The hearing will come to order. We are reconvened. Sorry about the delay, but we should be able to finish the hearing without having any more breaks for votes.

I now recognize the ranking member of the Subcommittee on National Security, Mr. Lynch, for his opening statement.

Mr. LYNCH. Thank you very much, Mr. Chairman. You obviously run a little faster than I do from the last series of votes, but I would like to thank you for holding this hearing to examine the assistance to U.S. victims of terrorism abroad. And I also would like to thank our witnesses here today for your willingness to help this committee with its work.

Ms. Singer, Mr. Schwartz, and Mr. Roth, I would like to extend our deepest appreciation on both sides of the aisle for your testimony here today. And as always, our thoughts and prayers remain with you and your families for the unimaginable pain and the loss that you have endured. We also commend you for your dedication and continued work on behalf of U.S. victims of overseas terrorism.

In the wake of 9/11, a succession of horrific terrorist attacks targeting, or affecting U.S. citizens abroad, occurred around the world. These included devastating bombings and other violence in Israel that injured and killed Americans, as well as terrorist attacks in Bali, Saudi Arabia, India, Pakistan, and the Philippines. In light of this threat of terrorism against U.S. citizens abroad, Congress established the Office of Justice for Victims of Overseas Terrorism in December of 2004 to, quote, "Ensure that the investigation and prosecution of deaths of American citizens overseas are a high priority within the Department of Justice."

Pursuant to the implementing memorandum issued by U.S. Attorney Alberto Gonzalez in May of 2005, the Office of Justice for Victims of Overseas Terrorism, or OVT—I'll try not to use that acronym—is responsible for monitoring investigations and prosecu-

tions relating to terrorist attacks against Americans abroad. The Office of Justice for Victims of Overseas Terrorism also works with the FBI, United States Attorney General's offices, and other components within the Department of Justice, to safeguard the rights of U.S. citizens, victims, and their families. As noted by then-Attorney Gonzalez, the FBI is the leading U.S. agency for terrorism investigation involving U.S. citizens. Department of Justice criminal division, and its 93 U.S. attorneys are primarily in charge of terrorism-related prosecutions, along with the National Security Division's effort to combat terrorism.

As evidenced by recent events, the mission of the OVT remains critical in the face of relentless terrorism plots and attacks perpetrated by the Islamic State, Hamas, Al Qaeda, Jabhat al-Nusra, and other terrorist organizations worldwide. Just last week, I arrived in Istanbul, Turkey, on an oversight delegation only 4 days after a suicide bombing occurred in the city's Sultanahmet Square, an area heavily frequented by international tourists. I had been there previously with my family, my wife and daughter. And I also traveled to Beirut, Lebanon, a site of a double suicide bombing in November of 2005 that killed two American citizens and a permanent U.S. resident.

The U.S. Department of Homeland Security-sponsored national consortium for the study of terrorism reports that over 100 Americans were killed by terrorists' violence worldwide between September 11, 2001, and 2014. In addition, the State Department recently estimated that approximately 7.6 million Americans are living abroad, more than 70 million Americans travel internationally every year.

We must make every effort to ensure that U.S. victims of overseas terrorism and their families are afforded the justice they deserve. To the this end, it's imperative that we conduct meaningful oversight of the Department of Justice victims' assistance process in order to identify additional steps that we could take to facilitate this important mission.

I would note that Congress recently enacted a bipartisan omnibus appropriations bill that establishes a new United States victim of State-sponsored terrorism fund. This fund may be authorized up to \$20 million to certain U.S. victims in the aftermath of a terrorist attack. Again, we very much appreciate the opportunity to hear from Ms. Singer, Mr. Schwartz, and Mr. Roth on your experiences with this process. I will also look forward to discussing with all of our witnesses how we can address existing challenges to assisting U.S. victims of terrorism abroad and their families.

I thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. DESANTIS. I thank the gentleman.

I will hold the record open for 5 legislative days for any members who would like to submit a written statement. We will now recognize our panel of witnesses.

I am pleased to welcome Mr. Brad Wiegmann, Deputy Assistant Attorney General, National Security Division, U.S. Department of Justice; Ms. Sarri Singer, founder and director of Strength to Strength, and a victim of terrorism herself; Mr. Peter Schwartz,

uncle to a victim of terrorism; and Mr. Arnold Roth, father to a victim of terrorism. Welcome to you, all.

Pursuant to committee rules, all witnesses will be sworn in before they testify. Please rise and raise your right hands.

Do you solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DESANTIS. All witnesses answer in the affirmative; thank you and please be seated.

In order to allow time for discussion, please limit your testimony to 5 minutes, or if I talk with some of the witnesses, please do the best you can. Your entire written statement will be made part of the record.

Mr. Wiegmann, you are recognized for 5 minutes.

WITNESS STATEMENTS

STATEMENT OF BRAD WIEGMANN

Mr. WIEGMANN. Good afternoon, Chairman DeSantis, Ranking Member Lynch, distinguished members of the committee. I'm very pleased to be here today to talk about the Department of Justice's efforts to seek justice for U.S. victims of Palestinian terrorism in Israel. Protecting Americans from acts of terrorism, and ensuring that those who commit such acts are brought to justice, is the Department's highest priority. DOJ's agents, analysts and prosecutors use every available resource and appropriate tool to disrupt the terrorist plots and to investigate and prosecute terrorists. As we perform our mission, the American victims of terrorism are always foremost in our thoughts. Our hearts are with them and their families, relatives, and friends who have endured so much pain and suffering because of horrific attacks. We will leave no stone unturned in our efforts to ensure that those responsible for those attacks are held accountable, no matter where the attack occurred and no matter how long it takes.

This past year, we brought charges in scores of international terrorism-related cases reflecting the serious and diverse terrorist threats that we face today from Al Qaeda and its affiliates, to ISIL, to home-grown violent extremists, who are inspired by such groups. For more than 10 years, we've had an Office of Justice for Victims of Overseas Terrorism. The mission of OVT is to ensure that where Americans are killed or injured in terrorist attacks overseas, investigation and prosecution remain a high priority, and the rights of victims and their families are honored and respected.

OVT's operational assistance is focused principally on supporting American victims when cases are tried in foreign criminal justice systems, as is ordinarily the case in overseas attacks. Its work complements that of FBI's office for victim assistance, and the victim witness coordinators and U.S. Attorney's Offices, which have a more domestic focus. There are a number of different services OVT provides to victims, and I would be happy to talk about those in greater detail today. Now I know this committee is particularly interested in how we support American victims of Palestinian terrorism in Israel. Terrorist attacks, unfortunately, are all too common in Israel. Many Americans have been injured or killed in these

attacks, along with Israeli nationals and others. Seeking to ensure that justice is done in each and every case in which an American is harmed is our top priority, whether the attacks occurred in the United States, in Israel, or anywhere else around the world. The nationality of the terrorists or the group with which he or she may be affiliated is not relevant to our interest in the case.

Over the years, the Department of Justice has brought some cases against individuals affiliated with Palestinian terrorist groups. For example, we have prosecuted more than a dozen individuals associated with Hamas or Palestinian Islamic jihad for financing or otherwise facilitating terrorist activities or committing related offenses. We have also prosecuted Palestine terrorists who engaged in attacks that killed or injured Americans outside of Israel. Now to be sure, these cases do not involve any of the recent attacks within Israel, but they do evidence the Department's commitment to investigating and prosecuting terrorist activities by Palestinian terror groups where possible.

The Department of Justice also has a number of open investigations regarding overseas terrorist attacks committed in Israel and in other countries that have harmed Americans.

While I cannot discuss these investigations today or the facts of specific cases, it's important to note that the absence of public charges associated with a particular overseas attack does not mean that there are no charges or that no such charges will be brought.

A successful U.S. prosecution can occur and has occurred many years after an attack, and after an individual is released from a foreign prison. Of course, a U.S. prosecution is not the only way a terrorist can be brought to justice, nor is it the only means by which to protect our national security. Often, a foreign prosecution is the best or only available option. And if so, we work with foreign authorities to support such prosecutions as necessary.

Israeli authorities have successfully investigated and prosecuted many individuals in connection with terrorist attacks that have harmed Americans. Some of these terrorists have been sentenced to multiple life sentences or extensive jail time in Israeli prisons. Sometimes Israeli authorities have pursued a military response, rather than, or in addition to, a prosecution, and the terrorists have been killed. It is to be expected that Israel will ordinarily take the lead in investigating and prosecuting terrorist attacks against its nationals that occur on its territory, just as we do here in the United States and as many other countries do.

The Department of Justice has provided support and assistance to scores of Americans victimized by terrorism in Israel in cases investigated and prosecuted by Israeli authorities. OVT provides information to victims about their rights in the Israeli criminal and military justice systems and the charges, hearing dates, verdicts, and sentences in such cases. We have provided financial and logistical support for victims living in the United States to travel to Israel to attend court proceedings.

Our staff has also accompanied victims to court in Israel to assist them in their participation. We also coordinate a program that has enabled U.S. victims of attacks in Israeli to obtain reimbursement for out-of-pocket expenses associated with the attacks.

Now the fact that foreign governments most often prosecute terrorist activities that occur in their countries does not mean the Department of Justice does not also pursue such cases. We do and we have successfully done so many times. But there are often significant impediments to bringing prosecutions in the United States for attacks that occur overseas. These obstacles include obtaining necessary cooperation from foreign governments, gathering evidence overseas that would be admissible in U.S. court, and apprehending and extraditing defendants. I would be happy to discuss some of these challenges that we may confront in these cases today.

In closing, I can certainly understand the frustration of some of the families that the Department of Justice has not prosecuted more cases involving terrorist attacks against Americans in Israel. And we certainly share the concern about Israel's recent releases of the prisoners who harmed Americans, a step the United States urged Israel not to take. The Department is committed to making every effort to bring appropriate charges against those released prisoners who are responsible for attacks in Israel that included American victims. So I'll stop there. And I look forward to your questions.

Mr. DESANTIS. I thank the gentleman.

The chair now recognizes Ms. Singer. You're up for 5 minutes.

STATEMENT OF SARRI SINGER

Ms. SINGER. Thank you. Chairman DeSantis, Ranking Member Lynch, and distinguished members of the committee, thank you for inviting me to testify today and share with you my personal story, which is a story of thousands of Americans, people living in Israel and around the globe who have felt the brutal impact of Islamic terrorism.

My name is Sarri Singer. I'm the founder and director of Strength to Strength, and I'm the daughter of New Jersey State Senator, Robert Singer. I was taught that the little things in life make the biggest difference, but I never understood the impact of the most minute details; a missed bus, seconds shaved off a marathon, a seat change, even a blink of an eye.

I sit before you today as a survivor of a terrorist attack because of a series of split-second decisions that left 16 people dead and many others injured, including myself. When a terrorist attack occurs, the smallest details determine the outcome of everyone within range, and it's those stated moments that haunt victims for the rest of their lives.

September 11, 2001 was a turning point for me. I worked near the World Trade Center, but overslept that morning. While my colleagues are running for their lives, I was uptown watching the Towers burn and the murder of thousands of Americans on television. Within 3 months, I quit my job and moved to Israel and volunteered with organizations assisting victims of terrorism.

My personal 9/11 came on June 11, 2003, the day I boarded bus number 14 in Jerusalem, and barely escaped with my life. It is now 12-1/2 years since that horrific attack, and the memories are still fresh in my mind. When I close my eyes, I am brought back to that day and shudder as my mind wanders into the alternate endings, each scenario increasingly terrifying. I was meeting a friend for

dinner and boarded the bus. I chose an empty seat by the window. I always preferred the aisle seat, but that day I didn't and I lived. The woman in the aisle seat next to me did not.

I remember the sounds of crushing metals and the shock waves as the explosion tore through the bus. I remember shutting my eyes, an instinct which saved my sight. I remember the moment of silence that followed the blast, a silence so frightening, the silence of those who were dead in every seat around me. I screamed. I screamed so loud that a stranger who had heard the blast from three blocks away ran toward the mangled burning bus and pulled me out.

I will never forget the old woman who held me as I was burned, bleeding, and frightened. I will never forget the kindness and love that was shown to me by those I had known my entire life and by those whom I had never met.

My injuries were extensive, shrapnel went through my left shoulder, breaking my clavicle bone. Both my eardrums were blown from the impact of the blast. My hair was burned, my face was bruised, my legs badly cut, and I have shrapnel in my mouth that is inoperable that will remain with me the rest of my life. Days after the attack, I was told that the terrorist was two people away from me, and all those seated and standing around me were killed on impact. A busload of innocent civilians boarded the bus that day, and a suicide bomber injured over 100 of us and murdered 16 innocent people, including American citizen Alan Beer, originally from Cleveland, Ohio.

An attack happens in an instant, but the impact lasts a lifetime. I established the organization Strength to Strength to create a support environment for victims, both survivors and bereaved family members. We are part of a global network bringing victims of terrorism together, working with organizations in various countries coming from different backgrounds and religions.

It's difficult to find anything positive or any semblance of meaning in an act of terror. The act of maiming or murdering another person to support a political or religious agenda is not one that I will ever understand. We must do everything to make sure no more lives are ruined by terror, and we must remember that victims need support from their family, friends, community, and especially their government.

While the physical injuries I endured were difficult, nothing compares to long-term psychological impact. Finding justice is something that is vital in dealing with the long-term impact of what I and others have been through. In 2004, Congress passed the Koby Mandell Act, which funded a special office within the U.S. Department of Justice to advocate on behalf of American victims of terrorism and tasked them with not only helping families with various expenses resulting from terrorist attacks, but to actively investigate those crimes and help bring the perpetrators to justice.

While the office has been responsive in helping families with the former, and the civil servants who work at the Office of Justice for Victims of Overseas Terrorism undoubtedly have good intentions, Congress' hope that the Department of Justice would take an active role in investigating, extraditing, and prosecuting terrorists who kill Americans overseas has come up against a harsh reality.

Since Congress passed the Koby Mandell Act, the only serious counterterrorism effort I see relating to my terrorist attack and dozens like it has come from two private civil suits I joined against Arab Bank of Jordan, and National Westminster Bank in Britain. The case brought against Arab Bank led directly to a regulatory investigation by the U.S. Treasury Department of Arab Bank's New York branch, and culminated in a jury verdict in 2014, finding the bank liable for 24 Hamas terrorist attacks, including the terrorist attack that injured me.

The case against Nat West Bank is still pending, but it already has resulted in the bank closing the accounts of a U.S. specially designated global terrorist, Interpal, whose accounts remain active for years, despite U.S. diplomatic efforts.

I don't expect perfect justice, and I fully realize that the Federal Government cannot bring every terrorist to justice, but the government's track records in extraditing or even seeking extradition of Palestinian terrorists who have murdered American citizens is non-existent.

