

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

----- X  
 :  
 DARIUSH ELAHI, as next-of-kin :  
 and representative of the :  
 Estate of Cyrus Elahi, deceased :  
 Plaintiff, :  
 :  
 v. :  
 :  
 THE ISLAMIC REPUBLIC OF IRAN, :  
 and THE IRANIAN MINISTRY OF :  
 INFORMATION AND SECURITY, :  
 Defendant. :  
 :  
 ----- X

Docket No.  
1:99CV02802

**FILED**

**NOV 13 2000**

**NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT**

VOLUME II

Washington, D.C.  
November 9, 2000  
9:40 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JOYCE HENS GREEN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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## I N D E X

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
<u>WITNESSES FOR THE PLAINTIFF</u>				
Dariussh Elahi (further)	203			
Patrick L. Clawson	226			
Manouchehr Ganji	272			

## P R O C E E D I N G S

1

2

THE COURT: Good morning.

3

4

MR. HIRSCHKOP: Your Honor, may I approach the bench on a sensitive matter.

5

THE COURT: Of course.

6

(Off the record discussion.)

7

MR. HIRSCHKOP: I recall Dr. Elahi to the stand.

8

9

10

THE COURT: Good morning, Doctor. You remain under oath and we continue from where we left off in your testimony.

11

12

MR. HIRSCHKOP: Your Honor, we have finished with the second volume for you that are highlighted.

13

14

THE COURT: Thank you. That will join then the first.

15

## FURTHER DIRECT EXAMINATION

16

BY MR. HIRSCHKOP:

17

18

19

20

21

Q Dr. Elahi, yesterday I had asked you about your brother leaving you a book when you met with him in Los Angeles, that he determined he would likely go to France. Did your brother thereafter go to France in the mid-1980s to join Dr. Ganji at the Flag for Freedom?

22

A Yes, he did.

23

24

25

Q And what kind of communication did you have with him after that? I think you said he came to visit you regularly in different places.

1           A     Right. My guess is that we visited at least twice  
2 a year and had phone conversation approximately twice a  
3 month.

4           Q     And with regard to his wife, did she go to Paris  
5 with him?

6           A     Yes. I believe he told me that she had visited  
7 him possibly for a period of two weeks trying to see whether  
8 she would like to move there and I guess it didn't work out.  
9 She didn't like it. She came back -- went back to Los  
10 Angeles.

11          Q     Were they then divorced?

12          A     Shortly thereafter.

13          Q     Have you seen her since the divorce?

14          A     I saw her at my brother's funeral.

15                THE COURT: Where was the funeral held? In Paris  
16 or elsewhere?

17                THE WITNESS: I shouldn't say funeral. I should  
18 say an internment and that was held in Rockville, Maryland.

19                THE COURT: Thank you.

20                BY MR. HIRSCHKOP:

21          Q     During the time you spent with your brother when  
22 he was working with the Flag of Freedom Organization in  
23 Paris, did he discuss with you the work that they did?

24          A     To the extent that he could tell me or when he was  
25 under more stress than usual he would let things out.

1 Q Did he ever express any fear for his safety?

2 A Several times. Several times.

3 Q In what way?

4 A Well, the one day I recall the most is when we had  
5 -- it was two incidents. One incident we had gone -- he had  
6 asked me and my son who was about ten at that time to visit  
7 him for a week. At this time I was divorced. It was  
8 difficult for me to arrange it. Nevertheless we did this.

9 He met us at the airport and we had been obviously  
10 in conversation what we were going to do during that week.  
11 And when we got to the airport, he pulled me aside and told  
12 me that he was under some kind of a threat. And he had to  
13 leave for three days and suggested certain things that I  
14 could do with my son by myself.

15 And I went to Paris and he disappeared for three  
16 days. Then he came back. I believe he went to Germany but  
17 I'm not 100 percent sure.

18 Q During that time and during those years when he  
19 was in Paris particularly, when you would go in a restaurant  
20 did you have any restrictions of where he could sit?

21 A Not only in Europe but also in the United States.  
22 I recall a particular incidence when we had gone to dinner  
23 in Florida. And it was by the water and we were right at  
24 the glass where you could see the -- it was a very nice day,  
25 what I thought. He insisted that we should move to the back

1 of the room where there was no way -- not close to the  
2 window. He explained to me later that he cannot be seated  
3 next to the window for security reasons.

4 Q Did you, in fact, leave restaurants sometime when  
5 you couldn't get a seat away from a window?

6 A At least twice that I recall in Europe.

7 Q Did he ever talk to you about his fear of safety  
8 and the fact that he had to go to Turkey for a radio  
9 broadcast in Teheran?

10 A Yes, he did. Several times. One time in  
11 particular, again, when I was in Paris my son I guess kidded  
12 with him, told him how awful his handbag was. He had a torn  
13 handbag that he carried his papers in.

14 My son later asked me to buy him a brief case.  
15 When I went to Paris, I found him a brief case and I gave it  
16 to him. And he pulled me aside and he told me that his  
17 brief case was a special brief case. Apparently it had a  
18 lead lining in it that he would use as a shield and he  
19 couldn't just get his brief case out of store bought. This  
20 was especially made for them.

21 Q A shield for what?

22 A I presume bullet.

23 Q Did he, at the time, make any gestures to any part  
24 of his body as to where he would hold his brief case if he  
25 was attacked?

1           A     Yes. He showed me what he was trained to bring it  
2 up to his face immediately.

3           Q     You talked about training. Did he ever talk to  
4 you about going to Germany to take special training from the  
5 German riot police?

6           A     He told me about several training but he went into  
7 detail about one training. I believe it was a period of a  
8 week with four other individuals that he did not name in  
9 Berlin, in particular. And he told me what the assignment  
10 for that week was.

11          Q     Give us what he told you about it.

12          A     He was confined to -- I don't know exactly -- a  
13 certain amount of blocks. And they had taken some courses.  
14 And the assignment was that somebody would be following each  
15 individual and that they had a week to identify the  
16 individual that was following them.

17                   At the end of the week when I guess they went in  
18 front of wherever they do to see if they made identification  
19 none of the four individuals was able to identify who was  
20 following them. And then the four individuals came up and  
21 apparently whoever was leading this session asked the  
22 individuals if they had any comments. And I guess they  
23 described in some detailed how they were avoiding being  
24 recognized and all that.

25                   At the very end the monitor, whoever was

1 conducting this session, said is there anything else you  
2 guys want to say. They said no. And then the moderator  
3 proceeded to say that this was really a decoy. The real  
4 test were the four individuals who were being followed.  
5 They, in fact, were being followed and they were supposed to  
6 have noticed that somebody was following them.

7           And this was a lesson to both sets of four people  
8 that this is very dangerous stuff. And you not only have to  
9 watch who is following you but you also have to watch  
10 whether you're following somebody else, that kind of stuff.

11           Q     Shortly before your brother died had you visited  
12 him at least twice in Europe?

13           A     I visited him in July of 1990 and again in late  
14 September of 1990.

15           Q     Did your son go with you on one of those visits?

16           A     In the July incident we were there for a week  
17 together.

18           Q     Did you and your brother go to Germany together or  
19 meet in Germany?

20           A     We met in Germany. He was coming back from  
21 somewhere. And he asked me if I could meet him in Germany.  
22 I was already in Germany for a conference. That was a very  
23 strange evening.

24                     We met and he asked me to take a day off. And we  
25 were in northern Germany near Lubeck, I believe,



1 Timmendorfer or something like that. So I took a day off  
2 from my conference and we went to Berlin. And he confided  
3 in me on several issues that he was worried about. And the  
4 thing that was most strange to me was that he asked me to  
5 drive him to Hamburg. And I drove him to Hamburg and we  
6 went to one of the suburbs.

7           Either he was lost or he was trying to make sure  
8 that I didn't know where I was leaving him off. We went up  
9 and down streets for half an hour. I was getting quite  
10 annoyed and I wasn't appreciating what he was trying to do  
11 at that time.

12           Finally, he asked me to stop. As far as I could  
13 tell, it was in the middle of nowhere. He got out and took  
14 his bag and asked me to leave. And I was just stunned. And  
15 I thought maybe I had offended him because I was short with  
16 him with what was happening. He said no, no. I want you to  
17 leave right now.

18           So I left. I must have gone about a block and I  
19 wasn't feeling very comfortable about leaving him in the  
20 middle of the street in a small village. So I turned around  
21 to go see where he was. And I must have looked for half an  
22 hour. He was gone.

23           Q       When you would go places with him, was he always  
24 concerned about being followed and looking over his  
25 shoulder?

1           A     Not only that, he was particularly afraid of  
2 having his picture taken. He always told me that he wanted  
3 to walk somewhat behind me in public places so in case  
4 somebody comes with a camera he could duck.

5           Q     Did there come a time shortly after you went to  
6 Paris that he came back to Boston to buy fax machines?

7           A     I don't know the exact time. I want to say it was  
8 early '90 or late '89. He came to Boston and I was -- I'm  
9 not in the middle of town. The hospital is on the outskirts  
10 of Boston and the only book store we have is a book store  
11 that sells medical books. It's not a major department  
12 store.

13                     And he asked me if I could buy him a fax. I  
14 looked at him and I said -- this fax was not something that  
15 was very common at that time. I think in the whole hospital  
16 we only had one fax at this time. I said can I buy your a  
17 fax? He goes I need four faxes.

18                     I was just stunned. Again, we must have spent  
19 about a good four or five hours going downtown. I think,  
20 finally, some in the law school book store. Anyway we got  
21 maybe three or four faxes.

22                     That evening I inquired about them and he said  
23 they had to transmit news. I want to say propaganda. But  
24 he didn't use that word. He said news, fax to Iran. And  
25 what they would do is they would send faxes to Turkey and it

1 would be smuggled in and reprinted and distributed.

2 Q Did he describe these faxes as going to hideaways  
3 in Turkey?

4 A He wanted a fax machine that was battery operated.  
5 And we couldn't find such a thing. So I assumed from that  
6 fact that it was not a place where you could easily have  
7 access to electricity.

8 Q In the year before his death when you visited him  
9 in Paris did he show you the armored car that he and Dr.  
10 Ganji would go around in and how it worked and how they'd  
11 start it by remote from upstairs before they could go  
12 downstairs?

13 A Yes. This was something very new to me. I had  
14 gone to his office and Dr. Ganji's office. We were going to  
15 lunch one time. I started going down the stairs. He told  
16 me to stop and he showed me from the window how they would  
17 signal and the car would come.

18 This was, as far as I was concerned at that time,  
19 star wars stuff and not what we have now. He could press a  
20 button from his -- I think it was the third floor window and  
21 the car would start but the doors were still locked. And  
22 then there were some people who would proceed us.

23 There was a metal gate in this building, as I  
24 recall. The metal gate would open and then somebody would  
25 go and then there was, I guess, a second button that would

1 open the door. He told me that the windows were bullet  
2 proof. So there was a high amount of security of things  
3 that, I guess, I'd only seen in movies.

4 Q When you were in Germany the last time with your  
5 brother, did he ask you to buy funeral plots?

6 A Yes, he did. I wasn't sure what he was saying.

7 Frankly, I took it as either somebody who is  
8 thinking ahead or he was worried about my father. I wasn't  
9 sure what he was saying. I inquired. You want me to buy  
10 what? He told me especially about a friend that had died in  
11 -- Abubobi I want to say. I'm not sure -- somewhere near  
12 the Persian Gulf.

13 There were numerous threats not just to him but to  
14 the whole organization and he wanted me to buy as many plots  
15 as I could and that he said he was going to send me some  
16 money to facilitate this. I did not act on it at the time.

17 Q We've talked about your brother by name in the  
18 abstract. I'd like to put a face on the name.

19 MR. HIRSCHKOP: This is Exhibit 49 in the book,  
20 Your Honor. I think, unfortunately, these are in color.  
21 The exhibits are in black and white.

22 BY MR. HIRSCHKOP:

23 Q Is that your brother?

24 A This is my brother. Yes, indeed.

25 Q Where was this taken?

1           A     This is taken in the backyard of my father's  
2 house. The building behind him is the garage.

3           Q     Did he come to visit your father in the United  
4 States?

5           A     Very often. At least twice a day. He was very  
6 much trying to -- we had -- after my parents divorced, as I  
7 testified yesterday, it was a very bitter time. But with  
8 the passing of 15 years or so we have come to a new  
9 understanding and things were forgiven.

10                     My father was still a little bit bitter and Cyrus  
11 tried very hard to assure him that although initially it was  
12 a monetary decision, now he truly believes that there is a  
13 father and son relationship. So he tried very hard.

14           Q     The picture on the screen now, where was this  
15 taken?

16                     MR. HIRSCHKOP: This is Exhibit 50, Your Honor.

17                     THE WITNESS: I am not 100 percent sure. I wasn't  
18 there. It's either Dallas or it's in Michigan. I believe  
19 it's in Dallas but I'm not 100 percent sure.

20                     BY MR. HIRSCHKOP:

21           Q     Exhibit 56 is two pictures. The first picture,  
22 where was that taken, sir?

23           A     This I know for sure. This is 1989 and this is in  
24 my father's summer cottage on Long Island, approximately  
25 June or July of '89.

1 Q The picture on the screen now also is part of  
2 Exhibit 56. Where was that taken, sir?

3 A This is the last time I saw my brother. That's  
4 that last day in Berlin in September 1990. This is in front  
5 of check point Charlie.

6 He was very interested in history. He wanted me  
7 to appreciate significant things and he thought that  
8 particular spot was historically important.

9 Q The picture on the screen now is also part of  
10 Exhibit 56. Where was that taken, sir?

11 A That's my son and my brother in Paris in July of  
12 1990 after we came back from, I think, Germany, after that  
13 three days that he was gone.

14 Q And no excuse other than his own safety why he  
15 just disappeared for three days?

16 A He did not tell me.

17 Q And this picture is just the same in Paris of you  
18 and your brother?

19 A This is now my son taking a picture of us in his  
20 apartment. This is where he was when he was shot. This is  
21 the building that he was shot in.

22 Q When was this taken, sir?

23 A This is, again, East Berlin in September of 1990.

24 Q And this picture, sir?

25 A This is November of 1990 at the internment of my

1 brother in Rockville, Maryland.

2 Q Sir, if you would, turn to the book that you have  
3 there. It says book No. 2 and Exhibit 51. Do you have  
4 that, sir?

5 A Yes I do.

6 Q Dr. Elahi, the probate order, you've been declared  
7 the executor of your brother's estate here in the District  
8 of Columbia; is that correct?

9 A Yes.

10 THE COURT: Was your brother a resident of or a  
11 domiciliary of the District of Columbia at the time that he  
12 died? Was this the place he intended to come back and live?

13 THE WITNESS: I am under that impression but he  
14 did not have a residence here. He had an apartment in  
15 Paris.

16 THE COURT: Right. I understand that. But you  
17 thought that he intended to come back here?

18 THE WITNESS: Yes, I did.

19 BY MR. HIRSCHKOP:

20 Q Exhibit 52, is that the report of his death  
21 abroad?

22 A Yes. That's something that the state department,  
23 the American embassy from Paris sent to me.

24 Q I notice that on the cause of death they  
25 attributed it to gunshot wounds according to Judge

1 Bruguiere?

2 A Yes.

3 Q And below that it says disposition of the effects.  
4 In custody of brother Mr. Dariush Elahi. That's you, sir?

5 A Yes. I went there to bring him back to  
6 Washington.

7 Q Did your younger brother go with you?

8 A Yes. I also took my younger brother with me. My  
9 sister at the time was living in Iran and could not leave  
10 the country I'm told. My father could not make it for  
11 emotional reasons.

12 Q I'm going to get to that.

13 Exhibit 53, is that a true copy of your brother's  
14 passport that you secured with his effects?

15 A Yes. In fact, that black stain on Page 2 is  
16 somebody's blood.

17 Q Was the passport on his person when he was shot?

18 A Yes. That's what I was told.

19 Q How did your brother feel about being an American  
20 citizen?

21 A He was very proud of it. He thought this was a  
22 wonderful country. He was particularly proud that he could  
23 express his points of view not only just spoken but in  
24 writing without being afraid of repercussions.

25 Q Sir, would you look at Exhibit 54. Are those the



1 documents relative to the expenses of your brother's  
2 internment, your going over there, your bringing his body  
3 back, the funeral people and --

4 A Yes.

5 Q Do you have a memo you can refer to that  
6 capsulizes those costs so you could read them into the  
7 record?

8 A You did show me something. And it looked all  
9 right to me. But I don't see it here and I don't have it.

10 MR. HIRSCHKOP: May I approach, Your Honor.

11 THE COURT: You may.

12 THE WITNESS: Thank you.

13 MR. HIRSCHKOP: For the record, Your Honor, I have  
14 provided him the memo. It was done in my office. It's just  
15 an addition of the figures. He asked me to do that.

16 BY MR. HIRSCHKOP:

17 Q Sir, have you checked over this memo and does it  
18 accurately reflect the compilation of the figures in these  
19 exhibits?

20 A It does. Approximately it's correct. Yes.

21 Q Would you read into the record what expenditures  
22 you made for your brother?

23 A The total sum I have out-of-pocket damages is  
24 14,676 and it's broken down further to 7,500 from the French  
25 funeral. There is \$300 from American Express receipts.

1 There is 2,230 some odd dollars for the plot that I  
2 purchased. There was \$3,700 for the grave stone. I had my  
3 airplane ticket which was 874.

4 I don't have all the receipts but I bought a plane  
5 ticket for my brother, Alhem the younger brother. And then  
6 there was a plane ticket to bring his body back which I  
7 don't know what I did with those receipts.

8 Q Now the \$2,238 for the funeral plot, that actually  
9 just represents one-third of the amount you spent for  
10 funeral plots, doesn't it? You bought three plots?

11 A Yes. Well, after he was assassinated I remember  
12 the conversations that I had with him in Berlin. And he had  
13 asked me to buy several plots because he didn't know what  
14 was happening. He spoke in particular about there is a  
15 cemetery in France, Momanos, I think he was saying that they  
16 could rent and have their friends and comrades buried. But  
17 he wanted some in the United States. He felt more  
18 comfortable and he asked me to buy several. So I bought  
19 three.

20 THE COURT: But the one for your brother for his  
21 remains was -- how much did you pay for that?

22 THE WITNESS: That price 2,238 is just for one of  
23 the three.

24 THE COURT: Right.

25 BY MR. HIRSCHKOP:

1 Q Now you mentioned your sister. There came a point  
2 when she went back to Iran you told us yesterday.  
3 Approximately when was that?

4 A Shortly before the Aytollah returned. My sister  
5 came to the United States when she was approximately eight  
6 or nine years old and left when she was 29. So she was  
7 probably more Americanized than certainly I was.

8 Q When she went back to Iran, what did she  
9 experience with the revolution?

10 A She went back -- when she left she had just fallen  
11 in love. She went back to get married to her new husband.  
12 Her new husband to be at that time was a mathematician  
13 teaching at Berkeley. She was doing her fellowship at the  
14 University of San Francisco Medical School.

15 She had told me she had obtained a position at  
16 University of Tehran Medical School and she had taken her  
17 live cells in nitrogen with the absolute dream and hope of  
18 continuing her research endeavors.

19 Unfortunately, within two weeks of her arrival or  
20 thereabouts the revolution took place. She called me and  
21 she warned me that things were happening. She told me a  
22 little bit about my brother Cyrus what danger she felt he  
23 was in. She also told me that -- I'm not sure if I'm using  
24 the right words but I'll do the best that I can.

25 She was virtually under house arrest because there

1 were now demanding for her to go outside. She had to abide  
2 by the new Islamic rules that she had never done in her  
3 life; namely, wearing the chardas, as they call it, this  
4 veil that covers your body and that her position was no  
5 longer available.

6 THE COURT: This was what year now?

7 THE WITNESS: 1979.

8 BY MR. HIRSCHKOP:

9 Q And for the next ten years was your sister living  
10 in virtual house arrest?

11 A That is the impression that I have that she could  
12 go out with the proviso that she wore all those head  
13 covering. So she went out as little as possible.

14 THE COURT: Sir, in the photograph that's still  
15 demonstrated on our computers, does she appear on that  
16 photograph?

17 THE WITNESS: No. She was not allowed to leave.  
18 I can identify those people if you'd like.

19 THE COURT: If you would.

20 THE WITNESS: From left that's my stepmother.  
21 Then it's my father, myself, my younger brother Alhem, and  
22 the last lady on the right is what would have been my  
23 brother's mother-in-law.

24 BY MR. HIRSCHKOP:

25 Q Now was your sister interrogated at length at

1 times about your brother while she was living in Iran?

2 A She told me at least three times she was taken to  
3 the police station house for periods up to 48 hours.

4 Q When your brother -- strike that.

5 What does she do now, your sister?

6 A My sister is now a professor at Tehran University.  
7 Just to emphasize how nervous I am about this, if you will  
8 allow me, I will tell you that I was invited for an  
9 international conference last year to Tehran to give a  
10 plenary speech. And they were going to arrange for my  
11 passport and plane tickets. And I asked my sister for  
12 advice and she vehemently told me that I should not come.

13 Q In fact, in the 21 years since she has returned to  
14 Iran, how many times have she been allowed to leave the  
15 country?

16 A She was allowed to come here for 48 hours when my  
17 father had a severe stroke and she had to leave while he was  
18 dying.

19 Q Were her children and husband allowed to come with  
20 her?

21 A No. They had to stay back.

22 Q Her present status, has she expressed any fear of  
23 the outcome of this lawsuit?

24 A She advised me not to proceed with this several  
25 times.

1 Q Why is that?

2 A She --

3 Q Well, let me withdraw.

4 I've left this picture on because I want to come  
5 back and ask you about the funeral. Your son is not in the  
6 picture. Did he go to the internment of your brother?

7 A He did not.

8 Q Was he very close to your brother?

9 A He felt particularly very close to my brother.  
10 And he told me that he didn't think he wanted to see this.  
11 In fact, he didn't come to the grave site for more than a  
12 year.

13 THE COURT: Is this the young person who took the  
14 pictures that we saw earlier?

15 THE WITNESS: Yes. Even though he only lives half  
16 an hour from here.

17 BY MR. HIRSCHKOP:

18 Q How did your father deal with the funeral?

19 A I had never seen my father in more a distraught  
20 condition. I think I told you this. I was so nervous about  
21 his condition that I didn't fully see my brother get buried.  
22 I just picked him up and we left. He was shaking so hard.  
23 I was afraid he was going to have a heart attack.

24 Q You testified yesterday I believe that your mother  
25 wasn't told for over a month of your brother's passing away?

1 A Yes.

2 Q And you described your sister couldn't be there.  
3 Aside from the people in this photo, who else was at your  
4 brother's internment?

5 A There was a large Iranian delegation that I did  
6 not know but I was introduced to. Certainly many people  
7 from Paris that I had met in my visit to his office. Dr.  
8 Ganji and his family and many of my scientific colleagues  
9 and my personal friends.

