



# Murder at Mykonos: Anatomy of a Political Assassination



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To raise local awareness of human rights violations and international human rights standards inside Iran;

To establish an online archive of human rights documents that can one day be used to develop and support a reckoning process in Iran.

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### **Photographs:**

The main image on the front cover is a picture of the Mykonos Restaurant taken on April 28, 2004 (Photo: Picture Alliance). The picture of former Minister of Intelligence Hojjatoleslam Ali Fallahian which appears at the bottom right of the front cover can be found at [www.iranian.com](http://www.iranian.com). The photographs of the victims on the back cover were provided by Parviz Dastmalchi.

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# 1. Preface

Since the success of the Islamic Revolution, the Government of the Islamic Republic of Iran (IRI) has demonstrated an unwavering commitment to exporting its revolution abroad. One aspect of this campaign has been a commitment to silencing critical voices in the Iranian exile community around the world. Since December 1979 Iranian intelligence agents have assassinated monarchist, nationalist and democratic activists in countries as diverse as the United States, Austria, Dubai, France and Turkey.

Iran is increasingly being held to account for its murderous activities outside its borders. In November 2006 an Argentinean federal judge issued an arrest warrant for eight IRI officials implicated in the bombing of a Jewish cultural center in Buenos Aires in July 1994 which killed 85 people. Those indicted include a former Iranian President Hojjatoleslam Akbar Hashemi Rafsanjani and Iran's former Foreign Minister Ali Akbar Velayati. Arrest warrants for Iranian officials have also been issued by Switzerland in April 2006 for the murder of Professor Kazem Rajavi and by Austria in 1989 for the murder of Kurdish leader Abdol-Rahman Ghassemlou. Iran's former Intelligence Minister, Hojjatoleslam Ali Fallahian, who is featured on the cover of this report, is currently the subject of no less than three separate international arrest warrants.

In this context, the Mykonos case has particular significance because it opens a window on a secret world. The trial of many, but sadly not all, of those involved elicited minute operational details about Iran's program of political assassinations and about the kind of men recruited to carry it out. The testimony of a high-ranking former Iranian intelligence officer with direct experience of such operations provided a rare insight into the political direction behind such attacks. The unprecedented release of German intelligence materials laid bare for public examination the infrastructure that supported Iranian Intelligence operations in Western Europe.

The IHRDC has sifted through all this material, and has conducted fresh interviews and additional research of its own, to produce the first comprehensive publicly available report on the Mykonos case to appear in either English or Farsi. In doing so, it provides human rights campaigners inside Iran, and in the wider human rights community outside, with the materials they need to demonstrate the violent resolve of the IRI to silence dissident voices no matter where in the world they are raised.

In bearing witness, the IHRDC report also pays tribute to the immense courage it takes to make a commitment to free speech and association in the face of such implacable hostility. The Mykonos Case is just one of many incidents in which Iranian political dissidents have paid the ultimate price for such acts of personal conscience.

## 2. Executive Summary

On September 17, 1992 agents of the Islamic Republic of Iran (IRI) murdered three leading members of the Democratic Party of Iranian Kurdistan (PDKI) and one of their supporters in a private dining room at the Mykonos Restaurant in the Wilmersdorf district of Berlin, Germany. The attack was one of a series of assassinations sponsored by the Iranian government after the revolution of 1979 designed to intimidate and disrupt the activities of political opponents of the regime.

- The Mykonos operation was authorized by the Islamic Republic's powerful Special Affairs Committee, which at the time of the murders was headed by Supreme Leader Ayatollah Ali Khamenei and included President Hojjatoleslam Akbar Hashemi Rafsanjani, Minister of Intelligence Hojjatoleslam Ali Fallahian and Foreign Minister Ali Akbar Velayati. The Committee charged Hojjatoleslam Fallahian with superintending the operation.
- The Mykonos operation was carried out by personnel from the Special Operations Council of the IRI Ministry of Intelligence and by freelance operators recruited by agents of the IRI Ministry of Intelligence in the field.
- Hojjatoleslam Fallahian put Abdol-Rahman Banihashemi in charge of the Mykonos team. Banihashemi was assisted in Germany by a locally-based agent of the IRI Ministry of Intelligence called Kazem Darabi. Darabi recruited four Lebanese nationals resident in Germany - Youssef Mohamad El-Sayed Amin, Abbas Hossein Rhayel, Mohammad Atris, and Ataollah Ayad – known to him through their associations with either Hezbollah or Amal - to assist in the operation.
- The primary targets of the Mykonos operation were Dr. Mohammad Sadegh Sharafkandi, the Secretary-General of the PDKI, Fatah Abdoli, the PDKI's European representative, and Homayoun Ardalan, the PDKI's representative in Germany. Nourrollah Dehkordi, a friend of Dr. Sharafkandi, was also killed in the attack, and Aziz Ghaffari, the owner of the Mykonos restaurant, was wounded.
- The actual killings were committed by Abdol-Rahman Banihashemi and Abbas Hossein Rhayel, an experienced Hezbollah operator, who administered the final shots to both Ardalan and Sharafkandi. Youssef Amin provided security for the assassins blocking the entrance to the restaurant for the duration of the attack. Farajollah Haidar drove the getaway car and an Iranian national known only as Mohammad kept the targets under surveillance prior to the attack.
- Although Banihashemi, Haidar and Mohammad were successfully able to escape from Germany, most of the other immediate Mykonos conspirators were soon arrested. German prosecutors indicted Rhayel, Darabi and Amin each on four counts of murder and one count of attempted murder. Two other associates were indicted for aiding and abetting the attacks.
- The Mykonos trial lasted three and a half years. The court met for a total of 246 sessions, heard 176 witnesses, accepted testimony from a former senior intelligence officer of the IRI Ministry of Intelligence, and considered documentary evidence varying from secret intelligence files to tapes of Iranian television broadcasts. Prosecutors successfully obtained convictions in four of the five cases. Rhayel and Darabi both received life sentences for their role in the attack.
- The German authorities concluded that the Iranian government was "directly involved" in the Mykonos assassinations and in March 1996, Chief Federal Prosecutor Kay Nehm took the unprecedented step of issuing an international arrest warrant for the Iranian Minister of Intelligence, Ali Fallahian. The warrant stated that Fallahian was strongly suspected of the murders. Further

warrants were issued for two Tehran-based agents of the IRI Ministry of Intelligence who had played an early role in planning the Mykonos operation. All three men remain at large.

- Outstanding arrest warrants also still exist for Abdol-Rahman Banihashemi and Haidar. Both men are currently believed to be residing safely in Iran.

### 3. Political Context

The Kurdish Democratic Party of Iran (PDKI) is the leading Kurdish political party in Iran<sup>1</sup> and one of the most significant political groups opposing the Islamic Republic. Founded on August 16, 1945 in Mahabad, Iran,<sup>2</sup> the Party's declared objective is to win Kurdish autonomy in administrative, legal and educational matters without jeopardizing Iran's territorial integrity. Its motto is "Democracy for Iran, Autonomy for Kurdistan."<sup>3</sup>

Following the overthrow of Prime Minister Mohammad Mossadeq in a 1953 military coup, Shah Mohammad Reza Pahlavi<sup>4</sup> disbanded the majority of opposition groups. The PDKI was one of the political parties banned by the Shah and the Kurdish movement was driven underground. The downfall of the Pahlavi regime in January 1979 presented the Kurds with an opportunity to once more press for autonomy and many Kurds enthusiastically joined the revolution.<sup>5</sup> The PDKI publicly announced its return to the public stage in March 1979<sup>6</sup> and immediately set about publicizing the Party's proposal for Kurdish autonomy.<sup>7</sup>

The new revolutionary government strongly opposed granting greater autonomy to the Kurdish region. The concept of an autonomous minority was particularly anathema to the clerical establishment which was committed to the goal of creating a unified Islamic community. Distrust was further heightened by sectarian tensions between the mostly Sunni Kurds<sup>8</sup> and the Shiite leadership in Tehran.<sup>9</sup> Armed clashes in Kurdish cities like Sanandaj and Paveh between Revolutionary Guards (*Pasdarān Enghelab Islami*) and PDKI *peshmerga* militia fueled accusations that the Kurdish aspirations went beyond autonomy and that the PDKI's true goal was Kurdish independence.<sup>10</sup>

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<sup>1</sup> The Kurdish inhabited land is split between Iran, Iraq, Turkey and Syria. In Iran, the Kurds inhabit a strip on the western border of Iran from the province of Western Azerbaijan to the northern parts of the Province of Ilam, see [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/kurdish\\_lands\\_92.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/kurdish_lands_92.jpg) and <http://www.kurdistanica.com/english/geography/geography-frame.html>.

<sup>2</sup> *Khudmukhtari Baray-i Kurd, Dimokrasi Baray-I Iran* [Autonomy for the Kurd, Democracy for Iran], AYANDIGAN (Tehran), No. 3306, Esfand 16, 1357 (March 7, 1979).

<sup>3</sup> Id. See also Fereshteh Koohi-Kamali, *Nationalism in Iranian Kurdistan*, in THE KURDS: A CONTEMPORARY OVERVIEW 183-4 (Philip G. Kreyenbroek and Stefan Sperl eds., 1992).

<sup>4</sup> Mohammad Reza Pahlavi was the ruler of Iran from September 16, 1941 until the Iranian Revolution on February 11, 1979. He was the second monarch of the Pahlavi dynasty.

<sup>5</sup> NADER ENTESSAR, KURDISH ETHNONATIONALISM 30 (1992).

<sup>6</sup> *Kuhni-Parastan Hanuz Meidan Ra Khali Nakardeand* [Old Loyalists have yet to leave the stage], AYANDIGAN (Tehran), No. 3306, Esfand 16, 1357 (March 7, 1979). DAVID MCDOWALL, A MODERN HISTORY OF THE KURDS 269 (1996).

<sup>7</sup> The PDKI proposed the creation of a democratic republic in Iran and the establishment of an autonomous Kurdish province within it. Issues of national defense, foreign affairs and trade policy would be solely controlled by the central government. All other government offices in the province would be run locally rather than from the capital. The national army would secure the territorial integrity of the nation, but local government would be responsible for law enforcement in the region. *Ma Khudmukhtari Ra Dar Charchubi-i Iran Mikhahim* [We want autonomy within boundaries of Iran], KEYHAN (Tehran), No. 10672, Farvardin 12, 1358 (April 1, 1979).

<sup>8</sup> The population of Iranian Kurdistan is 98% Muslim. The remaining 2% is made up of Armenian and Assyrian Christians and some Jews. Most of the Muslims are Sunni (75%); the Shiites are mainly concentrated in Kermanshah and Luristan. GHASSEMLOU ET AL., PEOPLE WITHOUT A COUNTRY 110 (Gerard Chaliand ed., Michael Pallis trans., 1980) (1978).

<sup>9</sup> DAVID MCDOWALL, A MODERN HISTORY OF THE KURDS 269 (1996). See also, DAVID MCDOWALL, THE KURDS: A NATION DENIED 74 (1992) and NADER ENTESSAR, KURDISH ETHNONATIONALISM 32-33 (1992).

<sup>10</sup> See for example *Shay'iyih Tajziyih Talabi Kurdha Tawti'ih Ast* [The Kurdish Separatist Rumor is a conspiracy], KAYHAN (Tehran), No. 10625, Bahman 10, 1357 [Januray 30, 1979]; *Ittiham-i Tajziyih Talabi Harbiyih Zang Zadih-i Shudih Ast* [Separatist Accusations Has Become a Rusty Weapon], KAYHAN (Tehran), No. 10628, Bahman 14, 1357 (February 3, 1979); *Nabard-i Khunin-i Musalahan-i Dar Sanandaj* [The Armed and Bloody Conflict in Sanandaj], KAYHAN (Tehran), No. 10665, Esfand 28, 1357 (March 19, 1979); *Tallash Barayih Payan-i Nabardhayih Musalahaniyih Sanandaj* [Efforts for Ending the Armed Conflicts of Sanandaj], KAYHAN (Tehran), No. 10666, Esfand 29, 1357 (March 20, 1979); *Buhran-i Paveh U'j Giriift* [The Paveh Crisis Was Further Heightened], ETELA'AT (Tehran), No. 15930, Mordad 25, 1358 (August 16, 1979).

