

Iran: Foreign Policy Challenges and Choices



Empowering the Democratic Opposition



Caption: *Si-o-Se Pol*, Bridge of 33 Arches, Esfahan, Iran

Photo: Simon Richard

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Empowering the Democratic Opposition

November 2006

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DLA Piper US LLP was retained by an American citizen to examine the threat that Iran poses to the United States and to evaluate various policy alternatives for a prospective response. DLA Piper has produced *Iran: Foreign Policy Challenges and Choices*. Further, DLA Piper subsequently commissioned GlobalOptions to produce its own report, *Independent Assessment of the Mujahedin-e Khalq and National Council of Resistance of Iran*. Both reports are included in this publication.

Map of Iran



- ▲ Research reactor
- Uranium mine
- ☢ Arak (heavy water plant)
- ☢ Bushehr (nuclear reactor)
- ☢ Esfahan (uranium conversion plant)
- ☢ Natanz (uranium enrichment plant)

Source: 1155/New Scientist Global Security

Table of Acronyms

ALF	Arab Liberation Front
APC	Armored Personnel Carrier
ANO	Abu Nidal Organizaton
CIA	Central Intelligence Agency
DFLP	Democratic Front for the Liberation of Palestine
EU-3	United Kingdom, France, and Germany
FPMR/D	Manual Rodriguez Patriotic Front Dissidents
FTO	Foreign Terrorist Organization
IACNV	Iranian-American Community of Northern Virginia
IAEA	International Atomic Energy Agency
ICCO	Islamic Culture and Communications Organization
IED	International Educational Development
IRA	Irish Republican Army
IRNA	Islamic Republic News Agency (official news agency of Iran)
IRP	Islamic Republican Party (party of Ayatollah Khomeini)
JAG	Judge Advocate General Corps
KDP	Kurdish Democratic Party
MEK	Mujahedin-e Khalq
MIPT	National Memorial Institute for the Prevention of Terrorism
MP	Member of Parliament
NLA	National Liberation Army (part of MEK)
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSC	National Security Council
NSDD	National Security Decision Directive
NCRI	National Council of Resistance of Iran
PLF	Palestine Liberation Front
PLO	Palestine Liberation Organization
PMOI	People's Mujahedin Organization of Iran (also known as MEK)
PUK	Patriotic Union of Kurdistan
RIRA	Real Irish Republican Army
SAVAK	Organization for Intelligence and National Security (Iran), from the Farsi <i>Sazeman-i Ettelaat va Amniyat-i Keshvar</i>
UNHCR	Office of the United Nations High Commissioner for Refugees

A New Approach to US Iran Policy: A Response to the Failure of Engagement

Prepared by DLA Piper US LLP, November 2006

Foreword

Many Americans today are understandably concerned over the increasing power of the fundamentalist Islamic Republic of Iran and the rapidly growing threat that it poses to the United States' security interests. Especially disturbing are the regime's efforts to acquire nuclear weapons technology while it acts as the leading state sponsor of global terrorism. This concern has been underscored in recent months by Iranian president Mahmoud Ahmadinejad, whose rhetoric has increased the level of tension throughout the region.

In that context, DLA Piper was retained by a concerned Iranian American to objectively examine the threat that Iran poses to the United States and to evaluate various policy alternatives for a prospective response. This report takes on particular relevance in the aftermath of the 2006 Congressional elections as decision-makers grapple with the question of Iraq policy. A relevant question in the debate centers on the role of Iran's expanding influence over affairs in Iraq and the short- and long-term consequences of Tehran's projection of Islamic fundamentalist power in Iraq and throughout the region. Our conclusion is that the two most frequently cited options for addressing the Iranian threat – direct military confrontation and continued “soft” engagement – are untenable and will offer no effective solutions.

We believe, as do many others, that a response which has significant potential is the adoption of a policy of regime change through active support for organizations that advocate for democracy in Iran. There are a number of these organizations but one of the groups is the Mujahedin-e Khalq (MEK), an organization currently listed by the United States, United Kingdom, and European Union as a Foreign Terrorist Organization (FTO), and currently located primarily at Camp Ashref, Iraq.

Belief in the MEK and its goals has attracted a substantial body of informed opinion and international support. Indeed, since the MEK was first designated an FTO in October 1997, the public support for removing it from the list has been widespread, including a non-partisan group of 220 members of the US Congress, 331 members of Parliament and 122 members of the House of Lords in the United Kingdom, and many

European Union parliamentarians, as well as Iraqi officials and members of the US military forces in Iraq. As a result of the contradiction between the MEK's designation as an FTO and the strong international support it has attracted, we were also asked to compile and analyze publicly available materials and to assess whether the designation is valid and should be maintained.

In the course of our review, we have examined a wide range of documentary sources. These sources include print media, reports by major foreign policy think tanks and NGOs, statements by US and foreign government officials, and comments by US military personnel in Iraq. Based on this review, we have prepared a detailed report which analyzes the situation based on the historical record.

As a result of our analysis, we believe there are ample grounds to conclude that the MEK and a broader coalition of organizations of which the MEK is a part, the National Council of Resistance of Iran (NCRI), should be removed from the US list of Foreign Terrorist Organizations.

Because the pace of events is so dynamic in the region, we will continue to update this report as developments warrant.

– *Dick Arme*
– *Neil Livingstone*

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Executive Summary

- As the birthplace of state-sponsored terrorism, Iran poses a daunting challenge to US foreign policy makers. Iran's abysmal record of human rights abuses has been roundly condemned by the State Department. International security is being threatened by Tehran's relentless pursuit of a nuclear arms program. Moreover, Iran is bent on destabilizing an already tense situation in the Middle East. And Iran's meddling in Afghanistan and Iraq threatens essential US security interests.
- Based on Mahmoud Ahmadinejad's actions during his tenure as mayor of Tehran and the vitriolic anti-American statements he has made to date, the presidency of Mahmoud Ahmadinejad portends an even harder line in Tehran's relationship with the United States. President Ahmadinejad is a former member of Ayatollah Khomeini's private Islamic army, the Revolutionary Guard. He was also a member of the Basij, Iran's abusive internal morality police. Since President Ahmadinejad's election, he has been carrying out a plan to return Iran to the fundamentalist values of the Islamic Revolution. Furthermore, his uncompromising stance regarding Iran's proclaimed right to nuclear technology and his call for the destruction of Israel and the United States have dramatically heightened tensions in the US-Iran relationship.
- The two policy options most frequently discussed by the US to counter the Iranian threat – direct military confrontation and continued “soft” engagement – are untenable. In light of current US global commitments, direct full-scale military intervention is not a viable option. Neither is the soft engagement option, as demonstrated by the regime's continuing resolve, so far undeterred, to develop weapons of mass destruction.
- A new direction in US policy is, therefore, required. An approach which holds significant promise is to actively encourage and nurture the democratic opposition to the Iranian regime. The objective would be to bring about a regime change in Iran through a peaceful and democratic process. By supporting the democratic opposition, the United States will be creating a new environment, hastening the day when democracy and liberty will become a reality for the Iranian people.
- A public display of support by the United States for the major Iranian opposition organizations, such as the Mujahedin-e Khalq (MEK) and the National Council of Resistance of Iran (NCRI), will help to build a strong foundation for the pro-democracy movement in Iran.

- Currently, however, both the MEK and NCRI are designated as Foreign Terrorist Organizations (FTOs) by the State Department. This designation undermines the goals of US foreign policy. By removing the MEK and NCRI from the list of FTOs, the United States can open the way for direct cooperation with a well-organized and influential pro-democracy movement that provides a steady flow of human intelligence on the regime. This decision would also bring home the fact that the real terrorists are the fundamentalist leaders of Iran who operate at the epicenter of an international network of terrorism, and not MEK and NCRI, recognized leaders in the Iranian pro-democracy movement.
- Based on the structure and purpose of the FTO statute, the operative facts now justify the removal of MEK and NCRI from the list of FTOs. This is so because of a fundamental and decisive change in circumstances that has occurred in the last four to five years. For example, MEK has not engaged in any violent activity since 2001. In 2003, MEK formally renounced terrorism and violence and voluntarily disarmed. Members of MEK in Camp Ashraf, Iraq, are now internationally recognized as civilians protected in a time of war under the Fourth Geneva Convention. Importantly, extensive interviews and investigations of MEK members at Camp Ashraf by US security agencies confirm that the MEK membership poses no threat to US national security interests.
- There is recent precedent for delisting. As part of an overall peace process, the IRA made the decision to alter its behavior and devote itself to a strategy of peaceful, democratic change. The State Department then made the determination not to list the historically violent but now reformed Irish Republican Army (IRA) as an FTO. Similarly, the MEK has renounced violence and voluntarily disarmed, and is committed to a process of democratic reform in Iran.
- Removing MEK and NCRI from the FTO list is a notion that has gathered tremendous support. Members of the US Congress have called for the de-designations of these groups. Leading international jurists and members of European parliaments have also urged and supported the de-designation.
- Allegations that MEK has targeted Americans are rooted in incidents that occurred more than 30 years ago: the US Embassy takeover on November 4, 1979, in which 73 Americans were taken as hostages and the killing of six Americans in the mid-1970s. A comprehensive analysis of the factual record demonstrates that the allegations of MEK involvement or complicity in these events are unfounded.
- The time has come for the removal of MEK and NCRI from the FTO list. The facts call for such a determination. Doing so will stimulate the Iranian pro-democracy movement and serve the national security interests of the United States.

I. The Iranian Threat to the United States

A. Iran's Nuclear Program

Iran's nuclear program constitutes one of the largest threats to US national security.¹ Despite being a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),² Iran has remained undeterred in its aggressive pursuit of nuclear weapons.³ Until recently, attempts to curtail Iran's nuclear program were met with a grudging willingness to engage in dialogue. Since the election of President Mahmoud Ahmadinejad, the regime's tone has shifted from fettered engagement to an even more defiant stance. Accompanying a declaration of Iran's right to nuclear power, President Ahmadinejad has promised the Iranian people that "a world without America and Zionism" is an attainable goal,⁴ and has attacked the United States for its "aggression, occupation, and violation[s] of international law."⁴

Although Iran's nuclear activities had been known for some time – because Iran's commitments under the NPT permits nuclear enrichment for energy purposes – it has only been since the discovery of hidden nuclear facilities in 2002 that suspicions of a nuclear weapons program have evolved into a legitimate concern.⁵ Production at a nuclear power plant at Bushehr, with the help of Russia, had certainly alarmed skeptics for some time. Yet the plant's existence was well known; there was no evidence contradicting claims by the Iranian regime, that the plant was anything more than an attempt at energy production.⁶

¹ See Susan E. Rice, *We Need a Real Iran Policy*, THE WASHINGTON POST Dec. 30, 2004. President George W. Bush has said the "greatest threat to US national security is a nuclear weapon in the hands of terrorists." This statement has been interpreted as referring to Iran, a country which has demonstrated an unparalleled commitment to terrorism and support for those organizations engaged in terrorist activities against the West or western interests.

² See Treaty on the Non-Proliferation of Nuclear Weapons, 729 U.N.T.S. 161, *entered into force* Mar. 5, 1970.

³ See generally R. Nicholas Burns, *US Policy Toward Iran*, US Department of State, Nov. 30, 2005; *Policy Options for Iran*, Iran Policy Committee, Feb. 10, 2005 [hereinafter IPC Report].

⁴ Frank J Gaffney, Jr., *Our War with Iran*, WASHINGTON TIMES Nov. 1, 2005; *Speech of Iranian President Mahmoud Ahmadinejad to UN General Assembly*, Sept. 19, 2006

⁵ Iran's Nuclear Program, Wikipedia.org.

⁶ See *Iran Profile: Nuclear Chronology 2002*, NTI.org (citing *IAEA Fails to Find Evidence of Iran's Nuclear Weapon Program*, NCI.org). Nuclear Threat Initiative (NTI) is a nonprofit organization founded by Ted Turner and Sam Nunn, former senator and chairman of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations and co-sponsor of the Nunn-Lugar nonproliferation program, for which he was nominated for the 2000 and 2001 Nobel Peace Prizes. "NTI's mission is to strengthen global security by reducing the risk of use and preventing the spread of nuclear, biological and chemical weapons. NTI seeks to raise public awareness, serve as a catalyst for new thinking and take direct action to reduce these threats."

In 2002, however, information was released by the primary Iranian opposition group, the National Council of Resistance of Iran (NCRI) regarding another nuclear facility, at that point unknown to the West.⁷ Investigations at the facility in Natanz revealed production of centrifuges which are used for uranium enrichment.⁸ Quickly following the Natanz discovery, a second facility at Arak was disclosed by NCRI and later confirmed by satellite images.⁹ The Arak facility proved to be a heavy water production plant, intended specifically for plutonium production.¹⁰ Despite Iran's assurances that the regime was not trying to conceal these facilities, then White House Press Secretary Ari Fleischer stated that these facilities reinforced increasing US concerns about Tehran's "across-the-board pursuit of weapons of mass destruction and missile capabilities."¹¹ In addition to the fact that the existence of these two facilities had not previously been disclosed by the Iranians, the presence of the heavy water production complex at Arak indicated that a nuclear weapons program was under way. Unlike light water reactors, whose purpose is strictly energy production, heavy water reactors are specifically designed for the production of weapons grade plutonium.¹² In fact, the Russians had defended their contribution to the Bushehr nuclear power plant in 2001 on the grounds that "to obtain weapons from the light water reactor in Iran is impossible."¹³

In addition to these three sites, there are other nuclear production complexes in Iran, some confirmed by either Tehran or the International Atomic Energy Agency (IAEA). Similarly, there are significant suspicions that Iran is also operating many other nuclear complexes. However, the existence of these additional sites remains unconfirmed, largely as a result of the regime's refusal to grant open access to IAEA investigators. In February 2003, NCRI disclosed another facility in Iran suspected of nuclear activities, the Kalaye Electric Company.¹⁴ When the IAEA finally surveyed the site and took ground samples in August

⁷ *Covert Nuclear Activities in Iran*, JANE'S INTELLIGENCE DIGEST Nov. 3, 2005. Secretary of State Condoleezza Rice has stated "we (the United States) found out about Natanz was through reporting of dissidents who had been told things by people insided Iran." *Interview with Editorial Board*, WALL STREET JOURNAL, Sept. 25, 2006.

⁸ *See id.*

⁹ *See id.*

¹⁰ *See id.*

¹¹ *Iran Confirms Building New Nuclear Facilities*, Iran Press Service, Dec. 14, 2002.

¹² Nicholas Rufford and Robert Winnett, *Britain Offers Iran Nuclear Plant Aid*, SUNDAY TIMES (London), Nov. 7, 2004.

¹³ Barry Schweid, *Putin Adviser Denies Russia Helping Iran's Nuclear Program*, ASSOCIATED PRESS, June 18, 2001, quoting Igor Sergeev, adviser to Russian President Vladimir Putin.

¹⁴ *See* ISIS Imagery Brief: Kalaye Electric, Institute for Science and International Security (ISIS), available at <http://www.isis-online.org/publications/iran/kalayeelectric.html>, Mar. 31, 2005. ISIS, founded in 1993, is a nonprofit, nonpartisan institution dedicated to informing the public about science and policy issues affecting international security. Its efforts focus on stopping the spread of nuclear weapons, bringing about greater transparency of nuclear activities worldwide, and achieving deep reductions in nuclear arsenals.

2004, it became clear that the regime had gone to considerable lengths to alter the appearance of the facility, taking steps, for example, to move internal walls.¹⁵ Nonetheless, the IAEA managed to detect enriched uranium at the site.¹⁶ Soon after, another site based at Lavizan-Shian was announced and subsequent cursory inspection by the IAEA revealed that Iran had razed buildings and otherwise altered the site in a possible attempt to conceal evidence of covert nuclear activities.¹⁷ NCRI also disclosed another nuclear site at Lashkar Ab'ad,¹⁸ where, once again, IAEA confirmed an established Iranian "pilot plant for laser enrichment."¹⁹ The discovery of a laser enrichment facility and the revelation that the Iranians had already obtained a measure of success with laser enriching technology was seen as "startling" by nuclear nonproliferation experts.²⁰

Again, in 2004, evidence of a new Iranian facility at Lavizan (Lavizan II) was disclosed by NCRI.²¹ However, because Tehran has repeatedly refused to allow the IAEA to examine the site, confirmation of the activities at Lavizan must await further IAEA action.²²

Similarly, although the IAEA was permitted to visit the Parchin military site in January 2005, IAEA investigators were prohibited from entering the buildings.²³ The IAEA was allowed to visit Parchin several months later. During this later visit, the premises appeared not to house the workings of a nuclear program. However, IAEA inspectors did perform swab tests of the facility. The results of these tests – which could confirm the existence of a nuclear program at a military facility – have yet to be released.²⁴ In any event, given the intervening months, the Iranians would have had ample time to mask any nuclear weapons work being conducted at Parchin, so expectations of the tests' accuracy are presumably modest.

¹⁵ See *id.*

¹⁶ See *id.*; see also *Iran Under Pressure Following Uranium Find*, BBC, Sept. 25, 2003.

¹⁷ Paul Kerr, *the Iran Nuclear Crisis: A Chronology*, Arms Control Association, at <http://www.armscontrol.org/country/iran/iranchronology.asp>. The Arms Control Association (ACA), founded in 1971, is a national nonpartisan membership organization dedicated to promoting public understanding of and support for effective arms control policies; see also *Iran Grants UN Inspectors Access to Nuclear Site*, USA TODAY, Nov. 2, 2005. The State Department had reported that US officials believed Lavizan-Shian's buildings had been dismantled and topsoil had been removed from the site as an attempt to hide nuclear-weapons related experiments. Upon an external inspection, IAEA officials later confirmed that the site had been razed.

¹⁸ See *White House Criticizes Iran's Steps Toward al Qaeda*, CNN, May 28, 2003.

¹⁹ See Kerr, *supra* note 17.

²⁰ See Ian Hoffman, *Iran's Lasers Startle Experts*, ARGUS ONLINE NEWS, Nov. 16, 2003.

²¹ William J. Broad, David E. Sanger and Elaine Sciolino, *Arms Inspectors Said to Seek Access to Iran Sites*, NEW YORK TIMES, Dec. 2, 2004.

²² See USA TODAY, *supra* note 17.

²³ See *UN Monitors to Inspect Iran Site*, BBC, Jan. 13, 2005.

²⁴ See USA TODAY, *supra* note 17.

Finally, at the center of it all is the well known site at Isfahan. Isfahan is noteworthy as the facility where, in March 2004, Iran first converted yellowcake into uranium hexafluoride gas (UF₆), becoming the tenth country in the world to do so.²⁵ The Isfahan complex, according to international observers, is believed to be the center of Iran's nuclear program and is suspected of housing as many as 3,000 scientists and a neutron source reactor.²⁶

In addition to facilities that contain every essential component of a nuclear weapons production program, Iran is developing its local uranium mines²⁷ and seeking other necessary non-indigenous substances outside the country, such as polonium-210, a substance particularly associated with a type of neutron initiator.²⁸ Iran has also been accused of smuggling materials for nuclear grade graphite production perhaps for use at yet another unconfirmed secret site near Ardekan.²⁹ In 2005, there were allegations that Iran was building tunnels so that it could move the majority of its nuclear program underground and out of sight.³⁰ Surprisingly, these activities uncovered by NCRI were publicly acknowledged by Iranian officials, who claimed that "to protect the safety of equipment against possible danger of aerial attack, a major part of the plant has been constructed underground, especially where thousands of centrifuges need to be located."³¹ Hassan Rowhani, Iran's then nuclear negotiator, further confirmed that Iran was building a tunnel near the facility in Isfahan.³²

Despite the many revelations concerning Iran's complex and highly controversial nuclear program, Tehran continues to assure the world that it is not developing nuclear weapons, but rather pursuing a civilian nuclear energy program.³³ The evidence gathered by US officials, however, is at odds with Tehran's assurances and paints a very different picture.³⁴ In 2004, Iranian officials publicly confirmed that they had already converted 37 tons of raw uranium into UF₄ gas, "a key step on the road to further nuclear enrichment."³⁵ Once this uranium is fully processed, it will yield more than 200 pounds of weapons grade uranium.³⁶ Most

²⁵ See Dilip Hiro, *The Iranian Issue in a Global Context*, MIDDLE EAST INTELLIGENCE JOURNAL, No. 750, 2005.

²⁶ See Michael Rubin, *Iran's Burgeoning WMD Program*, MIDDLE EAST INTELLIGENCE BULLETIN, March/April 2002.

²⁷ *Khatami says Iran Mines Uranium for Nuclear Plant*, REUTERS, Feb. 9, 2003.

²⁸ Karl Vick, *Another Nuclear Program Found in Iran*, WASHINGTON POST, Feb. 24, 2004.

²⁹ See Report: *Iran is Smuggling Graphite for Nuclear Purposes*, USA TODAY, May 20, 2005.

³⁰ Jane's Intelligence Digest, *supra* note 7.

³¹ *Iranian Official: Nuclear Facility Underground*, NewsMax.com, Mar. 7, 2005.

³² *See id.*

³³ *Kashani: Iran Entitled to Peaceful Use of Nuclear Energy*, Iran Islamic Republic News Agency, Dec. 9, 2005.

³⁴ *See Burns, supra* note 3.

³⁵ *See Freeze on Uranium Enrichment Extended to End of July*, LOS ANGELES TIMES, June 6, 2005.

³⁶ *See id.*

recently, Iran has installed a second cascade of 164 centrifuges to expedite the increased enrichment of uranium.³⁷ Although the materials and facilities required for a civilian nuclear power program are similar to those of a weapons program, some believe that the quantity of uranium and the specific facilities and technologies that Iran seeks far exceed its requirements for an energy program.³⁸

While Iran is progressing towards the development of nuclear weapons, it is also making extensive progress with respect to nuclear delivery systems. It is commonly understood that Iran already possesses missiles capable of carrying a nuclear warhead.³⁹ In fact, some US government officials assume that during the last year while Iran publicly suspended its nuclear program as part of an agreement with the EU-3 (France, Germany, and the United Kingdom) and the IAEA, the regime diverted its efforts toward developing the technology of nuclear delivery systems.⁴⁰ The level of sophistication of Iran's current weapons delivery technology is unclear. Yet, even with significant limitations, Tehran's delivery system technology continues to evolve and is expected to eventually lead to more accurate and long-range delivery vehicles.⁴¹

Beyond the specific danger posed by Iran's nuclear capabilities, Tehran is already in possession of other dangerous weapons of mass destruction. Despite being a party to both the Biological and Chemical Weapons Conventions, Iran is known to possess chemical and biological weapons such as blister, blood, and choking agents.⁴² The extent and array of Iran's supply is not known; however, efforts are under way by the regime to conduct more advanced research

³⁷ See *IAEA Head: Iran Close to Enriching Uranium*, WASHINGTON POST, Oct. 24, 2006

³⁸ See *EU/Iran Relations*, U.K. PARL, Westminster Hall, Column 177WH, Oct. 19, 2004 [hereinafter Westminister].

³⁹ *Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, July 1 through December 31, 2003*, CIA, Nov. 23, 2004; see also *Atlantic Monthly War Game*, Iran Principles Committee, ATLANTIC MONTHLY, 2004 [hereinafter War Game].

⁴⁰ *Iran Rejects Nuclear Site Charge*, BBC, Nov. 18, 2004. Former Secretary of State Colin Powell said intelligence indicates that Iran had been actively working on adapting its missiles to carry nuclear warheads.

⁴¹ See *Shahab*, MissileThreat.com. Iran's Shahab series missiles are the expected nuclear delivery system. Currently, Iran is developing Shahab-6 which will have long range capabilities (up to 3,600 miles).

⁴² See *Iran's Developing Military Capabilities*, Center for Strategic and International Studies, Dec. 2004 [hereinafter CSIS Report]; see also *Iranian Proliferation: Implications for Terrorists, Their State Sponsors, and US Countermeasures*, Hearing of the Middle East and Central Asia Subcommittee of the House International Relations Committee (opening remarks by Chair Rep. Ileana Ros-Lehtinen), June 24, 2004 [hereinafter Hearing Report]; *Iran Profile: Chemical Weapon Chronology*, NTI.org (citing *German Intelligence Services See Iran Possessing Biological, Chemical Weapons*, FBIS Document EUP2005022000035, Feb. 20, 2005). "The German Customs Office of Criminal Investigations (ZKA) believes that Iran possesses chemical weapons including 'S-Lost [sulfur mustard] tabun, and prussic acid [hydrogen cyanide], perhaps also sarin and VX.'" See also *Iran Profile: Biological Weapon Capabilities*, NTI.org; Iran is known to possess certain pathogens that have been weaponized by other countries in the past, such as anthrax, plague, and smallpox, in addition to numerous other pathogens that could be weaponized.

and development.⁴³ Iran also continues to add to its arsenal of missiles, already “one of the largest missile inventories in the Middle East.”⁴⁴ One such weapon is the Shahab missile series which is evolving into a long-range ballistic missile capable of accommodating chemical weapons and, possibly, nuclear warheads.⁴⁵ On October 20, 2004, “Iranian Defense Minister Ali Shamkhani confirmed the most successful test of Iran’s Shahab-3 with a 2,000-kilometer range in front of observers.”⁴⁶ On November 2, 2006, Iranian state television reported that Iran’s Revolutionary Guards had fired dozens of Shahab-2 and Shahab-3 missiles during military maneuvers. The report further confirmed that the Shahab-3 missiles have the capacity to carry cluster warheads with up to 1,400 bombs.⁴⁷ Iran has also sought to acquire sophisticated weapons in the international market. For instance, Ukrainian Parliament member Hrihory Omelchenko claimed that six Kh-55 air-to-ground missiles were exported to Iran between 1999 and 2001.⁴⁸ These cruise missiles are said to have a highly accurate guidance system and a range of up to 3,000 km.⁴⁹

Along with the physical evidence, the actions and statements of Iran’s leaders only reinforce fears about their intentions. Iranian officials have explicitly and repeatedly stated they have no intention of abandoning their nuclear plans.⁵⁰ While Iran maintains that its nuclear program is for energy purposes only,⁵¹ Iranian officials themselves have done little to hide their belief that a nuclear Iran, in their view, would be more secure and would safeguard the regime from real or perceived outside threats.⁵²

⁴³ See *Iran Profile: Biological Weapon Chronology*, NTI.org, (citing *German Intelligence Services See Iran Possessing Biological, Chemical Weapons*, FBIS Document EUP2005022000035, Feb. 20, 2005). “The German Customs Office of Criminal Investigations (ZKA) believes that Iran is engaged in efforts to develop biological weapons. Biological and (chemical) weapon research and development efforts are reportedly being conducted “in small laboratories of universities, strictly guarded from the outside world.” The ZKA also observes that “Iran has long-standing experience in the field of bio-technology so that it has the necessary know-how for operating biological combat agent programs.”

⁴⁴ *Iran Profile: Introduction*, NTI.org.

⁴⁵ See *Shahab-3*, Encyclopedia Astronautica, at <http://www.astronautix.com/lvs/shahab3.htm>.

⁴⁶ See NTI.org, *supra* note 53.

⁴⁷ See *Iran Fires Unarmed Missiles*, CNN, Nov. 2, 2006

⁴⁸ Tom Warner, *Ukraine ‘Sold Cruise Missiles to Iran, China’*, FINANCIAL TIMES, Feb. 3, 2005.

⁴⁹ See *id.*

⁵⁰ See Statement of Porter J. Goss, Former Director of Central Intelligence, Committee on Senate Select Intelligence, Feb. 16, 2005.

⁵¹ In August 2005, Ayatollah Khamenei actually went as far as to issue a fatwa forbidding the production, stockpiling, and use of nuclear weapons. See *Iran, Holder of Peaceful Nuclear Cell Technology*, Islamic Republic News Agency, available at <http://www.irna.ir/en/news/view/menu-236/0508104135124631.htm>, posted Aug. 10, 2005 (statement to the IAEA, Vienna).

⁵² See Hearing Report, *supra* note 42.

Over the years, Iran has expressed a reluctance to negotiate while at the same time insisting that the regime has nothing to hide. Yet the evidence has demonstrated that while Iran has protested its innocence, it has simultaneously been pursuing a clandestine nuclear program.⁵³ While Iran has submitted to IAEA investigations, its relationship with the agency has been tumultuous and on many occasions the IAEA has questioned the information it has received from Tehran.⁵⁴ For instance, Tehran continues to deny credible reports that it has used smuggling as a means to obtain nuclear materials.⁵⁵ In addition, Iran has concealed several important nuclear sites from the IAEA, such as the Natanz facility.⁵⁶ It has also delayed inspection of newly revealed facilities. For instance, once the IAEA was alerted to the existence of the Natanz and Arak facilities and requested permission to inspect the sites, IAEA Director Dr. Mohamed ElBaradei was told he could not visit the complexes as planned because “President Mohammad Khatami would be out of the country and they need some time to prepare.”⁵⁷ As previously noted, on occasion, Iran has outright barred inspections of certain facilities and often restricts access to areas of already known nuclear production.⁵⁸ For example, Iran has yet to allow new IAEA inspections of the Lavizan structures and area, despite repeated IAEA requests.⁵⁹ In the words of one anonymous diplomat, the Iranians are “simply lying in front of everyone.”⁶⁰

Notwithstanding the evidence at hand and the evasions practiced by Tehran, IAEA Director ElBaradei remained skeptical about Iran’s intentions to develop nuclear weapons and, as a result, took a soft approach toward the regime.⁶¹ By September 2005, however, the IAEA dramatically changed its position, declaring Iran to be in noncompliance with the safeguard clause of the NPT.⁶² ElBaradei, who received the Nobel Peace Prize, has shifted from reserved hesitation to a position of noted concern about Iran’s nuclear program. Although he is still

⁵³ See *The Case for Removal of People’s Mojahedin of Iran (MEK) from Terrorism List*, Symposium of Parliamentarians and Jurists, Westminster, Mar. 2005 [hereinafter Symposium]; see also Andrea Koppel, *IAEA: Iran Secretly Made Nuclear Material*, CNN, Nov. 12, 2003.

⁵⁴ See *id.*

⁵⁵ “Iran Smuggling Uranium From Azeri Exclave,” BBC, Mar. 26, 2002.

⁵⁶ See, e.g., *Weapons of Mass Destruction – Natanz*, Global Security, at <http://www.globalsecurity.org/wmd/world/iran/natanz.htm>

⁵⁷ Iran Press Service, *supra* note 11.

⁵⁸ See *US Slams Iran for Restricting IAEA Access to Military Sites*, AGENCE FRANCE PRESSE, Dec. 2, 2004. Iran has become notorious for admitting and providing information only when confronted about specific materials or facilities; see also *Iran: Nuclear Threat, Breaking Point*, FOX NEWS, Apr. 24, 2005. For example, Iran is preventing access to one facility where the testing of nuclear triggers is suspected.

⁵⁹ See USA TODAY, *supra* note 17.

⁶⁰ Christopher Dickey, *Iran’s Nuclear Lies*, NEWSWEEK, Jul. 6, 2005.

⁶¹ Jonathon Beale, *US Change of Heart on ElBaradei*, BBC, June 9, 2005.

⁶² Mark Heinrich, *Iran’s Tough Nuclear Stance Dims Hope for Talks*, REUTERS, Dec. 12, 2005.

skeptical of “read[ing] their intention,” ElBaradei has warned that if Nantaz became operational (which IAEA officials claim is at least two years away) or if Iran acquires the full fuel cycle, the Islamic Republic could manufacture a nuclear bomb in just “a few months.”⁶³ ElBaradei further assured that he “knows they are trying to acquire the full fuel cycle.”⁶⁴

Moreover, nonproliferation efforts by the EU-3 have proven to be similarly ineffectual. However, the EU-3 did initially succeed in persuading Iran to suspend its nuclear program in exchange for the promise that the UN Security Council would not be officially alerted to the suspicious nature of the program.⁶⁵ Despite this agreement, Iran is said to have continued its nuclear program, albeit more secretly.⁶⁶ Less than six months after agreeing to the EU-3’s terms, Iran publicly announced that it would officially resume its nuclear program.⁶⁷ Under additional pressure from the EU-3, Iran announced it would extend its suspension of uranium enrichment through July 2005.⁶⁸ That said, however, according to diplomats familiar with the IAEA’s recent inspections in Iran, while the regime was sticking to the letter of the agreement, it “quietly continued construction activity at Natanz to prepare for the day when [it] might want to resume enrichment.”⁶⁹ In August 2005, newly elected President Ahmadinejad boldly reasserted Iran’s “inalienable right” to produce nuclear fuel.⁷⁰ Iran then publicly rejected good faith proposals put forth by the EU-3⁷¹ and announced it would resume its nuclear program.⁷² Just prior to this action, French Foreign Minister Philippe Douste-Blazy told reporters that he thought the affair was “very serious and it could be the start of a major crisis.”⁷³

⁶³ Anne Penketh, *UN Chief Urges West and Iran to Cool Brinkmanship Over Nuclear Programme*, THE INDEPENDENT (London), Dec. 5, 2005.

⁶⁴ *Id.*

⁶⁵ Other incentives were used to prompt the regime to continue the suspension, including the listing of MEK as a terrorist organization. See *Preparatory Text for Europeans Proposal on Iranian Nuclear Program*, AGENCE FRANCE PRESSE, Oct. 21, 2004. AFP received a confidential document purporting to lay out the agreement between the EU-3 and Iran with respect to Iran’s nuclear plans. This document confirms the agreement to continue to regard MEK as a terrorist organization in exchange for a continued suspension of testing; see also *Text: Nuclear Agreement Between Iran and EU Trio*, REUTERS, Nov. 15, 2004, quoting the text of the agreement: “Irrespective of progress on the nuclear issue, the E3/EU and Iran confirmed their determination to combat terrorism, including the activities of al Qaeda and other terrorist groups such as the Mujahedin-e Khalq [sic].” For other offered incentives, see also *European Heavyweights Pressure Iran Over Nuclear Program; Talks to Continue*, AGENCE FRANCE PRESSE, Oct. 21, 2004.

⁶⁶ See Symposium, *supra* note 51.

⁶⁷ See Ali Akbar Dareini, *Iran Confirms Uranium-to-Gas Conversion*, ASSOCIATED PRESS, May 9, 2005.

⁶⁸ LOS ANGELES TIMES, *supra* note 35.

⁶⁹ See *U.N. Experts to Visit Iran Underground Atom Site*, REUTERS, June 8, 2005.

⁷⁰ *Iran Demands its Nuclear Rights*, BBC, Sept. 18, 2005.

⁷¹ See *Iran Turns Down EU Nuclear Offer*, BBC NEWS, Aug. 6, 2005. Iran’s foreign ministry spokesman claimed that the EU’s proposals were not “acceptable because Iran’s right to enrich uranium is not included.”

⁷² See *Iran Restarts Nuclear Programme*, BBC NEWS, Aug. 8, 2005.

⁷³ Dafna Linzer, *Iran is Judged Ten Years from Nuclear Bomb*, WASHINGTON POST, Aug. 2, 2005

Recently, the situation has intensified. Despite 2006 negotiations between Ali Larjani, Iran's head nuclear negotiator, and Javier Solana, the EU's foreign policy chief, Iran has continued to persist both in the enrichment of uranium and its refusal to allow the IAEA inspectors access to all of its facilities. When Germany and the five permanent members of the Security Council offered a package of economic and political incentives to Iran to suspend the enrichment of uranium and comply with inspection demands, Iran responded with a 21-page counterproposal deemed "inadequate" by the State Department.⁷⁴ Iran further ignored an August 31, 2006 Security Council deadline to halt uranium enrichment.⁷⁵ That same day, the IAEA published a report acknowledging that Iran had not suspended its enrichment activities and that after three years of investigations, the IAEA was still unable to confirm "the peaceful nature of Iran's nuclear program because of lack of cooperation from Tehran."⁷⁶

The evidence of Iran's nuclear weapon and missile development program is indisputable. The latest breakdown in negotiations casts serious doubt whether Iran's behavior can be changed through negotiation alone. Of significant concern are the words of President Ahmadinejad, who avows that he will continue to pursue Iran's nuclear program at any cost.⁷⁷ Although estimates vary as to the timing of Iran's succession of a nuclear weapon, a senior intelligence official familiar with internal US government reviews has said that, nevertheless, "it is the judgment of the intelligence community that, left to its own devices, Iran is determined to build nuclear weapons."⁷⁸ It is difficult to imagine a more dangerous threat to world peace than nuclear weapons in the hands of a country such as Iran, which is a major state sponsor of terrorism.⁷⁹ A "nuclear" Iran would not only alter regional dynamics but would also change perceptions of military balance and pose a serious threat to the security of the United States.⁸⁰

⁷⁴ See *No Nuclear Deal at EU-Iran Talks*, BBC News, Sept. 28, 2006

⁷⁵ S.C. Res. 1696, S/RES/1969 (2006)

⁷⁶ *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, IAEA GOV/2006/53, Aug. 31, 2006.

⁷⁷ *Rumsfeld: Iran's President-Elect No Friend of Democracy*, VOICE OF AMERICA, June 26, 2005.

⁷⁸ According to some sources, including a recent US Intelligence review, suggest it could take as many as ten years. See Linzer, *supra* note 73; yet, other sources claim Iran could be as close as three years away from a successful bomb. See IPC Report, *supra* note 3. Similarly, ElBaradei believed it could be only a matter of months under the right circumstances. See Penketh, *supra* note 63. Despite the variation in assessments, all of these estimates assume the facts regarding their resources, access, and abilities are fully discovered and determined. The reality is that the majority of the work associated with such a program is probably deep underground and it will be difficult to predict when Iran will have a bomb.

⁷⁹ See generally Rice, *supra* note 1.

⁸⁰ See Hearing Report, *supra* note 42.

B. Iran as an Obstacle to Peace

Iran's primary goal as the self-proclaimed "protectors of Islam" is to spread its violent fundamentalist Muslim philosophy throughout the world. As a consequence, Iran stands as a powerful block to peace in the region. Attacks also continue against the original enemy, the "Great Satan" (United States), whom the clerical regime considers to be the greatest threat to the establishment of a united Islamic Middle East under Iranian control.⁸¹ The terrorist threat that originated against US interests in Iran has since become "global in scope, many-faceted, and determined."⁸² Iran "operates at the heart of a network of terrorist organizations engaged in murder, kidnapping, bombing, and other atrocities calculated to sap the will of the U.S." so that Iran may pursue its fundamentalist campaign unimpeded.⁸³

1. Iran's Support for Terrorism

Iran is affiliated with known terrorist organizations including Hezbollah, Hamas, al Qaeda, and the Palestinian Islamic Jihad.⁸⁴ In fact, in conjunction with these alliances, Iran's leaders have been implicated directly in hundreds of terrorist attacks⁸⁵ around the world in the last two decades. The extent of Iran's direct support of terrorist organizations is overwhelming and includes cash, weapons, training, and technical expertise.⁸⁶ Iranian leaders also provide a safe haven for terrorists in Iran, in addition to supplying false identification documents, including forged passports.⁸⁷ Consequently, some believe that Iran is sheltering many of the US's most wanted terrorists.⁸⁸ Former CIA Director Porter Goss has noted that Iran continues to harbor top-ranking al Qaeda members.⁸⁹

⁸¹ See Scott Holleran, *Iran Should Be the Next Terrorist Target*, DAILY NEWS OF LOS ANGELES, Jan. 31, 2002. Secretary Rice has also commented that "I do not believe we are going to find Iranian moderates. The question is whether we are going to find Iranian reasonables." *Interview with Editorial Board*, *supra* note 7.

⁸² Warren P. Strobel, *Iran Called Top Terrorism Sponsor*, KNIGHT RIDDER NEWSPAPERS, May 22, 2002.

⁸³ IPC Report, *supra* note 3.

⁸⁴ See Burns, *supra* note 3.

⁸⁵ See *Iran's Ministry of Intelligence and Security*, Iran Focus, May 6, 2005, asserting that Iran has been involved in at least 450 attacks; but see Thomas Sancton, *Iran's State of Terror: A Berlin Murder Trial Provides Details of How Top-Ranking Iranian Leaders Administer a Bloody International Terror Network*, TIME MAGAZINE, Nov. 11, 1996, stating that as of 1996 there have been 200 terrorist attacks by the regime and more than 1,000 deaths.

⁸⁶ See Burns, *supra* note 3.

⁸⁷ See Burns, *supra* note 3.

⁸⁸ See Symposium, *supra* note 53.

⁸⁹ See Goss, *supra* note 50.

Compounding concerns about Iran's nuclear, biological, and chemical weapons program is Iran's role as the world's primary state sponsor of terror.⁹⁰ The takeover of the US Embassy in Tehran and the subsequent Islamic revolution were the original inspiration for the modern Islamic Jihad movement.⁹¹ Since then, the Iranian theocracy has thrived on terror and its record of support to promote terrorist activities is "unmistakable."⁹² The regime's intentions have been characterized as attempts to destabilize the Middle East with particular hostility toward Israel.⁹³ President Ahmadinejad's remark that "Israel should be wiped off the map" is emblematic of Tehran's extreme fundamentalism and use of inciting rhetoric.⁹⁴

President Ahmadinejad's statements have only heightened Israeli apprehensions about the very real threat Iran poses to its existence. A month before declaring that Israel should be destroyed, Ahmadinejad issued a *fatwa* that "legitimizes" acts of terrorism toward Israel.⁹⁵ Underscored by President Ahmadinejad's proclamations, the destruction of Israel has always been one of the ruling cleric's primary objectives. To this end, Tehran has contributed significant financial resources to support terrorist attacks against Israel. It should also be noted that Iran does not just lend substantial support to terrorist organizations seeking to destroy Israel, it creates these organizations. Perhaps its most dangerous creation was the Lebanese terrorist group Hezbollah,⁹⁶ for which it continues to serve as a primary financial backer. Hezbollah has since developed into a powerful terrorist organization having as its primary goal the destruction of Israel.⁹⁷ Recently, Western diplomats and analysts in Lebanon has estimated that Hezbollah receives close to \$200 million per year in funding from Iran.⁹⁸

Since its inception, Hezbollah has been accused of numerous anti-American and anti-Israeli attacks.⁹⁹ Beyond financial support, the connection between Iran and Hezbollah includes direct training of the militia by the Iranian Revolutionary Guard.¹⁰⁰ Recently, evidence has surfaced

⁹⁰ See *Tehran Rejects Bush's Call for Freedom of Iranian People*, AGENCE FRANCE PRESSE, Feb. 3, 2005, stated by President Bush in his State of the Union address.

⁹¹ See Holleran, *supra* note 81.

⁹² See *id.*

⁹³ See Remarks to the Press by Secretary of State Condoleezza Rice and British Foreign Secretary Jack Straw, US Department of State, Feb. 4, 2005.

⁹⁴ Heinrich, *supra* note 62.

⁹⁵ Arnold Beichman, *Dealing with Iran's Threats*, WASHINGTON TIMES, Nov. 14, 2005.

⁹⁶ See *Hezbollah Profile*, MIPT Terrorism Knowledge Base, at www.tkb.org/home.jsp. The stated objectives of Hezbollah include the establishment of a Shiite theocracy in Lebanon (similar to that of Iran), the destruction of Israel, and the elimination of Western influence from the region.

⁹⁷ See *id.*

⁹⁸ See Scott Wilson, *Lebanese Wary of Rising Hezbollah*, WASHINGTON POST, Dec. 20, 2004.

⁹⁹ See *Hezbollah Profile* – MIPT, *supra* note 96.

¹⁰⁰ See Porter Goss, *supra* note 50. The Revolutionary Guard is the military force that operates exclusively under Supreme Leader Ayatollah Khamenei.

that Hezbollah, with funding from Iran, has been paying up to \$9,000 each to suicide bombers in Israel in an attempt to break the fragile truce between the Palestinians and Israelis.¹⁰¹ Perhaps the best documented example of the operational relationship Iran maintains with Hezbollah is Tehran's role in the bombing of the Buenos Aires Jewish community center in 1994, killing 86 people. According to a high-level Iranian defector, the decision to bomb the Jewish community center was made at a meeting of senior Iranian officials on August 14, 1993.¹⁰²

The most recent example of Hezbollah's terrorist actions is its attack on Israel that led to the Israel-Lebanon conflict in July and August 2006. On July 12, 2006, Hezbollah fighters launched Katyusha rockets from their stronghold in southern Lebanon into Israel and, in a cross-border raid, seized two Israeli soldiers.¹⁰³ Hezbollah remained defiant throughout the subsequent Israeli military campaign launched in Lebanon and offered stiff resistance to Israeli troops. Many analysts believe that since Syria's withdrawal from Lebanon, Iran has been able to augment its influence both within Hezbollah and in Lebanon as a whole.¹⁰⁴ In fact, since "Hezbollah has typically undertaken major operations only with the blessing of its Iranian patrons . . . the timing of the kidnapping was awfully suspicious – coming just as the Western powers were about to call Iran before the UN Security Council."¹⁰⁵

Another example of Iran's commitment to the destruction of Israel is its leader's support for the Palestine Liberation Organization (PLO).¹⁰⁶ Intelligence sources discovered that Iran had shipped 50 tons of heavy weaponry to the PLO, including shoulder launched anti-aircraft missiles.¹⁰⁷ Iran's overwhelming presence in organizations created to overthrow Israel suggests that it may also have taken control of many Palestinian terrorist cells.¹⁰⁸

¹⁰¹ See Marie Colvin, *Iran Offers Cash for Bombs to Break Palestinian Truce*, SUNDAY TIMES, Apr. 3, 2005.

¹⁰² See Larry Rohter, *Defector Ties Iran to 1994 Bombing of Argentine Jewish Community Center*, NEW YORK TIMES, Nov. 7, 2003.

¹⁰³ See *Day-by-Day: Lebanon Crisis*, BBC News, Jul. 12, 2006

¹⁰⁴ See Anthony Shadid, *Attacks Could Erode Faction's Support*, THE WASHINGTON POST, Jul. 14, 2006,

¹⁰⁵ See Philip Gordon and Kenneth Pollack, *The Iranian Calculus*, WALL STREET JOURNAL, Aug. 3, 2006

¹⁰⁶ See Hearing Report, *supra* note 42.

¹⁰⁷ See *id.*

¹⁰⁸ See Westminster, *supra* note 38.

According to the 9-11 Commission, al Qaeda and Osama Bin Laden have also received substantial support from Iran, including military training from the Iranian Revolutionary Guard.¹⁰⁹ Collaborations on joint terrorist operations in the past have also been suspected.¹¹⁰ Most alarming, however, is that Iran has been accused of providing aid to the terrorists involved in the 9/11 attacks. For example, there is credible evidence that before the attacks took place Iran facilitated clandestine transportation of some of the 9/11 terrorists in and out of Afghanistan.¹¹¹ Iran has even admitted to “holding” al Qaeda members today while not only refusing requests of extradition, but also withholding information regarding their whereabouts and status.¹¹² Additionally, Congressman Curt Weldon has stated that senior US military officers have reported that Osama Bin Laden himself has been in and out of Iran repeatedly during the past couple of years.¹¹³

In addition to Iran’s support of terrorist organizations, high-ranking members of Iran’s military have had direct involvement in bombings resulting in the death of Americans. For example, in at least one instance, the minister of the Revolutionary Guard, as well as former Iranian President Hashemi Rafsanjani, admitted responsibility for the October 23, 1983 attack against the US Marine barracks in Lebanon which killed 241 service members.¹¹⁴ It was also discovered that many Iranian officials were behind the 1996 bombing of a US military facility at Khobar Towers in Saudi Arabia which killed 19 US military personnel and injured hundreds of others.¹¹⁵ In addition, several of the terrorists who carried out this bombing were recruited in Syria and trained in Hezbollah camps in Lebanon and Iran.¹¹⁶

¹⁰⁹ See *Final Report of the National Commission on Terrorist Attacks Upon the United States* (9-11 Commission), chaired by Governor Thomas Kean, 240, Jul. 22, 2004 [hereinafter 9-11 Commission Report].

¹¹⁰ See *id.*

¹¹¹ See 9-11 Commission Report, 240, *supra* note 109. Eight to ten of the terrorists had traveled through Iran following training in Afghanistan whereupon Iranian officials were instructed not to stamp their passports.

¹¹² See *Country Reports on Terrorism*, Office of the Coordinator for Counterterrorism, US Department of State, Apr. 27, 2005; see also Michael Theodoulou, *Iran Holds Al Qaeda Suspects: Now What?*, CHRISTIAN SCIENCE MONITOR, Jul. 28, 2003. “Iran says that it is holding a ‘large number of small- and big-time’ members of the group although it has yet to identify any.” Iran “vehemently” denies the accusations that it is sheltering the suspects and claims that it has “rounded up and extradited 500 al Qaeda suspects to their homelands, more than any other country.”

¹¹³ See *Meet the Press*, NBC, June 12, 2005 (interview with Rep. Curt Weldon). Weldon claimed he had specific information as to Bin Laden’s whereabouts at certain times in the past. For example, two years ago he was in a town called Ladiz, 10 kilometers from the Pakistani border.

¹¹⁴ See *Kayhan Daily* (Iranian newspaper), Nov. 5, 1986, *quoting* Rafsanjani, “I want to tell you that we are certainly held accountable for the blow sustained by the United States and the humiliation suffered by the Americans in Lebanon . . .”; see also Ressalat (Iranian newspapers), Jul. 20, 1987, *quoting* Mohsen Rafiqdoust, Guard Corps Minister and Rafsanjani’s brother-in-law, “America feels the blow of our fist striking its ominous body . . . [sending] 400 officers and soldiers straight to Hell”; see also *150 Bipartisan House Members Call for an End to Iran’s Terrorist Regime and Support for the Iranian Opposition*, Release by Members of US Congress, Nov. 21, 2002 [hereinafter *Iran Statement*].

