

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

YOUSSEF SHAOULIAN-TEHRANI; ELANA TEHRANI;
NAHID FARANAGIAN; YECHIEL SUSAN FARANGIAN;
SIMCHA RAZAKANSARI; LIOR CHAHRAMAANI;
BENNI GHARAMAANI; DARYUSH SALAARI;
HASHAMTULLA EZZATI; PARADIN EZZATI;
ORIT ABIZADEH; LINDA BALAZADEH (RAM);
IRIT ELCHANA

Plaintiffs,

-against-

SEYED MOHAMMAD KHA TAMI,

Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

06 CV 6868

JUDGE CHIN

TO: (Name and Address of Defendant)

SEYED MOHAMMAD KHA TAMI,

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Jaroslawicz & Jaros
150 William Street, 19th Floor
New York, New York 10038

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON

CLERK


BY DEPUTY CLERK

DATE

SEP 07 2006

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
YOUSSEF SHAOULIAN-TEHRANI; ELANA TEHRANI;
NAHID FARANAGIAN; YECHIEL SUSAN
FARANGIAN; SIMCHA RAZAKANSARI; LIOR
CHAHRAMAANI; BENNI GHAHRAMAANI;
DARYUSH SALAARI; HASHAMTULLA EZZATI;
FARADIN EZZATI; ORIT ABIZADEH; LINDA
BALAZADEH (RAM); IRIT ELCHANA

Plaintiffs,

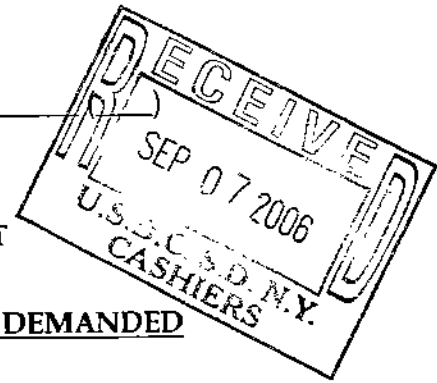
-against-

SEYED MOHAMMAD KHA TAMI,

Defendant.
----- X

CV
COMPLAINT

JURY TRIAL DEMANDED



06 CV 6868

JUDGE CHIN

Plaintiffs, Youssef Shaulian-Tehrani, Elana Tehrani, Youssef Shaoulian -Tehrani, Elana Tehrani, Nahid Farangian, Yechiel Susan Farangian, Simcha Razakansari, Lior Ghahramaani, Benni Ghahramaani, Daryush Salaari, Hashamtulla Ezzati, Faradin Ezzati, Orit Rabizadeh, Linda Balazadeh (Ram), Irit Elchanan complaining of the Defendant, by their attorneys, Jaroslawicz & Jaros, allege their complaint as follows:

NATURE OF ACTION

1. This is an action for compensatory and punitive damages that is being brought by Youssef Shaoulian -Tehrani, Elana Tehrani, Youssef Shaoulian -Tehrani, Elana Tehrani, Nahid Farangian, Yechiel Susan Farangian, Simcha Razakansari, Lior Ghahramaani, Benni Ghahramaani, Daryush Salaari, Hashamtulla Ezzati, Faradin Ezzati, Orit Rabizadeh, Linda Balazadeh (Ram), Irit Elchanan, the family members of Jewish Iranian citizens who were tortured by officials of the Islamic Republic of Iran (hereinafter "Islamic Republic") and are

being wrongfully imprisoned in Iranian jails during the years 1994 until today in violation of the law of nations, the Torture Victims Protection Act, and the Alien Tort Claims Act.

THE PARTIES

2. The Plaintiff, Youssef Shaoulian–Tehrani, is the father of Babak Tehrani a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. He currently resides in the United States and was not an American citizen at the time of his son’s kidnapping.

3. The Plaintiff, Elana Tehrani is the mother of Babak Tehrani, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. She currently resides in the United States and was not an American citizen at the time of her son’s kidnapping.

