

THE FEDERAL PUBLIC PROSECUTOR  
attached to the Federal Court of Justice  
2 Bjs 295/95-8

December 4, 1995

To the Federal Office of Criminal Investigation  
- State Security Division -  
Attn: Mr. Braun  
P.O. 12 80  
53334 Mackenhalm

In re: ~~Preliminary investigation of Ali FALLAHIAN~~  
because of murder, among others  
Ref.: Telephone conversation of December 4, 1995

Attachment: Memo of November 13, 1995

By order of November 13, 1995, I have instituted preliminary investigation proceedings against the Minister of the Intelligence Service and Security Matters of the Iranian Islamic Republic because of suspicion of murder and attempted murder, which proceeding is conducted under above referenced case number. With respect to the details, I refer to the hereto attached photostatic copy of a memo of November 13, 1995, and at the same time I charge the Federal Office of Criminal Investigation to take note of the police activities in this investigation.

By Order  
Jost

Authenticated  
/s/ illegible  
Steinmetz

SEAL

AA000954

*investigation  
on  
Jost*

Exemplified Copy

The Federal Public Prosecutor  
at the Federal Court of Justice

Karlsruhe, November 13, 1995

2 StE 2/93 -

← در مورد یوسف امینی

In matters: ~~Criminal matter against Youssef AMIN et al~~  
because of murder, among others

Severance and institution of a new preliminary investigation proceeding

Memorandum:

توضیح یوسف امینی

In the evening of September 17, 1992, at about 10:50 p.m., Dr. Sadegh Charafkandi - called Dr. Said, Fattah Abdoli and Homayoun Ardalan, as well as Mohammadpour Dehkordi, were shot (and killed) in the Bar "Mykonos." The owner of the bar, Aziz Tabib Ghaffari, suffered life-threatening injuries. This crime is the object of the preliminary investigation procedure 2 Bjs 49/92-8 and of the charges brought on May 17, 1993, (2 StE 2/93), and has been before the 1st Criminal Division of the Court of Appeal of Berlin since October 28, 1993. This charge is directed, among others, against the directly involved participants Youssef Amin and Abbas Rhayel, as well as against the presumed wire-puller Kazem Darabi. To a great extent, the taking of evidence has ended and it has confirmed in every respect the charges brought against the accused and, in part, produced findings that would go beyond these charges.

This also applies, and above all, to the background of the attack of September 17, 1992:

توضیح در مورد مسئولین

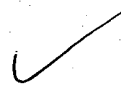
The killed individuals, Dr. Charafkandi, Abdoli and Ardalan, were the highest echelons of the leadership of the "Democratic Kurdistan Party - Iran" (DPK-I), a party that is prohibited in Iran. In this capacity, they had participated at the International Socialistic Conference, held in Berlin at that time, where they were looked after by Dehkordi, an Iranian in exile.

توضیح در مورد حزب دموکرات کردستان

The DPK-I is the most important and politically most significant organization of the Kurds living on Iranian territory and, concomitantly, one of the most important opposition groups. It is in an exclusively political and non-violent competition with the other groups of the opposition.

← دانش ایران  
7- مشخصات از ایران  
بالتفصیل

The Iranian government does not limit itself in its behavior towards the DPK-I only to its prohibition in Iran but it persecutes the party also beyond the national boundaries, as Ali Fallahijan, Head of the Iranian Intelligence Service Vavak, and Minister of the "Intelligence Service and Security Matters of Iran" ("MOIS") conceded on Iranian television on August 30, 1992:



"We have in place a security department , the operations of which are directed against small counterrevolutionary groups ... We have succeeded in infiltrating the central organizations of these small groups and to arrest most of their members. On the whole, at present we do not have any active small groups in our country. They were forced to flee the country. We have continued our operations. We persecute them now and constantly observe them outside the country. We have infiltrated their central organizations and are informed about their activities ... We have succeeded in striking blows to these small groups, both outside the country or at the borders. As you know, one of the active small groups is the Kurdish Democratic Party ... Last year, we are able to strike decisive blows to its members. The main and minor organizations [of the DPK-I] took severe beatings and their activities abated."