¹¹⁵ See Rice, *supra* note 1; see also *Iranians May Have Been Behind Khobar Bombing*, AGENCE FRANCE PRESSE, Feb. 24, 2001. For purposes of full disclosure, please note that DLA Piper US LLP is representing the families of the Khobar Towers bombing victims in litigation against various agencies of the Government of Iran in the US District Court for the District of Columbia.

More recently, there is overwhelming evidence of Iranian-sponsored attacks in Iraq against coalition forces.¹¹⁷ A state-sponsored web site in Iran cited the comments of an official of the Revolutionary Guard: “The infidels’ front [in Iraq] consists of the enemies of God and Muslims and any action to terrorize them is sacred and honorable.”¹¹⁸ Similarly chilling are anti-American statements originating from the regime. Typical is a statement by a Revolutionary Guard intelligence theoretician, Hassan Abbassi, that “Iran’s missiles are now ready to strike”¹¹⁹

Recently reflecting on Iran’s support for terrorism, Secretary of State Condoleezza Rice said, “Whether it be Iraq or Lebanon or even the Palestinian territories . . . the supporter, the financier, the inspiration for those extremist forces like Hezbollah and Hamas, I think is now clearly in everybody’s mind Tehran, and that has given a kind of clarity to what the challenge is . . . not just on the nuclear side, not just on the internal politics side, but literally on Iran’s ambitions for the region as a whole.”¹²⁰

2. Iran’s Terrorism and Meddling in Afghanistan and Iraq

In furtherance of its desire to eliminate US influence in the Middle East, Iran has specifically targeted Afghanistan and Iraq. Iran plans to entrench itself as a source of power and influence in the region so that it can expand its fundamentalist regime.¹²¹ Since the US entered Afghanistan, Iran has been positioning itself militarily inside the western border of Afghanistan.¹²² According to Dr. Kenneth Katzman of the Congressional Research Service

¹¹⁶ See Statement of Matthew A. Levitt, Senior Fellow and Director of Terrorism Studies, *US Policy Toward Iran: Next Steps*, Committee on International Relations, Washington Institute for Near East Policy, Feb. 16, 2005.

¹¹⁷ See Statement by Dr. Abdullah Rasheed Al-Jabouri, former Governor of Diyala province, Iraq, *Iran’s Future: Iranian Impact*, House Iran Human Rights and Democracy Caucus, May 10, 2005.

¹¹⁸ *Revolutionary Guards Official Says Reconnaissance Done on 29 Weak Points in US and Europe for Terrorist Attacks*, National Council of Resistance, at <http://www.irannrcfac.org/Pages/press%20releases/May2004/20040525-Suicide.htm>, quoting Ruydad, an Iranian website, which reported that an official of the Revolutionary Guard, Hassan Abbassi, made this statement at a meeting at Tehran University.

¹¹⁹ Steven Stalinsky, *Taking Iran at Its Word*, JERUSALEM POST, Aug. 30, 2004 (Stalinsky is the executive director of the Middle East Media Research Institute). Many other terrifying statements were made, such as claims that Iran had spies who had discovered America’s sensitive sites, and the regime knows just where to attack. Further noted in this article were reports that two Iranian security guards for Iran’s UN offices in New York were expelled after failing to adhere to requests to cease videotaping bridges, subways, and the Statue of Liberty.

¹²⁰ See *Interview with Editorial Board*, *supra* note 7.

¹²¹ See *Future of Iran*, American Enterprise Institute, May 6, 2003 (address by Senator Sam Brownback), stating the desperation of Iran to gain control over Afghanistan and Iraq comes as a result of losing power over the Iranian people who are becoming increasingly outspoken against what they consider to be an oppressive regime.

¹²² See Jed Babbin, *Iran – Inviting Terrorism*, NATIONAL REVIEW, Feb. 11, 2004. Jed Babbin was a Deputy Under Secretary of Defense during the presidency of George H.W. Bush.

“[t]his was part of the Persian Empire, way back, and Iran really has never given up the idea that it has sway over western Afghanistan.”¹²³ Iran has been known to dispatch its own Revolutionary Guard to Afghanistan.¹²⁴ Iran has justified its armed presence in Afghanistan by using the drug war as cover.¹²⁵

Afghanistan’s poppy fields, however, are not a threat to Iran, but, rather an interest.¹²⁶ Ample evidence exists to conclude that the money collected from heroin sales is used by Iran to fund terrorism.¹²⁷ Therefore, Iran’s meddling in Afghanistan serves to support a number of Tehran’s objectives in the region. Although the regime declares it has an Islamic-inspired anti-drug agenda which requires that it maintain a presence in Afghanistan in order to prevent the movement of heroin into Iran, it has been reported that Iranian officials have actually taken the opportunity to begin trafficking the heroin themselves out of Afghanistan.¹²⁸ As a result, the regime has provided itself with a continuing source of revenue derived from the illicit heroin trade. Additional reports suggest that in an attempt to increase its profits, Iran even engages in activities to increase the heroin market within the Iraqi population.¹²⁹ Much of the supply of heroin from Afghanistan, however, is said to be shipped to terrorist organizations associated with the Iranian regime; these groups distribute the narcotics and retain the profits to fund their activities.¹³⁰ Iran’s involvement in the Afghan heroin trade not only provides it with a new source of revenue but with a credible cover story, enabling Iranian operatives to engage in destabilizing operations in Afghanistan. As a result of these circumstances, Iran has been able to establish itself in Afghanistan with far less resistance than one would expect.¹³¹

Iran has also turned much of its attention to Iraq. Unfortunately, Iraq is considered by observers as an easier target than Afghanistan. Iraq’s long-suppressed Shiite Muslim majority suffered terribly under the Sunni rule of Saddam Hussein. Iraq’s Grand Ayatollah Ali al-Sistani, who spent many years in Iran supported by the clerical regime, is enormously respected by the Iraqi people.¹³² Since the US military campaign began in 2003, numerous

¹²³ *What Next in Afghanistan?*, HERITAGE LECTURES, Jan. 31, 2002.

¹²⁴ *US Warns Iran over Al Qaeda*, BBC, Feb. 12, 2002.

¹²⁵ See Babbin, *supra* note 122.

¹²⁶ See Babbin, *supra* note 122.

¹²⁷ See Babbin, *supra* note 122, a theory substantiated when al Qaeda was discovered trafficking heroin.

¹²⁸ See Babbin, *supra* note 122.

¹²⁹ See Al-Jabouri, *supra* note 117.

¹³⁰ See Babbin, *supra* note 122.

¹³¹ See Babbin, *supra* note 122.

¹³² See Richard A. Clarke, *Is a State Sponsor of Terrorism Winning?*, NEW YORK TIMES, Mar. 27, 2005. Clarke has been a national security advisor to four US Presidents. *see also*, *Iran’s Future: Iranian Impact*, House Iran Human Rights and Democracy Caucus, May 10, 2005 (Memorandum from Kenneth Katzman, CRS Specialist in Middle Eastern Affairs to Rep. Tom Tancredo) [hereinafter Memorandum].

reports have surfaced from Iraq regarding Iran's increasingly unsettling presence there.¹³³ In fact, a recent report from Chatham House found that "the great problem facing the US is that Iran has superseded it as the most influential power in Iraq."¹³⁴ The sheer volume of reports, in conjunction with the independence of the sources, creates a very grim and likely accurate picture of military infiltration, weapons transshipments, terror sponsorship, and propaganda campaigns.¹³⁵

The goals Iran set during its eight-year war with Iraq in the 1980s remain the same today. Those four goals are placing the Shiite majority in control of the Iraqi government, removing Saddam Hussein, protecting Shiite holy places, and gaining control of Iraq's oil fields. In fact, it has been suggested that the US has achieved three of Iran's four goals for them.¹³⁶ Moreover, as a result of the current war in Iraq, Iran has begun establishing its influence over the Iraqi people and the "assistance is having little problem getting through."¹³⁷

There have been a number of authenticated reports that Iran is flooding Iraq with agents, military operatives, and suicide bombers, in addition to providing weapons and funding to the insurgents already operating within Iraq.¹³⁸ Many Iranian agents have been captured by coalition forces, and there is no question that Tehran is the source of many of the terrorist attacks aimed at civilians and anti-fundamentalist politicians.¹³⁹ An Iraqi survey group reported that Iranian agents had "placed a bounty" of \$500 on each dead American soldier.¹⁴⁰ Iraq's defense minister claimed that Iran had already taken over Iraqi border positions.¹⁴¹

¹³³ See *id.* Secretary of Defense Rumsfeld and Former CIA Director Goss, along with numerous leaders in Iraq and coalition forces, have accused Iran of ongoing attempts to develop a strong and influential presence in Iran in the hopes of creating a similar Shiite Islamic theocracy.

¹³⁴ See Iran, *Its Neighbors and the Regional Crisis*, CHATHAM HOUSE (British Royal Institute of International Affairs), 2006. The report goes on to state that the Iranian influence could easily be used against the US to heighten casualties to a point where a continued American presence in Iraq would become untenable.

¹³⁵ See Edward T. Pound, *The Iran Connection*, US NEWS.COM, Nov. 22, 2004, at <http://www.usnews.com/usnews/news/articles/041122/22iran.htm>.

¹³⁶ Clarke, *supra* note 132.

¹³⁷ Clarke, *supra* note 132.

¹³⁸ See Memorandum, *supra* note 132, detailing the number of terrorist cells operating in Iraq with direct links to Iran's leaders. A recent report suggests "many of the new, more sophisticated roadside bombs used to attack American and government forces have been designed in Iran and shipped from there." See Eric Schmitt, *Some Bombs Used in Iraq are Made in Iran, US Says*, NEW YORK TIMES, August 6, 2005.

¹³⁹ See Al-Jabouri, *supra* note 117.

¹⁴⁰ See Pound, *supra* note 135.

¹⁴¹ See Doug Struck, *Officials Warn of Iranian Infiltration*, WASHINGTON POST, Jul. 26, 2004.

Furthermore, intelligence sources connect the actions in Iraq with the leadership in Iran.¹⁴² Iraq's national intelligence chief, Mohammed Al Shahwani, has accused Iran of setting aside \$45 million specifically intended for destabilizing Iraq.¹⁴³ A former senior National Security Council staffer has pointed to intelligence demonstrating that Khomeini's personal military, the Revolutionary Guard, have sent as many as 5,000 men into Iraq with an agenda of ensuring a strong Iranian influence by any means necessary.¹⁴⁴ Iran is now positioned in Iraq in a way that it has sought for years, having "penetrated the country's sensitive centers and set up many intelligence and security centers."¹⁴⁵

Iran's support for the terrorist network that exists in Iraq is now clear. In particular, Iran has been linked to one of Iraq's most dangerous insurgent groups, the Mahdi Army Militia, which has been responsible for some of the most deadly attacks on coalition forces.¹⁴⁶ More recently, a group called the Committee for the Commemoration of Martyrs of the Global Islamic Movement has been established in Tehran under an apparent high level of participation and supervision within the Iranian government.¹⁴⁷ The purpose of this organization is terrorism,¹⁴⁸ and its specific task is to recruit suicide bombers for missions in Iraq.¹⁴⁹ Its leader, Foruz Rajaifar,¹⁵⁰ has been heard quoting the words of Ayatollah Khamenei: "Suicide attacks are the only effective and viable method against the domination of world arrogance [*i.e.*, the United States]."¹⁵¹ Although there is no direct evidence this organization is officially sponsored by Iran's government, its initial meeting was attended by at least one member of the Revolutionary Guard and a prominent lawmaker and was held in a government building.¹⁵² This suggests, at a minimum, Iranian government complicity.¹⁵³ Most recently, Multi-National Force Commanding General George Casey (U.S. Army, four-star) confirmed that covert Iranian

¹⁴² See Pound, *supra* note 135. "[I]ntelligence reports indicate the seeds of the insurgency were growing, in some cases with funding and direction from Iranian government factions." An interview in 2004 with an insurgent captured in Iraq stated that members of his group met with high officials in Iran, including Supreme Leader Khamenei.

¹⁴³ See Ned Parker, *Iraq's Spy Chief Accuses Badr Militia of Killing Agents*, MIDDLE EAST ONLINE, published Oct. 14, 2004.

¹⁴⁴ See Clarke, *supra* note 132.

¹⁴⁵ Westminster, *supra* note 38.

¹⁴⁶ See Pound, *supra* note 135. The organization has ties to Hezbollah and the leader is known to have visited Iran in the past.

¹⁴⁷ See Pound, *supra* note 135.

¹⁴⁸ See Pound, *supra* note 135.

¹⁴⁹ See Pound, *supra* note 135.

¹⁵⁰ See Yoseef Bodansky, *Between Tehran, Baghdad and the Heart of the United States*, Global Information Systems, at 128.121.186.47/ISSA/reports/Iraq/Jun0104.htm. Bodansky is the director of research for the International Strategic Studies Association and the director of the Congressional Task Force on Terrorism and Unconventional Warfare in the House.

¹⁵¹ Kayhan (Iranian newspaper), May 22, 2004.

¹⁵² See Ali Akbar Dareini, *Group Seeks Bombers to Target US in Iraq*, ASSOCIATED PRESS, Nov. 29, 2004.

¹⁵³ See *id.*

special forces have been providing weapons, roadside bomb technology and training to extremist groups and have been using surrogate groups to attack Iraqi and US forces.¹⁵⁴ This newest development only deepens the concern for Iraqis and the coalition forces who have been engaged in maintaining a peaceful and democratic Iraq.

In addition to its military and terrorist efforts, Iran's interference in Iraq also includes a program of propaganda designed to influence the people and their vote to ensure a solid Shiite government. According to King Abdullah of Jordan, more than one million Iranians crossed the border to vote in the Iraqi election.¹⁵⁵ In fact, many of the new leaders elected in Iraq spent many years living in Iran.¹⁵⁶ There is debate as to the success of Iran's propaganda efforts within Iraq in view of the secular government that ruled the country for many years.¹⁵⁷ Nevertheless, upon his recent return from a trip to Iraq, Senator Jack Reed noted that "the Iranians have been able to very subtly, or not so subtly, exert their presence within Southern Iraq particularly and within the government. There are personalities that have . . . strong ties, personal as well as political, to Tehran."¹⁵⁸ Furthermore, a steady increase in the number of fundamentalist Shiites, either coming from Iran or by way of conversion, would only fuel an already unstable situation.

Iran's particular threat to peace in the Middle East and the world stems from its fundamentalist oppressive regime that seeks domination of the Muslim world. In fact, this intention is stated in its constitution: "All Muslims are one nation and the Islamic Republic of Iran is duty bound to rest its general policy on the unity of Islamic nations and undertake efforts to realize the political, economic and cultural unity of the Islamic world."¹⁵⁹ With every rigged¹⁶⁰ and cleric-controlled¹⁶¹ election in Iran, new hope of a softer and more reasonable regime glimmers briefly, and is again extinguished. The latest election is no exception. In fact, President Ahmadinejad's conduct may have even alarmed some of his fellow conservative constituents.¹⁶² Nevertheless, the "Death to America" chants are echoing again from the Iranian parliament.¹⁶³

¹⁵⁴ See *US General Says Iran has Increased Support to Iraqi Insurgency*, US Department of State, Jun. 23, 2006

¹⁵⁵ See Robin Wright and Peter Baker, *Iraq, Jordan Sees Threat to Election from Iran*, WASHINGTON POST, Dec. 8, 2004.

¹⁵⁶ See Clarke, *supra* note 124.

¹⁵⁷ See *Iraqi Interim President: Insurgents Will Be Gone In a Year*, CNN INTERNATIONAL, Dec. 8, 2004.

¹⁵⁸ See *A Conversation on Iraq and Afghanistan with Senator Jack Reed*, The Brookings Institution, Oct. 26, 2006

¹⁵⁹ Jalal Ganje'i, *Two Islams Face Off*, WASHINGTON TIMES, Sept. 27, 2004.

¹⁶⁰ See Kenneth Timmerman, *Fake Election, Real Threats*, WASHINGTON TIMES, June 17, 2005.

¹⁶¹ See *Iran: Time for a New Approach*, Council on Foreign Relations, Co-Chaired by Robert M. Gates and Zbigniew Brzezinski, Jul. 14, 2004 [hereinafter CFR Report]. Elections are heavily controlled by the clerics who determine who is fit to run in elections.

¹⁶² See *Third Oil Nominee Rejected*, CNN, Nov. 23, 2005. The Iranian president has had difficulty achieving goals within the government and has faced friction among fellow conservatives.

¹⁶³ Joel Gaines, *Iran: Sponsor of Terror*, NoPunditIntended.com, at <http://www.nopunditintended.com/?q=Iran-Sponsor-of-Terror>, posted Nov. 29, 2004.

Iran's support for international terrorism has grown and has "provided a vehicle . . . to spread fundamentalism through the exploitation of Islam."¹⁶⁴ Opponents are sought out and assassinated wherever they may be.¹⁶⁵ "It seems that whenever someone turns over [a] stone, there underneath are the Ayatollahs and their Revolutionary Guard."¹⁶⁶ Iran's fundamentalist stance coupled with its use of terrorism as a tool of foreign policy continues to make it the primary obstacle to achieving peace in the Middle East and around the world.¹⁶⁷

C. Iran's Abysmal Human Rights Record

The human rights situation in Iran is "abysmal and has been condemned over 50 times by the United Nations."¹⁶⁸ The rule of law in Iran is exclusively based on an extremist view of Islam that severely punishes any deviation in interpretation of the Qu'ran from that of the ruling clerics.¹⁶⁹ Any acts incompatible with this extremism are treated harshly and include inhumane treatment such as public beatings, imprisonment, torture, and death.¹⁷⁰ As a result, there are numerous killings and disappearances of political dissidents to eliminate the threat they pose to the totalitarian rule of the regime.¹⁷¹ Despite international outcry, the situation continues to deteriorate. Iran has increased its oppression and violence against political dissidents, journalists, women, and minorities.¹⁷²

1. Iran's Exploitation of Islam

The majority of the abuses committed by Iran's leaders are based on the exploitation of Islam.¹⁷³ In fact, the constitution strictly provides that "all laws and regulations . . . shall be based on Islam." This means, of course, the interpretation presented by the ruling clerical

¹⁶⁴ Letter from Members of the US House of Representatives to President William Jefferson Clinton, Mar. 7, 1995 [hereinafter Letter 1].

¹⁶⁵ *See id.*

¹⁶⁶ Symposium, *supra* note 53.

¹⁶⁷ *See* Letter from Members of the US Senate to President Clinton, Feb. 10, 1997 [hereinafter Letter 2].

¹⁶⁸ *See* Situation of Human Rights in the Islamic Republic of Iran, General Assembly Resolution, A/RES/60/171, Dec. 16, 2005; *see also* UN General Assembly Condemns Human Rights Violations in Iran, TORONTO STAR, Dec 16, 2005; *see also* Country Report on Human Rights Practices – 2004, US Department of State, Feb. 28, 2005 Country Report on Human Rights Practices – 2005, US Department of State, Mar. 8, 2006 [hereinafter Country Report].

¹⁶⁹ *See* Country Report, *supra* note 168; *see also* Brownback, *supra* note 120. Many clerics have been jailed as a result of their criticism of the way in which the Iranian mullahs interpret Islam and the harsh punishments imposed as a consequence of defiance.

¹⁷⁰ *See* Situation of Human Rights in the Islamic Republic of Iran, G.A. Res., UNGAOR, 59th Sess., 3rd Committee, A/C. 3/59/L.50, Dec. 20, 2004 [hereinafter UN Resolution].

¹⁷¹ *See* Country Report, *supra* note 168.

¹⁷² *See* Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, Economic and Social Council, Commission on Human Rights, Mar. 4, 2005 (written statement by International Federation for Human Rights); *see also* Leah Krakinowski, *Rights Group: Human Rights Violations on The Rise in Iran*, VOICE OF AMERICA, Oct. 13, 2004.

¹⁷³ *See* Promotion and Protection of Human Rights, Written Statement, Economic and Social Council, Commission on Human Rights, Mar. 23, 2004 (written statement by United Nations Watch) [hereinafter 2004 U.N. Watch Written Statement].

regime.¹⁷⁴ Supreme Leader Ayatollah Ali Khamenei stands as the enforcer of Islamic law and the unelected, absolute ruler of Iran.¹⁷⁵ There is no branch of government that is not controlled either directly or indirectly by the Ayatollah or his Council of Guardians.¹⁷⁶ Any legislative attempts at liberalization are rejected by the council and are often replaced with even more restrictive laws.¹⁷⁷ To further ensure compliance with the strict Islamic law, a morality police, the Basij, was created to seek out those acting un-Islamic.¹⁷⁸ The morality police has a wide degree of authority to carry out extrajudicial punishments, such as beatings in the street, arrests, and torture.¹⁷⁹ The Basij exists alongside other groups which are independent vigilantes that also seek out those they believe are acting un-Islamic. They often inflict serious injuries on their victims that go unquestioned by government officials, and in fact their behavior is supported by many within the regime.¹⁸⁰

2. No Freedom of Speech and Association

Iranians have few, if any, meaningful political rights.¹⁸¹ At the most fundamental level, they have no ability to change their government. Iran purports to be a democracy complete with elections for the presidency and legislature. The title of democracy, however, is a mere façade. In practice, voting is without meaning since the ruling clerics control the slate of candidates as well as the election process.¹⁸² The clerical leaders have even been accused of tampering with the ballots.¹⁸³

Additionally, speech is heavily suppressed and freedom of speech is not protected by the constitution.¹⁸⁴ Public demonstrations are generally banned and, when they occur spontaneously, are often brutally suppressed.¹⁸⁵ Although freedom of the press is guaranteed

¹⁷⁴ See Country Report, *supra* note 168.

¹⁷⁵ See Country Report, *supra* note 168.

¹⁷⁶ See Country Report, *supra* note 168. The Council of Guardians is an unelected twelve-member body that reviews all legislation and potential candidates. This council has absolute veto power.

¹⁷⁷ See Country Report, *supra* note 168.

¹⁷⁸ See Country Report, *supra* note 168.

¹⁷⁹ See Country Report, *supra* note 168.

¹⁸⁰ See Country Report, *supra* note 168; see also *Iran: Overview, 2004*, Freedom House, at <http://www.freedomhouse.org/research/freeworld/2004/countryratings/iran.htm>.

¹⁸¹ See *id.*

¹⁸² See Jerome R. Corsi, *Atomic Iran*, Cumberland House Publishing, 2005, at 195, noting the UN Special Envoy on Freedom of Opinion and Expression in 2003 warned that the screening process in Iran by which candidates are selected by the mullahs is an impediment to free expression; see also *Appraisal of E.U. Human Rights Dialogues – Assessment of the Human Rights Situation in Iran*, International Federation for Human Rights, Jul. 2004 [hereinafter IFHR Report], commenting on their disappointment over the 2004 elections where numerous hopeful candidates, the majority of which being “reformists,” were excluded from the election by the mullahs.

¹⁸³ See *Iran Election Fraud: 2298,000 Votes from 270,000 Eligible in NE Province*, Iran Focus, June 22, 2005.

¹⁸⁴ See Country Report, *supra* note 168.

¹⁸⁵ See IFHR Report, *supra* note 182.

in the constitution, this freedom is restricted and exists only where the speech does not offend Islam and the ruling clerics.¹⁸⁶ Prohibited from publication are statements criticizing the late Ayatollah Khomeini, direct criticism of Supreme Leader Khamenei, criticisms of the rule of the religious leaders, promoting views of certain dissident clerics, and advocating for rights of minorities.¹⁸⁷ For example, three newspapers in Iran were shut down by the government just before President Ahmadinejad's election after one of the papers published a letter criticizing the government for rigging the election.¹⁸⁸ As a result, the press, although it is not officially state controlled, often practices self-censorship for fear of government reprisal.¹⁸⁹ Iran remains very sensitive to criticism and combats any political opposition harshly. The regime is currently cracking down even harder on journalists and bloggers who put forth any statements incompatible with the views of the regime.¹⁷⁹ Punishments for speech that insults the government and thereby Islam, varies widely from public lashings and jail sentences to execution.¹⁹¹

3. Violations of Religious Freedom

Freedom to practice religion exists but is limited to the practice of Shiite Islam, the official religion of Iran. The US Commission on International Religious Freedom has stated that “the Government of Iran engages in or tolerates systematic, ongoing, and egregious violations of religious freedoms.”¹⁹² Although the Sunni population is generally not targeted with violence, there are numerous claims of discrimination by the government.¹⁹³ Furthermore, religious activities by Christians and Jews are restricted and members of those faiths also suffer substantial discrimination.¹⁹⁴ Evidence suggests that they are more frequently subjected to arrest under accusations of un-Islamic behavior.¹⁹⁵ The Baha'i fare even worse. Members of

¹⁸⁶ See Country Report, *supra* note 168.

¹⁸⁷ See Country Report, *supra* note 168.

¹⁸⁸ See Karl Vick, *Sides Scramble in Fight For the Iranian President*, WASHINGTON POST, June 21, 2005. More than 100 publications have been shut down by Iran's judiciary.

¹⁸⁹ See Country Report, *supra* note 168; see also *Civil and Political Rights*, Economic and Social Council, Commission on Human Rights, Mar. 8, 2005 (written statement by United Nations Watch) [hereinafter 2005 UN Watch Written Statement].

¹⁹⁰ See 2004 UN Watch Written Statement, *supra* note 173; see also *Iran – Voices Struggling To Be Heard*, US Department of State, Publication No. 11140, Bureau of Democracy, Human Rights, and Labor with the Bureau of Public Affairs, Apr. 2004.

¹⁹¹ See Country Report, *supra* note 168; see also Symposium, *supra* note 53. For example, Iran has the highest number of political executions in the world.

¹⁹² Statements by Senator Brownback, *Women in Iran*, Senate Congressional Record, p. S6711, June 16, 2005.

¹⁹³ See Country Report, *supra* note 168.

¹⁹⁴ See Country Report, *supra* note 168.

¹⁹⁵ See 2005 UN Watch Written Statement, *supra* note 189.

the Baha'i faith are not afforded any protections, and their religion has been deemed un-Islamic under Iranian law and, therefore, illegal.¹⁹⁶ Further examples of religious discrimination can be seen in the Iranian penal code. If a Muslim is murdered, the perpetrator is subject to a crime of retaliation.¹⁹⁷ In comparison, if a Muslim kills a non-Muslim, the killer may simply pay blood money to the victim's family to cure the "debt."¹⁹⁸ Finally, an attempt to convert from Islam is punishable by death.¹⁹⁹

4. Denial of Women's Fundamental Rights

Women as a minority are heavily suppressed and, as a result of the high expectations placed on them by the Islamic code, are targeted more heavily. Although the Iranian government is quick to mention that the number of women serving in the legislature is "commendable," this does not accurately reflect the actual status of women's rights.²⁰⁰ In reality, the application of many Iranian laws to women is a violation of international human rights law.²⁰¹ Women are actually afforded few rights independent of their husbands. For example, women generally require permission to engage in many activities, including travel.²⁰² Women are expected to remain pillars of modesty and morality in a way that is far more intrusive than the requirements for men. The morality police often beat women in the streets for such acts as dressing immodestly, wearing cosmetics, or associating with unmarried men. These acts, the morality police say, are in violation of Iranian and Islamic laws.²⁰³ Moreover, women often receive far more severe punishments than do men who have been convicted of the same crime. For example, men who commit rape may not receive any punishment at all, yet any accusations of impure chastity against a woman, even in the event of rape, can be tantamount to a death sentence. Even worse is the treatment women receive while imprisoned, where rape, and specifically rape of virgins, is a widely practiced punishment.²⁰⁴

¹⁹⁶ See UN Watch Written Statement, *supra* note 173.

¹⁹⁷ See IFHR Report, *supra* note 182.

¹⁹⁸ See IFHR Report, *supra* note 182.

¹⁹⁹ See Country Report, *supra* note 168.

²⁰⁰ See 2004 UN Watch Written Statement, *supra* note 173.

²⁰¹ See 2004 UN Watch Written Statement, *supra* note 173.

²⁰² See Country Report, *supra* note 168.

²⁰³ See Country Report, *supra* note 168.

²⁰⁴ See Corsi, *supra* note 182 at 204. Because under the Mullahs' interpretation of Islam, a woman who dies a virgin will go to heaven, rape of female prisoners has become a common practice in Iran. This "punishment" is particularly imposed on female political detainees, and especially before a woman is to be executed: an "eternal" punishment as such.

5. Torture and Inhumane Treatment by Iranian Officials

As a result of the strict Islamic code and the lawless judiciary,²⁰⁵ the number of prisoners in Iran is alarming and on the rise. Furthermore, the treatment of persons in Iranian custody is appalling, and consequently, widely condemned.²⁰⁶ In December 2004, when a group of journalists publicly testified about their torture and warrantless arrests, they were threatened by the country's chief prosecutor with bodily harm to both them and their families.²⁰⁷

Although some of the torture inflicted on Iranians is not necessarily ordered by Iranian leaders, such acts are routinely tolerated. For example, there is little supervision of the activities of the intelligence forces and prison wardens.²⁰⁸ Additionally, there is no justice for the victims of torture and the subsequent "accidental" deaths that often occur during interrogations.²⁰⁹ Iran ranks "at the top of the list" with respect to the number of executions.²¹⁰

More distressing, however, are the inhumane methods of execution, such as hanging, crucifixion, and stoning.²¹¹ Stoning, often the punishment for "crimes incompatible with chastity," is governed by very specific guidelines in the Iranian penal code. For example, Article 104 specifies that the stones "should not be large enough to kill the person by one or two strikes."²¹² The intention of this specification is to ensure that the person does not die immediately, but instead suffers a long and painful death.²¹³

²⁰⁵ See Corsi, *supra* note 182 at 200. The judicial system, generally, is neither independent nor impartial. For example, the trials are often private with no jury or legal representation.

²⁰⁶ See UN Resolution, *supra* note 170; see also Freedom House, *supra* note 180.

²⁰⁷ See Corsi, *supra* note 182 at 198.

²⁰⁸ See Country Report, *supra* note 168.

²⁰⁹ See Country Report, *supra* note 168. For example, the recent death of a Canadian photographer as a result of beatings by her interrogator went un-penalized.

²¹⁰ *A Weekly Review of Developments in and Pertaining to Iran*, RADIO FREE EUROPE/RADIO LIBERTY, Dec. 27, 2004.

²¹¹ See UN Resolution, *supra* note 170; see also Country Report, *supra* note 168.

²¹² Corsi, *supra* note 182 at 207.

Despite frequent and specific charges raised by governments, non-governmental organizations, and the United Nations, Iran continues to commit gross human rights violations.²¹⁴ Although not all the violations are carried out under explicit orders from Ayatollah Khamenei or the judiciary, nonetheless government officials are complicit in these abuses.²¹⁵ European attempts at a dialogue focused on the eradication of these abuses have had little impact, a fact acknowledged by the EU itself.²¹⁶ Recent crackdowns on political dissidents and a tightening of the “morality force” reinforce the conclusion that this dialogue has not been fruitful.²¹⁷ Furthermore, Nobel Peace Prize laureate Shirin Ebadi charges that Iran’s leaders have been increasing their assault on organizations and attorneys attempting to expose and curb abuses.²¹⁸ Although Iran occasionally claims that it will suspend some of its more heinous practices, reports demonstrate the contrary.²¹⁹ Iran’s “flagrant disregard . . . is a mockery of international law and an affront to those upholding it.”²²⁰ Despite such strong statements contained within reports to the United Nations, Iran remains undeterred and such practices are sure to persist under the rule of the “unelected few”²²¹ whose fundamental interpretation of Islam provides the justification.

²¹³ See Corsi, *supra* note 182 at 207.

²¹⁴ See Freedom House, *supra* note 180.

²¹⁵ See IFHR Report, *supra* note 182.

²¹⁶ See *Iran – Human Rights – Council Conclusions*, E.U. REPORT, Oct. 13, 2003 [hereinafter EU Report]; see also Golnaz Esfandiari, *Iran: EU Human Rights Dialogue Brings Little Progress*, RADIO FREE EUROPE/RADIO LIBERTY, June 30, 2004. European attempts at a soft-toned peaceful dialogue come as no surprise given their interests in increasing trade with Iran.

²¹⁷ See *id.*

²¹⁸ See 2004 UN Watch Written Statement, *supra* note 173.

²¹⁹ See *Stoning Continues in Iran Unabatedly*, Women’s Forum Against Fundamentalism in Iran, at <http://www.wfafi.org/Stoning.htm>, see also *Canada, Iran: Human Rights Overview*, Ministry of Foreign Affairs, 2005. Amputations have also continued, despite Iran’s promises to end this form of punishment; see also IFHR Report, *supra* note 182, repeating reports that stoning and amputations continue despite statements that these punishments have been suspended.

²²⁰ 2004 UN Watch Written Statement, *supra* note 173.

²²¹ Robin Wright and Michael A. Fletcher, *Bush Denounces Iran’s Election*, WASHINGTON POST, June 17, 2005, quoting President Bush’s reference to the ruling regime in Iran as the “unelected few.”

II. Options for Responding to Iran

A. *The Risk of US Military Intervention*

Although “we don’t want American armies marching on Tehran,”²²² US military intervention is one of the options available to deal with the increasing threat that Iran poses. Realistically, however, a full-scale military campaign aimed at regime change would prove exceptionally challenging. As a result of this complex web of uncertainties, a military campaign would not be a realistic option. Iran, despite its military inferiority, would very likely employ many unconventional tactics aimed at escalation, bringing about numerous unforeseen consequences.²²³ For example, Iran could quickly ignite its vast terrorist networks around the world to engage in terrorist attacks that would likely target civilians. Furthermore, such an attack against Iran, aided by Iran’s propaganda, is likely to help foster Islamic unity among Middle Eastern states, thereby eliciting a larger than anticipated response against the United States.

According to Dr. Daniel Byman, Senior Fellow at the Saban Center for Middle East Studies at the Brookings Institution, any small-scale attack against Iran with a specific purpose, such as putting an end to Iran’s nuclear weapons program, “certainly would fail and probably would backfire and make things worse . . . limited military strikes have an exceptionally bad history with regard to stopping sponsorship of terrorism.”²²⁴ Upon completion of a recently enacted war game by *Atlantic Monthly*, participant and war game designer Sam Gardiner, a retired Air Force colonel, stated that there is “no military solution for the issues of Iran.”²²⁵

According to the *Atlantic Monthly* war game, US military options are said to contain three possibilities for Iran: one night of air strikes to deter Iran from further meddling in Iraq, several days of air strikes aimed at destroying Iran’s nuclear facilities, and all-out war with the goal of regime change.²²⁶ Although the first two options are feasible militarily, they lack any

²²² Interview with Colin Powell by CNN’s Christiane Amanpour, Nov. 23, 2004, available at <http://www.state.gov/secretary/former/powell/remarks/38667.htm>, quoting former Secretary of State Colin Powell.

²²³ See Kaveh L. Afrasiabi, *How Iran Will Fight Back*, ASIA TIMES, Dec. 16, 2004.

²²⁴ *Towards a New Iran Policy*, Saban Center for Middle East Policy, Brookings Institution, Nov. 23, 2004, at 45 [hereinafter Brookings Transcript].

²²⁵ James Fallows, *Will Iran be Next?*, ATLANTIC MONTHLY, Dec. 2004.

²²⁶ See Michele Kelemen, *Mock War Game Shows Limited U S Options on Iran*, NATIONAL PUBLIC RADIO, Nov. 5, 2004.

real advantage and may elicit even stronger defiance and resolve on the part of Tehran.²²⁷ The first option, a one-time-only air strike, could deter Iran's meddling; however, there is also the risk of aggravating Iran even further.²²⁸ Moreover, in the long run, it is very unlikely that such a strike would actually deter Iran's efforts in Iraq; instead, Iran would just act on an even more clandestine level.²²⁹ The second option is also available in the event that the US wishes to attack Iran's evolving nuclear program. The likelihood, however, of effectively destroying all of Iran's nuclear facilities is slight.²³⁰ Intelligence regarding the location of facilities is not exact; the most dangerous weapons facilities are very likely well hidden. In sum, air strikes against possible sites would not impact the program substantially.²³¹ Certainly, given recent actions by the regime to move nuclear facilities underground, military observers have expressed the opinion that an air strike operation would be a challenging complication, if not an insurmountable one.²³² A September 2004 analysis by the Nonproliferation Policy Education Center concluded that "as for eliminating Iran's nuclear capabilities militarily, the US and Israel lack sufficient targeting intelligence to do this."²³³ In sum, these limited military options are unlikely to achieve any permanent solution and may well lead to an unintended escalation of hostilities.

The only military option available to attempt effecting permanent regime change in Iran would be a full-scale military assault.²³⁴ Such an attack, however, is not only unrealistic; it would have a series of complex and unforeseen consequences. From a military perspective, moreover, only limited resources are available for such an attack. US military forces, as well as military equipment, are already heavily committed in neighboring countries.²³⁵ Furthermore, the notion of occupying and then exiting Iran quickly is unrealistic in light of Iran's great size and capability; the unrealistic nature of this notion becomes even more apparent when it is juxtaposed with the coalition forces' experience in Iraq.²³⁶ In addition,

²²⁷ See Fallows, *supra* note 225 .

²²⁸ See Fallows, *supra* note 225.

²²⁹ See Fallows, *supra* note 225.

²³⁰ See Fallows, *supra* note 225.

²³¹ See Fallows, *supra* note 225 .

²³² See *generally* Target Iran – Air Strike Uncertainties, Global Security.org last visited Dec. 27, 2005.

²³³ See *id.*, quoting Competitive Strategies Working Group, Report by the Nonproliferation Policy Education Center (NPEC), Sept. 2004.

²³⁴ See Fallows, *supra* note 225.

²³⁵ See Fallows, *supra* note 225.

²³⁶ See Fallows, *supra* note 225.

attempting to secure support from the American people to invest money and human life in another war would be challenging. Similarly, from an international policy perspective, such an attack would only exacerbate the current tensions between the US and Europe.²³⁷ A US military campaign would also have the potential to further suppress Iran's existing anti-regime movement.²³⁸ The Iranian government, in a state of emergency, would use a US attack to justify totally repressing any independent organizations that exist at a grassroots level, such as free-thinking student and human rights organizations.²³⁹ The minimal respect for human rights that barely survives in Tehran would be the first casualty of such a war.²⁴⁰

Iran would also exercise its ability to deploy "asymmetric" tactics, similar to those used in Iraq now. These tactics aim not to resist an invasion, but instead to force the enemy in an all-out bloody "guerilla style" fight on the ground.²⁴¹ Furthermore, Iran is certain to engage all of its terrorist allies, thereby increasing its manpower as well as maneuverability.²⁴² Iran would inevitably intensify insurgent activity in both Afghanistan and Iraq so as to draw additional US manpower to those areas, thereby reducing the number of US forces available to fight in Iran.²⁴³ Similarly, Iran would warn its neighbors of the consequences of supporting the "invaders,"²⁴⁴ thereby placing limitations on American options for nearby strategic locations. Further, Iran controls the Strait of Hormuz, a waterway that all oil tankers must pass through on their way out of the Middle East. Iran could quite easily place a chokehold on the movement of oil, thereby severely restricting access by US forces to the area.²⁴⁵ Moreover, this chokehold would have vast consequences for oil consumption by Europe and the US.

Perhaps the greatest of Iran's strategic advantages is its ability to ramp up its propaganda machine within the region to incite further hatred for the US, while bolstering unity among Muslims.²⁴⁶ The war would quickly move to a much larger playing field, one which Iran

²³⁷ See Jim Lobe, *Neocons Exploiting Domestic Unrest in Iran*, Antiwar.com, May 11, 2005.

²³⁸ See Shirin Ebadi and Hadi Ghaemi, *The Human Rights Case Against Attacking Iran*, NEW YORK TIMES, Feb. 8, 2005.

²³⁹ See Ebadi and Ghaemi, *supra* note 238.

²⁴⁰ See Ebadi and Ghaemi, *supra* note 238.

²⁴¹ See Fallows, *supra* note 225.; see also See Borzou Daragahi, *Iran Readies Military, Fearing a US Attack*, SAN FRANCISCO CHRONICLE, Feb. 21, 2005; see also CSIS, *supra* note 42, stating such asymmetric warfare would have a "strategic effect out of proportion to the size and capability of Iran's forces."

²⁴² See *id.* The Iranian Revolutionary Guard also includes a special force called Qods which has the capability to conduct unconventional warfare overseas under the cover of their diplomatic positions in Iranian embassies abroad.

²⁴³ See Afrasiabi, *supra* note 223.

²⁴⁴ See Afrasiabi, *supra* note 223. Iran's initial reaction to US invasion would likely be a strong and powerful show, complete with counter-missile attacks, specifically aimed at warning neighboring countries.

²⁴⁵ See Daragahi, *supra* note 241; see also CSIS Report, *supra* note 42.

²⁴⁶ See Lobe, *supra* note 237.

would largely control. According to the *Atlantic Monthly* war game, escalation would be inevitable as game participants were “unsuccessful at preventing the conflict from escalating.”²⁴⁷ An escalation would not only entangle the entire region in war, it would spread throughout the world – anywhere terrorist networks already exist.²⁴⁸ The Iranian regime, facing fear of destruction, “would have no reason to hold back on any tool of retaliation it could find.”²⁴⁹

Although American forces are far superior to those of Iran, nevertheless Iran’s army is large by regional standards and its technology far more advanced than that of Iraq and Afghanistan.²⁵⁰ Iran would be a much more dangerous opponent than were the militaries of Iraq or Afghanistan.²⁵¹ When combined with the fact that the missions in Iraq and Afghanistan have stretched the US to its military limit, these factors ensure that the success of a US attack on Iran cannot be predetermined, and the US would certainly pay a high price.²⁵² In light of all of these factors, military analysts have concluded that the option of engaging in military conflict against Iran poses unacceptable risks and should be avoided.

B. Continuing the Policy of Engagement

Another option for dealing with the increasing threat from Tehran is a continuation of engagement with the regime. The contours of this policy were well described in a Task Force Report by the Council on Foreign Relations, co-chaired by former CIA Director William Gates and former National Security Advisor Zbigniew Brzezinski.²⁵³ The Task Force asserted that the US government should selectively engage with the Government of Iran.²⁵⁴ Additionally, the report recommends that all potential incentives for extracting compliance from Iran should be pursued.²⁵⁵

²⁴⁷ Elmarie Jack, *US Loses War Games*, NEWS 24.COM, Sept. 19, 2004.

²⁴⁸ See Fallow, *supra* note 225.

²⁴⁹ See Fallow, *supra* note 225; see also Westminster, *supra* note 38, stating that Iran was willing to accept up to one million human loses during its war with Iraq in the 1980s. Given the enormous threat that the US would pose, Iran’s breaking point is likely to push well past one million.

²⁵⁰ See CSIS Report, *supra* note 42. Iran’s military actually numbers fewer than one million soldiers. Also, its equipment remains aged and of questionable quality.

²⁵¹ See CSIS Report, *supra* note 42.

²⁵² See Daragahi, *supra* note 241.

²⁵³ See CFR Report, *supra* note 161.

²⁵⁴ See CFR Report, *supra* note 161.

²⁵⁵ See CFR Report, *supra* note 161.

A softer variation of this approach is the engagement policy vigorously pursued in recent years by Germany, France, and the United Kingdom – collectively, the EU-3.²⁵⁶ This policy has been the only diplomatic method employed, despite evidence that Iran has embarked on a nuclear weapons program, sponsors terrorism, and is persisting in committing serious abuses of human rights.²⁵⁷ Although the EU-3 has expressed serious concern since the election of President Ahmadinejad, the EU-3 has maintained in the past that talking to Iran and offering it the appropriate incentives, would persuade Tehran to adjust its policies and fall in line with the West's expectations.²⁵⁸ One example of these incentives was the offering of a light-water reactor, best suited to a power program, in exchange for Iran's dismantling and abandonment of its heavy-water facility.²⁵⁹ The EU-3 also offered technical expertise to aid Iran's nuclear energy program.²⁶⁰ All of these concessions were offered in exchange for Iran's expected promise to cease all enrichment-related nuclear activities.²⁶¹ No such promise was forthcoming. As a result, in late 2004, the EU-3 was forced to demand that Iran suspend all its nuclear enrichment efforts or risk being referred to the UN Security Council.²⁶² Two months later, Iran acquiesced and agreed to a full suspension.²⁶³ This suspension, as previously pointed out, was short-lived. Following the election of President Ahmadinejad in August 2005, Iran's leaders categorically rejected proposals made by the triumvirate and demonstrably resumed its nuclear program in Isfahan.²⁶⁴ In January 2006, the IAEA confirmed that Iran had broken the U.N. seals put in place during the suspension at the Natanz uranium enrichment plant so that it can renew enrichment.²⁶⁵ Most recently, Iran completed a second cascade of centrifuges allowing it to increase its production of enriched uranium.²⁶⁶

Despite public statements issued by Tehran, evidence as to a real cessation during the suspension period was to the contrary.²⁶⁷ Iran's nuclear program appears to have remained relatively undisturbed throughout the talks. In fact, some argue that not only has no progress been

²⁵⁶ See Westminster, *supra* note 38.

²⁵⁷ See Struan Stevenson, *Risks of Appeasing Iran's Mullahs*, WASHINGTON TIMES, Jan. 5, 2005. Stevenson is a Scottish member of the European Parliament.

²⁵⁸ See *id.*

²⁵⁹ See *id.*

²⁶⁰ See *id.*

²⁶¹ See *id.*

²⁶² Matthew Clark, *Britain Sets Nuclear Deadline for Iran*, CHRISTIAN SCIENCE MONITOR, Sept. 9, 2004; see also AGENCE FRANCE PRESSE, *supra* note 65.

²⁶³ Iran-EU Agreement on Nuclear Programme, IAEA, Nov. 14, 2004.

²⁶⁴ See BBC NEWS, *supra* note 72; see also BBC NEWS, *supra* note 71.

²⁶⁵ IAEA Confirms Iran Broke UN Seals at Nuclear Plant, REUTERS, Jan. 10, 2006.

²⁶⁶ See IAEA Head: Iran Close to Enriching Uranium, *supra* note 37.

²⁶⁷ See generally Iran Profile: Nuclear Chronology, NTI.org.

forthcoming, a regression has actually taken place as a result of the talks.²⁶⁸ For example, the time spent by the EU-3 on the talks may have enabled Iran to diversify its oil customer base and increase its profits and weaponry connections.²⁶⁹ Additionally, attempts to discuss the human rights abuses have not had any measurable impact.²⁷⁰ For example, not long after a previous round of talks, Iran held elections in which Iran's clerical leaders, who control the regime, prevented numerous prospective candidates from participating.²⁷¹ Furthermore, the regime has also significantly increased the number of political detainees as well as executions.²⁷²

This method has been so far ineffective, and it would appear that prospects for future discussions with the regime are equally dim. Although Iran recently engaged in discussions of its nuclear activities with Javier Solana, the EU foreign policy chief, the negotiations did not result in a deal.²⁷³ Recent reports suggest there is little potential for successful negotiations.²⁷⁴

Many American lawmakers, including Senate Majority Leader Bill Frist, believe that "it has become clear that international efforts to stop Iran's atomic program have failed to bear fruit."²⁷⁵ Similarly, Representative Brad Sherman, a longtime member of the House International Relations Committee and the "top Democrat" on the Non-Proliferation Subcommittee, recently stated that "we have done nothing and things on the ground have gotten worse . . . we're getting years and years of warnings . . . we're doing little or nothing."²⁷⁶ Representative Ileana Ros-Lehtinen, chair of the Middle East and Central Asia Subcommittee, is certain that continued negotiation with Iran will simply "allow more time [for Iran] to build up the nuclear arsenal."²⁷⁷

As a consequence, many one-time supporters of the engagement approach have become disenchanted with the soft approach to engagement because it manifestly lacks positive results.²⁷⁸ Following Iran's most recent refusal to halt uranium enrichment in defiance of the Security Council resolution of July 2006, the five members of the Security Council and Germany have begun to discuss the possibility of pursuing sanctions against Iran.²⁷⁹ But in actuality, this threat may ring hollow. Iran has negotiated over \$100 billion worth of deals

²⁶⁸ See Esfandiari, *supra* note 216; see also Symposium, *supra* note 53.

²⁶⁹ Gaffney, *supra* note 4.

²⁷⁰ See Esfandiari, *supra* note 216.

²⁷¹ See EU Report, *supra* note 216.

²⁷² See Country Report, *supra* note 168; see also 2005 UN Written Statement, *supra* note 190.

²⁷³ See BBC NEWS, *supra* note 71.

²⁷⁴ See Michael Adler, *Iran Nuclear Sanctions Face Tough Ride*, AGENCE FRANCE PRESSE, Sept. 1, 2006.

²⁷⁵ Bill Frist, *Reining in Iran*, LOS ANGELES TIMES, Dec. 26, 2005.

²⁷⁶ Lisa Friedman, *Sherman Makes Iran His Mission*, Los Angeles Daily News.com, Dec. 28, 2005.

²⁷⁷ Carol Giacomo, *Influential Congressman Faults Bush on Iran*, WASHINGTON POST, Dec. 16, 2005.

²⁷⁸ See IPC Report, *supra* note 3.