4. The Plaintiff, Nahid Farangian is the wife of Cyrus Ghahramaani a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Nahid Farangian currently resides in Israel.

5. The Plaintiff, Yechiel Susan Farangian is the of son of Cyrus Ghahramaani, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Yechiel Susan Farangian currently resides in Israel.

6. The Plaintiff, Simcha Razakansari is the wife of Ebrahim Ghahramaani, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Simcha Razakansari currently resides in Israel.

7. The Plaintiff, Lior Ghahramaani is the son of Ebrahim Ghahramaani, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully

imprisoned in the notorious Iranian prison system. Lior Ghahramaani currently resides in the Israel.

8. The Plaintiff, Benni Ghahramaani is the brother of Cyrus and Ebrahim Ghahramaani Jewish citizens of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Benni Ghahramaani currently resides in Israel.

9. The Plaintiff, Daryush Salaari is the brother of Karman Salaary, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Daryush Salaari currently resides in Israel.

10. The Plaintiff, Hashamtulla Ezzati is the father of Farhad Ezzati, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Hashamtulla Ezzati currently reside in Israel.

11. The Plaintiff, Faradin Ezzati is the brother of Farhad Ezzati, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Faradin Ezzati currently reside in Israel.

12. The Plaintiff, Orit Rabizadeh is the wife of Nourollah Rabizadeh-Felfeli, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Orit Rabizadeh currently resides in Israel.

13. The Plaintiff, Linda Balazadeh (Ram) is the wife of Homayoon Balazadeh, a Jewish citizen of the Islamic Republic who was tortured and is currently being wrongfully imprisoned in the notorious Iranian prison system. Linda Balazadeh (Ram) currently resides in Israel.

14. The Plaintiff, Irit Elchanan is the Aunt of Reuben and Ebrahim Kohan-Mosleh , Jewish citizens of the Islamic Republic who were tortured and are currently being wrongfully imprisoned in the notorious Iranian prison system. Irit Elchanan currently resides in Israel.

15. Upon information and belief at least twelve Jewish Iranians remain imprisoned in the Islamic Republic of Iran were they were and are still being subjected to brutal torture and interrogations during their wrongful imprisonment in the infamous Iranian prisons.

16. The Defendant, Seyed Mohammad Khatami, is the former President of Iran who served as the leader of the government for a period of eight years from August 1997 until August 2005. Prior to this time the Defendant served as the Iranian Minister of Culture from 1982 until 1992.

17. In his position of authority as the President of Iran, the Defendant was the supreme director of the Iranian security services, the police forces, the prison services and the court system.

18. Upon information and belief, in his positions as a high ranking government minister and as President of Iran, the Defendant directly authorized the policy of the on-going torture and wrongful imprisonment of the twelve missing Jewish Iranian individuals during his tenure in office.

JURISDICTION

19. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1350, and 1350 notes.

20. Additionally, this Court has jurisdiction under 28 U.S.C. § 1331 for those international law claims that arise under federal common law.

THE UNDERLYING FACTS

21. In 1979, following months of escalating political unrest and widespread acts of violent and terrorist provocations by radical Islamic militants and other anti-government forces, the then ruler of Iran, Shah Mohammed Reza Pahlavi, hastily departed from the country along with many of the government's high-ranking officials.

22. The Islamic militants, under the leadership of Ayatollah Ruhollah Khomeini swiftly seized control of the government apparatus, its ministries and armed forces and overnight transformed Iran from a relatively stable constitutional monarchy to a reactionary and radical theocratic Islamic regime to be ruled, allegedly, according to the most fundamentalist interpretations of Shi'ia Islamic law.

23. The Khomeini led regime, the newly christened Islamic Republic of Iran, began to institute a policy of brutal and violent retaliations and acts of overwhelming suppression against its perceived political and religious opponents. The opponents of the new regime included pro-Shah loyalists, former government officials, secular organizations, democratic activists, the political Left and non-Islamic religious communities as many well as others.