One example is Ahmed Mustafa Saleh Hamed, part of a Hamas cell that murdered American Howard Goldstein in June 2003, who was sentenced to seven life sentences by Israel. He was released from the prisoner—from prison as part of the Gilad Shalit prisoner exchange. He has since been linked by Israeli authorities to a fatal June 29, 2015, attack in Israel.

I love my country. America has always been a great country that has created a safe haven for citizens and refugees. I grew up believing that my country would be there for me and protect me no matter where I was in the world. These last years have left me feeling let down, and I want to believe, again, the way I always did that my country is protecting me and not the people who sent a teenager, strapped up with a bomb to blow me up.

Please, for all of us who have had our lives disrupted, restore our faith that our government is on our side. In closing, thank you, Chairman DeSantis, for making this hearing a priority and being a voice for so many American victims of Palestinian terrorism. Thank you for standing up for us and making sure that we know we're not alone and that we're not forgotten. Thank you.

[Prepared statement of Ms. Singer follows:]

Written Testimony for Sarri Singer, Director of "Strength to Strength" a 501(c)(3) non-profit organization

Chairman Desantis, Ranking Member Lynch, and distinguished members of the Subcommittee, thank you for inviting me to testify today and share with you my personal story, which is unfortunately the story of thousands of Americans, people living in Israel and around the globe who have felt the brutal impact of Islamic terrorism.

My name is Sarri Singer. I am the founder and director of Strength to Strength and I am the daughter of New Jersey State Senator, Robert Singer. I always was taught that it's the little things in life that make a difference. But I never understood the impact of the most minute details, a missed bus, a few seconds shaved off a marathon, a seat change, even just the blink of an eye. I sit before you today as a survivor of a violent terror attack because of series of split second decisions that left 16 people dead and many others injured, including myself. When a terror attack occurs the smallest details determine the outcome of everyone within range and it's those fated moments that haunt victims for the rest of their lives.

September 11, 2001 was a turning point for me. I worked near the World Trade Center, but somehow that morning my alarm didn't go off and I overslept. While my colleagues were running for their lives, I was safely uptown watching the towers burn and the murder of thousands of Americans on television. Helplessly watching this unfold, while knowing that if not for a small twist of fate I would have been there, changed me. I felt an urge to make a difference and within three months I had quit my job and moved to Israel to volunteer with organizations that assisted victims of terror and their families.

My personal 9/11 came on June 11, 2003, the day I boarded bus #14 in Jerusalem and barely escaped with my life.

It is now twelve and a half years since that horrific attack and the memories are still fresh in my mind. When I close my eyes I am brought back to that day and remember everything, I relive every moment and shudder as my mind wanders into the alternate endings, each scenario increasingly terrifying. I was heading to meet a friend for dinner and boarded the bus. At the second stop I spotted two empty seats and sat by the window. Strange, I always preferred sitting in the aisle seat, but that day I didn't and I lived, but the woman in the aisle seat next to me died instantly.

I remember the sounds of crushing metal and feeling the shockwave as the explosion tore through the bus. I remember immediately shutting my eyes, an instinct which saved my sight. And I remember the moment of total silence that followed the blast - a silence so frightening, the silence of those who were dead in every seat around me.

I screamed.

I screamed so loud that a stranger, who had heard the blast from three blocks away, heard my cries and ran toward the mangled, burning bus and pulled me out. I will never forget the old woman who stood by my side holding me as I was burned, bleeding and frightened. I will never forget the kindness and love that was shown to me by those I had known my entire life and by those whom I had never met.

My injuries were extensive.

Shrapnel went through my left shoulder breaking my clavicle bone, both my eardrums were blown from the impact of the blast, my hair was burned, my face burned and bruised, my legs badly cut, and I have shrapnel in my mouth that is inoperable. One of the most memorable days of my childhood was the day my orthodontist removed my metal braces. I felt pure freedom as he removed the assorted metal pieces and wires. Today I sit before you with shrapnel imbedded in my mouth. They will remain a part of me for the rest of my life.

A few days after the attack I was told that approximately two people had stood between me and the terrorist and every person seated and standing around me was killed on impact. A busload of innocent civilians boarded the bus that day, and a suicide bomber, wearing a vest loaded with shrapnel, injured over 100 innocent civilians and murdered 16 people including an American citizen, 46 year-old Alan Beer, originally from Cleveland, Ohio.

I suffer pain and anguish on a daily basis from the trauma of being in the eye of one of the most extensive bus bombings targeting Israeli citizens. The Hamas terrorist who strapped himself with explosives and shrapnel, who boarded that bus in order to hurt and murder innocent people, was just 18 years old. This teenager was the 8th homicide bomber to be recruited by Hamas from a children's Palestinian soccer team for the sole purpose of carrying out terrorist attacks in Israel on innocent civilians. In America our soccer teams play soccer. In Israel their soccer teams play soccer. Using an organized sport to recruit Jihadists from impressionable children should be unacceptable in every culture & every part of the world.

Survivors of terror are often asked if they are filled with hate or a desire for revenge. I can only speak for myself, but I refuse to give in to those emotions, because I will not let this tragic experience destroy my humanity, not after the destruction I witnessed. I had no control over what happened to me that day but I do have control over how I live my life going forward and I intend to live my life showing kindness to others as others have shown kindness to me.

An attack happens in an instant but the impact lasts a lifetime for survivors and their families. I established Strength to Strength to create a support environment for victims, both survivors and bereaved family members, essentially survivors healing survivors. Strength to Strength is part of a global network bringing victims of terrorism from all ends of the world together, all in agreement that terrorism is not one country's problem, but a major issue in the world today. Strength to Strength is a grassroots organization, where we work with existing organizations in various countries who assist civilian victims from a variety of backgrounds and religions. We work with victims from attacks in Algeria, Argentina, Colombia, England, France, Israel, Kenya, Mumbai, Northern Ireland, Spain, Uganda, and those in the United States.

We are headquartered in New York City where we hold monthly Survivors Circle meetings, where we foster an atmosphere of mutual understanding and healing. These meetings are attended by victims and family members and are both therapeutic and recreational.

We run Victim Weekend Retreats for victims and bereaved family members where they have the opportunity to share their stories and be a voice for those who did not survive. These weekends provide support and create long lasting bonds between survivors and bereaved.

Our Young Ambassadors Program brings together participants ages 14-20 who have either lost a parent or family member to terrorism, a family member injured or were injured themselves. Many of the teens travel overseas to attend, some flying for the first time. Past participants have joined from Algeria, Argentina, Colombia, England, Ireland, Israel, Kenya, Spain, France and the United States. The teens spend a week in New York City sight-seeing, attending therapeutic programs and sharing their personal stories with political leaders, community leaders and each other. The program empowers these teens to move forward as life must go on even after the most unimaginable sorrow. Connecting to a global peer group with very diverse backgrounds

and advocating on behalf of others is very healing. The teens head home looking towards their future and wanting to make a difference in their community and in the world.

Most recently, on December 9, 2015, we launched our Boston Division. Forty victims of the Boston Marathon bombings attended and enjoyed an inaugural dinner and connecting with other survivors in a warm and safe environment.

It's difficult to find anything positive or any semblance of meaning in an act of terror, the act of maiming or murdering another person to support a political or religious agenda is not one that I will ever understand. There is nothing positive about experiencing a bombing or a shooting, but sometimes the most horrific events are the motivation for action and the best action we can take is to make sure that there are no more victims to a violent, agenda driven tantrum. We must do everything in our power to make sure no more lives are ruined by terror and we must remember that victims need support from their family, friends, community and especially their government.

While the physical injuries I endured were very difficult, nothing compares to the long term psychological impact that surviving something so horrific, something that was planned and calculated in order to try to murder me and others that were on that bus that day. Finding validation and justice is something that is vital in dealing with the long term impact of what I, and others, have been through. We need your help.

In 2004, Congress passed the Koby Mandell Act which funded a special office within the U.S. Department of Justice to advocate on behalf of American victims of terrorism and tasked the Department of Justice not only to help families with various expenses resulting from terror attacks but to actively investigate those crimes and help bring the perpetrators to justice. While the Office of Justice for Victims of Overseas Terrorism has been responsive in helping families with the former and the civil servants who work at the Office of Justice for Overseas Terrorism undoubtedly have good intentions, Congress's hope that the Department of Justice would take an active role in investigating, extraditing and prosecuting terrorists who kill Americans overseas has come up against a harsh reality. As far as I know, since 2004, the U.S. Department of Justice has not sought the extradition of even a single terrorist responsible for the murder or injuring of an American citizen in Israel. During that same time period, I've spoken to a number of families in my position and while their interactions with the FBI and Department of Justice have generally been professional and polite, without exception, they have received no meaningful, substantive information about the investigations of the attacks at issue and no concrete evidence that any serious investigation has even been attempted. Then there are other victims who I am in touch with who do not even know that the Office of Justice for Victims of Overseas Terrorism exists.

In fact, since Congress passed the Koby Mandell Act in 2004, the only serious counter-terrorism effort I've seen relating to my terror attack and dozens like it, has come from two private civil suits I joined ten years ago against Arab Bank of Jordan and National Westminster Bank in Britain. The case brought against Arab Bank led directly to a regulatory investigation by the U.S. Treasury Department of Arab Bank's New York branch and culminated in a jury verdict in 2014 finding the bank liable for 24 Hamas terrorist attacks, including the terror attack that injured me. The case against National Westminster Bank is still pending but it has already resulted in the Bank closing the accounts of a U.S. Specially Designated Global Terrorist – Interpal – whose accounts remained active for years, despite U.S. diplomatic efforts.

Chairman Desantis, Ranking Member Lynch, and distinguished members of the Subcommittee, I don't expect perfect justice and I fully realize that the federal government cannot bring every terrorist to justice, but the government's track record in extraditing - or even seeking extradition

– of Palestinian terrorists who have murdered American citizens is non-existent. To take just one example, Ahmed Mustafa Saleh Hamed who was sentenced to 7 life sentences by Israel. He was released from prison as part of the Gilad Schalit Prisoner Exchange. Hamed was part of a Hamas cell that killed American Howard Goldstein in June 2003. He has since been linked by Israeli authorities to a fatal June 29, 2015 attack in Israel.

I have highlighted this case involving the Gilad Schalit Prisoner Exchange, of which there are a number of those released with American blood on their hands, because in this instance, we know who the specific perpetrator is, but there are many other terrorist attacks that remain far less well known and understood and the families of the dead and injured Americans in these cases have heard nothing from the government to make them believe that these kinds of terrorist attacks are being seriously and vigorously investigated.

I love my country, America has always been a great country that has created a safe haven for citizens and refugees. I grew up believing that my country would be there for me and protect me, no matter where I was in the world. These last years have left me feeling let down. I want to believe again, the way I always did that my country is protecting me and not the people who sent a teenage soccer player, strapped up in a bomb to blow me up. Please, for me, for all the American victims of Islamic terrorism, whether they were attacked at work, on vacation, enjoying an evening out, please for all of us who had our lives disrupted, please restore our faith that our government is on our side.

In closing, I would just like to say thank you Chairman Desantis for making this hearing a priority and being a voice for so many American victims of Palestinian terrorism. It always amazes me to see those like yourself, who have no direct connection to terrorism, standing up for us and making sure that we know we are not alone and that we are not forgotten.

Thank you.

Mr. DESANTIS. Thank you.

Mr. Schwartz, you are now recognized for 5 minutes.

STATEMENT OF PETER SCHWARTZ

Mr. SCHWARTZ. Thank you, Chairman DeSantis, Ranking Member Lynch, and members of the subcommittee, for holding this hearing and for allowing me to testify.

My name is Peter Schwartz, and I am the proud uncle of Ezra Schwartz of Sharon, Massachusetts. Ezra was a sweet and fun-loving kid. He was a great skier and baseball player and an avid football fan. He had a sharp mind, was a strong chess player and enjoyed reading. He had a special talent for engaging those on the margins or in need. The nervous young camper, the mediocre athlete at the baseball tryout, the elderly woman carrying groceries. Ezra graduated high school and had been accepted to the business program at Rutgers, which he was excited to attend this fall. But he decided to take a gap year in Israel in a program that mixed learning with community service.

He was popular and happy, enjoying his year, doing good work, and looking forward to college. On November 19, 2015, just over 2 months ago, Ezra and some friends went to do some volunteer work on a memorial park that ironically honored the memories of three boys who were kidnapped and killed by a Palestinian terrorist the year before. One of whom, Naftali Frankel, was an American citizen. The van that Ezra and his friends were in was caught in rush-hour traffic at the Gush Etzion Junction just south of Jerusalem. And at some point, Ezra put his head down against the window and went to sleep.

Muhammed Abd Al-Basset Kharoub, a 21-year-old Palestinian from a small West Bank village, spent at least two years planning and preparing to kill as many Jews as possible. With the assistance of his brothers, and at least one friend, Kharoub purchased two guns and many rounds of ammunition for over \$10,000. Kharoub chose his own birthday, November 19th, to go searching for a place with enough Jews to kill.

When he arrived at the Gush Etzion traffic jam in which Ezra and his friends were stuck, he took out his gun and started spraying the waiting cars with bullets, killing three people, including Ezra, before being apprehended. Ezra was shot in the head, and in an instant, all of the beautiful things that he was and everything that he would ever become was gone forever. It is simply not possible to describe the magnitude of this loss and the impact it has had on our family without sounding cliché, but it is excruciating and profound and overwhelming and visceral. His absence assaults you from every direction: From his sweet face staring at you from the family photos on the wall, from his name on the label of the skiing and sporting equipment sitting unused in the closet, from his adorable first grade artwork, from the empty seat at the table, from the birthday text that never arrives, and even from the happy milestones of his friends and peers, whose future graduations and weddings will be tinged with a little bit of sadness knowing that Ezra won't be there to share them, and won't have similar milestones of his own, but will be forever frozen at 18 years old. All of

us in the family now have an awful highlight reel playing over and over in our heads.

For me, it includes getting the news from my brother, telling my son that his cousin is dead, telling my parents that their grandson is dead, seeing Ezra's siblings and parents around his coffin, and seeing my brother, who I love so dearly and unconditionally, in unimaginable pain that I can never comfort. And then you remember that all this terrible pain and loss is not the result of some tragic accident or unfortunate illness, but rather, it was a deliberate and premeditated act by someone who dreamed of causing this suffering.