²⁷⁹ See *US Wants Measure to Say Iran is Threat to Peace*, REUTERS, Nov. 7, 2006

with China, for example, and Iranian leaders probably believe they will be protected by a Chinese veto of any proposed UN sanctions.²⁸⁰ While China and Russia have expressed a willingness to support limited sanctions against Iran, they are unlikely to buckle to pressure from the US to enact harsher measures as a result of their significant commercial and strategic interests in Iran.²⁸¹

In addition, the EU-3 and many other European countries maintain a reluctance to take a hard-line approach with Iran for fear of aggravating the regime.²⁸² This fear may be well founded, given that Iran possesses missiles capable of hitting targets in Southern Europe and has been carrying on an aggressive weapons program to create weapons with longer-range capabilities.²⁸³

Fear of antagonizing Iran may not be the only motivation for cautious engagement by some European countries. Instead, some have argued the greater fear is actually that of economic loss. France and Germany have been substantially expanding their trade relationship with Iran, increasing business opportunities for companies in those countries.²⁸⁴ Notably, Iran has recently become Germany's "number one trading partner in the Near and Mideast . . . as German exports to Iran topped €3.574 billion and imports [from Iran] reached €391 million," boasted Werner Schoeltzke, chairman of the German Near and Middle East Association.²⁸⁵ Although the presence of French companies is not as pronounced as those from Germany, numerous French companies, such as Total, Renault, and Alcatel, have increased their presence in Iran and as a result have made substantial profits.²⁸⁶ French exports to Iran are twice as high as only a few years ago.²⁸⁷ The number of French businesses

²⁸⁰ Dennis Ross, *Making Iran Play Ball*, US NEWS & WORLD REPORT, June 6, 2005. Ambassador Ross served as Special Middle East Coordinator under President Clinton and as director of the State Department's Policy Planning Staff in the first Bush administration. He was awarded the Presidential Medal for Distinguished Federal Civilian Service by President Clinton, and Secretaries Baker and Albright presented him with the State Department's highest award. He was instrumental in assisting Israelis and Palestinians to reach the 1995 Interim Agreement; he also successfully brokered the 1997 Hebron Accord, facilitated the 1994 Israel-Jordan peace treaty, and intensively worked to bring Israel and Syria together. See Expert Biography: Dennis Ross, Washington Institute for Near East Policy, at <http://www.washingtoninstitute.org/templateC10.php?CID=8>.

²⁸¹ See Tony Karon, *Why the Sanctions Threat Doesn't Scare Iran*, TIME, Oct. 25, 2006; see also Frist, *supra* note 275.

²⁸² See Stevenson, *supra* note 257.

²⁷¹ See Stevenson, *supra* note 257.

²⁸⁴ See Borzou Daragahi, *France Steps Up Its Investments in Iran*, NEW YORK TIMES, June 23, 2004.

²⁸⁵ *Iran Becomes Germany's Top Trade Partner in Mideast: Official*, Payvand's Iran News, Apr. 13, 2005.

²⁸⁶ See Daragahi, *supra* note 284; see also *Paris Arrests Used to Seal Deals*, DAILY TELEGRAPH, June 19, 2004.

²⁸⁷ See Daragahi, *supra* note 284.

registered in Tehran rose from just a handful a few years ago to more than forty in 2004.²⁸⁸ Thus, one result of engagement: France has established itself as Iran's second largest trading partner in Europe.²⁸⁹ This strong economic link may bode poorly for tough collective Security Council action as well. Indeed, French President Jacques Chirac recently stated, "I am never in favor of sanctions."²⁹⁰

Regardless of charges that several countries actively negotiating with Iran are guided in part by a trade agenda, the real problem is that the current approach to engagement has failed to yield a diplomatic solution.²⁹¹ Years of trying to engage with Iran's leaders have arguably resulted in a more oppressive regime that has added to its roster of terrorist allies while steadily improving its nuclear technology.²⁹² Evidence of past behavior suggests that the more time Tehran is given, the worse the situation is likely to become.²⁹³ This conclusion was reinforced in 2005 talks in Paris, when the Iranians' then chief nuclear negotiator reportedly said economic incentives would not permit Iran to accept a permanent halt to its enrichment activities and was confirmed again by Iran's recent defiance in the face of Security Council action.²⁹⁴ Apparently, the Iranians seem to believe they can continue to move toward developing fissile material without incurring any real consequences – and recent history would suggest they are correct. There is no reason to believe that continuing the approach of engagement will alter the behavior of Tehran in the future any more than it has in the past. In fact, "things have gotten worse because two or three years ago the Iranians were still nervous about Security Council action and US military attack and so were prepared to limit their projects, but now the Iranians are ultra-confident."²⁹⁵ Some believe if soft engagement continues as the only policy, then the current regime will continue its actions unimpeded, and war would likely inevitable.²⁹⁶ Thus, any policy of engagement must be coupled with a serious signal to Iran that the West is unwilling to wait any longer to achieve its objectives.²⁹⁷

²⁸⁸ See Daragahi, *supra* note 284.

²⁸⁹ See *Expatriates Protest Business Contracts With Iranian Regime*, WASHINGTON TIMES, June 18, 2004.

²⁹⁰ See William Horsley, *Chicac's Shift May End Iran Unity*, BBC NEWS, Sept. 18, 2006

²⁹¹ See Paulo Casaca, *People Power, Iranian-Style*, WALL STREET JOURNAL, Oct. 18, 2004. Casaca is a Portuguese member of the European Parliament.

²⁹² See Symposium, *supra* note 53.

²⁹³ See Symposium, *supra* note 53.

²⁹⁴ See Ross, *supra* note 280.

²⁹⁵ See Adler, *supra* note 274.

²⁹⁶ See Westminster, *supra* note 38.

²⁹⁷ In reaction to Iran's resumption of nuclear activities, President Bush recently reiterated his threat that "all options are on the table." BBC's Jonathan Beale says the president wants to send a "clear signal" to the regime, but notes that military action was not a realistic signal. See *Bush Warns Iran on Nuclear Plans*, BBC, Aug. 13, 2005.

C. Supporting the Iranian Opposition

The overwhelming majority of Iranians have voiced their support for democracy and called for an end to oppression and the exploitation of Islam.²⁹⁸ In fact, some studies indicate that as many as 94 percent of Iranians want an end to the theocracy.²⁹⁹ Senator Sam Brownback of Kansas has described what we are seeing in Iran “as truly historic – the people are resisting the regime through non-violent means and they are successfully weakening it from the inside.”³⁰⁰

Iranian citizens have been increasing the number of demonstrations against the regime for some time and this momentum has continued since the election of President Ahmadinejad. In 1999, people rallied in the streets to call for Khamenei’s resignation.³⁰¹ At the end of 2004, after Khatami admitted his role in preserving the regime, thousands of students marched, shouting: “Khatami, you are the enemy of the people, enough lies, where is our freedom.”³⁰² Across Iran today, people are demonstrating over serious issues, such as inhumane executions, the lack of political freedoms, and the suppression of artistic and personal expression.³⁰³ One protest rally in late 2005 specifically demonstrates the youths’ rejection of the theocracy; at that rally, University of Tehran students refused to attend classes to protest the appointment of a cleric as chief of the university.³⁰⁴ The high number of demonstrations and protests during the most recent election reflected widespread dissatisfaction with the regime.³⁰⁵ Despite Tehran’s brutal crackdown on the demonstrators, more and more Iranians are continuing to protest the excesses of the regime.³⁰⁶ “They know that each time they take to the streets protesting the orders of the regime, that they face imprisonment, torture, and perhaps death . . . but they continue to defy their oppressors by the tens of thousands.”³⁰⁷ The very fact that widespread dissent still exists in the face of the regime’s suppression demonstrates the resilience and determination of the Iranian people to seek change.

²⁹⁸ See Casaca, *supra* note 291.

²⁹⁹ See *Future of Iran: Oppression or Democracy*, Friends of a Free Iran, Meeting on Iran, E.U. Parl., Dec. 15, 2004 [hereinafter Friends of a Free Iran]; see also John Nowacki, *Who’s Next? Laying Bets on the Next Regime to Fall*, Enterstageright.com, posted Apr. 28, 2003 at <http://www.enterstageright.com/archive/articles/0503/0503iran.htm>.

³⁰⁰ See Brownback, *supra* note 120.

³⁰¹ See John Bacher, *The Nonviolent Opposition in Iran*, PEACEMAGAZINE, Apr. 1, 2005.

³⁰² Friends of a Free Iran, *supra* note 299; IPC Report, *supra* note 3.

³⁰³ See Bacher, *supra* note 301.

³⁰⁴ *Students Protests Erupt in Iran’s Capital*, Iran Focus, Nov. 27, 2005.

³⁰⁵ See Timmerman, *supra* note 160.

³⁰⁶ See Friends of a Free Iran, *supra* note 299.

³⁰⁷ See Brownback, *supra* note 120.

According to a recent article published in *The New York Times Magazine*, young Iranians who spoke to the author in Iran appeared to be so overtly hostile to the clerical regime that they believed Iran would be better served if religion was excluded from politics altogether.³⁰⁸ The reality is the Iranian people are not anti-American. The youth of Iran under thirty-years-old, which comprise 70 percent of the population, “see the democratic institutions have taken hold [in the West] and can succeed.”³⁰⁹ A poll taken in Iran showed that 74 percent of Iranians actually favor having a relationship with the US.³¹⁰ A further 46 percent believe that US policies toward Iran are correct.³¹¹ A later poll determined that of the four choices provided with respect to the government in Iran, 45 percent favored a regime change, even if it were to be achieved with the help of foreign intervention.³¹²

As our study has outlined, the current Iranian theocracy is a danger to its people and, increasingly, to the world. Soft diplomacy has been attempted for too long without evidence of positive change.³¹³ The message from Iran remains the same: “Death to America, death to Israel.”³¹⁴ With Iran’s latest presidential elections, which have been widely denounced as neither free nor fair, even less hope exists.³¹⁵ President Ahmadinejad was both a Revolutionary Guard and a member of Iran’s morality police.³¹⁶ It has also been asserted by former American hostages and a former BBC reporter that he may have been one of the students who seized the US Embassy in Tehran in 1979.³¹⁷ President Ahmadinejad has admitted to membership in the particular student group that initiated the takeover, however, he denies any direct involvement in the event.³¹⁸ Moreover, the Austrian government charges that Ahmadinejad is implicated in the 1989 assassination of the Kurdish opposition leader Abdul Rahman Ghassemlou.³¹⁹ Ahmadinejad’s stance on America differs little from that of the clerics controlling Iran’s government. He has clearly

³⁰⁸ Michael Ignatieff, *Iranian Lessons*, NEW YORK TIMES MAGAZINE, Jul. 17, 2005.

³⁰⁹ FOX News, *supra* note 58, quoting Senator Santorum.

³¹⁰ Patrick Clawson, *The Paradox of Anti-Americanism in Iran*, MIDDLE EAST REVIEW OF INTERNATIONAL AFFAIRS JOURNAL, Vol. 8, No. 1, March 2004. The two men responsible for taking the poll were accused of “publishing non-scientific research,” and sentenced to eight and nine years, respectively.

³¹¹ *See id.*

³¹² *See id.* The other three choices: current policies (13%), increasing the power of the reformists (16%), fundamental changes in management (26%).

³¹³ *See Casaca, supra* note 291.

³¹⁴ Brownback, *supra* note 120.

³¹⁵ Wright and Fletcher, *supra* note 221

³¹⁶ *See Iran’s Presidential Election – The Ayatollah’s Democracy*, CANADIAN BROADCAST CORPORATION, June 20, 2005. Ahmadinejad was an instructor for the Basij militia.

³¹⁷ *See* John Simpson, *Iran’s New Leader: a Familiar Face?*, BBC, June 27, 2005.

³¹⁸ *Sources: CIA Finds Iranian President Likely Not Hostage-Taker*, CNN, Aug. 12, 2005. Some US officials believe that he was not involved in the takeover.

³¹⁹ *See Iran Wants Ties with Europe: Ahmadinejad*, AGENCE FRANCE PRESSE, Jul. 4, 2005.

expressed his opinion that he sees no need for Iran to have a relationship with the United States.³²⁰ A Tehran-based analyst for the International Crisis Group stated after his election that the result “all but closes the door for a breakthrough in US-Iran relations.”³²¹ Secretary of Defense Donald Rumsfeld, who criticized Ahmadinejad’s victory at the polls, stating it was a “mock election,” noted that the president is “no friend of democracy.”³²² Azar Mia, a professor of French at Tehran Polytechnic University and a supporter of the reform movement, says that “all of the reform programs of the last eight years are vanished now . . . we have gone back to the Middle Ages, perhaps earlier.”³²³ The return to “revolutionary values” has already been implemented.³²⁴ One of the most recent examples of these policies is President Ahmadinejad’s decision to ban all Western music from Iran’s state-owned radios and TV stations, as well as banning any foreign movies that promotes “arrogant powers” (that is, the United States).³²⁵ State Department spokesman Sean McCormack has said that the Iranian President “is taking Iran 180 degrees from where the rest of the world is going.”³²⁶ Interestingly, in the face of this increasing repression, the resolve of the Iranian people (who are mostly young) is encouraging. In response to the president’s ban on Western music, one Iranian woman said, “If such a ban is in effect, state TV and radio will not have an audience any more.”³²⁷

President Ahmadinejad’s words have begun taking on a harsher and more fundamentalist,³²⁸ if not radical, tone. For example, he has declared that “the wave of the Islamic revolution will soon reach the entire world.”³²⁹ There is interesting evidence that the president may be too radical even for some inside the government.³³⁰ Nevertheless, it is apparent that President Ahmadinejad has taken firm control of the government and is undertaking “an

³²⁰ See Ho, *supra* note 77.

³²¹ *Victor Wants Modern Islamic Iran*, CNN, June 25, 2005.

³²² See Ho, *supra* note 77; see also *id.*, Ahmadinejad clearly stated “[w]e did not have a revolution in order to have a democracy.”

³²³ Karl Vick, *Iran Hard-liner Calls For Unity After Vote*, WASHINGTON POST, June 26, 2005.

³²⁴ See *Where Iran’s Candidates’ Stood*, BBC, May 25, 2005. Ahmadinejad would likely close down fast food restaurants and require men in Iran to have beards just as he did when he was Mayor of Tehran. see also CNN, *supra* note 321, quoting Ahmadinejad as stating that private banks have no “positive or constructive role in the economy.” see also *[Iranian] MP Defends Ahmadinejad’s Segregation Policy*, Iranmania.com, at <http://www.iranmania.com/News/ArticleView/Default.asp?NewsCode=32721&NewsKind=Current%20Affairs>, discussing Ahmadinejad’s policies which include gender discrimination and the implementation of stricter dress codes for women.

³²⁵ Nasser Karimi, *Iran’s President Bans Western Music*, ASSOCIATED PRESS, Dec. 19, 2005.

³²⁶ Ali Akbar Dareini, *Music Still Plays in Iran*, WASHINGTON TIMES, Dec. 22, 2005.

³²⁷ See *id.*

³²⁸ *Iran’s Ahmadinejad Looks to Export ‘New Islamic Revolution,’* AGENCE FRANCE PRESSE, June 30, 2005, quoting Ahmadinejad, “The era of oppression, hegemonic regimes, tyranny and injustice has reached its end.” According to the source, this was a reference to the United States.

³²⁹ *Id.*

³³⁰ See Robert Tait, *Iran’s President Forced to Compromise on Oil Chief*, GUARDIAN (London), Dec. 12, 2005.

unprecedented purge” of those whom he feels are too liberal.³³¹ Moreover, despite any internal reservations some in the government may have over some of the president’s policies, when it comes to Iran’s self-asserted right to engage in nuclear programs Tehran is unquestionably united. The clearest evidence of this is the resounding passage of a bill in the Iranian Parliament that would require the government to block international inspection of nuclear facilities if Iran was referred to the UN Security Council.³³²

According to State Department Under Secretary for Political Affairs R. Nicholas Burns, “the world now needs to react to this radical shift in Iran’s behavior . . . during the eight years of the Khatami government, when reform was at least a hope, many around the world adopted a strategy of engagement with Iran . . . isn’t now time to consider a different approach toward the new, more radical, more intolerant Iranian regime?”³³³

With the rising threat of a nuclear Iran, the Iranian government’s continuous and worsening human rights abuses of its own people, its growing regional influence, and its ongoing use and support of terror in the Middle East, regime change may be the only ultimate realistic option.³³⁴

For such an action to be effective in Iran, however, regime change cannot be forced on the Iranians externally through the use of military intervention.³³⁵ Such an action would only alienate the Iranian people and push them towards identification with the clerics who control Iran.³³⁶ A different perspective is necessary. Many believe that the most effective means to facilitate a regime change would be active support by the US for the strong framework of dissent that already flourishes both inside and outside of Iran. Khomeini’s grandson has said that the “best way is for the United States to help the movement towards democracy . . . in Iran.”³³⁷ Such a policy should be designed to destabilize and further weaken the regime’s control until the regime eventually crumbles.³³⁸ From this perspective, when it is seen that America is supporting the aspirations of the Iranian people for democracy and liberty, an even

³³¹ See Ramita Navai and Richard Beeston, *Iran Sacks Diplomats in Purge of Reformers*, THE TIMES (London), Nov. 2, 2005; see also Dareini, *supra* note 326.

³³² *Iran Votes to Block Nuclear Inspections*, FOX NEWS, Nov. 20, 2005.

³³³ Burns, *supra* note 3.

³³⁴ See IPC Report, *supra* note 3.

³³⁵ See Ebadi and Ghaemi, *supra* note 238.

³³⁶ See Ebadi and Ghaemi, *supra* note 238; see also Warren Strobel, *Bush Administration Planning to Increase Pressure on Iran*, KNIGHT RIDDER NEWSPAPERS, posted Dec. 7, 2004, stating that Iranians are “deeply suspicious” of foreign meddling in Iranian politics.

³³⁷ See Clawson, *supra* note 310.

³³⁸ See IPC Report, *supra* note 3.

greater number of dedicated supporters will become willing to take up the cause, knowing they are not facing this task alone. At a minimum, demonstrating support for such a position will strengthen the hand of those trying to continue engaging with Tehran by making clear that the opportunity for meaningful discussion may be entering its last stages.

As described above, the level of internal dissent against the Iranian regime has intensified. It has been argued that the most effective method to further destabilize the regime, with minimal risk to the US, is to support the opposition already in place that is struggling against the unelected regime in Iran.³³⁹ Recent positive experiences with democracy-building initiatives in the Ukraine and Georgia provide constructive models; in those cases, support and financial assistance led to positive regime change.³⁴⁰ Indeed, the US has already begun to follow this approach regarding Iran. In 2004, the government allocated \$1 million for organizations to document human rights abuses inside Iran and \$500,000 to the National Endowment for Democracy for programming.³⁴¹ Similarly, the US has already committed \$3 million in Congressional appropriations and earmarked a portion of another \$6.5 million toward advancing education and human rights in Iran.³⁴² Additionally, Congress recently passed the Iran Freedom Support Act which authorizes funds specifically for Iranian opposition groups.³⁴³

Generally, groups that seek to establish a more secular, democratically elected government in Iran share a key objective with the United States and can thus become important allies or assets.³⁴⁴ The same is true of groups of student demonstrators, who have in the past demonstrated their incredible ability to bring about large-scale political change. Furthermore, organizations that have a structure and the capability to bring about regime change offer the best hope for democratic reform and can most effectively utilize support from the US and other international sources.³⁴⁵ Such support can range from funding to directly aiding and working with organizations which broadcast or publish pro-democracy messages.³⁴⁶

³³⁹ See IPC Report, *supra* note 3.

³⁴⁰ See Steven R. Weisman, *US Expands Aid to Iran's Democracy Advocates Abroad*, NEW YORK TIMES, May 29, 2005. This plan has already been endorsed to a degree by the State Department, which allotted money toward these types of projects in such countries as Georgia and Ukraine. The policy proved highly successful; some of the opposition groups who received money from the US later helped to overthrow their repressive governments.

³⁴¹ Burns, *supra* note 3.

³⁴² Burns, *supra* note 3.

³⁴³ See Elaine Monaghan, *Senate Measure Clears Iran Freedom Support Act*, CQ TODAY, Sept. 30, 2006.

³⁴⁴ See Friends of Free Iran, *supra* note 299.

³⁴⁵ See Friends of a Free Iran, *supra* note 299.

³⁴⁶ See IPC Report, *supra* note 3.

In fact, the United States is already spending \$14.7 million a year to broadcast Farsi radio and television programs into Iran.³⁴⁷ Public announcement of support for dissenting political organizations that threaten the regime's power would send an unambiguous signal to the regime that the United States will not support its stranglehold on power.³⁴⁸ Internal change will not occur overnight – but assisting dissident groups is an excellent way to lay down the foundation and generate continual momentum for peaceful regime change in Iran.

It is often stated that the world is facing an increasingly critical impasse with respect to its relationship with Iran as it increases its support for terrorism.³⁴⁹ More importantly, Secretary of State Condoleezza Rice has said the Iranian people should be given the opportunity “to change their own future.”³⁵⁰ The Bush Administration has said it would like to see a legitimately elected government in Iran “which is forward looking and modern,” and does not pursue “an aggressive agenda based on terrorism and weapons of mass destruction.”³⁵¹ President Bush himself has said that the Iranian people “deserve a genuinely democratic system.”³⁵² Combining these sentiments with an affirmative statement of support for the Iranian resistance could, over time, cause the current regime in Tehran to be replaced by a peaceful and democratic government “born out of their liberty.”³⁵³

Two such resistance organizations are the Mujahedin-e Khalq (MEK)³⁵⁴ and the National Council of Resistance of Iran (NCRI). Both of these organizations have dedicated their existence and purpose to the establishment of democracy in Iran.³⁵⁵

³⁴⁷ Sonni Efron and Mark Mazzetti, *US May Aid Iran Activists*, LOS ANGELES TIMES, Mar. 4, 2005.

³⁴⁸ See Friends of a Free Iran, *supra* note 299; see also *Time to Reiterate Our Commitment to a Democratic Solution for Iran*, Letter from Members of Congress, May 11, 1999. “It is imperative that we associate ourselves with the Iranian people and their deeply held aspirations for democracy and human rights rather than sending mixed signals—particularly with regard to the status of the opposition – toward a brutal regime that only continues to engage in rogue behavior.”

³⁴⁹ See Brownback, *supra* note 120.

³⁵⁰ IPC Report, *supra* note 3, quoting Secretary of State Condoleezza Rice.

³⁵¹ *US Favors Different Kind of Regime in Iran: Rice*, AGENCE FRANCE PRESSE, June 1, 2003, citing statements made by Secretary of State Rice.

³⁵² *Statement by the President on Iranian Elections*, Office of the Press Secretary, White House, June 16, 2005.

³⁵³ See Friends of a Free Iran, *supra* note 299.

³⁵⁴ The official Farsi name is Sazeman Mojahedin-e-Khalq-e Iran and the English translation is People's Mojahedin Organization of Iran (PMOI).

³⁵⁵ See Friends of a Free Iran, *supra* note 299.

III. Removal of MEK/NCRI from the FTO List

A. *The MEK/NCRI*

The Mujahedin-e Khalq, a member of NCRI, an Iranian opposition coalition, is the largest and most widely supported anti-fundamentalist organization devoted to replacing the current regime by a true democratic system of government that respects the human rights of all people equally.³⁵⁶ Although MEK has previously taken up arms against Iranian military and government targets, it has taken no military action of any kind since 2001. In addition, MEK has formally renounced violence, voluntarily disarmed, and coalition forces in Iraq now protect its members as civilians under the Fourth Geneva Convention. At the same time, MEK also meets all the criteria under the Iran Freedom Support Act to be eligible for political and financial support from the United States, other than its current designation as an FTO.³⁵⁷

Soon after MEK was designated an FTO in 1997, a bipartisan group of 220 members of Congress described the organization as a “legitimate resistance movement.”³⁵⁸ MEK has a strong following,³⁵⁹ considerable international support, and it aspires to set up an interim government in Iran to hold a referendum to determine the future government once the current regime is removed from power.

³⁵⁶ See *Remarks by Prominent Lawyers, Iran Experts and Dignitaries*, Washington Seminar, May 4, 2004 [hereinafter *Washington Seminar*]. In a speech regarding the status of MEK, Jean Yves de Cara, director of the Institute for International Law, University of Paris, stated the aim of MEK “is purely political, they are human rights defenders and they want to see democracy and free elections re-established in Iran.”

³⁵⁷ Under Section 302(b) of the Iran Freedom Support Act, signed by President George W. Bush on October 30, 2006: Financial and political assistance . . . should be provided only to an individual, organization, or entity that: (1) officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization . . . at any time during the preceding four years; (2) advocates adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and material; (3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran; (4) is dedicated to respect for human rights, including the fundamental equality of women; (5) works to establish equality of opportunity for people; and (6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion. See *supra* note 343.

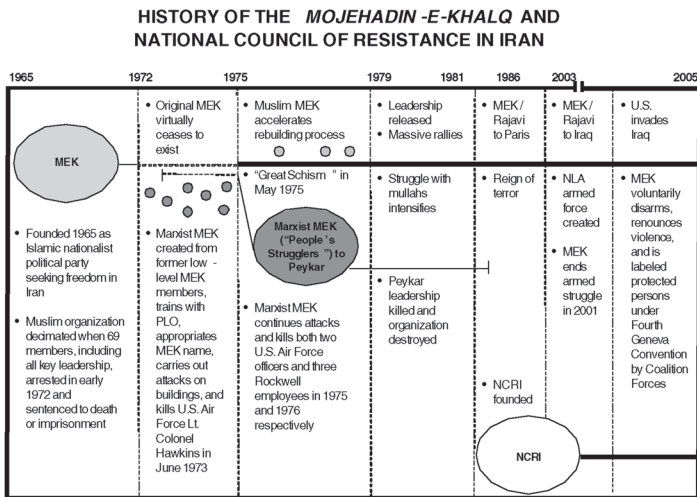
³⁵⁸ *House Majority Announces Call for Firm Washington Policy on Tehran, Removal of Mojahedin Resistance from State Department Terrorist List; 220 Members Sign “Statement on Iran’s Deeds,”* Press Release, Congress of the United States, Sept. 16, 1998 [hereinafter *Congressional Press Release*].

³⁵⁹ See *Transition 2005: US Policy Towards Iran*, Council on Foreign Relations, Jan. 12, 2005. Ambassador Mark Palmer, president and CEO of the Capital Development Company and member of the Committee on the Present Danger, has stated “whatever the history of [MEK], there is no question in my mind that there are many Iranians, both outside Iran and inside Iran who support it . . . that it is a serious opposition I think goes without question.”

There is a larger issue at stake, however. An unremitting struggle pits Muslim extremism under the banner of the clerics of Tehran against a moderate Muslim philosophy espoused by the MEK.³⁶⁰ When explained in these terms, it is not difficult to conclude that the MEK, with its progressive, tolerant, peaceful view of Islam, poses a serious ideological challenge to the legitimacy of the clerics and accounts for the unwavering commitment of Tehran to destroy those who oppose their extremist philosophies.

The outcome of this war of ideas is still far from clear, but it presents an unusual opportunity for US policy makers.³⁶¹ Support for the MEK in allowing the organization to spread the word of its moderate Muslim and progressive counter-ideology into Iran can serve the larger purpose of stemming the dangerous tide of fundamentalism into and beyond the region.

The early history and development of MEK, which is described in detail below, is not widely understood but, nevertheless, helps put the organization's activities into the proper historic context. MEK has suffered sustained persecution since it was formed in 1965. First, MEK was targeted and effectively destroyed by Mohammad Reza Shah Pahlavi (the Shah) in the 1970s. Then, while attempting to establish democracy in Iran following the Islamic revolution in 1979, the organization was again decimated by Khomeini's regime. Despite these onslaughts, since then, MEK has continued in its pursuit of establishing democracy in Iran. Yet governments acting to establish friendlier relations with the clerical regime have used MEK as a bargaining chip in diplomatic negotiations.



³⁶⁰ For a discussion of the perils of the extremist views of Islam and the ways in which good Muslims can have a positive effect, please see Abdurrahman Wahid, *Right Islam vs. Wrong Islam*, WALL STREET JOURNAL, Dec. 30, 2005. Mr. Wahid is the former president of Indonesia and is currently patron and senior advisor to LibForAll Foundation, which is an Indonesian- and US-based organization working to reduce religious extremism.

³⁶¹ *Id.*

1. The Formation and Subsequent Destruction of MEK

In 1965, MEK was formed by a group of Iranian college students as an Islamic political movement. Grounded in the democratic tradition of Iran's Constitutional Revolution, the ideals of Premier Mohammed Mossadeq, and the pro-democracy protests of the 1960s, the organization held a liberal interpretation of Islam.³⁶² MEK originally supported the overthrow of the Shah, objecting to his suppression of Islam and to the persecution faced by many Iranians under his totalitarian rule.³⁶³ Consequently, MEK members were specifically targeted by the Shah.³⁶⁴ As a result of this crushing repression, during the early 1970s MEK effectively ceased to exist. Over 95 percent of its members, including its founders and its entire central committee, were executed, imprisoned, or killed.³⁶⁵

While the remaining primary members of MEK were imprisoned, some of the original low-level members of MEK formed a new organization that followed Marxist, not Islamic, ideals; these members appropriated the MEK name to establish and enhance their own legitimacy.³⁶⁶ As a result, a *de facto* coup occurred when the Marxists took over MEK.³⁶⁷ At that time, MEK became known as the Marxist MEK.³⁶⁸ What little remained of the original Islamic-inspired MEK, however, survived inside the jails where some original MEK members, including Massoud Rajavi, who later in 1979 re-generated the Islamic MEK, kept the Islamic-inspired MEK spirit alive.³⁶⁹ Rajavi was then serving a life sentence after his death sentence was commuted as a result of international pressure.³⁷⁰ By 1979, under increasing international pressure, the Shah released Rajavi, along with all other political prisoners.³⁷¹

³⁶² See *Islamic Republican Party*, Iran: Country Study, Federal Research Division, Library of Congress, at <http://lcweb2.loc.gov/frd/cs/irtoc.html> [hereinafter IRP – Library of Congress].

³⁶³ See Ervand Abrahamian, Yale University Press, *The Iranian Mojahedin*, 128, 135-136, 1989. The author, Abrahamian, is the CUNY Distinguished Professor of History at Baruch College. Abrahamian received a B.A. and M.A. from Oxford University and his Ph.D. from Columbia University. He has taught at Oxford, NYU, and Princeton. Abrahamian is an independent follower of Iranian history and politics and has no affiliation with MEK or NCRI.

³⁶⁴ See *id.*

³⁶⁵ See *id.*

³⁶⁶ See *id.* at 137.

³⁶⁷ See Kenneth Katzman, *The People's Mujahedin Organization of Iran*, Prepared for the US Department of State by the Congressional Research Service, Nov. 1992 [hereinafter MEK State Department Report]; see also Abrahamian, *supra* note 363.

³⁶⁸ See *id.*

³⁶⁹ See Abrahamian, *supra* note 363 at 162.

³⁷⁰ See *id.*; see also Casaca, *supra* note 291. Rajavi was saved from the death penalty only as a result of the international pressure his brother was able to muster while living in Switzerland.

³⁷¹ See *id.*

2. Re-establishment of MEK

Upon his release, Rajavi assumed leadership of the Islamic MEK and reclaimed the name MEK from the Marxists.³⁷² The Marxists ceased using the name MEK and began using the name Paykar³⁷³ in 1979.³⁷⁴ This was the beginning of the MEK under the leadership of Massoud Rajavi as it exists today.³⁷⁵

Following the Islamic revolution in 1979 and the removal of the Shah, MEK vigorously pursued its objective of establishing democracy in Iran.³⁷⁶ Although MEK had begun as a very small organization – given that the majority of its members just emerged from prison in 1979 – its membership grew quickly.³⁷⁷ By the time Iran's first presidential election took place in January 1980, MEK had gathered significant support in Iran, including support from Jews and Kurds.³⁷⁸

Although Khomeini and MEK shared the common goal of removing the Shah, they differed greatly in their notions of Islam and the role it should play in the new Government of Iran.³⁷⁹ MEK's interpretation of Islam was a modern and tolerant one that greatly conflicted with Khomeini's fundamentalist and repressive interpretation.³⁸⁰ MEK never envisioned an Iran governed by the fundamentals of Islam.³⁸¹ In fact, its membership objected to the referendum that asked "Islamic Republic, yes or no?" put forward by Khomeini in 1979.³⁸² Subsequently, the clerics drafted a new constitution, based on Khomeini's doctrine of the *velayat-e faqih* (absolute supremacy of clerical rule). Rajavi and MEK boycotted the popular vote on the constitution because its tenets were based on fundamentalist religious ideas and were contrary to the democratic ideals of the 1979 revolution.³⁸³ It is not surprising that

³⁷² See Abrahamian, *supra* note 363 at 146-147, 183. Rajavi remained the secretary general until 1989. The position now is an elected two-year position. Currently, the position is held by Ms. Mojgan Parsai, a US-educated computer scientist.

³⁷³ Please note the organization is sometimes spelled Paykar, in addition to other possible English translation spellings.

³⁷⁴ *State Department Views of the People's Mojahedin Organization of Iran*, Congressional Record, Apr. 28, 1992 [hereinafter *State Department's Views of the MEK*].

³⁷⁵ See Abrahamian, *supra* note 363 at 184.

³⁷⁶ See Abrahamian, *supra* note 363 at 184.

³⁷⁷ See generally, Abrahamian, *supra* note 363.

³⁷⁸ See Abrahamian, *supra* note 363 at 198.

³⁷⁹ See IRP – Library of Congress, *supra* note 362.

³⁸⁰ See IRP – Library of Congress, *supra* note 362.

³⁸¹ See IRP – Library of Congress, *supra* note 362.

³⁸² Mohammed Mehdi Khorrami, Ph.D., *The Islamic Revolution*, PBS, June 2, 2005. Currently, Khorrami is a professor of Persian language and literature at NYU.

³⁸³ See Abrahamian, *supra* note 363 at 184.

Khomeini barred the increasingly popular Rajavi from running for president, accurately perceiving him as a threat to the theocracy – a decision criticized by Abolhassan Bani-Sadr, who himself was elected president.³⁸⁴ When Rajavi was barred from running for office, many Kurds, who widely supported Rajavi, also boycotted the election.³⁸⁵

3. MEK's Opposition to the Theocracy

When it became clear that Khomeini had no intention of offering a true democracy to the people of Iran, MEK, like many other opposition groups, began to publicly object.³⁸⁶ As a result of mounting opposition, the Islamic Republican Party (IRP), a party loyal to Khomeini, began encouraging its members to harass and attack other parties.³⁸⁷ MEK was targeted more than any other organization since it was the only other party capable of “seriously challenging the IRP.”³⁸⁸

MEK's popularity grew as resistance to Khomeini grew. By 1981, Rajavi was able to command increasingly large audiences, despite the dangers to those openly supporting him or MEK.³⁸⁹ Khomeini soon branded MEK the regime's biggest opponent and initiated the Reign of Terror.³⁹⁰ He then called for a nationwide manhunt to purge Iran of MEK members, whom he called “American agents.”³⁹¹ In 1980 and 1981, the assault on MEK was unprecedented.³⁹² For example, an average of 50, and sometimes 100, people a day were executed.³⁹³ Since that time, more than 120,000 dissidents have been executed by Khomeini's regime, the “vast majority” being

³⁸⁴ See Abstract, NEW YORK TIMES, Jan. 20, 1980 (1980 WLNR 2774675).

³⁸⁵ See Abstract, NEW YORK TIMES, Jan. 26, 1980 (1980 WLNR 272101).

³⁸⁶ See Khorrami, *supra* note 382.

³⁸⁷ See IRP - Library of Congress, *supra* note 362.

³⁸⁸ IRP - Library of Congress, *supra* note 362; see also See Clawson, *supra* note 310. MEK's newspaper was the most widely read at this time and MEK rallies regularly attracted tens of thousands of supporters.

³⁸⁹ See Eric Rouleau, *Iranian Left and Right Slugging It Out in Chaotic Fighting*, NEW YORK TIMES, June 14, 1981, discussing a demonstration held where Rajavi spoke to a crowd of 150,000 at a stadium in Tehran. In addition, there were “tens of thousands” of other MEK supporters standing outside who remained completely unfettered by the attacks against them from Khomeini supporters who were throwing bricks and stones at them. Police at the scene did nothing to help the MEK supporters being attacked but aided Khomeini supporters if a struggle began between sides. The number killed was unknown. See Abrahamian, *supra* note 363 at 218. Less than a week later, demonstrators poured into the streets all over the country demanding democracy. There were over 500,000 people marching in Tehran alone.

³⁹⁰ See *The Reign of Terror*, Iran: Country Study, Federal Research Division, Library of Congress, at <http://lcweb2.loc.gov/frd/cs/irtoc.html>.

³⁹¹ *Iranian Lawmaker Says Alliance of Left and Right Opposes Regime*, BOSTON GLOBE, Jul. 4, 1981.

³⁹² See *The Reign of Terror*, *supra* note 390.

³⁹³ See *The Reign of Terror*, *supra* note 390.

MEK.³⁹⁴ In the midst of this persecution, Rajavi and MEK rallied and attempted to overthrow a regime they considered even more despotic than the Shah's, a regime based on radical Islam and that would not only pose a danger to Iranians but to the world at large.

4. Exile in Paris

As a result of Khomeini's all-out war on MEK and its leadership, Rajavi left Iran for Paris in 1981.³⁹⁵ In Paris, he continued his leadership of MEK, but also began a more active engagement and collaboration with other non-MEK opposition organizations and individuals who had joined NCRI.³⁹⁶ Rajavi, along with many other MEK members, remained in France until 1986, when the French forced out many MEK members in an attempt to improve diplomatic relations with Iran.³⁹⁷ Later, even more MEK members were expelled from France in exchange for the regime's promise to encourage Hezbollah to release French hostages in Lebanon.³⁹⁸

5. Movement to Iraq

Rajavi and MEK next settled at Camp Ashraf in Iraq, where the organization has been fighting the Iranian theocracy ever since.³⁹⁹ MEK decided to base itself in Iraq for two reasons: because of the camp's strategic location and because of a harsh political reality: no other country was willing to accept MEK for fear of reprisal from Iran.⁴⁰⁰ As will be discussed in greater detail in Section V.A., MEK members, as part of their agreement with Saddam Hussein, led a life along the Iranian border that was quite independent from Iraqi politics, largely removed from the environment around them and isolated from Hussein's policies and activities.⁴⁰¹

³⁹⁴ See Ganje'i, *supra* note 159; Westminster, *supra* note 38, stating that of the 120,000, 30,000 were massacred in the summer of 1988; see also Nader Shakiba, *Profile of Iran's Master Terrorist: Mohammed-Reza Iravani (a.k.a. Amir-Hossein Taghavi)*, IranFocus, May 28, 2005. "No one knows exactly how many prisoners were sent to firing squads in the summer and autumn of 1988, but the killings left a deep scar on the national psyche of Iranians In the words of Professor Maurice Copithorne, the last UN Special Rapporteur for Iran, the massacre constituted 'one of the darkest chapters in the history of the Islamic Republic.'"

³⁹⁵ See *2 More of Tehran's Leaders Die as Challenge to Revolution Grows*, NEW YORK TIMES, Sept. 6, 1981.

³⁹⁶ See *Iran Islamic Groups*, Iran: Country Study, Federal Research Division, Library of Congress, at <http://lcweb2.loc.gov/frd/cs/irtoc.html>. Rajavi had created the NCRI and invited all democratic organizations and individuals who opposed the newly established theocracy to join the coalition.

³⁹⁷ See *Concept of Neither East Nor West*, Iran: Country Study, Federal Research Division, Library of Congress, at <http://lcweb2.loc.gov/frd/cs/irtoc.html>.

³⁹⁸ See *id.*

³⁹⁹ See Mohammed Mohaddessin, *Enemies of the Ayatollah*, Zed Books Ltd., 2004.

⁴⁰⁰ See *id.*

⁴⁰¹ See *id.*

6. MEK at Camp Ashraf

Notwithstanding the hardship of living in seclusion, MEK has emerged as a powerful force against the current Iranian regime. As a result, Iran's Revolutionary Guard are reported to have entered Iraq to launch attacks against MEK.⁴⁰² The CIA has chronicled four large-scale attacks by the Iranian regime against MEK in Iraq between 1994 and 2001.⁴⁰³ Similarly, MEK members have sporadically attacked the Iranian regime, confining their targets to military and government officials and buildings.⁴⁰⁴ In a recent debate in Britain's House of Lords, Lord David Alton, now an Independent crossbench peer, indicated his certainty that at no time were civilians targeted during any military endeavors by MEK.⁴⁰⁵ He affirmed that all people killed during clashes between MEK and Iranian security forces were legitimate military and government targets.⁴⁰⁶ Nevertheless, in 2001, MEK, as an organization, made the unilateral decision to cease all military action.⁴⁰⁷ Since then, it has committed no acts of violence.⁴⁰⁸

⁴⁰² See *Iran: Exiled Opposition Group Claim Destroying Security HQ South of Tehran*, BBC, Aug. 17, 2001. The last attack was reportedly in 2001 when Iran launched a missile against an MEK camp. see also Statement by Saffi Yasseri, Writer/Journalist in Baghdad, May 27, 2005, detailing a grisly attack by Iranian forces on MEK's camp in 1991.

⁴⁰³ *Regime Strategy and WMD Timeline Events: Comprehensive Report*, Special Advisor to the Director of Central Intelligence on Iraq's WMD, Sept. 30, 2004, at http://www.cia.gov/cia/reports/iraq_wmd_2004/WMD_Timeline_Events.html. Those attacks occurred November 1994, September 1997 (air-strike), June 1999, and April 2001.

⁴⁰⁴ See *MKO Claims Attack by Combined IRGC, Army Force Repulsed*, BBC, June 8, 2001. The last of these attacks was in August 2001; see also Symposium, *supra* note 53.

⁴⁰⁵ See Mohaddessin, *supra* note 399, at 83, recalling statements made by Lord Alton during a debate in 2001; but see MEK Profile, MIPT Terrorism Knowledge Base, at <http://www.tkb.org/Group.jsp?groupID=3632> [hereinafter MEK Profile – MIPT], providing an incident report citing an attack where civilians were killed at the Imam Reza mausoleum purportedly by MEK; but see Eric Aveybury, *Fatal Writ: An Account of Murders and Cover-Ups*, *British Committee of Iran Freedom*, 2000, 43, noting that while three women were convicted of the crime based on confessions which included assertions that they were MEK, the organization never claimed responsibility. Interestingly, for the murder of so many innocent people at an Islamic pilgrimage site, the two women were sentenced to some jail time and exile; an extreme departure from the usual death sentence given these were murders and the women were allegedly MEK members. Furthermore, an Iranian intelligence officer later took responsibility for the attack. As a result of these facts, Lord Aveybury concludes that MEK was not responsible for this attack.

⁴⁰⁶ See Mohaddessin, *supra* note 399.

⁴⁰⁷ See *Iran: Exiled Opposition Group Claim Destroying Security HQ South of Tehran*, BBC, *supra* note 402, providing details of the last MEK attack where a State Security Forces building was attacked. This security headquarters is well known in the area for some of the strongest harassment and suppression of the people. It should also be noted that this attack followed an attack by the Revolutionary Guard against MEK in Iraq which resulted in primarily the killing of civilians in nearby villages. See *MKO Claims Attack by Combined IRGC, Army Force Repulsed*, BBC, *supra* note 404.

⁴⁰⁸ See Symposium, *supra* note 53. Additionally, there are no articles regarding any MEK attacks after this period.

7. MEK's Military Campaign in Iraq Beginning in March 2003

After Operation Iraqi Freedom began in March 2003, coalition forces took control of Camp Ashraf following several unprovoked mortar attacks on the camp.⁴⁰⁹ Ashraf residents, following the orders of their leaders,⁴¹⁰ did not fire a single shot at coalition forces, nor did they resist in any way.⁴¹¹ News reports indicate that coalition attacks had been planned well in advance as part of a purported agreement whereby Iran agreed to support US efforts as long as the US supported Iran's desire to destroy Camp Ashraf and all MEK members.⁴¹² Notwithstanding any such agreement, coalition forces agreed to a ceasefire with MEK in which the organization renounced violence and terrorism.⁴¹³

Although US military attorneys on behalf of the coalition were prepared to offer MEK a non-negotiable agreement, they were surprised to find that MEK representatives were highly educated and quite unwilling to concede all terms.⁴¹⁴ MEK leaders were very respectful; however, they were also very careful, and thus, particularly cautious when it came to the wording of the agreement.⁴¹⁵ This response led Capt. Vivian Gembara, one of the JAG attorneys involved in the ceasefire negotiation, to conclude that MEK had every intention to comply completely with the agreement.⁴¹⁶ It is her understanding that the organization has fully honored its terms.⁴¹⁷ As a part of the agreement, MEK turned over all weaponry to coalition forces.⁴¹⁸ It was noted in the military press release that the peaceful behavior of MEK significantly contributed to the coalition's mission of establishing a safe environment.⁴¹⁹

⁴⁰⁹ See Karl Vick, In a Delicate Balancing Act, US Woos Iranian Group in Iraq, WASHINGTON POST, Nov. 9, 2003.

⁴¹⁰ See Patterns of Global Terrorism 2004, US Department of State, Apr. 2005 [hereinafter Patterns – 2004]

⁴¹¹ See Vick, *supra* note 409.

⁴¹² See Vick, *supra* note 409. "Iran agreed to passively support the US campaign against Hussein – a sworn enemy of Iran – but asked that the Mujahedin [MEK] be disposed of."

⁴¹³ See *Proclamation by the Commander, Multi-National Forces – Iraq, on the signing of the "Agreement for the individuals of the People's Mujahedin Organization of Iran (MEK)" at Ashraf, Iraq*, (Jul. 2, 2004) (on file with the author) [hereinafter Proclamation].

⁴¹⁴ Interview with Captain Vivian Gembara, May 11, 2005 [hereinafter Gembara Interview].

⁴¹⁵ *Id.*

⁴¹⁶ *Id.*

⁴¹⁷ *Id.*

⁴¹⁸ See *Coalition and Iraqi Police Work to Make Iraq Secure*, Headquarters of United States Central Command, Multi-National Forces, Release No. 03-05-57, May 17, 2003 [hereinafter Military Release].

⁴¹⁹ See Military Release, *supra* note 418; see also Letter from Tommy R. Franks, US General; US Central Command, Office of the Commander in Chief to Mohammed Mohaddessin, Chairman of Foreign Affairs Relations Committee, NCRI, Apr. 28, 2003.

Subsequently, various American security agencies have investigated the Camp Ashraf residents. The investigations included exhaustive interviews with each MEK member. American investigators concluded there was no evidence that any of the MEK members had ever committed an act of terrorism.⁴²⁰ Based on the results of the investigation, coalition forces granted residents of Camp Ashraf, which includes many women,⁴²¹ protected status as civilians under the Fourth Geneva Convention.⁴²² In a letter by the US Deputy Commander in Iraq to the people of Ashraf, Maj. Gen. Geoffrey Miller stated that the decision to recognize Camp Ashraf residents as protected persons “sends a strong signal and is a powerful first step on the road to [their] final individual disposition.”⁴²³ To this day, MEK members, unarmed, continue to reside at Camp Ashraf, going about their daily life alongside coalition forces stationed there.⁴²⁴

Although MEK members are protected civilians under the Geneva Convention and are residing with coalition forces, the central goals of MEK remain the same. MEK still advocates for a democratically elected secular government in place of the current fundamentalist regime and still acts to achieve this objective. It has reportedly established a network inside Iran that has gathered important high-level intelligence on the regime, including its nuclear pursuits.⁴²⁵ MEK acts to alert the public regarding the regime’s activities by using various forms of media which include providing information to the television network which constantly transmits a pro-democracy television broadcast in Iran, Europe and North America.⁴²⁶ It also helps organize social protests⁴²⁷ and generally supports political dissidents with financial and intelligence assistance.⁴²⁸

⁴²⁰ See Douglas Jehl, *People’s Mujahedin: US Sees No Basis to Prosecute Iranian Opposition “Terror” Group Being Held in Iraq*, NEW YORK TIMES, Jul. 27, 2004.

⁴²¹ See *Camp Ashraf, Iraq*, LOS ANGELES TIMES, Mar. 19, 2005.

⁴²² See Proclamation, *supra* note 413; Letter from Geoffrey D. Miller, Major General, US Army, to People of Ashraf, Jul. 21, 2003 [hereinafter Miller Letter]. The letter is reproduced in Appendix A. Note, however, that while all residents of Camp Ashraf were cleared for security purposes, individuals holding nationalities of countries other than Iran may not technically be considered “protected persons” because they have the ability to return to their own countries, rather than be deported to Iran.

⁴²³ Miller Letter, *supra* note 422.

⁴²⁴ See *Camp Ashraf, Iraq*, *supra* note 421.

⁴²⁵ See *Friends of a Free Iran*, *supra* note 299; see also IPC Report, *supra* note 3.

⁴²⁶ *Iran Jamming Exile Satellite TV*, Iran Focus, Jul. 13, 2005. The regime has attempted to jam the signal of the station in many countries.

⁴²⁷ For example, MEK lent its backing to 10 days of demonstrations by students and reformers in Iran on June 10, 2003. See Bertrand Rosenthal, *Embattled People’s Mujahedin Say They Are Stronger Despite Setbacks*, AGENCE FRANCE PRESSE, Jul. 3, 2003.

⁴²⁸ See Maryam Rajavi, *NCRI’s President in Exile*, meeting at European Parliament, Dec. 15, 2004.

