

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NASRIN MOHAMMADI, et al., :  
:   
Plaintiffs, : Docket No.: CA 09-1289  
:   
vs. : Washington, DC  
: 9:07 a.m., Thursday  
ISLAMIC REPUBLIC OF IRAN, : April 4, 2013  
et al., :  
:   
Defendants. :  
:   
X

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REPORTER'S OFFICIAL TRANSCRIPT OF BENCH TRIAL  
BEFORE THE HONORABLE BERYL A. HOWELL  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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333 Constitution Avenue, NW  
Washington, DC 20001

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

2 (Whereupon, at 9:07 a.m. the proceedings  
3 commenced and the following ensued:)

4 THE COURTROOM DEPUTY: Matter before the  
5 Court, Civil Action Number 09-1289, *Manouchehr*  
6 *Mohammadi, et al. versus Islamic Republic of Iran,*  
7 *et al.*

8 Counsel, please come forward and identify  
9 yourselves for the record.

10 MR. KLAYMAN: Thank you, Your Honor. Nice  
11 to meet you.

12 THE COURT: Good morning, Mr. Klayman. Yes,  
13 nice to see you in person. We've only had telephonic  
14 conferences so far.

15 MR. KLAYMAN: I appreciate your  
16 accommodating us on the dates.

17 THE COURT: Yes.

18 MR. KLAYMAN: This is Mr. Mohammadi sitting  
19 on my left, and he's the plaintiff, and our  
20 interpreter, Mr. Mohammad Moslehi, our translator.

21 THE COURTROOM DEPUTY: Your Honor, the  
22 interpreter has been sworn.

23 THE COURT: Thank you.

24 So for the record, the interpreter has been  
25 sworn in.

1           Is Mr. Mohammadi fairly fluent in English or  
2 really not very fluent?

3           MR. KLAYMAN: Not very fluent.

4           THE COURT: I see. All right.

5           So, Mr. Klayman, thank you very much. I got  
6 your bench memo this morning, which was a quick  
7 turnaround, given my questions about jurisdictional  
8 issues in this case.

9           So if you don't mind, I'd like to go through  
10 some of my questions because your bench memo, while  
11 helpful, didn't answer all of them.

12           So I'd like to start with that.

13           MR. KLAYMAN: Okay.

14           THE COURT: First, I just want to put on the  
15 record at the beginning of this bench trial something  
16 that we discussed at our telephonic conference about  
17 the scope of the claims here --

18           MR. KLAYMAN: Yes.

19           THE COURT: -- and make sure that my  
20 understanding, based on that telephonic conference, is  
21 correct that this case, although originally brought on  
22 behalf of a class, is no longer being pursued as a  
23 class action at all. The only plaintiffs who are  
24 seeking any relief in this case are the four  
25 plaintiffs named in the second amended complaint.

1 Am I correct on that?

2 MR. KLAYMAN: That is correct. Right.

3 THE COURT: Now, my next question has to do  
4 with whether or not each of the four plaintiffs is  
5 seeking relief under each of the four claims in the  
6 second amended complaint.

7 MR. KLAYMAN: They are.

8 THE COURT: Including for assault and  
9 battery?

10 MR. KLAYMAN: Yes.

11 THE COURT: Okay. So each of the four  
12 plaintiffs are subject to assault and battery? It  
13 wasn't clear from the complaint.

14 MR. KLAYMAN: They are actually still being  
15 subjected to that. They are being threatened by  
16 telephone, by Internet, with serious bodily injury,  
17 and death.

18 They're activists. They're out there  
19 speaking on behalf of the Iranian freedom movement.  
20 So even to this day -- that's one of the things I put  
21 into the memo this morning -- they continue to be  
22 harassed, in effect, mentally tortured and harmed.

23 THE COURT: All right. Let me just ask you.  
24 I mean, I saw it in the memo today. Is that the  
25 second amended complaint allegation?

1 MR. KLAYMAN: Which allegation?

2 THE COURT: The allegation of continued  
3 harassment, which was the term I think you used in  
4 your bench memo.

5 MR. KLAYMAN: Yeah. I haven't gone through  
6 that, Your Honor. I can go through it at lunchtime.  
7 But certainly, either explicitly or implicitly, that  
8 these acts continue.

9 We can just do this in English right now.

10 THE COURT: All right.

11 MR. KLAYMAN: And we have live testimony  
12 with respect to that.

13 THE COURT: I've looked at the second  
14 amended complaint, and there's no allegation that I  
15 could see about this continuing once the plaintiffs  
16 reached the United States.

17 You've also sought punitive damages, and I  
18 have some concern about the scope of my authority to  
19 provide for, you know, punitive damages.

20 So could you just explain to me what the  
21 basis is for the plaintiffs being entitled to punitive  
22 damages against all four defendants.

23 There are four defendants in the second  
24 amended complaint, right?

25 MR. KLAYMAN: The same basis, Your Honor.

1 THE COURT: For, you know, in particular,  
2 punitive damages on the common law claims?

3 MR. KLAYMAN: It would be the outrageous  
4 nature of the behavior, extreme behavior. I can brief  
5 this further, Your Honor. I did not look at that  
6 today.

7 However, we have Judge Lamberth's recent  
8 decisions with regard to the Foreign Sovereign  
9 Immunity Act and the Alien Tort Claims Act, and he did  
10 grant punitive damages to the defendants [sic], who  
11 were in a similar position to our plaintiffs in this  
12 case. So the punitives certainly are applicable under  
13 the statutory claims.

14 THE COURT: Are you referring to the *Bodoff*  
15 *v. Iran* case?

16 MR. KLAYMAN: The *O'Brien versus Islamic*  
17 *Republic of Iran*, if Your Honor would like a copy.

18 THE COURT: No. I think I've got it here.

19 MR. KLAYMAN: That is one measure of  
20 damages. And Judge Lamberth ordered a substantial  
21 amount of punitive damages in that case.

22 THE COURT: All right. Well, let's now turn  
23 to what our -- what are, to me, the more significant  
24 subject matter jurisdictional issues here.

25 I understand from your bench memo that,

1 through your reference to, you know, the "FSIA, et  
2 seq.," that you were also meaning to incorporate  
3 Section 1605(a).

4 MR. KLAYMAN: Correct.

5 THE COURT: And in particular with 1605(a),  
6 the state-sponsored terrorism provision requires for  
7 this Court to exercise subject matter jurisdiction is  
8 something that you have outlined. It's not paginated,  
9 I guess. Page 4 --

10 MR. KLAYMAN: I apologize. We did this  
11 quickly traveling to DC.

12 THE COURT: No. I appreciate that.

13 Where you say on the top of the page:  
14 "There are three requirements: One, state sponsor of  
15 terrorism."

16 I don't think there's any question here that  
17 that requirement is met in this case.

18 MR. KLAYMAN: Correct.

19 THE COURT: Second, the claimant is a  
20 national of the United States, as you stated in your  
21 bench memo. And, three, the foreign state is afforded  
22 the opportunity to arbitrate.

23 Now, before going to the second requirement,  
24 which I think is the one that is most troubling to me  
25 here, let me just turn quickly to the arbitration, you



1 know, requirement. I guess it's your position that  
2 the fact that you filed a complaint and received no --  
3 and served the complaint and summons on Iran here with  
4 no response is sufficient to meet the requirement of  
5 the arbitration --

6 MR. KLAYMAN: Correct.

7 THE COURT: -- requirement?

8 MR. KLAYMAN: Correct.

9 THE COURT: And do you have case law on  
10 that?

11 MR. KLAYMAN: Well, the same thing occurred  
12 with regard to the Judge Lamberth decision, the  
13 *O'Brien* case. There was no response at all. And  
14 there's been a whole series of cases out there -- we  
15 can brief this further if Your Honor would like --  
16 where the same thing has happened. Iran never  
17 responds to anything. So consequently, it was hard to  
18 get dialogue with them or have them assert any right  
19 to arbitrate.

20 THE COURT: Right. Well, I'm going to -- I  
21 will ask you to supplement your briefing on that  
22 point --

23 MR. KLAYMAN: Sure.

24 THE COURT: -- so that I can be assured that  
25 merely ignoring a summons and complaint is sufficient

1 to meet the requirement of affording a foreign state  
2 the opportunity to arbitrate. If the cover letter,  
3 for example, for the summons and complaint doesn't say  
4 something as simple as if you want to arbitrate these  
5 claims, we're willing to, or let us know, or something  
6 like that -- you know, some more explicit offer to  
7 arbitrate.

8 So if you would educate me on that,  
9 Mr. Klayman, I invite you to do so.

10 MR. KLAYMAN: Okay.

11 THE COURT: Another person just walked in.  
12 Do you want to introduce this person sitting at  
13 counsel table.

14 MR. KLAYMAN: This is Miss Nasrin Mohammadi.  
15 She's another plaintiff.

16 THE COURT: Good morning, Miss Mohammadi.

17 MS. MOHAMMADI: Good morning.

18 THE COURT: All right. Are there any other  
19 plaintiff parties who you are expecting to arrive?

20 MR. KLAYMAN: Not who would testify here  
21 today.

22 THE COURT: All right. Okay.

23 MR. KLAYMAN: Today, Your Honor, we'll have  
24 Mr. Manouchehr Mohammadi testify. He may not finish.  
25 He's going to be the primary witness in this case,

1 along with Ms. Nasrin Mohammadi. And at 2 p.m., we  
2 have Mr. Ken Timmerman, who will be here, and then  
3 former CIA director Jim Woolsey will be here at 3.

4 THE COURT: All right. So let me turn to  
5 the provision on subject matter jurisdiction which  
6 gives me the most concern, which is, in your  
7 formulation, the claimant is a national of the United  
8 States.

9 I do appreciate that the Mohammadis -- are  
10 now citizens of the United States.

11 MR. KLAYMAN: Miss Nasrin Mohammadi is a  
12 citizen. Mr. Manouchehr Mohammadi is a permanent  
13 resident. The sister, Simin, who is actually a  
14 plaintiff -- we're going to offer testimony through  
15 these two witnesses here -- she's a citizen of the  
16 United States. And the two parents are permanent  
17 residents of the United States.

18 THE COURT: Okay. So are permanent  
19 residents -- in your view, do permanent residents  
20 qualify to meet this requirement?

21 MR. KLAYMAN: Yes, they do.

22 THE COURT: And I'll ask you to provide case  
23 law on that.

24 MR. KLAYMAN: Okay. I know from talking  
25 with my associate, who I left back in the office, that

1 he researched that yesterday. So we'll give you  
2 some --

3 THE COURT: All right. The one important  
4 part that you left out of the second requirement, or  
5 your summary of it where you state the claimant is a  
6 national of the United States under 1605(a)(c), which  
7 is the provision you're relying on for subject matter  
8 jurisdiction, the claimant or the victim has to have  
9 been a national of the United States at the time of  
10 the acts described in Paragraph 1, which is at the  
11 time of the acts -- of the state-sponsored terrorism.

12 So based on what -- it's not clear from your  
13 complaint exactly when the plaintiffs became nationals  
14 and whether they became nationals at the time they  
15 were subjected to the state-sponsored terrorism in  
16 Iran or not, which is what I'd like you to address  
17 now.

18 And how do you -- how do you satisfy the  
19 requirement under 1605(a) that they were nationals of  
20 the United States, even if I presume right now that  
21 being a permanent resident qualifies as a national --  
22 that they were enjoying that status at the time  
23 described in Paragraph 1, which is what 1605(a)  
24 requires?

25 MR. KLAYMAN: What we're looking for right

1 now, Your Honor -- we're actually continuing our  
2 research efforts here, because you have situations  
3 where people who are refugees or have been politically  
4 persecuted pledge their allegiance to the United  
5 States without having a formal declaration at that  
6 time of permanent residency or citizenship -- is that,  
7 number one, I believe the definition in the context of  
8 the Foreign Sovereign Immunities Act is somewhat  
9 broader than it would be just in the immigration  
10 context, in that we have a situation here where -- and  
11 we're going to offer testimony to this effect.

12 For instance, Mr. Manouchehr Mohammadi came  
13 to the United States; he was speaking out on freedom  
14 before, in fact, the acts occurred with regard to his  
15 imprisonment. When he arrived back in Iran, when he  
16 was imprisoned, he was accused of being a CIA agent,  
17 and that testimony will show that today. We're going  
18 to go through that.

19 At that point, he pledged his allegiance to  
20 the United States. He knew that he had no longer any  
21 allegiance to the regime. It was something that he  
22 pledged in his actions and in his deeds, but there was  
23 not a formal application for residency or citizenship  
24 at that time.

25 And we believe that the definition in the

1 Foreign Sovereign Immunities Act can be read more  
2 broadly than in the simple context of applying for  
3 residency or citizenship in the United States.

4 That being said, Your Honor, with regard to  
5 the acts that are continuing, and there is proof of  
6 it, we are going to offer testimony that it has  
7 continued.

8 Miss Nasrin Mohammadi has had her website  
9 hacked. I'm proffering the testimony that she'll  
10 provide. She's been threatened with death.

11 Mr. Manouchehr Mohammadi gets calls where  
12 he's threatened with death if he continues to talk.  
13 So it has continued. And --

14 THE COURT: Well, this is my --

15 MR. KLAYMAN: And I understand Your Honor is  
16 looking for it in the complaint, but --

17 THE COURT: Yes.

18 MR. KLAYMAN: -- we believe it's --

19 THE COURT: It's not in the complaint. But  
20 even if what you just said were elaborated on in the  
21 complaint, I'm not sure that cures your subject matter  
22 jurisdiction issue, Mr. Klayman, and this is why:  
23 Under 1605(a)(c), not only does the plaintiff have to  
24 be a national of the United States -- and I understand  
25 that you're trying to broaden what that definition of

1 "national" means in this context -- but even in order  
2 to bring them within the rubric of this provision and  
3 satisfy the fact that they have to be a national at  
4 the time of the acts, the state-sponsored terrorism,  
5 occurred. And as I understand it, your alternative  
6 position is that -- it's not alternative -- additional  
7 position is that once they did become nationals, they  
8 were subject to some kind of continuing harassment  
9 here in the United States.

10           And if I credit -- assume it's true until I  
11 hear the testimony, that that involved telephone  
12 calls, hacking of websites, threats communicated  
13 verbally over the phone, and other kinds of activities  
14 at a time when they -- at least two of the plaintiffs  
15 were clearly U.S. citizens who were involved under the  
16 protection of the statute, my question is: How does  
17 that qualify as the acts of state-sponsored terrorism,  
18 which (c) specifically is predicated on, because it  
19 says in the first line of (c): "A foreign state that  
20 is or was a state sponsor of terrorism as described in  
21 Subsection A(2)(A)(i)".

22           And that -- the nature of state-sponsored  
23 terrorism is clearly defined within that provision to  
24 be "personal injury or death caused by an act of  
25 torture, extrajudicial killing, aircraft sabotage,

1 hostage taking, or the provision of material support  
2 or resources for such an act."

3           And I don't see even how hacking a website,  
4 even telephonic threats, constitute even one of those  
5 limited acts of state-sponsored terrorism.

6           MR. KLAYMAN: We would submit that  
7 continuing death threats, that you continue to speak  
8 out and you will be kidnapped, tortured -- killed does  
9 fall within that definition of "torture." That is a  
10 type of torture, particularly given what happened  
11 before with regard to the considerable torture that  
12 we're going to testify to, physical torture.

13           It is clear that you can have an assault, I  
14 have other cases to this effect -- you can have an  
15 assault through a physical -- through an oral  
16 communication. That can be a type of assault --  
17 threaten someone with serious bodily injury or death.

18           So consequently, that is a form of  
19 continuing torture, particularly under the medical  
20 conditions that they're in today, which these two are  
21 basket cases, in effect. And you'll see that through  
22 the testimony, since they can't even work. That's how  
23 much they've been terrorized.

24           THE COURT: And the FSIA -- does it have a  
25 definition of "torture" in it? It's the same as in



1 the Torture Victim Protection Act.

2 MR. KLAYMAN: I don't mean to interrupt,  
3 Your Honor, but we use that form of torture, too,  
4 effectively, sometimes. We threaten people with  
5 confinement. We threaten them with water-boarding, we  
6 threaten them with other things. What we do is minor  
7 compared to what has been done with Iran, and we do it  
8 with a justifiable basis. It wasn't justified in  
9 Iran.

10 Given the nature of these plaintiffs, given  
11 their high profile -- Akbar Mohammadi and Manouchehr  
12 Mohammadi are major figures in the Iranian freedom  
13 movement. They were the founders of that freedom  
14 movement. They are on the line. They are within the  
15 line of fire. And as you'll see -- and I have a video  
16 here today. You'll see that the level of torture was  
17 so brutal that it even makes a Hollywood horror movie  
18 look like child's play.

19 THE COURT: Excuse me, Mr. Klayman. I meant  
20 to bring out the Torture Protection Act.

21 Could you get it?

22 I'm just going to ask my law clerk to bring  
23 it out for me so that I can look at that specific  
24 definition of what "torture" means, because it  
25 sounds --

1           THE LAW CLERK: I think it should be in  
2 here. It's 28 U.S.C. --

3           THE COURT: 1350?

4           THE LAW CLERK: -- 1350.

5           THE COURT: Just so I'm understanding what  
6 you're requesting in terms of stretching the law here,  
7 Mr. Klayman, you're requesting, one, that I interpret  
8 the definition of "national" to be so broad as to  
9 cover permanent residents; two, you're asking me to  
10 interpret "torture" to cover some of the harassing  
11 incidents that have occurred to the plaintiffs during  
12 the time that at least two of them were U.S. citizens  
13 here in the United States.

14           MR. KLAYMAN: And the parents, Your Honor,  
15 who are permanent residents. They're back in Tehran  
16 with their permanent residency. They can't get out.  
17 And they are constantly under threats, followed,  
18 threatened, you know, emotionally beaten. It's a type  
19 of torture. The parents are there, and they're  
20 hostage, in effect, in Tehran.

21           THE COURT: All right.

22           MR. KLAYMAN: It's not the ordinary  
23 situation where you have Iranians that have parents  
24 back in Tehran. I have many people to that effect.

25           THE COURT: All right. So until I get the

1 Torture Protection Act, I'll turn to the torture  
2 issue.

3 MR. KLAYMAN: And we may be creating some  
4 precedent here, with Your Honor's permission, because  
5 I don't think the situation has arisen before in this  
6 context, factually, looking at the cases.

7 THE COURT: All right. Well, that's been  
8 my -- in preparation for this bench trial, as I  
9 puzzled over exactly how I have subject matter  
10 jurisdiction here, I would think that you're right,  
11 and I just want to be absolutely clear on where  
12 whatever decisions you're asking me to make might be  
13 precedential-setting.

14 So let me just proceed to the personal --

15 All right. The term "torture" is defined in  
16 the Torture Victim Protection Act, which is  
17 incorporated in the FSIA, as -- means "any act  
18 directed against an individual in the offender's  
19 custody or physical control" -- which is one  
20 significant requirement -- "by which severe pain or  
21 suffering, whether physical or mental, is  
22 intentionally inflicted on that individual for such  
23 purposes as obtaining from that individual or a third  
24 person information or a confession punishing that  
25 individual for an act that individual or a third

1 person has committed or is suspected of having  
2 committed, intimidating or coercing that individual or  
3 third person, or for any reason based on  
4 discrimination of any kind."

5 And then it goes on to describe the mental  
6 pain and suffering.

7 But even with a broad reading of the mental  
8 pain and suffering, the question here is how phone  
9 calls with -- even horrible ones that contain death  
10 threats, meet the definitional requirement that the  
11 individual must be in the offender's custody or  
12 physical control, let alone how a website hacking  
13 could meet that specific requirement for "torture."

14 MR. KLAYMAN: Well, there are, in this  
15 country, Your Honor, a significant number of agents of  
16 the Iranian regime, particularly in Los Angeles, where  
17 they live. And in fact, the FBI has a separate  
18 section that's dedicated just to Iran in Los Angeles.  
19 And one can conclude that they are, in effect, still  
20 within the custody in a broader sense of this regime,  
21 which is threatening to kill them. And people do, and  
22 have done it, not just elsewhere in this country, but  
23 in this city, in Washington, by that regime.

24 In fact, the Saudi ambassador -- just about  
25 a year and a half ago, it was uncovered there was a

1 plot here in Washington to kill him. And one could  
2 maintain that he was, in effect, with the agents that  
3 they have here, in Iran. It's not farfetched, even in  
4 this country. They're still effectively, in part, in  
5 the custody of this regime because they're being  
6 followed, they're being threatened.

7 Yes, they're operating in this country, and  
8 they operate in other countries. Iran is notorious  
9 for being very sophisticated. We are not talking  
10 about an unsophisticated, third world country, but  
11 having agents which can actually create a situation of  
12 custody in a foreign sovereign state. So I would read  
13 that somewhat more broadly than just to say they have  
14 to be in a prison cell.

15 THE COURT: I think far more broadly than  
16 the language would allow. But I'll permit you to  
17 address that question --

18 MR. KLAYMAN: I'll re-brief that, Your  
19 Honor.

20 THE COURT: -- in a supplemental briefing.

21 MR. KLAYMAN: Okay. Sure.

22 THE COURT: All right. Some additional  
23 questions that I have about subject matter  
24 jurisdiction here -- actually, not subject matter  
25 jurisdiction. It's really about -- it's interrelated

1 with the scope of the claims here, and it has to do  
2 with the defendant -- individual defendants Khamenei  
3 and --

4 MR. KLAYMAN: Ahmadinejad.

5 THE COURT: Right. Ahmadinejad. All right.

6 How -- under what provision of law do I have  
7 any jurisdiction to evaluate claims or hear claims  
8 against those two individuals?

9 MR. KLAYMAN: That was the last part of our  
10 brief. The case proceeds independently on alternative  
11 grounds. In *Samantar versus Yousuf*, Supreme Court,  
12 130 Supreme Court 2278 (2010), the Court held that the  
13 Foreign Sovereign Immunity Act does not preclude  
14 actions brought under the Alien Tort Claims Act, nor  
15 the Torture Victim Protection Act. And the Court  
16 ruled that a case could proceed against the Somalian  
17 prime minister.

18 Your Honor will hear testimony from a number  
19 of experts --

20 THE COURT: Before you leave *Samantar*, as I  
21 read *Samantar*, it did say that, but it also made clear  
22 that even if there was appropriate service in the  
23 exercise of jurisdiction under the FSIA against a  
24 state or an organ or instrumentality of the state,  
25 that did not provide -- it didn't bar a suit against

1 officials who may have been acting in their official  
2 capacity as individuals, but as -- before a suit could  
3 proceed against those individuals, the court, by  
4 necessity -- hornbook law -- had to have personal  
5 jurisdiction over those two individuals:

6           And I'm reading from Footnote 20 of the  
7 Supreme Court's case where it says, "a plaintiff  
8 seeking to sue a foreign official will not be able to  
9 rely on the Act's" -- meaning the SFIA's service of  
10 process and jurisdictional provisions. "Thus the  
11 plaintiff will have to establish that the District  
12 Court has personal jurisdiction over an official  
13 without the benefit of the FSIA provision that makes  
14 personal jurisdiction over a foreign state automatic  
15 when an exception to immunity applies, and service of  
16 process has been accomplished in accordance with 28  
17 USC Section 1608."