24. The Ayatollah Khomeini's new regime initiated a widespread and forceful crackdown against all voices of oppositions to its Islamic theocratic policies resulting in the arrests and mass murder of thousands of Iranian citizens deemed by to be a threat by the new government. Others more fortunate "enemies of the Islamic Republic" were merely arrested, brutally tortured and imprisoned for long periods of time. Needless to say these detained and tortured citizens were not provided any legal protections, fair trials nor guarantees of their civil liberties. Many individuals have disappeared or perished in prison and have never been located and their fates cruelly remain unknown to their families.

25. In addition, the homes, businesses and property of hundreds of thousands of Iranian families was forcefully seized and confiscated by the Islamic Republic without any legal proceedings, due process nor opportunity to challenge these government actions. In many instances the private property of Iranian citizens was stolen by the regime simply to be turned over to government officials and their relatives or to favored Islamic clerics without any compensation to the true owners.

26. Under the Islamic Republic a brutal era of political and religious oppression of Iran's own citizens by its fundamentalist Islamic government was ushered in, resulting in the complete suppression of all voices of opposition and the violent elimination of any individual who fell into disfavor or ran afoul of the government or its religious officials. Tens of thousands of citizens were dismissed from their employment or had their work positions entirely eliminated for a wide range of arbitrary reasons resulting in massive unemployment and economic instability. All media and communication outlets including newspapers, radio and television were now operated and their content directly supervised by the Islamic Republic. In addition, the curriculum of all schools, universities and education centers was directly controlled by government officials with absolutely no tolerance for dissenting views or unorthodox opinions which did not follow the official fundamentalist line.

27. Moreover, women of all ages in the Islamic Republic were compelled to dress in the traditional *hijab*, veiling their entire bodies in accordance with fundamentalist Islamic notions of modest dress. Women, even non-Muslims, who dared to venture out into public without their veils were submitted to arrest, imprisonment, rape, martial punishment and even murder.

28. These brutal policies of oppression and crimes by the Islamic Republic against its own citizens largely continues until today and were carried out during the years of 1997 through 2005 when the Defendant served as President of the regime.

29. Minority religious communities in the Islamic Republic including the Baha'i, Christian and Jewish communities suffered and continue to suffer brutal oppression by the intolerant fundamentalist government. These religious minority communities have been subjected to arrests, public show trials, imprisonment, assassinations and executions, confiscation of religious centers and land, suppression of their civil rights, forced unemployment and official discrimination by the Islamic Republic. An official policy seeking to interfere and discourage non-Islamic religious practices has been rigorously implemented. Non-

Islamic citizens of Iran do not even share the same meager civil rights and privileges afforded Muslim citizens.

30. The Iranian Jewish community was particularly and harshly assaulted by the advent of the Islamic Republic both for theological and political reasons. The Islamic Republic specifically targeted the Jewish community because of its fundamentalist theological hostility to Judaism, which it branded as a "false religion." The Ayatollah Khomeini's rhetoric and theological writings condemned Jews as enemies of Islam and historic opponents of their Prophet Mohammed and urged Islamic believers to carry out acts of hostility and intolerance against Jews. In addition, the officials of the Islamic Republic accused the Jewish community of being loyal to the Shah and his government and of being supporters of the old regimes "crimes" against the fundamentalist Islamic groups.

31. Moreover, the Islamic Republic declared the State of Israel to be one of its chief political enemies and has continuously leveled libels and false accusations against the Jewish community of spying for Israel.

32. In the time after the Islamic revolution in 1979, many members of the Jewish Iranian community sought to escape the escalating and increasing political violence and oppression that had engulfed their country. Those who were abroad at the time of the Islamic Revolution simply did not return out of fear of the brutal and swirling chaos. Although, the borders, airports and seaports were closed many Iranians successfully were able to smuggle themselves and their families across the borders to freedom in the other countries. The routes abroad from Iran include as many roads, trails and paths as do lead to its borders with other nations. Usually, the fleeing individual would join with others and hire a native guide to lead them through the rough terrain and dangerous mountain passes that constitute the best escape routes into neighboring Turkey and Pakistan. These local guides are paid large fees for this dangerous work. In many instances, one or several family members managed to flee the Islamic

Republic while leaving other family members behind. Hundreds of thousands of families became and remain divided until today as a result.