The conclusion about the positive role played by MEK in Iraq has only been reiterated by U.S. military personnel stationed at Camp Ashraf since March 2003. For example, a former commander of the military police at Camp Ashraf, Lt. Col. Julie Norman, recently stated that MEK/PMOI “has encouraged and assisted various . . . Iraqi groups to join the political process and dialogue with US Forces. This action by the PMOI has helped to establish a safe and secure environment and should be continued . . . The PMOI has always warned against the Iranian regime’s meddling and played a positive and effective role in exposing the threats and dangers of such interventions; their intelligence has been very helpful in this regard and in some circumstances has helped save the lives of soldiers.”⁴²⁹ This perspective mirrors the conclusion by an investigative reporter from *U.S. News & World Report* who noted that in the context of Iraq, “[s]ome of the most important information on Iran has been provided by an Iranian exile group, the Mujahedin-e Khalq.”⁴³⁰

Despite the constructive role played by MEK, in July 2006 Iraqi Prime Minister Nouri al-Maliki announced his intention to find a way to end its presence in Iraq, citing his view that the organization has been “interfering in Iran’s internal affairs” and stating that it “has been behaving as if it is an Iraqi organization.”⁴³¹

Commenting on the Prime Minister’s statement, Major General William B. Caldwell IV rejected any implication that MEK was operating in Iraq, stating “they’re not operating within the country of Iraq. They’re in a fenced-in facility . . . and there is quite a few coalition forces that are there continuously guarding that facility to make sure they in fact are not allowed access out of it.”⁴³² In addition, Sunni politicians seized on the potential eviction of the MEK as proof the Prime Minister was doing Tehran’s bidding.⁴³³

8. International Support for MEK

The extent of MEK’s popularity in Iran today is difficult to assess, given the clear dangers faced by anyone in Iran who publicly declares support for MEK. MEK’s popularity in Iran during the late 1970s and early 1980s, however, is well documented.⁴³⁴ Even today, the number of Iranians in exile who attend pro-MEK demonstrations and rallies remains

⁴²⁹ Memorandum for Record from Julie Norman, Lieutenant Colonel, Military Police, JIATF Commander, Aug. 24, 2006. The letter is reproduced in Appendix B.

⁴³⁰ Pound, *supra* note 135.

⁴³¹ *Iraq Prime Minister Hints at Expelling Iran Opposition Group*, AGENCE FRANCE PRESSE, Jul. 19, 2006.

⁴³² Major Gen. William D. Caldwell IV, *Iraq Operational Update Briefing*, Jul. 20, 2006.

⁴³³ See Aparisim Ghosh, *Life in Hell: A Baghdad Diary*, TIME MAGAZINE, Aug. 18, 2006.

⁴³⁴ See Rouleau, *supra* note 389; see also IRP- Library of Congress, *supra* note 362.

substantial.⁴³⁵ Similarly, demonstrators in Iran today carry the same message that MEK has for decades: they call for freedom.⁴³⁶ Despite the danger, many still invoke MEK. In fact, at a recent protest, some of the thousands of students outside Tehran University called for the release of political prisoners and held up pictures of Massoud and Maryam Rajavi.⁴³⁷

MEK, as the majority member of NCRI, relies on the coalition to promote similar democratic objectives and supports its aspiration to create an interim government in Iran.⁴³⁸ Today, NCRI includes five organizations and more than 500 individuals, all of whom call for free elections and an end to the current regime.⁴³⁹ NCRI is an organized coalition with specified goals for Iran. For example, NCRI has ratified and adopted specific plans for governing Iran, whereby there would be separation of mosque and state, autonomy for Kurdistan, and total gender, ethnic, and religious equality.⁴⁴⁰ Given the large numbers of female constituents, NCRI has a commitment and vested interest in providing for the safety and advancement of women in Iran,⁴⁴¹ which could in turn contribute to the improvement of life for women across the Middle East. Furthermore, NCRI has created a parliament-in-exile that it would propose be installed in Iran for the first six months after the theocracy is dissolved, at which time elections would be held allowing the people to directly elect a government.⁴⁴²

There is widespread support for MEK and NCRI because of their long history of supporting freedom and democracy in Iran and their vision, one that is consistent with the ideals of the international community and the West.⁴⁴³ One illustration of this international support: in 1998, a majority of members of the US House of Representatives signed a letter of support for MEK.⁴⁴⁴ In September 2002, as a result of the choice of British lawmakers either to approve or reject the entire list simultaneously proscribing 21 alleged foreign terrorist

⁴³⁵ See *Iranian Exiles Held Rally, Call for End to Clerical Regime*, Iran Focus, Feb. 10, 2005. One recent rally which was planned for Paris and then moved to Berlin was expected to attract 40,000 people from around Europe before the Government of Germany banned it at the last minute. Despite this ban, people still flooded the streets and the rally took place anyway due to an emergency injunction.

⁴³⁶ See Bacher, *supra* note 301.

⁴³⁷ *Iran Opposition Airs Footage of Demonstrations*, Iran Focus, Jul. 13, 2005.

⁴³⁸ See *NCRI Overview: National Council of Resistance of Iran*, NCRI, at <http://www.ncri-iran.org/modules.php?name=News&file=article&sid=87>.

⁴³⁹ See *id.*

⁴⁴⁰ See *Programs for the Future, Foreign Affairs Committee of NCRI*, NCRI, May 8, 2005, at <http://ncr-iran.org>.

⁴⁴¹ See *id.*

⁴⁴² See *NCRI Overview*, *supra* note 438.

⁴⁴³ See Letter from Elton Gallegly, Chairman of Subcommittee on the Western Hemisphere to Soona Samsami, US representative of NCRI, Sept. 24, 1998, expressing appreciation for the information and intelligence that MEK and NCRI "bravely" procure.

⁴⁴⁴ See *Members Sign "Statement on Iran's Deeds,"* Congress of the United States Press Release, *supra* note 358.

organizations,⁴⁴⁵ 331 members of Parliament's House of Commons (a Commons majority), and 122 members of the House of Lords declared in a statement, "[w]e the undersigned, support the struggle of the people of Iran and the People's Mujahedin Organization [MEK] to achieve democracy and human rights as an essential part of the defeat of terrorism at home and abroad."⁴⁴⁶ Shortly thereafter, 150 members of the US Congress sent a letter to President George W. Bush supporting regime change in Iran and specifically stating their support for MEK as the most capable opposition group.⁴⁴⁷ In the UK, during a recent symposium of parliamentarians outlining the case for the removal of MEK from various terrorist lists, the Labour Party's 15-year record of support was cited.⁴⁴⁸ Even more recently, 405 British lawmakers, including 279 members of Parliament and 126 peers, called MEK's terrorist label "the most important impediment" to democratic change in Iran.⁴⁴⁹ In late 2005, 1,300 British lawyers called upon the government to remove MEK from the terrorist list.⁴⁵⁰

MEK also has significant support in Iraq, which was documented in 2005 when 2.8 million Iraqis signed a petition urging support for MEK and calling for the recognition of MEK as a "legitimate political movement."⁴⁵¹ By June 2006, the number signing the declaration of support of MEK had swelled to 5.2 million Iraqis.⁴⁵² Dr. Abdullah Rasheed Al-Jabouri, former Iraqi governor of Diyala province, believes that MEK's presence had served as a source of security for the people against Iranian threats.⁴⁵³ Former head of the Iraq Survey Group David Kay has said "I think one reason we don't . . . want to give up the [MEK] quite as easily as others is they [sic] may be the only human assets we have in [Iran]."⁴⁵⁴ Moreover, as is later discussed, there have been no credible charges that MEK was ever involved in any acts of suppression against any groups in Iraq, including the Kurds and, in fact, many Kurds signed the petition supporting the MEK.⁴⁵⁵

⁴⁴⁵ *House Magazine (UK)*, PARLIAMENTARY WEEKLY, No. 1006, Vol. 27, Sept. 30, 2002. Lawmakers were given no opportunity or ability to make an independent assessment of each organization to be listed. MEK, the only organization on this list calling for democracy and human rights, was placed alongside organizations like al Qaeda. In effect, in order to list al Qaeda, they had no choice but to list MEK as well.

⁴⁴⁶ *Id.*

⁴⁴⁷ See Iran Statement, *supra* note 114.

⁴⁴⁸ See Symposium, *supra* note 53. In fact, MEK members have been invited to Labour's annual party conferences.

⁴⁴⁹ *British Lawmakers Announce Support for Iran Opposition Group*, Iran Focus, Dec. 13, 2005.

⁴⁵⁰ *British Lawyers Want Iran Opposition Group Delisted*, Iran Focus, Nov. 29, 2005.

⁴⁵¹ See Excerpts from Congressional Briefing by Iran Human Rights and Democracy Caucus, presented by Hon. Tom G. Tancredo, May 18, 2005 [hereinafter Congressional Briefing]. It must also be noted that of the 2.8 million signatories, many were in fact Kurds.

⁴⁵² See Congressional Record, Remarks by Hon. Edolphus Towns, Jul. 26, 2006. The 5.2 million signatories included 121 political parties and social groups, 700,000 women, 14,000 lawyers and jurists, 19,000 physicians, 35,000 engineers, 320 clerics, 540 professors, 2,000 tribal sheiks, and 300 local officials.

⁴⁵³ See Al-Jabouri, *supra* note 117.

⁴⁵⁴ Brookings Transcript, *supra* note 224, at 63.

⁴⁵⁵ See Al-Jabouri, *supra* note 117; see also Jonathon Wright, *US Says Iraq-based Iran Opposition Aids Iraq Gov't*, REUTERS, May 22, 2002, quoting a Kurdish leader's affirmations of MEK's innocence.

As a result of the significant support that MEK and NCRI enjoy in both the West and the Middle East, it is not surprising that Iran's leaders are deeply concerned about their activities. While the regime consistently asserts that MEK has no support in Iran, this view is undermined by the evidence as well as by the concerted efforts of the regime to destroy MEK. It is well acknowledged that the Government of Iran is more concerned about MEK than about any other opposition group based abroad.⁴⁵⁶

9. Iranian Regime's Campaign to Eradicate MEK

Through the years, the Iranian regime has mounted a vigorous campaign aimed at eradicating MEK members and their influence. The regime continues to execute anyone in Iran who evinces support for MEK.⁴⁵⁷ Similarly, it would seem that the regime seizes every opportunity to blame any incidents of violence in Iran on MEK. In fact, it has been alleged that the Iranian leadership stages violence to discredit political opponents.⁴⁵⁸ In one recent example, the regime accused MEK of a bombing in Iran, but all subsequent reports attributed the explosion to the regime itself.⁴⁵⁹ Since the regime exiled MEK from Iran, it has expanded its propaganda as well as its campaign of violence against the organization.⁴⁶⁰

The regime has shown little restraint exporting its brand of violence against dissidents abroad, primarily targeting members and sympathizers of MEK.⁴⁶¹ A report issued by the United Nations High Commissioner for Refugees (UNHCR) in 2001 maintained that "political assassinations of opponents abroad have been a regular feature since the time of the Revolution, starting from the murder of Tabatabaei, a spokesman of the Shah in the USA."⁴⁶² Iranian

⁴⁵⁶ See *Opposition Political Parties in Exile: Islamist Groups*, Iran: Country Studies, Library of Congress, at <http://lcweb2.loc.gov/frd/cs/irtoc.html>.

⁴⁵⁷ See Abrahamian, *supra* note 363 at 257.

⁴⁵⁸ See Timmerman, *supra* note 160.

⁴⁵⁹ See Timmerman, *supra* note 160. Just before the recent elections ten people were killed in a bombing. Although the regime accused MEK, there is strong speculation that the regime conducted the bombing. It has been known to engage in violence in the past clandestinely to further an agenda such as the desire to blame a specific organization or to cause fear before an election.

⁴⁶⁰ See Avebury, *supra* note 405 at 59-60. The regime's propaganda campaign has not only been aimed at MEK, but has also been used against the US. Lord Avebury cites a letter from Iranian Intelligence to an Iranian newspaper encouraging them to specifically accuse the US of assassinations abroad and for the newspapers to define as attempts by the US to interfere with Iran's relationships in Europe.

⁴⁶¹ See Sancton, *supra* note 85; see also *Iran Presidential Candidate Hints at Bombings Being "Insider Jobs,"* Iran Focus, June 14, 2005. Iran's secret police, the Ministry of Intelligence and Security, "were found guilty of involvement in a spate of bombings and assassinations in the 1990s." see also Iran: Country Report, UNHCR/ACCORD: 7th European Country of Origin Information Seminar, Berlin, June 11-12, 2001, stating "there is a particular danger for Iranians known to have links with the MKO."

⁴⁶² See *id.* at 91.

intelligence agents have even made statements declaring their participation in assassinations abroad.⁴⁶³ One prominent Iranian cleric, Ruhollah Hosseinian, stated that a single man, Sa'eed Emami, former deputy intelligence minister and a notorious assassin for the regime, was personally responsible for hundreds of attacks on MEK members outside Iran.⁴⁶⁴

There have been numerous documented cases of political assassinations carried out at the behest of the Iranian regime. For example, a Berlin court in 1992 ruled that Khamenei, Rafsanjani, and others in the regime ordered the assassination of Iranian opposition Kurds who resided in Europe.⁴⁶⁵ Notably, in 1990, Kazem Rajavi, brother of Massoud Rajavi and renowned human-rights activist, was assassinated in Geneva.⁴⁶⁶ The Swiss government named 13 Iranian officials, with "special mission" stamped into their passports, as participants in the assassination.⁴⁶⁶ The French later arrested two of the men but quickly released them, despite the pleas of Switzerland and an order for their extradition.⁴⁶⁸ Another opposition member, an American, was shot seven times and killed in his apartment in Paris.⁴⁶⁹ It was later confirmed by French police that the assassination was carried out by Iranian intelligence.⁴⁷⁰ A recent story in the *Washington Times* also chronicles the multiple attempts on the life of another NCRI member; just one such attempt, in Turkey, left him with multiple gunshot wounds.⁴⁷¹ Turkish police have confirmed reports that Iranian special assassination forces operate in Turkey with the intent of murdering Iranian dissidents.⁴⁷²

The Iranian regime is also willing to use heavy weapons in its attempts to eradicate MEK members. In 1996, a 320-mm super-mortar was discovered by government officials in Belgium on board an Iranian ship in the port of Antwerp.⁴⁷³ It was later determined that the weapon, sent by the Iranian Ministry of Intelligence, was intended to be used in an attack on NCRI headquarters in Paris and was specifically meant to kill Maryam Rajavi, NCRI's president-in-exile.⁴⁷⁴ Previously, a similar weapon had been seized in Baghdad, intended to be used against MEK in Iraq.⁴⁷⁵

⁴⁶³ See Avebury, *supra* note 405, citing an Iranian news source, *Asr-e Azadegan*, Dec. 14, 1999.

⁴⁶⁴ See Avebury, *supra* note 405 at 62.

⁴⁶⁵ See Hossein Abedini, *Rafsanjani and His Hit Man*, WASHINGTON TIMES, June 16, 2005.

⁴⁶⁶ See *id.*

⁴⁶⁷ See *id.*

⁴⁶⁸ See *Swiss Press on with 15-Year Probe into Killing of Iranian Opposition Leader*, AGENCE FRANCE PRESSE, Apr. 24, 1005. France cited national security interests as being the reason for releasing the men and sending them back to Iran.

⁴⁶⁹ See *Court Eyes Iranian Assassination Case*, UNITED PRESS INTERNATIONAL, Apr. 25, 2005.

⁴⁷⁰ See *id.* Additionally, the man's brother won a judgment of \$12 million against the regime.

⁴⁷¹ See Abedini, *supra* note 465. Hossein Abedini was shot 15 years ago when his car was pinned by two other cars and men with machine guns thundered out, firing. He was shot in the chest and stomach and barely survived. Later, they tried to kill him in the hospital. Subsequently, an Iranian radio station announced that the attack had been meant for a senior chairman of NCRI.

⁴⁷² See Safa Haeri, *Ankara Accuses Tehran for Murder of Turkish Journalists*, Iran Press Service, May 18, 2000.

⁴⁷³ See Avebury, *supra* note 405 at 62.

⁴⁷⁴ See Avebury, *supra* note 405 at 62-63. In January 2000, it was revealed by a high-level Iranian diplomat that the weapon was in fact sent by the Iranian Ministry of Intelligence.

⁴⁷⁵ See Avebury at 390 at 62.

Although claims of regime involvement in assassinations seemed to have dissipated during the Khatami presidency, there is evidence that Tehran still engages in practices intended to sow fear in Iranian expatriates. For example, Iranian intelligence agents have increased their efforts to intimidate dissenters abroad through threatening letters and telephone calls.⁴⁷⁶ Of even greater concern, however, was a recent press conference in Washington, DC, held by known Iranian agents who were attempting to discredit factions of the Iranian opposition.⁴⁷⁷ This resurfacing of Iranian operatives inside the US has many, including members of Congress, very concerned about the new leadership in Tehran and its intentions to interfere in the international community.⁴⁷⁸

10. Designation of MEK/NCRI as an FTO

Given the broad range of international support for MEK, coupled with the fact that MEK was regarded by the regime as its principal enemy, it came as a surprise to many people, including Americans, Europeans, and Iranians that MEK had been designated a terrorist organization in October 1997.⁴⁷⁹ This designation placed the group on a list of 30 foreign organizations regarded as terrorist groups. Reports quickly leaked out that MEK had been designated an FTO for political reasons⁴⁸⁰ and that the Iranian regime had specifically demanded the designation of MEK.⁴⁸¹ It has been further asserted that the Clinton Administration complied with the Iranian request first, as a goodwill gesture; second, in an attempt to end years of hostile diplomatic relations; and third, to curry favor with newly elected President Khatami, who was then believed to be a reformer who would deliver Iran from the Ayatollah's fundamentalist stranglehold.⁴⁸² More recently, it has been well documented that the EU-3 agreed to continue to list MEK as a terrorist organization in exchange for Iran's promise to abandon its suspected nuclear weapons program, an act

⁴⁷⁶ See *VEVEK Steps Up Anti-dissident Activities in Europe*, Iran Focus, June 8, 2005.

⁴⁷⁷ *Claude Salhani, Analysis: Iranian Agents in U.S.?*, UPI, Oct. 25, 2005.

⁴⁷⁸ Letter from members of Congress to the Honorable Secretary Michael Chertoff, Department of Homeland Security, Nov. 4, 2005 (*Stop Ahmadinejad's Call for Terrorism*).

⁴⁷⁹ *Foreign Terrorist Organizations*, Press Release, Office of the Coordinator for Counterterrorism, US Department of State, Oct. 8, 1997.

⁴⁸⁰ See Scott Peterson, *Why the US Granted "Protected" Status to Iranian Terrorists*, CHRISTIAN SCIENCE MONITOR, Jul. 29, 2004, quoting Magnus Ranstorp, the head of the Center for the Study of Terrorism and Political Violence at St. Andrews University in Scotland, "the [terrorism] designation process is often hijacked for political purposes, and may shift with the wind." see also *The "FTO List" and Congress: Sanctioning Designated Foreign Terrorist Organizations*, Congressional Research Service, Library of Congress, Oct. 21, 2003, stating that there are often competing priorities with respect to designating, such as the desire to use a group "as leverage for another foreign policy aim." As a result of the impure motives for listing, statements regarding whether an organization is a terrorist organization "may ring hollow."

⁴⁸¹ See Norman Kempster, *US Designates 30 Groups as Terrorists*, LOS ANGELES TIMES, Oct. 9, 1997, citing an unnamed senior Clinton administration official; see also Letter from Mohammed Mohaddessin, Chairman of Foreign Affairs Committee, to Richard Boucher, Assistant Secretary of State, Feb. 27, 2003, stating that in a speech in 1999, Martin Indyk, then Assistant Secretary of State for Near Eastern Affairs, announced that the terrorist designation had been prompted by the regime.

⁴⁸² See *id.*

already required of Iran under the NPT.⁴⁸³ Incidentally, European countries are still complying with Iran's demands to list MEK as a terrorist organization, while Iran has reneged on its promise to the EU-3 and renewed its nuclear activities.

The impact of being listed as a Foreign Terrorist Organization is severe.⁴⁸⁴ This is true for any organization, but particularly so for MEK due to the legitimate concerns that the designation was prompted by political considerations. The designation has two immediate effects: it prohibits entry into the US of aliens in any way connected with MEK, and it freezes any assets of the organization that are located in the United States.⁴⁸⁵ Moreover, persons in the US are precluded from providing any "material support" to the organization. Thus, the longer-term effect is that organizations are essentially shut down, at least in terms of any public presence.⁴⁸⁶ As a result of MEK's designation, it is inhibited from gathering new support inside the US, thereby undermining its goal of achieving democratic reform in Iran.

In reaction to the continued listing of MEK, and more recently the addition of NCRI (labeled by the State Department an alter ego of MEK), prominent lawyers, lawmakers, and scholars all over the world have sought the organizations' removal from various countries' lists of foreign terrorist organizations.⁴⁸⁷ It has been noted repeatedly that MEK's removal from the list would show unequivocal Western support for the Iranian people and their desire for freedom.⁴⁸⁸ Furthermore, removal would serve as "a litmus test for the . . . administration to adopt a tougher approach toward the Iranian regime."⁴⁸⁹ Congresswoman Ileana Ros-Lehtinen, a member of the House International Relations Committee, believes that MEK deserves a fresh look and is confident that it does not belong on the list.⁴⁹⁰ Professor Raymond Tanter of Georgetown University, who serves as

⁴⁸³ See *MEK Included in Incentive Offer from Europe*, ASSOCIATED PRESS, Oct. 22, 2004; see also Symposium, *supra* note 53.

⁴⁸⁴ *National Council of Resistance of Iran v. Dep't of State*, 251 F.3d 192 (D.C. Cir. 2001).

⁴⁸⁵ See Foreign Terrorist Designations – Fact Sheet, Office of Counterterrorism, US Department of State, Mar. 23, 2005.

⁴⁸⁶ See *id.*

⁴⁸⁷ See *Determination Pursuant to Section 1(b) of Executive Order 13224 Relating to the Mujahedin-e Khalq (MEK)*, US Department of State, Public Notice 4447, 68 Fed. Reg., No. 158, Aug. 15, 2003; see also *Terrorist Designation with Regard to European and International Law: The Case of the MEK*, International Conference of Jurists, Paris, Nov. 10, 2004. For example, 500 jurists from Europe and the US submitted legal opinions during an international conference in Paris in November 2004 detailing the reasons why MEK was not a terrorist organization and their inclusion as such was flawed.

⁴⁸⁸ See Westminister, *supra* note 38; see also Patrick Goodenough, *Bush Urged to Support Iranian Opposition*, CNSNews.com, Mar. 10, 2005, quoting Bush from a recent speech in which he said to the Iranian people, "[a]s you stand for your own liberty, America stands with you."

⁴⁸⁹ Claude Salhani, Politics & Policies: The Iran Dossier, WASHINGTON TIMES, Jan. 10, 2005, quoting the president of Strategic Policy Consulting.

⁴⁹⁰ See Aaron Glantz, *Laying the Groundwork for War with Iran*, Antiwar.com, Apr. 19, 2005.

co-chair of the Iran Policy Committee, also strongly urges that MEK be removed from the list and makes the point that the listing actually prevents a “legitimate organization” from seeking a “noble and commendable goal.”⁴⁹¹

MEK has also attracted considerable support from former US military personnel who came in contact with the organization’s members in Iraq. In fact, Capt. Vivian Gembara, the JAG lawyer who was involved with the MEK ceasefire negotiations in Iraq, strongly believes MEK is a legitimate movement that does not deserve to be branded a group of “terrorists”⁴⁹² a label that renders MEK indistinguishable from groups such as al Qaeda. Additionally, she is of the opinion that the United States has lost important opportunities to collaborate with MEK in Iraq; she strongly believes that MEK can still be an asset to the security of coalition forces.⁴⁹³ Similarly, Lt. Col. Thomas Cantwell, who was commander of the battalion based in Camp Ashraf and interacted with MEK, calls for its removal from the FTO, list saying, “I was there . . . where are the terrorists?”⁴⁹⁴

As described above, there are substantial grounds supporting the proposition that MEK should not have been placed on the FTO list in the first place. But today, there is even more support for MEK’s removal based on an indisputable change in its circumstances.⁴⁹⁵

B. Analysis of Criteria Supporting MEK’s Removal from the FTO List

To qualify as an FTO, an entity must: be foreign; engage in terrorist activity or retain the capability and intent to engage in terrorist activity; and, finally, such activity must threaten the security of the United States or its citizens.⁴⁹⁶ If an organization has been so designated previously, and it provides evidence to the State Department demonstrating that the circumstances are sufficiently different from those that existed at the time of the designation, the secretary of state is authorized to remove it from the FTO list.⁴⁹⁷ Based on the State Department’s own interpretation and implementation of the relevant statute and regulations, the period of

⁴⁹¹ Michael Moran, *Can Terrorists Be Turned into Allies*, MSNBC.com, updated May 9, 2005. Moran is the executive editor for the Council on Foreign Relations.

⁴⁹² See Capt. Vivian Gembara, *American Human Intelligence and Anti-Iranian Rebels*, Global Politician.com, Apr. 11, 2005, stating her belief that the inhibitions placed on MEK as a result of the FTO designation operated as a hindrance to Coalition Forces.

⁴⁹³ Gembara, *supra* note 492.

⁴⁹⁴ See 2005 Iranian National Convention, DAR Constitution Hall, Washington, DC, Apr. 14, 2005 (speech by Lt. Colonel Thomas Cantwell).

⁴⁹⁵ See Washington Seminar, *supra* note 356, citing Attorney Ronald G. Precup; see also Congressional Briefing, *supra* note 451, citing speaker Vivian Gembara: “It’s crucial that we acknowledge that the situation has changed, and we need to reassess.”

⁴⁹⁶ See Immigration and Nationality Act, 8 U.S.C. § 1189, as amended Dec. 17, 2004 [hereinafter INA].

⁴⁹⁷ See INA, (a)(4)(B)(iii), *supra* note 496.

review covers an organization's activities during the preceding two-year period.⁴⁹⁸ Alternatively, as will be discussed in Section III.C., the Secretary of State also has discretion to remove an organization from the terrorist list if the national security of the United States warrants a revocation.⁴⁹⁹

As is described in detail below, MEK does not meet the criteria required for the State Department to list it as an FTO. Any activity attributed to MEK that may have been classified as terrorist activity occurred well outside the two-year designation period. Additionally, the circumstances surrounding MEK today are sufficiently different from those described in the administrative record upon which the redesignation in 2003 relied.⁵⁰⁰ For example, MEK signed a ceasefire agreement with coalition forces where it formally renounced violence and gave up its weapons in April 2003. Subsequently, as a result of a comprehensive investigation by US security agencies, MEK members were granted status as protected civilians under the Fourth Geneva Convention by the Multi-National Force Coalition in Iraq. Consequently, it is these sufficient changes in circumstances that counsels for the removal of MEK from the FTO list.

1. Foreign Organization

MEK was originally organized in Iran in the 1960s. Currently, the headquarters and the majority of members reside at Camp Ashraf in Iraq.⁵⁰¹ MEK, therefore, qualifies as a foreign organization.

2. Engages in Terrorist Activities

First and most importantly, MEK does not currently engage in any violent activity nor has it in over five years.⁵⁰²

⁴⁹⁸ As will be discussed in more detail later, in 1999 the decision to remove two terrorist organizations from the FTO list was stated to rest specifically on the absence of terrorist activity in the previous two years. See Foreign Terrorist Organizations, Designations by the Secretary of State, Press Release, Office of the Coordinator for Counterterrorism, US Department of State, Oct. 8, 1999 [hereinafter 1999 FTO list].

⁴⁹⁹ See INA 1189(a)(6)(A)(ii), *supra* note 496.

⁵⁰⁰ See Summary of the 2003 Administrative Record for Redesignation as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act (redacted version), US Department of State [hereinafter 2003 Administrative Record]. *see also Redesignation of Foreign Terrorist Organizations*, Press Statement, Spokesman Richard Boucher, US Department of State, Oct. 2, 2003.

⁵⁰¹ See Arshavez M., Mujahedin-e Khalq's Devolution, Iranian.com, Mar. 2, 2005.

⁵⁰² See INA, *supra* note 496. Encapsulated within Section 1189 are references to two other sections, 8 U.S.C. § 1182(a)(3)(B) and 22 U.S.C. § 2656f, which provides an expansive definition of terrorism.

That said, however, it is also worth commenting on MEK's past activities. MEK has pursued military activities in the past and, in fact, has publicly taken responsibility for these operations.⁵⁰³ Any past actions engaged by MEK members, including acts of violence, have been in furtherance of the organization's ongoing battle against the Islamic fundamentalists who control Iran. As such, these actions are properly classified as acts of war, pursuant to a universally established right to fight an oppressive regime.⁵⁰⁴

In the case of Iran, the regime has virtually declared war on its own people, killing over 120,000 dissenters, committing continuous and grave human rights abuses, and suppressing the political will of its own people.⁵⁰⁵ MEK's goal has been to remove what it regards as a tyrannical regime and replace it with a democratic one. Under international law, when a state openly and aggressively attacks its own people or a segment of its people, and, as a result, a structured and organized resistance emerges, a recognized conflict exists.⁵⁰⁶ MEK is not a clandestine organization, but a group with a responsible chain of command and a well known and visible leadership.⁵⁰⁷ MEK operates with a "code of conduct for military operations," and therefore, is a true party to a conflict as defined by the International Committee of the Red Cross.⁵⁰⁸ The goal of installing a democratically elected government in Iran is not to be

⁵⁰³ See *Murky Motives Seen Behind Iran Blasts*, Iran Focus, June 12, 2005.

⁵⁰⁴ The preamble to the Universal Declaration of Human Rights reinforces this right: "[i]t is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected under the rule of law." Universal Declaration of Human Rights, G.A. Res. 217A (III), UN Doc. A/810, at 71 (1948). Even more poignant, the American Declaration of Independence provides "when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security." DECLARATION OF INDEPENDENCE, adopted Jul. 4, 1776, by the Continental Congress. Thomas Jefferson, one of the most ardent defenders of liberty, noted "the oppressed should rebel, and they will continue to rebel and raise disturbance until their civil rights are fully restored to them and all partial distinctions, exclusions and incapacitations are removed." Thomas Jefferson, Notes on Religion, 1776, at 548; see also Biography of Thomas Jefferson, White House.gov, at <http://www.whitehouse.gov/history/presidents/tj3.html>, quoting Jefferson, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." This right has even been recognized by the Catholic Church. Then-Cardinal Joseph Ratzinger (now Pope Benedict XVI) stated in Introduction to Christian Liberty and Liberation: "Armed struggle is . . . a last resort to put an end to an obvious and prolonged tyranny which is gravely damaging the fundamental rights of individuals and the common good." CONGREGATION OF THE DOCTRINE OF FAITH, March 22, 1986, at ¶ 79. At the time, Cardinal Ratzinger was president of the Pontifical Biblical Commission.

⁵⁰⁵ See Eric David, *Can the PMOI Be Regarded As a Terrorist Organization?*, presented to the International Conference of Jurists: Terrorism Lists: A Case Study: People's Mojahedin Organization of Iran, Nov. 10, 2004. Eric David, director of the Centre for International Law at Brussels' Free University, provided a legal opinion regarding the listing of MEK as an FTO. David ultimately concluded that MEK did not belong on the list of terrorist organizations either in the United States or in Europe.

⁵⁰⁶ See Symposium, *supra* note 53.

⁵⁰⁷ See David, *supra* note 505.

⁵⁰⁸ David, *supra* note 505.

construed as terrorism, but a military objective consistent with those anticipated by Common Article 3 of the Geneva Conventions.⁵⁰⁹ The terrorists, in this case, are undoubtedly the leaders of Iran⁵¹⁰ who “operate at the very center of an international network of terrorism,” and not MEK who is “protesting those very activities.”⁵¹¹

Furthermore, at no time in its history has MEK targeted civilians,⁵¹² unlike such organizations as the IRA, which has killed at least 640 civilians (more than the number of British security forces killed in IRA violence).⁵¹³ An even more important example is that of the PLO and its associated organizations which “have murdered more than 60 American citizens and wounded at least as many.”⁵¹⁴ Those murdered include “two ambassadors, an Olympic athlete, tourists, business persons and students.”⁵¹⁵ Neither of these organizations, despite a long history of violence against civilians, were designated as an FTO. By comparison, MEK has acted in compliance with international standards with respect to actions and targets and has never targeted civilians or civilian facilities.⁵¹⁶

As mentioned, however, irrespective of any debate over the determination of MEK’s past activities, it does not currently engage in “terrorist activity.” In 2001, MEK ceased military operations. After many years of fighting the Iranian regime, it committed itself to a policy of diplomatically advocating for regime change. As a result, MEK has committed no acts of violence against the regime in more than four years. The last incident of violence imputed to MEK by the regime was in August 2001 when a government building was attacked in Tehran.⁵¹⁷ Again, no persons were killed or injured in the attack.⁵¹⁸ Since then, there have

⁵⁰⁹ See David, *supra* note 505, quoting Common Article 3 which established the rights of those involved in an internal conflict.

⁵¹⁰ *State Sponsors of Terrorism*, US Department of State, at <http://www.state.gov/s/ct/c14151.htm>, last visited on June 23, 2005. Iran was listed as a terrorist supporting country on January 19, 1984.

⁵¹¹ Symposium, *supra* note 53.

⁵¹² See Avebury, *supra* note 405; see also Section IV.A. below, addressing and dispelling allegations that MEK targeted and killed Americans.

⁵¹³ See *Facts, Figures on Irish Republican Army*, ASSOCIATED PRESS, Jul. 28, 2005. Between 1970 and 2005, the IRA has killed 1,775 people, 640 of which were civilians. It has targeted such places as pubs and hotels.

⁵¹⁴ PLO Profile, MIPT Terrorism Knowledge Base, at <http://www.tkb.org/Group.jsp?groupID=4182>. The MIPT Knowledge Base chronicles various attacks by the PLO on civilian targets such as schools and restaurants. Interestingly, the PLO has even taken credit for attacks against civilians, including a bombing at a university; William J. Daugherty, Ph.D., *Remembering the Many American Victims of Arafat’s Terrorist Network*, SAVANNAH MORNING NEWS, Apr. 14, 2002. Daugherty was a hostage at the US embassy in Tehran in 1979. Since then, he has been the recipient of numerous awards by both the CIA and the State Department.

⁵¹⁵ See *id.*

⁵¹⁶ See David, *supra* note 505; see also Symposium, *supra* note 53. In addition, Canadian Conservative Foreign Affairs critic Stockwell Day, noted that MEK has “confined its attacks to military and regime targets” and that the Government of Canada had “twisted” the meaning of the word terrorism. see also *Terrorist Designation of Group Mean to Appease Iran, MPs Say*, CANADIAN BROADCASTING CORPORATION, May 26, 2005.

⁵¹⁷ See BBC, *supra* note 402.

⁵¹⁸ See MEK Profile – MIPT, *supra* note 405, including an incident report stating no injuries for what seems to be the same incident yet inaccurately dates this incident in January 2001

been no bombings or attacks committed or credibly attributed to MEK.⁵¹⁹ Similarly, the last established allegation that MEK had actively solicited funds in the United States was in 2001.⁵²⁰ Since then, there have been no substantiated claims or evidence of such a practice or intention.⁵²¹

In addition to the absence of violent activity, the organization — including all of its then and now current leadership — formally renounced violence and terrorism in 2003 as part of the ceasefire agreement⁵²² with coalition forces. Specifically, the agreement that each member of MEK signed stated:

a) I reject participation in, or support for terrorism; b) I have delivered all military equipment and weapons under my control or responsibility; c) I reject violence and I will not unlawfully take up arms or engage in any hostile act. I will obey the laws of Iraq and relevant United Nations mandates while residing in this country.

The Agreement signed by each individual also states that “If I violate any terms of this Agreement, I may be subject to prosecution or internment, and administrative sanctions. I promise to scrupulously comply with this Agreement.”

Lieutenant General Raymond T. Odierno, who negotiated the ceasefire agreement with MEK, clarified that “it [was] not a surrender; it [was] an agreement to disarm and consolidate.”⁵²³ The commander further noted that its cooperation “should lead to a review of whether they [sic] are still a terrorist organization or not.”⁵²⁴

⁵¹⁹ See *Murky Motives Seen Behind Iran Blasts*, Iran Focus, June 12, 2005. The regime recently blamed an explosion on MEK; however, there is no evidence to confirm this allegation. In an article citing the accusation, it was mentioned by Mustafa Akmal, a Middle Eastern terrorism expert in Cologne, that the attack did not carry the MEK “fingerprint.” MEK has a “policy of claiming responsibility for all its operations,” which it did not in this case. He also noted that “MEK has not engaged in any violent action for the past four years;” see also MEK State Department Report, *supra* 367. It is difficult to conclude whether MEK is ever behind an attack, unless they publicly claim responsibility, because it is the regime’s practice to blame MEK for most attacks.

⁵²⁰ See *US v. Ashfari*, 392 F.3d 1031 (9th Cir. 2004). The last incident where people were accused of soliciting for MEK was in 2001, when some were accused of soliciting funds at Los Angeles International Airport.

⁵²¹ But see Glenn Kessler, *Charity Event May Have Terrorist Link*, WASHINGTON POST, Jan. 29, 2004. There were allegations against another organization, the Iranian-American Community of North Virginia (IACNV), of falsely having organized an event to obtain funding for MEK. In spite of the accusation, there has been no substantiated evidence that this organization is or was affiliated with MEK or that the money was intended for MEK. Moreover, IACNV has continued to claim that the money received was for earthquake victims in Iran. Similarly, Juan C. Zarate, Assistant Secretary of the Treasury for Terrorist Financing and Financial Crimes, noted in a recent speech that “MEK hold[s] fundraising events” but did not offer any evidence to support this assertion. Speech delivered at Harper’s Bazaar/International Anti-Counterfeiting Coalition Summit, US Department of the Treasury, Feb. 1, 2005. There does not, however, appear to have been an indictment or prosecution of any individual raising funds in the United States for MEK since 2001.

⁵²² Agreement Between the Individuals of the People’s Mujahedin Organization of Iran (PMOI) and Multi-National Forces-Iraq, 2003. The full agreement is reproduced in Appendix C; see also Miller Letter, *supra* note 422.

⁵²³ James Morrison, *Iranian Complaints*, WASHINGTON TIMES, May 4, 2004.

⁵²⁴ *Id.*

After approximately a year and a half, it was formally acknowledged that those at Camp Ashraf posed no threat to coalition forces and were not considered combatants. Because they had disarmed, they required protection. As a result of the agreement, MEK members at Camp Ashraf were declared “protected persons” under the Fourth Geneva Convention in July of 2004.⁵²⁵ The declaration was made by the Commanding General of the Multi-National Forces in Iraq on behalf of the 27 countries comprising the coalition.⁵²⁶ The Fourth Geneva Convention protects only innocent civilians and specifically precludes such a status from being bestowed on individuals suspected of hostile activities.⁵²⁷ Furthermore, it is particularly illustrative that the protection was afforded under the Fourth Convention, which covers civilians, as opposed to the Third Convention, which protects prisoners of war. It is also illuminating that this designation was not made under the additional Protocol which protects combatants not covered by the Third Convention.⁵²⁸ This distinction demonstrates the fact that MEK members were not considered by US authorities to be terrorists or combatants, and any suspicions that they may have engaged in terrorist activity or retained such an intent had been entirely eliminated.

Before coalition forces determined that all members of the MEK at Ashraf were to be recognized as unarmed noncombatants under the Fourth Geneva Convention, American security agencies, including the FBI and CIA, first conducted an in-depth investigation into the camp.⁵²⁹ In the 16 months they spent in this investigation, they individually interviewed and screened all its residents, more than 3,700 people.⁵³⁰ The investigation apparently concluded that no MEK member at Camp Ashraf (and the entire MEK membership) was a terrorist.⁵³¹ Moreover, no member was charged with any crime.⁵³² Thus, it is incongruous

⁵²⁵ See Proclamation, *supra* note 413.

⁵²⁶ See *Multi-National Force – Iraq*, at <http://www.mnf-iraq.com/coalition.htm>. At this time, 27 nations are contributing to the ongoing stability operations throughout Iraq. These countries are Albania, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Czech Republic, Denmark, El Salvador, Estonia, Georgia, Italy, Japan, Kazakhstan, South Korea, Latvia, Lithuania, Macedonia, Mongolia, Netherlands, Norway, Poland, Romania, Slovakia, United Kingdom, Ukraine, and the United States; *Multi-National Force – Iraq: Camp Ashraf*, at <http://www.mnf-iraq.com/TF134/Ashraf.htm>, last updated Sept. 5, 2005.

⁵²⁷ See Geneva Convention Relative to the Protection of Civilian Persons in the Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 N.T.S. 287, art. V [hereinafter Geneva Convention]; see also Bruno Nascimbene and Henri Labayle, The validity under European Law of the Registration of the MEK on the Anti-Terrorist Lists of the European Union and the Applicability thereof of the National Judge, Sept. 9, 2004, supporting the inapplicability of the Fourth Geneva Convention, based on Article 5, to MEK if they were in fact terrorists.

⁵²⁸ See Derek Jinks, *The Declining Significance of POW Status*, 45 HARV. INT'L L.J. 367, 381 (2004), for a discussion of the additional protocol and its intended coverage.

⁵²⁹ See Jehl, *supra* note 420.

⁵³⁰ See Jehl, *supra* note 420.

⁵³¹ See Jehl, *supra* note 420.

⁵³² See Jehl, *supra* note 420.

to conclude that MEK is a terrorist organization when not one of its members has been determined to be a terrorist by various US government security agencies.

Camp Ashraf residents today remain under the protection of coalition forces; MEK and coalition forces have cultivated a mutually respectful relationship.⁵³³ The residents of Camp Ashraf are regarded as allies and not prisoners.⁵³⁴ Any questions about MEK's intentions have been dispelled. As mentioned previously, Camp Ashraf has received considerable public attention and notably has attracted significant support from American military personnel who have extensively interacted with the residents.⁵³⁵ This high level of support from those who have been engaged on a daily basis with MEK in recent years is particularly telling. The fact that officials in Iraq and Coalition Forces view the organization as a "legitimate resistance movement" lends definitive and independent credibility to the organization's mission and goals.

3. MEK Does Not Retain the Capability and Intent to Commit Acts of Terrorism

As evidenced by its renunciation of terrorism and voluntary disarmament, MEK retains neither the "capability" nor the "intent" to commit any acts of terrorism. Nevertheless, in the administrative record leading to MEK's redesignation in 2003, a number of issues were raised by the State Department.

One such issue mentioned by the State Department in 2003 was that MEK possessed the "intent" at that time to engage in terrorist activity; this issue arose from a "belief"⁵³⁶ expressed by French intelligence agencies. In fact, the French acted on this "belief" by raiding NCRI's Paris headquarters in 2003 and arresting approximately 160 people.⁵³⁷

⁵³³ See Staff Sergeant Craig Pickett, *350th Mobile Public Affairs Detachment*, MEK Updates, 4th Infantry Division, May 22, 2003. Moreover, Staff Sergeant Craig Pickett said in 2003 that the military felt as though they were guests at the Camp and that the military was working in close cooperation with MEK members.

⁵³⁴ See Morrison, *supra* note 523, quoting Camp Ashraf residents' attorney Steven Schneebaum: "They are not prisoners of war; indeed, they are not prisoners at all."

⁵³⁵ See Congressional Briefing, *supra* note 451, providing excerpts of statements made by JAG lawyer Vivan Gembara and Iraqi Governor Dr. Abdullah Rasheed Al-Jabouri.

⁵³⁶ 2003 Administrative Record, *supra* note 500. "French authorities believed that the MEK was using the sites as organizational, logistical, and operational bases for financing and conducting terrorist activities." Specific activities cited include the plan to carry out assassinations against former MEK members in Europe. This accusation, if true, would be a crime: conspiracy to commit murder. If this allegation had any truth, those people arrested should have remained in jail and faced a trial, not been released as was the case.

⁵³⁷ See 2003 Administrative Record, *supra* note 500; see Charles Recknagel, *France: Police Arrests Members of Iran's Armed Opposition, But Why Now?*, RADIO FREE EUROPE/RADIO LIBERTY, June 18, 2003. NCRI's headquarters were ransacked by French security forces in 2003 and 160 members were arrested. Thorough searches were conducted and it does not appear anything significant was found to justify the arrests. Subsequently, everyone was released; see also Arnold Beichman, *Iran's New French Connection*, WASHINGTON TIMES, June 25, 2003. It is not known why the French chose this time to forcibly crackdown on NCRI, but it has been presumed to be related to France's attempts to curry favor with the regime for purposes of increasing trade. Ben Faulks, an Iranian expert at the Economist Intelligence Unit in London, expressed his view that there was certainly no plan to carry out any attacks on the West.

Those arrested were quickly released and today, more than two years later, while some of those persons may remain “under investigation,” none of them have been prosecuted by French authorities for any crime. In fact, a French appeals court recently eased previously placed restrictions on MEK, allowing members to communicate, and meet with each other, as well as to travel abroad.⁵³⁸

Further mentioned in this record are statements that MEK retained a “capability” to commit terrorism, based on its receipt of funds (and other support) from Saddam Hussein.⁵³⁹ This allegation, although frequently mentioned, has never been substantiated with any credible evidence and MEK has long disputed it. It is also important to note that this allegation is scarcely relevant today, given that Saddam has been removed from power. Finally, this allegation also appears to be undermined by the reality that, since Saddam’s fall in March 2003, MEK continues to be mainly self sufficient at Camp Ashraf.⁵⁴⁰ Had MEK been dependent solely on support from Sadaam, it would no longer have been able to sustain its activities.

The State Department record further describes MEK’s “sole purpose” as being the desire “to overthrow the Khomeini regime and establish itself in power.”⁵⁴¹ For this proposition, it purports to cite NCRI’s Constitution. It must be noted, however, that NCRI’s Constitution actually says its purpose is “to overthrow the Khomeini regime and to establish the Provisional Government.”⁵⁴² This Provisional Government would be in power only for six months and is specifically empowered only to hold free and fair elections to establish a national legislative and constituent assembly.⁵⁴³

Despite the questionable accuracy of previously raised concerns such as those cited in 2003, the circumstances surrounding MEK today are, in any event, indisputably very different. For instance, MEK was voluntarily disarmed of all weaponry in 2003.⁵⁴⁴ In addition, MEK presented all of its equipment and vehicles for the use of coalition forces.⁵⁴⁵ The State

⁵³⁸ See *French Court Eases Restrictions on Iranian Nationals*, REUTERS, Jun. 17, 2006

⁵³⁹ 2003 Administrative Record, *supra* note 500.

⁵⁴⁰ *Multi-National Force – Iraq: Camp Ashraf*, at <http://www.mnf-iraq.com/TF134/Ashraf.htm>, last updated Sept. 5, 2005. “They are being protected in accordance with the 4th Geneva Convention, they are living at Camp Ashraf, and are sustaining themselves with some assistance from MNF-I.”

⁵⁴¹ 2003 Administrative Record, *supra* note 500.

⁵⁴² The Constitution of the National Council of Resistance of Iran, adopted unanimously, 1982, at <http://www.ncr-iran.org/content/view/31/43/>.

⁵⁴³ See *NCRI Overview*, *supra* note 438.

⁵⁴⁴ See Proclamation, *supra* note 413; Vick, *supra* note 411, stating the military acted with hesitation before disarming. This hesitation to disarm is quite extraordinary given the swiftness US Forces demanded when disarming other armed groups in Iraq. According to some sources, coalition forces believed that MEK was an ally in the war against terror and should have been permitted to retain its weapons and help the forces in Iraq. See also Al-Jabouri, *supra* note 117; see also Daniel Pipes and Patrick Clawson, *A Terrorists (Group) US Allies*, NEW YORK POST, May 20, 2003.

⁵⁴⁵ See Vick, *supra* note 411.

Department has said MEK has been disarmed and that it thus does not pose a potential threat due to arms.⁵⁴⁶ Today, MEK remains under the supervision and protection of coalition forces at Camp Ashraf which also renders it incapable of engaging or planning any such proscribed activities.

The 2003 Administrative Record stated that since MEK had not renounced or disavowed the use of terrorist activity, the group, therefore, retained an intent to carry out these activities at the time.⁵⁴⁷ MEK, however, has now renounced terrorism and violence – additional significant and probative evidence that the organization does not have the intent to engage in these activities. This statement is further reinforced by the fact that MEK took part in no violent activity for more than two years before it signed the ceasefire agreement in 2003. Moreover, it seems doubtful that coalition forces would have declared MEK members as protected persons if there were any indications that they retained the intent to engage in terrorism, an activity that is repugnant to all Americans.

4. MEK Does Not Threaten US National Security or Its Citizens

MEK does not threaten the national security of the United States or its citizens.⁵⁴⁸ In fact, aside from certain past accusations analyzed below, there have been no specific assertions advanced by the State Department with regard to the listing of MEK as an FTO. The 2003 Administrative Record, however, contains some highly generalized statements. For example, “MEK’s terrorist activities constitute a significant security concern for the Iranian leadership . . . [which] increases the potential for heightened instability in the Middle East” thereby “threaten[ing] the foreign relations, economic interests, and national defense of the United States.”⁵⁴⁹

This assertion, attempting to outline the way in which MEK threatens the United States, however, is not supported by the facts. First, Iran itself is the preeminent state sponsor of terrorism. Moreover, the regime is at the core of the instability in the Middle East. The leaders of Iran threaten United States’ interests in the region by employing the use of terrorism

⁵⁴⁶ See *Daily Press Briefing Transcript*, US Department of State, (Jul. 25, 2004) at <http://www.state.gov/r/pa/prs.dpb/2004/34680.htm>, [hereinafter Dept. of State Press Briefing].

⁵⁴⁷ 2003 Administrative Record, *supra* note 500.

⁵⁴⁸ See INA, *supra* note 496, section (a)(C) states the terrorist activity must threaten the national security of the United States or its citizens.