18           So on what basis are you asserting that I  
19 have any authority to exercise personal jurisdiction  
20 over the two individual defendants in this case, even  
21 if I have subject matter jurisdiction and, as a  
22 consequence, personal jurisdiction over Iran and the  
23 Revolutionary Guard, if I accept your broad reading of  
24 different provisions of the FSIA?

25           MR. KLAYMAN: First of all, you're going to

1 hear testimony from lay witnesses and from experts,  
2 and there have been affidavits put in the record  
3 already that these actions that were taking place and  
4 are taking place against the plaintiffs are at the  
5 direction and authority of Khamenei, the Ayatollah,  
6 and Ahmadinejad. They don't happen without their  
7 authorization, particularly at this high a level, with  
8 these kind of dissidents that we're talking about  
9 here.

10 THE COURT: Well, that could provide -- that  
11 could provide some vicarious liability to the state  
12 for those actions, but that doesn't give me personal  
13 jurisdiction over those two individual officials.

14 MR. KLAYMAN: Tortious acts, as Your Honor  
15 knows, would inure not just to an entity; it would  
16 inure to the individual. For instance, to use a rough  
17 analogy outside of the area of terrorism, is that if  
18 you're suing a law firm for malpractice, for instance,  
19 it's not just the law firm that you sue, but the  
20 individual lawyers.

21 THE COURT: Well, I'm glad you brought that  
22 up, because if I follow that -- if that's the basis  
23 for my exercise of personal jurisdiction, which is the  
24 tortious acts of these officials, then aren't I  
25 required to look to the DC Long-Arm Statute and



1 evaluate the minimum contacts that these two  
2 individuals have with this jurisdiction --

3 MR. KLAYMAN: There is a --

4 THE COURT: -- in order -- before I can  
5 exercise personal jurisdiction over them?

6 MR. KLAYMAN: Well, there is a -- and we  
7 didn't have time to research this and put this in  
8 there, but acts of terrorism, human rights violations,  
9 crimes against humanity, they're under international  
10 law, which the United States recognizes. You have  
11 worldwide jurisdiction.

12 I'm going to give you an example.

13 THE COURT: Well, I know I was powerful. I  
14 didn't know I was quite that powerful.

15 MR. KLAYMAN: You are powerful, Your Honor.

16 General Pinochet, for instance, a while  
17 back, from Chile, was indicted under Spanish law even  
18 though he committed no acts in Spain. In fact, he was  
19 arrested when he went to Europe, taken into custody,  
20 tried in Spain. He was convicted. And yet none of  
21 his acts actually took place in Spain, because acts of  
22 terrorism, foreign acts, are under Europe personal  
23 jurisdiction and it goes to those individuals.

24 The Alien Tort Claims Act was, in fact,  
25 enacted just for that reason. In fact, we brought the

1 case against the Supreme Leader and Ahmadinejad under  
2 the Alien Tort Claims Act as well. This act came --  
3 arose during the time of the Barbary pirates down in  
4 the Caribbean and elsewhere who were kidnapping family  
5 members and torturing them and violating their human  
6 rights and doing all kinds of things.

7           The acts occurred outside the territorial  
8 waters of the United States. And the Alien Tort  
9 Claims Act gives personal jurisdiction in American  
10 courts for that law. And that's in accordance with  
11 international law.

12           THE COURT: Well --

13           MR. KLAYMAN: I can brief that further, too.

14           THE COURT: Well, I'm not convinced of that  
15 point, nor the other points, Mr. Klayman. But -- and  
16 as you can tell from both my order and my questions  
17 this morning, I am not fully persuaded yet that I have  
18 either subject matter jurisdiction to hear these  
19 claims, nor personal jurisdiction over the two  
20 individual officials in order to enter any form of  
21 default judgment against any four of the defendants,  
22 particularly on -- based on the allegations in the  
23 second amended complaint, which do not as fully  
24 comport with the allegations you've set forth in both  
25 your trial memo, your bench memo and in your oral

1 argument this morning to support your views of how far  
2 the law can be stretched to provide any relief to the  
3 plaintiffs here for what are clearly horrible acts.  
4 But this Court is a court of limited jurisdiction, and  
5 I cannot exceed my jurisdictional bounds.

6           So I am going to hear testimony today, but I  
7 don't want you or your clients to be under any  
8 misimpression about my continuing feelings of being  
9 quite troubled by the jurisdictional -- both subject  
10 matter and personal jurisdictional issues raised by  
11 the -- by these claims. And I will permit  
12 supplemental briefing and give you time to think about  
13 how much time you will need to provide that.

14           Since the plaintiffs have been waiting for  
15 some time now to tell their story, to have their  
16 claims heard, I'm not going to deny them that  
17 opportunity now, and we'll give you sufficient time to  
18 try and persuade me of your very creative  
19 interpretations of both the "torture" definition and  
20 the scope and reach of the FSIA.

21           MR. KLAYMAN: Thank you, Your Honor.

22           THE COURT: All right. With that, could you  
23 please call your first witness.

24           MR. KLAYMAN: Yes. We call to the stand  
25 Manouchehr Mohammadi.

1                                   MANOUCHEHR MOHAMMADI,  
2 a witness produced on call of the plaintiff, having  
3 first been duly sworn, was examined and testified  
4 through the interpreter as follows:

5                   THE COURT: Good morning, Mr. Mohammadi.

6                   MR. MOHAMMADI: Good morning. Thank you  
7 very much.

8                   THE COURT: Please proceed, Mr. Klayman.

9                                   DIRECT EXAMINATION

10                   BY MR. KLAYMAN:

11                   Q. Would you please state your name.

12                   A. My name is Manouchehr Mohammadi [in  
13 English].

14                   MR. KLAYMAN: He can speak some English.  
15 Okay.

16                   BY MR. KLAYMAN:

17                   Q. Where were you born?

18                   A. I don't -- I don't see.  
19 Iran, Amol City.

20                   Q. When were you born?

21                   THE COURT: Mr. Klayman, if you could, for  
22 the benefit of my court reporter and the clarity of  
23 the record, on some of these names that are unusual,  
24 could you ask the witness to please spell the names.

25                   MR. KLAYMAN: Yes.

1 BY MR. KLAYMAN:

2 Q. Would you please spell the name of the city  
3 where you were born.

4 A. In A-M-O-L.

5 Q. In what year were you born?

6 A. August 29, 1967.

7 Q. How old are you now?

8 A. Forty-four years [sic].

9 Q. Can you please describe for the Court your  
10 educational background.

11 A. I was -- I was a student in the field of  
12 economics, University of Tehran, and also I was a  
13 student, law student of Payam Mour. Payam, P-A-Y-A-M,  
14 M-O-U-R.

15 MR. KLAYMAN: By the way, Your Honor, just  
16 as an aside, we have his affidavit in the record, too,  
17 so I'll try not to be too duplicative of that.

18 THE COURT: If you could skip over some of  
19 this. I mean, I appreciate setting -- giving some  
20 basic factual background, but I have the affidavits.

21 MR. KLAYMAN: Sure.

22 BY MR. KLAYMAN:

23 Q. When -- in 1994, did you form and  
24 participate in any student organizations?

25 A. In 1994, yes. Yes. The name of the

1 organization was the Students Independent Clear --  
2 Independent Clear -- not related to the government.  
3 That was belief in separation of religion and  
4 government, but the style of fighting and the way for  
5 fighting the government was peaceful, never believing  
6 in harsh ways.

7 THE COURT: And what was the name of the  
8 student group?

9 THE WITNESS: The Organization of the  
10 Students -- Clear Thinker of the Students of Iran.  
11 This was a political organization. Also, it was also  
12 a human -- a human rights organization, which was  
13 named Committee of Defending Students From -- For the  
14 Political Prisoners.

15 BY MR. KLAYMAN:

16 Q. Tell the Court what happened to you and your  
17 brother Akbar -- let me back up.

18 Was Akbar part of that group?

19 A. Yes.

20 Q. Tell the Court what you and Akbar did with  
21 regard to that group and what the government did in  
22 response.

23 A. The time that nobody would be allowed to  
24 breed dictatorship and govern --

25 THE COURT: Excuse me just one second.

1           Mr. Klayman, if you could direct the witness  
2 to say something and then let the interpreter  
3 interpret it, because the talking over them is making  
4 it very difficult for me to hear, and if I can't hear,  
5 I am confident my court reporter is having some  
6 difficulty as well. So he should just pause.

7           It's a little clumsy, but it's necessary.

8           BY MR. KLAYMAN:

9           Q. Mr. Mohammadi, please keep your answers  
10 short to give the interpreter a chance to translate,  
11 and then after the interpreter translates, you can  
12 continue your response. But pause -- stop to give him  
13 a chance to translate.

14           Continue.

15           A. At the time that nobody had the time or the  
16 chance -- myself and a group of students, my brother,  
17 we formed a political student organization at the  
18 university, of course, and also formed a human rights  
19 group. We started fighting -- defending the political  
20 prisoners. We brought up our ideas, that there is no  
21 freedom in Iran. Political policy of Islamic Republic  
22 is a terroristic one, and the rulers of Iran have  
23 isolated themselves and also the Iranian people.

24           We were being paid attention by the Iranian  
25 people and also foreign media. They paid attention to

1 us, and especially the ones located in the United  
2 States, such as the Voice of America, which is a  
3 public radio, was transmitting our words and always  
4 were calling us on the phone, interviewing us, and  
5 also a group of TV stations located in Los Angeles,  
6 who are private. And these caused us, that the world  
7 pay attention to us, and the sensitivity of the regime  
8 was elevated against us because, after a while, we  
9 were being loved by the Iranian people. The regime  
10 didn't like this; therefore, invitations from the  
11 American organizations and university, and also the  
12 European ones, started coming for us.

13 I had a three-month trip to the United  
14 States. I gave a lecture at Columbia University,  
15 New York, as well as UC Berkeley, as well as many  
16 political Iranian organizations, as well as University  
17 of Chicago, also other universities.

18 When I went to Germany, there the Green  
19 Party in Germany, the government Green Party welcomed  
20 us, as well as the universities.

21 Therefore, this was not welcomed by the  
22 Islamic Republic, and it brought an excuse against us,  
23 against my foreign travels and started filing a  
24 dossier, tapping our telephones. The MOI, Ministry of  
25 Intelligence, was recording our interviews since we



1 were being broadcasted by the radios.

2 THE COURT: Mr. Klayman -- excuse me.

3 Mr. Mohammadi, did you travel by yourself on  
4 this three-month tour or -- and was your brother Akbar  
5 with you?

6 THE WITNESS: No. My brother was in Iran,  
7 was having the leadership of the students. I was  
8 traveling with an individual named Reza Mohajerinejad,  
9 M-O-H-A-J-E-R-I-N-E-J-A-D. He lives in San Francisco.  
10 He graduated with Master's degree from the political  
11 science and recently had written a book about this --  
12 wrote a letter concerning the tortures, that Mr. Larry  
13 has a copy of it.

14 When we returned to Iran, the greatest  
15 student movement and organization was formed. It was  
16 named, at Tehran University, 18th of Tir -- I don't  
17 know exactly the calendar, what 18 of Tir is, 1999.  
18 What month? Larry has the Christian equivalent date.

19 Then the Islamic Republic brought an excuse  
20 against the 18th of Tir movement, arrested myself and  
21 my brother. And they arrested hundreds of our  
22 followers, collectively arrested thousands of people.  
23 In our group only, hundreds of people were arrested,  
24 and they tortured us.

25 BY MR. KLAYMAN:

1 Q. Let me stop you.

2 Based on your experience and knowledge, were  
3 the arrest orders at the direction of the Supreme  
4 Leader Khamenei, President Ahmadinejad?

5 A. Order of -- above the order of the  
6 President, he's the Supreme Leader, and the leadership  
7 imposes his own wills. Anybody who wants to oppose  
8 the leadership cannot become the president.

9 Q. My question is --

10 A. The president and his government obeys the  
11 rules and orders of the leader.

12 Q. But the orders were issued as a direction of  
13 the Supreme Leader and the President?

14 A. Both. We know it exactly, that he was  
15 issued by the Supreme Leader and also as well as  
16 Ahmadinejad.

17 Q. Okay.

18 A. That the MOI, the Ministry of Intelligence  
19 executes them or implements them.

20 Since we had questioned the leadership in  
21 our interviews, myself and my brother, both, when we  
22 were arrested, they started torturing us. They told  
23 us that you have to give interviews, you have to tell  
24 us that we were ordered by the United States -- we  
25 were ordered by the CIA to create this movement to

1 overthrow the body of Valifheih government, and they  
2 wrote that we have to memorize these and tell them on  
3 TVs; otherwise, we would be executed.

4 Akbar did not do this. Whatever they did,  
5 he did not obey. But I gave interviews. I told them  
6 that our aim was -- I told them that I was not  
7 instructed by the CIA, since it was not true, but  
8 whatever was true, I told them. Our goal was  
9 overthrowing the Valifheih, V-A-L-I-F-H-E-I-H,  
10 government.

11 The film was broadcasted over Iranian TV  
12 over an hour and forty minutes. I have it in my  
13 possession. I can give it to Mr. Larry to give to  
14 Your Honor, but how they tried over on TV -- deceive  
15 the people that Mohammadi is an American agent,  
16 invited him to the U.S., brainwashed him, and they  
17 gave -- the plan to overthrow the regime was given to  
18 him, and then he was sent to Iran to implement this  
19 overthrowing plan.

20 But the people of Iran will not believe  
21 whatever the regime says since they know the regime is  
22 a liar, since they know that it's an oppressor.

23 This not only did not cost me, I benefited  
24 from it. It was for me, not against me.

25 For months, these TVs and radios were

1 advertising against us, but they got not the result  
2 that they anticipated, but otherwise. They were  
3 advertising, but on the other hand, my brother and I  
4 were under torture.

5 Q. Let me stop you here.

6 At this point in time, did you change your  
7 allegiance to the United States rather than Iran?

8 A. Yes. When I saw the freedom in America and  
9 the freedom for the people in America, I came to the  
10 conclusion that my homeland is where that respects our  
11 freedom.

12 Consequently, I went against the Mullahcracy  
13 regime; therefore, I became for the freedom in the  
14 United States, and I had made a decision to stay here,  
15 to become a citizen and go to school here. But I felt  
16 that I have to free the Iranian people. I would reach  
17 out. I decided to start a public uprising, but we  
18 were suppressed and oppressed in a harsh way.

19 Q. Now, did Akbar feel the same way that you  
20 felt?

21 A. Absolutely.

22 Q. He also pledged his permanent allegiance to  
23 the United States at that time?

24 A. Yes, absolutely. The people of Iran do not  
25 know themselves as Iranian people. Iran belongs to a

1 bunch of mullahs. They have killed, as much as they  
2 have been able to, thousands of people. Nobody has  
3 security, freedom; doesn't have freedom.

4 And I would be tortured in front of my  
5 brother and my brother would be tortured before my  
6 eyes.

7 Q. We're going to get into the torture. Before  
8 we do that, who are your brothers and sisters?

9 A. Nasrin -- I have two sisters, Nasrin  
10 N-A-S-R-I-N, and Simin, S-I-M-I-N. Simin was taken  
11 into custody. She was threatened to be raped, and  
12 they damaged her psychology. She has been growing  
13 now -- hates intimacy with men and hates to pick up a  
14 boyfriend after these threats -- not happy or doesn't  
15 want to pick up a boyfriend or choose a boyfriend  
16 since the threat of being raped was being done in  
17 solitary confinement cells.

18 My father was arrested. My mother was  
19 arrested. They tortured, then when they saw that all  
20 of us are fighting the regime, they set fire on our  
21 house, and the plan to terror my brother Reza, who now  
22 is in the United States. They wanted to kidnap him  
23 twice, to kill him, but others -- other people rescued  
24 my brother. He was fired from work. We -- my father,  
25 my mom, my brother, my sister, and I were in jail at

1 the same time, five of us.

2 THE COURT: Okay. Mr. Klayman, I want to  
3 know -- when you ask him, and he so clearly says that  
4 he pledged his allegiance to the United States, both  
5 he and Akbar, I want to know precisely what steps they  
6 took to effectuate that. It's not clear to me from  
7 his testimony where and when these incidents involving  
8 his brother occurred, whether they occurred here in  
9 the United States, whether they occurred in Iran, when  
10 they occurred, where he was fired from his job.

11 Could you please -- sometimes, just letting  
12 a witness proceed like this leaves lots of -- lack of  
13 clarity of what, when, where -- questions that are  
14 critical to having his testimony at all useful.

15 MR. KLAYMAN: I agree with you. I was going  
16 to go back and clean it up.

17 THE COURT: Why don't you start now.

18 MR. KLAYMAN: The affidavit is more specific  
19 with dates and times and places. It's fairly lengthy,  
20 with attachments. The affidavit is eleven pages long.

21 BY MR. KLAYMAN:

22 Q. Can you tell us -- let me just ask these  
23 general questions first, and I'll get back and ask  
24 those questions.

25 Reza, is he a citizen now of the United

1 States?

2 A. Reza is citizen right now. His wife is a  
3 citizen right now.

4 Q. Where does Reza live?

5 A. Lives in Fresno, California. Himself and  
6 his wife are both students.

7 Q. Okay. At the time that the torture began  
8 with regard to you, Akbar, Simin, when was that?

9 A. In 1999, I was arrested, and Akbar. Both of  
10 us were in jail for seven years and two months. When  
11 we were both arrested, at the time that we were both  
12 arrested, they started torturing us. Simin was  
13 arrested three years later. I don't know if -- I  
14 don't know exactly -- exactly, but it was after we  
15 were arrested. My parents were arrested after us.

16 Of course, prior to our arrest, our father  
17 was arrested. I have to tell you this. I am telling  
18 about the prison that I spent plenty of time over  
19 there, but prior to that time I was arrested for a few  
20 days or a few weeks, but the pressure of the media  
21 caused President Ahmadinejad to intervene to free me  
22 promptly.

23 But student movement of Tehran University,  
24 that after I was in jail, had spent time in jail for  
25 seven years and two months, regime -- since the regime

1 believed our efforts was to overthrow the regime, both  
2 the leadership, Supreme Leader and the presidency,  
3 cooperated to take us to jail.

4 Q. Let me stop you there.

5 At the time that you and Akbar declared your  
6 permanent allegiance to the United States and intended  
7 to come here, what steps did you take after that to  
8 put that plan into effect?

9 A. We were freed. Undoubtedly because we have  
10 been under torture so much, we would definitely come  
11 to the United States.

12 When we were under torture, then -- then we  
13 realized what the difference between the United States  
14 and Iran is and how far. Then I swear that if this  
15 time I would be free, we wouldn't -- if both of us  
16 would be freed, we wouldn't stay in Iran at all,  
17 directly come to the U.S. and become a citizen of the  
18 United States. And it was then and there we were  
19 wishing -- I wish -- we wish the Iranian people had a  
20 government such as the United States. And then we  
21 were wishing that -- wished to have freedom like the  
22 people in the -- of the United States. Then I swore I  
23 would travel to the United States and become a citizen  
24 of the United States.

25 MR. KLAYMAN: Your Honor, let me just ask



1 him to stop right now.

2           Would you like me to get into the steps  
3 right now or take it in order? Because there's a  
4 progression here of his torture and his escape and his  
5 coming to the United States, so we can take it in  
6 order when he formally applied and became a permanent  
7 resident.

8           THE COURT: Could you just clarify all the  
9 details about when he became -- when he came --  
10 because I want to know when he did come to the United  
11 States, and how many years ago that was. And he's not  
12 a citizen now; am I correct, Mr. Klayman?

13           MR. KLAYMAN: Permanent resident.

14           THE COURT: He's just a permanent resident?

15           MR. KLAYMAN: Yeah.

16           THE COURT: So let's get that clarified  
17 first before we then return back to Iran.

18           MR. KLAYMAN: I would provide the law, but I  
19 did have my associate check yesterday that permanent  
20 residency is treated the same as citizenship for that  
21 definition. At least that's what he told me on the  
22 phone.

23           THE COURT: I'm going to await your  
24 briefing.

25           MR. KLAYMAN: Okay.

1           Do you want him to get to that now, or could  
2 we get through the progression of his torture and him  
3 getting out of prison and coming here? How would you  
4 like that handled?

5           THE COURT: I'd actually like to just have  
6 it -- you can go back to this, but I'd really like to  
7 know, when did he finally come to the United States?  
8 When did he become a permanent resident? Is he  
9 proceeding to move forward with attaining citizenship?

10           MR. KLAYMAN: Okay. And we're going to get  
11 testimony later today from Michael Ledeen, who was the  
12 National Security Adviser under President Reagan, who  
13 actually assisted him in coming here. So we'll get  
14 more testimony at that time -- and other family  
15 members.

16           BY MR. KLAYMAN:

17           Q. Mr. Mohammadi, when did you come to the  
18 United States and apply for permanent residency?

19           A. Approximately, I had come to the U.S. six  
20 years prior to that.

21           Q. Prior to what?

22           A. After my brother Akbar was killed, the  
23 pressure -- the world pressure and also the rights  
24 organization, the statement from the European Union  
25 and the State Department caused that I would be given

1 vacation. I used the opportunity, assisted by the  
2 Democratic Party of Iran -- station being Iraq -- they  
3 planned the operation. I was taken out of Iran from  
4 the mountains, took me to their bases in Iraq. From  
5 there, Mr. Richard Perle and Michael Ledeen helped me,  
6 told the Iraqi government, take care of me, to bring  
7 me to the United States. Finally, the U.S. Army was  
8 instructed to Kurdistan, Iraqi Kurdistan, to bring me  
9 to the United States.

10 Of course, prior to the event that  
11 Mr. Michael Ledeen and Richard Perle intervened, Iraq  
12 was trying to deport me to Iran -- put pressure on the  
13 Kurdish people or the party to take me to Turkey.

14 I suffered plenty of dangers in the  
15 mountains or through the mountains. I entered Turkey.  
16 I was arrested by the Turkish police at the airport.  
17 I was taken to jail. Then the State Department of the  
18 United States intervened, talked to the Turkish  
19 government so that the U.S. Army in Iraq could take  
20 custody of me.

21 Therefore, this was done. I was -- boarded  
22 a plane from Turkey. I was taken to Iraq, and from  
23 there, I was brought to -- by the military plane, the  
24 American military plane, to Germany. From the U.S.  
25 Air Force base in Germany, I was boarded on another

1 military plane. I was brought into U.S. Air Force  
2 base in the United States.

3 Then after, I had a visit with all the  
4 undersecretaries of the states, as well as the  
5 Assistant to the National Security of the United  
6 States.

7 THE COURT: What year were you brought to  
8 the United States?

9 THE WITNESS: It's approximately seven years  
10 ago, between six or seven years.

11 BY MR. KLAYMAN:

12 Q. And what steps were taken to gain your entry  
13 in terms of visas or applications for permanent  
14 residency, things like that?

15 A. Indeed, I owe my life to the United States.  
16 I know the United States my real country, my homeland.  
17 This was why twice I decided to be faithful with my  
18 allegiance, to remain faithful.