Our family has tried to focus on Ezra's wonderful but all-too brief life, and has a void awaiting the surrounding politics, but there's nothing political or controversial about saying that the deliberate killing of innocent civilians for ideological, political, or religious reason is abhorrent and inhuman, and it is just as wrong in Israel or in Gush Etzion, as it is in Paris or Mali or London or lower Manhattan. There is no context or explanation that makes Ezra's murder or Palestine terrorism any bit less repugnant than any other terrorism in any other place, and there is no reason that it should warrant any less condemnation or reaction from every civilized citizen or country on earth. In fact, the need for a strong U.S. response to terrorism in Israel is even greater, considering how many Americans live, study, and travel there, that it is such a frequent, and now literally daily target of terrorists, and that it is our strongest ally in the Middle East, and the only one with which we share fundamental values like religious tolerance and democracy.

Since Ezra's death, the U.S. Government has been extremely supportive of our family. Condolence calls from President Obama and Secretary of State Kerry were deeply meaningful and appreciated and representatives of OVT, ITVERP, and the FBI have been in touch and sympathetic.

That said, we are not aware of what, if any, U.S. actions have been undertaken to investigate this case, and we still have many unanswered questions about the attack that claimed Ezra's life and what role our government can play in answering them. For example, how did a 21-year-old Palestinian from a small West Bank village obtain more than \$10,000 to purchase firearms and ammunition? Did Kharoub receive funding from outside groups, such as Hamas or Islamic jihad? Will others, including Kharoub's brothers, one of whom supplied him with the car he used in the attack, be charged as accomplices in the case?

It is our hope that FBI and the legal team at OVT will take an active interest in this case and work with their Israeli counterparts to answer these questions and ensure that Mr. Kharoub, his accomplices, and other terrorists who harm Americans abroad face justice, and when convicted, remain behind bars.

Thank you for this opportunity and for all that you do to support and protect U.S. citizens and their families in Israel and around the world.

[Prepared statement of Mr. Schwartz follows:]

Testimony of Peter Schwartz for the Subcommittee on National Security

Thank you Chairman DeSantis, Ranking Member Lynch and Members of the Subcommittee for holding this hearing on such an important topic and for allowing me to testify. My name is Peter Schwartz and I am the proud uncle of Ezra Schwartz of Sharon, Massachusetts. Ezra was a sweet and fun-loving kid. He was a great skier and baseball player and an avid football fan. He had a sharp mind, was a strong chess player and enjoyed reading. He would sometimes read Harry Potter aloud to his transfixed younger brothers. He had a special talent for engaging those on the margins or in need; the nervous young camper, the mediocre athlete at the baseball tryouts, the elderly woman carrying groceries. A companion and confidante to his slightly older sister Mollie, a coach and mentor to his younger brothers Hillel, Elon and Avi with whom he'd play whiffle ball until it was so dark that you couldn't see the ball, a patient and inclusive organizer of football games among his younger cousins, including my children, a popular and award-winning counselor, a beloved friend, boyfriend, nephew, grandson and adored child to his parents Ari and Ruth.

Ezra graduated high school and had been accepted to the business program at Rutgers, which he was excited to attend this fall, but he decided to take a gap year in Israel on a program that mixed learning with community service, which appealed to him. He was popular and happy, enjoying his year, doing good works and looking forward to college. He was truly coming into his own at the fulcrum between boyhood and manhood. On November 19, 2015, just over two months ago, Ezra and several of his friends from his school went to do some volunteer work on a memorial park that, ironically, honored the memories of three boys who were kidnapped and killed by a Palestinian terrorist the year before, one of whom, Naftali Frankel, was an American citizen. The van that Ezra and his friends were in was caught in rush hour traffic at the Gush Etzion Junction, just South of Jerusalem, and at some point, Ezra put his head down against the window and went to sleep.

Muhammed Abd Al-Basset Kharoub, a 21 year old Palestinian from a small West Bank village, had dreams of his own. According to the Israeli indictment recently issued, Kharoub aspired to kill Jews for at least two years prior to the day he finally took action. He began at the age of 19 by purchasing a 9 mm pistol for approximately \$5,000 with an idea to commit a terror attack in Beer Sheva, but his dream of mass murder was deferred due to a family dispute. In February 2015, he somehow purchased an Uzi with 3 magazines and 3 boxes of 9 mm bullets for another \$5,000 from an individual named Khader Al-Atzlah. Thereafter, he periodically purchased additional ammunition so he could keep up his target practice with live ammunition. According to the indictment, Kharoub also received assistance from a man named Odeh Mahmud Odeh Kharoub who helped him clean his weapon and from his brothers, one of whom provided Kharoub with the Toyota Corolla he would use during the terrorist attack.

Kharoub chose his own birthday, November 19th, to go out looking for innocent Jews that he could target and kill. After some time searching for a place with enough people to target, he arrived at the Gush Etzion traffic jam in which Ezra and his friends were stuck, took out his gun and started spraying the waiting cars with bullets, killing 3 people including Ezra, before being apprehended. Ezra was shot in the head and in an instant, all of the beautiful things that he was and everything that he would ever become, was gone forever.

It is simply not possible to describe the magnitude of this loss and the impact it has had on our family without sounding cliché, but it is excruciating and profound and overwhelming and visceral and it has soaked through the tightly knit fabric of our family and our community. His absence assaults you from every direction; from his sweet face staring at you from the family photos on the wall, from his name on the label of the skiing and sporting equipment sitting unused in the closet, from his adorable first grade artwork, from the empty seat at the table, from the birthday text that never arrives, and even from the happy milestones of his friends and peers whose future graduations and weddings will be tinged with a little bit of sadness knowing that Ezra won't be there to share them and won't have similar milestones of his own, but will be forever frozen at 18 years old. Even innocuous everyday moments can be challenging, like when someone innocently asks "how are you?" Do you answer truthfully and say "I'm heartbroken, devastated, longing for an alternate reality that will never be" or do you simply lie and say "I'm fine" and avert your gaze before they realize the predicament presented by their question and feel awkward? All of us in the family now have an awful highlight reel playing over and over in our heads. For me, it includes getting the news from my brother, telling my son that his cousin is dead, telling my parents that their grandson is dead, seeing Ezra's siblings and parents around his coffin, and seeing my brother, who I love so dearly and unconditionally, in unimaginable pain that I can never comfort.

And then you remember that all of this terrible pain and loss is not the result of some tragic accident or unfortunate illness, but rather, it was a deliberate and premeditated act by someone who dreamed of murder, spent years preparing for the day he could cause such suffering and chose to celebrate his own birthday by taking the lives of people he did not know and never met. Our family has tried to focus on Ezra's wonderful but all too brief life and has avoided wading into the surrounding politics, but there is nothing political or controversial about saying that the deliberate killing of innocent civilians for ideological or political or religious reasons is abhorrent and inhuman, and it is just as wrong in Israel or in Gush Etzion as it is in Paris or Mali or London or Lower Manhattan. There is no context or explanation that makes Ezra's murder or Palestinian terrorism any bit less repugnant than any other terrorism in any other place and there is no reason that it should warrant any less condemnation or reaction from every civilized citizen or country on Earth. I hope that history will fairly judge the people who commit such acts and those who support them, but we cannot wait for that.

The United States is in a unique position to combat terrorism, to disrupt terror financing and to degrade and diminish terrorist organizations if it is determined to do so. And the need for a strong U.S. response to terrorism in Israel is even greater considering how many Americans live, study and travel there, that it is such a frequent – now literally daily – target of terrorists, and that it is our strongest ally in the Middle East and the only one with which we share fundamental values like democracy.

Since Ezra's death, the government has been extremely supportive of our family. Condolence calls from President Obama and Secretary of State Kerry were deeply meaningful and appreciated as were the calls, visits and assistance of Governor Charlie Baker, Senators Elizabeth Warren and Ed Markey, and various other officials at the state and local level. I have been in email touch with Heather Cartwright and one of her attorneys at the Office of Justice for Victims of Overseas Terrorism, or OVT, and with a case manager at the International Terrorism Victim Expense Reimbursement Program, or ITVERP. Also,

a Victim Services Coordinator from the FBI's Office for Victim Assistance briefly connected with my brother.

While we feel supported by our government, there remain many unanswered questions about the attack that claimed Ezra's life. We recognize that terrorism investigations can involve sensitive intelligence-gathering and that not all of the facts are necessarily known at this time, but ultimately, we are hopeful that the FBI and the legal team at OVT will help clarify certain questions. For example, how did a 21 year old Palestinian from a small West Bank village obtain more than \$10,000 to purchase firearms and ammunition? That's a significant sum for any person Kharoub's age, but in the West Bank, that sum of money begs the question: Did Kharoub receive funding from outside groups such as Hamas or Islamic Jihad? The Israeli indictment is silent on this issue. Why did one of Kharoub's brothers provide him with a car to use in the attack and which, if any, of Kharoub's brothers and friends will be charged as accomplices? There may be a variety of legitimate reasons why these questions have not yet been answered, but it's our hope that the FBI and the legal team at OVT will take an active interest in this case and work with their Israeli counterparts to answer these questions. We feel that this is particularly important because the United States has, far and away, the greatest ability of any nation to disrupt terror financing. Should the evidence ultimately lead to the conclusion that Ezra's murderer was financed by a terrorist organization, there may be concrete steps that our government can take to further disrupt these organizations which reject peaceful co-existence between Israel and its neighbors. At this stage, we don't profess to know whether Ezra's murderer or his accomplices are candidates for extradition to the U.S., but we want to better understand what role the DOJ, FBI and OVT can play in ensuring that Mr. Kharoub, his accomplices and other terrorists who harm Americans abroad face justice and, when convicted, remain behind bars.

Thank you for this opportunity and for all that you do to support and protect U.S. citizens and their families in Israel and around the world.

Mr. DESANTIS. Thank you, Mr. Schwartz.
Mr. Roth, you are now recognized for 5 minutes.

STATEMENT OF ARNOLD ROTH

Mr. ROTH. Chairman DeSantis, Ranking Member Lynch, distinguished members of the committee, and staff of the committee, I admire the ability you have to call an event like this and to project the message that things can be done. It is the antithesis of the feelings that people like me, people who are the parents of a child who has been murdered, or the partner of a loved one whose life has been stolen from us filled, because nothing is more disempowering and shattering and silencing than being the survivor of an act of terrorism directed at people who you love. I was reminded at just how that power works driving here. I am not a frequent visitor to Washington, but I was in a cab that went through the Mall, and we passed a memorial. It's a memorial, as it happens, to World War II, but it makes material and concrete the reality that behind all of those numbers and those ciphers and those tombstones, they were lives and people. It's a sense that has been cheated from us.

If terrorism has any overriding goal, it is to depersonalize and to anonymize, and to turn into statistics both the victims and the people who lived with and loved those victims.

And I appreciate the opportunity that this hearing presents to push back and to say what is on the minds of victims like me. There are thousands of us. We seek, by every possible means, to do something that is so difficult to explain that I can only throw the words at you, to reassert the humanity of the people whose lives have been stolen by the cruel terrorists. In this case, my daughter, Malki. I'm not going to spend any time here telling you what a wonderful life she lived, and what a beautiful person she was, and how much good she brought into the world and how empty and silent is the void that she left behind her.

But I am going to say that having stolen that life, the terrorists have left us, the families and the loved ones, no choice but to do everything we possibly can to associate the memory of that wonderful life with things that are good. And I'm struck by the reality, as I look around the other victims, other victims' families in Israel where I live, how energetically they pursue the doing of good things, perhaps the erection of a shelf for books, perhaps a shelter at a bus stop, perhaps a foundation like the one that my wife and I set up that helps people who have a disabled child.

You see actions like this are going on all the time. They are not intended to draw attention to the people that are living them; they are intended to draw attention to the lives that are being so unfairly stolen. And with the image of Malki, my daughter, who was fifteen, right before my eyes, as I say these words to you, I realize that I want you to know that I am never going to be, again, able to talk about terrorism in the way perhaps that others can. I see things; my wife sees things; my children see things that somehow the people who report about terrorism and the people who prosecute the terrorists probably never see. There are resonances and absences and failures to do things that choke us.

I don't remember thinking those thoughts until I had to wake up one morning and see my daughter's slippers next to the bed that she was never going to be sleeping in again.

When I put together my written submission, which I hope will be read, I felt that I needed to speak about practical things that this committee could do. And they came down to wanting you to be aware of the incitement and the enablement, two key words which may be not self-evident, the incitement that goes on day after day to anyone who has eyes and ears, by the Palestine Arab society with which we are striving to live in peace, and which, to a great extent, is folded into the society in which I and my family live.

The incitement that comes from the very highest levels of that society, right down to ordinary Tweets emanating from people who live in that society. Their hatred, the urging on to more and bigger and better acts of terrorism, is simply unbearable. And as long as it goes on, and it does go on, we're wasting our time and our prayers in hoping that these problems will go away, they will not go away.

Likewise, the enablement. Enablement has to do with money, and money is where Washington comes into the picture. When a person is sentenced to prison, and then comes out after, perhaps, many years, life is pretty difficult. You have problems re-emerging into society and you probably don't have any money. It's hard for me to convey to you how untrue that is in the case of thousands of Palestinian Arab-convicted terrorists. Of course, I'm thinking about the people, the gang who were involved in the murder of my daughter.

And I'm also thinking, in particular, of the engineer of the massacre, who was a young woman, who has been mentioned here in the chairman's thoughtful introductory words.

These people have come out with more money than they have ever had in their lives. They have come out with a more exalted position in society than they ever dreamed of. If any of us imagine that the process that produces those results is conducive to bringing an end to this death cult, this engagement with murder has a redemptive act, then think more carefully.

In relation to the work that's been done by the DOJ, I've made the point several times in my written remarks that there has been unfailing courtesy, responsiveness, and attention, but very little in the way of results. I could make the statement stronger, but I choose not to.

This is not a human material problem; this is not a goodwill problem, but there is a problem. It's clear that there's a problem. It's not clear where the problem is coming from. If this committee does anything, and I know that there is a desire to do something, let it be to focus on where the problem is.

Should the OVT or the DOJ address these issues of incitement and enablement and the particularly bizarre way in which the word "terrorism" has been removed from the lexicon of many of the people engaged in looking at terrorism, trying to stop terrorism. Euphemisms are being used as if they were machine guns, but they are not machine guns, but they do make people lose focus. In some ways, they are the real enemy here.

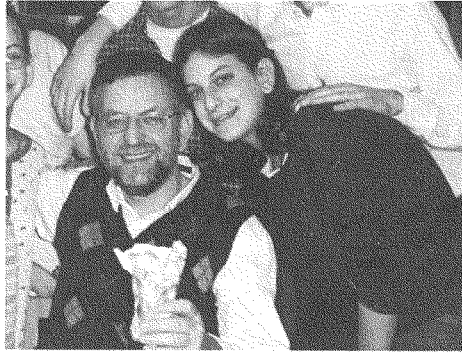
Terror is now a legitimate career option for hundreds of thousands of people living on the other side of the boundary from where I live. Unless we engage with that issue and recognize where it's brought us, not much is going to happen. I don't know why the kingdom of Jordan continues to appear at the very top of the State Department's survey on terrorism as America's close ally. I don't know why that is. I don't know why people who haven't lost a child don't see how far away, which is not very far away, everybody here, in my country, in Australia, in New Zealand, wherever, are from experiencing the kind of unthinkable loss that has turned my family's life upside down.