⁵⁴⁹ 2003 Administrative Record, *supra* note 500.

to undermine US efforts to secure peace in Afghanistan and Iraq. It is anomalous, therefore, to censure an organization like MEK, which seeks only to establish democracy in Iran, yet act to concede to the demands of a terrorist regime that poses some of the most formidable challenges to US foreign policy.

The second reason cited by the State Department for the belief that MEK threatens the national security of Americans is that “terrorist attacks by the MEK on Iranian cities, which often hit civilians, pose a threat to US nationals visiting Iran.”⁵⁵⁰ First, MEK targets were limited to military and government targets, and there is no credible evidence that MEK has targeted civilians.⁵⁵¹ Furthermore, there is no evidence, nor does the State Department provide any, to indicate that MEK has ever targeted a place or building where civilians would likely be harmed. By contrast, when an IRA splinter group, the Real Irish Republican Army (RIRA) was redesignated as an FTO, a similar argument was advanced.⁵⁵² By comparison, it is essential to note that the RIRA and IRA had a long history of specifically targeting civilians,⁵⁵³ for instance bombing public transit systems in England. MEK has no such history. Moreover, the State Department record never provided any evidence that could lead to the conclusion that MEK had ever hit, let alone “often hit” civilians.⁵⁵⁴

In addition to the lack of any foundation for the position that MEK threatens civilians in general, even less credible is the assertion that it threatens Americans. First, given the lack of diplomatic relations between Iran and the US and the sanctions imposed on the regime, the number of Americans traveling in Iran and becoming potential targets would be miniscule. Moreover, in 30 years, no Americans have reportedly been killed in Iran in any terrorist activity.⁵⁵⁵ Lastly, MEK has committed no acts of violence in more than four years. These facts, when added to the fact that MEK has formally renounced violence, lead us inevitably to conclude that MEK poses no threat to any civilians, let alone American nationals.

Additionally, any allegations that MEK has targeted the US in the past, such as participating in the 1979 US Embassy takeover in Tehran and launching attacks in which Americans were killed, are not supported by the facts, and in any event such events occurred more than 25

⁵⁵⁰ 2003 Administrative Record, *supra* note 500.

⁵⁵¹ See Avebury, *supra* note 405. For further information, refer to the statements contained in footnote 405.

⁵⁵² See *Northern Ireland: Designation of the “Real IRA” as a Foreign Terrorist Organization*, Press Release, Office of the Spokesman, US Department of State, May 16, 2001, RIRA was added to the FTO list in 2001 based on violent activity and the clear intent not to abide by the ceasefire agreement that the IRA had signed; *Redesignation of the Real IRA as a Foreign Terrorist Organization*, Press Statement, Deputy Spokesman Philip T. Reeker, US Department of State, May 13, 2003.

⁵⁵³ See *id.*

⁵⁵⁴ 2003 Administrative Record, *supra* note 500.

⁵⁵⁵ The only allegations of Americans having been murdered were the assassinations that took place in the 1970s purportedly by MEK. This attribution to MEK is highly disputed and discussed at length in Section IV.B.

years ago. More importantly, serious questions have been raised about the credibility of these allegations (which will be discussed in greater detail in Section IV.A-B.); moreover, all members of MEK⁵⁵⁶ have been investigated by US agencies in Iraq and by French security forces in Paris. If there had been any evidence against any member of MEK, not only would that person have been ineligible for protection under the Geneva Convention, but he or she would have been subject to extradition based on the suspicion of murder of US citizens.⁵⁵⁷ No such charges have been lodged and no such extradition has been sought. Instead, MEK lives side by side with coalition forces under Geneva Convention protection.

In sum, there is no evidence that MEK currently threatens the US, with whom it shares a common goal – to foster the cause of democratic freedom in Iran. Not only does MEK pose no threat, but it has actually contributed to the security of the US. For example, it has provided the US with intelligence regarding Iran’s aggressive plans for nuclear weapons and its emerging arsenal of weapons of mass destruction. Moreover, MEK has been exceptionally cooperative with coalition military forces in Iraq and has provided intelligence to help protect the border.⁵⁵⁸ One sign that MEK is understood to be a positive force is that, as mentioned previously, coalition military personnel, as well as Iraqi officials in Iraq, have been frustrated by the fact that they have been prevented from consulting with MEK on security issues.⁵⁵⁹ It is clear that, rather than threatening US interests, MEK has actually engaged in activities that provide security to US citizens.

5. Substantial Basis Exists for the Removal of MEK and NCRI from the FTO List

Section 219 of the Immigration and Nationality Act enables removal of an organization from the FTO list when evidence is provided to demonstrate that circumstances are sufficiently different from those that existed when the determination was made two years prior.⁵⁶⁰

⁵⁵⁶ While there are MEK sympathizers throughout Iran and the West, exact membership cannot be accurately determined. Evidence, however, seems to suggest that the membership of MEK is generally contained in Iraq and that NCRI, which may include some independent MEK members, resides in Paris.

⁵⁵⁷ See 18 U.S.C.A. 2332 provides that murder of US citizens on foreign soil are subject to punishment, including the death penalty, in the United States. Furthermore, the United States has executed treaties with both Iraq and France. See Extradition Treaty between US and France, entered into force April 3, 1971, 22 U.S.T. 407; See Extradition Treaty between US and Iraq, entered into Force Apr. 23, 1936, 49 Stat. 3380.

⁵⁵⁸ See, e.g., Al-Jabouri, *supra* note 117; see also Congressional Briefing, *supra* note 451; see also MEK State Department Report, *supra* note 367, mentioning MEK’s cooperation with the Department of State by providing press releases, speeches, interviews, etc., as was required by the registration under the Foreign Agents Registration Act prior to being listed as an FTO. In addition, MEK has often forwarded unsolicited faxes and letters.

⁵⁵⁹ See Gembara, *supra* note 492; see also Al-Jabouri, *supra* note 117.

⁵⁶⁰ See INA 1189(a)(6)(A)(i), *supra* note 496.

If an already designated organization has not engaged in any acts of terrorism within the preceding two years, that organization should be removed from the FTO list. Several examples which follow are compelling precedents which support the proposition that reasonable grounds exist for de-designation of MEK.

In 1999, two organizations, the Manuel Rodriguez Patriotic Front Dissidents (FPMR/D) and the Democratic Front for the Liberation of Palestine (DFLP), were dropped from the list for this very reason.⁵⁶¹ While it may be true that both of these organizations had substantially reduced their operations, the decision for the removal was stated to specifically rest on the absence of terrorist activity in the previous two years.⁵⁶² By comparison, the Khmer Rouge was also dropped in that year; in that case, in contrast, the stated decision was because the Khmer Rouge “no longer existed as a viable terrorist organization.”⁵⁶³ At the same time, the State Department did not include the IRA on the 1999 list because it acknowledged that, despite the IRA’s strong terrorist past, it had not engaged in such activities for more than two years, and thus these activities were not considered when deciding whether the organization should be listed.⁵⁶⁴ Similarly, MEK has committed no acts of violence within the preceding two-year period. In fact, it has not committed any military acts in over four years, well outside the designation period.

The State Department noted in 1999 that its decision not to list the IRA in 1997 was in part based on the recent signing of a ceasefire agreement.⁵⁶⁵ Just 34 days prior to the signing of this ceasefire in 1997, however, the IRA shot and killed two police officers in Ireland.⁵⁶⁶ Moreover, when the IRA was not listed in 1997, it had not even disarmed.⁵⁶⁷ Thus, the State Department deemed the ceasefire agreement alone to be conclusive evidence of the IRA’s intent not to engage in terrorist activity – despite the significant acts of terrorism that immediately preceded the organization’s consideration. In contrast, MEK committed no acts of terrorism for at least two years before signing its 2003 ceasefire agreement with coalition forces. Unlike the IRA at the time of its ceasefire,⁵⁶⁸ MEK had formally renounced terrorism as a way of effecting change in Iran and had disarmed accordingly. In comparing the situation of MEK and IRA, there is overwhelmingly stronger evidence to support MEK’s removal from the FTO list. MEK’s private renunciation of violence and terrorism in 2001 and the public

⁵⁶¹ See 1999 FTO List, *supra* note 498.

⁵⁶² See 1999 FTO List, *supra* note 498.

⁵⁶³ 1999 FTO List, *supra* note 498.

⁵⁶⁴ See 1999 FTO List, *supra* note 498.

⁵⁶⁵ See 1999 FTO List, *supra* note 498.

⁵⁶⁶ See ASSOCIATED PRESS, *supra* note 513.

⁵⁶⁷ Jioni Palmer, IRA Embraces an End to Warfare, Washington Bureau, Jul. 29, 2005. The IRA did not disarm until 2005.

⁵⁶⁸ The IRA did not renounce violence until it disarmed in 2005. See *IRA Says Ceasing All Armed Activity in N. Ireland*, REUTERS, Jul. 28, 2005.

reaffirmation by individual MEK members memorialized in the April 2003 ceasefire agreement with coalition forces dispels any argument MEK intends to pursue violence.

In addition, MEK members have been designated protected civilians under the Fourth Geneva Convention. This designation contradicts any notion that MEK members are terrorists. MEK members have disarmed. They live alongside and cooperate fully with coalition forces. In the last few years, MEK has had a significant amount of interaction with US and Iraqi officials which won these officials' support and trust. Taken together, the factors described above support the conclusion that MEK does not qualify as a terrorist organization.

Former State Department spokesman Richard Boucher interpreted "change in circumstances" to mean that an organization previously designated has "definitely stopped any terrorist activities, renounced it, and changed their stripes."⁵⁶⁹ This statement is an apt description of the "change in circumstances" test⁵⁷⁰ that is used by the State Department when considering whether to de-list an organization from the FTO list. While the test reconfirms the administrative practices of the State Department, it also highlights the very circumstances that exist in the case of MEK. Due to the sufficient change in circumstances in the last few years, ample grounds exist for the removal of MEK⁵⁷¹ from the FTO list, and, consequently, for removal of the NCRI from the list, based on its designation as an "alter ego" of MEK.⁵⁷²

C. National Security of the United States Warrants Removal of MEK and NCRI from the FTO List

In addition to a change in circumstances, an organization may be removed from the FTO list if the national security of the United States warrants such a revocation.⁵⁷³ In the case of MEK, removal based on national security grounds is also warranted. MEK has emerged as a "legitimate resistance movement" with the declared intention of securing a free and secular democratic Iran. This goal, if attained, would be in the national security interests of the United States as it could provide substantial benefits to the United States. This would be true whether or not MEK ultimately becomes part of the democratic governing coalition.

⁵⁶⁹ See Statement by Richard Boucher, Spokesman, Daily Press Briefing, US Department of State, May 16, 2001.

⁵⁷⁰ See 8 U.S.C. § 1189(a)(6)(A)(i), *supra* note 496. "Circumstances that were the basis for the designation have changed in a manner that warrants revocation."

⁵⁷¹ See *Redesignation of Foreign Terrorist Organization*, Press Statement, Spokesman Richard Boucher, US Department of State, Oct. 2, 2003.

⁵⁷² See *Designation of National Council of Resistance and National Council of Resistance of Iran under Executive Order 13224*, Press Statement, Acting Spokesman Tom Casey, Aug. 15, 2003. No independent facts were provided supporting the listing of NCRI. They were listed solely as an alias for MEK. As a result, there is no necessity of an independent argument for their removal. Note, NCRI has argued MEK is merely a constituent member organization of its coalition and is a distinct and different organization.

⁵⁷³ See 8 U.S.C. § 1189(a)(6)(A)(ii), *supra* note 496.

The most important result of a free Iran would be the removal of a terrorist-supporting regime on the path toward the development of weapons of mass destruction.

Currently, MEK has offered a steady stream of intelligence assistance to the US regarding Iran's support for terrorism and the regime's attempts to procure materials to construct a nuclear bomb. Former coalition forces commander at Camp Ashraf, Lt. Col. Julie Norman, has said that intelligence provided by MEK has, in some circumstances, saved the lives of coalition forces. She has urged that cooperation continue.⁵⁷⁴ And former Iraqi Governor Al-Jabouri has stated that MEK networks in Iraq have helped protect the Iran-Iraq borders and have helped keep American forces safe.⁵⁷⁵ The continued listing of MEK and NCRI as foreign terrorist organizations may actually be counter-productive to US interests in that it could hinder the wider degree of benefits the US could obtain in the future from a cooperative relationship with these organizations.

1. The Iranian Regime Endangers US National Security

In extending the Executive Order in 2001 which reaffirmed the national emergency Iran represents, President George W. Bush stated that the "actions and policies of the Government of Iran continue to threaten the national security, foreign policy, and economy of the United States."⁵⁷⁶ Tehran has refused to abide by its agreement to suspend its nuclear program, which continues to evolve and grow more dangerous every day; this led President Bush recently to renew his warning that "all options are on the table . . . we have used force in the recent past to secure our country."⁵⁷⁷ Notwithstanding the regime's claims that it had suspended its nuclear activities, there is sufficient evidence that these activities were no more suspended than they are peaceful.⁵⁷⁸ In any event, Iran's nuclear activities go on.⁵⁷⁹ Furthermore, Iran continues adding to its already impressive stockpile of conventional missiles and military equipment.

In addition, statements by Iran's leaders continue to be both defiant and elusive, giving little hope for any change. Their attitude, in conjunction with Iran's aggressive weapons program and its control of a rather large group of terrorists, makes Iran a particularly acute threat to the American people.

⁵⁷⁴ See Norman, *supra* note 429.

⁵⁷⁵ See Al-Jabouri, *supra* note 117.

⁵⁷⁶ Notice: *Continuation of Iran Emergency*, Press Release, Office of the Press Secretary, White House, Mar. 13, 2001.

⁵⁷⁷ See BBC, *supra* note 297.

⁵⁷⁸ See Alan Clendenning, *Iran Said Trying to Fit Missiles for Nukes*, ASSOCIATED PRESS, Nov. 18, 2004.

"Powell partially confirmed claims by an Iranian opposition group that Tehran is deceiving the United Nations and is attempting to secretly continue activities."

⁵⁷⁹ See BBC, *supra* note 297.

Moreover, Iran is the premier “mischief maker” in Iraq, which is clear from its outright declaration against Middle East peace.⁵⁸⁰ In fact, according to intelligence reports, Iran’s “primary objective” is to create as much instability in Iraq as possible.⁵⁸¹ To facilitate this objective, the regime is funneling money and manpower into Iraq in attempts to influence its people through any means.⁵⁸² In order to more effectively target US troops, Iran has also sought intelligence regarding their weapons and armor as well as their military positions.⁵⁸³ In light of the threat that Iran poses to US national security, identifying allies and credible opposition groups, such as MEK, could be of assistance to the US in countering those threats.⁵⁸⁴

2. MEK’s Gathering of Intelligence on the Regime

Although Iran’s nuclear interests have been clear for some time, much of the corroborating evidence has come to light only in recent years. Indeed, it was intelligence collected by MEK in 2002 that originally revealed Iran’s clandestine nuclear program. As mentioned previously, NCRI and MEK identified and provided evidence of two previously unknown nuclear facilities in Natanz and Arak.⁵⁸⁵ Similarly, as previously outlined, NCRI and MEK have reported countless pieces of intelligence on Iran’s nuclear weapons program. For example, NCRI revealed, based on information provided by MEK, the two suspected facilities in Lavizan, a town northeast of Tehran.⁵⁸⁶ More recently, NCRI provided information regarding Iran’s plan to acquire nuclear-grade graphite.⁵⁸⁷ At the time of the revelations, then Secretary of State Powell stated that he had seen intelligence which corroborated the information provided by the “dissident” group.⁵⁸⁸

It has been said that MEK and NCRI have an extensive network of informants inside Iran, enabling MEK to gather intelligence regarding the nuclear materials Iran possesses and those it seeks to acquire, as well as the general progress of its weapons program.⁵⁸⁹ MEK continues to provide updates on the construction of its new Ghadar missile, which is thought to have a range of 1,550 to 1,860 miles.⁵⁹⁰ In addition, evidence has emerged that

⁵⁸⁰ Pound, *supra* note 135, quoting a senior Pentagon official who has said Iran is a “menace in a basic sense.”

⁵⁸¹ Pound, *supra* note 135.

⁵⁸² See Pound, *supra* note 135; see also Al-Jabouri, *supra* note 117.

⁵⁸³ See Pound, *supra* note 135.

⁵⁸⁴ Barbara Slavin, *Iran’s Terrorists Helped Disclose Nuke Program*, USA TODAY, Apr. 14, 2005. While some may have concerns about these groups’ staying power, it is important to keep in mind the old maxim, “the enemy of your enemy is your friend.”

⁵⁸⁵ See *Group: Iran’s Nuke Program Growing*, NEW YORK TIMES, Aug. 15, 2002; see also Mark Hosenball, *Iran: Mixed Signals on MEK*, NEWSWEEK, Apr. 11, 2005 issue.

⁵⁸⁶ See Clendenning, *supra* note 578.

⁵⁸⁷ See USA Today, *supra* note 578; see also Worldthreats.com, *supra* note 29.

⁵⁸⁸ See Clendenning, *supra* note 584; See Hosenball, *supra* note 585, repeating Bush’s recent recounting of this information provided by “dissidents.”

⁵⁸⁹ See IPC Report, *supra* note 3.

⁵⁹⁰ See *Report: Iran Hiding Nuke Program in Tunnels*, FOX NEWS, Nov. 21, 2005.

Iran has improved the technology on its Shahab series missiles and is developing nuclear warheads.⁵⁹¹ NCRI identified the former head of the Pakistani nuclear program, Abdul Qadeer Khan, as having provided Iran with an unspecified amount of uranium, as well as diagrams of nuclear bombs.⁵⁹²

NCRI and MEK have not only been instrumental in exposing Iran's nuclear plans but have also been at the "forefront in exposing the regime's human rights violations and atrocities for the past two decades."⁵⁹³ Members of the US Special Forces based in Iraq have stated that MEK has been a "valuable intel asset," providing information to coalition forces in an effort to continue ensuring the security of the borders as well as to protect coalition forces and the Iraqi people.⁵⁹⁴ For example, MEK has reported on Iran's intelligence-collecting methods and the areas in which Iran's secret forces operate.⁵⁹⁵ It has provided details regarding arms shipments to Iraq, including weapons descriptions and maps of transit routes.⁵⁹⁶ Much of this information, including accounts of Iranian-sponsored terrorist interference, has been substantiated by other intelligence sources.⁵⁹⁷

3. Iranian Activities MEK Could Identify in the Future

Although MEK has already proven to be an excellent resource by utilizing its networks inside Iran and Iraq, MEK's potential has yet to be fully tapped in providing US policy makers with additional and invaluable information on Iran's weapons programs, terrorist activities, and human rights violations. The US currently performs its own intelligence gathering on the Iranian regime. However, those activities are conducted primarily from the air, and for this reason have obvious limitations.⁵⁹⁸ Informed observers have stated that the US lacks one of the best methods for obtaining information in the Middle East and specifically in Iran: human intelligence.⁵⁹⁹ An organization that is capable of gathering intelligence, broadcasting pro-democratic messages and directing the movement of people in and out of Iran – all of this without detection – would be a significant asset to US security.⁶⁰⁰ MEK, it has been argued, has proven capable and reliable in these respects and is, therefore, the most suitable choice for these endeavors.⁶⁰¹ It operates intelligence networks inside Iran and has already engaged in

⁵⁹¹ See Clendenning, *supra* note 578.

⁵⁹² See Clendenning, *supra* note 578.

⁵⁹³ *US Congressman Criticizes Human Rights Watch for Iran Group Report*, Iran Focus, May 27, 2005, quoting New York Congressman Ed Towns.

⁵⁹⁴ Pound, *supra* note 135; see also Al-Jabouri, *supra* note 117.

⁵⁹⁵ See Pound, *supra* note 135.

⁵⁹⁶ See Pound, *supra* note 135.

⁵⁹⁷ See Pound, *supra* note 135.

⁵⁹⁸ Michael Moran, *Trusting the Enemy of My Enemy*, MSNBC, Aug. 26, 2003.

⁵⁹⁹ See Pipes and Clawson, *supra* note 544; see also Gembara, *supra* note 492.

⁶⁰⁰ See Moran, *supra* note 491.

⁶⁰¹ See IPC Report, *supra* note 3.

productive relationships with the US military in Iraq.⁶⁰² Additionally, it has provided a glimpse, to Iranians and Iraqis alike, of a strong anti-fundamentalist Islam which could help maintain a balance against the extremist influence propagated by the fundamentalists in Iran.⁶⁰³

High-ranking US military officials who have been engaged with MEK in Iraq have stated that the potential benefits of working together overshadow any concerns, however unfounded and long past, there may have been about this organization.⁶⁰⁴ Lieutenant General Odierno, now assistant to the Chairman of the Joint Chiefs of Staff,⁶⁰⁵ has repeatedly asserted his belief that MEK should have an active role in Iraq, given the similar goal it shares with the US: “forming democracy and fighting oppression.”⁶⁰⁶ Moreover, MEK is the only organization in the region that supports Middle East peace.⁶⁰⁷ US military officers have also urged that failing to openly engage MEK in Iraq will only exacerbate the deterioration of the situation in Iraq.⁶⁰⁸ Indeed, to continue to ignore this “indispensable” wealth of intelligence on Iran could put US troops and, as a result, Americans in greater harm’s way.⁶⁰⁹ Furthermore, NCRI and MEK’s goals with respect to Iran are directly in line with those of the United States: democracy, equality, and secularism. The potential for stabilization and growth in the Middle East would be substantial if MEK were able to be an active force to bring democracy to Iran.

4. Removal of the MEK from the FTO List Will Enhance US National Security

The legal consequences imposed on an organization designated as an FTO are severe. The Treasury Department can freeze any assets in a US financial institution where it believes an FTO has an interest.⁶¹⁰ Moreover, aliens can be prohibited from visiting or living in the US if the Justice Department even suspects they have ties to an FTO.⁶¹¹ Finally, the State and Justice Departments can prosecute anyone suspected of “materially supporting” an FTO.⁶¹² As a consequence, the organization is prevented from seeking new members or funding and is virtually prohibited from operating at all. The intended result is to sever its rights to associate, exercise free speech, and, generally, to achieve its goals, even if its specific goal is a positive one.

⁶⁰² See Moran, *supra* note 491.

⁶⁰³ See Congressional Briefing, *supra* note 451; see also Al-Jabouri, *supra* note 117, discussing the positive effect that MEK’s anti-fundamentalist Islam has had on the Iraqis.

⁶⁰⁴ See Congressional Briefing, *supra* note 451, quoting Captain Vivian Gembara.

⁶⁰⁵ Biography of Lieutenant General Raymond T. Odierno, Joint Chiefs of Staff, at http://www.jcs.mil/bios/bio_odierno.html/.

⁶⁰⁶ *US Says Iran Opposition in Iraq Agrees to Disarm*, AGENCE FRANCE PRESSE, May 10, 2003.

⁶⁰⁷ See Letter to President Clinton from Senator Robert Torricelli, Oct. 22, 1997.

⁶⁰⁸ See Gembara, *supra* note 492.

⁶⁰⁹ See Gembara, *supra* note 492.

⁶¹⁰ See *Foreign Terrorist Designations: Fact Sheet*, Office of Counterterrorism, US Department of State, Mar. 23, 2005.

⁶¹¹ See *id.*

⁶¹² See *id.*

The actual effect, however, is to drive already dubious organizations underground so that they operate more secretly than before. In reality, “legitimate resistance movements,”⁶¹³ such as MEK and NCRI, are the organizations that actually suffer from the statute, because they operate at a visible and public level.

Even worse, however, are the consequences for organizations that find themselves on the FTO list “as a result of political judgment,” as is the case with MEK and NCRI.⁶¹⁴ MEK has consistently advocated for a free and modern Iran and to that end has “made the world safer” by revealing Iran’s clandestine nuclear program and providing the identities of known terrorists within the regime.⁶¹⁵ Yet the continued designation of MEK as an FTO would severely limit the progress that could be achieved by a relationship between the organizations and the US in the future.⁶¹⁶ These concerns have been echoed by numerous international political figures, US military officers, and Iraqi officials.⁶¹⁷ (See Section III A. 8, International Support for MEK.)

Although the US has accepted intelligence from MEK, a continued relationship with the organization as long as it is labeled “terrorist” is undeniably awkward. This paradoxical state of affairs surfaced at a State Department press briefing on July 25, 2004, when questions arose regarding MEK’s FTO listing and its supplying of information on Iran’s nuclear capabilities to the US.⁶¹⁸ Reporters indicated that they were both confused and frustrated by the relationship.⁶¹⁹ The receipt of material support from an FTO, although not specifically precluded by the statute, is inconsistent with the spirit of an FTO designation. Removing MEK/NCRI from the terrorist organizations list would eliminate this paradox that frustrates US policy makers – giving them a new level of comfort. This comfort would be in itself another reason to support the delisting.

Removal of the MEK from the list of FTOs will facilitate the receipt of information that MEK is readily providing. In the short term, this would simplify the current “unofficial” relationship that exists between the US and MEK. In the long term, the removal would forge an even stronger relationship, and one that is consistent with US security interests.⁶²⁰ As a result, such an analysis counsels that it is in the best interests of US national security to remove MEK from the list.

⁶¹³ See Congressional Press Release, *supra* note 358.

⁶¹⁴ See International Conference of Jurists, *supra* note 487.

⁶¹⁵ See David Johnson, *A Third Option for Iran*, FrontPageMagazine.com, May 6, 2005.

⁶¹⁶ See *id.*

⁶¹⁷ See Symposium, *supra* note 53; see also Congressional Briefing, *supra* note 451.

⁶¹⁸ See Department of State Press Briefing, *supra* note 546.

⁶¹⁹ See Department of State Press Briefing, *supra* note 546.

⁶²⁰ See Washington Seminar, *supra* note 356, quoting attorney Ronald Precup.

IV. Rebuttal of Allegations against MEK/NCRI for Events Occurring in the 1970s

Allegations that MEK threatened US security over 25 years ago because of its support for the overthrow of the Shah, although inconclusive, should, nevertheless, still be considered in the historical context. Throughout the 1970s, the Shah was an autocratic leader who thwarted the aspirations of the Iranian people for freedom and democracy. Further troubling to Iranians was the United States' role in maintaining the Shah in power. This support angered many Iranians, who came to view the US as somewhat hypocritical – a democratic nation that supported an anti-democratic regime in Iran. Meanwhile, the Shah violently suppressed opposition to his reign and resisted attempts by the Iranian people to establish even the most basic forms of democratic representation. Moreover, the Iranian people saw the US as complicit in, or at least tolerant of, the regime's widespread human rights abuses. This state of affairs led many Iranians in the 1970s to express disappointment and even anger toward Washington.

A. Takeover of the US Embassy in 1979

MEK's stated goal at the time of the US Embassy takeover was the same as it is today: freedom for the Iranian people from oppression.⁶²¹ This sweeping goal captivated many Iranians in the late 1970s, setting the stage for the revolution in 1979 in which the Shah was deposed and fled Iran. Although the Shah's regime had dissolved by November 1979, previous US actions had led many in Iran to believe that Iran was vulnerable to US intervention. Those students who seized the US Embassy on November 4, 1979, were motivated, in large part, by this fear and the pent-up anger they felt toward the US for giving safe harbor to the Shah, whom they saw as a symbol of oppression. Although some MEK members may have shared the students' concern, the leaders of MEK have repeatedly denied that MEK members had any involvement with the event or that they supported the takeover at all.⁶²² MEK was opposed to the takeover and the confrontation with America from the beginning. The seizure of the embassy, indeed, was initiated by a small group of Iranian university students affiliated with the Union of Islamic Students, who planned and carried out the action against the embassy acting in near isolation over a few fateful days in November 1979.⁶²³ A more precise examination of the events surrounding the embassy takeover demonstrates this fact.

⁶²¹ See generally Abrahamian, *supra* note 363.

⁶²² See Letter to Richard Boucher, *supra* note 481.

⁶²³ Massoumeh Ebtekar, *Takeover in Tehran*, Northwestern University Press (2000), at 106.

According to an authoritative 450-page history of the US Embassy takeover published in 2004, the concept for the action was first advanced by Ibrahim Asgarzadeh, a 22-year-old engineering student at Tehran's Aryamehr University of Technology.⁶²⁴ Asgarzadeh and two close friends who initiated the takeover "were all active in the Union of Islamic Students, a leading force in campus politics."⁶²⁵ Asgarzadeh's initial concept was to seize the embassy in the same spirit of peaceful defiance and civil disobedience that had been raised against the Shah. The small inner circle began by setting up a secret meeting at Polytechnic University on November 2, 1979, that included participants from the Union of Islamic Students' branches at each of Tehran's four universities.⁶²⁶ During this secret meeting, a small group of students planned the action. They decided not to seek the endorsement of the Union of Islamic Students. Instead, this group of students created a new group, which they named the Muslim Students Following the Line of the Imam (Muslim Students).⁶²⁷ Over the next day, they began to reconnoiter the US Embassy. By their final organizational meeting, the students "had developed several crude maps of the compound and its buildings as well as a reasonably detailed schedule of the comings and goings of security forces."⁶²⁸ According to plan, on Sunday, November 4, 1979, at 10:00 am, a group of 300 students, who had been instructed to come unarmed and take Americans captive but not abuse them, breached the embassy's front gate. Thus began the 444-day hostage crisis.⁶²⁹

No contemporaneous reports of the event link the embassy takeover to MEK. To the contrary, the Muslim Students engaged in the takeover at the time "denounced the [MEK] as secret Marxists in cahoots with the 'pro-American liberals.'"⁶³⁰ Later, Massoumeh Ebtekar, the student spokesperson during the takeover and later a vice president to President Khatami, confirmed that MEK was not involved in the embassy event.⁶³¹ Further substantiation for the lack of MEK involvement in the takeover may be found in the Rand Corporation's MIPT database, partially funded by the US Department of Homeland Security, which does not mention MEK in conjunction with the embassy crisis.⁶³² Finally, there is no mention of MEK

⁶²⁴ See David Harris, *The Crisis: The President, the Prophet, the Shah – 1979 and the Coming of Militant Islam*, Little Brown & Company, 2004, at 199. David Harris is the author of several books, including *The Last Stand and Our War*. He has written for *The New York Times*, *Rolling Stone*, and numerous other publications.

⁶²⁵ *Id.* at 200.

⁶²⁶ See *Id.* at 200.

⁶²⁷ See *Id.* at 202.

⁶²⁸ See *Id.* at 203.

⁶²⁹ See *Id.* at 204.

⁶³⁰ Abrahamian, *supra* note 363 at 211, citing Muslim Students' *Proclamation*, Ettela'at, Jul. 9, 1980.

⁶³¹ See generally Ebtekar, *supra* note 623. Interestingly, many of the masterminds behind the takeover now hold senior positions in the regime.

⁶³² See MEK Profile – MIPT, *supra* note 405.

involvement by Barry Rosen, one of the 52 American hostages noted for his sharp memory and detailed accounting of the events from 1979.⁶³³

Finally, and most compellingly, US investigators cleared all MEK members at Camp Ashraf in Iraq of any past involvement in terrorist activities, including the 1979 US embassy takeover. In sum, there is insufficient evidence to conclude that the present-day MEK leadership has ever had any connection with the hostage crisis.

In response to the argument that MEK “supported” the takeover in an intangible sense, the historical context must again be considered. The Iranian people were outraged by the behavior of the Shah, who was provided safe haven by the US after he fled Iran.⁶³⁴ As a result, the takeover of the US embassy – as repugnant as it was to Americans – was quite popular with Iranians at the time – so popular that it would have been political suicide for any Iranian organization to publicly oppose it.⁶³⁵ Silence, therefore, was a safer course. This reality aside, there is no evidence that any MEK members ever claimed the organization actually supported the takeover.⁶³⁶ On the contrary, later statements by Massoud Rajavi specifically condemned the takeover.⁶³⁷ Finally, Ebtekar has stated that “most of the opposition factions”⁶³⁸ were in fact opposed to the takeover.⁶³⁹

⁶³³ *Once Upon a Time in Tehran*, Maxwell Perspective (the Maxwell School of Syracuse University), Vol. 16, No. 1, Fall 2005. This periodical revisits the events as remembered by Barry Rosen. Rosen specifically recalls the fervor of the crowds outside and their specific devotion to Khomeini: “From his office window, Rosen watched a small crowd of young men and women -- photos of Khomeini pinned to their chests -- increase in minutes to about 500. Armed with clubs, pistols, pipes, and a bolt cutter, a few young men clambered over the fence, cut a chain, and flung the gates open. Rosen watched as the demonstrators ‘poured in like a flood of frenzy.’ Within minutes, embassy security was fully breached.”

⁶³⁴ See Khorrani, *supra* note 382.

⁶³⁵ See generally Ebtekar, *supra* note 623 at 106, reminiscing over the popularity that the takeover had in Iran and noting that once many opposition groups saw how popular the takeover was with the people, many attempted to ingratiate themselves with the Muslim Students.

⁶³⁶ *Id.* It must be noted, however, that although MEK as an organization and its leaders seemingly did not support the takeover, it is theoretically possible that certain members at the time did. In fact, Ebtekar states that several members “had come over to the Muslim Students.” The meaning here is not entirely clear given that she provides no support for this statement. Similarly, one can conclude they did not continue their membership with MEK.

⁶³⁷ See ABC-TV, Nightline, Interview by Ted Koppel with Massoud Rajavi, October 20, 1984. “So I can say not only about this [hostage] crisis, but also about the warmongering policy of Khomeini, international terroristic activities and also his suppressive measures, we wish they could not [have] happened. They are all against Iranians and against democracy.”

⁶³⁸ Ebtekar, *supra* note 623 at 234. Presumably, this includes MEK whom she makes mention of in the same paragraph.

⁶³⁹ *Id.* at 234.

B. Killing of Americans

It has been alleged that MEK killed six Americans in 1973, 1975, and 1976.⁶⁴⁰ Despite MEK's public support for the removal of the Shah, the leaders and members of MEK today have never advocated violence against civilians, an action that runs counter to its fundamental beliefs, and MEK continues to deny these accusations.⁶⁴¹

A brief historical review will illuminate the issues involved. As noted in Section III.A.1., the Shah imprisoned or killed the main body of the MEK – the Islamic MEK headed by Massoud Rajavi. While the MEK was at the point of virtual extinction, a small cabal composed of some of the MEK remnants commandeered the organization. This takeover of the MEK by a Marxist faction set the stage for the tragic series of events which have been wrongfully and inaccurately attributed by some observers to the main MEK, the Islamic MEK under Rajavi's leadership. The Marxist faction operated in ways totally antithetical to the pro-democratic doctrine, philosophy, and principles of the MEK led by Massoud Rajavi. As we will detail below, all evidence points to this faction and not the mainstream MEK, as the perpetrators of the tragic killing of Americans in the mid-1970s. The confusion of names and the blur of rapidly moving events have led some to conflate the two groups into one – a distinction that does not withstand critical analysis.

In 1970, when MEK was in its formative stages and espousing the cause of democracy and human rights, the organization, like other Iranian dissident groups, became a principal target of the Shah. The task of exterminating MEK was given to SAVAK, the Shah's secret police, which carried out its mission ruthlessly.⁶⁴² SAVAK began conducting surveillance on certain members of the group in the early 1970s.

In February 1972, 69 members of MEK, including its 3 founders and 12 Central Committee members, were arrested; all were charged with "possessing arms, planning to overthrow the constitutional monarchy and studying . . . subversive authors."⁶⁴³ These and subsequent arrests decimated the organization. By May 1972, 11 MEK members had been sentenced to death; 16 to life imprisonment; 11 to prison terms ranging between 10 and 15 years; 25 to terms varying between 3 and 9 years; and 6 received sentences of 1 to 2 years.⁶⁴⁴ By the time 1972 ended, over 95 percent of the members of the organization,

⁶⁴⁰ See MEK Profile – MIPT, *supra* note 405.

⁶⁴¹ See Mohaddessin, *supra* note 399.

⁶⁴² See Khorrani, *supra* note 382; Mohaddessin, *supra* note 399.

⁶⁴³ Abrahamian, *supra* note 363 at 128.

⁶⁴⁴ Abrahamian, *supra* note 399 at 131-133.

including all of its leaders, had either been executed, imprisoned, or killed.⁶⁴⁵ In effect, MEK, as it had existed prior to February 1972, ceased to exist. Massoud Rajavi, whose initial death sentence was commuted to a life term, remained in prison, but kept the spirit of the Islamic MEK alive.⁶⁴⁶

The few low-level MEK members remaining on the outside had little connection to each other because they had been organized in “compartmentalized cells subject to the authority of a central collective.”⁶⁴⁷ This fragmentation enabled a few of these members – who incidentally were not deemed important enough by SAVAK to round up – to seize control of the organization and re-cast it as a radical Marxist group. This new and secretly formed Marxist organization appropriated the highly respected MEK name in 1972; it then conducted its activities and issued press releases in the name of the organization. This organization called itself “MEK,” but, in reality, it was a very different organization, with a different philosophy and controlled by a different leadership.⁶⁴⁸

None of the members of that organization were part of MEK after it was reestablished by Massoud Rajavi in 1979. They were interlopers, who deceitfully usurped the MEK name for their own extremist purposes. The current organization cannot be held responsible for the killings perpetrated by the Marxists. Moreover, contemporaneous reports also corroborate that it was a Marxist organization, not the true MEK, that committed these actions.

In 1973, the *New York Times* reported that “leftist guerillas” had shot Air Force Lt. Col. Lewis L. Hawkins.⁶⁴⁹ Presumably, this is a reference to the Marxists who took over the MEK and not to the Rajavi-established organization whose leadership and membership at that time had all been killed or imprisoned. As further evidence, the man who later claimed responsibility for the murder, Vahid Afrakhten, claimed to be the leader of the organization (i.e., the Marxist MEK).⁶⁵⁰

Similarly, the murders of Air Force Col. Paul R. Shaffer and Lt. Col. John H. Turner in May 1975 in Tehran were perpetrated by the Marxist MEK. In fact, a *New York Times* article describing the incident ascribes culpability to an organization called the “People’s Strugglers.”⁶⁵¹

⁶⁴⁵ Abrahamian, *supra* note 363 at 128, 142.

⁶⁴⁶ Abrahamian, *supra* note 363 at 165.

⁶⁴⁷ MEK State Department Report, *supra* note 367.

⁶⁴⁸ See generally Abrahamian, *supra* note 399 at 176.

⁶⁴⁹ See Abstract, NEW YORK TIMES, June 3, 1973 (1973 WLNR 91120).

⁶⁵⁰ See William Branigin, *Iran Says Guerilla Trained in Cuba*, WASHINGTON POST, May 11, 1976.

⁶⁵¹ See Abstract, NEW YORK TIMES, Jul. 30, 1975 (1975 WLNR 117202).

Given that the Marxist MEK later took the name Peykar dar Rah Azadi Tabageh Kargar (“Struggle in the Path of the Working Class’s Freedom”),⁶⁵² it stands to reason that People’s Strugglers was a rough translation of the Marxist MEK. Indeed, the State Department itself acknowledged “[i]t is true that some of the assassinations were carried out by avowedly Marxist members of the organization, who . . . split from the ‘Muslim’ wing . . .”⁶⁵³ Several months later, the two men responsible for the 1975 assassinations were identified and arrested by the Shah’s police.⁶⁵⁴ Vahid Afrakhten, one of the men arrested, was deemed the ringleader of the People’s Strugglers.⁶⁵⁵ He admitted that he personally killed Lt. Col. Hawkins in 1973, that he was the leader of the People’s Strugglers, and that this group was responsible for the murders of Col. Turner and Lt. Col. Shaffer in 1975.⁶⁵⁶

The August 1976 assassinations of three American Rockwell contractors have also been attributed to the People’s Strugglers.⁶⁵⁷ In an article immediately following the event, the *New York Times* reported that the killings had been committed by the same “terrorist group that was officially blamed for the assassination of two American colonels in Tehran in 1975.”⁶⁵⁸ Later, The *New York Times* reported that the individuals held responsible for the assassination were Hassan Alad-Poush⁶⁵⁹ and Bahrán Aram.⁶⁶⁰ Aram has been identified as a leading member of the Marxist MEK.⁶⁶¹ Subsequently, the Defense Intelligence Agency affirmed that the Rockwell contractors were killed by the Iranian People’s Strugglers.⁶⁶²

⁶⁵² State Department’s Views of the MEK, *supra* note 374.

⁶⁵³ Letter to Chairman Lee Hamilton, Subcommittee on Europe and the Middle East, from Janet Mullins, Assistant Secretary, Legislative Affairs, US Department of State, April 2, 1992 [Hereinafter State Department Letter to Lee Hamilton].

⁶⁵⁴ See Eric Pace, Abstract, NEW YORK TIMES, Sept. 21, 1975 (1975 WLNR 44054); Two men identified were Mohsen Khamoushi and “ringleader” Vahid Afrakhteh (note that incorrect spelling of names in article have been corrected); see also Branigin, *supra* note 650.

⁶⁵⁵ See *id.*

⁶⁵⁶ See Branigin, *supra* note 650.

⁶⁵⁷ See MEK Profile – MIPT, *supra* note 405.

⁶⁵⁸ See Eric Pace, Abstract, NEW YORK TIMES, Aug. 29, 1976, citing the incident but making no mention of the organization responsible.

⁶⁵⁹ See Abstract, NEW YORK TIMES, Nov. 18, 1976 (1976 WLNR 104065).

⁶⁶⁰ See Abstract, NEW YORK TIMES, Sept. 6, 1976 (1976 WLNR 80386).

⁶⁶¹ Maziar Behrooz, *Iran’s Guerrillas: the Legacy of Iran’s Guerrilla Movement*, Iranian.com, Sept. 13, 2004, at <http://www.iranian.com/Berooz/2004/September/Left/>. Maziar Behrooz is an assistant professor of history at San Francisco State University and an author of both articles and books regarding Iranian history. The author cites Bahram Aram, among other individuals, as being one of the “main personalities of the then-split Marxist MEK”; see also Abrahamian, *supra* note 363 at 146.

⁶⁶² See *Assassinations of August 28, 1976: A Case Study*, Defense Intelligence Agency (1976). This document was obtained under a Freedom of Information Act (FOIA) request.

Scholar Ervand Abrahamian, author of a historical account of MEK, confirms that the assassinations of the Americans that took place during the 1970s were the work of the “murderous” Marxist/Maoist extremist group that had assumed control of MEK following the killing or jailing of its entire leadership.⁶⁶³ The facts relating to the Marxist usurpation and misappropriation of the MEK name as presented have also been documented by the State Department.⁶⁶⁴ Moreover, the State Department has acknowledged the culpability of the Marxists for the 1975 and 1976 assassinations as opposed to the Islamic MEK, the organization today led by Massoud Rajavi.⁶⁶⁵ Lacking any basis to accuse today’s MEK organization for these crimes, the State Department, however, has merely noted there is no evidence that those incarcerated Islamic MEK members in the 1970s objected to the assassinations carried out under the organization’s name.⁶⁶⁶ In view of the fact that those MEK members were in jail at the time and cut off from virtually all access to the outside world – it is difficult to understand how they would have been capable of objecting publicly.

Finally, it should again be noted that Massoud Rajavi was released from prison in 1979 and only then reestablished the MEK as it effectively exists today. In fact, the vast majority of today’s MEK members joined the organization after 1979 specifically for the purposes of removing the Iranian regime.⁶⁶⁷ In addition, all members of MEK at Camp Ashraf have been investigated and cleared by US security agencies in Iraq. No charges have been filed against any MEK or NCRI members for any of these crimes or for any terrorist act. In light of these circumstances, it would be unfair to conclude that the MEK, as an organization, or any current MEK members as individuals, were involved in the killing of US citizens.

⁶⁶³ See Abrahamian, *supra* note 363 at 166, 257. The Rockwell assassinations were specifically mentioned as having been perpetrated by the Marxist MEK following the split. These assassinations were one example of the “violent” streak that it had begun and continued to pursue.

⁶⁶⁴ See MEK State Department Report, *supra* note 367; see also State Department’s Views of the MEK, *supra* note 374.

⁶⁶⁵ See State Department Letter to Lee Hamilton, *supra* note 653.

⁶⁶⁶ See State Department Letter to Lee Hamilton, *supra* note 653; see also State Department’s Views of the MEK, *supra* note 374.

⁶⁶⁷ See Letter to Richard Boucher, *supra* note 481.

V. Supplemental Materials

A. MEK Did Not Suppress the Kurds

As a result of MEK's location in Iraq, it has been alleged that the organization was funded and supported by Saddam Hussein and, moreover, that it aided Hussein's suppression of the Iraqi and Kurdish people. This allegation, propelled by the Iranian regime, appears to be based on nothing more than MEK's geographical location. Not only is there no evidence to support the allegation that MEK colluded with Saddam Hussein, but the existing evidence presents a contrary picture.

First, more than 5.2 million Iraqis, including many Kurds, signed a petition acknowledging their support for MEK.⁶⁶⁸ Such widespread support would be highly unlikely if the Iraqi people believed MEK to have been involved in widespread human rights abuses. Second, independent agencies have analyzed the allegation that MEK helped Saddam persecute the Kurds, and have concluded it has no merit.⁶⁶⁹ And finally, a former Iranian intelligence agent has corroborated the falsity of these allegations and disclosed that "agents" themselves disseminated these allegations at the request of Tehran.⁶⁷⁰

By way of background, it is important to note that MEK moved to Iraq in the mid-1980s at a time when Western relations with Iraq, and with the US in particular, were quite congenial. In fact, after MEK relocated, the US actually supported Saddam Hussein during the war against Iran. That aside, MEK's move to Iraq was based on strategic location – Camp Ashraf is just across the border from Iran – and on political realities – no other country offered shelter to MEK.⁶⁷¹ Nevertheless, MEK actually negotiated its move to Iraq beforehand and

⁶⁶⁸ See Al-Jabouri, *supra* note 452.

⁶⁶⁹ See Economic and Social Council, UN Commission on Human Rights, 47th session, Statement submitted by International Educational Development, Implications of Humanitarian Activities for the Enjoyment of Human Rights, Aug. 21, 1995 [hereinafter IED Statement].

⁶⁷⁰ See *Profile of Iran's Master Terrorist*, Iran Focus, May 28, 2005; Affidavit of Jamshid Tafrihi, submitted to the US State Department. Given that Mr. Tafrihi's support for the MEK has been inconsistent, having also been an agent of the regime and spoken out against MEK at that time, it must be noted that he is not being relied upon exclusively for any given point, but instead only as corroborating support for other reputable sources.

⁶⁷¹ See Mohaddessin, *supra* note 399. Senator Robert Torricelli had likened MEK's choice in residence to the brief US alliance with Russia and other cold war enemies during WWII. Although, they were fighting the Cold War, for the moment they shared a common goal and the US did not hesitate to set up bases in countries like Franco's Spain as a result of the geographical convenience.

only set up its camps once its leaders were assured complete autonomy and non-interference by the Iraqi government.⁶⁷² In 1986, the president of Iraq, Saddam Hussein, announced that “the relations between Iraq and the Iranian Resistance are based on peace, mutual respect to national sovereignty and respect for each nation’s ideological and political choice.”⁶⁷³

When MEK entered Iraq, its members set up independent camps along the Iranian border and lived separately from the Iraqi people, as refugees, keeping themselves isolated from Hussein’s policies and activities. The Iraqis made it clear that these sites belonged solely to MEK and were not to be interfered with in any way.⁶⁷⁴ Once settled, MEK did not associate much with the government and had only minimal interaction with the Iraqi people, among whom it nevertheless earned enormous respect.⁶⁷⁵ Although we can reasonably assume there was some contact between MEK and the Iraqi government during the Iran-Iraq war, there is certainly no evidence to indicate that MEK joined Iraq in the military campaign against Iran. MEK reportedly did not support the war. In fact, MEK members in Iran attempted to volunteer to fight off the Iraqi invasion of Iran.⁶⁷⁶ As early as 1982, MEK called for an end to the conflict and sought to mediate the dispute.⁶⁷⁷ Reports in 1987 also contained Rajavi’s pleas to Saddam Hussein to sign a ceasefire.⁶⁷⁸ Indeed, it has been said by the State Department that “peace-loving” Rajavi attempted to intervene in the conflict and lobbied Hussein for a ceasefire with Iran.⁶⁷⁹ In 1988, after Iran invaded Iraq, MEK did strike back at Iran, but did so with no help or cooperation from the Iraqi army.⁶⁸⁰ In August 1988, UN Secretary General Javier Perez de Cuellar was able to negotiate a ceasefire between Iran and Iraq, putting an end to the war. The allegation that MEK fought against the Iranian people is simply one more attempt by the regime to discredit and defame MEK, this time by seeking to reduce its support in Iran.

⁶⁷² See Mohaddessin, *supra* note 399.

⁶⁷³ BAGHDAD OBSERVER, June 15-16 1986, (Summary of Legal Opinion by Lord Slynn, Status of the People’s Mujahedin Organization of Iran as a Resistance Movement)

⁶⁷⁴ See Letter from the UN Secretary-General to the President of the UN Security Council, S/1998/1172, Dec. 15, 1998. UNSCOM was required to get a separate agreement from MEK in order to inspect its camps for weapons of mass destruction.

⁶⁷⁵ See Al-Jabouri, *supra* note 117.

⁶⁷⁶ See Abrahamian, *supra* note 363 at 213.

⁶⁷⁷ See Terry Povey, *War Weary Nation Puts Pressure on Regime*, FINANCIAL TIMES, May 21, 1982.

⁶⁷⁸ See *Iran Accepts Iraq Offer to Spare Cities*, MIAMI HERALD, Feb. 20, 1987.

⁶⁷⁹ MEK State Department Report, *supra* note 367.

