

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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,

Defendants

Case No. 1:99CV02802  
Judge Joyce Hens Green  
Deck Type: Civil General

FILED

NOV 08 2000

Clerk, U.S. District Court  
District of Columbia

PLAINTIFF'S WITNESS LIST

1. Kenneth R. Timmerman
2. Ladan Boroumand, Ph.D.
3. Jacques Boedels, Esquire
4. Jerome S. Paige, Ph.D.
5. Dariush Elahi, M.D.
6. Patrick L. Clawson, Ph.D.
7. Manouchehr Ganji, Ph.D.

Respectfully submitted,

DARIUS ELAHI,  
By Counsel

AA001066

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# ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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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. :  
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Docket No.  
1:99CV02802

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Clerk, U.S. District Court  
District of Columbia

VOLUME I

Washington, D.C.  
November 8, 2000  
9:40 a.m.

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

APPEARANCES:

For the Plaintiff:

PHILIP HIRSCHKOP, ESQ.  
MARIANNE MERRITT, ESQ.  
JONATHAN MOOK, ESQ.

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P R O C E E D I N G S

1  
2 THE COURT: This is a default judgment and the  
3 record will show that a default was granted by the clerk of  
4 the court and we are in a position to move in the  
5 evidentiary hearing that we scheduled sometime ago notice of  
6 which, I believe, Mr. Hirschkop, you have tendered to the  
7 Defendant in the interest of justice?

8 MR. HIRSCHKOP: Yes. The appropriate mailing was  
9 made with the appropriate translation that we filed the  
10 return receipt with the Court, Your Honor.

11 THE COURT: Ready to proceed with interest.

12 MR. HIRSCHKOP: If Your Honor please, just some  
13 administrative things. Mr. Mook had an emergency. So he  
14 will be here fairly soon. No problem now beginning without  
15 him. I'd like the Court's permission for Beth Wish who is a  
16 paralegal in my office who has handled a lot of documents to  
17 remain at counsel table if that's all right.

18 THE COURT: That's fine.

19 MR. HIRSCHKOP: I'd also like to introduce to the  
20 Court Dariush Elahi who is the executor of the estate. Dr.  
21 Elahi is right here.

22 THE COURT: Good morning.

23 MR. HIRSCHKOP: He's an endocrinologist at Harvard  
24 and is visiting us from Boston. I also here Jacques  
25 Boedels. Mr. Boedels is an advocate from Paris and is also

1 representative of the estate, legal representative. He is  
2 here from Paris.

3 If at some point if he wanted to be at counsel  
4 table, would that be all right, Your Honor?

5 THE COURT: Of course.

6 MR. HIRSCHKOP: Thank you.

7 If Your Honor please, we'd like permission of the  
8 Court to amend the addendum or leave at this time to amend  
9 the addendum to \$50 million. It's set at 20 million. We  
10 have, in viewing the other opinions of the courts, seen how  
11 they've handle damages on this. And in the course of  
12 gathering evidence in a very short time period realize there  
13 is much more to it than we had originally pled.

14 THE COURT: It does come at a very late stage. I  
15 will allow you to amend it. This doesn't necessarily mean  
16 you will receive it or any portion of it. We will have to  
17 wait and see what we hear. But I will allow you to amend  
18 it.

19 MR. HIRSCHKOP: If Your Honor please, we have  
20 filed with the clerk an exhibit list and a witness list and  
21 sent a copy up for Your Honor and a copy to the court  
22 reporter. We would ask rather than moving the complaint in  
23 evidence that the Court take cognizance of the complaint in  
24 this matter. Since it is a default, the complaint is taken  
25 as admitted or the facts are admitted.

1 We still must show evidence satisfactory to the  
2 Court as the standard. No one knows really what that is.  
3 The cases say we can file affidavits. The cases say that we  
4 can't just say here is the complaint and sit down.

5 THE COURT: Exactly. As long as you appreciate  
6 that you can't just say that and sit down and that you are  
7 going to prove whatever the points are that you believe are  
8 essential to making your case and that will be satisfying to  
9 the Court, I have no objection to it coming in. But it  
10 can't stand on its own. Just so that the record is  
11 abundantly clear in that regard.

12 MR. HIRSCHKOP: Indeed. So, Your Honor,  
13 therefore, where we're going -- I think we'll save time by  
14 just telling you to begin with. We have trimmed this to  
15 seven witnesses from what we first filed. We will put out  
16 four or five today and probably not take all day tomorrow.

17 We are cognizant of the schedule but have not  
18 sacrificed anything in doing that. We also have prepared  
19 two sets of documents. One is the originals to be filed  
20 with the Court. We will put them on the witness stand with  
21 the witnesses based on my discussion. We have a set for the  
22 court here. There are 106 exhibits.

23 Many of them are newspaper articles which you will  
24 see the purpose of them as we go along. A number of them are  
25 large reports of the French court and prosecutions there.

1 Some are from a German court and prosecutions there.

2 THE COURT: Are they there with translations?

3 MR. HIRSCHKOP: They are all translated, Your  
4 Honor. To be doubly safe we had the originals -- even where  
5 the translations are just excerpts, we put the full original  
6 behind it in the book so the record will be complete. We  
7 will show two videotapes, one today and one tomorrow  
8 morning. We have provided in the exhibits a translation of  
9 each videotape.

10 Would you want us to leave the video with the  
11 Court also? We have made extra copies if you want that.

12 THE COURT: Yes.

13 MR. HIRSCHKOP: With this copy I'm providing to  
14 Your Honor there are many, like, the Global Terrorism  
15 Reports of the United States State Department but we really  
16 are only referring to one paragraph out of several pages.  
17 If Your Honor would like, ours is highlighted. I didn't  
18 highlight yours. I didn't want to be presumptuous and do it  
19 in advance. We could take these back sometime today and  
20 just mark them up and save someone a lot of work.

21 THE COURT: The answer is yes. I would like it  
22 highlighted while I'm required to really read everything  
23 that is tendered to me. I obviously give the greatest  
24 scrutiny to that which counsel is asking me to focus on.  
25 So, yes, I would appreciate it if you will highlight it

1 because sometimes within a volume there is one paragraph  
2 that counsel wishes me to look at. I always ask this in  
3 every case.

4 MR. HIRSCHKOP: I will just pass these up to you  
5 now.

6 THE COURT: Thank you.

7 MR. HIRSCHKOP: I'm not going to make an opening  
8 statement of any length, Your Honor. The pleadings are  
9 self-evident. The proof conforms very much to the  
10 pleadings. There is very little different what is not in  
11 the pleadings perhaps. There is a lot of the personal  
12 details of the life of Dariush Elahi but you will hear that  
13 and expect that coming.

14 So in the interest of the judicial economy, I will  
15 call Kenneth Timmerman to the stand.

16 THE COURT: Fine. Mr. Timmerman.

17 MR. HIRSCHKOP: He may have stepped out. He was  
18 here one moment ago.

19 THE COURT: We'll wait a moment if you believe  
20 this is more coherent to have him first. But if he doesn't  
21 come, then we'll move to the next one.

22 MR. HIRSCHKOP: The next one isn't here yet.

23 THE COURT: Then we'll move to the third one.

24 MR. HIRSCHKOP: He is an expert. He publishes an  
25 Iran newsletter and he gives you the structure of what we'll

1 be talking about.

2 THE COURT: He is Mr. Timmerman. I'm just reading  
3 he is an investigative journalist and founder of the  
4 Foundation for Democracy in Iran.

5 MR. HIRSCHKOP: Yes. He was a newspaper reporter  
6 for a number of years in Western Europe. He speaks Farsi.  
7 He speaks French.

8 THE COURT: He didn't get lost in our fire drill,  
9 did he?

10 MR. HIRSCHKOP: No. He was here.

11 THE COURT: All right. We'll take a moment.

12 (Pause.)

13 KENNETH ROGERS TIMMERMAN, PLAINTIFF WITNESS, SWORN

14 MR. HIRSCHKOP: May I approach the witness, Your  
15 Honor?

16 THE COURT: You may, sir, and you may continue to  
17 do so as appropriate.

18 MR. HIRSCHKOP: Thank you.

19 DIRECT EXAMINATION

20 BY MR. HIRSCHKOP:

21 Q State your full name, please.

22 A Kenneth Rogers Timmerman.

23 Q Would you briefly give the Court your background?

24 A I'm a professional reporter and I've lived and  
25 worked for 18 years in Europe and the Middle East between

1 1982 and 1993 as a reporter.

2 I spent many -- much of that time investigating  
3 Iranian state terrorism, the assassination of dissidents  
4 overseas.

5 I have written on that in Newsweek Magazine, in  
6 Time Magazine. I've worked also for ABC news, for CBS news  
7 and a variety of publications around the world. I came back  
8 here in the United States in 1993 to work as a professional  
9 staff member at the House Foreign Affairs Committee because  
10 of my expertise in the Middle East and also in area of arms  
11 control which I've written on extensively.

12 After leaving the House, I've gone back to my work  
13 as a reporter and I continue to do that today.

14 Q What degrees do you hold?

15 A I have a bachelor's degree in liberal arts and a  
16 master's degree in liberal arts from Brown University.

17 Q At any time while you were abroad were you ever a  
18 hostage yourself?

19 A Yes, I was. I was -- in fact, I began my  
20 journalist career in the Middle East in an underground cell  
21 in Beirut in 1982. I was taken hostage by Arafat's faction  
22 of the PLO. This was during the most intense period of the  
23 Israeli bombings of Beirut in July of 1982.

24 I was in an underground room for three and a half  
25 weeks which was about 16 feet by 20 feet square. No light,

1 one candle a day, no ventilation, no fresh air, no water, no  
2 food to speak of and constant bombardments from the air,  
3 from the sea and from land.

4 When I went into that building it was an eight  
5 story building. When I got out it was one floor and a half  
6 and pancakes on top.

7 Q How many hostages were there with you?

8 A In the room where I was, that 16 by 20 foot room,  
9 there were about 16 people.

10 Q What nationality were these hostages?

11 A Besides myself, I was the only American. There  
12 was one French person who was brought in and out of the room  
13 with me. But the majority were either Serians, Egyptians,  
14 Lebanese or Palestinians.

15 Q You have been a reporter for USA Today and at  
16 Atlanta Constitution. When you worked for those papers or  
17 those publications, what area did you cover?

18 A I covered primarily the Middle East and I went  
19 back and forth between France and Beirut. I went back to  
20 Beirut after being released by the grace of God and covered  
21 Arafat's PLO again.

22 THE COURT: How shortly thereafter did you go  
23 back?

24 THE WITNESS: I went back to the Middle East in  
25 late 1982 and I went specifically at that point to the West

1 Bank which is a Palestinian area. It was then under Israeli  
2 occupation. I felt very strongly that I did not want to let  
3 my experience as a hostage color my reporting or my ability  
4 to see the facts on the ground.

5 I spent about two months on the ground living with  
6 Palestinians in the West Bank under Israeli occupation. I  
7 came out of that experience with a view that there are no  
8 sides in the Middle East conflict who have an entirely clear  
9 or pristine record and that ones needs to be very careful  
10 and also attentive to human beings and individuals before  
11 judging what is going on.

12 BY MR. HIRSCHKOP:

13 Q Just so we're clear when you say there are no  
14 sides or the pristine record, one of the exhibits I'll put  
15 before you is a chart you have prepared of assassinations.  
16 You're not saying those people --

17 A I'm referring specifically to what's called the  
18 Arab Israeli conflict, the Arab side the Palestinian side  
19 and the Israeli side.

20 Q I noticed you've worked for Newsweek. You've been  
21 a contributor to the Wall Street Journal, to ABC news, to 60  
22 Minutes. You've worked for Time Magazine. All of those,  
23 was your specialty in reporting on Mideast affairs?

24 A Yes.

25 Q Do you publish something called the Iran

1 Newsletter.

2 A The Iran Brief. Yes, sir.

3 Q How long have you published that?

4 A I launched that shortly after leaving Time  
5 Magazine in December of 1994. It was a monthly  
6 investigative newsletter.

7 Q And how does that differ from the Middle East  
8 Defense Newsletter?

9 A Middle East Defense News was a predecessor which I  
10 published after leaving Newsweek in 1987 and I left Newsweek  
11 because there was simply no room -- I was in Paris at the  
12 time. There was no room for all of the information I had on  
13 the Middle East and Middle East arms deals. So I set up my  
14 own investigative newsletter.

15 Q Have you published any books?

16 A I've published four books. The first one on the  
17 Iran-Iraq conflict, on arm sales to Iran and Iraq called  
18 "Fanning the Flames." It was syndicated by the New York  
19 Times, published in several languages.

20 Then a book which I wrote in French on Soviet high  
21 tech espionage which is the other half of my journalistic  
22 career is looking at intelligence and high tech espionage.

23 A third book came out from Holt Nifland in 1991  
24 called "The Death Lobby, How the West Armed Iraq." And it  
25 was the story of western arm sales to Iraq. How we built up

1 Saddam Hussein's war machine. And then the most recent book  
2 is a book on U.S. policy and communist China.

3 Q With regard to Middle Eastern matters, have you  
4 published articles in both Le Monde and the Express, the  
5 Paris newspapers?

6 A Yes. While I was working out of France, I  
7 traveled frequently to Iraq as a reporter, published front  
8 page stories in Le Monde on, particularly on how Iraqis were  
9 using French weaponry or failing to use it. I also  
10 published cover stories for the French news weekly, LEX  
11 PRESS (phonetic) which is roughly the equivalent of Time  
12 Magazine here and also their competitor LA PRA (phonetic),  
13 the newsweek of France.

14 Q In the past years in addition to publishing your  
15 newsletter, the brief, the Iran Brief, how have you stayed  
16 current of affairs concerning the Republic of Iran?

17 A Well, one of the things that I feel very strongly  
18 about and it came out of my experience as a hostage in  
19 Lebanon, I think freedom is an important guiding principle  
20 in my life and it's something, I think, that America has --  
21 it is one of the most important things about America and  
22 it's what attracts people to us around the world.

23 I established in 1995 with two Iranian friends and  
24 two American friends, former administration officials, a  
25 nonprofit foundation called the Foundation for Democracy in

1 Iran here. And we began with a grant from the National  
2 Endowment for Democracy which is a nongovernmental agency  
3 but funded by the United States Congress. And it is funded  
4 in particular to promote democracy overseas.

5 THE COURT: What is it called again?

6 THE WITNESS: It's called National Endowment for  
7 Democracy.

8 They fund projects in Burma. They fund projects  
9 in China, around the world to promote democracy. And in the  
10 beginning they funded my foundation. We were doing human  
11 rights monitoring and democracy development, trying to. It  
12 was a very difficult thing to do.

13 THE COURT: Mr. Hirschkop, just so I'm certain.  
14 We are getting daily copy, aren't we?

15 MR. HIRSCHKOP: Yes, Your Honor.

16 THE COURT: Wonderful. Then I don't have to take  
17 notes and I can really focus on --

18 MR. HIRSCHKOP: I apologize. In my list of  
19 administrative things to tell you I forgot.

20 BY MR. HIRSCHKOP:

21 Q So you stay current on Iranian matters?

22 A Yes, I do.

23 Q Are you knowledgeable of Iranian terrorist activities  
24 over the last 20 years?

25 A Yeah. I've spent a lot of time studying that and

1 investigating that. Yes, sir.

2 MR. HIRSCHKOP: If Your Honor please, another  
3 administrative matter. The 106 exhibits, rather than move  
4 each one in, I don't think it's any necessity to move an  
5 exhibit in in this type of hearing. It's whatever is  
6 satisfactory to you.

7 I will just submit all the exhibits. But in the  
8 course the next two days we will identify and show the  
9 relevance of each and where it came from.

10 THE COURT: And at the end of the day today you  
11 will take them back and highlight for me.

12 MR. HIRSCHKOP: We will even grab them at noon and  
13 get it done quicker.

14 THE COURT: With pleasure.

15 MR. HIRSCHKOP: Thank you, Your Honor. Exhibit  
16 18, Your Honor, is --

17 THE COURT: But I do like it when you call the  
18 exhibits to my attention as we go so I can take a quick  
19 perusal.

20 MR. HIRSCHKOP: I'm sorry. Exhibit 97 is his  
21 resume and I just identified it.

22 THE COURT: That's fine. Go right ahead.

23 BY MR. HIRSCHKOP:

24 Q I'd you to, if you would, turn to Exhibit 29 in  
25 the books that you have there. Can you tell me what Exhibit

1 29 is, sir?

2 A This is a compilation of Iranian government  
3 terrorist attacks against dissidents which I have put  
4 together based on accounts in the press, also from court  
5 cases around the world. I have been very careful because  
6 there are many such lists like this floating around. Some  
7 of them credible and some of them not.

8 I have been very careful in compiling this list to  
9 be sure that there is a clear chain of evidence leading back  
10 to Iranian government involvement and responsibility for the  
11 terrorist attack.

12 THE COURT: Could you give me some background very  
13 briefly as to how you decide which one should be included in  
14 the list and which one doesn't have enough background and  
15 information to satisfy you that it should be?

16 THE WITNESS: Yes, Your Honor.

17 MR. HIRSCHKOP: Perhaps I can assist Your Honor  
18 with that. I was going to ask him questions about the  
19 structure leading up to the list.

20 THE COURT: Fine.

21 BY MR. HIRSCHKOP:

22 Q Now with regard to the list, does this include all  
23 of the assassinations in the country of Iran?

24 A No, it does not.

25 Q Does it include all assassinations in Iraq and

1 Turkey.

2 A No, it does not.

3 Q Okay. So the Court may understand, keep the list.  
4 We're not going to talk about it for a moment. But let's go  
5 to the general structure of the terrorist activities. Who  
6 is in charge of the Iranian government?

7 A At the head of the Iranian government is the  
8 supreme leader who is a religious figure. Ayatollah  
9 Khomeini today. He took over from Khamanei whose name, I'm  
10 sure, is familiar to the Court. Beneath him there are  
11 elected officials.

12 There is a president of the Republic and then  
13 there is a cabinet as we have and many other countries have.  
14 But ultimate authority for everything is with the supreme  
15 religious leader. He has the ability to veto laws. He has  
16 the ability to -- he has his own private budget. He has a  
17 series of parastatal foundations which he can use to promote  
18 his own activities whether it's religious activities or his  
19 operations overseas.

20 Q And Ayatollah Khomeini left Paris when the  
21 revolution first occurred in 1979; is that correct?

22 A That's correct. Ayatollah Khomeini who overthrow  
23 the Shah left Paris where he was sheltered.

24 Q And is that the time when our embassy was seized  
25 in Teheran?

1           A     The embassy was seized. After he arrived back in  
2 early February of 1979 the embassy was seized on my  
3 birthday, November 4th, 1979.

4           Q     Now immediately before the Ayatollah Khomeini  
5 having come back to head up the revolution, had the  
6 revolution actually taken power before his arrival?

7           A     Yes. The Shah had left in early January of 1979  
8 and they were pretty much in control. But there was a key  
9 event and it took place right after Khomeini came back.  
10 There was a key event which was the night of February 11 to  
11 12, there interim government in power still lead by Shahpour  
12 Bakhtiar, the last prime minister appointed by the Shah.

13                     And Khomeini's forces led by the People's  
14 Mojahedin of Iran at that time that was allied with the  
15 revolution and there is reason to believe some of the  
16 radical Palestinian groups, as a military spearhead, in the  
17 night of February 11 to 12 they carried out a military coup  
18 d'etat. They seized the air base in Teheran and air bases  
19 around the country and basically scattered the last of the  
20 military forces that were still loyal to the Shah and to the  
21 Bakhtiar government.

22                     And on the morning of February 12th it was all  
23 over. And that military coup, that was the end of the  
24 interim government. Shahpour Bakhtiar went into hiding and  
25 then there was a price put on his head.

1 Q We are going to talk about Mr. Bakhtiar a lot in  
2 the next two days. How long was he prime minister for?

3 A Thirty days.

4 Q Was that an interim government to try and  
5 establish a republic?

6 A Shahpour Bakhtiar had been a historic leader of  
7 the nationalist movement in Iran. He had been an opponent  
8 of the Shah. By appointing him in late December 1978 it was  
9 the Shah's last effort, basically, to keep power and to keep  
10 the government from falling.

11 Q And after the Ayatollahs took over control of the  
12 country, did a pattern of terrorism start around the world  
13 of assassinating dissidents to the Iranian regime?

14 A That began almost immediately as well as an effort  
15 to export the revolution. This was the term that they used  
16 very early on. Ayatollah Khomeini wanted to export the  
17 Islamic revolution around the world. He launched a number  
18 of subversive attacks against neighboring governments  
19 including an assassination attempt on the Amir of Kuwait and  
20 began to assassinate dissidents, potential opposition  
21 leaders overseas.

22 Q Let's deal with just that first year or two, say,  
23 1980. Was there an assassination right here in Bethesda of  
24 an Iranian official?

25 A Yes. It was Ali Tabatabai who had been an

1 official in the Iranian embassy under the Shah.

2 Q Was a well-known official among ambassadorial  
3 circles here in Washington?

4 A Yes. He was the spokesman. He was the point man  
5 for the embassy. Yes.

6 Q Was he considered an opponent to the Khomeini  
7 regime?

8 A He was a very vocal opponent to the Khomeini  
9 regime after the takeover.

10 Q In that same period had Mr. Bakhtiar moved to  
11 Paris and established a dissident organization there?

12 A In which period, sir?

13 Q In the 1980 period.

14 A In 1980, yes. But it was later on in the year.  
15 Yes.

16 Q And was there a serious attempt on his life in  
17 France?

18 A Yes. In fact, he was really the first big named  
19 target that they went after. He was living at that point in  
20 an apartment in the suburbs of Paris and the Iranian  
21 government sent a hit team to kill him. They did not  
22 succeed.

23 They wound up killing the French woman who lived  
24 next door and I believe a policeman, if my memory is  
25 correct. The French police did capture the hit man who

1 turned out to be a Lebanese Christian who had converted to  
2 Islam and then became one of the faithful of Ayatollah  
3 Khomeini. His name was Anise Nacosh (phonetic).

4 Q We will get to it later. But was, in fact, Mr.  
5 Bakhtiar successfully murdered some ten years later?

6 A Yes, indeed.

7 Q After the Khomeini regime took over, did a series  
8 of groups grow up outside of Iran and get established  
9 outside of Iran seeking to overthrow the Khomeini or  
10 democratize or make a Republic of Iran again?

11 A Yes. That's correct.

12 Q Let's go through so the Court can understand who  
13 they were. First, let's start with Mr. Bakhtiar's group.  
14 What was their political philosophy?

15 A Mr. Bakhtiar was a nationalist. He grew up in  
16 opposition to the Shah in the fifties, the sixties, the  
17 seventies. He was a well respected figure in Iran. He, as  
18 I mentioned earlier, when the Shah appointed him he thought  
19 this was really his last best chance of maintaining power,  
20 of maintaining some semblance of order in Iran.

21 And, of course, when that failed, Mr. Bakhtiar had  
22 to go into hiding. The importance of Bakhtiar is that his  
23 brand of Persian nationalism was directly at odds with the  
24 clerics who believed not in Persian nationalism but that  
25 their power came directly from God. And they did not have

1 to obey any temporal hierarchy or temporal authority.

2 At the very beginning of the revolution they saw  
3 the nationalist movement of Mr. Bakhtiar as a very major,  
4 very strong opponent that had to be defeated.

5 Q His organization was NAMIR, N-A-M-I-R?

6 A Yes. We call it the national --

7 Q Resistance movement?

8 A Yeah. It's in French. Yes. The movement -- the  
9 Iranian resistance.

10 Q I don't know about the Court but my French is very  
11 minimal. So I'll just avoid it if I can.

12 Now with regard to Bakhtiar, did he have a deputy  
13 Mr. Boroumand?

14 A Yes, he did.

15 Q And the second witness will be Mr. Boroumand's  
16 daughter, Ladan Boroumand.

17 Was Mr. Boroumand also executed in Paris?

18 A Yes, he was.

19 Q Did they represent the leadership of the national  
20 resistance movement?

21 A Mr. Boroumand who I knew personally, as I also  
22 knew Mr. Bakhtiar personally, Mr. Boroumand was the treasury  
23 of the movement and he was Mr. Bakhtiar's right-hand man.

24 Q I'm going to get to individual assassinations a  
25 little later on.

1 A Okay.

2 Q But the national resistance movement was a major  
3 dissident movement outside of Iran against Iran; is that  
4 correct?

5 A Mr. Bakhtiar's movement was one of the major  
6 movements against the Islamic Republic.

7 Q Was there also a movement the Flag of Freedom  
8 Organization?

9 A Yes, there was.

10 Q What do you know of that?

11 A The Flag of Freedom Organization was headed by Dr.  
12 Ganji who --

13 MR. HIRSCHKOP: Just for the Court Dr. Manouchehr  
14 Ganji. Dr. Ganji, could you rise.

15 Thank you, sir.

16 BY MR. HIRSCHKOP:

17 Q Could you tell the Court, do you recall, what Mr.  
18 Ganji's position was in the Iranian government prior to the  
19 revolution?

20 A Mr. Ganji had been minister of higher education.  
21 He had been one of those people in the entourage of the  
22 leadership in Iran under the Shah who was trying to convince  
23 the Shah through his wife that changes were necessary if  
24 they didn't want the country to explode and the regime to  
25 collapse.

1 Q Had he, in fact, liberalized education as to women  
2 and dress as to women and the admission of women into  
3 education in Iran?

4 A The situation of women in Iran progressed by leaps  
5 and bounds in the 1970s, in the final years of the Shah.  
6 There was a woman head of the customs service. There were  
7 women professors who worked in the universities. Dr. Ganji  
8 had female assistants. All of that was setback greatly  
9 after the Islamic revolution.

10 Q Do you recall Dr. Cyrus Elahi, the victim in this  
11 case, that this case principally about, was Dr. Ganji's  
12 deputy, when he was minister of education?

13 A That's correct.

14 Q Now the Flag of Freedom Organization, was that  
15 located in Paris also as was NAMIR?

16 A Dr. Ganji was primarily based in Paris. But the  
17 Flag of Freedom Organization like Mr. Bakhtiar's group had  
18 people inside Iran. They had networks inside Iran,  
19 resistance networks. They had resistance networks in  
20 Turkey. Turkey which is neighboring Iran has a very large  
21 Persian speaking community and is frequently used as a  
22 penetration point where you can get people inside the  
23 country, infiltration point.

24 Q Did they participate in circulating millions of  
25 fliers inside Iran, printed material?

1 A Yes.

2 Q Did they have a radio program set up in Egypt that  
3 broadcast like Radio Free Europe and Radio Free America into  
4 Iran from Egypt?

5 A Yes, they did. And that was a very important  
6 effort and it was something that the regime in Iran was very  
7 upset about. They tried to, and I think successfully from  
8 what I've understood, they tried to scramble, to jam the  
9 broadcasts.

10 Q Are you familiar that when the revolution first  
11 occurred a list of 200 people were posted around the mosques  
12 in Iran to be murdered?