10 Q You testified before that the last time you saw  
11 your brother was in one of those other photos that we  
12 showed?

13 A The last time I saw him alive.

14 Q When you were in Paris -- and I apologize. You  
15 just gave me these photos the day before yesterday to put  
16 you through this but I'll be very brief. When you were in  
17 Paris, did you insist you had to see his body to know who he  
18 was?

19 A I am trained to make sure we identify the  
20 deceased. And they didn't want to show me my brother's body  
21 and I insisted. And I got somebody from the American  
22 embassy that finally let me go see my brother's body. And  
23 he was in a room. It was a glass caged room. And I saw him  
24 from outside. Let won't let me examine his body. But I had  
25 camera and I took these pictures through the window.

1 Q And you've kept these pictures all these years?

2 A I have.

3 Q And is this the last picture you saw of your  
4 brother showing the bullet wounds?

5 A Yes. I would like to, if you may allow me to tell  
6 you one -- one of the reasons I wanted to see this is  
7 because I was called, I want to say, about ten o'clock at  
8 night in my office and I don't pick up the phone. At that  
9 time we had these tape recorders that you can hear and sort  
10 of screening the phone call. There was a phone call from  
11 Dr. Ganji and he said this is a emergency and I'm in Egypt.  
12 Could you please pick up the phone if you're there.

13 I recognized his voice obviously. I picked up the  
14 phone and Dr. Ganji -- we said hi. And he was trying to  
15 tell me that my brother was shot but he just, I guess,  
16 didn't know how to do it. He said your brother has been  
17 shot. He didn't say your brother was assassinated. He said  
18 your brother has been shot.

19 I took it as though he has been shot and he is  
20 calling me for help. I said where is he and do you want me  
21 to bring surgical friends? What would you like me to do?  
22 Would you like me to come over? Would you like me to bring  
23 friends? Would you like to bring him back?

24 I recall Dr. Ganji breaking up on the phone and  
25 says no. You don't understand. He is dead. And obviously



1 it took me sometime to fully appreciate that. And I pressed  
2 Dr. Ganji to tell me more about the circumstances. And he  
3 said he, himself, was in -- I don't want to say Cairo but  
4 certainly Egypt.

5 And he described something to the best of my  
6 recollection as follows that he had gone back to his  
7 apartment to pick something up and that he was by his  
8 mailbox. And I recall, as I told you, I had been to that  
9 house two or three months before, in July. And there's a  
10 glass window -- there's two sets of glass windows that he  
11 can look to the lobby. And there are a series of mailbox  
12 with a key. And apparently -- it was a key operated to get  
13 into the second door.

14 Apparently there was -- they had to shoot through  
15 that glass door to make an entrance. And this was enough to  
16 alert my brother that something was going on. And from here  
17 on I guess it's guessing work.

18 The noise alerted some other residents of this  
19 apartment complex. And some lady had called the police.  
20 And as she was looking out of the window, she sees later  
21 somebody going with blood and possibly a scratch on the face  
22 running through this relatively narrow street, avenue. I  
23 forget.

24 And when I went to Paris about three weeks -- they  
25 wouldn't let me go immediately. The body was taken by

1 either the American or the French authorities. And I want  
2 to say it was at least two weeks before I could go there.

3 And the police told me that they had found tissues  
4 under his nails and a different type of blood than his own  
5 blood. And the supposition from the autopsy report that  
6 they had which I have not seen was that bullets probably hit  
7 the body first and there must have been a struggle which  
8 despite what we heard yesterday that it could have been 30  
9 seconds.

10 My memory says it could have been for a period as  
11 much as three to four minutes that they were struggling  
12 before he was hit in the head twice. I remember that  
13 graphically in the police station.

14 MR. HIRSCHKOP: Thank you. Nothing further.

15 THE COURT: Thank you, Doctor.

16 (Witness excused.)

17 MR. HIRSCHKOP: I call Dr. Patrick Clawson to the  
18 stand.

19 PATRICK CLAWSON, PLAINTIFF WITNESS, SWORN

20 DIRECT EXAMINATION

21 BY MR. HIRSCHKOP:

22 Q State your name, please.

23 A My name is Patrick Clawson.

24 Q What degrees do you hold?

25 A I hold a bachelor's degree from Oakland College.

1 and a doctorate, a Ph.D. from the New School of Social  
2 Research in New York City.

3 Q Where are you employed?

4 A I am the director for research at the Washington  
5 Institute for Near East Policy here in Washington, D.C.

6 Q Doctor, just so I can clear it up. I've seen Near  
7 East, Mideast, Far East. How do you describe the Near East?  
8 What does it encompass.

9 A The U.S. Government uses the term Near East and  
10 some people use the term Middle East just to describe the  
11 countries of southwest Asia. And the term Near East clearly  
12 includes also North Africa as well as Southwest Asia.

13 Q What are your duties as director of research at  
14 the Washington Institute?

15 A I supervise a staff of researchers and research  
16 assistants who prepare book-like studies, who prepare  
17 various reports and also more shorter and more immediate  
18 analysis which we send out to several thousand people about  
19 three or four times a week.

20 Q Are these reports all on Near East policy?

21 A They're all about developments in the Middle East  
22 or in the Near East, excuse me, or about U.S. policy towards  
23 the Near East.

24 Q Do you hold any position on the Middle East  
25 Quarterly?

1 A I'm the senior editor of the publication of Middle  
2 East Quarterly.

3 Q What is the Middle East Quarterly?

4 A The Middle East Quarterly is a quarterly magazine  
5 that is primarily concerned with the contemporary Middle  
6 East and overwhelmingly with the issues of U.S. policy or  
7 matters of concern to the U.S. policy makers about the  
8 Middle East. It's published out of Philadelphia and has a  
9 circulation of about 3,000.

10 Q What language do you speak?

11 A I'm reasonably fluent in Persian, Farsi, Hebrew,  
12 French, Spanish and some German.

13 THE COURT: And English.

14 THE WITNESS: And English. Yes, Your Honor.

15 BY MR. HIRSCHKOP:

16 Q Do you read Persian newspapers regularly?

17 A Yes. I've read Persian newspapers regularly for  
18 the last 21 years now since just before the revolution.

19 Q And do you on a daily basis read at least two  
20 Persian newspapers?

21 A Recently, to be honest, I've been concentrating on  
22 just one Persian newspaper because so many of the good ones  
23 have been closed down. But before that I read at least two  
24 a day.

25 MR. HIRSCHKOP: Your Honor, the extensive

1 curriculum vitae of Dr. Clawson, Exhibit 101 in the books,  
2 I'm not going to go through this whole document. Just for  
3 the purposes of testimony, just some other parts of his  
4 background.

5 BY MR. HIRSCHKOP:

6 Q Have you held positions at the World Bank and  
7 International Monetary Fund?

8 A Yes. I was a senior economist at each of those  
9 two institutions for four years each.

10 Q Have you published numerous publications?

11 A I've published approximately 15 books I either  
12 wrote or edited or co-edited.

13 Q Are a number of these books on Iran?

14 A That is correct, sir. Several of the books are  
15 about Iran.

16 Q Have you testified before Congress as an expert  
17 concerning problems in Iran?

18 A I've testified before Congress more than a dozen  
19 times about Iran, sir.

20 Q Have you participated in numerous, many forums  
21 regarding Iran?

22 A I participated in scores, if not hundreds, of  
23 forums about Iran as a speaker.

24 Q Would these be all over the world? In Moscow, the  
25 United States, Tehran?

1           A     Yes, sir.  Indeed, I just got back yesterday from  
2 Berlin where I was participating in a conference about the  
3 subject.

4           Q     Have you testified in some of the other cases  
5 brought under the Anti-Terrorism Act here in this courtroom?

6           A     Yes, sir.  I testified, for instance, in the  
7 Flatow case and the Cicippio case and the Anderson case.

8           Q     Now all three of those cases, were those cases  
9 where the victims were incidental to the direct actions of  
10 the Iranian government?

11          A     Certainly that was the case in the Flatow case.  
12 There was a terrorist bombing that was done by an  
13 organization directly sponsored by Iran.  The seizure of the  
14 hostages in Lebanon -- well, they went to seize Americans.  
15 So I don't know what you mean by incidental.

16          Q     Let me get to that.  For instance, in the killing  
17 of Dr. Bakhtiar and Dr. Elahi and numerous others that we  
18 have seen, orders came directly from MOIS.  Fallahian was  
19 directed in those and in the Mykonos killings and Rafsanjani  
20 apparently approved all these.

21                   Were directly the central intelligence core and  
22 the leadership of the Iranian government said go out and  
23 kill this person?  We know there were Fatwas against them.

24                   With regard to these other cases, Fattah was a  
25 young girl on a bus that a Islamic Jihad blew up; is that

1 correct.

2 A Correct.

3 Q They had no way of knowing she was on the bus?

4 A Correct, sir.

5 Q And in Cicippio this was people who were taken  
6 hostages. They were snatched. There was no dictate from  
7 the Iranian government go kill Mr. Cicippio, was there?

8 A There is certainly no evidence it was any such a  
9 thing.

10 Q And in all these cases these people were  
11 incidental?

12 A Yes. I'm a little uncomfortable saying that about  
13 Mr. Anderson because Mr. Anderson was a public figure. But  
14 certainly there's no evidence that I'm aware of that there  
15 was any direct order from Iran to take Mr. Anderson.

16 Q And in each of these other cases, is it correct  
17 that it was either Hamas or Hezboullah or Jihad terrorist  
18 organizations supported by Iranian funds, trained by  
19 Iranians but nonetheless not direct Iranian organizations?

20 A That is correct, sir.

21 Q So is this case uniquely differ from them in that  
22 way?

23 A Very much so. There's no doubt that this case  
24 concerns an Iranian dissident who was seen by the government  
25 of Iran as much more direct and immediate threat to its rule

1 than were any of the other cases I testified in.

2 Q The Court has heard a good deal of testimony  
3 yesterday from Mr. Timmerman. Do you know Mr. Timmerman?

4 A Yes, sir. I'm well acquainted with him.

5 Q Is he also recognized somewhat as an expert on  
6 Iran?

7 A Yes, sir. Particularly Iranian dissident  
8 organizations.

9 Q He went through the revolution. I'll just ask you  
10 a little about it. With regard to the revolution, prior to  
11 that, had SEVAK been a group that handled intelligence then?

12 A That's correct, sir.

13 Q What did SEVAK do principally?

14 A It's principal activities were following Iranian  
15 dissidents inside Iran but it also followed Iranian  
16 dissidents outside the country.

17 Q And after SEVAK and Aytollah Khomeini came into  
18 power what group took over from them?

19 A The Iranian government was a bit cagey at first  
20 about acknowledging that. In fact, the organization of  
21 SEVAK essentially continued but under a new name. They  
22 changed it. It's name went to SAVAMA.

23 But in the last year and a half when there has  
24 been controversy about the activities of this intelligence  
25 ministry as it became formally in 1984, there has been a lot



1 more information about it, the continuity of personnel and  
2 the activities from SEVAKA to SAVAMA and the activities of  
3 that organization during the four years before the formal  
4 establishment by the parliament of the intelligence  
5 ministry.

6 Q The reason I ask these question is we've given the  
7 Court a number of documents that refer to SEVAK and SAVAMA  
8 and VEVAK?

9 A VEVAK is the ministry of intelligence and the  
10 information which was then created in 1984.

11 Q Did all of these evolve into MOIS?

12 A Correct. VEVAK is just simply the same name but  
13 the Persian initials.

14 Q What was Aytollah Fallahian's position in MOIS?

15 A He was the minister of intelligence. And he was  
16 clearly the most important decision maker that that  
17 organization has had. He was very active in the creation of  
18 the ministry. He was very active, early on, in the  
19 transition from SEVAK to SAVAMA.

20 Q Are you familiar with the Fatwas issued by the  
21 Iranian government or the Iranian clerics?

22 A Yes, sir.

23 Q Have you ever see the Fatwa on Salman Rushdie?

24 A Actually it's not a Fatwa. It's kind of a  
25 judicial decree called a Hukm, H-U-K-M, which is like a

1 Fatwa. It can't be repeal. So it's even worse than a Fatwa  
2 in that it's a judicial decision ordering that this man be  
3 killed. A Fatwa is a judicial opinion as distinguished from  
4 a judicial decision.

5 Q Have major groups around the world -- Amnesty  
6 International and the British government have requested the  
7 Iranians that they lift this decree to kill Salman Rushdie?

8 A On the occasions these were rescissions. And also  
9 the British government and other governments have requested  
10 this.

11 Q And has the Iranian government complied with that  
12 request?

13 A No. But the Iranian government is engaged in a  
14 very interesting dance to suggest that he would not carry  
15 out the decree.

16 Q In the meantime the private reward of over \$2  
17 million, has that consistently been increased?

18 A Yes. And other organizations have added  
19 subsidiary amounts.

20 Q Is this reward now at \$2.8 million?

21 A I actually believe that there is some unclarity as  
22 to whether it's 2.8 or \$4 million. But it's a substantial  
23 sum.

24 Q Where is Salman Rushdie now residing?

25 A My understanding is that he's residing in Long

1 Island. But I'm not aware and he has been a very secretive  
2 gentleman about his residence. He long resided in England  
3 but announced that he was moving to the United States  
4 sometime ago.

5 Q After the Aytollah Khomeini took power in 1979  
6 after the revolution did the Iranian government proceed to  
7 start a series of assassinations all over the world?

8 A There was a campaign of assassinations that took  
9 place shortly after Khomeini came to power. And then there  
10 was long degree to which there weren't very many  
11 assassinations. There was quite a low level. And then in  
12 1989 after the end the Iran-Iraq war and the death of  
13 Ayatollah Khomeini Mr. Rafsanjani became the president of  
14 Iran. The problem of assassination redoubled its activities  
15 and become much more vigorous.

16 Q This campaign, what drove this campaign?

17 A It was a great mystery to many people in the later  
18 campaign after 1989 because most outside observers thought  
19 that the Iranian government was reasonably stable.

20 But clearly Mr. Rafsanjani devoted a lot of  
21 attention, a lot of resources. We have this from numerous  
22 accounts that emerged inside Iran with the reform movement  
23 in the last couple of years just how much priority Mr.  
24 Rafsanjani placed on this campaign.

25 Q But even before Rafsanjani, was part of the

1 campaign the taking hostages?

2 A Well, the taking of hostages in Lebanon seemed to  
3 -- there was a campaign of terrorism. That seemed to be  
4 motivated by a desire to press the United States to leave  
5 Lebanon and to increase the Iran's prestige in Lebanon.

6 Q What about the taking of the hostages at the  
7 American embassy?

8 A Or taking the hostages at the American embassy.  
9 Yes. That was certainly, absolutely an act of terrorism and  
10 very definitely designed to consolidate the hold of the new  
11 Khomeini government to over power.

12 Q How much money did the Iranians get for those  
13 hostages?

14 A Well, the United States government froze the  
15 assets that Iran had in the United States about two months  
16 after the seizure of the hostages. And in the accord of  
17 freeing the hostages, the United States government agreed to  
18 return the great bulk of those assets, approximately \$8  
19 billion on the day that the hostages were freed.

20 Q The agreement was eight billion in ransom to the  
21 Iranian government for our people back?

22 A Well, sir, that was their money. I mean, we were  
23 freeing up their money. I'm a little uncomfortable calling  
24 it ransom.

25 Q It was our embassy?

1 A True.

2 Q So you mentioned Lebanon. Was there a long time  
3 pattern of killing dissidents in Iraq?

4 A There has been a long time pattern of killing  
5 dissidents in the Middle East particularly in Iraq, also to  
6 a lesser extent in Turkey. But in the last decade the  
7 killing in Iraq has been a constant feature and the killing  
8 in other countries has ebbed and flowed.

9 Q And aside from Iraq and Turkey, in Europe has  
10 there been a lot of killings?

11 A There was a great many killings under this  
12 campaign that began in 1989 through the early 1990s. There  
13 has been a lot less activity in the last five years.

14 Q Was there a bombing in Argentina of a synagogue  
15 where many people were killed?

16 A There were two bombings in Argentina, one in the  
17 Jewish community center and one somewhat earlier at the  
18 Israeli embassy. And in both there were scores of people  
19 killed.

20 Q Did American authorities have wiretaps of Iranian  
21 officials helping to plan?

22 A The American authorities were cagey as to exactly  
23 what evidence they had which left them the conclusion that  
24 the Iranians were intimately involved in this. I would say  
25 that most observers, myself included, would share your

1 presumption that it probably included wiretaps. I should  
2 say interceptions of -- whether it was wiretaps or  
3 interceptions to satellite phones or the like.

4 Q Yesterday we showed the Court the 20/20 tape that  
5 was made of the executor in the Tabatabai assassination.  
6 Did the Iranian government spent considerable funds to  
7 interrupt the dissident community and to terrorize the  
8 dissident community here in the United States?

9 A Oh, certainly. In the early period absolutely,  
10 the 1979 to 1981 period. The question about terrorism in  
11 the last ten years, it's -- terrorism inside the United  
12 States in the last ten years is less apparent. There is  
13 some indications but the evidence is not quite clear.

14 Q Ms. Boroumand testified here yesterday and  
15 expressed concern for her safety. Do Iranian dissidents  
16 here in the United States with whom you've dealt still have  
17 great concerns for their safety?

18 A Oh, certainly. And there have been a number of  
19 occasions on which Iranian dissidents, for instance, the  
20 Kurdish democratic party of the Iran leader when he visits  
21 the United States is regularly provided with protection by  
22 the U.S. authorities.

23 Q We spent a great a deal the last day looking into  
24 the effect on the Iranian dissidents of this terror. Does  
25 it affect the whole world community?

1           A     Oh, absolutely. There can be no doubt that there  
2 is the widespread perception in the Iranian exiled community  
3 that getting involved in dissident political activities is  
4 dangerous to your health. And that's a significant  
5 deterrent to people becoming involved in those political  
6 activities.

7           Q     World symposiums all over the world, is special  
8 security taken because of this terrorism not just by Iran  
9 but by Libya and others?

10          A     I can't really address the question about Libya.  
11 Well, actually, yes, I can. I can say that certainly that  
12 Libyan dissidents have been very concerned about terrorism  
13 caused by the Libyan government which has kidnapped some  
14 people, for instance, from Egypt to return them to Libya.

15                     And certainly there are many political events by  
16 Iranian dissidents at which there are extraordinary security  
17 precautions taken.

18          Q     Does this extend to American military basis  
19 abroad?

20          A     There have been reports of Iranian terrorist  
21 threats to American military facilities abroad. But I don't  
22 really have a good sense as to how credible those are.

23          Q     Did you see documents where American authorities  
24 concluded that Iranians supported and helped plan the  
25 bombing of the marine barracks in Saudi Arabia?

1           A     If we're going to include the marine barracks in  
2 Lebanon, absolutely. The barracks building in Saudi Arabia  
3 that was bombed in 1996, there is clear evidence that the  
4 United States authorities wished to question some people who  
5 are now resident in Tehran about their involvement.

6                     It has been widely reported. And I have held many  
7 conversations with the U.S. Government officials who have  
8 acknowledge that President Clinton, indeed, sent a letter to  
9 the Iranian government requesting their assistance in being  
10 able to question those people. I think most observers,  
11 myself included, feel that we wish to question them because  
12 we think that they were the likely perpetrators of the  
13 action.

14                    I should have included those in my earlier  
15 response about threats to U.S. military facilities. I was  
16 thinking primarily about some reports of threats to U.S.  
17 military facilities in Europe.

18           Q     The Court has heard evidence of assassination over  
19 a period of time. For instance, I'll concentrate on this  
20 in-between period in the late eighties or early nineties  
21 when Aytollah Khomeini dies and Rafsanjani comes in power.

22                    During that period the Iranians assassinated most  
23 of the leadership, if not the top leaders, of every major  
24 dissident organization, did they not?

25           A     Yes. They assassinated some of the top leaders of



1 each of the major organizations.

2 Q Well, we know the Kurdish democratic party?

3 A Absolutely.

4 Q They killed Mr. Rajavi. His brother was the  
5 leader and he was the U.N. representative.

6 A The Kurdish democratic party lost two of its  
7 secretary generals in succession. And then it's the  
8 Mojahedin organization whose U.N. representative was killed.

9 Q I'm sorry. Ghassemlou is the --

10 A Ghassemlou is the Kurdish democratic party of  
11 Iran. He was killed in Vienna and then his successor was  
12 killed in Berlin.

13 Q In Mykonos?

14 A In Mykonos in 1992.

15 Q And in Vienna was the Mojahedins?

16 A In Geneva which Hadeen (phonetic) is a  
17 representative there who is an important symbolic figure but  
18 he has been somewhat sidelined from the leadership of the  
19 organization.

20 Q And the NAMIR leadership both Mr. Boroumand and  
21 Mr. Bakhtiar were assassinated in Paris?

22 A Yes. The assassination of Mr. Bakhtiar was a  
23 particularly shocking event because he is a man who spent  
24 most of his life in France, who had fought for the French  
25 with the French army in World War II and fought with French

1 resistance. He held the highest military honors that France  
2 can bestow on its citizen. His son was ~~an important police~~  
3 official in France. So it was a particularly shocking  
4 thing.

5 Q And in the Flag of Freedom Organization, Mr. Elahi  
6 was second in charge?

7 A Insofar as I know, sir. Yes.

8 Q They previously murdered someone in Dubai?

9 A Yes, sir.

10 Q When this was going on, these assassinations, was  
11 there any indication that the Iranian government thought  
12 they could get away with this one way or the other?

13 A To be quite honest, they did. That is to say,  
14 Iran paid few penalties for this wave of assassinations not  
15 even for the Bakhtiar assassination for quite some period of  
16 time. The dramatic change comes from the Mykonos trial and  
17 the tough stand that Germany took about the matter.

18 Q We've seen that there have now been several trials  
19 and this court has awarded very substantial damages against  
20 Iran. Are you familiar with the outcomes of those cases?

21 A Yes, sir.

22 Q In the first case, the Flatow case, the court  
23 awarded 22 and a half million dollars compensatory damages  
24 and 225 million in punitive damages. Did we see any  
25 noticeable change in Iran's policy on terrorism?

1 A I'm hesitating a little bit because the action in  
2 the United States Congress just last week about --

3 Q I'm going to get to that.

4 A After the initial judgment, no, sir.

5 Q And then in the Anderson case we saw the court  
6 award \$40 million in compensatory damages, 300 million in  
7 punitive and in Cicippio the court awarded 12 million to the  
8 Jacobson family, 36 million to the Reed family and 31  
9 million to the Cicippio family, a total of almost \$90  
10 million, I believe, or \$80 million in compensatory damages.  
11 No punitive because of a quirk in the law at that time.