⁶⁸⁰ See Bernard E. Trainor, *Iran Dissidents Enter Gulf War*, NEW YORK TIMES, May 16, 1988.

Similarly, throughout Iraq's internal conflicts and its clashes with the UN and US, MEK remained relatively isolated in its camps in northern Iraq.⁶⁸¹ No evidence exists suggesting that MEK ever supported Saddam Hussein's forces in either Operation Desert Storm or Operation Iraqi Freedom. In fact, the Coalition Provisional Authority in Iraq issued an order dissolving all entities known to have been affiliated with Saddam Hussein's Ba'ath party, and MEK's name does not appear on this order.⁶⁸² Nor does MEK appear on a similar list of 206 entities compiled by the United Nations.⁶⁸³ MEK remained unconnected to Iraqi politics and to Hussein's regime generally because its interests in Iraq were solely in relation to its struggle against the regime in Tehran. Iraq just happened to be the place MEK members set up their residence, and they still reside at Camp Ashraf, now under control of coalition forces.

The most disturbing allegations made by the State Department against MEK are those suggesting it participated in the suppression of the Kurdish population in Iraq.⁶⁸⁴ This allegation, like all the others lodged against MEK, also does not withstand scrutiny. The Kurdish people themselves have contradicted it. *Reuters* news agency obtained a copy of a document signed by a senior official of an Iraqi Kurdish group, identified as Hoshyan Zebari,⁶⁸⁵ a former leader in the Kurdish Democratic Party (and now the foreign minister of Iraq) which specifically states that MEK never showed hostilities toward the Kurds, "we have not come across any evidence to suggest that the Mojahedin have exercised any hostility towards the people of Iraqi Kurdistan."⁶⁸⁶

In addition to the absence of evidence against MEK, there is substantial support from the Iraqi people themselves which thoroughly refutes these allegations. By 2006, 5.2 million Iraqis, including numerous Kurds, signed a statement expressing their overwhelming support for MEK.⁶⁸⁷ Dr. Abdullah Rasheed Al-Jabouri, former governor of Diyala province (where Camp Ashraf is located), has also confirmed that MEK had no involvement in

⁶⁸¹ See Mohaddessin, *supra* note 399, quoting Professor Marius Deeb of The John Hopkins University.

⁶⁸² *Dissolution of Entities*, Coalition Provisional Authority Order Number 2, May 23, 2003.

⁶⁸³ Security Council Committee, *List of Entities: Established Pursuant to Security Council Resolution 1483 (2003)*, last updated June 2, 2004. Resolution 1483 provides for member states to freeze money or assets believed to have come from or affiliated with one or more of the listed entities which are known to have been entities associated with the former Government of Iraq. This includes entities "owned or controlled, directly or indirectly by people associated with that government or acting on their behalf." See Security Council Resolution 1483, S/RES/1483 (2003), May 22, 2003.

⁶⁸⁴ See "Country Reports on Terrorism," *supra* note 112.

⁶⁸⁵ Friends of a Free Iran (European parliamentarians), Peoples Mojahedin of Iran: Mission Report, Sept. 21, 2005, 29-30.

⁶⁸⁶ See Wright, *supra* note 455, stating that the document obtained was a legal document taken from a lawsuit in the Netherlands. "(We) can confirm that the Mujahedin (sic) were not involved in suppressing the Kurdish people neither during the uprising nor in its aftermath. We have not come across any evidence to suggest that the Mujahedin have exercised any hostility towards the people of Iraqi Kurdistan."

⁶⁸⁷ See *supra* note 452.

actions launched against the Kurds.⁶⁸⁸ Moreover, Governor Al-Jabouri recalls that MEK had no presence in Iraq's south in 1991, where it was alleged to have attacked Kurds.⁶⁸⁹ Although MEK had some camps at one time in areas where Kurds lived in the north, the group moved from those regions once Saddam Hussein launched hostilities against the Kurds.⁶⁹⁰ At that time, MEK leaders even dispatched messages to the Kurdish leaders declaring their non-interference in the Kurdish conflict.⁶⁹¹ Al-Jabouri believes the rumors about MEK attacks on Kurds originated with and continue to be spread by the Iranian regime as another way to discredit MEK.⁶⁹²

Research by International Educational Development (IED), a non-governmental organization, further substantiates the fact MEK never colluded with Saddam. In 1995, IED submitted a formal statement to the United Nations on this topic.⁶⁹³ IED determined through its own independent investigation that allegations of MEK collusion with Saddam in attacks on the Kurds were false.⁶⁹⁴ Interestingly, IED discovered that, if anything, the converse was true: its investigation uncovered evidence that the Iranian regime actively recruited Kurds to fight against MEK in Iraq. This fact was subsequently confirmed by the International Committee of the Red Cross.⁶⁹⁵ The Iranian regime even went as far as to dress up its own soldiers in Kurdish dress so as to create the appearance that MEK was involved in a fight with Kurds.⁶⁹⁶

The conclusions of Governor Al-Jabouri and IED have been further substantiated by Jamshid Tafrishi, a former Iranian intelligence officer. Tafrishi was a resident at MEK's camp in Iraq for about 18 months in the 1980s.⁶⁹⁷ Tafrishi claims that, a short while after he left the camp, he was hired by Iranian intelligence agents and quickly found himself a pawn in a vast campaign of misinformation aimed at discrediting MEK.⁶⁹⁸ He was specifically told to inform international organizations, as well as governmental representatives, that MEK was not only supported by Saddam Hussein but that MEK assisted him in acquiring weapons and participated in the suppression of the Kurdish rebellion.⁶⁹⁹ His handlers set up media interviews for Tafrishi and provided him with prepared scripts to ensure that he

⁶⁸⁸ See Al-Jabouri, *supra* note 117.

⁶⁸⁹ See Al-Jabouri, *supra* note 117.

⁶⁹⁰ See Mohaddessin, *supra* note 399.

⁶⁹¹ See IED Statement, *supra* note 669.

⁶⁹² See Al-Jabouri, *supra* note 117.

⁶⁹³ See IED Statement, *supra* note 699.

⁶⁹⁴ See IED Statement, *supra* note 699.

⁶⁹⁵ See IED Statement, *supra* note 669.

⁶⁹⁶ See IED Statement, *supra* note 669, stating that Kurdish-dressed Iranians became POWs of MEK when they attacked the MEK. This fact was later confirmed by the Red Cross when the POWs were subsequently released and presented to the Red Cross.

⁶⁹⁷ See IED Statement, *supra* note 669.

⁶⁹⁸ See Affidavit of Jamshid Tafrishi, *supra* note 670.

⁶⁹⁹ See Affidavit of Jamshid Tafrishi, *supra* note 670.

spread consistent, believable stories. These stories included allegations that MEK had forged an alliance with Saddam and that MEK was committing its own acts of torture. Tafrishi said he was instructed to relay these charges to anyone that would listen.⁷⁰⁰ Eventually, Tafrishi broke away from the regime.

Tafrishi's departure was based in part on his distaste for the role he had played in the smear campaign against his former hosts, but also on his growing awareness that the individuals with whom he had been working were not ordinary espionage agents, but, rather, were "brutal assassins" for the regime.⁷⁰¹ There are certainly many other people like Tafrishi; it is also certain that the regime continues to enlist others to spread disinformation about MEK. (Notably, one of Tafrishi's tasks was to recruit any and all former MEK members for similar tasks.⁷⁰²) Recently, 500 ex-MEK members have also asserted that not long after they left MEK and emigrated to the US or Europe, they too were contacted by Iranian intelligence officers seeking their cooperation in this disinformation campaign.⁷⁰³ Given all these facts, one can easily conclude that the allegations suggesting MEK collaboration with Saddam Hussein and MEK involvement in oppression of the Kurds are false.

B. MEK: Not a "Cult"

In addition to the regime's misinformation campaign to smear MEK as colluders with Saddam Hussein, even more energy has been expended by the regime on a similar yet more sophisticated campaign to accuse MEK of human rights abuses against its own members.⁷⁰⁴ Specifically, contrived reports have been spread suggesting that MEK has the "trappings of a cult."⁷⁰⁵ These smears are the crowning touch in the Iranian government's strategy of discrediting MEK, which the regime hopes will cause MEK to lose legitimacy and bring about its ultimate demise as the Iranian people realize they have no alternative to the theocracy.⁷⁰⁶

⁷⁰⁰ See Affidavit of Jamshid Tafrishi, *supra* note 670.

⁷⁰¹ Affidavit of Jamshid Tafrishi, *supra* note 670.

⁷⁰² See Affidavit of Jamshid Tafrishi, *supra* note 670.

⁷⁰³ See *Iran: 500 Former Iraq-based MEK Members Reject Abuse Claims*, Iran Focus, June 5, 2005.

⁷⁰⁴ See Shakiba, *supra* note 394.

⁷⁰⁵ See *Terrorism: Questions & Answers*, Council on Foreign Relations (in cooperation with the Markle Foundation), at http://cfrterrorism.org/groups/mujahedeen_print.htm.

⁷⁰⁶ See Shakiba, *supra* note 394.

A recent example of this campaign comes from a report published by Human Rights Watch accusing MEK of human rights abuses. The report is based on statements made by MEK “victims,” many of whom have in fact previously been identified publicly as agents of the Iranian regime.⁷⁰⁷ Specifically, the report accuses MEK of operating a secret prison at Camp Ashraf, where it arbitrarily confined and tortured people who wished to leave MEK.⁷⁰⁸ The claims, Human Rights Watch said, were derived from 12 one-hour telephone interviews with “past” members of MEK.⁷⁰⁹ Since the report was released, much information has come to light regarding the “victims” with whom Human Rights Watch spoke. Evidently, these “victims,” some of whom had indeed been members of MEK at one time, were actually propaganda agents for the Iranian regime.⁷¹⁰ Moreover, many of them had been revealed as such long ago.⁷¹¹ Jamshid Tafrishi, in fact, had already identified some of these men in his previous reports describing his work for the regime.⁷¹² These agents, just like Tafrishi, were specifically instructed to fabricate claims that MEK imprisons and tortures those who try to leave the organization.⁷¹³ In fact, Tafrishi stated in an affidavit to the State Department that he and others like him were instructed by his Iranian handlers to feed this very information to groups like Human Rights Watch.⁷¹⁴

Shockingly, at no time while compiling this report did Human Rights Watch visit or even contact MEK.⁷¹⁵ With this failure, Human Rights Watch broke an established rule of procedure that “investigators of respectable human rights organizations” always contact the relevant parties for “an opportunity for rebuttal.”⁷¹⁶ It is also surprising that Human Rights Watch never contacted the Red Cross, the UNHCR, experienced translators, or the multitude of other sources that would have discredited these claims.⁷¹⁷ This is why the report, within

⁷⁰⁷ *No Exit: Human Rights Abuses Inside the MKO Camps*, Human Rights Watch, available at <http://hrw.org/bacgrounder/mena/iran0505/> [hereinafter Human Rights Watch Report].

⁷⁰⁸ See Human Rights Watch Report, *supra* note 707.

⁷⁰⁹ See Human Rights Watch Report, *supra* note 707.

⁷¹⁰ See *Human Rights Watch Report on the Iranian Opposition: A Reward for the Iranian Regime; a Penalty for the Iranian People*, US NEWSWIRE, May 19, 2005.

⁷¹¹ See *id.*

⁷¹² See Letter from Jamshid Tafrishi to Danby Copithorne, UN Special Representative to Iran, Dec. 13, 2000.

⁷¹³ See Letter from Jamshid Tafrishi, *supra* note 712.

⁷¹⁴ See Affidavit of Jamshid Tafrishi, *supra* note 670.

⁷¹⁵ NCRI Statement, Human Rights Watch Pushes a Discredited Political Agenda, May 19, 2005.

⁷¹⁶ Nooredin Abedian, *Rights Watchdog Accused of Playing Politics*, Intellectual Conservative, May 31, 2005, available at <http://www.iranfocus.com/modules/news/article.php?storyid=2249>, quoting members of the European Parliament.

⁷¹⁷ See *UN, Red Cross Translator Disavows HRW Report on Iran Opposition*, Iran Focus, May 28 2005. Hamid Riahi was an official translator for the ICRC and the UNHCR for two years where he took part in at least 300 cases doing interviews of Iranians in Iraq who were requesting refugee status. Riahi claims to have not “heard even from one person that he or she had been imprisoned or tortured by [MEK].”

hours of its release, was called “procedurally flawed and substantively incorrect.”⁷¹⁸ In fact, 500 former MEK members have since come forward and signed a statement demanding that Human Rights Watch retract the story. They stated that the “report was absolutely false and in blatant contradiction to our observations at [MEK] camps, where some of us have lived for more than a decade.”⁷¹⁹

More importantly, the most reliable and capable sources – US military and Iraqi officials – were also never contacted by Human Rights Watch. Iraqi and military officials have been living with MEK now for more than two years and could, therefore, have provided great insight into the organization. Such an omission goes beyond poor reporting. Representatives of coalition forces have conclusively stated that in all of the time they have been in Iraq, they have seen no evidence to suggest any truth to the allegations against MEK.⁷²⁰ Beyond that, as previously mentioned herein, US investigators at Camp Ashraf also thoroughly and affirmatively investigated every allegation lodged against MEK, and proved these allegations unfounded.⁷²¹ Col. David Phillips, who commanded the coalition brigade at Camp Ashraf, stated that he had had numerous one-on-one conversations with members, and at no time did any actual members of MEK ever make a single allegation of abuse against the organization.⁷²² And, in fact, every single resident of Camp Ashraf was interviewed extensively by US security agencies, and at no time was there ever any declaration made as to any mistreatment. The only expressive statements that seem to come from the camp are ones of devotion and commitment.

In addition, the military searched Camp Ashraf on numerous occasions, from top to bottom, and never uncovered any supposed secret prisons.⁷²³ Col. Phillips further notes that throughout the time he was there, Coalition Forces conducted many surprise inspections and never discovered anything suspicious.⁷²⁴ Tafrishi further revealed that no such prisons existed and that persons who desired to leave the organization did not languish in prisons for years but were housed briefly in temporary lodgings until the Red Cross was able to make arrangements for their departure.⁷²⁵ This description is supported by Col. Phillips,

⁷¹⁸ Abedian, *supra* note 716.

⁷¹⁹ Iran Focus, *supra* note 699.

⁷²⁰ See Letter to Kenneth Roth, Executive Director of Human Rights Watch from Col. David Phillips, May 27, 2005. The letter is reproduced in Appendix D.

⁷²¹ See *id.*

⁷²² See *id.*

⁷²³ See *US Commander in MEK Enclave Clears Iran Group of Abuse*, Iran Focus, May 30, 2005.

⁷²⁴ See *id.*; see also Letter to Kenneth Roth, *supra* note 720.

⁷²⁵ See Letter from Jamshid Tafrishi, *supra* note 712.

who also recalled that when members wished to leave, MEK simply notified the brigade and arrangements were made with the Red Cross to facilitate their departure, as provided for in the Geneva Convention.⁷²⁶

After visiting Camp Ashraf and interviewing numerous MEK members, a group of four European Parliamentarians including Alejo Vidal Quadras, Paulo Casaca, Andre Brie, and Struan Stevenson – part of a European Parliament caucus “Friends of a Free Iran” – issued a 130-page report rebutting the original 28-page report from Human Rights Watch.⁷²⁷

Ultimately, Human Rights Watch issued an eight-page memorandum responding to the report from Friends of a Free Iran and other critics, stating that it had subsequently interviewed its 12 witnesses in person and stood by its original report. Human Rights Watch did not explain how it selected the small number of witnesses it interviewed, why it had never visited Camp Ashraf despite having had numerous invitations issued to it over many years, nor why it had not given MEK an opportunity to respond to or refute the allegations prior to the original report having been issued.

At the same time, and relevant to the topic of this report, Human Rights Watch affirmed in its follow-up memorandum that it “at no point, either in the report or in responses to media and other queries, took any position whatsoever on whether the [MEK] should be on such lists or removed from them.”⁷²⁸

It is unfortunate that Iran has been reduced to propagating lies in an attempt to defame its prime opposition. What is more unfortunate is that Human Rights Watch, a respected human rights organization, has neglected to act in its true capacity and, through shocking carelessness, has found itself caught up in Tehran’s schemes. As a consequence of this poor reporting, it has been said that Human Rights Watch has “seriously tarnished [its] reputation, and undermined public confidence in the integrity of [its] human rights work as a whole.”⁷²⁹

⁷²⁶ See Iran Focus, *supra* note 723.

⁷²⁷ See Friends of a Free Iran, *Mission Report: People’s Mujahadin of Iran*, Sept. 21, 2005, available at <http://ncr-iran.org/images/stories/advertising/ep%20report-with%20cover.pdf>

⁷²⁸ *Statement on Responses to Human Rights Watch Report on Abuses by the Mojahedin-e Khalq Organization*, Human Rights Watch, Feb. 15, 2006, available at <http://hrw.org/english/docs/2006/02/15/iran12678.htm>

⁷²⁹ Iran Focus, *supra* note 723, quoting Lord Avebury, founder and former chairman of Britain’s Parliamentary Human Rights Group. Lord Avebury further noted that the individuals mentioned in the report had long since been identified as agents of the regime.

In addition to spreading fabrications regarding torture and abuse within MEK, the regime has also set out to spread more benign but also bizarre rumors. For instance, it suggests that MEK members live a cult-like existence within the organization. These rumors have most certainly gained momentum based on the isolation of MEK in a camp inside Iraq. The truth is that MEK is a resistance organization that must live somewhere outside of Iran. Iraq was a logical strategic choice. But MEK, despite its physical isolation in Iraq, has always maintained contact and transparency with the outside world. To that end, MEK has extended an open invitation to all, and specifically to representatives of the UN, foreign governments, and non-governmental organizations, to visit its camps so they may form their own opinions based on facts, not rumors. Lord Avebury, a renowned human rights defender and MEK supporter, recently chastised Human Rights Watch, reminding the group that he had personally reiterated MEK's invitation to them to visit Camp Ashraf many times over the years.⁷³⁰

MEK is an open organization with a leadership and structure that is both visible and collective. Such characteristics are completely inconsistent with the concept of a cult. Indeed, Danielle Mitterrand, the former First Lady of France has cautioned the public in France about declaring MEK a cult.⁷³¹

It is important to examine the examples that are cited as proof that MEK members act as if they are in a cult. One such notable example deals with the act of self-immolation by two supporters at a demonstration in Paris in 2003.⁷³² According to a recent article in the *New York Times* which explained the context of the situation, these incidents had taken place immediately following the arrest of NCRI's central figure, Maryam Rajavi.⁷³³ Upon hearing the news of Rajavi's incarceration and likely deportation back to Iran, these NCRI supporters reacted with unrestrained emotion out of fear of losing their treasured and inspirational

⁷³⁰ See *Britain's Veteran Rights Advocate Challenges Human Rights Watch on Iran Report*, IranFocus.com, May 26, 2005, at <http://www.iranfocus.com/modules/news/article.php?storyid=2209>.

⁷³¹ See Mohaddessin, *supra* note 399 at 249, citing a speech by Mitterrand in 2003 in which she recalls her years in the French Resistance, a very similar organization and one that would hardly be referred to as a cult.

⁷³² See *Rajavi calls on Supporters Not to Set Themselves on Fire*, DAILY TIMES OF PAKISTAN, June 20, 2003.

⁷³³ See Craig S. Smith, *Exiled Iranians Try to Foment Revolution from France*, NEW YORK TIMES, Sept. 24, 2005. In an interview with *The New York Times*, Maryam Rajavi conceded that devotion to the cause has sometimes been "misdirected," yet she explained that the circumstances in this case were important to understand.

leader who would have faced certain death in Iran.⁷³⁴ Rajavi has further explained that had the French authorities permitted her to speak and explain the situation to MEK demonstrators, this incident would have been prevented.⁷³⁵ Moreover, once she was able, Rajavi did immediately request that all supporters cease taking such extreme action.⁷³⁶

There have also been accusations that MEK members worship Rajavi. These charges are based on the fact that some MEK members keep photographs of Rajavi.⁷³⁷ These pictures are kept solely as a visual form of inspiration, not idol worship, much as Catholics keep pictures of the Pope, Tibetan Buddhists have pictures of the Dalai Lama, and some Americans display pictures of their president. Equally questionable are the stories regarding dramatic self-criticism sessions.⁷³⁸ Although there are strategy sessions with motivational elements, these are aimed at ensuring that people focus on MEK's goal of bringing democracy to Iran.

Perhaps some of the most widely cited cult accusations are those that have been made regarding some of MEK's decisions affecting MEK families. It should be noted that MEK has always been family oriented. The organization set up family residences, schools, and day care centers for families.⁷³⁹ Unfortunately, during the first Gulf War in 1991, circumstances arose that made family life at Ashraf impossible.⁷⁴⁰ The camp was at risk of being accidentally bombed; Iranian forces, moreover, also carried out a number of serious assaults on the camp.⁷⁴¹ MEK's situation was already rather insecure. The economic sanctions imposed on Iraq also greatly affected MEK's ability to provide for everyone in the camp, and the fate of the children who lived there posed particular concerns.⁷⁴²

⁷³⁴ See *id.*

⁷³⁵ See *id.*

⁷³⁶ DAILY TIMES OF PAKISTAN, *supra* note 730, quoting Rajavi, "I was deeply saddened and tormented when I heard that you, my beloved, are setting yourselves on fire, making it extremely difficult for me to control my sorrow and overcome my emotions."

⁷³⁷ See Elizabeth Rubin, *The Cult of Rajavi*, NEW YORK TIMES MAGAZINE, Jul. 13, 2003.

⁷³⁸ See *id.*

⁷³⁹ See Mohaddessin, *supra* note 399.

Based on these circumstances, the leaders of MEK decided to make arrangements to have the children who had lived in the camp relocated.⁷⁴³ A well-known German lawyer offered to bring many of the children to Europe, where some still reside today.⁷⁴⁴ Although sending children away may seem cold, such a decision is certainly inconsistent with the concept of a cult. A cult would rather hold onto all its members and insulate them from outside influence. Interestingly, many of the children who had been sent away have returned to their families in Ashraf as adults.

Recognizing the dangerous situation in which MEK members lived, the organization's leaders also made the decision to ask married members either to leave the camp or to divorce.⁷⁴⁵ Although this request too may seem odd, it has its own logic. The purpose of the request was to ensure that people living in the camp were committed to the task of removing the clerical regime from power in Iran. After all, Camp Ashraf is "no place for emotional entanglements."⁷⁴⁶

MEK's goal and the dangerous circumstances in which the members live in Iraq have led MEK leaders to take serious precautions to ensure both the movement and the safety of its members. Even in light of some of these measures, none of the aspects of MEK, when considered in context, creates the atmosphere of a cult.

⁷⁴⁰ See Mohaddessin, *supra* note 399.

⁷⁴¹ See Mohaddessin, *supra* note 399.

⁷⁴² See Mohaddessin, *supra* note 399.

⁷⁴³ See Mohaddessin, *supra* note 399; see also Camp Ashraf, Iraq, *supra* note 421.

⁷⁴⁴ See Mohaddessin, *supra* note 399 at 257.

⁷⁴⁵ See Mohaddessin, *supra* note 399.

⁷⁴⁶ Camp Ashraf, Iraq, *supra* note 421.

APPENDIX A



HEADQUARTERS
MULTI-NATIONAL FORCE - IRAQ
BAGHDAD, IRAQ
APO AE 0948-1400

July 21, 2004

Deputy Commander


People of Ashraf
Ashraf, Iraq

I am writing to congratulate each individual living in Camp Ashraf on their recognition as protected persons under the Fourth Geneva Convention. This determination will assist in expediting the efforts of international organizations in your disposition as individuals in accordance with applicable international law.

You have signed an Agreement rejecting violence and terrorism. This sends a strong signal and is a powerful first step on the road to your final individual disposition.

In our efforts to reach a peaceful future for the people of Camp Ashraf, we will continue to seek the best disposition for each individual and commend you all for your patience and cooperation during this lengthy process.

Very Respectfully,


Jeffrey D. Miller
Major General, US Army
Deputy Commanding General

APPENDIX B

DEPARTMENT OF THE ARMY
TF 134, JIATF
Camp Ashraf, Iraq
APO AE 09391

TF-134-JIATF

24 AUG 06

MEMORANDUM FOR RECORD

SUBJECT: Understood Agreements Between JIATF and PMOI During LTC Norman's Tenure (22 SEP 05-24 AUG 06)

1. Various investigative agencies of the United States have visited Ashraf and interviewed PMOI members who were subsequently released from control and recognized as protected persons under the Fourth Geneva Convention, and protected by the MNFI. Any movement outside of Ashraf has always been under the escort of U.S. Forces.
2. For the past three years, US Forces and PMOI have made their best joint efforts in protection of the City of Ashraf. US Forces have been in charge of security outside of Ashraf, and the PMOI has been responsible for internal discipline of Ashraf, which has been fulfilled in the best manner.
3. Normally, PMOI members invite their families, friends, and colleagues who live in Iran or foreign countries to Ashraf for visits. These visitors are welcomed to a secure environment and hosted by the PMOI. On occasion and with the visitor's permission, the PMOI may extend an invitation to the JIATF staff to meet with them.
4. In case PMOI encounters suspicious outsiders or elements who intend to disturb the peace or conspire and sabotage, it stops and holds them in a place, then calls the MPs for delivery and investigations.
5. The PMOI has been very cooperative in facilitating International Organizations requests for family contact and JIATF's visits with these individuals. The JIATF either passes the request through the PMOI LNO or requests to meet with them personally to pass the request. In the cases that the PMOI members question the true intent (concern over the dissemination of false and/or disturbing information about Ashraf and its residents) of these requests or that the Iranian Regime are brokering these requests, the PMOI members may submit their thoughts and concerns in writing to the JIATF who will forward them back to the respective International Organization..
6. There exists no prison or any obligation to stay in Ashraf; everyone is free to leave PMOI anytime he/she wishes to. To safeguard security and risky information of Ashraf residents and their families in Iran, those who leave PMOI and wish to directly go to Iran,

APPENDIX B

(continued)

will be kept in the TIPF for at least 3 weeks prior to their departure and their names will be given to the PMOI three weeks prior to their departure in order to facilitate damage control. Any exceptions should be agreed upon jointly.

7. Any request for meetings with residents of Ashraf will be submitted in writing (stating the reason) by the JIATF. The requested meetings will be held in an agreed upon PMOI meeting location (not on the FOB). The resident must be in agreement to the meeting before it can be scheduled. If the individual does not agree to the meeting then JIATF request a signed written statement from the individual to update their files.

8. The PMOI has encouraged and assisted various Iraqi groups to join the political process and dialogue with the US Forces. This action by the PMOI has helped to establish a safe and secure environment and should be continued.

9. The PMOI has been encouraging peaceful methods in its surrounding community for the establishment of a secure and democratic Iraq and has respected the laws of Iraq. The relationship between the PMOI and inhabitants of regions surrounding Ashraf has played a positive role in providing security in the area. Events in the city of Odheim are a good example of PMOI efforts to establish cooperation among the Iraqi Army, US Forces and residents of the city; the PMOI should be encouraged to continue such relations. The Iraqis who have talked to our forces have expressed positive and sympathetic opinion about residents of Ashraf.

10. The PMOI has always warned against the Iranian regime's meddling and played a positive and effective role in exposing the threats and dangers of such interventions; their intelligence has been very helpful in this regard and in some circumstances has helped save the lives of soldiers. Recommend that the facilitation of intelligence sharing continue.

Very Respectfully,



Julie S. Norman
Lieutenant Colonel, Military Police
JIATF Commander

APPENDIX C

AGREEMENT FOR THE INDIVIDUALS OF THE PEOPLE'S MUJAHEDIN ORGANIZATION OF IRAN ("PMOI")

You are being offered your release from control and protection in exchange for your promise to comply with certain conditions. In exchange for your promises, you will be released from Multi-National Forces-Iraq control and protection as soon as reasonably practicable.

Please read the Agreement below. If you agree to abide by these terms, then sign your name at the bottom of the page.

AGREEMENT

I, _____, knowingly, willingly, and voluntarily enter into this Agreement with Multi-National Forces-Iraq. I agree to the following:

- a. I reject participation in, or support for terrorism.
- b. I have delivered all military equipment and weapons under my control or responsibility.
- c. I reject violence and I will not unlawfully take up arms or engage in any hostile act. I will obey the laws of Iraq and relevant United Nations mandates while residing in this country.

I understand that I will be free to leave and to return home when viable disposition options become available. I understand that some of these disposition options include: return to my nation of origin; admission to a third country; application to the Ministry of Displacement and Migration for continued residency in Iraq, or application to international organizations such as the United Nations High Commissioner for Refugees. I agree to cooperate with Multi-National Forces-Iraq while these disposition options are pursued. I agree to remain under the protection of Multi-National Forces-Iraq at Camp Ashraf until these options are completed. If I violate any terms of this Agreement, I may be subject to prosecution or internment, and administrative sanctions. I promise to scrupulously comply with my Agreement.

SIGNATURE NAME (PRINTED) IDENTITY NUMBER

MNF-Iraq Representative PRINTED NAME, RANK DATE

APPENDIX D

Mr. Kenneth Roth
Executive Director
Human Rights Watch
350 Fifth Avenue, 34th floor
New York, NY 10118-3299 USA

27 May 2005

Reference the recent Human Rights Watch report on alleged conduct by the Mujahedin e-Khalq (MeK) / People's Mujahedin Organization of Iran (PMOI) at Camp Ashraf Iraq.

I am the commander of the 89th Military Police Brigade and in that role was responsible for the safety and security of Camp Ashraf from January – December 2004. Over the year long period I was apprized of numerous reports of torture, concealed weapons and people being held against their will by the leadership of the Mujahedin e-Khalq. I directed my subordinate units to investigate each allegation. In many cases I personally led inspection teams on unannounced visits to the MeK/PMOI facilities where the alleged abuses were reported to occur. At no time over the 12 month period did we ever discover any credible evidence supporting the allegations raised in your recent report. I would not have tolerated the abuses outlined in your report, nor would I have sanctioned any acts on the part of the MeK/PMOI to hold people against their will. Each report of torture, kidnapping and psychological depravation turned out to be unsubstantiated. The MeK/PMOI in fact notified us on a routine basis of people who desired to leave the organization and then transported them to our gate. At your request, I can explain in detail specific allegations and the subsequent investigation by my units. To my knowledge, as the senior officer responsible for safeguarding and securing Camp Ashraf throughout 2004, there was never a single substantiated incident as outlined in your report.

I am very familiar with the leadership of the MeK/PMOI and personally know many of the 3000+ protected people. I've visited male and female units on a routine basis. Sometimes these visits were announced, but most frequently they were unannounced inspections. My subordinate units would randomly select billets, headquarters, warehouses and bunkers for no-notice inspections. Not one time did they discover any improper conduct on the part of the MeK/PMOI. Also, the MeK/PMOI never denied entry to any of their facilities.

I believe that your recent report was based on unsubstantiated information from individuals without firsthand knowledge or for reasons of person gain. I personally spent a year of my life in Iraq with the responsibility for Camp Ashraf. I have very extensive first hand knowledge of the MeK/PMOI and the operations at Camp Ashraf. My comments are based on a full year of on location experience. I look back with satisfaction knowing the my unit did an exemplary job and maintained the safety and security of not only the coalition forces at Ashraf, but also the 3000+ protected people.

I have spoken to large groups of MeK/PMOI members and have also had one on one private conversations with individual members. At no time did any member, ranging from young male and females to the very senior leadership, ever report any of the type conduct outlined in your recent report.

Iraq was very dangerous throughout 2004. In my opinion, Camp Ashraf was the safest place within my area of responsibility. There was not one incident or combat injury to my forces at Camp Ashraf. I personally felt safe even when surrounded in a room by hundreds of Mujahedin. We

APPENDIX D

(continued)

always had open dialog and debated difficult subjects. I was exceptionally impressed with the dedication of the female units. These units were professional and displayed strong support for freedom, democracy and equality for women. The dedication of these female members was inspirational. In the entire year only four female members asked to depart the MeK/PMOI. In one case a young woman requested to leave the MeK/PMOI, but first wanted to complete her responsibility as a singer in one of the holiday festivities. One of my subordinate commanders encouraged her to depart immediately as opposed to returning to her unit. She emphasized that she wanted to participate as a singer in the festival and would then depart from the organization in order to return home to her mother. Several days after the festival we were notified by the MeK/PMOI that the young woman was ready to leave and we picked her up at a hotel type facility. The other three females also voluntarily departed the MeK/PMOI. I never discovered a single incident where a female or male was held in the organization against their will. I observed a total freedom of choice on the part of the members to either remain or depart from the MeK/PMOI.

As I previously mentioned, I was very impressed specifically by the all female units. I would like my own daughters to someday visit these units for the cultural exchange. Were it not for the ongoing insurgency throughout Iraq, I would sanction my daughter to travel to Camp Ashraf and meet these very dedicated and professional female members of the Mujahedin e-Khalq.

Thank you for taking the time to read my comments as your report was a direct affront to the professionalism of my units. We maintained the safety and security of Camp Ashraf and can look back in years to come knowing that we made a difference.

Respectfully,

COL David Phillips "Griffin-6"
89th Military Police Brigade
Fort Hood, Texas 76544
Duty: 254-287-3700
"Proven in Battle"

Source: Human Rights Watch's Report on the Mujahedin-e Khalq, CONGRESSIONAL RECORD, E1299, June 21, 2005.

Independent Assessment of the Mujahedin-e Khalq and National Council of Resistance of Iran

To DLA Piper US LLP

Prepared by GlobalOptions, Inc.



Neither the DLA Piper nor the GlobalOptions reports were prepared under the direction, control, or with any financing from MEK or NCRI.

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I. Executive Summary

This independent assessment conducted by GlobalOptions, Inc., evaluates the rationale of the US State Department for designating the Mujahedin-e Khalq (MEK) and National Council of Resistance of Iran (NCRI) as a Foreign Terrorist Organization (FTO).

Based on GlobalOptions' review of official documents and reports, testimony, memoranda, and news reports, and its interviews with former officials and intelligence officers in the governments of the US and France, it is clear that the reasons stated for including the MEK/NCRI on the FTO list are fundamentally flawed.

The MEK is a secularist, Islamic, pro-democratic organization that for more than 40 years has worked to bring democracy and freedom to Iran. It is not Marxist. It came into existence to oppose the anti-democratic, oppressive regime of Mohammad Reza Shah. The MEK now opposes the current theocratic regime in Iran for similar reasons.

In seeking to bring democracy and freedom to Iran, the MEK organization and its members have endured decades of persecution, imprisonment, torture, and executions.

The MEK has repeatedly been a pawn that has been sacrificed in US-Iranian and Franco-Iranian relations. The Iranian government fears the MEK because it is pro-democratic and supports regime change. At every opportunity, Tehran has demanded the US and France sacrifice the MEK as a concession to gain Iranian support:

- In 1985, the US labeled the MEK “terrorist and Marxist,” as part of an apparent deal with Iran to free American hostages in Lebanon.
- In 1986, the French government forced the MEK out of Paris in order to secure Iranian help in freeing French hostages in Lebanon.
- In 1997, the MEK was placed on the Foreign Terrorism Organization FTO list as a “goodwill gesture” to Iran, according to a senior Clinton Administration official and a former top CIA official.
- In October 1999, the MEK was again listed as an FTO and the NCRI was added to the list to encourage Iran to extradite Saudi bombers responsible for the attack on the Khobar Towers in Saudi Arabia.

- In June 2003, 1,200 heavily armed French police stormed 13 NCRI/MEK locations in Paris, detaining 164 people. Seventeen members were charged with criminal conspiracy. According to news reports and a highly placed source in French intelligence, the purpose of the raid was to curry favor with Tehran for French companies then competing to obtain commercial contracts in Iran.
- In August 2003, the US shut down the Washington, DC offices of the NCRI in another goodwill gesture to Iran. At the time, the US was secretly negotiating with Tehran on issues involving Iraq, al Qaeda, and Iran's nuclear weapons program. Before the offices were closed, an Iranian official had stated, "We will reciprocate any gesture on the part of the United States."

Four allegations are most often cited as the basis for designating the MEK as an FTO. These points are summarized below, with a brief description of why they are inaccurate and therefore do not justify continuing the designation.

- **Alleged Killing of Americans in the 1970s:** The original MEK organization was not involved in the killings of Americans in Iran in the 1970s. In 1971 and 1972, 69 MEK members – almost the entire original MEK leadership – were executed or imprisoned. The surviving rank-and-file members found themselves isolated, fragmented, and without a chain of command. Among the remaining members were a handful of Marxists who reorganized the remnants and began carrying out operations misusing the MEK name. The Marxists were violent and more radical. They specifically targeted Americans to demonstrate that their doctrine was more effective than the original MEK's so as to attempt to win over the allegiance of the remaining radical members. Vahid Afrakhteh, one of these Marxist leaders, confessed to killing Lt. Col. Lewis Hawkins, Col. Paul Shaffer, and Lt. Col. Jack Turner. The Marxists also claimed responsibility for killing three Rockwell employees in 1976. The Marxists continued to operate until the early 1980s, when they were uprooted by Khomeini regime. Massoud Rajavi, an original, non-Marxist MEK member imprisoned in 1971, was released from jail in 1979 and rebuilt the organization that survives today.
- **Alleged Support of the US Embassy Takeover in 1979:** The MEK did not assist in the planning or seizure of the US Embassy in Tehran. In fact, according to the spokesperson for the student radicals responsible for taking over the embassy, the MEK "had been opposed to the takeover and the confrontation with America from the very first." The MEK viewed the hostage crisis as unfortunate and damaging to its political position. The hostage crisis allowed Khomeini's regime to consolidate power and push aside Iran's pro-democratic Provisional Government, which the MEK supported.

- **Alleged Military Cooperation with Saddam Hussein:** In June 1987, the MEK announced the formation of the National Liberation Army, based in Iraq. The MEK operated independently of Saddam Hussein. Most of the NLA's weapons were captured during confrontations with Iran. The State Department criticizes the MEK for having aligned with Saddam Hussein during the Iran-Iraq war. But the United States also was aligned with Iraq. In 1982, President Ronald Reagan issued a National Security Decision Directive authorizing the US to use whatever means necessary to prevent Iraq from losing the war with Iran. Subsequently, the US provided Iraq with significant financial support. In addition, more than 60 Defense Intelligence Agency officers provided Saddam with detailed information on Iranian deployments, and the CIA furnished satellite photography of the war front. It is inconsistent for the State Department to fault the MEK for cooperating with Iraq, given that America also allied itself with the regime during this period.

- **Alleged Suppression of Kurds:** There is no credible evidence the MEK assisted in suppressing the Shia and Kurdish uprisings or any other uprisings in Iraq. The allegation is based on false information from Iran and its allies and other unreliable sources. In 1999, the Kurdish Democratic Party (KDP) stated publicly the MEK was not involved in suppressing the Kurdish people, during the uprising or in its aftermath.

The MEK and NCRI were placed on the FTO list for political reasons and not because of an objective and comprehensive analysis of the facts. Consequently, there is no substantive basis for continuing to label these organizations as FTOs. In fact, removing these groups from the list would strengthen America's hand in its complex relationships with Tehran and would be of material assistance in achieving US regional and global policy goals to combat terrorism and the spread of nuclear weapons.

II. Introduction

This independent assessment of the Mujahedin-e Khalq and the National Council of Resistance of Iran was conducted for DLA Piper US LLP. To complete the assessment, GlobalOptions, Inc. reviewed open-source and proprietary information, interviewed key officials with knowledge of policies and events, and spoke with members of the MEK and NCRI.

Since its founding in 1965, volumes have been written about the MEK, much of it misleading, inaccurate, and contradictory. The MEK has often been the target of hateful propaganda and political moves designed to gain favor with Iran. US government reports about the organization contain many factual errors. In some cases, critical details of events are unavailable because an accurate record has not survived. As a result, providing an objective assessment of the MEK and NCRI is an arduous task at best.

This assessment also provides an historical background of the MEK to understand its roots and political goals. GlobalOptions has endeavored to present the allegations and available evidence to allow readers to reach their own conclusions about the MEK and NCRI.

GlobalOptions, Inc.

GlobalOptions, Inc. is a multidisciplinary international risk management and business solutions company headquartered in Washington, DC. The company, founded in late 1998, has assisted hundreds of corporations, celebrities, and governments in dealing with the complexities and tribulations of the modern world. Our client base includes two of the ten largest corporations in the world, as well as some of the world's most recognizable names and faces.

What makes GlobalOptions unique is the broad range of services it offers under a single roof and our ability to combine these skill sets to solve difficult problems. Our team of experts includes private investigators and security professionals, top public relations experts, and seasoned political and legal experts.

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Sessions, former director of the FBI; Sir Richard Needham, former minister for trade for Great Britain; Robert L. Livingston, former Speaker-Designate for the US House of Representatives; and Rod Slater, former US Secretary of Transportation.

III. The People's Mujahedin of Iran

The People's Mujahedin Organization of Iran (PMOI), or as it is called in Farsi, the Mujahedin-e Khalq (MEK), is a secularist, Islamic, pro-democratic organization founded in 1965 by three young engineers who were former members of the Liberation Movement.¹

The Liberation Movement, also known as the Freedom Movement, was established in May 1961 by Mehdi Bazargan, an engineer who was educated in France and later became a professor. The Liberation Movement advocated “political freedom and the separations of power” and had a “sincere commitment to the democratic principles enshrined in the fundamental laws of the 1905-09 Constitution.”²

For two years the Liberation Movement was allowed to hold meetings and publish materials in Iran. Then, on June 5, 1963, a group of clerics that included Ayatollah Ruhollah Khomeini openly denounced Mohammad Reza Shah, sparking large demonstrations in Iran's major cities. To put down the June Uprising, the police resorted to “massive fire power,” killing thousands of people.³

Khomeini was imprisoned and then deported to Turkey. The Shah clamped down on all resistance groups. The Liberation Movement was shut down and Bazargan sentenced to ten years in prison.

From the ashes of the Liberation Movement, the three young engineers created a discussion group to develop a new strategy to bring democracy to Iran. The group first met on September 20, 1965, along with 20 trusted friends. Its founding members were:

- **Mohammad Hanifnejad:** A farm machinery engineer from a poor family working in the Tabriz bazaar.
- **Said Mohsen:** A civil engineer from a middle-class clerical family in Zanjan.
- **Ali-Asghar Badizadegan:** A chemical engineer from a middle-class family in Isfahan.

¹ While the organization originally advocated far left policies, it has moderated its views and now supports free markets and private ownership. It always has supported democracy and freedom as central political goals.

² *The Iranian Mojahedin*, Ervand Abrahamian, YALE UNIVERSITY PRESS, 1989, p. 83.

³ Estimates of the number of protesters injured ranged from several hundred to 20,000.

Hanifnejad had participated in the June Uprising and was subsequently arrested and imprisoned for a few months.⁴ Mohsen, who had joined the Liberation Movement while in high school, had been jailed for taking part in university “disturbances” in 1962 and 1963.⁵

Most members of the discussion group held professional jobs in Tehran. They met twice a week, studying religion, history, and revolutionary theory (armed struggle). The group grew knowledgeable about Marxism but did not adopt its ideology:

Although the group studied Marxist economics, it tended to avoid Marxist philosophy. As one of the early members later stated, the group intentionally shunned Marxist philosophy in order to protect its religious susceptibilities.⁶

The group expanded its reach by establishing discussion groups in other cities, including Qazvin, Tabriz, Isfahan, Shiraz, and Mashhad. In 1968, after the group had been studying for three years, it formed a central committee, composed of ten members.⁷ The committee was later expanded to 12 members and then 16.⁸

The central committee included Massoud Rajavi, who had received a degree in political science at Tehran University and was a friend of Hanifnejad. Rajavi, the youngest member, would reemerge years later as the main leader of the MEK.

The Liberation Movement had sought to bring democracy and freedom to Iran using peaceful means. But it had failed, and the Shah was becoming increasingly oppressive. The group, which would become known as the MEK, plotted a new course of action, this one based on armed struggle, to achieve democracy and freedom in Iran.

To understand the strategy of armed struggle, the central committee made contact with other resistance groups, including the Palestinian Liberation Organization (PLO), which provided its members training at camps in Jordan and Lebanon.⁹

⁴ *Revolutionary Islam in Iran*, Suroosh Irfani, Zed Books Ltd., London, 1983, p. 91.

⁵ *Id.*

⁶ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 89.

⁷ Hanifnejad, Mohsen, Badizadegan, Mahmud Asgarizadeh, Abdol-Rasul Mekhkinfam, Ali Milandust, Ahmed Rezai, Naser Sadeq, Ali Bakeri, Mohammad Bazargani, Bahman Bazargani, Massoud Rajavi.

⁸ The original committee members plus Ahman Rezai, Hosayn Ruhani, and two unidentified members.

⁹ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 129. In later years, the CIA and other American sources claimed “several hundred” MEK members attended the camps. However, only a small number of members actually traveled to the camps.

A. Members Arrested

Unknown to the MEK, SAVAK, Iran's intelligence agency, had arrested Allah-Morad Delfani, a member of the Tudeh Party, a Communist organization.¹⁰ When Delfani was released, he made contact with an MEK member. SAVAK had been conducting surveillance on the MEK since the early 1970s and traced the MEK member to a safe house. From here, SAVAK discovered the identities of others associated with the group.¹¹ Soon thereafter, SAVAK rounded up numerous members of the MEK. James A. Bill, author of *The Eagle and the Lion*, writes, "In early April another fifty young persons accused of plotting 'anti-state activities' were arrested by the government security forces."¹² Ervand Abrahamian cites the roundup of 35 members on August 17, 1971.

The remaining members quickly planned an attack on the power supply system in Tehran. They also plotted to kidnap Prince Shahram, the Shah's nephew, whom they hoped to exchange for jailed MEK members.¹³ But the attacks were interrupted before they could be carried out.¹⁴

Based on interrogations of MEK prisoners, SAVAK initiated a second round of arrests. In total, about 150 to 160 people were detained.

Iranian authorities filed charges against 69 MEK members, including most of the central committee.¹⁵ At the time of the roundup, two members, Hosayn Ruhani and Torab Haqshenas, were traveling outside Iran; two additional unidentified members had dropped out of the organization. Before the trials of the 69 began, Reza Rezai escaped. Starting in February 1972, the imprisoned MEK members were brought before military tribunals and charged with planning to overthrow the monarchy, possessing arms, forging passports, and other lesser offenses.

¹⁰ This description of events is supported by the FBI's 1987 report on the MEK. It states, "According to a former SAVAK official, a SAVAK penetration of the group about the same time [1971] led to the arrest, imprisonment, death, and execution of many other members . . ." (See "The Mujahedin-e Khalq: An Open Source Review, December 1, 1987.")

¹¹ Interview with NCRI members, August 2005.

¹² *The Eagle and the Lion*, James A. Bill, Yale University Press, 1988, p. 190.

¹³ Abrahamian, in his book *The Iranian Mojahedin*, alleges the MEK had planned to attack the power supply system for months and SAVAK rounded up the members only days before the attack.

¹⁴ Interview with NCRI members, August 2005.

¹⁵ Hanifnejad, Mohsen, Badizadegan, Mahmud Asgarizadeh, Abdol-Rasul Mekhkinfam, Ali Milandust, Ahmed Rezai, Naser Sadeq, Ali Bakeri, Mohammad Bazargani, Bahman Bazargani, Massoud Rajavi.

These 69 MEK members included 27 engineers and 24 students, as well as civil servants, high school teachers, university professors, doctors, tradesmen, and a train driver.

The trials began as open military tribunals, but were then transferred to a closed forum, after the media began reporting members' testimony that they had been tortured while in custody.

Eleven MEK members were sentenced to death. Of the remainder who were tried, sixteen received sentences of life imprisonment, eleven received prison terms of 10 to 15 years, and twenty-five received terms of 3 to 9 years. Of the eleven sentenced to death, nine were executed.¹⁶ Bazargani and Rajavi had their sentences commuted to life. Bazargani was spared because he was from a wealthy family and Rajavi's sentence was commuted as a result of an international campaign organized by his brother, a Swiss resident.

This roundup and prosecution of the MEK members delivered a near-fatal blow to the organization. Except for a very few survivors, the entire top four or five layers of the organization were either killed or imprisoned.¹⁷ Reza Rezaei, who had escaped from prison, attempted to rebuild the organization, forming a central committee with Kazem Zolanvar and Bahram Aram.¹⁸ The committee was short lived; during its brief existence, its work was severely compromised by SAVAK's relentless pursuit. In May 1972, Zolanvar was captured; on June 15, 1972, Rezaei was killed in a shootout.¹⁹

With no chain of command and with its secret cells isolated from one another, the MEK, as originally organized, ceased to exist, except in the prisons where its members were incarcerated.

Initially, the imprisoned MEK members were held at two facilities and were allowed only limited visits with friends and family. But when Iranian authorities realized the MEK was attempting to make contact with its members outside prison, new rules were introduced. The members were further dispersed to four prisons. Guards began searching them every day, and their contact with other imprisoned members and with visitors was highly restricted.²⁰

¹⁶ *Id.*

¹⁷ Interview with NCRI members, August 2005.

¹⁸ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 136. The leadership of the new committee could not be confirmed in discussions with NCRI members. Because the committee existed for such a short while and the members were subsequently killed, little is known about the group.

¹⁹ Abrahamian misidentified the date of Rezaei's death, claiming it was after March 1974. Newspapers reported Rezaei's death at that time.

²⁰ Interview with NCRI members, August 2005.