33. As time went on however, and the Islamic Republic's control of its borders increased and its secret service became more efficient, leaving the country by any means and through any escape route became more difficult and dangerous. More and more individuals were being arrested by the secret service, border guards and police as they sought to utilize the overland routes across the borders.

34. The Jewish community was not the only Iranian citizens seeking to escape the fundamentalist regime. Millions of other Iranians had managed to flee the Islamic Republic by many different means and routes seeking refuge and safety from the Islamic fundamentalist terror. Accordingly, many Iranians trying to leave the country had been arrested at different times by the Islamic Republic's security services en-route abroad. In most of these instances the Iranian citizens were released following "legal" procedures, including their families being notified of their arrests and being forced to pay hefty bribes to the prison authorities to secure their releases.

35. For those unable to bribe their way of prison or lacking the family connections and influence to secure freedom, the legal punishments for leaving the country through illegal border crossings are clearly indicated in the Islamic Republic's laws and usually include small monetary fines and light jail sentences. In all these instances their families were informed of their arrests and their whereabouts were officially confirmed.

36. However, over the years as Jewish Iranians were arrested attempting to leave the Islamic Republic through various routes a very different policy was enacted towards them and their families. In these instances there was no notification to the families of the arrest nor was there any means of officially confirming their whereabouts. Inquiries to the police, the security services, the prisons, the courts and government ministers were returned with no information nor acknowledgment that the Jewish individual was in official custody.

37. Nor were these Jewish individuals ever charged with any crime nor ever brought before any sort of trial or tribunal. Instead the Jewish families had no information about their whereabouts or fate. The Jewish Iranian citizens captured trying to leave the Islamic Republic simply disappeared and would not be heard from ever again.

38. This discriminatory policy was instituted by the Islamic Republic against the Jewish prisoners both to deter other members of the Jewish community from attempting to flee and additionally to spread terror and fear. The Iranian officials understood that nothing could be more dreadful, horrifying and debilitating for close knit families than to have a loved one disappear without a trace into the infamous Iranian prison system forever. The Islamic Republic singled out the Jewish community for this discriminatory terror treatment because of its official and anti-Semitic opposition to Judaism and its hatred of the State of Israel.

39. Between the years 1994 and 1997, eleven Jews, mostly young men disappeared near the Iranian borders with Pakistan while attempting to cross the borders towards a free life and a secure future, as millions of Iranians had done before. Another Jewish man disappeared without a trace in a different province in 1997. In each of these twelve known instances the Islamic Republic has officially denied arresting the Jewish Iranians and has professed no knowledge of their whereabouts. There families have never heard directly from them ever again.

40. The twelve missing Jews are: Babak Shaoulian Tehrani who was 17 years old at the time of his arrest; Shaheen Nik-Khoo who was 20 years old at the time of his arrest; Behzad Salaary who was 21 years old at the time of his arrest; Farhad Ezzati who was 22 years old at the time of his arrest; Homayoon Balazadeh who 36 years old at the time of his arrest; Omid Solooki who was 15 years old at the time of his arrest; Reuben Kohan-Mosleh who was 17 years old at the time of his arrest Ebrahim Kohan-Mosleh who was 16 years old at the time of his arrest; Cyrus Ghahramaari who was 55 years old at the time of his arrest; Ebrahim Ghahramaari who was 57 years old at the time of his arrest; Nourollah Rabizadeh-Felfeli who

was 45 years old at the time of his arrest and Es-haagh Hassid (Hashid) who was 57 years old at the time of his arrest.

41. Some of the Plaintiffs are the wives of the missing Jewish men who have now become *agunot* or “chained women.” Under Jewish law, the Plaintiffs remain married to their missing spouses. According to Jewish law these women cannot be granted a divorce nor have their husbands declared dead until some definitive proof of their fate is ascertained. Thus, they are unable to get remarried or receive any measure of personal stability or closure. More than a decade has passed since some of the women have seen their husbands alive.