12 In Isenfeld, Judge Lambert ordered 300 million in  
13 punitive and a total of 10 million to the Isenfeld family  
14 and 12 and a half million to the Duker family in  
15 compensatory. And in Higgins, Judge Koteloy awarded 300  
16 million in punitive damages and \$56 million in compensatory  
17 damages.

18 Yet with these awards, prior to this new Act of  
19 Congress, do you see any change in the Iranian government's  
20 contributing money to Hezboullah, the amount they gave to  
21 terrorism?

22 A No, sir. However, I think we did see some  
23 improved security conditions for Americans in Lebanon and  
24 less targeting by Hezboullah of Americans as potential  
25 terrorist victims in Lebanon. So perhaps one could argue

1 that their hands were -- changed the focus of their  
2 terrorist activities somewhat in light of these constraints.

3 Q Now Mr. Elahi differed from many of these other  
4 people. We've said that he was directly targeted at least  
5 by name. What he was doing in the Flag of Freedom  
6 Organization, was this sponsored by the United States  
7 Government?

8 A There were certainly very credible reports that  
9 the United States Government was providing financial  
10 assistance to the group.

11 Q The broadcasts from Egypt to --

12 THE COURT: Excuse me. But there was no overt  
13 sponsorship?

14 THE WITNESS: There was no overt sponsorship that  
15 I'm aware of.

16 BY MR. HIRSCHKOP:

17 Q The broadcasts from Egypt to Iran, were they  
18 totally consistent with the United States policy at that  
19 time?

20 A I can recall a couple of episodes in which there  
21 were some suggestions that some particular statement made  
22 may not have been consistent. And I take that to mean that  
23 there were people watching this carefully and making sure  
24 that the statements in general were consistent with U.S.  
25 policy.

1 Q And is it your understanding from your expertise  
2 that their statements in general were completely consistent  
3 with U.S. policy?

4 A It's certainly my belief that the statements were  
5 and my understanding that the statements were generally  
6 consistent and other than those few exceptions were  
7 consistent with U.S. policy.

8 Q Although we've -- strike that?

9 With regard to Salman Rushdie, we've asked enough  
10 about him individually. But as a result of the Fatwa  
11 against him or whatever it was against him, were other  
12 people attacked or assassinated all over the world?

13 A There were a number of translators of his works  
14 and publishers of his works who suffered attacks. Yes, sir.

15 Q Was a translator murdered in Japan?

16 A Yes, sir. A translator in Japan was murdered.

17 Q Was a translator attacked who barely survived in  
18 Italy?

19 A Correct, sir.

20 Q Was a publisher attacked in Norway?

21 A Correct. There are also reports of other attacks.  
22 And in some cases it's not clear if Iran was involved in  
23 those other attacks.

24 Q There are two big books up there. If you take the  
25 book that has the first group of exhibits, I want you to

1 look at Exhibit 1, please.

2 A Yes, sir.

3 Q Can you identify this document, sir?

4 A This is the patterns of global terrorism document  
5 which has been prepared annually by the state department for  
6 more than a decade. And there is the most authoritative  
7 statement of the United States Government about terrorist  
8 activities abroad. It's a document well-known by those who  
9 follow terrorism to be prepared with great care. Each word  
10 is gone over by the various different agencies involved in  
11 preparing it.

12 Q I understand the American State Department has  
13 declared Iran as a country or a state sponsoring terrorism?

14 A Correct, sir.

15 Q And that remains their position; is that correct?

16 A Yes, sir.

17 THE COURT: How consistently has that position  
18 remained since, shall we say, the first document is dated  
19 April 1990 and refers to the year 1989, since that time?

20 THE WITNESS: Since that time Iran has always been  
21 on the list of state sponsors of terrorism. In recent years  
22 until this last year Iran was identified as the world's  
23 principal sponsor of terrorism. And this year it's regarded  
24 as quite some change when Iran was described instead of just  
25 being a leading sponsor of state terrorism rather than the

1 world's principal.

2 THE COURT: Who got the No. 1 spot this year?

3 THE WITNESS: The No. 1 spot was left open. It  
4 wasn't clear.

5 THE COURT: Still for an invitation?

6 THE WITNESS: Open for competition, Your Honor.

7 MR. HIRSCHKOP: Your Honor always manages to look  
8 ahead of me. We actually in the next series have taken  
9 these for each year. So we might document that for the  
10 Court.

11 BY MR. HIRSCHKOP:

12 Q If you would look at the last page -- I'm sorry.  
13 Page 46 is the numbered page in the patterns of global  
14 terrorism. There is a section on Iran. Do you see that,  
15 sir?

16 A Yes.

17 THE COURT: I'm sorry. Which document are we  
18 dealing with here?

19 MR. HIRSCHKOP: This is Exhibit No. 1, Your Honor.

20 THE COURT: It looks like a two but it's an eight.  
21 Now we're together.

22 BY MR. HIRSCHKOP:

23 Q Page 46. That's the section on Iran, is it not?

24 A Yes, sir.

25 Q Looking in the right-hand column midway down, it

1 says during 1989?

2 A Yes, sir.

3 Q Tehran continues its campaign to eliminate  
4 anti-regime dissidents. We believe the increase in these  
5 attacks can be attributed to the regime's fear that  
6 prominent business leaders presented a significant threat to  
7 Tehran during the leadership transition following the death  
8 of Aytollah Khomeini in June.

9 That's what you testified about a little while ago  
10 when Rafsanjani took over; is that correct?

11 A Yes, sir.

12 Q If you'd look at Exhibit No. 2, sir. That's for  
13 the next year. Patterns of global terrorism 1990.

14 Page 33 of that, sir, again is that the section on  
15 Iran?

16 A Yes, sir.

17 Q And they say in the bottom of this column on the  
18 left: Iran expansive support for terrorism continued during  
19 1990 although a number of terrorist acts attributed to  
20 Iranian state sponsorship dropped to ten from 24.

21 Was that your observation of the conduct of Iran  
22 during that time?

23 A Yes, sir.

24 Q And during that time, the next column on the right  
25 up, they talk several lines down. Iran has used its



1 intelligence service extensively to facilitate and conduct  
2 terrorist attacks. That actually has continued consistently  
3 through the nineties, haven't it?

4 A Yes, sir. Although I would same that -- conduct  
5 terrorist attacks -- I would say that its intelligence  
6 services have most recently usually found locals to carry  
7 out the attacks on its behalf. They have usually recruited  
8 local country nationals to carry out the attacks. Whereas  
9 in this time period it was more likely that the intelligence  
10 service would carry out the attack directly itself.

11 Q Now turn to Exhibit No. 3, please, sir.

12 A Yes, sir.

13 Q And Page 30. Do you have that?

14 A Yes, sir.

15 Q Is that the section on Iran?

16 A Yes, sir.

17 Q That says Iran continues to be a leading state  
18 sponsor of terrorism?

19 A Yes, sir.

20 Q The next paragraph: Iranian intelligence services  
21 continue to facilitate and conduct terrorist attacks  
22 particularly against regime of opponents living abroad.  
23 This policy is undertaken with the approval of the highest  
24 levels of then regime.

25 What it says here is what you observed in your

1 research; is that correct?

2 A Absolutely. There was considerable debate, if I  
3 may say so, among the Iran watchers for awhile about this  
4 judgment which was at the time controversial. But I must  
5 say that as a result of all of the information that's  
6 emerged since the Iranian reform movement has become so  
7 strong over the last few years, I would say that this  
8 statement is now very widely accepted by Iran watchers and  
9 is no longer at all controversial.

10 Q If you turn to Exhibit 5, please, sir. Can you  
11 identify this document?

12 A This is an Internet version of the 1993 patterns  
13 of global terrorism.

14 Q If you would turn -- it's the 4th page of the  
15 document, sir. It starts at the top: Protected civilian  
16 targets. The upper left-hand corner of the words. Do you  
17 see that?

18 A Let me just count four pages again.

19 Q In the middle of the page.

20 A Yes, sir.

21 Q The heading Middle Eastern overview?

22 A Yes, sir.

23 Q It says in the second paragraph: Iran's  
24 involvement in a sponsored for terrorist activity continues  
25 to pose significant threats in the Middle East, Europe,

1 Africa, Latin America and Asia.

2 That was our official government policy then, was  
3 it not?

4 A That was the judgment of the United States  
5 Government. Yes, sir.

6 Q And if you would turn -- I apologize we didn't  
7 number these. But it's three pages from the back of that  
8 document.

9 A Yes, sir.

10 Q The first full paragraph is like the second  
11 paragraph on the page. Iran remains the most dangerous. Do  
12 you see that?

13 A Yes.

14 Q Iran remains the most dangerous sponsoring the  
15 greatest source of concern to U.S. policy makers.

16 A Yes, sir.

17 Q That was the position of our government at that  
18 time?

19 A Absolutely, sir.

20 Q Turn to Exhibit No. 6.

21 A Yes, sir.

22 Q And there you have -- it's the 1994 patterns of  
23 global terrorism?

24 A Correct, sir.

25 Q And the second page from the back is the section

1 on Iran; is that correct?

2 A Yes, sir.

3 Q Iran is still the most active state sponsored  
4 international terrorism and seems to be directly involved in  
5 planning and executing terrorist acts. That was the  
6 position of our government?

7 A Yes, sir.

8 Q And that was the year that a French court handed  
9 down a verdict against the assassins of Mr. Bakhtiar; is  
10 that correct?

11 A Correct, sir.

12 Q Turn to Exhibit No. 7, sir.

13 A Yes, sir.

14 Q Patterns of global terrorism for 1995.

15 A Correct, sir.

16 Q On the top right corner turn to Page 27 of 64.

17 A Yes, sir.

18 Q The bottom of the page: Iran continued in 1995 to  
19 be the world's most active supporter of international  
20 terrorism. Do see that, sir?

21 A Yes, sir.

22 Q That was the position of our government?

23 A Absolutely, sir.

24 Q Turn to Exhibit No. 8, please.

25 A Yes, sir.

1 Q That's patterns of global terrorism for 1996?

2 A Yes, sir.

3 Q If you would, turn to the third page.

4 A Yes, sir.

5 Q It starts at the top, the language: Development  
6 of Iran's or Libya's petroleum resources. Do you see that?

7 A Yes, sir.

8 Q The next paragraph: The United States has trained  
9 more than 19,000 foreign law enforcement officials for more  
10 than eighty countries in such areas as airport security,  
11 bomb detection, maritime security, VIP protection, hostage  
12 rescue, crisis management, et cetera.

13 This is a document relative to a report on  
14 terrorism around the world by the United States Government  
15 where there are enormous expenditures not only by our  
16 government, multi-million dollars and foreign governments  
17 just to deal with terrorism around the world.

18 A A multi-billion expenditure, sir, on an annual  
19 basis.

20 Q If you would, turn two more pages. It's patterns  
21 of global terrorism for 1996.

22 A Yes, sir.

23 Q Iran is at the bottom of that page, sir?

24 A Yes, sir.

25 Q It says: Iran remains the premiere state sponsor

1 of terrorism in 1996. It continues to be involved in the  
2 planning and execution of terrorist acts by its own agents  
3 and by surrogates such as Lebanese Hezboullah and continue  
4 to fund and train terrorist groups.

5 And that was the position of our government then,  
6 was it not?

7 A Yes, sir.

8 Q If you would, look at Exhibit No. 9, sir.

9 A Yes, sir.

10 Q If you look at the 5th page, there's a bar graph  
11 in the middle of it. The page before has patterns of global  
12 terrorism 1997 at the top and then the page with the bar  
13 graph. Do you see that?

14 A Yes, sir.

15 Q It cites then in April a judgment by a court --  
16 I'm sorry. Below the bar graph in the first paragraph with  
17 the dot.

18 A Yes, sir.

19 Q In April a judge by a court ruling found the  
20 highest levels of Iran's political leadership followed  
21 deliberate policies murdering political opponents who lived  
22 outside the country. And the rest speaks for itself. Is  
23 this when the Fallahian warrant was issued?

24 A Yes, sir. By a jury in court.

25 Q In this report of 1997 they still found Iran

1 despite this conviction, despite this warrant to be the main  
2 leader of global terrorism around the world?

3 A Yes, sir.

4 Q Iran understands money, don't they?

5 A Iranian leaders are quite concerned about their  
6 country's economic circumstances.

7 Q The message we can send them from here is a  
8 financial message. Is that a message they will understand  
9 at some point?

10 A Indeed, I would suggest that the developments in  
11 Iran's parliament over the last two weeks after the U.S.  
12 Congress passed a law suggests that -- passed a law about  
13 how collection of the earlier judgments could be achieved, I  
14 suggest that this is a matter being followed very closely in  
15 Iran.

16 Q If you turn to the next to the last page of this  
17 document, Exhibit No. 9, it's a section on Iran. Do you see  
18 that?

19 A Yes, sir.

20 Q And, again, Iran remains the most active state  
21 sponsor of terrorism in 1997?

22 A Yes, sir.

23 Q Although we see this slightly divergent and  
24 different language over the years, it's still No. 1 in  
25 terrorism throughout all these years?

1 A Yes, sir.

2 Q Despite the Fallahian warrant, despite convictions  
3 in Bakhtiar, convictions in the Elahi matter, of the  
4 conspiracy to commit murder, despite convictions in other  
5 places around the world?

6 A Yes, sir.

7 Q Exhibit No. 10, global terrorism for 1998.

8 A Yes, sir.

9 Q And let's go on to number -- I don't want to beat  
10 a dead horse here. Exhibit No. 11.

11 A Yes, sir.

12 Q The section of Iran is on Page 34. Do you see  
13 that, sir?

14 A Yes, sir.

15 Q And there they say although there were signs of  
16 political change in Iran in 1999, the actions of certain  
17 state institutions to support terrorist groups made Iran the  
18 most active state sponsor of terrorism.

19 A Yes, sir.

20 Q These state institutions notably the revolutionary  
21 guard core and the minister of intelligence security --  
22 that's MOIS?

23 A Yes, sir.

24 Q Continue to be involved in the planning and  
25 execution of terrorist acts and continues to support a



1 variety of groups that use terrorism to pursue these goals,  
2 their goals.

3 A Yes, sir.

4 Q Look at Exhibit No. 12, please. This is a  
5 document from the director of intelligence of the CIA.

6 A Yes, sir.

7 Q This was secured in one of the other cases that  
8 was brought before this court?

9 A Uh-huh.

10 Q In 1999 the CIA document indicates --

11 THE COURT: Was this a request for a FOIA action?

12 MR. HIRSCHKOP: I believe it was, Your Honor. And  
13 I can't for a moment begin to envision what's in the blacked  
14 out section. So I won't try.

15 THE COURT: You're not supposed to.

16 MR. HIRSCHKOP: It's beyond my imagination.

17 BY MR. HIRSCHKOP:

18 Q In the second page of that document, sir.

19 A Yes.

20 Q Iranian involvement in terrorism is continued  
21 unabated since the death of Aytollah Khomeini last June.  
22 Although Rafsanjani has sought to improve relations with  
23 some western nations since directly assuming the presidency  
24 last August, events in the past year prove that Tehran  
25 continues to view the selective use of terrorism as a

1 legitimate political tool.

2           Going below the large blacked out section. The  
3 terrorist attacks carried out by Iran during the past year  
4 were probably approved in advance by President Rafsanjani  
5 and the other senior leaders.

6           Would that occur with your conclusions?

7           A     Absolutely. And, indeed, I would say that  
8 evidence available since this report would strengthen that.  
9 We could take out the world probably.

10          Q     Look at the next document, sir, No. 13.

11          A     Yes, sir.

12          Q     Have you seen this document before?

13          A     I don't believe so, sir.

14          Q     Look at the next document, No. 14.

15          A     Yes, sir.

16          Q     Again, it's an official document of the department  
17 of state.

18          A     Uh-huh.

19          Q     And this is for 1993?

20          A     Yes, sir. Excuse me, sir. I believe that the  
21 document is dated quite a bit earlier than that.

22          Q     That's the release date?

23          A     That was the release date.

24          Q     On the second page --

25                THE COURT: Can we find out what date this was

1 concerning?

2 THE WITNESS: Your Honor, I believe it says it was  
3 made available October 27, 1987.

4 THE COURT: Right. I'm reading it. The following  
5 paper on chronology was prepared by the office of the  
6 ambassador-at-large for counter-terrorism. So it would  
7 concern certainly in that era.

8 THE WITNESS: Yes.

9 MR. HIRSCHKOP: And the reason we submit this,  
10 Your Honor, is we have put before you two chronologies, one  
11 from Dr. Timmerman and one from Ms. Boroumand, and NAMIR  
12 chronology. And this chronology, if compared to those,  
13 would see that the state by themselves reached the same  
14 conclusions of the responsibility of the Iranian government  
15 directly for assassinations at least through the period of  
16 this document.

17 BY MR. HIRSCHKOP:

18 Q And if you would look at Exhibit 15, sir.

19 A Yes, sir.

20 Q This is March 13th, 2000 -- I'm sorry. The first  
21 page is a notice of a continuation of Iran emergency action.  
22 Are you familiar with that action by the President of the  
23 United States?

24 A Yes, sir.

25 Q And it says under notice of continuation of Iran

1 emergency. On March 15, 1995, I declare a national  
2 emergency with respect to Iran, first one to the  
3 International Emergency Economic Powers Act, to deal with  
4 the threat to the national security, foreign policy and the  
5 economy of the United States constituted by the actions and  
6 policies of the government of Iran including a support of  
7 international terrorism?

8 A Yes, sir.

9 Q If you look into the second paragraph.

10 A Yes, sir.

11 Q The national emergency declared on March 15, 1995,  
12 must continue in effect beyond March 15, 1997. Do you see  
13 that?

14 A Yes, sir.

15 Q Now turn to the next page.

16 A Yes, sir.

17 Q This is March 13, 2000, this document. The  
18 President has continued his Iran emergency treating them as  
19 a terrorist state through the present, has he not?

20 A Correct, sir.

21 MR. HIRSCHKOP: Your Honor, at this point we would  
22 ask the Court to take judicial cognizance of the judgments  
23 of at least the five tribunals here in the Washington area  
24 that have made findings that Iran was directly responsible  
25 for sponsoring terrorism and the death of American citizens

1 in some of the findings there.

2 THE COURT: Yes.

3 BY MR. HIRSCHKOP:

4 Q Look at the Exhibit 16, please, sir.

5 A Yes, sir.

6 Q Can you identify what that document is?

7 A Yes. This is from the U.S. Government Department  
8 of Energy, Energy Information Administration. It prepares  
9 reports about the energy situation in different countries  
10 and this is their most recent report prepared in February  
11 2000 about Iran.

12 Q What is the gross national product of Iran at this  
13 time?

14 A Iran has a very distorted economy, kind of like  
15 the Soviet style of economy with multiple exchange rates.  
16 So it's hard to translate their national income to U.S.  
17 dollar terms. And the range of figures that is used is  
18 anywhere from around 130 to \$300 billion. I'm much more  
19 comfortable with the lower range figure.

20 Q In your expert opinion what is the lowest?

21 A Certainly \$130 billion. I've seen no credible  
22 estimates.

23 Q \$130 billion?

24 A Billion dollars.

25 Q With a "B"?

1 A Yes.

2 Q And that gross national product is in great part  
3 dependent on oil exports, is it not?

4 A Yes, sir. For instance, the share oil exports  
5 will be approximately \$25 billion.

6 Q What are the oil reserves that Iran has?

7 A Iran claims to have some 96 billion barrels in oil  
8 reserves. It actually it may be a bit lower than that  
9 although recent discoveries suggest that the 96 billion  
10 figure may, in fact, be accurate.

11 Q In fact, they just discovered a fairly extensive  
12 new oil field, have they not?

13 A Correct, sir. They just discovered quite a large  
14 oil field.

15 Q And at the present rate of oil, roughly \$30 a  
16 barrel, using the lowest possible rate, what does it work  
17 out in trillions of oil reserves?

18 Let me correct something here. The 90 billion  
19 level you can't pull that --

20 A Exactly, sir. I mean, that's the oil that's in  
21 the ground. But because it requires the pressure from the  
22 remaining oil in order to bring the oil to the surface, you  
23 can't get it all out and with advances in technology now  
24 it's possible to get out as much as half. It used to be the  
25 rule of thumb which you could expect to get out about 30

1 percent. But technology has improved and now it's possible  
2 to get out about half.

3 Q So we're talking about close to 50 billion barrels  
4 of exportable oil over the course of the future?

5 A That's a very reasonable estimate, sir.

6 Q And that 50 billion works out, does it not,  
7 somewhere to one to three trillion dollars in value?

8 A Depending upon the price of oil. It would be  
9 certainly over one trillion dollars.

10 Q Iran also have vast natural resources and natural  
11 gas, do they not?

12 A Correct, sir. It's the world's second largest  
13 reserves in natural gas after Russia.

14 Q And with regard to oil, it holds almost 10 percent  
15 of the world's oil, does it not?

16 A It likes to peg its reserves at about 10 percent  
17 of the world in reserves which is why there has been some  
18 suspicion that they inflated it in the past. But the recent  
19 discovery suggests that they may actually have 10 percent of  
20 the world's reserves.

21 Q The official government document we put in here,  
22 Exhibit 16 on Page 2 has them at 9 percent of the world's  
23 total oil and it discusses the giant on-shore fields?

24 A Yes, sir.

25 Q Iran also has other vital natural resources or

1 valuable natural resources, does it not?

2 A Yes, sir. But nothing to compare with those two.

3 Q Given -- let me ask you this.

4 How much does Iran spend annually on terrorism?

5 A Well, Iran spends on terrorism various different  
6 types. For instance, the support for the foreign terrorist  
7 organizations that were involved in the other cases that  
8 were litigated here, like, Hamas and Hezboullah, has support  
9 for international terrorism, as the U.S. Government usually  
10 defines it, somewhere between 50 and \$200 million a year.

11 The information is not exactly precise, in part,  
12 because Iran is secretive and, in part, because it's a  
13 question of how do you classify Iran's support for various  
14 front organizations that are used by the terrorist to find  
15 and identify recruits. But in addition Iran also spends  
16 money for its campaign against Iranian dissidents abroad  
17 which is not usually included in the calculation of the  
18 amounts involved.

19 THE COURT: How much would that be for the Iranian  
20 dissidents abroad?

21 THE WITNESS: We have much less information about  
22 that. But given the information that has become available  
23 in the last year about the size of ministry of information  
24 and security of the MOIS, it's very hard to believe that  
25 we're talking about much below that. In fact, I would think



1 that we're talking about something in the same order of  
2 magnitude.

3 THE COURT: 50 to 200 million which would be  
4 through Hamas and other satellite organizations?

5 THE WITNESS: Yes, Your Honor. I mean, in  
6 addition a substantial sum of money for MOIS's targeting  
7 Iranian dissidents abroad and that we have much less  
8 information about what they spend. But it would certainly  
9 be a very substantial sum. And I would -- it's a very rough  
10 guess on my part but I would think it's in the same order of  
11 magnitude of what they spend for Hamas and Hezboullah.