B. Attacks

In July 1970, seven members of the MEK traveled to PLO camps in Jordan and Lebanon,²¹ where they spent several months in training. Upon their return, six additional MEK members went to the PLO camps.²²

MEK members in a second group were in Dubai, headed to Jordan, when they were detained by police on suspicion of traveling with false passports. Among the detained group was Musa Khiabani, who would later become “Rajavi’s right-hand man.”²³ After Khiabani was released from prison in 1979, he became the MEK’s main spokesman.

These MEK members spent four months in prison and then were handed over to SAVAK. On the flight back to Iran, Meshkinfam, Ruhani, and a third MEK member who had taken the same flight hijacked the plane and redirected it to Baghdad. Iraqi police there threw the MEK members in jail; following the intervention of the al-Fatah wing of the PLO, they were released and permitted to go to Syria.²⁴

²¹ Badizadegan, Reza Rezai, Bakeri, Meshkinfam, Rajavi, Haqshenas, Mohammad Bazargani.

²² *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 127.

²³ *Id.* at 172.

²⁴ *Id.* at 127.

IV. Marxists Take Over MEK

Surviving rank-and-file members of the MEK were isolated and fragmented after the roundup, execution, and imprisonment of its leadership in 1971-72. With no cohesive structure or central command, remaining members were left to resurrect the organization based on their own designs and ideology.

The MEK as an idea, however, remained more powerful than ever before. As a result of the trials of MEK leadership and the attendant publicity, the organization achieved a mystique of heroic martyrdom, which served to attract new members.

New cells were formed with recruits and sympathizers, some of whom were self-proclaimed and operated autonomously. The MEK also spawned other militant Muslim groups, including the Mahdaviyan Group (*Goruh-e Mahdaviyan*) in Isfahan, the Group of True Shiis (*Goruh-e Shi'iyān-e Rastin*) in Hamadan, and The People's Cry Will Not be Silenced (*Faryad-e Khalq Khamush Nashodani Hast*) in Tabriz. The latter group assassinated four SAVAK agents and robbed a government bank. In Mashhad, religious militants created a group using the MEK label. They “bombed a number of buildings including the British consulate and the local Iranian-American Cultural Society.”²⁵

Over time, the following men assumed the mantle of leadership of the resurrected “MEK” organization:

- **Taqi Shahram:** A mathematician arrested in the original roundup and sentenced to a long prison term; he escaped from prison in 1972.
- **Bahram Aram:** A graduate of Arya Mehr Industrial University and member of the MEK since 1969, who had avoided arrest.
- **Vahid Afrakhteh:** Little is known about his background. He had a brother, Rahman, who “was never seriously involved in any political activity.”²⁶ In 1976, he confessed to killing Lt. Col. Lewis Hawkins, Col. Paul Shaffer, and Lt. Col. Jack Turner.²⁷
- **Majid Sharif-Vaqefi:** An electrical engineer from a highly devout middle-class family.

²⁵ *Id.* at 165.

²⁶ *Democracy Betrayed*, The National Council of Resistance of Iran, 1993, p. 17.

²⁷ “Iran Says Guerrilla Trained in Cuba,” THE WASHINGTON POST, May 11, 1976.

This new resistance group was more radical than the original MEK. Its leadership was fractured and ideologically unfocused. Some members were drawn to the group because of its links to Islam, while others, such as Shahram, Aram, and Afrakhteh, were Marxists and increasingly sought to distance the group from its original ideology.

The resurrected group “became even more interested in Marxism after 1972,” according to Ervand Abrahamiam. “By the end of 1973, they were reading extensively on the Cuban, Vietnamese, Chinese, and Russian revolutions.”²⁸

Also assisting in the transformation of the resurrected group were Ruhani and Haqshenas, who traveled extensively, meeting with representatives of the PLO, Libya, People’s Front for the Liberation of Oman (Dhofar rebels), the Ba’athist regime in Iraq, and the People’s Democratic Republic of Yemen.²⁹ These groups provided political and logistic support.

By early 1973, secret cells were operating “not only in Tehran, but also in Isfahan, Shiraz, Mashhad, Qazvin, Kermanshah, Zanjan, and Tabriz.”³⁰

Step by step, Shahram, Aram, and Afrakhteh shifted the focus of the resistance organization. They gradually ceased holding group prayers and replaced terms such as “brother” with “comrade.” The original MEK insignia was altered. Its Koranic inscription was removed, as well as the caption “In the Name of God.” The date of the group’s founding was changed and the clenched fist in the insignia was enlarged to “symbolize their heightened proletarian consciousness.”³¹

The Marxist leaders argued that once Marxist theory was studied, one’s “political consciousness” was raised and the fallacies of Islam were revealed.

Shahram, Aram, and Afrakhteh also purged individuals who supported MEK’s original doctrine, and brought pro-Marxists into the group so that they gradually assumed control of the secret cells.³²

In mid-1974, Aram began drafting a manifesto to formally announce the shift in the group’s ideology.³³ By the following year, Shahram, Aram, and Afrakhteh had grown sufficiently confident of their control of the organization to announce the *Manifesto Explaining the*

²⁸ *Iran Between Two Revolutions*, Ervand Abrahamiam, Princeton University Press, 1982, p. 493.

²⁹ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 137.

³⁰ *Id.* at 129.

³¹ *Id.* at 165.

³² Interview with NCRI members, August 2005.

³³ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 146.

Ideological Position of the People's Mojahedin. This document declared that Marxism, not Islam, was the true revolutionary philosophy. It proclaimed that Islam was the "ideology of the middle class," while Marxism was the "salvation of the working class."³⁴

The manifesto announced the organization had discarded "Islam in favor of Marxism-Leninism because Islam was a mass opiate and at best a petit bourgeois, utopian ideology."³⁵ It stated that "Marxism-Leninism was the real 'scientific philosophy' of the working class and the true road for the liberation of mankind."³⁶

Sharif-Vaqefi supported the original doctrine of the MEK, even though a majority of the cell he managed agreed with the Marxist leadership. Shahram and Aram confronted Sharif-Vaqefi and delivered an ultimatum: relinquish control and move to another cell in Mashhad; work in a factory to raise his "political consciousness"; or leave the country.³⁷ Sharif-Vaqefi "pretended to accept the Mashhad option," while secretly transferring materials and hardware to a new hiding place.³⁸ On May 7, 1975, Aram and Shahram and "their supporters," including Vahid Afrakhteh, tried to "seize Sharif-Vaqefi." In the ensuing gunfire, Sharif-Vaqefi was killed.

The original Muslim MEK members in prison were oblivious to the ideological changes taking place in the resurrected organization. When they learned that the group had transformed to Marxism, they called the action a coup d'etat and said their group's name had been stolen.³⁹ The Muslim MEK warned people to disavow the Marxist group that was falsely using their name.⁴⁰ In response to the open split, Abol-Hasan Bani-Sadr, in Paris, published a paper arguing Muslims should never trust Marxists.⁴¹

On May 4, 1976, Aram was killed in a gun battle when Iranian authorities "raided their hideout in Tehran."⁴² (According to Abrahamian, Aram and the two other leaders were killed in November 1976.⁴³)

³⁴ *Iran Between Two Revolutions*, Ervand Abrahamian, Princeton University Press, 1982, p. 419.

³⁵ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 145

³⁶ *Id.* at 145.

³⁷ *Id.* at 162.

³⁸ *Id.* at 146.

³⁹ *Id.* at 164.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² "Iran Says Guerrilla Trained in Cuba," THE WASHINGTON POST, May 11, 1976.

⁴³ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 166.

In 1978, the Marxist group gave up its false banner, and declared its new name: the Marxist-Leninist Branch of the People's Mojahedin Organization of Iran (*Bakhsh-e Marksisti-Leninisti-ye Sazeman-e Mojahedin-e Khalq-e Iran*). Later it again changed its name, becoming known as Peykar.⁴⁴

The Marxist group gave rise to other radical resistance groups, such as the *Sazeman-e Kargar-e Enqelabi-ye Iran* (The Organization of Revolutionary Workers of Iran). That group later became the *Rah-e Kargar* (Workers' Road).⁴⁵

A. Peykar Organization

The Marxist-Leninist Branch of the People's Mojahedin Organization of Iran (*Bakhsh-e Marksisti-Leninisti-ye Sazeman-e Mojahedin-e Khalq-e Iran*) was formally announced in 1978.⁴⁶

The group subsequently merged with Maoist groups and formed The Combat Organization on the Road for the Emancipation of the Working Class (*Sazeman-e Paykar dar Rah-e Azadi-ye Tabaqeh-ye Kargar*) or Peykar Organization.⁴⁷

In addition to Shahram, its key leaders included:

- **Jalil Ahmadian:** A member of the Islamic Student Association and Liberation Movement, he received a long prison sentence and was not released until 1979. While in jail, he became a Marxist, leading the Marxist Mojahedin Commune in Sharaz prison. After leaving prison, he joined Paykar, and two years later was killed.⁴⁸
- **Ali-Reza (Sepasi) Ashtiyani:** He was imprisoned in 1964 for belonging to the Muslim Nation's Party. In 1971, while a student, he joined the MEK; just before the wave of mass arrests, he went underground.
- **Puran Bazargan:** The first female member of the MEK, she was married to Hanifnejad. Later she became a Marxist.
- **Morteza Aladpush:** A founding member of Paykar, he was imprisoned in 1972 and led the Marxist Mojahedin Commune in Qasr prison.

⁴⁴ *Id.* at 146.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.* at 147.

- **Hasan Aladpush:** He and his wife, Mahbubeh Motahedin-Aladpush, both teachers, were killed by police in August 1976.

Ruhani and Haqshenas, who had supported the Marxist group, also “played crucial roles in Peykar.”⁴⁹

The Peykar made its first appearance in Western media in 1979.⁵⁰ Until 1982, the group was occasionally listed as a resistance organization, first in opposition to the Shah and later against the Khomeini’s Islamic Republican Party (IRP).

In July 1981, the Revolutionary Guard seized several members of the Peykar, as well as a cache of weapons that included 120 handguns, 60 rifles, 40 submachine guns, and 1,200 hand grenades.⁵¹ In August, the Iranian government announced the execution of 12 members of the Marxist-Leninist Peykar group.⁵²

In November 1981, the IRP announced the capture of the chief ringleaders of the Peykar together with “their organizational documents, typewriters, duplicating machines, Chinese weapons, anti-tank ammunition and rockets, Egyptian and Pakistani machineguns and pistols, and Egyptian-made bombs and chemical weapons.”⁵³

Ten Peykar hideouts were discovered and destroyed by Revolutionary Guards and about 70 members were arrested in May 1982, shutting down the organization.⁵⁴

B. Attacks

Determining which resistance organization carried out attacks within Iran in the early 1970s is a near impossible task. In some cases, communiqués were distributed, claiming responsibility. In other cases, multiple groups claimed responsibility for a single attack. Some attacks went unclaimed. And some groups used the MEK name in their claims, but were completely autonomous.⁵⁵

⁴⁹ *Id.* at 146.

⁵⁰ “Iran’s Guerrillas: Different Beliefs, Common Goal,” THE WASHINGTON POST, February 20, 1979.

⁵¹ “Fourteen Die in Election Violence,” ASSOCIATED PRESS, July 25, 1981.

⁵² “International,” *United Press International*, August 4, 1981.

⁵³ “Capture of ‘Left-Wing’ Terrorist Group,” Security Forces Announcement, BBC Summary of World Broadcasts, November 11, 1981.

⁵⁴ “More Hideouts of Armed Opposition Group Discovered in Iran,” *Xinhua*, May 13, 1982.

⁵⁵ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 165.

According to a CIA case officer who was stationed in Tehran from July 1973 to August 1975, the agency did not distinguish between the Marxist organization that gained control of the remnants of the MEK after the destruction of the original leadership and the original Muslim MEK organization whose members were imprisoned in 1971 and 1972.

Because of the roundup of the original MEK leaders, their trials, and publicity, the MEK name was widely known. Often, attacks carried out by other groups were ascribed to the MEK. The CIA case officer (cited in the previous paragraph) said he was unaware of the Fedaiyan, the Marxist resistance group that from 1971 to 1975 conducted three times the number of attacks as the Marxist MEK, which included assassinations of officials, robbing banks, and bombing government buildings.⁵⁶ At the time, the Fedaiyan were better organized and more “successful” than other resistance groups, in terms of recruitment, propaganda, martyrs, and university strikes.⁵⁷

Prior to 1972, the MEK’s central committee formulated a strategy of armed struggle that was based on targeting the police and SAVAK. The MEK realized it would not have sufficient strength to directly challenge the Shah. But by targeting the security agencies, the MEK hoped to reduce the public’s fear of joining mass demonstrations in opposition to the Shah.⁵⁸

The Marxist MEK organization developed its own strategy. It targeted Western corporations and Americans to demonstrate its Marxist agenda made MEK more effective than the original Muslim MEK had been. The Marxists argued that the original Muslim MEK had failed to achieve its goals because of its inadequate doctrine, but, after the MEK was remade as a Marxist organization, it was more powerful and successful, as demonstrated by its success in the attacks on Americans.⁵⁹

In a document smuggled out of prison in 1976 and published in 1979, Massoud Rajavi condemned the “MEK’s” attacks on Americans:

In the midst of ideological conflicts within the organizations, circumstances in which all principled leaders make correct, realistic conduct a first priority, the opportunist leadership of the ideologically transformed organization launched several military operations (the assassination of Col. Zandipour, the U.S. Colonels, etc.). The survival of the organization as a single entity was a question, due to massive purges and a demoralized membership,

⁵⁶ *Id.* at 152.

⁵⁷ *Id.*

⁵⁸ Interview with NCRI members, August 2005.

⁵⁹ *Id.*

but the [opportunist leadership] had the organization take the burden of major military operations. These operations were undertaken in a bid to clamp a lid on the conflicts brewing within, and enable the opportunists to challenge the genuine [Muslim] Mojahedin from a position of strength The operations served the interests of the opportunists, consolidating their base of power. By the same token, they were able to use the prestige of the military operations to muster credibility for their new opportunist positions.⁶⁰

The Marxist “MEK” sought to form a united front with the Marxist Feda’iyan. But the Feda’iyan refused to cooperate because they objected to the MEK’s tactic of targeting foreign advisors, rather than targeting Iranian government leaders. The two groups, however, did cooperate on some events, such as organizing a strike in February 1974 to draw attention to SAVAK’s use of torture.⁶¹

Determining the facts surrounding an attack is also made more difficult because of disinformation. The Shah regularly claimed that innocent civilians, especially women and children, had been killed in shoot-outs and bombings. To generate hostility toward the armed revolt against him and his government, the Shah also regularly televised the funerals of soldiers killed in attacks.⁶²

⁶⁰ *Tahlil-e Amouzeshe-ye Bayaniye Apportunist-haye Chapnama (Educational Analysis of the Statement of the Pseudo-Leftist Opportunists)*, People’s Mojahedin of Iran, Spring 1979, pp. 237-239.

⁶¹ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 141.

⁶² *Id.* at 143.

V. Original MEK Resurrected

Pressured by human rights groups, in early 1977 and 1978 the Shah released hundreds of political dissidents, including original MEK members. During this same period, resistance groups joined together in a united front against the Shah. In December 1978, they suspended armed struggle in favor of strikes and demonstrations.⁶³

Massoud Rajavi and other Muslim MEK members who had been sentenced to long prison terms were not released until a week after the collapse of the Pahlavi regime – 12 days before Khomeini returned to Iran on January 21, 1979.

By that time, only about 100 members remained in the Muslim MEK.⁶⁴ They began to rebuild and reorganize their ranks.⁶⁵ By February 1979, they had established secret cells in Tehran, Tabriz, Mashhad, and Isfahan. Rajavi formed a new central committee, composed mainly of members who had been imprisoned. The most visible leaders were:

- **Massoud Rajavi:** Head of the Muslim MEK.
- **Musa Khiabani:** The son of a devout shopkeeper in the Tabriz bazaar and second in command and spokesman of the MEK.
- **Mehdi Abrishamchi:** A former chemistry student, he is credited with saving the Muslim MEK after the “great schism” with the Marxists.
- **Abbas Davari:** For his association with the MEK, he was sentenced to prison in 1972 and spent much time at the Qasr Prison with Rajavi, Khiabani, and Abrishamchi.
- **Ali Zarkesh:** He succeeded Mousa Khiabani, who was killed in Tehran in February 1982.
- **Mohammad Zabeti:** The head of the Social Section of the MEK, he was killed in April 1982 when Iranian security forces attacked his residence in Tehran.
- **Mohammad Sayyed Kashani:** He joined the MEK in 1965.

⁶³ *Id.* at 171. Abrahamian states violence was allowed only if authorized by Khomeini. According to the MEK, this is inaccurate and Khomeini did not have such authority. See *Facts and Myths on the People's Mojahedin of Iran*, Association of Committed Professors of Iranian Universities, 1990.

⁶⁴ Interview with NCRI members, August 2005.

⁶⁵ *Id.*

- **Mansour Bazargan:** He joined the MEK in the late 1960s and was killed in July 1988 during Operation Eternal Light.

The MEK's goal was to build a mass movement to support its political ambitions. Rajavi regularly gave lectures at universities, which were widely republished and distributed. Some of the early texts included "modern assumptions concerning women." The MEK later became more explicit, championing women's rights, "including the right to have exactly the same legal standing as men."⁶⁶

The new leadership issued a 14-point plan for the future of Iran. Among its goals:

- Nationalization of all large banks, factories, and agribusinesses.
- Abrogation of all "unequal treaties" and concessions to foreign powers.
- Extension of state credit to small entrepreneurs.
- Creation of a people's army free of foreign advisors.
- Guaranteed freedoms to operate newspapers, political parties, and social associations.
- Recognition of women's rights.⁶⁷

In the last days of the Pahlavi regime, the Muslim MEK helped "deliver the final blow" by defeating the Shah's elite guards, battling them with weapons they had stolen from police stations, armories, and military barracks.

After the Shah fled Iran, a provisional government was established, led by Mehdi Bazargan, who had founded the Liberation Movement in 1961. The Provisional Government urged the formation of a secular and democratic republic, while Ayatollah Khomeini and other clerics sought to create a theocratic state.

Bazargan praised the MEK as a grandchild of the Liberation Movement and called it one of the three pillars of the revolution, along with Khomeini and Ali Shariati, a scholar who combined Islam with liberation theology. The MEK began to enjoy considerable popular support. To commemorate its sacrifices, institutions were renamed after its founders:

- Tabriz University became Hanifnejad University.

⁶⁶ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 184.

⁶⁷ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 185.

- Agricultural College was renamed Hanifnejad College.
- The main heart clinic in Tehran became Mehdi Rezai Heart Hospital.
- Ayra Mehr Industrial University was renamed Sharif-Vaqefi University
- A new women's college was named Mujahedin College.

After the revolution, Khomeini offered to share power with the MEK on the condition it accept the clergy as the ultimate authority. Rajavi recounted the meeting:

The Mujahedin were still in hiding the night Khomeini got back from Paris. So he sent his son, Ahmad, round with a message. Khomeini wanted two things: that we accept his enemies as our enemies, and that the Mujahedin publicly recognize the Ayatollah's divine nature. We sent Ahmad away. Later I met Khomeini. He held out his hand for me to kiss, and I refused. Since than [sic], we've been enemies.⁶⁸

Khomeini enjoyed overwhelming public support and the MEK was clearly not strong enough politically to directly challenge him and the clerical shadow government. Until the balance shifted, the MEK "scrupulously adhered to a policy on non-confrontation."⁶⁹

In August 1979, the MEK offered 26 candidates in the election for the Assembly of Experts. None of the candidates won a seat. Rajavi received about 300,000 votes out of a total of about 16 million ballots cast.

The Provisional Government published a draft constitution modeled on France's Fifth Republic constitution championed by Charles de Gaulle. The Assembly of Experts, under the direction of Ayatollah Mohammad Hosayn Beheshi, altered key sections of the document, radically changing the structure of government. They added to the document "a long string of clauses that in effect shifted sovereignty from the people to the ulama [council of Muslim theologians] and real power from the president and elected deputies to the senior clerics."⁷⁰

The changes fueled a heated public debate. Organizations and individuals regarded the draft constitution as undemocratic because it granted ultimate authority to the clergy. The Provisional Government threatened to bring the unaltered constitution before the public for

⁶⁸ "Why the Shah's Pilot Flew Bani-Sadr to Paris," CHRISTIAN SCIENCE MONITOR, August 11, 1981.

⁶⁹ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 189.

⁷⁰ *Id.* at 55.

a vote. At the height of the dispute, on the afternoon of November 4, 1979, 400 students broke into the US embassy and took 73 Americans hostage.

In December, a referendum was held on the constitution. The MEK boycotted the vote. In the heated atmosphere of the hostage crisis, the public approved the constitution.

In January 1980, Rajavi attempted to run for president, but Khomeini barred him from the ballot because he had refused to support the constitution. Abol-Hasan Bani-Sadr, the son of a prominent ayatollah, was overwhelmingly elected president, receiving 10 million of the 14 million votes cast.

The final elections were held to select members for the new parliament. Since Khomeini's regime had lost the presidency, it needed to gain control of the parliament if it were to maintain its authority.

In that election, the MEK sponsored 127 candidates. Even though these candidates collected about one million votes, when the official results were announced, the MEK found it had won no seats. In Tehran, Rajavi received about a quarter of the 2.1 million votes cast in the election, qualifying for the runoff. But, in the second round, even though the MEK candidates received about 20 percent of the votes, again the MEK won no seats. The MEK complained to President Bani-Sadr that its rallies had been disrupted, voters who supported it were intimidated, its campaign workers were beaten up, and ballot boxes were burned. These complaints were to no avail.⁷¹

After the elections, the MEK realized it that it enjoyed substantial popular support but it would not be allowed to function as a loyal opposition group within the Islamic Republic.⁷² Its resistance against the IRP hardened. It initiated a major media campaign against the mullahs. By mid-1980, the circulation of its paper, *Mojahed*, reached 500,000. President Bani-Sadr also joined the opposition, denouncing the IRP as a "threat to Islamic democracy."

The MEK "expanded their militia and their clandestine organization, recruiting military personnel, building up their arms caches, establishing new safe houses, and setting up secret printing presses."⁷³ By the end of 1980, the MEK was openly accusing Khomeini of "hijacking the revolution," "monopolizing power," and trampling over "democratic

⁷¹ *Id.* at 204.

⁷² *Id.* at 205.

⁷³ *Id.* at 207.

rights.”⁷⁴ Additionally, the MEK criticized the clerical government for mismanaging the economy and failing to help the poor:

In the economic sphere, they denounced the regime for having failed not only to raise the standard of living, but also to tackle the unemployment problem; to control the spiraling inflation, especially in rents and food prices; to diminish the dependence on the West, particularly in the vital arena of agricultural imports, to diversify the exports and lessen the reliance on the oil industry; to distribute land to the landless; to build homes for the homeless; to deal with the ever-increasing growth of urban slums; and, even more sensitive, to stamp out corruption in high places.⁷⁵

Khomeini and the ayatollahs fought back, smearing the MEK in IRP publications and media. In November 1980, the government’s chief prosecutor shut down *Mojahed*, the MEK newspaper. Organized gangs called *hazbollahis* (partisans of God), set up by the clergy, “shot newsgagents selling Mojahedin publications; beat up suspected sympathizers; bombed homes (including that of the Rezai family); broke into the offices of the Muslim Student Association; disrupted conferences, especially the Congress of Trade Unions; and physically attacked meetings, shouting ‘Hypocrites are more dangerous than infidels.’”⁷⁶

Khomeini’s regime closed down the offices of the MEK, banned its demonstrations, and issued arrest warrants for some of its leaders, forcing the organization to go underground. The MEK complained to President Bani-Sadr, “We have ignored past provocations, but as good Muslims we have the right to resist and to take up arms if necessary, particularly if the monopolists deprive us of our rights to demonstrate.”⁷⁷ Rajavi stated, “As Muslims, we have a sacred duty to resist tyrannical behavior.”⁷⁸

President Bani-Sadr, also under attack by the Islamic Republican Party, formed an alliance with the MEK. Together they organized a series of mass demonstrations, generating crowds of 500,000 people. They urged the public to demonstrate against the “dictatorship of the mullahs,” which they declared was far worse than the Shah.

The MEK made democracy the main issue in its struggle for power and said the clerics “had broken all the democratic promises made during the revolution.”⁷⁹

⁷⁴ *Id.* at 206.

⁷⁵ *Id.*

⁷⁶ *Id.* at 213.

⁷⁷ *Id.* at 217.

⁷⁸ *Id.* at 216.

⁷⁹ “Why the Shah’s Pilot Flew Bani-Sadr to Paris,” CHRISTIAN SCIENCE MONITOR, August 11, 1981.

On June 1, 1981, President Bani-Sadr demanded a referendum on the IRP and its policies. Days later, the interior ministry shut down the president's office. On June 10, Khomeini removed President Bani-Sadr from the Supreme Defense Council and issued a warrant for his arrest. In protest, huge demonstrations were organized. On June 11, Bani-Sadr went into hiding.

Khomeini announced on television that demonstrations were acts against God. The MEK and Bani-Sadr called on the public to demonstrate its opposition to the ruling regime and throw them out of power. On June 20, vast protests erupted across Iran. A half million people filled the streets of Tehran.

The clerics ordered the Revolutionary Guard (*pasdars*) to fire into the crowds. About 50 people were killed and more than 200 were injured. Ayatollah Sadeq Khalkhali "announced that the courts had a sacred duty to shoot at least fifty troublemakers a day."⁸⁰

On June 21, 1981, Iran's Majles (its parliament or consultative assembly) removed Bani-Sadr from the presidency. In his stead, Khomeini created a presidential council and appointed to it Ayatollah Mohammad Beheshti, Hojjat al-Islam Rafsanjani, and Mohammad-Ali Rajai.

The mass demonstrations on June 20 mark the beginning of a reign of terror. Resistance groups throughout Iran battled against Khomeini and the IRP. *Time Magazine* said that, of more than a dozen factions, the MEK "emerged as the best organized and the most likely to bid for power in the event of the regime's collapse."⁸¹

Looking back at events, Rajavi said, "The Mujahedin never wanted armed struggle. For two and a half years we suffered without doing anything. In that time Khomeini killed off 85 percent of our sympathizers and stripped us [of] our constitutional rights."⁸²

A. National Council of Resistance of Iran

The alliance between President Bani-Sadr and the MEK was announced in a letter dated July 18, 1981, and signed by the former president. Bani-Sadr described himself as "the elected president and guardian of the Islamic revolution and its constitutional system."

⁸⁰ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 67.

⁸¹ "A Government Beheaded," *Time Magazine*, September 14, 1981.

⁸² *Id.*

In Tehran on July 21, 1981, Massoud Rajavi announced the formation of the National Council of Resistance of Iran (NCRI) to act as a legislative assembly until free elections could be held. Other democratic organizations were invited to join in opposing the Islamic Republic and replacing it with a democratic Islamic republic that provided basic liberties to all citizens.⁸³ Among the tenets of the new government would be free speech, a free press, freedom of worship, a free judiciary, free political parties, and free elections.

Having failed to defeat the Khomeini's mullahs, Rajavi and Bani-Sadr flew to Paris on July 29, where they had received political asylum. There, they coauthored a manifesto that detailed grievances against Khomeini and their goal to establish a "legitimate government" in Iran. They promised that, once they returned to Iran, within six months they would hold "free elections."

In the meantime, the civil war in Iran continued. Rajavi's right-hand man, Musa Khomeini, who headed the MEK's clandestine network in Iran, carried out daily attacks against government officials, Revolutionary Guards, and prominent clerics. The IRP sharply increased the number of executions, from an average of 18 a day in September to 80 daily in December 1981. The regime publicized these death sentences, often leaving bodies on public gallows. It even announced executions of whole families, including teenage daughters and a 60-year-old grandmother.

In October 1981, *Newsweek* reported that Tehran had "erupted in the bloodiest street fighting since the fall of the Shah. Khomeini's vengeful firing squads executed anyone, including children, suspected of aiding the rebels."⁸⁴ The magazine reported that the Islamic courts "processed death warrants like traffic tickets: in one week firing squads eliminated at least 500 suspects."⁸⁵

Gradually, the clerics gained the upper hand in the war and the level of violence subsided. The number of attacks by the MEK dropped from a peak of three per day in July 1981 to five per week in February 1982, to only five per month in December 1982.⁸⁶

During the reign of terror, which lasted from June 1981 until 1985, Ayatollah Khomeini's regime executed 12,250 people, of whom about 9,000 were MEK members.⁸⁷

⁸³ By 1983, the Council included the Kurdish Democratic Party of Iran (KDPI), the National Democratic Front, the Hoviyat Group, Workers' Party, Union for Workers' Liberation, and United Left Council for Democracy and Independence.

⁸⁴ "Teheran's Reign of Terror," *Newsweek*, October 12, 1981.

⁸⁵ *Id.*

VI. Who Are the Mujahedin?

The MEK were named after the Mujahedin Constitutionalists and the Mujahedin guerrillas who fought against occupying Russian and British troops in the Jungle Revolution.

A. Mujahedin Constitutionalists

The Mujahedin Constitutionalists were armed guerrillas who battled Mohammad Ali Shah (grandfather of Mohammad Reza Shah) after he overthrew the democratically elected government in a coup d'état in 1908.

In 1905 and 1906, Iran experienced a peaceful revolution that led to the establishment of the country's first constitution. The revolution began as a series of demonstrations to protest inefficient, corrupt, and oppressive government policies. Protestors first demanded the removal of Ain-u-Dola, the prime minister, then expanded their list of grievances to include the creation of a constituent national assembly and the drafting of a constitution.

The ailing Muzaffar ad-Din Shah agreed to these demands, and, in 1906, Iran held its first parliamentary election. The assembly then drafted a constitution, adapted from the constitution of Belgium, establishing a parliamentary system of government. The constitution granted parliament final authority "over all laws, decrees, budgets, treaties, loans, monopolies, and concessions."⁸⁶ Government ministers were also responsible to the parliament. Although the Shah was given authority to appoint half the members of the Senate, under the constitution, his powers were largely ceremonial.

While on his deathbed, the Shah gave his blessing to the constitution. A few days after his death, he was succeeded by his son, Mohammad Ali Shah.

The new government enacted numerous reforms that proved controversial. Although the new Shah publicly endorsed the constitution, in private he worked to undermine its authority. Part of his plan included forming the Cossack Brigade, which included many Russian mercenaries. In June 1908, the Shah mounted a coup d'état. The Cossack Brigade surrounded and

⁸⁶ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 223.

⁸⁷ *Id.* at 1.

⁸⁸ *Iran Between Two Revolutions*, Ervand Abrahamian, Princeton University Press, 1982, p. 88.

bombarded the parliament. Reformist leaders were detained and executed. The Shah declared martial law, banned all societies and public meetings, and dissolved the National Assembly.

A popular revolt against the new Shah first erupted in Tabriz, the capital of Azerbaijan province, and quickly spread across the nation. The people's militia called themselves the Mujahedin Constitutionalists.

This uprising led to a civil war, which ended in 1909 with the defeat of the Shah's army. Mohammad Ali Shah fled the country to Russia and was replaced by his 12-year-old son. A temporary government was established and a second National Assembly convened on August 5, 1909.

B. Mujahedin of the Jungle Revolution

Armed struggle again erupted in 1914 in response to the deployment of Russian, British, and Turkish military forces on Iranian soil.

In 1907, Russia and Britain had signed a treaty formalizing their zones of influence in Iran. Both countries had long competed for control of the country. Britain agreed to Russian domination of northern and central provinces, while Russia agreed to British control of the southern provinces.

The second National Assembly, which convened in 1909, was plagued with dissent and an inability to find consensus on proposed secular reforms. Both Russia and Britain, determined to maintain their hold on Iran, sought to take advantage of this internal discord.

In 1911, Tsarist Russia threatened to send troops to Tehran unless the government made concessions to ensure entry of Russian goods into the country. Russia later deployed troops into northern Iran to counter British military forces dispatched to Iran to protect its interests in the south. After the outbreak of World War I, Turkish troops crossed into Iran's Azerbaijan and Kurdistan provinces. Iran could not prevent the incursions and by 1915, its central government had "ceased to exist," according to a British minister.⁸⁹

In 1914, a small guerrilla group, headed by Mirza Kuchak Khan, a former clergyman, sought to reestablish the country's independence and "freedom from colonialism."⁹⁰ Khan liberated Gilan province and declared it a republic. The armed struggle, waged in the

⁸⁹ *Id.* at 103.

⁹⁰ *Revolutionary Islam in Iran*, Suroosh Irfani, Zed Books Ltd., London. 1983, p. 54.

subtropical mountains, became known as the Jungle Revolution. The guerrillas, named the Mujahedin, became the “most powerful guerrilla movement in the history of Iran.”⁹¹

The Mujahedin battled both foreign troops and Iranian soldiers who supported the Shah. The conflict peaked in 1920 and 1921. The guerrillas never were able to gain control of Tehran. Russia had originally supported the guerrillas, but, believing the Mujahedin would not ultimately triumph, signed a treaty with the shah in 1921, bringing the Jungle Revolution to an end.

C. Liberation Movement

The Liberation Movement was established in May 1961 by Mehdi Bazargan, Ayatollah Seyyed Mahmud Taleqani, and ten other like-minded reformers.⁹²

Members of the Liberation Movement described themselves as Muslims, Iranians, constitutionalists, and Mossadeqists:

Muslims because we refuse to divorce our principles from our politics; Iranians because we demand freedom of thought, expression, and association; Mossadeqists because we want national independence.⁹³

The group supported the reimplementation of the 1906 constitution. On the day the group was formed, Barzargan made the following remarks (see Appendix for his complete statement):

We recognize freedom as a primary divine gift and its achievement and keeping are for us an Islamic tradition and a hallmark of Shi'ism. We are Muslims in the sense that we believed in the principles of justice, equality, sincerity, and other social and humane duties before they were proclaimed by the French revolution and the Charter of the United Nations.⁹⁴

We respect the Iranian constitution as an integral whole, and will not accept that its basic principles, namely the freedom of thought, press, and reunions, the independence of judges, the separation of powers, and finally honest elections be forgotten and sacrificed⁹⁵

⁹¹ *Id.* at 51.

⁹² Bazargan, Taleqani, Yadollah Sahabi, Hasan Nazih, Mansur Ata'i, Rahim Ata'i, Abbas Radnia, Abbas Sami'i, Abbas Sheibani, Ezzatollah Sahabi, Ahmad Alibaba'i, and (probably) Ahmad Sadr Hajj-Seyyed-Javadi.

⁹³ *Iran Between Two Revolutions*, Ervand Abrahamian, Princeton University Press, 1982, p. 460.

⁹⁴ *Iranian Politics and Religious Modernism: The Liberation Movement of Iran Under the Shah and Khomeini*, H.E. Chehabi, Cornell University Press, 1990, p. 158.

We honor Mosaddeq as the only head of government in Iran's history who was truly chosen and loved by the majority of the people, who acted in a direction desired by the people, enabling him to establish bonds between the rulers and the ruled and explain the true meaning of government and thus achieve the greatest success in Iran's recent history, namely the victory over colonialism."⁹⁶

Bazargan, educated as an engineer, formed the Islamic Student Society at Tehran University to counter the influence of the Tudeh Party, a Communist group. When the Tudeh Party established an alliance with the Iran Party, Bazargan resigned from the party in protest. Bazargan went on to become the dean of Tehran University's College of Science and Technology, the first director of the National Iranian Oil Company, and, in 1977, co-founder of the Iranian Human Rights Association.

When Mohammad Reza Shah was forced from power, Bazargan was appointed by Ayatollah Khomeini as provisional prime minister. Within a year, Bazargan resigned, protesting that the radical clerics were undermining the pro-democratic, secular government.

Taleqani was a religious leader who taught scripture at secondary school. He became the leading cleric in Tehran and later an ayatollah. Taleqani wrote two important books, one of which argued that Shi'ism was "inherently against autocracy and for democracy."⁹⁷

After its founding, the Liberation Movement was able to operate openly as a party within the political system for only 19 months. Following the June Uprising in 1963, it was officially banned. When the MEK was established, the Liberation Movement provided financial support and helped publish its underground paper.⁹⁸

D. Mujahedin Not Marxists

Nearly four decades after the MEK was established, the US State Department describes the organization as a mixture of Marxism and Islam. [See Section VIII for excerpts from the State Department's description of the organization.]

⁹⁵ *Id.* at 158.

⁹⁶ *Id.*

⁹⁷ *Iran Between Two Revolutions*, Ervand Abrahamian, Princeton University Press, 1982, p. 459.

⁹⁸ *Iranian Politics and Religious Modernism: The Liberation Movement of Iran Under the Shah and Khomeini*, H.E. Chehabi, Cornell University Press, 1990.

1. NCRI Political Platform

Since its founding, the Mujahedin's political goals have evolved and matured. The following is its political platform as announced by Maryam Rajavi on June 16, 1995.⁹⁹

Fundamental Freedoms

- The National Council of Resistance believes in political pluralism and a multi-party system.
- It recognizes democracy as the sole guarantee for the advancement and progress of the country.
- It believes in equal political and social rights for all and rejects all discrimination based on gender, creed, or religion.
- It views elections and the popular vote as the sole criterion of legitimacy for elected officials.
- The NCRI respects the Universal Declaration of Human Rights and commits itself to the Declaration's implementation.
- It recognizes complete freedom of thought and expression and prohibits any form of torture and ideological scrutiny under any pretext.
- The council allows all forms of opposition to the government up to the point of armed rebellion. It guarantees judicial and occupational security of all citizens and dissolves all military tribunals, revolutionary and emergency courts, and all repressive organs, such as the Pasdaran Corps, and bans any form of torture.

Separation of Church and State

- The National Council of Resistance believes in the separation of church and state. Its plan in this regard stipulates that "while respecting all religions and denominations, the Council does not and will not recognize any religion as enjoying any privileges."
- It rejects discrimination among the followers of different religions and denominations. The plan stresses: "No citizen shall be denied rights or granted privileges in being elected, suffrage, employment, education, judgeship and other social and individual rights on the basis of his or her religion or lack thereof."
- It guarantees complete freedom for the followers of all religions to practice their traditions and rites.

⁹⁹ <http://www.iran-e-azad.org/english/maryam/plan.html>

Economy

- The NCRI's economic policy is based upon the free market, recognition of national capitalism and the bazaar, private and personal ownership, and investment.
- In the Council's view, reconstructing Iran's economy is possible only if all citizens engage in investment and only with the cooperation of technocrats, specialists, and Iranian businessmen currently abroad.
- The Provisional Government considers the abolition of retrogressive and reactionary laws, once the current regime is toppled, a priority.
- The NCRI program stresses strengthening industrial production, technical and professional training, and utilizing the latest scientific and technical advancements.
- The Council aims to help and support the expansion of small businesses. The NCRI believes subsidies for raw materials and essential goods are acceptable only as temporary measures, until the economy recovers.
- The NCRI's other priorities include reducing inflation and unemployment.

Equality Between Men and Women

- The National Council of Resistance believes in complete equality between women and men.
- The NCRI's conduct during these years best attests to this commitment. The Council's Declaration on the Rights and Freedoms of Women stresses "the complete social, political, cultural and economic equality between women and men."
- The NCRI's plan also emphasizes the rights and freedoms of women in choosing their occupation, clothing, education, and spouse, and in seeking to divorce.
- In the NCRI's view, the extensive participation of women in the Council and other aspects of the Resistance, including the highest position, the presidency, represents a strategic blow to the mullahs' fundamentalist outlook, whose basic characteristic is enmity toward women.
- The NCRI also believes that the progress and advancement of a society can best be evaluated by the degree to which women's rights and freedoms are realized in that society.

Ethnic Minorities

- The National Council of Resistance recognizes the rights of all ethnic minorities.
- It believes that granting the rights of all sectors of the society will guarantee national solidarity and a lasting democracy.
- The NCRI has adopted a plan recognizing the autonomy of Iranian Kurdistan within the territorial integrity of Iran.
- For the first time in Iran's history, Iranian Kurds can administer their own affairs and teach Kurdish in their schools. Without any sexual, ethnic, racial, and religious discrimination, they will enjoy, like other citizens, equal social, economic, political, and cultural rights.

Cultural and Artistic Affairs

- The National Council of Resistance considers the fight against the fundamentalist and extremist culture promulgated by the mullahs as one of its key responsibilities. This is reflected in all of the democratic programs and behavior of the Council.
- In contrast to the mullahs' regime, which advocates extremism, brutality, vengeance, and grief for the Iranian people, the NCRI promotes moderation, compassion, mercy, and happiness for all Iranians.
- President-elect Maryam Rajavi best describes the NCRI's views concerning art and its importance: "We hope that our genuine culture and art can take the spirit of life and hope, light and brightness, prosperity and abundance throughout the country and deep into the heart of every Iranian, fueling the flames of hope for a better life and a brighter future."

Foreign Policy

- The NCRI's foreign policy is based on independence, respect for the United Nations Charter and international covenants and treaties, good neighborliness, peace, and international and regional cooperation and non-interference in the affairs of other countries.
- Promoting stability and peace in the sensitive Middle East region is one of the pillars of the NCRI's foreign policy.
- The NCRI supports the establishment of peace between Israel and Palestine and other Arab countries.
- It seeks to establish friendly relations with all regional countries. The NCRI views expanding relations with industrial countries as essential to the reconstruction of the future Iran.

Defense

- The NCRI is committed to safeguarding peace and tranquility in the region and condemns all forms of aggression and expansionism.
- The NCRI opposes unrestrained stockpiling of conventional weapons, but allows weapons procurement to the extent necessary for the country's defense against foreign aggression.
- The National Council of Resistance is strongly opposed to nuclear proliferation and the production of weapons of mass destruction and ballistic missiles. The Council was the first to expose the clerical regime's efforts to procure nuclear weapons.

Discussion

The State Department's description of the MEK as Islamic Marxists is grossly inaccurate and fails to reflect policy changes since the group formed and its historical roots in support of democracy and freedom.

The false portrayal may be in part a reflection of the Shah's propaganda campaign against the MEK. To undercut the MEK's support, he demonized the group as Marxist. The Shah also "launched a major propaganda drive on the theme that Marxism and Islam were incompatible," and that Marxism, being "materialistic," was "out to destroy Islam."¹⁰⁰

Massoud Rajavi responded to the false description in October 1981. "If you ask us if we are leftist, we say yes, if what you mean by leftist is social justice, freedom and independence," Rajavi said. "If you mean Marxist, no."¹⁰¹

Most of the founding MEK members were born in the bazaar community, which considered "Marxism to be synonymous with atheistic materialism."¹⁰² MEK members, however, were influenced by Marxist thought. The organization originally supported land reform, a redistribution of wealth, and a classless society.

¹⁰⁰ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 143.

¹⁰¹ "International News," ASSOCIATED PRESS, October 28, 1981.

¹⁰² *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 101.

The State Department asserts that the MEK's record of behavior does not substantiate its capability or intention to be democratic.¹⁰³ Nothing could be further from the truth.

The MEK named themselves, in part, after the Mujahedin Constitutionalists, who fought to reestablish a democratic government after Mohammad Ali Shah overthrew Iran's democratically elected government in 1908. The MEK is also named after the Jungle Revolution Mujahedin, Islamic nationalists who opposed the oppression imposed by the occupying military forces of Britain, Russia, and Turkey.

Founding members of the MEK were members of the Liberation Movement, established in 1961 to bring full democracy to Iran. Members of the Liberation Movement called themselves constitutionalist because they wanted to re-establish the 1905-09 constitution put in place by Iran's first democratically elected parliament.

When the Muslim MEK reemerged in 1979 after the fall of the Shah, the MEK supported Mehdi Bazargan's Provisional Government that opposed the theocratic, non-democratic mullahs. The MEK participated in the presidential and parliamentary democratic elections, hoping to become the loyal opposition.

For 13 months, the MEK worked to bring democracy to the new government of Iran – but without success. In the final months, Iran's democratically elected president, Bani-Sadr, joined the MEK in an attempt to remove Ayatollah Khomeini's regime from power.

After relocating to Paris in 1981, the MEK/NCRI formed a government-in-exile that supports democracy in Iran. The 1995 political platform of the NCRI could not be clearer in its democratic principles. It states unequivocally that it “believes in political pluralism and a multi-party system.” The group stated that it “recognizes democracy as the sole guarantee for the advancement and progress of the country.”

Based on an objective understanding of the facts about the MEK, the organization is clearly not Marxist.

¹⁰³ “Report on the People's Mojahedin of Iran,” Unclassified document, US State Department, 1994

VII. Reasons MEK Opposed the Shah

The MEK asserted the Pahlavi regime remained in power by terrorizing and traumatizing the public. The Iranian people were forced into submission through fears of reprisal and job insecurity, arbitrary arrest, and torture. Below are the main reasons stated by the MEK for opposing the Pahlavi regime:

- The regime came to power in 1921 through a British-financed coup d'état.
- It remained in power with the help of the 1953 CIA-sponsored coup d'état.
- The bloodshed during the 1963 Uprising.
- The regime trampled the constitution.
- It capitulated to US advisors.
- It terrorized the public through SAVAK and military tribunals.
- The regime allied with the West, Israel, and countries elsewhere against the Third World, the Arab nations, the peoples of Africa, and the Vietnamese liberation movement.
- The regime was rife with unbridled corruption.
- It wasted scarce resources on the armed forces.
- It allowed a small elite to enrich itself at the expense of the poverty-stricken masses.
- It sold the country to Western corporations.
- It undermined Shi'ite values by spreading consumerism, cultural imperialism, and monarchism.

VIII. FTO Designation

In October 1997, former Secretary of State Madeleine K. Albright approved the first listing of Foreign Terrorist Organizations. These first 30 groups included the Mujahedin-e Khalq organization (MEK).¹⁰⁴ The group is also known as:

- MKO
- People's Mujahedin Organization of Iran
- PMOI
- Organization of the People's Holy Warriors of Iran
- *Sazeman-e Mujahedin-e Khalq-e Iran*
- National Council of Resistance
- NCR
- National Council of Resistance of Iran
- NCRI
- National Liberation Army of Iran
- NLA¹⁰⁵

According to the US State Department, the full name of the group is *Sazeman-e Mujahedin-e Khalq-e Iran* or Organization of People's Holy Warriors of Iran. This name is "generally shortened" to the Mojahedin-e Khalq or the People's Mojahedin.¹⁰⁶

Acronyms used for the group include MKO, for Mujahedin-e Khalq Organization; MEK, for Mujahedin-e Khalq; and PMOI, for the People's Mujahedin Organization of Iran.

¹⁰⁴ "Secretary of State designates Foreign Terrorist Organizations (FTOs)," US State Department, October 5, 2001

¹⁰⁵ US State Department, 2005.

¹⁰⁶ "Report on the People's Mojahedin of Iran," Unclassified document, US State Department, 1994

The State Department describes the MEK as follows:

The MEK philosophy mixes Marxism and Islam. Formed in the 1960s, the organization was expelled from Iran after the Islamic Revolution in 1979, and its primary support came from the former Iraqi regime of Saddam Hussein starting in the late 1980s. The MEK conducted anti-Western attacks prior to the Islamic Revolution. Since then, it has conducted terrorist attacks against the interests of the clerical regime in Iran and abroad. The MEK advocates the overthrow of the Iranian regime and its replacement with the group's own leadership.¹⁰⁷

The State Department alleged the MEK “worldwide campaign against the Iranian Government stresses propaganda and occasionally uses terrorist violence.”¹⁰⁸

A. 2005 State Department Allegations

Following are activities that the State Department alleges the MEK carried out, and that it concludes warrant designating the MEK a Foreign Terrorist Organization:¹⁰⁹

- “During the 1970s, the MEK killed US military personnel and US civilians working on defense projects in Tehran.”
- [The MEK] “supported the takeover in 1979 of the US Embassy in Tehran.”
- “In 1981, the MEK detonated bombs in the head office of the Islamic Republic Party and the Premier’s office, killing some 70 high-ranking Iranian officials, including Chief Justice Ayatollah Mohammad Beheshti, President Mohammad-Ali Rajai, and Premier Mohammad-Javad Bahonar.”
- “Near the end of the 1980-1988 war with Iran, Baghdad armed the MEK with military equipment and sent it into action against Iranian forces.”
- In 1991, the MEK assisted the Government of Iraq in suppressing the Shia and Kurdish uprisings in southern Iraq and the Kurdish uprisings in the north.”
- “In April 1992, the MEK conducted near-simultaneous attacks on Iranian embassies and installations in 13 countries, demonstrating the group’s ability to mount large-scale operations overseas.”

¹⁰⁷ “Country Reports on Terrorism,” US State Department, April 27, 2005.

¹⁰⁸ “Country Reports on Terrorism,” US State Department, April 27, 2005.

¹⁰⁹ *Id.*

- “In April 1999, the MEK targeted key military officers and assassinated the deputy chief of the Iranian Armed Forces General Staff.”
- “In April 2000, the MEK attempted to assassinate the commander of the Nasr Headquarters, Tehran’s interagency board responsible for coordinating policies on Iraq.”
- “The normal pace of anti-Iranian operations increased during ‘Operation Great Bahman’ in February 2000, when the group launched a dozen attacks against Iran. One of those attacks included a mortar attack against the leadership complex in Tehran that housed the offices of the Supreme Leader and the President.”
- “In 2000 and 2001, the MEK was involved regularly in mortar attacks and hit-and-run raids on Iranian military and law enforcement units and Government buildings near the Iran-Iraq border, although MEK terrorism in Iran declined toward the end of 2001.”

According to the State Department, “after Coalition aircraft bombed MEK bases at the outset of Operation Iraqi Freedom, the MEK leadership ordered its members not to resist Coalition forces, and a formal cease-fire arrangement was reached in May 2003.”

The following are detailed discussions on each allegation asserted by the US State Department.