I am sorry that I have gone on beyond the time. I want to mention very briefly something that President Obama said last week on the day that this meeting was supposed to take place, on the 27th of January. He did something that was startling to me. He quoted a Hebrew expression, which is, of course, is taken from the Bible. In the course of speaking at the Israeli Embassy on Holocaust Memorial Day, he used the expression, Tzedek, Tzedek, Tirdorf. Three words, Tzedek, Tzedek, Tirdorf. "Tzedek" is the Hebrew word for justice. It's also the Hebrew word for righteousness. And it's repeated twice in that sentence in Deuteronomy 16.

Tzedek, justice, cannot be done in a vacuum. Justice requires it to be done in a righteous fashion, doing it right is how we ensure that all of us, not just the victims, but all of us can continue to live and exist as coherent and constructive communities and societies.

I can't explain why the OVT's record is what it is, but I do urge everyone, including the key people inside the OVT, to look carefully, look carefully into their hearts to see whether justice is being done and whether it's justice, justice, as the biblical phrase says, justice, justice, thou shall pursue. Thank you very much.

[Prepared statement of Mr. Roth follows:]



Arnold Roth and his daughter Malki some months before she was murdered in the Hamas bombing of Jerusalem's Sbarro pizzeria

Seeking Justice for Victims of Palestinian Terrorism in Israel

Hearing before the House Oversight and Government Reform Committee,
Subcommittee on National Security

Arnold Roth

Washington DC
February 2, 2016

Chairman DeSantis, Ranking Member Lynch, distinguished members of the Subcommittee.

My name is Arnold Roth. I live in Jerusalem. My daughter Malki was murdered there in a Hamas bombing attack on August 9, 2001. She was 15.

I appreciate very much the invitation to testify from the very specific vantage point of a close-knit family devastated by an act of murder driven by terrorism. The death of a young child is generally regarded as one of the most challenging traumatic experiences life can serve up. Check with Amazon; there is a wide literature that guides parents who find themselves in that awful position. A smaller number of books exists that seek to comfort the parents of a child killed by a *criminal* act. But the death of a child by terrorists has sharp, painful angles to it that defy book-laden advice. If there is a literature of help for parents like my wife and me, it's a tiny bookshelf. And being able to read Hebrew is an advantage.

Practically everything I know about *terrorism and its victims* I learned through the prism of Malki's murder. Thank you for the opportunity you have afforded me to share some of the things I have learned, and the facts that underpin them.

I want to relate to four matters that I believe ought to affect the decisions you as legislators will consider in evaluating the subject matter of this hearing:

- **Incitement:** The ongoing encouragement to do more acts of terror that is rampant throughout Palestinian Arab society, starting at its politically-highest levels and extending out through the conventional media, and the social media.
- **Enablement:** Money, where it comes from, how it's spent, and the maneuvers of those who want to conceal its role.
- The troublesome matter of **defining terrorism**, calling it by its name and why this is so hard for important parts of Western societies to do.
- Practical matters that may lead to a better **return on effort** invested by the Congress, by the Department of Justice and by the Administration in aid of the needs of victims of overseas terror.

Justice

But for the winter storm and heavy snows that paralyzed the area, this hearing would have taken place a week earlier, on Wednesday January 27, which is Holocaust Memorial Day. President Obama honored that day by taking part in the "Righteous Among the Nations Award Ceremony" at Israel's Washington embassy.

Because I was in Jerusalem that day, and not already here in Washington, I caught a sound bite via an Israeli news program radio:

[W]e're called to live in a way that shows that we've actually learned from our past. And that means rejecting indifference. It means cultivating a habit of empathy, and recognizing ourselves in one another... It means taking a stand against bigotry in all its forms, and rejecting our darkest impulses and guarding against tribalism as the only value in our communities and in our politics... That's how we never forget - not simply by keeping the lessons of the Shoah in our memories, but by living them in our actions. As the book of Deuteronomy teaches us, "*Tzedek, tzedek tirdof*" - "Justice, Justice you shall pursue." ...May the memory of the lost be a blessing.

And as nations and individuals, may we always strive be among the Righteous. [[Transcript of Pres Obama's January 27, 2016 speech](#)]

"Tzedek, Tzedek tirdof". The quotation is of course Biblical. But almost any Hebrew speaking child in a Jerusalem elementary school today will understand the words with no problem. Our language, along with the values it embodies, has deep roots.

But even for those with no Hebrew language skills, it's striking that one word is said twice in the three word phrase: it's the word for "justice", *tzedek*. What's more, Hebrew uses the same word, *tzedek*, for both *justice* and *righteousness*.

Jewish tradition, noticing the evident redundancy of that verse from Deuteronomy, extracts a simple message of timeless inspiration: ***When you do justice, do it in a just and righteous way.***

The phrase quoted by the President from Deuteronomy 16 calling on society to appoint judges who will carry out righteous judgment is followed by a simple statement of *why*: *"...That you may live"*.

Justice is not meant to be only for the victims of injustice. It is for the larger society in which they and we engage and interact. Doing justice right, doing it justly, doing it with righteousness, is the way we ensure that all of us - individuals and communities - can live.

Justice is not vengeance. It's about putting things right in the name of society's shared values and hopes.

OVT

It's a universal reality that terror victims, no matter where, go through an intensely personal, often lonely and isolating, process of dealing with the loss and pain and insult and sense of violation. They need support. Often they need advocates.

Created by the Koby Mandell Act of 2005, OVT is exemplary in the way it addresses the core needs the primary parts of which [its website describes this way](#):

- To work to ensure that where Americans are injured or killed in terrorist attacks overseas, investigation and prosecution remain a high priority within the Department of Justice
- To monitor the investigation and prosecution of terrorist attacks against Americans abroad in both foreign and the United States criminal justice systems.
- To work to ensure that the rights of victims and their families are honored and respected throughout the criminal justice system.

In [formally announcing its establishment](#) back in May 2005, Attorney General Alberto R. Gonzales captured well the optimism that many of us felt:

- "This new office guarantees a voice for victims and their families in the investigation and prosecution of terrorists who prey on Americans overseas," said Attorney General Gonzales. "Our commitment to these victims is as strong as our dedication to bringing their terrorist attackers to justice."

And in the Implementation Memo, issued by the Attorney General in May 2005, specific guidelines were issued that spoke of a significant commitment of resources and effort. Here are some extracts I noted in reviewing the memo:

- The Congressional mandate can best be satisfied through appropriate oversight of operational components by high ranking officials with expertise in criminal investigation and prosecution. The Office shall therefore be established within the Office of the Assistant Attorney General for the Criminal Division [*later changed to National Security division – AR*]. The Assistant Attorney General for the Criminal Division shall appoint a senior official with the requisite expertise as Director of the Office. The Director shall be accountable for the performance of the Office and shall report directly to the Assistant Attorney General for the Criminal Division.
- Because of the importance of the Office and its mission, and as part of his oversight responsibilities, the Deputy Attorney General shall identify an official within the Office of the Deputy Attorney General (ODAG) to serve as a point of contact on issues relating to terrorist incidents against American citizens overseas. The point of contact in ODAG shall receive regular updates on the activities of the Office.
- The FBI, the Criminal Division's Counterterrorism Section, and the Criminal Division's Office of International Affairs shall also designate one or more liaisons to assist the Office in the fulfillment of its responsibilities. In addition, the Criminal Division's Office of Enforcement Operations (OEO) shall designate one or more liaisons, including OEO's Victim-Witness Coordinator, to assist the Office in the fulfillment of its responsibilities.
- ...The Office shall be responsible for the following:
 - monitoring the investigation and prosecution of terrorist attacks against Americans abroad;
 - working with the Criminal Division's Victim-Witness Coordinator, the FBI, the United States Attorneys' Offices, and other pertinent components to ensure that the rights of victims and their families are honored and respected;
 - establishing a Joint Task Force with the Department of State, as described below;
 - compiling pertinent data and statistics;
 - responding to Congressional and citizen inquiries on the Department's response to such attacks; and
 - filing any necessary reports with Congress.

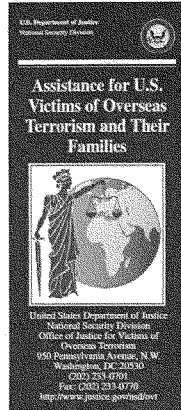
These pieces collectively form the components of a valuable mission that brings tremendous credit on its authors and does substantial good.

In reaching out to the OVT and in our dealings with its officers and with the DOJ at large, there is no doubt we encountered unfailing courtesy and got respectful hearings. But it has to be said that tangible results have been in short supply. We have learned far more, for instance, over the past decade about our daughter's killers from YouTube and Twitter than from updates received from the OVT. To say it bluntly, I am sorry to report that there have been no updates.

I imagine providing people like us with updates from time to time on the things being done by the DOJ and various operational agencies imposes a heavy load on the OVT. But if this is not what the OVT exists to do, then in light of what we know of its *raison d'être*, what are we entitled to expect from it?

Last week, in advance of coming here, I looked carefully at the [Rewards for Justice](#) website, which is listed and linked to under "Resources" on OVT's website. I remember that in the past it had a full page devoted to my daughter's murder but I found that that is now gone. Malki is not mentioned anywhere.

While I can think of reasons why, even while being surprised about it, I was astonished to see that across the entire web site, the word *Israel* now appears exactly three times. (One of those is when a Palestinian Arab terrorist, born in 1936, is described as being born in "Jaffa, Israel". 1936, of course, is a dozen years before the state of Israel was established.) Why the change? I do not know.



I was puzzled by another observation: an OVT brochure (see left) providing basic information about OVT's work was sent to us some years ago. (I am unsure about the exact dates.) Then a fresher version came into my possession. The two look almost identical, except that the later version omits the section entitled "What are the rights of victims of overseas terrorism?", which describes several of those rights. While the mandate of the OVT did not change in the intervening years, the message to terror victims evidently did. I can offer no explanation for this.

If the explanation for the scaling-down of a focus on terror attacks in Israel is that matters of state and diplomacy trump the rights of parents of an American citizen to be kept informed, then it would help us manage our own expectations, and reduce the emotional wear-and-tear of a very challenging situation, if someone in authority would speak up and tell us that.

In the particular circumstances of the terrorism that turned my family's life upside down, we are left with a sense that things could have been managed differently and with greater and better effect.

A massacre by terrorists

The circumstances of the massacre in the heart of Israel's national capital on August 9, 2001 that eventually brought me here today are well enough documented that they can be summarized in just a few points [background [here](#)].

- A cluster of jihadists dispatched by Hamas attacked the local branch of the Sbarro pizzeria chain on a hot Thursday afternoon during the school summer vacation. A human bomb was brought there from Ramallah by the chief planner of the operation. She had tried, and failed, to carry out another lethal explosion just days earlier inside a downtown supermarket by means of an explosive-filled beer can. This time, her bomb, prepared by an expert in such matters, was carefully concealed within a guitar case. And her target was thoughtfully selected, after several site visits she made to central Jerusalem, for the maximum number of Jewish children who could be killed in a single blow.
- She planted the bomb – a human bomb – and instructed him to wait until she was safely out of range and able to flee back to Ramallah. She described to a clearly delighted Arabic television interviewer in July 2012 [\[video\]](#) how the initial results of the explosion reached her inside an Arab taxi making its way out of Jerusalem, how the details of the steadily mounting death toll coming in over the radio filled her with joy and how the strangers traveling in the vehicle with her began smiling and cheering as the scale of the carnage became known.
- The death toll grew to fifteen people by that evening with tens of dozens of people injured, mostly women and children - which was always the plan. Two Americans were among the dead, one of them my Malki, the other Judith Hayman Greenbaum and the unborn first baby she was

carrying. A third American woman, Joanne Finer Nachenberg, remains unconscious in a vegetative state more than 14 years later. The two-year old daughter she brought into Sbarro that day has been raised without a mother.

- That chief planner, the woman I have been mentioning, was 21 years old. Besides studying journalism, she had an evening job reading the news for a Palestinian Arab TV station. That day, she impassively reported the killings on camera that evening, giving no outward sign of the excitement she felt. It's possible she was the first news presenter in history to have been the central figure in the day's major story about which she was reading aloud the details.
- She was subsequently arrested, indicted, tried, imprisoned (for no fewer than 16 terms of life imprisonment), freed – but never pardoned - as part of a massive deal with Hamas to secure the life of an Israeli hostage, and sent back to Jordan, the land of her birth and of her parents and siblings and where she had lived almost all her life.
- There, after barely eight years in an Israeli prison, she has been transformed into a uniquely bizarre form of public figure – a mass murderer who regrets no aspect except that she wished the death toll were higher; whose success has made her a figure of adulation across the Middle East and beyond; who today skillfully leverages television and the social media – Twitter and Facebook, in particular – to proselytize for more killings and for greater support for those caught trying to do them. I think the public platform at her disposal and the extraordinary megaphone it gives her are literally unique in the annals of sociopathy.

Malki

Nothing is more about business and less about feelings and sentiment than a legislative chamber. But the people who make laws are people, and people are the sum total of the humanity inside them.

I therefore permit myself, as a witness testifying before this Committee, to describe Malki briefly. She is the reason I am here – my exuberant, ever-smiley daughter, bursting with the love of life and who is eternally going to be three months short of the sixteenth birthday we never celebrated.

But since addressing the beauty of her life is hard to do on paper or briefly, I want to mention just two particular aspects of it.

First, her *song*. In her tenth grade class at school, the girls were invited to take part in a contest. Those who could compose music, should do that. Those who could write accompanying words were advised to try. Those who could sing should sing. Malki never mentioned this competition to us, or the fact that she had embarked on composing a melody, and wrote the words, and sang it to her friends. But she didn't complete this in time. She missed the contest deadline because when you're fifteen, you are entitled to believe you have all the time in the world.

Her devastated friends from school visited us in our home during the seven days of mourning. We learned about the song from them. It's uplifting, optimistic, warm - exactly as Malki was. Different versions of it have been sung at concerts around the world and downloaded and streamed and shared in the years since her life's music was stolen from us. Today, it accompanies the lives of uplifting, optimistic, warm, smiley youngsters – a wonderful heritage to share, even if hearing it remains impossibly painful for my wife and me.

Then there was her *cell phone*. The police phoned me some weeks after the massacre that destroyed the pizzeria in the center of Jerusalem. They asked me to come downtown to collect a bag of personal effects they had identified as Malki's. Inside, we found the mangled red phone that was always with her, and on whose screen she had been happily tapping to friends at the moment when the human bomb pressed the button on the deceptive guitar case on his back. That case, engineered by one of Hamas' most accomplished engineers, was filled not with music but with explosives.