42. In three of the instances, the missing Jews were teenage boys whose families never saw or heard from them again.

43. In time, however, some information has reached the Jewish families attesting to their loved ones still being alive and still being held captive in Iranian prisons.

44. As an example some eyewitnesses, such as former prisoners or guards, have contacted the families and brought them reports of having seen their family members in jail. In addition, some Islamic Republic officials have told officials of the Jewish community, off the record, that the Jews are being held in Iranian prisons without trials.

45. In one instance, a neighbor of one of the missing Jews, Fereidoon Peyman, has sworn out an affidavit claiming that he saw him alive with several other teenage Jewish prisoners being held in the infamous Evin security prison in Tehran.

46. Moreover, since these disappearances happened during four different attempts at crossing the borders, at four different times between 1994 and 1997, the most plausible conclusion is that the twelve missing Jews all share a common fate and are still being held by the Islamic Republic.

Babak Tehrani

47. Babak Tehrani was born in 1977 in Tehran, Iran.

48. On June 8, 1994 he was attempting to leave the Islamic Republic across the border with Pakistan.

49. Upon information and belief, Babak Tehrani was arrested by the Islamic Republic's security services in Zahedan, Baluchistan.

50. Upon information and belief Tehrani was subjected to brutal torture.

51. In the Persian month of Mehr (September - October) 1996, a neighbor of the Tehrani family, Fereidoon Peyman was visiting the infamous Evin Prison in Tehran when he came upon Babak Tehrani and other Jewish youngsters in a prison cell. As he testified in a sworn affidavit given in Los Angeles in 2003:

In the hallway it was very cold in spite of the warm weather. As I was walking, a jail cell with a window caught my eye; I went forward and I saw several youths (inside) who were sitting on the floor-poor kids-including one whom I knew particularly since they (Babak's family) were our neighbors and he was my daughter's classmate (and) whose name was Babak. He first thought-poor kid-that I was there to free them (and) came towards me but since I was in an awkward situation I told him with a gesture to sit, whereupon Mr. Rouhani and Mr. Fallahian arrived and we went up in the elevator again. Since I couldn't contain myself, I asked them (him) along the way "are these kids whom I saw, political prisoners"? He said "kind of, but they are Jews and they had tried to escape from the border two or three times when they were seized (arrested) and were handed over (to the prison authorities?).

I, Fereidoon Peyman, am ready to be present at any venue and testify that I have myself seen Babak Tehrani and the above mentioned kids.

52. Babak Tehrani remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Karman Salaary

53. Karman Salaary was born in 1973 in Kermanshah, Iran.

54. On September 21, 1994 he was attempting to leave the Islamic Republic across the border with Pakistan.

55. Upon information and belief, Karman Salaary was arrested by the Islamic Republic's security services in Zahedan, Baluchistan. Upon information and belief Karman Salaary was subjected to brutal torture.

56. Karman Salaary remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Farhad Ezzati

57. Farhad Ezzati was born in 1972 in Kermanshah, Iran.

58. On September 21, 1994 he was attempting to leave the Islamic Republic across the border with Pakistan.

59. Upon information and belief, Farhad Ezzati was arrested by the Islamic Republic's security services in Zahedan, Baluchistan.

60. At the time of his arrest he was 22 years old. Upon information and belief Farhad Ezzati was subjected to brutal torture.

61. Farhad Ezzati remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Reuben Kohan-Mosleh

62. Reuben Kohan-Mosleh was born in 1977 in Shiraz, Iran. On December 8, 1994 he was attempting to leave the Islamic Republic across the border with Pakistan.

63. Upon information and belief, Reuben Kohan-Mosleh was arrested by the Islamic Republic's security services in Baluchistan Providence. At the time of his arrest he was 17 years old.