12 BY MR. HIRSCHKOP:

13 Q So we're looking at 100 to \$400 million annually  
14 spent of Iran to export terrorism around the world?

15 A Including the amount spent of targeting Iranian  
16 dissidents abroad. Yes, sir. I wish to emphasize that  
17 that's a very approximate figure.

18 Q Judge Lambert actually in the Flatow case asked  
19 you -- was interested in that figure, was he not?

20 A He was specifically interested in how much Iran  
21 spends on supporting groups like Jihad, Hezboullah and  
22 Hamas.

23 Q I believe you told him at that time it took a  
24 multiple of that to get their attention?

25 A The larger the multiple, the more attention that

1 they're going to pay.

2 Q Given these other verdicts now, do you think it's  
3 a good reason to keep the pressure on Iran to stop this  
4 terrorism?

5 A I would certainly say that stopping the terrorism  
6 against Iranian dissidents abroad is going to be more  
7 difficult to accomplish than stopping the terrorism in  
8 Lebanon and the Israeli theater because the Iranian  
9 government regards the terrorism against Iranian dissidents  
10 abroad is something that is much more important to its vital  
11 state interest.

12 Q In my interview with you, you indicated to me that  
13 you thought a billion dollars is something that might have  
14 an effect and get their attention?

15 A The larger the sum, the more attention we're going  
16 to get. But I certainly would say that it's going to be  
17 quite difficult to get their attention on an issue like  
18 concerning us here because this is something that they feel  
19 is more important to them than would be the case for  
20 something like the Flatow case or the other cases you  
21 mentioned.

22 Q And I'm talking about punitive damages on a  
23 billion dollars. With regard to compensatory damages, has  
24 the new Act of Congress started to get their attention?

25 A Well, the recently enacted law which I believe the

1 President has already signed --

2 THE COURT: The one that was signed in October.

3 THE WITNESS: Yes, Your Honor. That has gotten a  
4 great deal of attention by the Iranian authorities including  
5 a session on October 31st of the Iranian parliament which  
6 enacted a bill which immediately went through the other  
7 stages of approval necessary to become a law in Iran that  
8 same day which was designed as a counter measure to the U.S.  
9 law.

10 THE COURT: Tell me something about that bill?

11 THE WITNESS: What the Iranians did was to direct  
12 the Iranian justice ministry to represent those who wish to  
13 sue the United States Government in court for U.S. actions  
14 that had caused suffering or injury to Iranians. U.S.  
15 actions that violated international law.

16 THE COURT: Did they put any dollars and cents?

17 THE WITNESS: No, Your Honor. But subsequent  
18 reports in the Iranian press include statements by the  
19 members of the parliament and by Iranian making it clear  
20 that they thought that the sums for which they should sue  
21 would be larger than the amount that is going to be received  
22 by these -- those who will receive compensation until the  
23 law passed here in October.

24 THE COURT: What kind of comments were reported in  
25 the paper from those who were present, those who spoke

1 afterwards, reported it in the paper concerning the United  
2 States President's signature of the bill in October?

3 THE WITNESS: The thrust of the comments were to  
4 say that the United States had also been responsible for  
5 terrorism. There were some subsidiary comments but  
6 definitely subsidiary saying that all charges against Iran  
7 weren't particularly proved. But the main thrust of the  
8 comments were to say, well, that the United States has also  
9 been guilty which sort of implies that we know we've done  
10 wrong but you've done wrong even more.

11 So I took this in many ways as an indication that  
12 the Iranian government realizes that they have a problem in  
13 their international relations because of their sponsorship  
14 of terrorism and this is a weakness for them.

15 BY MR. HIRSCHKOP:

16 Q They also have problems if they want to export oil  
17 in reaching some reproachment with the European and American  
18 communities, do they not?

19 A The European government has been prepared to carry  
20 regular economic activities with Iran. Iranians have  
21 generally felt that's sufficient for their day-to-day oil  
22 activities. But in order to attract investment by  
23 international companies into Iran, the Iranian government  
24 has felt it's very important to be involved with the U.S.

25 Q What we have seen in response to the Act --

1 MR. HIRSCHKOP: Your Honor, I point out to the  
2 Court this case is not covered by that Act. The Act was  
3 limited to certain cases. I won't go into the politics of  
4 it. We will just have to deal with that in another venue?

5 THE COURT: This case is not covered in the Act in  
6 October?

7 MR. HIRSCHKOP: Yes, Your Honor. We would  
8 anticipate an amendment to that. It's nothing against this  
9 case.

10 THE COURT: And you have the legislative history  
11 on it to indicate what you just said.

12 MR. HIRSCHKOP: Yes, Your Honor. We, indeed, have  
13 dealt directly with the senators who sponsored it when we  
14 found out --

15 THE COURT: Is that part of the --

16 MR. HIRSCHKOP: No. It was politics and I didn't  
17 think it was something I wanted to introduced. I don't know  
18 the propriety of doing that.

19 BY MR. HIRSCHKOP:

20 Q So given all the things that have happened for the  
21 first time, we see Iranian paying some attention because of  
22 finances?

23 A The first time publicly. Yes, sir.

24 Q And the attention they have paid us tit for tat.  
25 You do this to us and we'll do that to you. At least it's

1 attention?

2 A Yes, sir.

3 Q But they haven't cut the budget to Hezboullah,  
4 have they?

5 A No, sir. After all the U.S. court actions weren't  
6 directed at stopping Iranian financial assistance to  
7 Hezboullah. They were directed at preventing Iranian  
8 attacks on American citizens. And it's quite possible that  
9 Iran could continue at a large scale that support Hezboullah  
10 while instructing Hezboullah to be extraordinarily careful  
11 not to cause any American casualties.

12 Q It's really that well run, Hezboullah? They can  
13 be so extraordinarily careful?

14 A They can make every effort to do that.

15 Q They can identify everybody on a bus before they  
16 blow it up in the future?

17 A No, sir. But whether than targeting Americans for  
18 kidnapping, the way Hezboullah did in 1980, Hezboullah has  
19 not done that. In fact, Hezboullah has gone out of its way  
20 to try to prevent their being American casualties. Iranians  
21 can be very good at figuring out the minimum it has to do in  
22 order to reduce international condemnation and financial  
23 penalties.

24 Q In my conversations with you, Dr. Clawson, you  
25 indicated that if a judgment as far as compensatory damages

1 was to continue to get there attention, it would have to be  
2 somewhere in the range of \$50 million or so?

3 A Well, I would just simply say, sir, that the  
4 larger the judgment the likely we are to get attention.

5 Q With regard to Iran, last year MOIS did  
6 acknowledge that its agent Sadeed had engaged in wide spread  
7 terrorism at least internally, did they not?

8 A That's correct, sir. Although the minister  
9 insisted that these were rogue agents.

10 Q Have they all been executed, the rogue agents?

11 A One of the rogue agents committed suicide by  
12 drinking hair removal in prison. It's widely believed that  
13 he was killed in prison.

14 Q Aytollah Fallahian, anything done to him?

15 A No, sir.

16 Q And Rafsanjani, anything bad done to him?

17 A No, sir, not at all.

18 MR. HIRSCHKOP: Thank you. Nothing further.

19 THE COURT: Thank you, Dr. Clawson. We're going  
20 to take a ten-minute recess and come back and continue.

21 (Witness excused.)

22 (Recess.)

23 MR. HIRSCHKOP: We have gotten daily transcript.

24 We haven't had yesterday's delivered yet. The arrangement

25 were the court reporter would deliver your copy directly to

1 your office or the marshals.

2 THE COURT: We've received it.

3 MR. HIRSCHKOP: Tomorrow is a holiday. So my  
4 understanding is they will deliver it to the marshal's  
5 office. We'll make some arrangement with them. If they get  
6 it to us, should we try and messenger it out tomorrow or  
7 being it over Monday?

8 THE COURT: Bring over what? The transcript?

9 MR. HIRSCHKOP: For today's proceeding. Yes.

10 THE COURT: Monday is good enough, isn't it?  
11 Monday is fine. If it's possible, Monday morning. Thank  
12 you for asking.

13 MR. HIRSCHKOP: I call Dr. Ganji to the stand,  
14 please.

15 MANOUCHEHR GANJI, PLAINTIFF WITNESS, SWORN

16 DIRECT EXAMINATION

17 BY MR. HIRSCHKOP:

18 Q State your full name, please.

19 A Manouchehr Ganji.

20 Q Dr. Ganji, what is your background? Where were  
21 you educated?

22 A I received my BA and MA at the University of  
23 Kentucky in political science. I did my Ph.D. at the  
24 graduate institute of international studies in Geneva and I  
25 got a post-doctorate degree at the University of Cambridge



1 in England.

2 THE COURT: Is it a matter of security that you  
3 not give your address?

4 THE WITNESS: Yes.

5 MR. HIRSCHKOP: If Your Honor please, his resume  
6 is Exhibit 102.

7 BY MR. HIRSCHKOP:

8 Q Dr. Ganji, tell us briefly what your work history  
9 has been?

10 A After I graduated from University of Cambridge, I  
11 started with the international labor organization in Geneva  
12 in the section on application of international labor  
13 conventions and recommendations. Then I was employed by the  
14 United Nations secretariate in the division of human rights.  
15 I worked in New York for three years and a half.

16 Then I went to the University of Tehran. I became  
17 associate professor of international law and international  
18 organizations. And I became dean of the faculty of law.  
19 Then I became -- I did quite a lot of the studies for United  
20 Nations in the field of human rights. I was the first  
21 special rapporteur on apartheid and racial discrimination in  
22 South Africa, southwest Africa and southern Rhodesia at that  
23 time, Zimbabwe today.

24 I did a study for the United Nations on  
25 realization of economic, social and cultural rights in all

1 countries. For that, I traveled to some seventy countries.  
2 That's while I was teaching at the University of Tehran.  
3 Then I became advisor to the prime minister of Tehran who  
4 was executed right after the revolution, Hoveida Amirabbas.

5 Q Could you try and spell that for us please.

6 A Hoveida Amirabbas. H-O-V-E-I-D-A. His last name  
7 is A-M-I-R-A-B-B-A-S.

8 Q Thank you, sir.

9 A You're quite welcome.

10 Then after two years he asked me to become  
11 minister of education. I was minister of public education  
12 for two years and three months. And one year of that I was  
13 also minister of the science and higher education.

14 Q During that period of time did you have a chance  
15 to work with Dr. Cyrus Elahi?

16 A Yes. He finished his Ph.D. He sent his  
17 application for a position at the faculty of political  
18 science of Tehran University. I was then the dean of the  
19 faculty of law. Unfortunately, because of his activities in  
20 the United States, they didn't approve his employment at the  
21 University of Tehran. But I recommended to him personally  
22 to come back and make an application at the national  
23 university.

24 Fortunately, at national university his  
25 application was accepted and he became assistant professor

1 of political science and from the very first month of his  
2 stay in Iran he joined a group. It had a think tank group  
3 which met at least two or three times a week and submitted  
4 reports on economic, social and political developments in  
5 Iran to the queen in the hope of improving the situation.

6 It was not publicly known but right at the  
7 beginning it had two or three members. At the end it had  
8 about 100 members. Dr. Elahi was one of its first members.

9 And then from there when I became minister of  
10 education I took him as my advisor to the minister of  
11 education. And he became also responsible for international  
12 schools in Iran. Afterwards when the French revolution --

13 Q I'm going to get to that. When he was your  
14 deputy, assistant of minister of education, did you and he  
15 accomplish certain changes in education in Iran particularly  
16 with respect to women?

17 A Yes. We did quite a lot.

18 Q What did you do?

19 A The most important thing was the content of the  
20 textbooks. Elahi and I found out that, unfortunately, for  
21 several years, and the clerics that took over, had  
22 infiltrated into the ministry of education in the section  
23 where they were preparing textbooks on social sciences. And  
24 in particular Behshtei, B-E-H-S-H-T-E-I, Behshtei, Mr.  
25 Rajai, R-A-J-A-I, and Mr. Bahonar, B-A-H-O-N-A-R, three top

1 revolutionaries when Khomeini came back they held the  
2 highest position.

3           One became present of the republic, Islamic  
4 Republic. The other one became prime minister. The other  
5 one was right-hand man of Khomeini until he was killed in  
6 the bomb explosion the second year of the revolution.

7           They had infiltrated for a number of years and  
8 they were preparing textbooks and nobody knew this. So  
9 Elahi and I, we found out we arranged for those textbooks to  
10 be changed. Then the most important thing that we did  
11 together, unfortunately, the teachers were receiving their  
12 salaries was half as much as the government employees.

13           To make a living they had to find second or third  
14 jobs. And we worked very hard and, finally, in the final  
15 days eight months before evolution I convinced the Shah and  
16 the cabinet to change the pay scale for the teachers and  
17 their pay scale was changed.

18           We created a big university for teacher training  
19 from elementary school to the end of high school which  
20 didn't exist. They were small teacher training schools but  
21 not universities. We only had one teacher training  
22 university which had only 1,600 students and the one we had  
23 created was going to have altogether about 50,000.

24           We did a great thing to improve the content of  
25 education and also respectful teachers in society. We

1 organized the -- we call the day of the new teachers day.  
2 16th of Mehr, M-E-H-R, which is in October. And we have  
3 commemorated that for two years.

4 Q Did you also change the traditional dress of women  
5 in education?

6 A A number of years before I became minister of  
7 education the clerics had convinced the regime to allow them  
8 to have Islamic schools which were not private. Private  
9 they could have had it. But public that means they were  
10 taking public funds and they were just allowing the  
11 fundamentalist Muslims to enter.

12 Iran is a country where there are Muslims  
13 Christians, Jews, Bahais and many others. To begin with,  
14 the Islamic Republic of Iran is an insult to the rest of the  
15 cities in Iran. At that time they were doing the same  
16 thing.

17 They had convinced the regime to let them have  
18 Islamic schools. So with public funds, paid by the Jews, by  
19 Christians, by Bahais, they were funding these schools and  
20 then these schools they were teaching them to be  
21 fundamentalists.

22 So the girls would enter the Islamic school for  
23 girls. They had to cover themselves from head to toe. I  
24 issued an order that no girl could enter the school no  
25 matter what school with that garb because they were forcing

1 -- the parents were forcing children seven years old, six  
2 years old to cover themselves totally and that was not the  
3 free will of the individual.

4 Q Dr. Ganji, tell the Court, if you will, about Dr.  
5 Elahi when he went to Iran? Why did this man, raised and  
6 educated in the United States, why did it go to Iran?

7 A Thank you for asking that question because it's  
8 something that I would very much like to say.

9 Yesterday and today there have been references to  
10 funding for the organization, help and relationship with the  
11 organization, our organization and the United States. I  
12 must say Elahi and I we were proud and I'm proud of what I  
13 have done and what I'm doing today. Elahi, he had become an  
14 American citizen but he was a citizen of the world. And  
15 then he was born in Iran. He was a believer in democracy  
16 and freedom. And he loved to do whatever he could for the  
17 country of his birth.

18 So Elahi and I and the rest who at one time there  
19 was a convergence of interest of the United States and ours.  
20 Ours was to free our country. The U.S. interest was to free  
21 the hostages held in Lebanon. So it was an honest  
22 relationship.

23 We were not spies for anybody. We didn't do  
24 anything of that sort. We would do what our heart asked us  
25 to do, to do whatever we could for the women of Iran, for

1 the children of Iran, for the youth of Iran, for the workers  
2 of Iran, for the people of Iran. And we were fortunate to  
3 have six hours a day radio broadcast. And we talked of  
4 nothing but civil society, separation of church and state,  
5 freedom, democracy, freedom of information, live and let  
6 live.

7 That's why Elahi and I, that's what brought us  
8 here together.

9 Q Did mister -- how did Mr. Elahi feel about this  
10 country, about being an American citizen?

11 A I think Elahi felt like I do. We were -- Elahi  
12 came to this country much younger than me. I came to this  
13 country at age 17. He came here earlier. Elahi loved this  
14 country and the people and the system.

15 Any system has shortcomings but this system is the  
16 best devised in the world when it comes to democracy and  
17 freedom. So he wanted to have the same thing in his country  
18 of birth.

19 Q In 1979 when it became clear that the Shah would  
20 likely be leaving or there was severe damage or danger, the  
21 Shah's regime might be over thrown, did you and Dr. Elahi  
22 stop doing what you were doing?

23 A No, we didn't.

24 Q Did you realize there was danger in doing what you  
25 were doing?

1           A     Yes.  But I think Elahi was accustomed to tracking  
2 over dangerous grounds and I was accustomed to it.

3           Q     Does it make you any less fearful of getting  
4 murdered?

5           A     I don't fear death.

6           Q     What about Mr. Elahi?

7           A     He didn't either.

8           Q     Now did you have to take extreme cautions  
9 throughout all this period since the revolution to stay  
10 alive?

11          A     Yes.  Of course.  In Iran I was hiding after the  
12 revolution.  Fortunately, I had sent my wife and children to  
13 the United States.  I have a brother who is a heart surgeon  
14 who had been living in the states since 1953.  So I sent  
15 them to my brother in Spokane, Washington.

16          Q     Let me interrupt you for a moment.  I'm going to  
17 get to that.  Did there come a time when a list of 200  
18 people was published list in mosques throughout the country  
19 of Iran?

20          A     Yes.

21          Q     What was that list about?

22          A     The problem was that both Elahi and I, we knew  
23 some of the revolutionaries from our student days.  Elahi  
24 knew Mr. Yazdi.  That's Ebrahim, E-B-R-A-H-I-M.  Last name  
25 Y-A-Z-D-I.



1 Elahi knew Mr. Yazdi. I knew Mr. Chamran,  
2 C-H-A-M-R-A-N, two of the top revolutionaries. They used to  
3 come and submit their petitions to the United Nations human  
4 rights division to me.

5 So we knew very well how fundamentalist they were  
6 and what they were looking for, the system of government  
7 that they wanted to implant in Iran.

8 And they despised us more than anybody else  
9 because they felt that we were helping the regime to prolong  
10 the life of the regime by talking about freedom, about  
11 talking about opening up.

12 You see, I was responsible for the international  
13 committee of red cross in Iran and going to Iranian prisons  
14 to make sure that torture of prisoners didn't take place. I  
15 convinced the Shah two years before the revolution to  
16 complete an agreement with ICRC. In fact, prison conditions  
17 had improved a great deal right before.

18 So the revolutionaries despised Elahi and I more  
19 than anyone. For that very reason they had prepared a list  
20 of 200 people and placed it in all the mosques. My name, my  
21 wife's name, Elahi's name and other friends of mine, their  
22 names wasn't on that list. And they had asked the people to  
23 go burn the houses of these people, kill them, kill their  
24 children and eliminate them. So Elahi knew very well that  
25 he was endanger at that time.

1 Q Now, as a result of being on a list, did you  
2 determine you had to leave Iran?

3 A Well, before Khomeini entered Iran and after  
4 entering Iran, we were entertaining hopes that it could be  
5 prevented. We were in touch -- I was in touch and Elahi  
6 indirectly with some army officers; namely, General Badrei,  
7 B-A-D-R-E-I, who was executed the very first day of  
8 revolution. He was assassinated.

9 So we were hoping that they would prevent it. But  
10 afterwards we knew that our life was in danger. So I was  
11 hiding in different places. I tried to escape Iran from  
12 Abbaras, some 800 miles from Tehran.

13 Q Could you spell that city?

14 A Abbaras, A-B-B-A-R-A-S.

15 Q If I may, sir, did you send your wife and children  
16 to live with your brother in Spokane during this period?

17 A Yes. Two months before revolution.

18 Q Your brother, you say, has been a heart surgeon  
19 there for many years?

20 A Yes.

21 Q And thereafter the Shah left almost immediately  
22 after that?

23 A I was in Iran.

24 Q After your wife and children were sent to  
25 Charlotte?

1 A Yes.

2 Q Is one of your sons now working in Texas  
3 presently?

4 A My son is working in Texas with hot energy.

5 Q Did you talk to General Badrei about having some  
6 sort kind of coup during that period?

7 A Yes.

8 Q Was Badrei head of the royal guard?

9 A No. He was at that time commander of ground  
10 forces.

11 Q This is coup against the revolution not against  
12 the Shah?

13 A It was against the revolution but Shah had left  
14 the country. Shah did not want to participate in anything.  
15 If Shah had participated, probably this would not have  
16 happened at that time.

17 Q I don't know if you said it. Was Badrei executed  
18 at the very beginning of the revolution?

19 A He was assassinated the very first day of the  
20 revolution. And I knew that I would be next if they could  
21 find me.

22 Q When you tried to escape and were not able to  
23 escape, did you then start taking on disguises?

24 A I went underground the day of the revolution. And  
25 I started growing beard and I started wearing peasant

1 clothing and pretending to be a farmer.

2 Q Mr. Elahi stayed in Iran despite the danger to  
3 him. Was that to shelter you?

4 A Yes.

5 Q Did you hide out in his house?

6 A I was hiding in several places. First, I was  
7 hiding for sometime in Kerman which I couldn't leave Iran  
8 from under bus. I came to Kerman K-E-R-M-A-N. Then I came  
9 to Tehran. I stayed with friends. I changed two times.  
10 Then I stayed with my sisters. I thought they wouldn't come  
11 there. They wouldn't think that I was staying with my  
12 sister for a month.

13 Then the last month of my stay I stayed with the  
14 Elahies.

15 THE COURT: Are we talking 1979 to 1980?

16 THE WITNESS: We are talking back 1979.

17 THE COURT: But then, as it continued, then it go  
18 into 1980?

19 THE WITNESS: No. It went to summer of 1979. It  
20 started in February of 1979 and it went to the summer of  
21 1979.

22 BY MR. HIRSCHKOP:

23 Q After hiding out in Mr. Elahi's house for a period  
24 of weeks, did he then and some others secret you to the  
25 northern border and help you to escape into Turkey?

1           A     Yes. I was in touch with my friends in the  
2 ministry of education. I had one of my colleagues who had  
3 become head of the office of the new prime minister. So I  
4 was getting information. There wasn't a caller I.D. in  
5 Iran. So you could telephone. They didn't know where the  
6 call is coming from.

7                     I was telephoning and getting atmospheric and  
8 information of I can manage my escape. Finally, Elahi and I  
9 in the ministry of education said that he could deliver the  
10 parcel safely to its destination. So Elahi went and brought  
11 him to me.

12                    We sat. We discussed and, finally, we arranged to  
13 leave Tehran. The man who was helping me out was traveling  
14 in a car ahead of us. Elahi and I and his former wife and  
15 another friend, we were in the car behind.

16                    They took me to a place near the frontier. Then I  
17 was handed over to a colleague who happened to be a  
18 colleague of mine at the ministry of education. He helped  
19 me to go to a village and from that village -- the whole  
20 story I have related it in this book five years ago in  
21 French. I am now writing it in English and this book in  
22 Persian came out. It covers all this.