Malki had written these words on the mouthpiece of the cell phone: *Don't speak ill of other people*.

The mastermind

That cursed guitar case, along with the human bomb who carried it, and the woman who masterminded the Sbarro massacre, are at the heart of a grotesque celebration of hateful bigotry that goes on and continues to destroy lives. It's a process that anyone willing to look for it will see it at work daily on the streets of Jerusalem and in many other places in Israel and well beyond Israel's borders.

I will confine myself to testifying about those aspects of that young Jordanian woman's story that are connected with *justice*.

She confessed to the 15 Sbarro pizzeria murders at her trial including the murder of my Malki though she had no knowledge or interest in the identity of her victims once she satisfied herself that they were all Jewish. Her confession in front of the panel of three Israeli judges was proud, triumphant, accompanied by smiles. No, not the warm smiles of young women bursting to help other people and rushing to celebrate life and do good, but a different kind of smile that all of us have seen at dark moments in our lives.

She has repeated her confession over and again since that time. She has done it in front of large crowds of college students, of ordinary folk, of religious functionaries and of politicians. And most of all, she has done it via the mass media, and the social media and via her weekly television program. The signs are that what she wants people to know, the people in her vast audience want to hear.

Intelligent discussions of terrorism and what makes people do it tend to focus on the need to identify 'root causes' and programs that will address long-standing grievances, deprivation, poverty, oppression, frustration. The instance of my daughter's killer offers what I believe is a very different view:

- Terrorism as an act of redemption and triumph.
- Self-destruction as a macabre celebration of life.
- Murder as an expression of solidarity and identification with a cause.
- And the urge that most of us have to be a hero in the society that raised us.

If I am right, this has practical implications wherever her message reaches – and that reach certainly includes the United States. In this country, as in many other countries, her jihad-promoting weekly television program is beamed every Friday from a studio in the Hashemite Kingdom of Jordan to hundreds of thousands of households. Because the audience is Arabic-speaking, this phenomenon is largely unnoticed, slipping beneath the radar screen of mainstream observers. Nonetheless, the dissemination of the woman's message of hateful triumph, extreme bigotry, the redemptive power of murder – all the points I mentioned a moment ago – is a reality that exacts a desperately high price in every society in which it happens.

What makes this especially serious is that her platform is *global* even while its message remains mostly unknown to the people who – whether they know it or not – may be in her cross-hairs today or in the future.

Should the OVT address any of this? Within the terms of the mandate given to it by Congress, should it be taking this challenge on board? If it did, would this contribute to preventing further deaths of American citizens at the hands of Palestinian Arab terrorists?

A “cash for terror” reward scheme

Any rational person will ask, on hearing the trajectory of this mass-murdering woman’s life, why she ought to be helped to get her lethal brand of Islamist hatred out into the public sphere. She is obviously helped by the fact that she has been completely free and out of prison since October 2011 [[Background: Shalit Deal](#)]. But she is helped in less obvious ways as well. We ought to be asking how that help arrives and who sends it.

In the world that most of us know, a felon who does some unspeakable act of violence causing the severe injury or death of a victim can expect to spend years in prison. The upside: he or she might tap into the educational opportunities that come with the sentence and emerge with a degree or other trade qualification. Some pocket money would be available, but it would mostly go on candies, personal hygiene consumables, the small expenses of living in conditions of incarceration.

The downside: After serving all or most of the full sentence and/or being paroled - depending on the usual factors – the time comes to walk free. Emerging back into the real world, it’s likely to be hard to get back on a reasonable track, to re-establish connections, to find a place in society and so on.

The fate of my daughter’s murderer is different. She has never had to confront social stigma or a shortage of money. She never will.

I was given some calculations last week done for me by an Israeli group, *Palestinian Media Watch* ([Palwatch.org](#)), that has devoted years to understanding the fine details of the dangerous and disgraceful program run by the Palestinian Authority (PA) for funding its convicted terrorists and encouraging more acts of terror.

On the assumption that she spent a total of 10 years one month and 4 days in Israeli prison for the fifteen acts of murder for which she was convicted and to which she confessed, the woman who masterminded the Sbarro massacre received hundreds of thousands of shekels in monthly salary, a one-time release grant and a post-prison stipend. She is not alone in this. Every single one of the several thousand Palestinian Arab murderers imprisoned in Israel as a consequence of terror receives similar fat payments, well above those available to ordinary civil servants and many professionals. At a time of huge economic uncertainty inside the Palestinian Authority and Hamas, the reliability of the cash-flow emanating from the PA’s coffers (and benefitting its own terrorists as well as those of its mortal rival Hamas) means **terror is now a legitimate career option** in their society. Terror pays.

Plainly, terror is not going to end so long as the scheme remains viable and funded.

The Palestinian Authority receives on the order of a billion dollars in international aid each year. Starting in 2011, there has been an awareness on the part of some of the fund providers that the payment of out-of-proportion salaries and cash payments to people we would call terrorists – whether in prison or released – and who are called “heroic” and “exemplary” within their own society, poses a problem. As political liabilities go, this one can be especially irksome at a time when the PA refers to itself as almost insolvent and when the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), the agency that provides much of the schooling and welfare for millions of Palestinian Arabs, is forced to resort to a succession of emergency appeals to foreign donors.

In the most recent reporting period, that PA scheme for rewarding terror made payments of more than US \$150 million. Under a certain amount of pressure from some of its donor countries (The Netherlands is a good example), and in order to safeguard continuing foreign aid funding, the PA in August 2014 engaged in what I would call a shell game trick and shut down its Ministry of Prisoners’ Affairs. The argument was that, having done this, donors could be assured that foreign aid could no longer be said to have flowed into the cash-for-terror reward scheme.

I have taken a close look at the August 2014 changes because of the way they impact on killers who have affected my family’s life. What I have found leads to such obvious conclusions (namely that a fraud is being perpetrated on the donor countries, including the United States) that I am forced to the view that everyone in those countries who needs to know it’s a fraud knows it, but for political reasons chooses to pretend to believe it.

To state the argument simply, there is a new Commission of Prisoners’ Affairs which makes these payments. This is not part of the PA but of the Palestine Liberation Organization (PLO). But the head of the PLO is also the head of the PA. (His name is Mahmoud Abbas, and his day job is president of Palestine.) The head of the Commission is a man called Qaraqe who, by no coincidence, was also the head of the PA ministry that shut down a day before the new commission started. The web address of the new commission is identical to the web address of the now-shuttered ministry. The money which the PLO spends on its prisoner payments scheme is exactly the same as the sum spent by the closed-down ministry. There are more details but to recount them here would be to take seriously the assertion that something changed.

Nothing changed. The PA, funded by the US and the EU and others, is rewarding terrorists like Malki’s killers using cash provided by taxpayers in Western countries. This reality is being deliberately obfuscated by all concerned. [Background: [“Is the PA lying to Western donors?”](#), Palestinian Media Watch, May 18, 2015]

This vexed issue of foreign taxpayers delivering up unspeakably large amounts of money to politicians prepared to lie right into the faces of the donors is a key factor in the enduring nature of terrorist savagery, Palestinian Arab-style.

The US provides a substantial part of the money that makes this possible.

Should the OVT address any of this? Within the terms of the mandate given to it by Congress, should it be taking this challenge on board? If it did, would this contribute to preventing further deaths of American citizens at the hands of Palestinian Arab terrorists?

Incitement

Whether or not the president of the PA, Mahmoud Abbas, is good for peace or bad for peace is probably seen by most as a political question calling for political judgement.

But public statements by the head of state of the Palestinian Authority urging greater recognition of the alleged heroism of Palestinian Arabs who engage in terror against Israelis do not call for political judgement. No matter what his views, or ours, of a one-state solution versus a two-state solution, or an immediate end to occupation as a precondition to peace negotiations, it means something very concrete when he appears in public holding aloft the hands of convicted terrorist prisoners and declares them to be "political prisoners", "freedom fighters" and his nation's heroes.

Even if Mr Abbas had ever publicly condemned a specific Palestinian Arab for engaging in a terrorist act, we would still think that the preponderance of his messages encouraging such acts amounts to clear encouragement of terror from his people's most influential single voice.

But we have checked carefully, and we believe he has *never once issued such a condemnation*. Moreover, while she was still in an Israeli prison cell serving her sixteen life terms (prior to being released in 2011), Mr Abbas awarded the murderer of our daughter the Palestinian Authority's highest medal, the Al Quds Mark of Honor.

Should the OVT address any of this? Within the terms of the mandate given to it by Congress, should it be taking this challenge on board? If it did, would this contribute to preventing further deaths of American citizens at the hands of Palestinian Arab terrorists?

Conclusion

I have already mentioned here that the criticism we feel is not directed at the people of the DOJ with whom we have had dealings. My wife and I have been treated by them respectfully and courteously. Everything we have seen tells us the DOJ people are committed to doing their jobs professionally and have sought to do so.

Why has so little of a practical nature come from those interactions? We do not know. We do not know what efforts have been made by them. To the extent those efforts are being, or were, undertaken within the confines of the legal system, we know that confidentiality can play a major role.

But since *justice* is the heart of our concerns, and years have gone by without update or result, it has to be said that justice has not been achieved here. At the same time, it should also be acknowledged that the responsibility of the US government is to administer justice for its citizens, including for my murdered daughter Malki and for her family.

If some larger truth lies behind the lack of momentum, that truth ought to be disclosed. If diplomatic considerations override the law enforcement imperatives, we wish that were made known too. If foreign governments are thwarting US government efforts to enforce its laws, that too should be known.

Washington is not just about laws and values. It's about politics – both domestic and global. If for instance this great nation's relations with the Hashemite Kingdom of Jordan and the Palestinian Authority take precedence over the pursuit of justice and the protection of innocent civilians and their lives, then as painful, as distasteful, as that would be, it's the kind of thing that societies do. We don't know that that is what has happened. We don't say it has, even if others say it is perfectly obvious to them that it has.

But if – and I am just speculating – the inaction were the deliberate outcome of political thinking, then we could call it a terrible mistake, we could try to persuade the appropriate decision makers to see it differently, we could appeal to public sentiment that might agree with us. And we could hope for a new and different strategy.

But we do not know, and our efforts to help ourselves and to be helped by others whose role is to help, have been unhelpful.

I consulted Sherry Mandell just before flying to Washington this week. I told her I would convey the sense of her feelings to this hearing. Sherry is the mother of the American child whose cruel murder ultimately led to the enabling law that created the OVT being named for him: *Koby Mandell*. Sherry asked me to say this:

It hurts, saddens and enrages me that the OVT, which was once created by a law named after my 13 year old son who was beaten to death by terrorists--is not being used to help families such as ours. Koby Mandell's name was expunged from the OVT website with no sign that it was ever there. I did get a phone call telling me that the US government was closing the case--even though the killers were never found. They closed the case, burying Koby again. Causing us another round of pain. The office that was created in my son's name to protect us, instead damages us. There has been no communication since. No sign that the OVT could care less about an innocent 13 year old American boy named Koby--or others like him.

Thank you.

Mr. DESANTIS. Well, I thank the gentleman and I think the witness statements were excellent. I really appreciate you guys coming here, and I think that anybody watching this, you know, I think it was very, very powerful, and we appreciate it.

Mr. WIEGMANN, the committee has counted that since '93, at least 64 Americans have been killed, as well as two unborn children, and 91 have been wounded by terrorists in Israel in disputed territories.

How many terrorists who have killed or wounded Americans in Israel or disputed territories has the United States indicted, extradited, or prosecuted during this time period?

Mr. WIEGMANN. I think the answer is—is none.

Mr. DESANTIS. Okay. How many terrorists who have killed or wounded Americans anywhere else overseas has the United States indicted, extradited, or prosecuted?

Mr. WIEGMANN. I don't have an exact figure for you.

Mr. DESANTIS. But it would be a decent size number, though, correct?

Mr. WIEGMANN. It would be a significant number, yes.

Mr. DESANTIS. Okay. Does the DOJ plan to prosecute any of the terrorism cases committed by Palestinian terrorism and Israel in the disputed territories?

Mr. WIEGMANN. So we have a number of open investigations. I can't comment further on the status of the investigations.

Mr. DESANTIS. Do you know how many, though?

Mr. WIEGMANN. I can't give you that number.

Mr. DESANTIS. Why not?

Mr. WIEGMANN. I don't have the number, and I don't think we want to comment exactly, because the more we say about the number of investigations we have, the more we tell the bad guys who we are trying to get.

Mr. DESANTIS. I get the ongoing investigation. I think we would like a sense of whether this is a substantial effort or not. And so, you know, maybe you don't give us an exact number, but we want to know that progress is being made.

In your opening statement, you said that these prosecutions, when Americans are killed by terrorists overseas, including in Israel, that that was the highest priority, and that there should be no stone left unturned. And I understand when you're talking about foreign jurisdictions, and you alluded to some of the issues that arise, and I think that point is well taken. But when it's zero for 64, I think you see some people, who have been affected negatively, wonder, you know, what exactly is the Department doing within this particular aspect of terrorism that occurs in Israel?

And let me ask you, particularly: Mr. Roth alluded to engineer of the terrorist attack that killed his daughter. This is an individual who really is, since being released in a prisoner exchange, has been open and notorious, is on TV with Hamas. Is that something that the Department is monitoring? And is there any plans to try to seek justice in that case?

Mr. WIEGMANN. So let me address that. I think the Tamimi case is the case you're referring to. And she, along with two others, I think, were prosecuted originally by the Israelis. As I said in my opening statement, most of the cases that occur in Israel are pros-

ecuted in the Israeli system. And so she was sentenced to a long prison term. She was then released in 2011 in conjunction with the Gilad Shalit prisoner exchange. This is something that we opposed. We advised the Israeli Government that we opposed this release, but they did that anyway. They are a sovereign government. We couldn't block that.

Since that time, we have made clear that we intend to pursue any available charge that we can, either in this case and all the other cases involving released prisoners. That was really a kind of game changer for us, the prisoner release, and we are really concerned about all of those folks that have American victims on their hands——

Mr. DESANTIS. I think so.

Mr. WIEGMANN. —so absolutely we are pursuing all those cases, including that one.

Mr. DESANTIS. And I appreciate that. Senator Inhofe, in 2012, wrote and requested the status, and basically, we were in the same holding pattern. So I appreciate those words. But I think, as Mr. Roth said, when OVT was created, the idea was you're going to help the victims and then hopefully, facilitate within the DOJ that these prosecutions are happening, and they are not.

