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1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA

3

4 FRANCE RAFII,

CA No. 01-850(CKK)

Plaintiff,

Washington, D.C.

v. November 4, 2002

9:15 a.m.

ISLAMIC REPUBLIC OF IRAN,

7 et al.,

8 Defendants.

9

VOLUME 1

10 TRANSCRIPT OF TRIAL

BEFORE THE HONORABLE COLLEEN KOLLAR-KOTELLY

11 UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

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Proceedings reported by machine shorthand, transcript produced

25 by computer-aided transcription

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1 PROCEEDINGS

2 THE COURT: Good morning everyone.

**AA001083**

3 MR. HIRSCHKOP: Good morning, Your Honor.

4 THE DEPUTY CLERK: Civil Case 01-850. France Rafii  
5 versus Islamic Republic of Iran, et al.

6 Counsel, would you please identify yourself for the  
7 record?

8 MR. HIRSCHKOP: Philip Hirschkop for the plaintiff,  
9 Your Honor.

10 THE COURT: All right. Are we ready to proceed?

11 MR. HIRSCHKOP: Yes. I'd like to take just some quick  
12 housekeeping things.

13 If Your Honor please, we passed up there next to you  
14 two books. They are duplicates of the exhibits and they are  
15 all indexed by number and highlighted. We took the liberty of  
16 doing that. Judge Green had asked us to do it. Since many are  
17 long articles or studies, that there's only a couple of pages  
18 or sentences of notes. The originals are for the witness to  
19 deal with.

20 With me today is Jonathan Mook, my co-counsel, Your  
21 Honor, and with -- I say counsel. With your permission, if she  
22 can stay, is Beth Richelieu from my office. She's not an  
23 attorney. And France Rafii, the plaintiff. Would you stand  
24 Ms. Rafii?

25 It was her father that was assassinated. In the  
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1 courtroom also is her husband, Kiumars. He will be a witness.  
2 Mr. Rafii. And his sons are here, Your Honor: Furosh and  
3 Farhad. One of them, probably witnesses who are not  
4 duplicative testimony.

5 Also here today is Ladan Boroumand who will be our  
6 first witness, and Jacques Boedels is from Paris. He's an  
7 attorney from Paris. ~~Both Ladan and Jacques testified before~~  
8 ~~Judge Green in the Elahi case.~~ They are familiar with matters  
9 to be raised here and how it goes.

10 Your Honor, we've cut the witnesses down from the  
11 witness list we gave you where we will have seven, perhaps a  
12 eighth witness on identifying some documents. It shouldn't  
13 take more than a day and a half. We possibly could wrap it up  
14 today, but I doubt it. But that is the estimate I gave you  
15 initially and certainly we will stick to it.

16 I've told Mrs. Rafii that I thought it would be okay  
17 if -- some of the testimony is rather graphic about the  
18 assassination of her father -- if she needs to step out, that  
19 it would be all right for her to do so.

20 THE COURT: Certainly.

21 MR. HIRSCHKOP: We would ask the court to take  
22 ~~judicial cognizance of Judge Green's ruling in the Elahi case.~~

15 will be here this afternoon. Dr. Clawson is testifying or  
16 giving a speech for the NSA today, so he can't call me from  
17 there, but he promised to be here by 3:00 o'clock if humanly  
18 possible.

19 And on the articles, not only the pattern of  
20 assassination, but the effect they had on others around the

11 THE DEPUTY CLERK: Please be seated.

12 DIRECT EXAMINATION

13 BY MR. HIRSCHKOP:

14 Q. State your name, please.

15 A. Ladan Boroumand.

16 Q. Do you reside here in the District of Columbia?

17 A. Yes, I do.

18 THE COURT: Could you spell it for the record as well?

19 THE WITNESS: My first name is L-a-d-a-n. And my last  
20 name is B-o-r-o-u-m-a-n-d.

21 BY MR. HIRSCHKOP:

22 Q. There are two books next to you there. Would you take the  
23 one that has Exhibit 107 in it, please, and turn to that. They  
24 are indexed.

25 A. Exhibit 107?

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1 Q. Yes. See the tab stick out from the end of the pages?

2 A. Raffi 2.

3 THE COURT: If you want to approach and help her with  
4 it, you can.

5 THE WITNESS: I'm not very good at these things. I'm  
6 sorry.

7 THE COURT: Just take your time.

8 BY MR. HIRSCHKOP:

9 Q. Would you briefly -- this is your resume?

10 A. Yes.

11 Q. Without going through in detail, just briefly give the  
12 court your educational background.

13 A. I'm a historian. I have studied -- I finished high school  
14 in Iran and I have my university study in France. I have a  
15 degree in political sociology and then a Ph.D. in political  
16 history. ~~My speciality is revolutionary history and human~~  
17 ~~rights.~~

18 Q. And during your childhood, where did you live?

19 A. During the trial?

20 Q. Your childhood. I'm sorry.

21 A. My childhood. In Iran.

22 Q. Are you fluent in several languages?

23 A. Yes.

24 Q. What languages, do you speak?

25 A. Persian, French, and my English is what you are hearing.

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1 Q. And how long did you live in Iran?

2 How old were you when you left Iran?

3 A. I was 18 when I left Iran, but I used to go back for summer  
4 holidays, and during the revolution I spent few months in Iran

5 for study.

6 Q. Do you have any other siblings?

7 Do you have a sister?

8 A. I have a sister who lives here and two brothers. One lives  
9 in Switzerland and the other in Paris.

10 Q. Your sister lives here.

11 ~~Have you and her done a lot of research into the~~  
12 ~~pattern of assassinations by the Iranian government?~~

13 A. Yes. We are both activists, human rights activists. And  
14 my sister worked for Human Rights Watch. And together we are  
15 working on ~~human rights education and research in Iran.~~

16 Q. Have you published papers on that subject matter?

17 A. We have published a few articles on the Iran -- Iran  
18 situation, and ~~I have done research on the extraterritorial~~  
19 ~~executions ordered by the Islamic Republic of Iran.~~

20 We have also worked on the -- years ago on the book on  
21 ~~human rights violation in Iran.~~ That was published in France,  
22 both in English and in French.

23 MR. HIRSCHKOP: If Your Honor please, I'd like your  
24 direction. I'm moving things into evidence. Judge Green told  
25 me just not to bother. We just moved both books in at one  
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1 time.

2 THE COURT: If all of the material in the books is  
3 going to be admitted, then there's no issue. If you're going  
4 to be admitting some, but not everything, then maybe you should  
5 be more specific about it.

6 MR. HIRSCHKOP: Everything is going to go in except  
7 the testimony of ~~Dr. Ganji~~ who is now able to appear here live,  
8 so it's included as an exhibit, but it's redundant.

9 THE COURT: I think just for purposes of the record,  
10 though, you should probably just do it. There's not going to  
11 be an issue about admitting it and the court will decide how  
12 much weight to give it.

13 MR. HIRSCHKOP: So I'll just omit that.

14 BY MR. HIRSCHKOP:

15 Q. All right. When you lived in Iran in your early years,  
16 what did your father do?

17 A. ~~My father was a lawyer and pro democracy activist.~~ As a  
18 pro democracy activist, the -- the Shah regime, unfortunately,  
19 was a dictatorship, so these people who were advocate of  
20 democracy were somehow isolated in society. But he was a  
21 lawyer, actually.

برویند در ایران!

22 Q. Was he engaged with Dr. Bakhtiar in any political matters?

23 A. Yes. They were. My father was a fan of Dr. Bakhtiar ever  
24 since he met him, and that was when he came back from -- he had

25 finished his studies, law studies, in Switzerland, and it was  
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1 in actually '57, 1957, he joined the forces of prodemocracy  
2 forces in Iran who were active, and they were partisans of the  
3 late prime minister Dr. Mossadeq.

4 THE COURT: Some of these names. Just so we have them  
5 for the record. The witness's names we have and I've given it  
6 to my court reporter, but if you mention other names, if you  
7 could just go to the trouble of -- so the record is accurate in  
8 terms of the spelling.

9 THE WITNESS: Okay. Dr. Mossadeq, M-o-s-s-a-d-e-q.

10 MR. HIRSCHKOP: And Your Honor please, I talked to the  
11 court reporter beforehand. One of my staff is trying to take  
12 down all the names and Mrs. Rafii is helping her, so we also  
13 will try to double-check that.

14 THE COURT: That would be helpful. Thank you.

15 BY MR. HIRSCHKOP:

16 Q. When you left Iran, what year was it?

17 A. When I left from my studies it was 1975, the summer of  
18 1975. Then I came back in the winter of 1979 and left the  
19 country in May 1979 after the referendum for the establishment  
20 of the Iran Republic to take place.

21 Q. Prior to 1979 -- let's go back a year before that -- was  
22 the Shah the ruler in Iran?

23 A. The Shah was the ruler.

24 Q. And did there come a time when there was demonstrations  
25 against the Shah and the Shah determined to leave Iran?

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1 A. Yes. That was in '78.

2 Q. And at that time did he, shortly before leaving Iran, have  
3 Dr. Bakhtiar appointed prime minister of Iran?

4 A. Yes. That was in January, late December, January  
5 1978, '79.

6 Q. What was your father's role with regard to Dr. Bakhtiar at  
7 that time?

8 A. My father -- ~~my father tried his best to reconcile Khomeini~~  
9 ~~and Dr. Bakhtiar.~~

10 The issue was that Dr. Bakhtiar wanted -- whatever  
11 transition, he wanted the transition to take place in a legal  
12 way, not by insurrection and through street demonstration,  
13 because he did not understand why Khomeini did not want to  
14 submit to elections. Of course, Khomeini had his own ideas  
15 about what politics is.

16 So what my father did, he was sent by Dr. Bakhtiar to  
17 negotiate with Khomeini to find a peaceful agreement, and he  
18 realized after two session of discussion that Khomeini was --

19 his ideas were not democratic.

20 Q. ~~How long did Dr. Bakhtiar serve as prime minister of Iran?~~

21 A. ~~Thirty-seven day.~~

22 Q. Was there a revolution when Mr. Khomeini returned to Iran?

23 A. Yes. When Bakhtiar took office it's very clear, because  
24 the Shah named Bakhtiar as he was leaving the country as a  
25 transitional government. And ~~Bakhtiar was a long opponent to~~  
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1 ~~the Shah.~~

2 And when Bakhtiar took office he ~~freed all the~~  
3 ~~political prisoners.~~ He lifted censorship, newspapers, press  
4 censorship, and, you know, wanted to organize a democracy, and  
5 that precisely what Khomeini didn't want.

6 So when Khomeini came back to Iran he ordered a street  
7 insurrection to topple the regime instead of going through the  
8 legal way of organizing elections and getting elected, which he  
9 would have been. But what Khomeini did not want was free  
10 elections because then he would have submitted to the  
11 legitimacy of popular sovereignty and this he didn't want.

12 Q. Do you know Dr. Ganji?

13 A. Yes, I do.

14 Q. Did ~~Dr. Ganji~~ serve in the cabinet of the Shah?

15 A. Yes.

16 Q. ~~Minister of education.~~

17 ~~Within Iran at the time Khomeini took over, were there~~  
18 ~~basically two major dissident groups?~~ One that wanted to go  
19 forth under the Shah and have reforms like Dr. Ganji's group  
20 and the other Dr. Bakhtiar's group who wanted free elections  
21 and not have a Shah dictatorship or monarchy?

22 A. Yes. Dr. Bakhtiar and his friends had been advocating the  
23 respect for Iran constitutions for 30 years, even though since  
24 the overthrow of Dr. Mossadeq by a military coupe.

25 So Bakhtiar, you know, stood strongly on that position  
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1 and he wanted just the respect of the Iran constitution which  
2 was quite a democratic constitution.

3 Q. Now, when Khomeini returned to Iran, were the air bases  
4 seized immediately?

5 A. Yes. You know, they started an insurrection. And then  
6 since the Iranian army -- the head of the Iranian army was very  
7 close to the United States, Khomeini's representative also  
8 started to negotiate with the American administration. And,  
9 you know, they had ~~the agreement of the American administration~~  
10 ~~and the army, that the army wouldn't move.~~ So they ordered  
11 street insurrection, and actually Dr. Bakhtiar was on his own.  
12 He was a lonely man at this moment.

13 Q. Immediately after taking over did the Khomeini regime post  
14 a list of 200 people that were to be arrested or assassinated?

15 A. Beg your pardon?

16 Q. ~~Are you familiar with the list of 200 that was posted in~~  
17 ~~all the mosques and public buildings to be seized and executed?~~

18 A. Well, I don't remember such a list, but it might have  
19 existed.

20 Q. ~~Was Dr. Bakhtiar and your father both clearly in danger~~  
21 ~~after the Khomeini take over?~~

22 A. Bakhtiar was definitely in danger.

23 Q. Did he go into hiding?

24 A. Immediately.

25 Q. Was he hidden out in Iran for several months?

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1 A. Yes, sir.

2 Q. Did he ultimately leave Iran under forged papers and  
3 secret?

4 A. Yes, as a French citizen.

5 Q. Are you familiar with Dr. Ganji also went through the same  
6 thing?

7 A. I don't know the life of Dr. Ganji, but I suppose he did go  
8 through because all the people who had high-ranking  
9 responsibility during the Shah had to go into hiding because \*  
10 the revolutionary regime was extremely arbitrary and violent.

11 So they had to just to save their lives.

12 Q. Were a number of generals murdered almost immediately,  
13 within days?

14 A. Yes.

15 Q. Was there, in fact, an attempted coup by the generals  
16 within 24 hours of the seizure of the air bases?

17 A. I don't think it, no.

18 Q. When Dr. Bakhtiar left Iran, did he go to Paris?

19 A. Yes.

20 Q. Did your father join him in Paris?

21 A. Immediately. He was expecting him. And, I mean that was  
22 the most moving encounter because we all were extremely worried  
23 for Dr. Bakhtiar at the time.

24 Q. And can you tell me, did they start a group that's known as  
25 NAMIR? N-a-m-i-r.

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1 A. Yes.

2 Q. What does NAMIR stand for?

3 A. National Movement for the Iranian Resistance.

4 Q. Was that the major Iranian dissident group outside of Iran  
5 at that time?

6 A. Yes, the first opposition group to the Islamic Republic in

7 the name of democracy, and this is very important to note.

8 Q. And were they in any danger in Paris?

9 A. Yes. You know, Bakhtiar -- ~~as soon as Khomeini took over,~~

10 ~~the Iranian people realized what a huge mistake they had made.~~

11 ~~So, Bakhtiar went through a tremendous popularity at this time,~~

12 ~~and the Iranian regime was extremely worried about the~~

13 ~~potential danger he represented. So, very soon they tried to~~

14 ~~get rid of him and that led to the -- an attempt, assassination~~

15 ~~attempt in '80.~~

16 Q. '81?

17 A. '81.

18 Q. Was that assassination attempt ~~at your father's apartment?~~

19 A. Yes.

20 Q. Would you tell the court what happened with that

21 assassination?

22 A. Well, actually, I was not there.

23 But the thing is that a ~~Palestinian commando~~ with a

24 forged press card of the communist newspaper, which also is

25 interesting, presented himself for an interview.

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1 Dr. Bakhtiar was guarded at the time, not heavily, but

2 few policemen were protecting him, and as soon as the policemen

3 saw that there's something suspicious about the commando, they

4 tried to resist, so the commando killed one police, injured

5 another one, and then went up to the apartment -- to the

6 apartment house, rang the wrong bell, and one of Dr. Bakhtiar's

7 neighbor, a woman, opened the door, and they literally shot her

8 without even know who she was -- who she was.

9 Then they rang at our house, our apartment where

10 Dr. Bakhtiar lived, and at the time a cousin of Dr. Bakhtiar

11 was living in the house with him, and he was very clever, so he

12 had put -- I don't know how you call it, the little --

13 Q. The chain?

14 A. The chain.

15 And he just opened, and the guy put in his rifle and

16 started to shoot, but the counter -- counter coup of the rifle,

17 the gun came out, and the cousin quickly shot the door. And

18 the door was a protected door. So, the man tried and shoot at

19 the door, but he couldn't get in. So they had -- the result of

20 this attempt was two people died and one was paralyzed for

21 life, a policeman.

22 Q. A policeman was also killed?

23 A. ~~A policeman killed and the neighbor, a woman.~~

24 Q. Was there a lot of publicity about that around the world?

25 A. Around the world, I don't know, but in France it was a big

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1 event.

2 Q. And during that time were there other assassinations  
3 started going on around the world?

4 A. Yes.

5 Q. Were these all dissidents, essentially?

6 A. Yes.

7 Q. I want you ask about some organizations. I've asked  
8 about NAMIR, the national movement that your father and  
9 Dr. Bakhtiar headed.

10 What was the Flag of Freedom organization? Was that  
11 Dr. Ganji's organization?

12 A. Yes. I think -- I'm not familiar with the history of the  
13 Flag of Freedom, but it was much later that it was founded,  
14 quite later.

15 I think Mr. Ganji, he can testify himself. He's here.

16 Q. Okay. And was that also a dissident organization to the  
17 regime --

18 A. Yes.

19 Q. -- then in power in Iran?

20 What was the KDPI, the Kurdish Democratic Party of  
21 Iran.

22 A. This is a -- originalist political party that advocated for  
23 more autonomy for the Kurdish population of the Iran and it was  
24 headed by Dr. Ghasemlou who was a leader, and it was an  
25 important organization that represented Kurdish people of Iran.

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1 Q. Was Dr. Ghasemlou assassinated?

2 A. Dr. Ghasemlou was assassinated in Vienna in 1989.

3 Q. And was he assassinated by the Iranians?

4 A. Yes. You know, he was supposed to have a meeting with a  
5 representative of the then president Rafsenjani, and the guy  
6 during the meeting killed him.

7 And there were a lot of proof, material proof of the  
8 assassination that -- the Iranian emissaries. For instance,  
9 they had -- they had the receipt of a motorcycle. They -- I  
10 don't know. I don't remember exactly the case. But it was,  
11 you know, an obvious proof that the emissary was the same  
12 person who killed -- I mean, there were a few of them -- who  
13 killed Dr. Ghasemlou and his companions.

14 Q. Did you participate in publishing a major study for NAMIR  
15 listing assassinations over a many-year period?

16 A. Yeah. That was a small research paper, a report on the  
17 assassination. So I researched it a little bit, this --

18 Q. Have you seen the one that Dr. Timmerman -- Mr. Timmerman  
19 also published?

20 A. I went through it, through his Web site, but I'm --

21 Q. Now, was Ghasemlou the only leader of the KDPI who was  
22 assassinated?

23 A. No. A few years later they also killed his successor in  
24 Germany. He was attending a social -- international socialist  
25 conference in Germany, in Berlin, I think. I'm not sure.

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1 Q. At the Mykonos Restaurant?

2 A. Yes.

3 THE COURT: You all need to slow down a little bit in  
4 terms of making sure we do have a complete record.

5 And what I would just ask is let him finish his  
6 question before you start to answer even though you know what  
7 he's going to ask you. That way we will have the complete  
8 question, your answer, and we can go back and forth.

9 So leave sort of like a beat in there in order to make  
10 sure that we have the complete record, particularly since,  
11 although you'll get the names, he's doing them phonetically at  
12 this point and it does make it more difficult.

13 BY MR. HIRSCHKOP:

14 Q. The Mykonos assassinations were in 1992?

15 A. Yes.

16 Q. About a year after Dr. Bakhtiar's assassination?

17 A. Yes.

18 Q. Did the German courts have a lengthy trial about the  
19 assassinations in Mykonos?

20 A. The trial took few years, and the conclusion was that the  
21 Iranian regime at its highest -- the highest authorities of the  
22 Iranian regime had ordered the assassination, and they had a  
23 very major defector from the Iranian intelligence service who  
24 testified and provided a pattern of all the assassination  
25 attempt.

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1 Q. Was he known as Witness C?

2 A. Yes.

3 Q. And did the German prosecutor, Mr. Yost, Y-o-s-t, have the  
4 German court actually issue a warrant when the case was done  
5 for the arrest of Mr. Fallahian?

6 A. Yes, he did.

7 Q. Who was Mr. Fallahian?

8 A. He was the head of the information ministry during the  
9 presidency of Rafsanjani.

10 MR. HIRSCHKOP: Your Honor please, we will have the  
11 actual German documents, Mr. Boedels who can translate them,  
12 and we do have official translations of them. So I won't go  
13 into great detail in that one.

14 THE COURT: Are they part of the exhibits?

15 MR. HIRSCHKOP: Yes, Your Honor.  
 16 THE COURT: Do you know what they are offhand?  
 17 MR. HIRSCHKOP: No.  
 18 THE COURT: If you don't, that's fine.  
 19 MR. HIRSCHKOP: Okay.

20 BY MR. HIRSCHKOP:  
 21 Q. Now, in addition -- so that it's clear, the Iranian  
 22 government over a period of time executed, assassinated the  
 23 leadership of the KDPI; is that correct?

24 A. It is correct. And the minister Fallahian, who you  
 25 mentioned, came -- in a televised interview boasted that as a  
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1 success of his policy, the approving of the whole opposition  
 2 groups, either within or outside Iran.

3 Q. And he was the head of MOIS?  
 4 A. Yes.

5 Q. Now, they also basically assassinated the leadership of  
 6 NAMIR also; did they not? Your father and Dr. Bakhtiar.

7 A. Yes.

8 Q. Let's go back to the Kurdish democratic party for a minute.  
 9 Is a sizeable portion of the Iranian population  
 10 Kurdish people in the northern part of Iran?

11 A. Yes.

12 Q. And is this true also in Iraq and Turkey, that there are  
 13 millions and millions of Kurdish people?

14 A. Yes.

15 Q. Does this pose a basic threat to the Iranian regime, this  
 16 resistance by the Kurdish people?

17 A. Yes, the same danger that any other resistance. They --  
 18 they can't wear any dissent. This is a monolithic despotic, I  
 19 would say tyrannic regime.

20 Q. The KDPI, they sort of were headquartered all over the  
 21 place, weren't they?

22 A. What.

23 Q. Their leaders were spread in a number of different  
 24 countries?

25 A. Yes.

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 1 Q. Were there a number of assassinations of KDPI people by  
 2 Iranian hit squads, assassins in Turkey and other countries?

3 A. In Turkey and in Iraq.

4 Q. Literally hundreds of those; is that correct?

5 A. We don't have any exact number for the assassination that  
 6 occurred in Iraq. But I don't know if you can count them by  
 7 hundreds, but definitely 10 -- many, many of them.

8 Q. Not only the two specific leaders of the KDPI, but many of

9 ~~the other leadership council?~~

10 A. Yes, ~~ordinary militant.~~

11 Q. What was the National Council of Resistance?

12 A. This is a left wing Islamic organization that used to  
13 support Khomeini in the first two years and then went into  
14 dissidents afterward.

15 Q. And what is the mujaheddin?

16 A. The mujaheddin?

17 Q. Yes.

18 A. This is the same leftist organization with Islamic  
19 leanings.

20 Q. And did they participate in the revolution initially with  
21 Khomeini?

22 A. Yes. And, you know, they were a sort of Leninist group  
23 with Islamic tendencies. They very much supported Khomeini and  
24 Khomeini's arbitrary summary execution at the beginning of the  
25 revolution; and then, since Khomeini wanted the whole power,

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1 didn't want to share power, they went into the violent  
2 opposition to the regime, and its leadership had to leave the  
3 country, stay in France for a while. And then while  
4 rapprochement occurred between France and Iran, the French  
5 government asked the mujaheddin's leadership to leave the  
6 country and they were welcomed by the Iraqi government.

7 Q. I'm not clear in the spelling of mujaheddin. We will run  
8 that one down. It's spelled a number of different ways in the  
9 articles.

10 Now, ~~after they left, the leadership of the mujaheddin~~  
11 ~~or the National Council of Resistance, after they left Iran,~~  
12 ~~were there a succession of assassinations of the leadership of~~  
13 ~~that group?~~

14 A. Yes. ~~They have lost a lot of their members through~~  
15 ~~extraterritorial executions. For instance, the brother of the~~  
16 ~~leader of the mujaheddin, Mr. Rajavi, was killed in~~  
17 Switzerland.

18 Q. And this brother wasn't just a brother, he was the  
19 ~~representative to the United Nations~~, wasn't he?

20 A. Yes, exactly, at the United Nations, and ~~was very active to~~  
21 ~~the Human Rights Commission of the United Nations~~ with regard  
22 to Iran.

23 Q. And were there assassinations of other leaders in the  
24 mujaheddin?

25 A. Another of their representative in Italy was executed by  
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1 the Islamic Republic's agent and many of the militants were  
2 killed either in Turkey or in Iraq.

3 Q. I asked you before about the ~~Flag of Freedom organization~~  
4 which Dr. Ganji headed up. Was Dr. Elahi his deputy?

5 A. Yes.

6 Q. And Dr. Elahi was assassinated -- the courts here in the  
7 country have already found -- by the MOIS and Iranian Republic.

8 So of these four groups, constituting a major part of  
9 the resistance extraterritorial to Iran, most of the leadership  
10 was assassinated over a several-year period; is that correct?

11 A. Yes.

12 Q. And many of the courts in France and Germany and  
13 Switzerland specifically found that Iran was specifically  
14 responsible for these murders?

15 A. They did.

16 Q. Ms. Boroumand, let me ask you -- I'll be as gentle as I  
17 can. With regard to the death of your own father, that was  
18 just months before France Bakhtiar -- France Rafii lost her  
19 father. Did you know France Rafii?

20 A. Yes.

21 Q. How well did you know her father?

22 A. Quite well, because not only they were -- my father was an  
23 old friend of his father's, so Dr. Bakhtiar was a familiar  
24 figure during our childhood. But when he came to Paris I  
25 joined the movement and I was very active in the student

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1 organization of Dr. Bakhtiar's movement.

2 Q. What kind of protection did Dr. Bakhtiar have after the  
3 attempted assassination on him in 1981?

4 A. He was provided with a very heavy police protection by the  
5 French government.

6 Q. Did he ultimately live in a villa where he lived for many  
7 years where he was ultimately assassinated?

8 A. Yes.

9 Q. Did French police guard that villa internally, in the  
10 downstairs part of villa --

11 A. Yes.

12 Q. -- 24 hours a day?

13 A. Yes.

14 Q. Was he taken out in armored cars?

15 A. Yes.

16 Q. And, in fact, did he go out very much?

17 A. No.

18 Q. Was that because of the security problem?

19 A. Yes.

20 Q. Who is Mr. Bani Sadr?

21 A. He was the first president of the Islamic Republic of Iran  
22 who also went into dissidents with the mujaheddin by the early

23 summer of 1981.

24 Q. When you say the Islamic Republic, is that under Khomeini?

25 A. Yes.

0027

1 Q. So he was the first president under Khomeini?

2 A. Yes.

3 Q. And then he had a falling out with Khomeini and he left; is  
4 that correct?

5 A. Beg your pardon?

6 Q. He had a falling out with Mr. Khomeini?

7 He had a falling out with the Islamic Republic and  
8 left?

9 A. Yes.

10 Q. And moved to Paris?

11 A. Yes.

12 Q. Was he also under intense security by the French police?

13 A. Well, since I didn't meet -- I have not met him since the  
14 beginning of the revolution, I don't know exactly, but I know  
15 that he's guarded by the French police.

16 Q. Were these ordinary police or special police who guarded  
17 Dr. Bakhtiar?

18 A. Dr. Bakhtiar was guarded by a special police.

19 Q. And was Dr. Bakhtiar given instructions of what to do on  
20 terrorist attacks? Are you familiar with that?

21 A. I'm not familiar. I think France could talk to you about  
22 that.

23 Q. Now, did the French have a ruling or a pattern that they  
24 would only provide protection to the head of an organization?

25 A. What is definite, what I know for sure is that they

0028

1 couldn't provide, for instance, my father with protection,  
2 although they knew he was in danger and they allowed him to  
3 have arms. He had -- he had an arm permit which is very  
4 difficult in France to obtain.

5 Q. And I asked you before about the attempted assassination of  
6 Dr. Bakhtiar. Let me go back there a moment.

7 Was a man named Naccash ultimately convicted by the  
8 French courts for that murder?

9 A. For the first attempt.

10 Q. For the attempted murder. I'm sorry.

11 A. For the first attempt in 1981, yes. He was a  
12 Palestinian --

13 Q. Was he given --

14 A. -- terrorist.

15 Q. Was he given a 10-year sentence, do you remember?

16 A. No. He was given life sentence, but was pardoned by

17 president Mitterand as a gesture of good will towards the  
18 Islamic Republic of Iran.

19 Q. This is something we will go into a little later. But were  
20 there a lot of financial arrangements between French and Iran?

21 A. Yes.

22 Q. Dr. Clawson will testify specifically, but are you familiar  
23 that Iran has huge oil reserves and supplies much of the oil to  
24 Europe?

25 A. Yes.

0029

1 Q. Okay. Are you familiar with what is sweet oil?

2 A. No.

3 Q. Low sulfur oil? Okay.

4 A. Too technical.

5 Q. At the time when Naccash was pardoned and allowed to go  
6 free, was there a lot of uproar in the Iranian community about  
7 releasing this man?

8 A. Yes. They were outraged.

9 Q. Was Iran pushing very hard, according to what you read in  
10 the press reports, for his release?

11 A. Oh, yes. I mean, from the beginning the Iranian government  
12 never stopped pushing for the release of these terrorists. I  
13 mean, it was a major subject of discussion when the foreign  
14 minister of the Islamic Republic was coming to France for  
15 negotiations.

16 Q. Now, in late 1990 Dr. Elahi was murdered in Paris. Do you  
17 recall that?

18 A. Yes.

19 Q. Where were you at the time?

20 A. In France.

21 Q. Did you have discussions with your father about increased  
22 security for him in light of the murder of another major  
23 dissident?

24 A. No. Actually, and that was a huge mistake on the part of  
25 all of us.

0030

1 Q. And how long after Dr. Elahi was murdered was your father  
2 assassinated?

3 A. Dr. Elahi was murdered in October '90. My father in  
4 April '91.

5 Q. And I won't go through the details of the murder; you've  
6 asked me not to do that.

7 But what did you feel? What did you experience?

8 The Judge has to judge what France Rafii went through  
9 at the assassination of your father. You having come through  
10 almost the identical thing some months before. Perhaps that

11 would assist the court. What did you go through?  
12 A. You know, it's an experience that changes your life  
13 forever.

14 Q. If it's too difficult, we will move on.

15 A. (Witness crying) Sorry.

16 Q. We will move on if it's too difficult.

17 A. I'm sorry. (Witness crying.)

18 THE COURT: You can have some water.

19 THE WITNESS: Sorry to make you wait.

20 THE COURT: That's all right. Take your time.

21 BY MR. HIRSCHKOP:

22 Q. Let me move on from that.

23 Would you look at Exhibit 108, please? Can you tell  
24 the court what Exhibit 108 is?

25 A. This is a research I have done on the extraterritorial --  
0031

1 oh, no. This is my -- this is my testimony before the human  
2 rights, the House of Representatives human rights caucus as a  
3 victim of the Islamic Republic's terrorist action.

4 Q. Does this recount your basic feelings at the time of what  
5 occurred?

6 A. Yes. But I have to overcome my emotions and say that what  
7 ~~changes in the victim's life is the sense of guilt that you~~  
8 ~~have with you until justice is done.~~

9 Q. Now, several months after your father was assassinated,  
10 four months exactly, was Dr. Bakhtiar assassinated?

11 A. Yes.

12 Q. Again, you don't need to go into the details of the  
13 assassination. Did you know Guy Bakhtiar?

14 A. Yes.

15 Q. And who was Guy?

16 A. Guy was Dr. Bakhtiar's son and also he was a French  
17 policeman who was charged -- in charge of his father's  
18 security.

19 Q. And is Guy the one who discovered his father's body and the  
20 body of his assistant, both of whom were murdered?

21 A. Yes.

22 Q. Did you go to the trial of the murderers that was held in  
23 1995?

24 A. Yes. I testified.

25 Q. That was a three-month trial in Paris?

0032

1 A. I don't remember if it took three months. Three months.

2 Q. Did you see Mrs. Rafii and her brothers attended that whole  
3 trial?

4 A. Yes.



5 Q. At that trial how did the prosecutor describe the  
6 circumstances of this murder?

7 A. He was horrified by the butchery, that's how he qualified  
8 them, the murder.

9 I mean, the Islamic Republic's intent to terrorize its  
10 opposition so they make it very ugly to -- not only as a way  
11 of, you know, destroying the dignity of the victim, but also  
12 terrorizing every other people who might, you know, want to  
13 oppose them.

14 Q. When they showed the photographs and the details of the  
15 assassination scene, did they specifically not show them to  
16 you? And you avoided looking at those things at the French  
17 trial. Did you review the specifics?

18 A. No. I always kept -- I mean, I didn't attend that session.

19 Q. Did you have occasion to meet with the Judge Brugiere?

20 A. Yes.

21 Q. Did the French court determine there that Iran and MOIS  
22 were responsible for the murder of Dr. Bakhtiar?

23 A. Definite.

24 Q. Did you do your own research into that assassination,  
25 various articles and review the French documents from the  
0033

1 court?

2 A. Yes. I went through Judge Brugiere's investigation report  
3 and also through the Iran newspapers at the time.

4 But the case of Dr. Bakhtiar was obvious because,  
5 first of all, they had already tried to kill him so he had a  
6 sort of death penalty hanging over him.

7 And by the time -- by the late 1980s and early 1990s \*  
8 the Islamic Republic changed its discourse on the  
9 extraterritorial executions and instead of claiming  
10 responsibility for it, they had a new way of saying, This is  
11 not us. This is fight among the opposition groups.

12 But if you would carefully read their newspapers you  
13 would see -- for instance, in the case of my father, the way  
14 they announced the news in the official newspapers of Iran,  
15 they qualified him of corrupter on earth. And in the penal law  
16 of the Islamic Republic a corrupter on earth is someone who  
17 should be killed by any Muslim.

18 So although they didn't openly claim the  
19 responsibility for my father's or Dr. Bakhtiar's assassination,  
20 they managed through an indirect way to signify to the Iranian  
21 people that they had done it.

22 Q. What is a Fatwa?

23 A. It's a religious judgment.

24 Q. And are there Fatwas, for instance, on Salomen Rushdi?

25 A. Yes.

0034

1 Q. Is that really an edict, the death by the Iranian clerics?

2 A. Yes.

3 Q. Is that really a direction that Iranians anywhere, or  
4 Islamic people anywhere, can legally perform this act of  
5 murder?

6 A. Yes.

7 Q. Is the announcement of someone being a corrupter on earth a  
8 key word for the fact that a Fatwa has been issued against  
9 them?

10 A. Yes.

11 Q. To the best of your information, based on your reading of  
12 Farsi newspapers -- or newspapers in Farsi language, was there  
13 a Fatwa both for your father and Dr. Bakhtiar?

14 A. Yes.

15 Q. During the course of the French proceedings, the trial of  
16 the murderers of Dr. Bakhtiar, was there a man named Mr. Sendi  
17 who gave testimony?

18 A. Mr. Hendi.

19 Q. Hendi, I'm sorry.

20 A. He was one of the accused.

21 Q. Did he turn state's evidence and admit a lot of what  
22 happened?

23 A. Yes. Actually, since he was working for the Iranian  
24 government own television, he was the person who had submitted  
25 an application form for French visa for two of the killers.

0035

1 Q. Did he admit that the French government -- that the Iranian  
2 government was behind the murder?

3 A. He admitted that he was called in by the vice -- the deputy  
4 minister of telecommunication Husseini Sheikh Attar.

5 Q. Try and spell that.

6 A. S-h-e-i-k-h for Sheikh. And A-t-t-a-r. He was the deputy  
7 minister of telecommunication. He had asked Hendi to fill the  
8 application form for the French visa.

9 Q. Was any of the defendants in the French trial related to  
10 any of the rulers of Iran?

11 A. Hendi is the nephew of Khomeini. And we suspect Sarhadi  
12 Zadeh --

13 Q. You'll have to spell that.

14 A. S-a-r-h-a-d-i for Sarhadi. And then Z-a-d-e-h for Zadeh.

15 We suspect him to be related to Rafsenjani because the  
16 Iranian government was very keen on getting him out.

17 Q. And who was Rafsenjani at that time?

18 A. At the time of the murder, Rafsenjani was the president.

19 Q. Now I would ask you about Dr. Brugiere. What role did  
20 Dr. Brugiere play in the Paris courts as far as you know?

21 A. ~~Judge Brugiere is magistrate~~ who is in charge of the  
22 investigation. But in the French judiciary system the  
23 magistrate is a neutral position, the investigator, and he has  
24 to find evidence either for or against the accused.

25 Q. Does Judge Brugiere in his role take depositions and  
0036

1 testimony from both the accused and numerous other witnesses?

2 A. Yes.

3 Q. And did Judge Brugiere issue a report finding that the  
4 ~~Iranian government was responsible?~~

5 A. Yes.

6 Q. And Judge Brugiere, was he the judge who made those same  
7 findings with both Dr. Elahi, your father, and Dr. Bakhtiar?

8 A. Yes.

9 Q. I asked you about Fatwa and Salomen Rushdi. Is that still  
10 extant? Is it still out there?

11 A. I think officially, yes, but you know, this regime is doing  
12 everything against also the religious creed of Iran. Because  
13 according to the religious rules, a Fatwa dies with the Islamic  
14 judicious council who issued it. The Fatwa does not survive  
15 the judicious council.

16 But the Iranian government kept the Fatwa alive for a  
17 while as a bargaining tool with the west. And then when they  
18 were reading the position of weakness they promised their  
19 western counterparts that they wouldn't go forward the  
20 execution of the Fatwa. That is why Salomen Rushdi feels a  
21 little more secure.

22 And allow me to say one point. Because many people  
23 think that with a Fatwa by these kind of religious leaders the  
24 whole of the Iranian nation would go after Rushdi and kill him.  
25 That is not the case.

0037

1 I mean, this regime is so hated that, except for  
2 people who are their agents and are -- they are paid for them,  
3 no one would go after Rushdi to kill him.

4 Q. Have they put a \$2 million bounty on his head or anyone who  
5 kills him?

6 A. Yes, a religious foundation did so.

7 Q. Is that a religious foundation that's closely aligned with  
8 the ruling clerics?

9 A. Oh, yes.

10 THE COURT: I'm sorry. What is the name of the  
11 religious foundation?

12 THE WITNESS: I don't remember the name of the

13 religious foundation. It was a religious foundation headed by  
14 one of the political figure of the Islamic Republic.

15 MR. HIRSCHKOP: We will go into specifics of that with  
16 Dr. Clawson, Your Honor.

17 THE COURT: All right.

18 BY MR. HIRSCHKOP:

19 Q. Now, I had asked you about a pattern of assassinations all  
20 across Europe. Did these assassinations also occur in Japan?

21 A. Yes. One of the translators of Salomen Rushdi's book was  
22 killed in Japan almost a month or few weeks after my father was  
23 killed.

24 Q. Were there other murders in Norway and Italy relating to  
25 the same thing?

0038

1 A. Yes.

2 Q. And did the Iranian government in power since Khomeini took  
3 over just kill political dissidents or other people who were  
4 dissidents?

5 A. You know, the political activists, artists, writers,  
6 whoever, you know, did not agree with the way of ruling the  
7 country, you know, became prominent in a way or another, they  
8 would kill him.

9 Q. Was this also being carried out inside of Tehran, not just  
10 extraterritorial?

11 A. Yes. The pattern of eliminating opponents without  
12 arresting them and executing them officially is also valid  
13 within Iran.

14 And I think at one time it became ideologically  
15 difficult for the regime to arrest people and execute them as  
16 they used to do it during the '80s, so -- and because also  
17 opponents were extremely peaceful.

18 And it was just because they were thinking otherwise,  
19 it would be difficult for the regime that wanted to have more  
20 normal relation with the west to go on arresting and executing  
21 people only for their opinions, so they started to kill them,  
22 you know, like terrorists.

*motivation for more do  
specific EJK instead  
of mass executions.*

23 They would go into their office and just stab them to  
24 death or, as you know in '98, five people, dissidents were  
25 killed.

0039

1 Three of them were writers, two of them were peace --  
2 a couple, a man and a woman who were peaceful dissidents, they  
3 went -- they went to their houses and they killed them.

4 Q. The man and woman who were killed, is it common when they  
5 have killings like that, that people are sexually mutilated?

6 Do you recall the circumstances of that murder?

7 A. The name of the woman was Mrs. Forouhar, F-o-r-o-u-h-a-r,  
8 and she was a long-term prodemocracy activist. She was active  
9 since the 1950s.

10 And the way they mutilated him was -- you know, they  
11 want to insult you. What they aim at, not only the life of a  
12 dissident, but also its dignity. So they had committed  
13 barbarian acts against her body.

14 Q. Has this shown up in a number of the assassinations  
15 extraterritorial around the world?

16 A. They don't have the same, you know, facilities outside the  
17 country, so they usually have to do it quickly. And so  
18 whenever they can, they commit these kind of insulting way of  
19 killing.

20 Q. Without getting into the details, ~~was that a serious~~  
21 ~~mutilation done in Dr. Bakhtiar's assassination?~~

22 A. Yes.

23 Q. Now, I asked about a number of countries. Have they, in  
24 fact, had assassinations here in the United States?

25 A. Yes, they have killed one person to my knowledge.

0040

1 Q. Tabatabai.

2 A. Mr. Tabatabai, yes.

3 MR. HIRSCHKOP: And, Your Honor, the case on the  
4 murder of Dr. Tabatabai is pending right here in this court,  
5 also awaiting trial. I'm sorry, the terrorists under the same  
6 antiterrorist act case is pending in court, not the case of the  
7 murder.

8 BY MR. HIRSCHKOP:

9 Q. Now, where was Mr. Tabatabai assassinated?

10 A. In Washington.

11 Q. In the Maryland suburbs?

12 A. In the Maryland suburbs.

13 Q. What role had Mr. Tabatabai played in the Iranian  
14 government prior to the revolution?

15 A. He was a diplomat in Washington, DC.

16 Q. And after Komeini took over, what did he do?

17 A. He was very active in informing the Washington people about  
18 what was going on inside Iran and in denouncing the human  
19 rights violation within the country.

20 Q. And are you familiar with how his murder was effected here  
21 in the United States, how it was carried out?

22 A. Yes. You know, they recruited an Islamic ~~American~~  
23 ~~Islamic militant who was tied to the Egyptian kind of fascist~~  
24 ~~Islamic organization.~~

25 Q. Was that David Bellfield?

0041

1 A. Yes.

2 Q. And has he adopted the name Salahuddin?

3 A. Yes.

4 Q. After Mr. Salahuddin executed, shot Mr. Tabatabai at his  
5 home, did he escape to Iran?

6 A. Yes, he did.

7 Q. Have they taken him in -- and he stills lives in Iran?

8 A. Yes.

9 Q. Is he protected by the Iranian government?

10 A. Yes.

11 Q. Did Mr. Salahuddin give an interview on 20/20 where he  
12 admitted the execution and that he did it at the request of the  
13 Iranians?

14 A. Yes.

15 Q. And did he also admit he personally met with Komeini who  
16 congratulated him on the murder? x

17 A. Yes.

18 Q. Have there been Iranian-sponsored acts of terrorism in  
19 South America, a Jewish seminary down there?

20 A. In Argentina.

21 Q. In the last two years, has the Iranian government admitted  
22 that MOIS was responsible for a number of what they call rogue  
23 assassinations?

24 A. Yes. You know, the case of the killing of the dissidents  
25 within Iran was the occasion of a popular anger against the  
0042

1 regime, and it was amazing that for the funeral of the  
2 Forouhars whom we talked about, 100,000 people attended the  
3 funerals.

4 So the regime was scared and they had to step back,  
5 and for the first time they said there will be an investigation  
6 on the case of these assassination. And the findings indicted  
7 the information ministry -- agents of the information ministry  
8 were involved in the assassination of the dissidents.

9 Of course, then they organized a sort of show trials,  
10 and after that the leaders of the Islamic Republic pardoned the  
11 murderers. In a way, the government again took responsibility  
12 for the killing of these people.

13 Q. Was Mr. Fallahian in charge of MOIS during that period of  
14 time?

15 A. In 1998, not any more, which proves that it's not a matter  
16 of one minister. This is a structural way that regime  
17 functions and survive through the liquidation and elimination  
18 of dissident.

19 Q. Was any action taken against Mr. Fallahian for the actions  
20 of MOIS under him?

21 A. Within Iran?

22 Q. Yes.

23 A. No. He was even allowed to run for the -- as a candidate  
24 for the presidential elections in 2000.

25 Q. Would you look at Exhibit 109, please.

0043

1 A. Number what?

2 Q. 109.

3 A. This is my testimony or the Persian.

4 Q. Well, 109 is the Persian document. It's in Farsi, I  
5 assume?

6 A. Yes. This is an example of what we do every year for the  
7 anniversary of our father's assassination.

8 We have always -- it takes that remember his fight for  
9 human rights and democracy, and then -- I'm sorry. We  
10 commemorate all the people who have been liquidated by the  
11 regime.

12 Q. Do you include Dr. Bakhtiar in that group?

13 A. Yes, sure, and many other. But you can do that.

14 Because if we wanted to do it, we should name hundreds  
15 of thousands of people who have been executed since '79. So we  
16 take only a few names symbolically.

17 Q. What do you do with that document?

18 A. We publish it in a newspaper in London.

19 Q. Look at 110, please. This is in French, and I must admit  
20 I'm neither conversant in Farsi or French. What is this  
21 document?

22 A. That is an article I published in the newspaper LeMonde few  
23 weeks after my father's assassination in which I denounced this  
24 pattern of killings of the opponents.

25 And I also warned the French government that doing

0044

1 nothing, saying nothing, is helping the killers, and  
2 unfortunately that was the French government's policy at the  
3 time. And Dr. Bakhtiar, you know, he was killed a few weeks  
4 after the publication of this article.

5 Q. Now, looking at Exhibit 110, please. ~~111~~, I'm sorry. Also  
6 in French. Can you tell the court what that is?

7 A. Yeah. That is an article in LeMonde of the French  
8 investigator, journalist, Daniel Schneidermann, who also did  
9 some research on the killings, the pattern of the killings of  
10 dissidents around the world.

11 And he had a little interview with my family -- me and  
12 my family about my father's -- and he had also talked to the  
13 police, the investigation group at the criminal police of  
14 Paris, and they had told him that they definitely thought that

*} we have this*

15 my father's murder was ordered by the Islamic Republic of Iran.  
16 Q. Can you tell the court, who is Mr. Timmerman? Kenneth  
17 Timmerman.

18 A. Mr. Timmerman is a journalist who also heads a foundation  
19 for democracy in Iran and has done a lot of research on Iranian  
20 terrorism.

21 MR. HIRSCHKOP: If Your Honor please, we have  
22 submitted as Exhibit 118 and 119 Mr. Timmerman's background and  
23 the testimony of Mr. Timmerman in the Elahi case, who also, he  
24 testifies quite clearly about the pattern of an assassination  
25 and the relationship of the Iranian government to that, and the  
0045

*get this from Elahi case*

1 need for punitive damage to discourage those sort of things.

2 We also submitted Exhibits 25, 27, 29, 32, 46, and 47  
3 which are documents that Mr. Timmerman's organization have put  
4 out about the pattern of assassinations.

5 He refers to them by separate numbers, and I'll just  
6 have my staff give a thing that corresponds to the numbers in  
7 his deposition -- or in his sworn testimony before Judge Green  
8 that give the exhibit numbers there so you can make the  
9 correlation.

10 I'm not going to go through those with Ms. Boroumand,  
11 I could, but I have a number of other articles to go through  
12 with her, but they also substantiate and he used them to  
13 substantiate his investigation, his testimony and his  
14 conclusions that the Iranian government MOIS were directly  
15 responsible.

16 Mr. Timmerman is in the south of France writing a book  
17 right now. I was not able to get him back here for the trial,  
18 Your Honor.

19 BY MR. HIRSCHKOP:

20 Q. If you would look at the other book, please.

21 THE COURT: We should be taking a court reporter break  
22 at some point. I don't know whether you want to do it after  
23 this or you want to take it now and then move into the next.

24 MR. HIRSCHKOP: Now is probably a good time. I'm  
25 going to go through a series of articles with her.

0046

1 THE COURT: Why don't we take a short break at this  
2 point and not interrupt that. Say 25 of.

3 MR. HIRSCHKOP: That's fine, Your Honor.

4 THE COURT: I'll talk to the -- I usually take a later  
5 lunch, from 1:00 to 2:00, and do a longer morning, I think it  
6 works.

7 MR. HIRSCHKOP: For planning purposes, what is your  
8 end of the day time?



9 THE COURT: 5:00.

10 MR. HIRSCHKOP: Thank you, Your Honor.

11 THE COURT: Because I know you're anxious to get this  
12 completed and, if we can, within the day. I can certainly  
13 accommodate you for that. I don't have anything else but this.

14 MR. HIRSCHKOP: Thank you, Your Honor.

15 THE COURT: We will take a short break at this point.

16 (Recess from 10:28 a.m. until 10:48 a.m.)

17 THE COURT: Hopefully you've had a chance to talk to  
18 my court reporter. I gave a little extra time. I think he's  
19 indicated to you that it's a little easier if we hear the  
20 spellings along the way, although he can double-check  
21 afterwards. It makes it more difficult for him to do sort of  
22 a -- have the transcript as close to real time as possible for,  
23 at least for me.

24 MR. HIRSCHKOP: And I apologize, Your Honor. Part of  
25 the difficulty is my inability to pronounce some of these  
0047

1 things. I'm just not conversant in Farsi, and it's -- although  
2 I've tried one of these cases, I've read a lot of documents,  
3 I'm not very good at linguistics.

4 THE COURT: No problem. And it sounds as if your  
5 witness is in a position to spell a number of these names, so  
6 if we could just do that, it probably would be easier.

7 MR. HIRSCHKOP: We are actually taking them down and  
8 checking against an index we have in a major book that  
9 Dr. Ganji just published where we have a lot of these spellings  
10 in the more English-accepted version.

11 THE COURT: All right. It still is easier for the  
12 court reporter, though, if the names are repeated, to be able  
13 to have at least -- instead of trying to do it phonetically --  
14 to have the names inserted; otherwise, it's a lot of work  
15 later, even though I think what he will do is probably  
16 double-check it and make sure we're accurate for the final  
17 transcript.

18 MR. HIRSCHKOP: Yes, Your Honor.

19 THE COURT: Go ahead.

20 BY MR. HIRSCHKOP:

21 Q. Ms. Boroumand, would you look at document number 14?

22 A. Yes.

23 Q. This is a study done by Amnesty International on the  
24 domestic assassinations generally in Iran. Have you seen this  
25 study?

0048

1 A. Yes.

2 Q. And if you look also at Exhibit Number 18, please. This is

3 another study done by Iran. The first one was 1987, this one  
4 is 1992. But it goes to extraterritorial assassinations. If  
5 you look specifically at page 9 of that exhibit.

6 THE COURT: Of which of the exhibits?

7 MR. HIRSCHKOP: I'm sorry. 18, Your Honor.

8 THE COURT: Okay.

9 MR. HIRSCHKOP: Page 9.

10 Q. And there's a paragraph number 7, alleged extrajudicial  
11 execution. Do you see that?

12 A. Yes.

13 Q. And they say here: (Reading) The most recent victims in a  
14 series of such killings of opposition activists abroad were  
15 Dr. Abdolrahman Boroumand.

16 MR. HIRSCHKOP: Since it's in a written document,  
17 shall I spell it, Your Honor?

18 THE COURT: I can give it to the court reporter at  
19 that point.

20 BY MR. HIRSCHKOP:

21 Q. -- (Reading) in April 1991, and Shapour Bakhtiar and his  
22 personal secretary in Suresnes, France, in August 1991.

23 Was the conclusion by Amnesty International that Iran  
24 was responsible for these killings consistent with the  
25 conclusion with every other group that looked at this?

0049

1 A. Yes.

2 Q. Have you had occasion to consult with Amnesty International  
3 about these extrajudicial killings?

4 A. Actually, we are in constant communication with Amnesty  
5 people, and we have been providing them with information  
6 wherever we have information or they help us with their  
7 information when they do have.

8 MR. HIRSCHKOP: For the court's edification, Exhibit  
9 22 is another such report a year later of Amnesty  
10 International.

11 Q. Now, if you would look at Exhibit Number 23, please. Do *we have this.*  
12 you have that, ma'am, that Time magazine article?

13 A. Yes.

14 Q. Time magazine has a rather large office in Paris, does it  
15 not?

16 A. They do.

17 Q. And do you recall Mr. Timmerman was a Time magazine  
18 reporter who covered the Bakhtiar trial?

19 A. I didn't know him at the time.

20 Q. Now, if you look at page 55 of that -- I'm sorry, if you  
21 look at 52. They go through the Bakhtiar murders. Do you see  
22 that?

23 A. Yes.

24 Q. Who is the picture of the man on that page?

25 A. This is a man who was part of the -- our organization.

0050

1 Then he was recruited as an informant, dormant informant, by  
2 the Islamic Republic of Iran, and he was the man who introduced  
3 the killers into Dr. Bakhtiar's house.

4 Q. Look at page 55, please. Do you recognize the picture of  
5 Dr. Ganji there?

6 A. Which page?

7 Q. Page 55.

8 A. Yes, right.

9 Q. Now, do you see where it says The Men Behind the Veil on  
10 the left upper part of the article?

11 A. Yes.

12 Q. It reads there: (Reading) The official believed to be most  
13 directly responsible for assassination squads is intelligence  
14 minister Fallahian, 45, a black-bearded mullah who was born  
15 into a religious family and educated in the holy city of --

16 A. Qum.

17 Q. Qum, Q-u-m. This statement by, as published in Time  
18 magazine, was this consistent with your investigation?

19 A. Yes.

20 Q. And was it consistent with what was published  
21 internationally about Mr. Fallahian's role?

22 A. Beg your pardon?

23 Q. Was it consistent with what was published internationally  
24 about Fallahian's role?

25 A. Yes.

0051

1 Q. It says in the next paragraph: (Reading) Head of  
2 intelligence since 1988, Fallahian is believed to play a key  
3 role in organizing covert operations abroad.

4 Do you see that?

5 A. Yes.

6 Q. And then a little way -- three lines down: (Reading) Two  
7 dozen foreign-based opposition figures have been assassinated  
8 since he took over the ministry. In an August 1992 interview  
9 on Iranian TV, Fallahian openly boasted of his organization's  
10 success in stalking Tehran's opponents. Quote, we track them  
11 abroad, too, he said. Last year, bracket 1991, the year of  
12 Bakhtiar's assassination, bracket, we succeeded in striking  
13 fundamental blows to their top members, end quote.

14 Were you familiar that Mr. Fallahian had made  
15 statements like that publicly?

16 A. Yes. I mean, this, when it was broadcast we knew about it,

17 so this is a correct quote.

18 MR. HIRSCHKOP: Your Honor, the next document, number  
19 24, is another Amnesty International report.

20 Q. And I'd ask you to look at that if you would,

21 Ms. Boroumand, and look at page number 13 in Exhibit 24.

22 A. Page 13?

23 Q. Yes. Do you see at the bottom the last paragraph in 13

24 above the footnote, it says, This agreement came only days. Do

25 you see that paragraph?

0052

1 A. Yes.

2 Q. And it quotes again Mr. Fallahian.

3 (Reading) We have been able to deal blows to many of  
4 the mini-groups outside the country and on the borders. As you  
5 know, one of the active mini-groups is the Kurdistan Democratic  
6 Party, which operates through two organs, the main group and  
7 the auxiliary branch in Kurdistan.

8 What was the Kurdistan Democratic Party?

9 A. It was the same organization we mentioned previously in  
10 this session that was headed by Dr. Ghasemlou first, who was  
11 killed in Vienna, and then by Dr. Sharafkandi who was killed in  
12 Germany. This is the democratic --

13 Q. The next document, ~~Exhibit Number 30~~. Do you see that,  
14 ma'am?

15 A. Do you have the article?

16 Q. If you look at the first page of the article, which is page  
17 number 79 in the ~~Time magazine~~, it says in the right-hand  
18 column, the first full paragraph, (Reading) Mykonos fits a  
19 pattern of Tehran-backed political violence that, according to  
20 the State Department and the CIA, has left more than 1,000 dead  
21 and 200 terrorist strikes since Islamic fundamentalists toppled  
22 the Shah in 1979. In addition to nearly 80 assassinations of  
23 Iranian dissidents abroad -- et cetera.

24 Was that consistent with your research that you found?

25 A. I don't know if I understand them well.

0053

1 If they mean by the pattern of Tehran-backed political  
2 violence abroad, I guess -- not inside, because inside it would  
3 be, the number would be much higher -- but abroad, indeed it  
4 might -- 1,000 --

5 Q. Okay. If you would look at page 82, please. Do you see it  
6 says The Tentacles of Terror? The second paragraph.

7 (Reading) The key groups involved in planning and  
8 executing terrorist attacks are the Revolutionary Guards.

9 What are the Revolutionary Guards?

10 A. This is the paramilitary group organized just after the

11 revolution sort of to -- for -- it's a more ideological, the  
12 military organ than ordinary army. Since the regime did not  
13 trust the army, they organized a paramilitary organization.  
14 Q. Picking up. (Reading) Headed by Moshen Reza'i, and the  
15 intelligence ministry, headed by Sheikh Ali Fallahian. Targets  
16 may be proposed by Fallahian's ministry, whose agents are  
17 planted in embassies around the world, or by a special  
18 intelligence section attached to the office of president Ali  
19 Akbar Hashemi Rafsenjani. Proposed --

20 THE COURT: You're going way too fast.

21 Q. (Reading) Proposed operations are then submitted to a  
22 National Supreme Security Council for approval.

23 Was that your understanding from your research of how  
24 the pattern of assassinations were essentially carried out?

25 A. Yes. Our research shows that this is a decision -- the  
0054

1 decision to eliminate people is a decision that is taken by the  
2 highest authorities of the Islamic regime, and it is not only  
3 the president and the Ministry of Information, but also the  
4 leadership of the regime is involved.

5 And, you know, the organs they are naming actually  
6 constitute the body of the Islamic Republic state.

7 Q. Looking on that same page at the lower right-hand corner  
8 the last paragraph, (Reading) According to the indictment. Do  
9 you see that?

10 Are you familiar with the indictment is actually the  
11 report of Judge Brugiere that goes to the Court of Assizes to  
12 be prosecuted criminally?

13 A. Beg your pardon?

14 Q. How the indictment works, it's not the same as we have here  
15 in the United States.

16 A. Yes.

17 Q. It says here, (Reading) According to the indictment, the  
18 instructions to kill the ex-minister had been handed down  
19 direct in Fallahian, the ex-minister being Dr. Ganji, who  
20 reportedly told Mashady during a November 1989 meeting in  
21 Tehran that, quote, Ganji had been condemned to death by an  
22 Islamic court and Rafsenjani had personally ordered the  
23 execution.

24 Was that your understanding of what the testimony was  
25 in Dr. Elahi's murderers' trial?

0055

1 A. Yes.

2 Q. Well, then in the upper corner of page 83, (Reading) After  
3 a lengthy investigation by Judge Jean-Louis Brugiere, Mashady  
4 and Yazdenseta were convicted on September 26 of conspiracy to

5 commit terrorist acts.

6 Were you in Paris when that murder trial went on?

7 A. No.

8 Q. Where were you?

9 A. I was in the States.

10 Q. If you would next look at Exhibit Number 31.

11 MR. HIRSCHKOP: Your Honor, I'll just submit that  
12 exhibit. It's highlighted as to what is essential on that.

13 Thirty-two, Your Honor, we've submitted as a  
14 publication by Mr. Timmerman. He published the Iran brief  
15 which is referred to in his testimony.

16 BY MR. HIRSCHKOP:

17 Q. Number 33, ma'am, is from Newsweek. This, ma'am, goes to  
18 the bombing of the Marine barracks, and it says there in the  
19 second paragraph -- do you see where it says Newsweek has  
20 learned in that second paragraph, ma'am?

21 A. Yes.

22 Q. In that second sentence, the third line down, (Reading) The  
23 ambassador told Haidar to get weapons from Yasir Arafat's Fatah  
24 group to, quote, undertake an extraordinary operation against  
25 the Marines, end quote, in Beirut. A CIA source says U.S.

0056

1 military officials had the intercept in hand a month before the  
2 bombing, but failed to prevent it.

3 Later on in the next paragraph in the middle, the  
4 second line down, (Reading) But an official with access to  
5 materials says, quote, We have hard evidence on the Iranian  
6 government's role. CIA sources say terrorists received money  
7 and passports from Iran and the Iranian agents were casing  
8 American facilities in 1985.

9 From your research, has it become apparent that  
10 Iranian terrorist act included the bombing of the U.S. Marine  
11 barracks?

12 A. Oh, yes. And, you know, the then head of the Revolutionary  
13 Guards, Rafiq Doost, claimed, and it was I think in 1986, that  
14 he -- he openly claimed responsibility for the bombing of the  
15 American Marines and the French military in Lebanon.

16 He said, We provided the TNT that sent the American  
17 Marines and the French soldiers to hell. He literally said it.  
18 And it was published in a Persian newspaper. I have this  
19 quote.

20 Q. Dr. Clawson will testify more fully. But is it your  
21 understanding, also, that Iran gives this basic financial  
22 support to Hamas, Hezbollah and Jihad?

23 A. Yes.

24 MR. HIRSCHKOP: Your Honor, I don't know if it's

25 necessary to request it, but just for the record, because you  
0057

1 take cognizance of your own findings in the Higgins' case of  
2 the role of Iran in at least supporting Hezbollah.

3 Q. Let's go on to the next document, number 34. The first  
4 paragraph, (Reading) More than two years after the election of  
5 a new Iranian president raised hopes of a thaw between  
6 Washington and Tehran.

7 Was there hopes of such a thaw in the Iranian  
8 community?

9 A. Actually; for the ordinary people in the Iranian community,  
10 yes; for the experts, no.

11 Because if you read the writings of the quote/unquote  
12 reformist president of Iran, in a very elusive manner he -- he  
13 supports the international terrorism. He says that we should  
14 benefit from the anger of the people around the world to  
15 further our political aim. He says this in his book.

16 Q. Now, this article is in December of 1999 by Washington Post  
17 staff writer and it goes on to say, (Reading) the Clinton  
18 administration has reluctantly concluded that Iran is  
19 increasing the flow of arms and money to terrorist groups in an  
20 effort to thwart the U.S.-sponsored Middle East peace process.

21 Was that what your research showed also?

22 A. Yes.

23 Q. And so after almost 20 years of extraterritorial  
24 assassinations of all the political leadership Iran was  
25 increasing the amount of money spent in extraterritorial

0058

1 terrorism?

2 A. Yes.

3 Q. Look at document number 39, please.

4 MR. HIRSCHKOP: The ones I'm skipping I'll take up  
5 with Dr. Clawson, Your Honor.

6 THE COURT: All right.

7 MR. HIRSCHKOP: Actually, I'll just submit 39, Your  
8 Honor. It speaks for itself and what we've highlighted.

9 Q. Look at document number 41, please.

10 Have you testified before the United States Congress  
11 or committees of the United States Congress regarding Iranian  
12 terrorism?

13 A. Yes, just the human rights caucus.

14 Q. This document here reports on members of Congress calling  
15 for a change in Iran policy. If you look at the first and  
16 second paragraph.

17 (Reading) A majority of members of the House of  
18 Representatives and more than 20 senators on Wednesday called

13 the Flag of Freedom organization. Do you recognize that?

14 A. Yes.

15 Q. Could you identify any of the people in these pictures?

16 A. Some of them.

17 Q. Who?

18 A. Well, my father, Dr. Bakhtiar.

19 Q. Where are they located so the court can give a face to  
20 these names? Well, if I may --

21 A. My father is on the -- when I look at the picture -- on the  
22 right column, which he has eyeglasses. He wears eyeglasses.

23 Actually, I can't find -- I find Dr. Bakhtiar's

24 secretary who was killed along with him.

25 Q. Well, there are faces cut off in others to the picture.

0061

1 A. Kurdish leaders.

2 Q. Fold it down --

3 A. Oh, yes.

4 Q. -- and look in the lower left-hand corner. Is that

5 Dr. Bakhtiar?

6 A. Yes.

7 Q. I'll get to the rest with Dr. Ganji.

8 A. The last person is Dr. Bakhtiar. Two picture up is his  
9 secretary. Then Dr. Ghasemlou, the Kurdish leader, is on the

10 top of the picture, the fourth one from the left. He wears a

11 Kurdish hat.

12 Q. Thank you. Would you look at Exhibit Number 48, please?

13 Can you identify for the court what document that is, what that  
14 is?

15 A. This is the report I have prepared on the extraterritorial  
16 execution committed by the Islamic Republic of Iran.

17 Q. Let me just ask you with regard to some of them. Number 1  
18 speaks for itself.

19 Number 2 you spoke about the assassination of Ali

20 Tabatabai.

21 Number 11, who was General Oveissi?

22 A. General Oveissi was a high-ranking military officer of the  
23 imperial army and he was also -- after the revolution, he

24 became an active militant against the regime, a monarchist

25 militant, and he was killed along with his -- one of his

0062

1\* brothers by the Islamic Republic of Iran in Paris.

2 Q. All the people that you have in this study, are these all  
3 dissidents killed abroad --

4 A. Yes.

5 Q. -- by the Iranian government?

6 Look at number 20. Who was Mr. Mansouri?

} report by Ladan  
Boroumand re:  
assassination -  
do not have this.



7 A. Actually, I don't remember exactly. Is he a --

8 Q. Okay. Dr. Ganji can fill in that blank.

9 And who was Ahmadi in number 25?

10 A. Ahmadi also was an officer of the army who was, I think,  
11 working with Mr. Ganji.

12 Q. And 32, Mr. Radjavi, is he the same man you spoke of  
13 earlier?

14 A. Yes. He was the brother of the head of the Iranian  
15 opposition, mujaheddin.

16 Q. And look at number 42. Do you see -- is that the same  
17 brother who survived who they tried to kill later on?

18 A. Yes.

19 Q. Look at number 47, so the court can be clear. Is that the  
20 assassination of the leadership in the Mykonos Restaurant?

21 A. Yes.

22 Q. Look at number 49. Tell the court the court who  
23 Mr. Ghorbani was.

24 A. Yes. Mr. Ghorbani, G-h-o-r-b-a-n-i, was a close  
25 collaborator to Mr. Ganji and he was kidnapped by the Islamic

0063

1 Republic's agents and tortured and killed.

2 Q. Look at number 81. Raza Mazlouman. It's spelled

3 M-a-z-l-o-u-m-a-n here. Who is he?

4 A. He's a dissident who was a professor of university in Iran,  
5 and he wrote a lot against the Islamic regime's ideological  
6 tenets.

7 Q. If I can ask you to look at the other book, please. If you  
8 look at document 51, please.

9 MR. HIRSCHKOP: Your Honor, actually, we will submit  
10 that. The highlighting shows that the French court associated  
11 the killing of Dr. Bakhtiar with the official Iranian  
12 government, and also goes into the Radjavi one.

13 BY MR. HIRSCHKOP:

14 Q. Look at 72, please.

15 A. Yes.

16 Q. Now, 72 through 74 all go to the attempted assassination of  
17 Dr. Bakhtiar. And this is the one concerning which you  
18 testified previously; right?

19 A. Yes.

20 Q. I'm going to ask Mrs. Rafii about those. I won't go  
21 through them with you.

22 Let me ask you -- we're done with the documents.

23 You knew Dr. Bakhtiar most of your life until his  
24 assassination; is that correct?

25 A. Yes.

0064

1 Q. What kind of man was he?

2 A. Dr. Bakhtiar was a person who was involved with the fight  
3 for democracy in his country from right after the Second World  
4 War, and it is for me very important to talk about because his  
5 killing had a tremendous political meaning.

6 The man was literally tied to a prodemocracy movement  
7 in Iran that started in the middle of 19th Century, and he  
8 never failed his ideals. He was --

9 Now as a historian I'm working on his political  
10 career, and since he was a very humble person. He never  
11 boasted. I'm discovering a lot of information about this  
12 person that I never heard while he was alive.

13 And I think when a regime like the Islamic Republic  
14 kills people like this, not only when they kill any of the  
15 dissidents, they want to show the dissidents and the other  
16 Iranian who may dare oppose them that they are nonentities.

17 When they come to the west they kill us and they go  
18 away with impunity. They signify to us that we are  
19 nonentities.

20 And that is why it's so important, justice become such  
21 an important matter, not for the sake of justice, but also for  
22 the sake of democracy.

23 Bakhtiar was a person who ideologically was faithful  
24 to human being. He really believed in the dignity of human  
25 being and, you know, all his life was dedicated to that.

0065

1 He was a highly-educated person in a time that we  
2 didn't have so many people. He came back to Iran as a Ph.D.  
3 law and philosophy Ph.D. and went right to the labor movement  
4 in Iran and tried to organize the newly-born labor movement and  
5 independent trade unions, independent from the British  
6 domination, independent from the corrupt court, independent  
7 from the very active Soviet trade unions. And of course he did  
8 this on -- you know, he was just alone.

9 And the day they -- the British and the court together  
10 wanted to get rid of him where he was working in the  
11 southern -- southern region of Iran, the oil region, 6,000  
12 laborer of the oil industry went into the strike.

13 And this information we didn't know because both the  
14 communist tendency of the opposition and the court at the time  
15 wanted to silence this. So you find this man going on fighting  
16 for the democratic rights of the labor -- you know, the working  
17 class.

18 And then he was the one who conceived of the  
19 legislation of social security in Iran. He was close to the  
20 prime minister, Dr. Mossadeq, whom we talked about. And he

21 really believed in the parliamentary regime and the rights of,  
22 you know, every citizen to participate in the making of its  
23 destiny.

24 Q. Can I ask you just a few things, to interrupt you if I may,  
25 please.

0066

1 When he was in France, was he in France during the  
2 German occupation of Paris?

3 A. Yes. And, you know, he had -- this is very important to  
4 understand, this man.

5 He was in Germany in one of these huge Nazi  
6 demonstration. And then he -- when he was in France after the  
7 occupation he volunteered and participated in the resistance  
8 against Nazi occupants.

9 His Ph.D. was on the separation of the church and  
10 state and the root, philosophical root of the distinction, this  
11 separation. It was -- for me, it was very moving to see a  
12 lawyer or a political figure had gone through such depth in  
13 trying to understand politics per se.

14 And then when he came to Iran -- well, during -- after  
15 the fall of -- government he spent a lot of time in prison. I  
16 think France will testify all the difficulty they went through.

17 But the important thing is that at the time his cousin  
18 was the queen and his -- another cousin of his was the head of  
19 the information system. So he had all the possibility to get  
20 to the highest offices in the country, and he refused this for  
21 the sake of a cell in prison. And he was just saying, "I  
22 believe in the human dignity."

23 And in the time of the revolution, he could -- because  
24 he was in the opposition all his life, he could enjoy a quiet  
25 life, either outside of Iran or inside of Iran.

0067

1 He put all his, this capital of prestige and  
2 political, you know, respect that he had among his fellow  
3 citizen on the balance only to stop a fascist movement to take  
4 over the country.

5 And he stayed like this alone, facing millions of  
6 people in the street thinking of the Nazi demonstration and  
7 saying that is not the sovereignty of the people, because the  
8 sovereignty of the people goes to votes, elections, freedom of  
9 association, freedom of the press, and he literally risked his  
10 life for this. Then he --

11 Q. I'm sorry. Go ahead.

12 A. Maybe I'm too quick.

13 And then when he came to Paris, yet again he could  
14 have enjoyed a very comfortable life living with his children.

15 He enjoyed literature. He enjoyed philosophy. He loved art  
16 and poetry.

17 So he could do all of this in France, hanging around,  
18 strolling in Paris, which is such a pleasant thing. He became  
19 a prisoner in his own house again because he believed in human  
20 dignity.

21 So when such a figure, who I believe in the future  
22 will have a role, postmortem role, in the advent of democracy  
23 in Iran, when such a figure is killed by the Islamic Republic,  
24 it has a lot of meaning.

25 It is not only to scare us out, it is also -- the  
0068

1 regime wants to tell the Iranian people that you see this man  
2 was a pro western man. He loved western democracy. He loved  
3 western values. By the way, these are universal value and are  
4 not western values. We can kill him.

5 Under the nose of the French police nothing happens,  
6 nothing happens to our relations. These regimes, western  
7 regimes that you love so much, are not democracies, these are  
8 just money-oriented people. They want contracts. We give them  
9 contracts and we get you guys. So keep quiet and content  
10 yourself with our tyranny.

11 Q. And do you believe for those reasons this court should  
12 award substantial punitive damage?

13 A. I think justice is the cornerstone of a democratic states.  
14 Since we cannot have justice from the diplomatic quarters,  
15 there is only to us justice left, the judiciary.

16 I think if the court respond to this horrible  
17 assassination by, you know, by recognizing the suffering of the  
18 American citizen, but not only American citizen, a human being,  
19 the courts would restore the human dignity that was denied by  
20 the regime to, not only to Dr. Bakhtiar, but to the family.

21 And this restoration of human dignity would be a very  
22 strong statement, as strong for the Iranian public opinion as  
23 was the killing of Dr. Bakhtiar for the same Iranian public  
24 opinion.

25 Q. Ms. Boroumand, have you stayed in touch with France  
0069

1 Bakhtiar here in the United States?

2 A. Yes, we don't see each other very often, but we are in  
3 touch.

4 Q. Can you tell the court what she has gone through in the  
5 loss of her father?

6 A. Well, she will tell you it's very difficult as you saw when  
7 the display of grief is not easy.

8 But what I want to tell you is that when you go

9 through such an experience, and unfortunately these so common,  
10 that you are ashamed of talking about it, it's -- that these  
11 feeling of guilt and responsibility and the shame of living  
12 accompanies you all through your life up until there is  
13 justice.

14 And if there -- if society somewhere, a bunch of human  
15 being come to you and recognize that you have been denied your  
16 rights, that help -- it's a tremendous help, psychological and  
17 emotional help.

18 So I think our very being here, the fact that this  
19 court exists, and such a court has been denied to hundreds of  
20 thousands of Iranians, it per se is symbolic victory for  
21 democracy and for human rights.

22 And, of course, if -- you know, if the judgment also  
23 restoring the dignity of such a man. I mean, I think  
24 Dr. Bakhtiar would be -- would have -- will act as a myth in  
25 the future of prodemocracy movement. I believe deeply in this.

0070

1 MR. HIRSCHKOP: Thank you. Nothing further.

2 THE COURT: All right. You can go ahead and sit down.

3 MR. HIRSCHKOP: Does Your Honor have any questions of  
4 the witness?

5 THE COURT: No, I don't think so.

6 MR. HIRSCHKOP: I would call Dr. Ganji to the stand,  
7 Your Honor.

8 THE COURT: If you would step up over here, please.

9 THE DEPUTY CLERK: Raise your right hand, please.

10 MANOUCHEHR GANJI, Plaintiff's witness, SWORN.

11 THE DEPUTY CLERK: You may be seated.

12 DIRECT EXAMINATION

13 BY MR. HIRSCHKOP:

14 Q. Good morning, Dr. Ganji.

15 A. Good morning to you.

16 Q. State your full name, please.

17 A. Manouchehr Ganji.

18 Q. Can you spell it, please?

19 A. M-a-n-o-u-c-h-e-h-r G-a-n-j-i.

20 Q. Dr. Ganji, do you reside in this metropolitan area?

21 A. Yes, I do.

22 MR. HIRSCHKOP: If Your Honor please, Dr. Ganji  
23 remains under extreme security problems. I'm not eliciting  
24 specific addresses.

25 THE COURT: All right. That's fine.

0071

1 BY MR. HIRSCHKOP:

2 Q. Dr. Ganji, I have a series of books there. Would you look

3 at the book that has Exhibit 112 in it, please?

4 MR. HIRSCHKOP: May I approach the witness, Your  
5 Honor?

6 THE COURT: Yes.

7 Q. Would you identify that, sir?

8 A. Yes, I do.

9 Q. What is that? Is that your resume Dr. Ganji?

10 A. Yes, it is.

11 Q. I don't want to go through this whole thing with you. Just  
12 generally tell us, Dr. Ganji, what is your education?

13 A. Well, I finished up to 11th grade in Iran. I finished my  
14 high school in the United States. I've been to University of  
15 Kentucky. I did a PA and MA in political science,  
16 international relations.

17 Q. Dr. Ganji, I apologize for interrupting you. You speak  
18 even more quickly than I do and the court reporter will have  
19 problems, so if you would just try and concentrate on just  
20 speaking slowly.

21 Thank you, sir. Go ahead. You have your MA from  
22 Kentucky?

23 A. Yes. And then I went to Geneva. I did my doctorate at the  
24 Graduate Institute of International Studies in Geneva. Then I  
25 went to University of Cambridge. I did a post doctorate degree  
0072

1 at Cambridge University.

2 Then I started working. I taught in the United States  
3 for six months, Patterson School of Diplomacy in Kentucky.  
4 Then I joined the United Nations human rights division in New  
5 York for three years and a half.

6 And then I went back to Iran. I was associate  
7 professor of international law and international organizations.  
8 Then I became a dean of the faculty of law on political science  
9 at Tehran University.

10 And in the meanwhile I did several reports for the  
11 United Nations on human rights. I did the first report on  
12 apartheid and racial discrimination in southern Africa, start  
13 with south Africa, southwest Africa at the time.

14 In southern Rhodesia I did a report on condition of  
15 economic, social, and cultural rights in countries, members of  
16 the United Nations, for which I traveled to over 60 countries.

17 Then I became advisor to the prime minister at the  
18 time under --

19 THE COURT: You need to spell the name.

20 THE WITNESS: Amir Abbas Hoveida. A-m-i-r A-b-b-a-s  
21 H-o-v-e-i-d-a. He was executed shortly after the revolution.

22 And then I became Minister of Education for two years

ار  
دستورالعمل

23 and for a year Minister of Education in higher education, and  
24 then I went into hiding.

25 Q. If I may cut you off there.

0073

1 When you were Minister of Education, was that under  
2 the Shah in the Shah's regime?

3 A. Yes.

4 Q. And as Minister of Education did you know Mr. Elahi?

5 A. I did. Mr. Elahi was my assistant at the Ministry of  
6 Education.

7 Q. Did you and Mr. Elahi effect any changes in Iran through  
8 the Ministry of Education?

9 A. We did as much as we could for the short period. We  
10 doubled the salaries of the teachers.

11 We found out that the textbooks had been meddled with  
12 by the clerics like right-hand man of Khomeini called Behashti  
13 Rajaii Bahonar. They had infiltrated the Ministry of  
14 Education, changed all the social sciences textbooks.

15 We did quite a lot. We constructed. We increased in  
16 two years and a half the school buildings in Iran by  
17 one-fourth.

18 Q. Did you create a university for teacher training in Iran?

19 A. Yes. We created the biggest university for teacher  
20 training. It was supposed to take in for the first year  
21 50,000.

22 Q. Did you take on effecting a change in the role of women in  
23 education in Iran?

24 A. As much as I could. I went -- before me, they had created  
25 some Islamic schools, so-called Islamic schools, although the

0074

1 girl -- the teachers and the student body and even janitors  
2 were woman in these schools. The girls have to enter the  
3 school wrapped up from head to toe.

4 I issued a decree that when they entered the school  
5 they cannot be wrapped up like that. And made it quite a lot  
6 of emancipation --

7 Q. Did you increase the --

8 THE COURT: Don't step on each other's lines.

9 MR. HIRSCHKOP: I'm sorry. I thought he finished.

10 Q. Had you finished, Doctor?

11 A. Yes, I had.

12 We did quite a lot of improvement as regards  
13 emancipation of woman in education.

14 Over 60 percent of our teachers in the elementary  
15 schools were woman. Before the revolution nearly 50 percent of  
16 students in villages were girls. We had about 37 percent of

17 students at universities were girls.

18 Lots of improvement was being made, with the help of  
19 the Iranian families because the families were already for it.

20 Q. Did you increase the role of women employed or working in  
21 the education field in your own department?

22 A. Oh, yes. Most of our teachers, as I said, were woman. And  
23 I would say of this teaching body of over 200,000, 140,  
24 150,000 -- 120, 130,000 were woman.

25 Q. In 1979 did it become clear that the Shah would likely be  
0075

1 leaving Iran?

2 A. Yes.

3 Q. And did you and Dr. Elahi terminate what you were doing  
4 then when the Shah was leaving Iran?

5 A. No. Although I was no longer Minister of Education, I  
6 resigned three months before the revolution in order the  
7 disagreement with the prime minister at the time not to --  
8 Mr. Sharif Emami. Out of disagreement with him I resigned, but  
9 Elahi and I and many others who were trying to save the  
10 country, and I knew the revolutionaries from my days with the  
11 United Nations.

12 I had met many of them coming to the United Nations  
13 human rights division, and I knew that they were working hand  
14 in glove with the clerics, and I definitely knew what was going  
15 to be the outcome, so I was defining the law right before it  
16 started. Even when the Shah left the country we were trying to  
17 do whatever we could with the help of some army officers. We  
18 were hoping that they would stop it, but unfortunately didn't  
19 happen.

20 Q. And when there was the revolution when they seized the air  
21 bases, was this during the time Dr. Bakhtiar was prime  
22 minister?

23 A. Yes. It is during the last days of Dr. Bakhtiar that they  
24 took over.

25 Q. When the Bakhtiar administration was overthrown, he went  
0076

1 into hiding, what did you do?

2 A. I was in hiding as well.

3 Q. Why were you in hiding?

4 A. Because I knew they would execute me because I had changed  
5 the textbooks, which they had changed, and unfortunately it  
6 was -- they were being taught at schools for over three or four  
7 years and the regime didn't know anything about it, and I had  
8 opened the hands of Mr. Behashti and Mr. Rajaii --

9 Q. Perhaps if we just avoid some of these names, I don't  
10 think --



11 A. Oh, because it was very clear that they would have executed  
12 me. There was no question about it. They were looking for me.

13 Q. In fact, was there a list of 200 people published in the  
14 mosques?

15 A. Yes. There was a list of 200 people put in where all the  
16 mosques in Tehran, I don't know, maybe other places. My name  
17 and my wife's name were probably second or third, and they had  
18 asked the people to find our houses and burn our houses.

19 I sent my children -- my wife and children out of Iran  
20 immediately after I saw that, but I, myself, I stayed behind.

21 Q. Where did your wife and children go?

22 A. My brother is a heart surgeon in this country. He came to  
23 the States in '53, so my wife and children went to Spokane,  
24 Washington, where he was residing.

25 Q. How long did you hide out in Iran?

0077

1 A. I was hiding for nearly six months.

2 Q. And during that whole time was your life forfeited if  
3 caught in Iran?

4 A. Yes, they were. My wife and children were out and they  
5 didn't know about my whereabouts.

6 Q. Was there actually a written Fatwa issued for your  
7 execution?

8 A. At that time I didn't know anything better. I became aware  
9 of the Fatwa when I was in Europe.

10 Q. We're going to point it out to the court in a minute.

11 A. Yes.

12 But, of course, the list of 200, as soon as that  
13 appeared, it was clear that they were going to kill me for  
14 sure.

15 Q. Was Dr. Elahi's name on the list of 200?

16 A. Yes, he was.

17 Q. How did you get out of Iran?

18 A. With the help of teachers and Elahi and another friend.

19 They took me to the frontier between Iran and Turkey,  
20 and some villager -- a teacher in one of the towns near  
21 frontier helped me. And in the village next to the frontier a  
22 villager helped me, then I was on my own. I had to cross the  
23 frontier up to the mountains and down to Turkey.

24 Q. Who was General Badrai?

25 A. General Badrai had been previously head of the imperial

0078

1 guards, but at the time of revolution he was commander of the  
2 ground forces.

3 I had known him, and I was in touch with him and I was  
4 asking him to make a coup, and he was preparing himself, but

5 unfortunately the very first revolution he was assassinated.

6 Q. Have you published a book in French, Etre Persan?

7 A. Yes, I have.

8 Q. What does that mean?

9 A. Etre Persan means how is it to be a Persian these days.

10 Because people, they are looking at all Iranians as terrorists  
11 as this regime came into being.

12 Q. Was that book a best seller in France?

13 A. It was a best seller in France, yes.

14 Q. What are your purposes in writing such a book?

15 A. I just wanted to inform the Europeans that, mostly the

16 French-speaking people, about realities of life in Iran and who  
17 the Iranians are, because we are not like those terrorists.

18 And it was hurting me to realize that people are looking at you  
19 and questioning your human -- love for humanity and whether  
20 you're a terrorist or not.

21 Q. Did you come back from Texas last night so you could  
22 testify here at this trial?

23 A. Yes, I came late last night. I was in Texas attending the  
24 World Affairs Council and University of Southern Methodist  
25 University, and I'm going back and going to San Francisco and  
0079

1 Los Angeles, addressing the University of California and other  
2 places.

3 Q. Sir, have you also been on a book tour to advertise or help  
4 promote a new book that you've written?

5 A. Yes, I have.

6 Q. And I have the book here, Defying the Iranian Revolution  
7 From Minister of Shah to the Leader of the Resistance.

8 What was your purpose in writing this book?

9 A. Well, the purpose of the other book, as I told you, was  
10 French speaking. And I had wrote another one. I have written  
11 21 books altogether. These are my last three ones.

12 And I wrote one in Persian which came out two years  
13 ago, 650 pages, and this one, my purpose was to inform the  
14 English-speaking people about what has been happening in Iran  
15 and the difference between Iranians and the regime.

16 Q. How many children do you have?

17 A. Two.

18 Q. Where were they born?

19 A. Both in the United States. My daughter was born in  
20 Lexington, Kentucky while I was teaching there. My son was  
21 born in New York while I was working for the United Nations.

22 Q. After you left Iran after the revolution, where did you go?

23 A. I went to Spokane. Oh, after the revolution. Immediately  
24 to Turkey. From Turkey, I flew -- fortunately, I had a

25 passport in which I had an American visa still valid. I went  
0080

1 to Seattle, and from Seattle to Spokane.

2 Q. What did you do there?

3 A. For a few months, they have claimed -- the clerics have  
4 claimed that I have taken \$37 million from Iran.

5 THE COURT: You need to slow down.

6 A. My two children and myself, we took around -- we were  
7 distributing newspapers, books and review to 300 houses. And  
8 then I got a job with Gonzaga University. Gonzaga University.

9 Then from there, I received an offer to help an  
10 educational foundation in Dallas, Texas, so we moved to Dallas.  
11 Unfortunately, the benefactor of the foundation was in jewelry  
12 business, an Indian. He went bankrupt. So I started the  
13 bakery.

14 Q. If I may interrupt you. What was the name of the  
15 foundation for which you worked?

16 A. SECURE: Socioeconomic and Cultural Rehabilitation  
17 Foundation.

18 Q. What was the purpose of that foundation?

19 A. The benefactor was an Indian, Ismaliite. Ismaliite is a  
20 sect of Muslim religion. There is a big community of  
21 Ismaliites in Texas.

22 Q. Can you spell that?

23 A. I-s-m-a-l-i-i-t-e. So, his purpose was to assist the poor  
24 Ismaliites to get good education, and also he wanted to  
25 construct some marvelous school in Bombay. So, I was offered  
0081

1 the task, the job, through a friend of mine, Prince Sadreddin  
2 Agha Khan. He was the high commissioner for refugees of the  
3 United Nations. He recommended me to the benefactor of the  
4 foundation.

5 Q. Dr. Ganji, while you were in Texas, did you do numerous  
6 radio and TV interviews with regard to what was happening in  
7 the revolution?

8 A. Yes. I started as soon as I got to the United States in  
9 Spokane at the university and then I was moving around the  
10 country. I went to Brandeis University. I went to Bridgeport  
11 University. I went to Southern Florida University. I went to  
12 South Carolina University before going to Dallas. I was  
13 talking about conditions in Iran.

14 So in Dallas as well I was interviewed by radio,  
15 television, newspapers. I appeared even on Good Morning  
16 America.

17 Q. Was Dr. Elahi teaching at the University of Michigan at  
18 that time?

19 A. Yes, he was.

20 Q. And in 1985 did you speak with a son of the Shah about  
21 joining the National Liberation Front in Paris?

22 A. Yes. Before I do that, I want to say, I invited Elahi to  
23 join me at the SECURE foundation in Dallas. So Elahi left his  
24 job at Michigan University with his wife. They moved to  
25 Dallas, and he was deputy head of the foundation.

0082

1 Now back to your question.

2 Q. Did you go to Paris in 1985 to join the National Liberation  
3 Front?

4 A. Yes. Elahi, myself, Badrai that you referred to and  
5 others, at the time of the revolution -- before the revolution  
6 we created the Flag of Freedom organization with the purpose of  
7 preventing the revolution from happening, and then when we came  
8 out with continuing our contacts with inside the country.

9 So when I had the opportunity to go to Paris and have  
10 access to a radio station beamed to Iran, I invited Elahi to  
11 join me in 1985, and we both started our activities in Paris.

12 Q. And did the Flag of Freedom organization start its own  
13 offices in 1986 in Paris?

14 A. Yes. When we first went to Paris there was a former prime  
15 minister of Iran called Dr. Ali Amimi. He was the head of the  
16 Front for Liberation of Iran, and I was director general.

17 But soon we separated our -- he stayed with his  
18 flag -- with his Front for Liberation of Iran, and Elahi and I  
19 we went our a way with Flag of Freedom organization.

20 Q. Now what sort of things did the Flag of Freedom  
21 organization do?

22 A. Well, at the time -- we are talking in the '80s -- the task  
23 of the organization like that was to have cells inside the  
24 country. On a horizontal organization chart was a horizontal  
25 organization cells of 225, not connected to each other, and

0083

1 gathering information, conveying information from outside  
2 through the radio, public disobedience, strikes,  
3 demonstrations, conveying proper information -- informing the  
4 people about facts and trying to bring a change. So it has  
5 been a peaceful movement of civil disobedience.

6 Q. And during that time when you were running the Flag of  
7 Freedom organization were you under any kind of protection in  
8 Paris?

9 A. I was still running the Flag of Freedom organization.

10 Yes. In France, no, I wasn't until Dr. Bakhtiar was  
11 assassinated. And French government had not given me any  
12 protection.

13 A year and a half, two years before Dr. Bakhtiar's  
14 assassination I learned that definitely they were after me, so  
15 I had hired private firm to protect me. But as soon as  
16 Dr. Bakhtiar was assassinated the French gave me more or less  
17 the same kind of protection, more or less, that they had  
18 provided Dr. Bakhtiar.

19 Q. Did you understand whether or not there was a Fatwa against  
20 you at that time?

21 A. I learned about the Fatwa in 19 -- right after  
22 Dr. Bakhtiar's assassination. But before I knew -- because if  
23 you look at my French book and the English book you will see  
24 all this there -- that about 10 days before Dr. Bakhtiar's  
25 assassination our cells from Iran informed me that terrorists

0084

1 had moved to France and their aim was Dr. Bakhtiar, Bani-Sadr,  
2 the Prince Reza Pahlavi, son of the former Shah, and my -- or  
3 myself. So we were the four people on the list.

4 I telephoned every one of the people. I telephoned  
5 Bani-Sadr. I told him that I had good information that they  
6 were after him. I telephoned the son of the Shah who was in  
7 south of France, I informed him. And I telephoned  
8 Dr. Bakhtiar's office. I talked with Katibeh. He told me  
9 Dr. Bakhtiar was at the meeting.

10 Q. Spell Katibeh.

11 A. K-a-t-i-b-e-h.

12 Q. All right. We will get to that if I may move on.

13 Look at Exhibit Number 113, please. It's the next one  
14 after your resume. Now, if you look at the third page. Is  
15 that the Fatwa against you in Farsi that you were ultimately  
16 able to secure?

17 A. Yes, exactly. That was the Fatwa in Farsi that came to me  
18 from inside Iran.

19 Q. And looking then at the first page, is that a translation  
20 of the Farsi Fatwa that's on the third page?

21 A. Yes. That's the translation of the Farsi Fatwa.

22 Q. Now if you look at the bottom, the italicized part.

23 (Reading) This man is apostate and corrupt. He must be  
24 eliminated.

25 Was this the language that was used in Fatwa

0085

1 generally?

2 A. Yes. Ms. Boroumand just called your attention to it.

3 Q. It says further, (Reading) This main spring of corruption  
4 must be deracinated and as soon as possible, so this may serve  
5 as an example for others.

6 Was that standard language in a Fatwa?

فتوا مکتوبه

7 A. That was the language of the Fatwa which I received.  
8 Another Fatwa that I have seen every now and then, it's similar  
9 language is used.

10 Q. Now, in the matter where you testified before Judge Green,  
11 it came out that the date on this Fatwa is -- the first page is  
12 3/16/93. Why is that date so late, do you recall?

13 A. Why is it so late?

14 Q. Yes.

15 A. Well, that is the time that I got the Fatwa. The Fatwa  
16 that reached me gave that date.

17 This is right after Dr. Boroumand's assassination,  
18 right before Dr. Bakhtiar's assassination, right after Elahi's  
19 assassination, that I received it and that's the date that it  
20 has.

21 There was a Fatwa, as Ms. Boroumand called your  
22 attention to it, the list that I gave you, the 200 list and  
23 mosques that they had put up, that was a Fatwa in itself. But  
24 this one is a Fatwa that, again, as Ms. Boroumand told you.

25 In the final analysis, Mr. Rafsenjani, Mr. Khomeini,  
0086

1 at that time the supreme leader, Mr. Fallahian, and  
2 Mr. Velayati, Minister of Foreign Affairs, they all  
3 participated -- oh, the person in charge of judiciary, Yazedi,  
4 at that time.

5 Q. Spell his name.

6 A. Y-a-z-e-d-i.

7 Q. Okay --

8 A. Y-a-z-d-i.

9 MR. HIRSCHKOP: Your Honor, if you look at the second  
10 page, it has specifics about the role of Mr. Rafsenjani, the  
11 middle of the top paragraph, (Reading) The president of the  
12 Republic has been informed of this irrevocable decree, et  
13 cetera.

14 THE COURT: The other names that he went through,  
15 which we didn't receive any spelling for, those are names that  
16 you've gone over before, so we have them or do we need to have  
17 it?

18 MR. HIRSCHKOP: Yes, we have them.

19 BY MR. HIRSCHKOP:

20 Q. Would you look at **Exhibit 114** and see if you can identify  
21 that, sir?

22 A. I don't have the first page. I have the Persian takes and  
23 my 114 starts with.

24 Q. Do you recognize that article, sir?

25 A. Oh, you mean the article in magazine? Yes, this is an  
0087

1 article in the ~~Paris Match~~ I don't have the first page. Yes,  
2 this was an article written ~~by a Oliver Varin.~~

} do not have this.

3 Q. So, if I may, we will go away from the exhibits for a few  
4 minutes.

5 The person who preceded you as Minister of Education  
6 in Iran, was she executed?

7 A. Yes, she was.

8 Q. The person who came after you as Minister of Education, was  
9 he executed?

10 A. Yes, he was, within the first three months after revolution  
11 while I was in Iran and hiding.

12 Q. In the course of the assassinations abroad, did the Iranian  
13 government also assassinate writers who wrote about Iran, not  
14 just political figures?

15 A. Oh, yes.

16 Q. Can you give some information about them without -- try and  
17 avoid a lot of names that may not be pertinent to the court's  
18 findings. Were they major writers assassinated?

19 A. Yes, definitely. Elahi himself was a writer.

20 Mazlouman that Ms. Boroumand referred to, his first  
21 name Reza, he was my Deputy Minister of Education. He was  
22 professor of penal law at the faculty of law and he was a  
23 writer. He was assassinated. There are many people, a number  
24 of people like Mazlouman who were assassinated also.

25 Q. Where is Mr. Bani Sadr now living?

0088

1 A. In the outskirts of Paris.

2 Q. Has he made public the acts of torture that he saw while he  
3 was still in Iran under the Komeini regime?

4 A. Yes. In fact, that was the reason for breaking off with  
5 Komeini regime. He was president at the time.

6 And I saw a picture of him visiting the prisons and  
7 talked afterwards. He had talked about torture being carried  
8 out in all Iranian prisons to Bani Sadr and head of the  
9 mujaheddin, Mr. Rajavi who is now in Iraq, left together. They  
10 fled from Iran and they went to to Paris.

11 THE COURT: He needs a short break here. Until  
12 quarter after.

13 (Recess from 12:04 p.m. until 12:20 p.m.)

14 MR. HIRSCHKOP: Shall I proceed?

15 THE COURT: Yes. Go ahead.

16 BY MR. HIRSCHKOP:

17 Q. Dr. Ganji, is Bani Sadr, Mr. Bani Sadr basically a prisoner  
18 in his home in Paris?

19 A. In the outskirts of Paris.

20 Q. Is he able to go out at all based on the security?

21 A. From what I understand, no, he doesn't go out very much.  
22 I saw Bani Sadr just about a year and a half ago at  
23 the time of trial of Dr. Elahi and Dr. Mazlouman in Paris and  
24 he told me that he has a very difficult life as before.

25 Q. What was the security for you after the French started  
0089

1 giving you security, after the attempted assassination on  
2 Dr. Bakhtiar?

3 A. I had an armored car. I had six to eight guards constantly  
4 with me. Even now, when I go to France I have the guards and  
5 armored car provided by the Ministry of Interior of France.

6 And then they started teaching me various things  
7 about -- I was living on fourth floor apartment. They taught  
8 me how to jump out of the window with a rope in case there is  
9 an attack at the apartment.

10 I didn't have any security living with me like  
11 Dr. Bakhtiar had.

12 Q. Were you trained by the French police on survival  
13 techniques?

14 A. Yes. I was trained how to shoot. I was given a gun. And  
15 I was given training about surveillance and quite a lot of  
16 other things which is necessary to protect yourself.

17 Q. Were you also given training in the United States and  
18 Germany --

19 A. Yes, I was.

20 Q. -- on assault protection?

21 A. Yes, I was. In Berlin and also in the States.

22 Q. During the period before Dr. Bakhtiar's assassination, did  
23 you have occasion to visit with him?

24 A. Yes. From the very first day I went to Paris, the very  
25 first person I saw was Dr. Armenian. Immediately afterwards  
0090

1 Dr. Bakhtiar. I used to go and visit him every year on the New  
2 Year's Day. End of New Year's Day I had number of, many  
3 meetings with him unity, on what we were doing. I have always  
4 had the highest regards for Dr. Bakhtiar. I think he's one of  
5 the greatest men that...

6 Q. Now, what kind of protection did Dr. Bakhtiar have?

7 A. Well, I think the same as me. Right at the beginning he  
8 didn't have any protection. When there was an attempt at his  
9 life in 1980 or 1980 (sic) in -- and two policemen and another  
10 person were killed as a result, then the French provide  
11 protection for Dr. Bakhtiar.

12 Q. And what was that protection?

13 A. Well, there was a big truck full of policemen sitting  
14 outside his residence. The basement of his house had been



15 turned into a quarter for the guards who were protecting him.  
16 It's just amazing, with all that, that these guys  
17 would get in and killed him. It shows how ineffective and how  
18 incompetent the security was there; that for two days a man was  
19 killed and nobody was coming out of the house and the French  
20 police didn't do anything about what had happened.  
21 Q. Was his son Guy a friend officer assigned to his protection  
22 also?  
23 A. Yes. He was in charge of his security.  
24 Q. On the day of the murder, had Guy gone out of town after  
25 having lunch with his father?

0091

1 A. Yes. He wasn't available. He wasn't -- apparently he  
2 didn't -- he thought his father was sound and safe.  
3 They trusted this fellow who was an agent of Islamic  
4 Republic who had infiltrated the organization. They trusted  
5 him so much that they thought there is nothing going on, and  
6 then he trusted the security which was around his father's  
7 house.  
8 Q. I'll come back to Dr. Bakhtiar in a little bit.  
9 Were high officials of the Flag of Freedom  
10 assassinated over a period of time by the Iranians?  
11 A. Outside of Iran, several. Inside Iran, many. And in fact,  
12 at this time, many of them in prison.  
13 Q. Let me ask you about Mr. Bayahmadi. Who was he?  
14 A. He was a -- of armed forces and he was responsible for the  
15 contacts inside Iran with ourselves.  
16 Q. And how did he come to perish?  
17 A. We had many prisoners in prison in Iran. Amongst them 18  
18 of the leaders of branches in different cities, they were in  
19 prison. And we were doing everything to release them because  
20 you -- even today, you can buy many things in Iran. With money  
21 you can do anything. All these clerics, you can buy the tough  
22 one even with tough money.  
23 So we had bought the release of some of our prisoners  
24 previously, and we were trying to find out a way to buy the  
25 release of the others.

0092

1 At this time someone telephoned from inside Iran, one  
2 of our prisoners next to him, and that prisoner was -- his name  
3 will come to me.  
4 Q. Ansari.  
5 A. Yes.  
6 THE COURT: And the spelling is?  
7 MR. HIRSCHKOP: A-n-s-a.  
8 THE WITNESS: A-m-i-r, Amir-Ansari. Hamid Amir-

9 Ansari. His first name H-a-m-i-d. His last name is A-m-i-r  
10 hyphen A-n-s-a-r-i. Amir-Ansari.

11 He had been in prison with the 17 others that I  
12 related right now. So all of a sudden we got a call from  
13 Amir-Ansari, and Bayahmadi was flabbergasted to hear his voice.

14 He told Bayahmadi that we have a friend inside prison  
15 who is a very influential person. He can help us a lot. And  
16 he told Bayahmadi when he telephones you, carry on conversation  
17 with him and fix a time to see him.

18 So after a while this man telephone Bayahmadi from  
19 Tehran to Paris and fixed the time to come and see him.

20 Q. Now, if I may, Dr. Ganji. Did they try and get you to go  
21 to Dubyai?

22 A. Yes. They tried to get me and him to go to Dubyai.

23 THE COURT: Excuse me. Who is they?

24 THE WITNESS: The Islamic Republic agents. This man  
25 later on we found out that he's a top man in Evin prison. The  
0093

1 name we know is Kabiri. Haj Kabiri. We learned later on that  
2 he's a top official of the biggest prison in Tehran.

3 Q. What was --

4 A. I have talked with him on the phone at the prison. After  
5 my friend was assassinated I telephoned him and said, "I know  
6 it is you and one day we are going to make this public."

7 So I gave his picture and his particulars to a weekly  
8 in London, they published it in the back page. Keyhan.  
9 K-e-y-h-a-n. Keyhan newspaper had one page on him.

10 Q. We don't need all those names. But you did say the name of  
11 the prison. What was the -- spell the name of the prison.

12 A. Evin. E-v-i-n.

13 Q. And did he, Mr. Bayahmadi go to Dubyai, and was he  
14 executed?

15 A. Forgive me to say this.

16 Yes, he did. But first he went to Turkey, met with  
17 this man. This man convinced him that he's going to help us.  
18 He went back to Iran. He released all the 18. We telephoned  
19 the 18 and found out that they were at their homes.

20 Q. You have to slow down, please. Okay?

21 A. So, they had been released. So Bayahmadi told me, "This is  
22 for real."

23 So then the man said, "Now that I have done my job,  
24 you have to do yours, Dr. Ganji, and you and I, we should meet  
25 and plan about our future activities in Iran."

0094

1 I insisted on Bayahmadi to have security. At that  
2 time I had to go to Egypt for radio program. So, when I

3 returned to Paris Elahi was at the airport and Elahi said that  
4 Bayahmadi was killed yesterday morning in Dubyai in hotel room  
5 at 8 a.m.

6 Q. Did an investigation of the Bayahmadi murder disclose that  
7 the Iranian government was behind the murder?

8 A. Absolutely. Dubyai officials carried on the investigation  
9 and gave us the picture that we had seen before, the same  
10 person. They said he entered Dubyai the day before with  
11 someone else and left right after the assassination. So that's  
12 why you got the picture. Picture has been given to Interpol.

13 And now for over 10 years they are looking for the  
14 man, and that the man is sitting -- he was sitting in Evin  
15 prison up to 1994 that I know.

16 Q. Dr. Ganji, who is Dr. Gruman? G-r-u-m-a-n.

17 A. Dr. Gruman.

18 Q. Was there a Gruman involved with the Bakhtiar organization?

19 A. Buddlemen.

20 Q. No, Dr. Bakhtiar, Dr. Gruman. Do you recognize that name?

21 A. Gruman?

22 Q. Yes. Let's move on.

23 THE COURT: How do you spell -- or how are you  
24 spelling it?

25 MR. HIRSCHKOP: G-r-u-m-a-n.

0095

1 THE COURT: All right.

2 THE WITNESS: I haven't heard of the name.

3 BY MR. HIRSCHKOP:

4 Q. Now, the person who killed Dr. Bakhtiar, he was  
5 sentenced -- the person who attempted to kill Dr. Bakhtiar --  
6 I'm sorry -- in 1981, he was sentenced and went to prison.

7 Were you familiar with what happened when the French government  
8 released him and sent him back to Iran?

9 A. Definitely.

10 Q. And what occurred then?

11 A. There was a deal between France and Iran, and the Iranian  
12 government had some deposits in France and there was a deal on  
13 uranium, atomic center that they were trying to build in France  
14 in Iran. So investments Iran had made in France, Islamic  
15 Republic wanted to have the money back. They reached an  
16 agreement. It was called Eurodif. That's a French company.

17 So they made a deal in that regard which satisfied the  
18 French. And the French released the man who had killed two  
19 French policemen and injured another person. They took him  
20 from the -- from his prison cell to the airport and put him on  
21 flight to Tehran.

22 The French judge, who had ordered him not

23 imprisonment, committed suicide afterwards. His name is Judge  
24 Bullok. And I think --

25 Q. Spell his name if you could.

0096

1 A. B-u-l-l-o-k. Bullok. I had met with Judge Bullok on the  
2 Elahi case.

3 Q. Was he the initial judge on Elahi?

4 A. Yes, he was initial, and then later on Brugiere succeeded  
5 him.

6 Q. Now, did there come a time when you found out that two  
7 people from Iran were in France to assassinate you and -- yes?  
8 Just yes or no.