The persecution of the party and of their representatives also includes their physical destruction, as proven by the assassination attempt of July 13, 1989, in Vienna, against the then DPK-I leadership. At that time, during secret negotiations with an Iranian government delegation, Dr. Ghazzeblou, Dr. Charafkandi's predecessor holding the office of Secretary General of the Party, and his deputy, Ghaderi Azzar, were shot and killed by members of this delegation. Warrants for their arrest were issued in Austria by the Regional Court in Criminal Matters. In the meantime, one of the members of the delegation - Djafari Saharoodi - was promoted to the position of Deputy Director of the Pasdaran General Staff. The members of the Pasdaran-Troups "Ghods" are usually deployed in fighting the oppositionists and for the realization of planned plots.

قاسم

برادران قاسم

Thus, the killing of opposition forces by the Iranian government outside Iran is not a single occurrence and is evidenced by the following cases:

On December 6, 1994 and June 16, 1995, the Paris Court of Assizes imposed long-term sentences and imprisonment for life upon a total of eight Iranian on grounds of having participated in the assassination in Paris of the former Iranian Prime Minister Bakhtiar on August 8, 1991.

کس

From the indictment which, pursuant to German law is equal to a "Verweisungsbeschluss," handed down on March 31, 1994, constituting the basis for these sentences and in contrast to these is substantiated, it results that members of numerous Iranian government agencies participated in the planning, preparation and realization of this plot; among these agencies were, by way of example, the Iranian Ministry of Posts and Telecommunications; the Iranian Television and the Iranian Ministry of Foreign Affairs, which placed into the service of this undertaking their connections in France and Switzerland - subsequently, the perpetrators escaped to Switzerland. According to testimonies, two of them would have been members of the previously mentioned Ministry of Intelligence Service MOIS or, rather, of the therewith closely connected "Pasdaran."

همه نقش آنها در تلفظ در وقت کشی مسل

الشهات دم تخلص

The former Iranian Minister of Education, Prof. Dr. Gānji, the leader of an organization opposing the Iranian government, called "The Flag of Freedom," testified as witness in the preliminary investigation and at the main hearing before the Court of Appeal that, because of his opposition activity, he was persecuted by the Iranian government and threatened with death and that two of his closest associates had already been assassinated.

وزارت اطلاعات  
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

A document introduced in this connection at the main hearing, a document showing the emblem of Iran, the date 03-16-1993 and the signature of the revolutionary chief public prosecutor, and certified on December 6, 1994, by the BND [Federal Intelligence Service] pursuant to Section 256 of the Code of Criminal Procedure as true in all likelihood, confirms the statements made by Prof. Dr. Ganji. From this document it can also be gathered that, apart from the Ministry of Foreign Affairs, it was above all the Ministry of Information that was involved in the carrying out of the therein contained order to kill, upon which Ministry was incumbent

"the introduction of measures, the selection and designation of experienced, skilled and proven agents as well as the provision of possibilities and means ..."

نوع صد اصفه نیز در سنه

The comparative tests on silencers that were used in the case "Mykonos" of September 17, 1992, in the assassination of the exiled Iranian Mohammadi in Hamburg on January 6, 1987, and in the attempt on the life of the Iranian oppositionist Javadi on Cyprus on August 26, 1989, revealed significant similarities of manufacturing and machining characteristics.

تلاش

Thus, in accordance therewith, the killing of bothersome oppositionists would be incumbent upon the Ministry of Intelligence Service and Security Matters and its dependent agencies, in particular, the Intelligence Service Vevak and the Pasdaran-Troups "Ghods." Minister Ali Fallahijan is the head of the entire apparatus who, in this capacity, also belongs to the National Security Council, that advises and decides on such measures. He occupied this position also at the time of the Mykonos plot on September 17, 1992, and during the weeks preceding it. Immediately prior to the start of the main hearing, he repeatedly tried to influence the federal government with the aim to prevent the proceeding regarding this action.