Now, it's been alleged that the reason that DOJ does not prosecute the Palestinian terrorists who harm Americans in Israel, the disputed territories, is that the Department of Justice is concerned that such prosecutions will harm efforts to promote the Israeli-Palestinian peace process, or that it will actually harm the Palestinian Authority.

So let me ask you straight up, is that a consideration the Department of Justice?

Mr. WIEGMANN. I can assure that is absolutely not the case.

Mr. DESANTIS. And has the State Department ever made arguments to the Department of Justice to handle some of the Palestinian terrorism cases differently than you may normally handle, say, a terrorism case in Asia?

Mr. WIEGMANN. Absolutely not. The State Department has nothing to say about cases that we bring, whether in Palestinian territories related to these cases or not. So it absolutely makes zero difference to us whether the terrorist attack occurred in Israel, whether it's a Palestinian terrorist group, whether it's ISIL, Al Qaeda, they are all the same to us. We want to protect Americans regardless of who they are victimized by.

Mr. DESANTIS. So you mentioned the 2011 prisoner releases that included terrorists who harmed Americans. Now, when that was undertaken, you said the administration opposed it. Did the State Department work with Israel to maybe seek extradition of any of the people who were being released against our wishes?

Mr. WIEGMANN. So, again, I can't comment on any particular investigation. But what I can say is that since that prisoner release, we have kind of redoubled our efforts on those investigations. We are working really hard with the Israelis. We have gotten increased cooperation from the Israeli Government since those releases. And to the extent that we can bring charges in any of those cases, we intend to do so.

Again, I would caution the committee not to assume that because, as I said in my opening statement, that we don't have any public charges doesn't necessarily—

Mr. DESANTIS. No, I don't think we do assume that. I just think it has been a long—you know, this has been something that's been going on for a long time. And I think there's a lot of concern, understandable concern, about the lack of results. And so that is really what we are focused on is the results.

Now, some have said that if you have a situation where a terrorist who kills Americans in Israel is prosecuted by the Israelis, then they are later released in a prisoner exchange or release, that somehow if we were to prosecute them here, that would trigger double jeopardy. Is that the Department's position?

Mr. WIEGMANN. Absolutely not. We have prosecuted people who have been released from prison before. Sometimes it takes us a while. One prominent case is an older case, actually a case involving a Palestinian terrorist who hijacked an airliner in Pakistan. He spent, I think, 8 to 10 years in a Pakistani prison. Then he was released, made his way to another country, and was, I think, more, 10, 12, 15 years later that we were able finally to apprehend the person, prosecuted him in 2004, and he's got a 60-year sentence today.

So we have prosecuted people who have been released from prison before, and certainly, nothing in the Israeli prison release would be any different. We fully intend to pursue charges in any of those cases if we can.

Mr. DESANTIS. Let me just conclude by asking, and I realize, I mean, you are here representing the Department, the Koby Mandell and the OVT. This was all over 10 years ago. We've had different administrations, different parties, we've had Congress, different parties, and so it's been a— it's not that there's one person to blame, but when you see that zero cases have been brought, and you see the victims of terrorism, their families seeking justice, do you understand the frustration without seeing any tangible results, even understanding that some of these cases are very difficult?

Mr. WIEGMANN. I certainly understand the impatience and frustrations. The only thing I can say are the reasons are, in some of those 64 cases they talked about, there were Israeli prosecutions, and Israel is a very capable and effective and aggressive prosecution regime, so a lot of those cases, prosecutions were brought by the Israelis, and that's the same as we would do here. I mean, we have had foreign nationals injured in terrorist attacks here, whether it's 9/11 attacks, or the Boston Marathon bombing. There were foreign nationals in both of those attacks who were killed and injured. Those attacks are going to be prosecuted in the United States.

The foreign governments, we try to work with them, give them information and so forth about the case, but the same is true in Israel. The Paris bombing was prosecuted, or will be pursued, investigated by the French, because it is on their territory. There was an American killed in that attack. So I totally get it. I understand the frustration and impatience of the victims, but, in general, those terrorism cases around the world are prosecuted where they occur.

That doesn't mean that we don't try to bring extraterritorial cases when we can, but there are some really tough issues in bringing these cases. As I mentioned in my opening, we have to have the cooperation——

Mr. DESANTIS. I appreciate all that, but, you know, the tough issues, you have to confront this. When you say leave no stone unturned, that means you have to deal with them head on. So I appreciate you being here. I've gone over, and so let me recognize the ranking member, Mr. Lynch.

Mr. LYNCH. I want to thank the witnesses for your testimony. Indeed, heartbreaking and very, very powerful. I want to go through, Mr. Wiegmann, the procedure that has to be followed. I also serve as the top Democrat on the Task Force on Terrorism Financing, so I spent a lot of time in the Middle East, in Pakistan, a lot of time in Israel, a fair amount of time. I just came back last week from Lebanon, the Syrian border, Turkey, Jordan. And part of our efforts there are to, on the terrorist financing pieces, to take the power away from these terrorist groups to try to deny them the resources that they use to perpetrate these terrorist acts, and to deny them access to the legitimate financial system.

I'm also very familiar with the previous terrorist attacks, Khobar Towers, Nairobi, Dara Salaam, the multiple attacks in Karachi, Pakistan, and Islamabad, obviously several attacks in Beirut.

Mr. Wiegmann, if there is an attack in a foreign country on U.S. citizens—I think you've said this before—in the first instance, the prosecution is solely—let's back up a little bit. In all of those cases that I just mentioned, to my knowledge, it was the FBI that goes in first. Is that correct? Are they the lead agency for the United States?

Mr. WIEGMANN. For the United States they are, but obviously if it's an attack overseas, the real leader is the government of the place——

Mr. LYNCH. No, no, I realize that.

Mr. WIEGMANN. The FBI, yes.

Mr. LYNCH. The lead agency for us?

Mr. WIEGMANN. Yes, absolutely.

Mr. LYNCH. And in the first instance, our role in terms of assisting any prosecution by the host country, and as you said, the Israelis handle it. The Lebanese handle it. The Kenyans handle it. It is an investigation that is by the host country, and we're allowed to assist. Is that how it normally goes?

Mr. WIEGMANN. Yes. In many cases, we do provide assistance if we have information that is relevant to the attack or we can provide, we sometimes are helping with the victims actually provide information what they have on the attacks.

So, yes, there's ways that we can assist, and we do. Sometimes it's just helping them in their own investigative techniques, so there's a lot of cases in which we provide support. The other more capable governments, it's less likely that we would provide assistance, because they're already quite capable on their own. So it really depends on the country.

Mr. LYNCH. Okay. Are there any opportunities for us to have shared prosecution agreements or something like that, or a treaty in place where we can actually, you know, get in initially with the

investigation and sort of expedite and enhance the prosecutions in foreign countries? Do we have anything like that?

Mr. WIEGMANN. It really depends on the country and the facts of the case. There's some cases, let's say an African country. You mentioned Kenya and Uganda, I know. There are cases where they really need our help. They're not used to doing complex counterterrorism classifications. We send FBI teams in very early, and prosecutors as well, to help investigate the case, and we're there at a very early stage. In contrast in another case, let's say it's an attack in France, they already have a very sophisticated cadre of investigators and prosecutors. We typically would provide information, but, say, electronic information on accounts that terrorists may have been using or things like that, and we provide assistance, but it's not the same level of support that we provide in a less developed country.

Mr. LYNCH. How—and I know this is probably country-specific, but what is the experience that you've had in terms of getting cooperation from some of the host countries where an attack has occurred involving a U.S. citizen?

Mr. WIEGMANN. So, again, it's really all over the map. Some countries really welcome our cooperation and ask for it. Other countries are not as cooperative and won't give us information, won't allow us in on the ground, won't allow us to go in and interview witnesses or do anything like that, so it really runs the gamut.

Mr. LYNCH. Mr. Schwartz' testimony highlights the balance of understanding the sensitive nature of investigations and intelligence gathering on the one hand, but also on the other, the victims and families deserve answers to the questions, so you can see how this is tremendously frustrating to families in this case, and also all those who are similarly situated, and there are hundreds. I'd like to get your comment on it, particularly given that your division, the National Security Division, not only oversees OVT, but also is more generally responsible for enhancing law enforcement and intelligence efforts to combat international terrorism. How do we divide those priorities in terms of trying to inform the families, but also dealing with maybe sensitive issues with the host countries?

Mr. WIEGMANN. So we have an obligation, and it's our mission anyway to give the families as much information as possible about the status of the investigations to the extent we can do so without interfering with or impeding those investigations. So that's one of the main functions of our office for victims, is to keep the victims apprised of the status of investigations. We have lots of meetings with victims, their families, to tell them what's going on. There are limits sometimes as to how much we can say, but we say a lot more than we can say publicly. We can develop confidential relationships with the victims and can share quite a bit of information with them.

We try to obtain information if it's a case that's being prosecuted overseas from the foreign government in a way the victim might not be able to, and share that information to the extent that we can as well. The victims actually have statutory rights to be informed to the extent possible, and we try to maximize that to the

extent that we can. There are some limits to what we can say, because we don't want to jeopardize the case in any particular case, but we do try to share as much as we can.

Mr. LYNCH. Is there anything that Congress can do? Do you feel that you're inhibited, in any way, by statutory provisions that we have put in place that could be mitigated in order to help you be more cooperative with victims' families?

Mr. WIEGMANN. I don't think so. I feel like our office does, we can always use more resources. We have a small office, so there's always more that could be done in theory, but I don't think there are any legal prohibitions on our relationship with the victims.

Mr. LYNCH. My time is expired, and I yield back.

Mr. DESANTIS. The gentleman yields back. The chair notes the presence of the gentleman from North Carolina, Mr. Meadows, a member of the full committee, and without objection, Mr. Meadows is welcome to fully participate in today's hearing. Without objection, it's so ordered. And that being done, the chair now recognizes the gentleman from North Carolina for 5 minutes.

Mr. MEADOWS. Mr. Chairman, I want to say thank you for holding this hearing, and, obviously, it is critical, and it's the reason why I made it a priority to be here, not only to support your efforts, but I know that you have followed very closely not only the conflict that is going on in the Middle East and the terrorism threat, but fully bringing justice to the victims. And so I want to just say thank you.

Mr. Wiegmann, my concern, Winston Churchill has one of my favorite quotes, and it is, "No matter how beautiful the strategy, we must occasionally look at the results." And the results are not encouraging. In fact, when you were talking about how your office helps the victims, I watched people, and many of the people at your table were rolling their eyes and not agreeing with your premise on helping and keeping them informed.

So I guess one of the questions I have for you is I know there are a number of services that are out there in terms of helping victims' families, whether it's travel or counseling or any of those things. Are those all available to victims' families?

Mr. WIEGMANN. I know one program that we operate is called the International Terrorism Victims Expense Reimbursement Program, so that's a program to reimburse families for—

Mr. MEADOWS. But there's multiple agencies. You kind of become the point of contact for these families. So, Mr. Schwartz, have they reached out to you to let you know all of those?

Mr. SCHWARTZ. I have been in contact, and we have been contacted. Who made the initial contacts and sort of who reached out to who, we were fortunate to have sources of information from many different directions. But, you know, I would echo Mr. Roth that there's been no shortage of sympathy and accessibility of resources for us.

Mr. MEADOWS. But not a whole lot in terms of results from a prosecution standpoint?

Mr. SCHWARTZ. Certainly not results, but it has been very early, and there's been some effort to keep us apprised. But if there is any American involvement with the investigation, we're, as yet, unaware of that.

Mr. MEADOWS. So, Mr. Wiegmann, let's talk to that because my wife and I just recently got back from Israel. One of the most chilling things that I think I sat in a courtroom in Israel where six terrorists were being tried. They had a Hamas-paid attorney, had six of them in leg irons. Several were committed to ISIS. Several were committed to Hamas. And with pride, almost like they were turning in a paper on a job well done, they were smiling and joking with their family in the courtroom. I made a commitment at that particular time to say that not only do we have to bring justice, but we have to bring it quickly.

And so, I guess the question I have is, knowing that there's the pride of these terrorists and many of them feel like that they get off so easily, why are the Israelis better at bringing them to court than we are here in the United States? Is it a lack of resources? Because if it is, you need to speak up now.

Mr. WIEGMANN. I wouldn't say it's a lack of resources. It's just they're the ones on the ground who are, let's say an attack occurs in Jerusalem; they're the ones going to the scene. They're collecting the forensic information in a way that they would do that in Israel, but may not be the way we would have to do it in the United States to ensure that they're admitted in a U.S. court.

Mr. MEADOWS. So they're not coordinating with you properly. Is that—because, I mean, I'll reach out to the Israeli Government if that's the—

Mr. WIEGMANN. So the typical case that might be five or six Israelis are killed, and then one American is killed, and perhaps a Palestinian or someone from a third country, the Israelis are going to take the lead in that country. They're not going to, in general, have multiple, multi-country investigations. Right at the very initial stage, they probably haven't even identified the nationalities of the victims at stake, much less have a chance to contact the foreign governments and get them involved.

So they're going to, just as we would do here in the United States in investigating a case, the FBI is going to do the investigation. It's not going to be promptly inviting in—for example, in the Boston Marathon bombing, there was a Chinese national that was killed. We're not going to be inviting the Chinese Government in to help us conduct that investigation.

So I think the Israelis do it the way that most other countries would do it, but they're doing it under Israeli priorities and under Israeli laws that are not going to necessarily lead to us being able to introduce the evidence that they collect in a U.S. court. The way they get statements from witnesses and so forth can also be in a manner that we can't use them in a U.S. court.

So don't get me wrong. We can overcome some of these obstacles. I wanted you to be aware there are particular challenges in these overseas cases.

Mr. MEADOWS. So when are you going to overcome these obstacles? Because the chairman pointed out from a standpoint of the results, as Winston Churchill would say, is we haven't seen a whole lot of them, so the point of your office is what?

Mr. WIEGMANN. Well, our office, again, to be clear, it's to ensure that justice is done, whether it's done—

Mr. MEADOWS. So as long as the Israelis do it, you're fine?

Mr. WIEGMANN. We support all tools. We have whole programs at the Department of Justice that is our design to build the capacity of foreign countries to prosecute terrorists. We work with—

Mr. MEADOWS. So Mr. Roth shouldn't expect any further action from DOJ?

Mr. WIEGMANN. I wouldn't say that in his particular case. I'm just saying that if the Israelis were to sentence the attackers in that case to life sentences or adequate terms of imprisonment, that's a way to protect our national security and ensures accountability.

Mr. MEADOWS. Who determines what's adequate?

Mr. WIEGMANN. Well, I don't know. We would have to evaluate that, and when they get out of prison—

Mr. MEADOWS. Who determines it? Is it Mr. Roth or is it you? Who determines what's adequate?