13 A Yes.

14 Q And are you familiar that Dr. Ganji and Dr. Elahi  
15 were both on that list?

16 A That is my understanding. Yes, sir.

17 Q Are you familiar with whether or not a Fatwa was  
18 issued for Dr. Gangi after the revolution took over?

19 A I became aware of the Fatwa, first, from Dr.  
20 Ganji, himself, in Paris and later through the French  
21 investigating magistrate whose name was Jean- Louis  
22 Bruguiere. It's B-R-U-G-I-E-R-E. Mr. Bruguiere who I  
23 interviewed many times as a reporter. And we had a tendency  
24 to pick each other's brains from time to time and he spoke  
25 about the Fatwa against Dr. Ganji and against a number of

1 other people, Dr. Elahi as well and a number of other  
2 opposition leaders.

3 Q Turn to Exhibit 105, please.

4 MR. HIRSCHKOP: Your Honor, just so you're clear.  
5 Dr. Ganji will identify this later as the official Fatwa  
6 issued against him by the Iranian regime.

7 BY MR. HIRSCHKOP:

8 Q Looking at the language of the Fatwa, is that the  
9 language that it used when they issue a Fatwa?

10 A The key words are in italics at the bottom of that  
11 English translation. This man is an apostate and corrupt.  
12 The Iranian regime liked to use the notion of hypostasy for  
13 going after people and they would call those -- its  
14 opponents corruption on earth.

15 Q Just so the record is clear, what is a Fatwa?

16 A A Fatwa is a religious edict issued by a religious  
17 leader authorizing a faithful Muslim to commit murder in  
18 this case.

19 Q In fact, it's a direction that the object of Fatwa  
20 was to be murdered by any Muslim that can pull it off?

21 A Yes. Whereas murder is against the tenants of  
22 Islam as a religion, the Fatwa is then required by faithful  
23 Muslims to absolve them, if you wish, from what would  
24 otherwise be a crime.

25 THE COURT: Excuse me. It says within this

1 document, Plaintiff's Exhibit 105, that it's strictly  
2 confidential, urgent and yet it was placed in all of the  
3 mosques?

4 MR. HIRSCHKOP: If I may explain that since I  
5 asked that question. There was a list prior to this Fatwa  
6 of 200 dissidents that were published in all the mosques  
7 immediately when the revolution began. And Dr. Ganji will  
8 testify about how they escaped on mule back through northern  
9 Iran.

10 THE COURT: My question is whether this entire  
11 document was published or just the names of the individuals  
12 who were the subject of the Fatwa?

13 MR. HIRSCHKOP: Let me see if the witness knows  
14 that.

15 BY MR. HIRSCHKOP:

16 Q Have you ever seen a written Fatwa like this  
17 before?

18 A Well, actually, I have seen the Persian copy of  
19 this because Judge Bruguiere showed it to me in France years  
20 ago.

21 Q It's a attached --

22 A To answer your question, Your Honor, the list was  
23 really an arrest list. It was, you know, like ten most  
24 wanted. Well, this was the 200 most wanted criminals and  
25 friends of the Shah, cronies of the Shah. That was posted

1 every where to help inform the citizenry to arrest these  
2 people.

3 The Fatwa was something else and that was not  
4 published to my understanding. It was not published and it  
5 was obtained through intelligence sources and I believe that  
6 the French intelligence service was in particular  
7 instrumental in obtaining this.

8 Q In fact, once a Fatwa is accomplished the document  
9 dictating it is destroyed in Iran, is it not?

10 A That I don't know.

11 Q We have other witness on that.

12 And in addition to Dr. Ganji and Mr. Elahi, were  
13 there not Fatwas on a number of other people including Mr.  
14 Boroumand and Mr. Bakhtiar?

15 A Yes. It is my understanding that this type of  
16 murder could not be carried out unless there was a Fatwa  
17 authorizing it.

18 Q We've digressed from the resistance organizations.  
19 But just so I can clear up something you said when we raised  
20 it, Mr. Bruguiere. In France when there is a criminal  
21 offense the supreme court appoints a judge as an  
22 investigating magistrate; is that correct?

23 A Can I cut to the chase and explain exactly how  
24 this works?

25 Q I will have Mr. Boedels do it in detail.

1           A     He will do it in detail.  But basically what the  
2 French has got is a separate section of their court which is  
3 called the 14th section of the court which is specifically  
4 -- which specifically focuses on terrorism cases.  And they  
5 set this up, I believe, in the early 1980s because of the  
6 important number of terrorism cases.

7                     And the investigating magistrates would carry out  
8 the functions of a grand jury.  And then they would present  
9 the evidence to the court and then the prosecutor would  
10 actually prosecute based on that evidence.

11           Q     In Paris there were three magistrates who were  
12 famous for doing these terrorist investigations; is that  
13 correct?

14           A     I knew two of them personally very well.

15           Q     And Mr. Bruguiere is the most senior of these; is  
16 that correct?

17           A     Yes.

18           Q     He heads the investigation of the Elahi murder?

19           A     That is correct.

20           Q     And he headed the Boroumand investigation?

21           A     Correct.

22           Q     And the Bakhtiar investigation?

23           A     Yes, sir.

24           Q     Okay.  We'll come back to Mr. Bruguiere.

25                     Let's go back to these dissident groups.  In

1 addition to the Flag of Freedom Organization and the NAMIR,  
2 the national resistance movement, there is also the  
3 democratic Kurdish party, the DKPI or KDPI.

4 A The KDPI.

5 Q What is that?

6 A The KDPI, the Kurdish democratic party of Iran, it  
7 began as a successionist movement for Kurds in Iran. There  
8 is very large minority of Kurds and they go across borders.  
9 The Kurdish areas of Iran abut the Kurdish areas in Iraq and  
10 there is a part of Turkey in there as well.

11 So for the past 70 years there has been a Kurdish  
12 independence movement that cuts across all three of those  
13 countries and they have been trying to unite and succeed  
14 from the different countries. Obviously they have not been  
15 successful.

16 The KDPI in Iran, early on in the revolution, the  
17 Islamic revolution, they realized that they were not going  
18 to succeed with this effort to pull out of Iran and they  
19 became an important force if only because of the numbers of  
20 Kurds -- the millions and millions of Kurds -- within the  
21 opposition against the Islamic Republic. And they were  
22 rallying support for a secular form of government, a secular  
23 democracy.

24 Q And were there numerous assassinations of leaders  
25 and higher officials of the Kurdish democratic party?

1           A     Yes, sir. And I knew several of those who were  
2 assassinated personally?

3           Q     Again, I'll get to the individual ones later so  
4 the Court can get them in sequence. Where was the KDPI  
5 headquarters located?

6           A     That's a very good question. I met with KDPI  
7 leaders in Paris. I met with them in other cities in  
8 Europe. They were able to travel around Europe. But they  
9 also came and went into northern Iraq and northern Iran. So  
10 the borders were porous and the regime was not always in  
11 full control.

12           THE COURT: Mobile headquarters?

13           THE WITNESS: Yes, ma'am.

14           BY MR. HIRSCHKOP:

15           Q     You mentioned the Kurdish populous in northern  
16 Iran and northern Iraq and southern Turkey. Was there a  
17 very large Iranian population in the Turkey in the Istanbul  
18 area?

19           A     Approximately one million Iranians live in  
20 Istanbul out of a population of several million, about 25  
21 percent of the city.

22           Q     When did Ayatollah Khomeini die?

23           A     In 1988.

24           Q     And upon the death of Ayatollah Khomeini who took  
25 over for him?

1 A After it was Ayatollah Khamanei.

2 Q Who is Mr. Rafsanjani?

3 A Rafsanjani is a well-known figure here in America  
4 because he was mentioned in Iran contra. He was a  
5 right-hand man to Ayatollah Khomeini. He is a minor cleric.  
6 He comes from a big trading family, a very wealthy trading  
7 family. They own pistachio farms in the eastern part of  
8 Iran, very wealthy.

9 And he has become filthy wealthy since being in  
10 power. For the first period of the Islamic Republic he was  
11 the speaker of the parliament. Then in 1989 he ran for  
12 president and was elected and was elected to a second term  
13 in 1993. Today he heads a thing called the expediency  
14 council which would be very complicated to go into and I'm  
15 not sure that we need to for the purpose of this.

16 Q And I'm mainly concerned about this period from  
17 the late eighties through the early nineties.

18 A The period of the late eighties into the early  
19 nineties he was the president of the Islamic Republic of  
20 Iran.

21 Q Who is Mr. Fallahian during that period?

22 A Mr. Fallahian was the head of the ministry of  
23 information and security, was the official title MOIS in  
24 English which is their intelligence apparatus.

25 Q And in some of the cases did Mr. Bruguiere

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1 Rafsanjani; right?

2 A Yes.

3 Q Now you've identified three of the major dissident  
4 groups -- the NAMIR, the FFO and the Kurdish democratic  
5 party. What is the National Council of Resistance and how  
6 does it relate to the Mojahedin?

7 A The National Council of Resistance is supposed to  
8 be an umbrella organization of four or 500 different groups  
9 that is dedicated to freedom and democracy in Iran. In  
10 fact, it is a fiction which is dominated by one group called  
11 the People's Mojahedin of Iran. And I can say this with  
12 authority because the state department has said this on the  
13 record. My own investigations --

14 THE COURT: Our state department?

15 THE WITNESS: Our state department, yes, Your  
16 Honor, has said this on the record. As a congressional  
17 staffer, I had quite a bit of correspondence back and forth  
18 with the state department on this as well.

19 There is really no doubt in my mind that the  
20 People's Mojahedin of Iran are the same thing as the  
21 National Council of Resistance. The People's Mojahedin of  
22 Iran are considered to be a terrorist group by our state  
23 department even though they are opposed to the regime in  
24 Teheran. I think I can explain this to you very simply in  
25 about two sentences because sometimes we get lost with all

1 these different groups.

2           When Khomeini overthrow the Shah, he was allied  
3 with the Mojahedin who was anti-American, anti-imperialist.  
4 They were a Marxist group. The Shah called them Islamic  
5 Marxists. And I think that was probably a very accurate way  
6 of depicting them.

7           They were part of the revolution that overthrow  
8 the Shah in 1979, 1978, 1979. But they were seeking total  
9 power. They engaged in a power struggle with Khomeini.  
10 They had cells all across the country. It came to a head in  
11 June 1981 when they had a massive demonstration in Teheran.  
12 Khomeini basically opened fired, drove them out of the  
13 government and drove them underground and began to round up  
14 Mojahedin militants, put them in jail, tortured them and  
15 killed them.

16           So they were part of the regime until they had a  
17 power struggle. They lost the power struggle. They went  
18 into opposition.

19           I used to use as an image for this -- the head of  
20 the Mojahedin is a man named Rajavi and you will hear his  
21 name later on because one of the people assassinated by the  
22 regime is his brother named Rajavi.

23           Rajavi and Khomeini were like two heads of a coin.  
24 They were both working to together for the same goal which  
25 was to get rid of the Shah. They had a power struggle, a

1 falling out and now Rajavi and the Mojahedin is in  
2 opposition.

3 BY MR. HIRSCHKOP:

4 Q They did, in fact, try to assassinate Rajavi  
5 himself, did they not?

6 A I do not know specific attempts but they certainly  
7 succeeded in assassinating his brother.

8 Q And his brother had been what relationship to Iran  
9 prior to the revolution?

10 A The brother of Rajavi?

11 Q Yes.

12 A I cannot testify to that.

13 Q Did he have a relationship to the U.N. at some  
14 point?

15 A Well, he was working at the U.N. in Geneva for the  
16 Mojahedin after the revolution. He was their sort of  
17 spokesman at the U.N. to deal with human rights questions  
18 and things like that.

19 Q In addition to those groups, there is one other  
20 group I'll ask you about. The National Liberation Army of  
21 Iran, what is that?

22 A The NLA, the National Liberation Army was the  
23 military wing of the Mojahedin. They are based in Iraq.  
24 They are armed and equipped by the regime of Saddam Hussein.  
25 They have been there since the mid-1980s. Their goal is a

1 military assault on Iran to force a change of government.

2           They have conducted one major attack in April of  
3 1988 in the last days of the Iran-Iraq war. They crossed  
4 the border. They said we're going to march to Teheran.  
5 They marched about, I don't know, 50 or 100 miles inside the  
6 border and every mother, child, grandfather came with cycles  
7 to drive them back because they were more terrified -- the  
8 Iranian people were more terrified of these people than they  
9 were even of the -- it was quite extraordinary.

10           Q     Have there been numerous assassinations of people  
11 in this group and the Mojahedin group in Iraq?

12           A     Yes.

13           Q     And you've said before there were numerous  
14 assassinations in Turkey of the community there. Was there  
15 a fear by the regime in Iran after the death of Ayatollah  
16 Khomeini that there might be an overthrow from the outside  
17 of the regime?

18           A     I think the real fear was that the opposition  
19 living in exile would, first of all, be able to coalesce  
20 around a single leader. And so it was important for the  
21 regime to get rid of the leaders and any leaders in  
22 particular who had charisma, who were able to unify other  
23 groups. And they were afraid that those opposition groups  
24 in exile would then have their links inside Iran and be able  
25 to stir things up and to gain momentum.

1 Q Is this just your surmise of what you've read or,  
2 in fact, are there documents showing this fairly clearly?

3 A Well, Counselor, this is my opinion. And it is  
4 based on many years of investigating the specific  
5 assassination campaigns, of working with investigative  
6 magistrates such as Mr. Bruguiere in France, Judge SHAT-LA  
7 (phonetic) in Switzerland and others. There is a pattern  
8 here.

9 The regime always goes after the leaders. Why do  
10 they go after the leaders of the opposition? They go after  
11 the leaders of the opposition because they are afraid that  
12 one of those leaders will emerge and manager to successfully  
13 unite the various opposition groups.

14 Q Were there also many assassinations in Iran of  
15 leaders of the education, writers, people like that all  
16 through these 20 years?

17 A Yes. And that, by the way -- this is kind of  
18 interesting. In the past two years under a so-called  
19 moderate president the repression inside Iran has picked up.  
20 And they have gone after writers, intellectuals as well as  
21 political -- the remaining political leaders.

22 There is one remaining political leader of the  
23 opposition in Iran. His name was Darioush Forouhar. He had  
24 been, early on in the regime, he had been a minister of  
25 labor up until 1981 and then he broke with the regime and

1 went into opposition. They tolerated him but they would not  
2 let him speak out.

3 He was murdered in November of 1998 brutally in  
4 his home in Teheran with his wife. Both of them were  
5 sexually mutilated. And the regime has now admitted that  
6 their own intelligence ministry carried out this murder.  
7 There was rogue elements within the intelligence ministry,  
8 of course.

9 It is an important event because he was beginning  
10 to gain international notoriety, Mr. Forouhar. I can tell  
11 you that my organization in the United States, the  
12 Foundation for Democracy in Iran, and others were beginning  
13 to broadcast his statements. He was being noticed and he  
14 was gaining a foothold inside Iran and they were afraid of  
15 that. And that was a pattern, again, part of this pattern  
16 to decapitate the opposition so the opposition could not  
17 move against them.

18 Q I neglected to ask you before but have you  
19 qualified as an expert in other courts testifying on matters  
20 concerning Iran?

21 A Yes, I have, Counselor.

22 Q And have you testified at the Congress on matters  
23 concerning Iran?

24 A Several times.

25 MR. HIRSCHKOP: I don't know if it's necessary to

1 tender him as an expert. I don't think it's needed in this  
2 type of a case.

3 THE COURT: You do whatever you wish, Mr.  
4 Hirschkop.

5 MR. HIRSCHKOP: Thank you, Your Honor.

6 BY MR. HIRSCHKOP:

7 Q Getting back to the Court's question with all this  
8 background of how you compiled this list. What selection  
9 did you use in this list? And this is Exhibit 29.

10 A We're back to the list of the victims?

11 Q The assassination. Yes, sir.

12 A Basically I used several criteria. I wanted to  
13 make sure that the individual assassinated, that there were  
14 multiple sources, both public source information and from  
15 some of the opposition groups. I took the opposition  
16 groups' list with great care because sometimes this group or  
17 that group might exaggerate the evidence. It might falsify  
18 the evidence.

19 I started with their list. I looked for public  
20 source information. What really clinched it was when I was  
21 able to get testimony from either a judge or a court case on  
22 the record. Now I eliminated a lot of names from this list.  
23 My list is smaller than many of the other lists.

24 THE COURT: Did you always find the testimony of  
25 the judge credible?

1 THE WITNESS: Well, Your Honor, do you see the  
2 volumes of documents here on this table? Jacques Boedels  
3 will testify later, I'm sure, in the volumes that was  
4 presented in the French courts. I have dealt with judges in  
5 France and in Switzerland and investigative magistrates in  
6 Turkey as well on this.

7 Frankly, there is no doubt of the evidence of an  
8 Iranian government assassination effort. The only thing  
9 that defies the imagination, defies understanding is how  
10 they have gotten away with it for so long.

11 BY MR. HIRSCHKOP:

12 Q I pointed you to five major dissident groups.  
13 They represent all the major dissident groups outside of  
14 Iran, do they not?

15 A The Kurds, NAMIR, FFO and the Mojahedin and the  
16 monarchist. You forgot the monarchist, the CMO, the  
17 constitutional monarchist.

18 Q Has Iran successfully murdered practically every  
19 major leader of these groups except for Dr. Ganji who is  
20 sitting here in court today?

21 A Well, I'd like to say I lost three notches on my  
22 belt in Beirut. I don't know how many notches on Dr.  
23 Ganji's belt have been lost in Paris evading killers from  
24 the regime. I know of several attempts against Dr. Ganji's  
25 life. And I am sure he will tell you about the

1 extraordinary precautions he has had to take to protect  
2 himself.

3 Q And from your knowledge dealing with Mr. Bruguiere  
4 and Mr. Bakhtiar and Mr. Boroumand, was there extreme  
5 security surrounding both Dr. Bakhtiar and Dr. Ganji and  
6 other leaders of each movement?

7 A Yes, sir. Because it was very clear to the French  
8 authorities that the Iranian government was going to go  
9 after these leaders. They knew it. And so they tried to  
10 protect them as best they could.

11 Q And when you say protect, they were given French  
12 body guards?

13 A Oh, yes.

14 Q I mean, had armored cars? These people have lived  
15 in armored compounds?

16 A Mr. Bakhtiar was assassinated in a protected  
17 compound. There were French riot police outside at all the  
18 time. They guarded the entry. They took everybody's  
19 identification. You had to phone in ahead of time and be  
20 approved by Mr. Bakhtiar to come into his residence. I went  
21 there on several occasions. And I can tell you it was not  
22 an easy thing to get in.

23 The same with Mr. Ganji and other leaders. They  
24 had French police protection because they were at risk.

25 THE COURT: Has your life been threatened?

1 THE WITNESS: I was told by the French equivalent  
2 of the FBI in 1992 that I should reframe from parking my car  
3 on the street and I should look underneath it every morning  
4 before I went out.

5 THE COURT: And yet here you are testifying.

6 THE WITNESS: By the grace of God.

7 BY MR. HIRSCHKOP:

8 Q You claim you knew Mr. Bruguiere, Judge Bruguiere.  
9 Did you ever receive any documents from him concerning Mr.  
10 Bakhtiar's murder?

11 A Counselor, as a reporter, I would rather not  
12 answer whether I have received documents from a judge.

13 Q Okay.

14 Did you ever go to Turkey --

15 THE COURT: Let the record be clear you're  
16 speaking about someone else other than the judge who is  
17 seated here.

18 MR. HIRSCHKOP: I will withdraw the question.

19 BY MR. HIRSCHKOP:

20 Q Did you ever go to Turkey to investigate the  
21 assassination of Mr. Bakhtiar?

22 A Yes, I did.

23 Q What did that consist of, if you can tell us?

24 A Among the people that I met in Turkey was a  
25 gentleman named Necdet Menzir. N-E-C-D-E-T, first name,

1 Menzir, M-E-N-Z-I-R, who is the head of police intelligence  
2 in the city of Istanbul, Istanbul being the largest city in  
3 Turkey and also being the most violent city, criminal  
4 elements but also this large Iranian population.

5 Mr. Menzir had decided for his own reasons that he  
6 wanted to cooperate with my journalist investigation. I  
7 went there as a reporter for Times Magazine heading up a new  
8 investigative journalism unit. He showed me telephone  
9 records that they had had -- they had traced the telephone  
10 calls from the back-up team of the Bakhtiar assassination.

11 They used a safe house in Istanbul. He had the  
12 telephone calls coming in from various public phone booths  
13 in France which he had been given by the French judge. So  
14 he then traced them back to the safe house in Istanbul. He  
15 showed me also videotape of confessions of Turkish Islamists  
16 who had been paid and trained by the Islamic Republic to  
17 kill Turkish secular intellectuals in Turkey on the orders  
18 of the Islamic Republic.

19 This is off of our subject but it's also kind of  
20 interesting. The Iranians saw Turkey as a secular  
21 democracy, as a threat in the same way as they saw the  
22 secular politicians as a threat to their clerical regime.  
23 So they tried to -- they assassinated a number of Turkish  
24 secular leaders as well. He gave me access to a lot of  
25 documents from the investigate.

1 Q And in various countries where these  
2 assassinations occurred was the embassy or consulate  
3 officials of Iran implicated very often in these things?

4 A In almost every case that I can think of the  
5 consulate or the embassy was directly involved providing  
6 safe houses, providing cars, providing money, providing  
7 passports, providing escape routes in some cases.

8 Q And in the Ghassemlou murder were the consulate  
9 officials directly involved in the murder?

10 A There were Iranian officials directly involved and  
11 consulate officials involved as well, yes, in protecting one  
12 of the murderers in the Ghassemlou murder in Vienna which  
13 was another one of these that I investigated extensively.

14 THE COURT: What period of time?

15 THE WITNESS: This is in 1989, Your Honor.

16 I'll just answer your question very briefly for  
17 the sake of time.

18 BY MR. HIRSCHKOP:

19 Q I'm going to go through a number of individual  
20 assassinations and we will get to that.

21 A Okay. But very briefly, one of the murderers --  
22 and I say that we know that he was one of the murderers.  
23 The Austrian police know that he was of the murderers was  
24 sheltered for months in the Iranian embassy in Vienna.

25 Q Is it correct that murders are accomplished

1 through several different organizations stemming from Iran  
2 support?

3 A Yes. That's correct. It is not just the  
4 intelligence ministry. They have many other organizations.  
5 In fact, they use -- one of the things Judge Bruguiere found  
6 out they used the entire apparatus of the state.

7 In the Bakhtiar murder one of the key offices used  
8 was in the telecommunications ministry back in Teheran.  
9 Another one was the Iranian state television, the  
10 broadcasting service. So they used the entire apparatus of  
11 the state to support their goal of assassinating,  
12 decapitating the opposition.

13 Q Are you familiar with the cases that have recently  
14 been won here in Washington, D.C., under the Anti-Terrorist  
15 Act, the Anderson case and the Higgins case and the Flato  
16 case and the Sasippio case and some of the others?

17 A Yes, I am.

18 Q All those were carried out by terrorist  
19 organizations that are supported by Iran; is that correct?

20 A That's correct.

21 Q This is the first case where it's directly  
22 attributable to MOIS who gave the order kill Dr. Elahi?

23 A In the United States this is the first case to my  
24 knowledge. Yes, sir.

25 THE COURT: Did you testify in any of those other

1 cases here in this courthouse?

2 THE WITNESS: No, I did not, ma'am.

3 MR. HIRSCHKOP: Dr. Patrick Clawson who has been a  
4 witness in most of them will be testifying tomorrow morning,  
5 Your Honor.

6 BY MR. HIRSCHKOP:

7 Q Now let's talk about those groups briefly so the  
8 Court can realize how terrorism is sent abroad by the  
9 country, the Republic of Iran.

10 With regard to Helbollah, what is that?

11 A Helbollah is a Lebanese Shiite organization which  
12 was established specifically by the Iranian government in  
13 1983 and 1984 to resist the Israeli occupation of southern  
14 Lebanon. By the way, one of the Iranian government figures  
15 who was key to setting up Helbollah was a minor figure at  
16 the time named Hatami who is now the president of the  
17 Islamic Republic. He is said to be a great moderate.

18 Q What is Hamas?

19 A Hamas is the Islamic resistance. The acronym in  
20 Arabic means Islamic resistance. They operate primarily in  
21 Gaza and the West Bank. They are a Palestinian group. They  
22 are an out growth really of the Muslim brotherhood which has  
23 a long history in Egypt and that area. They, also, are  
24 dedicated to killing any hopes of peace between Arabs and  
25 Israelis, any co-existence between Arabs and Israelis and

1 they are funded and trained by the Islamic Republic of Iran.

2 Q As is Helbollah?

3 A As is Helbollah.

4 Q The other major group, the Islamic Jihad, what is  
5 that?

6 A It's a Palestinian Islamic Jihad, PIJ. It's a  
7 small splinter group that began as part of Hamas and then  
8 became a separate splinter group, more radical yet they have  
9 -- Hamas has a certain popular support in Gaza. And, again,  
10 I've seen this personally on the ground in Gaza. I've  
11 interviewed one of their suicide bombers two days before he  
12 blew himself up. That's another extraordinary story.

13 PIJ has really no popular basis. It's a very tiny  
14 group. They receive their only support from the Islamic  
15 Republic of Iran. Whereas Hamas has some popular support  
16 and funding that comes from the United States and from  
17 Muslims of the United States who believe that they're  
18 helping social causes in Gaza.

19 Q Now I'm finally going to get to your chart,  
20 Exhibit 29. The murders here, the assassinations here, are  
21 these principally MOIS-sponsored and carried out  
22 assassinations?

23 A It is my belief that the vast majority of these,  
24 if not all of them, are sponsored and carried out by the  
25 MOIS. Yes.

1 Q The list you have here really differs from the  
2 victims we've seen before this Court previously in these  
3 other cases which are all victims of Helbollah, or Hamas or  
4 the Jihad?

5 A That's correct. This is a list of assassination  
6 victims not just victims of terrorism.

7 Q You mentioned Mr. Tabatabai. What exactly was his  
8 position?

9 A He was No. 2 at the embassy and press spokesman  
10 and, again, was very vocal in the opposition after the  
11 revolution.

12 Q Was an American citizen, an ex-soldier recruited  
13 by Iran to murder Mr. Tabatabai?

14 A Yes. He has confessed to it. David Belfield.

15 Q Have you viewed the 20/20 confession, the program  
16 20/20?

17 A I saw a transcript of it when it came out. Yes,  
18 sir.

19 THE COURT: Wasn't there a trial in the Superior  
20 Court of the District of Columbia concerning this case?

21 THE WITNESS: Yes, there was, Your Honor. And to  
22 my recollection he was convicted in absentia.

23 MR. HIRSCHKOP: Your Honor, at this time we'd like  
24 to show the video.

25 THE COURT: All right.

1 (A videotape was shown.)

2 THE COURT: We are going to take a five-minute  
3 recess at this time.

4 (Recess.)

5 BY MR. HIRSCHKOP:

6 Q Mr. Timmerman, Tabatabai, you heard the murderer  
7 testify or was asked about it being cold-blooded. Describe  
8 the Bakhtiar killing to the Court?

9 A When the murderers entered Mr. Bakhtiar's house,  
10 first, they apparently stunned him by a blow to the throat.  
11 At that point they went into the kitchen and got several  
12 kitchen knives and stabbed him repeatedly.

13 I forget whether it's 30, 40 or 50 separate times,  
14 so violently that one of the knives actually broke.

15 THE COURT: Are you reporting this, sir, from the  
16 advantage point of having been told this or by the  
17 investigation that ensued as a result of that? I take it  
18 you weren't present?