64. Upon information and belief Reuben Kohan-Mosleh was subjected to brutal torture.

65. Reuben Kohan-Mosleh remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Ebrahim Kohan-Mosleh

66. Ebrahim Kohan-Mosleh was born in 1978 in Shiraz, Iran.

67. On December 8, 1994 he was attempting to leave the Islamic Republic across the border with Pakistan.

68. Upon information and belief, Ebrahim Kohan-Mosleh was arrested by the Islamic Republic's security services in Baluchistan Providence.

69. At the time of his arrest he was 16 years old.

70. Upon information and belief Ebrahim Kohan-Mosleh was subjected to brutal torture.

71. Ebrahim Kohan-Mosleh remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Homayoon Balazadeh

72. Homayoon Balazadeh was born in 1958 in Shiraz, Iran.

73. On December 8, 1994 he was attempting to leave the Islamic Republic across the border with Pakistan.

74. Upon information and belief, Homayoon Balazadeh was arrested by the Islamic Republic's security services in Baluchistan Providence.

75. At the time of his arrest he was 36 years old.

76. Upon information and belief Homayoon Balazadeh was subjected to brutal torture.

77. Homayoon Balazadeh remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Cyrus Ghahramaani

78. Cyrus Ghahramaani was born in 1939 in Kermanshah, Iran.

79. On February 12, 1997 he was attempting to leave the Islamic Republic across the border with Pakistan.

80. Upon information and belief, Cyrus Ghahramaani was arrested by the Islamic Republic's security services in Baluchistan Providence.

81. At the time of his arrest he was 48 years old.

82. Upon information and belief Cyrus Ghahramaani was subjected to brutal torture.

83. Cyrus Ghahramaani remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Ebrahim Ghahramaani

84. Ebrahim Ghahramaani was born in 1937 in Kermanshah, Iran.

85. On February 12, 1997 he was attempting to leave the Islamic Republic across the border with Pakistan.

86. Upon information and belief, Ebrahim Ghahramaani was arrested by the Islamic Republic's security services in Baluchistan Providence.

87. At the time of his arrest he was 40 years old.

88. Upon information and belief Ebrahim Ghahramaani was subjected to brutal torture.

89. Ebrahim Ghahramaani remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

Nourollah Rabizadeh-Felfeli

90. Nourollah Rabizadeh-Felfeli was born in 1942 in Kermanshah, Iran.

91. On February 12, 1997 he was attempting to leave the Islamic Republic across the border with Pakistan.

92. Upon information and belief, Nourollah Rabizadeh-Felfeli was arrested by the Islamic Republic's security services in Baluchistan Providence.

93. At the time of his arrest he was 45 years old.

94. Upon information and belief Nourollah Rabizadeh-Felfeli was subjected to brutal torture.

95. Nourollah Rabizadeh-Felfeli remained unlawfully imprisoned during the period between 1997 and 2005 when the Defendant was the President of the Islamic Republic and until today.

96. The Defendant has routinely violated international human rights standards with relative impunity.

97. This pattern of intimidation, brutality by the Defendant and the regime he led has been extensively documented by the U.S. State Department and by numerous international human rights groups such as Amnesty International and Human Rights Watch.

98. The horrific acts committed against the missing Jewish Iranians and their families were inflicted under color of law and under official authority in violation of the law of nations and were inflicted deliberately and intentionally.

99. The acts and injuries that the missing Jewish Iranians and their families have suffered were part of a pattern and practice of systematic human rights violations that was designed, ordered, implemented, and directed by the Defendant. Such acts were and are carried out pursuant to a general policy of the Islamic Republic and its senior leadership and was designed to terrorize the Jewish Iranian population and to ensure that the Defendant and his extremist leadership circle was able to maintain power at all costs.

100. The Plaintiffs have no adequate and available remedy to obtain justice within the Islamic Republic and would placing their lives in severe jeopardy if they were to even enter the territories of that outlaw regime to seek justice.

101. The Plaintiffs have concluded that in order to ensure that justice is done, they must file this complaint against the Defendant who is responsible for their family members brutal torture and unlawful imprisonment.