Mr. WIEGMANN. If they get out of prison, and we think it's not enough, then we can pursue charges at that time. We have done so in many cases. That's one of the things that happened in these release cases in 2011, which is they were released prematurely as part of a prisoner swap. We were not happy with that at all, and we are actively pursuing those cases, I can assure you.

Mr. MEADOWS. So, Mr. Chairman, you know that you have my full support, and I will continue to work with you as you continue to illuminate this particular situation. I thank you for your leadership, and I yield back.

Mr. DESANTIS. The gentleman yields back. Mr. Wiegmann, one of the purported rationales for the Koby Mandell Act was for OVT to, "determine the reasons for the absence of indictments of terrorists in some regions," and obviously Israel was one of those. Has the DOJ actually done that and determined specific reasons why Israel would not be getting prosecutions while other overseas victims in other areas of the world do? Is there a memo, or does it outline the reasons for that?

Mr. WIEGMANN. I'm not familiar with that. You said the reasons why there are no charges?

Mr. DESANTIS. Yeah. Determine the reasons for the absence of indictments of terrorists in some regions, and I think this would be obviously one of those regions where the indictments would be lacking.

Mr. WIEGMANN. Of U.S. charges, you mean?

Mr. DESANTIS. Yes.

Mr. WIEGMANN. Yes. I think the reasons would be along the lines that we've talked about, although those aren't unique to Israel. The challenges that we have would be in any country, the ones I identified. It's just that in some cases, we're able to overcome those, and others not.

Mr. DESANTIS. Ms. Singer, do you believe that OVT is doing what it was set out to do?

Ms. SINGER. So I definitely have a relationship that started off very strong with the office. I was in touch with them very much. But with all due respect to Mr. Wiegmann, I never was even told any information about my attackers, about those that planned and carried out the attack. I know that the terrorist, you know, died in the attack, but I wasn't told any other information until I signed

on to the lawsuits that I was on, the Arab Bank lawsuit and National Westminster Bank, and once I signed there, the lawyers were then able to tell me that the terrorists that were the masterminds of my attack were currently in jail.

But any information that I tried to seek further from that, from the office, was really, there was none for me. And my biggest concern and fear is what happens when those that have carried out my attack are released in a swap, in a prisoner exchange, and then they're just going to be left free to go to other countries. And even countries that we have extradition treaties with, they won't be extradited and brought here and be put on trial for the murder of Americans and injured Americans, which are many, many more than the number 64.

And I don't want to preclude in saying that not only are those numbers, but there are families and extended families and communities that are directly impacted by those murders. Our family members are the ones that suffer long-term with us, especially the survivors, that live with those memories every day. And justice for us and accountability and validating what we went through is something that we need to see more of.

We need to make sure that those that have carried out these attacks, if they're being let out of jail because of an exchange, that their lives are not going to go back as if they're heroes, but that they're really going to be prosecuted against in this country and be made an example that no one should be carrying out attacks against Americans anywhere in the world. And I think it's really important that there is more movement, and more measures taken to, especially with the ones that we've talked about from the Schalit deal, there are a number of those with American blood on their hands that could be taken and prosecuted.

Again, for me, I've never received any significant information in this area with regard to assistance of ITVERP and other areas of psychological, physical. The immediate needs for a victim after an attack, the office is very good with, in terms of medical needs and reimbursement, but it's really the justice portion of it that I have some issues with in terms of really wanting to find out what happened and where these people are and that they're not going to be released soon.

Mr. DESANTIS. Do you know, Mr. Wiegmann, the status we had the murders in Gush Etzion, I think, in November of 2015. There was an American that was killed. Are the Israelis currently prosecuting that case to your knowledge?

Mr. WIEGMANN. What was the name of the case that you mentioned again?

Mr. DESANTIS. There were a handful of people, probably mid-November of 2015. We can get you the information if you can let us. It was the most recent, I believe. Oh, yeah, it was Schwartz.

Mr. WIEGMANN. So, yes, the Israelis have opened a prosecution in that case, and brought charges in that case. I think there are three others; there have been seven. There's been an uptick in violence in Israel recently, and there's been a number of Americans injured or killed in those attacks. I think there are seven cases, and of those seven recent cases involving Americans, there are four that the Israelis have brought charges, and we're in touch with,

have contacted the victims and their families in each of those cases and have offered our support and services.

Mr. DESANTIS. Okay. Good. Mr. Roth, your testimony was great. You really did a good job with that. It was well done, so thank you for that. I think you bring up a good point. Obviously, when something like this happens, I mean, we want justice, but I think everyone would prefer that this stuff just does not happen to begin with. You talked about the incitement, and you talked about just the lucrative nature of terrorism in this society, and American funds are obviously a part of propping up the Palestinian Authority, even with the Unity Government with Hamas. What is your advice to us about how we use tax dollars with respect to the Palestinian Authority?

Mr. ROTH. Look for the return on investment, if I could just put that in the simplest of terms. But I'm not very good at giving advice, certainly not in this context. I am a little bit better at asking questions. And I have to say the one question that is rattling around in my brain after hearing some of the comments that have been made here and focusing on the work of the OVT, what it says it does, what it describes as being its goals, what its highest priorities are, I'm struck by a triviality, and I mentioned it in my written submission.

The brochure that's handed out to families who are the clientele of the OVT have gone through at least two different versions, and you have to look very carefully to see the difference because they look identical. But the difference between the two is that in one of them, the earlier one, the first one, is a section, a significant section headed, "What are the Rights of Victims?" And in a later version, that paragraph has simply been removed. The guidelines haven't changed. Nothing's changed. But somebody somewhere—and as I say, all I know is to ask questions—has made the decision that the rights of the victims perhaps isn't the same kind of priority now as it was then.

Now, I'm not establishing that as a conclusion at all. I'm only asking questions. But as a lawyer—and I've practiced law as long as most people here in this room—I know that you can't simplify the legal process without doing damage to the integrity of the process.

The fact is, things can take time. But speaking as a client of the lawyers now, my family and I haven't heard a thing for 4 years. I've learned a lot about the perpetrators of the murder of my daughter, but it's come through the legal offices of Twitter, and Facebook, and YouTube. That's not consistent with the self-description of the OVT. I have, and I mean this sincerely, the utmost empathy with the people doing the job, and I know how tough it is to be a lawyer with unreasonable demands of oversight committees and difficult clients, but we have seen nothing, and the nothing is rattling around in my brain as a question, not as a conclusion.

Mr. DESANTIS. Thank you. Mr. Lynch, do you have anything further?

Mr. LYNCH. Sure.

Mr. DESANTIS. The chair now recognizes the gentleman from Massachusetts.

Mr. LYNCH. Thank you, Mr. Chairman. Mr. Wiegmann, the Office of Justice For the Victims of Overseas Terrorism, OVT, that's in your department. Is that correct?

Mr. WIEGMANN. Yes, sir, that's correct.

Mr. LYNCH. Then we have the Office of Victims of Crime. Is that in your department as well?

Mr. WIEGMANN. It's in the Department of Justice, not in my division, but it's in the criminal division.

Mr. LYNCH. That's regarding victims' expenses, reimbursement programs?

Mr. WIEGMANN. That's correct.

Mr. LYNCH. Then we have—the FBI has an Office of Victims Assistance straight up, right?

Mr. WIEGMANN. Correct.

Mr. LYNCH. And that's totally different?

Mr. WIEGMANN. Yes.

Mr. LYNCH. Ms. Singer, you've worked with dozens of Americans affected by overseas terrorism, and you, yourself, obviously are a victim of bombing in Israel. In your testimony, you said that you thought that many victims that you worked with have never even heard of OVT or its services. Is that your testimony here today?

Ms. SINGER. Yes.

Mr. LYNCH. You know, it seems scattered. I know these different agencies were created in response to different issues. But you got people at State. You got people with you at DOJ. Then you've got people at FBI. And, you know, you think that with all those agencies, if they were doing what they should be doing, victims and their families, they shouldn't be waiting 4 years without information. Especially when, as you say, it's out there on Twitter and other media platforms.

I'm just wondering if there's a way to consolidate this and do it in a way that actually serves the people. I think we're running into a problem where it's everybody's job, so nobody's doing it. That's the problem. And I'm just wondering if we have accountability with one agency and it's their job and we can hold them accountable if it doesn't happen? I just think that it works in harmony with all of our incentives here, which is, you want to get as much information to the victims' families as possible. Right now it seems like it's three or four different agencies have this responsibility, and nobody's really doing it to the extent that it needs to be done.

Mr. WIEGMANN. So let me just comment first that you're absolutely right that in keeping the victims informed, and serving as that liaison function is job one. If we're not doing that, we're not doing our jobs, in other words, being a liaison with the victims, keeping them informed of the developments in their case, telling them as much as we can about the scope of the investigation, if charges are brought, keeping them apprised of the progress of the prosecution, telling them their rights, as Mr. Roth said. These are statutory mandates that Congress has created, and we have an obligation to fulfill. We needed to try to do that in every single case, and we work hard to do that to reach out to the victims; but if there's a case where that's not happening, then we need to correct that.

In terms of having the different offices, they really do perform different functions. OVT was actually the latecomer that Congress created in 2005. The Office of Victims' Assistance at FBI is the kind of what I would analogize as the first responder. They're the ones who are often the first ones to contact victims. They're providing some of those immediate social services and things like that to victims to assist them. They also have a much broader mandate. It's not just terrorism, so it's any crime. They're protecting all crime victims, so they have a much broader and different mandate.

Then you have victim-witness coordinators at U.S. attorneys' offices. I know this can be confusing, but just bear with me just a minute. Those folks are helping when there's a U.S. prosecution. So if it's brought in Illinois or Georgia or California, the U.S. Attorney's office will have someone assigned to work with the victims in conjunction with those cases.

So the gap that OVT fills is for these overseas cases. So how do we help people know their rights in Israeli or France or Brazil, or wherever the case may be, understand what their rights are under foreign law and how they can interface and help them participate in those proceedings and provide victim impact statements and do the other things that we do?

So that's why we have different offices, and we try to have all these offices work together as appropriate.

Mr. LYNCH. Okay. I've exhausted my time. I yield back.

Mr. DESANTIS. The gentleman yields back. The chair now recognizes the gentleman from North Carolina.

Mr. MEADOWS. Mr. Chairman, I'll be very brief. Mr. Wiegmann, I asked earlier if it was lack of funding, how can we help? So here is my request of you and my challenge to you. It seems curious that I would have two people at a particular witness table that would indicate that there is a failure to communicate on not only a regular basis, but they're finding out more information, whether it's a lawsuit or Twitter or Facebook, than they are from the appropriate agency.

You just described the agencies and what they did, and I'm confused. I mean, it's like spaghetti, and you don't know where to start and where to stop, and so here's what my request of you, is, can you put together a task force within DOJ that makes a commitment to all victims, not just the three that we have here today, to provide regular updates, to let them know what their rights are, to put it back in a brochure to make sure that every victim's family gets something as a disclosure that says you can count on this, you can count on this, and you can count on this.

And if you're not getting that, then let your Member of Congress know, or let us know, or the appropriate person know. Are you willing to commit today to get that available to the hundreds of victims that are out there and victims' families and make a commitment to this committee and the chairman and the ranking member today?

Mr. WIEGMANN. That's our mission. That's what we should be doing. As I said—

Mr. MEADOWS. I understand that's your mission, but let me just tell you, you're failing at part of your mission, Mr. Wiegmann. And

so I'm asking you, are you willing to make a commitment, and if so, by what date can this committee count on that?

Mr. WIEGMANN. So you're saying to create a task force to—

Mr. MEADOWS. It doesn't even have to be a task force. Just get it done where victims can understand what their rights are and what's available to them where they can count on it so they don't have to have an attorney figure out the legalese that you just went through.

Mr. WIEGMANN. That's absolutely our commitment to the victims, and so I can make that commitment today. We owe that to the victims, and I'm certainly happy right after this hearing, we can chat if you feel like you're not getting what you need from our office. We can meet. We can arrange meetings for you, whatever you guys want because we do owe that to the victims.

Mr. MEADOWS. I do appreciate that. But here's what I don't want to happen, is one conversation that happens because you're feeling the heat today because the chairman called this particular hearing. What I want it to be is a report back to the chairman and say this is the process of how we're going to keep all victims and their families informed and of their rights from here on out. Can you do that within the next 120 days?

Mr. WIEGMANN. We can absolutely get you something on that.

Mr. MEADOWS. Thank you. Mr. Chairman, I yield back.

Mr. DESANTIS. The gentleman yields back. I want to thank the witnesses for coming. I think the testimony from our victims and family members was phenomenal. I think it was very, very powerful. I think it was necessary, and I think it's going to help the Department of Justice perform better at this function.

We face, as Americans, a global jihad, and Israel is ground zero for that fight. And when we have Americans visiting, studying, living in Israel, and they're killed, they're wounded by terrorists, we're not going to forget that. We can't forget that. And we will get justice. And we'll be patient if we need to be, but we are not going to let justice be denied. So thank you guys for attending, and this hearing is now adjourned.

[Whereupon, at 3:51 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Submission to House Oversight Subcommittee on National Security from Sherri Mandel

After my 13 year old son Koby, an American citizen, was killed by terrorists in 2001, a law was introduced in Congress called the Koby Mandell Act. The office's mandate was to actively pursue terrorists who murdered Americans abroad.

At about the same time, the government initiated a Rewards for Justice Program to pay for information leading to the arrest of overseas terrorists. Yet, no terrorist killers of Americans in Israel have ever been apprehended under that program. In fact, today when I checked the Rewards for Justice website, there was not even a listing for my son's name. His murderers have not been found, yet the Justice Department has seemingly deleted him from their consciousness. They are not looking for his killers. In fact, according to their list of atrocities, no Koby Mandell was ever killed in Israel by terrorists. They have closed his case, if it was ever opened.

Yet the Koby Mandell Act promised that the US government would vigorously pursue the killers of American citizens, including those killed in Israel. So far, not one of them has been brought to justice with the help of the American government.

The OVT's primary responsibilities are to work to ensure that when Americans are injured or killed in terrorist attacks overseas, investigations and prosecution remain a high priority. Another responsibility is to honor and respect the rights of victims and their families. The office is also meant to monitor the investigation and prosecution of terrorist attacks against Americans abroad.

Yet this is the way terror in Israel is reported on the site--in this case the murder of the Henkin's, a beautiful young mother and a father killed in cold blood while driving with their little kids in the back of the car:

October 1, 2015

The United States strongly condemns the terrorist attack that took place late Thursday evening in the West Bank. **The shooting resulted in the death of an Israeli couple** who were driving with their young children. We extend our condolences to the victims' family. We urge all sides to maintain calm, avoid escalating tensions in the wake of this tragedy, and work together to bring the perpetrators to justice.