19 First time -- the first time was when I came  
20 to the United States for the first time. And the  
21 second time I decided to be faithful with my, you  
22 know, allegiance, when I was arrested, when I was  
23 under torture -- when I was under torture.

24 Q. Okay.

25 A. I decided to be faithful to the United

1 States and United States to be my homeland. How can I  
2 love Iran and the rulers of Iran are destroying the  
3 people of Iran? What should I be proud of Iran for?

4 Q. What steps were taken to get your permanent  
5 residency?

6 Is that what Your Honor wanted to ask?

7 THE COURT: Let me ask.

8 When did you first apply for permanent  
9 residency in the United States?

10 THE WITNESS: Approximately, I think, three  
11 years ago, I obtained my permanent residency since I  
12 was constantly changing addresses. My mails were  
13 going to different address that I wouldn't know for  
14 two years. At one time -- one time, I found out after  
15 a year where my mails were going.

16 Since I didn't know the system, how the  
17 system would work, I didn't know. The reason why I  
18 was -- my -- I was shocked psychologically and damaged  
19 psychologically. I cannot concentrate well.

20 THE COURT: Okay. Mr. Klayman, I would like  
21 you to supplement the affidavits --

22 MR. KLAYMAN: Okay.

23 THE COURT: -- of all four of the  
24 plaintiffs, providing details --

25 MR. KLAYMAN: I think that's easier.

1           THE COURT:  -- exactly what their status is,  
2 when they obtained that status, when they started the  
3 application process for the status.  You could add  
4 that to the paperwork you're providing.

5           In addition, I'd like the similar the  
6 paperwork regarding the parents.

7           Mr. Mohammadi, when did your parents become  
8 permanent residents of the United States?

9           THE WITNESS:  My parents obtained their  
10 permanent residency two years ago.  When they returned  
11 to Iran the second time, since my -- one of my  
12 brothers lives with his family.  When they wanted to  
13 return to the U.S., their passports were seized at the  
14 airport, and they were assaulted.  They were told that  
15 your kids, your daughters, your son are being  
16 interviewed by media in the U.S.  You're  
17 antirevolutionary, and now you want to go to the U.S.  
18 We will not let you go.  We will do something with --  
19 that you stay here and die here.  Right now, my mom  
20 cannot stand up on his [sic] feet, and my father is  
21 taking care of her.  Because of suffering, pain from  
22 being kept far away from us, they are suffering  
23 psychologically.  Any moment we can anticipate the  
24 death of my mom.

25           THE COURT:  Why don't we take a break for

1 ten minutes now.

2 (Whereupon, at 10:38 a.m. a recess was taken  
3 and at 10:47 a.m. the following ensued:)

4 MR. KLAYMAN: By the way, Miss Mohammadi  
5 speaks English.

6 THE COURT: Thank you.

7 Please proceed, Mr. Klayman.

8 BY MR. KLAYMAN:

9 Q. Tell us exactly how you were tortured, how  
10 Akbar was tortured leading up to Akbar's death and  
11 your escape from Iran.

12 A. When Akbar and I were arrested, they were  
13 torturing us separately. And when they were seeing  
14 our resistance, they came to the conclusion to torture  
15 us separately before each other's eyes in order to  
16 force us to break down.

17 I have a question for Your Honor. When two  
18 people have the same complaints simultaneously, does  
19 the judge come and slap on the face of the person who  
20 is being charged? And the chief of the law  
21 enforcement in Tehran --

22 When Akbar and I were arrested, each of us  
23 were taken blindfolded to separate cells. And they  
24 asked us to open up the blindfold, and twelve  
25 prosecutors were behind me. When I opened the

1 blindfold, I saw a clergyman in front of me, and he  
2 asked me whether I know him. His face was not  
3 familiar to me, but his name was familiar. I told him  
4 no, I don't know you, and he told me that he is  
5 Mr. Rahbarpour.

6 THE INTERPRETER: I will spell it out.  
7 R-A-H-B-A-R-P-O-U-R.

8 THE WITNESS: He said that I'm  
9 Mr. Rahbarpour. I told him, now I know you. You are  
10 the chief prosecutor of the province of Tehran.

11 And he told me that I think the country  
12 doesn't have owner or leadership, and he slapped me on  
13 my face, and he told the twelve prosecutors who were  
14 standing behind me that I will render my judgment for  
15 Manouchehr's execution. Take him to the rooftop blind  
16 and hang him right there, and now lead me to Akbar's  
17 cell. And he did the same thing to Akbar.

18 Consequently, when they wanted to break us  
19 psychologically down, and five times there was  
20 semi-execution were conducted to us, it's being  
21 called. It's very popular, being called, to force you  
22 to fear execution.

23 THE COURT: Mr. Mohammadi, were you a  
24 witness to what they did to your brother Akbar at this  
25 time?



1           THE WITNESS: Yes. Akbar was being tortured  
2 before my eyes, and I was being tortured before  
3 Akbar's eyes.

4           And we were taken to the rooftop five times,  
5 and there was a rope, also a gallow. Ask us to write  
6 our will, we want to execute you. This was a fear  
7 execution. They really didn't want to execute us.  
8 And the reason was that we were resisting physical  
9 tortures, but resisting psychological tortures is very  
10 hard and very difficult.

11           Five times we were taken on the rooftops  
12 with different excuses, and then they were returning  
13 us to the solitary confinement, solitary cells.

14           We were hearing my father's cries and  
15 mother's cries while we were being told that we have  
16 arrested your parents. So they were kind of imitating  
17 their voices and screams, but actually they were not  
18 arrested at that moment and time. They were not under  
19 arrest.

20           They wanted us -- to break us  
21 psychologically, since whole time we were hearing the  
22 screams of our parents being under torture, although  
23 after a few years, my parents were arrested. The  
24 psychological torture exists a lot.

25           They have done something that now that I'm

1 here in your presence, there is not a time that I  
2 would not remember Akbar and he being under torture.  
3 I don't enjoy the beauties, any beauties in the  
4 nature, either the ocean nor the nature, since Akbar  
5 comes to my mind, since Akbar fought to gain freedom,  
6 but he was killed.

7           How can I go to -- how can I go to the  
8 seaside and enjoy it? My psychological -- I've been  
9 damaged psychologically. I -- I love to be tortured  
10 physically all my life, but not psychologically. It  
11 is too difficult to suffer and resist that.

12           If they give me billions of dollars and the  
13 world, I don't like it, but I like to gain my  
14 psychology, but I can't. I'm unable to -- I'm just a  
15 body. I don't enjoy the beauties and the nature.

16           It's been six and a half years since I've  
17 been here, but I'm unable to learn English.  
18 Psychological pressure is on me. While -- when I was  
19 a student at the university, I was among the best of  
20 the students. I was the brains, one of the brains.  
21 When I look to what our family are going through, they  
22 have disintegrated the families. I know I'm unable to  
23 see my parents. And sooner or later, they are going  
24 to pass away, and I'm suffering from being far away  
25 from my mom.

1 BY MR. KLAYMAN:

2 Q. Tell us about how it has affected your  
3 relationships with women and your sex life, and what  
4 happened to you in that regard.

5 A. I didn't want to bring -- it's too harsh for  
6 me to bring it up and explain. My genital was burned  
7 by a cigarette lighter. Every once in a while,  
8 because of the scar and the injuries, blood comes out  
9 of it. And whenever I use shampoo, it gets wounded.  
10 Everything had been taken away from me.

11 I answered Mr. Larry's question.

12 Q. And are there any other forms of torture  
13 that you haven't described yet that were performed on  
14 you and Akbar?

15 A. There were so many tortures. Which one of  
16 them do you want me to explain?

17 Q. Go through them all.

18 A. They were laying us on a bed, tying our  
19 hands with special cables, and also they were tying  
20 our legs, tying us face down, and they started beating  
21 us with cable, beginning -- beginning with our feet  
22 and beating us with a cable our entire body. It was  
23 in such a case that we could neither stand on our feet  
24 nor lay down. This was one kind of torture, and this  
25 was being repeated every day.

1           The other kind of torture was being called  
2 weighing type. A rope was in the ceiling, hanging  
3 from the ceiling, and tying our hands in the back, and  
4 then pulling us up to the ceiling and then bringing us  
5 down and pulling us back up again. You would feel  
6 that your both arms are being separated from your  
7 body.

8           The other kind of torture was laying you in  
9 a coffin, taking you into a very dark room. And it  
10 was so dark that you wouldn't see anything, just  
11 darkness. The drops of cold, so cold water was being  
12 dropped on you, your head and your body. You would  
13 feel that you are dead. Since you were in a coffin,  
14 you are feeling that you're dead. And for hours, the  
15 water was dropping on you. This was one of the kinds  
16 of torture methods.

17           The other methods were with boots that  
18 were -- nails on them. They would beat you up, they  
19 would kick you on your legs.

20           The other kind of torture was that you had  
21 to stand on one leg for hours and you -- they would  
22 tell you prior to this kind of a torture, if you put  
23 your other foot down, we would lay you down and we  
24 would jump on your body. So standing on one foot for  
25 hours, we would lose the resistance. So then they

1 would lay us down --

2 THE INTERPRETER: I'm just trying to --

3 THE WITNESS: -- on your back. Lay back,  
4 lay down on your back, and then they would jump on you  
5 and kick you on both sides of your body, ribs, so you  
6 would become unconscious. Most of us, we would become  
7 unconscious.

8 And the other type was cross type of  
9 torture. They would -- they would tie us up to a  
10 cross, nude, and then they would tie you up to a cross  
11 and then they would pour cold water on your body.

12 The other kind, the other method was in the  
13 solitary cells, there was a lock. There was a chain  
14 connected to the lock. They would crush your both  
15 arms and legs and then tie it up to the chain when you  
16 were bending with your knees. They were playing with  
17 us with their knees and kicking us with their knees,  
18 and they were laughing and they were telling us that  
19 Mohammadi has to dance, and they were just ridiculing  
20 us. At the time when both hands were tied to a chain,  
21 how could I move?

22 And I mentioned all kinds of methods of  
23 torture. Punching on my face. Nine of my teeth were  
24 broken. Then when I -- when I was released from jail,  
25 I pulled those nine teeth. I can show you that my

1 gums have gone backwards and the roots, and my upper  
2 gum and lower gum on my face. It's quite obvious and  
3 clear. When my teeth were broken, I had to pull them.  
4 Now I can show you, display (indicating).

5 THE COURT: Let the record reflect that the  
6 witness was showing the Court his teeth and gums.

7 THE WITNESS: Solitary confinement. They  
8 were taking us to solitary confinement. The windows  
9 were broken. In the winter, when it was windy and  
10 stormy and rainy, rain was coming inside. In that  
11 cell, there was only -- we were being given only one  
12 blanket. The blanket was both your mattress, your  
13 pillow, and also your cover.

14 Then, because of the severe cold, you would  
15 become unconscious and you couldn't move. Would take  
16 you to the clinic or the -- it's clinic. In jail,  
17 it's called a clinic.

18 Then they would take you back to that cell.  
19 And this method was being repeated constantly.  
20 Especially when it was a stormy and rainy evening, we  
21 were, you know, suffering because -- because the  
22 windows were broken and the window -- the windows were  
23 broken and the rain was coming inside.

24 They would break the windows intentionally  
25 so that to make us suffer.

1           THE COURT: Mr. Klayman, do you have another  
2 question?

3           MR. KLAYMAN: Yes.

4           BY MR. KLAYMAN:

5           Q. Why is it that Akbar was killed and you were  
6 not?

7           A. The reason that Akbar was killed, because of  
8 his resistance. All the executions and killings are  
9 being instructed by the Supreme Leader. It comes  
10 directly from the leadership.

11                   Secondly, it comes from the President. Then  
12 the MOI, Minister of Intelligence, is the executioner  
13 of both the President and also the Supreme Leader's  
14 instructions.

15                   He was resisting in the jail. He took the  
16 resistance from out of the jail to inside the jail  
17 and, therefore, he went on hunger strike. And when  
18 you come to a deadlock and you don't have any other  
19 ways to resist, so you go on hunger strike. Since you  
20 find no legal or way to defend, that's how you go on  
21 hunger strike.

22                   When he was -- when he was on hunger strike,  
23 he was forcibly taken to the clinic. When they take  
24 you to the clinic, they have to inject you with IV,  
25 but instead of IV, his both legs were tied to a chain.

1           When they tie you up to a chain, you become  
2 bent. And once -- one end of the chain was tied to  
3 the bed, and then with baton and punches, he was  
4 beaten up so much that his body, his entire body was  
5 bleeding and also as well as his ears.

6           Okay. They -- his ears were plugged by  
7 cotton to prevent bleeding. Then five days, he was  
8 under hunger -- he was on hunger strike in his cell  
9 and three days in the clinic. After three days,  
10 suspicious people come to the clinic. They tell among  
11 each other that Hajagha -- --

12           THE INTERPRETER: H-A-J-A-G-H-A. That's a  
13 type -- it's a title. It's not a name. It's a title,  
14 just like "sir," "lord."

15           THE WITNESS: -- finish it up. Finish up  
16 the business.

17           THE INTERPRETER: Let me explain. "Finish  
18 up the business" means kill them. Definition.

19           THE WITNESS: We don't have to stay longer  
20 in the clinic, hajagha, since they had a reason to  
21 implement their plan. Now I'm going to tell what the  
22 plan was.

23           Akbar mentioned it. They left, those  
24 people. Those suspicious people left, and a few  
25 soldiers entered the clinic. They put Akbar on a



1 gurney. His -- he didn't have any movement. He  
2 couldn't move.

3 THE COURT: And, Mr. Mohammadi, were you  
4 there seeing this?

5 THE WITNESS: I'm going to tell you why --  
6 how it happened. I have to explain to you, and it  
7 will come to an answer.

8 When they carried Akbar on a gurney, his  
9 body didn't have any movement since it was all bloody,  
10 unconscious. Only his eyes were moving and his lips  
11 were moving. His voice was barely coming out, was  
12 hearable. Then the authorities of the jail told the  
13 soldiers, take him to the prison ward and jail so that  
14 he would howl like a dog and die.

15 Then I -- the political prisoners -- then  
16 the political prisoners surround Akbar. There is a  
17 special cell which was allocated for the political  
18 prisoners. This was done because -- to frighten the  
19 political prisoners, to be a lesson for them so that  
20 it would stop their political activities inside the  
21 jail.

22 Then when the cotton were taken off of  
23 Akbar's ears, removed the cotton, and his body was  
24 bleeding. You know, his body started bleeding. It  
25 started bleeding.

1           After forty minutes, took a deep breath, and  
2 the other political prisoners lift the gurney. Then  
3 they wanted -- when they wanted to take him to the  
4 clinic again to see what has happened to him, he took  
5 a second deeper breath and dies.

6           There is two questions here. Number one,  
7 question number one, before I respond, I have another  
8 answer.

9           When Akbar -- when twelve people come to --  
10 when Akbar was surrounded by other political  
11 prisoners, he explain what went on in the jail's  
12 clinic. He asked them to bring their ears to his lips  
13 so that he could -- so that they could hear him. He  
14 told them that how they handcuff me and tied my legs,  
15 and the evening that those hajis came to my cell, they  
16 said there's a probable -- it's probably those hajis  
17 sprayed a kind of dust to destroy me since I wouldn't  
18 be destroyed or die under torture. Since I was  
19 resisting and I am physically strong, this was the  
20 plan to destroy me, and they were suspicious that  
21 evening.

22           Consequently, I think that that dust or  
23 spray was the type that would cause you a heart  
24 attack. After forty minutes, took the first deep  
25 breath, and then he was over the hands of the other

1 political prisoners, then takes the second deep breath  
2 and then dies.

3 All of the things that he had told the other  
4 political prisoners came to be true.

5 Then I want to tell you something. In a  
6 case that Akbar wouldn't die under torture or with  
7 that dust that was sprayed, my question is that -- do  
8 they have to take you to a clinic or somewhere else to  
9 treat you?

10 So I come to the conclusion that leader --  
11 Supreme Leader is a murderer. In a way, the regime is  
12 responsible for his death. They were not holding --  
13 they were not being responsible -- you know, holding  
14 themselves. Today, the clinics and the hospitals, the  
15 jail in Iran are murder chambers of political  
16 prisoners. Akbar is one of the -- among the -- one of  
17 the thousands of political prisoners who were killed  
18 in the regime.

19 Since Akbar was a well-known guy, there was  
20 noise. He got attention. There are people who are  
21 unknown and are being killed, but nobody knows who  
22 they are, just the people of Iran. 200,000 people  
23 have been executed and killed this way.

24 THE COURT: Mr. Klayman --

25 MR. KLAYMAN: Yeah.

1 THE WITNESS: 200,000.

2 BY MR. KLAYMAN:

3 Q. Mr. Mohammadi, what happened to Akbar's body  
4 when he was killed?

5 A. The authorities of Mazanderan,  
6 M-A-Z-A-N-D-E-R-I-A-N [sic]-- the province of  
7 Mazanderan, his state, his home state -- the  
8 authorities of Mazanderan, they dug a grave for him.  
9 Then it was supposed that we had -- we were -- it was  
10 supposed that we would bury him somewhere. But they  
11 tell us that, take him to Amol and bury him, but they  
12 went to a village and dug a grave. Since they have --  
13 since they were in possession of the body, they took  
14 him to that village.

15 And then my parents were called: Come to  
16 the village. We have dug a grave and we want to bury  
17 your son. While the people had gone to the cemetery  
18 of the city, the small group of the people with my  
19 parents in the village saw Akbar for the last time.  
20 Then they would bury him themselves. The regime  
21 buries him.

22 For months, the elements of the regime would  
23 guard so that -- so nobody would steal the buried  
24 body. This is very important --

25 Q. Okay.

1           A.    -- since my parents had said several times  
2           that his body must be autopsied, his body must be  
3           autopsied.  But the Islamic body did not issue a  
4           permission or did not allow.  But I have to tell how  
5           Akbar was killed in prison.

6                         Twenty-seven people -- twenty-seven  
7           political prisoners, of the political prisoners who  
8           were with Akbar wrote a letter how Akbar was killed.  
9           It has been translated into English and Mr. Larry has  
10          it.  This is the greatest witness and the best  
11          witnesses that exist.

12          Q.    I'm going to now show the video of Akbar's  
13          body, and I want you to explain the circumstance of  
14          that body being displayed.

15                         THE COURT:  How long is this video,  
16          Mr. Klayman?

17                         MR. KLAYMAN:  Not very long, Your Honor.

18                         THE COURT:  "Not very long" means less than  
19          five minutes?

20                         MR. KLAYMAN:  About five.  We have two, but  
21          we'll just show one right now.

22                         Does Your Honor want to take a break?

23                         THE COURT:  No.

24                         MR. KLAYMAN:  Okay.

25                         THE WITNESS:  I have to explain this, of

1 course. The video that --

2 MR. KLAYMAN: At least ten minutes.

3 THE WITNESS: -- that's going to be  
4 displayed, the one -- the person who is crying over  
5 the body is me, because the world pressure caused that  
6 I was released from jail to go to Akbar's grave, but  
7 we used the opportunity, dug Akbar's grave.

8 Then we did not know that there were -- they  
9 were eavesdropping and hearing devices there that the  
10 Ministry of Intelligence people had planted there.  
11 And they wanted to find out and observe the condition  
12 of Akbar and prevent us from stealing the body.

13 They were afraid that we were going to take  
14 his body and take it out of the country discreetly for  
15 autopsy. But since there were hearing devices over  
16 there, the MOI Department of Amol called my father,  
17 that Manouchehr and some kids had dug the grave. I  
18 mean, what kind of plan do they have?

19 And my father has asked them, how do they  
20 know -- how do you know?

21 He was responded that we have hearing  
22 devices installed. Then my father called me on my  
23 mobile and asked me, are you at the graveyard -- at  
24 the grave site of Akbar? I answered him yes. Why did  
25 you dig the grave? And the MOI, Ministry of

1 Intelligence in Amol, asking us why Manouchehr has dug  
2 the grave.

3           Since I was missing Akbar and haven't seen  
4 his body, I wanted to see and inspect his body. The  
5 moment that I became unconscious -- and when -- when  
6 we inspected -- I inspected the body, I noticed that  
7 there was so much powder poured into his body that if  
8 we wanted to take it out, it would disintegrate.

9           MR. KLAYMAN: Let me play the video.

10           THE COURT: Mr. Klayman, before you play the  
11 video. Let's follow proper procedure. I need to know  
12 who took the video. I need it authenticated, when it  
13 is, where it is. I -- I still don't know what it is.

14           I need to know who made the video, how he  
15 knows this is the video. And it needs to be marked as  
16 an exhibit at the trial.

17           MR. KLAYMAN: Yes. I'm going to mark it as  
18 Exhibit 1, Your Honor. Plaintiffs' Exhibit 1.

19                           (Plaintiffs' Exhibit Number 1 was  
20                           marked for identification.)

21           BY MR. KLAYMAN:

22           Q. Can you please tell us who made the video  
23 and when it was taken.

24           A. Our friends with their mobiles.

25           THE COURT: Mr. Klayman, your client is

1 wishing to speak to you. So why don't you speak to  
2 your client.

3 MS. MOHAMMADI: Your Honor, I --

4 THE COURT: Don't speak to me. Speak to  
5 your lawyer.

6 (Discussion held off the record.)

7 BY MR. KLAYMAN:

8 Q. Did a cousin of yours take the video?

9 THE INTERPRETER: Excuse me?

10 BY MR. KLAYMAN:

11 Q. Did a cousin of yours take the video?

12 MS. MOHAMMADI: [In Farsi].

13 Yes.

14 BY MR. KLAYMAN:

15 Q. Did he take it with a cell phone?

16 A. Yes.

17 Q. When was it taken?

18 A. Exactly three days after -- three or four  
19 days after the burial. I don't know exactly how many  
20 days. Three or four days, I think. I don't know  
21 exactly.

22 THE COURT: I'm sorry. Three or four days  
23 after what?

24 THE INTERPRETER: Burial.

25 THE COURT: Three or four days after the



1 burial. And how long -- how long after Akbar's death  
2 did the burial occur?

3 THE WITNESS: My parents were in Turkey.  
4 Two to three days after my parents arrived. Two to  
5 three days.

6 BY MR. KLAYMAN:

7 Q. Okay. So the video was taken how long after  
8 Akbar died?

9 THE INTERPRETER: He says, "I don't know  
10 when he was buried."

11 BY MR. KLAYMAN:

12 Q. Generally speaking.

13 A. I was in jail.

14 Q. Days. Days.

15 A. I don't know exactly. I don't know exactly  
16 when he was buried. Was three or four days. I don't  
17 know exactly.

18 THE COURT: And what year was it, if you  
19 don't know the exact date?

20 THE WITNESS: Seven years ago.  
21 Approximately seven years ago. Between seven --  
22 between seven to eight years ago.

23 THE COURT: Is there any marking on the  
24 videotape that indicates the date that it was taken?

25 THE WITNESS: It -- I can -- it's not in my

1 memory, but it's over in the documents. I don't know  
2 the dates.

3 BY MR. KLAYMAN:

4 Q. Is there any marking --

5 A. Seven years ago [in English].

6 Q. Is there any marking in the video as to when  
7 it was taken?

8 A. Yes, it does have a marking. The video has  
9 a marking.

10 Q. Okay.

11 MR. KLAYMAN: Shall I play it, Your Honor.

12 THE COURT: Can you look -- is the video --  
13 is the marking of the date on the display of the  
14 videotape, or is it outside the videotape?

15 THE WITNESS: I only saw one time. Ever  
16 since, I cannot look at it, you know. I cannot.

17 THE COURT: Mr. Klayman --

18 THE WITNESS: I cannot look at it. I don't  
19 know.

20 THE COURT: -- you looked at the videotape.  
21 Does it have a marking on the images?

22 MR. KLAYMAN: I don't recollect, Your Honor.

23 THE COURT: And on the outside of the  
24 videotape, does it have an indication?

25 MR. KLAYMAN: Your Honor, this is taken off

1 of YouTube. It's on YouTube, the video.

2 THE COURT: I see. Okay.

3 MR. KLAYMAN: But Miss Mohammadi can also  
4 testify to this. She has more exact knowledge.

5 THE COURT: All right. Okay. Proceed.

6 (Whereupon, the video was played.)

7 THE COURT: And who is present?

8 Was Mr. Mohammadi present during this? Who  
9 was present?

10 Stop this.

11 MR. KLAYMAN: He was and the cousin.

12 THE COURT: It looks like a lot of footage.  
13 Could you stop the playing of this.

14 I would like it authenticated first. So now  
15 we know that it's a vague date about seven years ago.  
16 This witness was there. His cousin was making the  
17 videotape on the cell phone. We see lots of other  
18 people around.

19 Who were all -- what is the context for  
20 this?

21 BY MR. KLAYMAN:

22 Q. Who was present when this video --

23 MR. KLAYMAN: I'm sorry, Your Honor. I  
24 don't mean to interrupt.

25 BY MR. KLAYMAN:

1 Q. Who was present when the video was taken?

2 A. We were eight to ten people. We went and  
3 dug the grave. We were -- our intention was to steal  
4 the body and we -- when we noticed that there were so  
5 much dust displayed on the body, and we thought that  
6 he would disintegrate and fall apart. My cousin asked  
7 me to come and see Akbar for the last time.

8 And I said that since I haven't seen the  
9 body, okay, I will. That moment, all the young people  
10 have mobile. My cousin videoed it with the mobile.

11 THE INTERPRETER: "Mobile" is a cell phone.

12 THE WITNESS: I don't know who exactly  
13 videoed it, but I knew that someone among those  
14 people, among the kids, since I was so unconscious and  
15 crying, I did not know where I was. You can see me  
16 crying.

17 MR. KLAYMAN: Is that sufficient, Your  
18 Honor?

19 THE COURT: All right. Go ahead.

20 MR. KLAYMAN: He can identify that these  
21 events occurred.

22 THE COURT: All right. Proceed.

23 MR. KLAYMAN: Thank you.

24 (Whereupon, the video was played.)

25 MR. KLAYMAN: This is another video, Your

1 Honor. I can stop and ask questions.

2 THE COURT: Stop it, please.

3 What is the next video you're going to be  
4 playing, Mr. Klayman?

5 MR. KLAYMAN: The burial of Mr. Akbar. The  
6 burial.

7 MS. MOHAMMADI: Yes. The regime tortured  
8 him, showing the body. There's like a bone under the  
9 skin. It's not like my brother. My mother, you know,  
10 hardly recognized him. It's really --

11 THE COURT: All right. So just a second.

12 So the first we saw, with a group of men who  
13 went at some date about seven years ago after he was  
14 buried, that was Plaintiffs' Exhibit 1.

15 MR. KLAYMAN: Correct. Right.

16 THE COURT: Is this part of the same  
17 videotape or a separate videotape?

18 MR. KLAYMAN: It's a second video.

19 THE COURT: Okay. So you have to establish  
20 what this is, what it is we're looking at and what the  
21 exhibit number is.

22 MR. KLAYMAN: Okay.

23 BY MR. KLAYMAN:

24 Q. Let's just go back. The video you just saw  
25 was taken just a few days after Akbar was killed,

1 correct?

2 A. Yes.

3 Q. And that is a picture of you in the video  
4 crying over Akbar's body?

5 THE COURT: You have to speak,  
6 Mr. Mohammadi.

7 THE WITNESS: Yes.

8 BY MR. KLAYMAN:

9 Q. And you were able to recognize this scene in  
10 this video as having taken place with you there and  
11 your cousin filming it?

12 A. Exactly, yes. Yes, of me.

13 Q. Were you present on any other occasion when  
14 a video was made of Akbar's body?

15 A. No. That's the only one.

16 MR. KLAYMAN: Okay. We'll introduce the  
17 other one with Miss Mohammadi.

18 THE COURT: That would be appropriate.

19 MR. KLAYMAN: Okay.

20 BY MR. KLAYMAN:

21 Q. How is it that you came to be present a few  
22 days after Akbar was killed? How is it that you came  
23 to be out of the prison?

24 A. I was in jail. Then the Farsi media  
25 pressure incurred on -- also the newspapers inside

1 Iran were so-called the reformists and critical of the  
2 regime; Amnesty International, the Human Rights Watch,  
3 then European Union; also the State Department of the  
4 United States officially brought up my name that  
5 Manouchehr is sick or -- and have to be given a few  
6 days release time so that he can go and cure himself.

7 And the regime was under pressure, under one  
8 condition agreed to release me from jail to  
9 participate in the burial service of my brother under  
10 the condition that when I was released, I wouldn't  
11 give any interviews to the media, no interview being  
12 given to any media. Any radio and TV call me, I  
13 shouldn't answer them. I accepted.

14 But when I was released, I heard that my  
15 brother had been buried a few days ago.

16 Then we decided to steal his body, three  
17 very friendly friends, one of them my uncle.

18 Q. We testified to this already. I believe we  
19 testified --

20 THE COURT: So what is your next question?

21 MR. KLAYMAN: Okay.

22 BY MR. KLAYMAN:

23 Q. What happened to you after you saw the body?  
24 What -- where did you go?

25 A. I didn't go anywhere. MOI, Ministry of

1 Intelligence, was informed and wanted to take me to  
2 jail; we want to know why you dug the grave. They  
3 wanted -- since I was missing my brother, I did  
4 unearth the grave. I didn't tell them that we had  
5 intention of stealing the body and taking it out of  
6 the country. Then they accepted.

7           Since then, a few days later, I escaped,  
8 since they intended to take me back to jail. But I  
9 had explained -- I explained to you how -- why the  
10 Democratic Party, Kurdish Democratic Party of Iran,  
11 based in Iraq, took me out of the country.

12           THE COURT: Mr. Klayman, you --

13           THE WITNESS: I testified about that.

14           THE COURT: -- ask your next question.

15           MR. KLAYMAN: All right.

16           BY MR. KLAYMAN:

17           Q. When you were -- before you were arrested in  
18 Iran, did you own certain property of a bakery or  
19 something like that?

20           A. Yes. Family type bakery.

21           Q. Yeah. What did the bakery do?

22           A. We were managing it. It was the largest  
23 productive bakery in the city, and we would cover all  
24 the stores. And I was a teacher as well -- I was a  
25 student as well.



1 Q. Yesterday, I asked you to calculate what  
2 economic -- what economic damage you have suffered as  
3 a result of what happened to you, as caused by the  
4 regime.

5 A. I suffered the most psychologically.

6 Q. What do you --

7 A. They set our house on fire.

8 Q. Yes. We've been through this. But I want  
9 to know what you have lost in terms of money from the  
10 point that you were arrested to today.

11 A. Too much. If I was -- today, I was in Iran,  
12 it was the most productive plant and covering all the  
13 stores. We would -- my share, calculating it based on  
14 dollars, it would be \$10 million from the bakery since  
15 we were covering all the city stores, the bakeries,  
16 our product.

17 THE COURT: Was this a family-owned bakery?

18 THE WITNESS: Yes. It was family-owned  
19 bakery.

20 THE COURT: So did your parents own it?

21 THE WITNESS: Yes, but we were all together.  
22 Together [in English].

23 BY MR. KLAYMAN:

24 Q. Did you have an ownership share as well?

25 Did you have an ownership share as well?

1           A.    Yes, I have ownership share.

2           Q.    And that was worth \$10 million?

3           A.    Until now, yes, \$10 million from being as an  
4 instructor, from that aspect, since then they fired me  
5 from that position as a teacher.

6           Q.    Okay.  Are you --

7           A.    10 million.

8           Q.    So your ownership share was worth \$10  
9 million?

10          A.    Yes.

11                   THE COURT:  Mr. Klayman, you need to  
12 establish how long the bakery has been in existence,  
13 what its annual revenue was, how many people owned a  
14 share of the bakery.  I really don't have a -- where  
15 does he come up with \$10 million?  Is that \$10 million  
16 his share of the revenue over the past ten years?  I'm  
17 not understanding where he gets the \$10 million  
18 figure.  You just have to establish that.

19                   BY MR. KLAYMAN:

20          Q.    Can you address the Judge's question?

21          A.    About sixteen years ago, from then onward.

22                   THE COURT:  Let me just ask the question.

23                   How long has the bakery been in existence?

24                   THE INTERPRETER:  I'm asking, he says.

25                   THE WITNESS:  Five, six years prior to being

1 arrested.

2 THE INTERPRETER: I'm asking him when was  
3 that? The year. Give me a year. And he says --

4 THE WITNESS: -- fifteen years ago.

5 BY MR. KLAYMAN:

6 Q. And was the bakery established by members of  
7 your family?

8 THE INTERPRETER: I asked him, give me a  
9 time and a date exactly.

10 THE WITNESS: It was established in 1999.  
11 The bakery was established in 1999.

12 THE COURT: And who established the bakery?

13 THE INTERPRETER: Pardon me?

14 THE COURT: Who established the bakery?

15 THE WITNESS: It was established by the  
16 family, parents, Akbar, and myself. But the main  
17 role -- everybody was a participant, but the main  
18 role, we had the main role. Myself and Akbar had the  
19 main role.

20 THE COURT: And what was the revenue of the  
21 bakery on an annual basis?

22 THE WITNESS: Sometimes the revenue was one  
23 million toman per day.

24 THE INTERPRETER: I have to calculate it.

25 MR. KLAYMAN: Spell "toman."

1 THE INTERPRETER: Toman is right now every  
2 dollar is 35 -- 3,500 tomans now, right now, today. A  
3 few months ago, it was 4,000 tomans per dollar.

4 THE COURT: All right.

5 THE INTERPRETER: In 1979, prior to 1979,  
6 every dollar was worth 7 tomans.

7 THE COURT: All right. That's okay.

8 So starting in 1999, the bakery made one  
9 million toman per day?

10 THE INTERPRETER: Occasionally. That was  
11 the revenue, yes. Occasionally.

12 MR. KLAYMAN: "Occasionally" mean generally?  
13 Ask him the question.

14 THE INTERPRETER: Yes.

15 THE WITNESS: We were God in those days.

16 THE INTERPRETER: This is not the answer.

17 THE COURT: All right. Let's move on.

18 THE WITNESS: The high time and the low  
19 time --

20 MR. KLAYMAN: Your Honor, I can supplement  
21 the affidavits with this.

22 THE WITNESS: One million toman.

23 THE COURT: Okay. You're going to damages,  
24 and just saying, owned a bakery and worth \$10 million  
25 and that's how much I lost, it really doesn't give me

1 a foundation that's satisfactory to justify that as an  
2 economic damage, so you're welcome to try and  
3 supplement that.

4 Let's move on.

5 MR. KLAYMAN: Just so, Your Honor, I'm sure  
6 you're aware, because of his emotional state, it's  
7 hard for him to focus. We have to sit down with him  
8 on that. You ask one question, and it's going in one  
9 ear --

10 BY MR. KLAYMAN:

11 Q. Are you currently employed?

12 A. No.

13 Q. If you had been living in Iran and nothing  
14 had happened --

15 A. I was a most successful person.

16 Q. Yeah. How much -- if you were still back in  
17 Iran and you hadn't been a political activist and you  
18 hadn't been tortured and your brother hadn't been  
19 killed and parents persecuted, just living in Iran,  
20 based on your expertise, how much would you have been  
21 making per year?

22 A. Look, at that time, I had three sets of  
23 buildings that you would be calculating, based on  
24 dollar value, would be 7-, \$800,000.

25 Q. A year?

1           A.    No.  Those three buildings that they had  
2 would be worth 7- to \$800,000 -- I'm sorry -- 7- to  
3 \$800 million -- 7- to \$800,000.  The three houses that  
4 I owned.  Therefore -- or, consequently, with the  
5 income that I had, I would buy more houses.  The value  
6 of the houses in the United States compared with the  
7 houses in Iran have no difference.  It's the same  
8 price, since I always had in mind to invest and buy  
9 more houses.

10           Q.    Okay.  How much money would you be earning  
11 in Iran today if all these events hadn't happened,  
12 given your background?

13           A.    I think to now, minimum, would own twenty  
14 sets of houses.  Each building would cost \$700,000,  
15 and now you calculate what the income be in the  
16 houses.

17           THE COURT:  Mr. Klayman, what other areas do  
18 you have for this witness?

19           MR. KLAYMAN:  Get into his medical condition  
20 and what happened after he became a permanent  
21 resident.

22           THE COURT:  All right.  Let's move on.

23           MR. KLAYMAN:  We'll be able to wrap it up  
24 pretty quickly after lunch, if you wanted to break now  
25 or --

1 THE COURT: No. I usually break at 1:00.

2 MR. KLAYMAN: Okay.

3 BY MR. KLAYMAN:

4 Q. Tell us -- since you have become a permanent  
5 resident, describe for us the acts of harassment and  
6 continued threats.

7 A. It still continues.

8 Q. Tell us specifically what continues.

9 A. They threaten. They threaten me to death.  
10 Before they take my parents as a hostage, they were  
11 threatening us that we were outside the country, and  
12 they were calling us from inside Iran, telling us  
13 that -- don't think that you don't have anybody. We  
14 can kill you right where you are, the same method that  
15 we killed your brother.

16 THE COURT: Mr. Mohammadi, when is the last  
17 time you received such a phone call?

18 THE WITNESS: I think it was seventeen to  
19 eighteen days ago. Since, when we call, our phone  
20 back in Iran is being tapped, and when we -- based on  
21 the conditions, our mom is -- the phones are under  
22 control. Purposely, I said on the phone to my mom, if  
23 some day you pass away, you have to see me  
24 twenty-four -- around the clock, you know, give  
25 interviews to the media in the U.S. about your

1 situation.

2 When I said this, two days later, I was  
3 called. I was told that, well, don't make a mistake,  
4 think about your parents. Then I -- we can destroy  
5 you right where you are, so don't think that you are  
6 in the U.S. -- in the U.S., we can destroy you better  
7 than any other country in the world.

8 And I get threats or receive threats from  
9 inside the United States as well. E-mail has  
10 basically been hacked.

11 THE COURT: Let me just -- Mr. Mohammadi, so  
12 this phone call that you received seventeen days ago  
13 where somebody on the other line made that statement,  
14 were you able to see the origination of the call from  
15 caller ID?

16 THE WITNESS: No.

17 THE COURT: Do you have caller ID on your  
18 phone?

19 THE INTERPRETER: He doesn't know what  
20 caller ID is. I'm telling him.

21 THE COURT: I see.

22 So for the phone call that you received, did  
23 you -- where did you understand that phone call was  
24 originating from.

25 THE INTERPRETER: Now he knows what caller



1 ID is. Okay.

2 The numbers that appears on the caller ID,  
3 he can recognize through that that the call comes from  
4 Iran.

5 THE COURT: I see. Okay.

6 BY MR. KLAYMAN:

7 Q. Were these threats consistent with the types  
8 of threats you were getting in prison, similar  
9 threats?

10 A. Yes, similar.

11 THE COURT: And how frequently do you  
12 receive the phone call from -- originating from Iran  
13 with similar kinds of threats?

14 THE WITNESS: Since the cards are  
15 recognizable, sometimes -- okay. There are telephone  
16 cards that you can use here and over there. Through  
17 the cards, the telephone cards that my parents use,  
18 they use the same thing.

19 But basically, they identified themselves  
20 and tell me who they are, and they basically tell me  
21 that they are calling from MOI, Ministry of  
22 Intelligence. They announce. They have nothing to  
23 hide.

24 THE COURT: And how frequently has he  
25 received phone calls from MOI since January of this

1 year?

2 THE WITNESS: I think I have two -- three or  
3 four calls since.

4 THE COURT: In the last three months?

5 THE WITNESS: In the last three months, yes.

6 THE COURT: All right.

7 Proceed, Mr. Klayman.

8 BY MR. KLAYMAN:

9 Q. Before the last three months, were you also  
10 receiving these calls?

11 A. Many.

12 Q. What was the frequency?

13 A. The time that we were giving interviews, it  
14 was frequent. But since my mom, we are not giving  
15 interviews now, so they have subsided. The phone  
16 calls are not frequent and have subsided.

17 Q. Not as frequent?

18 THE INTERPRETER: Huh?

19 BY MR. KLAYMAN:

20 Q. They are not as frequent?

21 THE COURT: Would you like, Mr. Klayman, to  
22 repeat the question?

23 MR. KLAYMAN: Yes.

24 THE INTERPRETER: I have to explain to him.  
25 He answers something differently. He doesn't get the

1 question. I'm trying to explain to him the question.

2 THE WITNESS: No, they are not as frequent  
3 as before.

4 BY MR. KLAYMAN:

5 Q. But these calls that you've described for  
6 the Judge in the last three months, is it your  
7 reasoned opinion that the calls now are picking up  
8 again because of this case going to trial?

9 Do you have reason to believe it's because  
10 this case goes to trial?

11 THE INTERPRETER: Well, he says that since  
12 he's not giving interviews, the phone calls are not as  
13 frequent and have reduced, subsided.

14 THE WITNESS: If this Court -- actually, the  
15 press announces or writes reports about this Court,  
16 then the threats will be more frequent and we'll  
17 receive more phone calls.

18 THE COURT: Okay. Mr. Klayman, you want to  
19 proceed?

20 BY MR. KLAYMAN:

21 Q. Can you tell us what effect what happened to  
22 you and Akbar had on your sister Nasrin, based on your  
23 personal observation?

24 THE COURT: Isn't Miss Nasrin going to be  
25 testifying?

1           MR. KLAYMAN: Yes. I just thought you might  
2 want some corroboration here.

3           THE COURT: All right.

4           THE WITNESS: They all suffered. Nasrin,  
5 Simin, they all have suffered. It was a grieving  
6 place. Our house was a grieving place. The  
7 atmosphere was very bad. And always my parents were  
8 spending times in the hospital since the Islamic  
9 Republic's television were showing myself and Akbar  
10 all the time. Mostly, they were showing me because  
11 they were seeing us, and they wanted to find out  
12 whether we were going to be executed or not.

13           The television were saying that since these  
14 are the elements, the agents of the CIA, consequently  
15 on TV, they were saying that they were -- the Islamic  
16 Republic of Iran's TV, saying that -- stating that we  
17 are pagans, so, consequently, we have to be executed.

18           MR. KLAYMAN: Your Honor, we'll pick  
19 anything up in a supplemental affidavit. We can stop  
20 now, if that's okay.

21           THE COURT: Okay.

22           MR. KLAYMAN: I'll call Miss Nasrin  
23 Mohammadi to the stand.

24           THE COURT: Mr. Mohammadi, before you leave  
25 the stand, how are you supporting yourself in the

1 United States?

2 THE WITNESS: I owe 200- to \$300,000. I  
3 cannot -- I don't know English. I can't find a job,  
4 and I owe a lot. You won't believe it, when I was  
5 coming here, my brother got me the airplane ticket,  
6 the one who lives in Fresno. I didn't go to a  
7 hotel -- hostel. I'm paying \$46 per night. If I stay  
8 in the hostel, I don't have -- I can't pay \$46.

9 I had in mind to go to a friend's house.  
10 I'm suffering from financial pains. We have credits.  
11 The people help us, but we don't want to borrow since  
12 we thinking that we're abusing them. We don't want  
13 them to think that. I'm shying.

14 THE COURT: All right. Thank you. You are  
15 excused, Mr. Mohammadi.

16 MR. KLAYMAN: Thank you.

17 We now call Nasrin Mohammadi to the stand.

18 THE COURT: You may leave the witness stand.  
19 Your sister is going to come up.

20 THE WITNESS: Thank you very much.

21 MR. KLAYMAN: Thank you for your patience,  
22 Your Honor.

23 THE INTERPRETER: She speaks good English.

24 THE COURT: And you can take a break.

25 Miss Mohammadi, could you stand and raise

1 your right hand.

2 NASRIN MOHAMMADI,  
3 a witness produced on call of the plaintiff, having  
4 first been duly sworn, was examined and testified as  
5 follows:

6  
7 DIRECT EXAMINATION

8 BY MR. KLAYMAN:

9 Q. Please state your name.

10 A. Nasrin Mohammadi.

11 Q. How do you spell "Nasrin"?

12 A. N-A-S-R-I-N, Nasrin. Last name, Mohammadi,  
13 M-O-H-A-M-M-A-D-I.

14 Q. When were you born?

15 A. 04/27/74.

16 Q. Where were you born?

17 A. In Iran, Amol, north of Iran, next to  
18 Caspian Sea.

19 Q. Describe for us your educational background.

20 A. When I went in Iran -- I was in Iran, I got  
21 two bachelor's degrees, Farsi literature and  
22 English -- sorry -- and journalism. And I was -- at  
23 the same time, I was a reporter. I was working for  
24 magazine, economy magazine. At that time, my brothers  
25 were in the jail, and then when they understood I'm

1 from that family, after that, they fire me.

2 Q. How much money were you making each year in  
3 your profession at that time?

4 A. In that time?

5 Q. Yes.

6 A. I remember in toman, 500,000 toman,  
7 something like that.

8 Q. How much would that be in American dollars,  
9 generally speaking?

10 A. In -- if comparing that time, \$500.

11 Q. Yes. At that time.

12 A. Not this time. I don't know.

13 Q. At that time?

14 A. Yeah. \$500 per month.

15 Q. \$500 per month?

16 A. Yes.

17 Q. Okay. Did you have other sources of income  
18 at that time?

19 A. My brothers. I don't know.

20 Q. Okay. Describe for us what you have  
21 personal knowledge of in terms of what happened to  
22 your brothers, Manouchehr and Akbar.

23 THE COURT: Well, first, could we just  
24 establish when you came to the United States?

25 MR. KLAYMAN: Sure.

1           THE COURT:    Could we establish some of the  
2 jurisdictional facts first?

3           MR. KLAYMAN:   Okay.

4           THE WITNESS:   When did I come to the United  
5 States?

6           BY MR. KLAYMAN:

7           Q.    When did you come to the United States?

8           A.    I think in 2004.

9           Q.    And how is it that you came to the United  
10 States?  How did you get here?

11          A.    I was in Germany.  From Germany, I got visa  
12 as a reporter, and I came to the United States.  And  
13 when I came to here, first I became permanent  
14 resident, green card, and then became citizen.

15          THE COURT:  And when did you become a  
16 citizen?

17          THE WITNESS:  About three years ago.

18          BY MR. KLAYMAN:

19          Q.    Why is it that you found yourself in Germany  
20 before you came to the United States?

21          A.    You know, I was a reporter in Iran, and then  
22 the consul from Germany, he help me.  The President  
23 give me visa, and he helped me.  I got a visa and I --  
24 you know, I kind of like came from Iran, because I  
25 want to be voice of all student, you know, political



1 activists in prison, and I didn't want to be arrested  
2 in prison. That is an escape.

3 And then, when I come to Germany, I was  
4 always, you know, as a political activist and human  
5 rights activist. I went to many countries in Europe  
6 and I have many speech over there. And I was one  
7 time -- one agent, he tried -- I gave you, from  
8 Amnesty International. One time, agent from regime,  
9 he tried to kill me by medicine.

10 Mr. Larry Klayman has it. Amnesty  
11 International read about that -- read about me, what  
12 he wrote about me, and he has --

13 THE COURT: If you could just slow down.

14 So a member of the Iranian regime tried to  
15 kill you?

16 THE WITNESS: Yes.

17 THE COURT: And when was that?

18 THE WITNESS: I think 2001 -- sorry -- 2002,  
19 2003. I don't remember something, the date, but in  
20 that letter, Amnesty International wrote the date.  
21 Everything was there, because --

22 THE COURT: Where did that occur? When you  
23 were in Germany?

24 THE WITNESS: I was in Germany, and I was a  
25 political -- you know, I got the political -- the

1 number sixteen, the highest, you know, the political,  
2 they give the people. I don't know the name.  
3 Sixteen, as a political, you know, refugee. I got it.

4 THE COURT: Political asylum for being a  
5 political --

6 THE WITNESS: Yes, they gave me. But  
7 before, the regime tried to kill me. I was still  
8 activist. I was having many speeches. I went to  
9 Brussels, to -- I was seeing Amnesty International. I  
10 had a hunger strike in London. And I had many  
11 student, you know, rally. And I mean, I was so  
12 active. I was seeing many senators in Europe.

13 And the regime told one day -- one time my  
14 mom called me. Her voice -- her voice was shaking,  
15 and she told me, Nasrin, be careful, because the  
16 regime -- agent of regime told us, and they were going  
17 to kill you. Nasrin, we are worried for you.

18 I told them, don't worry, this is Germany.  
19 I'm not in Iran. I'm safe.

20 And then after months, my parents -- my mom  
21 and my parents called me again, and they were so  
22 worried and told me again, Attorney General of the  
23 regime came to their house and told them, tell Nasrin,  
24 shut up; otherwise, we are going to shut her mouth up.  
25 We're going to kill her. We are not joking. We are

1 so serious about that.

2 I don't know. I was coughing a lot, you  
3 know, because of stress. I was okay, because of  
4 stress caused me to cough a lot.

5 I'm sorry. I'm a little bit excited.

6 I went to -- when I went to London, I had a  
7 hunger strike because -- defend my brother and all  
8 prisoners. I have a picture. I have everything that  
9 you want. I have everything.

10 Five days hunger strike, next to Amnesty  
11 International in London, Mr. Drewery Dyke. He's a  
12 member -- he's working the Iranian desk.

13 THE COURT: How do you spell his name?

14 THE WITNESS: D-R-E-W-E-R-Y, and then last  
15 name, I think, D-Y-K-E. And he knows about this.

16 When I came to Germany, after two weeks,  
17 middle age guy, about sixty-five, something like that,  
18 he came to me: Nasrin, I'm -- he was a medical  
19 doctor. And he said, I have some medicine for you.  
20 And I trust him. You know, I was suffering from  
21 cough. I couldn't talk. I couldn't sleep. And then  
22 he said, I'm going to give you this medicine.  
23 Tonight, twenty drops you taking, and one pill.

24 I took the drops, twenty drops, and I took  
25 the pill. Finally, I slept, you know. After ten

1 minutes, I felt asleep. When I woke up in the  
2 morning, I want to take a shower and I saw my face in  
3 the mirror. Oh, my God, I couldn't believe it. It  
4 wasn't my face. I look red. It was like not normal.

5 And I called my friend, close friend, and he  
6 took me, you know, to my medical doctor. And I showed  
7 my doctor my medicine. And he said, who gave you this  
8 medicine? I said a friend. He gave me this medicine  
9 to help me.

10 He said, I look internal. The reason -- you  
11 cannot find in any pharmacy this medicine. We have in  
12 the hospital some special patient, just one or two  
13 drops you are giving them. Each drop is -- the dose  
14 of each drop is stronger than morphine. God help you.  
15 And I don't know how you are alive. Nasrin, you are  
16 lucky because you are alive today.

17 And he gave me several tests, blood tests  
18 and everything. The doctor wanted to make sure I  
19 don't have any problem, kidney problem or heart  
20 problem because I took the pills.

21 But I was okay. I was healthy, just thanks  
22 God. I think God helped me. And that was -- he said  
23 you should, you know, sue that guy. He tried to kill  
24 you.

25 THE COURT: How did you meet the fellow who

1 gave this to you?

2 THE WITNESS: The guy? The guy, because  
3 many Iranian people, they know me and my family before  
4 I come to Los Angeles. They know me. When I went  
5 to -- I was in Germany, many family, they came to me  
6 and they told me, ah, we are like your father; we are,  
7 again, your mother. You are like our daughter. And  
8 then they invited me to, you know, their house. I  
9 trust them. I was so naive, you know, when I came  
10 from Iran to Germany. I was accepting them. You  
11 know, I trust them. I trust this guy.

12 And he had -- he was married with a lady  
13 from Germany. His wife was from Germany, you know,  
14 but not Persian. And I trust him. He sometimes  
15 invited me, and his wife was so nice to me. And I  
16 took those pills. And I don't know -- thanks God.

17 I have a video I gave to Mr. Larry Klayman,  
18 and he watched that video. My mom, dad, they're  
19 talking, and they're talking, you know, Nasrin's life  
20 is in danger in Germany, because regime said that, you  
21 know, we are going to kill her.

22 BY MR. KLAYMAN:

23 Q. Who took that video?

24 A. Two people, they took that video. When I  
25 came to the United States, I didn't know English, and

1 then I gave my friend -- he's in Canada -- you know,  
2 he translated to English with another young lady.

3 Q. If I show you that video, can you identify  
4 your parents from that video?

5 A. I give to you, yes. You have it.

6 Q. Yes. If I show this to the Court, would you  
7 be able to identify your parents?

8 A. Yes.

9 Q. Do you know when the video was taken?

10 A. The video?

11 Q. Yes.

12 A. The video, you know, my parents -- the day,  
13 about, I think -- I don't remember the date. But my  
14 parents, they want you -- they ask the people in the  
15 world to hear their voice, and they ask the human  
16 rights -- human rights, and then the people, you know,  
17 hearing their voice and to help their children because  
18 they are talking about Manouchehr and Akbar. They're  
19 kind of -- you know, many -- a lot of torture the  
20 regime did to them. And they were crying and they  
21 talk about Manouchehr and Akbar and the different jail  
22 in Iran.

23 When my parents met them, you know, they  
24 were so sick, and that they saw that sign of torture  
25 in their body. And my -- the video, I think

1 forty-five minutes. If you watch them on video, you  
2 can understand a lot. You can -- there are many  
3 detail in this video.

4 MR. KLAYMAN: Your Honor, it was part of  
5 Exhibit 1, but the part that was authenticated earlier  
6 was just the first video that you saw. But on the  
7 same disk is the second video. So to try to  
8 streamline things, if Your Honor would prefer, I don't  
9 need to necessarily show it.

10 THE COURT: I'm not going to watch a  
11 forty-five-minute video.

12 MR. KLAYMAN: Right.

13 THE COURT: Okay.

14 MR. KLAYMAN: We can have the translator --

15 THE COURT: Particularly if it's not  
16 translated. You can prepare a transcript of it in  
17 English --

18 THE WITNESS: It's in English.

19 THE COURT: -- for the Court's review.

20 THE WITNESS: It's in English. Didn't you  
21 watch it? It's in English.

22 MR. KLAYMAN: Okay. But it will have to be  
23 done by a translator.

24 I'm going to show you what I'll ask the  
25 court reporter to mark as Plaintiffs' Exhibit 2.

1 THE COURT: You can give it to my courtroom  
2 deputy and she'll hand it up to me.

3 (Plaintiffs' Exhibit Number 2 was  
4 marked for identification.)

5 BY MR. KLAYMAN:

6 Q. Looking at Exhibit 2 --

7 THE COURT: This is not marked. Would you  
8 mark this, Mr. Klayman, with an exhibit sticker.

9 MR. KLAYMAN: Yes.

10 THE COURT: And please make sure that the  
11 videotape is actually marked with a sticker.

12 MR. KLAYMAN: Yes.

13 THE COURT: All right. Now you're ready to  
14 proceed.

15 BY MR. KLAYMAN:

16 Q. What is Exhibit 2, Miss Mohammadi?

17 A. That page --

18 Q. What is Exhibit 2? Describe what it is.

19 A. Should I explain about the --

20 Q. No. Is this a report that was prepared by  
21 Amnesty International?

22 A. Yes, Amnesty International.

23 Q. When did this report get prepared?

24 A. When I went to Germany, I think around ten  
25 years ago. Ten years ago.



1 Q. Are you familiar with what's in the report?

2 A. Yes. I read before.

3 Q. Is it accurate?

4 A. She wrote about my work and she mentioned  
5 about my -- you know, the agent of regime tried to  
6 kill me.

7 Q. What I'm asking you: Is what was recorded  
8 here recorded accurately?

9 A. Mm-hmm.

10 Q. "Yes"?

11 A. Yes.

12 Q. Okay. Is there anything in here which is  
13 incorrect?

14 A. No, it is not.

15 Q. Okay.

16 MR. KLAYMAN: I would move this into  
17 evidence.

18 THE COURT: It will be admitted.

19 (Plaintiffs' Exhibit Number 2,  
20 previously marked for  
21 identification, was received in  
22 evidence.)

23 BY MR. KLAYMAN:

24 Q. Could you describe for me what happened,  
25 your observations, your experience with what happened

1 to Manouchehr and Akbar and where you were at the time  
2 that these things occurred.

3 A. It's a long story. I don't know. I'm so  
4 speechless. From Iran explain to you, or from when I  
5 left Iran?

6 Q. Let's talk about when you were in Iran.

7 A. Okay.

8 Q. When were you in Iran?

9 A. When I went to Iran, you know, first time  
10 when I was watching TV, the anchor, anchor person on  
11 the TV said -- talk, you know, about my brother,  
12 Akbar, Manouchehr, I was shocked. And then my  
13 parents, they were shocked. My sister Simin was  
14 shocked. My brother, oldest brother, Rahmat, he  
15 wasn't at home, and my sister Simin and my parents  
16 were at home. And then my parents and my mom, dad,  
17 they were shocked.

18 We don't know, what should I do at that  
19 time. And they were crying. And then I called my  
20 oldest brother, Rahmat: Please, where are you? He  
21 was working. And they said hurry up, come on to home.  
22 He said, what happened? I told him, I need your help.  
23 Our brothers were arrested by the regime, we don't  
24 know what happened. We don't know if they are alive  
25 or not.

1           He came. My sister came to our home. When  
2 they came, I don't know how can I describe that night.  
3 It was like a nightmare, you know. Everybody was  
4 crying, and then whole night without a break until  
5 morning, I'm crying.

6           Q. Miss Mohammadi, was this the event when  
7 Iranian television was announcing your brother's  
8 arrest? Is that what was being announced on  
9 television?

10          A. This -- yeah. They are from CIA Mossad --  
11 agent of CIA Mossad. We arrest them.

12                   But a week or somewhere next after that,  
13 they wrote in some newspaper they were executed --  
14 some newspaper that said -- they wrote, we don't know  
15 what happened to them. Some of the newspaper wrote  
16 they are going to be, you know, executed. They are  
17 going to kill them. Regime going to kill them.  
18 Because newspaper, they were from regime, you know,  
19 the government.

20                   And my parents and we were all shocked. We  
21 didn't know, what should we do. My mom, dad -- you  
22 know --

23           THE COURT: Before that --

24           THE WITNESS: -- tragedy.

25           THE COURT: Miss Mohammadi, before that

1 time --

2           Could you just move the microphone away from  
3 your mouth. Just move it away a little bit. It's  
4 echoing.

5           Miss Mohammadi, before you heard that  
6 television report, were you aware that your brothers  
7 had been involved in political activity?

8           THE WITNESS: Yes.

9           THE COURT: All right. Mr. Klayman, please  
10 proceed.

11           BY MR. KLAYMAN:

12           Q. Okay. You mentioned Mossad.

13           It's spelled M-O-S-S-A-D.

14           A. Yes. From Israeli Mossad.

15           Q. Is that the Israeli intelligence service?

16           A. Yes.

17           Q. So your brothers were accused of being  
18 agents from Mossad?

19           A. Yes.

20           Q. And CIA?

21           A. Yes.

22           THE COURT: What is your family's religious  
23 affiliation?

24           THE WITNESS: Religious, they believe just  
25 God, you know. They are not religious, because they

1 were born Muslim, but they don't believe Islam,  
2 because the Islamic government killing. They don't  
3 have mercy. How could they believe Islam? They just  
4 believe God. They are not practicing.

5 THE COURT: I was just curious.

6 THE WITNESS: No. No. It's okay.

7 THE COURT: With the mention of Mossad, I  
8 was wondering if you had a Jewish affiliation. I was  
9 curious about that.

10 THE WITNESS: Your Honor, I want to tell  
11 you, because I am so sorry. I respect all religion,  
12 but when I -- you know, the hate, you know, Islam  
13 regime, I became Christian. I was baptized two years  
14 ago because I didn't want, you know, to tell me,  
15 you're born Muslim. I hate the Muslim, Iranian.

16 The answer became they change their  
17 religion. They are not practicing. I am not  
18 practicing. I never practiced. My parents never  
19 practicing. But I was baptized to be a Christian two  
20 years ago.

21 THE COURT: Thank you.

22 Proceed, Mr. Klayman.

23 BY MR. KLAYMAN:

24 Q. What is it that you're wearing?

25 A. This one (indicating)?

1 Q. Yes, that.

2 A. Zoroastrian.

3 Q. Yes. Is that a Zoroastrian --

4 A. This is from my late brother. He gave to me  
5 the sign of Zoroastrian, sign of good things, good  
6 behavior, good acts.

7 Q. Zoroastrian is a religion?

8 A. Yes. Old Iranian religion, yes.

9 MR. KLAYMAN: Just as an aside, it's an  
10 interesting story, but you don't want to hear it.

11 THE COURT: I don't.

12 MR. KLAYMAN: Okay.

13 BY MR. KLAYMAN:

14 Q. So what happened after your brothers were  
15 arrested that you actually have personal knowledge of?

16 A. You know, I'm going to shortly explain what  
17 happened.

18 Q. Yes.

19 A. You know, my mom, dad -- my mom always were  
20 sitting at our house, my parents' house. It's a  
21 townhouse. And she was sitting on the stair, and  
22 then -- and looking out the window and for months and  
23 months and months, from morning until evening. I have  
24 a picture of her, and many people told. And she was  
25 waiting for her children to come back, knock the door

1 and come back to home.

2 And then my mom, dad -- this is not a life.  
3 After a while, my brothers -- you know, when I went to  
4 prison to see them, visit them behind the glasses --  
5 you know, the glasses, and they show me: "Nasrin,  
6 leave Iran." The piece of paper my late brother  
7 wrote: "Nasrin, leave Iran."

8 I left Iran. I came to Germany to be voice  
9 of my brother and all prisoners.

10 Q. When did you leave Iran?

11 A. When?

12 Q. Yes.

13 A. 2008 -- I think 2002 I left Iran. And then  
14 I came to Germany. When I went to Germany, I was in  
15 Germany, and I wasn't -- because always, I was  
16 traveling as a -- what you call it -- activist,  
17 because I want to tell -- tell them what happened to  
18 my brothers and all prisoners, young student, you  
19 know, that went to jail, and tell them.

20 And I went to Brussels. I went to France.  
21 I went to many countries -- more countries in Europe.  
22 I met Amnesty International and senators in Europe,  
23 and I had many speeches.

24 And then finally, I left Germany where the  
25 regime tried to kill me. I left Germany and I came to

1 the United States.

2 But when I came to here, still, until from  
3 that day until today, I didn't stop, you know, as a --  
4 you know, be political activist and human rights. And  
5 I'm against the regime. I hope regime in Iran one day  
6 be changed.

7 And if you want to explain about my brother  
8 Akbar, when I went to Turkey or anything, Your  
9 Honor --

10 Q. So you left Iran in what year?

11 A. When did I leave Iran?

12 Q. Yes. When did you leave?

13 A. I left Iran, I told you, 2002, I think.

14 Q. 2002?

15 A. Yeah, I think.

16 Q. Okay. At what point did you -- did it reach  
17 a point in time when you no longer felt Iranian, where  
18 your permanent allegiance was to the United States?  
19 Was there a point in time that that occurred?

20 A. The point in time when?

21 Q. When you felt allegiance to the United  
22 States.

23 A. Yes. Because, you know, that reason I left  
24 Germany, I came to here.

25 Q. Okay.



1 THE INTERPRETER: Let me translate.

2 THE WITNESS: Yes. Faithful, that means. I  
3 love this country. I love -- I'm afraid for -- it was  
4 a long time. When I went to Iran, I was faithful. I  
5 love American people. I love this country. I stay  
6 rest of my life to this country. I kiss this land.  
7 This is my land. Iran is not my country. I wasn't  
8 safe in Iran. Nobody is safe in Iran. I'm afraid  
9 for -- I'm a loyal this country. I swore -- I can vow  
10 again. I will, you know, for the rest of my life, I  
11 be faithful to this country.

12 In Iran, from Iran.

13 BY MR. KLAYMAN:

14 Q. Can you describe your relationship with  
15 Akbar before you left Iran.

16 A. Yes.

17 Q. Your personal relationship with your  
18 brother.

19 A. Yes. Can I ask you a favor? I want to  
20 explain, you know, what a faithful and loyal -- about  
21 the American people.

22 Akbar, Manouchehr -- forgot to tell you. In  
23 September --

24 Q. We'll get to that. Let's get to this first.

25 A. It's so important.

1 MR. KLAYMAN: Can she, Your Honor?

2 THE COURT: I'm sorry. What?

3 MR. KLAYMAN: She wants to talk about the  
4 United States now.

5 THE COURT: You should answer the question.

6 BY MR. KLAYMAN:

7 Q. Tell us what your relationship was with  
8 Akbar personally, your close relationship.

9 A. I was so close to my brother, late brother.  
10 He wasn't just, you know, freedom and human rights  
11 activist. He was a man of peace. He was really  
12 human. I'm proud of him. He was so close to me. And  
13 I tell you, I was his sister. I love him so much.

14 When I have got my brother -- when I went to  
15 Turkey, because I cannot go to Iran, they're going to  
16 kill me. I went to Turkey to visit, you know, my  
17 parents. I went to Turkey. My sister at that time,  
18 she was in Turkey, Manouchehr went to jail. My  
19 brother -- late brother went to jail. I came to  
20 Turkey about -- I don't know -- seven years ago.  
21 Yeah, exactly seven years ago.

22 Three days, we had a good time with my  
23 parents. One day, a guy -- his name was Benham -- he  
24 call us: Akbar is going to be free. Leave -- the  
25 regime is going to give him sick leave. He's going to

1 be free in three days.

2 We had a party. We danced. We were so  
3 happy because Akbar was sick and, you know, we were so  
4 happy. Physically, he was sick, you know. I have a  
5 film about that, that night.

6 And the morning, day after that night, I  
7 think 7:30 a.m. or 8 a.m., my father's cell phone was  
8 ringing. My father go to answer the phone. Behnam  
9 from Iran. I know him. It was a student, but outside  
10 of jail. He told to pass the phone to your uncle, my  
11 brother -- told my father. And then my uncle took the  
12 phone. And suddenly, I understood. His face was  
13 pale, and he stepped so far from the living room. I  
14 follow him. I don't know. I knew Akbar was sick.  
15 Akbar was on hunger strike. Akbar is sick.

16 And then, I don't know, my heart was beating  
17 so, you know, hard. And my body was shaking. I felt  
18 Akbar is so sick. I grabbed the phone and ran to a  
19 bedroom. I grabbed the phone from my uncle's hand and  
20 went to another bedroom and I told Behnam, "This is  
21 Nasrin. Listen to me. I'm a strong lady. Don't  
22 worry. Tell me about the situation. Tell me,  
23 please."

24 I told him I was waiting, expecting he's  
25 going to tell me Akbar is sick because he's on hunger

1 strike. They took him to the hospital. And Behnam  
2 told me, Nasrin, Akbar was killed. I don't know. At  
3 that time, I just -- I just scream loudly three times,  
4 "No. No. No." My body was shaking. My mom, dad,  
5 came to me.

6 My mom from front, my dad -- I don't know --  
7 from front and back. They tried to hold me. My  
8 muscles open, my eyes were open, just screaming. They  
9 tried to hold me. And sat me down. I could not  
10 expect my brother, my dear brother -- he was killed.  
11 I couldn't expect.

12 And my mom -- my mom told me, Nasrin, he  
13 tried to -- she tried to convince me, Nasrin, why you  
14 crying? Why you shaking? That was Akbar's way,  
15 wasn't it? My dad tried to calm me down. My mom  
16 tried to calm me down. But I cannot describe that  
17 day.

18 Everybody -- everybody -- my dad got  
19 unconscious after hour. My mom just want the T-shirt  
20 I bought for Akbar, the red T-shirt, the color Akbar  
21 likes. Not because of communism. Akbar was just --  
22 we are not -- you know, Akbar was activist. He wasn't  
23 to any party. The red color, he loved that color. I  
24 bought that T-shirt. My mom took his T-shirt and wore  
25 my late brother's T-shirt and chanted and told to

1 everybody, why you crying? I am Akbar today. Akbar  
2 is not dead. Even regime kill Akbar -- I am Akbar.  
3 I'm going to continue his fight. And there are many  
4 Akbars. Thousand and thousand Akbars are going to  
5 continue his path.

6 Q. Have you ever --

7 A. My mom was shocked. Everybody was denial.  
8 I was denial. I was denying my brother is not alive.  
9 He was gone. I couldn't believe it.

10 And even my nephew, Farhan, he was just  
11 eleven years old, he was crying. My nieces, two  
12 little nieces, Shamim, Shaghayegh, and three years  
13 old, they were crying.

14 THE COURT: Thank you, Miss Mohammadi.  
15 Please, Mr. Klayman.

16 BY MR. KLAYMAN:

17 Q. Have you ever tried to commit suicide,  
18 Miss Mohammadi?

19 A. Yes. When I came to -- when I came to the  
20 United States, it was too -- it was too heavy on my  
21 shoulders. I couldn't believe. I was in -- I was  
22 denying my brother is not alive anymore. And one  
23 day -- everybody tried to help me.

24 I was at therapist. Everybody told me he  
25 was killed, he's not alive. It was so hard for me. I

1 was so close to my late brother. I took the pills,  
2 more than ten pills. It was strong pills.

3 Q. What kind of pills?

4 A. It was -- I don't know the name. It was so  
5 strong. If I could take one pill, I could sleep more  
6 than fifteen -- fourteen or fifteen hours. I took  
7 more than ten pills. I want to -- I commit -- I  
8 committed suicide. I want to kill myself. I didn't  
9 want to be alive because the life didn't have any --  
10 you know, life wasn't -- had any meaning to me.

11 And then my help -- at the same time, I call  
12 my therapist. I told her good-bye. She said, what  
13 happened? I said I took pills. I committed suicide.  
14 I want to die. I don't want to be alive. I don't  
15 like my life.

16 And she call the friends, and the friend  
17 took me to hospital. And the doctor told them, she's  
18 going to -- she's not going to be alive. Ninety-nine  
19 percent, they get -- ninety-nine percent, and maybe  
20 one percent, God help her. She's going to be alive.

21 Q. Who is your therapist?

22 A. Anna Deutch.

23 MR. KLAYMAN: Your Honor, we submitted an  
24 affidavit from Anna Deutch. I don't need to go into  
25 that unless Your Honor wants me to.

1 THE COURT: No.

2 MR. KLAYMAN: Okay.

3 BY MR. KLAYMAN:

4 Q. I'm going to show you what I've marked as  
5 Plaintiffs' Exhibit 3.

6 (Plaintiffs' Exhibit Number 3 was  
7 marked for identification.)

8 BY MR. KLAYMAN:

9 Q. It's a book. What is that book,  
10 Miss Mohammadi?

11 A. The book, before my brother was killed by  
12 Islamic regime of Iran, I think eight or nine years  
13 ago, when I thought he was sick leave -- but, you  
14 know, the whole Amnesty International and human  
15 rights, they push government, Iranian government,  
16 because he was tortured alive, and he was sick in  
17 prison. Finally, they gave him sick leave.

18 Q. Okay. Who wrote this book?

19 A. And he wrote a book.

20 Q. Go on. I'm sorry.

21 A. Sorry.

22 He wrote book, Farsi -- his diary to Farsi.  
23 He asked me to publish it. When I read that book, I  
24 was -- he said 30 percent is memory of the jail. But  
25 I understood, it's so dangerous for his life. He

1 asked me, beg me to publish it. I said okay. Today,  
2 tomorrow.

3 At that point, he understood. He told me,  
4 Nasrin, I know you are refusing to publish this book.  
5 I said, I know. Akbar, why you want the regime  
6 torture you more or kill you?

7 He said, if you don't publish this book, I  
8 am going to call some friends in the United States.  
9 I'm going to publish it. And then I -- that day, I  
10 promise him to publish his book, his memory.

11 You know, first I publish in Farsi, but his  
12 wish was, you know, to publish his book to English.

13 And about three, four months ago, I publish  
14 his book in English, but I added. I'm second writer  
15 of this book. I added this book, who was Akbar, what  
16 happened to him, and what was the reaction in the  
17 whole world, how -- what my parents, you know -- how  
18 was reaction of my parents.

19 And then in this book, I -- there's a lot of  
20 reality in this book, and then what Akbar wrote about  
21 himself in the jail. And I continue his book and  
22 finish.

23 But here, I'm telling Your Honor, I'm  
24 telling thanks to the United States, thanks God, they  
25 help my brother Manouchehr, help him to here, brought



1 him to here.

2 THE COURT: And when did he write this book?

3 THE WITNESS: About eight years ago, when he  
4 was in sick leave.

5 THE COURT: All right. We'll take our lunch  
6 break now until 2:00.

7 MR. KLAYMAN: I'll move this into evidence,  
8 too, Your Honor.

9 THE COURT: Why don't you move it into  
10 evidence now and then we'll take a break.

11 MR. KLAYMAN: Yes.

12 THE COURT: It will be admitted.

13 (Plaintiffs' Exhibit Number 3,  
14 previously marked for  
15 identification, was received in  
16 evidence.)

17 MR. KLAYMAN: Thank you.

18 (Whereupon, at 1:00 p.m. a luncheon recess  
19 was taken.)

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

21 (Whereupon, at 2:03 p.m. the proceedings  
22 commenced and the following ensued:)

23 MR. KLAYMAN: Your Honor, we had scheduled  
24 former CIA Director James Woolsey at 2:00, so if we  
25 could take him at this time, and then we can bring

1 back Miss Mohammadi.

2 THE COURT: That's fine.

3 MR. KLAYMAN: I call to the witness stand  
4 James Woolsey.

5 ROBERT JAMES WOOLSEY, JR.,  
6 a witness produced on call of the plaintiff, having  
7 first been duly sworn, was examined and testified as  
8 follows:

9 THE COURT: Good afternoon. Welcome to the  
10 court.

11 THE WITNESS: Good afternoon, Your Honor.  
12 Thank you.

13 THE COURT: Proceed, Mr. Klayman.

14 DIRECT EXAMINATION

15 BY MR. KLAYMAN:

16 Q. Please state your name.

17 A. Robert James Woolsey, Jr.

18 Q. When were you born?

19 A. September 21, 1941.

20 Q. If you can run us through, briefly, your  
21 education.

22 A. I went to public schools in Tulsa, Oklahoma.  
23 I have an undergraduate degree at Stanford, Master's  
24 degree at Oxford as a Rhodes scholar, LLB from Yale  
25 Law School.

1 Q. What did you do after law school, if you can  
2 run us through your employment history.

3 A. I went on active duty in the U.S. Army,  
4 working on intelligence matters in the Pentagon. As  
5 part of that assignment, I was an adviser on the U.S.  
6 delegation to the Strategic Arms Limitation Talks with  
7 the Soviets in Helsinki, Indiana. I then became  
8 General Counsel of the Senate Armed Services Committee  
9 in the early 70s.

10 I went into private law practice with Shea &  
11 Gardner in late '73, early '74. I practiced until  
12 '77, when I became Undersecretary of the Navy in the  
13 Carter administration.

14 Following that, I returned to private law  
15 practice, and in '83 I was asked by the President to  
16 serve as a delegate-at-large to the negotiations in  
17 Geneva on Nuclear and Space Arms Talks and SALT. I  
18 did that on a part-time basis, returned full time to  
19 the practice of law in '86.

20 In '89, I was asked by the President to  
21 serve as Ambassador and Chief Negotiator for the  
22 Conventional Forces in Europe Treaty. I did that from  
23 '89 to '91, returned to private law practice.

24 I was asked by the President Elect in late  
25 1992 to serve as Director of Central Intelligence. I

1 did that for two years, until 1995, returned to  
2 private law practice.

3 And then a year or so after 9/11, in 2002, I  
4 was asked by Booz Allen Hamilton to come with them as  
5 partner and to help set up their Homeland Security  
6 practice. I did that for five years, and then joined  
7 a venture capital fund, moved from one fund to the  
8 other, and also have been doing consulting, all of  
9 these in the area of alternative energy.

10 And I'm now consulting and a venture partner  
11 in a venture capital fund in New York, again, all of  
12 this relating to alternative energy.

13 Q. Were you and are you associated with any  
14 foundations, any nonprofit foundations in the last few  
15 years?

16 A. Oh, my goodness, yes. I just filled out my  
17 security forms, and there are dozens. Virtually all  
18 of it is nonprofit and is advisory boards and the  
19 like. But there's a long list I can provide if the  
20 Court wants.

21 Q. In the course of your considerable  
22 experience, did you become knowledgeable with regard  
23 to the country of Iran?

24 A. To some extent, yes.

25 Q. Okay. Are you knowledgeable with regard to

1 some of their intelligence activities?

2 A. To some extent, yes.

3 Q. And with regard to their presence here in  
4 the United States?

5 A. Yes, to some extent.

6 MR. KLAYMAN: I would proffer Mr. Woolsey as  
7 an expert.

8 THE COURT: He can provide expert  
9 testimony --

10 MR. KLAYMAN: Okay. Thank you.

11 THE COURT: -- on the issues, as I take it  
12 from your witness list submission, about, generally,  
13 human rights violations done by Iran or organs and  
14 instruments of Iran, both domestically and abroad.

15 THE WITNESS: Yes.

16 THE COURT: All right.

17 THE WITNESS: I might add that for three  
18 years in the early 2000s, mid-2000s, I was chairman of  
19 the board of Freedom House, and I'm currently chairman  
20 of the Foundation for Defense of Democracies.

21 MR. KLAYMAN: Thank you.

22 THE COURT: Do you have any affiliation in  
23 Amnesty International?

24 THE WITNESS: I don't have any affiliation  
25 with Amnesty International, no.

1 THE COURT: Okay.

2 BY MR. KLAYMAN:

3 Q. In the course of your years with defense  
4 areas and intelligence areas, did you become aware of  
5 whether or not high-level dissidents in Iran could be  
6 imprisoned, tortured, or executed without the  
7 authority of the Supreme Leader and the President of  
8 that country?

9 A. I don't believe they could be imprisoned,  
10 tortured, or executed without the authority of the  
11 Supreme Leader.

12 There's one -- if I may expand?

13 Q. Yes.

14 A. There's one legal case that makes this case  
15 very clearly. It's a German case. It was the German  
16 government's prosecution of the Mykonos murders that  
17 occurred in 1992 in Berlin. It's chronicled in  
18 several places, in one book that deals with it called  
19 *The Assassins of the Turquoise Palace*. And that very  
20 thorough and brave and detailed investigation by a  
21 German prosecutor produced a finding which effectively  
22 said that the Supreme Leader was an unindicted  
23 coconspirator in the murders of Kurdish nationals of  
24 Mykonos. That's not the terminology in German. You  
25 can get it exactly, but it is approximately a role or

1 designation like being an unindicted coconspirator.

2 Q. Based on your experience, to be able to  
3 imprison, arrest -- to arrest, imprison, torture,  
4 murder a high-level dissident, it would take an order  
5 of the Supreme Leader and the President?

6 A. I would think so, yes.

7 Q. Based on your knowledge and experience, is  
8 it correct to say that there are many Iranian  
9 intelligence and other operatives in this country?

10 A. I would say definitely, yes.

11 Q. And based on your experience, are these  
12 people placed in this country in order to effectively  
13 control, to monitor, to influence the activities of  
14 Iranians -- Iranian-Americans here?

15 A. Yes. All three.

16 Q. How do they do that?

17 A. They do that through foundations whose real  
18 purpose is to influence American public opinion and to  
19 keep track of those who disagree with the Iranian  
20 government through various nonprofit organizations,  
21 through various cover organizations of different  
22 kinds.

23 It's a very professional effort to influence  
24 events, as well as to inform themselves and to inform  
25 the Iranian government about what individuals are

1 saying and doing.

2 Q. Quite apart from -- you are aware that a few  
3 years ago in Washington, DC, a plot was uncovered to  
4 kill the Saudi Arabian ambassador?

5 A. Yes. I read about it at the time.

6 Q. Is it fair to say that Iranian intelligence  
7 agents and other agents are used to intimidating  
8 people here in this country?

9 A. Well, certainly, they would love to  
10 intimidate people in this country, and efforts of that  
11 sort would be geared toward that objective, among  
12 others.

13 As I recall, the execution or the killing  
14 was to occur with a bomb or perhaps shooters in a  
15 major restaurant in downtown Washington, so,  
16 certainly, a number of Americans would have been  
17 killed as well as the Saudi ambassador.

18 Q. Based on your knowledge and experience, are  
19 you aware of the Iranian government and the Supreme  
20 Leader and the President carrying out operations to  
21 harm Iranians overseas and others?

22 A. Certainly, yes.

23 Q. And that goes on in the United States as  
24 well?

25 A. Certainly, yes.



1 Q. Yes.

2 MR. KLAYMAN: I have no further questions,  
3 Your Honor.

4 THE COURT: Thank you, Mr. Woolsey.

5 THE WITNESS: Thank you.

6 MR. KLAYMAN: Thank you.

7 (Whereupon, Mr. Woolsey left the courtroom.)

8 THE COURT: Mr. Klayman, where is your next  
9 witness?

10 MR. KLAYMAN: He's actually here now.

11 Would you like to do that, Your Honor?

12 THE COURT: Why don't we get all the expert  
13 testimony done, if you don't mind. Why don't you  
14 bring him up.

15 MR. KLAYMAN: Okay. I call Ken Timmerman to  
16 the stand.

17 THE COURT: As long as we're interrupting  
18 Miss Mohammadi's testimony, we might as well do it  
19 with both experts.

20 MR. KLAYMAN: Mr. Ken Timmerman.

21 (Whereupon, Mr. Timmerman took the witness  
22 stand.)

23 KENNETH R. TIMMERMAN,  
24 a witness produced on call of the plaintiff, having  
25 first been duly sworn, was examined and testified as

1 follows:

2 THE COURT: Good afternoon, Mr. Timmerman.

3 THE WITNESS: Good afternoon.

4 DIRECT EXAMINATION

5 BY MR. KLAYMAN:

6 Q. Mr. Timmerman, state your name, please.

7 A. My name is Kenneth R. Timmerman.

8 Q. And when were you born?

9 A. November 4th, 1953.

10 Q. Where was that?

11 A. In New York.

12 Q. Okay. Run us through, quickly, your

13 educational background.

14 A. I went to public schools in Ridgewood, New  
15 Jersey, Goddard College in Vermont. I have a BA; then  
16 went to Brown University and got a Master's degree at  
17 the age of twenty-two. Went overseas, lived overseas  
18 for about eighteen years, worked as an investigative  
19 reporter, translator/interpreter from French to  
20 English. Worked a lot in the Middle East, starting in  
21 the 1982 war in Lebanon, and used Paris as my base. I  
22 was hopping back and forth.

23 I lived for about six months in Egypt and  
24 lived in Europe quite a bit between '82 and '84.  
25 Covered the Iran-Iraq War. Have written nine books,

1 nonfiction, based on those experiences. The first one  
2 was on the Iran-Iraq War in 1987, syndicated by the  
3 New York Times Syndication Sales.

4 Next one was on Saddam's weapons industry  
5 and how the west armed Iraq. It was called *The Death*  
6 *Lobby: How the West Armed Iraq*. It was published in  
7 1992, detailing chemical suppliers and due east  
8 technology.

9 I have -- my book on Iran is called  
10 *Countdown to Crisis: The Coming Nuclear Showdown with*  
11 *Iran*. It was first published in 2005. It details the  
12 U.S.-Iran relationship, the Iranian government's use  
13 of terrorism as a tool of foreign policy and, of  
14 course, their -- the nuclear weapons development. I  
15 was nominated for a Nobel Peace Prize for my work on  
16 Iran in 2006 from the former Deputy Premier of Sweden.

17 Can I pull my chair closer?

18 It's very difficult moving in any direction.  
19 Okay. I guess I can't move it.

20 THE COURT: It's difficult.

21 THE WITNESS: Since '95 -- I was the founder  
22 in 1995 of Foundation for Democracy in Iran, which is  
23 a nonprofit, initially funded by the National  
24 Endowment For Democracy for the first two years or so.  
25 Since then I have been working primarily pro bono.

1           But the goal of that organization was to  
2 bring to light human rights abuses by the Iranian  
3 regime to the American people, to Congress, to the  
4 press in general, and to heighten awareness of what  
5 the regime is doing to its own people.

6           Most recently, I was a Republican candidate  
7 for the United States Congress in the Eighth District  
8 of Maryland, unsuccessful, in the 2012 election. But  
9 one of the things that I said during that campaign,  
10 which is relevant here, is that it is in our -- I  
11 believe it is in our national security interest as  
12 Americans to help the people of Iran get rid of this  
13 tyrannical regime.

14           The problem with Iran is not the Iranian  
15 people. Our problem is the regime, which is  
16 ideological in nature, and which has stated repeatedly  
17 its intention to wipe Israel off the face -- off the  
18 map and to destroy America.

19           So if you see what a regime does to its own  
20 people, torture and rape and executions and murders,  
21 look, you know, you can imagine what they would do to  
22 their neighbors and to their enemies.

23           BY MR. KLAYMAN:

24           Q.    Were you, yourself, at one point a hostage  
25 in the Middle East?

1           A.     I was taken hostage in Lebanon in July of  
2 1982 and held for twenty-four days underground, right  
3 kind of in the hot zone. The building I was kept in  
4 had eight floors when I went in and twenty-four days  
5 later, it had one and a half floors and pancakes on  
6 top.

7           Q.     Have you recently taken a trip to the Middle  
8 East?

9           A.     I just got back from Northern Iraq about a  
10 week ago. So I continue to travel to the Middle East.  
11 It's a regular business of mine. This particular trip  
12 was the -- for the commemoration of the 25th  
13 anniversary of the gassing of the Kurds by Saddam  
14 Hussein. Some of my research has been useful to  
15 victims of those chemical weapons attacks in going  
16 after the companies who supplied the technology.

17          Q.     Based on your knowledge and experience,  
18 would you consider yourself an expert on Iran?

19          A.     Yes.

20          Q.     And are you knowledgeable with regard to the  
21 human rights violations and crimes against humanity  
22 perpetrated in Iran?

23          A.     Yes. I've also been summoned -- I'm also an  
24 expert witness in other cases on this subject, yes.

25          Q.     Can you tell us what other cases you've

1 testified in?

2 A. Well, I was -- the Argentinian government  
3 has held a longstanding investigation of the Iranian  
4 involvement in the AMIA bombing. This is the  
5 Argentinian Jewish Community Center in 1994. And they  
6 ultimately came -- the judge in that case ultimately  
7 came to Washington, took my testimony here in  
8 Washington and cited me in their final report as an  
9 expert on Iranian terrorism and Iranian government  
10 organizations, and how they use terror as a weapon  
11 of -- as an arm of government policy.

12 Q. Have you been involved in other cases as  
13 well?

14 A. Yes. I testified in a number of terrorism  
15 cases. The Irahi trial. I was a consultant in the  
16 *Havlish* case, which just won a \$6 billion judgment in  
17 New York. This was Iran's involvement as a  
18 coconspirator in the 9/11 attacks, helping Al Qaeda --  
19 providing material support to Al Qaeda in support of  
20 the 9/11 attacks.

21 Q. Based on that case and your experience, do  
22 you have knowledge as to whether or not Iran has a  
23 significant presence here in the United States?

24 A. Yes, I do.

25 Q. Tell us what you know.

1           A.     Well, you know, I -- as an investigator  
2 reporter and as a human rights activist, I talk to  
3 people when they come out of Iran. I debrief them,  
4 whether they come out of Iranian intelligence or I  
5 just get their story, and have written many stories as  
6 a journalist and chronicled this at iran.org, which is  
7 a website of my foundation.

8                     Many of the individuals who come out of Iran  
9 tend to go to Los Angeles. That seems to be the  
10 headquarters of the Iranian community. The climate is  
11 a little bit similar, the landscape is a little bit  
12 similar. It reminds them of Teheran. And there's an  
13 area of Los Angeles called Westwood, which is the  
14 locus of the Iranian-American community. That  
15 neighborhood is under high surveillance by Iranian  
16 government agents.

17                     I personally have been to some of the travel  
18 agencies that they use as covers. I have gone around  
19 with friends of mine in the community to look at some  
20 of these front -- literally storefronts that they use  
21 to keep track of local Iranians. Their goal --

22                     THE COURT:   How do you know that they're  
23 covers?

24                     THE WITNESS:  Because they -- they -- in  
25 Persian, in the Persian storefront, they will tell

1 you, for example, that they are providing a visa --  
2 visas for Americans to go to Iran and will help  
3 Iranians with their visas. They're providing marriage  
4 certificates to the Iranian Interests Sections here in  
5 Washington, DC, something which is entirely illegal  
6 for them to do.

7           So they're actually performing services for  
8 the Iranian regime -- notarial services, documentation  
9 services for the Iranian regime. But they don't  
10 advertise that in English. They advertise it in  
11 Persian in the storefronts. And that's, if you wish,  
12 just on the surface.

13           Beneath the surface, it's the actual  
14 individuals involved, who I subsequently would  
15 research and talk to people, either in the FBI or  
16 other U.S. intelligence organizations.

17           THE COURT: And in the course of your human  
18 rights work or in your assistance to human rights  
19 activists within Iran, have you helped members of the  
20 Mohammadi family?

21           THE WITNESS: Have I --

22           THE COURT: Other than providing testimony  
23 here today.

24           THE WITNESS: No. I've gotten to know -- I  
25 first met Manouchehr Mohammadi in '97, but I did not



1 provide assistance except for publicizing his case.

2 BY MR. KLAYMAN:

3 Q. Okay. The Iranian presence in Los Angeles,  
4 does it also extend to radio and television networks?

5 A. Yes. The Iranian regime have, surprisingly,  
6 an extensive media presence in this country. They  
7 have an outfit called Press TV, in English, which  
8 broadcasts in English. They have two production  
9 companies here in Washington, DC. They have an office  
10 up in New York. They have correspondents in  
11 Los Angeles. They have several other -- excuse me --  
12 several other television channels in Persian that also  
13 have correspondents in New York and especially in  
14 Los Angeles.

15 Q. Approximately how many Persian stations are  
16 there in Los Angeles -- television stations?

17 A. Run by the regime?

18 Q. Generally, and then run by the regime.

19 A. There's about sixteen -- roughly sixteen  
20 Persian language televisions [sic] in Los Angeles, but  
21 those are mainly run by Iranian-Americans. But in  
22 addition to that, you have probably four or five that  
23 are regime organizations -- outfits.

24 Q. Can you cite any of the names of these  
25 networks?

1           A.     One is called Alam TV, A-L-A-M TV.  They  
2 have the -- actually, the official IRIB, Islamic  
3 Republic of Iran Broadcasting, networks.  They have  
4 two channels, IRIB, for example.

5           THE COURT:  Is this on cable channels, like  
6 one of the 500 channels?

7           THE WITNESS:  Satellite, Your Honor.

8           THE COURT:  Satellite.

9           THE WITNESS:  Satellite TV.

10          BY MR. KLAYMAN:

11          Q.     You are familiar with Voice of America, are  
12 you not?

13          A.     Yes, indeed.

14          Q.     Did there come a point in time when Voice of  
15 America, in its Persian News Network, had a managing  
16 director who had ties to Iran?

17          A.     Well, yes, indeed.  And I lectured at the  
18 Joint Counterintelligence Training Academy in Quantico  
19 to younger members of the intelligence community, and  
20 his case was one of the ones that I cited as Iranian  
21 infiltration.  This was a couple of years ago.

22                 The managing director of the Persian Service  
23 of Voice of America was a gentleman whose father was a  
24 prominent Ayatollah in Teheran.  His brother was the  
25 head of foreign currency exchange for the Central Bank

1 of Iran -- Islamic Republic of Iran.

2 And I can remember confronting him about  
3 this. He says, well, why should that be a problem for  
4 me to work at Persian News Network?

5 And the answer to that, very simply, is  
6 that's how the regime exercises control over  
7 individuals. You don't have to be an agent of the  
8 regime -- and I don't know whether that individual  
9 himself personally was an agent. I think there were  
10 indications that he was -- but they control you  
11 through your family.

12 And that is what is very specific about this  
13 regime. They will target individuals living in this  
14 country in positions of prominence, especially  
15 Iranian-Americans, and then go after their family  
16 members in Teheran. They will round them up, throw  
17 them in jail, torture them, and then word would go  
18 back that they're supposed to change what they're  
19 doing or change their activities.

20 There's one broadcaster at the Voice of  
21 America who I got to know fairly well. His father was  
22 murdered, and he subsequently retired from Voice of  
23 America.

24 Q. Who was that?

25 A. Ahmad Baharloo.

1 Q. The person you're describing was managing  
2 editor of Voice of America?

3 A. Yes.

4 Q. The one with the father who was a prominent  
5 Ayatollah?

6 A. Yes.

7 Q. His name is Ali Sajadi?

8 A. Sajadi, yes.

9 Q. And you've written about this?

10 A. Yes, I've written the story, spoken out  
11 about it in public, absolutely.

12 Q. Did there come a point in time when you  
13 became aware that approximately thirty broadcasters at  
14 Voice of America felt intimidated and threatened by  
15 Ali Sajadi?

16 A. I don't know the exact number, but there  
17 were certainly a lot of them. I would say dozens of  
18 broadcasters. Many came to me personally to tell me  
19 their stories, that Sajadi was censoring their  
20 broadcasts and putting pressure on them not to  
21 broadcast about human rights violations or about  
22 regime repression.

23 Specifically, the story of Neda.

24 You are able to recall this, Your Honor.  
25 Shortly after the June 2009 demonstrations after the

1 elections -- selection in Iran of the new president,  
2 three million people took to the streets. And during  
3 these demonstrations, there was a young woman who was  
4 struck by a bullet in her heart, actually -- a bullet  
5 in her heart -- and was captured on cell phone video.

6 That video came to Voice of America, was  
7 transmitted over the Internet to Voice of America of  
8 her death. And Ali Sajadi sat on it for at least  
9 forty-eight hours --

10 THE INTERPRETER: Three days.

11 THE WITNESS: -- and he sat on it for at  
12 least forty-eight hours as people who worked under him  
13 were saying, we have to publish this. This is  
14 absolutely extraordinary material. But he would not  
15 publish it. Ultimately, he allowed it to air after it  
16 had gone on CNN and BBC and other networks.

17 BY MR. KLAYMAN:

18 Q. In the course of your work and your  
19 expertise, are you aware whether or not prominent  
20 Iranian-Americans feel threatened by this presence of  
21 the Iranian regime here in this country?

22 A. Absolutely. Most Iranians who live in this  
23 country, who come here fleeing the regime since 1979  
24 still have family members who live back in Iran. And  
25 there's a tacit understanding that there are lines

1 that they cannot cross in their public activities if  
2 they don't want those family members to suffer. And  
3 everybody understands that.

4 You can pick up any Iranian over the age of  
5 thirty on the streets today and ask them, will you  
6 speak out against the regime, and some of them will,  
7 but the great majority will not do so. And you ask  
8 them, well, why?

9 Well, they say, I've got my uncle, you know,  
10 Mahmoud who is back in Tehran and I'm afraid for him.

11 Q. Has that fear been heightened during the  
12 current administration, based on your experience, by  
13 Iranian-Americans not to speak out?

14 A. Yeah.

15 THE COURT: When you say "the current  
16 administration," you are --

17 MR. KLAYMAN: I'm talking about the Obama  
18 administration.

19 THE COURT: Okay. Go ahead.

20 THE WITNESS: Well, I would actually set the  
21 beginning of the regime's intense overseas  
22 intimidation at the end of the Iran-Iraq War, at the  
23 end of 1988, 1989, for one very simple reason. Until  
24 that point, they were preoccupied with fighting Iraq.  
25 They didn't have time to go after ordinary Iranians.

1 They were sending hit squads out around the world to  
2 assassinate leaders. That they did right from the  
3 beginning of the regime. And we have published a  
4 database listing something like 200 leaders of  
5 oppositional organizations who have been murdered  
6 around the world from 1980 to about 1997.

7 But going after ordinary Iranians, I really  
8 put that, in an intense way and systematic way,  
9 starting in late '88, '89.

10 BY MR. KLAYMAN:

11 Q. Okay. So is it your --

12 THE COURT: But here we have ordinary  
13 Iranians who were gone after long before that, so I'm  
14 not sure what the relevancy of that is.

15 MR. KLAYMAN: Well, I'll tie that up, Your  
16 Honor.

17 BY MR. KLAYMAN:

18 Q. You are aware -- let me ask you this  
19 question first.

20 A. Excuse me. '88, '89 is when I think it  
21 started.

22 Q. Is it your expert opinion that Iran  
23 exercises a control over Iranian-Americans in this  
24 country or people living in this country that came  
25 from Iran, that they seek to exercise a control and

1 intimidation and threat factor?

2 A. They certainly seek to exercise control and  
3 to intimidate them and to keep them from getting  
4 organized or helping organize the opposition inside  
5 Iran.

6 I'll give you just one very simple example.  
7 Whenever they have a presidential election, which is  
8 every four years, they set up ballot boxes around the  
9 United States. Now, you say, well, they are just  
10 exercising their democratic rights. It's not exactly  
11 that.

12 First of all, they don't have free elections  
13 in Iran. The candidates for president are selected by  
14 the Supreme Leader and the Guardians Council, so  
15 there's already pre-selection of the candidates.

16 When they set up these ballot boxes, they  
17 will rent a hotel ballroom or they'll rent a  
18 restaurant in Detroit, Orange County, California or in  
19 Los Angeles, and you have to go and show your Iranian  
20 identity card to be able to vote. And it's a way for  
21 them to keep control over the community and to keep  
22 tabs on everybody and to let them know that they're  
23 watching.

24 Now, this is all illegal. And I tried to  
25 get the FBI engaged in this, because under the



1 agreements, they are not allowed to have -- the  
2 Iranian regime is not allowed to have any other  
3 presence in the United States except for the United  
4 Nations mission in New York and the interest section  
5 here in Washington, and the restricted movement of  
6 Iranian diplomats is restricted to twenty-five miles  
7 from each of those places.

8           So they have officers of the Iranian  
9 government in thirty-nine locations around the United  
10 States operating illegally during election times.  
11 That's just an example.

12           Q.     Approximately how many Iranians live in  
13 Los Angeles?

14           A.     At least 600,000.  If you talk to Iranians,  
15 they will say two million, but I would say at least  
16 600,000.

17           Q.     If you take the suburbs of Los Angeles, is  
18 it close to a million?

19           A.     Quite possibly.

20           Q.     In fact, the nickname for Los Angeles is  
21 little Tehran, is it not?

22           A.     "Tehrangeles."

23           Q.     Okay.  In fact, based on your experience,  
24 you can exist in Los Angeles and not even be able to  
25 speak English, but only Farsi, correct?

1           A.     I know a number of Iranians, older  
2 immigrants, who do not speak English and have been  
3 here for thirty years.

4           Q.     Are you aware -- you said you had some  
5 experience with the Mohammadi family, Nasrin,  
6 Manouchehr. Were you aware of the history of Akbar  
7 Mohammadi and Manouchehr Mohammadi in being at the  
8 forefront of the student Freedom Movement?

9           A.     Yes.

10          Q.     How did you learn about that?

11          A.     I first met Manouchehr when he came to the  
12 United States two years before the student uprising in  
13 '99. The uprising was in '99. He came here in '97.  
14 I met him in Washington, Washington, DC, where he was  
15 hosted by Iranian-Americans. They wanted to meet him  
16 as a prominent student leader in Iran.

17                   And so we went to a demonstration together,  
18 I believe it was someplace in Georgetown or something  
19 like that. And I spent several hours with him,  
20 talking about what he was doing back in Teheran. He  
21 agreed to talk to me on one condition, that I not  
22 publish anything until he gave me permission because  
23 it would be -- as he said, he would risk prison and  
24 torture if it became known that he was in the United  
25 States and especially talking to me. Because I'm

1 fairly well-known at that point as a journalist and  
2 somebody supporting the pro-freedom movement.

3 Q. And what did you subsequently -- did you  
4 subsequently have knowledge as to Mr. Mohammadi's  
5 activities after he spoke with you that day, for what  
6 happened to him?

7 A. Well, I learned -- as soon as the uprising  
8 began on July 6th, 1999, at Tehran University, it  
9 quickly became apparent that both he and his brother  
10 were involved in the forefront of that movement. They  
11 were arrested, I believe, twelve days later. I think  
12 it was the 18th of July, 1999.

13 And we tracked those events on the iran.org  
14 website with a special page on the student movement  
15 and the student uprising, in part because of those  
16 contacts that I had with Manouchehr Mohammadi ahead of  
17 time.

18 Q. And what was his brother's name?

19 A. Akbar, A-K-B-A-R.

20 Q. In tracking what was going on, what was your  
21 understanding as to what the student group intended to  
22 do in Iran -- or tried to do?

23 A. Well, my understanding was the goal was to  
24 break out of the university. The regime had sealed  
25 the gates of the university. It was trying to keep

1     them inside and to kill in silence.  It's what they  
2     do.

3             And their goal was to break out of the  
4     university and to essentially link hands with ordinary  
5     Iranians in Teheran and to make it a broader movement  
6     against the regime.  At one point, we published a  
7     whole page of slogans that they were chanting during  
8     these demonstrations, and it was -- they were  
9     anti-regime slogans.  They were not student demands.  
10    They were anti-regime slogans.  So they were trying to  
11    broaden the movement and to break out of the  
12    university and to link hands with other groups,  
13    nationalist groups and anti-regime groups.

14            Q.     What were some of the slogans that they were  
15    chanting?

16            A.     Khamenei, Khamenei, you are a murderer, you  
17    are an assassin; we want freedom, end to tyranny, that  
18    sort of thing.

19            Q.     Was this group secular in nature or  
20    religious in nature?

21            A.     Most of the students were secular, but there  
22    was also a student movement organization that was  
23    named Tahkim Vahdat, that was set up by the regime  
24    originally and still had a religious background but  
25    became a dissident organization.

1 Q. Based upon your experience, what's the  
2 reaction -- what was been the reaction of the regime  
3 towards groups that are secular?

4 A. Secularism is considered anti-Islamic by the  
5 regime, an insult to God, *mohareb*, and essentially  
6 opens people who are arrested and charged with this in  
7 the revolutionary courts to the death sentence.

8 Q. You just testified that you were aware that  
9 Akbar Mohammadi and Manouchehr Mohammadi were arrested  
10 in Iran for their activities?

11 A. Yes, that's correct.

12 Q. Could those arrests have occurred without  
13 the authority and orders of the Supreme Leader and the  
14 president of Iran?

15 A. No. The crackdown on the students -- and  
16 they were arrested during the crackdown on the  
17 students -- was ordered by the Supreme Leader after he  
18 was implored by a large number of Revolutionary Guard  
19 leaders to crack down. He gave the orders.

20 THE COURT: And how do you know that?

21 THE WITNESS: This all came out in the  
22 Iranian media, believe it or not, in the weeks or  
23 months afterwards. And we published a lot of this  
24 information on our website, *iran.org*. If you're  
25 interested, I can make that available to the Court.

1           THE COURT: Well, I think Mr. Klayman would  
2 have to support that.

3           MR. KLAYMAN: Okay.

4           THE WITNESS: But the order was given by the  
5 Supreme Leader to crack down on the universities  
6 because the uprising was seen as a challenge to the  
7 regime.

8           BY MR. KLAYMAN:

9           Q. Was Akbar Mohammadi the first to call for a  
10 regime change among the student leaders?

11          A. I don't know if he was the first, but he was  
12 certainly calling for regime change. I believe he may  
13 have been the first to openly and publicly call for  
14 regime change.

15          Q. As part of your duties and responsibilities  
16 in running your foundation and your work, you do  
17 review works that come out -- books on Iran?

18          A. Yes.

19          Q. You are aware of a book called *Green*  
20 *Revolution*? You ever hear of that one?

21          A. No.

22          Q. Okay. I'll buy it for you for your  
23 birthday.

24          A. Okay.

25          Q. But there are books that have attributed

1 Akbar as the first student leader who called for  
2 regime change; is that correct?

3 A. I have certainly heard that -- heard many  
4 people say that, yes.

5 Q. Would the orders to torture and murder Akbar  
6 and Manouchehr also have to come from the Supreme  
7 Leader and the President?

8 A. Akbar Mohammadi was in jail for many years,  
9 right? And he was beaten repeatedly within inches of  
10 death. He was ultimately furloughed and given a  
11 medical furlough because they didn't want to take care  
12 of him in the prison hospital, so they sent him home.

13 According to his prison diary, which Nasrin  
14 has published in English, which is a limiting  
15 document, they tried to murder him on several  
16 occasions when he was on that medical furlough at  
17 home. They rearrested him in 2006. He went back on a  
18 hunger strike, and it was then that he was ultimately  
19 killed, apparently after being given some kind of  
20 injection at the -- by the prison doctor.

21 He was a high-profile dissident and orders  
22 to kill high-profile dissidents come from the very  
23 top. This is a regime that does not freelance. This  
24 is a regime that has multiple centers of power, but  
25 when it comes to important things like killing

1 dissidents, like building nuclear weapons, like  
2 sending terrorist teams overseas, they do not  
3 freelance. This is done at a very, very high level.

4 Director Woolsey mentioned the case in  
5 Germany, 1992, that -- where the Supreme Leader and  
6 the President and the Foreign Minister and the  
7 Minister of Intelligence were considered as unindicted  
8 coconspirators or the American -- the German  
9 equivalent thereof.

10 The same thing happened in the AMIA case in  
11 Argentina. The Supreme Leader, the President, the  
12 Foreign Minister, the Minister of Intelligence, the  
13 head of the Revolutionary Guards were not considered,  
14 in this case, not unindicted coconspirators. Arrest  
15 warrants were issued for several of them.

16 So the orders to carry out terrorist  
17 operations, the orders to murder prominent dissidents,  
18 such as Forouhars, who we haven't spoken about here,  
19 come from the very top of the regime. These are not  
20 freelance orders.

21 Q. Is there a case in Argentina -- is that  
22 where a synagogue was bombed?

23 A. The Jewish Center, the AMIA Jewish Center  
24 was bombed in 1994.

25 Q. You came, Mr. Timmerman, with certain



1 photographs today. Can I show them to you?

2 A. Yes, please.

3 MR. KLAYMAN: And I'll mark them, Your  
4 Honor. We'll make them Composite Exhibit 5. He only  
5 came with one copy.

6 THE WITNESS: I have a very slow color  
7 printer.

8 THE COURT: What was your Exhibit 4?

9 MR. KLAYMAN: It's the affidavit of  
10 Mr. Timmerman. He wanted to correct something.

11 THE COURT: I see. I just wanted to make  
12 sure I had not missed one.

13 (Plaintiffs' Exhibit Number 5 was  
14 marked for identification.)

15 MR. KLAYMAN: Would Your Honor like to see  
16 them first?

17 THE COURT: No. Why don't you have them  
18 authenticated first.

19 BY MR. KLAYMAN:

20 Q. Would you describe what these photographs  
21 are and why you brought them.

22 A. I wanted to just illustrate how the regime  
23 uses the torture and brutal punishment as a deterrent  
24 for --

25 THE COURT: First, Mr. Timmerman, if I can

1 just interrupt you for a second.

2 Even though we don't have a fully adversary  
3 proceeding here, I just need you to authenticate the  
4 photographs.

5 Did you take the photographs? Did you  
6 collect the photographs? What are they of? Where  
7 were they taken?

8 THE WITNESS: Okay.

9 THE COURT: What do you know about them, so  
10 that they are all relevant of the proceedings? So why  
11 don't you describe them, first, generally. We'll  
12 admit them, and then you can talk about them more  
13 specifically.

14 THE WITNESS: Okay. These photographs come  
15 from public sources. I did not take them. They  
16 are -- most of them are available from various human  
17 rights organizations on the Internet. They have not,  
18 as far as I'm aware, ever been disputed. Some of them  
19 have appeared in magazines. You know, there's one  
20 picture that was on the cover of *Time Magazine* in  
21 1999, taken by a professional photographer in Tehran,  
22 and others have been seen on CNN and other news  
23 agencies. So they are public photographs -- public  
24 source photographs.

25 THE COURT: For what years?

1 THE WITNESS: From 1988 to 19- -- to 2009.  
2 I offer these, Your Honor, merely as illustrations, to  
3 illustrate my point.

4 THE COURT: All right. For purposes of  
5 illustration, they will be admitted. Now you can talk  
6 about them more specifically.

7 (Plaintiffs' Exhibit Number 5,  
8 previously marked for  
9 identification, was received in  
10 evidence.)

11 THE COURT: How many of them are there?

12 THE WITNESS: They're are just four  
13 photographs, Your Honor.

14 In 1988, for example, the regime carried out  
15 very public mass executions of dissidents who had been  
16 held in prison. And they let everybody know this was  
17 going on, and there were tens of thousand of people  
18 who were murdered at the end of the Iran-Iraq War.  
19 Again, a deterrent to dissidents. This is what will  
20 happen to you if you oppose the regime.

21 Can I --

22 THE COURT: You can just leave it there.

23 THE WITNESS: During the 1999 student  
24 uprising, July of 1999, my organization received,  
25 through the Internet, some of these pictures from

1 people who have taken them with cell phones. What was  
2 unique about them was that the regime sent their  
3 plainclothes thugs into the student dormitories and  
4 trashed the dormitories at the University of Tehran  
5 and, in the end, took students and threw them out of  
6 the windows of the third floor to their death.

7           Again, they did this quite publicly. They  
8 made sure everybody knew it. You see them here in the  
9 riot gear, beating students at the university. This  
10 is the famous picture of Ahmad Batebi in 1999, holding  
11 up the bloody shirt of one of the students who had  
12 been thrown from the balcony and saying, this is what  
13 you did to my friend.

14           In 2009, now we go ten years forward, after  
15 the so-called reelection -- I call it the selection --  
16 of Ahmadinejad to a second term, where you have the  
17 massive demonstrations of green people in the streets.  
18 This is what I call The Empire Strikes Back. The  
19 subtitle is from a -- this is a PowerPoint that I give  
20 to the Joint Counterintelligence Training Academy.

21           This is simply to show the type of force  
22 that they use to counter demonstrations in the  
23 streets. They will have hundred of these plainclothes  
24 officers riding minibikes in the streets to chase the  
25 protesters and to track them down. In some cases,

1 they will take pickup trucks and run them over. Many  
2 of these individuals -- there are other pictures that  
3 are, again, available from human rights activists on  
4 the Internet. We have close-ups, and you can see them  
5 carrying knives and carrying pistols, and they fire  
6 randomly into the crowd and knife people randomly in  
7 the crowd. The goal is to create terror, to terrorize  
8 the population, and to break the back of the protest  
9 movement.

10 The final one that I want to show you is a  
11 little bit more obscure. This is the picture of the  
12 son of the Revolutionary Guards' general. His name is  
13 Mohsen Rouholamini. And I'm going to give you that in  
14 writing so you can have the spelling.

15 He was taken, among the protestors in June  
16 of 2009, to an Iranian prison and raped, brutally  
17 tortured, and ultimately murdered after three days.

18 The father, who is a general, gathered a  
19 hundred of his friends from -- who were also generals  
20 and Revolutionary Guards, and confronted the Supreme  
21 Leader and said, now you, the Supreme Leader, are  
22 killing the sons of the revolution. You've got to  
23 stop.

24 Initially, the Leader just said, you know,  
25 I'm not going to listen to you; why should I pay

1 attention to you? And then the father quoted a  
2 special sura of the Qu'ran to them, saying those who  
3 have the blood of innocents on their hands should have  
4 their own blood shed. It's basically an invitation to  
5 murder, to retribution murder. And Khamenei,  
6 according to people who told me the story, who were  
7 there, he said, okay. I will appoint someone to  
8 investigate.

9           When they did ultimately investigate this  
10 murder, they found a few lackeys in prison who they  
11 made -- they accused of disobeying orders who were  
12 made scapegoats.

13           It's clear that that is not what happened,  
14 because the orders came from on high. The reason I  
15 say that is because those hundred Revolutionary Guards  
16 and generals, they knew who to interview. They knew  
17 who to go to. They didn't go to the head of the  
18 prisoners' organization. They didn't go to the head  
19 of this or that government ministry. They didn't go  
20 to the prison warden. They went to see the man in  
21 charge because they knew that Khamenei, the Supreme  
22 Leader, is the one who gave the orders.

23           BY MR. KLAYMAN:

24           Q. We heard testimony this morning that  
25 Manouchehr Mohammadi -- we assume this to be true --

1 continues it be threatened by the Iranian government  
2 here in the United States, threatened with death.  
3 Would that come as a surprise to you in light of what  
4 you have learned and experienced?

5 A. No.

6 Q. Why?

7 A. Because the regime doesn't give up. They go  
8 after dissidents. And if they can torture them to  
9 death, they will. If they can silence them, they  
10 will. And if the dissidents continue to speak out,  
11 they will hound them.

12 And I've seen this, you know, hundreds and  
13 hundreds of times. They'll let people out on  
14 furlough, out of prison, and let them go home. And if  
15 they open their mouth again, they're back in jail and  
16 tortured.

17 If you read the Amnesty International  
18 reports, not only the United Nations Rapporteur for  
19 Human Rights, Dr. Shahid -- Dr. Shahid -- every year,  
20 there are new cases where prisoners have been  
21 furloughed and then rearrested and tortured to death  
22 in prison.

23 Q. Is it your expert opinion that Iranians here  
24 in the United States still feel as if they are under  
25 the custody and control of the regime in Tehran -- the

1 dissidents?

2 A. I think they all feel threatened and on  
3 edge. And Iranian-Americans in general, especially  
4 those who go back to Iran periodically or who have  
5 family in Iran, know that there are limits to what  
6 they can do, what they can say. And those limits are,  
7 essentially, criticism of the regime.

8 Q. Based on your experience, do they feel they  
9 can be retaliated against right here on American soil?

10 A. Yes.

11 Q. You previously offered an affidavit to this  
12 Court?

13 A. Yes.

14 Q. It's marked as Exhibit 4. I believe you  
15 pointed out to me over the recess lunch there's a  
16 small error you want to correct in that?

17 A. Yes.

18 Q. Where is that?

19 A. I had stated in the affidavit -- do you want  
20 me to find the place where I stated it?

21 Here's the exhibit.

22 THE COURT: Are you moving its admission?

23 MR. KLAYMAN: Yes, Your Honor. It's already  
24 on the record.

25 THE COURT: Okay. It may be in the record,



1 but it's not an exhibit at the bench trial.

2 MR. KLAYMAN: Yeah. We can move its  
3 admission. Thank you.

4 THE COURT: I will admit it.

5 (Plaintiffs' Exhibit Number 4 was  
6 marked for identification.)

7 (Plaintiffs' Exhibit Number 4  
8 previously marked for identification  
9 was received in evidence.)

10 THE WITNESS: I was reading over it.

11 THE COURT: You don't have to take time now,  
12 Mr. Klayman. You can --

13 MR. KLAYMAN: I'll correct it later on the  
14 record.

15 THE COURT: -- give notice to the Court  
16 about the correction.

17 MR. KLAYMAN: We are moving along very  
18 quickly, Your Honor, quicker than I thought we would.

19 THE COURT: Yes.

20 THE WITNESS: So I will make that correction  
21 and resubmit it to the Court.

22 THE COURT: Yes.

23 BY MR. KLAYMAN:

24 Q. Is there anything else that you would like  
25 to add with regard to your testimony today?

1           A.     Simply, I would simply like to emphasize one  
2 thing. This is a regime that operates under a reign  
3 of terror, and that is their MO. They've done it from  
4 the very beginning. They set out in the first twenty  
5 years or so to assassinate the leaders of the  
6 opposition. Once they've killed the leaders of all  
7 the opposition groups, Kurds, nationalists, you name  
8 it, then they went kind of lower down in the hierarchy  
9 and went after grassroots activities. Through terror,  
10 they seem to control the population and prevent any  
11 threats to the regime. They continue to do that  
12 today. They do it both inside Iran and outside Iran.

13           Q.     My question before was not to lay any issue  
14 on any particular American administration, but has it  
15 gotten worse in the last four years in terms of  
16 silencing opposition since the uprising a few years  
17 ago?

18           THE COURT: My concern with this,  
19 Mr. Klayman, is: What is the relevance here, given  
20 the incidents in the second amended complaint end far  
21 earlier than four years ago?

22           MR. KLAYMAN: Insofar as the threats are  
23 continuing at this point in time.

24           Let me back up a little bit here.

25           BY MR. KLAYMAN:

1 Q. About three years ago there was a  
2 significant uprising in Tehran, correct?

3 A. Yes. That's correct.

4 Q. There was a young lady -- a young girl named  
5 Neda, who was gunned down during that?

6 A. Yes. That's correct.

7 Q. And these uprisings occurred before the  
8 so-called Arab Spring, correct?

9 A. That is correct.

10 Q. The Persian people were ahead of the Arabic  
11 people in terms of seeking democracy?

12 A. That's correct.

13 Q. Yet, since that time, is it correct that  
14 we've seen attempted democratization in many Arab  
15 countries and revolution, which has overthrown the  
16 government?

17 We haven't seen that in Iran in spite of the  
18 fact that in Iran, it happened first.

19 How do you explain that?

20 A. If I may, what is significant here is the  
21 U.S. response to the massive uprising of June of 2009.  
22 Three million people in the streets, not just in  
23 Tehran, but in other major cities, in Shiraz, in  
24 Isfahan, and other places around Iran. And for three  
25 weeks, these people were calling out to us in this

1 country to help them in their struggle for freedom,  
2 and our government stayed silent.

3           And when our -- when the President of the  
4 United States did finally say something, what he said  
5 was we will not meddle -- we have a bad history of  
6 meddling in the internal affairs of Iran, and we are  
7 not going to do it. And that essentially sent the  
8 death knell to the grievied in Tehran. People lost  
9 hope; they went home, and the uprising ended.

10           So that is the significant thing. When the  
11 people of Iran felt that they had no one to turn to  
12 and no one would back them up, they understood that  
13 the regime was stronger than they were.

14           Q.    And in your expert opinion, has that  
15 emboldened the Iranian authorities to be more  
16 aggressive with regard to dissidents and others around  
17 the world?

18           A.    I think it has emboldened them, and it's  
19 emboldened them also to operate here in this country  
20 in ways that they didn't before. You know, the  
21 Arbabsiar plot. This was the plot to murder the Saudi  
22 ambassador. We didn't have things like that in the  
23 past. That's the first one that I know of that's been  
24 documented, authenticated by the FBI where the Iranian  
25 intelligence network in this country planned to carry

1 out that terrorist attack in this country.

2 The last time there was an Iranian killing  
3 here was in 1980, right in the very, very beginning of  
4 the regime.

5 Q. Are you aware that the FBI has a special  
6 section in Los Angeles dedicated just to Iran?

7 A. Yes.

8 MR. KLAYMAN: I proffer Mr. Timmerman as an  
9 expert, Your Honor.

10 THE COURT: That's fine.

11 MR. KLAYMAN: Okay. No further questions.

12 THE COURT: Thank you, Mr. Timmerman.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: All right.

15 Mr. Klayman, is your next witness going to  
16 resume with Miss Mohammadi?

17 MR. KLAYMAN: Yes, Miss Mohammadi.

18 THE COURT: Why don't we take a ten-minute  
19 break, since it's 3:00, and we'll resume in ten  
20 minutes.

21 (Whereupon, at 3:00 p.m., a recess was taken  
22 and at 3:10 p.m., the following ensued:)

23 MR. KLAYMAN: Your Honor, we are moving much  
24 faster than I anticipated.

25 THE COURT: How much longer for

1 Miss Mohammadi?

2 MR. KLAYMAN: I think we can finish her  
3 today and probably even before the close of business.  
4 Probably maybe an hour.

5 THE COURT: I usually sit until 5 or 5:30.  
6 Do you have any of your other witnesses  
7 ready?

8 MR. KLAYMAN: I tried to see if Mr. Ledeen  
9 might be available to come over this afternoon.  
10 Unfortunately, he's not. He has a meeting tomorrow  
11 and then a doctor's appointment, so it's scheduled for  
12 3 p.m. tomorrow. So perhaps -- I can submit an  
13 affidavit.

14 THE COURT: Why don't you do that by way of  
15 affidavit, then --

16 MR. KLAYMAN: Okay.

17 THE COURT: -- because I was hoping, if we  
18 could, and we're moving along, if we could wrap this  
19 up.

20 Is that the last witness?

21 MR. KLAYMAN: Much of the testimony is  
22 corroborative and duplicative in any event. So we'll  
23 do an affidavit.

24 THE COURT: Is that Ledeen?

25 MR. KLAYMAN: Michael Ledeen.

1           THE COURT:   So you'll submit him by way of  
2 affidavit.

3           MR. KLAYMAN:   Mr. Keyes became unavailable  
4 too, so we can submit an affidavit for Mr. Keyes too.

5           THE COURT:   So we'll finish up with  
6 Miss Mohammadi --

7           Is it Miss or Mrs.?

8           MR. KLAYMAN:   Ms.

9           THE COURT:   -- Ms. Mohammadi this afternoon.  
10 And then before we close today, we'll figure out a  
11 schedule for any supplemental submissions that you may  
12 wish to make, and then we'll wait for those.

13           But then we won't hear testimony tomorrow?

14           MR. KLAYMAN:   Correct.

15           THE COURT:   Okay.

16                         NASRIN MOHAMMADI,  
17 a witness produced on recall of the Plaintiff, having  
18 been previously duly sworn, was examined and testified  
19 further as follows:

20           THE COURT:   Ms. Mohammadi, could you please  
21 come forward and resume the witness stand. You remain  
22 under oath.

23           You may be seated. Please continue, Mr.  
24 Klayman.

25           MR. KLAYMAN:   Can I ask that the last

1 question be read back? I don't think she finished  
2 answering it.

3           Would that be too difficult? Don't worry  
4 about it.

5           THE COURT: It may be difficult. Why don't  
6 you resume. And I usually do not leave with a  
7 question pending. So whatever question there was,  
8 your last question, I'm confident it was answered.

9           MR. KLAYMAN: Okay.

10           Can she say something?

11           THE WITNESS: Your Honor --

12           THE COURT: No.

13           MR. KLAYMAN: You have to have a question  
14 pending.

15           THE COURT: There has to be a question  
16 pending. This is not a free-form conversation.

17           DIRECT EXAMINATION (RESUMED)

18           BY MR. KLAYMAN:

19           Q. My general questions were, I had asked you  
20 to describe your close relationship with Akbar, and  
21 you described how his death greatly affected you.

22           A. Yeah.

23           Q. Okay. Can you describe in greater detail  
24 than what your brother Manouchehr described how it  
25 affected your sister Simin, based on your experience



1 with her --

2 A. Sure.

3 Q. -- and your brother Reza and your parents.

4 A. Sure.

5 Today, sorry, I was so down, I forgot to  
6 mention, you know, about my family.

7 After -- you know, when we went to Ankara, I  
8 forgot to tell you when we heard about my late brother  
9 who was killed by Iran regime, my brother Reza, he was  
10 screaming at that time. He was shocked. My mom and  
11 dad, they were denying, and then --

12 THE COURT: How old was Reza at the time?  
13 How old was Reza at the time? Was he older?

14 THE WITNESS: Reza is older than me, but one  
15 year younger than Akbar.

16 And then Simin, she was quiet, so shocked.  
17 And after ten hours, she was just screaming when my  
18 parents left Turkey and they went -- came back to  
19 Iran.

20 I want to mention Reza, my brother Reza.  
21 When my -- the regime arrested my two brothers,  
22 Manouchehr and Akbar, he -- he was married and he has  
23 a kid. And the regime fire him. He had a job. He  
24 could not find any job. They fire him, put him to  
25 jail for -- prison for short time.

1           And then I was really close to my parents.  
2 My parents, they got -- they went to -- you know,  
3 through a lot. You know, they got -- they were --  
4 they got deep depression, and see, they are so sick,  
5 and then they see the therapist, long time until now.  
6 They got the age, not because of the age, but because  
7 they lost their son.

8           You're a mother, maybe, and you understand,  
9 you know.

10           And Akbar was so close to me. I'm still  
11 hurt, and I still have nightmare, long time. I saw  
12 therapist many times. You know, I'm -- I'm still  
13 seeing different doctors, but I have a nightmare a  
14 week. Two, three times per week, I have a nightmare  
15 and a lot of dizziness. I got it because of stress.

16           I was really close to him. He was like a --  
17 he was -- he wasn't that much older than me, but he  
18 was like a father to me. He was so close to me. I  
19 wish he was alive. I could hug him, kiss him. I  
20 don't know.

21           God knows my heart was injured. I can't  
22 believe -- always, I try to deny. Still I try to  
23 deny. Always, I'm waiting. Akbar, one day my parents  
24 tell me, knock the door and say Akbar has come home.

25           THE COURT: All right, Mr. --

1 THE WITNESS: And Akbar --

2 THE COURT: I understand that. And you've  
3 said that before.

4 Mr. Klayman, what -- what other information  
5 is important to elicit from this witness?

6 BY MR. KLAYMAN:

7 Q. Just refresh the Court's recollection as to  
8 when you became a citizen, when you applied for  
9 citizenship.

10 A. Three years ago.

11 Q. When did you apply for citizenship?

12 A. About more than three years, and three years  
13 ago became citizen.

14 Q. Did you first apply for permanent residency?

15 A. Yeah, I was.

16 Q. And when did you apply for that?

17 A. More than seven years ago. More than seven  
18 years. After one year I came here, I have a green  
19 card.

20 Q. And Manouchehr was killed in what year?  
21 2005?

22 A. Akbar was killed.

23 Q. Akbar.

24 A. 2000 --

25 Q. '6?

1           A.    '6, yeah.

2           Q.    So you applied for permanent residency  
3 before Akbar was killed?

4           A.    Yes.

5           Q.    Can you tell us, since the time that you  
6 applied for permanent residency, how you've been  
7 threatened by the defendants in this case?

8           A.    Sure. You asking about the regime,  
9 something like that?

10          Q.    Yes. Yes.

11          A.    I was -- still my parents calling me,  
12 Nasrin, be careful when you are there because the  
13 regime, agent of the regime, you know, threatening  
14 them, telling about me and my brother, and we're going  
15 to hurt them, we're going to kill them. We have an  
16 agent.

17                    Like when I went to Germany, they told my  
18 parents, and they tried to kill me. You have the  
19 documents. And my parents, they're afraid of my life,  
20 my brother's life.

21                    Sorry. I forgot. What did you -- could you  
22 repeat your question? I'm sorry.

23          Q.    Since you applied for permanent residency,  
24 have you been threatened by the defendants in this  
25 case that we'll just call collectively "the regime"?

1           A.     Yes.   About three years ago, I think --  
2     three years ago, my Facebook, my e-mail to --  
3     important e-mails. I have senators, many senators  
4     from Washington, DC, and Amnesty International and  
5     many important people in Europe, and my two Facebooks,  
6     and my e-mail address, my brother Manouchehr's  
7     Facebook, my own family, my sister, my sister-in-law,  
8     my brother, other brother, and more than twelve or  
9     thirteen people, political activists and numerous  
10    activists were hacked.

11                   And then we suffer -- they were using  
12    Facebook, my picture, my name, and sending -- I can't  
13    explain. It's really difficult for me -- you know,  
14    sexy picture. Sending, you know, and they -- with  
15    someone, they mix -- I don't know how they could fix  
16    it, sending sexy picture. And there are people --  
17    insulting people with bad word. The people thought  
18    it's me or happened for my brother Manouchehr. And  
19    it's still my Facebook. They have it.

20                   You know, I told -- I talked with police,  
21    and more than four, five times. I had a meeting with  
22    FBI. I explained to them. They try, but they  
23    couldn't do anything.

24                   They playing with other people's reputation.  
25                   Many times, nighttime until morning I'm

1 crying because of my reputation. The people from  
2 Europe call me asking me, it's you? It's you with  
3 that picture? Are you insulting us with the bad  
4 words? More than three months.

5 But after that, you know --

6 THE COURT: When did this happen?

7 THE WITNESS: Three years -- three years  
8 ago.

9 BY MR. KLAYMAN:

10 Q. After you became -- after you applied for  
11 permanent residency?

12 A. Yeah. I was a citizen then.

13 Q. You were already a citizen?

14 A. Citizen, yeah.

15 Q. Is it a practice, based on your knowledge of  
16 the regime, to disparage someone's sexuality to harm  
17 them?

18 A. Yes. The regime can do anything. You know,  
19 if they want to apply to reputation, if they want  
20 to -- or kill. You know, we know. There are many  
21 agents of regime in the United States, especially in  
22 Los Angeles. And they're going to many parties;  
23 they're telling them we are political activists,  
24 against the government, but they are not. You know,  
25 they are agent of regime. They are covering their

1 face, you know, as political activist but they are  
2 agent of regime.

3 I don't know. We are living in the United  
4 States, but there are agents of the regime. You know,  
5 they are getting money from the regime. They are  
6 working here, and they want to hurt the people or kill  
7 people. You can see, you know.

8 Q. Is that widely known in the Iranian  
9 community in Los Angeles?

10 A. Yes.

11 Q. Iran is a Muslim country, correct?

12 A. Yes.

13 Q. It practices Sharia law? Sharia law is the  
14 law of Iran?

15 A. I know what you asking. Okay.

16 Q. Okay. To be naked, to have sexy pictures in  
17 public, or to appear in public, what is the effect of  
18 that on a woman? What can happen to a woman that  
19 shows their body in a sexy way in Iranian culture?

20 A. It's really bad. They think she's -- sorry.  
21 I'm really -- it's difficult to use that word. I'm  
22 going to --

23 Q. Whore?

24 A. Yes. I'm really shy to use that word, you  
25 know. So bad person, as attorney said that word, you

1 know.

2           They use my face for a lot of picture like  
3 that, you know. The people can do easily, you know.  
4 It's really bad, showing the -- me or many activists,  
5 the women, you know, the naked body. You know, they  
6 losing their reputation. You know, they think, oh,  
7 she's a political human rights activist? Is she? You  
8 know, it's really bad for our reputation. But it was  
9 emotionally, I was hurt a lot.

10           Q.   Quite apart from reputation, is it your  
11 experience and understanding that women can actually  
12 be stoned and killed for doing that in Iran?

13           A.   I haven't experienced. I can explain to you  
14 about the stoning, if you want.

15           Your Honor, if you allow me, I can explain  
16 to you.

17           THE COURT: I think what Mr. Klayman is just  
18 trying to say is what is the penalty under Sharia law  
19 for women revealing their bodies in such a way, if you  
20 know?

21           THE WITNESS: It's really bad, you know. I  
22 explained to him. To show their body, you know, is  
23 really bad, for the Muslim country, you know. If you  
24 want to explain more, I can.

25           BY MR. KLAYMAN:



1 Q. Were these pictures, to use a slang word,  
2 doctored? Were they manipulated of you, the sexy  
3 pictures? They weren't pictures of you naked? They  
4 were manufactured?

5 A. They made it. Yeah, they made it. It was  
6 really difficult for me. I was -- the night it  
7 happened, I was -- until morning, I took sleeping pill  
8 to sleep. I couldn't. And I was seeing doctor. And  
9 doctor said this sleeping pill I gave to you, if I  
10 gave to elephant, elephant would just sleep. You with  
11 a lot of stress. That was because I was a lot of  
12 stress, you know. It was big deal for me. It was so  
13 difficult and hard.

14 Q. Since you applied for permanent residency,  
15 have you felt threatened in other ways by the regime?

16 A. What's mean, "other ways"?

17 Q. In addition to the sexy pictures.

18 A. Yeah.

19 Q. Tell us.

20 A. I just -- you know, I'm always activist, you  
21 know. More than seven, eight months ago, I'm not in  
22 the TV people. I was a host in the TV. I had a show  
23 in the TV as a human right and political activist. I  
24 was defending the people in Iran and especially  
25 student prisoner and women. And that reason, the

1 regime brought excuse for my parents, and they didn't  
2 allow them to come to the United States because of me  
3 and my brother. And they say Nasrin has a TV show,  
4 and she's, you know, talking against the government.  
5 She is talking about overthrow the regime or changing  
6 the regime.

7 And then, you know, they didn't allow my  
8 parents to leave in Iran. They are stationed in Iran,  
9 and there are a lot happening.

10 Q. Did you fear for the safety of your parents?

11 A. I'm so worried about my parents. They are  
12 worried about us, and we are worried about them, but  
13 I'm in the country as a freedom. But I know there are  
14 many agent of the regime in this country.

15 But my parents, their house is bugged, the  
16 phone. They're listening to the phone. They are  
17 controlling them. They are emotionally torturing  
18 them.

19 My mom is so sick, and my father took her to  
20 many doctors, the best doctors. They told my father  
21 she's -- because it's emotionally, she's -- you know,  
22 she was hurt, and that reason she's with pain. She  
23 cannot watch, she cannot -- with pain, she's just  
24 laying down on the bed. And she's sixty, like ninety  
25 years old. And they got age because it's emotionally

1 hurt and the regime hurting them. They are a hostage  
2 in Iran. Even they can't go to Turkey or Dubai.

3 We are okay. I understand, you know. I  
4 adore them. We are a close family. Adore my parents.  
5 I'm hurt, but they are hurt too. Most of their  
6 children, they are all here. Just I have one brother  
7 in Iran.

8 Q. Your parents know that you are here today?

9 A. They don't know. I didn't want to --  
10 because the phone, they are listening their phone, the  
11 regime. I didn't tell them. I hope they will  
12 understand by other way, by media or -- you know, I  
13 don't want directly to tell them.

14 Q. But you're here representing Akbar and your  
15 parents and your sister, giving testimony on their  
16 behalf?

17 A. Yes.

18 Q. As did Manouchehr?

19 A. Yes.

20 MR. KLAYMAN: Okay.

21 I have no further questions, Your Honor.

22 THE COURT: Thank you. You are excused,  
23 Miss Mohammadi.

24 THE WITNESS: Okay. Thanks. Thank you so  
25 much.

1           THE COURT: All right. So for the last two  
2 witnesses, you are going to present Mr. Ledeen and  
3 Mr. Keyes -- you're going to present that testimony by  
4 way of affidavit?

5           MR. KLAYMAN: Yes.

6           THE COURT: And when do you anticipate  
7 submitting those affidavits?

8           MR. KLAYMAN: Can we have ten days, Your  
9 Honor?

10          THE COURT: Yes, you may have ten days.

11          In fact, why don't we give you ten days to  
12 produce or submit to the Court any supplemental  
13 material covering scope and jurisdictional -- both  
14 subject matter and personal jurisdiction issues that  
15 we discussed first thing this morning, as well as  
16 those affidavits.

17          MR. KLAYMAN: And I'll also be submitting  
18 supplemental material or evidence on damages, on the  
19 economic damages, so I don't have to -- we don't have  
20 to go through that today.

21          THE COURT: I think that will be probably  
22 appropriate as well.

23          All right. Anything further?

24          MR. KLAYMAN: No, Your Honor. I just thank  
25 you for your courtesy and --

1           Oh, he wanted to make one correction on his  
2 translation, Mr. Moslehi.

3           THE COURT:   Yes, please.

4           THE INTERPRETER:  Instead of being set free  
5 to go to the graveyard of his brother, "furlough" is  
6 the proper word, not free.  Free means is forever.  
7 But I'm just trying to correct it.

8           THE COURT:  He was given a sick -- a  
9 furlough.

10          THE INTERPRETER:  Legal word is "furlough."

11          THE COURT:  Thank you very much for that  
12 correction.

13          THE INTERPRETER:  Thank you.

14          THE COURT:  All right.

15                 Thank you all very much.  You're all  
16 excused.

17                 And I will await your further submissions,  
18 Mr. Klayman.

19          MR. KLAYMAN:  Thank you, Your Honor.

20                 May I ask one -- how quickly can we get a  
21 transcript here?

22          THE COURT:  You can talk to my court  
23 reporter.

24          MR. KLAYMAN:  If I could get ten days from  
25 the point of the transcript, if that would be

1 possible. I will order an expedited copy.

2 THE COURT: You want ten days from the date  
3 of receipt?

4 MR. KLAYMAN: Of the transcript.

5 THE COURT: I actually don't like to do  
6 that. I like to do a date certain, so I will give you  
7 fifteen days. And if you order expedited, I think you  
8 can talk to my court reporter, Chantal Geneus, who  
9 will get you the transcript in as expedited a fashion  
10 as possible.

11 MR. KLAYMAN: Okay. That's fine.

12 THE COURT: So I will give you fifteen days  
13 to make accommodations for the ordering of the  
14 transcript.

15 MR. KLAYMAN: Thank you.

16 THE COURT: I'll enter a minute order to  
17 that effect.

18 MR. KLAYMAN: Thank you.

19 THE COURT: Thank you.

20 (Whereupon, at 3:36 p.m. the proceedings  
21 concluded.)

22

23

24

25

REPORTER'S CERTIFICATE

1  
2  
3 I, Chantal M. Geneus, a Certified Realtime  
4 Reporter and Registered Professional Reporter of the  
5 United States District Court for the District of  
6 Columbia, do hereby certify that I stenographically  
7 reported the proceedings in the matter of CA 09-1289,  
8 Mohammadi, et al., versus Islamic Republic of Iran, et  
9 al., on Thursday, April 4, 2013, in the United States  
10 District Court for the District of Columbia, before  
11 the Honorable Beryl A. Howell, United States District  
12 Judge.

13 I further certify that the Page Numbers 1 through  
14 175 constitute the official transcript of the  
15 proceedings as transcribed by me from my stenographic  
16 notes to the within typewritten matter.

17 In witness whereof, I have affixed my signature  
18 on April 12, 2013.

19  
20 /s/ Chantal M. Geneus  
21 Chantal M. Geneus, RPR, CRR  
22 Official Court Reporter  
23  
24  
25

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