19 THE WITNESS: No, Your Honor. This is from the  
20 investigating magistrate and from the autopsy.

21 BY MR. HIRSCHKOP:

22 Q Was there, in fact, a trial and seven or eight  
23 people convicted of the murder of Mr. Bakhtiar?

24 A Yes. That's correct.

25 THE COURT: Did you attend the trial?

1 THE WITNESS: I did not attend the trial but I did  
2 talk to the investigative magistrate many, many times about  
3 this.

4 In addition to the very brutal knife attacks, they  
5 sexually mutilated Mr. Bakhtiar in a way which I won't  
6 describe to the Court but in a very brutal manner which has  
7 been repeated in murder after murder after murder.

8 BY MR. HIRSCHKOP:

9 Q In these MOIS-sponsored murders?

10 A Yes. In these MOIS-sponsored murders.

11 Q Was his head severed?

12 A His head was severed and he was sexually  
13 mutilated.

14 Q With regard to these murders, is there a history  
15 of very cold-blooded action in a spectrum of these murders?

16 A I mentioned earlier Mr. Forouhar who was murdered  
17 with his wife. He was the opposition -- the last remaining  
18 opposition leader inside Iran at that time. He also was  
19 sexually mutilated. His wife was sexually mutilated as well  
20 and they were repeatedly stabbed and left in their  
21 apartment.

22 Q Referring to Exhibit 29, in 1980 they murdered Mr.  
23 Tabatabai and they attempted to murder Bakhtiar. Let's go  
24 to the period right after Ayatollah Khomeini died. Let's  
25 look at 1989, Mr. Rajavi's murder in Vienna. You mentioned

1 Rajavi. Which group was he with?

2 A He was with the People's Mojahedin of Iran and  
3 he's the brother of their leader.

4 Q Who they tried to assassinate?

5 A Yes.

6 Q Mr. Rajavi himself was the U.N. representative for  
7 that group for some time, was he not.

8 A Yes. He was their U.N. representative.

9 Q With regard to that murder did they directly  
10 attribute it to MOIS agents and were able to name them and  
11 show how they got passports and everything?

12 A Yes. When I spoke to the Swiss investigating  
13 magistrate Judge Chatelain. That's C-H-A-T-E-L-A-I-N. He  
14 showed me the passenger lists which they had taken from the  
15 Iran air flight that left for Teheran from Geneva just hours  
16 after the murder.

17 And they had identified something, like, nine  
18 people on that one aircraft and ultimately identified  
19 thirteen individuals by name who had taken part either in  
20 the actual physical assassination -- this was a man who was  
21 driving on the streets. A car swerved in front of him to  
22 block him. Another one came up from behind. The murderers  
23 came out from the cars.

24 First, they sprayed him with machine gun bullets  
25 and then they gave him the coup de grace, I think, three or

1 four times.

2 These thirteen people that they identified were  
3 involved either directly in the murder. They were involved  
4 in procuring the automobiles that were used, the weapons  
5 that were used. All of them arrived in Switzerland on  
6 what's called service passports, just like our red  
7 passports. They're government passports. Their passports  
8 had been issued in a series and had all been freshly issued.

9 They were government passports. And these people  
10 went back to Teheran either directly on that Iran air flight  
11 or via Austria via Vienna.

12 Q As a reporter, you've interviewed a number of  
13 these victims prior to that death, have you not?

14 A That's correct.

15 Q And many of them knew there was a sentence of  
16 death upon them from Iran as Mr. Elahi knew that for 11  
17 years there was a sentence of death on him. How did they  
18 deal with the fear of the terror? What did they express?

19 A These are very brave people. These are people who  
20 have lived with the knowledge that they could be killed any  
21 time, with the knowledge that they have enemies who are  
22 powerful and determined. And yet they woke up every morning  
23 with that knowledge and they made it through the days and  
24 they performed what I think are heroic acts of resistance.

25 Q But it placed great emotional strain on them, did

1 it not?

2 A It certainly did. Yes.

3 Q And did it place a lot of curtailment on their  
4 lives, the why they can go to restaurants or go to public  
5 places or meet with people?

6 A Well, let's just take the case of Mr. Bakhtiar.  
7 Mr. Bakhtiar did not go to restaurants. Mr. Bakhtiar did  
8 not go to meet people. He stayed in his small villa in a  
9 suburb of Paris guarded by French riot police.

10 Dr. Ganji would sometimes go to restaurants with  
11 three or four armed guards. I remember many times when we  
12 would go to eat lunch together. He would never tell me  
13 where we were going. We would meet at some area at the last  
14 minute and then go some place else and there would be three  
15 or four armed guards who would book a separate table and  
16 there were a lot of security precautions.

17 Q Let's go back to your list, page 5 of your list.  
18 Shortly before -- let me start with that. Let's start at  
19 the top of Page 5. The murder in Dubai of Colonel Attaollah  
20 Bay-Ahmad. Excuse me if I don't get the names pronounced  
21 correctly. Sometimes it's a little foreign to me.

22 The Flag of Freedom Organization, was he, in fact,  
23 one of the leaders of Flag of Freedom?

24 A Yes. He was an emissary of Dr. Ganji who my  
25 understanding was sent to meet with people inside Iran who

1 were helping their organization.

2 Q In Dubai he was murdered by a direct employee of  
3 MOIS, was he not?

4 A Yes. That is my understanding.

5 Q And he worked closely with Mr. Elahi in Paris?

6 A Yes. Again, Dr. Elahi was really Dr. Ganji's  
7 right-hand man and so they together made the decision to  
8 send him to Dubai is my understanding?

9 Q His murder received some publicity, did it not?

10 A Some publicity, yes, but not that much.

11 Q But it was clearly known by Dr. Elahi and the Flag  
12 of Freedom people?

13 A It was definitely. It sent a shock wave through  
14 the organization. These murders, when I say only limited  
15 publicity, they don't reach the American press. They don't  
16 meet our sensibilities but they send a shiver through the  
17 Iranian community. Iranians understand exactly what is  
18 going on when they see a prominent dissident leader who is  
19 gunned down by a machine, in this case a machine pistol with  
20 a silencer on it in Dubai. Dubai is, again, one of those  
21 ports sort of like Turkey. It's one of those ports of entry  
22 into Iran.

23 Q Look at the next one on July 13, 1989, Abdel  
24 Rahman Ghassemlou. Who was Mr. Ghassemlou?

25 A Mr. Ghassemlou was a Kurdish leader. He was a

1 polyglot, a bon vivant. I got to know Mr. Ghassemlou in  
2 Paris before his murder. And he was somebody who believed  
3 that there was a future for Iran as a democratic social --  
4 secular -- excuse me.

5 Q Was he the secretary general of the KDPI?

6 A Yes. He was the secretary general of the KDPI.

7 Q Would that be the director in charge of KDPI?

8 A He was the top man and it was his charisma which  
9 made his organization prominent.

10 Q And, again, did the authorities of Vienna directly  
11 trace this to Iranians who came there from Iran with  
12 passports and directly back to MOIS?

13 A This is a similar method of operation. The  
14 Iranians sent officials to Vienna assassinate him. They  
15 came in on service passports. I learned that from some of  
16 the prosecutors who were involved in the case in Vienna.  
17 They've identified the individuals and in the case of one of  
18 the murderers he took refuge in the Iranian embassy for  
19 months and months and months and finally the Austrian  
20 government caved and let him go.

21 Q The next page, Page 6 on April 24, 1990, that's  
22 Mr. Radjavi concerning, as we spoke, of the Mojahedin; is  
23 that correct?

24 A That's correct.

25 Q So in that one year period, that several month

1 period they killed three major leaders of three of the four  
2 resistance groups outside of Teheran?

3 A Yes. 1989, 1990, '91, '92. These were very, very  
4 active times for the Iranian government hit squads.

5 Q And then in 1990, October 23, 1990, they killed  
6 Cyrus Elahi and you said he was deputy director of FFO, the  
7 Flag of Freedom; is that correct?

8 A That's correct.

9 Q And after that in April '91 they killed Abdel  
10 Rahman Boroumand and he was deputy of NAMIR?

11 A That is correct. He was Mr. Bakhtiar's deputy.

12 Q And shortly after him, they kill Mr. Bakhtiar on  
13 the top of Page 7?

14 A Uh-huh.

15 Q Then in 1992 they killed Mr. Sharaf-Kindi --

16 A Also the successor to Mr. Ghassemlou as their  
17 secretary general at the Kurdish democratic party.

18 Q So by this point, in this two-year period they had  
19 assassinated either the leader or the second-in charge of  
20 every major resistance group outside of Iran?

21 A Yes. With one exception of the Constitutional  
22 Monarchist and they were going after them. And I know that  
23 from personal experience as well.

24 Q And in all these cases the prosecutors, the local  
25 authorities found Iran directly responsible, did they not?

1 A That's correct.

2 Q In fact, in the Elahi case, Mr. Mashadi, the  
3 person who arranged the murder, was convicted of conspiracy  
4 to murder both Dr. Elahi and Dr. Ganji, was he not?

5 A That's correct.

6 Q He received a seven-year sentence in the French  
7 courts?

8 A That's correct.

9 Q And you mentioned that in Bakhtiar there were  
10 several people convicted of murder also.

11 In Mykonos, the Mykonos restaurant in Berlin in  
12 1992, were they also convicted of murders there?

13 A Yes, they were. And the ties were directly linked  
14 back to the MOIS, to the Iranian government. And, as you  
15 mentioned earlier, there was an arrest warrant, an  
16 international arrest warrant for the head of Iranian  
17 intelligence.

18 Q Now did these murders continue beyond 1992?

19 A Yes. They continue to.

20 Q Turning to 1996, was Mr. Mazlouman murdered?

21 A Reza Mazlouman, he was a writer and a, my  
22 understanding, as a monarchist he was murdered in Paris in a  
23 very similar circumstance to Mr. Bakhtiar. In other words,  
24 a friend introduced the murderer into his apartment to allay  
25 suspicions.

1 Q You may have misspoken. Look at the bottom of  
2 Page 10. He was a major official of Flag of Freedom  
3 Organization, was he not, Mr. Mazlouman?

4 A He was affiliated with the FFO. I do not know his  
5 specific --

6 Q Well, Dr. Ganji --

7 A Dr. Ganji will do better to tell you that.

8 Q During this same period, throughout this whole  
9 period there was a Fatwa pending against Solomon Rusdi  
10 (phonetic), was there not?

11 A That is correct.

12 Q Who is Solomon Rusdi (phonetic)?

13 A Solomon Rusdi (phonetic) is the author of Satanic  
14 Verses. It was a novel which aroused the eye of Ayatollah  
15 Khomeini. He claimed that it defamed Islam and he put a  
16 price on his Solomon Rusdi's (phonetic) head of about \$2  
17 million and issued a very public Fatwa in this case. It was  
18 a very public Fatwa authorizing Muslims around the world to  
19 kill Solomon Rusdi (phonetic).

20 Q And that Fatwa is still --

21 A The Fatwa appears to be still in effect. My own  
22 Islamic cleric friends would have told me that they believed  
23 that the Fatwas die with the death of the issuing cleric, in  
24 this case Khomeini, but the Iranian government has  
25 reaffirmed the Fatwa and the foundation which reports to the

1 government has reaffirmed the Fatwa and upped the bounty to  
2 more than \$2 million.

3 Q Mr. Solomon Rusdi (phonetic) now resides in the  
4 United States, remains under the threat even today of murder  
5 by the Iranian government?

6 A That's correct.

7 Q And the state department has in their reports  
8 declared it to be a state sponsoring terrorism; is that  
9 correct?

10 A That's correct. And that has specifically legal  
11 ramifications.

12 Q And are they still on the state department  
13 declaration a state sponsoring terrorism?

14 A Yes. The government of Iran is still considered a  
15 state sponsor of terrorism.

16 Q With regard to the Flag of Freedom Organization,  
17 were you able to determine from your investigation over the  
18 years that it, in fact, was an organization sponsored and  
19 supported in many ways by the United States Government?

20 A My understanding is that the Flag of Freedom  
21 Organization did have very close ties to the U.S.  
22 Government. And Dr. Ganji would come to the United States  
23 frequently. He certainly was working in cooperation with  
24 certain elements of our government and establishing the  
25 transmitter that he used in Cairo, in Egypt.

1 Q And what the Flag of Freedom Organization did  
2 directly aided our policy towards Iran, did it not?

3 A Again, my understanding, and this is not from the  
4 court cases, but from my understanding and interviews with  
5 U.S. intelligence officials and others, the United States  
6 Government considered the Flag of Freedom Organization as  
7 one way of continuing to put pressure on the regime in  
8 Teheran by broadcasting their newspaper reports into Iran to  
9 de-stabilize the government.

10 THE COURT: Why would our intelligence agents  
11 speak so freely to you about these situations? What was the  
12 eventual goal or purpose?

13 THE WITNESS: To be frank -- this one I can be  
14 much more clearer about. At a certain time, and if my  
15 memory is correct, it was 1995 or so. The CIA cut the  
16 funding for the radio broadcasts and that became an issue in  
17 Congress. And I was no longer working in Congress at that  
18 time. I was working as a reporter but I had many friends  
19 who were still working in Congress. This became an issue.

20 And there were many members of Congress and the  
21 senate who argued that we should not have cut the funding to  
22 the Flag of Freedom Organization because they were  
23 performing outstanding work on behalf of America. And in  
24 addition to the work as Iranian freedom fighters they were  
25 also furthering the interests of the United States in Iran.

1           And so that's how I got access to that is that  
2 there was a debate. There was a semi-public debate on this  
3 in 1995.

4           BY MR. HIRSCHKOP:

5           Q     In the record in this matter we've put in Exhibits  
6 No. 89 through 95. They are copies of the Iran -- I guess  
7 through 96 -- published by you; is that correct?

8           A     Which numbers?

9           Q     Eighty-nine is the first one.

10          THE COURT: Do you have bylines in these cases?  
11 Sometimes they're without.

12          THE WITNESS: The Iran Brief, I did not publish as  
13 a byline because I was the publisher of the newsletter.

14          BY MR. HIRSCHKOP:

15          Q     But during this same period you've been a  
16 contributing writer to many national publications, have you  
17 not?

18          A     That's correct.

19          Q     With regard to these several documents, 89 through  
20 96, these are published by either the Iran Brief?

21          A     89 is published by me, the Iran Brief. 90 is an  
22 action memorandum from the Foundation for Democracy in Iran  
23 of which I am the executive director.

24          Q     And you published that also?

25          A     Yes, I did.

1           And the others are, indeed, from the Iran Brief  
2 for which I am responsible.

3           Q     Without going through them individually, they in  
4 ways capitulate what you've said here, the testimony as the  
5 assassinations and the responsibility you mentioned, Mr.  
6 Fallahian directly as being responsible, for instance, in  
7 Exhibit No. 90 in the third paragraph?

8           A     Yes, sir. These articles that you have -- the  
9 articles that you have included which I wrote directly  
10 treats the subject that we're discussing today which is the  
11 Iranian government involvement in these assassinations. The  
12 Mazlouman assassination, the Cyrus Elahi assassination in  
13 particular.

14          Q     I'd ask you to look at No. 93, if you would, sir.  
15 You say there the Islamic Republic has launched a major  
16 effort to establish new networks of agents and sympathizers  
17 in the United States to gather strategic intelligence,  
18 penetrate opposition organizations and then to provide  
19 logistics of possible terrorist attacks.

20                 This is still ongoing, this terrorism exported by  
21 Iran?

22          A     Yes, it is.

23          Q     It's ongoing with Helbollah and Hamas and the  
24 others in the Mideast?

25          A     We've seen that repeatedly just in the beginning

1 of October. President Hatami of Iran met in Teheran  
2 publicly with the leaders of Helbollah, the Palestinian and  
3 Islamic Jihad and Hamas. And he said we've got a solution  
4 for the middle east crisis and the solution is Israel should  
5 cease to exist. This is on the record, recorded by voters  
6 on October 2nd of this year.

7 Q In 1999 did MOIS actually admit in Iran that  
8 agents of MOIS were responsible for many murders inside of  
9 Iran?

10 A Yes, they did. It's called the serial murders  
11 case and it came out of the murder of Mr. Forouhar and his  
12 wife.

13 Q We covered that in Exhibit 94.

14 Now, sir, from your knowledge of Iran, have they  
15 taken cognizance of these large punitive damage awards that  
16 have been awarded by the courts in the United States?

17 A It's a very interesting and I think important  
18 question. They have not showed up in court. They have --

19 THE COURT: You mean they haven't shown up  
20 formally in court?

21 THE WITNESS: Thank you, Your Honor. I did not  
22 want to have to say that.

23 They have not shown up formally in court and  
24 instead they have hoped that they would get off the hook  
25 from the punitive damages through diplomatic channels and

1 diplomatic negotiations.

2           Once the new bill was passed and signed into law  
3 by the President October 10th through October 15th, just  
4 this past month, the Iranians turned around and within days  
5 themselves ran through their parliament a similar piece of  
6 legislation allowing the Iranian citizens to sue the United  
7 States in Iranian courts for damages of alleged crimes that  
8 America might have committed against them.

9           So not only are they paying attention, they are  
10 paying very, very close attention and they are very scared.  
11 They're very worried that they're going to pay a lot of  
12 money for damages.

13           BY MR. HIRSCHKOP:

14           Q     Would continued punitive damages award have any  
15 use? Would they suffice to say to the Iranians it's time to  
16 stop?

17           A     The Iranian economy is in a very bad straight.  
18 They need that money. Large punitive damages would have a  
19 chilling impact, I believe, on the regime. It would show  
20 the people of Iran the culpability of this regime in these  
21 brutal murders around the world.

22           Q     What kind of punitive award in a case like this  
23 would be necessary to catch their attention?

24           A     Personally, I think that Iran has one major source  
25 of income. It's oil. And if you can in some way, and I'm

1 not an expert on this, but if you can in some tie punitive  
2 damages to Iranian oil exports I think you have really got  
3 their attention.

4 Q Would a billion be the minimum it would take given  
5 they are already quarter billion dollar awards?

6 A Well, I think that would get their attention.  
7 Yes, sir. I think more awards of the same level that  
8 they've received before. They would perhaps just say, well,  
9 this is one more of the group.

10 Q And you spoke about the new Act which pays,  
11 although this case is not covered by the new Act. They  
12 specify just certain cases. But what would it take in  
13 compensatory damages to get their attention?

14 A To get the attention of this regime you have to  
15 hit them hard. You must hit them hard. They are used to  
16 negotiating their way out, of sliding out or finding a  
17 solution where they do not have to pay or take  
18 responsibilities for their action. I believe that you have  
19 to hit them very hard whether it's a billion dollars or \$2  
20 billion. I don't know what an exact figure would be but you  
21 must hit them hard.

22 Q That's for punitive. What about these  
23 compensatory now being paid by the American government?  
24 They can negotiate against Haige case. There have been  
25 already been 20, 30, \$40 million verdicts. Should the

1 American courts have to necessarily keep increasing those to  
2 get Iran's attention to finally stop murdering people  
3 outside of Iran?

4 A The problem with the compensatory damages, as I  
5 understand it, Counselor, is that the new law basically  
6 restricts payment to the compensatory damages. So the  
7 Iranian government thinks that, well, it's only going to be  
8 up to \$400 million because that is the amount that the  
9 Americans have admitted is in the American FMS account, the  
10 foreign military sales agreement. And they can shrug that  
11 off.

12 I think it's very important that that cap of the  
13 \$400 million in the FMS account be broken and that they  
14 understand that there is no cap. There will not be a cap,  
15 that there is not a cap on their responsibility, that they  
16 must take responsibility for these murders.

17 MR. HIRSCHKOP: Thank you. Nothing further.

18 THE COURT: Thank you for your testimony.

19 (Witness excused.)

20 THE COURT: Your next witness.

21 MR. HIRSCHKOP: Your Honor, we will leave the  
22 videotape shown this morning with the Court. We call Ms.  
23 Boroumand to the stand, please.

24 LADAN BOROUMAND, PLAINTIFF WITNESS, SWORN

25

DIRECT EXAMINATION

1 BY MS. MERRITT:

2 Q Can you please state your name for the record?

3 A My first name is Ladan, L-A-D-A-N, and my last  
4 name is Boroumand, B-O-R-O-U-M-A-N-D.

5 Q Are you a resident of Washington, D.C.?

6 A Yes.

7 Q Are you the daughter of Abdolrahman Boroumand?

8 A Yes.

9 Q And your father was assassinated in Paris in April  
10 of 1981?

11 A Yes.

12 Q I'm going to get back to talking about your father  
13 in a little while. Can you please let the Court know a  
14 little bit about yourself. Did you grow up in Iran?

15 A Yes. I finished high school in Iran and then I  
16 went to France for my higher education. And I stayed there.  
17 I became political refugee and then I got naturalized. I  
18 have French citizenship now.

19 Q What did you study while you were in Paris?

20 A Political sociology and history.

21 Q And you received a lower degree and a doctorate as  
22 well in both?

23 A Yes. My master is in political sociology and my  
24 Ph.D. in history.

25 Q What schools did you attend while you were in

1 Paris?

2 A The first part of my study was at the University  
3 of Nanterre, Paris Ten and then my Ph.D. studies were in  
4 Ecole des Hautes Etudes en Sociales and I worked with a very  
5 famous French historian.

6 Q Ms. Boroumand, will you please turn to Exhibit No.  
7 98. There are two books in front of you and I'll point your  
8 attention to a number of exhibits in there.

9 Ms. Boroumand, can you identify this to the Court?

10 A This is my CV.

11 Q Your resume?

12 A My resume.

13 Your Honor, I would like you to forgive me. My  
14 English is not very good.

15 THE COURT: I understand you perfectly. Your  
16 English is very good.

17 BY MS. MERRITT:

18 Q And as part of your studies, did you study the  
19 politics of Iran?

20 A Yes. From the very beginning I was interested in  
21 the political history of Iran.

22 Q In 1979 when the Islamic revolution occurred, were  
23 you in Paris in school?

24 A Yes. And then I seized the opportunity to go back  
25 to Iran during the revolution as an observer and researcher.

1 Q And what did you observe while you were in Iran  
2 during the revolution with respect to how it was treating  
3 its citizens?

4 A Well, you know, when you are young and  
5 inexperienced you have lots of ideals and the reality of a  
6 revolution is quite a violent and difficult reality.

7 I went back with, not a lot of hope because  
8 already in Paris things were, you know, seemed to be not  
9 very promising even though I knew and I had the chance of  
10 reading Ayatollah Khomeini's political writings. So I was  
11 reserved already when I went back to Iran and I was seeing  
12 how the public opinion was manipulated by the revolutionary  
13 elite and they were against reform and democracy.

14 But when I was there I saw the first executions  
15 for the first time and I realized when they killed the first  
16 people who were executed they published the pictures in the  
17 newspapers. And that was the first time I could realize how  
18 a new government elite is sending a message to its own  
19 people saying that do not think that this is going to be a  
20 democracy or you are going to have the sovereignty by  
21 disposing arbitrarily of the life of the citizen and  
22 violating their rights. They were sending a clear message  
23 to the population that this is not going to be a free and  
24 democratic country.

25 And the personal feelings was, since most of us

1 were in favor of a change and democratization, so partially  
2 or completely they were involved in the movement. It were a  
3 feeling of guilt that we had accompanied to some extent a  
4 movement that led to such violent and totalitarian regime.

5 Q So when you returned to Paris, you began your  
6 studies of the Iranian revolution; is that correct?

7 A Yes. I was puzzled. And I wanted to understand  
8 why things went wrong. And I am still want to understand  
9 why we went so wrong.

10 Q And you're still studying the politics of Iran at  
11 this current time?

12 A Yes.

13 Q Are you writing a book right now on --

14 A Yes. We have a research project on the political  
15 history of the Iranian revolution and the Islamic Republic  
16 of Iran.

17 Q Are you going to address any issues regarding  
18 political violence in your --

19 A Yes. I mean, one of the points is the interaction  
20 between the government and the society and the main access  
21 -- violence is the main access of this interaction. So we  
22 will study violence not as something only morally bad or  
23 reprehensible but also as a phenomenon that developed the  
24 way of thinking that prevails in Iran. It has an  
25 anthropological basis and we want to try to understand this.

1 Q And you published articles on the politics in  
2 Iran?

3 A Yes.

4 Q And those articles are reflected in your resume in  
5 front of you?

6 A Yes. These are recent articles.

7 Q On Page 2 of your resume I would note under No. 2  
8 a publication called "In Defense of Human Rights." Is this  
9 a copy of that publication?

10 A Yes. I was part of Dr. Bakhtiar's movement and  
11 this is a very long time ago and we were young. And when  
12 the terror, I mean, the terror became very important in Iran  
13 in the early eighties, 1981, '82, '83 as a young student and  
14 young human rights activist we didn't know what to do. So  
15 the main thing was to try to, again, to denounce what was  
16 going on and this was a report that I supervised but it was  
17 a collective work with other fellow companion in the  
18 movement.

19 Q In this report there are a list of individuals  
20 executed in Iran over a number of years?

21 A Yes. This is not an exhaustive list. We want it  
22 to be there symbolically as a sort of homage to the victims  
23 and regardless of their political background, religion and  
24 ethnic background.

25 MS. MERRITT: Your Honor, we do not have a copy of

1 this in the file. It was sort of voluminous. I didn't know  
2 if Your Honor would be interested in seeing this but I'm  
3 happy to make a copy of it for you if you're interested.

4 THE COURT: You can move whatever you may wish and  
5 I'll make a ruling on it. It's entirely up to you. If you  
6 believe that that is important for me to consider as part of  
7 this case, I will be pleased to do so. Otherwise you can  
8 present me an abstract of a portion of it that you may be  
9 particularly interested in.

10 MS. MERRITT: Thank you, Your Honor.

11 I would note that there are several pages that  
12 detail about over 3,200 names of individuals who were  
13 executed in this which just means that obviously that Ms.  
14 Boroumand worked upon.

15 BY MS. MERRITT:

16 Q Ms. Boroumand, did you testify before the United  
17 States Congress Human Rights Caucus on issues involving the  
18 assassination of dissidents?

19 A Yes.

20 THE COURT: When was that?

21 THE WITNESS: If my memory is correct, in '97.

22 MS. MERRITT: We're going to get back to that,  
23 Your Honor. I just wanted to lay the predicate that Ms.  
24 Boroumand certainly has many years of study and experience  
25 behind her on these particular issues.

1 BY MS. MERRITT:

2 Q Ms. Boroumand, I'd like to turn a bit now to talk  
3 about your family. Do you have any siblings?

4 A Yes. I have a sister who lives here and two  
5 brothers. One is living in Paris. He's a lawyer and  
6 another is living in Switzerland. He is a mechanical  
7 engineer.

8 Q And this sister here in the United States, have  
9 you been working her with respect to some of the  
10 publications on Iran?

11 A Yes. Our new project on Iran is a common project.

12 Q Going back to Iran before the revolution and to  
13 talk about your father. What did your father do in Iran?

14 A My father was a lawyer. He was in the liberal  
15 opposition to the Shah's regime. And so he was not involved  
16 in public affairs during this period, I mean, during his  
17 life in Iran. He in the sixties when we had a small  
18 democratic opening when Kennedy administration was here in  
19 office he was candidate from national front political  
20 formation to be elected for the parliamentary elections.

21 Unfortunately, the elections got cancelled and he  
22 was arrested very little while, very well treated actually.  
23 There is no common, you know, it's not comparable the way  
24 this regime treats its opponents and the way the Shah's  
25 dictatorship was treating its opponents. It was much milder

1 in a way.

2 He was arrested. And after three months he was  
3 freed but on the condition of leaving his home town and  
4 somehow he was internally exiled. He came to Teheran, the  
5 capital, and he lived there. From then onward they were  
6 somehow exiled from the public affairs of their country and  
7 his fellow friends of the national front, some of them. But  
8 he had private activities.

9 Q Your father worked closely with Mr. Bakhtiar; is  
10 that right?

11 A Yes. They were very good friends and they're old  
12 friends.

13 Q And they worked closely together for several  
14 years?

15 A Bakhtiar was one of the leaders of the national,  
16 result kind of national fronts and so they were like a club  
17 of disillusioned democrat, keep seeing each other and hoping  
18 for a better future.

19 Q And at one point Mr. Bakhtiar was appointed to the  
20 Shah's government; is that right?

21 A Yes. That was when the Shah thought that he had  
22 no chance and he had to, you know, he had to organize the  
23 transition. So he looked in his opposition and he -- after  
24 a lot of negotiation he picked Dr. Bakhtiar because he  
25 thought he's a very determined and firm democrat and would

1 not give in to the Ayatollahs.

2 Q And did your father continue to work with Mr.  
3 Bakhtiar after --

4 A Yes. He helped him closely. He was somehow his  
5 personal counselor and he picked him for sensitive missions.  
6 You know, the opposition at the time was a small group.  
7 They knew each other. For instance, my father knew Khomeini  
8 or part of this group of, quote, unquote, liberals and then  
9 part of them joined Khomeini's movement.

10 So he knew also some of his friends were taking  
11 the other path. So he was a very central figure for  
12 negotiating. Dr. Bakhtiar sent him twice to France to  
13 negotiate with Khomeini.

14 Q In fact, when Mr. Khomeini come to Teheran did  
15 your father remain in Paris?

16 A My father stayed there.

17 Q So Mr. Khomeini obviously knew very well who your  
18 father was?

19 A Yes.

20 Q Who he was affiliated with?

21 A Yes.

22 Q After Khomeini went become to Teheran, what did  
23 your father do after that while he was in Paris?

24 A Well, he was very worried for his friend Dr.  
25 Bakhtiar. And he -- we had all a very bad period because

1 after the fall of Bakhtiar's government, Bakhtiar  
2 disappeared and we had rumors that he was arrested. He was  
3 killed and so on. But actually he was hiding in the house  
4 of a very good friend for six months. And then he was  
5 provided French passport and he just let his beard grow and  
6 went out of the country somehow legally with a phony  
7 passport or wrong passport.

8 THE COURT: I don't know if he went out legally  
9 with a phony passport but nonetheless we will continue.

10 BY MS. MERRITT:

11 Q And before the revolution did your families  
12 socialize together? Did you know Mr. Bakhtiar?

13 A Yes. They were very good friends.

14 Q When Mr. Bakhtiar appeared in Paris after the  
15 revolution, did he live with your family?

16 A My father provided him his own apartment in Paris.  
17 But he lived in our house.

18 Q At some point was there an assassination attempt  
19 against Dr. Bakhtiar?

20 A Yes. 1980, the first terrorist commando sent by  
21 the regime to kill Bakhtiar actually attacked the apartment  
22 which was my father's apartment.

23 Q They were obviously was not successful. Can you  
24 please describe the attack to the judge?

25 A Yes. These were Palestinian commando who were

1 sent by the regime. At the time the Palestinian gorilla was  
2 in very good terms with Khomeini. Later they split. I  
3 mean, Mr. Arafat and Khomeini split and had problem.

4 But at the time they sent these -- the commando  
5 was led by a man named Anise Nacosh (phonetic) and he had  
6 the press card of the communist daily in France. When he  
7 was coming in the police who was guarding the apartment was  
8 -- became suspicious. He stopped the man and wanted to ask  
9 him questions and the guy shot at the police.

10 I don't remember if they killed one policeman and  
11 they injured very severely another one and then they got  
12 near the door of the apartment. They rang the wrong door in  
13 front of Bakhtiar's apartment. And a poor innocent French  
14 woman opened the door and they just killed the woman. Then  
15 they rang the other door and Dr. Bakhtiar's cousin was there  
16 and he was very clever.

17 As soon as -- before opening, he put the chain.  
18 And he just open a little bit the door and this commando put  
19 his machine gun and start shooting. But when he shot,  
20 because of the counter, the machine gun came back and the  
21 cousin closed the door. And the door was a very strong  
22 door. So they couldn't get in.

23 And the result was that they killed one French  
24 woman and one policeman and injured another policeman.

25 Q And even in the face of this attack did your

1 father continue his political work?

2 A Yes. I'm always puzzled by the courage -- as Mr.  
3 Timmerman was mentioning, these people are extremely brave.  
4 Maybe it's their tradition and also they have -- they must  
5 be also the mystical culture. We have to die for the  
6 beloved one and that didn't bother them.

7 Now I'm an activist but I'm quite careful for my  
8 life. And if I want to give my life for my country, I  
9 hesitate. For them it was a spontaneous reaction.

10 Q And your father worked with Dr. Bakhtiar in NAMIR?

11 A Yes.

12 Q Can you please describe to the Court what NAMIR  
13 was?

14 A NAMIR is national movement of Iran resistance. It  
15 was a political organization that aimed at the establishment  
16 of democracy in Iran, the rule of law, democracy. And their  
17 ultimate goal was democratic referendum through which  
18 Iranian people would freely choose the kind of regime they  
19 wanted.

20 Q And what was your father's position within NAMIR?

21 A My father had several different type of positions.  
22 He was one of the founder of NAMIR. Then he was a member of  
23 the council, the council of NAMIR which is small little  
24 parliament of the organization. And for awhile he also was  
25 the executive director of NAMIR. By the time of his

1 assassination he was the executive director.

2 Q Was he basically the right-hand man of Dr.  
3 Bakhtiar.

4 A Kind of. Yes.

5 Q Very close confidant?

6 A Yes.

7 Q Do you know whether or not a Fatwa had ever been  
8 issued against your father?

9 A Since these Fatwas are not public, I don't have  
10 any evidence for that. But the day after his assassination  
11 we went through the official press of Iran and they were  
12 mentioning the name and the incident although they were  
13 saying it was an internal liquidation. They love to say  
14 this.

15 They all the time say, for instance, Dr. Bakhtiar  
16 killed my father and then the friends of my father in Iran  
17 went to revenge my father and killed Dr. Bakhtiar. That is  
18 the official scenario the regime presents to explain the  
19 killing of its opponents.

20 But in the official newspaper of the regime, when  
21 they gave the news they qualified my father as a corrupter  
22 on earth. And to be a corrupter on earth in Islamic cannon  
23 law is to deserve death penalty.

24 If -- it means, it implies that there has been a  
25 Fatwa against him.

1 Q Do you understand whether Dr. Bakhtiar had a Fatwa  
2 issued against him as well?

3 A I think so.

4 Q He is also a corrupter on earth?

5 A I think so. Yes.

6 Q After the assassination attempt and as your father  
7 continued to work in Paris, did the police warn him about  
8 his personal safety?

9 A Yes. During the eighties a few times the police  
10 had warned my father to be careful. But, of course, at the  
11 time there were a lot of Iranian -- Paris was the center of  
12 Iranian opposition. And I guess the French government  
13 couldn't provide protection for all of them.

14 So the most important one had police protection  
15 but the other were just warned. My father was one of those  
16 who was warned and he was issued a permit to own and to  
17 carry gun for awhile.

18 And then he had always the permit of owning a gun  
19 at home.

20 Q And with the issuance of those permits, were they  
21 very rare in Paris at that time?

22 A The French state is a very centralized and strong  
23 state. So it's not like in America that citizens are  
24 allowed to carry gun in their pockets. It's a very  
25 exceptional permit.

1 Q In addition to the fact that your father obtained  
2 a permit and a firearm, did he take any other precautions --

3 A He had also -- I don't know in English. I should  
4 have looked in the dictionary. The anti-bullets -- the  
5 jacket.

6 Q Bullet proof vest?

7 A Yes. Bullet proof vest.

8 Q You, in fact, also obtained a permit to carry --

9 A Yes. After his death I presented -- we had this  
10 gun at home although I hate these things. But my brother  
11 advised me to ask for a permit. So this gun is in my name  
12 now but I even don't know where it is in the house.

13 Q So it was a concern not just about your father but  
14 your entire family's safety?

15 A Maybe me. But I'm not sure. I'm not that  
16 important.

17 THE COURT: Perhaps I shouldn't say this. But it  
18 doesn't genuinely help your own protection by telling us and  
19 the world that you don't know where the gun is. So you  
20 might look today.

21 THE WITNESS: But in D.C. I don't have the permit.

22 THE COURT: Good point.

23 MS. MERRITT: Moving on away from the permit  
24 issue.

25 BY MS. MERRITT:

1 Q Your father was killed in April of 1991; is that  
2 correct?

3 A Yes.

4 Q I'll get into the details of that later, Mr.  
5 Boroumand. But after your father was killed how long did it  
6 take for the French terrorism police to get solved?

7 A Immediately. The case was almost immediately  
8 referred to -- we didn't even see the, you know, the  
9 ordinary criminal police. In a matter of 45 minutes the  
10 special anti-terrorist criminal police was in our house.

11 Q And the regular local police were taken off the  
12 case?

13 A Yes. I think they were not even given the case,  
14 referred the case.

15 Q Did you talk to the terrorism police?

16 A Yes. Extensively.

17 Q And what did the police tell you?

18 A They were puzzled because my father -- Dr. Elahi  
19 who was just the case preceding my father was killed with  
20 guns. Up until then most of the opponents were killed with  
21 guns, you know, firearms. And this was the first case with  
22 knife. And they couldn't understand because they said this  
23 is too risky for them. They could be, you know, caught. It  
24 can take no time. It can take -- it's not as easy as doing  
25 it with gun from a distance. You have to be very close.

1           And all these elements were to them were very  
2 unusual. So they were hesitating as to what was going on.  
3 But three weeks later the Japanese publisher or translater  
4 of Solomon Rusdi's (phonetic) novel was killed in the same  
5 circumstances. And in the time period between the death of  
6 my father -- the assassination of my father and the Japanese  
7 assassination the police had time to go around, you know,  
8 trying to explore other explanation, family, whatever. You  
9 know, they looked through everything.

10           We became suspect for a little while which was  
11 quite painful I must say. But then at the time they had  
12 abandoned all other possibilities and with the Japanese  
13 killing they realized that there is a new style of  
14 assassinating opponent and that has also a religious  
15 meaning. The knife has a religious meaning and also it's --  
16 Iran traditional culture killing with knife is more  
17 insulting.

18           Q     What is the religious meaning of killing with a  
19 knife?

20           A     It goes back to the history of the assassins.  
21 They were killing with knives and has sort of a religious  
22 meaning.

23           Q     After your father was killed did you publish an  
24 article in Le Monde newspaper?

25           A     Yes.

1 Q Can you please turn to Exhibit No. 26. It's in  
2 the other binder I believe.

3 MS. MERRITT: Your Honor, this is one article we  
4 did not have translated from the original French. But I'm  
5 going to ask Ms. Boroumand to describe what she wrote in  
6 this.

7 BY MS. MERRITT:

8 Q Do you have it there?

9 A Yes. I wrote this article as a victim and  
10 activist at the time because French government had changed  
11 its diplomatic -- I mean, they were in the middle of  
12 diplomatic issues with the Iranian regime and the president  
13 in July '90 had a great -- pardoned the Palestinian criminal  
14 who killed the two French citizens in the eighties as a  
15 gesture of goodwill.

16 The result was the assassination of Dr. Elahi.  
17 And after the assassination of Elahi we heard nothing from  
18 the French authorities as a protest, you know, not official  
19 or public but we knew that they had said nothing to their  
20 Iranian counterparts.

21 So the Iranian said obviously it doesn't bother  
22 them. So they went on with my father. And when my father  
23 was killed I looked into the list of people who were killed  
24 all during that period in two years. And I wrote that  
25 article to warn French authorities and also to warn the

1 French public opinion about what was going on at the expense  
2 of Iranian exiled life.

3 Q So basically your point was that the French policy  
4 ignored or didn't pay proper enough attention to the  
5 assassinations that were occurring right in Paris or in  
6 France?

7 A Yes.

8 Q Shortly after you published this article was Dr.  
9 Bakhtiar assassinated?

10 A Yes. Dr. Bakhtiar was -- that was in June and in  
11 early August Dr. Bakhtiar was assassinated. So some  
12 journalists had still that in mind because somehow they told  
13 me that that was pathetic because I was asking if you don't  
14 react we will perish one after the other with a knife in our  
15 back. And this had obviously an impact on some of the  
16 journalists who were working on this and then they came  
17 after me after that, Dr. Bakhtiar's assassination.

18 Q Can you please describe to the Court the  
19 circumstances of Dr. Bakhtiar's assassination?

20 A As Mr. Timmerman said, Dr. Bakhtiar, one of the  
21 member of the movement was recruited by the regime. And he  
22 told Dr. Bakhtiar that two person are coming to visit him  
23 from Iran and they are very important and they don't want to  
24 be seen by any body in the house. So he asked Dr. Bakhtiar  
25 to choose a time for them so that the house is not crowded.

1           Since he was coming and going very often to Dr.  
2 Bakhtiar house, he knew his schedule. And he knew that his  
3 secretary would be playing tennis at that time. So he asked  
4 a very precise time when almost no one was in the house.  
5 And I think Dr. Bakhtiar couldn't believe that they would  
6 dare to kill him, you know, literally under the nose of the  
7 police, the anti-riot police, French police and he trusted  
8 him.

9           So he brought the two criminals in the house.

10          Q    And the French police, in fact, didn't find Dr.  
11 Bakhtiar's body for about 36 hours?

12          A    Yes. That was suspicious. What seems somehow a  
13 very sad situation is that Dr. Bakhtiar was not enough aware  
14 of the danger he represented for the regime. So he might  
15 have been killed but what was never explained was that his  
16 body was left almost 48 hours without these huge number of  
17 police downstairs in the house realizing.

18                The TV was on for 36 hours. The light was never  
19 turned on and the groceries stayed at the door for awhile.  
20 So that was a very -- for us, I mean, we cannot explain this  
21 and --

22                THE COURT: When you say the huge number of  
23 police, are you referring to his body guards?

24                THE WITNESS: Yes. Not huge but at least four or  
25 five very strong policeman, heavily armored were downstairs.

1 BY MS. MERRITT:

2 Q Did the French police make any arrests in that  
3 case?

4 A Yes. Two. They had three person suspect were  
5 arrested. Two were condemned and the third one was freed.

6 Q And did you testify in the Bakhtiar trial?

7 A Yes.

8 Q And on whose behalf did you testify?

9 A The family asked me to talk, to testify.

10 Q And would you explain to the Court how it came  
11 about that the family asked you to testify?

12 A Actually I don't know exactly why they did so.  
13 Probably they thought I was -- Dr. Bakhtiar liked me or they  
14 thought I might well explain or I don't know. But they  
15 liked me. I don't know or I was the daughter of my father  
16 and they wanted me to be there.

17 Q And what did you tell the court when you  
18 testified?

19 A What I wanted to explain to the court was the  
20 political dimension of these killings. What I wanted to --  
21 because the French authorities wanted very much to, you  
22 know, somehow to mask the political dimension of these  
23 trial. And what I explained to the jury who was  
24 professional -- they were all judges.

25 It's a special court and we don't have popular

1 jury. I explained that there was no personal amenity  
2 between the ruling people in Iran and Dr. Bakhtiar. So if  
3 they killed him because they wanted to kill his ideas, what  
4 he represented and that was a mere political action. And if  
5 there is no reaction from -- somehow they stop democracy  
6 through the body of an old man.

7 Q Ms. Boroumand, would you please turn to Exhibit  
8 No. 30. This is a document entitled report on the Islamic  
9 Republic's terrorism abroad.

10 Can you please explain to the Court what this  
11 document is?

12 A This is a document we prepared to list and  
13 document the killings of the extrajudicial execution abroad  
14 of Iranian political activist aboard because we realized  
15 that no one is putting all these together at the time when  
16 we started. And we wanted these to be ready for the trial.

17 So when the trial of Dr. Bakhtiar was held, we  
18 distributed these among the journalists so that they could  
19 see that this is a trend. This is a pattern. And if there  
20 is no reaction from the democratic countries, it will  
21 continue.

22 Q How did you decide who should be put on this list?

23 A Whoever was political -- whoever is killing is  
24 politically motivated and the regime was involved was here.  
25 And in my knowledge there are not many crimes among

1   Iranians, you know, among the Iranian community aboard.  
2   This is a very highly educated, quite successful community.  
3   And this is not the sort of, you know, under privileged or a  
4   criminal community.

5                So almost whoever has been killed abroad has been  
6   killed for political reason.

7                Q    I see throughout the document you have footnoted  
8   sources from which you've obtained information connecting  
9   these killings to Iran. Were you very careful about that  
10  while you were preparing this report?

11               A    Yes. It's the same criteria in academic work. I  
12  used the same methods.

13               MS. MERRITT: Your Honor, I'd just like to point  
14  out a couple of documents, quotes in this. On Page 13 of  
15  this report there is a notation on the top paragraph that it  
16  is, in fact, the transit from Incara of units of  
17  revolutionary guards a few days before the assassination of  
18  Cyrus Elahi that alerted western secret services of the  
19  imminence of terrorist attempts in Europe.

20                So right before Dr. Elahi was killed they were hit  
21  teams going out.

22                BY MS. MERRITT:

23                Q    Ms. Boroumand, on Page 22 you have a notation of  
24  Boroumand's case. And you reference an interview with the  
25  prosecutor Mr. Bruguiere asserting that the cases of

1 Bakhtiar and Boroumand were inextricably connected. Was  
2 that interview with you and other members of your family?

3 A Yes.

4 Q And what did Mr. Bruguiere tell you?

5 A Well, he said he personally absolutely can assure  
6 that these two are linked because that was the follow-up of  
7 our first meeting. We didn't have a lot of meeting with  
8 Judge Bruguiere.

9 Our first meeting was, as I told you, he was  
10 puzzled about the techniques used for the killing of my  
11 father. And our second meeting he recognized, acknowledged  
12 that, well, his doubt were not founded and now he has no  
13 doubt that these killings are linked.

14 Q During the Bakhtiar trial were any statements made  
15 by the government or by the court that linked your father's  
16 assassination --

17 A The indictment explicitly mentions the two cases  
18 were linked because the regime knew that if they want to get  
19 rid of the whole movement, if Bakhtiar were killed and my  
20 father survived him, my father had enough prestige to keep  
21 the movement together. So if they wanted to be very  
22 efficient, they had to exterminate them both.

23 Q I'd like to draw your attention to Page 15 of this  
24 report. On Page 15 there is a notation from an  
25 investigative report that says according to the French

1 police, quote, for 90 percent the key to the assassination  
2 of Boroumand is in Teheran. Is that consistent with what  
3 Mr. Bruguiere told you?

4 A Yes.

5 Q Let me just draw your attention as well to Exhibit  
6 No. 27.

7 A Yes.

8 Q Is this the report from which the 90 percent --

9 A Yes. The investigative journalist Daniel  
10 Snerberman (phonetic).

11 Q The title to that report is the killers came from  
12 Iran. Before the murder of Shahpour Bakhtiar, several  
13 criminal investigations had already led to Teheran?

14 A Yes.

15 Q Is there anything else in this article that you  
16 would like to highlight for the Court?

17 MS. MERRITT: Again, Your Honor, this is one of  
18 the documents that we didn't translate.

19 THE WITNESS: In this article Snerberman  
20 (phonetic) goes back to all the killings preceding Dr.  
21 Bakhtiar's killing. He mentioned Dr. Elahi. He mentioned  
22 Tabatabai and the brother of Mr. Rajavi in Switzerland, the  
23 cases. And he summarized the result of the investigation  
24 which all point to the Iranian regime.

25 BY MS. MERRITT:

1 Q During this entire time period to the present  
2 you're still working on behalf of NAMIR, your father's  
3 organization?

4 A I'm a member of the council but NAMIR has strongly  
5 suffered from the loss. And I think perhaps by the -- is it  
6 the time? Do you want me to talk about the change of form  
7 of political --

8 Q Say what you --

9 A By killing all these heavy weight of the  
10 opposition, I mean, Dr. Ganji is one of the rare persons who  
11 survived this generation and I hope he will. But the form  
12 of political activities is changing slowly.

13 A new generation is coming up who is completely  
14 integrated in the life of the countries where they are  
15 living now abroad. But they are also very much involved in  
16 their countries of origin, problem and situation.

17 So you have a huge body, very active almost with  
18 no head and trying to Internet. There is a very strong  
19 activity and solidarity between Iranian who even they don't  
20 know each other but they collaborate with each other and  
21 this is a big problem for the Iranian regime.

22 They don't know exactly whom they should kill.  
23 They see hundreds of E-mail received by the Japanese  
24 authorities against the, you know, all the honor they're  
25 doing to President Hatami and they remind the Japanese

1 authorities of the atrocities or the human rights violation  
2 in Iran but they don't exactly know who they should kill for  
3 that.

4 Q So you characterize this as a body without many  
5 heads. We have Dr. Ganji who is sitting with us today. Is  
6 part of that the fact that there is this large body without  
7 many heads, is that because of the concerns of Iranian  
8 citizens? They don't want to put themselves out there  
9 because of the violence that may --

10 A I think it's both things and also a new generation  
11 and a new situation and the political context of the world  
12 has changed. So possibly the one who is working here is not  
13 the one who wants to go back and be the leader but he wants  
14 to do something for his country. So he send E-mails. He  
15 collaborates with things.

16 Anyway, if the democratic change is to take place,  
17 it should -- we need leadership. And this is not possible.  
18 But for the time being the difficulty the regime has to  
19 fight and to identify these whole body of Iranians abroad  
20 who are actively opposing them without showing or, you know,  
21 trying to distinguish themselves.

22 I am necessary. I mean, I try to avoid any  
23 contact with Iranian coming from Iran. An I prefer working  
24 through E-mail Internet and I don't want them to know what  
25 I'm doing, you know.

1 Q But in part it's definitely attributable to  
2 concerns about personal safety in light of what happened to  
3 all the heads of all the organizations; is that right?

4 A Yes. Definitely.

5 Q Let me draw your attention please to Exhibit No.  
6 17. This is a document entitled Iran State of Terror, An  
7 Account of Terroristic Assassinations by Iranian Agents.

8 A Yes.

9 Q This was a report that was put out by the  
10 parliamentary human rights group in Britain. It's members  
11 have increased to a current level of 130 parliamentarians  
12 from both the house of commons and the house the lords. Ms.  
13 Boroumand, does this document come from your files?

14 A Yes.

15 Q And have you used this document in your work on  
16 this issue?

17 A The document we prepared was prepared before I get  
18 this. But I have in this form and I use the information --

19 Q And this document also contains a listing of  
20 victims of the Iranian government; is that right?

21 A Yes.

22 Q And is your father in this document?

23 A Yes. I think he's mentioned.

24 MS. MERRITT: Your Honor, I draw your attention on  
25 Page 35. There is a mention of Mr. Bakhtiar.

1           On Page 40 and 41 there is a discussion about Mr.  
2 Boroumand and Elahi is also mentioned on Page 41. I'd also  
3 note in terms of how thorough the Iranian government also  
4 is, just to point out to Your Honor, there is a notation  
5 above Mr. Boroumand of Hashem Abdollahi who was the son of  
6 the major witness in the Bakhtiar trial who was killed in  
7 his father's apartment. And I guess this is something that  
8 has been linked back to Iran as well.

9           BY MS. MERRITT:

10          Q     This is another listing of victims that you find  
11 to be a very valuable source to you in your work?

12          A     Yes.

13          Q     Is Iran, in the current day -- you mentioned  
14 there's a large democratic movement. Is there also a  
15 democratic movement within Iran?

16          A     Yes.

17          Q     Is Iran at the current time trying to suppress  
18 that, the government trying to suppress this movement?

19          A     Strongly. There is a very strong wave of  
20 repression inside Iran pro-democracy. Student movement has  
21 been savagely repressed. A lot of young students are kept  
22 in jail without trial, without the assistance of the  
23 counsel. And we know well that they are being tortured and  
24 pressured inside prisons.

25          Q     Are they doing any -- you mentioned the use of

1 drugs in keeping some students --

2 A Yes. We have interviewed one of the young student  
3 leaders who recently fled from Iran with two bullets in his  
4 body. And we had a chance of interviewing him and he was  
5 the person who revealed to us that they have a small gas  
6 chamber.

7 So they did keep their political prison in small  
8 gas chamber until they are suffocating and just before they  
9 die they bring them back. They hang them -- but this is  
10 already documented -- but they hang them from their feet for  
11 a long time as a torture method. The worse thing is they --  
12 they have heroin -- how do you say that?

13 Q Inject?

14 A Yes. They inject the heroin to destroy them and  
15 to make them drug addicts.

16 Q Have human right organizations in your experience  
17 taken note of the abuses within Iran as well as  
18 extrajudicial killings?

19 A Yes. Amnesty International and to some extent  
20 Human Rights Watch but in less detailed way. Every now and  
21 then they come up with an alarming report on that.

22 Q I'd like to draw your attention to Exhibits 20  
23 through 21. Have you done any work with Amnesty  
24 International on this issue?

25 A We are in contact with their representative here.

1 And we exchange information.

2 Q Do they consult with you from time to time?

3 A Yes.

4 Q And are these reports that come from your files?

5 A Yes.

6 Q And you use these reports in your work?

7 A Yes.

8 Q And what do these documents reveal?

9 A Every where amnesty has a report on the situation  
10 in Iran torture, imprisonment for opinion offense or  
11 extrajudicial, extra-terroritorial offense -- execution. I'm  
12 sorry.

13 MS. MERRITT: Your Honor, I would point out that  
14 in the January 1992 report which is Exhibit 20 there is a  
15 mention -- there is a discussion about extrajudicial  
16 killings and Mr. Boroumand is noted along with Mr. Bakhtiar  
17 as one of the victims of these killings.

18 BY MS. MERRITT:

19 Q Have you testified on this issue before the United  
20 States Congress?

21 A Yes, in '97.

22 Q Is that before the Congressional Human Rights  
23 Caucus?

24 A Yes.

25 Q Can I draw your attention please to Exhibits 23

1 and 24. Were you invited to testify?

2 A Yes.

3 Q And by whom?

4 A By the Human Rights Alliance. It's Mrs. Porter, I  
5 think, the wife of Congressman Porter. I don't remember  
6 very well. She is the head of Human Rights Alliance.

7 THE COURT: In California?

8 THE WITNESS: Yes, I think so. Mr. Timmerman was  
9 there, too.

10 BY MS. MERRITT:

11 Q Did Mr. Timmerman testify?

12 A Yes, as an expert.

13 Q Exhibit 24, can you please describe to the Court  
14 what this document is? It's entitled Iranian Terrorism by  
15 Ladan Boroumand.

16 A This is my talk.

17 Q What did you tell, in general from this statement,  
18 what did you tell the Congressional Human Rights Caucus?

19 A I thank them because this is the first time we  
20 were provided with a tribute to speak as victims because  
21 most of the time as Iranian exiled victims we are  
22 transparent. We are nonentities.

23 So I was very grateful to be provided, you know,  
24 with the possibility to speak as human being and what I  
25 wanted to tell them is that there is a warfare going on

1 between us and the regime and this warfare is an ideological  
2 and psychological warfare. We want and we preach democracy  
3 and democracy is universal.

4 But to prove that democracy is universal requires  
5 that democratic countries behave consistently in accord with  
6 their own principles. And if all the democratic countries  
7 do not consider us as human being who have rights and  
8 dignity, then all enemies are victorious ideologically  
9 because they tell us and they tell their own people and  
10 that's what they told already when they killed Dr. Bakhtiar  
11 that you see the idea of universal principle of human rights  
12 is just an illusionary idea. This is not true because these  
13 democratic countries they think of their own interests,  
14 their economic interests and they do not respect you as a  
15 human being. So you have no chance. We will deal with  
16 them. That's what they did.

17 So I was thanking the caucus and saying if the  
18 democratic countries respect their own principles and defend  
19 us as human being, then it will shatter the safe confidence  
20 of the ruling elite over there and this is a way of helping  
21 us and strengthening us.

22 We don't need your money. We won't need your  
23 arms. We need you just to be faithful to your own  
24 principle. And from this faithfulness we will draw all our  
25 strength and we wouldn't ask you for anything more but

1 please be consistent.

2 Q And another individual who testified was Kejal  
3 Abdouli. That's Exhibit No. 23.

4 A Yes.

5 Q Is this a copy of her testimony before that?

6 A Yes.

7 Q And this is the wife of an individual who was  
8 assassinated in the Myconos Restaurant?

9 A Iranian woman who lost her husband.

10 MS. MERRITT: Your Honor, I would draw your  
11 attention to part of the testimony in Ms. Abdouli's  
12 submission to the Human Rights Caucus talking about the  
13 Iranian regime has repeatedly and openly said it would do  
14 everything possible to physically eliminate all KDPI leaders  
15 and then obviously talks about her personal loss and the  
16 loss to her son and her family.

17 Let me draw your attention to Exhibit No. 25.

18 THE COURT: No translation?

19 MS. MERRITT: No translation, Your Honor. Again,  
20 one more of the few documents we don't have entirely  
21 translated.

22 BY MS. MERRITT:

23 Q Ms. Boroumand, I left this for last because I know  
24 this is sort of difficult for you. But can you walk the  
25 Court through what happened the day that your father died?

1 A My brother called me and said there has been an  
2 attempt against our father and --

3 Q I'm sorry. Can you please, continue.

4 A And so I went -- I took a cab. And I went to my  
5 father's house. And when I arrived, a medical team was  
6 there and after a while they said --

7 Q Your brother found your father?

8 A Yes.

9 Q And your brother at the time was about 19 years  
10 old and he was living with your father?

11 A Yes.

12 Q And your sister lived in the United States at the  
13 time and she flew over?

14 A Yes.

15 Q And you had your own apartment in Paris?

16 A Yes.

17 Q And your mother, she lived there also with your  
18 father and your brother?

19 A She was -- at the time my older brother was  
20 injured. He needed help. My mother was in Switzerland with  
21 my brother. So she came from Switzerland.

22 Q So when you arrived there you were, in essence,  
23 the head of the family at the time. And so you dealt with  
24 the police and all those details?

25 A Yes. The police -- it's a very strange experience

1 because they, well, the first police who are from them, your  
2 neighbors police they come and they don't see this. They  
3 see just an assassination and everyone around is a suspect  
4 and you are also a suspect.

5 Q And your father was actually found in your  
6 apartment building?

7 A Yeah. By the elevator in the entrance hall.

8 Q Can you please describe to the Court what Exhibit  
9 25 is?

10 A The Exhibit 25 is each year to commemorate our  
11 father. It's a kind of political ad in the exile weekly  
12 which is published in London. Each time we remind the  
13 anniversary of his death. We use that to honor the memory  
14 of all the victims.

15 Q And every year when you place this ad in there, do  
16 you add the additional names of the other victims of the  
17 government?

18 A Yes.

19 Q Ms. Boroumand, you were in the courtroom when Mr.  
20 Timmerman talked about the damages that are being sought in  
21 this case. And you also mentioned previously that you feel  
22 that people like yourself, like your father were considered  
23 transparent or nonentities.

24 We're asking for a billion dollar in damages and  
25 punitive damages. Is this something that you think that the

1 Iranian court will take note of if the United States court  
2 issued that kind of an award?

3 A As I told before, this is a psychological and  
4 ideological warfare and the number you are mentioning has  
5 symbolic values.

6 It means that somewhere in the democratic states  
7 especially the judiciary because we had this experience with  
8 Mykonos and had a tremendous effect in Iranian internal  
9 politics, the effect which must be studied really. And it  
10 means that part of these democratic states will react  
11 against terrorist acts regardless of the nationality,  
12 religion, race of the victims. And Iranians are valuable  
13 being as human being, just simply as human being.

14 So far for the most cases we have expanded the  
15 opposite and that has, again, strengthened the regimes  
16 activity. Each time there is a precedence in court or, you  
17 know, officially it will have shaken the certitude of the  
18 ruling regime in Iran and by doing so it will help the  
19 democratic movement.

20 I strongly support the highest amount of punitive  
21 or whatever damage you want but it's important that an  
22 America judge will issue a verdict for an Iranian  
23 pro-democracy activist and say as a judiciary of a  
24 democratic state we stand by these people. Their life is as  
25 valuable as any other life in the world.

1 MS. MERRITT: Thank you. No further questions.

2 THE COURT: We thank you for your testimony. We  
3 will take a luncheon recess and we'll be back in an hour and  
4 15 minutes. So that will be quarter of two.

5 (Whereupon, at 12:34 the above-entitled matter  
6 recessed for lunch.)

1                    A F T E R N O O N   S E S S I O N

2                    THE COURT: Good afternoon. All right.

3                    MR. HIRSCHKOP: Your first book is all  
4 highlighted.5                    THE COURT: Mr. Hirschkop, you must not have had  
6 luncheon, or somebody on your staff must not have had  
7 luncheon.8                    MR. HIRSCHKOP: My greatest skill as a lawyer is  
9 hiring good staff.10                   THE COURT: All right. We are ready to proceed,  
11 thank you.12                   MR. HIRSCHKOP: I call Jacques Boedels to the  
13 stand.

14                   THE COURT: Sir.

15                   JACQUES BOEDEL, PLAINTIFF WITNESS, SWORN

16                   THE COURT: Good afternoon.

17                   THE WITNESS: Good afternoon, Your Honor.

18                   DIRECT EXAMINATION

19                   BY MR. HIRSCHKOP:

20                   Q    Bonjour, Mr. Boedels.

21                   A    Bonjour.

22                   Q    You are here from France?

23                   A    I'm here from France, yes.

24                   Q    You live in Paris?

25                   A    I do live in Paris, yes.

1 Q What is your profession?

2 A I'm what you call in the United States a lawyer,  
3 but what we call in France an "avocat."

4 Q An avocat, you're a lawyer who goes to court and  
5 tries cases; is that correct?

6 A Yes, right.

7 Q Thank you. And how long have you practiced law?

8 A Almost 30 years.

9 Q Where did you go to school?

10 A In Paris.

11 Q Which university?

12 A University of law and political science at the  
13 same time.

14 Q When did you get your initial degree?

15 A In '60--'66.

16 Q And when did you get your law degree?

17 A In '71, because in between I entered the  
18 diplomatic service.

19 Q Do you have both a Master's degree and a law  
20 degree?

21 A Yes, I do.

22 Q Okay. The Master's degree, is that a DES in  
23 France?

24 A It's a DES, right.

25 Q And in the diplomatic service, where were you

1 stationed?

2 A I was stationed in Nigeria.

3 Q What did you do?

4 A I was cultural attache.

5 Q How long were you in Nigeria?

6 A Three years.

7 Q In 1972, did you enter the full-time practice of  
8 law?

9 A Yes.

10 Q Have you practiced consistently ever since?

11 A Yes.

12 Q Have you been with your present partner since  
13 1981?

14 A Yes.

15 Q What type of work--

16 A (Adjusting microphone.) It looks like a snake  
17 against me.

18 THE COURT: It isn't. It's not a snake, but  
19 sometimes if people are not careful with their words might  
20 describe it as such.

21 THE WITNESS: It will not bite me.

22 BY MR. HIRSCHKOP:

23 Q Mr. Boedels, the system of courts is much  
24 different in France than in the United States, is it not?

25 A It's true because I'm not used to sit in the

1 Court. I stand where you are, and I face the Court. I'm not  
2 sitting next to the Court.

3 THE COURT: Sir, I may tell you that any lawyer  
4 who has ever sat in that seat, or any judge who has ever sat  
5 in that seat, feels extremely uncomfortable. It is an  
6 unusual position to be in, but relax as best you can, and  
7 I'm just here to listen to what you have to say and to  
8 absorb it.

9 THE WITNESS: Thank you, Your Honor.

10 BY MR. HIRSCHKOP:

11 Q In Paris or in France, are the judges involved in  
12 the same way in a trial as they are here in the United  
13 States?

14 A No, not at all. The judges interfere much more  
15 than an American judge does, for instance. Let us say--

16 THE WITNESS: Excuse me, Your Honor, but I think  
17 that here you remain silent, you listen to what is going on,  
18 but in France the judges interferes or has direct action and  
19 say, Well, I heard enough; well, it's not necessary out of  
20 the purpose. Well, the judge interferes every time.

21 THE COURT: Some judges do in this country also,  
22 and it also depends on the case, the disposition of the  
23 judge, the interest the judge has in the case, and whether  
24 there's a jury or nonjury, as this case is.

25 Counsel?

1 BY MR. HIRSCHKOP:

2 Q I will point out there is a major difference of  
3 why that causes that in great part, is in France everything  
4 is submitted in writing in advance of the trial, is it not?

5 A Yes. In France, the judge has a file which  
6 contains the whole story of the case, and when the case  
7 comes to court, we review the evidences, but we don't  
8 present evidences to the judge before the court because  
9 everything has been contained in the file which is on the  
10 desk of the judge.

11 Q So, it's done principally in prior writings as  
12 opposed to live witnesses, which we favor more in this  
13 country?

14 A Yes. The live witnesses come to the court only to  
15 confirm what they said before.

16 Q And an average trial in France takes about how  
17 long?

18 A Well, it's very short. Let's say that the trials,  
19 such as your type, Your Honor, will last, let us say,  
20 maximum two hours, maximum.

21 Q What type of work have you mainly done in law  
22 practice?

23 A Well, by test, I'm a litigator, but in France we  
24 don't have the same system as you do in the United States.  
25 People who are writing contracts and litigators, but

1 old-fashioned lawyer and litigator. Mainly, I'm litigator.

2 Q You say you're an old-fashioned lawyer, and I'm  
3 going to get to that in a minute. You do commercial work.

4 Have you written any books?

5 A Yes. Well, as a hobby, I wrote books on mainly on  
6 the history of judicial costumes, costumes of lawyers and  
7 judges, the origin of these costumes and the reason why the  
8 judges and lawyers are wearing costumes--or maybe the reason  
9 why they don't wear costume--and the history of judicial  
10 traditions.

11 Q And have you had a particular interest in helping  
12 refugees, people who come from other countries to France,  
13 over the years?

14 A Yes. For personal--as personal action, I help  
15 refugees and people who are seeking asylum in France.

16 Q Is this a cultural commitment that you feel for  
17 your generation?

18 A Yes. Well, it was traditional in old-fashioned  
19 lawyers to have what you call "pro bono" cases and helping  
20 people who are coming to you without any help, without any  
21 money, and help them and give them the assistance they are  
22 requiring.

23 Q And do you find that many of the people who come  
24 to France, Paris, which is such an international city, have  
25 difficulty with the language very often, don't have the

1 economic means for legal help, require such help from  
2 lawyers?

3 A Yes, they do, because we don't have a system,  
4 legal help, legal assistance, as do you in the United  
5 States. It's not so widespread, not so developed.

6 Q Do you find the young lawyers, the younger  
7 generation, doing the same thing?

8 A Unfortunately, no, because they don't want to be  
9 involved in old-fashioned cases there. They're much more  
10 concentrate on business law.

11 Q In the beginning of your practice in France, do  
12 you have to have an apprenticeship, five years of practice,  
13 to be an advocate?

14 A When we are sworn in, we become an advocate, but  
15 for tax reasons, because there are some taxes--we are not  
16 liable to some taxes, when we try to extend the delay of our  
17 apprenticeships as long as possible, and the maximum is five  
18 years.

19 Q And during the first five years of practice, how  
20 many pro bono cases involving foreigners and mostly  
21 foreigners and multilingual problems that do you?

22 A When I was appointed, I made a statistic for  
23 myself: 300 times.

24 Q How many languages do you speak?

25 A One more than my father.

1 Q He spoke five, I understand?

2 A Yes.

3 Q Which six languages do you speak?

4 A Well, I speak French; I speak Russian; I tried to  
5 speak English, although I have a French accent; Spanish;  
6 Dutch; and German.

7 Q In 1990, did you meet with Dr. Ganji?

8 A Yes.

9 Q And what did he ask you to do?

10 A Well, he asked me to handle a case for his  
11 organization, and he wanted me to assist his organization in  
12 a case which was under investigation by Judge Bruguiere for  
13 the assassination of his deputy, Cyrus Elahi.

14 Q Have you undertaken that representation for the  
15 last ten years?

16 A Yes.

17 Q In those ten years, have you become familiar with  
18 the type of protection that Dr. Ganji has had to experience  
19 to stay alive in Paris?

20 A Well, I think that life of Dr. Ganji is a miracle  
21 because it was under the close control of secret agents of  
22 the Republic of Iran who wanted to eliminate him, to kill  
23 him. So, he had to live with extreme caution, avoid all the  
24 traps which were in all the plans which were elaborated  
25 against him in order to kill him.

1           So, when I met him, I met him, it was under  
2 protection--under police protection, and he couldn't lead a  
3 normal life, and he couldn't leave, for instance, his car  
4 without at least having three bodyguards, Frenchmen these  
5 men, bodyguards with him. When he met me in my office, one  
6 bodyguard was waiting downstairs, one bodyguard was coming  
7 to my office, and the other one was waiting in the street.

8           Q     Does he always travel in an armored car?

9           A     Yes, he had armored car.

10          Q     Are you familiar with the special training, the  
11 French police, the German place, and the American  
12 authorities, have had to give him so he could stay alive?

13          A     Yes, because I think that French police  
14 realize--maybe a little bit too late--that it was necessary  
15 to give special protection to freedom fighters because they  
16 were systematically assassinated by agents from the Republic  
17 of Iran.

18          Q     All right.

19               MR. HIRSCHKOP: You have been patient in me asking  
20 him questions about the French system, and there is a method  
21 to my madness. In order to understand the documents from  
22 Judge Bruguiere, and it is necessary now to go into that, so  
23 if you could bear with me I will get it done quickly.

24               BY MR. HIRSCHKOP:

25          Q     I understand there are three kinds of offenses in

1 the French system; is that correct?

2 A Yes, criminal offenses, yes, there are three  
3 kinds.

4 Q And what are they?

5 A The first one, let us say, I will use words maybe  
6 they could be confusing for you, but each time I try to be  
7 as specific as possible.

8 First-class offenses concerns, well, petty traffic  
9 offenses and, well, backpacking. They are judged by one  
10 judge, which is called the tribunal de police--police  
11 tribunal. The police tribunal can sentence people to a fine  
12 or the maximum to two months imprisonment, but in 30 years I  
13 have never heard of somebody who has been sentenced to two  
14 months imprisonment by the tribunal police. It's purely  
15 theoretical.

16 Then we have second-class offenses. Second-class  
17 offenses concerns, for instance, robberies, embezzlements,  
18 prostitution, where they are judged by tribunal  
19 correctional--correctional tribunal, which can normally  
20 award up to five years' imprisonment, with the exception of  
21 some important derelicts such as "foot" traffic or  
22 association of conspiracy, where the sentence can be up to  
23 20 years.

24 Then you have third-class offenses, which are  
25 called here in the United States "crimes," and crimes are

1 judged by a criminal code with a jury. And, of course, the  
2 sentence can be up to life sentence.

3 Q Does France have the death penalty?

4 A We don't have death penalty since 1981.

5 Q And these serious offenses, is this the Court of  
6 Assizes, I think you said?

7 A Yes, the Court of Assizes is in charge of these  
8 offenses, but they are two Courts of Assizes. Normal one  
9 with a jury, but for special cases--for instance,  
10 terrorism--there is a special Court of Assizes which is  
11 composed of professional judges only in order to avoid the  
12 pressure on the jurors. And this court is composed of nine  
13 professional judges without a jury.

14 Q Why is that?

15 A In order to avoid pressure on the jurors because  
16 you know the jurors, the names are known of the accused  
17 because it knows the name because it can recuse some of the  
18 jurors because it knows the names and addresses of the  
19 jurors.

20 To avoid such convenience (sic), the court  
21 appoints professional judges.

22 THE COURT: Do the judges sit separately on the  
23 case, or do all nine or groups of them sit on the individual  
24 cases?

25 THE WITNESS: No, Your Honor. They sit--

1 THE COURT: One at a time?

2 THE WITNESS: No, no, no. All of them at the same  
3 time.

4 MR. HIRSCHKOP: That's a panel, Your Honor.

5 BY MR. HIRSCHKOP:

6 Q Now, when Mr. Elahi was murdered, how did the  
7 investigation get started within the judicial system?

8 A In the French judicial system, the investigation  
9 starts with, well, reporting by the police to the state  
10 attorney, and then the state attorney asked the President of  
11 the Court to appoint a judge who will be in charge of the  
12 investigation of the case.

13 Q President of which court?

14 A Of the Paris court, where the crime took place.

15 And the President of the Court was a sitting  
16 magistrate because in France we make the difference between  
17 sitting magistrate and standing magistrate. Standing  
18 magistrates are the equivalent of state attorneys in United  
19 States. Sitting magistrates are equivalent, well, to  
20 professional judges sitting in court. Sitting magistrate  
21 cannot be removed. They cannot be displaced because they  
22 are appointed for life. A standing magistrate can be  
23 removed upon government's request.

24 So, the state attorney asked the President of the  
25 Court, which is a sitting magistrate, to appoint a

1 judge--what we call the juris instruction--who will be in  
2 charge of the investigation of the case. Juris instruction  
3 is also a sitting magistrate, and the juris instructional  
4 opens the five and is in charge of collecting all  
5 information.

6 Q For the Court Reporter, is that judge of  
7 instruction?

8 A Judge of instruction.

9 Q Thank you. Now, in the Elahi case, was someone  
10 appointed?

11 A Yes, there was someone appointed, but you know,  
12 once again, there is an exception in the law. For terrorism  
13 and for terrorist cases, the President of the Court appoints  
14 three--well, he has a choice between three different judges,  
15 specialize in terrorist cases, and Judge Bruguiere is one of  
16 the most ancient and most famous one. And these judges have  
17 jurisdiction over the whole territory, over France--the  
18 whole of France. Normally, the judge has jurisdiction over  
19 the precinct where he works where he's appointed, but it's  
20 different for the judges in charge of terrorist cases.

21 And Judge Bruguiere was appointed at the juris  
22 instructional in this case.

23 Q Has Judge Bruguiere handled many famous terrorist  
24 cases nationally in France?

25 A Yes. Judge Bruguiere is a very famous and started

1 his career when I started to become a lawyer, and we had the  
2 same seniority; not in the same way, but the same seniority.

3 Q Now, what does Judge Bruguiere do once he's  
4 appointed?

5 A Judge Bruguiere will sense normally--he sends  
6 interrogatory commission to the police, which means he  
7 appoints police officers in order to make investigation on  
8 this spot, and then police officers are collecting  
9 information, send a report to the judge, and then the judge  
10 decides to hear witnesses, or to indict somebody when you  
11 think somebody could be guilty of the facts which are under  
12 investigation.

13 Q Is that similar to the grand jury's action in the  
14 United States, if you can draw a parallel?

15 A To a certain level, yes. The judge, when he  
16 thinks that somebody could be implicated or involved in  
17 criminal matters, has the duty to indict him and inform him  
18 that he will be under his investigation, and he has to  
19 appoint a lawyer to defend himself.

20 Q Does Judge Bruguiere recommend a prosecution, or  
21 does he send a report that has pros and cons? In other  
22 words, information favorable to the defendants and  
23 information negative to the defendants.

24 A Well, Judge Bruguiere, as all judges in juris  
25 instruction, is an independent judge, so he has to collect

1 information, but this information could be in favor of the  
2 accused or against the accused. He has to collect them.  
3 After, when he thinks that the file contained sufficient  
4 evidence, he may either dismiss the accusation or send the  
5 file to the state attorney in order to receive his  
6 instruction.

7           When the state attorney decides that this file  
8 should be brought to the criminal court, Judge Bruguiere has  
9 to send the file to court of appeal, to a special section of  
10 the court of appeal, chamber of accusation, where the case  
11 is once again pleaded in order to know whether the case has  
12 to be sent to the court of assizes, or whether the case has  
13 to be--the accusation has to be dismissed.

14           Q     Now, with regard to the Elahi matter, did Judge  
15 Bruguiere open two files?

16           A     Yes, he opened two files. The first one was the  
17 assassination of Cyrus Elahi, and the second one was for  
18 "association de manufacture," which is conspiracy, but if I  
19 want to translate into English, I would say that the exact  
20 translation would be association of wrongdoers. But I think  
21 that the crime is equivalent to what you know as a  
22 conspiracy.

23           Q     And, in fact, is that a class-two offense?

24           A     It's a class-two offense, which shows by the  
25 correctional tribunal.

1 Q By three judges?

2 A By three judges.

3 Q Now, dealing with that, was a man named "Mashhady"  
4 and another man charged with that offense and tried by three  
5 judges?

6 A Yes.

7 Q Who was the other gentleman?

8 A Yazdenseta.

9 Q Now, as a result of that trial, was Mr. Mashhady  
10 and Mr. Yazdenseta convicted of the conspiracy to murder Mr.  
11 Elahi and Dr. Ganji?

12 A Yes. They were--their file was sent to the  
13 correctional tribunal, and the correctional tribunal  
14 sentenced Yazdenseta to seven years imprisonment--I'm  
15 sorry--Mashhady to seven years' imprisonment, and Yazdenseta  
16 to three years of imprisonment.

17 Q You have two books there, sir. Would you be kind  
18 enough to turn Exhibit 58.

19 A Yes.

20 Q You have the public prosecutor's referral to the  
21 Criminal Court of Paris?

22 A Right.

23 Q Is that Judge Bruguiere's referral to the criminal  
24 court for the prosecution of Mr. Mashhady and Mr.  
25 Yazdenseta, Y-A-Z-D-E-N-S-E-T-A, for the conspiracy to

1 murder Dr. Elahi and Dr. Ganji and others?

2 A Well, I know this document because I translated it  
3 myself into English. This document was prepared by the  
4 state attorney on the basis of the file which was  
5 made--prepared by Judge Bruguiere. And in this document,  
6 the state attorney recommends to Judge Bruguiere to send the  
7 file for judgment to the correctional tribunal.

8 Q Does the document include statements from  
9 depositions taken from various witnesses who came forward in  
10 that case?

11 A In this document, the state attorney mentions, as  
12 a support of his accusation, the different evidence  
13 collected by Judge Bruguiere and the deposition made by  
14 different witnesses.

15 Q All right. I refer you then--I will come back to  
16 58, but number 59. Would you look at the next document in  
17 sequence.

18 Would this be the document relative to the second  
19 file that Judge Bruguiere opened up? Is this the referral  
20 to the Court of Assize for the murder--

21 A Yes. This is the document which was prepared by  
22 the state attorney by the accusation for--sorry. It's the  
23 document which was the judgment which was rendered by the  
24 court of appeal section--chamber of accusation for sending  
25 Mashhady to the criminal court.

1 Q So, this comes from the Court of Appeals to the  
2 Court of Assize, laying out the basis for the murder charges  
3 against Mr. Mashhady.

4 A Yes.

5 This document will be read by the court--by the  
6 registrar of the Court of Assizes, and contains the  
7 accusation against Mashhady.

8 THE COURT: And you were the attorney for Mr.  
9 Elahi; is that correct?

10 THE WITNESS: Yes.

11 MR. HIRSCHKOP: And Your Honor, if you please, I  
12 will clear that up.

13 THE COURT: It's on page three.

14 MR. HIRSCHKOP: Yes, but it's the wrong Mr. Elahi.  
15 It's a strange proceeding. We are in a criminal case, and  
16 you seek civil relief.

17 BY MR. HIRSCHKOP:

18 Q Let me ask you about that, please, Jacques. The  
19 papers list you as representing Mr. Elahi's younger brother.  
20 Do you recall?

21 A Yes.

22 Q You entered on behalf of the family--is that  
23 correct?--the Elahi family.

24 A Yes, I do.

25 Q And what is your purpose--your role--in this

1 criminal prosecution?

2 A As I represent the family of the victim, nothing  
3 can be done without my presence or the presence of the  
4 family. So, therefore, no prosecution can take place  
5 without the presence of the family because on this occasion  
6 I can speak to the court--speak to the court and explain the  
7 reason why the family wants this case to be sent to the  
8 Court of Assizes, and why the family wants Mr. Mashhady to  
9 be sentenced for murder.

10 Q Going back to the first case, the class-two where  
11 Mr. Mashhady got seven years, Mr. Yazdenseta was also  
12 sentenced, was there an appeal of that conviction?

13 A Yes. An appeal was made against that conviction,  
14 and the appeal was rejected by the Court of Appeals.

15 Q And did he appeal to the Supreme Court of France?

16 A Yes, and the appeal was rejected again.

17 Q And did you participate in both of those appeals?

18 A No, because--well, for certain reason, technical  
19 reasons, the conspiracy is a crime against society and not  
20 against an individual; so, therefore, there is no plaintiff.

21 Q But in the murder case there is?

22 A Yes, because it's a crime against a person, an  
23 individual; so, therefore, there must be somebody who  
24 represents either the individual or his family.

25 Q Now, in the murder case, did you consult

1 repeatedly with Judge Bruguiere in his investigation?

2 A Yes, of course, because I have a permanent access  
3 to the file.

4 And as what we call plaintiff representing the  
5 family, I can ask Judge Bruguiere to make some special and  
6 particular investigations. It's my right or my duty.

7 Q So, for instance, in the murder case, did you  
8 secure articles from Germany and translate that and give  
9 them to Judge Bruguiere?

10 A Yes, because I thought that the interest of this  
11 case was not only to concentrate on the murder which took  
12 place in Paris, but I wanted to connect all the murders  
13 which took place in Europe against opponent to the Iranian  
14 regime. For that reason, reading the German press, I  
15 realize that the same case was being tried in Germany; and,  
16 therefore, I informed Judge Bruguiere of this trial in  
17 Germany, in Berlin.

18 Q And did you take articles from Stern and other  
19 major publications and translate them for Judge Bruguiere?

20 A Yes, and I translated for the Mykonos case  
21 articles so that Judge Bruguiere could add them to the file.

22 Q This Mykonos case that the Judge now has heard  
23 about several times where the leader of the KDPI was  
24 assassinated and the German authorities convicted people who  
25 were directly linked to Mr. Fallahian, the head of MOIS--

1 A Right.

2 Q --did you determine that from those documents?

3 A Well, what was important for me in the Mykonos  
4 case, that according to the newspapers in Germany, there was  
5 a weakness, a secret weakness, a defector, and Iranian  
6 defector, and nobody knew his name because he wanted to  
7 remain secret.

8 Q Is he called Witness C in the documents?

9 A He's Witness C in the documents.

10 And I wanted Judge Bruguiere to have a connection  
11 with him and send an interrogatory commission because this  
12 witness was under protection, and it was protected by the  
13 German police. And, of course, he didn't want to enter  
14 France. Nobody knew his name. Later on, I knew that it was  
15 difficult for him to enter France because it was before  
16 working with the Iranian embassy, and he was expelled from  
17 France for having spying activities in France.

18 Q He had been a high-ranking Iranian official, had  
19 he not?

20 A Yes, he was high-ranking official. He was in  
21 charge of terrorist actions outside Iran.

22 Q Just so--because the Court will see this record,  
23 the Court is clear, was this Mr. Mesbahi?

24 A He's called Mesbahi, but at that time it was only  
25 known as Witness C, and it was traveling between Germany and

1 Canada, protected by CIA in Canada, protected by the German  
2 police in Germany.

3 Q And to the best of your knowledge, is he now under  
4 our witness protection program unavailable to us?

5 A I think he's unavailable to us for two reasons:  
6 First, I think that he will fear to come without special  
7 protection. Second, that we do not know how to contact him.  
8 If he has to be contacted, it should be done through secret  
9 or intelligence services, and I doubt that Secret Services  
10 will cooperate for any kind of cases, open-court cases.

11 Q Mr. Boedels, who is Bruno Jost, J-O-S-T?

12 A Bruno Jost is the state attorney in charge of the  
13 Mykonos case in Berlin.

14 Q Did he secure the convictions in Berlin?

15 A Yes, he did his best, and he brought all evidence  
16 for the German court.

17 Q As part of your inquiry into the Mykonos matter to  
18 get the information on Mr. Mesbahi, did you have  
19 communications with Mr. Jost directly?

20 A Yes. I spoke with him twice on the phone, asking  
21 for information, and asking for--well, for the outcome of  
22 the Mykonos case, and asking him whether it would be  
23 possible to investigate and ask questions to Witness C.

24 Q And were you denied that?

25 A He said that it was possible, but, of course, it

1 had to--he will do his best. He will recommend to Witness C  
2 to answer the questions, but, of course, it had to be done  
3 through interrogatory commission. That's the reason why I  
4 went to Judge Bruguiere and made a formal request for  
5 interrogatory commission to investigate Witness C.

6 Q When you made this request of Judge Bruguiere, is  
7 that when you gave him the translations you had made from  
8 the German press to convince him that he should do this?

9 A Yes, I gave him evidence, the German press, so  
10 that he knew that an important witness could give important  
11 information for the case he was investigating.

12 Q And, in fact, did Dr. Ganji testify in the trial  
13 in Berlin of the Mykonos case?

14 A Yes, he did.

15 Q And did he give depositions as an expert in the  
16 Mykonos case?

17 A Yes, he did.

18 Q Now, did Judge Bruguiere follow your  
19 recommendation to have letters of interrogatory sent to  
20 Germany to take a deposition of Mr. Mesbahi?

21 A Yes, he did. He did it twice. The first one, he  
22 sent interrogatory commission to the German police, and the  
23 German police asked questions to Witness C. And then he sent  
24 French policemen--police officers--who met Witness C in  
25 Germany with the assistance of the German police, and

1 questions were asked to Witness C.

2 Q In your role in representing the plaintiff in the  
3 criminal case--little different from what we do--did you get  
4 to read the deposition of Witness C in the Elahi case?

5 A Yes, of course. As I told you, I have permanent  
6 access to the file. And I read the deposition made by  
7 Witness C in Germany.

8 Q And did Witness C testify that MOIS and Iranian  
9 intelligence specifically ordered the assassination of Dr.  
10 Elahi?

11 A Yes. Witness C said that the assassination was  
12 determined, planned, organized, and executed under the  
13 instruction of high-rank officials in Iran.

14 Q Was this consistent with other evidence given in  
15 these two documents we now referred to, Exhibits 57 and 58,  
16 the referrals to the criminal courts? Witness C testified  
17 the responsibility of the Iranian MOIS and government.

18 A Yes.

19 Q Was it consistent with other evidence?

20 A Yes.

21 Q Let's talk about that other evidence.

22 In the two referral documents, there are  
23 interviews with Mr. Mashhady. Did Mr. Mashhady admit that  
24 he was approached by Iranian intelligence to start a plan to  
25 assassinate Dr. Ganji?

1           A     Well, Mr. Mashhady knew what he was doing. He was  
2 representing the Iranian Secret Services in France, so, in  
3 this position, he was in charge of selecting people for  
4 assassinations. For this job, he has two possibilities.  
5 The first one he gave to people some money. He offered them  
6 money.

7           Q     To whom did he offer money?

8           A     Well, he offered money to, for instance, somebody  
9 who is Ghorbanifar and Yazdenseta.

10          Q     G-H-O-R-B-A-N-I-F-A-R.

11                   Did Mr. Ghorbanifar go to the French Secret  
12 Service and say, I have been given such an offer at some  
13 point?

14          A     Yes, he did. He did, because Ghorbanifar became a  
15 drug addict because Mashhady gave him drugs, heroin, for his  
16 own use and for dealing heroin.

17          Q     Was this common practice for the intelligence  
18 people from Iran involved in assassinations to bring heroin  
19 to give to people to get them to do things for them?

20          A     Yes, I realize from other cases that is common  
21 practice. They give heroin to drug addicts of people who  
22 are dealing with errands; therefore, they get the money, and  
23 they are linked with the people who give them heroin. And  
24 that's what Mashhady did.

25          Q     Just so we are clear, was the original plot to

1 assassinate Dr. Ganji?

2 A The original plot was to assassinate three people:  
3 First, Dr. Ganji; second, Cyrus Elahi; and third Princess  
4 Ashraf.

5 Q Was there a time Dr. Ganji was warned that his  
6 assassination would be imminent and he left and went to  
7 Egypt?

8 A Yes, Dr. Ganji was informed by the French police  
9 that his assassination was imminent.

10 Q Was it shortly thereafter that Dr. Elahi was, in  
11 fact, assassinated?

12 A Right. They couldn't get Dr. Ganji, they decided,  
13 I think, that they had to kill somebody else, and they  
14 spotted Cyrus Elahi.

15 Q In fact, didn't he specifically--Yazdenseta  
16 specifically testify to that?

17 A Yes, Yazdenseta testified that he was approached  
18 by Mashhady in order to take picture of Dr. Ganji--of Cyrus  
19 Elahi. And then after having taken picture, it could get  
20 more money if he decided to kill him.

21 Q Did Mr. Mashhady promise or say to Mr. Ghorbanifar  
22 that he would provide him with a gun and a silencer to  
23 commit the crime?

24 A Yes, he offered him to supply him with a gun and  
25 silencer.

1 Q Was Dr. Elahi assassinated with a gun and a  
2 silencer?

3 A Dr. Elahi was assassinated by a gun which was  
4 determined by the French police as a Romanian gun, caliber  
5 7.65, and with silencer.

6 Q And did they also trace--the French  
7 authorities--that that type of gun was used by certain  
8 Iranian factions?

9 A Yes, they did.

10 Q Did they trace that the material in that type of  
11 silencer was used in other assassinations?

12 A Yes. It's common practice.

13 Q Did Mr. Ghorbanifar further testify that Mr. Elahi  
14 told him at one point that he had been to Iran and met with  
15 Mr. Fallahian?

16 A Yes.

17 I think Mr. Mashhady wanted to stress to  
18 Ghorbanifar that he has very high connections. And, of  
19 course, if he was doing what Mashhady was waiting for him,  
20 he would be grateful, and people--high-ranking officers in  
21 Iran would be grateful to him. He said that to impress him.

22 Q Did Mr. Ghorbanifar go to Orly Airport at one  
23 point with Mr. Mashhady?

24 A Yes, he went to Orly Airport, but this meeting was  
25 observed by the French intelligence service, and he met with

1 Mashhady, and Mashhady met the Iranian ambassador. And the  
2 manager of Iran Air in Paris was a member of the Iranian  
3 Secret Services.

4 Q Was that Mr. Anquizi?

5 A Yes, right.

6 Q A-N-Q-U-I-Z-I?

7 A Yes.

8 Q Did he also meet with Mr. Bagheri?

9 A Yes, with high-ranking official in Iran in charge  
10 of special operations outside Iran.

11 Q Did Mr. Yazdenseta also testify that he was told  
12 by Mr. Mashhady that he had received directions from Bagheri  
13 and directly from Mr. Fallahian to accomplish these  
14 assassinations?

15 A Yes.

16 Well, I think that the Iranians wanted to put  
17 pressure on him, and to assure him that the orders were  
18 coming from high-ranking officials.

19 Q In addition to these--

20 THE COURT: That's what he said, that the others  
21 had come from the high-ranking officials?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: And specifically included Dr. Elahi?

24 THE WITNESS: Specifically Dr. Elahi, Dr. Ganji,  
25 and Princess Ashraf.

1 BY MR. HIRSCHKOP:

2 Q And the princess was the sister of the Shah?

3 A She's the sister of the Shah, yes.

4 Q All of this you're saying about what Ghorbanifar  
5 testified and Yazdenseta testified was completely consistent  
6 with what Mr. Mesbahi, Witness C, had come and given a  
7 deposition about; isn't that true?

8 A Yes. Witness C confirmed that the decision to  
9 kill these three people was taken by official--high-ranking  
10 officials in Iran.

11 Q And indeed, was there another witness named Mr.  
12 Miandoab?

13 A Yes.

14 Q And he's a friend of Mr. Mashhady's over 20 years,  
15 30 years, he said?

16 A Yes.

17 Q And did Mr. Mashhady confess to him that he was  
18 responsible for the assassination of Cyrus Elahi?

19 A Yes, right.

20 MR. HIRSCHKOP: I was going to go through the  
21 depositions, which I highlighted. I will highlight them and  
22 hand them to you tomorrow. It will repeat what he testified  
23 to.

24 BY MR. HIRSCHKOP:

25 Q Now, in your investigation, did you also review

1 documents, official documents, from the Mykonos case?

2 A Yes, I did.

3 Q I would ask you to look at Exhibits 45 through 48.

4 Do you recognize them all as official documents  
5 with translations on the top--the German documents have been  
6 included--from the Mykonos case?

7 A Yes, I do.

8 Q If you look at Exhibit 45, please--

9 A Yes.

10 Q --was this a document, public broadcast by  
11 Minister Fallahian, the head of MOIS, upon which the German  
12 prosecutor relied, in part, to get a warrant for Mr.  
13 Fallahian's arrest for the murders in Mykonos?

14 A Yes, it is, yes.

15 Q And document number 46, did they also identify in  
16 Mykonos the type of weapon and trace it to the Iranian Army?

17 A Yes, exactly.

18 Q Did they also trace the murderers in Mykonos who  
19 they were able to catch in other countries as being trained  
20 in Iran?

21 A Yes, as frogmen.

22 Q Look at document number 47, sir.

23 Do you recognize this as Mr. Jost's preliminary  
24 investigation where he requested the warrant against Mr.  
25 Fallahian?

1 A Yes, I do.

2 MR. HIRSCHKOP: Your Honor, there again we will  
3 provide the highlight of the document. It very much speaks  
4 for itself.

5 BY MR. HIRSCHKOP:

6 Q And lastly, sir, document number 48 in this group,  
7 the verdict of the court, did the judges specifically find  
8 that the Government of Iran was responsible for the planning  
9 and execution of the murders of the four men at Mykonos,  
10 including the leadership of the Kurdish Democratic Party?

11 A Yes. Well, the German utai--German  
12 verdict--points out what is behind the murderers, there is  
13 the government of Iran and high0ranking official of Iran.  
14 It was the first time that judicial document expressively  
15 mentioned the complicity of Iranian regime.

16 Q What is the present status of the murder charge in  
17 France?

18 THE COURT: In our case?

19 MR. HIRSCHKOP: In the Elahi matter. I'm sorry,  
20 Your Honor, you're correct.

21 THE WITNESS: The case is going to be judged by  
22 the court, the special Court of Assizes. It should be  
23 judged, let us say, at the beginning of next year, maybe  
24 March or April.

25 THE COURT: Sir, what has taken so long? We are

1 talking close to ten years, not quite, and what has taken so  
2 long, if you know, for the forces of the law in France to  
3 develop the case, investigate it, get information from the  
4 other countries that might have been relevant, and come to  
5 this final conclusion, after going through certain levels of  
6 appeals?

7 THE WITNESS: Let us say, Your Honor, that normal  
8 crime case in France takes between--in Paris takes between  
9 three to five years.

10 THE COURT: The normal crime case?

11 THE WITNESS: The normal crime case, for the Court  
12 of Assizes.

13 THE COURT: For the normal terrorist cases?

14 THE WITNESS: No, the terrorist is a little bit  
15 longer for two reasons. First is there are international  
16 interrogatory commissions, and then--and then it was  
17 difficult at the beginning to discover who was--well, could  
18 be indicted in this file.

19 And little bit by little bit, Ghorbanifar started  
20 to speak, Yazdenseta started to speak out and to confess  
21 that they were approached by Mashhady for killing Iranian  
22 opponents.

23 But without these depositions, without these  
24 confessions, it would have been very difficult for the judge  
25 could reach a file that would be presented to the Court of

1 Assizes.

2 BY MR. HIRSCHKOP:

3 Q In the criminal investigation in which you had  
4 full access to, did you also see the autopsy report?

5 A Yes.

6 Q What did the police find under the fingernails of  
7 Mr. Elahi, Cyrus Elahi?

8 A Well, the police found flesh and pieces of cloth,  
9 which means that there was a fight and that Elahi didn't  
10 want to--well, to be slaughtered without fighting back.

11 Q Does the file also disclose that one of the  
12 perpetrators--one of the criminals was seen leaving with  
13 blood on his jacket?

14 A Yes, one witness mentioned that he saw perpetrator  
15 leaving the scene of the crime with the blood on his jacket.

16 Q Did the police in their investigation look for  
17 possible suspects who had scrapes on their faces as a result  
18 of all the evidence they saw?

19 A Yes, of course. The police thought at the  
20 beginning that it could have been--well, international  
21 conflict inside the organization of Dr. Ganji, and Dr. Ganji  
22 was suspected, and the police met him in order to see  
23 whether he had scratches on his face.

24 Q And did the police conclude that, in fact, from  
25 their investigation Mr. Elahi fought with his assailants,

1 and he was alive and saw them before being shot or at least  
2 before passing away?

3 A Yes. Of course--well, Mr. Elahi was killed with  
4 seven bullets--seven bullets--and the charge--well, the  
5 pistol contains eight bullets. So, therefore, there was a  
6 fight, a terrible fight, and he fought with the murderers  
7 before being killed, but he had no chance.

8 THE COURT: Was there anything indicated in the  
9 police report, in the autopsy report, or from any other  
10 source that you know of, sir, that indicated how long it was  
11 from the time that any one or all of these seven bullets  
12 struck him to the time that he actually died? What was that  
13 interval? Are we talking hours? Are we talking seconds?  
14 Are we talking minutes? If so, how long? Anything that  
15 tells us that?

16 THE WITNESS: No, there is no evidence, Your  
17 Honor, there is no evidence. But I must say that it would  
18 have taken, let us say, at least something like 30 seconds,  
19 to my opinion. And 30 seconds with people who are willing  
20 to kill you, it's a very long delay.

21 BY MR. HIRSCHKOP:

22 Q We don't know how long he may have fought with  
23 them before he was fatally shot, though.

24 A Well, he was shot twice in the head, and the rest  
25 of the bullets were shot in his body.

1           So, therefore, if he was shot in his body, it  
2 seems that there was a fight, but not only because there was  
3 flesh under his nails, but also because there were five  
4 bullets in his body.

5           Q     Did you find out from your investigation after a  
6 period of almost ten years Dr. Elahi would not have eaten in  
7 the restaurant if he had to sit in front of the window?

8           A     Yes, it's true, they knew that they were under a  
9 permanent threat, but meeting Iranian opposition, I have the  
10 impression that they don't care at a certain level.

11          Q     And were you aware of the degree of training it  
12 took in Germany, from German secret police, about being  
13 followed and how to detect people following them?

14          A     Yes, there were many reports from different  
15 sources mentioning and confirming the threats against  
16 Iranian opponents.

17          Q     With regard to Dr. Elahi, he lived with the  
18 sentence of death for almost 11 years.

19                 From your investigation, were you able to  
20 determine whether or not during those 11 years he had to  
21 take special security precautions during the great part of  
22 that period?

23          A     Yes. Well, he lived with the permanent threat of  
24 assassination, so they could not--well, move, go to another  
25 place without having a special protection, without taking

1 care, without being cautious. They could not open the door  
2 to drive the car, live a normal life, without the permanent  
3 threat of being assassinated.

4 Q With regard to Dr. Elahi, the evening he was  
5 assassinated, was that unusual that he was alone that  
6 evening?

7 A No, normally he was always living with somebody  
8 else in order to protect him.

9 Well, just for--

10 Q Had he forgotten his briefcase somewhere and went  
11 to get his briefcase?

12 A Yes. For instance, opponents cannot open the door  
13 to a postman because they could be killed, as we saw this  
14 morning. They cannot drive a car because, well, they could  
15 be--the car could be--it could blow up. The car can blow  
16 up. They cannot stand near a window because somebody can  
17 shoot them. And they are under permanent watch of the--of  
18 people who are only willing to kill them.

19 Q With regard to Mr. Bakhtiar, did you also take  
20 part in his case, reviewing the file in his case?

21 A Yes, because the colleagues in charge of  
22 Bakhtiar's families called me in order to receive  
23 information and help from my knowledge I had from Elahi's  
24 case.

25 Q Did you review the police documents and the

1 prosecutor's report in that case?

2 A Yes. As you know, Bakhtiar was assassinated one  
3 year after Cyrus Elahi, and I gave them all the information  
4 they were in need of.

5 Q And were nine out of ten people charged for that  
6 murder convicted?

7 A Yes.

8 Q Did they find in the Bakhtiar case a direct link  
9 for MOIS in the central Iranian government giving orders for  
10 Dr. Bakhtiar's death?

11 A Yes. The decision was taken in Iran, and people  
12 came especially from Iran to kill Dr. Bakhtiar. They  
13 received more money. They received weapons. They received  
14 fake passports. They received assistance. And they knew  
15 that they were supposed to do after the killing.

16 Q The Court asked you about the length of time on  
17 these prosecutions.

18 Did the Iranian government put a lot of pressure  
19 on European governments to not have these prosecutions or to  
20 release the people?

21 A Yes, of course. There was a permanent pressure  
22 against the French government in order to avoid the case to  
23 come up in court, and in order to release the accused when  
24 they have been sentenced.

25 Q And the form of that pressure was in barrels of

1 oil, was it not?

2 A Not only barrels of oil, but, of course, many  
3 barrels of oil--

4 THE COURT: Would you tell me from whom the  
5 pressure came or from where the pressure came to not  
6 sentence them, but to release them.

7 THE WITNESS: From the Iranian government.

8 THE COURT: Not other governments?

9 THE WITNESS: No. Of course, there were two kinds  
10 of pressure: Oil and contracts with Iran; that's the first  
11 one.

12 And second one, which is also important, that Iran  
13 can also operate in other countries such as Lebanon in the  
14 Middle East such as Hamas and Hezbollah. Hezbollah and Hamas  
15 can detain French journalists, like the did, for instance,  
16 American journalists; and they can detain French citizens.

17 Now, while also bombing which took place in  
18 France, and bombing can be attributed in the Metro and  
19 Champs Elysee, and this bombing can be attributed to Iranian  
20 extremists.

21 BY MR. HIRSCHKOP:

22 Q Were witnesses actually threatened? Mr.  
23 Ghorbanifar was threatened with violence if he testified  
24 against Mashhady.

25 A Yes, of course.

1 Q And was this traced to Iranian diplomats and  
2 Iranian representatives?

3 A Yes. The French government at a certain level  
4 had, well, a difficult time with the Iranian diplomat called  
5 Gordgi, and Gordgi was supposed to be presented to a judge  
6 in charge of the investigation of a terrorist case. And  
7 Gordgi returned to the Iranian embassy, and during one  
8 month, day and night, anti-riot police were surrounding the  
9 embassy in Paris in order to obtain the release of Gordgi so  
10 that he could be brought to the judge and that the judge  
11 could receive his deposition. So, sometimes there was very  
12 strong conflict between the two governments, and--

13 Q I apologize. I don't have Mr. Gordgi's name.  
14 Could you do your best to spell that one for us.

15 A G-O-R-D-G-I.

16 Q Now, Let's go back to the economic coercion.  
17 Europe operates in what we call "sweet oil," does  
18 it not?

19 A Yes.

20 Q And sweet oil is low sulphur oil that's near the  
21 ground that's produced. Iran has a lot of sweet oil, and  
22 Libya has a lot of sweet oil.

23 THE COURT: Is that right?

24 THE WITNESS: Yes.

25 THE COURT: I realize we are abbreviating the

1 time, and that's fine.

2 MR. HIRSCHKOP: And looking ahead, actually Dr.  
3 Clawson is an economist with knowledge in these areas, and  
4 he's going to testify specifically on this. That's why I'm  
5 doing that.

6 THE COURT: But since the question was asked, I  
7 want to make sure the witness agrees with your statement.

8 All right.

9 BY MR. HIRSCHKOP:

10 Q And was there not bargaining between the Iranian  
11 and European governments on the use of sweet oil and the  
12 availability of sweet oil in order to put an end to Iranian  
13 prosecutions, and not only in France, but in Switzerland and  
14 Austria also, in murders there?

15 A Yes, they are permanent--permanent bargaining with  
16 Iranian Government.

17 Q In the course of your work in the Bakhtiar case  
18 and this case, the Elahi case, would it be fair to say the  
19 files that were reviewed, the Bruguiere files, were several  
20 feet thick?

21 A It's true.

22 Q And you just picked out a few documents that you  
23 sent to us that are the key documents showing the evidence?

24 A Yes.

25 Q And reviewing those documents, did you also review

1 the pattern of killings of other Iranian nationals in  
2 France, in Germany, in Austria, in Switzerland, and others  
3 related to Iran and Norway? Did you have a look at many of  
4 those cases?

5 A Yes. As personal point of view, as personal  
6 investigation, but for the first time--first time--in  
7 history of killing of Iranian opponent, there is somebody  
8 who is collecting all this evidence together and putting  
9 them to court. You are doing that work, and you are the  
10 first one who did that. No one did that before.

11 And it was--it's very important to show that it  
12 was not a single assassination, but it was a whole strategy  
13 to kill opponents not only in one country, but in all the  
14 countries where they are: United States, Switzerland,  
15 Austria, Germany, France, Belgium, everywhere. It's a whole  
16 strategy. It is not just one killing. It's a system of  
17 government.

18 Q Without making light of the loss of life involved  
19 in the assassinations themselves or the impact on the  
20 families of the victims, the countries themselves are  
21 victims, are they not?

22 A Yes, of course. The countries are victims because  
23 it's against their sovereignty, it's against their  
24 reputation. We know asylum is a normal practice in  
25 civilized countries, but when people seeking asylum are

1 killed and assassinated, it's against the tradition of the  
2 country.

3 Q And the economics are great. France had to  
4 provide special police, and this is not everyday local  
5 constabulary; right? This is not a gendarme, but the  
6 special police, the riot police.

7 A Yes.

8 Q They had to provide full 24-hour protection--

9 A Yes.

10 Q --for Dr. Bakhtiar, Dr. Ganji, and numerous others  
11 from other countries subject to terrorist activities.

12 A Yes.

13 Q There is a section that does that just in Paris  
14 alone.

15 A Yes.

16 Q And that's in other places in France; is that  
17 correct?

18 A No. They live and consult in Paris or in the  
19 suburbs.

20 Q From your investigation in these cases and your  
21 work over the years with many expatriates, did you find that  
22 when one person is murdered like this, terror is spread to  
23 the whole community, the whole Iranian community?

24 A I agree with you. I agree with you. The terror  
25 was to be extended to the whole Iranian community.

1 Q And I don't mean to pick on France today. We saw  
2 today the videotape of Bakhtiar, happened right here in this  
3 community--I'm sorry, of Tabatabai--happened in this  
4 community.

5 Were you familiar with the press and the findings  
6 of the Iranian bombings of a synagogue in Argentina where  
7 many people were killed?

8 A It's true, yes.

9 Q And did you see this in your investigation as part  
10 of the pattern of Iranian terrorism abroad?

11 A Certainly.

12 Q And is it true of many countries? Did you see  
13 reports of hundreds of killings in Turkey directly  
14 attributable to the Iranian Government of dissidents?

15 A Of course, yes.

16 Q Having reviewed the Bakhtiar files, the Mykonos  
17 documents, and the Elahi files, is there any question in  
18 your mind from that investigation that the Iranian  
19 Government gave orders directly for all three of those  
20 assassinations, including multiple assassinations in  
21 Bakhtiar and Mykonos?

22 A There is no doubt that the order came from the  
23 Iranian Government, from the minister in charge of these  
24 matters.

25 Q You have come a long way, Mr. Boedels. I thank

1 you for doing that.

2 A Thank you very much.

3 MR. HIRSCHKOP: Nothing further. Your Honor.

4 THE COURT: Thank you.

5 (Witness steps down.)

6 MR. HIRSCHKOP: We have an expert economist coming  
7 up.

8 THE COURT: We have to be out of here at 4:30  
9 today.

10 DARIUSH ELAHI, PLAINTIFF WITNESS, SWORN

11 THE COURT: Good afternoon, Doctor.

12 DIRECT EXAMINATION

13 BY MR. HIRSCHKOP:

14 Q What is your name?

15 A Dariush Elahi.

16 Q What is your relationship to Cyrus Elahi?

17 A He was my older brother.

18 Q What is your profession?

19 A I'm a clinical investigator.

20 Q Are you an endocrinologist?

21 A I'm an endocrinologist specializing in diabetes.

22 Q Where do you work?

23 A I work at Mass General Hospital, which is major  
24 teaching hospital of Harvard Medical School.

25 Q How long have you been with the Harvard Medical

1 School?

2 A About 15 years.

3 Q And Dr. Elahi, have you ever testified before?

4 A I have not.

5 Q I finally found a doctor who has never testified.  
6 Sorry, sir, it's a lawyer joke.

7 THE COURT: Doctors are in a special position  
8 here. He's a relative of the decedent.

9 BY MR. HIRSCHKOP:

10 Q Now, Doctor, what was your father's position?

11 A He was a physician.

12 Q Was he a cardiologist?

13 A Cardiologist.

14 Q And when did he come to the United States?

15 A I believe he came to the United States in 1948 or  
16 early '49.

17 Q At the time where was his family?

18 A In Iran.

19 Q How many children were born at that time?

20 A At that time there were three of us.

21 Q Was Cyrus the oldest?

22 A He was the oldest.

23 Q And he was born in 1943?

24 A '43.

25 Q What year were you born, sir?

1 A '45.

2 Q And the next child?

3 A '48.

4 Q And what is her name?

5 A Elahe, "Eli" for short.

6 Q Elahe is the same as Elahi, but an "E" on the end?

7 A Exactly.

8 Q Do you have a youngest brother?

9 A I do.

10 Q What is his name?

11 A His name is Elham, E-L-H-A-M.

12 Q And are both your younger brother and sister still  
13 alive?

14 A They are.

15 Q I will get back to them in a while.

16 Now, when your father came here, where did you  
17 three children--you and Cyrus and your sister--live?

18 A We lived in an extended family with my uncle,  
19 grandmother, great grandmother, and my other uncle in a big  
20 household.

21 Q And your uncle's wife and cousin?

22 A My uncle's wife and cousin.

23 Q Okay. And at that time what did your mother do?

24 A My mother had two jobs in the morning. She was at  
25 the school of dentistry, I believe in some associate

1 capacity or something like that, and afternoon she was a  
2 midwife.

3 Q And your uncle, what did he do, the one with whom  
4 you lived?

5 A He was engineer, and he worked for Iranian  
6 Government.

7 Q Why did your father leave the family and come to  
8 the United States?

9 A He father came here to further his education, as I  
10 was told, for one or two years internship residency after he  
11 was a physician in Iran.

12 Q And he came here in 1948; is that correct?

13 A That's correct.

14 Q Was that the year your sister was born?

15 A I believe she was two or three months old when he  
16 left.

17 Q Did your mother and you kids follow him here after  
18 a while?

19 A No, my mother came for a visit approximately in  
20 '52 just for a short visit that lasted for a short time,  
21 about two years. She became pregnant, and at that time, as  
22 I was told, they were planning--they, my mother and  
23 father--were planning to return to Iran to set up joint  
24 practice, so they wanted the youngest child unborn yet,  
25 Elham, to be born on the soil of Iran, so she came back to

1 deliver.

2 Q Soil of Iran is very important to Iranian people,  
3 is it not?

4 A It certainly is.

5 Q Many of us feel that way about our native  
6 countries, but Iranians particularly have a bond to the  
7 Persian soil in the Persian country.

8 A I believe so.

9 Q Is this what you found in your years of  
10 involvement with Iranian culture?

11 A Extremely so, I believe so.

12 THE COURT: When your mother came here to visit in  
13 1952, four years after your father came here--is that right?

14 THE WITNESS: Correct.

15 THE COURT: --did the children who were then in  
16 existence come with her?

17 THE WITNESS: No, came alone. We lived with our  
18 extended families.

19 THE COURT: In Iran?

20 THE WITNESS: In Tehran.

21 BY MR. HIRSCHKOP:

22 Q During those years, your brother Cyrus was nine to  
23 eleven or twelve years old, was he not?

24 A Correct.

25 Q Did there come a time when Cyrus took over as

1 father of the family later in life?

2 A Yes. Shortly after we came to the United  
3 States--I mean shortly, 18 to 20 months--my parents  
4 divorced. Age difference between the oldest and youngest is  
5 11 years, so my elder brother Cyrus assumed the role of  
6 friend, advisor, confidante, father.

7 Q In those years when your father and mother were  
8 gone, Cyrus being the older brother, even at that young age,  
9 did he tend to take care of you kids?

10 A Especially me. I was youngest--I was closest to  
11 age with him, so he tried to include me in all his  
12 activities.

13 Q This special bond between you and your brother,  
14 did that pass over when you went to college and lived with  
15 him in Washington, D.C.?

16 A Absolutely.

17 Q I will get on to that.

18 In 1954, your mother returned, and Elham was born  
19 in Iran; is that correct?

20 A Correct.

21 Q Your brother Elham is not here today. He's a very  
22 sensitive human being, I understand?

23 A Extremely so.

24 Q And do you think he's able to testify about these  
25 things?

1           A     I believe he would stutter to the extent that you  
2 would not understand him.

3           Q     Okay. He lives in California now?

4           A     San Francisco.

5           Q     Okay. And you and I spoke about this and made a  
6 conscious decision he wouldn't be able to testify?

7           A     Yes.

8           THE COURT: How old is your brother now?

9           THE WITNESS: Forty-five, forty-six.

10          THE COURT: What does he do as an occupation?

11          THE WITNESS: He has injury and is not working  
12 right now. He has severe limp in his leg, which was due to  
13 some kind of work-related injury. I'm not exactly sure.  
14 But he had many jobs: scientist, reporter.

15          BY MR. HIRSCHKOP:

16          Q     In 1958, did your mother bring you four kids back  
17 to the United States?

18          A     We came here as landed immigrants, if that's the  
19 right term. I'm not sure. My father became a citizen, and  
20 there was some kind of petition in the whole family,  
21 extended family, the four kids and the wife. My mother  
22 came.

23          Q     Your brother was naturalized in the United States  
24 as a citizen in 1961; is that correct?

25          A     All kids under 18, which is all four of us were

1 naturalized in one day.

2 Q When I said your brother, I mean Cyrus.

3 A Cyrus, myself, and my sister and my younger  
4 brother.

5 Q When you came here in 1958, was that like meeting  
6 your father for the first time?

7 A Certainly for me, and I believe for my sister, and  
8 definitely for my younger brother. I don't remember my  
9 father when--he left when I was less than two. My sister,  
10 as I said earlier, was three to four months, and my younger  
11 brother never met my father. So, for me, it was the first  
12 time.

13 Q Did your father practice medicine in Long Island?

14 A He did.

15 Q And did you kids go to school in Long Island?

16 A We did.

17 Q And Cyrus, did he graduate from high school in  
18 Long Island?

19 A Yes, Cyrus and myself and my sister graduated from  
20 Long Island.

21 Q About the time your brother was graduating high  
22 school in 1962, the year after he was naturalized, did your  
23 parents determine to get married--to get divorced?

24 A Absolutely.

25 Q And what kind of ultimatum did your father give

1 you children?

2 A Well, I don't know if "ultimatum" is the right  
3 term, but he called us in and said, We are getting divorced,  
4 and by law I have to support you until you are 18. This is  
5 the United States. You have a choice with which parents you  
6 choose to live. If anybody goes with your mom, I will stop  
7 supporting you upon--at that time 18 I guess is legal  
8 age--when you became of age.

9 Q What did your brother Cyrus tell you children?

10 A Well, then we met with my mother, and my brother  
11 explained to my mother that he was about to go to college,  
12 and there was no way my mother could afford the tuition even  
13 at that time. So, he chose to stay with my father for  
14 financial reason, and he stated that to my father face.

15 Q How did your father deal with that?

16 A I don't believe he ever forgave him until he was  
17 assassinated.

18 Q And did your brother Cyrus stay with your father?

19 A He did.

20 Q He then went to college, and your father helped  
21 him?

22 A He did.

23 Q All right. Where did your brother Cyrus go to  
24 college?

25 A In Washington, D.C., American University.

1 Q Did Cyrus tell you other kids--you kids, I'm  
2 sorry, Doctor.

3 A Sure.

4 Q At the time his younger brothers and sister, to  
5 stay with his mother?

6 A He advised us. He did not tell us anything. He  
7 always advised.

8 Q Did you three look to him as the older brother at  
9 that time as partly a father figure to give advice?

10 A I believe I was closest to him than I was to my  
11 father at any time in my life.

12 Q When you then children turned 18, did your father  
13 cut all of you off as he said he would do?

14 A I can only speak for myself. Yes.

15 Q And after that, did your brother Cyrus help  
16 support you?

17 A Yes.

18 Q Did he always help support your mom?

19 A Always. Not just me. He helped support the  
20 entire family.

21 Q Did there come a time when you determined to go to  
22 American University to get your Bachelor's degree?

23 A Yes. I consulted my brother, and I had several  
24 acceptances. It was a purely economic decision. When I  
25 went to American University, I could live with him, and

1 there was no rent, so I went to American University.

2 Q Did he help pay for your tuition?

3 A He did.

4 Q Did he take all his money and put it in a joint  
5 checking account with you?

6 A We both had one account. You only use your  
7 initials. Sometimes they thought we were husband and wife.

8 Q And did you routinely send whatever money you had  
9 left over in that account to your mother?

10 A All the time. Weekly basis.

11 Q When your sister turned 18, did your mom then  
12 determine to return to Iran?

13 A Again, it was based on consultation, financial  
14 reason. My sister obtained a scholarship from American  
15 University of Beirut, so my mother took my younger brother,  
16 Elham, went back to Tehran, and my sister went to American  
17 University of Beirut.

18 Q Is Elham E-L-H-A-M?

19 A It is.

20 Q When did you graduate college?

21 A I graduated college in '67.

22 Q Did you then go for a Master's degree?

23 A I did.

24 Q Where did you go for the Master's degree?

25 A Went to American University.

1 Q Okay. Did there come a time that you went to  
2 Tufts?

3 A Yes. I went to medical school at Tufts initially  
4 and transferred to Dalhousie University, faculty of medicine,  
5 in Nova Scotia.

6 Q Did your brother Cyrus continue to help you with  
7 funds throughout that entire period?

8 A Yes.

9 Q In 1967 or '68, your brother got his Ph.D.; is  
10 that correct?

11 A Correct.

12 Q And he stayed at American University and taught  
13 for four or five years there?

14 A He did.

15 Q Then where did he go?

16 A I don't know the exact events, but he went back to  
17 Iran to teach at I believe it was called Mellee University.  
18 I'm not hundred percent sure.

19 Q Were you aware that there were problems with SAVAK  
20 about his getting a job in Iran?

21 A Yes. I was aware that my brother was, through the  
22 last two years of his Doctorate, involved with some kind of  
23 secret organization, and he kept his confidentiality, but  
24 there were hints. I was living with him. And when he  
25 called me to told me that he was thinking of going to Iran,

1 he said he was not sure that there may be people who would  
2 call me to ask me questions, and he was going to teach, and  
3 he was going to get--he was getting difficulty getting some  
4 kind of clearance.

5           At this time, as I testified earlier, we were  
6 American citizens, and I was concerned that if you're an  
7 American citizen, you can't work for the government of some  
8 other country, and he told me that he have dual citizenship,  
9 and that's okay, and I should answer truthfully to whoever  
10 calls me up.

11           Q     After he taught for a while in Iran--strike that  
12 for a moment.

13                     I asked you about SAVAK. SAVAK was the  
14 predecessor to MOIS.

15           A     Yes.

16           Q     That was the group under the Shah that handled the  
17 intelligence and things like that.

18           A     Yes.

19           Q     Now, after your brother taught for a while in  
20 Iran, did he become the assistant to Dr. Ganji who was the  
21 minister of education?

22           A     Yes.

23           Q     And did he remain the assistant minister of  
24 education until the revolution?

25           A     Correct.

1 Q You described your brother as someone very caring  
2 and a family and taking care of his younger sister and  
3 brothers.

4 Was he someone you described always that had a  
5 loftiness of human spirit?

6 A My brother was very concerned about humanity, even  
7 when he was in Iran during the Shah, especially with respect  
8 to freedom for women, and afterwards he was even more  
9 concerned about what he felt the government--the  
10 fundamental--injustices for fundamental human rights, and he  
11 very much wanted to do something about that.

12 Q Have you recently asked your younger brother in  
13 Los Angeles to put in writing what he felt your brother  
14 believed in?

15 A Yes. As you know, I was asked to write a very  
16 short synopsis in the last 24 or 48 hours, and I had to  
17 cancel many things because this came to me and wasn't aware  
18 how fast this was happening, so I asked my brother to--if he  
19 could help me out by composing this. We had discussed this,  
20 and he did, and I believe I have given you his version.

21 Q Do you have a copy with you?

22 A I do.

23 Q Okay. Could you take that out, sir.

24 Now, this version, did lawyers have any input in  
25 what went into this document at all?

1           A     Not only I spoke to them, I asked them, could you  
2 please write something for me that I would edit. When I  
3 received it, there was no room for me to do any editing. I  
4 thought it was very nicely done, so I forwarded it to you  
5 without any changes.

6           Q     This is your brother's view and your view of what  
7 your brother Cyrus believed; correct?

8           A     Yes, except my younger brother put it in much  
9 nicer language than I could have.

10          Q     Read it to the Court.

11                THE COURT: Do you adopt what your brother has  
12 written there?

13                THE WITNESS: Absolutely.

14                THE COURT: All right.

15                BY MR. HIRSCHKOP:

16          Q     Read it, if you like.

17          A     I could read parts of it, if you like.

18                THE COURT: Do you want to read all of it?

19                MR. HIRSCHKOP: Except where it says "comma" and  
20 "deleted," but I want to show the whole thing to the Court.

21                BY MR. HIRSCHKOP:

22          Q     Read what in there explains what your brother was,  
23 what you people thought he was.

24          A     Well, it starts out, I think I can--

25                THE COURT: Tell me again the age differential

1 between your brother Cyrus and the one who is writing that  
2 document.

3 THE WITNESS: Eleven years.

4 THE COURT: All right.

5 THE WITNESS: Before reading it, if I could say,  
6 the person who probably most regarded my older brother Cyrus  
7 as a father figure would be my youngest brother.

8 My youngest brother first describes some  
9 educational background which we have already gone through,  
10 so if you don't mind, I will skip that.

11 BY MR. HIRSCHKOP:

12 Q All right.

13 A Then it goes on saying something like this,  
14 (reading):

15 Cyrus's outlook was a progressive one, and he  
16 championed woman's rights, taking good care of the  
17 environment, and the pre-eminence of individual  
18 responsibility in personal and social matters long before  
19 they became cliché. The last book he was rereading was The  
20 Case of Modern Man by Charles Frankel.

21 I want to say that Cyrus's life and work, it was  
22 the loftiness of what the human spirit and its endeavors  
23 could do that was both the fuel and destination of Cyrus's  
24 energies and efforts, in spite of the predominant darkness,  
25 weakness and cruelty of the conflict of man. Cyrus believed

1 he had the obligation to pursue first the study of and then  
2 to bring to reality social and political conditions  
3 affording people more dignity, respect, opportunity and  
4 freedom, to get to the places where everyone could rightly  
5 feel themselves as respected and contributing members of  
6 society.

7           These are not just words. Cyrus was the kind of  
8 person that the African-American students would come to his  
9 university office and cry and bare their sole because no one  
10 had before acknowledged and respected them the way Cyrus  
11 did. Cyrus was the kind of person who would encourage the  
12 university janitor to continue the education and take  
13 classes while writing position papers for the government. By  
14 all this I mean say Cyrus was the kind of person who would  
15 latch on to people sense and hope and responsibility they  
16 themselves often were not in touch with and stimulate them  
17 to go higher in life and spirituality. I can comfortably  
18 say he inspired many, many students and policy makers and  
19 everyday people intersecting his life to do better. And  
20 would do this better than most priests and politicians, more  
21 like a big brother.

22           Cyrus's approach to fighting for rights in Iran  
23 was one of revelation and inspiration. He tried very hard to  
24 bring stories of the everyday people in Iran to light and  
25 illuminate how the current government abrogated rights of

1 fundamental human dignity and freedom in Iran by making  
2 publicity known numerous violation of human rights in Iran  
3 by the government and how the government threatens friends and  
4 foe by espousing obedience to the human rights charter and  
5 giving people hope that things do not have to be the way  
6 they presently are short of physical coercion. Cyrus thought  
7 he could do the most for the people of Iran. Again, he  
8 strove for honor and dignity for everyone, both at a  
9 personal and institutional level.

10 As our parents were divorced when the children  
11 were young, Cyrus being the oldest child, adopted many of  
12 the father's responsibility to his siblings. He encouraged  
13 all of us to be and do better. He financially and  
14 emotionally supported us, but his example had been each of  
15 us with college tuition as college advisor, even as he was  
16 working as a student himself. He was always there for us as  
17 an older brother and turned to for help as a father would  
18 be. These actions, combined with optimistic nature even in  
19 the face of something--sometimes sorry circumstances,  
20 carried us forward individually and as a family. He was  
21 also very, very cool in style and taste in college, always  
22 without being pretentious. Given all the strengths and all  
23 he did and how he loved us, he can only imagine what a  
24 wonderful brother and central hub to my family, including my  
25 mother and my father, aunt, cousin (all of whom grew up

1 together in the same household), Cyrus was to us. My  
2 mother chose not to marry because she wished to devote  
3 herself to her children. She was destroyed by Cyrus's  
4 assassination.

5 No matter how bad a situation, Cyrus always tease  
6 out positive and constructive path to pursue.

7 In graduate school, he had copy of Picasso's  
8 Guernica in his apartment wall, displaying closely with man  
9 can do so readily. Cyrus was not a star-eyed dreamer. He  
10 had a very good tap on the world history, which is why he  
11 strove so hard to improve people's lot and respect of human  
12 rights. His political hopes for Iran was a country  
13 tolerance and everyone's right in pluralistic democracy.  
14 Cyrus had many efforts to enhance woman's rights in Iran.

15 Finally, he would also say people cannot expect to  
16 be better government and conditions until they came better  
17 themselves personally. He would say before you criticize the  
18 government, make sure that you are doing right yourself.

19 Not because he was my brother, but because of who  
20 he was, Cyrus was very special and inspiring. He left a  
21 long trail of people who live--whose life he positively  
22 touched, and he had so much more to offer. It wouldn't make  
23 sense for others to understand, but in Cyrus's case, for his  
24 family, the brightness of the day, the shine of everything  
25 around us has darkened in a way that can't come back, and

1 the stars and the moon and the sheen seems often invisibly  
2 stained by the acrid smoke of hate and abomination, but no  
3 matter how it passes, still burns you.

4 That's my brother's.

5 Q And just so I'm very clear, I have never  
6 spoken--had any communication with your brother or anyone in  
7 my office.

8 A Not as far as I know.

9 Q This was solely something you asked him to put his  
10 thoughts about his brother on paper?

11 A He did this within six hours of me asking him to  
12 do this.

13 Q And you say you agree with it, when the Court  
14 inquired. There is one thing in here about your mother,  
15 (reading) My mother chose not to marry because she wished to  
16 devote herself to her children. She was destroyed by  
17 Cyrus's assassination.

18 Was your mother able to attend Cyrus's funeral?

19 A My mother had a very severe heart condition, and  
20 the fact that my brother was assassinated was judged by my  
21 sister, who was in Iran at that time, to be withhold from my  
22 mother's knowledge. And when she learned that this  
23 happened, I'm told that she had a second heart attack.

24 Q Your brother mentions the picture of Picasso's  
25 Guernica on the wall.

1           Was that the picture you two shared when you lived  
2 together?

3           A     He had taken me to show it to me, and he did it  
4 with such passion that I bought it for him as a present.

5           Q     And last time he left, when he was divorced--I'm  
6 going to get to this a little later--in L.A., did he give  
7 you a present? One thing he treasured.

8           A     Well, he wasn't getting divorced at that time. I'm  
9 sorry if I led you to believe that.

10          Q     That was probably my error, sir.

11          A     He called me up and asked me to come out because  
12 he was about to make a major decision, and he was asked to  
13 rejoin Dr. Ganji in Paris.

14                THE COURT: This is approximately when?

15                THE WITNESS: '82, '83, possibly '84. I can't be  
16 a hundred percent sure.

17                So, I was at NIH at that time. I flew over the  
18 weekend, and we had long discussions, and his wife did not  
19 wish to go to Paris. And I'm only telling you his side  
20 because I have not spoken to her about it, and he said that  
21 she gave him ultimatum that if do you this, that means you  
22 are leaving me, and he was very uncomfortable with that  
23 ultimatum. We discussed the pros and cons, and I advised  
24 him at that time that I'm not someone who could render good  
25 advice because I was having my own family problems.

1           Nevertheless, we discussed this at length, and he  
2 said he really wants to do this, and if he has to lose his  
3 family over it, he would, and that there were certain items  
4 that would be--were personal, were work-related that would  
5 not be appropriate to live in the house because it would be  
6 cumbersome, so he asked me if I could pack those and send it  
7 and save it in my basement or give them away. They were  
8 mainly political posters and stuff like that, which I did.

9           Then he took a book out which was a pencil  
10 charcoaled etching, I want to say, of the poorest villages  
11 of Iran. So, I treasured this book, and I don't know what's  
12 going to happen to me. I want this to stay in the family,  
13 so I want you to promise me that you will keep this for me  
14 until I ask you for it. I still have it.

15           Q     That was the book your brother left you?

16           A     Yes.

17           Q     Now--

18           THE COURT: Excuse me. Did Cyrus have children?

19           THE WITNESS: He did not.

20           BY MR. HIRSCHKOP:

21           Q     And your father and mother are now both deceased?

22           A     They are both deceased.

23           Q     Cyrus went to Iran. Did he marry in Iran?

24           A     Sorry. This is now going back in time?

25           Q     I'm sorry, prior to the revolution.

1           A     Prior to revolution, he went back--when he first  
2 went to teach at Iran, he subsequently got married to the  
3 wife that we were just speaking about. He only married once.

4           Q     And when he was in Iran, did you keep close  
5 communication with your brother?

6           A     Very much so. Initially, it was by phone and  
7 letters which I still have cherish.

8                     Subsequent, when he joined Dr. Ganji as assistant  
9 minister--I'm not sure what the title was--he would visit  
10 the United States at least twice a year for variety of  
11 reasons, and he would make it a point to come and visit me.  
12 He would not ask me to go to visit him. He would come and  
13 visit me. And at that time I was doing fellowships and  
14 training, so he would come to my--where I was.

15          Q     Did he visit you in Boston and NIH here and Canada  
16 and Louisiana?

17          A     Absolutely, in all those places.

18          Q     And did you speak with him regularly on the phone  
19 while he was in Iran?

20          A     I would say at least once a month, possibly twice  
21 a month.

22          Q     In 1979, did you become aware that there was a  
23 notice of death sentence passed on your brother by the  
24 revolution?

25          A     My mother called me and told me that, and asked me

1 if I could speak to my brother. I believe he wanted to  
2 protect me. At first he denied it, and he told me that it  
3 was, and I should not worry. It was just propaganda.

4 Q Did your brother delay leaving Iran for any  
5 reason?

6 A Yes, I had spoken to him consistently, and he told  
7 me that things were in turmoil, and that he was worried  
8 about his friend, Dr. Ganji, and he told me that I couldn't  
9 speak on the phone, take my word for it, he will leave as  
10 soon as he can.

11 Q Did you subsequently find out that he actually hid  
12 Dr. Ganji in his house?

13 A Subsequently, I found out that he hid Dr. Ganji in  
14 his basement, I believe, moving possibly twice, finally  
15 driving with a third party to northern border of Iran, and  
16 putting Dr. Ganji, I believe, on a mule or a donkey--I'm not  
17 sure which--and crossing the Turkish border.

18 Q When he got home, was his house was ransacked?

19 A His house was ransacked because by now they  
20 figured out he was hiding someone.

21 Q Did he and his wife then flee Iran to the United  
22 States?

23 A That's when they fled.

24 Q After he fled to the United States, did he teach  
25 at Michigan State University for a while?

1           A     Yes, he went to the University of Michigan. I  
2 want to say Ipswich, but I'm not sure that's the right  
3 city. It came to me.

4           Q     Did your sister also return to the United States  
5 at that time to go to the University of Michigan?

6           A     Yes. She transferred to the University of  
7 Michigan at Ann Arbor, and I believe that one of the reasons  
8 that he went to Michigan was to be close to my sister, so he  
9 could visit her on the weekend and help her out.

10          Q     Did your brother Cyrus take care of your sister?

11          A     Absolutely.

12          Q     Did he help pay for her college education at  
13 University of Michigan?

14          A     Almost exclusively single-handedly.

15          Q     After teaching for a while in Michigan, did he  
16 then go to Dallas to work with Dr. Ganji sometime in the  
17 early eighties?

18          A     Yes.

19                I'm sorry. I forgot to tell you something. I  
20 believe my younger brother also graduated from the  
21 University of Michigan, and Cyrus helped him with his  
22 tuition.

23                Getting back to your last question, yes, he  
24 subsequently went to Dallas, and again was working with Dr.  
25 Ganji.

1 Q Did they have work for some pro bono outfit in  
2 Dallas?

3 A I'm under that impression that they were doing.

4 Q Did they run a bakery?

5 A They ran a fancy French bakery that I read about  
6 in the New York Times.

7 THE COURT: Can I see you up here for a moment?

8 (Bench conference.)

9 THE COURT: I suspect your economist has  
10 arrived--I'm not sure--and somebody has been going in and  
11 out and escorting these gentlemen, so it seems to me that  
12 this may be the moment where you want to interrupt the  
13 testimony and put on the economist. But it may not be the  
14 economist, so you are going to have find out.

15 (End of bench conference.)

16 THE COURT: Premature?

17 MR. HIRSCHKOP: You're exactly correct, Your  
18 Honor. If I may finish one little line of questioning, then  
19 I will interrupt this witness.

20 BY MR. HIRSCHKOP:

21 Q After he ran a bakery for a while in Dallas, did  
22 Dr. Ganji then go to Paris to start the freedom--or take  
23 part in a freedom organization with regard to Iran?

24 A I will very quickly tell you that during this  
25 interval, my brother brought his in-laws to the state, and

1 the in-laws had moved to California.

2 Q Los Angeles?

3 A Los Angeles in particular.

4 And he called me up and says Dr. Ganji is going  
5 back to Paris, and his wife did not want to do that, so they  
6 have decided to move to be closer to the parents of the  
7 wife, and they were moving to Los Angeles.

8 Q Did your brother then move to L.A. and run a  
9 grocery store?

10 A In-laws had purchased a grocery store, and he went  
11 and became the manager of a grocery store.

12 Q And is that when after a short period you went to  
13 Los Angeles to talk to him, as you were testifying a little  
14 earlier this afternoon--

15 A That's precisely the case.

16 Q --about his desire to go to Paris, to join a  
17 government in exile?

18 A That's precisely the case.

19 Q He had the choice of leaving his wife or going to  
20 Paris?

21 A Right.

22 MR. HIRSCHKOP: Now would be a good time to  
23 interrupt.

24 THE COURT: We are going to interrupt your  
25 testimony at this time, sir. I understand a witness has

1 arrived, and it's important that we complete that witness  
2 today.

3 THE WITNESS: Of course.

4 THE COURT: Thank you. We will come back to you  
5 as soon as we can. If it's today, fine. If not, tomorrow  
6 morning.

7 (Brief recess.)

8 THE COURT: The danger of taking a recess is  
9 people hear about it, and they come to ask questions and  
10 have solutions to their problems in my so-called recess.

11 We are ready. Good afternoon.

12 MR. MOOK: Good afternoon, Your Honor. Jonathan  
13 Mook for the estate of Cyrus Elahi.

14 THE COURT: All right.

15 MR. MOOK: I would like to call Jerome Paige to  
16 the stand.

17 JEROME S. PAIGE, PLAINTIFF WITNESS, SWORN

18 THE COURT: Good afternoon, Dr. Paige.

19 THE WITNESS: Good afternoon, Judge.

20 DIRECT EXAMINATION

21 BY MR. MOOK:

22 Q Dr. Paige, if you could state for the record your  
23 full name and address.

24 A Jerome, J-E-R-O-M-E. Last name is Paige,  
25 P-A-I-G-E. And my address is 1691 Tamarack Street,

1 Northwest, T-A-M-A-R-A-C-K, Street, Northwest, Washington,  
2 D.C.

3 Q And Dr. Paige, what is your present occupation?

4 A I'm here today in the capacity as an independent  
5 forensic economist to provide expert testimony.

6 In addition to providing expert testimony in  
7 forensic matters on a part-time basis, I'm on the faculty of  
8 the National Defense University in Washington, D.C., in the  
9 Information Strategies Department.

10 Q Before that, what was your occupation?

11 A Okay. I have been at the National Defense  
12 University for about a little over four years. Prior to  
13 that, I was with the University of Baltimore from 1990 to  
14 1996. In that capacity, I was academic administrator. The  
15 title I had on the campus was Associate Provost,  
16 P-R-O-V-O-S-T. And I had the responsibility for campus-wide  
17 planning issues such as academic planning, curriculum  
18 planning, and other areas that focused on campus-wide  
19 issues.

20 Q And Dr. Paige, if you could just briefly state to  
21 the Court your education after high school.

22 A Okay. After school, I have an undergraduate  
23 degree in economics from Howard University. I received that  
24 in 1971. In 1974, I received a Master's degree in economics  
25 from American University in Washington, D.C. And in 1982, I

1 received a Doctorate degree in economics from American  
2 University.

3 Q Okay. And do you have any professional  
4 certifications?

5 A I don't have any professional certifications  
6 beyond the degree. I'm a member of economic organizations,  
7 member organizations, the American Economic Association, the  
8 National Economic Association, and the Association of  
9 Forensic Economists.

10 Q And Dr. Paige, within the last five years, have  
11 you authored any articles or made any presentations in the  
12 area of economics?

13 A In the last five years, most of my areas have been  
14 in the area of public policy in areas related to strategic  
15 planning. Nothing related specifically to items that I'm  
16 testifying to today, and background of forensic economics.

17 Q And how long have you been--dealt with the area of  
18 forensic economics?

19 A I have been providing expert testimony in forensic  
20 economics since 1982.

21 THE COURT: Is forensic economics a subspecialty  
22 of economics?

23 THE WITNESS: Yes, it's the application of  
24 economic principles to civil litigation matters.

25 THE COURT: Does that require a separate degree,

1 or by experience is sufficient to establish your credentials  
2 in that regard?

3 THE WITNESS: By experience, education and  
4 experience.

5 THE COURT: All right.

6 BY MR. MOOK:

7 Q Okay. And Dr. Paige, I would like you to turn  
8 your attention--there are some books in front of you.  
9 There's one book that I think has Exhibits 50 to 100 or  
10 over.

11 A Right.

12 Q If you could take a look at Exhibit 99.

13 A Yes.

14 Q And do you recognize that exhibit?

15 A Yes, I do.

16 Q And what is that?

17 A That's a brief summary of my professional  
18 background.

19 Q Okay. And do you also have a more extensive CV?

20 A With me?

21 Q No. Have you prepared one--

22 A Yes.

23 Q --in the past?

24 A Yes, I have.

25 MR. MOOK: Your Honor, if we could offer to the

1 Court Exhibit 99-A, which is a six page--I'm sorry, a  
2 seven-page CV of Dr. Paige.

3 THE COURT: That's a separate document? It's not  
4 in the book?

5 MR. MOOK: It is not in the book as Exhibit 99-A.

6 THE COURT: So, we should read them both together?

7 MR. MOOK: Right.

8 THE COURT: I take it there is no objection.

9 MR. MOOK: I will ask this be admitted.

10 THE COURT: They're in evidence. I have agreed to  
11 take all the exhibits in evidence, and then I will determine  
12 what relevance and materiality and weight to give to them.

13 BY MR. MOOK:

14 Q Dr. Paige, have you previously prepared economic  
15 analyses on the loss of income and fringe benefits of  
16 individuals?

17 A Yes, I have.

18 THE COURT: Could I see that Exhibit 99-A.

19 MR. MOOK: Yes. Exhibit 99-A.

20 THE COURT: One will go to my clerk, and one will  
21 go to me, and you may continue.

22 BY MR. MOOK:

23 Q Thank you, Your Honor. Have you presented  
24 testimony before as an expert witness?

25 A Yes, I have.

1 Q Have you ever presented any testimony in cases  
2 involving claims against the Government of Iran for  
3 terrorist actions?

4 A Yes, I have.

5 Q Do you recall which cases in which you have  
6 presented that testimony?

7 A The plaintiff's names, the last names, one was  
8 Flatow, F-L-A-T-O-W. The second one was Eisenfeld. I'm not  
9 quite sure how that's spelled there.

10 THE COURT: Those were before Judge Lamberth?

11 THE WITNESS: Yes.

12 The third one is Duker, D-U-K-E-R.

13 MR. MOOK: And I would submit to the Court and  
14 move Dr. Paige to be qualified as an economic expert to  
15 testify in this case on the issue of loss of income and  
16 fringe benefits for Dr. Elahi.

17 THE COURT: Based on his experience, his education  
18 and his educational credentials, he shall be so qualified.

19 MR. MOOK: Thank you, Your Honor.

20 BY MR. MOOK:

21 Q Dr. Paige, did you prepare an analysis pertaining  
22 to the economic losses stemming from the death of Cyrus  
23 Elahi?

24 A Yes, I did.

25 Q If I could turn your attention to Plaintiff's

1 Exhibit 100.

2 A Yes.

3 Q And Dr. Paige, is this the report that you  
4 prepared on those economic losses?

5 A Yes, it is.

6 Q And again--

7 MR. MOOK: Again I seek the admission of this  
8 document into evidence, along with just as the other ones  
9 are being submitted.

10 THE COURT: All right.

11 BY MR. MOOK:

12 Q Dr. Paige, based upon your education, experience,  
13 analysis you performed, do you have an opinion within a  
14 reasonable degree of certainty within the standards of the  
15 economic profession what the losses, the economic losses,  
16 stemming from the death of Cyrus Elahi are?

17 A Yes, I do.

18 Q And based upon your education, experience and  
19 standards within the economic profession, could you tell the  
20 Court what that opinion is.

21 A Well, the opinion was divided into two parts.  
22 Since the economic losses were estimated from a period  
23 starting in 1999 up until the year 2008, we had to make some  
24 estimation of what the losses--potential income and fringe  
25 benefit losses would be for Dr. Elahi.

1 THE COURT: 1999?

2 THE WITNESS: 1990. I'm sorry. 1990 to the year  
3 2008.

4 BY MR. MOOK:

5 Q Dr. Paige, in preparing this analysis, what  
6 factual information did you use in making the analysis of  
7 the economic losses?

8 A Well, I had some information on Dr. Elahi, his  
9 age, his educational background, and his work history.

10 Q Okay. And Dr. Paige, you mentioned that you made  
11 two different calculations; is that correct?

12 A That's correct.

13 Q And what is the basis for making two calculations  
14 of the economic losses?

15 A Well, the basis for that fundamentally is that we  
16 needed to come up with a number of options that would have  
17 been available to Dr. Elahi. At the time of his death, he  
18 was working or heading to work in humanitarian field, and  
19 the economic losses would be associated with employment in  
20 that type of work. But also Dr. Elahi had educational  
21 background, training, and had been employed as a college  
22 professor.

23 So, since we are trying to estimate economic  
24 losses over a period of time, we did two scenarios, one  
25 assuming that he would have stayed in the humanitarian

1 field, and the other assuming that he would have attained  
2 the status of a college professor and worked in that field.

3 So, the two options are, one, based on his  
4 immediate employment prior to death; and then the other was  
5 based on his training and his experience and his work  
6 history on campuses.

7 Q And Dr. Paige, did you have factual information as  
8 to what Dr. Elahi's income was at the time of his death,  
9 working in the humanitarian field?

10 A Yes, I did.

11 Q And what was that information?

12 A That information was that he was earning  
13 approximately \$4,000 a month.

14 Q Okay. And then in terms of pursuing a career in  
15 the academic world, is there a way you came up with the  
16 figure for how much he might be earning in that capacity?

17 A Yes. I relied on studies, particularly the report  
18 that's published by the Bureau of Labor Statistics called  
19 the Occupational Outlook Handbook, and in that it describes  
20 the earnings of various professions, and there I was able to  
21 obtain what the average would be for university professor.

22 Q And based upon that information, did you arrive at  
23 a conclusion as to what the total lost earnings and benefits  
24 would be for the estate of Dr. Elahi, first were he to  
25 followed a career in the humanitarian field?

1           A     Right. The estimates that we came up with would  
2 be estimates, the total estimates less adjusted for a number  
3 of factors, and adjusted for inflation or cost-of-living  
4 increases, adjusted for taxes, and adjusted for personal  
5 consumption. And then we have to adjust those down where we  
6 call the "present value" where we could get in and talk  
7 about that later.

8           Q     Are those results specified in your report?

9           A     Yes.

10          Q     That is, Exhibit 100?

11          A     Right.

12          Q     I would like you to turn your attention to page  
13 two of that report.

14          A     Yes.

15          Q     In the box of the top half of the page.

16          A     Yes.

17          Q     Does that present--does that box present a summary  
18 of your analysis?

19          A     Yes, it does.

20          Q     And then what is the figure that your analysis  
21 arrived at if Dr. Elahi continued in the humanitarian  
22 profession?

23          A     The adjusted figures for a number of--would be the  
24 earnings losses would be \$447,866, and the fringe benefit  
25 losses would be \$277,493, for a total loss of \$725,359.

1 Q And that is if he had pursued the humanitarian  
2 career?

3 A That's correct.

4 Q And did you come a similar type conclusion with  
5 respect to the losses had Dr. Elahi pursued a career as a  
6 college professor?

7 A Yes. Assuming a U.S. college professor, the  
8 earnings losses would have been \$561,504, and the fringe  
9 benefit losses \$406,123, for a total of \$967,626.

10 Q Now, Dr. Paige, what I would like to do is take a  
11 few minutes to go through with you the methodology that you  
12 used to arrive at these figures. And I guess, first, is that  
13 methodology explained in greater detail in your report?

14 A Yes, it is.

15 Q Okay. In terms of the factors that went into  
16 these conclusions that you have reached, the first would be  
17 the life expectancy of Dr. Elahi; is that correct?

18 A Yes.

19 Q And what conclusion did you reach with respect to  
20 the analysis of life expectancy?

21 A The life expectancy figure or age would be 75.5  
22 years.

23 Q And from where did you obtain that assumption?

24 A That's assumption--that would be the typical life  
25 expectancy for all males in the United States.

dak

1 Q Okay. In terms of how long Dr. Elahi would work,  
2 what is the basis? Did you make any analyses or assumptions  
3 there?

4 THE COURT: Is this in the humanitarian field, or  
5 is this as a professor?

6 THE WITNESS: These assumptions would be for both  
7 situations.

8 THE COURT: Same assumptions as to how long he  
9 would work?

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 THE WITNESS: We assumed through age 65 based on  
13 U.S. model that if he were working as--and contributing to  
14 Social Security, he would have been available for full  
15 Social Security benefits at age 65.

16 THE COURT: Excuse me, but he wouldn't get Social  
17 Security benefits if he were working in the humanitarian  
18 field as he was.

19 THE WITNESS: That's correct.

20 THE COURT: In his particular chosen area.

21 THE WITNESS: That's correct. We assume  
22 retirement age is 65 in both scenarios in the humanitarian  
23 field and the U.S. college professor.

24 THE COURT: But the benefits would only be if he  
25 were a professor?

dak

1 THE WITNESS: Well, it's my understanding that he  
2 was--

3 THE COURT: I'm asking as a question.

4 THE WITNESS: I'm sorry, Your Honor. It's my  
5 understanding that Dr. Elahi was receiving benefits in the  
6 humanitarian field as well, such things as life insurance,  
7 health insurance.

8 THE COURT: But not Social Security?

9 THE WITNESS: Not Social Security, but access to  
10 other types of retirement programs, yes. He's using Social  
11 Security largely as a retirement type of program.

12 THE COURT: Okay.

13 BY MR. MOOK:

14 Q With respect to lost earnings, I think you kind of  
15 briefly just touched on that in terms of your testimony.  
16 Lost earnings, what type of factors go into a calculation of  
17 lost earnings?

18 A Well, if you turn to table two of six on the  
19 report, I will walk you through that.

20 Q I got it.

21 A If you look at column three there, for the  
22 humanitarian work, the assumption was that he was making  
23 \$4,000 a month, and so twelve times four is 48,000, so that  
24 the earnings losses are estimated to be on an unadjusted  
25 basis of \$48,000 a year.

1           And then we assume, since this is international  
2 work, there would be no U.S. taxes associated with it.

3           And then the economic losses in a case like this  
4 is not the total income that an individual earns, but it's  
5 the amount of income that would be available after the  
6 individual took care of his own personal consumption needs,  
7 so we have to reduce the earnings losses by the amount the  
8 individual would have spent on himself in this case, and  
9 that is represented in column five there.

10          Q       And what did you use as a basis for determining  
11 what the amount of consumption would be?

12          A       Well, there are a number of studies. The Federal  
13 Government publishes something called a "Consumer  
14 Expenditure Survey," and that's how much people spend on  
15 food, clothing, shelter, and how much they save typically on  
16 average. And there have been other economists who have  
17 taken that consumer expenditure data and adjusted it to come  
18 up with what individuals would spend--what an individual  
19 would spend on himself at various income levels.

20               And I relied on the studies of a set of authors by  
21 the name of Patton and Nelson to estimate the personal  
22 consumption adjustment in this particular case.

23          Q       Is the Patton and Nelson study one that is  
24 generally used by economists in making this type of  
25 analysis?

1 A Yes, it is.

2 THE COURT: Did you have anything other than those  
3 studies on which to base how much you believed Dr. Elahi was  
4 spending on rent in Paris, food, and whatever else goes into  
5 that equation, personal needs, fun, vacation, if he took a  
6 vacation--I haven't heard that yet, but if he took a  
7 vacation, savings, how much he put aside regularly for  
8 savings or made contributions in? Did you have any of that  
9 information?

10 THE WITNESS: No, not specifically, that's  
11 correct. No, I did not.

12 THE COURT: Okay.

13 BY MR. MOOK:

14 Q Would it be correct the general assumptions or  
15 general figures for an average that economists have come up  
16 with?

17 A That's correct.

18 Q And you mentioned you had gone through this  
19 procedure with respect to Dr. Elahi's work in the  
20 humanitarian field. Did you do a similar type of  
21 calculation had Dr. Elahi pursued a career as a college  
22 professor?

23 A Yes, I did.

24 Q And is that reflected in your report?

25 A Yes, it is.

dak

1 Q And where is that reflected?

2 A Look on table four of five.

3 Q And in making the adjustments for Dr. Elahi,  
4 assuming he had followed a career as a professor, the  
5 adjustments in table four of five for personal consumption  
6 is in column five?

7 A That's correct.

8 Q Did you also make any adjustments for taxes--

9 A Right.

10 Q --in this area?

11 A Right. This would be an assumption he would be  
12 working in the United States, so we made an adjustment for  
13 Federal, state and local income taxes.

14 Q And by making that adjustment, that lowered his  
15 net earnings?

16 A That's correct.

17 Q Okay. Now, in addition to lost income, did you  
18 also take into account loss of fringe benefits of  
19 employment?

20 A Yes, I did.

21 Q And how did that factor into your analysis?

22 A Well, that factored in analysis that it would be  
23 registered as a separate source of either income and/or  
24 savings that would have been available to Mr. Elahi or his  
25 estate.

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1 Q Okay. And what is the basis that you used for  
2 determining the amount of lost fringe benefits?

3 A Okay. There is a Federal study put together again  
4 by the Bureau of Labor Statistics called the Employment Cost  
5 Index, and what that study outlines is the average  
6 percentages that individuals in various lines of work  
7 normally receive as benefits associated with employment.

8 Q Okay. So, you used generally accepted data for  
9 the percentage of fringe benefits for various levels of  
10 income?

11 A That's correct.

12 Q Okay. Did you have any factual information as to  
13 whether or not Mr. Elahi, in pursuing his humanitarian work  
14 with the Flag of Freedom organization, had fringe benefits?

15 A It was my understanding that there were some  
16 fringe benefits available related to insurance, time off,  
17 vacation, and some modest retirement types of investments,  
18 contributions available to him.

19 Q Okay. So, your calculations for both Mr. Elahi  
20 pursuing a humanitarian career or pursuing a career as a  
21 university professor, included the lost benefits?

22 A That's correct.

23 Q Is that correct?

24 A Yes.

25 Q Now, were there any adjustments made in your

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1 calculations with respect to either your growth or discount  
2 factors?

3 A Yes.

4 Q Maybe if you could explain to the Court why it may  
5 be necessary to make such adjustments in the calculations.

6 A Okay. Some of the losses had Mr. Elahi been  
7 alive, we assume, say, if we take, for example, the  
8 humanitarian example of \$44,000 a year, we assume that his  
9 earnings would have kept up with inflation or cost-of-living  
10 increases from 1990 through the year 2008 when he retired,  
11 so that that would be the adjustment of taking into  
12 consideration the increase in earnings over the course of  
13 his remaining time in the labor market, so that the earnings  
14 would increase from \$48,000 on an annual basis up until he  
15 retired at age 65.

16 Q Okay. And similarly--

17 THE COURT: But increase to what? I mean, I'm  
18 looking at the chart, and I may be reading it wrong, but  
19 under "Earnings" it looks like from it went from 1990 at  
20 8,000 to 1991 consistently through 2008 at 48,000. Am I  
21 missing something there?

22 THE WITNESS: It would be working over the column,  
23 but column three assumes no growth in earnings. Then column  
24 four is the adjustment for taxes. Column five is the  
25 adjustment for personal consumption. And then column six

1 is--would, in essence, be the economic loss had no growth  
2 taken place. And column seven combines two factors: The  
3 growth rate and the discount rate all into one factor to  
4 adjust the base figures to come up with what are referred to  
5 as the present-value figure.

6 So, in column seven, the earnings grew from 1990,  
7 since we are in 2000, to the year 2000, and then beyond the  
8 year 2000. There are two factors that come into play.  
9 There was a growth because it will continue to go up, but  
10 also since these losses would take place in the future, we  
11 would have to adjust them to what we call "present value."  
12 So, the percentages in column seven after 2000 combines both  
13 the growth rate and the discount rate.

14 THE COURT: So, what would that mean that you  
15 anticipated he would be earning in the year 2000--let's just  
16 pick that year--which has the combined effect of growth and  
17 discount factors, column seven as 130.50 percent?

18 THE WITNESS: I don't have what he would be  
19 earning, the value economic loss would be. If you look in  
20 column eight on the year 2000 line, it would be \$27,499.  
21 So, that 27,499 would be after taxes, after personal  
22 consumption, and after growth.

23 THE COURT: All right.

24 THE WITNESS: Then, if you go down to the next  
25 figure which is beyond the year 2000, that would be after

1 taxes, after consumption, after growth, and after discount.  
2 So, the future numbers are reduced partially because of the  
3 discounting or what we refer to as the present-value  
4 factors. So, the numbers up until the year 2000 account for  
5 the past losses, which include only the increases due to  
6 cost of living, and the losses beyond 2000 include the  
7 cost-of-living increases adjusted down for the present  
8 value.

9 BY MR. MOOK:

10 Q And does your report reflect what range of growth  
11 of percentage you used for these calculations?

12 A Yes, I did. Yes, it does.

13 Q And do you recall what that percentage is or where  
14 it's reflected in your report?

15 A Okay. If you look on table one of six--I'm sorry,  
16 table one of five, on line forty, that the growth rates  
17 vary, depending on the year, depending on the estimates for  
18 that period, the actual growth rates and the projected  
19 growth rates, they vary between 1.3 and 4.1 percent.

20 Q Rather low inflation?

21 A Well, the earlier years 1990 and so forth, the  
22 inflation rates would be around three to four percent. More  
23 recently, the inflation rates have been lower. The projected  
24 inflation rates over the long term based on the studies that  
25 we have looked at would be in the three to four percent

1 range.

2 Q Okay. Now, Dr. Paige, you also mentioned in  
3 addition to the growth rate, the discount rate.

4 A Yes.

5 Q Maybe if you could explain what the discount rate  
6 is and why that is a factor.

7 A Sure. Some of the losses take place after the  
8 year 2000. They take place into the future. So, if we,  
9 say, hypothetically assume that Mr. Elahi would lose \$40,000  
10 five years from now, we would not want to award his estate  
11 the \$40,000. We would want to award the estate something  
12 less than \$40,000 because we would award an amount that, if  
13 invested today, five years from now, the principal plus the  
14 interest would be \$40,000. So, that interest factor was  
15 what we referred to as the discount rate, so the future  
16 losses are taken and discounted such that if somebody is  
17 awarded an amount today, the principal plus interest in the  
18 future would equal the actual level of the loss that would  
19 occur in the future years.

20 Q And Dr. Paige, does your report reflect what  
21 discount rates were used?

22 A Yes. In table one of five, the discount rates are  
23 listed on line 41.

24 Q Okay. And those discount rates, I think it's 5.67  
25 percent to 5.98 percent.

1 A That's correct.

2 Q How did you arrive at those figures?

3 A Those are rates that we use on an investment with  
4 which we referred to as the state and local government bond  
5 rate. So, the basic assumption would be that the state and  
6 local government bond rates would be an appropriate type of  
7 investment for someone who would receive an award, if that  
8 were the case.

9 Q And is that a discount rate that's generally used  
10 in the economic profession in making analyses as to lost  
11 income or benefits?

12 A Yes, it is.

13 Q Okay. And Dr. Paige, then, in summary, is it  
14 true, then, that based upon your education and experience in  
15 performing these types of calculations, that to a reasonable  
16 degree of certainty had Dr. Elahi continued to pursue the  
17 humanitarian profession, a career in the humanitarian  
18 profession, the present value of the losses to his estate  
19 would have totaled \$725,359?

20 A That's correct.

21 Q And Dr. Paige, is it correct that, again based  
22 upon your education and experience in performing these types  
23 of analyses, that to a reasonable degree of certainty within  
24 the economic profession, that had Dr. Elahi pursued a career  
25 as a professor, the present value of the economic losses to

1 his estate would have totaled \$967,626?

2 A That's correct.

3 Q Dr. Paige, your calculations merely reflect the  
4 monetary losses to Dr. Elahi's family and estate; is that  
5 correct?

6 A That's correct.

7 Q The analyses you have done does not incorporate at  
8 all any of the emotional losses or the pain and suffering  
9 that Dr. Elahi's heirs or relatives may have felt; is that  
10 correct?

11 A That's correct.

12 MR. MOOK: I have no further questions.

13 THE COURT: All right. Thank you, Doctor, for  
14 your testimony. We appreciate it.

15 THE WITNESS: Thank you very much. Thank you for  
16 your questions.

17 (Witness steps down.)

18 THE COURT: I think it might be appropriate to  
19 stop at this time. We only have ten more minutes today, and  
20 in any event we will pick it up tomorrow morning 9:30.

21 Tell me how we are doing progress-wise. I can  
22 count the number of witnesses, but I don't know what they're  
23 going to say.

24 MR. HIRSCHKOP: Dr. Elahi is about another half  
25 hour to finish, and Dr. Clawson probably an hour. You have

1 the background. Dr. Clawson has a different economic  
2 viewpoint, as an economist. And then Dr. Ganji will take a  
3 little longer, probably a couple of hours, I think, because  
4 you heard so much about him; he's central to this thing. He  
5 lived with Dr. Elahi, not in the same apartment, but they  
6 were day to day together for many years.

7 THE COURT: We will readily finish this tomorrow?

8 MR. HIRSCHKOP: Yes, Your Honor. If we get your  
9 book, too, we will highlight it for tomorrow morning.

10 THE COURT: That's the second book, whichever. I  
11 believe we gave you the earlier book. This is the later  
12 book. Yes, you're welcome to it.

13 MR. HIRSCHKOP: We have a short videotape. It's a  
14 videotape made by Dr. Ganji on the life of Dr. Elahi.

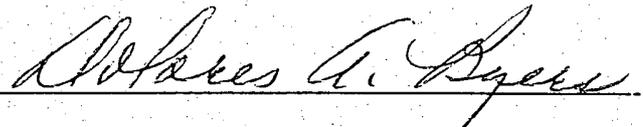
15 THE COURT: Fine. That would be very helpful.

16 Have a good evening. As far as your materials are  
17 concerned, you're welcome to leave them. We never lost  
18 anything yet; we never guarantee. And there is a closet  
19 back there, if that's helpful to you. And I do have one  
20 case preceding yours tomorrow morning at nine, but I don't  
21 think they will be interested in your materials, as long as  
22 they are off the counsel table. Otherwise, have a good  
23 evening.

24 (Whereupon, at 4:20 p.m., the hearing was  
25 adjourned until 9:30 a.m., the following day.)

*CERTIFICATE OF NOTARY PUBLIC*

I, DOLORES A. BYERS, CSR, the officer before whom the foregoing deposition was taken. do hereby testify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.



DOLORES A. BYERS, CSR

Notary Public in and for  
the District of Columbia

My commission expires: December 14, 2001

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:

For the Plaintiff:

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## I N D E X

WITNESSES FOR THE  
PLAINTIFF

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</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 MR. HIRSCHKOP: Your Honor, may I approach the  
4 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 THE COURT: Good morning, Doctor. You remain  
9 under oath and we continue from where we left off in your  
10 testimony.

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

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

## FURTHER DIRECT EXAMINATION

15  
16 BY MR. HIRSCHKOP:

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

22 A Yes, he did.

23 Q And what kind of communication did you have with  
24 him after that? I think you said he came to visit you  
25 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 recisions. 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 Ayatollah 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 say 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 Hezbollah,  
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 Hezbollah. 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 Hezbollah  
10 while instructing Hezbollah to be extraordinarily careful  
11 not to cause any American casualties.

12 Q It's really that well run, Hezbollah? 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 Hezbollah did in 1980, Hezbollah has  
19 not done that. In fact, Hezbollah 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 Behshte, B-E-H-S-H-T-E-I, Behshte, 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.]

1 THE COURT: All right. We are ready to resume.  
2  
3 Sir, will you rejoin us on the stand, please. And  
4  
5 you remain under oath, and good afternoon.

## FURTHER DIRECT EXAMINATION

BY MR. HIRSCHKOP:

6  
7  
8 Q Dr. Ganji, prior to the break I referred you to  
9 two documents, 103 and 104, which are Flag of Freedom  
10 Organization fliers and documents.

11 Did the Flag of Freedom Organization broadcast to  
12 Iran daily?

13 A Yes.

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

16 A By other countries as well.

17 Q Did you get direct funding support from other  
18 countries?

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

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

25 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 Columbia, 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 me  
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.

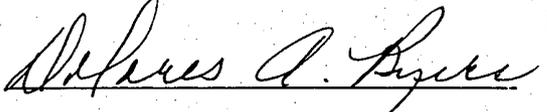
15 Mr. Hirschkop, we will look forward to the  
16 completion of this.

17 Good day to all of you.

18 [Proceedings concluded at 3:50 p.m.]

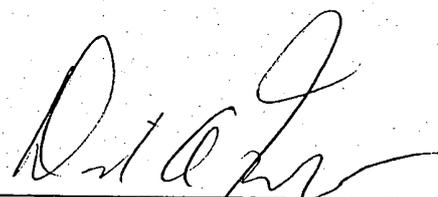
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