Following several failed attempts at reconciliation between the government in Tehran and Kurdish leaders,<sup>11</sup> on August 18, 1979, acting as Commander-in-Chief of the armed forces, Ayatollah Khomeini ordered units of the Army and the Revolutionary Guards to intervene in the Province of Kurdistan to restore order and re-establish the authority of the central government.<sup>12</sup> Khomeini dubbed the PDKI the “party of Satan”<sup>13</sup> and the regime made membership of the party a crime against the IRI and therefore punishable according to both Islamic and Iranian law.<sup>14</sup> The PDKI was once more forced underground, and armed confrontations continued between the *peshmerga* and government forces.<sup>15</sup>

In a keynote address broadcast on Radio Tehran on December 17<sup>th</sup>, 1979, Ayatollah Khomeini attacked ethnic identification and calls for greater regional autonomy for Iran’s ethnic minorities as being contrary to Islamic principles and thus, ultimately, counter-revolutionary in character:

Sometimes the word minority is used to refer to people such as the Kurds, Lurs, Turks, Persians, Baluchis, and such. These people should not be called minorities, because this term assumes that there is a difference between these brothers. In Islam, such difference has no place at all. ... There is no difference between Muslims who speak different languages, for instance, the Arabs or the Persian. It is very probable that such problems have been created by those who do not wish the Muslim countries to be united ... they create the issues of nationalism, of pan-Iranianism, pan-Turkism, and such isms, which are contrary to Islamic doctrines. Their plan is to destroy Islam and the Islamic philosophy.<sup>16</sup>

Attempts to broker a ceasefire foundered over IRI demands that the PDKI lay down its arms before meaningful negotiations could take place.<sup>17</sup> The outbreak of the Iran-Iraq war in September 1980 forced the IRI to pay urgent attention to subduing the security threat on its northern border where the government controlled the major Kurdish cities but many rural areas essentially remained under PDKI control.<sup>18</sup> A major IRI offensive in July 1984 succeeded in driving PDKI forces across the border into Iraq.<sup>19</sup>

With the leaders of the PDKI now based outside its borders, the Islamic Republic repeatedly resorted to assassination as a tool to disrupt their activities, an approach it adopted towards all the major centers of

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<sup>11</sup> For example, a delegation was sent on February 14, 1979 by Prime Minister Bazargan (Feb – Nov 1979) headed by Dariush Foruhar (Labor Minister) to Kurdistan. *Ma'muriat-i Vazir-i Kar Dar Kurdistan* [The Mission of the Minister of Labor in Kurdistan], KAYHAN (Tehran), No.10641, Bahman 30, 1357 (February 19, 1979). See also *Muzakirat-i Hayat-i I'zami Dar Marivan Bih Natijh Narisid*, [The Discussions of the Delegation Sent to Marivan Was Fruitless], AYANDIGAN, No. 3408, Mordad 3, 1358 (July 7, 1979), also NADER ENTESSAR, *Kurdish Ethnonationalism* 35 (1992). Another failed attempt at negotiation was led by Ayatollah Taleghani on March 24, 1979. *Id.*, at 36-37.

<sup>12</sup> *Farman-i Imam Bih Unvan-i Ra'is-i Kull-i Quva Darbariyiyh Havadis-i Paveh* [Imam's Order as the Commander in Chief about the Incidents of Paveh], KAYHAN (Tehran), No. 10784, Mordad 27, 1358 (August 18, 1979); See also *Ikhtar-i Imam Bih Saran-i Artish Va Gandarmerie Dar Murid-i Paveh* [Imam's Warning to the Heads of the Army and Gendarmerie about Paveh], ETELA'AT (Tehran), No. 15931, Mordad 27, 1358 (August 18, 1979). See also *Farman-i Imam Bih Vahidhayih Zamini, Hava'i Va Darya'i: Bidun-i Fawt-i Vaght Bih Sanandaj Biravid* [Imam's order to the Army, Navy and Airforce: Go to Sanandaj Immediately], KAYHAN (Tehran), No. 10786, Mordad 29, 1358 (August 20, 1979). See also *Mohajiman-i Paveh Sarkub Shudand* [Paveh's insurgents were crushed], KAYHAN (Tehran), No. 10785, Mordad 28, 1358 (August 19, 1979).

<sup>13</sup> *Payam-i Imam Bih Mardom-i Kurdistan: Hizb-i Dimokrat Hizb-i Shaytan Ast* [Imam's Message to the People of Kurdistan: The PDKI is The Party of Satan], ETELA'AT (Tehran), No. 15934, Mordad 30, 1358 (August 21, 1979).

<sup>14</sup> See *Bah Tasvib-i Shurayih Inqilab-i Islami: Hizb-i Dimokrat-i Kurdistan Qayr-i Qanuni Ilam Shud*, [The Islamic Revolutionary Council Announced: Kurdish Democratic Party is Illegal], KAYHAN (Tehran), No. 10785, Mordad 28, 1358 (August 19, 1979).

<sup>15</sup> NADER ENTESSAR, *KURDISH ETHNONATIONALISM* 38 (1992), DAVID McDOWALL, *THE KURDS: A NATION DENIED* 76 (1992) and Fereshteh Koochi-Kamali, *Nationalism in Iranian Kurdistan*, in *THE KURDS: A CONTEMPORARY OVERVIEW* 185 (Philip G. Kreyenbroek and Stefan Sperl eds., 1992).

<sup>16</sup> David Menashri, *Khomeini's Policy toward Ethnic and Religious Minorities*, in *ETHNICITY, PLURALISM, AND THE STATE IN THE MIDDLE EAST* 216-217 (Milton J. Esman and Itamar Rabinovich eds., 1988).

<sup>17</sup> DAVID McDOWALL, *THE KURDS: A NATION DENIED* 76 (1992); NADER ENTESSAR, *KURDISH ETHNONATIONALISM* 38 (1992).

<sup>18</sup> Michael Rubin, *Are Kurds a pariah minority?*, 70 *Social Research*, 295 (2003), available at: [http://www.findarticles.com/p/articles/mi\\_m2267/is\\_1\\_70/ai\\_102140955](http://www.findarticles.com/p/articles/mi_m2267/is_1_70/ai_102140955) (date of access: Nov. 13, 2006)

<sup>19</sup> PETER PILZ, *ESKORTE NACH TEHERAN* 28 (1997).

political opposition to clerical rule. The IRI pursued PDKI activists in Iraq, Germany, Austria, Turkey, Sweden and Denmark mounting a number of fatal attacks. Prior to the Mykonos murders, the most prominent of these occurred in July 1989 when Dr. Abdol-Rahman Ghassemlou, who had been Secretary-General of the PDKI since 1973, was murdered in Vienna, Austria, in a meeting that had been ostensibly arranged by Iranian officials to discuss a peace settlement.<sup>20</sup>

## 4. Planning and Execution

### 4.1. Ordering the Assassination

The origins of the Mykonos attack can be traced to the decision by the IRI's Special Affairs Committee (*Komitey-e Omour-e Vizheh*) to appoint Hojjatolislam Ali Fallahian, then Iran's Minister of Intelligence, to oversee the elimination of PDKI's leadership.

The Special Affairs Committee was established after Ayatollah Khomeini's death in 1989 to make decisions on important matters of state. The committee's existence is not provided for by the constitution. The fact that the Supreme Leader, Ayatollah Ali Khamenei, is the head of the committee, and that the IRI's "guardianship of the jurist" (*Velayat-e Faqih*) doctrine endows the Supreme Leader with extraordinary powers, effectively places the committee above both the government and the parliament.<sup>21</sup> At the time of the Mykonos assassinations the other permanent members were Akbar Hashemi Rafsanjani, then President; Ali Fallahian, then Minister of Intelligence; Ali Akbar Velayati, then Foreign Minister; Mohammad Reyshahri, a former Minister of Intelligence; Mohsen Rezai, then General Commander of the Iranian Revolutionary Guard; Reza Seifollahi, then head of the Islamic Republic of Iran's police; and Ayatollah Khazali, a member of the Guardian Council.

One of the issues handled by the committee was the suppression and elimination of political opposition to the Islamic Republic. Assassinations both at home and abroad were ordered directly by Ayatollah Khomeini while he was alive.<sup>22</sup> After Khomeini's death, the responsibility for recommending individual assassinations fell to the Special Affairs Committee. Once the committee's recommendation was approved by the Supreme Leader, an individual committee member would be charged with implementing the decision with the assistance of the Ministry of Intelligence's<sup>23</sup> Special Operations Council (*Shoray-e Amaliyat-e Vizheh*).<sup>24</sup> The council's operational commanders received a written order signed by the Supreme Leader authorizing an assassination.<sup>25</sup>

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<sup>20</sup> See PETER PILZ, *ESKORTE NACH TEHERAN* (1997).

<sup>21</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 171 (Mihran Payandih et al. trans. 2000).

<sup>22</sup> Id. See also PARVIZ DASTMLACHI, *RISHIHAY-I IDIULUZHUK TERURISM-I VELAYAT-I FAQIH VA ASNAD-I MYKONOS* [The Ideological Roots of Terrorism of the Velayat-i Faqih and Mykonos Documents], 56 (1997), quoting Abdolhassan Banisadr's testimony to the Mykonos court.

<sup>23</sup> Different documents have referred to this Ministry as MOIS (Ministry of Intelligence and Security), Ministry of Information and Security, or VAVAK (Vezerat-e Ettela'at Va Amniyat Keshvar). IHRDC believes that the name of this entity is the IRI Ministry of Intelligence (Vezerat-e Ettela'at) but uses the other names whenever quoting from original sources.

<sup>24</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 171-2 and 194-5 (Mihran Payandih et al. trans. 2000).

<sup>25</sup> Mesbahi noted, "I myself, in another case, saw such an order with Khomeini's signature, although I was not the operational commander. This case regarded Khusru Harandi (Hadi Khursandi). Mohammad Musavizadih, the Deputy of Mohammad Reyshahri, then Minister of Intelligence and Security, came to Dusseldorf with a copy of the order. There, me and him [Musavizadih] met with the head of the hit team and his deputy....I was their interpreter and translated the order from Farsi to French." Witness statement of Abolghassem Mesbahi (witness C) on Sep. 27, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 187 (Mihran Payandih et al. trans. 2000).

Upon receiving the assignment to eliminate the PDKI leadership, Hojjatoleslam Fallahian directed Mohammad Hadi Hadavi Moghaddam, an agent of the IRI Ministry of Intelligence responsible for gathering information on Kurdish opposition groups and who had contacts amongst the Kurdish diaspora, to gather information about the leaders of the PDKI.<sup>26</sup> Moghaddam's cover as the Director of the Samsam Kala Company, a front company for the IRI Ministry of Intelligence, enabled him to travel overseas and gather a large amount of information on the Iranian expatriate community without arousing suspicion. In the summer of 1991, Moghaddam traveled to Germany to gather intelligence on the activities of local Kurdish opposition activists. Subsequently he prepared a report and presented recommendations to Fallahian.<sup>27</sup> Fallahian forwarded his findings to the Special Operations Council.<sup>28</sup>

In June 1992, two high-ranking agents of the IRI Ministry of Intelligence, Asghar Arshad and Ali Kamali, traveled to Germany.<sup>29</sup> They were given the task of assessing the feasibility of undertaking assassinations in Germany.<sup>30</sup> Fallahian put Abdol-Rahman Banihashemi in charge of undertaking the operation against the PDKI. Banihashemi was familiar with Europe and had proven his suitability for the assignment by leading the hit team that assassinated a former officer of the Imperial Iranian Air Force, Colonel Ahmad Talebi, in Geneva, Switzerland on August 10, 1987.<sup>31</sup>

Once the decision was taken to target PDKI leaders in Germany, the Ministry of Intelligence sought out a local facilitator to provide logistical support for the operation. The local operative they selected was Kazem Darabi, a veteran of the Iranian Revolutionary Guards Corps who had been resident in Germany since 1980.<sup>32</sup> Darabi held a leadership position in the Union of Islamic Student Associations of Europe (UISA) and had a history of violent activism against German-based opponents of the Islamic Republic. Darabi recruited four Lebanese accomplices - Youssef Mohamad El-Sayed Amin, Abbas Hossein Rhayel, Mohammad Atris, and Ataollah Ayad – who were known to him through their prior associations with Lebanese Shi'ite militia groups Hezbollah and Amal.

The final piece of the plan fell into place with the news that Dr. Mohammad Sharafkandi, Homayoun Ardalan, and Fatah Abdoli would arrive in Berlin on September 14, 1992, to participate in the Congress of the Socialist International.<sup>33</sup> The Kurds intended to meet with other Iranian opposition leaders and activists living in Berlin on the evening of Thursday, September 17. The meeting would be held in the Mykonos Restaurant. This was the opportunity that the Ministry of Intelligence had been waiting for, and on or about September 7, 1992 Abdol-Rahman Banihashemi arrived in Berlin to take command of the Mykonos operation.

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<sup>26</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 173 and 178 (Mihran Payandih et al. trans. 2000).

<sup>27</sup> Mykonos Urteil [Mykonos Judgment], Urteil des Kammergerichts Berlin vom 10. April 1997 [Judgement of the Court of Appeal of Berlin on April 10, 1997], OLGSt Berlin, (1) 2 StE 2/93 (19/93), at 22-23 available at: [http://www.kammergericht.de/entscheidungen/Strafsenate/1\\_StE\\_19-93.pdf](http://www.kammergericht.de/entscheidungen/Strafsenate/1_StE_19-93.pdf) (hereinafter Mykonos Judgment).

<sup>28</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 174 (Mihran Payandih et al. trans. 2000).

<sup>29</sup> *Id.* at 174-75.

<sup>30</sup> *Id.* at 175.

<sup>31</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, and Oct. 10, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 176 and 203 (Mihran Payandih et al. trans. 2000).

<sup>32</sup> Memorandum from Grünewald, Official, Bundesamt für Verfassungsschutz [Federal Office for the Protection of the Constitution], to Dr. Kurth, Federal Prosecutor, Generalbundesanwalt beim Bundesgerichtshof [Chief Federal Prosecutor's Office of the Federal High Court] at 2 (Apr. 22, 1993) [hereinafter Grünewald Memo] (on file with IHRDC).

<sup>33</sup> The delegates of the PDKI were in Berlin for a conference of "Sozialistischen Internationale" [Congress of the Socialist International], held from September 15th to the 17th, 1992. BERICHT, ABGEORDNETENHAUS VON BERLIN, DRUCKSACHE 12/5949 [Report, Lower House of Berlin, No. 12/5949], at 85 (1995) (hereinafter Lower House Report) (on file with IHRDC).

## 4.2. Prelude to Murder

On September 13, 1992 the Mykonos conspirators met in Darabi's home in Detmolder Straße 64B, Berlin.<sup>34</sup> Present for the meeting were Banihashemi, Darabi, Mohammad, Amin, Rhayel, and Haidar. Once the meeting was over Darabi took the team to the operational base he had established for them at Senftenberger Ring 7 in Berlin. This was the empty home of an Iranian student, Mohammad Eshtiaghi.<sup>35</sup> Darabi had gained access to Eshtiaghi's home from Bahram Berenjian who was looking after the property in its owner's absence. His logistical role in the operation accomplished, Darabi then traveled with his family to Hamburg to distance himself from what was to come.<sup>36</sup> Elsewhere on September 13, Ali Sabra bought a metallic blue BMW, registration number B-AR 5503, for 3120 Deutsche Marks. The money had been provided by Darabi to procure transportation for the team.<sup>37</sup>

On the morning of September 16, Rhayel and Haidar received an Uzi machine gun, a pistol and two silencers from an unknown source - most likely someone linked to the IRI Ministry of Intelligence as German investigators were subsequently able to link both the pistol and silencers to the IRI.<sup>38</sup> Later the same day an unidentified source made a telephone call to Senftenberger Ring 7 and confirmed the time and place of the PDKI meeting. The team spent the evening familiarizing themselves with the area around the Mykonos restaurant.<sup>39</sup> On the morning of September 17, Rhayel and Haidar went out to purchase a green and black *Sportino* sports bag to carry the weapons in.<sup>40</sup>

At 9:00 p.m. on September 17, the team left Senftenberger Ring 7 for the Mykonos restaurant after receiving confirmation from Mohammad, who was keeping the restaurant under surveillance, that the PDKI party had arrived. Haidar and Rhayel drove the getaway car – the BMW purchased by Ali Sabra – to Prinzregentstraße.<sup>41</sup> Amin and Banihashemi traveled by taxi to Berliner Straße, near the restaurant. They met up with Mohammad near a public payphone. Banihashemi then separated from the group. Mohammad and Amin found him a short while later talking to the driver of a dark Mercedes Benz 190. This individual – who has never been identified – drove off after a short conversation.<sup>42</sup> Amin and Mohammad followed Banihashemi at a discreet distance to Prager Platz. There Rhayel replaced Mohammad. Banihashemi retrieved the sports bag containing the weapons from the getaway car parked in Prinzregentstraße. Banihashemi and Rhayel then armed themselves and walked back to Mykonos accompanied by Amin. Haidar and Mohammad waited behind in the BMW.<sup>43</sup>

## 4.3. The Attack

Dr. Sharafkandi, Ardalan, Abdoli, and Dehkordi had arrived at the Mykonos Restaurant around 7:30 p.m. The restaurant's owner, Aziz Ghaffari, had been asked to contact prominent local Iranian dissidents and invite them to meet with the visitors<sup>44</sup> but Ghaffari apparently botched the assignment extending an

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<sup>34</sup> Anklageschrift, Der Generalbundesanwaltschaft Beim Bundesgerichtshof [Indictment, The Attorney General of the Federal Court] (May 17, 1993), at 27 [hereinafter Indictment] (on file with IHRDC).

<sup>35</sup> Grünwald Memo, *supra* note 32, at 3; Indictment, *supra* note 34, at 27. That summer, Mohammad Eshtiaghi was traveling in Iran. He gave Brendjian a key to his house before he left. *Id.*

<sup>36</sup> Indictment, *supra* note 34, at 28; Mykonos Judgment, *supra* note 27, at 36.

<sup>37</sup> Schlußbericht, Bundeskriminalamt [Final Report, Federal Criminal Police Office of Germany] (Aug. 22, 1993), at 5 and 16 [hereinafter Final Report] (on file with IHRDC); Mykonos Judgment, *supra* note 27, at 36.

<sup>38</sup> Indictment, *supra* note 34, at 28 and 34.

<sup>39</sup> Mykonos Judgment, *supra* note 27, at 41.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 48; Indictment, *supra* note 34, at 29.

<sup>42</sup> Indictment, *supra* note 34, at 19; Sachstandbericht, Bundeskriminalamt [Summary of Facts, Federal Criminal Police Office of Germany] (Nov. 13, 1992), at 8 [hereinafter Summary of Facts] (on file with IHRDC).

<sup>43</sup> Indictment, *supra* note 34, at 29-30.

<sup>44</sup> The individuals invited were: Dr. Nosratollah Barati, Dr. Bahman Niroumand, Dr. Kambiz Rousta, Parviz Dastmalchi, Hamzeh Farahati, Mehdi Ebrahimzadeh Esfehiani, Hassan Jafari and Masoud Mirrashed. Indictment, *supra* note 34, at 20.

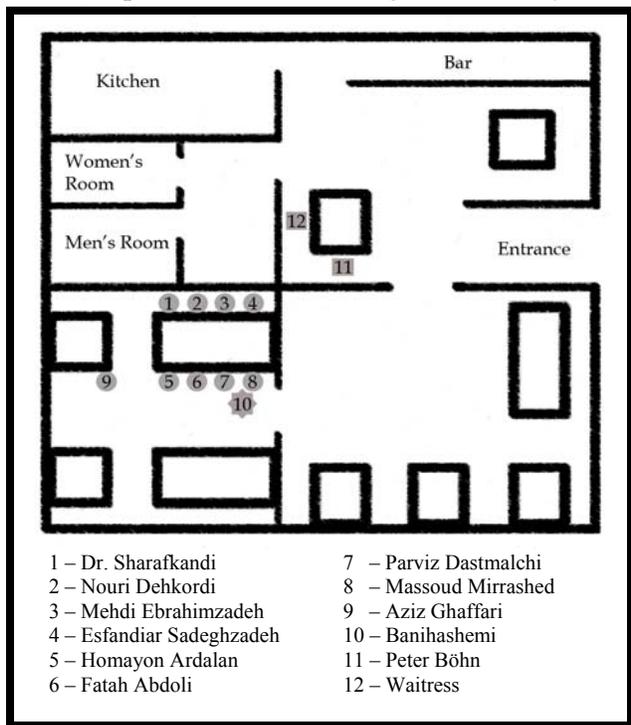
invitation for the following evening by mistake. Once the mix-up was revealed hurried attempts were made to contact those absent.

Quite by chance one of the intended guests, Masoud Mirrashed,<sup>45</sup> was already dining at the restaurant. Another Iranian exile dining at the restaurant, Esfandiar Sadeghzadeh,<sup>46</sup> was also invited to join the party. Both were regulars at Mykonos. The flurry of telephone calls elicited two further missing guests - Parviz Dastmalchi who was a member of the supreme council and executive committee of the Republicans of Iran (*Jumhurikhahan-i Melliy-i Iran*) and Mehdi Ebrahimzadeh Esfahani who was a member of the central council and executive board of the Organization of Iranian People's Majority (*Sazman-i Fadaiyan-i Khalq-i Iran-Aksariyat*).

Parviz Dastmalchi remembers the confusion surrounding the evening:

I received a message from Aziz [Ghaffari] on my answering machine on Wednesday around 5 p.m. regarding a meeting on Friday. I went to the restaurant that same night (Wednesday evening) and Aziz confirmed the meeting and asked me whether I got his message. On Thursday evening around 8:00 p.m. I received a phone call from Nouri [Dehkordi] who mentioned the misunderstanding about the time of the meeting. He explained that Aziz was supposed to have invited people for Thursday evening but he had made a mistake and invited them for Friday. He asked me to join them. When I arrived at the restaurant, Aziz and the PDKI delegates were arguing about the mistake. The delegates insisted that they had not told Aziz that the meeting would take place Friday evening since they were in fact flying out on Friday morning.<sup>47</sup>

Aside from those mentioned above, the only other customers present at Mykonos that night were Peter Böhm, a patron who was sitting at a table by the entrance, and a young couple who left shortly after Ebrahimzadeh arrived. Also present was a waitress, Maria Voltschanskaya.<sup>48</sup>



At approximately 10:50 p.m., the two assassins, Abdol-Rahman Banihashemi and Abbas Hossein Rhayel, entered the restaurant. Youssef Mohammad Amin waited outside blocking the entrance. Banihashemi and Rhayel had been provided with photographs of the targets and were familiar with the layout of the restaurant.<sup>49</sup> As a result, they were able to travel through the premises without hesitation, and carry out the murders within a short period of time. Banihashemi carried an Uzi machine gun inside a sports bag, and Rhayel carried an automatic pistol. Both weapons were equipped with silencers.

Upon entering the restaurant, they moved swiftly to the back room, where the PDKI party and their guests were dining. Two tables were placed close together on the right side of the room along the wall. Mirrashed was sitting at the end of the right

<sup>45</sup> Then member of Sazman-i Fadaiyan-i Khalq-i Iran-Aksariyat [Organization of Iranian People's Fadaian (Majority)]. Indictment, *supra* note 34, at 20.

<sup>46</sup> Former member of Sazman-i Fadaiyan-i Khalq-i Iran-Aksariyat [Organization of Iranian People's Fadaian (Majority)]. He was unaffiliated at the time of the murder. Mykonos Judgment, *supra* note 27, at 42.

<sup>47</sup> Interview with Parviz Dastmalchi, Eyewitness, in New Haven, Conn. (Jun. 13, 2006).

<sup>48</sup> Indictment, *supra* note 34, at 21.

<sup>49</sup> Mykonos Judgment, *supra* note 27, at 44.

table, Dastmalchi, Abdoli, and Ardalan were sitting clockwise to his left; and Sharafkandi, Dehkordi, Ebrahimzadeh Esfahani, and Sadeghzadeh were sitting on the other side of the table. Ghaffari was sitting at the second table, a short distance from the first. The lower end of the table was unoccupied.<sup>50</sup>

Parviz Dastmalchi recalls:

The main topics discussed at the meeting were the situation of the opposition outside of Iran, the PDKI's activities and how to coordinate these activities. Before the discussion started, we chatted about Iranian assassinations abroad. Dr. Sharafkandi said: "I was talking with a *peshmerga*<sup>51</sup> about life and death in the Kurdistan Mountains. He was sitting on the ground. He stood up and jumped over a bush and said, Kak Saeed,<sup>52</sup> the distance between life and death is just like that."<sup>53</sup>

Mehdi Ebrahimzadeh Esfahani adds:

Before the incident, Dr. Sharafkandi, Dastmalchi and Mirrashed were talking about Iran's national interests, territorial integrity and Kurdish autonomy. Dr. Sharafkandi was explaining the PDKI's position in favor of autonomy for the Kurds within Iran. Dr. Sharafkandi emphasized that he felt just as Iranian as anyone else.<sup>54</sup>

It was at this moment that Banihashemi entered into the room shouting in Persian, "You sons of whores!" and opened fire immediately. It was clear from where he directed his fire that Sharafkandi, Ardalan, and Abdoli were the primary targets. After two bursts from Banihashemi's Uzi, Rhayel, who had followed Banihashemi into the room, administered head shots to both Ardalan and Sharafkandi. Between them the assassins fired thirty shots in total.

Parviz Dastmalchi describes the moment the gunmen opened fire:

I was talking with Dr. Sharafkandi, when Mirrashed who was sitting on my right interrupted us and started talking. When I turned to face Mirrashed, I saw [someone] behind him. I thought another guest must have arrived, so I looked up to see who it was. I was not able to see his face. The assailant's face was covered with what looked like a handkerchief at the time, but which later turned out to be his sweater. A machine gun appeared just to the right of my face aimed at Dr. Sharafkandi. I saw the first three cartridge-shells jumping out. I fell backwards under a table. Abdoli fell under the table as well, about 50-60 cm away from me. His mouth was full of blood and he was dying. I did not move at all. After the second salvo I looked up to see if the murderer had left. I saw an arm with a pistol pointing towards Dr. Sharafkandi. At this time I realized that there were two people involved, since this person's coat was black and white, while the first person had been wearing a green coat. I thought he would shoot Abdoli first and then me, but after a few seconds, I heard my name called by Ebrahimzadeh [Esfahani] and I came out and asked for help.<sup>55</sup>

Ebrahimzadeh Esfahani was sitting next to another of the victims, Nouri Dehkordi:

While Mirrashed was talking with Dr. Sharafkandi, I saw an unusual expression cross his face... then I heard somebody say in Persian, "you sons of whores!" I looked up and saw someone about 180 centimeters tall. His face was covered, but I was able to see his eyes and his low forehead. I also saw gunfire coming from him, aimed at Dr. Sharafkandi. I reflexively pushed Esfandiar [Sadeghzadeh] down with my left hand and pulled Nouri [Dehkordi] down with my right. Esfandiar went under the table and I, still in my chair, ducked my head underneath. Nouri, who was slumped against me, had been shot as I was pulling him down and his blood was on my shirt. I heard two salvos and then at least two separate shots. After a long silence, I recovered from the shock and began calling out to the others. Nouri was still alive. Blood was coming out from his mouth, and he

<sup>50</sup> PARVIZ DASTMALCHI, *TIRURISM-I DULATI-I VILAYAT-I FAQIH* [State terrorism of the Velayat-e Faqih], 217 (1995).

<sup>51</sup> Peshmerga refers to Kurdish militias.

<sup>52</sup> Refers to Dr. Sharafkandi. Kak means friend and Saeed was Dr. Sharafkandi's alias.

<sup>53</sup> Interview with Parviz Dastmalchi, Eyewitness, in New Haven, Conn. (Sep. 7, 2006).

<sup>54</sup> Telephone interview with Mehdi Ebrahimzadeh, Eyewitness (Jan. 2, 2007).

<sup>55</sup> Interview with Parviz Dastmalchi, Eyewitness, in New Haven, Conn. (Sep. 7, 2006).

was breathing noisily. Dr. Sharafkandi was lying over Nouri, and Ardalan and Abdoli were in pools of blood on the other side of the table. Ghaffari was on the floor. He was alive.<sup>56</sup>

Sharafkandi, Ardalan, and Abdoli were all killed during the attack, and Dehkordi died shortly afterwards in the hospital. Using his Uzi, Banihashemi focused on the PDKI leaders and fired twenty-six shots to Abdoli, Ardalan, Sharafkandi, and Dehkordi. Ghaffari, who was standing to the left of Ardalan, was caught in the line of fire. Though Ghaffari was shot twice, once through his right leg and then again through his kidney, he survived the attack.<sup>57</sup>

Rhayel shot Ardalan once in the back of his head, and Sharafkandi twice in the head, and once in the neck. Altogether, Sharafkandi was struck by twelve bullets - in his head, neck, and abdomen. He received wounds to his lungs, liver, and kidneys.<sup>58</sup> Rhayel's final shots were unnecessary.<sup>59</sup> Ardalan was shot four times in the chest. The subsequent forensic examination revealed that Ardalan might have survived but for the final shot to his head.<sup>60</sup> Abdoli was hit by four rounds from the Uzi. One hit his heart, killing him instantly. Dehkordi was shot seven times. He was taken to the Steglitz Clinic, where he died at 12:25 AM on September 18, 1992, due to internal and external bleeding, as a result of a bullet that hit his chest and passed through his body.<sup>61</sup>

#### 4.4. The Getaway

Once Rhayel had administered the final shots to Sharafkandi and Ardalan, the two assassins left the restaurant the way they had come in. Once outside, Rhayel and Banihashemi were joined by Amin and the three men ran to Prinzregentstraße where two other accomplices, Mohammad and Farajollah Abu Haidar, were waiting with a getaway car.<sup>62</sup>

The five men drove off at a high speed, nearly hitting a cyclist. In the car, Amin took off the coat and shirt he had been wearing and put them in a bag. Amin then cleaned the pistol and put it in the sports bag containing the Uzi.<sup>63</sup> Banihashemi and Rhayel left the getaway car at Bundesplatz U-bahn station.<sup>64</sup>

Amin and Mohammad exited the vehicle at Konstanzer Straße and went their separate ways.<sup>65</sup>

Amin, while walking towards the Konstanzer Straße U-bahn station, left the bag containing his discarded clothes on the sidewalk.<sup>66</sup> Haidar abandoned the BMW on Cicerostaße and left the sports bag containing the weapons hidden from view under a car in the same street.<sup>67</sup>



<sup>56</sup> Telephone interview with Mehdi Ebrahimzadeh, Eyewitness (Jan. 2, 2007).

<sup>57</sup> Mykonos Judgment, *supra* note 27, at 45-46; Indictment, *supra* note 34, at 31.

<sup>58</sup> Mykonos Judgment, *supra* note 27, at 46.

<sup>59</sup> Professor Schneider, Direktor des Institut für Rechtsmedizin der Freien Universität Berlin [Director of the Institute of Forensic Medicine, Free University of Berlin], Mykonos Judgment, *supra* note 27, at 321-323.

<sup>60</sup> *Id.* at 321.

<sup>61</sup> Mykonos Judgment, *supra* note 27, at 46.

<sup>62</sup> Final Report, *supra* note 37, at 7. See also Summary of Facts, *supra* note 42, at 9.

<sup>63</sup> Mykonos Judgment, *supra* note 27, at 47.

<sup>64</sup> Summary of Facts, *supra* note 42, at 9.

<sup>65</sup> Indictment, *supra* note 34, at 32.

<sup>66</sup> Mykonos Judgment, *supra* note 27, at 48.

<sup>67</sup> Indictment, *supra* note 34, at 32.

## 5. Arrests and Trial

### 5.1. Police Investigation

The *Sportino* sports bag abandoned by Farajollah Haidar on the night of the murders, which contained the weapons used in the Mykonos operation, was found by an employee of the Berolina car dealership on September 22, 1992.<sup>68</sup> The recovered weapons were formally identified as an Israeli-manufactured Uzi machine gun and a Spanish Llama X-A automatic pistol.<sup>69</sup> Also in the bag were two silencers.<sup>70</sup> Comparative tests on these silencers and those used in the assassination of Iranian oppositionists Ali Akbar Mohammadi in Hamburg on January 16, 1987<sup>71</sup> and Bahman Javadi in Cyprus on August 26, 1989<sup>72</sup> revealed significant similarities in the manufacturing and design characteristics.<sup>73</sup> The German police were able to match the serial number of the Llama automatic pistol used by Rhayel to a shipment delivered by the Spanish manufacturer to the Iranian military in 1972.<sup>74</sup>

The forensic examination of the weapons by the German authorities found Abbas Rhayel's palm print on one of the pistol magazines recovered from the sports bag and also traces of blood from one of the Mykonos victims, Nouri Dekhordi, on the pistol itself.<sup>75</sup> When the abandoned getaway car was finally recovered by police investigators in October 1992, a spent Uzi cartridge was found inside, as was a plastic shopping bag with Amin's fingerprint on it.<sup>76</sup>

Within a few weeks of the shooting, the German authorities had rounded up five of the suspected perpetrators. Pursuing leads generated by the German foreign intelligence service, the Bundesnachrichtendienst (BND), the German police were able to locate both Amin and Rhayel at Amin's brother's house in Rheine. Amin and Rhayel were arrested on October 4, 1992.<sup>77</sup> Atris was arrested three days later, and Darabi on October 8, 1992.<sup>78</sup>

After hearing of the arrests of his associates, Ataollah Ayad sought to leave Germany. He did not have enough money to buy a ticket, so he began calling different contacts seeking their assistance.<sup>79</sup> In November 1992 he met with Mohammad Chehade, the Amal Militia's representative in Germany and the chairman of the Lebanon Solidarity Society. Ayad described his role in the preliminary planning of the Mykonos assassinations, named the participants involved, and requested money. Chehade declined to assist him. Ayad was arrested on December 9, 1992 in Berlin.<sup>80</sup>

The remaining suspects - Banihashemi, Haidar, Sabra, and Mohammad - escaped arrest. Banihashemi reportedly left Berlin immediately after the assassination and traveled through Turkey back to Iran. Mohammad likewise left by the same route.<sup>81</sup> Haidar escaped to Lebanon where he lived for some time before moving to Iran. He has since been reported to be working for the Iranian Revolutionary Guards

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<sup>68</sup> Indictment, *supra* note 34, at 34; Mykonos Judgment, *supra* note 27, at 48.

<sup>69</sup> The Uzi is a 9mm caliber weapon which typically utilizes a magazine containing 32 rounds. The Llama X-A is a 7.65 mm automatic pistol with an 8 round magazine.

<sup>70</sup> Indictment, *supra* note 34, at 34.

<sup>71</sup> James. M Markham, *Bonn May Balk at Extraditing Terror Suspect*, N.Y. TIMES, Jan. 17, 1987 at A6.

<sup>72</sup> Patrick E. Tyler, *Iranian Seen as Victim Of Assassination Plan*, WASH. POST, Sep. 9, 1989 at A9.

<sup>73</sup> Memorandum from Bruno Jost, Senior Public Prosecutor, to K.R. Braun, Federal Criminal Police Office of Germany, *Ermittlungsverfahren Ali Fallahijan wegen Mordes u.a. [Preliminary Investigation of Ali Fallahian for Murder Among Other Things]* (Dec. 4, 1995) at 4 [hereinafter Jost Memo].

<sup>74</sup> Final Report, *supra* note 37, at 21.

<sup>75</sup> Indictment, *supra* note 34, at 34.

<sup>76</sup> Mykonos Judgment, *supra* note 27, at 48.

<sup>77</sup> Summary of Facts, *supra* note 42, at 17-18.

<sup>78</sup> Final Report, *supra* note 37, at 15 and 17.

<sup>79</sup> Mykonos Judgment, *supra* note 27, at 104.

<sup>80</sup> Final Report, *supra* note 37, at 15.

<sup>81</sup> Mykonos Judgment, *supra* note 27, at 48.

Corps.<sup>82</sup> After Sabra learned of media reports concerning the arrests of Amin and Rhayel and saw their pictures in the newspaper, he feared he might be next and decided to flee Germany. He traveled first to Bulgaria and then to Lebanon, where he is currently believed to be working for the Hezbollah spiritual leader, Sheikh Sayyed Mohammad Hussein Fazlollah.<sup>83</sup>

## 5.2. Indictment

The investigation of the Mykonos operation was headed by German Federal Prosecutor Bruno Jost. On May 17, 1993 Jost announced the indictment of Amin, Darabi and Rhayel on four counts of murder and one count of attempted murder, and the indictment of Atris and Ayad on four counts of aiding and abetting murder and one count of aiding and abetting an attempted murder.

The indictment, signed by Germany's chief federal prosecutor, Alexander von Stahl, asserted that Darabi's assignment was to "liquidate" the PDKI leaders as part of a "persecution strategy of the Iranian Ministry of Intelligence against the Iranian opposition."<sup>84</sup>

## 5.3. Trial

The trial of the five Mykonos suspects opened on October 28, 1993 in the Berlin Court of Appeal. The trial lasted three and a half years. The court met for a total of 246 sessions, heard 176 witnesses, and considered documentary evidence varying from secret intelligence files to tapes of Iranian television broadcasts.<sup>85</sup> The trial also featured statements from one of the accused, Youssef Amin, and heard the testimony of a former senior official of the IRI Ministry of Intelligence, identified in court only as "witness C."

Several witnesses testified regarding the relations and affiliations of the accused with Hezbollah, Amal or the IRI. Testimony recounted the history of the Islamic Republic's involvement in assassinations and its targeting of political opposition groups. Witnesses Shahed Hosseini and Abdollah Ezatpour, who succeeded Abdoli and Ardalan respectively in the PDKI,<sup>86</sup> explained to the court the reasons underlying tensions between the PDKI and the Islamic Republic.<sup>87</sup> Dr. Manouchehr Ganji,<sup>88</sup> head of the France-based "Flag of Freedom" (*Derafsh-e Kaviyani*) opposition party, described other murders and assassination attempts on members of his own political party.<sup>89</sup>

Former Iranian President Abdolhassan Banisadr<sup>90</sup> testified that the Mykonos murders had been personally ordered by Ayatollah Sayyed Ali Khamenei, Iran's Supreme Leader, and President Akbar Hashemi Rafsanjani.<sup>91</sup> In an interview with IHRDC conducted in January 2007 Banisadr stated that he had

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<sup>82</sup> Interview with Parviz Dastmalchi, Eyewitness, in New Haven, Conn. (Sep. 7, 2006).

<sup>83</sup> Mykonos Judgment, *supra* note 27, at 51-52.

<sup>84</sup> Thomas Sancton, *Iran's State of Terror*, TIME, Nov. 1996 at 78.

<sup>85</sup> James Walsh, *Iran's Smoking Gun*, 149 TIME 16, ¶ 1 (April 21, 1997) at [http://www.time.com/time/magazine/1997/int/970421/europe.irans\\_smoking.html](http://www.time.com/time/magazine/1997/int/970421/europe.irans_smoking.html).

<sup>86</sup> Mykonos Judgment, *supra* note 27, at 334.

<sup>87</sup> *Id.* at 324-25.

<sup>88</sup> Dr. Manouchehr Ganji was the head of the Faculty of Law of the Tehran University and Iran's Minister of Education under the Shah.

<sup>89</sup> Mykonos Judgment, *supra* note 27, at 357-60.

<sup>90</sup> Abolhassan Banisadr was the first elected President of Iran after the 1979 Revolution. He served from January 25, 1980 to June 20, 1981 when he was impeached. In exile in France, Banisadr now publishes the biweekly newspaper "*Enghelabe Eslami*," reporting on the current situation in Iran. See <http://www.banisadr.com.fr>.

<sup>91</sup> PARVIZ DASTMALCHI, RISHIYAY-I IDIULUZHAK TERURISM-I VELAYAT-I FAGHIH VA ASNAD-I MYKONOS [The Ideological Roots of Terrorism of the Velayat-i Faghih and Mykonos Documents], 56-57 (1997).

confirmed this information with well-placed sources with direct knowledge of the inner workings of the IRI Ministry of Intelligence.<sup>92</sup>

Banisadr also described for the court the role played by the IRI's Special Affairs Committee in commissioning and overseeing political assassinations.<sup>93</sup> He asserted that the recommendation to assassinate an opposition figure is usually first made by the Committee and then carried out with the consent of both Khamenei and Rafsanjani. Thus, he concluded,

The person who ordered this attack, under the current Iranian constitution and under Islamic law, can be no other than Khamenei himself.<sup>94</sup>

#### 5.4. Witness "C"

The key prosecution witness was a former senior Iranian intelligence official known during the trial only as witness "C"<sup>95</sup> but who was subsequently identified as Abolghassem (Farhad) Mesbahi.<sup>96</sup> Abolghassem Mesbahi was in charge of the intelligence station in the Iranian Embassy in Paris in the early 1980s. His activities were directed primarily against exiled opponents of the Iranian government.<sup>97</sup>

Mesbahi was declared *persona non grata* by the French government and expelled in 1983 for intelligence activities incompatible with his diplomatic status. He was transferred to the Iranian Embassy in Bonn where he served as the intelligence coordinator for Western Europe and continued to monitor the Iranian opposition.<sup>98</sup> Mesbahi testified that in 1984, he had been involved in an assassination attempt on the exiled Iranian dissident and satirist Hadi Khorsandi in London.<sup>99</sup>

In 1985, Mesbahi went back to Iran to assist in founding the new Ministry of Intelligence. In 1986, he served as deputy head of the international and political office of the Foreign Ministry for six months and was then put in charge of United Nations affairs.<sup>100</sup> In 1987, he went to Switzerland to obtain a PhD. During this period Mesbahi acted as a back-channel for Rafsanjani's<sup>101</sup> contacts with European

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<sup>92</sup> Telephone interview with Abolhassan Banisadr, Activist (Jan. 4, 2007).

<sup>93</sup> *Iran on Trial*, THE WALL ST. J., Nov. 25, 1996 at A18.

<sup>94</sup> Ian Traynor, 'Iran Terrorism' Trial Comes to Climax, THE GUARDIAN, April 10, 1997 at 10.

<sup>95</sup> He was introduced to the court on September 5, 1996, by Banisadr. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 161 (Mihran Payandih et al. trans. 2000).

<sup>96</sup> The government of Iran went to some lengths to discredit Mesbahi and claimed that he had never had any connection to the Ministry of Intelligence. Mykonos Judgment, *supra* note 27, at 336. The Court was able to find corroboration for Mesbahi's statements. Mesbahi described the countries he traveled to and the missions he was on, and the court reviewed photocopies of his passports and visas, which supported his account. In addition, concerning the true nature of the UISA and the Islamic centers, Mesbahi gave answers which matched the expert testimonies of Professor Steinbach. Mesbahi's behavior during the depositions did not provide any reason to question the veracity of his statements, and he made precise distinctions between what he knew from his own experiences and what he had learned from conversations with other people or from hearsay. In order to establish the credibility of the information he received, he quoted the names of his sources and their functions within different state agencies, when it was possible to do so without risk involved. The court was able to check the facts by comparing them with other witness testimony, and could not find any discrepancies with regard to the historical evolution of the PDKI, the policy of Iranian leaders in response to the Kurdish opposition, the attack on Dr. Ghassemlou, the relations between Iran and Hezbollah, and the functions of Iranian institutions in Germany. Mykonos Judgment, *supra* note 27, at 335-345.

<sup>97</sup> Mykonos Judgment, *supra* note 27, at 335.

<sup>98</sup> *Id.*

<sup>99</sup> Hadi Khorsandi is a prominent contemporary Persian poet and satirist. Since 1979, he has been the editor and writer of the satirical journal *Ashgar Agha*. In the attempt, Mesbahi was the interpreter. He translated the order from Farsi to French to the hit team. The night before murder implementation, Mesbahi called UK police and revealed the plan. UK police arrested the suspects and find the weapons. Witness statement of Abolghassem Mesbahi (witness C) on Sep. 27, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 187 (Mihran Payandih et al. trans. 2000).

<sup>100</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 25, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 165 (Mihran Payandih et al. trans. 2000).

<sup>101</sup> Rafsanjani was the head of Parliament at this time.

governments and the United States.<sup>102</sup> In this position he was involved in freeing Rudolf Cordes, a West German hostage seized in Beirut by the Shi'ite group Holy Strugglers for Freedom in January 1987 and held until September 1988. He also met former U.S. President Ronald Reagan, French President François Mitterand and a former French Foreign Minister, Roland Dumas.

In November 1988, after meeting with former U.S. President Jimmy Carter, Mesbahi came back to Iran only to be confronted with accusations that he was a double-agent. He was arrested but released from prison after only three months. He remained under house arrest for another year and half. Having been dismissed from the Ministry of Intelligence, he started a private business to support himself. On March 19, 1996 Mesbahi was warned by Ali Fallahian's deputy, Saeed Emami, that the Special Affairs Committee had ordered his assassination.<sup>103</sup> He left Iran for Pakistan on April 18, 1996. After making contact with former Iranian President Abdolhassan Banisadr he moved to Germany where he was granted political asylum.

Mesbahi had personal experience working in the field as an Iranian Intelligence officer when Ayatollah Khomeini directed assassination operations. As a result, he was able to brief the Berlin Court in some detail about the *modus operandi* used by Iranian operatives, which he believed had not changed much since Ayatollah Khomeini's day. Mesbahi also shared with the court specific information about the Mykonos operation that he had learned from five different sources inside Iran.<sup>104</sup> It was Mesbahi who revealed that the Special Affairs Committee had considered different assassination strategies for targeting the leaders of the PDKI in Germany and that Asghar Arshad and Ali Kamali, the two high-ranking agents of the IRI Ministry of Intelligence, had been sent to Germany in June 1992 to assess the feasibility of mounting an attack in the Federal Republic.

Mesbahi had learned much of what he knew about the Mykonos operation directly from Abdol-Rahman Banihashemi, who he met through a mutual friend. He told the court that Banihashemi had mentioned to him that the operation was codenamed "*Faryad Bozorg Alawi*."<sup>105</sup> This can be roughly translated as the "the outcry of the Shiite religious leader."<sup>106</sup>

Mesbahi's testimony was supported by other witnesses. Both Professor Udo Steinbach<sup>107</sup> and Professor Heinz Halm,<sup>108</sup> prominent German Middle East experts, agreed that the IRI had an established program which sought the elimination of Iranian dissidents. Paris assistant district attorney Patrick Lalande, who had direct experience of investigating such activities, told the court:

The Iranians are extraordinarily determined in their efforts to assassinate members of their opposition abroad. They will tell you that they treat their opponents abroad just as they treat them at home and that this is a purely domestic affair.<sup>109</sup>

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<sup>102</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 25, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 166 (Mihran Payandih et al. trans. 2000).

<sup>103</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 171 (Mihran Payandih et al. trans. 2000).

<sup>104</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 27, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 183-86 (Mihran Payandih et al. trans. 2000).

<sup>105</sup> After the assassinations, the BfV discovered the codename and were able to verify Mesbahi's testimony. Mykonos Judgment, *supra* note 27, at 135 and 331-33.

<sup>106</sup> Mesbahi explained the code word by word: Alavi as synonym to Shiite, Bozorg in here means the religious leader, Khamenei, and Faryad means shouting or outcrying. Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 177 (Mihran Payandih et al. trans. 2000).

<sup>107</sup> Professor Udo Steinbach is the director of the German Institute for Middle East Studies in Hamburg and has traveled frequently to Iran to study the development of Iran into the Islamic Republic. Mykonos Judgment, *supra* note 27, at 334.

<sup>108</sup> A leading German Islamist and a specialist in Ismaili studies, Dr. Heinz Halm is Professor of Islamic Studies at the University of Tübingen. Mykonos Judgment, *supra* note 27, at 334.

<sup>109</sup> William Drozdiak, *German Court: Tehran Ordered Exile Killings*, THE WASH. POST, April 11, 1997 at A1.

Powerful corroboration for Mesbahi's testimony also came from a remarkably frank interview given by the Minister of Intelligence and Head of the National Security Council, Hojjatolislam Ali Fallahian, to the Iranian television station IRB on August 30, 1992, a tape of which was shown to the court. During the interview, given less than a month before the Mykonos assassinations, Fallahian explained that his organization had been successful in disrupting the activities of opposition groups in many ways:

Overall, no opposition groups can be found in this nation at present. They have been forced to flee... We are currently following them and are constantly watching them outside of this nation. We have infiltrated their central organizations and are informed of their activities. We have been able, thanks to God, to keep their activities under our constant control... Furthermore, we have been able to strike a blow at many of these opposition groups outside or close to our boundaries. As you know, one of these active opposition groups is the Kurdish Democratic Party (PDKI), which through two organs, the main group and the auxiliary department, operates in Kurdistan... we have been able to strike decisive blows at their cadres. The respective main group and auxiliary department suffered severe blows and their activities shrank.<sup>110</sup>

Another important indication of Iranian state involvement in the assassinations offered by the witnesses was the fact that on September 16, 1992, the day before the Mykonos murders, a state of military alert had been declared in Kurdistan by the government in Tehran. The witnesses argued that this was evidence that the Islamic Republic wished to be prepared for any adverse reaction by the Kurds when the news of the assassinations broke. There was no other obvious reason for the alert. Shahed Hosseini testified that such action was typically taken on the potentially volatile anniversaries of other similar events, such as the murder of the former PDKI leader Dr. Ghassemlou.<sup>111</sup>

## 5.5. BfV Report on the Mykonos Assassinations

On December 19, 1995 the Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*, better known by the acronym BfV)<sup>112</sup> submitted its report to the German Prosecutor's office on the direct involvement of the Ministry of Intelligence in the Mykonos assassinations. The report stated the following:

A department of the Ministry of Information and Security<sup>113</sup> was directly involved in the assassination of the Kurdish leaders on September 17, 1992 in Berlin. This department which is responsible for assassinations and is known as the "special operations unit,"<sup>114</sup> has been for some time after the members of the PDKI. A team from this department, for example, was responsible for the Ghassemlou assassination.

The Ministry of Information and Security sent an assassination team to Berlin from Tehran at the beginning of September. The team met with local agents, to research and plan the assassination.

The team used a Ministry of Information and Security source to concretely establish when and where the leadership of the PDKI was going to meet. This source - based on the BfV's information - was in the restaurant during the assassination. After the assassination the [Ministry of Information and Security] team left Berlin for Iran using a carefully set plan.<sup>115</sup>

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<sup>110</sup> Jost Memo, *supra* note 73, at 3.

<sup>111</sup> Mykonos Judgment, *supra* note 27, at 355.

<sup>112</sup> The BfV is the German government organ responsible for gathering and analyzing information related to security threats and monitoring intelligence activities carried out on behalf of foreign powers. It is authorized to gather information through undercover agents, covert surveillance, and mail and telephone interception. Bundesamt für Verfassungsschutz, *Tasks*, [http://www.verfassungsschutz.de/en/en\\_about\\_bfv/tasks.html](http://www.verfassungsschutz.de/en/en_about_bfv/tasks.html) (accessed: Jan 3, 2007).

<sup>113</sup> See footnote 23 regarding the name of this ministry.

<sup>114</sup> Mesbahi referred to this entity as the "Special Operations Committee"

<sup>115</sup> Memorandum from Grünewald, Official, Bundesamt für Verfassungsschutz [Federal Office for the Protection of the Constitution], to Bruno Jost, Senior Public Prosecutor, Generalbundesanwalt beim Bundesgerichtshof [Chief Federal Prosecutor's Office of the Federal High Court] at 2 (Dec. 19, 1995) (on file with IHRDC).

In his closing statement in November 1996, German Federal Prosecutor Bruno Jost told the Court:

It is not possible to avoid mentioning the state terrorist background of the murder.<sup>116</sup>

## 5.6. Arrest Warrant Issued for Ali Fallahian

Three weeks before the Mykonos trial began, the Iranian Minister of Intelligence, Hojjatoleslam Ali Fallahian, flew to Bonn to meet with Germany's most senior intelligence official, Minister of State Bernd Schmidbauer. Fallahian requested that the five Mykonos suspects be freed and sought to stop the prosecution.<sup>117</sup> Schmidbauer rejected Fallahian's request.

Indeed, German prosecutors were so convinced of Iran's complicity in the assassinations that Chief Federal Prosecutor Kay Nehm took the unprecedented step of issuing an international arrest warrant for Fallahian on March 14, 1996. The warrant stated that Fallahian was strongly suspected of ordering the murders.<sup>118</sup>

News of the warrant led to demonstrations in Iran. In front of the German Embassy in Tehran, protestors burned the flags of the U.S. and Israel. Seyed Hossein Mousavian, the Iranian ambassador to Germany, attributed the incident to the demonstrators' patriotism and explained that the arrest warrant was an insult not only to Fallahian, but to the whole of the cabinet, indeed all the people of Iran.<sup>119</sup>

Vague threats also appeared in news stories released by the Islamic Republic News Agency (IRNA) relating to the arrest warrant. IRNA reported that the German judiciary's issuance of the arrest warrant "could create a danger for Germans abroad," because "other nations" might follow the German precedent and issue arrest warrants *in absentia* for citizens of Germany.<sup>120</sup> Mahmoud Mohammadi, the spokesperson for the Foreign Ministry, stated that there was "absolutely no evidence" to justify the warrant.<sup>121</sup> These statements were echoed by the Iranian Embassy in Germany which expressed the desire to hold the German Attorney-General accountable in front of the international community. Ambassador Mousavian went on to state that if European nations continued to treat Iran in the same manner as America and Israel did, then those European nations would be treated in the same manner by Iran.<sup>122</sup>

In an interview with *Der Spiegel*, President Rafsanjani said that he did not blame the German government for the Mykonos trial and the arrest warrant issued for Fallahian. He suggested that "American or Israeli agents had a hand in the process or that the judiciary was simply making a mistake."<sup>123</sup>

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<sup>116</sup> Patrick Clawson, *Europe's "Critical Dialog" with Iran: Pressure for Change*, PolicyWatch 242, ¶ 6 (April 9, 1997) at <http://www.washingtoninstitute.org/templateC05.php?CID=1121>

<sup>117</sup> Fallahian lobbied to get the trial quashed and specifically asked "the German side to influence the Mykonos proceedings." Thomas Sancton, *Iran's State of Terror*, TIME, Nov. 1996 at 78. Bruno Jost, the prosecutor, noted that, "[t]he brazen attempts by the Tehran government to influence the proceedings, point to this having happened on Iran's orders." REUTERS, *German Prosecutor Demands Life Sentences* (Nov. 15, 1996).

<sup>118</sup> Haftbefehl, Der Minister für Nachrichtendienste und Sicherheitsangelegenheiten der Islamischen Republik Iran Ali Falahijan [Arrest Warrant, for Ali Falahian, the Minister of Intelligence and Security of the Islamic Republic of Iran, Ali Falahian], Dr. Wolst, Federal High Court Judge, (March 14, 1996). *Die Agenten schlafen nur*, DER SPIEGEL, at 40-41, 13/1996 (March 25, 1996).

<sup>119</sup> *Konstruierte Beweise*, FOCUS, at 42, 13/1996 (March 25, 1996).

<sup>120</sup> *Die Mullahs schlagen zurück*, DIE TAGEZEITUNG (March 20, 1996).

<sup>121</sup> *Hich Madraki Dal Bar Vujud-i Ertebat Maghamat-i Iran Ba Parvande Matroohe Dar Dadghah Berlin Vujud Nadarad* [There is no document proving that there is a connection between IRI's officials and the presented case in Berlin's court], RESALAT (Tehran), Esfand 27, 1374 (March 17, 1996). See also *Teheran über Haftbefehl gegen Minister empört*, SÜDDEUTSCHE ZEITUNG 65 (March 18 1996).

<sup>122</sup> *Die Mullahs schlagen zurück*, DIE TAGEZEITUNG, (March 20, 1996).

<sup>123</sup> *Europa soll sich schämen*, DER SPIEGEL, AT 176, 42/1996 (October 14, 1996).

## 5.7. The Judgment

The Berlin Court of Appeal finally issued its judgment on April 10, 1997. Kazem Darabi was convicted and sentenced to life imprisonment. The judgment noted: “Darabi... organized the killings for the Iranian secret service. He knew the goal and willingly participated in the destruction of four human lives.”<sup>124</sup> Abbas Hossein Rhayel was also convicted and sentenced to life in prison. The court found Rhayel guilty of firing at least some of the fatal shots.<sup>125</sup> Youssef Mohamad El-Sayed Amin was found guilty as an accessory to the four murders and was sentenced to 11 years in prison.<sup>126</sup> Mohammad Atris was also convicted of being an accessory to the murders and was sentenced to 5 years and three months.<sup>127</sup> Ataollah Ayad was acquitted and released after being remanded in custody pending trial for four years.<sup>128</sup>

The Court found that the motives of the accused were political, because they advocated a fundamentalist regime in Iran and were ready to support their cause by murdering opposition leaders.<sup>129</sup> In his 395-page decision, the presiding Judge, Frithjof Kubsch, pointedly noted that the trial had proved “Iran’s political leadership ordered the crime.”<sup>130</sup> Kubsch did not identify any Iranian officials by name, but he noted that witness testimony and other evidence showed that Iran’s Special Affairs Committee had ordered the murders, and that the supreme leader, president, foreign minister and intelligence minister were all active members of that committee:

The previous statements make it clear, that the assassination of the leaders of the DPK-I (PDKI) under Dr. Sharafkandi, was neither the act of individuals, nor caused by conflicts within the opposition groups themselves. Rather, the assassination is the result of the work of the rulers in Iran.

The accused ... had neither personal relationships with the victims nor any other interest that would lead to an independent resolution to plan such an act. Even Darabi would, due to his intelligence connections and his subordination to the political interests of the regime, not plan an assassination without an appropriate order, and because of logistical reasons, he would not even have been able to carry one out without outside help.

The evidence makes it clear that the Iranian rulers, not only approve of assassinations abroad and that they honor and reward the assassins, but that they themselves plan these kinds of assassinations against people who, for purely political reasons, become undesirable. For the sake of preserving their power, they are willing to liquidate their political opponents.<sup>131</sup>

Consequently, without naming them, Kubsch implicated Supreme Leader Ayatollah Khamenei, President Akbar Hashemi Rafsanjani, Foreign Minister Ali Akbar Velayati and Intelligence Minister Ali Fallahian:

The political leaders of Iran gave the order for the murders, for the sole purpose of staying in power. Those who issued the orders and pulled the strings were Iranian state functionaries.<sup>132</sup>

For the first time in German legal history, a higher court had clearly assigned responsibility to another state in a murder trial.<sup>133</sup> Germany withdrew its ambassador from Tehran and encouraged other EU nations to do the same. As a gesture of solidarity with Germany, fourteen EU countries suspended

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<sup>124</sup> Mykonos Judgment, *supra* note 27, at 385.

<sup>125</sup> *Id.* at 375.

<sup>126</sup> *Id.* at 386.

<sup>127</sup> *Id.* at 390.

<sup>128</sup> *Id.* at 3-4.

<sup>129</sup> *Id.* at 375.

<sup>130</sup> *CNN Worldview: Germany Isolates Iran After Accusing Leaders of Killings* (CNN television broadcast, Apr. 10, 1997).

<sup>131</sup> Mykonos Judgment, *supra* note 27, at 368-70.

<sup>132</sup> Mary Williams Walsh, *German Court Finds Iran’s Leaders Ordered Slayings*, THE L.A. TIMES, April 11, 1997, at A1.

<sup>133</sup> SÜDDEUTSCHE ZEITUNG (April 11 1997).

diplomatic relations with Iran, as did New Zealand and Australia,<sup>134</sup> but most missions returned to Tehran within the month.<sup>135</sup>

The Iranian government made its displeasure with the judgment very clear. Demonstrations of varying size occurred in Tehran and Qom over the course of several days.<sup>136</sup> President Rafsanjani, speaking during a Friday sermon said that the judgment was political and predicted that it would go down in history as being “shameless.” He stated that Germany had “broken the hearts of millions,” and that “the judgment will neither be forgotten easily nor remain unanswered.” He continued to threaten somewhat ambiguously that Germany would “lose its privileges” in Iran.<sup>137</sup>

Ayatollah Khamenei blamed the German government in Bonn for the judgment and commented that Germany had lost the trust of the Iranian people.<sup>138</sup> When the German ambassador finally sought to return to Tehran, Ayatollah Khamenei gave the foreign ministry specific instructions to refuse the ambassador accreditation, insisting that the German government had perniciously accused Iran of a crime it had not committed.<sup>139</sup>

## 6. Conclusion

The Islamic Republic of Iran has long been committed to eradicating centers of political opposition to the regime both at home and abroad. Between 1979 and 1996, the leadership of the Islamic Republic ordered a series of high profile political assassinations, many of which occurred in Western Europe. After Ayatollah Khomeini’s death in 1989, the responsibility for directing this campaign was assumed by the Special Affairs Committee headed by Khomeini’s successor as Supreme Leader, Ayatollah Ali Khamenei. Operational responsibility for carrying out the Special Affairs Committee’s instructions fell to the Special Operations Council of the Ministry of Intelligence.

The Mykonos case provides the best insight to date into Iran’s campaign of overseas assassinations. The operation vividly illustrates Iran’s use of terrorist proxies to pursue its targets where its own local resources are lacking. The plan was both cheap and effective. The *modus operandi* used by the Mykonos team limited the exposure of the Ministry of Intelligence assets but made little attempt to disguise the origins of the operation or mislead investigators. No attempt was made to remove the serial numbers from the weapons used in the attack nor was any serious attempt made to dispose of them so that they could not be traced back to Iran. This suggests that the IRI may have seen some advantage in confirming to the opposition community that it was behind the attacks.

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<sup>134</sup> *Iran Droht mit Konsequenzen*, DIE WELT (April 12, 1997).

<sup>135</sup> *Konter aus Europa*, FOCUS, at 390 19/1997.

<sup>136</sup> *Guzarish-i Nukhustin Vakunishhayih Dakhili va Baynulmillali Alayhih Janjal-i Mykonos; Alman dar Tirras-i Khashm va T'iraz-i Jahan-i Islam* [Report of the First Domestic and International Reactions Against the Mykonos Ruckus; Germany is Vulnerable to Anger and Protest of the Muslim World] KAYHAN (Tehran), No. 15903, Farvardin 23, 1376 (April 12, 1997) *Khashm va Nifrat-i Mardum-i Iran Az Ra'y-i Siyasiyyih Dadgah-i Berlin Bah Rahpiyma'i Bih Suyih Sifarat-i Alman Surat Girift* [Anger and Hatred of the People of Iran was Expressed by Way of a Demonstration Towards the German Embassy] and *Bah Anjam-i Yik Rahpiyma'i Ba Shukuh, Mardum-i Qom, Siyasathayih Alman Ra Alayhih Iran Mahkum Kardand* [citizens of Qom condemned Germany's Policies towards Iran with a glorious Demonstration] ETELA'AT (Tehran), No. 21023, Farvardin 23, 1376 (April 12, 1997).

<sup>137</sup> *Irans Präsident droht Deutschland*, FRANFURTER RUNSCHAU, at 2 (April 12 1997). See also *Tahlil-i Ra'is Jumhuri Az Bunbast-i Muzakirat-i Sazish-i Khavar-i Miyanih Va Tasir-i An Dar Ray-i Dadgah-i Mykonos* [The President's Analysis of the Fruitless Middle East Discussions and Its Effects on the Mykonos Judgment], ETELA'AT (Tehran), No. 29023, Farvardin 23, 1376 (April 12, 1997).

<sup>138</sup> *Chamenei gibt Bonn Schuld an Mykonos-Krise*, BERLINER ZEITUNG (April 17, 1997).

<sup>139</sup> *Konter aus Europa*, FOCUS, at 390 19/1997.

Perhaps the most significant aspect of the Mykonos episode is the unwavering hostility the IRI demonstrated towards the PDKI. Dr. Sharafkandi was the second leader of the PDKI to be murdered in a European city in three years. In all, IHRDC is aware of dozens of rank and file members of the PDKI killed by the Iranian regime outside its borders, mostly in Iraq. The calm professionalism of the Mykonos killers is emblematic of the ruthlessness with which the Islamic Republic has consistently sought to counter its political opponents.

## Methodology

IHRDC gathered information for this report from the examination of the following sources:

- *Testimony of victims and witnesses.* These included witness statements taken by the IHRDC attorneys, accounts written at the time of the events, and personal memoirs.
- *Government documents.* These include recorded public statements by state officials in both Iran and Germany, statements released by Iranian and German government agencies, and documents relating to the judicial proceedings in Germany, including transcripts of courtroom testimony.
- *Books and articles written by private individuals.* These include newspaper reports, magazine articles, and accounts written by the survivors of the attack.
- *Photographs of the crime scene.* Photographs of the interior of the Mykonos Restaurant after the attack were released to the public.

Where the report cites or relies on information provided by government actors or other involved parties it specifies the source of such information and evaluates the information in light of the relative reliability of each source. The documents cited in this report can be reviewed in their original format at [www.iranhrdc.org](http://www.iranhrdc.org).

IHRDC follows the transliteration system used by *International Journal of the Middle East Studies*. Well-known Iranian proper names are presented as they usually appear in the press.

Finally, in the interests of full disclosure, the IHRDC wishes to place on record that eyewitness Parviz Dastmalchi was employed by the Center as a consultant for the duration of much of this project, conducting invaluable research on our behalf in the German records of the Mykonos incident.

## Annex A: Victims

The Mykonos victims were specifically targeted because of their affiliation with the PDKI. Three of the victims, Sharafkandi, Ardalan, and Abdoli, were prominent, high-ranking members who had worked on behalf of the party for years. Dehkordi, a friend of Sharafkandi, had been acting as an interpreter for the others at the Socialist International Congress.

### *Dr. Mohammad Sadegh Sharafkandi*

Dr. Mohammad Sharafkandi was born in Bokan, Iran on January 11, 1938. He received his degree in chemistry at the Institute of Higher Education in Tehran and went on to study at the University of Sorbonne, Paris, where he received his PhD in analytical chemistry in 1976. While studying in Paris in 1973, he joined the PDKI. After returning to Iran in 1976, while teaching at the Teachers' Higher Training College in Tehran, he became the representative of the PDKI's Secretary-General, Dr. Abdol-Rahman Ghassemlou. In 1980, he became a member of the PDKI Central Committee<sup>140</sup> and was put in charge of the party's operations in Tehran. In the summer of 1980 he moved to the Kurdistan Province in Iran and the Central Committee elected him to be a member of the PDKI's Political Bureau, the highest echelon of the PDKI leadership. He was in charge of the party's publicity efforts. In 1986, he became the PDKI's Deputy Secretary-General and assumed the title of interim Secretary-General after Dr. Ghassemlou's assassination on July 13, 1989. In December 1991, he was unanimously elected Secretary-General of the PDKI.<sup>141</sup>

### *Fatah Abdoli*

Fatah Abdoli was born in Naghade, Iran on April 15, 1961. He joined the PDKI as a student and by 1980 he was one of its active members. After the Sixth Congress, he served as an alternate member of the Central Committee and as head of the PDKI Committee in Sanandaj, the capital of Kurdistan Province in Iran. At the Seventh Congress, he was elected as a member of the Central Committee and was assigned to head the Committee of Sardasht in western Azarbayejan, Iran. He succeeded Abdollah Ghaderi,<sup>142</sup> after the latter's murder in 1989, as the PDKI's principal representative in Europe.<sup>143</sup>

### *Homayoun Ardalan*

Homayoun Ardalan was born in Saghez, Iran on February 2, 1950. During the 1979 revolution, he left his studies at the University of Sanandaj to join the PDKI. He was elected as a member of the Central Committee in 1984 and then became the head of the PDKI Committee in Saghez. After the Eighth Congress, in 1988, he moved to Germany as the PDKI's local representative.<sup>144</sup>

### *Nourollah Mohammadpour Dehkordi*

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<sup>140</sup> The PDKI party members elect local representatives who hold meetings known as a Congress. At a Congress, representatives determine the policy direction of the PDKI and elect a Central Committee. This Central Committee is responsible for carrying out the policies of the Congress. The Central Committee assigns its members to different sub-committees, elects the Political Bureau and the Secretary General. Interview with Parviz Dastmalchi, Eyewitness, in New Haven, Conn. (Sep. 7, 2006).

<sup>141</sup> *Zindiginame-i Shuhada* [Biography of Martyrs], *Bulitan Kurdistan* [Kurdistan Bulletin], Nov. 1992, at 18, 18.

<sup>142</sup> Abdollah Ghaderi was the PDKI's European representative and was assassinated together with Dr. Ghassemlou and Fazel Rasoul in July 13, 1989, in Vienna, Austria.

<sup>143</sup> *Zindiginame-i Shuhada* [Biography of Martyrs], *Bulitan Kurdistan* [Kurdistan Bulletin], Nov. 1992, at 18, 19. *See also* Summary of Facts, *supra* note 42, at 4.

<sup>144</sup> *Zindiginame-i Shuhada* [Biography of Martyrs], *Bulitan Kurdistan* [Kurdistan Bulletin], Nov. 1992, at 18, 20. *See also* Summary of Facts, *supra* note 42, at 4.

Nouri Dehkordi was born on March 30, 1946 in Shahr-e Kord, Iran. He left Iran in the 1960s, first traveling to Austria and then to Berlin in 1970. While studying in Austria and Germany, he joined the World Iranian Students Confederation,<sup>145</sup> actively opposed the Shah, advocated freedom for political prisoners and promoted human rights and democracy. He returned to Iran to participate in the revolution against the Shah in 1979. At the beginning of the revolution, he was co-founder of a new political organization which advocated socialist ideas simply named, “Left.” After the Islamic Revolution “Left” became known first as the “Left Union” and later as the “Council of the United Left.” In the summer of 1981 he came under investigation for his political activities and was forced to leave his family and go into hiding. In 1982, he went to the Kurdistan Province of Iran to help the PDKI and then returned to Germany in 1984, where he was granted political asylum. He was employed by the Red Cross in 1986 as a social worker and remained politically active.<sup>146</sup> He was a close friend of both Dr. Sharafkandi and his predecessor Dr. Ghassemlou. Although not a professional interpreter or a PDKI activist, he was serving as a translator for the PDKI delegation to the Socialist International Congress as a personal favor to Dr. Sharafkandi.

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<sup>145</sup> Confedrasion-e Jahaani-e Daneshaamoozaan va Daneshjooyan-e Irani (dar Kharej-e Keshvar)

<sup>146</sup> *Zindiginame-i Shuhada* [Biography of Martyrs], *Bulitan Kurdistan* [Kurdistan Bulletin], Nov. 1992, at 18, 21. *See also* Summary of Facts, *supra* note 42, at 4.

## Annex B: Perpetrators

The Mykonos operation brought together experienced operators from the Iranian Ministry of Intelligence and the Lebanese Shi'ite militia groups Hezbollah and Amal.<sup>147</sup> The majority of the assembled team members were already resident in Germany, but several key roles were played by Iranian agents who traveled to Germany specifically for the operation.

### *Abdol-Rahman Banihashemi (aka Sharif)*

Abdol-Rahman Banihashemi was an established agent of the IRI Ministry of Intelligence with experience in overseas operations. He worked directly under Fallahian and had previously been active for the Ministry of Intelligence in Lebanon and Switzerland.<sup>148</sup> Banihashemi arrived in Berlin around September 7, 1992 to take command of the Mykonos operation.<sup>149</sup> After the operation, he traveled back to Iran through Turkey. Once home he was reportedly rewarded with a Mercedes-Benz car by the IRI Ministry of Intelligence in recognition of his service to the state.<sup>150</sup> He was also awarded shares in several companies belonging to the intelligence agency.<sup>151</sup>

### *Kazem Darabi*

Kazem Darabi, who acted as the local facilitator for the Mykonos operation, has been identified as an active agent of the IRI Ministry of Intelligence<sup>152</sup> and as a member of the Revolutionary Guards.<sup>153</sup> Darabi was also a leading figure at Berlin's Imam Jafar Sadeqh mosque. The German Federal Office for the Protection of the Constitution (BfV) believed the mosque to be strongly associated with Hezbollah sympathizers.<sup>154</sup> Darabi is believed by the BfV to have served as the conduit between Hezbollah operatives in Berlin and the Islamic Republic of Iran.<sup>155</sup>

Darabi was born on March 22, 1959 in Kazeroon, Iran, and had resided in Germany since June 6, 1980.<sup>156</sup> Darabi first attracted the notice of German security officials in April 1982, when authorities in Dortmund issued a warrant for his arrest<sup>157</sup> because of his alleged role in an attack on Iranian students opposed to Ayatollah Khomeini who lived in the University of Mainz international student dormitory. The students were violently assaulted by a mob of eighty-six Khomeini sympathizers.<sup>158</sup>

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<sup>147</sup> Known by the acronym "Amal", *afwaj al-muqawamah al-lubnaniyyah* (the Lebanese Resistance Detachments) is a Shiite militia and political movement that has operated in Lebanon since it was created in the mid-1970s by al-Sayyid Musa al-Sadr. Augustus Richard Norton, *Hizballah: From Radicalism to Pragmatism?*, 5 Middle East Pol'y Council J. 4, ¶ 8 (January 1998), at [http://www.mepec.org/journal\\_vol5/9801\\_norton.asp](http://www.mepec.org/journal_vol5/9801_norton.asp).

<sup>148</sup> Mykonos Judgment, *supra* note 27, at 31.

<sup>149</sup> *Id.*

<sup>150</sup> Witness statement of Abolghassem Mesbahi (witness C) on Sep. 26, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 182 (Mihran Payandih et al. trans. 2000).

<sup>151</sup> Witness statement of Abolghassem Mesbahi (witness C) on Oct. 02, 1996. *SYSTEM-I JINAYATKAR:ASNAD-I DADGAH-I MIKUNUS* [Criminal System: Documents of the Mykonos Case] 205 (Mihran Payandih et al. trans. 2000)

<sup>152</sup> Grünewald Memo, *supra* note 32, at 1.

<sup>153</sup> *Id.* at 4.

<sup>154</sup> Mykonos Judgment, *supra* note 27, at 189.

<sup>155</sup> Grünewald Memo, *supra* note 32, at 5.

<sup>156</sup> Antrag auf Erteilung einer Aufenthaltserlaubnis [Application for a Residence Permit], Kazem Darabi, (Nov. 30, 1981) (on file with IHRDC).

<sup>157</sup> Haftbefehl: Gegen den Kazem Darabi [Arrest Warrant: for Kazem Darabi] (on file with IHRDC). See also DER FALL "MYKONOS" III: DOKUMENTATIONEN BEHAIMBERICHTE UND ZEITUNGS-AUSCHNITTE ZUM STAATSTERRORISMUS IRAN'S [The Mykonos Case III: Documents, Intelligence Reports and Newspaper Clippings Regarding the State Terrorism of Iran] 20-24 (Komitee der Iranischen Opposition in Exil Gegen Terror [The Committee of the Iranian Opposition in Exile Against Terror] ed., date unavailable) (hereinafter Mykonos III) (on file with IHRDC).

<sup>158</sup> Entscheidung des 1. Kammer des Verwaltungsgerichts Mainz [Judgment of the 1<sup>st</sup> Administrative Court of Mainz], No. 603514, at 2-4, June 24, 1982. See also Mykonos III, *supra* note 157, at 44-46.

In May 1982, Darabi was convicted of assault and battery for his part in the student dormitory attack<sup>159</sup> and the presiding judge ordered his expulsion from Germany.<sup>160</sup> He appealed the decision and the Iranian embassy in Bonn also intervened on his behalf.<sup>161</sup> Darabi was released. He moved to Berlin where he enrolled at the Technical Professional School of Berlin (*Technische Fachhochschule Berlin*) in 1983.<sup>162</sup> Darabi joined the Islamic Student Association of Berlin (*Anjoman-e Islami Daneshjooyan Berlin*) shortly after his arrival in the city. He became a member of the Association's Executive Board in July 1984.<sup>163</sup>

Darabi also held a leadership position in the Union of Islamic Student Associations of Europe (*Etehadkiye Islami Daneshjooyan Oroopa*), or UISA, from 1984, a position he still retained at the time of the Mykonos incident.<sup>164</sup> The UISA, which became a firmly pro-Khomeini organization after the Islamic Revolution of 1979,<sup>165</sup> arranged religious-political demonstrations and published books, magazines, newspapers and manifestos to advance the ideology of the Islamic Republic of Iran.<sup>166</sup> Its other activities included gathering news and intelligence, identifying opponents of the IRI and combating the activities of Iranian opposition figures.<sup>167</sup>

To fulfill these duties, the UISA cooperated with other Islamic groups, notably Hezbollah, as well as Iranian organizations and institutions such as embassies and cultural offices.<sup>168</sup> In 1984 Iran's Ministry of Culture and Islamic Guidance, which was controlled by members of the Revolutionary Guard Corps, took over the UISA. From that time onwards, UISA acted as an intelligence and security arm of the Revolutionary Guard Corps.<sup>169</sup> After the creation of the IRI Ministry of Intelligence in October 1985, UISA was transformed into a branch of the IRI Ministry of Intelligence and its leaders were appointed from the Ministry of Intelligence's ranks.<sup>170</sup>

Darabi was actively involved in gathering information on dissidents and opposition groups during this period. On April 24, 1991, Darabi was recorded on a BfV telephone intercept passing information that he had collected on a Kurdish-Iranian student - a member of the Kurdish student union and the Iranian opposition - to Mohammad Amani-Farani, the Iranian Consul-General in Berlin. Darabi reported to Amani-Farani that he had been conducting surveillance on the student.<sup>171</sup>

Darabi has also been linked to an attack that took place at the 1991 Iran Cultural Festival in Dusseldorf. Organized by the Iran Ministry of Culture and Islamic Guidance, this festival was held from September 12 through October 31, 1991.<sup>172</sup> Darabi was recorded on a BfV telephone tap receiving instructions from someone at the Iranian cultural center (*Khaneh-e Iran*) in Köln associated with the IRI Ministry of

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<sup>159</sup> Letter from Der Polizeipräsidium Mainz [the Police Headquarters of Mainz], to Stadtverwaltung Mainz [the Mainz City Administration] (May 10, 1982) (on file with IHRDC), and Entscheidung des 1. Kammer des Verwaltungsgerichts Mainz [Judgment of the 1<sup>st</sup> Administrative Court of Mainz], at 2-4, June 24, 1982.

<sup>160</sup> Letter from Der Polizeipräsidium [the Police Headquarters of Mainz], to Kazem Darabi (May 7, 1982) (on file with IHRDC).

<sup>161</sup> Letter from Gadegast, Official, Landeseinwohneramt Berlin [Residence Authority of Berlin], to Stadtverwaltung Mainz [The City Administration of Mainz] (April 28, 1987) (on file with IHRDC).

<sup>162</sup> Memorandum from Dr. Müller-Zimmermann, to Innenminister/-senatoren der Länder [the ministers and senators of the interior of the States] (Sep. 24, 1987) (on file with IHRDC).

<sup>163</sup> Letter from Utecht, Official, Der Polizeipräsident in Berlin [Office of the Chief of Police in Berlin], to Landeseinwohneramt Berlin [Residence Authority of Berlin] (Feb. 26, 1987) (on file with IHRDC). *See also* Mykonos III, *supra* note 157, at 25.

<sup>164</sup> Mykonos Judgment, *supra* note 27, at 13 and 172.

<sup>165</sup> According to Professor Udo Steinbach is the director of the German Institute for Middle East Studies in Hamburg and has traveled frequently to Iran to study the development of Iran into the Islamic Republic. Mykonos Judgment, *supra* note 27, at 334.

<sup>166</sup> Based on testimony of Roozitalab, Sabet, Ameli, Bahman Berenjian, and Zavareh, members of the union. Mykonos Judgment, *supra* note 27, at 182-83.

<sup>167</sup> Grünewald Memo, *supra* note 32, at 3; Mykonos Judgment, *supra* note 27, at 182-84.

<sup>168</sup> Grünewald Memo, *supra* note 32, at 3.

<sup>169</sup> Mykonos Judgment, *supra* note 27, at 183.

<sup>170</sup> *Id.* at 184.

<sup>171</sup> Grünewald Memo, *supra* note 32, at 2; Mykonos Judgment, *supra* note 27, at 185.

<sup>172</sup> Mykonos Judgment, *supra* note 27, at 186.

Intelligence<sup>173</sup> to gather some ‘Arab friends’ from Berlin and go to Dusseldorf.<sup>174</sup> Amin, Rhayel, and Ayad were among the people recruited by Darabi. According to Amin’s later court testimony, they armed themselves with pistols, gas guns and mace.<sup>175</sup> On September 29, Darabi and his accomplices assaulted members of the Iranian opposition group *Sazman-e Mojahedin-Khalq* (MEK)<sup>176</sup> who were presenting books and pictures at the exhibition. Several MEK members were seriously injured. Eye witnesses later testified regarding the apparent leadership role played by Darabi in the assault.<sup>177</sup>

Darabi was arrested by the German authorities for his role in the Mykonos incident on October 9, 1992.

### *Abbas Hossein Rhayel (aka Ragheb)*

Abbas Rhayel was recruited by Darabi to be the second trigger man in the Mykonos operation. Rhayel was a Lebanese national who had joined Hezbollah and attended a Hezbollah training facility in Iran in 1985-1986 along with another member of the Mykonos team, Youssef Amin.<sup>178</sup>

Rhayel was born in Lebanon on November 12, 1967 and grew up in Beirut.<sup>179</sup> He traveled to Aachen, Germany in 1989 along with his friend Amin and another Lebanese national associated with the Mykonos operation, Ali Sabra. Rhayel and Amin soon moved from Aachen to Berlin.<sup>180</sup> Rhayel twice applied for political asylum unsuccessfully. On the third occasion he submitted a fraudulent application using false documents in the name of Imad Ammash. He was granted a temporary residency permit in this name which was extended until March 18, 1992.<sup>181</sup> Rhayel stayed with friends such as Darabi, whose name he had been given by Hezbollah contacts in Iran.<sup>182</sup> While receiving social welfare benefits, he occasionally worked in different places such as Darabi's grocery store, a local "Habibi" restaurant in Berlin, and the flea market (*Flohmarkt*).<sup>183</sup> In May 1992 the German authorities finally ordered Rhayel to leave the country. Although he received transit papers from the German authorities, he did not take the opportunity to leave voluntarily.<sup>184</sup>

Rhayel was arrested for his alleged involvement in Mykonos assassinations on October 4, 1992 in the home of Youssef Amin's brother in Rheine while he and Amin were preparing for their escape.<sup>185</sup>

### *Youssef Mohamad El-Sayed Amin*

Youssef Amin provided security for the Mykonos operation, ensuring the hit team would not be disturbed as they sought out their targets in the restaurant. He was a veteran of Hezbollah and had received training alongside Abbas Rhayel in Iran.<sup>186</sup>

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<sup>173</sup> Related to IRI embassy in Bonn and one of the centers for the intelligence service for IRI. It was the Iranian embassy in the Pahlavi's regime and was transformed to the rehabilitation center for Iranian veterans after the revolution.

<sup>174</sup> Mykonos Judgment, *supra* note 27, at 187.

<sup>175</sup> *Id.* at 186.

<sup>176</sup> People’s Mujahedin of Iran.

<sup>177</sup> Mykonos Judgment, *supra* note 27, at 186-87.

<sup>178</sup> Ismail El Moussaoui who knew the Arab suspects, testified that he was training in Iran at the same time as Amin and Rhayel. Grünewald Memo, at 6, *supra* note 32; Mykonos Judgment, *supra* note 27, at 165-66.

<sup>179</sup> Mykonos Judgment, *supra* note 27, at 14 and 225.

<sup>180</sup> *Id.* at 6.

<sup>181</sup> *Id.* at 221.

<sup>182</sup> Grünewald Memo, *supra* note 32, at 6-7.

<sup>183</sup> Indictment, *supra* note 34, at 26; Mykonos Judgment, *supra* note 27, at 5-8.

<sup>184</sup> Mykonos judgment, *supra* note 27, at 16.

<sup>185</sup> Final Report, *supra* note 37, at 19.

<sup>186</sup> Mykonos Judgment, *supra* note 27, at 16.

Amin was born in Lebanon on November 5, 1967.<sup>187</sup> He moved to Germany in 1989 with Rhayel and applied for political asylum in Berlin on February 1, 1990. He later withdrew his request and applied instead for a temporary residence permit. This was granted by the German authorities and extended until March 5, 1992.<sup>188</sup> Like Rhayel, he lived for a while in the home of Kazem Darabi as the latter's guest.<sup>189</sup>

In June 1991 Amin moved to Rheine to join his brother who lived in the city,<sup>190</sup> but he continued to travel frequently to Berlin to extend his residence permit. He also worked in Berlin for periods at a time at Darabi's grocery store, the "Habibi" restaurant, and at Adnan-Darabi's Laundry, another of Darabi's businesses. He also attended the Imam Jafar Sadeqh mosque. In June 19, 1992 German authorities ordered him to leave Germany by September 4, 1992. He ignored this instruction.<sup>191</sup>

Amin was arrested together with Rhayel on October 4, 1992 at the home of his brother in Rheine.<sup>192</sup>

### *Mohammad Atris*

Mohammad Atris was born in Lebanon on February 10, 1970. He moved with his family to Germany in 1989, where they all applied for asylum. He later withdrew their applications and received temporary residence permits instead.<sup>193</sup> Atris received his work permit in 1990 and took various jobs in different restaurants. In 1992 he reported being unemployed and received unemployment benefits. While initially his interests focused on discos, women, cars and exercising, he gradually became interested in Islam and became a familiar presence at the Imam Jafar Sadeqh Mosque. Atris came into contact with Amin at the mosque.<sup>194</sup>

Atris was known to the German authorities as a petty criminal and had been investigated for robbery, assault and the possession of firearms.<sup>195</sup> On October 7, 1992 he was arrested on suspicion of preparation of forged documents to help the Mykonos perpetrators escape but was released without charge.<sup>196</sup> A second, more substantial, arrest warrant was issued on January 27, 1993 in which he was charged with assisting the Mykonos assassination plot and with preparing forged documents to help Rhayel escape the country after the attack.<sup>197</sup>

### *Ataollah Ayad*

Ataollah Ayad played an early role in the planning of the Mykonos attack.<sup>198</sup> Darabi enlisted his assistance in the planning phase of the operation but his operational plan was rejected by Banihashemi.<sup>199</sup> Ayad was born in Lebanon in 1966 and is of Palestinian origin. At the age of 10 he enlisted in the Democratic Front, a Palestinian military youth group. After receiving military training in Syria, he joined the Shi'ite Amal militia in 1983 and fought as a squad leader, first against Israeli forces and then against

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<sup>187</sup> Indictment, *supra* note 34, at 1.

<sup>188</sup> Mykonos Judgment, *supra* note 27, at 6.

<sup>189</sup> Indictment, *supra* note 34, at 26; Mykonos Judgment, *supra* note 27, at 6.

<sup>190</sup> Rheine is a city in North Rhine-Westphalia, Germany.

<sup>191</sup> Mykonos Judgment, *supra* note 27, at 7.

<sup>192</sup> Final Report, *supra* note 37, at 19.

<sup>193</sup> Mykonos Judgment, *supra* note 27, at 9.

<sup>194</sup> Indictment, *supra* note 34, at 14 and 26; Mykonos Judgment, *supra* note 27, at 9.

<sup>195</sup> Indictment, *supra* note 34, at 14.

<sup>196</sup> Final Report, *supra* note 37, at 17.

<sup>197</sup> Mykonos Judgment, *supra* note 27, at 9; Memorandum from Bruno Jost, Senior Public Prosecutor, to Kubsch, Vorsitzenden Richter am Kammergericht [Chief Justice, Court of Appeals] (July 4, 1994) (on file with IHRDC).

<sup>198</sup> Memorandum from Bruno Jost, Senior Public Prosecutor, to Kubsch, Vorsitzenden Richter am Kammergericht [Chief Justice, Court of Appeals] at 2-5 (July 11, 1994) (on file with IHRDC).

<sup>199</sup> Final Report, *supra* note 37, at 15-16; Mykonos Judgment, *supra* note 27, at 33.

Hezbollah during Israel's occupation of southern Lebanon.<sup>200</sup> He moved to Berlin and applied for asylum in 1990 and his family joined him later. They received temporary resident permits, but their asylum applications were denied and they were ordered to leave Germany by August 1991. He was arrested by the German authorities on December 10, 1992 and was held in custody until August 28, 1995.<sup>201</sup>

#### *Farajollah Haidar (aka Abu Jafar, aka Faraj)*

Farajollah Haidar drove the getaway car for the assassination team.<sup>202</sup> He had been identified by the BfV as a key member of Hezbollah in Osnabruck.<sup>203</sup> Haidar was born on January 1, 1965 in Lebanon. He abruptly left Germany with his family for Beirut on September 25, 1992, presumably to evade arrest. His family returned on October 22, 1992 and his wife told the authorities that he was still in Lebanon.<sup>204</sup> Further investigation showed that he left Lebanon for Iran where his family later joined him.<sup>205</sup>

#### *Mohammad*

Mohammad, an Iranian national who has never been fully identified, acted as a spotter for the Mykonos team. On the night of the murders Mohammad was keeping watch on the restaurant. At about 9:00 p.m. he called the team's operational base – at Senftenberger Ring 7 - to inform Banihashemi that all the targets had arrived at the restaurant and the operation could proceed as planned.<sup>206</sup> Mohammad reportedly left Germany for Iran immediately after the assassination.<sup>207</sup>

#### *Ali Dakhil Sabra*

Ali Dakhil Sabra procured the BMW car used by the assassination team for the operation. He had served in Hezbollah alongside Amin and Rhayel and came with them to Germany where he applied for asylum. On October 20, 1992 he withdrew his asylum application and flew to Lebanon.<sup>208</sup>

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<sup>200</sup> Indictment, *supra* note 34, at 14-15; Mykonos Judgment, *supra* note 27, at 265.

<sup>201</sup> Mykonos Judgment, *supra* note 27, at 11; Final Report, *supra* note 37, at 15.

<sup>202</sup> Final Report, *supra* note 37, at 12.

<sup>203</sup> Grünewald Memo, *supra* note 32, at 7.

<sup>204</sup> Final Report, *supra* note 37, at 13; Grünewald Memo, *supra* note 32, at 7.

<sup>205</sup> Mykonos Judgment, *supra* note 27, at 316.

<sup>206</sup> Final Report, *supra* note 37, at 14; Mykonos Judgment, *supra* note 27, at 42-43.

<sup>207</sup> Mykonos Judgment, *supra* note 27, at 48.

<sup>208</sup> Final Report, *supra* note 37, at 16; Mykonos Judgment, *supra* note 27, at 317.



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Dr. Mohammad Sadegh Sharafkandi, Nourrollah Dehkordi, Homayoun Ardalan and Fatah Abdoli (clockwise from top right), were all killed by agents of the Islamic Republic of Iran during an attack mounted at the Mykonos Resturaunt in Berlin, Germany, on September 17, 1992.