AS AND FOR A FIRST CLAIM FOR RELIEF

*Committing Acts Of Torture In Violation Of The
Torture Victim Protection Act, 28 U.S.C. § 1350 notes*

102. All Plaintiffs, repeat and re-allege each of the foregoing paragraphs and allegations with the same force and effect as if fully set forth herein.

103. The Plaintiffs' family members were wrongly imprisoned by the security forces of the Islamic Republic and systematically tortured, as that term is defined in the Torture Victim Protection Act, 28 U.S.C. § 1350 notes, under color of law through physical and psychological abuse and this torture was ordered or directed by the Defendant.

104. The politically and religiously motivated acts of torture carried out by the Defendant were designed to harm the Plaintiffs, the victims' families, as well as the victims themselves.

105. As a result of the Defendant's actions the Plaintiffs have suffered grievous physical and emotional harm and other damages.

106. The Plaintiffs have exhausted all other remedies for obtaining justice.

107. By reason of the foregoing, the Plaintiffs are entitled to recover the full extent of his damages, in an amount to be determined by the jury at trial.

AS AND FOR A SECOND CLAIM FOR RELIEF

*Committing Acts Of Torture In Violation Of
The Law Of Nations Under 28 U.S.C. § 1350
(Alien Tort Claims Act)*

108. The Plaintiffs repeat and re-allege each of the foregoing paragraphs and allegations with the same force and effect as if fully set forth herein.

109. The Plaintiffs' family members were wrongly imprisoned by the security forces of the Islamic Republic and systematically tortured under color of law through physical and psychological abuse and this torture was ordered or directed by the Defendant.

110. The wrongful imprisonment and systematic torture of the Plaintiffs' family members by the Defendant was a violation of the law of nations, i.e., international law.

111. The politically and religiously motivated acts of unlawful imprisonment carried out by the Defendant were designed to harm the Plaintiffs, the victims' families, as well as the victims themselves.

112. As a result of the Defendant's actions the Plaintiffs have suffered grievous physical and emotional harm and other damages.

113. The Plaintiffs have exhausted all other remedies for obtaining justice.

114. By reason of the foregoing, the plaintiff is entitled to recover the full extent of his damages, in an amount to be determined by the jury at trial.

AS AND FOR A THIRD CLAIM FOR RELIEF

Committing Acts Of Torture In Violation Of

The Law Of Nations Under 28 U.S.C. § 1331

(Federal Common Law)

115. The Plaintiffs repeat and re-alleges each of the foregoing paragraphs and allegations with the same force and effect as if fully set forth herein.

116. The Plaintiffs' family members were wrongly imprisoned by Iranian security forces and systematically tortured under color of law through physical and psychological abuse and this torture was ordered or directed by the Defendant.

117. The wrongful imprisonment and systematic torture of the Plaintiffs' family members by the Defendant was a violation of the law of nations, i.e., international law, and, thus, federal common law.

118. The politically and religiously motivated acts of wrongful imprisonment and systematic torture carried out by the Defendant were designed to harm the Plaintiffs, the victims' families, as well as the victims themselves.

119. As a result of the Defendant's actions the Plaintiffs have suffered grievous physical and emotional harm and other damages.

120. Plaintiff has exhausted all other remedies for obtaining justice.

121. By reason of the foregoing, the plaintiff is entitled to recover the full extent of his damages, in an amount to be determined by the jury at trial.

AS AND FOR A FOURTH CLAIM FOR RELIEF

Civil Conspiracy to Commit Acts Of Torture

In Violation Of The Law Of Nations Under

28 U.S.C. §§ 1331, 1350, and/or 1350 notes

122. The Plaintiffs repeat and re-allege each of the foregoing paragraphs and allegations with the same force and effect as if fully set forth herein.

123. Defendant knowingly and willingly conspired and planned and agreed to carry out the wrongful imprisonment and systematic torture against the Plaintiffs' family members under color of law through physical and psychological abuse.

124. The politically and religiously motivated acts of wrongful imprisonment and systematic torture carried out by the Defendant were designed to harm the Plaintiffs, the victims' families, as well as the victims themselves.