9 A. Yes.

10 Q. And are they the same two people involved in the  
11 assassination of Mr. Radjavi's brother?

12 A. Exactly.

13 Q. And what happened with those two people when they were  
14 detained by the French?

15 A. At the time the French police was on alert, and one morning  
16 they found these two guys wandering early in the morning in the  
17 streets. They questioned them for their identity and they  
18 found out that these are men that the Swiss authorities are  
19 looking for. So, they arrested them. And then they found out  
20 that they had come to Paris for acts of assassination, and I  
21 was involved.

22 They kept them in prison. The Swiss found out  
23 immediately that they had been arrested. They asked for  
24 extradition, and France and Switzerland had extradition treaty.

25 In fact, the French wanted someone in connection with  
0097

1 Dr. Bakhtiar's assassination to be extradited from Switzerland.  
2 His name is Sarhadi. The Swiss extradited Sarhadi, but at this  
3 time the Swiss asked the French to extradite these two persons.

4 The French didn't, and in place, after few days they  
5 put them on the Iranian airline system at the Ollie and sent  
6 them back to Tehran.

7 Q. And this was at the request of the Iranian regime?

8 A. Absolutely.

9 Q. Now, you mentioned there were a number of people in your  
10 organization that were killed by Iranian terrorists.

11 Was Mr. Gholizadeh one of those people?

12 A. Yes.

13 Q. What role did he play in the Flag of Freedom?

14 A. Well, he was responsible for our activities in Turkey. We  
15 had many people crossing the frontier coming to Turkey. We had  
16 an office in Van, city of Van, not far from Iranian frontier;

17 an office in Ankara, an office in Istanbul. He was responsible  
18 for the office in Istanbul.

19 Q. Was his tortured body displayed on television in Turkey  
20 after his assassination?

21 A. Yes.

22 He was kidnapped while he was walking with his wife  
23 one evening, and then we didn't know where he was. Later on,  
24 they found his tortured body after few months and it appeared  
25 on Turkish television. But since then we know nothing about  
0098

1 what has happened.

2 Q. Would you look at Exhibit Number 45. I've opened the page.

3 A. Yes, I have it.

4 Q. Sir, I won't go through all these names, but does this  
5 represent -- was this report done by the Flag of Freedom  
6 organization?

7 A. Yes.

8 Q. And does this represent 70 of the major leaders of the  
9 Iranian resistance outside of Iran?

10 A. Yes, until 1993.

11 Q. Outside of yourself, had they managed to assassinate every  
12 major leader of every major organization outside of Iran?

13 A. Practically.

14 Q. And this -- just so we can see -- in the lower left corner,  
15 is that Dr. Bakhtiar?

16 A. Yes.

17 Q. Is Dr. Boroumand on here?

18 A. Yes. On the right-hand side, the fourth from the top.

19 Q. What about Dr. Elahi?

20 A. Yes. Second row from the bottom, the third from the left.

21 Q. Did you know practically all these people?

22 A. Most of them.

23 Q. Was the pattern of assassinations of dissidents widely  
24 publicized throughout the world?

25 A. Not really, except for Time magazine and some French  
0099

1 newspapers and French media. Not really. Not as wide -- in  
2 the United States. Except for Time magazine, I haven't seen a  
3 reporting of the assassinations. In Great Britain I haven't  
4 seen except one or two cases.

5 Q. If I may ask you this. Who was Mr. Ghasemlou?

6 A. He's the third on the top from the left. He was the leader  
7 of the Kurdish Democratic Party of Iran. And he was -- they  
8 did exactly the same thing they did to Bayahmadi.

9 He was meeting with some people who came from Tehran  
10 in Vienna. After they assassinated him in the meeting, the

11 three of them -- and one was injured in the course of  
12 assassination and fight and the two of them escaped.

13 The one was arrested by the Austrian police. His  
14 hands bleeding. They took him to hospital, they bandaged him  
15 up, and they sent him back to Tehran.

16 Q. And Mr. Mazlouman, when was he killed?

17 A. He was assassinated in 1996. I knew Mazlouman would be  
18 assassinated, because Mazlouman's assassin had been trying to  
19 come and assassinate me for number of years.

20 This appears -- I have all the letters he had written  
21 to me in his own handwriting in my Persian book, which came out  
22 two years ago, called The Hidden Fire.

23 He had been writing to me from Germany and telling me  
24 that he's a supporter of our organization. His name is  
25 Jeyhouney.

0100

1 So, for three years he was writing to me, and I  
2 wouldn't let him come because I had suspected him. Finally, he  
3 went to Mazlouman in the hope of coming to me through  
4 Mazlouman.

5 Where I was leaving Paris in 19 -- end of '95, my wife  
6 had passed away in Dallas -- I told Mazlouman in company of a  
7 friend of his, who is living now in Paris, his name is Salimi.  
8 I said, "This man is going to killing you. Keep away from  
9 him."

10 Q. Dr. Ganji, was Mr. Mazlouman executed?

11 A. He was assassinated in Paris.

12 Q. And was it done by the Iranian --

13 A. Absolutely by the Iranian authorities. And there was a  
14 court hearing. I was a witness in Paris. My friend was  
15 present, and he received -- assassin received 17 years  
16 sentence.

17 Q. Now, who was Mr. Sharafkandi?

18 A. He is on the first row, the last on the left. Sharafkandi  
19 succeeded Ghasemlou as the head of the Iranian democratic  
20 Kurdish party.

21 And they were attending a socialist international  
22 gathering in Berlin, and one night they were having dinner in a  
23 Greek restaurant in Berlin called Mykonos, so some 10, 15 of  
24 them sitting at table.

25 Somebody enters the restaurant -- forgive me, Your

0101

1 Honor. I hate -- with his machine gun, he says, "You son of a  
2 whores," and goes over them. So he kills three and injures  
3 number of them and runs away.

4 He was arrested and tried in Berlin. The trial took

5 place over three years, and he's now in jail with several of  
6 his accomplices.

7 And the judgment was the French court named Iranian  
8 officialdom. In particular, Mr. Ali Fallahian, Minister of  
9 Intelligence operation. Mr. Mehee as the responsible person.  
10 Mr. Rafsenjani, Mr. Khomeini, the supreme leader, Rafsenjani  
11 the president, Mr. Valayati, foreign minister --

12 Q. If I may, Dr. Ganji --

13 A. And others.

14 Q. Did you testify in the Mykonos' matter?

15 A. Three times. I first went to down Kolasvahay (ph) --  
16 that's a city in Germany -- for a deposition of seven hours,  
17 and then I appeared before the court once for eight hours and  
18 one other time for five and a half hours.

19 Q. Did you see statements in the press and some were used in  
20 the Mykonos' matter by Mr. Fallahian boasting of his role in  
21 these killings?

22 A. Yes, I have. What Ms. Boroumand read to you is correct. I  
23 want to say one other thing.

24 After the judgment they changed Mr. Fallahian, but in  
25 reality Mr. Fallahian is the Minister of Intelligence of regime  
0102

1 today. He is the closest person to the supreme leader, and he  
2 is carrying out his mischiefs, the same as before.

3 Q. Now, are you familiar with an Akbar Omid-Mehr?

4 A. Yes, I have read the book.

5 This is a gentleman who was with the Ministry of  
6 Foreign Affairs of the Tehran regime. He was collaborating  
7 with them, and he had been to Pakistan and Afghanistan and he  
8 defected.

9 He has written a book? I'm trying to recollect the  
10 title of the book. I will tell you. And in the book he's  
11 telling the stories of how they go about killing people,  
12 assassinating. Oh, his book is called Report to the People.  
13 Report to the people.

14 Q. And in his book does he disclose how much is being spent by  
15 the Iranian government to foster terrorism in the world?

16 A. Yes. He's talking about 50, 60 million, but the figure is  
17 much more than that.

18 Q. And did he actually mention they spent 350 to \$400 million  
19 a year to exploit revolution or for terrorist activities?

20 A. Yes. Exploit revolution and terrorist activities.

21 Q. Have you had a chance to meet with people in the American  
22 Congress with regard to the terrorism in Iran?

23 A. Yes, many times.

24 Q. And have you testified before Congress about it?

25 A. Written several times.

0103

1 Q. Has there been lately threats to the Dutch, the Belgium  
2 government with regard to your investigation of Iranian  
3 terrorism?

4 A. Yes. In Belgium there is a case right now pending against  
5 Mr. Rafsenjani because Belgium system is allowing now people to  
6 bring cases against the heads of governments.

7 Q. Let me return to one other thing, please. Dr. Bakhtiar.

8 Describe to the court how they went about doing this  
9 murder and what they did to Dr. Bakhtiar.

10 A. Well, as Your Honor heard, they tried to assassinate  
11 Dr. Bakhtiar in 1980. They considered Bakhtiar as their main  
12 enemy because he exited to become the Shah's last prime  
13 minister to save the regime.

14 So they went after his assassination in '80 after he  
15 had come out of Iran, and all throughout that period they were  
16 planning to assassinate him.

17 At the time that they succeeded, a man called Sarhadi  
18 that Ms. Boroumand referred to -- S-a-r-h-a-d-i -- arranged for  
19 resource to be given to the assassins. Sarhadi is, or was his  
20 high official -- at the time he was advisor to the Minister of  
21 Telecommunication. He arranged the assassination.

22 The French lawyer -- French judge, Bugiere, found out  
23 because they found the place that terrorists had stayed in  
24 Istanbul, in Turkey, before they moved to Paris, and from there  
25 they controlled the telephone calls that they had been placing

0104

1 to Tehran, and they found out that all calls were going to  
2 Sarhadi's office in the Ministry of Telecommunication.

3 Q. If you would, Dr. Ganji, describe to the court what  
4 happened on the day of the assassination.

5 A. The day of the assassination, the assassins, with the help  
6 of one of member of Dr. Bakhtiar's organization, who was agent  
7 of the regime who had infiltrated the organization, pretended  
8 that they were coming from Iran and they had message from the  
9 combatants who were tied to Dr. Bakhtiar's organization and  
10 they were going to inform him about their activities.

11 So the man who was inside the organization arranged in  
12 such a way that these guys went through the security and went  
13 into Dr. Bakhtiar's house.

14 There, Dr. Bakhtiar's assistant opens the door to  
15 them. They go and sit with Dr. Bakhtiar to talk about matters  
16 that they had said they wanted to discuss, but shortly  
17 afterwards they take a knife out and cut his head and then kill  
18 his assistant as well. And then they cleaned themselves up.



19 They closed the door and they walk out. And their passports  
20 had been given to the police. They collect their passports in  
21 the basement.

22 The room that Bakhtiar lived in was above the basement  
23 where the police were stationed, so just there was a ceiling.  
24 So they moved down. They took their passports, which they had  
25 left there as identification papers, and they walked away.

0105

1 So they took the road. One of them went definitely to  
2 Iran immediately. That was the organizer. Another -- the  
3 other two tried to escape to Switzerland. And one of them was  
4 arrested in Switzerland and he was extradited to France.

5 And then the other one, Hendi, who was also one of the  
6 organizer, was in Paris, was arrested. But the manner that  
7 they killed Dr. Bakhtiar was the most savage that we have seen  
8 outside of the country.

9 Q. Was he stabbed at least 70 times?

10 A. Yes.

11 Q. And was he beheaded?

12 A. Yes.

13 Q. And was this shown, pictures of the murder scene shown on  
14 French television?

15 A. Not the details, but there was a big report, of course, on  
16 television.

17 You know, the president of France was going to go to  
18 Iran right before assassination, Mitterand. And it was -- so  
19 the French didn't know what to do. It took few days for them  
20 to decide for Mitterand not to go to Iran. So, the picture of  
21 the whole thing didn't appear in the press.

22 Very often I have seen the European government, since  
23 it comes from matter of terrorism, and oil and gas deeds and  
24 other financial deeds, they deal with their morality in the  
25 cloak room and then they enter the room.

0106

1 Q. Dr. Ganji, the brutal nature of this murder, was that  
2 common from the type of murders that you've seen by the  
3 Iranians? And do you have pictures of similar murders in your  
4 new book?

5 A. Yes, yes, quite common. Yes.

6 I have pictures of people whose heads have been cut  
7 off, in the book that you have right there, defying the Iranian  
8 revolution. Yes, right from the beginning.

9 Q. Is this form of butchery done for political purposes?

10 A. Political purposes. And they think it is going to make  
11 people scared. That's why they are doing it.

12 MR. HIRSCHKOP: Thank you. Nothing further, Your

13 Honor.

14 THE COURT: All right. You can step down, sir.

15 THE WITNESS: Thank you very much.

16 THE COURT: Your next witness.

17 MR. HIRSCHKOP: Did you want to take lunch now?

18 THE COURT: We can do that before we start the next --

19 MR. HIRSCHKOP: The next one has a French accent, so I  
20 thought we would give the court reporter a break.

21 THE COURT: Let me see you back at 10 to 2:00.

22 (Recess from 12:51 p.m. until 1:53 p.m.)

23 THE COURT: All right. We can proceed with your next  
24 witness.

25 MR. HIRSCHKOP: Dr. Boedels.

0107

1 THE DEPUTY CLERK: Raise your right hand, please.

2 JACQUES BOEDEL, Plaintiff's witness, SWORN.

3 THE DEPUTY CLERK: Please be seated.

4 DIRECT EXAMINATION

5 BY MR. HIRSCHKOP:

6 Q. Bon jour, Mr. Boedels.

7 A. Bon jour, Mr. Hirschkop.

8 Q. State your full name, please.

9 A. My name is Jacques Boedels.

10 Q. Spell your last name, please.

11 A. B-o-e-d-e-l-s.

12 Q. Where do you reside?

13 A. I live in Paris, France.

14 Q. Would you please state for the record what your educational  
15 background is?

16 A. Well, I have a law degree, a master degree at the Paris  
17 University, and have also a degree in political science at the  
18 Paris University.

19 Q. What is your profession in Paris?

20 A. I'm what you call in United States lawyer, but in France we  
21 call it avocat.

22 Q. A-v-o-c-a-t?

23 A. A-v-o-c-a-t.

24 Q. As an avocat, what do you do?

25 A. Well, the same as a lawyer, but myself, I'm more litigator

0108

1 than someone who writes contracts. My partners write  
2 contracts, but myself I'm litigator.

3 Q. Would you state for the record what you've done since you  
4 graduated law school, what employment you've had?

5 A. After law school I entered the diplomatic service in  
6 France. I served during three years in Nigeria as attache' and

7 then I entered the bar in 1972.

8 Q. Have you practiced law continuous since then?

9 A. Yes, I did.

10 Q. Explain how the court system works in France.

11 A. Which system? Civil system, criminal system?

12 Q. Criminal system for now.

13 A. Well, in France that is the main difference between the

14 Anglo-Saxon system.

15 In case of crime, the court appoints a Judge who is in  
16 charge of the investigation of the case. The Judge is between  
17 the different parties. And the different parties are the state  
18 attorney, the plaintiffs, and the accused.

19 And the Judge is in charge of collecting investigation  
20 pro and cons in favor or against the accused and send the file  
21 to the state attorney who will decide afterwards whether a  
22 prosecution -- the prosecution has to be sent to the tribunal  
23 or to the court or whether it's possible to dismiss the action.

24 Q. In France are trials conducted as here where there's a lot  
25 of evidence and live testimony before a judge?

0109

1 A. No. It's very rare.

2 In France we rely on the written testimonies which  
3 were given before the Judge in charge of investigation of the  
4 case or before police officer who are acting on behalf of the  
5 Judge with an interrogatory commission.

6 Q. How long would an average trial take in France?

7 A. Well, it depends. In open court, a very short period of  
8 time; let us say few days for the most important cases, but  
9 normally a few hours.

10 The job is done by the judge in charge of the  
11 investigation of the case. So when the case comes up in court  
12 everything is written and everything is in the file.

13 Q. Have you written any books?

14 A. Yes, I did.

15 Q. And what is the book upon?

16 A. Well, mainly on the history of justice, but I concentrate  
17 on additions and costumes; the reason why judges are wearing a  
18 costume, the reason why there is a very special color for the  
19 costume of the judges, the reason why they wear bell sleeves  
20 and so on.

21 Q. Have you had a particular interest in representing refugees  
22 in France?

23 A. Yes. When -- you know, when -- now I belong to the old  
24 tradition. Lawyers of the past tradition have always a certain  
25 number of cases for people who cannot afford a lawyer. We call

0110

1 them pro bono cases.

2 And myself, I concentrated on refugees; helping  
3 refugees to obtain political asylum or to obtain permission to  
4 stay in France.

5 Q. And in your first five years of practice, can you estimate  
6 how many pro bono cases for foreigners you handled?

7 A. Yes. Well, collecting all my documents before throwing  
8 them away I defended 300 cases.

9 Q. Are you multilingual?

10 A. Yes.

11 Q. How many languages do you speak?

12 A. Well, I think six. Six languages.

13 Q. What six are those languages?

14 A. French which was my natural mother language, then English  
15 with a French accent, German, Dutch, Spanish, Russian.

16 Q. In 1990, did you have occasion to meet Dr. Ganji?

17 A. Yes, I did. I met Dr. Ganji at that time.

18 Q. What were the circumstances of your meeting him?

19 A. Well, Dr. Ganji was representing and was directing an  
20 organization of freedom fighters in France and he wanted me to  
21 help him, and especially in the case, which was called Elahi  
22 case. He was his deputy and he was assassinated in France.

23 And the case was conducted by a judge and wanted me to help him  
24 and Elahi families.

25 Q. Let me step back a moment and ask you a little more about  
0111

1 the court system.

2 You were describing what happens with a serious case.

3 What happens with a minor criminal offense? How is that  
4 handled in France?

5 A. Well, in France there is a year between the difference  
6 offenses. First, we have petty offenses which I'll call --

7 Q. Spell it, please.

8 A. C-o-n-t-r-a-v-e-n-t-i-o-n.

9 They are judged by the police tribunal which is  
10 composed of one Judge only where the maximum sentence is two  
11 months detention.

12 Then you have what we call "daily," what in English,  
13 you call, you write it with a C, but in French we don't use the  
14 C, and they are judged by the correctional tribunal, and  
15 maximum sentence is five years. These crimes -- these offenses  
16 are embezzlements, robberies, violence of different kinds, and  
17 so on.

18 Q. Is a defendant entitled to a jury?

19 A. No, there is no jury.

20 And then crimes -- crimes are judged by the Court of

21 Assizes. They are criminal court. There is a jury and the  
22 jury is mandatory. When there is a criminal court, there is a  
23 jury.

24 Q. Is that a jury of peers of lay people?

25 A. Yes, of lay people, while selected by -- I don't know the  
0112

1 word --

2 Q. Some kind of panel?

3 A. No, no. Anyone can be selected, just by chance. By  
4 chance.

5 Q. Now, are there serious offenses, terrorists acts for which  
6 you do not get a jury of lay people?

7 A. No, because when after the different crimes which were  
8 committed for terrorist reasons, the French rely that it was  
9 impossible to have a Judge -- to judge these cases because the  
10 Judge could be afraid or could be under the pressure of the  
11 terrorists.

12 For that reason, the French government organized a  
13 special Court of Assizes, which is composed, not of nine jurors  
14 plus three judges, but of three judges plus five professional  
15 judges. And this new court is called Court of Special --  
16 Special Court of Assizes.

17 Q. The Assizes, is that A-s-s-i-z-e-s?

18 A. Yes. Correct.

19 Q. Now, the Elahi case for which you were retained, did that  
20 end up in the Court of Assizes?

21 A. Yes, it did.

22 Q. And how did that start out? Who handles the case first?

23 A. Well, the case was handled first by the Magistrate Judge  
24 Brugiere, which is in charge of the investigation of the case.

25 I must call your attention to the fact that when the  
0113

1 law was changed there were -- three judges were appointed in  
2 charge of criminal -- of terrorist cases and they have  
3 restriction (ph) over the whole France.

4 Normally, a judge has restriction over the person  
5 where he lives, where he's appointed, but for terrorist cases,  
6 the judges have restriction over France as a whole.

7 And there's only one special Court of Assizes for  
8 whole France. All the terrorist cases are concentrated before  
9 three judges and before the special Court of Assizes.

10 Q. And in the Eladi case, was Jean-Louis Brugiere the  
11 investigating magistrate?

12 A. Yes. He was the second investigating magistrate, because  
13 as it was mentioned this morning by Dr. Ganji, the first one  
14 committed suicide.

15 Q. Now, how long have you known Judge Brugiere?

16 A. Well, I met Judge Brugiere when I became a lawyer in 1972.

17 He was just coming and was just appointed before the tribunal

18 as a judge in charge of investigation of petty cases.

19 And then due to the fact that he was willing that he

20 was already to accept these cases, he was appointed as judge in

21 charge of terrorist cases. And he has the most seniority in

22 these kind of affairs.

23 Q. Is Judge Brugiere the one who handled both the Eladi,

24 Boroumand and the Bakhtiar cases?

25 A. Yes, he did. He specializes in Iranian cases.

0114

1 Q. Is he himself under extreme protection to preserve his

2 life?

3 A. Yes, he's under permanent protection. He has a bodyguard,

4 armed car, and -- well, his life is kept secret in order to

5 protect his own security and his family.

6 Q. Has there been an attempt to assassinate Judge Brugiere?

7 A. Yes. There was an attempt to assassinate him few years

8 ago. A hand grenade was connected to his lock and was supposed

9 to explode when he put the key inside his lock.

10 Q. When a case goes -- starts like the Elahi case, what would

11 be your role in representing the victim or the victim's family?

12 A. Well, I have the possibility to intervene in the case after

13 the Judge to make special investigation. I have access,

14 permanent access to the file.

15 In case I'm not satisfied with the decision of the

16 judge or in case I find that I -- that the judge is not active

17 enough or he's not taking care of my suggestions, I have the

18 possibility to appeal his decision before the Court of Appeal.

19 Q. What exactly does -- let's take the Bakhtiar case because

20 we're going to get into those documents.

21 What was Judge Brugiere's job? What was he to do in

22 the Bakhtiar case?

23 A. Well, in the Bakhtiar case, as in all other cases, he has

24 to investigate the case, which means first appointing and

25 expect to make a report on the circumstances of the death, and

0115

1 then find witnesses -- well, examine witnesses and then give

2 interrogatory commission to police officers in order to find

3 who was responsible for Bakhtiar's death.

4 Q. For instance, in dealing with Judge Brugiere, did you bring

5 him articles of the Mykonos' case?

6 A. Yes. Reading the German press, I discovered in the

7 newspaper called Frankfurter Allgemeine Zeitung -- maybe I will

8 write it down. It will be easier. May I?

9 THE COURT: Yes, it probably would be faster.

10 Q. I'll get it from you. Just put it by the edge there and we  
11 will get it. Thank you.

12 You discovered this newspaper article in the German  
13 paper?

14 A. Yes. I discovered in the German newspaper that there was a  
15 case which was investigated in Germany which was most like  
16 cases of Iranian terrorists in France, and I thought that it  
17 was good that the judge could connect the two cases.

18 Because in terrorist cases the judges are conducting  
19 their investigation in their own file, but they do not connect  
20 the different cases on an international basis. I think that if  
21 all the investigation could be connected in international basis  
22 I think it will help the fight against terrorism. For that  
23 reason, I translated the article and I brought it to Judge  
24 Brugiere.

25 Q. And in dealing with Judge Brugiere, did he order letters  
0116

1 rogatory to be issued to the German investigators?

2 A. Yes. He issued rogatory commission to the chairman police  
3 and to the BKA, which is Bundeskriminalamt. I'm going to write  
4 it down because it would be easier.

5 Q. Is the BKA the equivalent of the American FBI?

6 A. Be equivalent to the American FBI.

7 Q. Was there an informer in the German Mykonos' case called  
8 Witness C?

9 A. Yes. The article mentioned that an important member of  
10 Iranian official defected and was ready to reveal the plots and  
11 the different attempt to assassinate freedom fighter in Europe,  
12 and his name was not disclosed and he was hidden under the  
13 alias of the Witness C. And, of course, Witness C could not  
14 appear in open court. For that reason, Judge Brugiere ordered  
15 that BKA investigate and ask him question.

16 Q. As the time went on did you ultimately get to interview  
17 Witness C on the telephone yourself?

18 A. Yes. A telephone to me once because I wanted him to come  
19 to France and telephone to me, it was with a police officer,  
20 and I discovered that he spoke French. I thought that the  
21 witness was referring for me to speak in German with him, but  
22 he spoke French, and he told me that he was working in France  
23 before.

24 And then, through Dr. Ganji, I realized that his real  
25 name was Mashady. And it was before working with embassy of  
0117

1 Iran in France and expelled from France for intelligent  
2 reasons.

3 Q. Was Witness C Mashady, M-a-s-h-a-d-y, or Mesbahi,  
4 M-e-s-b-a-h-i?

5 A. Mesbahi.

6 Q. M-e-s-b-a-h-i?

7 A. Yes.

8 Q. And he's now in the witness protection program here in  
9 North America?

10 A. Well, I was told that he was protected by CIA and he's  
11 supposed to live either in Canada or in America. But I didn't  
12 want to investigate because I wanted him to feel comfortable  
13 about the fact that he was talking with me.

14 Q. I'll come back when we get to the documents to the Mykonos'  
15 matter because it will raise some other things.

16 The prosecutor in Mykonos, was that Mr. Yost?

17 A. The German prosecutor was Dr. Yost, yes.

18 Q. Is that Y-o-s-t or J-o-s-t?

19 A. J-o-s-t, but in German it's Yost.

20 Q. Let's go -- you were describing the duties of Brugiere --  
21 Judge Brugiere. I'm sorry. Is Judge Brugiere charged to look  
22 at both the innocence and the guilt and to make a judicial  
23 determination if the person is innocent or guilty in making his  
24 report?

25 A. Yes. Presiding Judge Brugiere, as any other Judge in  
0118

1 charge of investigation of the case, has to investigate pro and  
2 cons, all which is in favor of the innocence of the accused and  
3 all which is in favor of his guilt.

4 Q. Did Judge Brugiere issue a report to the state's attorney  
5 in which he found that the country of Iran, the Republic of  
6 Iran and the intelligence service were responsible for the  
7 murder of Dr. Bakhtiar?

8 A. Yes, he did. In fact, it appears from his file that Iran  
9 was behind the assassination of Shapour Bakhtiar.

10 Q. Did you consult with Judge Brugiere about the Bakhtiar  
11 matter also?

12 A. On very short period of time, was just to illustrate the  
13 intervention of Iranians' intelligence service in assassination  
14 in France.