دلیل آنکه صدور کرد ایران  
ای ۱۲

The strong suspicion that the crime of September 17, 1992, was an action ordered by Iran, stems not only from the set forth "position of interests" and the practices of the Iranian authorities but also from the plethora of findings directly related to the event.

The accused Amin informed in a judicial confession about a conversation between other participants in the plot, in which talks Iran was expressly identified as being "behind the deed" and that, in case the perpetrators were to be arrested, it [Iran] would look after them.

During their affiliation with the Iran-supported Hizbollah, the accused Amin and Rhavel underwent in Iran a special training as attack divers in a training camp of the Pasdaran troupes.

According to testimonies given by witnesses, the accused Haider, charged with being the driver of the getaway care and being sought by virtue of a warrant for his arrest, ever since his escape from Germany has been staying in a hotel in Tehran, and in other locations in Iran.

After his disappearance from Germany, the fugitive buyer of the getaway car, Ali Sabra, was seen by a witness in Beirut entering Hizbollah headquarters.

One of the weapons used in the plot of September 17, 1992, came from the inventory of the former Iranian imperial army.

One of the perpetrators, directly involved on the premises, immediately prior to their assassination, insulted the victims of the crime with a Persian swear-word.

The Iraqi Kurdish leader Talabani, a friend of the assassinated Dr. Charafkandi, informed the German investigating authorities in the evening after the crime, that the crime had been committed "by Iran." Pertinent plans had become known already in August 1992, on occasion of the detention of Pasdaran members by part of the Iraqi-Kurdish Pashmergas. He - Talabani - had warned Dr. Charafkandi a few weeks prior to the attack of the pertinent Iranian plans.

According to findings by the Federal Office for the Protection of the Constitution, of the Berlin State Office for the Protection of the Constitution and findings by the British Secret Service, the presumed-wire-puller of the plot of September 17, 1992, the Iranian Kazem Darabi is an agent of the Iranian Intelligence Service Vavak. As unequivocally shown by the main hearing, up to his arrest he had maintained extremely close and diverse contacts with Hizbollah affiliates living both in Berlin and in other regions of the German territory.

All of these findings contain sufficiently factual grounds (Section 152(2) of the Code of Criminal Procedure) and substantiate the strong suspicion (Section 112(??) of the Code of Criminal Procedure) that, in the summer of 1992, Minister Fallahijan ordered from Iran the assassination of the entire leadership of the DKP-I, and eventually also of other individuals associated with them, which assassination was to be carried out by members of his office

امین

آموزش در ایران

حمید در ایران

Sabra  
خود را از تهران از طریق  
از تهران به بیروت

سازمان اطلاعات

کام دارابی

صدار علی

✓

or assigned to him and by authorities subject to his command. One of the decisions by the Iranian National Security Council, possibly based on such an order, does not make Fallahijan a mere accomplice (Section 27 of the Criminal Code) in the crime since the order itself fulfills merely the presumption of instigation (Section 26 of the Criminal Code). As a politically-accountable minister, as a member of the government and of the National Security Council and as director of an office, upon which it is usually incumbent to carry out such decisions and having for it considerable organizational possibilities, the persecution of the DPK-I and its leadership, that culminated in their assassination of September 17, 1992, admitted in the television address of August 30, 1992, must be deemed a perpetrating behavior in a criminal offense. The criminal offense, malicious and committed on base motives, constitutes an accomplished quadruple murder and an attempted murder. Thus, a pertinent preliminary investigation proceeding must be instituted against Minister Fallahijan.

The competence to institute this proceeding lies, such as for the proceeding of origin, with the Federal Public Prosecutor (Section 142a i. V. m. Section 120(2)(3) Judicature Act). The actions of foreign states on the territory of the Federal Republic of Germany are appropriate and intended to impair the security of the Federal Republic. This applies in particular - as in the present case - when the victims of the crime are on German soil by virtue of an international event and, with respect to their own safety, depend on the appropriate measures by the German authorities.

By Order  
Jost

Authenticated

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