The shooting resulted? What feeble morally dubious language. Obfuscation. Who were the shooters? How is the OVT going to protect the victims when they are too morally confused to name the murderers? Hamas murderers from Nablus.

Honorable Ron DeSantis
6th District, Florida
United States House of Representatives
Chairman, Subcommittee on National Security, Committee for Oversight and
Reform, US Congress
3 January '16 Sent by Email

Congressman DeSantis:

I am writing for your consideration. My name is Alan Bauer, and this letter is in regards to the proposed 2 February '16 Subcommittee meeting concerning Americans harmed by Palestinian terrorists in and around Israel. I am one of several dozen American terror victims who have been directly harmed by Palestinian terrorists. I wish to thank you for holding the planned hearings, the first of its kind to my knowledge. I wished to take the liberty of providing some background on the subject. I am sure that much of the recent history is well-known to you, so I apologize for providing any information you may already possess.

Between the signing of the Oslo Accords in 1993 and 2006, there were approximately 72 terror attacks with American casualties: 54 killed and 85 injured, including my son (screw passed through right brain) and myself (two screws in left art). Appendix 1 has a near complete list of known attacks through 2003 as compiled by Dr. Paul Teller of the Republican Study Committee. Of the dozens—if not hundreds—of Palestinian terrorists directly involved in planning, funding, and carrying out said attacks, not a single one has faced American justice. The Office for Justice for Victims of Overseas Terrorism (OJVOT), specifically set up in 2005 to give DoJ a focus on these cases, has accomplished nothing. Ditto for the FBI, which has the operational responsibility for these files; same for DoJ who has prosecutorial obligations in these cases, and of course the State Department, who has done nothing to advance criminal prosecutions of Palestinian terrorists. To date, there has not been a single indictment, extradition, prosecution, or arrest of a Palestinian terrorist in any of the relevant cases. This state of affairs is an embarrassment for all involved.

As shown in the Berman-Walsh Congressional letter to AG Holder (Appendix 2) and DoJ's response to it (Appendix 3), the Department of Justice has answers for all questions or issues raised by its complete failure in prosecuting Palestinians who killed and maimed American citizens. A parallel "Parents Letter" (Appendix 4) and a personal response from AG Holder (Appendix 5) have similar themes: these cases are really important but we can't do any prosecutions. The situation has reached the absurd with the planner of the "Sbarro bombing", where several American citizens were killed, frequently and unrepentantly describing her role in planning and executing the attack in numerous YouTube videos (for example, <http://www.youtube.com/watch?v=-VTx7k4baw>). This woman lives in Amman, Jordan, free from any fear of US officials knocking on her door or interrupting her radio talk-show. If US law enforcement does not have the tools to catch terrorists, then it is the task of the AG to come to Congress and ask for additional powers. If Israel is not playing ball on evidence and/or terrorist access, then it is the job of the Secretary of State to put the subject before the Israeli leadership. Over two presidents, five attorney generals and four secretaries of state, no such thing has ever been done. For all of the lip-service, trips to the region, and Federal tools in play, our cases are simply irrelevant in the eyes of DoJ, State, and the White House. It has only been Congress that has consistently gone to bat for US terror victims.

Besides the complete failure of US law enforcement in prosecuting Palestinian terrorists, the US has actively attempted to harm American citizens' interests in civil cases brought in US federal courts. In 2008, a group of approximately 20 terror victims held a very contentious three-hour meeting with Mr. John Bellinger of the State Department, after the latter planned to file a Statement of Interest in favor of the PLO and against an American woman whose husband had been gunned down by a PLO terrorist. Only through our remonstrations and supportive letters from your colleagues in the House and Senate did State back down from its plan, and the plaintiff in question was able to successfully settle her case. In another, pending, case, critical evidence unintentionally provided by the Palestinian Authority (PA) lawyers to plaintiffs was never picked up by any US governmental body, though the

material in question described the individuals involved in the death and injury of several US teens in a pizzeria bombing in the Israeli town of Karnei Shomron. The US, as a major funding body for the Palestinian Authority, is perfectly positioned to ask for the information prepared by the PA. No such request was ever put forth by any relevant office.

One additional subject which I wish to bring to your attention is the complete failure of the "Rewards for Justice" program run by State. Immediately after the attack in which my son and I were injured, we were listed on the "Rewards" site. I later provided information on the individuals involved in our attack (Appendix 6). As State and the FBI did nothing with the information, we were never considered for a reward. I know of a similar case where accurate information was given regarding the location of a Palestinian terrorist who had knifed and murdered an American citizen. As the US did nothing on the information, this same "tipster" was told that his information had not been "actionable" and he also received nothing. The terrorist in the latter case was allowed to move from the Church of Nativity to Europe, where he is today.

You may note from the material in Appendix 6 that those involved in our injuries were active members of the PA intelligence services. The bomb, the bomber, the dispatcher, Marwan Barghouti, and others all have direct links to the PA, the same PA that the US is funding to the tune of several hundred million dollars per year. The head of the cell gave an interview with the NY Times; he did not deny his role in our attack (Appendix 7).

Congressman DeSantis, the laws regarding terror attacks against American citizens were enacted when the US found that it did not have the legal tools to deal with the murder of Leon Klinghoffer aboard *Achille Lauro*. Yet, the results today are the same as in the late 1980's: no prosecutorial success. I know that much of the material that I sent to the FBI (at the suggestion of then ambassador to Israel Jones) was thrown out; as of 2010, our file was empty, though I had sent tens of pages of indictments, newspaper articles and relevant information. I also know that the FBI was caught flat-footed by the 2011 release of terrorists for the soldier Schalit: they could not figure out the names of those released or did not have complete identify numbers. It was

only a letter from one of our lawyers (Appendix 8) that clarified to the FBI who had been released. From July 2008, 3.5 years before the release, I lobbied to have the US put a veto on terrorists who had been shown to be connected to the death and injury of US citizens. Heather Cartwright, the director of USOJVOT, wrote me in July 2008 that the subject was relayed to the highest levels of government (Appendix 9) and I know that a list of such terrorists was prepared. It was never given to Israel, and the US made no real protest that people who harmed Americans—including several from our attack alone—went free. None of the terrorists released for Schalit has ever been prosecuted by the US government, though I have sent the FBI video of one of the women escorts describing in detail how she brought the bomber to King George Street, where my son and I were injured. Even my request to Ms. Cartwright that the US demand that Palestinian terrorists with American blood on their hands not receive salaries which include US monies fell on deaf ears.

It is my hope that that your Subcommittee meeting this week will be the first step in righting a serious wrong, that we may look forward to the US prosecuting Palestinian terrorists as well as standing by the side of US terror victims. Aggressive prosecution of Palestinian terrorists will send the Palestinian Authority an important message: if you wish to become a state, you will have to work to uproot terror completely from your ranks. Additionally, Mr. Kennedy, your family knows the importance of not letting a terrorist out of jail; I wish that the DoJ would learn from the consistent and responsible approach of your family with respect to another Palestinian who killed an American Citizen.

I thank you for your consideration.

Most sincerely,

/Alan J. Bauer/

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February 2, 2016

House Committee on Oversight and Government Reform
National Security Subcommittee
2471 Rayburn House Office Building
Washington, D.C. 2051

To Whom It May Concern:

My name is Mark Sokolow, and my family and I are United States citizens. My wife and I live in Cedarhurst, New York.

In January 2002, my wife and I took our two daughters - ages 12 and 16 - on a family trip to Israel to visit our oldest daughter who was studying in Jerusalem for the year.

On what was supposed to be the last day of our trip, the four of us went for some last minute shopping in central Jerusalem. We bought shoes, and right after we left the store, Wafa Idris, the first female suicide bomber, blew herself up right in front of us. She was a member of the Al-Aqsa Martyrs' Brigade, the military wing of Fatah, which is a part of the Palestinian Liberation Organization.

We were all thrown to the ground and sustained significant burns and shrapnel injuries. We were taken to three different hospitals, and for several hours I didn't know what had become of my family.

My wife - Rena - suffered a severe leg injury that required immediate surgery to save her leg, and she had to stay in Israel for another 10 days. Rena was not able to walk for six months following the attack and has permanent damage to her leg. She will never forget the sight of the severed head of the suicide bomber lying next to her on the ground.

Our youngest daughter - Jamie, just 12 years old - suffered a severe eye injury that required her to remain in the hospital for a week and to have follow-up surgery just a few years ago.

Our daughter Lauren and I also suffered burst eardrums that needed follow-up surgery following the attack.

We all suffer from Post Traumatic Stress Disorder and not a day goes by when we don't think about the traumatic events of that day.

Throughout the days, months and years of our recovery from this horrific ordeal, we were contacted only once or twice by the Office of Justice for Victims of Overseas Terrorism (the "Office"), by what seemed to be a generic form letter. We did not receive any assistance with our medical needs from the Office nor, to our knowledge, did the Office seek to monitor, investigate, extradite and prosecute those that were responsible for carrying out the attack against me and my family.

I sincerely hope that this Subcommittee can investigate the Office and its affairs to ensure that the Office exercises its authority and mandate and provides the much-needed assistance to the countless number of victims of Palestinian terror.

Very truly yours,
/s/ Mark I. Sokolow
Mark I. Sokolow

**Statement of
Farley Weiss, President
National Council of Young Israel
Hearing
“Seeking Justice for Victims of Palestinian Terrorism in Israel”
House Oversight and Government Reform Subcommittee on National Security
February 2, 2016**

Chairman DeSantis, Ranking Member Lynch, and members of the committee, thank you for providing the National Council of Young Israel with the opportunity to share its views regarding the security of American citizens who have been victimized by and are constantly threatened by Palestinian terrorism. I am Farley Weiss and I serve as President of the National Council of Young Israel, one of the 52 members of the Conference of Presidents of Major Jewish Organizations. The National Council of Young Israel was founded 104 years ago and represents approximately 130 orthodox synagogues in America, comprising about 100,000 members.

The issue of this hearing is of major concern to our organization and to me personally. Many of our members visit Israel and very recently the son of one of our members, Ezra Schwartz, was murdered by a Palestinian Arab terrorist. His life was cut short in the midst of doing a charitable act, while using his “gap year” to continue his studies in Israel. His death was noted by the New England Patriots before an ESPN-televised football game. Moreover, the Schwartz Family accepted calls of condolence from President Obama and Secretary of State Kerry. No matter how heartfelt the conveyed sympathies, action speaks louder than words. For years, and not just limited to this Administration, American policy has failed to employ all its legal tools, including seeking extradition, to bring to justice Palestinian terrorists who have wounded or murdered Americans. In my view, such actions would prove to be a strong deterrent to terrorism. The National Council of Young Israel hopes that this hearing will be a catalyst to implement a change in policy.

The issue of pursuing justice for victims and families victimized by Palestinian terrorism is not new for me; it dates back to December of 1997. At that time, during a conference

call with Secretary of State Madeleine Albright, I raised the issue. Subsequently, I worked with Congressman Matt Salmon on a letter sent to Secretary Albright, relating to the murder of nine American citizens by Palestinian Arab terrorists. The communication called on our country to bring terrorists, like known murder Mohammed Deif, to justice. Deif organized the kidnapping and murder of Nachshon Wachsman. At a subsequent Conference of Presidents call with the Secretary of State, I reminded Ms. Albright of my previous comments and she indicated that she would pursue the Deif matter. Subsequently, the Palestinian Authority briefly detained Deif when they controlled Gaza, but released him. Regrettably, Deif remains free and he was never faced trial. In fact, Deif is the current military head of Hamas, and is responsible for the death and wounding of over one hundred Israelis, including Americans.

Two other terrorists, Nabil Sharihi and Adnan al-Ghoul, were known to have been involved in the 1995 murder of American Alisa Flatow; they were similarly arrested and then released by the Palestinian Authority. Furthermore, other Palestinian Arab terrorists who murdered Americans were arrested and released by the Palestinian Authority without, to our knowledge, objection by any Administration, Democrat or Republican. Hence, these terrorists could not face American justice. In our view, this failure promotes terrorism.

In 1998, the House of Representatives overwhelmingly passed, with strong bipartisan support, House Concurrent Resolution 220. In part, the resolution stated:

"That it is the sense of the Congress that-- (1) the United States should demand the prosecution of all suspected perpetrators of these attacks against United States citizens; (2) the United States should seek the cooperation of the Palestinian Authority and all other appropriate authorities in the prosecution of these cases; and (3) the suspects should be tried in the United States unless it is determined that such action is contrary to effective prosecution."

In 2004, the Koby Mandell Act was enacted (Public Law 108-447), which required the Attorney General to establish an office in the Office of Justice for Victims of Overseas Terrorism (OJVOT) to monitor acts of terrorism against Americans outside the United States and attempt to bring to justice those terrorists who have harmed Americans. In part, the office was tasked to ensure that the investigation and prosecution of terrorist attacks against American citizens overseas remains a high priority within the Department of Justice, and to guarantee that the rights of victims and their families are honored and respected. To our dismay, the enactment of the Kobe Mandel Act did not result in a single Palestinian Arab terrorists brought to these shores to stand trial for the murder of an American. The number of Americans murdered by Palestinian terrorists has climbed to over 60 and approximately 100 of our fellow citizens have been wounded.

In October 2015, Mrs. Naama Henkin was murdered, with her husband Eitam, an American citizen, in front of their children. Israel captured the murderers and they are currently in jail in Israel. In my view, the United States should indict these terrorists and ask for their extradition to face American justice. It is noteworthy that PA President Abbas never condemned the murder of the Henkins. Moreover, the Palestinian Authority continues to praise murderers of American and Israeli citizens as heroes, naming streets after them, and rewarding the terrorists' families with financial assistance – “blood money.” This is blatant incitement which encourages terrorist acts.

The United States must articulate with unqualified clarity that there is no double-standard in our desire to pursue justice. If an American is murdered by a Palestinian terrorist, we will hunt that murderer just as we do for other global murderers of Americans. Shortly after 9/11 President Bush gave a moral justification for the U.S. to go to war in Afghanistan by stating succinctly that those who give safe havens to terrorists are equally morally culpable to the terrorists. The Palestinian Authority goes further than giving safe havens to terrorists; they reward their families for murders and treat the terrorist murderers as heroes. America cannot turn a blind eye to the providing of safe havens and the praising of these murderers of Americans.

There is strong bipartisan congressional support for American justice for acts terrorist acts committed against our fellow citizens. American justice would send an unambiguous message to prospective terrorists that they will not be a component of some prisoner exchange. American justice will lead to a more peaceful Middle East because deterring terrorism is in our national security interest. It is within America's interest to bring terrorists to justice.

Mr. Chairman, once again, thank you for conducting this hearing and pursuing this essential issue of bringing terrorists who murder Americans to justice.