15 Q. Now, Judge Brugiere makes a report and that goes to the  
16 state's attorney; is that correct?

17 A. Not exactly.

18 First Judge Brugiere sends the file to the state  
19 attorney, and then the state attorney prepares a report  
20 ordering Judge Brugiere on the basis on his investigation to  
21 send the file to a court which will decide whether the case has  
22 to be sent to the Court of Assizes or not.



23 Q. Now, is that a three-judge court to which Judge Brugiere's  
24 report is sent?

25 A. Yes. It's a special section of the Court of Appeal which  
0119

1 was called at this time. I say "which was called at this time"  
2 because the law changed since January 1st, 2001, which was  
3 called at this time -- at that time Chambre D'Accusation. I'll  
4 write it for you.

5 Q. Now, did the three-judge court, the Court of Appeals,  
6 concur with Judge Brugiere in his findings that Iran and the  
7 intelligence section were responsible for the murder of  
8 Dr. Bakhtiar?

9 A. Yes.

10 Q. And what happens with their report? Where does that go?

11 A. Their report goes afterwards to the Court of Assizes which  
12 is going to decide whether, about the sentence, or even if the  
13 accusation can be dismissed. There's a possibility to dismiss  
14 the accusation.

15 Q. Was there a court -- was there a trial in the Court of  
16 Assizes in 1995 that went for two to three months with several  
17 defendants based on the murder of Dr. Bakhtiar?

18 A. Yes. There was a case before the Court of Assizes, yes.

19 Q. And were these defendants convicted?

20 A. Yes, they were.

21 Q. Did you have a chance to read the deposition of Witness C  
22 that was given?

23 A. Yes.

24 THE COURT: In which case?

25 MR. HIRSCHKOP: I'm sorry. In the Mykonos' case.

0120

1 THE COURT: So it was not a deposition in the Bakhtiar  
2 case?

3 MR. HIRSCHKOP: No, it wasn't, Your Honor.

4 BY MR. HIRSCHKOP:

5 Q. Did you read his testimony in the Mykonos' case?

6 A. Yes, I did. Yes.

7 Q. Did you read the letters rogatory that were answered by him  
8 to Judge Brugiere?

9 A. Yes, I did.

10 Q. In there does he disclose what role, if any, Iranian  
11 intelligence played in the murder plots of these terrorist  
12 plots?

13 A. Yes. He explained that there was a special section within  
14 the Iranian government which was in charge of assassination of  
15 freedom fighter, and it reveals who were the head of these --  
16 this section of the Iranian government, and explained the

17 founding of this section and how people could receive money as  
18 assistance and help, and how they were selected to assassinate  
19 Iranians, opponent Iranians, in Europe or anywhere else in  
20 Europe, in the world.

21 Q. Now, I'd like you to look -- there's an exhibit book there.

22 There's one with ~~Exhibit 19~~ in it. It's the other book.

23 Do you see it's an English translation on top and the  
24 German document below?

25 A. Yes.

0121

1 Q. Mr. Boedels, you testified about this document, do you  
2 recall, in the Elahi trial we had here in the United States?

3 A. Yes.

4 Q. This is a ~~document you got from the Mykonos' prosecution?~~

5 A. Yes. I obtained this document from the Mykonos'  
6 prosecution.

7 It's an ~~investigation which was made by the~~  
8 ~~Sicherheit~~, which is the equivalent -- which is the equivalent  
9 of the CIA. It's a German CIA.

10 Q. If you would look at page 2 of the translation, sir. This  
11 is a statement by Mr. Fallahian. He says, (Reading) All in  
12 all, at present there are no small active groups in our  
13 country. They were forced to flee the country. We have  
14 continued operations. We persecute them now and constantly  
15 observe them outside the country.

16 Then in the next paragraph, the second sentence.

17 (Reading) Last year, at our country's borders we seized about  
18 five tons of posters and leaflets of these groups.

19 And then the next paragraph. (Reading) We had success  
20 in striking blows against these small groups either outside of  
21 the country or at the borders.

22 The last sentence in that paragraph, (Reading) Last  
23 year we were able to strike decisive blows against their  
24 members! KPDs and KOMELE's main and secondary organizations  
25 suffered serious blows and their activities abated.

0122

1 Was this one of the statements upon which the German  
2 prosecutor, Mr. Yost, found that Fallahian was responsible for  
3 the international terrorism and issued a warrant for  
4 Mr. Fallahian?

5 A. Yes, it was one of them. Yes, sure.

6 Q. Were there other statements of Fallahian also admitting  
7 culpability in international terrorism in the Mykonos'  
8 prosecution?

9 A. Yes, they were. All of them are mentioned in the judgment  
10 rendered by the German court in the Mykonos' case.

11 Q. Would you look at Exhibit-Number-21, please?  
12 Again, sir, there's a German document. Would you  
13 first tell the court what the German document is? Underneath  
14 the English translation.  
15 A. Well, it's a report which has been made by the  
16 BundesCriminal and I've already written down the spelling of  
17 the service -- which is the equivalent of the American FBI, and  
18 which mentioned -- which points out that the Iranian government  
19 is responsible for the assassination of the Iranian outside  
20 Iran who took refuge -- who were refugee in Europe.  
21 Q. I point you particularly to page 2 of the translation  
22 itself, the English translation.  
23 A. Yes.  
24 Q. And it says, (Reading) Assassination of the former Iranian  
25 prime minister Bakhtiar.

} BIC A report  
"Findings regarding  
the Iranian states  
terrorism".

0123

1 Did the German courts find -- or the German  
2 investigation conclude that, in fact, the Iranian government  
3 was responsible for the assassination of Dr. Bakhtiar?  
4 A. Yes. The report written by German police officer clearly  
5 mentions that the assassination of prime minister Shapour  
6 Bakhtiar in Paris was ordered and organized by the Iranian  
7 government.  
8 Q. Look at the last sentence on page 5. (Reading) This shows  
9 that the orderers are indifferent to the fact whether or not  
10 the direct perpetrators are arrested, although there is the  
11 risk that therefrom it would result that Iran was the  
12 originating force.  
13 Was this what you also saw in your various  
14 investigations in dealing with Judge Brugiere in dealing with  
15 various victims; that the Iranians just didn't care if people  
16 got caught, they were trying to get them back economically?  
17 A. Well, you know, in France, the investigation was conducted  
18 by a service, which is called DST, which is Direction  
19 Surveillance Territoriale, which is the French equivalent to CIA,  
20 and this section of the police is in charge of all crimes which  
21 are committed by foreign organization, foreign governments.  
22 And in the Bakhtiar case the DST was appointed by the  
23 Judge in charge of this investigation of the case, Judge  
24 Brugiere, just because he knew that the Iranian government was  
25 responsible for the assassination.

0124

1 Q. If you could switch books. I'd ask you to look at document  
2 52 in the next book, please.  
3 A. Yes.  
4 Q. Have you reviewed the German documents and the translations

5 in this exhibit, the three documents?

6 A. Yes, I did.

7 Q. Do these all come from the federal office of criminal  
8 investigations, Germany?

9 A. Yes, it does.

10 Well, it says once again that the Iranian government  
11 provided the equipments, provided the murderer, provided the  
12 instruction for the assassination of different opponent to the  
13 Iranian regime outside Iran.

14 Q. And I'd ask you to look at the second document in that  
15 grouping, which there's a yellow divider between the documents.  
16 It will have the letter on the top of December 4, 1995.

17 A. You mean the second document?

18 Q. Yes.

19 A. Under the number 52.

20 Q. Under 52 there's a second English translation. There's an  
21 English translation, a German document, and then there's  
22 another English translation and there will be a yellow divider  
23 between them, hopefully.

24 A. Oh, yes.

25 Q. Do you see that December 4, 1995, letter?

0125

1 A. Yes, I read it. I'm reading it now.

2 Q. If you look at the document attached, part of the report  
3 from prosecutor Yost, he says at the end of the first paragraph  
4 under the word Memorandum, (Reading) To a great extent, the  
5 taking of evidence has ended and it has confirmed in every  
6 respect that charges brought against the accused and, in part,  
7 produced findings that would go beyond these charges.

8 Then he says in the final -- the paragraph at the  
9 bottom of the page, (Reading) The Iranian government does not  
10 limit itself in its behavior toward the DPK-I only to its  
11 prohibition in Iran but it persecutes the party also beyond the  
12 national boundaries.

13 Was this what you found out also in your talking with  
14 them?

15 A. Yes.

16 Q. Look at page 2, the next page, in the second paragraph up  
17 from the bottom.

18 (Reading) On December 6, 1994 and June 16, 1995, the  
19 Paris Court of Assizes imposed long-term sentence and  
20 imprisonment for life upon a total of eight Iranians on grounds  
21 of having participated in the assassination in Paris of the  
22 former Iranian prime minister Bakhtiar on August 8, 1991.

23 It says in the next paragraph two lines down.

24 (Reading) Members of numerous Iranian government

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25 agencies participated in the planning, preparation and  
0126

1 realization of this plot.

2 It says three lines up from the bottom.

3 (Reading) According to testimonies, two of them would  
4 have been members of the previously mentioned Ministry of  
5 Intelligence Service MOIS.

6 Was that what you also found out when you talked to  
7 Witness C, Mr. Mesbahi?

8 A. Yes. Yes, I agree with you. He mentioned that everything  
9 was organized by MOIS.

10 Q. Look at the bottom of page 4 of that translation, sir,  
11 please. It says in the last paragraph from the bottom of the  
12 page. (Reading) All of these findings contain sufficiently  
13 factual grounds -- I'll skip the code section -- and  
14 substantiate the strong suspicion that, in the summer of 1992,  
15 minister Fallahian ordered from Iran the assassination of the  
16 entire leadership of DKP-I.

17 Was that also what you have been told by Mr. Yost at  
18 the time and found out from Mesbahi?

19 A. Yes. It was clearly mentioned.

20 Q. Now, look at the third document under the separator. It  
21 starts Mykonos' verdict.

22 A. Mykonos... Yes. Mykonos' verdict, yes.

23 Q. The third page of that document has translation from German  
24 on the top. Do you see that, sir?

25 A. The third page of the document, yes. Responsibility of the  
0127

1 Iranian rulers for the assassination.

2 Q. And the bottom, paragraph number 3. (Reading) On the other  
3 hand, the result of the taking of evidence evidenced that the  
4 Iranian rulers not only approve of terrorist attacks in foreign  
5 countries and that, incomprehensibly, they bestow honors upon  
6 the perpetrators but that they themselves set into motion such  
7 plots against individuals who, because of nothing else than  
8 their political views, had fallen out of their favor.

9 Was that the determination of the German court in the  
10 Mykonos' matter?

11 A. Yes, with the determination of the German court in the  
12 Mykonos' case.

13 MR. HIRSCHKOP: Indulgence one moment, please, Your  
14 Honor.

15 (Pause)

16 BY MR. HIRSCHKOP:

17 Q. If you would, please, take a look at Exhibit Number 67.

18 I'm sorry, 49. Go back to 49 if you would, the prior book.

19 Can you tell the court what 49 is, sir?

20 A. Yes.

21 Q. First of all, is this a translation that you did?

22 A. Yes. I did the translation.

23 Q. And is the translation of the document to which it is

24 attached in that same exhibit?

25 A. Yes. Correct.

0128

1 Q. What is that document? What was the French document?

2 A. This document is the... The document by which the state  
3 attorney prepares a summary of all the charges against the  
4 accused, and this document is presented before the court which  
5 is in the -- in this case, the Tribunal Correctionnel. I'll  
6 write it down. It's not the Court of Assizes.

7 Q. This essentially is the same as the Court of Appeals that  
8 you referred to before?

9 A. No, no, no, it's not. The Court of Appeals is above the  
10 tribunal. In France, tribunal is in first instance. Court of  
11 Appeal is in second instance.

12 Q. In what case was this referring to?

13 A. Is referring to a special offense which is called,  
14 Association de Malfaiteurs, which can be translated into  
15 English as association of wrongdoers.

16 And there is a special crime which concerns people  
17 preparing in association in view of committing terrorist acts.

18 Q. But what I want to ask is number 49 and number 50 both go  
19 to the murder of Mr. Elahi, is that correct?

20 A. Yes, that's correct.

21 Q. Since a court here in the United States has already made  
22 findings about that, I needn't go through these. But do both  
23 of those documents show that the Iranian government was behind  
24 that?

25 A. Yes, it does.

0129

1 Q. Now if you would go to the other book. We will look at  
2 document 67. Unfortunately, Mr. Boedels, 67 is only in French.

3 Can you tell us what it is?

4 A. Yes. This document I collected myself from the judicial  
5 archives in Versailles. I collected this document last week. I  
6 wanted to find it, but, you know, it's always very difficult to  
7 penetrate into official archives.

8 This document concerns the decision of the Chambre  
9 D'Accusation, as I mentioned before, of the appeal court of  
10 Versailles for -- concerning the assassination -- the first  
11 attempt to assassinate Shapour Bakhtiar.

12 There was an attempt in 1980 to assassinate the former

13 prime minister of Iran, but it was, as it was explained this  
14 morning, the coup failed, and the people were involved in this  
15 attempt to assassinate Shapour Bakhtiar were arrested and  
16 prosecuted.

17 This decision of the Chambre D'Accusation, which is  
18 rendered after the judge has completed the file, his  
19 investigation, and the file is sent to the Chambre  
20 D'Accusation, the decision -- the judgment of the Chambre  
21 D'Accusation orders that the accused should be presented to,  
22 and sent to, the Court of Assizes, to the criminal court.

23 Q. From your reading of the French documents and inquiries  
24 into this matter, was there any question that Mr. Naccach, the  
25 defendant who was found guilty, was instructed in the

0130

1 assassination attempt by the Iranian government?

2 A. Yes. Mr. Naccash was later on found guilty by the Court of  
3 Assizes, which was a normal court of Assizes, not the special  
4 Court of Assizes with a jury, and he was found guilty and  
5 sentenced to a life sentence, and received a life sentence.

6 Q. Was he let go after 10 years at the request and  
7 negotiations of the Iranian government?

8 A. Yes. Ten years later -- which 10 years after his arrest,  
9 which mean 1990 -- the French government wanted to improve its  
10 relationship with Iran, and one of the conditions given by the  
11 Iranian government was the release of Naccash and his  
12 accomplices. And the French government, who wanted to improve  
13 its relationship, released him and he was sent back to Iran.

14 Q. Now, would you look at document 68 and 69.

15 THE COURT: Before you do that, if you could spell the  
16 name of the defendant who was found guilty.

17 THE WITNESS: Yes. I write it down, Your Honor.

18 THE COURT: We are getting so many notes I'm not going  
19 to be sure we are going to be able to keep track. Can you just  
20 tell us the spelling?

21 MR. HIRSCHKOP: It has it in the report. It's  
22 N-a-c-c-a-c-h-e, Your Honor.

23 THE COURT: Okay.

24 BY MR. HIRSCHKOP:

25 Q. Mr. Boedels, is 68 a translation of most of 69?

0131

1 A. If you give me permission and back to document 67. There  
2 is a sentence which is very important in the motivation of the  
3 court.

4 It says that the accused -- well, before the police.

5 At the beginning of the inquiry, the accused recognized that  
6 they were acting to punish by the penalty Mr. Shah Bakhtiar

7 which was considered as a traitor to the Islamic revolution and  
8 he was sentenced by the Islamic tribunals.

9 The executor which were linked to Palestinian  
10 organization or to the keeper of Iranian revolution acted under  
11 the orders of Imam Khomeini. It's clearly mentioned that Imam  
12 Khomeini gave the order --

13 Q. To assassinate?

14 A. To assassinate Shapour Bakhtiar. It's mentioned in the  
15 decision of the court, the French court.

16 Q. This was the first attempted assassination?

17 A. The first attempt, yes.

18 Q. Let's look at the document -- let's start with 69.

19 ~~Sixty-nine is the French document. Please tell the court~~  
20 exactly what that document is, what it constitutes in the  
21 French system.

22 A. ~~This document concerns the people who were accused of the~~  
23 ~~assassination of Shapour Bakhtiar. It was a second attempt~~  
24 which led to the assassination of the former prime minister.

25 As I explained before, when the judge complete his

0132

1 ~~investigation he sends the file to the state attorney and the~~  
2 ~~state attorney prepares a document which is called~~  
3 ~~requisitoire.~~

4 THE COURT: I'm sorry. Which is called what?

5 THE WITNESS: Requisitoire, which is a document  
6 according to which he collects all the elements which are  
7 against the accused and which should lead to their prosecution  
8 before the tribunal or before the Court of Assizes.

9 And these documents was written and prepared by the  
10 state attorney on the basis under the -- on the investigation  
11 conducted by Judge Brugiere and the state attorney asked the  
12 judge to send the file to the Court of Assizes.

13 Q. Does the document embody the report by Judge Brugiere,  
14 include the conclusions by Judge Brugiere?

15 A. Yes, it does.

16 Q. If you look at 68. Is 68 a translation you did of what you  
17 thought were the key portions of this document related to the  
18 murder of Dr. Bakhtiar and responsibility of the perpetrators  
19 and the Iranian government?

20 A. Yes.

21 Q. If you would, in looking at Exhibit 68. You've numbered  
22 the pages. Look at page 3, please. Look at the bottom  
23 paragraph, On 14th May 1979. Do you see that, sir?

24 A. Yes.

25 Q. (Reading) Ayatollah Khalkhali, a religious judge and

0133

68-69  
French court docs.



1 chairman of the Revolutionary Court, agreed to be interviewed  
2 in the Iranian newspaper Kayan. He proclaimed his intention to  
3 eliminate the corrupters on earth. Declaring that those who  
4 left Iran after the revolution were considered genuine  
5 criminals and incurred the death penalty. Ayatollah Khalkhali  
6 named Mr. Bakhtiar among the persons for which this remark was  
7 intended.

8 Had you learned that the term "corrupters on earth"  
9 was the key term used to show that there was a murder order out  
10 on somebody?

11 A. Yes. The usual which was used against freedom fighters or  
12 opponents before their execution.

13 Q. Is that what constitutes, as you found out, a Fatwa?

14 A. It's based on the Fatwa, yes.

15 Q. Look at page number 4 at the top. (Reading) Without  
16 overestimating the scope or the incidence of such remarks, it  
17 is necessary to note that on December 7, 1979, following the  
18 assassination in Paris of Mustapha Chafik, a member of the  
19 imperial family, Ayatollah Kahlkahli reiterated his threats  
20 against Mr. Bakhtiar. Declaring that the Islam Feydayins were  
21 carrying on their activities in Europe and the United States so  
22 as to locate and punish the criminals for their offences,  
23 Ayatollah Khalkhali cited Mr. Bakhtiar as a target for he was  
24 campaigning against Imam Khomeini from his place in exile in  
25 Paris.

0134

1 Was that the conclusion that Dr. -- I'm sorry -- that  
2 Judge Brugiere had reached in his investigation?

3 A. That was the conclusion of Judge Brugiere, yes.

4 Q. Look at page 17, sir. Do you see the third paragraph?

5 (Reading) We are thus entitled.

6 A. Yes.

7 Q. And it mentions a Mr. Hendi. Did Mr. Hendi actually give  
8 state's evidence during that trial, the Bakhtiar investigation  
9 and trial?

10 A. I cannot answer the question.

11 Q. Look at number -- page 26, sir. Do you see the fourth  
12 paragraph down? (Reading) On the 18th and 19th of September  
13 1991 the consulting of Hendi's electronic organizer underlined  
14 that he had the private phone number of Mrs. Fallahian, the  
15 Vice Secretary of Security, and another person, the head of the  
16 Department of Islamic Orientation.

17 Do you see that?

18 A. Yes, I do.

19 Q. And then look at page 27, please. The third from the  
20 bottom paragraph. (Reading) Nevertheless, we have to state

21 that the indicted party Hendi was equally on excellent terms  
22 with the high-ranking deciders in Tehran and those of the  
23 Iranian embassy in Paris.

24 Do you see that?

25 A. Yes.

0135

1 Q. And the last paragraph also goes to Hendi's involvement  
2 with the use of his car?

3 A. Yes.

4 Q. Look at page 38 if you would, sir, on the middle of the  
5 page. (Reading) It is thus obvious that this employee from the  
6 Iranian Department of State was in Geneva -- cites some  
7 dates -- and personally helped and assisted, someone, and  
8 another person, according to a method formalized as far as he  
9 is concerned, the date his assignment was ordered.

10 Did you look at these paragraphs yesterday and from  
11 these paragraphs enumerate certain ones that led to the  
12 conclusion that the Iranian government was involved?

13 A. Well, for me, it was not conclusion. It's a confirmation  
14 of what has been said before and discovered before. The  
15 Iranian government was behind the assassination of all the  
16 freedom fighters outside Iran.

17 Q. Indeed on page 40, the next to last paragraph.

18 (Reading) This element means that the Iranian  
19 intelligence contributed to the functioning of the criminal  
20 conspiracy.

21 Was that the conclusion of the judge, Judge Brugiere?

22 A. Yes, with the conclusion of Judge Brugiere, yes, but it was  
23 for the conclusions of the DST or the French CIA which led to  
24 the same conclusions.

25 Q. Sir, would you look at Exhibit Number 71, please. Is this  
0136

1 also a French document you were kind enough to supply to us?

2 A. Yes. It's a document I supplied to the case, yes.

3 Q. Would you tell the court exactly what this document is?

4 A. It's the document by which the Court of Appeal will -- the  
5 Chambre D'Accusation, which is a section of the Court of  
6 Appeal, decides on the basis of the document -- of the  
7 documents in the file sent by Judge Brugiere that there is  
8 sufficient evidence that the accused should be brought before  
9 the Court of Assizes for judgment.

10 Q. And this report of the Court of Appeals, if you look --  
11 have you done an English translation of the key portions of  
12 that also?

13 A. Yes, I did.

14 Q. That's Exhibit Number 70, the one above it?

15 A. Yes, correct.

16 Q. If you look at page 2, please, sir. In the second  
17 paragraph it says that (Reading) Ayatollah Khomeini, religious  
18 judge and president of the Revolutionary Tribunal, in a  
19 statement to an Iranian newspaper Kayan, publicly declared that  
20 his intention was to eliminate corrupters on earth.

21 And then the last sentence of that paragraph, to  
22 buttress this, (Reading) Ayatollah Khalkhali specifically  
23 mentioned Mr. Bakhtiar as one of the persons concerned.

24 Do you see that?

25 A. Yes, I do.

0137

1 Q. Do you see the next paragraph discusses Ayatollah Khalkhali  
2 reiterating his threat against Mr. Bakhtiar?

3 A. Yes. I underlined myself when I concentrated the sentence,  
4 yes.

5 Q. Look at page 6, the fourth paragraph down.

6 (Reading) It could therefore be concluded that the  
7 criminal association functioned in Iran and that the criminal  
8 project was conceived both in Iran and in Paris. These  
9 elements testify that a plan to assassinate Bakhtiar existed.

10 And in the next paragraph. (Reading) From all these  
11 elements, the police investigators concluded on September 20,  
12 1991, that the Iranian administration was involved.

13 Do you see that, sir?

14 A. Yes, I do.

15 Q. From your involvement in this whole thing, was it clear  
16 that the Court of Appeals concluded that Iran was responsible  
17 for the murder of Dr. Bakhtiar?

18 A. There is no discussion about that.

19 Q. And look at page 13, the final sentence -- just to be  
20 complete, Your Honor. (Reading) In conclusion, Iran's  
21 involvement in the Shapour Bakhtiar assassination is obvious  
22 from the elements discussed above, and through its agents -- it  
23 lists the people up there.

24 Thank you, sir. Nothing further, Your Honor.

25 THE COURT: All right. You may step down, sir.

0138

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: Why don't we take the afternoon break at  
3 this point. I'll take a 15-minute break and then we will come  
4 back and pick up with the next witness. So we're talking about  
5 10 after 3:00.

6 (Recess from 2:54 p.m. until 3:14 p.m.)

7 MR. HIRSCHKOP: I call Dr. Patrick Clawson to the  
8 stand, Your Honor.

9 THE COURT: All right. Dr. Clawson, if you would step  
10 up over here, please.

11 THE DEPUTY CLERK: Pause there, sir, and raise your  
12 right hand.

13 PATRICK CLAWSON, Plaintiff's witness, SWORN.

14 THE DEPUTY CLERK: Please be seated.

15 DIRECT EXAMINATION

16 BY MR. HIRSCHKOP:

17 Q. Good afternoon, Dr. Clawson. State your full name, please.

18 A. Patrick Lyle Clawson.

19 Q. And where are you employed?

20 A. At the Washington Institute for Near East Policy here in  
21 Washington, DC.

22 Q. Have you appeared before this court before in the Higgins'  
23 case?

24 A. Yes, sir.

25 Q. And, Dr. Clawson, you have some books there in front of  
0139

1 you. Will you take the volume that has 117 in it, please?

2 Is that your resume, sir?

3 A. Yes, sir.

4 Q. Thank you. Now, Dr. Clawson, what do you do at the  
5 institute?

6 A. I am now the deputy director of the Washington institute.  
7 I am responsible for administering a staff of approximately 30  
8 people who do analytical studies on the contemporary Middle  
9 East and U.S. policy towards the middle east.

10 Q. What degrees do you hold?

11 A. I hold a B.A. and a Ph.D.

12 Q. And how many languages do you speak?

13 A. Besides English, my Persian is quite good as is my French,  
14 and I have reasonable Spanish, German, and Hebrew.

15 Q. And do you constantly read Farsi newspapers?

16 A. Yes, sir. I read the Persian or Farsi newspapers; at least  
17 one newspaper every day.

18 Q. Are these newspapers internally from Iran?

19 A. That's correct, sir. They are from Iran.

20 Q. How long have you had that practice?

21 A. A little over 20 years.

22 Q. Have you published -- well, your resume has the numerous  
23 publications. Are some of your publications on Iran?

24 A. Yes, sir.

25 Q. Have you attended numerous seminars and forums about Iran?  
0140

1 A. Yes, sir.

2 Q. Have you testified in numerous other cases, aside from

3 Higgins, about --

4 A. Yes, more than 10.

5 Q. Okay. And have you been as an expert on Iran in all these  
6 cases, have been accepted?

7 A. Yes, sir.

8 Q. Are you familiar with the killings of Dr. Bakhtiar,  
9 Dr. Boroumand and Dr. Elahi?

10 A. Yes, sir.

11 Q. And in all these cases was Iran found to be the acting  
12 force behind the assassinations?

13 A. There's broad consensus in the analytical community, and  
14 certainly in Dr. Bakhtiar's case, the judgment of the courts.  
15 I don't think there's much doubt about it, sir.

16 Q. Would you tell us what SAVAK was under the Shah?

17 A. That was the Shah's secret police. It means the -- the  
18 name means the organization for information and security.

19 Q. And what was SAVAMA?

20 A. The name of the organization was changed after the  
21 revolution and it continued on as essentially the same  
22 organization.

23 MR. HIRSCHKOP: For your convenience, Your Honor, the  
24 reason I have to go through these names is because the  
25 documents refer to these differently in some of the documents,

0141

1 so we will know who they were.

2 Q. What is VEVAK?

3 A. That's the Persian initials for the Ministry of Information  
4 and Security, which is what the same organization then becomes  
5 in 1984 after it's formally created as a ministry.

6 Q. And has that become known as MOIS?

7 A. It's usually now referred to by U.S. scholars as MOIS,  
8 Ministry of Information and Security.

9 Q. What was Mr. Fallahian's position with MOIS?

10 A. Mr. Fallahian was the Minister of Information Security, the  
11 director of the organization.

12 Q. Tell me approximately how long he had that position.

13 A. Oh, goodness. I'm afraid -- a number of years. I don't  
14 know, sir.

15 Q. Is he presently the minister of MOIS?

16 A. Oh, no. He was dismissed.

17 Q. Can you tell me how that came about?

18 A. Well, the ministry's activities are actually primarily in  
19 Saudi Iran, not just outside Iran, and he became a very  
20 controversial figure inside Iran because of the killings of  
21 dissidents inside Iran.

22 And he was also becoming something of an international

23 liability because of the judgment of the court in Berlin,  
24 Germany, which had emphasized his responsibility for the  
25 killings of dissidents in that city.

0142

1 Q. Have you seen the documents from the Mykonos' court quoting  
2 Mr. Fallahian agreeing that they were responsible for those  
3 things?

4 A. Yes, sir. The German court in this Mykonos' case issued,  
5 as I gather is the German custom, hundreds and hundred-page  
6 judgment about the case.

7 Q. Can you tell the court what a Fatwa is?

8 A. A Fatwa is a religious ruling. And the term is often used  
9 more generically ruling by Iranian clerics even when something  
10 is not -- doesn't fit the narrow definitions of what an Islamic  
11 jurisprudent would tell you is a Fatwa compared to other  
12 rulings that an Islamic jurisprudent would issue.

13 Q. In the course of the cases involving people who were  
14 dissidents or executed abroad extraterritorial to Iran, was it  
15 disclosed that there were a number of Fatwas against them  
16 ordering their execution?

17 A. Correct, sir.

18 Q. Was this true of both Dr. Elahi and Dr. Boroumond and  
19 Dr. Bakhtiar?

20 A. Elahi and Bakhtiar I'm sure of. I would assume, but I have  
21 not -- I would have to refresh my memory about.

22 Q. Was there also a Fatwa in Salomen Rushdi?

23 A. In the broad sense it was actually a slightly different  
24 Islamic ruling, but it's usually referred to in Iran and the  
25 United States as a Fatwa.

0143

1 Q. And is that presently still extant?

2 A. Oh, yes, sir. Once issued, these things cannot be  
3 recalled.

4 Q. And Mr. Rushdi is right here in the United States now as  
5 far as you know?

6 A. So far as I know.

7 Q. Is there also a reward on his head based on that Fatwa?

8 A. Yes, sir.

9 THE COURT: You need to let him finish the question  
10 before you start to answer. Don't step on each other's lines.  
11 Otherwise, we can't get the record. All right.

12 THE WITNESS: My apologies, Your Honor.

13 BY MR. HIRSCHKOP:

14 Q. What is that up to now, as far as you know?

15 A. Well, several different organizations in Iran have pledged  
16 money. The main organization has also pledged that the profit

17 on its investment would be there. So it's several millions of  
18 dollars, but I'd have to check what the exact figure is. It's  
19 certainly well over \$5 million.

20 Q. After the Ayatollah Khomeini overthrew the Bakhtiar  
21 government in around 1979, were there a series of  
22 assassinations immediately of generals and numerous people  
23 within Iran?

24 A. Many figures from the former government were killed.

25 Q. And were there a number of edicts for killing people  
0144

1 outside of Iran under the Khomeini regime?

2 A. Yes, sir.

3 Q. And do you recall if there was an attempted assassination  
4 of Mr. Bakhtiar, Dr. Bakhtiar in 1981?

5 A. Correct, sir.

6 Q. Now, did there come a time when the Ayatolla Khomeini died  
7 and Mr. Rafsenjani became president of Iran?

8 A. Correct.

9 Q. Under Rafsenjani --

10 A. If I may interrupt for a minute.

11 Those two happened to coincide in the same summer, but  
12 it was not that Mr. Rafsenjani succeeded the position  
13 previously held by Ayatollah Khomeini. He was the supreme  
14 religious leader, and another gentleman, Ayatollah Khamenei,  
15 took over as a supreme religious leader. And approximately the  
16 same time, about a month apart, Mr. Rafsenjani became the  
17 president of Iran.

18 Q. When Rafsenjani became president, did he have more powers  
19 than the prior president had under Khomeini?

20 A. De facto absolutely.

21 Rafsenjani was both a more charismatic, influential  
22 politician than his predecessor, and the new supreme religious  
23 leader was less influential than Ayatollah Khomeini had been.

24 Q. Was this approximately 1989 at the end of the Iran-Iraq  
25 war?

0145

1 A. This also came quite shortly after the end of the Iran-Iraq  
2 war in the early summer of '89.

3 Q. When Mr. Rafsenjani took over was Mr. Falahian head of  
4 MOIS?

5 A. Correct.

6 Q. At that time was there an outbreak of assassinations? Did  
7 it increase by a great deal?

8 A. Correct. During the later years of Khomeini's rule, the  
9 later years of the Iran-Iraq war, Iran had not engaged in many  
10 terror assassination of dissidents abroad, but in the early

11 Rafsenjani years after the end of the war there were -- there  
12 was a whole rash of assassinations of dissidents abroad.

13 Q. Where were these assassinations?

14 A. Mostly in Europe. For instance, in Austria, in Geneva, in  
15 Switzerland, in Paris, France, and in Berlin, Germany.

16 Q. Were there a number of assassinations in Iraq and Turkey?

17 A. Oh, yes. There were a number of assassinations in Iraq. I  
18 shouldn't leave that out. Absolutely. And a couple in Turkey.

19 Q. Were there bombings in Argentina?

20 A. The bombings in Argentina are terrorist bombings in which  
21 Iran is involved that are directed against Jewish and Israeli  
22 targets rather than against Iranian dissidents abroad. This  
23 period is also a period of stepped-up Iranian-sponsored  
24 terrorism in general.

25 Q. Were there actions against Iranian dissidents here in the  
0146

1 United States over the last 20 years?

2 A. There was an Iranian dissident assassinated in Montgomery  
3 County back in the early days of the revolution.

4 Mr. Tabatabai.

5 Q. Had he been a counselor official, embassy official?

6 A. He had been an embassy official here.

7 Q. Did the murderer of Tabatabai actually go on television and  
8 admit he did it and did it at the behest of the Iranian  
9 authorities?

10 A. Correct, sir.

11 Q. Have there been actions by Iranian terrorists against  
12 American military facilities?

13 A. Yes, sir.

14 Q. And what have they embodied?

15 A. They have included, but not limited to, the 1983 attack  
16 against the Marine barracks in Beirut, Lebanon, and the 1995  
17 attack against a barracks used in Saudi Arabia called Khobar  
18 Towers, the name of the building.

19 Q. As a result of this many terrorist acts around the world,  
20 has that forced the increased security at many symposia that  
21 are held?

22 A. Yes, sir.

23 Q. What kind of security is now required where Iranian matters  
24 are going to be discussed?

25 A. Well, if one is being prudent, one should arrange for, at  
0147

1 the very least, a police presence at such forums involving  
2 Iranian dissidents.

3 Q. The court has heard a good deal of testimony about  
4 assassination of major leaders, so I'm not going to repeat most



5 of it, but just so I can ask you some predicate questions.

6 Have the Iranians, the Republic of Iran under the  
7 Ayatollah, managed to assassinate a good part of the leadership  
8 of all dissident groups around the world over the last 20  
9 years?

10 A. A number of dissident groups have faced loss of leaders.  
11 Intriguingly some of the principal dissident figures still  
12 remain quite active.

13 I think, for instance, of the son of the late Shah,  
14 the man who is now the pretender to the throne, who is quite an  
15 important symbol.

16 I think of the Iraq-based leader of the peoples  
17 mujahedeen group. They like to spell it m-u-j-a-h-e-d-e-e-n.

18 Q. Who would that be?

19 A. His name is Masoud Rajavi. M-a-s-o-u-d is the first name.  
20 R-a-j-a-v-i.

21 Q. Did the Iranians assassinate his brother?

22 THE COURT: You're starting to pick up. It's very  
23 difficult. You do a lot of different names and you're going  
24 very fast. We're trying to get a record of this. So if we  
25 could go back to, you gave a spelling. Can you do that a  
0148

1 little more slowly and then let's pick up from there.

2 THE WITNESS: Sure. My apologies, Your Honor.

3 The leader of the people's mujahedeen group is a  
4 gentleman named Masoud Rajavi, and his brother was assassinated  
5 in Geneva, Switzerland.

6 BY MR. HIRSCHKOP:

7 Q. Was his brother the UN representative from that group?

8 A. His brother was the representative for that group to the UN  
9 organizations in Geneva.

10 Q. And have other major leaders of that group been  
11 assassinated?

12 A. Oh, yes, sir.

13 Q. What about Mr. Ghasemlou? What was his role?

14 A. He was leader of the Kurdish Democratic Party of Iran.

15 Q. And was he killed in Vienna?

16 A. He was killed in Vienna by Iranian agents.

17 Q. Was his successor murdered in Berlin at the Mykonos  
18 Restaurant?

19 A. Correct, sir.

20 Q. So they basically got the leadership of that group?

21 A. Of that group, yes.

22 Q. And what about Dr. Bakhtiar's group, NAMIR?

23 A. Again, they got the leaders.

24 Q. They got both Dr. Bakhtiar and Dr. Boroumand?

25 A. Correct.

0149

1 Q. And the Flag of Freedom organization. They didn't get

2 Dr. Ganji?

3 A. But they tried, sir.

4 Q. They tried. And they got Dr. Elahi?

5 A. Elahi.

6 Q. And they killed other major leaders of that group, haven't

7 they?

8 A. Correct.

9 Q. What's the net effect on the world community, and  
10 especially the dissident community, of this basically

11 unpunished assassinations?

12 A. It's made many dissidents very fearful. It's discouraged  
13 people from becoming involved in dissident organizations. And  
14 it's also made people in dissident organizations suspicious of  
15 others in those groups wondering whether they might be agents  
16 of the Iranian government.

17 Q. How has it affected speech and press internationally among  
18 these dissident groups? Same way?

19 A. It inhibits those who would write for these organizations,  
20 and it very much inhibits people who would speak at their  
21 public activities.

22 Q. Without deprecating any of the people who were  
23 assassinated, was Dr. Bakhtiar special among all of them?

24 A. Dr. Bakhtiar was by far the best known person in Iran of  
25 all those dissidents who have been killed, and he was also the

0150

1 person who was best known and most respected in the European  
2 country where he was killed.

3 Q. You testified before that the heir apparent to the throne

4 is still alive. Dr. Ganji said, but there's a Fatwa against

5 him. Does that meet your knowledge?

6 A. Yes, sir. There's no question about that.

7 Q. There's no question he's under very severe protection when  
8 he has to go abroad; isn't that correct?

9 A. Yes, sir. And also when he travels in the United States he  
10 has quite a bit of security.

11 Q. With regard to Mr. Bakhtiar, was he the highest ranking  
12 Iranian dissident to be assassinated?

13 A. He held the highest rank in the Iranian government, that is  
14 to say the pre-revolutionary Iranian government, of any  
15 dissident who was assassinated.

16 Q. Is there any question from any extensive research and  
17 reading you've done that MOIS and the Iranian government were  
18 responsible for the assassination of Dr. Bakhtiar?

19 A. There's no doubt whatsoever.

20 Q. You've testified in a number of cases in which punitive  
21 damage has been awarded. Is that correct, sir?

22 A. Correct, sir.

23 Q. In testifying in those, did you also cite a number of other  
24 actions around the world, murder in Norway and attack in Japan,  
25 murder in Italy as a basis of this pattern for which punitive

0151

1 damage should be awarded?

2 A. Correct, sir.

3 Q. And has the punitive damage awarded by the court so far had  
4 any effect on the Iranian government?

5 A. Particularly after Congress authorized payments to  
6 defendants -- excuse me -- payments to plaintiffs the Iranian  
7 press and the Iranian parliament started paying a great deal of  
8 attention to these cases. And, the amounts awarded in punitive  
9 damages were frequently cited as evidences of the strong  
10 pressure that the United States was placing on Iran as a result  
11 of Iran's support for the international terrorism.

12 And this has encouraged a vigorous debate inside Iran  
13 about what would be the appropriate Iranian policy towards the  
14 United States.

15 I can't say there has been that dramatic a change in  
16 Iran's policy, but there has been a big change, in that now  
17 there is an active debate about what is the appropriate Iranian  
18 policy towards the United States.

19 Q. Would you look at Exhibit 42? I think it's probably in the  
20 other book.

21 A. Yes, sir.

22 Q. Dr. Clawson, can you describe to the court what this is?

23 A. This is the transcript of a session that I attended by the  
24 American Iranian Council from late 2001 and its discussion of  
25 U.S.-Iran relations and financial impediments, and particularly

0152

1 it's the transcript of a talk by the representative of the  
2 Islamic Republic of Iran on the Iran-U.S. claims tribunal in  
3 the Hague. And he is discussing in detail the awards that have  
4 been made in the cases in which I have testified and --

5 Q. I'm sorry.

6 A. That's all.

7 Q. Did you supply this document to me when I met with you?

8 A. Correct, sir.

9 Q. What did you attribute the meaning of this document to be?

10 A. A prominent Iranian lawyer asked to speak to an important  
11 Washington audience about financial relationships between Iran  
12 and the United States, chooses as the one topic that he cares

13 to address these court cases, rather than discussing the Hague  
14 tribunal on which he sits or rather than discussing Iran's  
15 claims against the United States at the International Court of  
16 Justice. So that said to me that the court cases that we have  
17 been talking about here are high on the priority list in Iran.

18 Q. And have you concluded whether or not it would be a  
19 negative effect if the court was to interrupt the pattern of  
20 the type of punitive damages that were being awarded?

21 A. Were the court to change the pattern of punitive damages  
22 being awarded this would be interpreted in Iran as a signal by  
23 the United States Government, that is to say by the whole  
24 government, about the seriousness that the U.S. Government  
25 places on Iran's support for terrorism in the past, and also a

0153

1 general signal, a desire to improve U.S.-Iran relations.

2 Q. Do you know who Judge Brugiere was -- is?

3 A. Yes, sir.

4 Q. And can you describe to the court the role he's played in  
5 international seeking out the responsibility for terrorism?

6 A. He has quite a reputation among scholars about terrorism as  
7 someone who is determined to pursue terrorist cases even when  
8 they lead in politically inconvenient places.

9 Q. Has he proven to be accurate and thorough in his work?

10 A. Yes, sir, even when inconvenient to the government's  
11 concern.

12 Q. Are you familiar with the warrant that was issued for  
13 Mr. Fallahian in the Mykonos' case?

14 A. Yes, sir.

15 Q. What was the reaction of Iran to that?

16 A. The Iranian reaction was fury, accompanied by a warning  
17 that there had better not be any similar kind of warrant for  
18 Iran's former president or its supreme religious leader who had  
19 also been implicated in the case.

20 Q. Is there a debate, vigorous debate, now in Iran about  
21 terrorist support and whether they should continue with that?

22 A. There's a vigorous debate about whether Iran should support  
23 terrorism, other than Palestinian terrorism directed against  
24 Israelis.

25 There's a greater consensus -- there's something of a

0154

1 consensus -- excuse me -- to support terrorism against Israelis  
2 by Palestinians, but other kinds of terrorism there is not a  
3 consensus about and there's quite a debate about that.

4 Q. Is one of the factors in that debate the judgment being  
5 rendered by the United States District Courts as in the Higgins  
6 and other cases that have been decided?

7 A. Oh, yes, sir. For instance, a year ago when there was a  
8 debate about whether or not the foreign minister should be  
9 changed, there were a number of comments in newspapers and by  
10 parliament members complaining that he had not been able to  
11 stop these court cases and had not found some way to put an end  
12 to this process.

13 Q. If you look at Exhibit Number 1, please. And look at  
14 that -- are you familiar with the pattern of terrorism reports  
15 issued annually by the State Department, sir?

16 A. Yes. The patterns of global terrorism is probably the most  
17 single respected report from the U.S. Government about  
18 terrorism.

19 Q. If you look at page 46 of that report, please. There's a  
20 section on Iran, you will see in the upper left-hand part, and  
21 in the right-hand the second paragraph from the bottom, during  
22 1989. Do you see that?

23 A. Yes, sir.

24 THE COURT: Hold on one second. Let me find it. You  
25 said it was page?

0155

1 MR. HIRSCHKOP: Forty-six, Your Honor.

2 THE COURT: I have it.

3 Q. Can you read that paragraph, sir?

4 A. (Reading) During 1989, Tehran continued its campaign to  
5 eliminate antiregime dissidents. We believe the increase in  
6 these attacks can be attributed to the regime's fear that  
7 prominent dissident leaders presented a significant threat to  
8 Tehran during the leadership transition following the death of  
9 Ayatollah Khomeini in June. The number of attacks against  
10 dissidents increased from two in 1988 to three in 1989,  
11 resulting in five deaths: three in Austria, one in the United  
12 Arab Emirates, and one in Cyprus. These attacks appear to have  
13 been well planned and were probably carried out by Iranian  
14 intelligence officers.

15 THE COURT: That's on page 45 for the record. No, 46.  
16 Take it back.

17 BY MR. HIRSCHKOP:

18 Q. If you look at the next exhibit, 2, sir, page 33. Do you  
19 see Iran -- it says Iran there at the bottom of the left-hand  
20 column?

21 A. Yes, sir.

22 Q. (Reading) Iran's extensive support for terrorism continued  
23 during 1990. And if you look at Exhibit 3, please, sir, page  
24 30. Do you see where it says Iran, sir?

25 A. Yes.

0156

1 Q. The second paragraph. (Reading) Iranian intelligence  
2 services continue to facilitate and conduct terrorist attacks,  
3 particularly against regime opponents living abroad.

4 If you look over in the right, they discuss a number  
5 of places, including the Ministry of Telecommunications taking  
6 part in the attacks on Shapour Bakhtiar.

7 Our own State Department concluded that Bakhtiar was  
8 murdered by the Iranian government, did it not?

9 A. Yes, sir, that's correct.

10 Q. And during this period -- now, we've gone through the  
11 reports from '89, '90, and '91. During this relative four-year  
12 period, including the next year, 1992, Iran managed to wipe out  
13 a large percentage of the leadership of most of the Iranian  
14 dissident groups just in that four-year period, did they not?

15 A. Most of the dissident groups. I'm not a judge of all the  
16 groups that are out there. I know that's very controversial  
17 among these groups which are the most significant and largest.  
18 Iran certainly managed to kill a lot of leaders of some well  
19 known dissident groups.

20 Q. We know they got Rajavii, his brother, the UN  
21 representative, and Dr. Elahi, and Dr. Boroumand, and  
22 Dr. Bakhtiar and then Mykonos. It was quite an active period,  
23 wasn't it?

24 A. It was a very active period.

25 Q. If you look at the next report for 1993, Exhibit 4, at page  
0157

1 22, at the top, sir. (Reading) Iran was the most dangerous  
2 state sponsor of terrorism in 1992.

3 That has consistently been the spot Iran occupies in  
4 our sponsor terrorism reports, isn't it?

5 A. Correct, sir. That phrase reappears year after year.

6 Excuse me, sir. I should say in some years I believe  
7 it's been the most active instead of the most dangerous.

8 Q. At this time is there any sovereign nation that pours more  
9 money into international terrorism than Iran?

10 A. Not to my knowledge.

11 Q. Is there any that pours even comparable amounts?

12 A. Any government that does it, sir? Not to my knowledge.

13 Q. Yes, sir. I'm not talking about al Qaeda. I'm not sure  
14 what they are.

15 MR. HIRSCHKOP: Your Honor, for your edification we've  
16 highlighted the reports, the number 5 at page 12. Number 6 at  
17 page 6. Exhibit Number 8 at page 5.

18 Exhibit Number 9 is not numbered, but the second page  
19 from the end, our government continues to find they remain the  
20 most active state sponsor of terrorism.

21 Q. Is Iran presently listed as a state sponsor of terrorism by  
22 the American State Department?

23 A. Correct, sir.

24 MR. HIRSCHKOP: If Your Honor desires, a subsequent  
25 filing will enumerate the other pages in each report or I could  
0158

1 do it now, but it's consistent throughout and we've highlighted  
2 it so it's easy to find. You got to go through the --

3 THE COURT: Are they beyond the ones that you just  
4 mentioned?

5 MR. HIRSCHKOP: Yes.

6 Number 10, Your Honor -- well, Number 11 is page 34.  
7 Number 12 page 32. And Number 13, which is the 2001 pattern of  
8 terrorism. At page 64, Iran remained the most active state  
9 sponsor of terrorism in 2001. And it directly refers to the  
10 Ministry of Intelligence and Security, MOIS.

11 Q. Would you look at Exhibit 15, please? Apparently this  
12 paper comes up with the same conclusions as the Annual Reports.  
13 How does this differ? What is the special report on, do you  
14 know?

15 A. This report provides a listing of Iran's use of  
16 international terrorism over the years. It's not necessarily  
17 comprehensive, but it includes a great many of Iran's terrorist  
18 actions over the years, to illustrate the point that Iran has  
19 been such an active state sponsor of terrorism for any number  
20 of years.

21 Q. And, sir, would you look at Exhibit 16? Have you seen this  
22 document before?

23 A. Yes, sir.

24 Q. This is from the American Central Intelligence Agency?

25 A. Correct, sir.

0159

1 Q. If you look at the lower left-hand corner. (Reading) The  
2 terrorist attacks carried out by Iran during the past year were  
3 probably approved in advance by president Rafsenjani and other  
4 senior leaders. The planning and implementation of these  
5 operations are, however, probably managed by other senior  
6 officials, most of whom are Rafsenjani's appointees or allies.

7 Has that document you've seen been the consistent  
8 position of our Central Intelligence Agency?

9 A. Yes, sir.

10 Q. Would you look at the next exhibit, 17, sir? Have you seen  
11 this report from our Committee on Foreign Relations of the  
12 United States Senate?

13 A. A report submitted to the Committee on Foreign Affairs by  
14 the Department of State.

15 Q. If you look at page 1408 of that report, sir.

16 A. Yes.

17 Q. And it's under Respect for Human Rights, the paragraph A,  
18 it says, (Reading) A, political and Other Extrajudicial  
19 Killing. The second paragraph, about four lines down,  
20 (Reading) In addition, the government continues to carry out  
21 political executions of its opponents residing abroad. As of  
22 year's end, the French government's investigation into the  
23 August assassination of former prime minister Shapour Bakhtiar  
24 and his assistant has resulted in a warrant for the arrest of  
25 the Iranian government officials.

0160

1 Look at Exhibit Number 20, please. Are you familiar  
2 with this document?

3 A. I'm familiar with the style of this document, but I don't  
4 believe I've seen this document before, no, sir.

5 Q. Look at number 26, if you would. I had asked you about  
6 this document during the Elahi trial. Are you familiar with  
7 the Parliamentary Human Rights Group?

8 A. Yes.

9 Q. This is a group, as pointed out in the third page of the  
10 document, of the British parliament, current level of 130  
11 parliamentarians from both the House of Commons and House of  
12 Lords?

13 A. Yes, sir.

14 Q. In this document does it not also conclude that the  
15 Iranians have been sponsoring international terrorism and they  
16 are directly responsible for the murder of Mr. Bakhtiar?

17 A. Correct, sir.

18 Q. I would ask you to look, please, at document number 28.  
19 Are you familiar with this, sir?

20 A. Yes, sir.

21 Q. Had the president -- had the president declared an  
22 emergency with regard to Iran?

23 A. Oh, yes, sir.

24 Q. And this and another document I'll show you, has the  
25 president continually kept that emergency in effect?

0161

1 A. Correct, sir.

2 Q. Has that emergency ever been released?

3 A. No, sir.

4 Q. Look at number 35, another document from the Central  
5 Intelligence Agency. At the bottom paragraph.

6 (Reading) Although we have seen some moderating trends  
7 in Iranian domestic policy and even some public criticism of  
8 the security apparatus, the fact remains that the use of



9 terrorism as a political tool by official Iranian organs has  
10 not changed since president Khatemi took office in August of  
11 1997.

12 Has that remained basically true, sir?

13 A. Yes, sir.

14 Q. Look at documents 37 and 38. Was there an investigation in  
15 Belgium in 2000 about violation of human rights by the Iranians  
16 and their terrorist activities?

17 A. Correct, sir.

18 Q. Are the Belgium authorities threatened by Iranian rulers if  
19 they continued that investigation?

20 A. Correct, sir.

21 Q. Has this been part, as much as you can tell, of the Iranian  
22 import of terrorism abroad?

23 A. Iran has a long-established practice of threatening foreign  
24 governments who investigate its support of terrorism.

25 Q. Look at Exhibit 40, sir. I think this goes to your  
0162

1 testimony previously that the action and policies of the  
2 government of Iran continue to threaten the national security  
3 foreign policy and the economy of the United States and  
4 President Clinton continued the national emergency towards  
5 Iran.

6 A. Correct, sir.

7 Q. Exhibit 41, please. Apparently 225 House members and 28  
8 United States senators in the year -- the end of the year 2000  
9 were very concerned about Iranian terrorism.

10 Are you familiar with their reaction to that?

11 A. Yes, sir.

12 Q. What was that about?

13 A. Well, I'm not entirely sure, in that I think that partly it  
14 was about their rejection of Iranian terrorism, and partly it's  
15 a particular Iranian dissident organization trying to advance  
16 its own particular political cause.

17 Q. Finally, would you look at document 44?

18 And for the court's edification, 44 is really an  
19 update of 36, so I didn't refer to it. It's just a more recent  
20 one.

21 A. Yes. This is a report from the U.S. Government Department  
22 of Energy's Energy Information Administration, and it is a  
23 report about Iran's economy and its oil and gas industry. And  
24 these reports are quite respected and quite known for being  
25 accurate.

0163

1 Q. According to this report, Iran on page 3, 3 of 12 it says,  
2 Iran holds 90 billion barrels of proven oil reserves or roughly

3 9 percent of the world's total.

4 They, in fact, continue to discover new oil in Iran  
5 all the time, don't they?

6 A. Correct.

7 Q. And this oil that Iran has, is this what they call sweet  
8 oil?

9 A. Some of Iran's oil is sweet and some of it's what's called  
10 sour. It has very different grades of oil.

11 Q. The sweet oil, is that oil particularly useful in Europe as  
12 low sulfur content oil?

13 A. Particular refineries are designed for particular kinds of  
14 oil in that some refineries have the ability to use high sulfur  
15 oil by taking sulfur out, and there are some refineries in  
16 Europe that are specifically designed to use low sulfur oil and  
17 some to use high sulfur oil. The high sulfur oil is sold at a  
18 lower price because of the cost of taking the sulfur out.

19 Q. You stole my next question.

20 The low sulfur oil, the sweet oil, in the oil industry  
21 is a much higher price, isn't it? It's particularly desirable.

22 A. It's particularly desirable.

23 Q. Does Iran also have massive natural gas reserves?

24 A. Correct, sir.

25 Q. Are you able to put some kind of figure on the ultimate  
0164

1 value of those oil and gas reserves?

2 A. It's certain -- it would be difficult to put one specific  
3 number, but we could certainly say that the value of its oil  
4 and gas reserves certainly exceeds a trillion dollars. How  
5 much it exceeds a trillion dollars will depend upon future  
6 technologies, how easy it is to exploit all of it and so on,  
7 but certainly it's over a trillion dollars. That's very  
8 comfortable.

9 Q. \$25 a barrel, just the oil alone would get us well over a  
10 couple of trillion dollars?

11 A. Yes, sir, except with known technologies you can't extract  
12 all of the reserves. The pressure drops and you can't get it  
13 all out. And I feel more comfortable saying it's well above a  
14 trillion dollars. It's a lot, a lot of money.

15 Q. How much does Iran spend on terrorism, annually?

16 A. On all the different forms of terrorism.

17 Q. Including what they give to Hezbollah and Hamas and the  
18 international community.

19 A. We don't have any precise figure. Neither the Iranian  
20 government publishes a figure, nor do foreign observers provide  
21 us with an exact figure so we have some kind of range. And the  
22 range is usually provided for particular kinds of terrorism

23 activities rather than for the sum total.

24 When we start getting to the sum total I get very  
25 nervous because that requires estimating for how much Iran  
0165

1 spends against dissidents abroad and so on.

2 But certainly the total, including the going after  
3 dissidents abroad, is certainly over \$50 million a year. And I  
4 certainly -- I would be surprised if it were much over \$200  
5 million a year. It might be. It might be. But it's certainly  
6 over 50 million.

7 Q. And based on your knowledge, would it be advisable and in  
8 the interest of this country and the dissidents for this court  
9 to award a very substantial punitive damage award consistent  
10 with those previously awarded in other cases?

11 A. Well, that's certainly -- that would be the appropriate  
12 behavior under the existing law. I'm not a great fan of this  
13 law, but since the law is on the books and that's how Congress  
14 has decided we're going to fight terrorism, then I would say  
15 that would serve the purposes for which the law has been  
16 enacted.

17 MR. HIRSCHKOP: Thank you, Dr. Clawson.  
18 Nothing further, Your Honor.

19 THE COURT: All right. You can step down, sir.

20 THE WITNESS: Thank you.

21 MR. HIRSCHKOP: I call Farhad Rafii to the stand,  
22 please.

23 THE COURT: If you would step up over here, please.

24 THE DEPUTY CLERK: Raise your right hand.

25 FARHAD RAFII, Plaintiff's witness, SWORN.

0166

1 THE DEPUTY CLERK: Please be seated.

2 DIRECT EXAMINATION

3 BY MR. HIRSCHKOP:

4 Q. State your name, please.

5 A. It's Farhad Rafii.

6 Q. Are you a resident of Fairfax County, Virginia?

7 A. I am, yes.

8 Q. Is France Rafii your mother?

9 A. She is.

10 Q. When were you born?

11 A. November 1975.

12 Q. And where were you born?

13 A. Tehran.

14 Q. Now, do you remember your grandfather?

15 A. I do. I remember visiting him in France. He came and  
16 visit us in the U.S. I have memories of him, yes.

- 17 Q. I guess I should be more clear. Your grandfather  
18 Mr. Bakhtiar. You have two grandfathers, correct?  
19 A. Correct.  
20 Q. Is your other grandfather alive here in the United States?  
21 A. He is.  
22 Q. Is he a retired general from the Iranian army?  
23 A. Yes, he is.  
24 Q. And he is someone who is threatened in exile?  
25 A. He is, yes.

0167

- 1 Q. Did he work at the Iranian embassy at the time of the  
2 revolution here in the United States?  
3 A. In the U.S.  
4 Q. Now, as far as your grandfather Shapour Bakhtiar, what do  
5 you remember about him?  
6 A. My memories -- I was rather young, but my memories of him  
7 when we went to go visit him in France, he was a great  
8 grandfather. He was playful, jokeful. He'd make me stand up  
9 and say the Iranian anthem, and just things that he would do as  
10 a grandfather, typical things.  
11 Q. Is your younger brother Shapour named after him?  
12 A. He is, yes.  
13 Q. Do you remember your grandfather coming to visit you here  
14 in the United States?  
15 A. I do.  
16 Q. What special circumstances did that entail?  
17 A. Like it was mentioned earlier, he was heavily guarded. I  
18 believe there was two body guards who -- one was awake  
19 throughout the night. Just one was always on duty, if not both  
20 of them.  
21 There were other circumstances. Like I wasn't  
22 supposed to bring friends over during his visit.  
23 We had to set up special mirrors outside our front  
24 door so that someone can't hide on the side if you rang a  
25 doorbell. Just more precautions were taken.

0168

- 1 Q. Do you remember for the years, several years before your  
2 grandfather's death, that you and your mother would go visit  
3 him every year?  
4 A. I do.  
5 Q. And how long would you stay in Paris to visit your  
6 grandfather?  
7 A. Well, each visit was arranged different. A week, one time  
8 a week. I don't know. I couldn't tell you the exact number of  
9 days we were actually visiting, but several times for several  
10 different increments.

11 Q. Do you remember that your mother called her father every  
12 Sunday religiously?

13 A. Every Sunday, yeah. And after she was done with her  
14 conversation with him, she'd pass the phone along to myself, my  
15 brothers, and my dad would speak to him. So it was almost a  
16 family ritual.

17 Q. What was the first information you had that your  
18 grandfather had been assassinated?

19 A. Well, when I first knew something was wrong when my mother  
20 was crying. That was definitely a sign something was wrong.

21 And my family, they -- usually my parents tried to, I  
22 don't want to say keep things -- I don't want to say keep  
23 things from us, but they tried to protect us.

24 So it was kind of -- you know, it took a while to get  
25 things, like more description out of them and things like that.

0169

1 And obviously, when the news came out, our house was, you know,  
2 extremely crowded with visitors coming to pay their respects.

3 Q. Did your mother immediately fly to Paris?

4 A. I believe she did.

5 Q. And while she was in Paris did you find out that she  
6 visited her sister in the southern part of France?

7 A. Yes, that's true.

8 Q. Was this your Aunt Vivian?

9 A. Right.

10 Q. Okay. And I probably should have asked earlier, but how  
11 many brothers do you have?

12 A. Do I have? I have one older brother and one younger  
13 brother.

14 Q. And your younger brother is here in court?

15 A. Yes.

16 Q. Now, when your brother returned from Paris, what happened  
17 then?

18 A. When she returned back home?

19 Q. Yes.

20 A. I'm not sure where we're going with this.

21 Q. Did she find out within a week her sister Vivian had died  
22 when she heard about her father's death?

23 A. Right. She came back, and I believe it was roughly a week  
24 or so afterwards where I heard my aunt was also -- she also  
25 passed away.

0170

1 Q. Had you ever seen your mother cry like she did during that  
2 period after she lost her father and sister?

3 A. I can't say I did, no.

4 Q. Were you aware that when your mother was young and your

5 grandfather was in jail, your Aunt Vivian would act as her  
6 mother and take care of her while her mother was in Paris?

7 A. That's something I wasn't aware of.

8 Like I said, my mom and my parents, they both kind of  
9 keep us -- tried to protect us more or less, because there's a  
10 lot of information that's kept from...

11 Q. Do you remember your mother going to Paris for the trial of  
12 the people who assassinated your grandfather?

13 A. I did. I didn't go with her, but I do remember she left,  
14 yes.

15 Q. Do you recall not long after that trial your Uncle Guy  
16 died?

17 A. That's true also.

18 Q. Do you recall sometime thereafter when you and your mother  
19 and your younger brother Shapour and your Uncle Patrick went to  
20 the grave site for a ceremony for your grandfather?

21 A. I do remember that, yes.

22 Q. Describe the scene there.

23 A. It was -- it wasn't raining, but it was a damp day in  
24 Paris, not much sun. A huge crowd.

25 Many people, who I've met when I was very young and  
0171

1 couldn't really recognize, but they'd come up to me and say,  
2 Oh, you've heard so much, things like that. So a lot of  
3 people, a lot of friends, a lot of relatives. My mom wasn't  
4 doing well, obviously. I had my cousins there also.

5 But a lot of -- a huge crowd, definitely a lot of  
6 people. There was a ceremony, things were read, songs were  
7 played, a lot of flowers, a lot of crying.

8 Q. You said your mother shields you three boys from all of  
9 this. Have your parents tried to let you know about the  
10 terrorism and what has been going on in the murders?

11 A. Well, it's hard to hide everything, obviously.

12 When we go to visit my grandfather we see there's --  
13 the whole basement is just full of police officers and there's  
14 snipers up on the rooftop. It's hard to not know what's  
15 exactly going on. And we know he had a high position.

16 So, you know, as far as protecting us, there's only so  
17 much you can do. We know. We go out, we ask questions. We  
18 don't always get the great details that sometimes that will  
19 come out of a courtroom like this.

20 Q. Is your mother someone who shows emotion in front of you in  
21 terms of crying or things normally?

22 A. She doesn't try to, no, but sometimes it's just too  
23 apparent. She tries not to, no, but she definitely recently  
24 has been a lot, especially after the death of my grandfather.

25 She will come up with stories and then she will get misty-eyed  
0172

1 and teary.

2 Q. Are you in college here in the United States?

3 A. I have got two years of college. I'm currently also taking  
4 classes and working full-time.

5 MR. HIRSCHKOP: Thank you.

6 Nothing further, Your Honor.

7 THE COURT: You can step down.

8 THE WITNESS: Thank you.

9 MR. HIRSCHKOP: I'd call Kiumars Rafii to the stand,  
10 please.

11 THE DEPUTY CLERK: Raise your right hand, please.

12 KIUMARS RAFII, Plaintiff's witness, SWORN.

13 THE DEPUTY CLERK: Please be seated.

14 DIRECT EXAMINATION

15 BY MR. HIRSCHKOP:

16 Q. State your name please, sir.

17 A. Kiumars Rafii. K-i-u-m-a-r-s. Last name R-a-f-i-i.

18 Q. Are you a resident of Fairfax County, Virginia?

19 A. Yes, that's correct.

20 Q. Are you married to France Rafii?

21 A. Yes, I am.

22 Q. How long have you been married?

23 A. 20 -- 32 years.

24 Q. Now, what do you do? What's your profession?

25 A. I'm civil engineer.

0173

1 Q. Do you presently work for the Fairfax County government?

2 A. Yes.

3 Q. Mr. Rafii, going back to your childhood, where were you  
4 raised?

5 A. I was raised in Tehran, Iran.

6 Q. And what was your father's profession?

7 A. He was officer in the army.

8 Q. Did he ultimately retire from the army?

9 A. That's correct, and he joined the State Department of Iran.

10 Then he moved to United States when I was going to school in

11 California.

12 Q. What degrees do you have, sir?

13 A. Engineering. Bachelor of Science in structural engineer.

14 Q. From where?

15 A. California State Polytechnic University.

16 Q. Now, when your father retired from the army, was he a two

17 star general?

18 A. Yes, that's correct.

19 Q. For how many years did he work in this equivalent of the  
20 State Department of Iran in Iran?

21 A. Well, he worked about four years before coming to United  
22 States in 1975 through 1979. I'm sorry. 1972 through 1979.

23 Q. In those several years he was in the United States was he  
24 at the American Embassy here in Washington, DC?

25 A. That's correct.

0174

1 Q. What was his position?

2 A. He was assistant to Iranian ambassador at the time.

3 Q. Was it his job to run the embassy?

4 A. That's correct. He was administrator.

5 Q. During the time of the -- just before the revolution when  
6 the Shah was leaving Iran, were there actions by Iranian  
7 embassy officials here to take down the Shah's pictures and put  
8 up pictures of Khomeini?

9 A. Yes. That's correct. That was before Khomeini was in  
10 power. Although he was returned to Iran, but Dr. Bakhtiar was  
11 still prime minister, and there was a group of Iranian  
12 supporting Khomeini's regime at the time in Iranian embassy in  
13 Washington and they try to pull his picture up and replace it  
14 by the Shah of Iran's picture, which was resisted by my father  
15 and some other attache military at the time in Iranian embassy.

16 Q. And shortly thereafter, did Mr. Khomeini take over as the  
17 principal ruler of the Iranian government?

18 A. That is correct, just a few days later.

19 Q. Could your father have returned safely to Tehran or Iran  
20 after that?

21 A. I would say definitely not.

22 At the time I was in Tehran and I saw the article in  
23 Time magazine there, that they had a picture of people were  
24 taking over embassy, which was my father and some other  
25 military people of Iranian embassy opposing that action.

0175

1 So I believe he had no chance of going back to Iran  
2 without being prosecuted like many of his other friends that  
3 were there already.

4 Q. Has he remained as an expatriot of Iran in the United  
5 States since that time?

6 A. That's correct.

7 Q. Now, when were you and France married?

8 A. In 1969.

9 Q. And where did you live first?

10 A. I was living in Los Angeles, California, at the time when  
11 my wife joined me there.

12 Q. How long did you live there?



13 A. About eight years.

14 Q. Was your first son born, Furosh, born in Los Angeles?

15 A. That's correct, yes.

16 Q. Would she visit her father every year while he lived in  
17 Los Angeles?

18 A. We went back to Iran after we got married only once, and  
19 then we went back to Los Angeles until I finish my study and  
20 then went back to Iran.

21 THE COURT: I'm sorry. What? I didn't hear the last  
22 part.

23 THE WITNESS: I'm sorry.

24 THE COURT: I didn't hear the end. You dropped your  
25 voice.

0176

1 THE WITNESS: After four years we went back to Iran  
2 and then came back to Los Angeles to finish my study. I worked  
3 there and then went back to Iran three and a half years before  
4 revolution and stayed until then.

5 BY MR. HIRSCHKOP:

6 Q. In 1975 did you move back to Iran?

7 A. Yes.

8 Q. Is that when Farhad was born?

9 A. That's right.

10 Q. And where did you move in Iran when you moved back there?

11 A. Well, we went back there before I found a job and didn't  
12 have any place of residency, so we moved in my father-in-law  
13 house, Dr. Bakhtiar. And we were living there, the way I  
14 remember, at least six months I would say until I found a job  
15 and found an apartment and moved out of there. And Farhad was  
16 born while we were in that house.

17 Q. When you moved out of that house after six months did you  
18 continue to live in the same town as Dr. Bakhtiar?

19 A. Yes, very close. In fact, within walking distance.

20 Q. How often would France see her father?

21 A. I would say every day, probably. While I was at work she  
22 spend most of the time with the kids at her father's house.

23 Q. How many brothers and sisters did France have?

24 A. Two brothers and one sisters.

25 Q. And in 1975, did any of them live in the same town that you

0177

1 and Dr. Bakhtiar are living?

2 A. Yes. One brother and one sister.

3 Q. And when did Vivian and Patrick go to France?

4 A. Patrick went there during the revolution in Iran, which is  
5 late 1979; Vivian left 1978, about the year before revolution.

6 Q. During those years what did Mr. Bakhtiar do for his

7 employment?

8 A. He was with a different -- several different companies. He  
9 was running -- one of them was textile company, one was glass  
10 production company in Iran.

11 And he was often flying in the morning, coming back to  
12 different cities in Iran, such as Isvan in center of Iran,  
13 which was the larger textile factory that he was CEO of that  
14 company.

15 Q. Was the glass factory controlled by the Pahlavi Foundation?

16 A. That is correct.

17 At the time before the revolution Pahlavi Foundation  
18 was having lots of ownership in many large industries in Iran,  
19 and that particular factory was at least minimum of 5 percent  
20 or 15 percent. Traditionally, they was giving it to them so  
21 they could have the influence. And I believe that was that  
22 figure, 5 to 15 percent was owned by Pahlavi Foundation.

23 Q. Was Dr. Bakhtiar forced to leave that position because of  
24 his opposition to the Shah?

25 A. That's exactly correct. He was given that if you are  
0178

1 working for us, we own part of that factory, therefore you  
2 should not be running this one, or have cooperation with the  
3 present system of Iran, which was a royal system then.

4 Q. Was the Pahlavi Foundation basically controlled by the  
5 Royal Family?

6 A. Yes.

7 Q. Now, was Mr. -- Dr. Bakhtiar a member of the national  
8 assembly at some point?

9 A. That is correct. He was one of the leaders.

10 Q. Did he blame the Shah for the death of his own father?

11 A. Not -- Shah's father actually, which was 50 years earlier.

12 Q. Was a cousin of Dr. Bakhtiar's one of the Shah's -- the  
13 Shah's initial wife?

14 A. Yes, that's correct.

15 Q. Was Dr. Bakhtiar invited to, not the opposition, but to be  
16 in the Shah's regime at some point?

17 A. Yes, several occasions he had such offer. He did mention  
18 it to me many times.

19 Q. As a result of his opposition to the Shah and his  
20 insistence on a democratic or republican republic was he jailed  
21 periodically?

22 A. I believe he was because at the time I was not married to  
23 France, but I did find it out later that he was several times  
24 in jail in period of as much as two years because of political  
25 activities against the regime of Shah's regime.

0179

1 Q. And when he was in jail, would Vivian, the older sister,  
2 very often act as the mother to France?

3 A. That's correct, she was.

4 Q. In 1979 when Khomeini took over, where were you?

5 A. I was in Tehran living at the time with my family, working  
6 as a -- in construction industry.

7 Q. And had your father-in-law already fled Iran?

8 Dr. Bakhtiar, had he fled Iran and you were still  
9 there?

10 A. He was in Tehran in hiding at the time, 1979.

11 Q. Did there come a time when he secretly fled from the  
12 country?

13 A. That was right, in 1980s, probably.

14 Q. Did there come a time while Khomeini was still the ruler of  
15 Iran, but before the takeover of the American Embassy and the  
16 hostages, when you and your wife and children went to visit him  
17 in Paris?

18 A. Yes. We went to visit my father-in-law and my  
19 mother-in-law and brother-in-law in Paris and then we planned  
20 to go, to come to Washington to visit my parents, which we did.  
21 That trip was -- took -- we were planning to have about a  
22 month's of visiting our families and go back to Iran, but --

23 Q. Did there come a time when you were visiting your family  
24 here in the United States as part of that trip that you found  
25 out that the embassy had been taken over in Tehran?

0180

1 A. The embassy of Tehran was taken over right before the  
2 revolution, so that was six months before coming in here.

3 Q. When the American hostages were taken --

4 A. Yes, hostages.

5 THE COURT: Excuse me. Be careful. Do it one at time  
6 so we can keep track of this.

7 So if we could put the timing of this. You're talking  
8 about the American hostages before you visited France and the  
9 United States?

10 THE WITNESS: No. I did visit France and then came to  
11 United States, and I was planning to go back to Iran. And two  
12 days before I leave the hostage crisis started and they took  
13 American hostages in Tehran, and I was told by my parents and  
14 friends and everybody else that this is not a good time to go  
15 back to Iran because it's such an uncivilized act, it's unheard  
16 of it, and you may not be easy able to get out of the country  
17 again.

18 Q. A little over a year after that, did you find out there was  
19 an attempted assassination of your father-in-law at  
20 Dr. Boroumand's apartment?

21 A. Yes.

22 Q. What was your wife's reaction to that?

23 A. Well, we were initially shocked, but then was relieved that  
24 they live over that incident, and very touched by the other  
25 people, that they got killed in between this incident,

0181

1 especially the neighbor of Dr. Bakhtiar.

2 Q. In the 10 years between the attempted assassination and the  
3 actual assassination, did your wife go visit her father every  
4 year?

5 A. At least once a year, if not more.

6 Q. And sometimes for several weeks at a time?

7 A. About a month at a time normally.

8 Q. Would your father-in-law have come here at any time?

9 A. He did in two occasions during that time.

10 Q. You heard what your son described as the extreme security  
11 measures at your own home. What was your view of those?

12 A. Well, they had to have a security here, so they had private  
13 security people hired. And they were protecting him around the  
14 clock, watching at night, even we were asleep.

15 I was very much, of course, concerned. I knew that the  
16 government people are very much after him. There was no  
17 secret. And I was concerned about the family, security of my  
18 family, but we were very happy to have him at home.

19 Q. In this period where did Guy live?

20 A. He was -- in one time he came with Dr. Bakhtiar. That was  
21 only time that he came to the United States. But he was in  
22 France. That's where he was living.

23 Q. Did he live in Paris?

24 A. In Paris, yes.

25 Q. And in the late '80s, at least, was he in charge or one of  
0182

1 the police in charge of protecting your father-in-law?

2 A. That's right, yes.

3 Q. And did he hold a high position in the French police?

4 A. Yes, he was. He was in charge of the security for the  
5 house. And they were -- in French system, they have a few  
6 inspector and then he was in charge of those inspectors.

7 Q. Where did Patrick live during that period, in '81 to '91?

8 A. He was in Paris living nearby his father, also.

9 Q. Had he initially during that period actually been living  
10 with his father for a while?

11 A. In beginning, yes. In the first year, perhaps, then  
12 separated, went to another place.

13 Q. Where did Vivian live, at least in the late '80s?

14 A. He had a separate apartment living in Paris. Later on he

15 moved to south of France.

16 Q. What did you find out occurred in the murder of your  
17 father-in-law? How was it done?

18 A. Well, there was a -- people, that they got close to him and  
19 they knew about his -- when Guy is not there, like his day off,  
20 and they knew exactly his schedule.

21 And they -- like it was discussed before, they had two  
22 people having appointment to see him regarding the political  
23 situation in Iran. And they entered him into the apartment  
24 that he was living, passing them through the security. Since  
25 they were known by the Guy, he was able -- they were able to  
0183

1 get inside the apartment and...

2 Q. What did they do when they got in the apartment?

3 A. Well, he was at the time alone with his assistant,  
4 Mr. Katbih, and there were three of them. Apparently they  
5 overcome. And they knew where the knife is, the kitchen knife.  
6 And they stabbed them both. They hold them up, both. They  
7 stabbed them: Mr. Katbih and Dr. Bakhtiar with the knife.

8 Q. Was the murder scene described in the French newspapers?

9 A. Yes. It was lots of, several newspapers.

10 Q. Were there lots of calls to your home to talk to your wife  
11 about the death of her father?

12 A. Yes, it was.

13 Q. What was your wife's reaction to that whole thing?

14 A. Well, she was not in the position to give any interview.  
15 She could hardly stop crying and could not speak to anybody,  
16 especially lots of people from Los Angeles, which they have  
17 broadcasting system for Iranians. They tried to talk to her,  
18 but she refused to talk to anybody.

19 Q. Did she fly over immediately for her father's funeral?

20 A. Yes, we did. I did go with her for funeral.

21 Q. What was she -- have you ever seen her cry like that or  
22 hysterical?

23 A. Of course not.

24 Q. Did she go down to southern France to tell her sister what  
25 had occurred?

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1 A. Yes. Unfortunately, her sister would not attend the  
2 funeral, and doctor's order because of the problem that she had  
3 with her health and was advised not to go to the funeral. So  
4 France did fly to south of France in the morning and just visit  
5 her and then came back in same day. And that was about a week  
6 before she passed away.

7 Q. Were you back in the United States when you found out  
8 Vivian had died?

9 A. That's correct, yes.

10 Q. And what was France's reaction? How did that affect her on  
11 top of --

12 A. That was just a grief undescribable.

13 Just losing another -- not just another member of  
14 family, just a sister and mother on top of her father's.

15 Q. In discussing it with you, did she attribute the death of  
16 her sister to learning of the death of her father?

17 A. Yes. We all believe that.

18 Q. Did there come a time several years later when your wife  
19 went to Paris for three months to go through -- sit through the  
20 trial of the murderers of her father?

21 A. Yes. She did for -- it wasn't continuous three months, but  
22 within the three months, was month at a time, and then she had  
23 to come back here and leave again for the rest of the trial.

24 Q. And did her brothers, Patrick and Guy, go through the trial  
25 with her?

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1 A. Yes. They were living in Paris at the time where the trial  
2 was held.

3 Q. Did Guy die shortly after the trial?

4 A. He passed away about two years after the trial I would say.

5 Q. What was her reaction to Guy's death?

6 A. Well, more pressure, I think. Since he was involved in the  
7 security, he -- somehow he was blaming himself that he couldn't  
8 figure out another plan to have a better protection for his  
9 father.

10 Q. What has been your wife's reaction since she lost Guy to  
11 today, the loss of her father? Does she ever talk about it?

12 A. No. It's really not that much to talk about.

13 We just understand having the feeling of sadness. And  
14 she's just changed since all these incident and quite a bit  
15 suffering.

16 MR. HIRSCHKOP: Nothing further. Thank you, Your  
17 Honor.

18 THE COURT: Thank you, sir.

19 MR. HIRSCHKOP: Your Honor, I only have one other  
20 witness, it's France, but I'd be very hesitant to start her and  
21 then bring her back in the morning and do her, so if -- it's  
22 the court's call, of course.

23 THE COURT: I don't have a problem. We can break for  
24 this evening and then start tomorrow.

25 What I'm going to ask is if we start at 9:30, since we

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1 have elections tomorrow -- and hopefully everybody is voting.

2 I want to make sure that you have enough time to get into -- so

3 I think if we do 9:30, that should work.  
4 MR. HIRSCHKOP: It would work even better at 10:00 if  
5 the court --

6 THE COURT: All right. I'd be willing to make it at  
7 10:00. I'd rather not have part of the people here and not the  
8 rest, so we can start at 10:00 o'clock.

9 MR. HIRSCHKOP: Thank you, Your Honor.

10 THE COURT: All right. Parties are excused.

11 MR. HIRSCHKOP: Goodnight.  
12 (Proceedings concluded at 4:29 p.m.)  
13

14 CERTIFICATE

15 I, EDWARD N. HAWKINS, Official Court Reporter, certify  
16 that the foregoing pages are a correct transcript from the  
17 record of proceedings in the above-entitled matter.  
18

19 Edward N. Hawkins, RMR  
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