125. As a result and by reason of the Defendant's conspiracy described hererin, the Plaintiffs suffered the damages enumerated herein. Defendant is therefore jointly and severally liable for the full amount of plaintiff's damages.

126. By reason of the foregoing, the plaintiff is entitled to recover the full extent of his damages, in an amount to be determined by the jury at trial.

AS AND FOR A FIFTH CLAIM FOR RELIEF

Aiding and Abetting in the Commission of Acts Of Torture

In Violation Of The Law Of Nations Under

28 U.S.C. §§ 1331, 1350, and/or 1350 notes

127. The Plaintiffs repeat and re-allege each of the foregoing paragraphs and allegations with the same force and effect as if fully set forth herein.

128. Defendant knowingly and willingly aided and abetted the wrongful imprisonment and systematic torture of the Plaintiffs' family under color of law through physical and psychological abuse.

129. The politically and religiously motivated acts of wrongful imprisonment and systematic torture carried out with the Defendant's aid were designed to harm the Plaintiffs, the victims' families, as well as the victims themselves.

130. As a result and by reason of the Defendant's aiding and abetting in the wrongful imprisonment and systematic torture described herein, the Plaintiffs suffered the damages enumerated herein. Defendant is therefore jointly and severally liable for the full amount of plaintiff's damages.

131. By reason of the foregoing, the plaintiff is entitled to recover the full extent of his damages, in an amount to be determined by the jury at trial.

AS AND FOR A SIXTH CLAIM FOR RELIEF

Loss of Consortium and Solatium In Violation Of

The Law Of Nations Under 28 U.S.C. § 1350

(Alien Tort Claims Act)

132. The Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

133. At all relevant times, the Plaintiffs were the family of the victims of the Islamic Republic's acts of wrongful imprisonment and systematic torture.

134. As a result, and by reason of the wrongful imprisonment which was caused by the actions of Defendant described herein, these Plaintiffs have been deprived of the services, society and solatium of their missing family members, and have suffered severe mental anguish, bereavement and grief, and injury to their feelings.

135. The Defendants conduct as specified herein was outrageous in the extreme, wanton, willful and malicious, and constitutes a threat to the public at large. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays for judgment against the Defendants as follows:

- (a) For compensatory damages according to proof;
- (b) For punitive and exemplary damages according to proof;
- (c) For reasonable attorney's fees and costs of suit, according to proof; and
- (d) For such other and further relief may be just and proper.

Dated: New York, New York
September 7, 2006

Yours,

JAROSLAWICZ & JAROS, ESQS.

Attorneys for the plaintiffs

By: 

/Robert J. Tolchin (RT 3713)

150 William Street, 19th Floor
New York, New York 10038
(212) 227-2780

Nitsana Darshan-Leitner, Esq.
Israeli Counsel for the plaintiffs
11 Havatikim Street
Petah Tikva, 49389
Israel
US Tel.: (212) 591-0073

Pooya Dayanim, Esq.
Iranian Jewish Public Affairs Committee (IJPAC)
9903 Santa Monica Boulevard, Suite 882
Beverly Hills, California 90212
(310) 704-5700

JAROSLAWICZ & JAROS
Law Offices of

Docket No.:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOUSSEF SHAOULIAN-TEHRANI; ELANA TEHRANI;
NAHID FARANAGIAN; YECHIEL SUSAN FARANGIAN;
SIMCHA RAZAKANSARI; LIOR CHAHRAMAANI;
BENNI GHAHRAMAANI; DARYUSH SALAARI;
HASHAMTULLA EZZATI; FARADIN EZZATI;
ORIT ABIZADEH; LINDA BALAZADEH (RAM);
IRIT ELCHANA

Plaintiffs,

-against-

SEYED MOHAMMAD KHA TAMI,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

Law Offices of
JAROSLAWICZ & JAROS
Attorneys for Plaintiff
150 William Street - 19th Floor
New York, New York 10038
(212) 227-2780

To: