

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**AKBAR MOHAMMADI,
MANOUCHEHR MOHAMMADI,
NASRIN MOHAMMADI,
SIMIN MOHAMMADI,**

Plaintiffs,

v.

**AYATOLLAH SAYID ALI HOSEYNI
KHAMENEI, et. al.,**

Defendants.

Civil Action No. 09-1289 (BAH)

[PROPOSED] FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. FINDINGS OF FACT

AKBAR MOHAMMADI

1. Akbar Mohammadi was born into a middle-class family in Amol, Iran, in the province of Mazandaran. Exhibit 3, *Ideas and Lashes: The Prison Diary of Akbar Mohammadi*, pg. xi. ("EX. 3 I.L.")
2. Akbar wrote his diary because he wished to expose the true nature of Iran's present rulers. EX. 3 I.L. at xi.
3. After finishing high school in 1994, Akbar took the University of Tehran entrance exam and was admitted to the School of Health and Human Resources, where he studied to become a social worker. EX. 3 I.L. at xi.
4. As a freedom-loving student, Akbar saw the injustice and lack of freedom prevailing in his society and so he began his political activities. EX. 3 I.L. at xii.
5. Akbar immediately got involved in the politics of the school and his first action was to protest against the quality of the food at the dormitory for the School of Health and Human Services. The conditions there were objectionable. EX. 3 I.L. at xii.
6. Akbar's second political activity at school was to organize the Islamic Student Association even though the university forbade the formation of any organization, even if it was Islamic.

Akbar, however, persevered and brought the officials signed petitions from students. The officials accepted his terms. EX. 3 I.L. at xii.

7. Akbar remembered that the tragic deaths of the Foroughars happened in November 1998. The Salaam newspaper uncovered the truth about the murders and was subsequently closed. Akbar and his brother, Manouchehr, were arrested during a peaceful demonstration that began at the University of Tehran on July 8, 1999 and spread to many other cities. These demonstrations occurred until the regime's Revolutionary Guards forced them to stop. EX. 3 I.L. at xiii.
8. Akbar was thrown out of university four years later because of his long absence while in prison. EX. 3 I.L. at xiii-xiv.
9. Akbar and Manouchehr galvanized and organized over twenty-thousand student protesters. They chanted, "Leave our country alone!" The other students supported Akbar and Manouchehr. EX. 3 I.L. at xvi.
10. After his arrest, Akbar writes that the process the government used to conduct his interrogation was both antidemocratic and tyrannical. "They tried to get me to confess, even though I had engaged only in democratic and nonviolent activities, in order to take their revenge on other students and condemn them to long sentences or execution." EX. 3 I.L. at xx.
11. Akbar describes the different types of physical and mental torture that he endured for nearly three and a half months. "In the first twenty-seven days I was flogged with electric cables every other day. One form of mental torture was the use of high powered air filters, which made a horrible sound and were kept on throughout the day. Another was a loudspeaker that emitted funeral music from six in the morning until nine in the evening, its volume excruciating to the ear." During this time, the prison authorities allowed Akbar only one hour of sleep per day. The other twenty-three hours, Akbar was either interrogated or viciously beaten. EX. 3 I.L. at xx-xxi.
12. When Akbar was arrested and taken to Towhid Prison, Akbar was hit on the head by the arresting officer with his Colt revolver. The officer also hit Akbar with his fist. EX. 3 I.L. at 1.
13. An interrogator promised Akbar that if he told him the whereabouts of his brother, Manouchehr, he would be released immediately. Akbar told the man he did not know where his brother was. EX. 3 I.L. at 2.

14. Akbar writes that the arresting officers promised to release him if he confessed to his alleged crimes. Akbar said he did nothing wrong and so he did not confess what the officers wanted to hear. EX. 3 I.L. at 6.
15. After Akbar refused to make a false confession, the guards flogged him with electric cables thirty times on his feet and body. "I would rather get a hundred lashes on my body than my feet since the nerves on the feet are particularly sensitive. As I was lashed on my feet, I had excruciating pain all over, in the flesh and bones. Lashing the feet does not produce numbness, unlike flogging on the body, which causes less pain. A man can endure pain from a thousand lashes to the other parts of the body rather than a lash with electric wire on the soles of the feet. It was so painful." EX. 3 I.L. at 6.
16. After the flogging of the feet, the guards dragged Akbar to the courtyard and forced him to jump, "so that the soles of your feet do not get infected." EX. 3 I.L. at 6.
17. If Akbar was too weak to jump, the guards hit him with their fists. When Akbar did not give acceptable answers to the guards, they beat him harder and harder. He had pain all over his body and could not walk. EX. 3 I.L. at 7.
18. Akbar heard Manouchehrs' cries from inside the prison. The guards had hung him from the ceiling and were using cables to torture him. The guard told Akbar that his brother, Manouchehr, would be executed soon. EX. 3 I.L. at 8.
19. Akbar told the guard of the prison that it is his and others inherent and natural right to protest against the regime, even under the constitution of the Islamic Republic. EX. 3 I.L. at 9.
20. Akbar writes that physical torture included being hung upside down. Guards handcuffed his arms behind him and tied a rope through the cuffs to hang him from the ceiling. "This was worse than being flogged with a cable." EX. 3 I.L. at 10.
21. The authorities continued flogging Akbar and said, "Akbar, if you don't confess, I swear to God I will torture you to death." EX. 3 I.L. at 11.
22. The guards brought Akbar and Manouchehr together at one point and told Manouchehr to tell Akbar to confess. Manouchehr responded by saying that Akbar cannot confess because he has done nothing wrong. This infuriated the guards and so they beat Manouchehr even harder in front of his brother. EX. 3 I.L. at 11.
23. The guards tortured Akbar until he passed out from pain. EX. 3 I.L. at 18.

24. Akbar was in so much pain that his cries of anguish bothered his cellmates. EX. 3 I.L. at 18.
25. Akbar's body was "always warm from the continuous torture . . ." EX. 3 I.L. at 19.
26. When Akbar remained still, the guards would flog him harder, especially with the cable, which was terribly painful. EX. 3 I.L. at 26.
27. Again, when Akbar did not response the way the guards wanted him to, the guards took him to the torture chamber, flogged him with cables, and hung him upside down. One of the other forms of torture was to tell Akbar that they would soon execute him or his brother Manouchehr, and that they would be shot to death. EX. 3 I.L. at 31.
28. Akbar writes that his heart was in pain at the thought of Manouchehr being possibly executed. EX. 3 I.L. at 31.
29. Akbar writes the regime ". . .would not even stop at torturing women." EX. 3 I.L. at 43.
30. Akbar's own court-appointed lawyer asked him whether he was ashamed to have revolted against the Islamic Republic. EX. 3 I.L. at 46.
31. The judge who ultimately sentenced Akbar to death threatened him with death before the proceedings even began. EX 3 I.L. at 48.
32. At Akbar's trial, the Judge ridiculed him and said, "if these floggings are so painful, why don't you confess?" EX. 3 I.L. at 52.
33. Akbar replied to the judge, "I don't know. I guess God has given me lots of patience and endurance." EX. 3 I.L. at 50.
34. The judge announced that the public proceedings were over and that the trial would continue the following week. But, no such proceeding took place. EX. 3 I.L. at 53.
35. After, Akbar's lawyer told Akbar that he really didn't care [what happened to him]. EX. 3 I.L. at 54.
36. Akbar writes that he was tortured so much that he had constant pain in his lower back and in his heart. Sometimes he would moan so much he "didn't know what to do." EX. 3 I.L. at 56.

37. One day in the early evening, Akbar overheard the interrogators say that they would execute his brother, Manouchehr, the following morning. EX. 3 I.L. at 57.
38. Afterward, Akbar heard one of the interrogators give Manouchehr a rope and tell him to get ready for tomorrow morning. "Your life is over, you traitor." EX. 3 I.L. at 57.
39. Akbar realized after that threatening imminent death was a form of mental torture - the interrogators would say it loud enough so Akbar could hear them tell his brother he would be executed. EX. 3 I.L. at 57.
40. In the evening, Akbar cried and did not stop for three days. "I would cry out loud sometimes, so loud that my cries and moaning would be heard throughout the hallway." EX. 3 I.L. at 57.
41. Akbar was forced to watch his brother get flogged by electric wire cables. "When Manouchehr would cry his head off, I would be in so much mental pain. When they would whip me with the cable, they would bring Manouchehr in [so he could watch Akbar being tortured]." EX. 3 I.L. at 59.
42. After Akbar's sentence (death by hanging) was handed down to him, the judge told Akbar that he ordered the death sentence according to the law. EX. 3 I.L. at 64.
43. After Akbar's sentence, he replied, "[w]hat law? First, you have used the account of two eyewitnesses who are both in prison and are also condemned, and most likely their confessions were extracted under torture. According to the same law, the testimony of accused individuals against another accused person is without legal grounds. You are in fact denouncing your own laws, plus you don't believe in the law of the land. Second, the Constitution allows any type of peaceful demonstration or march. the students had a peaceful gathering, but unfortunately, they were violently attacked. The Constitution allows for the organization of any type of party or gathering and without permits. All types of physical and mental torture are prohibited, and whoever engages in such acts is subject to punishment. You and your superiors have ordered the use of torture. Our life was a total hell in prison. You who claim to uphold the law are the first who has broken the law." The Judge dismissed him. EX. 3 I.L. at 64-65.
44. After Akbar's sentence was issued, he wrote a letter to the head of the prison stating that if in twenty-four hours he was not allowed to speak to his family or be transported to the general block, he would go on a hunger strike. Akbar did not hear from prison officials and began his hunger strike. EX. 3 I.L. at 119.

45. Akbar continued his hunger strike because the prison authorities did not allow him to speak to his family members. The officers begrudgingly took Akbar to the hospital because he was throwing up "all the time" due to the hunger strike. He weighed 35 kilos. EX. 3 I.L. at 120.
46. Akbar's doctor even commented, "This poor young man is just flesh and bones." EX. 3 I.L. at 121.
47. On the twenty-first day of his hunger strike, the doctor took Akbar's blood pressure and told the prison guard that Akbar was in a terribly dangerous situation. EX. 3 I.L. at 121.
48. On the twenty-third day, the head of Intelligence came into Akbar's cell and told Akbar he could speak to his family. EX. 3 I.L. at 121.
49. Akbar writes that he has been imprisoned for seven years and had to endure various physical and emotional pressures. Because of being tortured by various medieval methods during the initial interrogations, he suffered from a large variety of ailments, including a ruptured spinal disk. EX. 3 I.L. at 126.
50. Akbar was tortured so severely that he had surgeries. The first surgery was done in the presence of an agent at Talehani hospital, but it failed in part due to the stress that had spread to other parts of his body. After nine months, a second surgery took place. The second was done in Kasra Hospital. Akbar had nose surgery since he was bleeding from his nose constantly. Dr. Sadeghian said it is lucky they operated on him when they did because Akbar's head had become infected and if he waited much longer, the doctors would not have been able to do anything. EX. 3 I.L. at 131.
51. During the second surgery, Akbar was under anesthesia for two and a half hours. They operated on his head and broken nose. His kidneys were bleeding, his vision was blurry, and he lost fifty percent of his hearing. EX. 3 I.L. at 131.
52. Before the authorities began flogging Akbar on his body, they whipped him on his feet with the cable. His feet were swollen from the beating so that he could not even wear slippers. He was in so much pain that he could not wear shoes to the bathroom. "It was a terrible pain. I could not walk easily." EX. 3 I.L. at 133.
53. There were many types of torture Akbar endured. "In the flogging room, they handcuffed me to the bed and used a rope to bind my feet. They put heavy weights on my back, and this drove me to the brink of madness. I could not move. Even if they had not bound me, I could not move with the enormous weight on my back. The pain got worse by the minute. This

type of torture continued for two to three hours. I could not move after they lifted the weights." EX. 3 I.L. at 134.

54. Akbar was tortured in front of his brother, Manouchehr, and the brothers were tortured were in front of each other."We were tortured in the same way at the same time. The guard put us next to each other, especially when we were flogged with the cable. They wanted to break us mentally." EX. 3 I.L. at 135.

MANOUCHEHR MOHAMMADI

55. Manouchehr Mohammadi was born on August 29, 1967 in the city of Amol, Iran. Trial Transcript of April 4, 2013 ("Tr.") at 29.
56. Manouchehr was a student in the field of Economics at the University of Tehran and a student of law of Payam Mour. Tr. at 29.
57. In 1994, Manouchehr and Akbar founded the Students Independent Clear, a student organization that believed in the separation of religion and government, and by fighting the government through peaceful means. There was also a human rights organization, which was named Committee of Defending Students for the Political Prisoners. Tr. at 30.
58. The Iranian and American people began paying attention to the student organization, through local and worldwide media. In the United States, Voice of America and other TV stations located in Los Angeles were transmitting their words and calling them on the phone to interview them. Tr. at 32.
59. The Iranian government did not like the attention that was being given to the organization yet Manouchehr was receiving invitations to give speeches at American and European organizations and universities. Tr. at 32.
60. Manouchehr had a three month trip to the United States where he gave lectures at universities including Columbia, UC Berkeley, and the University of Chicago. He also visited Germany where the Green Party welcomed him. Tr. at 32.
61. Their speeches abroad were not welcomed by the Iranian regime. The Iranian Ministry of Intelligence was recording their interviews and telephone calls. Tr. at 32.
62. Manouchehr was travelling around the United States with Reza Mohajerinejad who lives in San Francisco, has a master's degree in political science, and has written a book about the acts of torture against the Iranian people. Tr. at 33.

63. Akbar had stayed in Iran and formed the greatest student movement and organization at the University of Tehran called the 18th of Tir in 1999. Tr. at 33.
64. The Iranian Regime arrested Manouchehr, Akbar, and hundreds of their followers who were also involved in the 18th of Tir movement and tortured them. Tr. at 33.
65. The arrest orders were given by the Supreme Leader and the President of Iran. The Ministry of Intelligence implements their orders. Tr. at 34.
66. Manouchehr testifies that the Supreme Leader of Iran and President are the two with ultimate rule of the country and ordered the soldiers and the police to put an end to the protests. Manouchehr Aff. ¶ 20.
67. Manouchehr testifies that the president of Iran is responsible for the day to day conduct of affairs in Iran and is also the one who directly ordered the police and the military to carry out punishment against those who were protesting the fascist and brutal actions of the Iranian regime. Manouchehr Aff. . ¶ 20, 23.
68. The Iranian regime started torturing Akbar and Manouchehr after arresting them. They told them that they had to give interviews confessing that they were ordered by the United States' Central Intelligence Agency to create the 18th of Tir movement and overthrow the body of Valifheigh government. Defendants told Plaintiffs if they did not abide by the rules and tell this story, they would be executed. Tr. at 34-35.
69. Akbar did not obey the commands of the Iranian regime and refused to admit anything in interviews. Tr. at 35.
70. Manouchehr gave interviews where he told them that his goal was to overthrow the Valifheigh government. This interview was broadcast over Iranian TV. Tr. at 35.
71. When Manouchehr visited the United States, he changed his permanent allegiance to America. He saw the freedom in America and came to the conclusion that America was his homeland. He went against the Mullahcracy and decided to stay in America and become a citizen. Tr. at 36.
72. Manouchehr felt he had to go back to Iran to help free the Iranian people. He decided to start a public uprising. Tr. at 36.
73. Manouchehr also pledged his permanent allegiance to the United States. Tr. at 36.

74. Manouchehr has two sisters, Narsin and Simin. Simin was taken into custody and threatened with rape and is now psychologically damaged. She hates intimacy and does not want a boyfriend ever since she was in solitary confinement and threatened with rape. Tr. at 37.
75. Manouchehr's mother and father were arrested. The Iranian regime set fire to their house, and planned to kidnap and kill Manouchehr's brother Reza who was in the United States. Reza was also fired from his work. Tr. at 37.
76. Reza and his wife are both citizens of the United States and live in Fresno, CA. Tr. at 39.
77. In 1999, Akbar and Manouchehr were both arrested for seven years and two months. While they were arrested, they were tortured. Tr. at 39.
78. Prior to his arrest of 1999, Manouchehr had been arrested before, but only for a period of a few days or weeks. In these prior arrests, the pressure of the media had caused President Ahmadinejad to intervene to free Manouchehr promptly. Tr. at 39.
79. With the arrest of 1999, since the Iranian regime believed their efforts were to overthrow the government, both the Supreme Leader and the President cooperated to take Manouchehr and the rest of the members of the organization to prison. Tr. at 40.
80. Manouchehr and Akbar swore that when they were free they would not stay in Iran and would flee to the United States and become citizens. Tr. at 40.
81. Manouchehr had come to the United States six years prior to when Akbar was killed. Tr. at 40.
82. Richard Perle and Michael Ledeen helped Manouchehr flee Iran into Iraq and then brought into the United States. Tr. at 43.
83. Manouchehr fled from Iran into Turkey by traveling through the mountains. Manouchehr was arrested at the airport and taken to jail. Then U.S. State Department talked to the Turkish government so that the U.S. Army in Iraq could take custody of Manouchehr. Tr. at 43.
84. Manouchehr traveled from Turkey to Iraq and from there was taken by military plane to the U.S. Air Force base in Germany. From Germany he was brought by military plane into the United States. Tr. at 43-44.

85. When Manouchehr was brought to the United States, he met with all the Undersecretaries of the States, as well as the Assistant to the National Security of the United States. Tr. at 44.
86. Manouchehr's parents obtained their permanent residency two years ago. After returning to Iran the second time, the Iranian regime confiscated their passports and they were assaulted. They are now being prevented from leaving Iran by the regime. Manouchehr's mother can't stand on her feet, and his father is taking care of her. Since they cannot be with their children they, are suffering psychologically. Tr. at 46.
87. When the Iranian regime was torturing Akbar and Manouchehr, they decided to torture them in front of each other's eyes in order to force them to break down. Tr. at 47.
88. Manouchehr and Akbar met the chief prosecutor of Tehran who told them that they were going to be taken to the roof and hanged. Tr. at 48.
89. Manouchehr and Akbar were taken to the roof five times. There was a rope and gallows. They were asked to write their wills. The prison authorities did not want to actually kill Akbar and Manouchehr but instead wanted to trick them into believing they were about to be killed in order to cause psychological damage. Tr. at 49.
90. The guards played screams of Manouchehr's mother and father, who they were told were also being tortured. His parents were not actually in custody at the time but Manouchehr did not know that. Tr. at 49.
91. Because of the psychological damage, Manouchehr no longer enjoys the beauty of nature, nor is he capable of learning English. He used to be one of the brightest at his university but now he cannot even learn English. Manouchehr is also suffering because he knows that sooner or later his parents are going to pass away and he cannot see them. Tr. at 50.
92. Manouchehr's genitals were burned by a cigarette lighter, leaving permanent scars. Every time he washes his genitals with shampoo they begin to bleed. Tr. at 51.
93. Manouchehr and Akbar were tied to a bed face down and the guards would beat them with cables and rods starting with the feet so that they could no longer stand up. This was repeated daily. Tr. at 51.
94. Defendants would pull the brothers up and down from the ceiling with a wire. Manouchehr testifies that it felt like both of his arms were being ripped from his body. Tr. at 52.

95. Manouchehr and Akbar were forced to lie in a coffin in a dark room where they would have water dropped on their heads for hours. They were also kicked with boots that had nails on them and sometimes they would make them stand on one leg for hours at a time. The effects were maddening. Tr. at 52.
96. Nine of Manouchehr's teeth were broken and had to be pulled when he was released from prison. Tr. at 53.
97. When Manouchehr and Akbar were in solitary confinement the windows in their prison cells were broken and the rain and cold air would go into the prison cell. The guards would break the windows intentionally just to make them suffer. Tr. at 54.
98. Akbar was killed because of his resistance. The executions and killings were ordered by the Supreme Leader and the President of Iran. It is the Minister of Intelligence who carries out the President and the Supreme Leader's instructions. Tr. at 55.
99. Akbar went on a hunger strike because he had no other way to resist. He was forcibly taken to the clinic where he was chained and injected with an IV. Tr. at 55.
100. The guards beat Akbar while he was chained at the clinic until he was bleeding from all over his body. Blood was coming out of his ears so they plugged his ears with cotton. Tr. at 56. After Akbar was in the clinic for three days, suspicious people came into the clinic and told the people in the clinic to "finish up the business", which meant to kill him. Tr. at 56.
101. The guards in the clinic placed Akbar's body on a gurney and took him to where the political prisoners were located so that the other political prisoners would see him and be frightened. They took out the cotton from his ears and they started bleeding. Tr. at 57.
102. Akbar was surrounded by twelve political prisoners and he asked them to bring their ears close to his mouth so he could tell them what had happened. He told the other political prisoners that they handcuffed him and sprayed a special kind of dust because he was resisting and was physically strong. The dust was believed to cause a heart attack. Tr. at 58.
103. After forty minutes of being with the other political prisoners, Akbar took a deep breath and then died. Tr. at 48-49.
104. Akbar is one of the thousands of political prisoners who were killed by the regime. 200,000 people have been killed this way. Tr. at 59.

105. Akbar's body was taken to a grave in Amol, Iran where it was buried. His body was guarded for months so that nobody would steal the buried body. This was to prevent the body from being autopsied. Tr. at 60-61.
106. Twenty seven political prisoners who were with Akbar wrote a letter about how Akbar was killed. They have been translated into English. Tr. at 61.
107. Because of the increase in pressure from the Farsi media, newspapers in Iran, Amnesty International, Human Rights Watch, the European Union, and the U.S. Department of State, Manouchehr was released from prison because he was sick so that he could go cure himself. Tr. at 70-71.
108. Manouchehr was also released so that he could attend the funeral of his brother, Akbar, on the condition that he was not to give any interviews. Tr. at 71.
109. Manouchehr and his parents established a bakery fifteen years ago (1999). Manouchehr was a teacher at the bakery. The bakery was run by Manouchehr and Akbar. Tr. at 74-75.
110. Manouchehr is not currently employed. In Iran, Manouchehr owned three sets of properties worth \$700,000 to \$800,000. Tr. at 77.
111. Acts of harassment and threats continue even now. People from the regime call and make threats from inside Iran, saying that they can kill Manouchehr as easily as they killed Akbar. Manouchehr can tell from the number that shows up on the caller identification that it is originating from Iran. Tr. at 79-81.
112. The people who call from Iran identify themselves as members of the Ministry of Intelligence. Tr. at 81.
113. Manouchehr has received three or four threatening calls from Iran since January of 2013. Tr. at 82.
114. Manouchehr believes if the media announces or reports about this case more, the threats will be more frequent and he will receive more phone calls. Tr. at 83.
115. Manouchehr has been unable to find employment. He owes \$200,000 to \$300,000. Tr. at 85.
116. Manouchehr and his sister, Nasrin, broke down in tears uncontrollably at the trial April 4, 2013. Nasrin Aff. ¶ 8.

117. George W. Bush praised and honored Manouchehr in his speech at the Agency for International Development when Bush recognized that Manouchehr and his siblings were "viciously tortured by the Iranian authorities." Manouchehr Aff. ¶ 11.
118. Manouchehr testifies that when it gets cold, the site of where his ribs were broken start to hurt and sometimes he can barely walk. Manouchehr Aff. ¶ 49.
119. Manouchehr testifies that he has serious problems focusing and is fearful the Iranian regime will harm him while he is in the United States. Manouchehr Aff. ¶ 50-51.

NASRIN MOHAMMADI

120. Nasrin Mohammadi was born on April 27, 1974 in Amol, a city north of Iran and next to the Caspian Sea. Trial Transcript of April 4, 2013, ("Tr.") Nasrin Mohammadi, pg. 86.
121. Nasrin Mohammadi has two bachelor's degrees in Farsi literature and journalism and worked for an economic magazine until her brothers were arrested. At the time of her brothers' arrest, Nasrin was fired from the magazine. Tr. at 86-87.
122. Nasrin made 500,000 Toman per month, which is the rough equivalent of \$500, and did not have any other source of income at the time. Tr. at 87.
123. When Nasrin was a reporter in Iran, the German consul helped her get out of Iran and the President of Germany gave her a visa. Tr. at 88.
124. In June of 2005, Nasrin applied for permanent residency in the United States. Nasrin Aff. ¶ 4.
125. In February of 2006, Nasrin received her permanent residency in the United States. Nasrin Aff. ¶ 5.
126. In 2004, Nasrin came to the United States through Germany. From Germany, she was given a visa as a reporter in order to enter the United States. Nasrin became a citizen of the United States four years ago. (2009). Tr. at 88.
127. While in Germany, Nasrin acted as a political activist and human rights activist. She traveled to many countries in Europe and gave many speeches. Tr. at 89.
128. In 2002 or 2003, while Nasrin was in Germany, someone from the Iranian regime attempted to kill her. Nasrin received telephone calls from her parents and they told her the

regime had contacted them and told them they would kill their daughter, Nasrin. Nasrin responded by assuring her parents she was safe because she was in Germany and not Iran. Tr. at 89.

129. Three months later, Nasrin received another phone call from her parents. Her parents told her that the Attorney General of the Iranian regime came barged into their house and told them, "[t]ell Nasrin, shut up; otherwise, we are going to shut her mouth up. We're going to kill her. We are not joking. We are so serious about that." Tr. at 90.

130. Because of stress, Nasrin developed a severe cough that made it difficult for her to talk or sleep. In Germany, a middle-aged man claiming to be a medical doctor told Nasrin that he had some medicine to make her feel better and to make her cough subside. Tr. at 91.

131. The doctor told her to take twenty drops of a medicine and a pill before bed. They would help her cough go away. Nasrin took the twenty drops and was able to finally sleep. Tr. at 91.

132. When she woke up the next morning, her face was swollen and red. She did not recognize herself in the mirror. Tr. at 92.

133. Nasrin's friend took her to a medical doctor. Nasrin showed the doctor the medicine she was prescribed the day before. The doctor asked her who gave this medicine to her and she replied, "a friend. He gave this medicine to help me." Tr. at 92.

134. The doctor told her that one drop of this medicine is stronger than morphine and is not available in any pharmacy. The doctor said, "God help you. And I don't know how you are alive. Nasrin, you are lucky because you are alive today." Tr. at 92.

135. The doctor gave her several tests including blood tests. He tested for potential problems in her heart or kidneys as a result of pill and drops she took the night before. Tr. at 92.

136. The man who gave Nasrin the dangerous amount of medicine approached her in Germany and told her he was a friend of her parents. He told her that she was like a daughter to him and he wanted to help her. This man invited Nasrin to his house to meet his wife. Nasrin trusted them because she was naive and in pain. Nasrin trusted them to take the pills. Tr. at 93.

137. Nasrin has a video of her parents explaining to her that her own life is in danger in Germany because the Iranian regime said that they would kill her. On the video, Nasrin's parents ask the world to hear their voices and help their children. Tr. at 93.

138. When Nasrin's parents met her imprisoned brothers, Akbar and Manouchehr, her parents were devastated as the brothers were so sick from the torture. Tr. at 94.
139. Exhibit 2 is a report prepared by Amnesty International. It was prepared in 2004. Nasrin testified that everything in the Amnesty International report is accurate. Tr. at 97.
140. When Nasrin was in Iran, she turned on the television with her parents and heard the anchor speaking about her brothers who had been arrested and imprisoned. Her parents and sister, Simin, were shocked. Nasrin's parents and sister were crying and called Rahmat, another brother, and told him to come home. Nasrin's parents wanted Rahmat to help because they didn't know what happened and all they knew was that Akbar and Manouchehr were arrested by the regime. They did not even know if the brothers were alive. Tr. at 98.
141. Rahmat came to the house. Nasrin describes the night as a "nightmare." Everyone was crying without a break until morning. Tr. at 99.
142. The news justified the arrest by saying that Akbar and Manouchehr belonged to the Mossad CIA and were agents of the Mossad CIA. Tr. at 99.
143. Within the following days, several newspapers wrote that the brothers had already been executed. Some of the newspapers said they would soon be executed and the regime intends to kill them. The newspaper is run by the Iranian regime. Tr. at 99.
144. Before the arrest, Nasrin was aware of her brothers' involvement in political activity. Tr. at 100.
145. Mossad is the Israeli intelligence agency service. Tr. at 100.
146. The Mohammadi family does not support the Muslim religion. Although they were born Muslim, they do not believe in Islam because of the Islamic government killing. They believe in God but also believe in mercy. They are not practicing Muslims. Tr. at 100-101.
147. Nasrin became a Christian two years ago because she did not want to be affiliated with the Muslim, Iranian mentality. "I hate the Muslim, Iranian." Tr. at 101.
148. Nasrin's parents are deeply affected by the treatment of their children. Nasrin's mother sits on the stairs and stares out the window from morning until evening. She was and is "waiting for her children to come back, knock the door and come back home." Tr. at 102.

149. When Nasrin and her parents visited Akbar and Manouchehr in prison, the brothers held up a piece of paper through the glass saying, "Nasrin, leave Iran." Tr. at 103.
150. Nasrin subsequently left Iran for Germany in 2002 in order to be the voice of her brothers and all prisoners. She was traveling in Germany as an activist and she wanted to tell all people what had happened to her brothers and was happening to many young student prisoners. Tr. at 103.
151. Nasrin traveled to Brussels, France and many other countries. She met with Amnesty International and senators in Europe. She gave many speeches. Tr. at 103.
152. Nasrin left Germany after the doctor who pretended to be a friend tried to poison her. She then came to the United States and continued her activism. Tr. at 103.
153. Nasrin reached a point where she no longer felt Iranian and pledged her permanent allegiance to the United States of America. Nasrin says that she loves this country: "I love American people. I love this country. I stay rest of my life to this country. I kiss this land. This is my land. Iran is not my country. I wasn't safe in Iran. Nobody is safe in Iran . . . I will, you know, for the rest of my life, I be faithful to this country." Tr. at 104-105.
154. Nasrin was very close to her brother, Akbar. Nasrin considered him a man of peace and she was proud of him. Tr. at 106.
155. When she went to Turkey because she could no longer go to Iran, she spent time with her parents while they were living there. One day during this time, a man named Benham called and said Akbar is going to be freed. The regime is going to give him sick leave and he would be freed in three days. Nasrin and her parents had a party. They danced. Tr. at 106-107.
156. The following morning, Nasrin's father received a phone call. It was Benham on the phone and immediately Nasrin's Uncle's face turned pale. He stepped far away from the living room near the other people. Nasrin followed him because she knew Akbar was sick and wanted to understand what they were talking about. Nasrin grabbed the phone and demanded to know what happened to her brother. Tr. at 107.
157. Benham told Nasrin over the phone that her brother had been killed. Tr. at 108.
158. Nasrin screamed loudly three times, yelling, "no. no. no." Nasrin's parents came to her and tried to hold her. An hour after this news, Nasrin's father became unconscious and her mother searched frantically for the T-shirt Nasrin recently bought for Akbar. Nasrin's

mother found the shirt and wore it, chanting that she was Akbar; Akbar is not dead. Everyone was in denial. Tr. at 108.

159. Nasrin attempted to commit suicide when she came to the United States. As she describes, everything was too heavy on her shoulders and she was denying the death of her brother. She was seeing a therapist who told Nasrin that her brother is dead and she would have to accept this. So, Nasrin took more than ten sleeping pills (one pill put Nasrin to sleep for fourteen hours) because she wanted to kill herself. She didn't want to be alive because life did not have any meaning. Tr. at 109.
160. Immediately after taking the pills, Nasrin called her therapist to say goodbye. The therapist called a friend who took Nasrin to the hospital. Tr. at 110.
161. Before his death, Akbar asked his sister, Nasrin, to publish a book for him. It was his diary and thirty percent of it is the memory of jail. Nasrin originally refused to publish it as Akbar's life could have been in danger because of it. He begged Nasrin to publish it yet she refused. Akbar told her that if she did not publish it, he would call his friends in the United States and get it published anyway. Finally, Nasrin promised to publish the book for him. Tr. at 111.
162. About four months ago, Nasrin published Akbar's diary in Farsi and English. She added herself as a second writer, adding a description of Akbar and what had happened to him. Tr. at 112.
163. Nasrin is grateful to the United States for helping bring her other brother, Manouchehr, over to the U.S. Tr. at 112-113.
164. Akbar wrote the diary about eight years ago when he was on sick leave. Tr. at 113.
165. The death of Akbar greatly affected Nasrin. Nasrin's family was also greatly affected by the death of Akbar. When the news broke that Akbar had been killed, Reza, older than Nasrin but one year younger than Akbar, was screaming and in tears. Simin, Nasrin's sister, was silent and in shock. After ten hours, Simin finally screamed. Tr. at 160-161.
166. At the time of Akbar's and Manouchehr's arrest, Reza, their brother, was married with a child. When the Iranian regime discovered he was the brother of Akbar and Manouchehr, it fired him from his job. Reza could not find any work after that. The regime even put Reza in prison for a short time. Tr. at 161.

167. Nasrin was really close to her parents. Her parents became depressed, and now they are mentally and physically sick. They have seen a therapist for a long time now because of the torture and death of their son. Tr. at 162.
168. Nasrin still has nightmares about her brother. She is still hurt because Akbar was so close to her. Nasrin has seen a therapist many times. She is still seeing different doctors two to three times per week. She has dizziness as a result of stress and trauma. Nasrin says that Akbar was not only a brother to her, but like a father. She still tries to deny his death. Tr. at 162.
169. Nasrin applied for citizenship to the United States more than three years ago and has since been a citizen since April 22, 2009. Tr. at 163.
170. Nasrin applied for permanent residency first more than seven years ago. One year after applying for permanent residency, she was issued a green card. Tr. at 163.
171. Akbar was killed in 2006 and Nasrin applied for residency in 2005, before Akbar's death. Tr. at 164.
172. Since the time Nasrin applied for permanent residency, she has been threatened by defendants in this case. Tr. at 164.
173. Nasrin's parents call her frequently and tell her that the Iranian regime constantly calls and threatens their children with death. Tr. at 164.
174. Nasrin's parents are scared for her life. Tr. at 164.
175. Three years ago, Nasrin's Facebook and email accounts were hacked. She had sensitive information from senators, Amnesty International, important people in Europe, and other activists. All of Nasrin's family had their email accounts hacked: Manouchehr, Simin, Nasrin's sister in law, Reza, and more than twelve or thirteen political activists. Tr. at 165.
176. The regime used pictures from Nasrin's Facebook page to falsely create "sexy" pictures, sending them around to the people on Nasrin's contact sheet. The recipients have insulted her with bad words, believing that Nasrin took sexually explicit photos and sent them to her contacts. Tr. at 165.
177. Nasrin spoke to the police about this matter more than four or five times. She had a meeting with the FBI. She explained it to them but they said they can't do anything. 165.

178. The Iranian regime plays with people's reputation, Nasrin says. Sometimes she cannot sleep night until morning because of her damaged reputation. People from Europe call her and ask if it is real her in the photograph. They feel Nasrin is intentionally insulting them with the bad words. Tr. at 165-166.
179. Nasrin was a citizen of the United States when these altered photos damaged her reputation. Tr. at 166.
180. It is a practice, based on Nasrin's knowledge of the Iranian regime, to disparage someone's sexuality to harm them. Tr. at 166.
181. Nasrin testifies that there are many agents in the United States who receive money from the regime. "They are working here and want to hurt the people or kill people." Tr. at 166-167.
182. The affects for an Iranian woman who has "sexy pictures" in public, or who appears in public, are dire. They believe her to be a whore. Tr. at 167.
183. The regime uses Nasrin's face for many "whore" pictures. Tr. at 167.
184. The night Nasrin discovered the "doctored" photographs of herself, a doctor prescribed her a sleeping pill that was strong enough for an elephant. Nasrin still couldn't sleep because of the stress of the "sexy pictures." Tr. at 169.
185. Since she applied for permanent residency, Nasrin has felt threatened by the regime in other ways besides the altered photographs. Tr. at 169.
186. More than seven or eight months ago, Nasrin hosted a television show acting as a human rights and political activist. Tr. at 169.
187. Because of this, the Iranian regime barred Nasrin's parents to come to the United States to visit her and her brother, Manouchehr. They told Nasrin's parents that since she has a television show, she is speaking publically against the government. Tr. at 170.
188. Nasrin's parents are stationed in Iran and cannot move around. Tr. at 170.
189. Nasrin fears the safety of her parents. Their house and phones are bugged. The Iranian regime is controlling them and emotionally torturing them. Tr. at 170.
190. Nasrin's mother is very ill and is taken to doctors. She lays on the bed and is unable to function as a normal sixty year old. Nasrin's mother seems like she is ninety. Tr. at 170.

191. Nasrin's mother and father do not know that she testified April 4, 2013. Tr. at 171.
192. Nasrin is representing Akbar, her parents and her sister, Simon. Tr. at 171.
193. Manouchehr is representing Akbar, his parents and sister, Simon. Tr. at 171.
194. When Nasrin testified in court April 4, 2013, she broke down in tears constantly both at the witness stand and at the witness table and had to leave the courtroom on several occasions. Nasrin Aff. ¶ 7.
195. At the same hearing on April 4, 2013, Nasrin observed her brother, Manouchehr breaking down on the witness stand and crying uncontrollably, at which point the trial had to be stopped. Nasrin Aff. ¶ 8.
196. Since the date of trial, April 4, 2013, Nasrin testifies that the horrific memories of her treatment and that of her brothers, sister and parents by Defendants have resurfaced and have caused her to relive the experience. Nasrin Aff. ¶ 9.
197. Because these memories have resurfaced and heightened, Nasrin has suffered two panic attacks and nervous breakdowns from the time of trial and is currently prescribed anti-depressant medication. Nasrin ¶ 10.

SIMIN MOHAMMADI (TAYLOR)

198. Simin Taylor is over eighteen years old and is an adult citizen of the United States. She is a plaintiff in this case. Simin Aff. ¶ 1.
199. Simin is the sister of Plaintiffs Akbar, Manouchehr, and Nasrin Mohammadi. Simin Aff. ¶ 2.
200. Simin had her name legally changed from Khadijeh Mohammadi to Simin Taylor when she became a citizen of the United States. Simin Aff. ¶ 3.
201. Simin was imprisoned by the Islamic Republic and while in prison, the guards threatened her with gang rape. At the time, Simin believed she would be raped and seriously harmed or killed. Since that time, she has had serious problems trusting men and rarely goes out because she is afraid of men. Simin Aff. ¶ 4.

202. As a result of the way her family was treated by the Islamic Republic of Iran, she lost her allegiance to the Islamic Republic and pledged it permanently to the United States. Simin Aff. ¶ 5.
203. Simin decided she would flee Iran and move to the United States. Simin Aff. ¶ 6.
204. Simin fled to the United States on October 11, 2006. Simin Aff. ¶ 7.
205. On October 1, 2007, Simin applied for her permanent residency in the United States. Simin Aff. ¶ 8.
206. Consistent with her permanent allegiance to the United States, Simin served in the U.S. Armed Forces as part of the U.S. Army from January 4, 2011 to September 29, 2011. Simin Aff. ¶ 9.
207. Simin became a citizen of the United States on December 15, 2011. Simin Aff. ¶ 10.

EXPERT WITNESS ROBERT JAMES WOOSLEY, JR.

208. Robert James Woosley, Jr. was born on September 21, 1941 and attended public schools in Tulsa, Oklahoma. He has an undergraduate degree from Stanford, a Master's degree from Oxford as a Rhodes scholar, and an LLB from Yale Law School. Tr. at 114.
209. After law school, Mr. Woosley went on active duty in the U.S. Army, working on intelligence matters in the Pentagon. Tr. at 115.
210. As part of the assignment, he was an advisor on the U.S. delegation to the Strategic Arms Limitation Talks with the Soviets in Helsinki, Indiana. Tr. at 115.
211. Mr. Woosley then became General Counsel of the Senate Armed Services Committee in the early 1970's. Tr. at 115.
212. In late 1973 or early 1974, Mr. Woosley went into private law practice with the firm Shea & Gardner and practiced until 1977, when he became Undersecretary of the Navy in the Carter administration. Tr. at 115.
213. After, he returned to private law practice and in 1983, Woosley was asked by the President to serve as a delegate-at-large to the negotiations in Geneva on Nuclear and Space Arms Talks and SALT. Tr. at 115.

214. In 1986, Mr. Woosley returned to the practice of law full-time. Tr. at 115.
215. In 1989, Mr. Woosley was asked by the President to serve as Ambassador and Chief Negotiator for the Conventional Forces in Europe Treaty. Tr. at 115.
216. Mr. Woosley was asked by the President Elect in late 1992 to serve as Director of Central Intelligence. Tr. at 115.
217. Mr. Woosley served in this capacity for two years and returned to private law practice in 1995. Tr. at 116.
218. In 2002, Mr. Woosley was asked by Booz Allen Hamilton to help set up their Homeland Security practice. Tr. at 116.
219. Mr. Woosley set up the Homeland Security practice for five years and then joined a venture capital fund. Tr. at 116.
220. Mr. Woosley moved from one fund to another, consulting in the area of alternative energy. Tr. at 116.
221. Currently, Mr. Woosley is a consultant and venture partner in a venture capital fund in New York. Tr. at 116.
222. Mr. Woosley is associated with dozens of nonprofit foundations. Tr. at 116.
223. Mr. Woosley, because of his knowledge and experience, is versed in the intelligence activities of Iran. Tr. at 116-117.
224. Mr. Woosley is also familiar with the Iranian regime's presence in the United States. Tr. at 117.
225. Mr. Woosley is considered an expert and is providing expert testimony in this case. Tr. at 117.
226. The court recognizes that Mr. Woosley can provide expert testimony on the issues about human rights violations done by Iran or organs and instruments of Iran, both domestically and abroad. Tr. at 117.
227. For three years, Mr. Woosley was chairman of the board of Freedom House, and is currently chairman of the Foundation for Defense of Democracies. Tr. at 117.

228. Mr. Woosley does not have any affiliation with Amnesty International. Tr. at 117.
229. In Mr. Woosley's years with the defense areas and intelligence areas, he became aware of whether high-level dissidents in Iran could be imprisoned, tortured, or executed without the authority of the Supreme Leader and the President of Iran. Mr. Woosley does not believe that high-level dissidents, such as Akbar and Manouchehr Mohammadi, could be imprisoned, tortured, or executed without the authority of the Supreme Leader. Tr. at 118.
230. Mr. Woosley testifies that there is a legal case that makes the argument for command responsibility. Tr. at 118.
231. It was the German government's prosecution of the Mykonos murders that occurred in 1992 in Berlin. Tr. at 118.
232. This German case is chronicled in several places. The Assassins of the Turquoise Palace is one book that deals with it. Tr. at 118.
233. The book tells an account of a thorough and brave German prosecutor who produced a finding which held that the Supreme Leader was an unindicted coconspirator in the murders of Kurdish nationals of Mykonos. Tr. at 118.
234. Mr. Woosley testifies that, based on his knowledge and experience, to be able to imprison, arrest, torture and murder a high-level dissident, it would take an order of the Supreme Leader and President. Tr. at 119.
235. Mr. Woosley testifies, based on his knowledge and experience, that there are many Iranian intelligence and other operatives in the United States. Tr. at 119.
236. Mr. Woosley testifies that these people are placed in the United States in order to effectively control, monitor and influence the activities of Iranian-Americans. Tr. at 119.
237. Mr. Woosley testifies that the Iranian regime is able to control and monitor Iranian-Americans through foundations whose real purpose is to influence American public opinion and to keep track of those who disagree with the Iranian government through various nonprofit organizations. Tr. at 119.
238. Mr. Woosley testifies that it is a professional effort by the Iranian regime to influence events, as well as inform themselves about what individuals are saying and doing. Tr. at 119-120.

239. Mr. Woosley testifies that the Iranian intelligence agents and other agents "love to intimidate people in this country, and efforts of that sort would be geared toward that objective, among others." Tr. at 120.

240. Mr. Woosley testifies that, based on his knowledge and experience, the Iranian government and the Supreme Leader and President are carrying out operations to harm and terrorize Iranians overseas and in the United States. Tr. at 120.

EXPERT WITNESS KENNETH TIMMERMAN

241. Mr. Timmerman was born November 4, 1953 in New York, New York.

242. Timmerman went to public school in Ridgewood, New Jersey and attended Goddard College in Vermont where he received his BA. Tr. at 122.

243. Timmerman then got a Master's degree at Brown University at the twenty-two years old. Tr. at 122.

244. Timmerman then went overseas for eighteen years, working as an investigative report, and a translator/interpreter from French to English. Tr. at 122.

245. During the war in Lebanon in 1982, Timmerman worked in the Middle East, using Paris as his base. He traveled back and forth. Tr. at 122.

246. Timmerman lived for about six months in Egypt and lived in Europe between 1982 and 1984. Tr. at 122.

247. Timmerman covered the Iran-Iraq war and has written nine non-fiction books based on these experiences. Tr. at 122-123.

248. The first book on the Iran-Iraq war in 1987, was syndicated by the New York Times Syndication Sales. Tr. at 123.

249. Timmerman's second book was on Saddam Hussein's weapons industry and how the west armed Iraq. It was published in 1992, detailing chemical suppliers and due east technology. Tr. at 123.

250. Timmerman's book on Iran is called *Countdown to Crisis: The Coming Nuclear Showdown with Iran*, and was first published in 2005. It details the U.S.-Iranian relationship, the

Iranian government's use of terrorism as a tool of foreign policy, and its nuclear weapons development. Tr. at 123.

251. Timmerman was nominated for a Nobel Peace Prize for his work on Iran in 2006 from the former Deputy Premier of Sweden. Tr. at 123.
252. In 1995, Timmerman founded the Foundation for Democracy in Iran, which is a nonprofit organization, initially funded by the National Endowment For Democracy for the first two years. Tr. at 123.
253. Since 1995, Timmerman has been working primarily pro bono. Tr. at 123.
254. The goal of the Foundation for Democracy in Iran was to bring to light human rights abuses by the Iranian regime to the American people, to Congress, to the press in general, and to heighten awareness of what the regime is doing to its own people. Tr. at 124.
255. Timmerman was a Republican candidate for the United States Congress in the Eighth District of Maryland, unsuccessfully in the 2012 election. Tr. at 124.
256. Timmerman believes it is in American's national security interest to help people of Iran get rid of this tyrannical regime. Tr. at 124.
257. Timmerman believes that the problem with Iran is not the Iranian people but is the Iranian regime, which is ideological in nature, and "has stated repeatedly its intention to wipe Israel off the face -- off the map and to destroy America." Tr. at 124.
258. Timmerman was taken hostage in Lebanon in July of 1982 and was held for twenty-four days underground. The building he was kept in had eight floors when he was first taken hostage and when he was released, it had one and a half floors with "pancakes on top." Tr. at 125.
259. Timmerman just returned from Northern Iraq at the end of March. It is a regular business of his to travel back and forth. The recent trip was for the commemoration of the 25th anniversary of the gassing of the Kurds by Saddam Hussein. Tr. at 125.
260. Timmerman considers himself an expert on Iran. Tr. at 125.
261. Timmerman is knowledgeable with regard to the human rights violations and crimes against humanity perpetrated in Iran. Tr. at 125.

262. Timmerman has also served as an expert witness in similar cases. Tr. at 125.
263. Mr. Timmerman was an expert witness in the Argentinean Jewish Community Center in 1994. The judge from that case came to Washington, took Timmerman's testimony and cited him in his final report as an expert on Iranian terrorism and Iranian government organizations. Tr. at 126.
264. Mr. Timmerman testified in a number of terrorism cases. He was a consultant in the Havlish case, which just won a \$6 billion judgment in New York. This was Iran's involvement as a coconspirator in the 9/11 attacks, helping Al Qaeda by providing material support. Tr. at 126.
265. Mr. Timmerman, based on his knowledge and experience, believes that Iranian regime has a significant presence in the United States. Tr. at 126.
266. As an investigator reporter and as a human rights activist, Timmerman talks to people when they come out of Iran. He debriefs them to get their story and make sure they are not a part of Iranian intelligence. He has written many stories as a journalist that are chronicled at iran.org. Tr. at 127.
267. Timmerman testifies that many of the people who leave Iran go to Los Angeles. He believes Los Angeles to be the headquarters of the Iranian community because the climate is similar and it reminds Iranians of Teheran. Tr. at 127.
268. Westwood, an area of Los Angeles, is the locus of the Iranian-American community and, according to Timmerman, it is under high surveillance by Iranian government agents. Tr. at 127.
269. Timmerman testifies that the Iranian regime uses travel agencies as covers. Timmerman has personally visited these storefronts that the regime uses to keep track of local Iranians. Tr. at 127.
270. Timmerman knows these storefronts are covers because on the door, it will be written in Persian that they are providing a visa - "visas for Americans to go to Iran and will help Iranians with their visas. They're providing marriage certificates to the Iranian Interests Sections here in Washington, D.C., something which is entirely illegal for them to do." Tr. at 127-128.
271. Mr. Timmerman testifies that the storefronts are actually performing services for the Iranian regime - notarial services, documentation services for the Iranian regime. Tr. at 128.

272. The storefronts do not advertise in English. They advertise in Persian. Tr. at 128.
273. Timmerman has not helped members of the Mohammadi family prior to testifying April 4, 2013. He met Manouchehr in 1997, but he did not provide assistance except for publicizing his case. Tr. at 129.
274. Timmerman testifies that the Iranian presence in Los Angeles extends to radio and television networks. The Iranian regime has extensive media presence in the United States. "They have an outfit called Press TV, in English, which broadcasts in English. They have two production companies here in Washington D.C. They have an office up in New York. They have correspondents in Los Angeles. They have several other . . . television channels in Persian that also have correspondents in New York and especially in Los Angeles." Tr. at 129.
275. Timmerman testifies that there are roughly sixteen Persian stations run by the Iranian regime. In addition to these, there are probably four or five that are "regime organizations - outfits." Tr. at 129.
276. Timmerman names some of these stations: Alam TV, the official IRIB (Islamic Republic of Broadcasting). These channels are available on satellite television . Tr. at 130.
277. Mr. Timmerman is familiar with Voice of America and there was a time when Voice of America, in its Persian News Network, had a managing director who had ties to Iran. Tr. at 130.
278. Timmerman lectured at the Joint Counterintelligence Training Academy in Quantico to younger members of the intelligence community, and his case (the managing director) was one of the cases that Timmerman cited as Iranian infiltration. This was a couple years ago. Tr. at 130.
279. The managing director of the Persian Service of Voice of America was a man whose father was a prominent Ayatollah in Teheran. His brother was the head of foreign currency exchange for the Central Bank of Iran. Tr. at 130-131.
280. Timmerman remembers confronting the managing director who had no idea that it would be a problem for him to work for the Persian News Network. Tr. at 131.
281. Timmerman testifies that the Iranian regime will target individuals living in the United States in positions of prominence, especially Iranian-Americans, and then go after their

- family members in Teheran. "They will round them up, throw them in jail, torture them, and then word would go back that they're supposed to change what they're doing or change their activities." Tr. at 131.
282. Timmerman got to know one broadcaster of the Voice of America by the name of Ahmad Baharloo. His father was murdered, and he subsequently retired from Voice of America. Tr. at 131-132.
283. Timmerman testifies that the man with the prominent Ayatollah father is named Ali Sajadi. Tr. at 132.
284. Timmerman has written about his stories and has spoken out in public. Tr. at 132.
285. Timmerman testifies that "dozens" of broadcasters at Voice of America felt intimidated and threatened by Ali Sajadi. Tr. at 132.
286. Many broadcasters of Voice of America came to Timmerman personally to tell him their stories. They said that Sajadi was censoring their broadcasts and putting pressure on them not to broadcast about human rights violations or about regime repression. Tr. at 132.
287. Timmerman testifies that shortly after the June 2009 demonstrations after the elections of the new president in Iran, three million people took to the streets. During this demonstration, there was a young woman who was struck by a bullet in her heart, and this event was captured on a cell phone video. Tr. at 133.
288. The video of the woman at the demonstration who was struck in her heart by a bullet came to Voice of America. Tr. at 133.
289. Ali Sajadi, at Voice of America, "sat on it for at least forty-eight hours . . . " while people he worked with were telling him that this video has to be published. He would not publish it, however. Ultimately, he allowed it to air after it had gone on CNN and BBC and other networks. Tr. at 133.
290. Timmerman testifies that Iranian-Americans feel threatened by the presence of the Iranian regime in the United States. Timmerman says that most Iranians who live in the United States fled the Iranian regime since 1979 and still have family members who live in Iran. Tr. at 133.
291. Timmerman testifies that "there is a tacit understanding that there are lines that they cannot cross in their public activities if they don't want those family members [in Iran] to suffer.

And everybody understands that." Timmerman continues by saying, "you can pick up any Iranian over the age of thirty on the streets today and ask them if they will speak out against the regime, and some of them will, but the great majority will not do so." If you ask why, they reply that they still have family members in Iran and they are afraid for them. Tr. at 134.

292. Timmerman testifies that the fear of Iranian-Americans living in the United States has heightened during the current Obama administration. Tr. at 134.
293. Timmerman testifies that although fear has been heightened in the current Obama administration, the beginning of the regime's intense overseas intimidation began at the end of 1988. The Iranian regime was "preoccupied with fighting Iraq and did not have time to go after ordinary Iranians." Tr. at 134.
294. Timmerman testifies that the Iranian regime was sending hit squads out around the world to assassinate leaders. "They did right from the beginning of the regime. And we have published a database listing something like 200 leaders of oppositional organizations who have been murdered around the world from 1980 to about 1997." Tr. at 135.
295. Timmerman testifies that it is his expert opinion that Iran exercises a control over Iranian-Americans in the United States and that the Iranian regime seek to exercise a control, intimidate and threat. "They certainly seek to exercise control and to intimidate them and to keep them from getting organized or helping organize the opposition inside Iran." Tr. at 136.
296. Timmerman gives an example of the Iranian regime exercising control over Iranian-Americans. When Iran has a presidential election - which occurs every four years - it sets up ballot boxes around the United States. But, the candidates for President are selected by the Supreme Leader and the Guardians Council, so there is already a pre-selection of the candidates. "When they set up these ballot boxes, they will rent a hotel ballroom or they'll rent a restaurant in Detroit, Orange County, California or in Los Angeles, and you have to go and show your Iranian identity card to be able to vote. And it's a way for them to keep control over the community and to keep tabs on everybody and to let them know that they're watching . . . [t]his is all illegal. Tr. at 136.
297. Timmerman attempted to get the FBI investigate the Iranian-American voting process because under certain agreements, the "Iranian regime is not allowed to have any other presence in the United States except for the United Nations mission in New York and the interest section here in Washington, and the restricted movement of Iranian diplomats is restricted to twenty-five miles from each of those places. Tr. at 137.

298. Timmerman testifies that the Iranian government has thirty-nine locations around the United States operating illegally during election times. Tr. at 137.
299. Timmerman testifies that approximately 600,000 Iranians live in Los Angeles, although, "if you talk to Iranians, they will say two million . . ." Tr. at 137.
300. Timmerman testifies that Los Angeles is so heavily populated with Iranians, that the city is nicknamed, "Tehrangeles." Tr. at 137.
301. Timmerman testifies that he personally knows Iranian-Americans who have been here for thirty years and still do not speak English, only Farsi. Tr. at 137-138.
302. Timmerman had some experience with the Mohammadi family (Nasrin, Manouchehr) and was aware of Akbar and Manouchehr being at the forefront of the student Freedom Movement. Timmerman first met Manouchehr when he came to the United States two years before the student uprising in 1999. "He came here in '97. I met him in Washington, Washington D.C., where he was hosted by Iranian-Americans. They wanted to meet him as a prominent student leader in Iran. Tr. at 138.
303. Timmerman and Manouchehr attended a demonstration together in 1997 and Timmerman spent several hours with Manouchehr talking about what he was doing in Iran. Manouchehr agreed to speak with Timmerman on the condition that Timmerman did not publish anything until he gave him permission because . . . "he would risk prison and torture if it became known that he was in the United States and especially talking to me." Tr. at 138.
304. In 1999, Timmerman was "fairly well known" as a journalist and somebody supporting the pro-freedom movement. Tr. at 139.
305. As soon as the uprising began in 1999 at Tehran University, Timmerman knew that Manouchehr and Akbar were involved in the forefront of the movement. Tr. at 139.
306. Timmerman tracked the events of the arrest on his website, iran.org, with a special page on the student movement and the student uprising, in part because of the contact Timmerman had with Manouchehr ahead of time. Tr. at 139.
307. Timmerman's understanding of the goal of the student movement was to break out of the university. "The regime had sealed the gates of the university. it was trying to keep them inside and to kill in silence. It's what they do." Tr. at 139-140.
308. Timmerman believes that the goal of the student movement was to break out of the university and to essentially link hands with ordinary Iranians in Tehran and to make it a

broader movement against the regime. The student movement wanted to link with nationalist groups and anti-regime groups. Tr. at 140.

309. The student movement chanted things like, "Khamenei, Khamenei, you are a murderer, you are an assassin; we want freedom, end to tyranny . . ." Tr. at 140.
310. Timmerman testifies that the student movement organization was secular in nature but there was a student movement organization named Tahkim Bahdat, that was set up by the regime originally and still had a religious background but "became a dissident organization." BV 140.
311. Timmerman testifies that "[s]ecularism is considered anti-Islamic by the Iranian regime, an insult to God, mohareb, and essentially opens people who are arrested and charged with this in the revolutionary courts to the death sentence." Tr. at 141.
312. Timmerman testifies that he was aware that Akbar and Manouchehr Mohammadi were arrested in Iran for their activities and that those arrests could not have occurred without the authority and orders of the Supreme Leader and the President of Iran. Tr. at 140.
313. Timmerman testifies, "The crackdown on the students . . . was ordered by the Supreme Leader after he was implored by a large number of Revolutionary Guard leaders to crack down." He gave the orders." Tr. at 141.
314. Timmerman testifies that he knows this because "[t]his all came out in the Iranian media . . . in the weeks or months afterwards. Timmerman also published much of this information on his website, iran.org. Tr. at 140.
315. Timmerman testifies that the order was given by the Supreme Leader to crack down on the universities because the uprising was seen as a challenge to the regime. Tr. at 142.
316. Timmerman testifies that Akbar Mohammadi may have been the first student to call for a regime change. Tr. at 142.
317. There is a book, Green Revolution, that attributes Akbar as the first student leader who called for regime change. Tr. at 142-143.
318. Timmerman testifies that the orders to torture and murder Akbar and Manouchehr came from the Supreme Leader and President. Akbar was a "high profile dissident and orders to kill high-profile dissidents come from the very top. This is a regime that does not freelance. This is a regime that has multiple centers of power, but when it comes to important things

like killing dissidents, like building nuclear weapons, like sending terrorist teams overseas, they do not freelance. This is done at a very, very high level." Tr. at 143-144.

319. Timmerman testified that there is a case in Argentina where a synagogue was bombed in 1994. It was the Jewish Center, the AMIA. Tr. at 144.
320. Mr. Timmerman is in possession of four photographs that are public source photographs illustrating how the regime uses the torture and brutal punishment as a deterrent. Tr. at 145-146. (Composite Ex. 5).
321. Timmerman testifies that in 1988, the Iranian regime carried out public mass executions of dissidents who had been held in prison. The regime wanted to let everyone know what was going on, and there were tens of thousands of people who were murdered at the end of the Iran-Iraq war. "This is what will happen to you if you oppose the regime." Tr. at 147.
322. Timmerman testifies that the Iranian regime sent their "plainclothes thugs into the student dormitories and trashed the dormitories at the University of Tehran and, in the end, took students and threw them out of the windows of the third floor to their deaths. They did this quite publically. You see them here in this riot gear beating students at the university (pointing to a picture) . . . This is the famous picture of Ahmad Batebi in 1999, holding up the bloody shirt of one of the students who had been thrown from the balcony and saying, 'this is what you did to my friend.'" Tr. at 148.
323. In 2009, after the reelection of Ahmadinejad, massive demonstrations of green people took place in the streets. Tr. at 148.
324. The Iranian regime "will have hundreds of these plainclothes officers riding minibikes in the streets to chase the protesters and to track them down. In some cases, they will take pickup trucks and run them over. . . We have close-ups, and you can see them carrying knives and carrying pistols, and they fire randomly into the crowd and knife people in the crowd. The goal is to create terror, to terrorize the population, and to break the back of the protest movement. Tr. at 148-149.
325. Timmerman showed a photograph of Mohsen Rouholamini, the son of the Revolutionary Guards' general. He was taken among the protestors in June of 2009, to an Iranian prison and raped, brutally tortured, and ultimately murdered after three days. His father, who is a general, gathered hundreds of his friends who were also generals and Revolutionary Guards and confronted the Supreme Leader and told him he has "got to stop." Tr. at 149. (Composite Ex. 4).

326. Timmerman testifies that those Revolutionary Guards, in order to deal with the death of their friends son , knew where to go. "They didn't go to the head of this or that government ministry. They didn't go to the prison warden. They went to see the man in charge because they knew that Khamenei, the Supreme Leader, is the one who gave the orders." Tr. at 150.
327. It does not come as a surprise to Mr. Timmerman that the Iranian government here in the United States continues to threaten Manouchehr with death. Timmerman says he is not surprised because the regime does not give up. "They go after dissidents. And if they can torture them to death, they will. If they can silence them, they will. And if the dissidents continue to speak out, they will hound them. Tr. at 151.
328. Timmerman testifies that he has seen the Iranian regime hundreds of times let people out of prison on furlough and let them go home. But, if they "open their mouth again, they're back in jail and tortured." Tr. at 151.
329. Timmerman testifies that in Amnesty International reports, every year there are new cases where prisoners have been furloughed and then rearrested and tortured to death in prison. Tr. at 151.
330. Timmerman testifies that Iranians in the United States feel threatened and on edge. "Iranian-Americans in general, especially those who go back to Iran periodically or who have family in Iran, know that there are limits to what they can do, what they can say. And those limits are, essentially, criticism of the regime." Tr. at 152.
331. Based on his knowledge and experience, Timmerman feels that Iranian-Americans can be retaliated against on American soil. Tr. at 152.
332. Timmerman emphasizes that the Iranian regime operates under a reign of terror. "They have done it from the beginning. They set out in the first twenty years or so to assassinate the leaders of the opposition. Once they've killed the leaders of all the opposition groups, Kurds, nationalists, you name it, then they went kind of lower down in the hierarchy and went after grassroots activities. Through terror, they seem to control the population and prevent any threats to the regime. They continue to do that today. They do it both inside Iran and outside Iran." Tr. at 154.
333. Timmerman testifies that he is aware that there was a significant uprising in Tehran about three years ago and that a young girl named Neda was gunned down during this uprising. These uprisings occurred before the so-called Arab Spring and the Persian people were ahead of the Arabic people in terms of seeking democracy." Tr. at 155.

334. Timmerman testifies that since the time of the uprising in Iran, there has been an attempt to democratize many Arab countries, yet this has not happened in Iran in spite of the fact that it happened first in Iran. Tr. at 155.
335. Timmerman testifies that what is significant is the U.S. response to the massive uprising in 2009. Three million people in Tehran, Shiraz, Isfahan and other places around Iran, were calling out to America to help them in their struggle for freedom, and the U.S. government stayed silent. Tr. at 155-156.
336. When President Obama did finally say something, he said he would not meddle, sending the death knell to the uprising in Tehran. "People lost hope; they went home, and the uprising ended." Tr. at 156.
337. When President Obama failed to "meddle," the Iranian people lost hope and felt that they had no one to turn to . . . they understood that the regime was stronger than they were." Tr. at 156.
338. Timmerman testifies that this lack of action emboldened the Iranian authorities to be more aggressive with regard to dissidents and others around the world and to operate in the United States in ways they did not before." Tr. at 156.
339. Mr. Timmerman testifies that he is aware that the FBI has a special section in Los Angeles dedicated to Iran. Tr. at 157.

MICHAEL LEDEEN

340. Michael A. Ledeen is over eighteen years old and is a citizen of the United States and resident of the State of Maryland. Ledeen Aff. ¶ 1.
341. Ledeen holds a Ph.D. from the University of Wisconsin-Madison. Ledeen Aff. ¶ 2.
342. Ledeen writes for Pajamas Media and is a "Freedom Scholar" at the Foundation for Defense of Democracies. Aff. ¶ 3.
343. Ledeen appeared before the Senate subcommittee on Security and Terrorism. Ledeen Aff. ¶ 4.
344. Ledeen served in the Reagan Administration as a consultant to the United States National Security Council, the United States Department of State, and the United States Department of Defense. He has also served as a special adviser to Secretary of State Alexander Haig. Ledeen Aff. ¶ 5-6.

345. Ledeen was a consultant for the National Security Advisor Robert C. McFarlane during the Iran-Contra period. Ledeen Aff. ¶ 7.
346. Ledeen has written over thirty non-fiction books including *The Iranian Time Bomb: The Mullah Zealots' Quest of Destruction* which was published by St. Martin's Press in 2007 and *The War Against the Terror Masters: Why It Happened, Where We Are Now, How We'll Win*, which was published by St. Martin's Press in 2002. Ledeen Aff. ¶ 8.
347. Ledeen is a contributing editor on *National Review*, he contributes to the *Wall Street Journal*, and regularly appears on *Fox News* and a variety of other talk shows. Ledeen Aff. ¶ 9.
348. Over the years, Ledeen and his wife have been involved with aiding Iranians who are persecuted within their home country. Ledeen Aff. ¶ 10.
349. Ledeen first became aware of Manouchehr when he heard about this imprisonment and his family's involvement with the student uprising in 1999. Ledeen Aff. ¶ 11.
350. Ledeen was urged to investigate Manouchehr's background and his family's background and to provide him with any support he could. After checking, Ledeen realized Manouchehr's brother was a hero and that they were both imprisoned in Evin prison and tortured by the Iranian regime. Ledeen Aff. ¶ 12.
351. Ledeen aided Manouchehr in coming to the United States by paying for her airfare. Ledeen Aff. ¶ 13.
352. Ledeen is also familiar with Nasrin Mohammadi, Manouchehr's sister, whom he has known since the time he met Manouchehr. Ledeen Aff. ¶ 14.
353. Ledeen testifies under oath that the actions to imprison the Mohammadi family in July 1999 were ordered by the highest authority of the regime, Supreme Leader Ayatollah Ali Khamenei, and Mahmoud Ahmadinejad, President of the Islamic Republic with the goal of stopping the protest. Ledeen Aff. ¶ 15.
354. Ledeen testifies that as part of their goal of stopping the protests, Khamenei and Ahmadinejad ordered the arrest and capture of Akbar and Manouchehr Mohammadi and ordered that the brothers be tortured. Ledeen Aff. ¶ 16.
355. Ledeen has review the Second Amended Complaint and finds it to be highly accurate. Ledeen Aff. ¶ 17.

ALAN KEYES

356. Alan Keyes is over eighteen years old and is a citizen of the United States and a resident of the State of Maryland. Keyes Aff. ¶ 1.
357. Keyes holds a bachelor's degree and Ph.D. in government affairs from Harvard University. Keyes Aff. ¶ 2.
358. President Ronald Regan appointed Keyes as Ambassador to the United Nations Economic and Social Council where he served from 1983-1985. Keyes Aff. ¶ 3.
359. Keyes also served as President Regan's Assistant Secretary of State for International Organization Affairs from 1985 to 1987. Keyes Aff. ¶ 4.
360. Keyes has studied the Islamic republic of Iran and is familiar with its practices and governmental workings. Keyes Aff. ¶ 5.
361. It is Keyes expert opinion that the Iranian regime is at all times plotting to commit terrorist acts in and upon the United States and has been funding terrorist activities throughout the Middle East. Keyes Aff. ¶ 6.
362. It is also Keyes expert opinion, based on his expertise and experience, that all actions undertaken by the Iranian regime, with regard to the arrest, torture, and murder of Iranian dissidents are done under the direct order of the Supreme Leader Ayatollah Ali Khamenei, and Iranian President Mahmoud Ahmadinejad. Keyes Aff. ¶ 7.
363. Keyes has read the Second Amended Complaint and believes it to be accurate. Keyes Aff. ¶ 8.

SUPPLEMENTAL AFFIDAVIT OF MANOUCHEHR MOHAMMADI

364. Manouchehr fled to the United States on or about October 26, 2006. Manouchehr Supp. Aff. ¶ 2.
365. Michael Ledeen and Richard Perle helped him find an immigration attorney in Los Angeles, CA to assist him with his permanent residency in the United States. Manouchehr Supp. Aff. ¶ 3.
366. Since Manouchehr traveled back and forth between Los Angeles and Washington D.C. and lived with friends, he did not have a permanent mailing address. As such, when U.S.

Citizenship and Immigration Services sent him notices to attend immigration interviews, he did not receive them because they were sent to the wrong address. Manouchehr Supp. Aff. ¶ 4.

367. On August 3, 2010, Manouchehr received his permanent residency in the United States. Manouchehr Supp. Aff. ¶ 5.

368. On August 3, 2013, after he is a permanent resident for three years, we will apply for citizenship to the United States. Manouchehr Supp. Aff. ¶ 6.

369. When Manouchehr was in the Islamic Republic, he studied both business and law and was going to be a business attorney. Manouchehr testifies that attorneys in Iran are very wealthy and he would have made an estimated \$20,000 to \$50,000 a month. Manouchehr Supp. Aff. ¶ 7.

370. In addition to being a business attorney, Mohammadi family owned and operated a pastry factory valued at the equivalent of \$2 million. Manouchehr Supp. Aff. ¶ 8.

371. The pastry factory produced pastries and cakes twenty-four hours a day and had yearly profits of \$1 million. Manouchehr Supp. Aff. ¶ 9.

372. Manouchehr owned 30% of the pastry factory, his brother Akbar owned 30%, and his sisters jointly owned 30%. Manouchehr Supp. Aff. ¶ 10.

SUPPLEMENTAL AFFIDAVIT OF LARRY KLAYMAN

373. Larry Klayman is over eighteen years old and is a citizen of the United States. Klayman Aff. ¶ 1.

374. Mr. Klayman is Plaintiffs' legal counsel. Klayman Aff. ¶ 1.

375. Mr. Klayman testifies that around the time he filed the complaint, his Dell computer became infected with thirteen computer viruses, destroying the computer. He has reason to believe that the "hacking" was the result of retaliation by the Defendants, which resulted when he opened a Facebook message sent by someone who he learned was and is an agent of the Iranian regime. Mr. Klayman gave this information to the FBI. Klayman Aff. ¶ 2.

376. Mr. Klayman over the past several years has received death threats upon which information and belief are from the Iranian regime. Klayman Aff. ¶ 3.

377. Mr. Klayman testifies that from the inception of this case, Plaintiffs' counsel estimates that it has expended in excess of \$205,000 in attorney time and costs up to and including the present. Klayman Aff. ¶ 4.

II. CONCLUSIONS OF LAW

1. The Court finds the affidavits offered by plaintiffs' as expert testimony to be admissible pursuant to Fed. R. Evid. 702 and 703. Each of the proffered witnesses are qualified experts by their knowledge, skill, experience, training and/or education on the subject of the Islamic Republic of Iran.

The Court Has Jurisdiction Over All Defendants and All Claims

Subject Matter Jurisdiction

2. The Alien Tort Claim Act, 28 USC § 1350, provides that "[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States."
3. The Torture Victim Protection Act of 1991 (TVPA) 28 U.S.C. § 1350, note § 2(a) authorizes federal courts to entertain civil damage actions against any person who "under actual or apparent authority, or color of law, of any foreign nation either "subjects an individual to torture" or "subjects an individual to extrajudicial killing shall . . . be liable for damages to that individual's legal representative, or to any person who may be a claimant in an action for wrongful death." Pub. L. No. 102-256, 106 Stat. 78 (1992) (codified at 28 U.S.C. § 1350 (1994)).
4. The Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602–1611, provides that a federal district court can obtain personal and subject matter jurisdiction over a foreign entity. A court can obtain personal jurisdiction over a defendant if the plaintiff properly serves the defendant, which has occurred in this case. *See* Amended Order Granting Plaintiff's Motion for Entry of Default, Clerk's Entry of Default (Docket Nos.18, 17).
5. Here, this Court has jurisdiction because service was duly made and Defendants' conduct falls within both the "state sponsor of terrorism" exception set forth in 28 U.S.C. § 1605A. *See* Amended Order Granting Plaintiff's Motion for Entry of Default, Clerk's Entry of Default (Docket Nos.18, 17).
6. The Foreign Sovereign Immunity Act does not preclude actions brought under the Alien Tort Claims Act, 28 U.S.C. 1350 nor the Torture Victim Protection Act of 1991, 28 U.S.C. 1350 note. *Samantar v. Yousuf*, 130 S. Ct. 2278 (2010).

Personal Jurisdiction

7. Courts may exercise personal jurisdiction over a foreign state where the defendant is served. Plaintiffs served Defendants and a default was entered against the Defendants.

See Amended Order Granting Plaintiff's Motion for Entry of Default, Clerk's Entry of Default (Docket Nos.18, 17).

8. Plaintiffs effected service on all Defendants and Defendants did not respond or make an appearance within 60 days. As Defendants received notice through proper service, this Court has personal jurisdiction over them. See Amended Order Granting Plaintiff's Motion for Entry of Default, Clerk's Entry of Default (Docket Nos.18, 17).

Causes of Action

9. Under the Alien Tort Claim Act and the Torture Victim Protection Act, claims are brought under common law tort causes of action and the same damages traditionally available for wrongful death and other common law causes of action are available in this case. See *Doe v. Exxon Mobil Corp.*, 654 F.3d 11, 23 (D.C. Cir. 2011) citing *Sosa v. Alvarez-Machain*, 542 U.S. 692, 725 (U.S. 2004)("[T]he [Alien Tort Claim Act] is a jurisdictional statute that provides U.S. district courts with jurisdiction over civil actions brought by aliens seeking relief for torts committed in violation of the law of nations...").

Wrongful Death

10. Causes of action which could have been brought by the decedent but for decedent's death may be asserted for the benefit of the Estate. See, e.g., D.C. CODE ANN. § 12-101. Such actions are separate and distinct from any claim of wrongful death by decedent's heirs-at-law, *Hoston v. United States*, 566 F.Supp. 1125 (D.D.C.1983). Redundant recovery may not be had under both wrongful death and survival statutes. *Runyon v. District of Columbia*, 463 F.2d 1319 (D.C.Cir.1972).
11. If Plaintiff presents sufficient evidence of conscious pain and suffering, determination of the compensation has largely been relegated to the discretion of the trier of fact by courts in this jurisdiction based upon factors including the duration and nature of the suffering endured. The United States Court of Appeals for the District of Columbia Circuit has firmly established that the trier of fact has broad discretion in calculating damages for pain and suffering. *Taylor v. Washington Terminal Co.*, 133 U.S.App. D.C. 110, 409 F.2d 145, cert. denied, 396 U.S. 835, 90 S.Ct. 93, 24 L.Ed.2d 85 (1969).

Battery

12. To establish liability for the tort of battery in the District of Columbia, a plaintiff need only plead and establish that the defendant caused "an intentional, unpermitted, harmful or offensive contact with his person or something attached to it." *Marshall v. District of Columbia*, 391 A.2d 1374, 1380 (D.C. 1978). A successful battery plaintiff "is entitled at least to nominal damages, as well as to compensation for 'mental suffering, including fright, shame and mortification . . .'" *Id.* (citations omitted). Plaintiffs have properly proven the elements of battery in trial and through their other evidence.

Intentional Infliction of Emotional Distress

13. Under the law of the District of Columbia, a claim for intentional infliction of emotional distress requires a plaintiff to establish that there was “(1) extreme and outrageous conduct on the part of the defendant which (2) intentionally or recklessly (3) causes the plaintiff severe emotional distress.” See *Howard Univ. v. Best*, 484 A.2d 958, 985 (D.C. 1984) (citations and internal quotations omitted). To prevail on an intentional infliction of emotional distress claim, the plaintiff must “establish that the defendant proximately caused an emotional disturbance ‘of so acute a nature that harmful physical consequences might not be unlikely to result.’” *Ridgewells Caterer, Inc. v. Nelson*, 688 F.Supp. 760, 764 (D.D.C. 1988) (citations omitted). District of Columbia courts have awarded compensatory damages under intentional infliction of emotional distress claims for a variety of mental health related consequences of the tortious conduct. See, e.g., *Estate of Underwood v. Nat’l Credit Union Admin.*, 665 A.2d 621, 642 (D.C. 1995) (upholding intentional infliction of emotional distress verdict where plaintiff suffered from, among other things, depression and stress as a result of defendant’s tortious conduct); *Robinson v. Sarisky*, 535 A.2d 901, 906 (D.C. 1988) (plaintiffs’ “feelings of violation, anxiety, and helplessness” and personality changes constituted compensable emotional distress). Plaintiffs have proven that the Defendants are liable under the tort of intentional infliction of emotional distress through their presentation of evidence at trial and through their other evidence.

Private Cause of Action Under the FSIA

14. FSIA, 28 U.S.C. §1605 note, establishes a cause of action for wrongful death proximately caused by an act of state sponsored terrorism. See *Alejandro v. Republic of Cuba*, 996 F.Supp. 1239, 1249-50 (S.D.Fla.1997).
15. Damages available under the FSIA-created cause of action “include economic damages, solatium, pain and suffering, and punitive damages.” See 28 U.S.C. § 1605A(c).
16. The provisions relating to the waiver of immunity for claims against state-sponsors of terrorism are set forth at 28 U.S.C. § 1605A(a). Section 1605A(a)(1) provides that a foreign state shall not be immune from the jurisdiction of U.S. courts against claims such as those presented here where: money damages are sought against [it] for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act if such act or provision of material support or resources is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.
17. For a claim to be heard under the immunity exception of § 1605A, the foreign state defendant must have been designated by the U.S. Department of State as a “state sponsor of terrorism” at the time the act complained of occurred.

18. The U.S. Secretary of State designated the Islamic Republic of Iran as a state sponsor of terrorism on January 19, 1984, and Iran has been so designated ever since. *Estate of Heiser v. Islamic Republic of Iran*, 466 F.Supp.2d 229 (D.D.C. 2006); *Flatow v. Islamic Republic of Iran*, 999 F.Supp. 1, 11. (D.D.C. 1998).
19. The FSIA refers to the Torture Victim Protection Act of 1991 (“TVPA”) for the definition of “extrajudicial killing.” See 28 U.S.C. § 1605A(h)(7). The TVPA provides that: the term “extrajudicial killing” means a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all of the judicial guarantees which are recognized as indispensable by civilized peoples. Such term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation. 28 U.S.C. § 1350 note; see also *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 74 (D.D.C. 2010) (adopting the TVPA definition of “extrajudicial killing” in bombing of U.S. Marine barracks in Beirut, Lebanon).
20. Plaintiffs have established that their injuries were caused by Defendants’ acts of “extrajudicial killing” and/or the provision of “material support” for such acts. See *Doe v. Bin Laden*, 2011 WL 5301586 (2nd Cir. Nov. 7, 2011).
21. Finally, subsection (a)(2)(A)(ii) requires that claims under the immunity exception of § 1605A may be brought where the “claimant or the victim was, at the time the act ... occurred -- (I) a national of the United States; (II) a member of the armed forces; or (III) otherwise an employee of the Government of the United States ... acting within the scope of the employee’s employment....” 28 U.S.C. § 1605A(a)(2)(A)(ii).
22. For the purposes of the FSIA, the U.S. District Court for the District of Columbia has expanded the definition of "national of the United States" to include those who have taken the steps necessary to become permanent residents or citizens and thus have shown their intention of severing ties with their former countries. *Asemani v. Islamic Republic of Iran*, 266 F. Supp. 2d 24, 26-27 (D.D.C. 2003).
23. Plaintiffs have presented evidence that they pledged their permanent allegiance to the United States and are now either citizens of the United States or in the process of becoming citizens. Plaintiffs have satisfied the jurisdictional requirement of §1605A(a)(2)(A)(ii).
24. Once jurisdiction has been established over Plaintiffs’ FSIA claims, the entry of judgment against defendants is appropriate where plaintiffs have established their claim by evidence satisfactory to the Court. 28 U.S.C. § 1608(e). The Court finds that Plaintiffs have satisfied that burden here.
25. The resulting death of Akbar Mohammadi constitutes an “extrajudicial killings” that gives rise to the private right of action under 28 U.S.C. § 1605A(c).

26. Defendants engaged in the torture of Akbar and Manouchehr Mohammadi, as well as Simin and Nasrin Mohammadi, give rise to the private right of action under 28 U.S.C. § 1605A(c).
27. Plaintiffs have established by evidence satisfactory to the Court that the Islamic Republic of Iran and the other defendants were directly responsible for the torture and extrajudicial killing of Akbar Mohammadi as well as the torture of the other Plaintiffs.
28. Under the FSIA, “a ‘foreign state’ . . . includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state” as defined in the FSIA. 28 U.S.C. §1603(a). The FSIA defines the term “agency or instrumentality of a foreign state” as any entity (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of . . . the United States . . . nor created under the laws of any third country. 28 U.S.C. §1603(b)(1)-(3); *see Estate of Heiser, et al. v. Islamic Republic of Iran*, No. 00-cv-2329 (RCL), Consolidated With No. 01-cv-2104 (RCL) (D.D.C. August 10, 2011).
29. The two Iranian individuals, Defendant Ayatollah Ali-Hoseini Khamenei and Defendant Ahmadinejad, each are an “official, employee, or agent of [Iran] . . . acting with the scope of his or her office, employment, or agency” and therefore, Khamenei and Ahmadinejad are legal equivalent to defendant Iran for purposes of the FSIA which authorizes against a cause of action against them to the same extent as it does a cause of action against the “foreign state that is or was a state sponsor of terrorism” itself. 28 U.S.C. §1605A(c). Each of these Defendants is subject to liability under as agents and officials of Iran under §1606A(c) of the FSIA and as co-conspirators, aiders and abettors under the ATCA.
30. The Islamic Republic of Iran is liable for damages caused by the acts of all agency and instrumentality Defendants because “[i]n any such action, a foreign state shall be vicariously liable for the acts of its officials, employees, or agents.” *Id.* 28 U.S.C. §1605A(c).

DAMAGES

31. As a matter of fact and law, the Court awards damages to the Plaintiffs and against Defendants, jointly and severely, in the amount of \$387,198,000.00.

Dated: April 30, 2013

Respectfully submitted,

/s/ Larry Klayman

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