23           Q     The book you're holding up in French, it says Etre  
24 Persan?

25           A     Etre Persan.

1 Q What does that mean?

2 A To be a Persian. How it is to be a Persian these  
3 days.

4 Q Why did you write that book?

5 A Write it?

6 Q Why?

7 A Why did I write? I wanted to let the Europeans  
8 know what is happening in Iran. This came out in 1995. The  
9 picture on the cover shows why I wrote it. Look at the  
10 woman of Iran, how they are dressed, completely covered.

11 Q And was that a best seller in France?

12 A Yes. It sold 180,000 copies.

13 Q When Mr. Elahi helped you to escape from France,  
14 it was at great personal risk, was it not, to his own life?

15 A Very much.

16 Q To help you escape from Persa to go to France?

17 A Very much so.

18 Q And did he remain in Iran then himself?

19 A Yes. He had to remain there in Iran because he  
20 left a few days afterwards because he had to arrange for his  
21 carpets and things which were intact inside the apartment  
22 because I was there. And he had to hand over the apartment  
23 to the owner and then leave.

24 Q But he knew there was a list of 200 people with  
25 his name on it that was calling for his death?

1 A Yes. Elahi was a very courageous person.

2 Q When he got back to his house in Tehran after  
3 taking you to the norther border, what did he find?

4 A The revolutionary guards entered that house the  
5 day after they returned to Tehran looking for me. But,  
6 fortunately, they couldn't find me.

7 Q Did his wife then leave to go to the United  
8 States?

9 A Yes. His wife left first and Elahi left  
10 afterwards.

11 Q Where did Mr. Elahi go when he left?

12 A He came to New York. His father was practicing  
13 there.

14 Q Why you were in Iran, did you and Mr. Elahi and  
15 some others found the Flag of Freedom Foundation?

16 A Yes.

17 Q What was that essentially?

18 A This is a time that we were in touch with General  
19 Badrei. It was to liberate Iran from the clerical regime.

20 Q When you left Iran, where did you go?

21 A I came to the United States. I went to Spokane.

22 Q How long did you stay in Spokane?

23 A For a year. First my children and I were  
24 delivering newspapers to 300 houses to make living. Then  
25 the university, Catholic University, they gave me an

1 opportunity to teach two courses there.

2 THE COURT: Did you come in on a visa that allowed  
3 you to teach in America or to live here temporarily?

4 THE WITNESS: Fortunately, Your Honor, I had come  
5 with my wife and children. Both of my children were born in  
6 this country when I was teaching at the University of  
7 Kentucky, College of Diplomacy, and when I was working in  
8 New York at the U.N. So we used to come to the states every  
9 now and then.

10 Then I have a passport. In it I have a five-year  
11 visa. Fortunately, my visa was still valid. The passport  
12 had expired. I renewed my own passport but visa was valid.  
13 So with that visa I entered Seattle and then I went to  
14 Spokane.

15 BY MR. HIRSCHKOP:

16 Q So you taught at Kentucky. Do you still route for  
17 the wild cats, the big blue to win their big basketball  
18 games, I assume?

19 A Yeah.

20 I didn't finish this. Then I worked at Gonzaga  
21 university. My salary was very low. I couldn't send my  
22 children to university. My daughter was graduating. So I  
23 was looking for a job. Fortunately, I knew the high  
24 commissioner for refugees, United Nations high commissioner  
25 for refugees. Sadredin Agha-Khan. Sadredin,



1 S-A-D-R-E-D-I-N, Agha-Khan, A-G-H-A hyphen K-H-A-N.

2 He introduced me to some of his friends who were  
3 Esmaliit, E-S-M-A-L-I-I-T. The man was creating a  
4 foundation to improve the education of poorest Esmaliits in  
5 Texas. So I was offered to be head of that foundation and  
6 also they said that they would provide funds to improve  
7 condition of education of poorest Esmaliits in India and  
8 Kenya.

9 So I went to Dallas and from the minute I went to  
10 that position I wrote Elahi and Elahi became the second man  
11 in the foundation in Dallas.

12 Q Is this the SECUR, S-E-C-U-R, foundation?

13 A Yes. This is the SECUR. It's Social Economic and  
14 Cultural Upliftment and Rehabilitation Foundation.

15 Q Where had Dr. Elahi been when you got him to come  
16 to Dallas to join you?

17 A He was in Michigan. He was teaching there.

18 Q Did his wife come with him to Dallas?

19 A Yes.

20 Q While you're in Dallas, did you both engage in  
21 activities with regard to the Iranian situation?

22 A Yes.

23 Q What did you do?

24 A Right from the beginning we formed Iran society in  
25 Dallas which still prevails with the aim of informing the

1 American people about what is happening in Iran. And then  
2 together we created a newsletter bi-monthly called Iran and  
3 Persian Gulf Report in English which survived,  
4 unfortunately, no longer than a year because of financial  
5 situation. We didn't get many subscribers.

6 Q Did you both engage in radio and television  
7 interviews extensively?

8 A Yes. I was traveling constantly. I went to  
9 University to Bridgeport. I went to University of South  
10 Carolina. I went to University of International, University  
11 of Miami. I went to University of Kentucky and Elahi as  
12 well and constantly on the road to Los Angeles, to  
13 Washington talking about situation in Iran, radio and  
14 television and academian.

15 Q Now what is the constitutional council?

16 A Constitutional council was at one time during the  
17 course of events in the late -- in the early eighties some  
18 of the former Shah had become very active and he wanted to  
19 create constitution council.

20 So Iranians in different parts of the world were  
21 voting to elect members of this council with the aim and  
22 purpose of which to help towards liberation of Iran. Elahi  
23 was elected to that. I was elected to that and we were both  
24 active as long as it prevailed and it existed. It didn't  
25 exist more than two years.

1 Q At that time what was Iran's spending annually to  
2 harass Iranian nationals living in the United States?

3 THE COURT: Is the word used to harass?

4 MR. HIRSCHKOP: Harass. Yes, Your Honor.

5 BY MR. HIRSCHKOP:

6 Q At that time?

7 A They have never given any figures. There is a  
8 foundation in the United States which before revolution it  
9 was a foundation set up by the Shah of Iran. It's in New  
10 York City. That foundation was called Panda foundation.  
11 Then that foundation was turned over to the Islamic  
12 Republic.

13 They run that foundation. The capital of that  
14 foundation must be something like -- I'm just taking a guess  
15 -- but definitely not farfetched, something like 2 or \$300  
16 million.

17 The revenues I don't know how much. So all that  
18 money is being spent in this country either in so-called  
19 mosques or Islamic groups or their agents. And,  
20 unfortunately, in spite of the laws, the United States have  
21 not been able to go after and find out and get the records  
22 of how they spend their money. So definitely, definitely a  
23 great deal of that money is going into activities which are  
24 illegal in this country. I mean, it is illegal elsewhere.

25 Q In 1985 did you speak with the son of the Shah

1 about going to the national liberation front in Paris?

2 A Yes. At that time the son of the Shah, one of his  
3 advisors telephoned me from Washington. I had then that  
4 foundation, SECUR foundation, unfortunately, the benefactors  
5 had gone bankrupt. So to make a living I had created a  
6 bakery in Dallas called Croissant Royal.

7 Q Did you speak with the son of the Shah is my  
8 question?

9 A Yes. They telephoned me. They asked me to come  
10 to Washington. And they wanted to talk to me about an  
11 organization which was in France and which wasn't doing what  
12 it should be doing.

13 So I came to Washington. I met with him. And it  
14 was on his recommendation to the benefactors of the  
15 organization, which they had been talking here yesterday and  
16 today, that I accepted in going to Paris and heading that  
17 organization.

18 THE COURT: The name of the son of the Shah was  
19 Reza Pahlavi?

20 THE WITNESS: Reza Pahlavi. Yes.

21 BY MR. HIRSCHKOP:

22 Q Dr. Ganji, I apologize for cutting you off.  
23 You've got a great deal to say, I know. But if you can just  
24 answer my question. I've got to finish up with you today.

25 A Yes.

1 Q Did you go to Paris to join the national  
2 liberation front in 1985?

3 A Yes.

4 Q What did they do in Paris, the national liberation  
5 front?

6 A Well, they did have a radio program which was four  
7 hours a day being to Iran. The rest, they were supposed to  
8 be in touch with developments inside Iran and be in touch  
9 with some clerics which I never found out really. And they  
10 had a newspaper coming out every week for the exiled  
11 community mostly. That's it.

12 Q Did you ask Dr. Elahi to come join you in Paris?

13 A I did immediately -- no, not immediately asked Dr.  
14 Elahi to come and join me. Before I went to Paris, I went  
15 to Los Angeles. Elahi had gone there. He was heading a big  
16 grocery store that his relative of his wife had created. I  
17 went to him. I stayed at his house for three days. And we  
18 talked every thing and I said I'll go first. I'll prepare  
19 the grounds for him to come.

20 Q What was his relationship with his wife at the  
21 time?

22 A I really can't tell. It seemed to be all right.

23 Q In mid-1986 did Dr. Elahi join you in Paris?

24 A Yes.

25 Q And in December 1986 did you and he found the Flag

1 of Freedom Organization?

2 A Yeah.

3 Q What were the activities of the Flag of Freedom  
4 Organization?

5 A As you explained, I went and joined --

6 Q Go ahead and answer please.

7 A I joined the former prime minister of Tehran. His  
8 name is Ali Amini, A-L-I, last name, A-M-I-N-I.

9 He was heading front for liberation of Iran. I  
10 joined him. I was executive director of the front for  
11 liberation of Iran. After about seven or eight months I  
12 found out that it was impossible to do what Dr. Amini wanted  
13 me to do.

14 So some dissensions and differences led to my  
15 departure from that organization and then Elahi, we fell  
16 back to the type of freedom which we had created original  
17 sale in Iran while he were in hiding. So the Flag of  
18 Freedom Organization started its activities in Paris as of  
19 the summer of '86. That's when I left the front for  
20 liberation for Iran.

21 Q Can I refer you to some books there, large black  
22 books that you have as exhibits.

23 A Yes.

24 Q Would you look at Exhibit No. 104, please. Can  
25 you identify what that is, sir?

1           A     Yes, of course. That is going to political action  
2 of Flag of Freedom Organization. Of course, the original is  
3 in Persian. We prepared this and we sent it inside the  
4 country in various sizes and I can say that inside the  
5 country we circulated it to the point of at least 70 or  
6 80,000 and outside the country for press media.

7           THE COURT: Sir, how could your organization exist  
8 financially? How could you exist financially and Dr. Elahi?  
9 What funded this?

10          THE WITNESS: I was explaining that. There was  
11 funding being received from the United States.

12          MR. HIRSCHKOP: May I approach the bench, Your  
13 Honor.

14          THE COURT: Yes.

15          (Discussion held off the record.)

16          THE COURT: We're going to take advantage of the  
17 interruption to stop now for luncheon and to have a good  
18 luncheon and come back and continue with you, Doctor, as  
19 soon as we have finished our luncheon. So we will be back  
20 at 1:30 this afternoon.

21          [Proceedings adjourned at 12:18 p.m. to reconvene  
22 at 1:30 p.m. this same day.]

## AFTERNOON SESSION

[1:30 p.m.]

THE COURT: All right. We are ready to resume.

Sir, will you rejoin us on the stand, please. And you remain under oath, and good afternoon.

## FURTHER DIRECT EXAMINATION

BY MR. HIRSCHKOP:

Q Dr. Ganji, prior to the break I referred you to two documents, 103 and 104, which are Flag of Freedom Organization fliers and documents.

Did the Flag of Freedom Organization broadcast to Iran daily?

A Yes.

Q And these broadcasts, were they supported by the Americans?

A By other countries as well.

Q Did you get direct funding support from other countries?

A We got logistics from other countries such as Egypt, France, Turkey, and then from some Scandinavian countries.

Q And did the interest you had in the broadcast support for American policy with regard to Iran in those days?

A Well, as I explained, American policy was mostly



1 to free the hostages in Lebanon, and our interest was to  
2 talk about human rights, freedom--

3 THE COURT: In general?

4 THE WITNESS: In general.

5 --and pluralist society.

6 THE COURT: So, would it be appropriate to say you  
7 had a larger focus and at least at one time the Americans  
8 had a more narrow focus?

9 THE WITNESS: Yes. Ours was larger focus on  
10 freedom and democracy, and American focus--I presume their  
11 interest was mostly to liberate the hostages.

12 THE COURT: Right.

13 BY MR. HIRSCHKOP:

14 Q In pursuing these interests, was it necessary for  
15 Dr. Elahi to make trips regularly to Turkey?

16 A Yes. I would say at least seven or eight times  
17 each year to Turkey, and he would be spending two to three  
18 weeks every time he went there, and he was always under  
19 threat when he went to Turkey. Not only he went to Turkey,  
20 he would even take some--we have small transmitters which  
21 would transmit two, three kilometers to be sent to Iran, he  
22 would carry them himself to Turkey so from there it would be  
23 smuggled into Iran.

24 Q When he went to Turkey, would he very often go  
25 with anybody else from the FFO?

1           A     Before Colonel Bayahmadi was assassinated, they  
2 would go very often together. But after Bayahmadi was  
3 assassinated in Dubai, he would go with one or other of the  
4 colleagues in the office.

5           Q     Now, if you would look at the books I have given  
6 you, Exhibit 105, sir--

7           A     Yes.

8           Q     --is that the fatwa against you?

9           A     Yes. That's the translation.

10          Q     Okay. The Court had raised the question yesterday  
11 about how we have gotten a written fatwa they kept secret.  
12 Could you explain that, sir.

13          A     Well, generally, fatwas have been issued for  
14 execution of many Iranians who have opposed the regime.  
15 Those who have been assassinated by the regime outside,  
16 there has been a fatwa against them. Mine, some of our  
17 collaborators inside Iran found the fatwa on me which was  
18 secret, and they sent it to me, and we publicized it so that  
19 they would know that the whole world knows they day they  
20 assassinate, it is their book.

21          Q     Was this fatwa in addition to the list of 200  
22 people that also called for your execution?

23          A     Yes.

24          Q     Was there a fatwa against Mr. Elahi also?

25          A     I'm sure there was one.

1 Q And was that his belief and understanding that  
2 there was a fatwa against him?

3 A I'm sure he knew. We had talked quite often about  
4 the fact the regime was after him. He knew it very well,  
5 particularly after Bayahmadi was assassinated in Dubai,  
6 because Bayahmadi and Elahi worked together. At that time,  
7 Elahi was deputy for Bayahmadi. When Bayahmadi was  
8 assassinated, Elahi moved up to be responsible for the work  
9 that Bayahmadi was doing.

10 THE COURT: Now, am I correct that this fatwa that  
11 we are looking at, Exhibit Number 105, was written on  
12 December 26th, 1971?

13 THE WITNESS: No, no, no. 1981.

14 THE COURT: Well, I'm looking at those numbers,  
15 and I really don't know what they are.

16 There is also something 3/16/93, so I don't know  
17 the two numbers. Do you see what I'm referring to, Counsel?  
18 It's at the top of the page under the words "confidential  
19 services."

20 MR. HIRSCHKOP: This is how it was supplied to us.

21 BY MR. HIRSCHKOP:

22 Q Dr. Ganji, attached to the fatwa is the Persian--

23 A No, that's the Iranian date that you see there.  
24 The fatwa in Iranian is dated 71/12/26. That's Iranian  
25 calendar.

1 THE COURT: Then the number next to it is the  
2 other calendar, 3/16/93?

3 THE WITNESS: 3/16--where is that?

4 BY MR. HIRSCHKOP:

5 Q If you look at the exhibit, please, number 105.

6 A Yes, I'm with you.

7 Q You will have to open it up because in the upper  
8 left-hand corner--

9 A Yes.

10 Q You see where it says 6261271?

11 A That's the Iranian date, and 3/16/93 is equivalent  
12 of it in your calendar.

13 Q So, this is the formal fatwa?

14 A Yes.

15 Q But did you understand there had been a fatwa  
16 against you all the time since you left Iran?

17 A Yes.

18 Oh, I knew definitely from the date they posted  
19 200 names in the mosque. I knew that there was a fatwa  
20 against me.

21 The other minister--they executed two ministers of  
22 education within the first two months of the life of the  
23 regime. One was a lady who had preceded me. The other one  
24 was a gentleman who succeeded me.

25 THE COURT: So, you were in between?

1 THE WITNESS: Yes, I was in between.

2 BY MR. HIRSCHKOP:

3 Q Now, did the Iranian Government do a book on you  
4 in Farsi, and you alone?

5 A Yes. They have written a lot about me in the past  
6 years, and they have claimed that one time I have taken \$37  
7 million, if you don't know that.

8 This is the latest book they have written and  
9 publicized--circulated against me with my picture on the  
10 cover.

11 Here, they say that my ancestors come from Iraq,  
12 that I come from a Jewish family, as if being Jewish is a  
13 crime.

14 THE COURT: Would coming from Iraq be a crime?

15 THE WITNESS: Exactly.

16 They say I took \$398,000,000 rather than 37  
17 million, and they say that I took it from secret account of  
18 ministry of education where the account of ministry was  
19 \$70,000 is equivalent--yes, \$60,000 a year, and I was  
20 minister for only two years.

21 BY MR. HIRSCHKOP:

22 Q On the inside cover, there is a picture. Who is  
23 this?

24 A That picture is Mr. Anoyat, who is a writer, who  
25 is right now in Los Angeles. His life is in danger, too.

1 Q Who is this?

2 A This is another writer.

3 Q If you look at the inside of the front cover of  
4 the book, the book you just had--

5 A Yes, I have one by one. I have all of them here.

6 That one, the second one is Ali Alharas Ami. He  
7 was editor of Han Danihaf, one of the major weeklies of  
8 Iran. He was executed right at the beginning of the  
9 revolution.

10 Q Turn back at the other page. In Farsi, does it go  
11 from left to right or right to left?

12 A Right to left.

13 Q Like Hebrew?

14 A Yes.

15 Q This is back of the book then.

16 What is this picture in the back of the book?

17 A That picture is the Shah in a ceremony, official  
18 ceremony, passing, and the people standing in front of him  
19 are government officials, the Shah and the queen.

20 Q What is this picture in the book?

21 A This picture is one newspaper editor called  
22 Mirashafry, and a few others they claim that they were  
23 supporters of the Shah who were against nationalization of  
24 oil.

25 Q What is this picture in the book?

1           A     This picture, it is again Shah. It's official  
2 ceremony, meeting some members of the press.

3           Q     What was the purpose of putting these pictures in  
4 this book?

5           A     Well, they say those people who were around there  
6 were criminals.

7                     There is another picture on the next page, you see  
8 I'm sitting behind the queen and with other people.

9           Q     Is that you with the picture of the queen sitting?

10          A     Yes, and I'm sitting right behind her.

11          Q     You are in the light suit?

12          A     Right.

13          Q     Is this book all about you or you and others?

14          A     No, it's about me and others, but the first 34  
15 pages, 35 pages is against--is about me, and the rest is  
16 about other people. A number of other editors or writers,  
17 Mamo Noyat is one of the greatest writers in Iran, and he's  
18 in Los Angeles, and there are some 20 pages against him.  
19 Amat Madanee was commander of naval forces. He's in  
20 Colorado. There are some 20 pages against him. Amirani was  
21 editor of one of the weeklies. There is some 20 pages  
22 against him.

23          Q     Are there some existing fatwas against many of  
24 these people?

25          A     Yes, some of them have already been executed.

1 Amirani and Javari have already been executed. Me and  
2 Anoyat and Amirani, they live in the United States.

3 Q There seemed to be some concern earlier whether  
4 the terror is still existing.

5 A Absolutely.

6 Q Is Mr. Bani Sadr alive?

7 A Yes, he's in Paris, outskirts of Paris.

8 Q And who was he in the Iranian Government?

9 A He was one of the supporters of Khomeini for many  
10 years. Khomeini went to his house, in fact, in the  
11 outskirts of Paris while he stayed in Paris in Nofleshatu.  
12 And from there he flew back to the Iran on the same plane  
13 with Khomeini, and he became one of the philosophers of the  
14 Khomeini movement, and then he became minister of economy  
15 under Khomeini, and then he became president under Khomeini.

16 But just the same, he had lived in France for many  
17 years, and when he saw acts of torture and summary  
18 executions, he protested. And for that reason, they wanted  
19 to arrest him, although he was president, so he went into  
20 hiding and escaped the country.

21 Q Does he presently live under Iranian sentence of  
22 death?

23 A Yes, he does.

24 Q The same sentence of death you have and the same  
25 sentence of death they killed Dr. Elahi under?



1 A Yes.

2 Actually, before Dr. Bakhtiar was assassinated, I  
3 received information from our people inside the country that  
4 terrorists were coming to Paris to assassinate Bani Sadr,  
5 Bakhtiar, myself or Reza Pahlavi, and I informed all these  
6 people. Unfortunately, Bakhtiar didn't take the precautions  
7 which were necessary, and he was executed. So, Bani Sadr is  
8 under a threat.

9 Q For these 20 or so years that Bani Sadr has lived  
10 outside since he left Iran, has he virtually stayed in his  
11 home to stay alive?

12 A Practically all the time. Bani Sadr doesn't move  
13 out of his house. I have never seen him out.

14 Q Does he have the same protection of the French  
15 that you had, the secret police, the police, the riot  
16 police?

17 A He lives outside in the outskirts of Paris, so he  
18 has the gendarmerie, more or less the same kind of  
19 protection as I had.

20 Q And are there others?

21 A Yes.

22 Q Who have the same threat protection from the  
23 French government and other governments because the terror  
24 is still there?

25 A Oh, I know the son of the former Shah, he has the

1 same kind of protection every time he goes to Europe. I  
2 know that the queen, former queen, of Iran has the same kind  
3 of protection. And I know others have very discreet  
4 protection; not open protection, but the same kind.

5           Every time I go to Europe now I have absolutely  
6 the same kind of protection. French government provides me  
7 with bullet-proof car, and they provide me three or four  
8 people all the time.

9           THE COURT: Do you have protection while you're  
10 here in the United States?

11           THE WITNESS: Discreet, very discreet.

12           BY MR. HIRSCHKOP:

13           Q Are you in close touch with the FBI?

14           A Yes.

15           Q Did you--

16           A I have been under threats constantly. Just before  
17 the hearing started, I'm getting telephone calls 3 in the  
18 morning, 3:30 in the morning, and I'm definitely certain  
19 people are telephoning from Tehran. They don't say anything.  
20 They just try to harass me.

21           Some three months ago, they were telephoning from  
22 British Colombia, but they weren't aware of the fact that I  
23 have caller ID, so I was getting the numbers, writing it  
24 down. Since I saw them telephoning, not answering, I  
25 provide it to the FBI, and I'm sure they found something

1 because they stopped calling from British Colombia.

2 Q When you go to France, though, do you have to pick  
3 up the type of protection you had before?

4 A Exactly the same.

5 Q While Dr. Elahi was alive--let's go back to  
6 1987--did you and he receive special training with weapons?

7 A Yes.

8 First, we went to Dr. Elahi, and I went to Berlin,  
9 West Berlin, and received some surveillance training, how to  
10 take care of ourselves if you're out and walking around at  
11 any time. We stayed there for four or five days and  
12 received surveillance training, the two of us.

13 And a number of times here in the United States,  
14 we received training, the same kind of training besides  
15 training to hit would-be terrorist with the car in case they  
16 are following and they're trying to stop us, and then arms  
17 training, to shoot.

18 Q Were you both allowed to carry weapons in France?

19 A Yes.

20 Q Were you both trained with weapons in France?

21 A Yes.

22 Q Were you trained by the French police on survival  
23 techniques?

24 A Yes.

25 Q Did Mr. Elahi have special precautions--strike.

1                   Did Mr. Elahi have the same police protection that  
2 you had?

3           A     No.

4           Q     Why was that?

5           A     The French--you know, the French taxpayers raised  
6 their voice even providing protection to people like me, so  
7 poor Elahi couldn't get the same kind of protection that I  
8 was getting.

9           THE WITNESS: Your Honor, I said something earlier  
10 on that I would like to--

11           THE COURT: He wants to correct something or add  
12 something.

13           THE WITNESS: I want to add to it.

14           THE COURT: Yes.

15           THE WITNESS: I talked about the fact that Elahi  
16 didn't fear death, and there is a difference between me and  
17 Elahi. I have two children. Elahi didn't have any  
18 children. I have a wife. Elahi didn't have a wife. Elahi  
19 had fallen in love with a young lady, Maryam Shamlou, and he  
20 planned to marry her. I know that for sure. The brother  
21 knows this, too. And he would--this lady had a son. Elahi  
22 had liking this son like his own son. He wanted to send  
23 that son to the United States to study.

24           So, he was full of life. Elahi was a person who  
25 really loved to live. But it was like a soldier. Being in

1 the field, he was willing to do anything. However, I don't  
2 to want necessarily die either. So, I didn't mean to say  
3 that he would love to die; not at all.

4 BY MR. HIRSCHKOP:

5 Q Did you ever discuss with him his fear of dying?

6 A Yes, it's--quite often.

7 Q Did he take precautions when--did he have  
8 reversible raincoat?

9 A Yes.

10 Q What is the purpose of that?

11 A If you feel like somebody is following you, you  
12 just go into a coffee shop and go to the restroom, you turn  
13 over your raincoat and put the other collar so the person is  
14 look following you is looking for a beige raincoat, you come  
15 out with a purple raincoat.

16 Q Did he have glasses that had reflectors that you  
17 could see behind you?

18 A Yes, exactly, whether you could see someone  
19 following you and observing you. And then, of course, the  
20 training we had received, you can stop in front of the shop,  
21 you look at the window. And if somebody is following you  
22 passes by, you can get a description of who is it, and be  
23 careful about the individual concerned. Or else go to a  
24 coffee shop, stay there for a while, see if somebody comes  
25 in or is looking around. All kinds of techniques.

1 Q Did he have very set habits of never going  
2 anywhere lone?

3 A Definitely, he did have very set habits. Except  
4 once in a while when we were together, we were alone, he  
5 would make certain that he accompanied me to my house, and  
6 that was very rare, and then he would be going to his place  
7 all by himself.

8 Q When you went somewhere, did you always go in an  
9 armored vehicle, in a bullet-proof vehicle?

10 A Yes.

11 Q And did you have three--

12 A That is to say--yes, bullet-proof vehicle was  
13 provided to me after assassination of Dr. Bakhtiar. So,  
14 before assassination of Dr. Bakhtiar, we had our own car  
15 which wasn't bullet-proof. But after Dr. Bakhtiar was  
16 assassinated, everybody knew that we were going to  
17 be--sorry, sorry. Two years before Bakhtiar's assassination  
18 because I got my own bullet-proof vehicle that we bought it  
19 at a very low price, but it was a huge bullet-proof one, but  
20 Cyrus and I both were in the car. But after Bakhtiar's  
21 assassination, the French provided me with protection.

22 Q You say you never went anywhere alone. Can you  
23 explain why on the morning--I think I misspoke and said  
24 evening previously, but on the morning he was killed, why he  
25 was alone that morning?

1           A     Well, he had just--from what I know, he had just  
2 come from Munich a day or two before, and he had another  
3 friend that he had been seeing before, Ms. Shamlou. So,  
4 that evening they had gone to dinner, and he left his  
5 briefcase that Dr. Elahi explained that you carry if you're  
6 being attacked you hold it in front of you; it's  
7 bullet-proof. It protects you. He had left that at the  
8 house of this lady whose name is Chayegan, C-H-A-Y-E-G-A-N,  
9 and he had gone back late in the evening to take that  
10 briefcase, come home. And in the morning when he had to  
11 meet somebody to come, he had not appeared, so he came out  
12 later than usual. He was alone.

13           Q     And as part of the training and security, did the  
14 French police take you guys to parks and railroad bridge and  
15 teach you how to go down ropes?

16           A     Yes.

17           Q     Did you have ropes that you could put out of the  
18 windows of your offices, if need be, for escape?

19           A     No, residence.

20           Q     And Cyrus Elahi went through that training with  
21 you?

22           A     Yes.

23           Q     In the office in which you worked, was there also  
24 very strict security?

25           A     Yes. All the windows, as Dr. Elahi explained,

1 were bullet-proof, all the doors were bullet-proof, and  
2 nobody would be able to enter the building. We had  
3 television cameras that controls who comes, who rings the  
4 bell. They would be seen there.

5 So, it was practically impossible for anybody to  
6 enter without recognizing and knowing who is coming in.

7 Q Would you look at Exhibit 106, please, sir.

8 A Yes.

9 Q This is an article from Paris Match magazine. What  
10 is that?

11 A This is an article written by Olivier Veran. He's  
12 a famous French journalist, interviewed me about my life and  
13 how it is to live under threat of assassination.

14 Q All right. And looking at the third page, you see  
15 according to Amnesty International, some 5,000 capital  
16 punishments executed in the past seven years.

17 A 5,000 capital punishments?

18 Q Yes. Do you see that on the third page of that  
19 document?

20 A Capital punishments in the first year--

21 Q Let me move away from this.

22 Were there many articles like this published about  
23 you all over the world during these years?

24 A Yes, there were articles in the Egyptian papers,  
25 in the Israeli papers, in French papers, in British papers,



1 in Swedish papers, in Norwegian papers, in Time magazine,  
2 New York Times. So, there were quite a lot, and I appeared  
3 quite often on the television, BBC, Channel 2 in Paris,  
4 Channel 1 in Paris, Channel 5 in Paris, and others.

5 Q Okay. Did there come a time--you mentioned before  
6 that Mr. Elahi went with Colonel Bayahmadi to Turkey quite  
7 often.

8 A Yes.

9 Q Were these dangerous trips?

10 A Quite dangerous.

11 Q Were there times when 18 of the leaders of the  
12 cells of FFO who were inside Iran were arrested by the  
13 Iranian Government?

14 A Yes. That was 1987, I think, or '88.

15 Q Okay. And was Mr. Bayahmadi contacted by an  
16 official of Iran to meet with him concerning the release of  
17 these people?

18 A No, Bayahmadi was one of the people in jail. One  
19 of our leaders, branch leaders, was called Mr. Ansari,  
20 Hameed Ansari, A-N-S-A-R-I. He was engineer. Hameed Ansari  
21 had been in prison for some several months, and all of a  
22 sudden Bayahmadi in Paris received a call from Hameed  
23 Ansari, and he was flabbergasted, how could he be  
24 telephoning him? So, Hameed told Bayahmadi that we have a  
25 good friend in prison, and he has helped me and brought me

1 home today to telephone you. I want you to hear his voice.  
2 He's our friend, and he's going to come. You should meet  
3 him. He's going to help us.

4 And we thought we had previously bought--by paying  
5 money bribes, we had released some of our friends from  
6 prison, and we thought it's the money affair. So, he wanted  
7 to take Bayahmadi to Dubai, we decided not to send him to  
8 Dubai, so he went to Istanbul, Turkey. There we had  
9 protection for Bayahmadi.

10 There, he promised that he said I'm your friend.  
11 He said I was Khomeini supporter, but I have changed my  
12 opinion of these people, and I'm now Dr. Ganji's supporter.  
13 And he said, I'm going to release all your people from  
14 prison. It will cost little money, but money is not  
15 important. When I release them, you can see, then we can  
16 talk about further relationship.

17 So, he went back, in two months. In fact, he  
18 telephoned Bayahmadi and said all your people are freed  
19 except two. One was Hameed Ansari who had telephoned  
20 originally, and one was a young lady who was a student of  
21 Dr. Elahi who was very close to Dr. Elahi. Elahi had  
22 recruited her.

23 And he said these two will be freed, too, but for  
24 the time being, 16 are now freed. So, we were surprised.  
25 We telephoned each one of them at their home, and we found

1 out that this was true.

2           So, in this way, he said, Now we have to meet with  
3 Dr. Ganji, so he wanted me and Bayahmadi to meet him in  
4 Dubai. I told him no, I'm not coming, definitely not, and  
5 you're not going by yourself. But Bayahmadi took the risk.  
6 Without telling me anything, I was in Cairo at the time, he  
7 went to Dubai, he arrived at five in the morning. He went  
8 to his hotel, booked in, at eight in the morning he was  
9 assassinated by the man, by the same man. And as soon as he  
10 was assassinated, that is the day of death of Khomeini. They  
11 arrested all the 16, and they executed them.

12           Q     The man who executed him was a Mr. Kabari,  
13 K-A-B-A-R-I?

14           A     Yes, Kabiri. After the execution I had his name  
15 and telephone number in prison. He was one of the top  
16 officials of the notorious prison in Tehran called Evving  
17 prison. I had one of my colleagues telephone him and tell  
18 him you are the assassin. And then the Dubai officials got  
19 all the information, and they confirmed he had entered Dubai  
20 and flown out immediately after assassination. His name is  
21 with the Interpol to be arrested, but he has never gotten  
22 out of the country. We printed his picture in Iranian paper  
23 in London, the culprit's picture, and his name is Kabiri.

24           Q     How did the death of Mr. Bayahmadi affect Mr.  
25 Elahi?

1           A       Tremendously. I was in Egypt, as I said. When I  
2 arrived in Paris with my wife, Cyrus Elahi was at the  
3 airport. I was flabbergasted to see Cyrus at the airport.  
4 He usually didn't come to the airport. He was so disturbed,  
5 he said Bayahmadi has been assassinated. So, very much so.  
6 He knew very well from that minute on that he was next, and  
7 I was very much concerned about his life and his safety.

8           Q       Well, not just Mr. Bayahmadi, but when people were  
9 being assassinated, Mr. Ghassemlou and Mr. Rajavi all before  
10 Mr. Elahi's assassination, did each one of those affect your  
11 people like that?

12          A       Yes, very much, but Cyrus very often--he thought  
13 they would go after me before they go after him. At this  
14 time, the regime had found out that they go after the first  
15 or after the second one to create fear. So yes, definitely  
16 every time there was an assassination, he knew that the  
17 danger was getting closer.

18          Q       You knew from the assassination of Mr. Rajavi that  
19 sometimes they don't go after the leader but his brother--

20          A       Exactly. They went so many times after the second  
21 or third people. On Bakhtiar organization, they went after  
22 the daughter of Dr. Gruman said, they first went after Dr.  
23 Gruman and then they went for Bakhtiar.

24          Q       Did the terror that Mr. Elahi felt about dying and  
25 the fear or whatever it was, was that heightened by others

1 in FFO getting killed?

2 A Oh, yes, oh, yes. By all the arrests inside the  
3 country, but all the information we were getting that they  
4 were trying to infiltrate the organization. It definitely  
5 was heightened. Now there was the question about--

6 THE WITNESS: I think, Your Honor, you asked the  
7 question yesterday why the French have taken such a long  
8 time on the trial of Mashhady? Unfortunately, I have to  
9 tell you that some Western European countries for the sake  
10 of trade and monetary considerations, they are willing to  
11 shut their eyes.

12 They know that "Anish Snaplosh," who was the  
13 person that wanted to kill Bakhtiar in 1980, he was  
14 condemned to life in prison because he killed one policeman  
15 and injured another one, and he was released four years  
16 later and taken to the airport and put on first-class Iran  
17 Air and sent back to Tehran. Two others who were involved  
18 in the assassination of Rajavi in Geneva to come to Paris to  
19 assassinate me who had been put in prison, they released  
20 them and send him to Tehran.

21 Gordgi, as you were told yesterday, they did the  
22 same thing with Gordgi who was organizing all the bombings  
23 in Paris and who had taken refuge in the embassy who wasn't  
24 coming out. Finally, they took him one Sunday to the judge  
25 for few minutes and then took him to the airport and sent

1 him to Iran.

2 Germany, in Mykonos trial, so often the German  
3 government wanted to make the court to stop naming the real  
4 culprits. The German court stood up and didn't listen to  
5 the Executive Branch.

6 Unfortunately, in some western democracies, the  
7 monetary and trade, mercantile considerations comes above  
8 life of human beings.

9 Q Mr. Elahi had to live not only with the death of  
10 his co-worker Bayahmadi, but what about Mr. Gholizadeh? Was  
11 he a member of your organization?

12 A Yes.

13 Q Describe to the Court how they killed Mr.  
14 Gholizadeh.

15 A Now, after Bayahmadi was assassinated, Elahi took  
16 his place, as I explained. The person in Turkey, and I  
17 explained Elahi used to go to Turkey very often, so we had a  
18 safe house in Turkey. We had people in Turkey providing  
19 protection and keeping them. They did not go to a hotel.  
20 This person was named G-H-O-L-I-Z-A-D-E-H. Major  
21 Gholizadeh, after assassination, was protector of Dr. Elahi.  
22 All of a sudden, Major Gholizadeh was coming from hospital  
23 with his wife. He had taken his wife to hospital, was  
24 coming back. It was in wintertime, they sprayed something  
25 on the wife's face, wife fell on the ground, they grabbed

1 the husband, and they disappeared.

2 So, Gholizadeh was kidnapped, so we did everything  
3 to find out what happened to Gholizadeh. So, Elahi knew from  
4 that time knew that the threat was much closer again, and we  
5 had other people to protect him when he went to Istanbul.  
6 He continued going to Istanbul. Gholizadeh's whereabouts  
7 were not known. Few months later on Turkish television they  
8 showed Gholizadeh's body. He had been tortured in a safe  
9 house in Istanbul and killed.

10 Q Would you look at Exhibit 57, please, in the books  
11 have you.

12 A Yes.

13 Q Could you tell the Court what this is.

14 A This is the Gentleman's Quarterly--this is a book  
15 before the revolution, this was a meeting organized by Aspen  
16 Institute for Humanistic Studies in Persepolis. There,  
17 Iranians presented papers. And we had 200 people coming  
18 from the United States, France, Great Britain, and all over  
19 the world, and they were interested to know what was being  
20 done in Iran, economic, social, political, cultural.

21 THE COURT: This is the same Aspen Institute that  
22 meets in Colorado, and also in Maryland on the eastern shore  
23 where there was a dialogue between certain leaders and the  
24 president?

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: All right.

2 THE WITNESS: Yes, Aspen organized this gathering  
3 symposium, and at this symposium, Cyrus Elahi, with  
4 collaboration of three other professors--three of the papers  
5 were papers prepared by Cyrus Elahi. I know that Cyrus  
6 prepared the papers. The name of others appeared there, but  
7 papers were prepared by Cyrus Elahi.

8 BY MR. HIRSCHKOP:

9 Q Did these papers set forth much the humanistic  
10 view that you knew him to hold?

11 A Absolutely.

12 Q With regard to Dr. Elahi's assassination itself,  
13 you say you received information from the French police that  
14 you were going to be assassinated; is that correct?

15 A Yes.

16 Q And you went to Egypt?

17 A Yes.

18 Q Before leaving, did you warn him and others about  
19 the dangers you heard about?

20 A Everyone. Cyrus wasn't at the time in Paris when  
21 I lived. I received information that there was a threat,  
22 and we had a little office because our radio broadcast took  
23 place from Cairo, so I went to Cairo. Cyrus wasn't in Paris.  
24 He was, I think, in Munich at the time. When he came to  
25 Paris, one day I got the call from Paris, they told me that



1 Cyrus had been assassinated in the morning.

2 Q I asked you before, and I don't think we finished,  
3 the night before he had been somewhere, had he left his  
4 briefcase somewhere?

5 A Yes, he left that briefcase which was protecting  
6 him there, and then he had gone back to pick up his  
7 briefcase--I explained--and picked up the briefcase about  
8 12, 12:30 at night. He comes home. In the morning he was a  
9 little late, so the colleague who was supposed to be with  
10 him wasn't present, and they found out that there is nobody  
11 around, so they assassinate him, I'm saying. So, that shows  
12 they had been following him for a long time to get to his  
13 habits.

14 And one other thing I want to give you exactly  
15 what I know, which is very important, Cyrus Elahi, who I  
16 read all the papers in the French court, everything, because  
17 we are a party to--civil party to the proceeding, Cyrus  
18 Elahi comes out of his apartment, takes the elevator, comes  
19 to the ground floor. The assassin had been in the corridor  
20 somewhere, so the assassin gets close, Cyrus jumps at him  
21 because he sees the gun.

22 So, at this time there is a fight going on between  
23 Cyrus and assassin. He pulls the trigger, and he hits Cyrus  
24 first in his body. It's not fatal. So, a struggle and  
25 fighting goes on. A lady on the same floor, from a

1 peephole, looks to see what's going on and sees that  
2 somebody has a gun, and she's flabbergasted. She goes and  
3 telephones the police.

4 So, this struggle between him and the assassin was  
5 not a 30-second struggle. He struggled for some time with  
6 the assassin.

7 Then finally, the final shots are at his head. The  
8 original shots were below in the body. The assassin was so  
9 scared that he left the gun right there, threw it in the  
10 basement of the building rather than taking it. Gun is in  
11 the hands of the police. Police discovered the gun.

12 Q The woman who saw him through the peephole, was  
13 she able to give the police artist a composite photo, or  
14 make a composite photo?

15 A Absolutely. Two days, three days later when I was  
16 with the French judicial police--they have a judicial  
17 police--five, six sitting around the table, they were  
18 looking at me because after assassination, they spread the  
19 rumor usually that it is infighting. They were looking at  
20 me, and I was surprised what they were looking at me. Don't  
21 say they had a sketch of the terrorist in their hand, and  
22 they wanted to see whose face--facial features would fit the  
23 sketch they had in their hand.

24 The other thing they were looking, they were  
25 looking for marks on the face because he had apparently put

1 his fingers on the face of the assassin and left marks  
2 there.

3 Q Come down here, please.

4 It's Exhibit 31. The document we have on the  
5 board here is also replicated in 31, is much more.

6 How did this document get made up, Exhibit 31?

7 A We made it up, our organization.

8 Q Who are these people?

9 A These are some of the people assassinated. This  
10 was made in 1993, so these are some of the people  
11 assassinated in Europe. Until that time--I say some because  
12 we didn't have the pictures of others, but we put as many  
13 names as we could.

14 Until that time, there had been 370 attempted  
15 assassinations and 130 assassinations, so these are some of  
16 those pictures.

17 This one is Shafizadeh in Turkey that I talked  
18 about.

19 This is Colonel Bayahmadi that was working with  
20 Cyrus Elahi.

21 This is Cyrus Elahi, and another picture of Cyrus  
22 because we didn't have enough pictures, so we put two of his  
23 pictures there.

24 This is Bakhtiar.

25 This is another member of our organization, Mr.

1 Farokhzad, who was assassinated in Bonn.

2 Another member of our organization was  
3 assassinated later on after it was printed and that Dr.  
4 Ghassemlou. He was also assassinated in Paris. And the  
5 person who assassinated him was the one who was writing to  
6 me constantly--his letters I have in my Persian book,  
7 texture writings of his handwritings, seven or eight  
8 letters, and he was the person who arranged the  
9 assassination of that other colleague, Dr. Ghassemlou.

10 Here you have--this is Sharafkandi.

11 This is the colleague of Sharafkandi.

12 This is Ghassemlou.

13 This is Fazeli.

14 This is another member of Sharafkandi.

15 This is General Oveissi.

16 So, you have quite--this is Bakhtiar's secretary  
17 who was assassinated with him.

18 This is Dr. Bakhtiar.

19 This is Mr. Rajavi.

20 This is another member of that organization of the  
21 Mujaheddin organization.

22 Q Dr. Ganji, would those pictures alone represent  
23 half of the leadership of the dissident movement of Iran  
24 outside of Iran?

25 A Yes, definitely.

1 Q Thank you. If you could take the stand, please.

2 MR. HIRSCHKOP: I hope this isn't repetitive, but  
3 if Your Honor will indulge me, I think the names have to  
4 have faces. It gets so easy to get caught up in the names.

5 This is Exhibit 32.

6 BY MR. HIRSCHKOP:

7 Q Who is this, sir?

8 A Exhibit 32? This is Mazluman. This is another  
9 colleague of mine. He was in charge of student affairs at  
10 the faculty of law when I was dean of the faculty. Then he  
11 became my deputy at the Ministry of Education all along  
12 until revolution. Then he moved, escaped to France, and his  
13 life was under threat. He had been writing quite a lot  
14 against the regime, and he became a member of our  
15 organization when I moved to Paris, and he was assassinated  
16 in 1996, summer of 1996.

17 Q There has been testimony earlier about whether  
18 these assassinations kept up over the years.

19 Mazlouman was killed in 1996; is that correct?

20 A '96.

21 Q And just last year, did one of the two people  
22 convicted of the attempted assassination or conspiracy to  
23 assassinate Mr. Elahi and you, get out of jail?

24 A Yes. This is the thing that yesterday--I don't  
25 know which witness they raised the point--that two people

1 were arrested after--

2 THE WITNESS: Your Honor, in fact, how these  
3 people were arrested on Elahi assassination was not due to  
4 the fact that in Paris they did all the work to find him.  
5 They were trying to come into our organization and commit  
6 another act of assassination. So, one of my colleagues by  
7 the name of Ms. Sekandari, whose son had become friends with  
8 these people, and they were providing the son with narcotics  
9 because the son had been--become addict to heroin. She  
10 comes home and she sees the guy in his apartment--in her  
11 apartment. She came and told me, and I said I have to  
12 report this to the French security.

13 So, they tapped the telephone, and they found out  
14 that this is the case of assassination soldier. Then they  
15 arrested Mashhady and Yazdenseta. The one in my colleague's  
16 house was Yazdenseta. They arrested the two of them.

17 So, after hearing and so on, the first trial was  
18 conspiracy to commit a crime, Elahi or me. And they got  
19 seven years and three years. Mashhady got seven years.  
20 Yazdenseta got three years. Yazdenseta's time expired--

21 Q Before you answer that, may I add something.

22 While Yazdenseta was in prison, did he then fully  
23 confess and implicate Mashhady and Mr. Eallahian?

24 A Yes, absolutely. Yazdenseta confessed,  
25 collaborated with Judge Bruguiere, provided all the

1 information and said all the others came from Fallahian, and  
2 Mashhady had asked Yazdenseta to carry out the act of  
3 assassination.

4 Q Tell the Court what happened to Mr. Yazdenseta two  
5 days of being released from prison.

6 A Two days after being released from prison, he was  
7 assassinated in Paris.

8 Q Who is the picture we have here?

9 A This is the singer Farokhzad, famous Iranian  
10 singer who was providing--he had a program on our radio, and  
11 he was collaborating with us.

12 Q Was he assassinated?

13 A Yes, he was assassinated in Bonn, Germany, three  
14 years after Elahi.

15 MR. HIRSCHKOP: This is Exhibit 36, Your Honor.  
16 It's hard to put on the screen.

17 BY MR. HIRSCHKOP:

18 Q But on the right is who?

19 A Colonel Bayahmadi.

20 Q And who is the person on the left?

21 A Assassin.

22 Q Kabiri?

23 A Kabiri, yes.

24 Q You were able to get a photo of him?

25 A We got the photo of him from the Dubai officials

1 where they provided the photo to Interpol.

2 MR. HIRSCHKOP: These are all in a series of  
3 exhibits that are in the book, Your Honor, through 40.

4 BY MR. HIRSCHKOP:

5 Q Who is that, sir?

6 A This is Mr. Gruman's father.

7 Q Did you know him?

8 A Very well.

9 Q Did Dr. Elahi know him?

10 A Yes.

11 Q All of you people who were in Paris, did you have  
12 occasion to meet from time to time, although you had  
13 differing political views?

14 A Oh, yes, definitely. I used to meet with Dr.  
15 Bakhtiar every now and then. We sat together. We were,  
16 after all, our common enemy was this regime in Iran. We  
17 were collaborating in many ways with each other.

18 THE COURT: If we could interrupt for about two  
19 minutes, I can take care of a matter without having to leave  
20 the bench. Go ahead and do whatever you wish to do. It  
21 will take me just a moment or two.

22 (Off the record.)

23 BY MR. HIRSCHKOP:

24 Q I show you Exhibit 41 in the book.

25 A Sharafkandi and his two colleagues who were



1 assassinated in the restaurant.

2 Q In Mykonos?

3 A Mykonos. He's the Secretary General of the  
4 Kurdish Democratic Party.

5 Q Did you know him?

6 A Yes.

7 Q Did Dr. Elahi know him?

8 A I don't know. Dr. Elahi knew Ghassemlou, the  
9 other one who was assassinated in Vienna.

10 Q Doctor, I want to go through these very quickly.  
11 We have included three photographs, Exhibits 42, 43, and 44.  
12 I'm not going to put them on the screen. They are in your  
13 book.

14 A Yes.

15 Q They're rather--

16 A Acts of torture and criminal acts, people...

17 Q Were you and Dr. Elahi receiving photographs like  
18 these?

19 A Yes.

20 Q This one shows an arm being torn off?

21 A Yes. Pulled by a car, one arm being torn off.

22 Q Was this a fairly ordinary type of torture that  
23 was going on--

24 A Pulled by a car, arm being torn off was at the  
25 beginning of the revolution, but the rest of it is ordinary,

1 still going on today in Iranian prisons.

2 Q Did you understand--when I say "you," I mean you  
3 and Dr. Elahi.

4 A Yes.

5 Q Understand that when they executed expatriates or  
6 dissidents, they very often mutilated the bodies?

7 A Yes, we knew that.

8 Q And what effect did that have when you would see  
9 people you know dying and you know there's death against  
10 you--I'm talking about Dr. Elahi and not you.

11 A No, me the same. I'm humanitarian, so the  
12 effect--and I'm human being. You, first of all, think of  
13 yourself what will they do to you when they get a hold of  
14 you. How will your children feel or your wife or your  
15 brother or others feel when they see your picture, being  
16 treated like that.

17 Q Did you have occasion in the many hours you spent  
18 with Dr. Elahi to discuss this with him?

19 A Oh, yes, very often, very often.

20 Q What were the feelings he expressed?

21 A Horror, horror. Cyrus was a very civil person.

22 Q Was he a violent person?

23 A Never, no. But he was tough, I tell you. So  
24 Cyrus did exercise, he was much stronger than Dariush, much  
25 stronger, heavier built, and he was tough. He was a

1 fighter, but he was absolutely nonviolent.

2 Q Did you testify in the Mykonos matter?

3 A Yes, I did, twice. Once for seven hours. Once for  
4 six hours. And deposition for nine and a half, ten hours.

5 Q Did you have a number of meetings with Mr. Jost,  
6 the public prosecutor?

7 A Yes, in his office in Carlsrohey, which is the  
8 headquarters of the Ministry of Justice, and in Berlin at  
9 the court.

10 THE COURT: The name was Jost, Y-O-S-T?

11 THE WITNESS: No, J-O-S-T. Bruno Jost.

12 BY MR. HIRSCHKOP:

13 Q Doctor, I ask you to look at Exhibit 18, please.

14 A Yes.

15 Q The BKA--these are excerpts from the German  
16 investigation that you have seen before; is that correct?

17 A Yes.

18 Q BKA, is that similar to the American FBI?

19 A Yes.

20 Q With regard to this, they described about the  
21 Elahi assassination on October 23, 1990. Do you see that at  
22 the bottom of the first page?

23 A Yes, yes.

24 Q And were these findings in here consistent with  
25 what you had seen in the French reports from Mr. Bruguiere,

1 Judge Bruguiere, the prosecutor?

2 A Yes.

3 Q And the next page, it discusses under Roman  
4 numeral number 2.16, the assassination of past Prime  
5 Minister Bakhtiar.

6 A Yes.

7 MR. HIRSCHKOP: I will just submit the document.  
8 The rest is self-explanatory, Your Honor.

9 THE COURT: All right.

10 BY MR. HIRSCHKOP:

11 Q Did you have occasion to deal with Mr. Bruguiere,  
12 Judge Bruguiere?

13 A Yes.

14 Q How?

15 A I first had occasion to meet with predecessor of  
16 Judge Bruguiere after Dr. Elahi was assassinated. And his  
17 name is Judge Boolook, and unfortunately he committed  
18 suicide afterwards. I think Dr. Elahi met with Judge  
19 Boolook, as well. And Bruguiere succeeded Boolook. I met  
20 with Bruguiere three times. Boolook once.

21 THE WITNESS: In fact, Your Honor, something which  
22 would be of interest to you, I think the reason Boolook  
23 committed suicide is because of the fact that they did  
24 certain things that he didn't like. That gentleman that  
25 yesterday they told you Gordgi who had seeked (sic) refuge

1 in Iranian embassy and was not coming out, one Sunday  
2 afternoon, the French Government took Gordgi out of the  
3 embassy with official car and made Boolook go to his office  
4 on Sunday afternoon, meet with Gordgi and give the papers,  
5 release him to go and take the plane and go back to Iran.

6 If I had been in place of Boolook, and I had done  
7 something like that, I would have done exactly what Boolook  
8 did.

9 Q I was going to go through with you the various  
10 assassinations of Mr. Bakhtiar and others, but the Court has  
11 heard them, and it's unrebutted testimony. I would like you  
12 to open the book up to Exhibit 60. You are going to have to  
13 actually open the book and look because I'm going through a  
14 bunch of exhibits here.

15 A Yes, I will.

16 Q You have 60, sir?

17 A Yes.

18 Q We talked a lot about Dr. Cyrus Elahi as a person.  
19 But he was a well--was he a well-known figure in the Iranian  
20 movement of his own right?

21 A Of course.

22 Q Was there a great deal of press about his killing?

23 A Yes, New York Times--

24 Q Let's run through it very quickly. It will help.  
25 Exhibit 60 is from the Independent in London?

1 A Yes.

2 Q Exhibit 61 is the New York Times concerning his  
3 killing?

4 A Yes.

5 Q You're quoted there, I'm absolutely certain  
6 Islamic Republic carried out the assassination.

7 There was no question in your mind how he came to  
8 die?

9 A No.

10 Q Before Bruguiere's investigation?

11 A No. When I heard the news, I telephoned Dariush,  
12 and I telephoned his sister in Iran to let them know, and I  
13 knew definitely--and I telephoned his father. I knew  
14 definitely, I told them that it was clear that it was  
15 Islamic Republic.

16 Q And just to save time, I will tell the Court, 63  
17 is the Washington Times, 64 the Chicago Tribune, and 65 the  
18 Memphis newspaper, and 66 a Kentucky newspaper, and 67 from  
19 the BBC, and 16 is Mednews from Middle East Defense News,  
20 which on the second page has the writeup of Dr. Cyrus Elahi.

21 A And Amnesty International as well.

22 Q It was reported all over the world, was it not?

23 A Yes.

24 THE COURT: A number of those reports refers to  
25 assassins in plural rather than the singular you described.

1           The police reports and autopsy or the official  
2 reports from France, do you know whether it was one assassin  
3 or more than one?

4           THE WITNESS: The one who committed the crime was  
5 one, but the one who organized it is the one now who is in  
6 prison, Mashhady, so--

7           THE COURT: But present at the scene was one  
8 individual?

9           THE WITNESS: One individual.

10          THE COURT: All right. Please continue.

11          BY MR. HIRSCHKOP:

12          Q     Look at Exhibit Number 68, please.

13          A     Yes.

14          Q     This is a report from Amnesty International, is it  
15 not?

16          A     Um-hmm.

17          Q     If you would look at the third, fourth page of  
18 that report, the third page of that report, do you see the  
19 bottom of that page several people were killed in  
20 circumstances suggesting they may have been executed? Who  
21 was Zalzadeh?

22          A     A writer, newspaper writer in Iran.

23          Q     And looking at the next page, they discussed the  
24 killing at Mykonos. Do you see that?

25          A     Yes.

1 Q And then they have a trial in Turkey also, the  
2 PMOI killing.

3 What was the PMOI?

4 A It's same thing for people's Mujaheddin movement.

5 Q You see in the third paragraph, towards the bottom  
6 half of the paragraph it says the U.N. Commission on Human  
7 Rights has resolution on the situation of human rights in  
8 Iran called on the government, inter alia, to provide  
9 satisfactory written assurances that it does not support or  
10 incite threats to life of Mr. Rushdie.

11 Has the Government of Iran ever complied with  
12 that?

13 A Never. Government of Iran has been accused--no,  
14 branded as gross and systematic violators of human rights  
15 since 1982. Every single year. And the Government of Iran  
16 has not provided anything on the fact they have withdrawn  
17 the fatwa on Salman Rushdie.

18 Q Look at Exhibit Number 70, please. You have it,  
19 sir?

20 A Yes.

21 Q Look near the bottom of the first page, second  
22 paragraph from the bottom.

23 A Yes.

24 Q Bakhtiar never left his house without a guard.  
25 When we went for a drive, the police car led the way.



1 Visitors who left their identity papers at the entrance were  
2 let up only after police checked they had an appointment.

3 Did you understand that, in fact, was the type of  
4 security many leaders had?

5 A Yes.

6 Q If you look at the next page, on the fourth  
7 paragraph down, former Iranian president, Bani Sadr, told  
8 French radio he feels under threat.

9 This is the Bani Sadr you mentioned before; is  
10 that correct?

11 A Yes, exactly.

12 Q If you look about halfway down, right in the  
13 middle, there's a paragraph beginning May of 1979. Do you  
14 see that?

15 A Yes, I do.

16 Q Ayatollah Sadeg Kahlkhali declared he had  
17 sentenced to death Bakhtiar and 11 other top officials,  
18 relatives of the Shah, who had fled Iran.

19 Did you understand that was to be true?

20 A Yes.

21 He's called the "hanging judge" in Iran.

22 Q All right. Look at Exhibit 71, please.

23 Did you testify in the Bakhtiar criminal  
24 prosecution?

25 A In written.

1 Q You gave a deposition?

2 A Yes.

3 Q All right. And if you look midway down that  
4 document, according to le Figaro--do you see that paragraph?

5 A Seventy-one?

6 Q Yes, sir.

7 A Yes.

8 Q Judge Jean Louis Bruguiere, after interrogating  
9 Mr. Rad, concluded that the murder was carried out in direct  
10 orders from the Iranian Islamic authorities.

11 Was that your understanding also?

12 A Yes.

13 May I explain something here?

14 Q Of course.

15 A Your Honor, one the people who was condemned as  
16 the organizer of Bakhtiar crime and life imprisonment in  
17 absentia was the advisor to the minister of  
18 telecommunication of Iran. He is still his name is Sheikh  
19 Atar, S-H-E-I-K-H, his last name A-T-A-R. He is the  
20 organizer of all the telephone calls from Paris from Geneva,  
21 going to Iran, but going to Istanbul, and from Istanbul they  
22 were telephoning Sheikh Atar in the Ministry of  
23 Communication.

24 He's sitting and entertaining the best of  
25 relations with Europe in spite of a court judgment against

1 assistant to the Minister of Telecommunication.

2 Q Look at Exhibit Number 73, please. This is an  
3 associated press release. Look about halfway down. It says  
4 Swiss authorities are absolutely convinced--do you see that,  
5 sir?

6 A Yes, I do.

7 Q --of official Iranian involvement in April 1990 of  
8 killing of Rajavi, said Wilkinson, who discussed the case  
9 with the Swiss.

10 A Yes.

11 Q Was there any doubt that Rajavi was assassinated  
12 by Iranian direction?

13 A Not at all.

14 Again, the point that is very important, two of  
15 the assassins who had--who had been free, nobody had  
16 suspected them, had come to Paris after the assassination to  
17 carry out another assassination in our organization. They  
18 were arrested one morning and kept in prison.

19 Now, at that time the French wanted extradition of  
20 Bakili Rad, who was arrested, one of the assassins of  
21 Bakhtiar who was arrested on Swiss soil. The Swiss  
22 extradited him to France. The Swiss wanted extradition of  
23 these two guys who assassinated Rajavi in Switzerland, but  
24 the French turned around and made a deal with Tehran, took  
25 them to the airport, put them on Iran Air, and sent them

1 back to Tehran.

2 Q Look at Exhibit 74. This is an article that  
3 appeared in Time magazine. This article got published  
4 internationally, didn't it?

5 A Yes.

6 Q And it is an article that's widely quoted about  
7 the assassination of leaders of the Iranian dissident  
8 movement; correct?

9 A Yeah.

10 Q Look at the last page of the article that's in  
11 here.

12 A Yes.

13 Q And this Thomas Sancton, did you know Mr. Sancton,  
14 the author of the article?

15 A Yes.

16 Q He was a writer who had wide knowledge of the  
17 Iranian community in Paris?

18 A Yes. He's still head of the Time magazine office  
19 in Paris.

20 Q If you still look at last page, upper left part,  
21 Men Behind the Veil.

22 A Yes.

23 Q The official believed to be most directly  
24 responsible for the assassination squads is Intelligence  
25 Minister Fallahian.

1 A Yes.

2 Q If you look farther down, there is a little black  
3 square and off to the left of it.

4 A Yes.

5 Q Let me read what it says, if you agree with this.  
6 In August 1992 interview on Iranian TV, Fallahian openly  
7 boasted of his organization's success in stalking Tehran's  
8 opponents. Quote, we track them abroad too, he said. Last  
9 year, 1991, year of Bakhtiar's assassination, we succeeded  
10 in striking fundamental blows to their top members.

11 A Yes.

12 Q Is that consistent with the quotes you seen of Mr.  
13 Fallahian?

14 A Absolutely.

15 Q And was it natural for Iranian leaders to boast  
16 openly of their assassinations abroad?

17 A They have done it so often, Mr. Rafsanjani, who is  
18 considered to be moderate, he said it in Friday public  
19 prayer sermon that for each Palestinian killed, you have to  
20 kill five Americans or five Israelis or five Germans or five  
21 French. They are saying it all the time, nobody listens to  
22 it. They all want to have trade.

23 Q Is that what your book is about?

24 A Yes.

25 Q Etre Persan?

1 A Yes.

2 Q It says the counsel's secretary, parliamentary  
3 vice president Hassan Rouhani was recently quoted in the  
4 Iranian newspaper vowing that Iran, quote, will not hesitate  
5 to destroy the activities of counter revolutionary groups  
6 abroad. One man high on Tehran's hit list is Manouchehr  
7 Ganji.

8 A Yes. That gentleman is still today the secretary  
9 of national security council of Iran, and he's after exactly  
10 what he said there today.

11 Q In the middle of the middle column, it starts, He  
12 shares with Solomon Rushdie, it says, Time has obtained a  
13 copy of a document dated March 16, 1993, that promises a,  
14 quote, considerable financial reward for Ganji's  
15 assassination. Written on government letterhead and signed  
16 by state prosecutor Mousawi Tabrizi, it is addressed to  
17 Fallahian's intelligence ministry.

18 Did you know there was considerable award in  
19 addition to the fatwa for your assassination, sir?

20 A Yes, and I definitely know there is one.

21 THE COURT: Is that your picture at the top of  
22 that page?

23 THE WITNESS: Yes.

24 BY MR. HIRSCHKOP:

25 Q Exhibit Number 75 is the transcript of the

1 television interview we showed in court yesterday of the  
2 murderer of Mr. Tabatabai.

3 Who was Mr. Tabatabai?

4 A Well, he was the press attache of the Iranian  
5 embassy before the revolution, and he was a brave man.  
6 Before anybody else, when I escaped Iran and I arrived in  
7 Spokane, my wife and I were shopping in the Safeway, and  
8 television said, and I was flabbergasted, and I saw a man  
9 who wanted to talk. He was the first to come out and talk  
10 about freedom, democracy, the culture of Iran, what has  
11 happened to Iran, where is Iran going today, and nonviolent.  
12 They went and killed him, just in this city.

13 Q We talked about a number of countries where there  
14 was killing and terrorism. Look at Exhibit 76, sir. It's a  
15 document by the National Council of Resistance.

16 What group was that?

17 A National Council of Resistance is the same as  
18 Mujaheddin organization.

19 Q And they say, Jordan has foiled more than 40  
20 terrorist attacks planned against government officials and  
21 Israeli tourists.

22 Would they include American tourists very often?

23 A Definitely.

24 Q And was there terrorist explored in Jordan?

25 A Oh, yes. The Islamic Jihad and Hamas, they have

1 headquarters in Jordan as well, and they were very active  
2 until--they are still today active. Not so active as they  
3 were until about--until mid nineties, but there are still  
4 active days. They still have branch offices. Hamas has a  
5 branch office there. Islamic Jihad is there. There is a  
6 stronger fundamentalist group in Jordan.

7 MR. HIRSCHKOP: To save time, Your Honor, Exhibit  
8 77 is an article that appeared in The Washington Post  
9 Magazine that describes the assassination of Mr. Tabatabai.  
10 We highlighted significant portions.

11 Exhibit Number 78, Your Honor, is a Time magazine  
12 article that has an analysis of Iran terrorism throughout  
13 the world. We highlighted portions of that article.

14 Exhibit Number 79 is a Time magazine article from  
15 late as 1997, outlining what happened with regard to the, in  
16 part, the killing in Mykonos and Mr. Fallahian's  
17 involvement.

18 BY MR. HIRSCHKOP:

19 Q Exhibit 96, would you turn to that, Doctor. Number  
20 80, sorry. Beg your pardon.

21 A Yes.

22 Q What is this magazine?

23 A Clinton reaches out to Iran, 1996.

24 Q This is gentleman's quarterly.

25 A Oh, gentleman's quarterly.



1 Q Are you familiar with this article?

2 A Yes, I am. It's an article about my--threat to my  
3 life.

4 Q Does it lay out all the security that you went  
5 through? If you look at--the first page, the picture of you  
6 getting out of the car?

7 A Yes.

8 Q Shows a bullet-proof jacket?

9 A Yes.

10 Q It says in the article you had 24-hour bodyguards  
11 from France's group for protection for police national.

12 Was that the group that protected you?

13 A Yes.

14 Q You had a bullet-proof car?

15 A Yes.

16 Q You packed a .357 Magnum at times?

17 A Yes.

18 Q It says, Ganji lives within a protected cocoon of  
19 security.

20 Was that how you were forced to live?

21 A Yes. My apartment, I had the rope hanging,  
22 prepared so that if--I had so many safe rooms.

23 MR. HIRSCHKOP: I point to the Court that on the  
24 next page, two pages over, there is a picture of a watch,  
25 page number 102, quotes, on February 22 of this year, CIA

1 Director John Deutsche told the U.S. Senate Committee on  
2 Intelligence, quote, since 1989, Iran has murdered at least  
3 48 regime opponents abroad, provided \$100 million annually  
4 to the Lebanese Hezbollah, a group responsible for the  
5 killing of to date over 250 Americans.

6 A May I add something there?

7 Q Please.

8 A I think at the time that he made that statement,  
9 this book, which is by a defector, called Report of People.  
10 The date of publication of the book is--it's a year ago,  
11 year old. This man was a diplomat of Islamic Republic, Ali  
12 Akbar Omid-mehr.

13 He's now in Switzerland. He has written this  
14 book. In the book he has been with the service of the  
15 regime for 19 years. He says that they spent 350 to \$400  
16 million a year to export the revolution and for terrorist  
17 activities. And he says, Besides this, they spend 45 to \$50  
18 million within the Iranian exile community to create  
19 dissension and carry out acts of terrorism.

20 Q Turn to Exhibit 81, please, Doctor.

21 A Yes.

22 Q Have you met with U.S. authorities about Iranian  
23 terrorism abroad?

24 A Yes, quite often, to people from FBI. I met  
25 people from the agency. I met with people in the State

1 Department. I met people in the Congress. I met people  
2 with the press.

3 Q Do you continue to read Farsi press from Iran?

4 A Every day.

5 Q And has Iran continually harbored fugitives from  
6 terrorist acts abroad?

7 A Of course. Not only terrorist--yes, not only  
8 terrorists against Iranians, but terrorists against  
9 Israelis, against tourists and so on. There are so many of  
10 them. That's their safe haven.

11 Q According to Exhibit 81, President Clinton was  
12 asked based on intelligence reports linking bombings of  
13 three Saudis--this is of an American military complex--who  
14 have taken refuge in Iran.

15 A Yes.

16 Q To your knowledge, have these people taken refuge  
17 in Iran with respect to this bombing?

18 A I say, to my knowledge, I think Iran was very much  
19 involved in the bombing, and I think the man who was in  
20 Canada, he knew quite a lot. He came to Washington. He  
21 didn't confess, but they let him go, and everything is quiet  
22 now.

23 Q Look at the last page of that document. This says  
24 Iran rejects U.S. call to help on bombing probe. Do you see  
25 that?

1           A     Yes.

2           Q     Midway down it quotes Mr. Rubin, who is the  
3 spokesman for the Department of State at that time, United  
4 States had information but not proof that some of the  
5 suspects traveled to Iran after bombing, and that Iranian  
6 officials had a role in the attack.

7                     Whether they did or not, when press like this came  
8 out, in light of the proof of the terrorism, did that add to  
9 the fear that you people had to feel?

10          A     Definitely, certainly. Not only to that, all  
11 these years they have done all of these things, and there  
12 really hasn't been the kind of reaction that should have  
13 been. The only country that has shown reaction every now  
14 and then is the United States. And that I think, I for one  
15 think that sanction policy that was adopted in 1996 was a  
16 proper act. And I think why you see Iran trying today to  
17 collaborate and Hatami. And, in fact, the reason for  
18 election of Hatami, and the reason for playing charm,  
19 putting up charm face is because the United States has stood  
20 up for some time to the regime, and it is because they are  
21 bankrupt economically. They are in a terrible situation.

22                     Forget about what they have revenues from oil. \$30  
23 billion or \$20 billion doesn't fix your economy. The country  
24 is bankrupt. Seventy percent of people live under poverty  
25 line. 1,200,000 young people take the entrance examination

1 to university, they can only take 200,000 people in the  
2 university. 1 million young people remain without job.  
3 Thirty-five percent unemployment. Per capita income which  
4 used to be 2,400 is today 1,400.

5 So, the situation is terrible. They need the  
6 west, but the west bends backwards rather than standing  
7 firmly.

8 Q Doctor, in your opinion, if the Courts in the  
9 United States continue to hit these people with larger  
10 judgments, will that ultimately have an effect on them?

11 A Definitely it will have an effect, definitely.

12 Q So we are very clear about something, you came to  
13 me originally to handle this case for Mr. Elahi; is that  
14 correct?

15 A Yes.

16 Q And you came to me as a civil rights lawyer which  
17 what you said was a case for humanity.

18 A Yes.

19 Q Has that always been the focus of this case?

20 A Absolutely.

21 Q Okay.

22 MR. HIRSCHKOP: Your Honor, if I may point the  
23 Courts to documents, I will ask the question. It will  
24 probably be faster.

25 82, Your Honor, is from Newsweek taken off the

1 Internet. Apparently, the National Security Agency had a  
2 phone tap, and they picked up a foreign minister. Ambassador  
3 told Heider to get weapons from Yassir Arafat's fatah group  
4 to undertake an extraordinary operation against Marines in  
5 Beirut.

6 THE COURT: Where are you reading?

7 MR. HIRSCHKOP: Eighty-two. It should be the  
8 phone tap at the top.

9 THE COURT: I would be curious to know where you  
10 got this. Where did you get this document?

11 MR. HIRSCHKOP: Off the Internet.

12 THE COURT: It's the Newsweek reportage of  
13 National Security Agency.

14 MR. HIRSCHKOP: NSA and I have not been in close  
15 contact with each other.

16 THE COURT: Interesting.

17 MR. HIRSCHKOP: I suggest to the Court whether  
18 this is true and sometimes the press is wrong seeing what  
19 happened in Florida early on in the report, it's the  
20 confluence of information, not only the effect it has on  
21 them, but also the fact that it is so extensive, we are  
22 going to show you reports from the British parliament, from  
23 the American legislature, and we went through this morning  
24 the president has extended the presidential order. The  
25 terrorism is still right there. It hasn't stopped it,

1 hasn't abated. They put more money in it every year.

2 THE COURT: I wasn't questioning that. I was  
3 curious about the source of the National Security Agency  
4 report.

5 MR. HIRSCHKOP: I thought it was an opportune time  
6 to explain--

7 THE COURT: But I understood you as a good  
8 advocate, you took an opportunity to press your point.

9 MR. HIRSCHKOP: That speaks for itself.

10 Next, Number 83, again it's a December 4, 1999,  
11 Washington Post article. The Clinton administration  
12 reluctantly concluded Iran is increasing the flow of arms  
13 and money to terrorist groups in an effort to thwart  
14 U.S.-sponsored Middle East peace process.

15 The next page of that exhibit is a December 1999  
16 exhibit, about two-thirds of the way down, a classified FBI  
17 report completed last spring that advances long-held U.S.  
18 suspicions of Iranian involvement in the June 1996 bombing  
19 of U.S. military housing complex in Saudi Arabia that killed  
20 19 U.S. service men and wounded hundreds of others.

21 On the final page of that document, during the  
22 counter terrorism meeting in Berlin, threat from Iran is  
23 growing, according to two State Department officials.

24 The next document, Your Honor, number 84, is from  
25 meeting in which the Central Intelligence Agency director,

1 Mr. George Tenant, attended, and he's quoted, Although we  
2 have seen some moderating trends in Iranian domestic policy  
3 and even some public raising of security apparatus, the fact  
4 remains that the use of terrorism as a political tool by  
5 official Iranian organizations has not changed since  
6 President Katami took office in August of 1997. That was a  
7 February 2, 2000, document.

8 Next document, Your Honor, is from the Business  
9 Review, and also recent quotes, and this document is also in  
10 2000, March 2000, March 8, 2000, concerning continued  
11 terrorism with Iranian source.

12 Next document, 86, I want to ask Dr. Elahi (sic)  
13 about.

14 BY MR. HIRSCHKOP:

15 Q Dr. Elahi (sic)--

16 A Ganji.

17 Q --in 1997 and 2000, was Belgium involved in some  
18 investigation of Iranian terrorism?

19 A There is a case before Belgium court of  
20 participation of Iran in certain terrorist actions of  
21 Iranians, and they have named Rafsanjani as the culprit.  
22 So, the Belgium court is reviewing that.

23 Like, you know, there is international covenant on  
24 prevention of torture, and they are looking at Rafsanjani as  
25 the culprit.



1 Q According to the Associated Press article, which  
2 is copyrighted in 2000, Belgium on Monday rejected calls to  
3 halt human rights investigation of a former Iranian  
4 president, a case that threatens to derail improving  
5 relations between Iran and European Union countries.

6 Is this the investigation--

7 A That is the investigation, yes.

8 Q Later on it says if Belgium--four paragraphs  
9 down--if Belgium does not apologize, quote, it must await  
10 active measures from the Iranian nation, end quote. Suni--

11 A He's the head of the foundation that has put up  
12 the money for assassination of Rushdie.

13 Q That's the Khordad Foundation, K-H-O-R-D-A-D?

14 A Yes.

15 Q Told the Jaman Islamic Daily?

16 A Yes.

17 Q Does he speak for the government very often?

18 A It's part of the government. They try to be  
19 moderate, one of them. They play roles. They have a  
20 foundation, they call this is a foundation. The other one  
21 is moderate. This one is hard line. That's the role.  
22 They're actors, very good actors.

23 Q And the next document, Exhibit 87, the same  
24 gentleman who has offered a bounty on the head of Salman  
25 Rushdie is quoted, At this juncture I see it necessary to

1 announce to the Belgium government it must pay attention to  
2 this fact. Our reactions will not only be verbal, Suni told  
3 the hard-line daily whatever that name is, paper.

4           Who do these things mean? You are used to these  
5 statements by Iranian people. What's the threat here?

6           A     They are trying to create fear in the hearts of  
7 the judge and his family and the government to say that we  
8 are going to cut our economic relations with you. And to  
9 some extent, they have been effective all these years. When  
10 Iran was economically terribly bankrupt about six or seven  
11 years ago, European countries went to its rescue. They  
12 extended up to \$40 billion in donor credit to that bankrupt  
13 regime, not U.S., so this is what they are trying to do.

14           MR. HIRSCHKOP: Lastly, Your Honor, in the last  
15 exhibit of this group, Number 88, it's from Reuters, and  
16 it's dated October 11th, 2000. It's extremely current. A  
17 majority of members of the House of Representatives and more  
18 than 20 senators on Wednesday called for tougher U.S.  
19 policies toward Iran, saying Iran continues to violate human  
20 rights, and President Mohammed Katami has failed to bring  
21 about any improvement.

22           It quotes further in the article about three  
23 paragraphs up from the bottom, the growing pressure in  
24 Congress of Washington take a harder line with Tehran  
25 follows a similar move in the British parliament with 335

1 members signing a statement in June calling for political  
2 and trade relations be made conditional on Iran's respect  
3 for human rights.

4 BY MR. HIRSCHKOP:

5 Q Doctor, I'm almost done with the documents. In  
6 your paying attention to Iranian press and Iranian  
7 reactions, did you see any reaction or positive reaction to  
8 Iran in cutting funding of terrorism and ceasing its policy  
9 of terrorism as a result of the damages awarding in these  
10 other cases that were tried in this court so far?

11 A No.

12 Q Ultimately, if the Courts do that, if they keep  
13 that pressure up, will that have an effect on Iran?

14 A Definitely it will.

15 Q Okay. As a result of the new act of Congress,  
16 where some of the cases can collect the compensatory  
17 damages, roughly 20 to \$40 million per case, plus maybe more  
18 for interest--I don't know--they passed a new act in Tehran.  
19 Does that act in any way ameliorate or lessen the terrorism  
20 they export?

21 A They are going to continue with their acts of  
22 terrorism until they find that is going to be very, very  
23 expensive on them, and it's going to affect their life span.  
24 And their life span, money is part of it.

25 Most of the money Iran earns doesn't go to the

1 treasury. Great deal of it goes into the bank accounts of  
2 these clerics. So, denied money is denied life.

3 Q All right. The judgments to date have been  
4 running about 250 to 300 million in punitive damages.

5 Is it necessary to increase that to get their  
6 attention?

7 A I think something spectacular would help very  
8 much.

9 And you know, the one thing that the Iranian  
10 regime doesn't understand is that the government in this  
11 country consists of judiciary, legislative, and executive.  
12 And if there is a judgment by judiciary, if they want to  
13 have relations with this country, they have to meet the  
14 judgment of the judiciary. So, big one to really punish  
15 them would probably be the only thing because other things  
16 have not worked out so far.

17 Q Does the Government of Iran like to bargain?

18 A Like what?

19 Q To bargain?

20 A Of course. They are bargainers all the time.

21 Q And even if they knew they might never pay a  
22 billion dollar judgment, might it have some salutary effect  
23 on them in terms of the future they may have to bargain away  
24 nonetheless?

25 A Definitely. They want to put now a face of

1 moderate face which is fake, but this sort of thing would  
2 mobilize international public opinion against them, and it's  
3 going to damage their relations with Western European  
4 countries and Japan that they are hoping to improve even  
5 further.

6 Q With regard to Mr. Elahi--

7 THE COURT: Counsel, if you are almost through,  
8 that's fine. My reporter has asked for a break.

9 MR. HIRSCHKOP: Why don't we take a short break  
10 and I might be able to cut some things out.

11 THE COURT: We'll be back.

12 (Brief recess.)

13 BY MR. HIRSCHKOP:

14 Q Dr. Ganji, was Dr. Elahi paid \$4,000 a year for  
15 his salary?

16 A A month.

17 THE COURT: So corrected.

18 BY MR. HIRSCHKOP:

19 Q Did he get other benefits?

20 A He had insurance, sickness insurance, and he had  
21 life insurance.

22 Q Did FFO pay for all his travels when he went to  
23 visit his brother in the United States?

24 A Yes, paid twice a year to the United States when  
25 he came to visit his family members, and he had three weeks

1 of yearly holiday.

2 Q Did you know his family?

3 A Oh, I know the family quite well. I knew his  
4 father, I knew his mother, his aunt. His mother came and  
5 stayed about five or six months a year in Paris constantly.  
6 They were there. They stayed with him.

7 THE COURT: All told, sir, Dr. Elahi, he received  
8 \$48,000, or 4,000 a month, from the time he first began with  
9 your organization or the time he concluded with your  
10 organization? Did he have any raises in between or any  
11 promotions?

12 THE WITNESS: Yes. Originally, he was receiving  
13 3,000. Before his assassination, he was getting 4,000 for  
14 the past three to four years.

15 BY MR. HIRSCHKOP:

16 Q Dr. Ganji, how old are you?

17 A I'm 69.

18 Q They drew a conclusion, this estimate of damages  
19 loss of accretion, that Dr. Elahi would have stopped when he  
20 was 65. Are you stopping the fight for freedom in Iran?

21 A Not at all.

22 Q From your knowledge of him, had they not killed  
23 him, would he be fighting until 65 or until the last breath?

24 A His father was over 80 when ~~he~~ passed away. I  
25 think Elahi would have continued until the day Iran was

1 free. And if Iran was free, I'm sure Elahi would have been  
2 back in Iran, he would have had very important public  
3 position or academic position.

4 Q When Dr. Elahi died, did FFO, the Flag of Freedom  
5 Organization, make a videotape? You made a videotape about  
6 this man?

7 A Yes.

8 Q Did it have anything to do with litigation or any  
9 purpose concerning litigation?

10 A No, not at all. It was a videotape in Persian  
11 language. We smuggled into Iran, we wanted the Iranians to  
12 know about him, and we wanted his name to remain forever in  
13 the history of Iran. So, that was the intention.

14 I made it--I just adopted into English for the  
15 purpose of presentation here, but the original was in  
16 Persian.

17 MR. HIRSCHKOP: I would like to show that  
18 videotape.

19 THE COURT: All right.

20 MR. HIRSCHKOP: You could watch it on the screen  
21 in front of you.

22 (Videotape played.)

23 MR. HIRSCHKOP: I have nothing further.

24 THE COURT: Thank you, Dr. Ganji.

25 (Witness steps down.)

1 MR. HIRSCHKOP: We have not provided a transcript  
2 of that.

3 THE COURT: That's all right. I can remember.

4 MR. HIRSCHKOP: It speaks for itself.

5 May I make a few comments?

6 THE COURT: Surely.

7 MR. HIRSCHKOP: I don't have a closing statement  
8 to make. As you heard the question asked of him, Your Honor  
9 probably knows that much of my career has been regarding  
10 civil rights and constitutional work in the south and here  
11 in political demonstrations, but I remember as a law student  
12 I had Richard Gordon at Georgetown, who was Assistant Dean  
13 Gordon, for a human rights course, and we were learning  
14 about the atrocities of the Germans, we were studying  
15 Nuremberg and what happened. And one day he gave us a  
16 series of documents to read, and it was just horrendous, the  
17 torture that people went through.

18 At the end of the class, he had us put a cover on  
19 the page given us, and it was a report from the Human Rights  
20 Commission, the Civil Rights Commission of the United  
21 States, of atrocities in Florida during the times of the  
22 civil rights demonstrations. And he had slipped it in to  
23 the Nuremberg reports, and it didn't differ, except for the  
24 gas chambers, of course. It was ~~so gross~~.

25 In preparing for this trial and putting this case



1 together, I have had to go through, and we did not put in  
2 the gross atrocities. I had to put some in because there  
3 has to be some idea given to you, and I'm sure you  
4 appreciate it, of what Dr. Elahi saw as he spent 11 years of  
5 knowing there was a death sentence on him. And he would see  
6 these pictures and see the atrocities and see what happened  
7 to his people, knowing the people close to him being killed  
8 off one at a time, the other leadership being killed off one  
9 at a time. It was how to present this to your honor. It's  
10 probably the most difficult case I ever had to present and  
11 the easiest because I have no opposition. There is no  
12 cross-examination. Certain things we are able to put in  
13 hearsay that otherwise would not be admissible.

14           And that's one of the reasons I put in so many  
15 news articles, because while hearsay, they give such a  
16 confluence of information that it makes it very reliable  
17 hearsay. When it came not just from time and Newsweek and  
18 Reuters and everywhere else, but they agreed with the  
19 American press and the British press and the French press  
20 and the American government and the British government and  
21 the CIA and the president's order that Iran has engaged in  
22 horrible terrorist activities for 20 years since the  
23 revolution; that they, in fact, continue to do so, and that  
24 was that last series of articles. There is no question it  
25 has not dissipated.

1           What has stopped is they killed the leadership  
2 other than Dr. Ganji who they are still trying to kill.  
3 There was no leadership to kill. Another generation has  
4 come up now. As the leadership gets on in age, Dr. Ganji is  
5 one of the younger of the expatriate leadership.

6           And we have talked about very large sums of money,  
7 and the case was never really about money. I met Dr. Elahi  
8 for the first time two days ago, and I have never spoken to  
9 other members of the family. It was about compensation to  
10 tell the Iranians that this life was a very valued life.

11           I have two older brothers, and I dearly love both  
12 of them, and I wish either one of them had been Cyrus Elahi.  
13 I'm proud of my accomplishment, but if something happened to  
14 my country, I would like to be able to think my children  
15 would think I would do a little of what this man did. I  
16 know it's syrupy the last thing you watched, and it's  
17 important that you watch it because Dr. Ganji did that, and  
18 it was Dr. Ganji who was reading English, right after Cyrus  
19 Elahi died ten years ago, from his heart because that's what  
20 the man was.

21           And we put the record before you. We will supply,  
22 as Your Honor has directed, at the end of next week the  
23 suggested Findings of Fact and Conclusions of Law. I don't  
24 know what you want us to do with respect to what figures to  
25 put in. Should we put in the figures we propose, and then

1 Your Honor will deal with them as you see fit, or just leave  
2 blanks?

3 THE COURT: The blank will be the end result  
4 because I will obviously have to make that decision. You can  
5 do whatever you wish in that regard because it is unopposed,  
6 I will allow you to do what you wish. I obviously will make  
7 the ultimate determination in this case, so it's up to you.  
8 I have heard your oral representations, suggestions and  
9 questions of the witnesses and their responses, so it isn't  
10 necessary to do, but if you wish to do it, I'm not going to  
11 preclude you from doing it.

12 MR. HIRSCHKOP: It's a strange situation because  
13 what the Courts established is a pattern of enhanced  
14 compensatory damages. In a wrongful ordinary death case in  
15 the United States, you wouldn't see these types of damages,  
16 but we now have three Federal District Judges in this court  
17 house and one in Florida, Judge King of the Southern  
18 District of Florida, who said these damages for the losses  
19 in these cases, although they're compensatory damages--not  
20 looking at the punitive--apparently have a special  
21 situation, and I'm asking you to take that precedent and  
22 give it due consideration, which I'm sure you will, to your  
23 fellow judges.

24 Lastly, let me thank you for your courtesy. I  
25 appeared before a lot of Federal District Judges, and none

1 has ever been more courteous than you. It's been many years  
2 since I have been before you, and I thank you.

3 THE COURT: Thank you.

4 When you do your Findings of Fact and Conclusions  
5 of Law, as best as you can, I would ask you to track the  
6 transcript. We have had daily copy, so if you are reciting  
7 something in particular, if you could zero me in on this  
8 page or pages that it might be, and similarly for the  
9 exhibit. You have done the underlining; that's extremely  
10 helpful as the highlighting. So, if you want to say Exhibit  
11 152 rather than saying Exhibit 152 at paragraph three, you  
12 don't have to go in all of that detail, but it's helpful  
13 because it will help us to get to it more rapidly than we  
14 might otherwise do. We had many recent trials, and we are  
15 doing as best we can in moving as quickly as we can. I  
16 appreciate everyone has a need to put certain matters to  
17 rest in closure.

18 MR. HIRSCHKOP: And Your Honor understands that  
19 one of our things is as soon as we have a verdict, we have  
20 to go to Congress with it because of the--whatever it was.  
21 We were not excluded from that act. It didn't happen that  
22 way.

23 THE COURT: It's a little hard to understand your  
24 position on that, and you might want to make that clear in  
25 your paper.

1 MR. HIRSCHKOP: All right. But very clearly what  
2 happened is it was proposed--lawyers who had summary  
3 judgments managed to get the ear of the senator to put it  
4 in, and Senator Mack pushed it. He wasn't the originator of  
5 it. It's in his district, his state, that the judgment came  
6 out of Judge King, and our case was unknown to them, and we  
7 weren't dealing with the political process.

8 The other, I guess, important point I made before  
9 is we avoided the press. We avoided that show. We avoid  
10 giving a lot of statements, this and that.

11 THE COURT: I'm glad you mentioned the avoidance  
12 because it reminds me of a dialogue we had up here at the  
13 bench, and the decision you were going to have to make about  
14 one of the potential individuals involved.

15 MR. HIRSCHKOP: We will address that.

16 THE COURT: If you need that portion sealed, we  
17 can do that. Just ask me to seal page so-and-so, and I will  
18 understand why. You won't have to go into chapter and  
19 verse.

20 I also want to thank the most recent participants  
21 in this case, and this doesn't exclude those who are not  
22 present in the courtroom today, but the ones who had the  
23 greatest contact with the individual whose subject and life  
24 we have been looking at through the course of this very fine  
25 presentation by Mr. Hirschkop. And I wanted to tell you

1 that I do appreciate how very difficult it was for you to  
2 come and revisit situations that are so easily pushed back  
3 there because you don't want to come and face it day after  
4 day after day. And I know it was difficult for you to do,  
5 and I know that there were times that you were groping for  
6 words or groping to control your emotions, and I try to  
7 remain relatively impassive as part of my responsibility,  
8 but I must say that I thank you for being here and for being  
9 as complete as you were in your expressions because all of  
10 that helps me to understand an individual that I obviously  
11 never met, and had to come to an awakening as far as the  
12 presentations that have been demonstrated to me today and  
13 yesterday. So, I thank you so much for that and for your  
14 fine papers thus far.

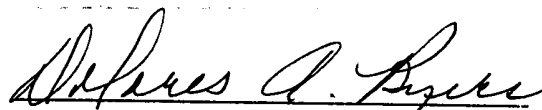
15           Mr. Hirschkop, we will look forward to the  
16 completion of this.

17           Good day to all of you.

18           [Proceedings concluded at 3:50 p.m.]

**CERTIFICATE**

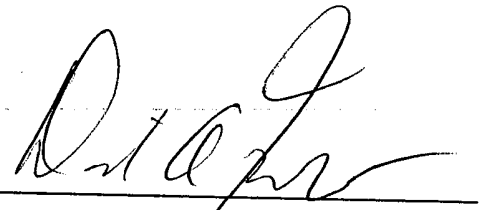
I, **DOLORES A. BYERS**, the Official Court Reporter for Miller Reporting Company, Inc., hereby certify that I recorded the foregoing proceedings; that the proceedings have been reduced to typewriting by me, or under my direction and that the foregoing transcript is a correct and accurate record of the proceedings to the best of my knowledge, ability and belief.



**DOLORES A. BYERS, CSR**

## *C E R T I F I C A T E*

I, DAVID A. KASDAN, RMR, the Official Court Reporter for Miller Reporting Company, Inc., hereby certify that I recorded the foregoing proceedings; that the proceedings have been reduced to typewriting by me, or under my direction and that the foregoing transcript is a correct and accurate record of the proceedings to the best of my knowledge, ability and belief.

A handwritten signature in cursive script, appearing to read 'David A. Kasdan', written over a horizontal line.

DAVID A. KASDAN, RMR