IX. Alleged Killing of Americans

State Department Allegation

“During the 1970s, the MEK killed US military personnel and US civilians working on defense projects in Tehran.”¹¹⁰

The following is information about the attacks from open sources, and a discussion of each incident.

A. Brig. Gen. Harold Price

In May 1972, a bomb detonated under a car carrying Air Force Brig. Gen. Harold Price, breaking both his legs. *The Washington Post* reported that “an Iranian woman and a child walking in the street were killed by the blast.”¹¹¹

According to the US State Department, the attack was planned by “Kazem Zul Ani-Anvar” (Kazem Zolanvar), a member of the Central Committee that had been created by Reza Rezaei after the roundup and execution of the original MEK central committee members.¹¹²

Ervand Abrahamian states that the “MEK” were responsible for the attack, based on one of its publications.¹¹³

Discussion

It is unclear who carried out the attack. When it occurred, Iran’s military tribunals were conducting the final trials of the arrested MEK members. Only a handful of the original leadership existed outside prison. There was no longer a chain of command. The MEK consisted mostly of low-ranking members who were isolated and without resources. Under these circumstances, it is difficult to understand how the MEK could have mounted such an attack, especially since its members had been unable to carry out any previous strikes.

Zolanvar was arrested prior to the attempted assassination of Price and he could not have taken part in the attack. At that time, it was standard practice to cancel a planned

¹¹⁰ *Id.*

¹¹¹ “U.S. Officer Shot Dead by Iran Gunmen,” THE WASHINGTON POST, June 3, 1973.

¹¹² “Report on the People’s Mojahedin of Iran,” Unclassified document, US State Department, 1994.

¹¹³ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 140.

operation if a key individual was captured prior to the attack, to avoid compromising it. Zolanvar was sentenced to life imprisonment. Had he been involved in the attack, he would most assuredly have been executed. Mohammad Bazargani and Ali Bakeri, who were arrested at about the same time on lesser charges and were not involved in any military operations, were executed.¹¹⁴

When the attack on Price occurred, intelligence about Iran's various resistance groups was questionable. According to a CIA case officer stationed in Tehran from July 1973 to August 1975, no differentiation was made between the original MEK organization (which survives today) and the group that operated after the 1971-72 roundup and execution, which evolved into the Marxist "MEK."¹¹⁵

Two sources of information that detail the early attacks against Americans in Iran were produced by the US Air Force Office of Special Investigations in December 1975: *Terrorist Movements in Iran* and *Anti-American Terrorism in Iran*. The documents list acts of anti-Americanism in Iran between 1970 and 1975.¹¹⁶

The accuracy of the reports, however, is questionable. In his authoritative history of the MEK, Abrahamian commented on the documents:

By late 1975 the Pentagon was commissioning special reports on Iranian terrorists in general and on the Mujahedin in particular – these reports were under the illusion that the Mujahedin received training in China and functioned as the armed wing of Bazargan's Liberation Movement.¹¹⁷

B. Lt. Col. Lewis Hawkins

Lt. Col. Lewis L. Hawkins, an American military advisor, was killed on June 2, 1973, in Tehran "by an Iranian terrorist, who shot him in the head and then escaped on a motorcycle," according to the US embassy.¹¹⁸ *The Washington Post* reported Hawkins was killed by "two gunmen."¹¹⁹

¹¹⁴ Discussion with the NCRI, September 2005, (Three years after his arrest, Zolanvar was killed by SAVAK, along with eight other political prisoners on the hills of Evin Prison; SAVAK claimed they had tried to "escape.")

¹¹⁵ Interview with CIA case officer, September 1, 2005.

¹¹⁶ *The Eagle and the Lion*, James A. Bill, Yale University Press, 1988. See footnote no. 16, p. 483.

¹¹⁷ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 144.

¹¹⁸ "Iran Terrorist Kills American Military Aide," (Associated Press), LOS ANGELES TIMES, June 3, 1973.

¹¹⁹ "Iran Vows Action Against Assassins," THE WASHINGTON POST, June 6, 1973.

The attack, said *The Washington Post*, was carried out by “members of a radical leftist guerrilla group.”¹²⁰ It occurred exactly one year after the bombing of Brig. Gen. Price’s car.¹²¹ In 1972, it was believed that there were about 500 guerrillas in Tehran, of whom only a small number were thought to be well trained.¹²²

According to *The Washington Post*, “the Iranian guerrillas rarely issue[d] communiqués claiming credit for and explaining motives for specific actions.”¹²³

The two smallest groups identify themselves as Marxists revolutionaries. One is an offshoot of the former Tudeh Communist Party here, which was pro-Moscow. In a broadcast from Baghdad yesterday this group indicated disapproval of Hawkins’ killing Smaller and less active is the Maoist Revolutionary Organization of Tudeh, diplomatic sources say. The most important group is the Iran Liberation Organization, which despite government efforts to portray it as Communist, stresses Islamic fundamentalism and a conservative political philosophy.¹²⁴

The New York Times reported that “leftist guerrillas opposed to Shah Mohammed Riza Pahlevi [had] made Americans one of their targets in a campaign carried on since early 1970.”¹²⁵

A broadcast from a clandestine radio station believed to be in Iraq said the murder of the American advisor was “only the beginning.” The guerrillas, according to *The Washington Post*, were “divided into at least three competing factions” and were known to broadcast from clandestine stations in Baghdad, Iraq; Baku in the USSR; and Sophia, Bulgaria.¹²⁶

Abrahamian claims the attack was “in retaliation to the murder of the nine political prisoners.”¹²⁷ The State Department alleges Reza Rezai “was arrested and executed by the Shah’s government for the murder of Colonel Hawkins.”¹²⁸

However, according to a May 11, 1976 article published in *The Washington Post*, Vahid Afrakhteh (also spelled Afrakhten) confessed to a Westerner allowed to see him before he was executed. Afrakhteh told the Westerner that he was responsible for the death of Lt. Col. Hawkins:

¹²⁰ “U.S. Officer Shot Dead by Iran Gunmen,” THE WASHINGTON POST, June 3, 1973.

¹²¹ “Iran Vows Action Against Assassins,” THE WASHINGTON POST, June 6, 1973.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ “Terrorist in Iran Kills U.S. Advisor,” ASSOCIATED PRESS article in THE NEW YORK TIMES, June 3, 1973.

¹²⁶ “Iran Vows Action Against Assassins,” THE WASHINGTON POST, June 6, 1973.

¹²⁷ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 142.

¹²⁸ *The People’s Mojahedin Organization of Iran*, Kenneth Katzman, Washington, November 1992.

Afrakhten said he personally killed Col. Lewis Hawkins in Tehran in 1973 and led the cell that gunned down Col. Paul Shaffer and Lt. Col. Jack Turner after stopping their chauffeur-driven car in 1975.¹²⁹

Discussion

Most likely, Vahid Afrakhteh was indeed responsible for the death of Lt. Col. Lewis L. Hawkins. Afrakhteh, along with Taqi Shahram and Bahram Aram, assumed control of the resurrected “MEK” after the original leadership was executed or imprisoned in 1971 and 1972. These three reshaped the organization, rejecting the Islamic ideology of the original MEK and injecting the organization with their Marxist ideology. They targeted Americans to demonstrate that their ideology was more effective than the original MEK ideology.

The State Department’s allegation that Reza Rezai was executed for killing Lt. Col. Hawkins is inaccurate. Reza Rezai was killed by the police in 1972 and therefore could not have been involved in Lt. Col. Hawkins’ murder in 1973.

C. Col. Paul R. Schaffer and Lt. Col. John H. Turner

According to published sources, on May 21, 1975, three “terrorists with submachine guns shot and killed two United States Air Force officers.”¹³⁰ The officers were Col. Paul R. Schaffer, Jr. and Lt. Col. John H. Turner.

According to “Iranian officials,” the killers were “young leftists seeking to embarrass and undermine the Shah’s government.” A group calling themselves the “Iranian People’s Fighters Organization” claimed responsibility in an anonymous telephone call to the US embassy. *The New York Times* stated, “The names of the organization’s leaders were said to be unknown.”¹³¹ Leaflets were distributed at the site of the attack.¹³²

On July 29, 1975, *UPI* reported that security agents had captured two “left-wing ‘terrorists’ involved in the ambush slaying of two United States Air Force colonels.”¹³³ The police identified the two as “Wahmid Rahman Afrakheh” (sic), who, they said, was a ringleader of a clandestine “Islamic Marxist group,” and “Moshen Khamoushi.”¹³⁴

¹²⁹ “Iran Says Guerrilla Trained in Cuba,” *THE WASHINGTON POST*, May 11, 1976.

¹³⁰ “Iranian Terrorists Slay 2 U.S. Colonels,” *THE NEW YORK TIMES*, May 22, 1975.

¹³¹ *Id.*

¹³² *Id.*

¹³³ “Two Iranians Are Arrested in Killing of US Officers,” *UPI* report, *THE NEW YORK TIMES*, July 30, 1975.

¹³⁴ *Id.*

On August 11, 1975, four additional “terrorists” were arrested in connection with the murder of the two US Air Force colonels.¹³⁵

According to *The New York Times*, nine “guerrillas” were executed on January 24, 1976, in connection with the murder of “several person[s], including three American colonels.” During their trial, “the defendants confessed having killed the Americans, an Iranian employee of the United States Consulate, a police brigadier general, and three other Iranians.”¹³⁶

Vahid Afrakhteh (also spelled Afrakhten) confessed to the killing of Lt. Col. Hawkins, according to an article by *The Washington Post*.

Afrakhten said he personally killed Col. Lewis Hawkins in Tehran in 1973 and led the cell that gunned down Col. Paul Shaffer and Lt. Col. Jack Turner after stopping their chauffeur-driven car in 1975.¹³⁷

Afrakhten was among the nine executed by Iranian authorities.¹³⁸

Discussion

Vahid Afrakhteh is most likely responsible for the assassination of Col. Paul R. Shaffer, Jr. and Lt. Col. John H. Turner. Afrakhteh was a member of the Marxist “MEK,” which advocated the killing of Americans.

As explained above, Afrakhteh, Taqi Shahram, and Bahram Aram gained control of the resurrected “MEK” after the original leadership was either executed or imprisoned in 1971-72. When Shaffer and Turner were killed on May 21, 1975, they were in full control of the organization, implementing its operations.

Additional evidence that the Marxist “MEK” attacked Col. Shaffer and Lt. Col. Turner is the fact that a document claiming responsibility for the attack bears the Mojahedin emblem, but does not have the traditional verse from the Koran at the top. The Marxists “MEK” removed the verse to reflect its rejection of Islam.¹³⁹

¹³⁵ “Iran Arrests 4 Terrorists,” THE NEW YORK TIMES, August 12, 1975.

¹³⁶ “9 Are Executed in Iran,” AP Report, THE NEW YORK TIMES, January 25, 1976.

¹³⁷ “Iran Says Guerrilla Trained in Cuba,” THE WASHINGTON POST, May 11, 1976.

¹³⁸ *Id.*

¹³⁹ *Democracy Betrayed*, The National Council of Resistance of Iran, 1993.

As explained by Ervand Abrahamian, the Marxist “MEK” took the organization’s insignia, but dropped “both the Koranic inscription and the date of the group’s foundation, and [enlarged] the clenched fist to symbolize their heightened proletarian consciousness.”¹⁴⁰ Additionally, the organization adopted as its main handbook Mao Tse-tung’s *On Contradictions*.¹⁴¹

The Americans were targeted by the Marxist MEK to gain publicity and demonstrate their Marxist doctrine was more effective than the original Muslim MEK.¹⁴²

The US State Department, based on a *New York Times* article (see above), said Rahman Vahid Afrakhteh was responsible for the murder of Cols. Schaffer and Turner.¹⁴³ However, the name “Rahman Vahid Afrakhteh” is inaccurate and combines the names of two brothers, Rahman Afrakhteh, who was “never seriously involved in any political activity,”¹⁴⁴ and Vahid Afrakhteh, who confessed to the killing.¹⁴⁵

D. Rockwell Employees

The New York Times reported that on August 28, 1976 “terrorists” killed three Rockwell employees providing services to the Iranian armed forces.¹⁴⁶ The newspaper identified only two of the victims, William C. Cottrell and Donald G. Smith. The third employee, not named by the *Times*, was Robert R. Krongrad. The article identified the perpetrators as follows:

Iranian officials said the three civilian victims were killed by members of the same self-styled “Islamic Marxists” anti-Government terrorist group that was officially blamed for the assassination of two American colonels in Teheran last year.¹⁴⁷

The employees “were being driven to work by an Iranian chauffeur when the ambush took place, shortly before 7 a.m. on the eastern outskirts of the capital.”¹⁴⁸ The attack, according to *The New York Times*, “was similar to the one used in the May 1975 killing of the colonels which also occurred while they were on the way to work.”¹⁴⁹ At the time, the Rockwell employees were involved in the construction of a large-scale electronic communications monitoring installation for use in Iranian intelligence.

¹⁴⁰ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 165.

¹⁴¹ *Id.*

¹⁴² Interview with NCRI, August 2005.

¹⁴³ “The People’s Mojahedin Organization of Iran,” Kenneth Katzman, Congressional Research Service, Washington, November 1992.

¹⁴⁴ *Democracy Betrayed*, The National Council of Resistance of Iran, 1993.

¹⁴⁵ *Id.*

¹⁴⁶ “Three U.S. Civilians Slain by Guerrillas in Teheran,” THE NEW YORK TIMES, August 29, 1976.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

The attack on the Rockwell employees is described by the Memorial Institute for the Prevention of Terrorism as follows:

Three U.S. employees of Rockwell International were assassinated at 7 am as they were being driven to work at an Iranian air force installation in Tehran. The People's Strugglers (Mujahiddin e Khalq) used a Volkswagen to cut off the trio's Dodge from the front, while a second car cut them off from behind. Four gunmen jumped out, ordered the chauffeur to lie down, and blasted the car with Polish M-63 machine pistols and a Browning 9-mm pistol. The group then fled on foot and in the rear car. Reports claimed that the briefcase of one of the dead men was also stolen. The three had been working on project IBEX, a \$1 billion electronic surveillance project for the Iranian military.¹⁵⁰

A few months later, the Shah's government announced eight "terrorists" had been executed for the killings.¹⁵¹

Discussion

The Rockwell employees were most likely killed by Marxist "MEK" members who had previously killed other Americans. The attack occurred on the anniversary of the arrest of Vahid Afrakhteh, a member of the Marxist "MEK" who confessed to assassinating Lt. Col. Lewis Hawkins, Col. Schaffer, and Lt. Col. Turner. As explained above, at the time of killings, the Marxist "MEK" controlled the organization.

A communiqué was issued by the Marxist "MEK" taking responsibility for the attack. The document, *Military communiqué no. 24*, announced "these three had been 'executed' to revenge recent death sentences and to protest the waste of billions on military hardware."¹⁵²

Although the communiqué contained no Mojahedin emblem,¹⁵³ Abrahamian contends the Marxists "MEK" killed the Rockwell employees:

In August 1975, they [Marxist MEK] bombed the main police station in the city's northern suburbs; and in broad daylight managed to assassinate three American employees of Rockwell International.¹⁵⁴

149 *Id.*

150 <http://www.tkb.org/Incident.jsp?inclD=1816>

151 *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 165.

152 *Id.* at 166.

153 *Democracy Betrayed*, The National Council of Resistance of Iran, 1993.

Massoud Rajavi, a founding member of the MEK who was imprisoned from 1971 to 1979, stated publicly that the Marxist “MEK” were responsible for killing the Americans:

Mujahedeen leader Massoud Rajavi, responding to a string of allegations made recently by the State Department, also disavowed responsibility for the slayings of six Americans in Iran in the 1970s. He blamed the killings on a splinter group of extreme Marxists.¹⁵⁵

¹⁵⁴ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 166.

¹⁵⁵ “International News,” ASSOCIATED PRESS, August 8, 1985.

X. Alleged Support for US Embassy Takeover

State Department Allegation

The MEK “supported the takeover in 1979 of the US Embassy in Tehran.”¹⁵⁶

Background

This allegation was previously articulated by the State Department on July 24, 1985, when Assistant Secretary of State for Near Eastern Affairs Richard Murphy appeared before the House Foreign Affairs Subcommittee on Europe and Middle East. *The Associated Press* quoted Murphy:

“The Mujahedeen took a measure of credit for the prolonged holding of American diplomats as hostages, advocated putting them on trial as spies and staged a large demonstration in Tehran in January 1981 protesting their release,” [Murphy] said. The Mujaheden, however, were not the group directly responsible for holding the 52 American hostages for 444 days beginning November 4, 1979.¹⁵⁷

According to the US State Department, on the day the crisis erupted, the MEK issued a proclamation titled *After the Shah, It's America's Turn*.¹⁵⁸ It is also alleged that “the Mojahedin participated physically at the site, assisting in holding and defending the embassy against liberation.”¹⁵⁹

The hostages were released in January 1981. The US State Department alleges, in the following issue of *Mojahed*, that “the Mojahedin-e Khalq were the first force who rose unequivocally to the support of the occupation of the American spy center,” and further noted its members had spent “days and weeks” in “heat and cold” in front of the embassy.¹⁶⁰

Discussion

The State Department’s allegations reflect a misunderstanding of events in Iran leading up to the hostage crisis and the position of the MEK in supporting democratic freedoms in Iran. While the MEK and Khomeini were aligned in the national front in opposition to

¹⁵⁶ “Country Reports on Terrorism,” US State Department, April 27, 2005.

¹⁵⁷ “Murphy Warns Congress of Campaign by Iranian Leftists,” ASSOCIATED PRESS, July 25, 1985.

¹⁵⁸ “Report on the People’s Mojahedin of Iran,” Unclassified document, US State Department, 1994

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

the Shah, once he was removed from power, the MEK and Khomeini became political adversaries.

Two days after the revolution, Rajavi and a number of senior colleges met with Khomeini. In the meeting, Rajavi emphasized the importance of freedom. Subsequently, Khomeini sent his son, Ahmad, to offer the MEK top ministry positions in the new government, but only on the condition that the MEK recognize the clerics as the supreme authority. The MEK declined. Since its inception, the organization had fought for political freedom and the separation of power. The MEK refused to compromise its principals and a power struggle ensued.

The MEK initially followed a policy of non-confrontation with Khomeini in the hope of playing the role of the loyal opposition in the new government. When the hostage crisis erupted on November 4, 1979, the MEK chose not to challenge Khomeini, who had immediately endorsed the takeover.

On the day the Iranian students stormed the embassy, Khomeini blamed America as the source of all evil in a speech to a group of university students. "It was later revealed that these university students were organized by Hojjat al-Islam Khoiniha, a prominent member of the IRP and the leader of the Tehran University *komiteh* [a morality guard organization]."¹⁶¹

According to Massoumeh Ebtekar, who was the spokesperson during the hostage crisis for the radical students, the MEK "had been opposed to the takeover and the confrontation with America from the very first."¹⁶² Ebtekar, a chemical engineering student who became known as Sister Mary, "held center stage at the front gate whenever the students needed to make a statement to the press in English."¹⁶³

For Iranians, the hostage crisis was "predominately an internal crisis rooted in the constitutional struggle."¹⁶⁴ Under the cloud of the embassy crisis, the clerics rushed to ratify their proposed constitution, which the MEK refused to endorse. The original document, modeled on De Gaulle's constitution, had been altered by the Assembly of Experts, shifting power from the president and elected deputies to senior clerics. The MEK boycotted its ratification.

¹⁶¹ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 57. A recent history of the hostage crisis by David Harris (*The Crisis: The President, the Prophet, the Shah – 1979 and the Coming of Militant Islam*, Little Brown, 2004) states that the takeover was first advanced by Ibrahim Asgarzadeh, a student at Tehran's Aryamehr University of Technology, and two other students.

¹⁶² *Takeover in Tehran*, Massoumeh Ebtekar, Talon Books, Canada, 2000, p. 234. David Harris, in his recent book *The Crisis*, makes no reference at all to the Mujahedin, which indicates the organization's lack of involvement.

¹⁶³ *The Crisis: The President, the Prophet, the Shah – 1979 and the Coming of Militant Islam*, by David Harris, Little, Brown and Company, 2004, p. 236.

¹⁶⁴ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 57.

As hostilities escalated between the MEK and Khomeini, the MEK openly criticized the hostage crisis. The MEK said the clerics had “engineered the hostage crisis to impose on the nation the ‘medieval’ concept of the *velayat-e faqih* [the title of Khomeini’s book that advocates the creation of a theocratic state].”¹⁶⁵

To support that last accusation they [MEK] published articles revealing how the student hostage-takers were linked to the IRP [Islamic Republican Party]; how the pasdars [armed volunteers] had facilitated the break-in; how those who had refused to tow the IRP line had been forced out of the compound; how Ayatollah Beheshti [head of the Supreme Judicial Council] had used the whole incident to sweep aside the Bazargan [Provisional] Government; and how Hojjat al-Islam Khoiniha, the man appointed by Khomeini to advise the students, had carefully removed from the embassy all documents with references to US officials meeting clerical leaders during the 1979 revolution.¹⁶⁶

The MEK accused the cleric-controlled government of “disrupting rallies and meetings; banning newspapers and burning down bookstores; rigging elections and closing down universities; [and] kidnapping, imprisoning, and torturing political activists”¹⁶⁷

In response, “The Muslim Student Followers of the Imam’s Line, the occupiers of the US embassy, denounced the Mojahedin as secret Marxists in cohorts with the ‘pro-American liberals.’”¹⁶⁸

“In criticizing the regime’s political record,” Abrahamian explained, “the Mojahedin moved the issue of democracy to center stage.”¹⁶⁹

They argued that the regime had broken all the democratic promises made during the revolution; that an attack on any group was an attack on all groups; that the issue of democracy was of “fundamental importance,” and that other issues, including imperialism, hinged on it, for without political freedom the country would be vulnerable to foreign intrigue.¹⁷⁰

¹⁶⁵ *Id.* at 208.

¹⁶⁶ *Id.* at 208.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 205

¹⁶⁹ *Id.* at 209.

¹⁷⁰ *Id.*

Six months after the hostage takeover, the MEK “could muster over half a million into the streets of Tehran. Its newspapers outsold those of the ruling clerical party by sixteen to one.”¹⁷¹

In sum, MEK opposed the hostage crisis. The MEK was not in alliance with The Muslim Student Followers of the Imam’s Line, the student organization that seized the embassy, nor with the clerics. The MEK used the crisis to reveal Khomeini’s involvement and how his regime was using the incident to usurp power and push aside the Provisional Government. Given these facts, it is inaccurate to assert that the MEK was responsible for the hostage crisis or that it supported it.

¹⁷¹ *Id.* at 1.

XI. Alleged MEK Bombing of Islamic Republic Party

State Department Allegation

“In 1981, the MEK detonated bombs in the central office of the Islamic Republic Party and the Premier’s office, killing some 70 high-ranking Iranian officials, including Chief Justice Ayatollah Mohammad Beheshti, President Mohammad-Ali Rajaei, and Premier Mohammad-Javad Bahonar.”¹⁷²

Background

Sixty pounds of explosives with a sophisticated detonator were placed in a trash can next to the podium.¹⁷³ A second bomb was placed alongside a pillar at one side of the hall.

The attack occurred during a weekly meeting of IRP members. “Only minutes before the explosion, [Executive Affairs Minister Behzad] Navavi told those around him at the conference that he was feeling ill. [Prime Minister Mohammad Ali] Rajai and [Hojjat al-Islam] Rafsanjani [Speaker of the Majles or Consultative Assembly] reportedly said that if he was leaving that they would go with him. The explosion occurred just after they left.”¹⁷⁴

After the attack, “several government officials issued statements blaming the leftist Mujahedeen Khalq . . . and the Fedayeen Khalq . . .”¹⁷⁵ No group claimed responsibility for the attack. There was speculation, however, that the armed forces might have been involved because of the way it was carried out.¹⁷⁶

The Associated Press reported on July 6, 1981, that the Revolutionary Guard had identified the bombing suspect as Mohammad Reza Kolahi, who was “working for the Islamic-Marxist Mujahedeen Khalq.”¹⁷⁷

Later, the official line of the IRP charged that the explosion was the “work of the Mujahedin guerrillas.”¹⁷⁸ Khomeini also publicly accused the MEK of orchestrating the

¹⁷² “Country Reports on Terrorism,” US State Department, April 27, 2005.

¹⁷³ “Iran: A Blast at the Mullahs,” *NEWSWEEK*, July 13, 1981.

¹⁷⁴ “Mullahs Watch Each Other’s Glances,” *CHRISTIAN SCIENCE MONITOR*, July 9, 1981.

¹⁷⁵ “Clergy Vows Vengeance for Bombing,” *ASSOCIATED PRESS*, June 29, 1981.

¹⁷⁶ “Khomeini Appoints New Chief Justice; Bombing Toll is 72,” *THE NEW YORK TIMES*, June 30, 1981.

¹⁷⁷ “27 Leftists Executed, Governor Assassinated,” *ASSOCIATED PRESS*, July 6, 1981.

¹⁷⁸ “Mullahs Watch Each Other’s Glances,” *CHRISTIAN SCIENCE MONITOR*, July 9, 1981.

bombing.¹⁷⁹ News reports said Iranian agents tapping a Mujahedin telephone had picked up the message, “We have succeeded in killing Beheshti.” But *Time Magazine* explained “It was possible that the government was simply trying to discredit the Mujahedeen, which potentially offers the mullahs their strongest opposition.”¹⁸⁰

After the attack, news articles also reported there was a possibility the attack was linked to a potential coup d’etat. *Time Magazine* said Radio Iran “did not report for three hours that an explosion at party headquarters had caused ‘considerable damage to life and property.’” Fearing a coup d’etat might be under way, the government cut communications to the outside world.¹⁸¹

“The Army, according to this theory, was paving the way for a coup by eliminating Khomeini men on the Defense Council, and . . . the bombing was to be the coup de grace.”¹⁸²

Discussion

It remains unclear who planted the bomb. This view is supported by Abrahamian: “Immediately after the event, the authorities blamed SAVAK survivors and the Iraqi regime. Two days later, Khomeini pointed a finger at the Mojahedin.”¹⁸³ Additionally:

Some years later, a tribunal in Kermanshah quietly executed four “Iraqi agents” for the deed. Another tribunal in Tehran also quietly executed a certain Mehdi Tafari for the same deed but did not mention any internal or external links. Shaykh Tehrani, the brother-in-law of President Khamenei, revealed after fleeing to Baghdad that the regime knew that a Mr. Kolahi had planted the bomb but had been unable to uncover his organizational affiliations. Finally, the head of military intelligence informed the press in April 1985 that the bombing had been the work not of the Mojahedin but of royalist army officers.¹⁸⁴

Many resistance groups had been violently challenging the Islamic Republican Party during the 13 months preceding the attack on the head office of the Islamic Republic Party. A week before the attack, Revolutionary Guards had fired indiscriminately into the crowds of demonstrators, killing dozens of people. A reign of terror had begun.

¹⁷⁹ “Parliament in Tearful Session, 10 Executed,” ASSOCIATED PRESS, July 1, 1981.

¹⁸⁰ “Iran: A Blast at the Mullahs,” NEWSWEEK, July 13, 1981.

¹⁸¹ “Lurching Bloodily Onward,” TIME MAGAZINE, July 13, 1981.

¹⁸² “Iran: A Blast at the Mullahs,” NEWSWEEK, July 13, 1981.

¹⁸³ *The Iranian Mojahedin*, Ervand Abrahamian, Yale University Press, 1989, p. 220.

¹⁸⁴ *Id.*

Given the turmoil in Iran at the time of the bombing, the lack of evidence, the number of people accused and punished for the attack, and the number of resistance groups and others who had an interest in killing the IRP leaders, it is unclear who was actually involved.

Because the MEK at the time was the most powerful opposition group, Khomeini's insistence that the organization was to blame likely was politically motivated. None of the subsequent tribunals indicted the MEK or any of its members for the bombing.

XII. Alleged Military Action with Saddam Hussein

State Department Allegation

“Near the end of the 1980-1988 war with Iran, Baghdad armed the MEK with military equipment and sent it into action against Iranian forces,” the US State Department alleges.¹⁸⁵

A. Iraq-Iran War

On September 17, 1980, Iraqi President Saddam Hussein abrogated a 1975 Algiers accord with Iran and vowed to “liberate” disputed territory. Fighting erupted along the Shatt al-Arab waterway and quickly escalated into a full-scale war. The United States announced it would observe “strict neutrality.”

Iranian planes bombed Baghdad and other targets, while Iraqi forces invaded southwestern Iran along a 300-mile front. After gaining control of the entire Shatt al-Arab and three islands at the mouth of the Persian Gulf, Iraq announced on September 29 that it would accept a cease-fire. Iran rejected the offer and pledged to continue fighting until Iraq was driven from its territory.

The two countries fought to a standstill, and then Iran mounted a successful counteroffensive, with the support of Syria and Libya. In June 1982, Saddam Hussein announced the unilateral withdrawal of all forces from Iran. Iran rejected the ceasefire and sought tougher conditions for peace, including \$150 billion in reparations.

Initially, the MEK opposed the Iraqi invasion of Iran and fought alongside the Iranian army. But in June 1982, after Iraq withdrew from Iranian territory and called for a negotiated settlement and Iran refused to oblige, the MEK sought to mediate the dispute.

On January 9, 1983, Rajavi held a highly publicized meeting with Tariq Aziz, Iraq’s deputy prime minister. At the end of the meeting, Iraq and the NCRI issued a joint communiqué “calling for the just establishment of peace and peaceful settlement of the disputes between the two countries through direct negotiations based on territorial integrity.”¹⁸⁶

¹⁸⁵ “Country Reports on Terrorism,” US State Department, April 27, 2005.

¹⁸⁶ “Peace Plan of the National Council of Resistance,” March 13, 1983.

The plan urged an immediate declaration of a ceasefire, mutual withdrawal by Iran and Iraq of their forces, the exchange of all prisoners, a process to “determine the damages due to the war and the manner in which Iran’s rights should be met,” and formation of a plan for a definitive peace treaty between both countries.

By supporting the ceasefire, the MEK sought to politically undercut Khomeini’s regime by blaming it for continuing the war. The MEK was a natural ally of Iraq since they both opposed the Iranian government and the MEK wanted an end to the conflict.

The Iraq-Iran war dragged on for five more years. UN Secretary-General Javier Perez de Cuellar negotiated a ceasefire in August 1988, after an estimated 1 million soldiers had been killed.

B. Iraq Removed from Terrorist List

Although the United States claimed to be “strictly neutral” in the Iraq-Iran War, it was concerned that Iran might emerge the victor. US policy makers saw two main threats in the Persian Gulf: “Communist expansionism by direct military means from the Soviet Union and the spread of anti-U.S. Islamic fundamentalism from Iran.”¹⁸⁷

Iraq’s main arms supplier was the Soviet Union.¹⁸⁸ But it also supplied military equipment to North Korea, which was selling Russian-made tanks, mortars, anti-aircraft machine guns, and smaller weapons to Iran.¹⁸⁹ There was a growing concern that Iran might win the war and then continue westward toward Israel. Iran also threatened vital oil supplies.

To counter the threat posed by Iran, the US made a strategic decision to support Iraq. “If Iraq had gone down, it would have had a catastrophic effect on Kuwait and Saudi Arabia, and the whole region might have gone down,” a former Defense Intelligence Agency official said. “That was the backdrop of the policy.”¹⁹⁰

In June 1982, President Ronald Reagan issued a National Security Decision Directive (NSDD) authorizing any necessary and legal actions to prevent Iraq from losing the war with Iran.¹⁹¹

¹⁸⁷ “Inverse Engagement: Lessons from US-Iraq Relations, 1982-1990,” Douglas H. Borer, Ph.D. *Parameters*, Summer 2003.

¹⁸⁸ “Iran is Said to Get North Korea Arms,” THE NEW YORK TIMES, December 19, 1982.

¹⁸⁹ “Stalemated Gulf War Awaits Events in Iran,” THE WASHINGTON POST, December 5, 1982.

¹⁹⁰ “Officers Say US Aided Iraq in War Despite Use of Gas,” THE NEW YORK TIMES, August 18, 2002.

¹⁹¹ “Declaration of Howard Teicher (Former NSC Official, 1982-87),” Affidavit, *United States of America vs. Carlos Cardoen et.al.*, January 31, 1995.

According to Howard Teicher, a former member of the National Security Council, “CIA Director [William] Casey personally spearheaded the effort to ensure that Iraq had sufficient military weapons, ammunition, and vehicles to avoid losing the Iran-Iraq war.”¹⁹² Teicher added:

In certain instances where a key component in a weapon was not readily available, the highest levels of the United States government decided to make the component available, directly or indirectly, to Iraq. I specifically recall that the provision of anti-armor penetrators to Iraq was a case in point.¹⁹³

Before the US could provide assistance, however, it was necessary to remove Iraq from the State Department’s list of nations supporting international terrorism. “Iraq had been put on the list, along with Syria and Libya, after enactment of the Export Administration Act of 1979, which allowed the administration to use export controls for national security and foreign policy reasons,” the *Congressional Quarterly* reported.¹⁹⁴

Among the reasons Iraq was placed on the list:

- Beginning in the early 1970s, Saddam provided safe haven, training, arms, and other forms of assistance to Palestinian and Arab extremists.
- Baghdad hosted the Abu Nidal Organization (ANO). While enjoying a safe haven in Iraq, the ANO conducted a number of terrorist attacks on Jewish and Israel targets in the 1970s and 1980s, including murders at synagogues and attacks on El Al airline passengers in Turkey, Austria, Belgium, and Italy, and the hijacking of a Pan Am airliner (Pan Am 73) in Karachi, in which 22 people (2 of them Americans) were murdered.
- Saddam hosted the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and the Hawari faction of the PLO.
- Palestinian terrorist Mahmud Abbas, known as Abu Abbas, and his organization, the Palestine Liberation Front (PLF), enjoyed safe haven and support in Saddam’s Iraq.
- In the 1970s Saddam aided Palestinian radical factions that conducted terrorist operations on Israeli, Jewish, Western, and moderate Arab targets.

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ “Congress’ Record on Saddam: Decade of Talk, Not Action,” *Congressional Quarterly Weekly Report*, April 27, 1991.

- Baghdad created the Arab Liberation Front (ALF) as its surrogate in the wars against Israel.¹⁹⁵

Despite Iraq's support of terrorism, in March 1982, the US State Department removed it from the list of states that sponsored terrorism.¹⁹⁶

On March 27, 1982, the US State Department issued a confidential telegram on the "De-Designation of Iraq as Supporter of International Terrorism."

Addressees will no doubt have seen media reports that Iraq is not included on the current list of countries repeatedly supporting international-terrorism which the administration is submitting to Congress. This decision is the result of the annual review under the terms of the Export Administration Act (Fenwick Amendment) and is included in a package of changes in export controls undertaken by the administration.¹⁹⁷

The official reason Iraq was removed from the terrorist list was its "improved record." But "no one had any doubts about [the Iraqis'] continued involvement in terrorism . . . The real reason was to help them succeed in the war against Iran."¹⁹⁸

Congress asked the Reagan Administration if Iraq had been removed from the list to help Iraq in its war with Iran. "While the official answer was no, [Richard] Murphy [Assistant Secretary of State for Near Eastern and South Asian Affairs] acknowledged [in 1991] that U.S. policy was 'supportive' of the Iraqi side."¹⁹⁹

Once Iraq was off the terrorist list, the US allowed dual-use technologies to be shipped there using financial credits designed to promote the export of US goods.

In terms of military assistance, the United States still officially maintained a stance of neutrality in the Iran-Iraq war. However, the United States sold to Iraq a wide variety of "dual-use" items. For instance, Iraq purchased more than 100 helicopters from manufacturers in the United States, which in export documents were designated for civilian and recreational purposes. Upon arrival in Iraq they immediately were diverted to the front with Iran, with no ensuing protest from Washington. The Reagan

¹⁹⁵ "Statement of Judith S. Yaphe to the National Commission on Terrorist Attacks Upon the United States," Third Public Hearing of the National Commission on Terrorist Attacks Upon the United States, July 9, 2003.

¹⁹⁶ "Saddam's Secret Allies: The Legions of Terror," THE WASHINGTON POST, September 23, 1990.

¹⁹⁷ "Department of State Telegram: De-Designation as Supporter of International Terrorism (Confidential), February 27, 1982.

¹⁹⁸ "Inverse Engagement: Lessons from US-Iraq Relations, 1982-1990," Douglas H. Borer, *Parameters*, Summer 2003.

¹⁹⁹ "Congress' Record on Saddam: Decade of Talk, Not Action," *Congressional Quarterly Weekly Report*, April 27, 1991.

Administration also gave the “nod and wink” to the illegal transfer of US weapons from third countries, including sales of TOW anti-tank missiles, helicopters, small arms, mortars, and munitions from Egypt, Jordan, Kuwait, and Saudi Arabia. However, of greater military value was the intelligence data supplied to Iraq from US satellite photography.²⁰⁰

Additionally, Commodity Credit Corporation assistance was provided for agricultural goods.²⁰¹ Through the Export-Import Bank, the US helped Iraq purchase manufactured goods. “By 1985, about \$35 million in the guarantees had been made available; from 1987 through 1990, the Export-Import Bank provided about \$267 million in credit guarantees to Iraq.”²⁰² The United States also approved and assisted in Egypt’s sale of weaponry, munitions, and vehicles to Iraq.²⁰³

More than 60 officers at the Defense Intelligence Agency provided “detailed information on Iranian deployments, tactical planning for battles, plans for air strikes, and bomb-damage assessments for Iraq.”²⁰⁴ The CIA also supported Iraq by providing satellite photography of the war front.²⁰⁵

The US supplied Iraq with “billions of dollars in credits, by providing US military intelligence and advice to the Iraqis, and by closely monitoring third country arms sales to Iraq to make sure that Iraq had the military weaponry required.”²⁰⁶

In November 1982, Saddam Hussein acknowledged the change in US policy. He stated publicly that Iraq’s treaty of friendship with the Soviet Union “has not worked” during the war and he indicated an interest in improving relations with the US.²⁰⁷

In November 1984, the United States and Iraq resumed full diplomatic relations, which had been terminated after the 1967 six-day Arab-Israeli war.

During the Iran-Iraq war, France’s sale of weapons to Iraq totaled \$25 billion.²⁰⁸

²⁰⁰ “Inverse Engagement: Lessons from US-Iraq Relations, 1982-1990,” Douglas H. Borer, *Parameters*, Summer 2003.

²⁰¹ “Congress’ Record on Saddam: Decade of Talk, Not Action,” *Congressional Quarterly Weekly Report*, April 27, 1991. By 1989, Iraq was the largest importer of US rice and the second largest participant in the agricultural credit program.

²⁰² *Id.*

²⁰³ “Declaration of Howard Teicher (Former NSC Official, 1982-87),” Affidavit, *United States of America vs. Carlos Cardoen*, January 31, 1995.

²⁰⁴ “Officers Say US Aided Iraq in War Despite Use of Gas,” THE NEW YORK TIMES, August 18, 2002.

²⁰⁵ *Id.*

²⁰⁶ “Declaration of Howard Teicher (Former NSC Official, 1982-87),” Affidavit, *United States of America vs. Carlos Cardoen.*, January 31, 1995.

²⁰⁷ “Iraq Says Its Treaty with Soviet Hasn’t Worked,” THE NEW YORK TIMES, November 17, 1982.

Discussion

The State Department criticizes the MEK for aligning with Saddam Hussein and Iraq, when the United States supported the same policy and was providing hundreds of millions of dollars in military equipment and foodstuffs. The State Department fails to explain why it was wrong for the MEK to align with Iraq, given that America was also a strong ally of Iraq at the time.

The State Department also alleged that Baghdad had armed the MEK with “military equipment and sent it into action against Iranian forces.” In 1987, the MEK announced the formation of a National Liberation Army [see below]. It operated independently of Iraq. Most of the organization’s weapons were captured during confrontations with Iran. In June 1988, for example, the NLA captured 64 Iraqi tanks, tens of APCs, hundreds of field guns, and anti-aircraft weaponry.²⁰⁹

C. State Department Lashes Out at MEK/NCRI

On July 24, 1985, during the Iran-Iraq war, the State Department inexplicably made a public statement at a House hearing severely criticizing the National Council of Resistance of Iran.

Assistant Secretary of State for Near East and South Asia Affairs Richard Murphy appeared before the House Subcommittee on Europe and the Middle East to discuss “recent developments in the Middle East.”²¹⁰ His statement focused on three issues – the peace process, the aftermath of the TWA hijacking, and efforts to reform the Israeli economy.²¹¹

At the end of his testimony, Murphy lashed out at the Mujahedin, alleging the organization “had advocated the use of violence since their inception, and have worked for a re-emphasis in Iranian society of Shia Islam reformed in the light of Marxist principals.”

Murphy claimed the MEK was “the Iranian group most engaged in anti-U.S. and anti-Western terrorism” and had “assassinated at least seven Americans in Iran.”²¹² Murphy said the MEK had not significantly changed its doctrine since the 1970s:

“While resorting to tactical and cosmetic adjustments to attract sympathy abroad,” he said, “the movement remains a militantly Islamic, anti-democratic, anti-American, and

²⁰⁸ “French Industry Stands to Lose,” THE INTERNATIONAL HERALD TRIBUNE, March 7, 2003.

²⁰⁹ “Remarks Followed by Press Questions; Speaker: Alireza Jafarzadeh,” Federal News Service, April 4, 1991.

²¹⁰ “Developments in the Middle East, July 1985,” House Foreign Affairs Subcommittee on Europe and the Middle East, July 24, 1985.

²¹¹ *Id.* at 4.

²¹² *Id.* at 11.

anti-Western collectivist organization which continues to employ terrorism and violence as standard instruments of its policies.”²¹³

Murphy claimed he made the statement because the National Council of Resistance of Iran was engaged in an “active public relations campaign with Congress and the American public.”²¹⁴ Subcommittee Chairman Lee Hamilton (D-IN) asked Murphy why the criticism of the Mujahedin was included in his testimony, since it was not a topic of the hearing. Murphy replied:

I asked my people in the Near East Bureau before this hearing, as we were preparing for it, if there were any particular issues they would like addressed. We [also] try to be ready to be responsive to the committee’s questions. In this case, I was presented with an issue which the country director involved felt had been inadequately addressed. He said there – he drew my attention, which I must admit I had not focused on – to a fairly active public relations campaign extending over the past year, I would say, by this organization to gain American support.²¹⁵

Hamilton asked Murphy if it was US policy to support the Iranian opposition groups that exist outside of Iran. Murphy replied:

Well, we are not trying to develop an Iranian exile government to oppose the government of Iran.²¹⁶

In response to Murphy’s statement, the National Council of Resistance forwarded a four-page letter to the subcommittee refuting the State Department’s allegations. Following are selected statements from the letter:

[A]ll decisions within this Council are made through the democratic process where each one of the members enjoys a single vote and the member organizations equally share the right to vote.²¹⁷

From an economic and social point of view, we accept private ownership, national capitalism and marketing, as well as personal investment.²¹⁸

²¹³ *Id.* at 12.

²¹⁴ “Developments in the Middle East, July 1985,” House Foreign Affairs Subcommittee on Europe and the Middle East, July 24, 1985, p. 10.

²¹⁵ *Id.* at 42.

²¹⁶ *Id.* at 43.

²¹⁷ *Id.* at 90.

The Mujahedin do not and have never believed in the philosophy of violence and terror and have condemned all forms of terrorism. There is, however, a tremendous difference between terror (practiced by small groups, isolated from the people, who seek to advance their goals through violence) and the just and popular Resistance for peace and freedom against Khomeini's suppressive rule of terror; a Resistance of the kind the American people took up in their War for Independence.²¹⁹

As for the participation of the Mujahedin in the assassination of the Americans for which Mr. Rajavi has also been assailed, one must be aware that up until August of 1971, when the entire leadership of the PMOI were (sic) arrested by SAVAK, the Mojahedin had not carried out any military operations. Mojahedin leaders were all executed by the Shah or, like Mr. Rajavi, remained incarcerated until February of 1979. Since 1973 the PMOI had temporarily been shattered by a Marxist current, later named Peykar. This Marxist current even murdered some of the Mojahedin leaders. . . . The PMOI, now the principal force within the Iranian Resistance, was reorganized and shaped its activities by its leadership, Mr. Massoud Rajavi, in 1979, following the freedom of political prisoners.²²⁰

Ironically, inside Iran, Khomeini and the Tudeh (Communist) Party constantly tried to portray the Mojahedin, because of their independence, as agents of the United States, while outside the country Khomeini's regime and the remnants of the deposed Shah's entourage have attempted to depict the Mojahedin as communists.²²¹

A top State Department official said the MEK in 1984 was viewed as an "irritant" to Iran and an ally. The CIA, however, viewed the resistance group as a major force in Iran with ties to the Soviet Union:

The CIA Deputy Director of Operations considered the Marxist Mujaheddin e Khalq to be well organized, influenced by the Soviets, and likely to succeed Khomeini.²²²

By 1984, the United States had begun to reassess its relations with Iran. Policy makers believed Khomeini's regime was faltering and a struggle for succession would soon begin. The US wanted to be in a position to influence events within Iran and block Soviet advances. In

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ *Id.* at 91-92.

²²¹ *Id.* at 90.

²²² *The Tower Commission Report*; The New York Times Company, February 1987, p. 105.

the long run, the US hoped to restore the position it had enjoyed under the Shah.

The National Security Council staff drafted a series of initiatives for review. As the first goal, the NSC sought to prevent the “disintegration of Iran” and preserve “Iran as an independent buffer between the Soviet Union and the Persian Gulf.”²²³

During the reassessment and soon after Murphy’s statement on Capitol Hill, the State Department issued a white paper on June 14, 1985, denouncing the National Council of Resistance of Iran, according to a September 1985 news article by the *Los Angeles Times*.²²⁴ A US official stated that the MEK “would be far worse than Khomeini.”²²⁵

1. American Hostages

When Murphy denounced the MEK on Capitol Hill in July 1985, seven Americans were being held hostage in Lebanon.²²⁶ About nine months earlier, in November 1984, while the US was reassessing its policies toward Iran, Manucher Ghorbanifar, an arms dealer and former SAVAK agent, had raised the possibility of providing arms to Iran in exchange for the release of Americans kidnapped in Lebanon.

A couple of weeks before Murphy appeared on Capitol Hill, President Reagan had authorized national security adviser Robert McFarlane to make contact with Iran. Events proceeded rapidly. In August 1985, an arms shipment was sent to Iran via Israel. A second delivery was made on September 14. That same day, the Rev. Benjamin Weir was released.

After a lull, the US provided two additional arms shipments to Iran in February 1986. In late May, McFarlane led an official delegation to Tehran, spending four days meeting with officials. Afterward, progress slowed; both sides appeared to be in a stalemate.

On July 8, 1986, Ghorbanifar wrote a letter to an Iranian contact, explaining eight actions taken by the US to gain Iran’s assistance in the release of American hostages. The fourth action was:

- “[Issuance] of an official announcement terming the Mojahedin-e Khalq Organization terrorist and Marxist; the [issuance] of a circular to the Congress and to all American firms

²²³ *Id.* at 116.

²²⁴ “Iran Dissidents Seek Help From Ex-Enemy U.S,” LOS ANGELES TIMES, September 1, 1985.

²²⁵ *Id.*

²²⁶ William Buckley, Rev. Benjamin Weir, Peter Kilburn, Rev. Lawrence M. Jenco, Terry Anderson, David P. Jacobson, and Thomas Sutherland.

and institutions, and banning of any and all type of assistance to the opponents of the regime of the Islamic Republic of Iran.”²²⁷

The other US actions to gain Iran’s favor described by Ghorbanifar:

- American officials had refrained from mentioning Iran as a country supporting and nurturing terrorism.
- The State Department had sent an official note condemning the use of chemical weapons.
- The US Ambassador to the United Nations was the first person to vote for official condemnation of Iraq for the use of chemical weapons.
- The US had opposed a further decrease in oil prices.
- Two planes had been dispatched with TOW missiles.
- Certain military data was provided on Iraq.
- A high-ranking delegation, headed by Robert McFarlane, Special Assistant and Advisor to President Reagan, had met with Iranian officials and delivered spare military parts.²²⁸

On July 26, 1986, soon after Ghorbanifar’s letter, Father Lawrence Martin Jenko, who had been held hostage by Lebanon extremists since January 8, 1985, was released. The following month the US forwarded another shipment of arms to Iran. In November, hostage David Jacobson was released.

Discussion

A dramatic shift occurred in US policy toward the MEK in 1985. Viewed as merely an “irritant” to Iran in 1984, the group became the focus of several reports by the State Department the following year. On Capitol Hill, Assistant Secretary of State for Near East and South Asia Affairs Murphy out of the blue lambasted the MEK, describing it as “militantly Islamic, anti-democratic, anti-American, and anti-Western.”

Murphy contends his statement was not linked to getting American hostages released. If this is true, then it is difficult to understand why the MEK, an ally of the US in the Iran-Iraq

²²⁷ *The Tower Commission Report*, The New York Times Company, February 1987, p. 360.

²²⁸ *Id.* at 360-361.

war, abruptly became the target of such severe criticism. Murphy's statement weakened the MEK and thus undermined US policy to contain Iran.

On February 6, 1985, the MEK publicly announced an offensive against Khomeini's regime, calling it the most extensive effort launched against the government since 1979.²²⁹

In addition to planning attacks, the MEK also organized demonstrations throughout Iran. On May 10, 1985, *The Associated Press* reported "a wave of anti-war protests" that had "shaken Iran's cities." According to the MEK, anti-war demonstrations went forward in 74 cities and towns, during which 900 people were arrested.²³⁰

It is not plausible that the State Department was unaware of the MEK's anti-Khomeini activities in Iran, nor that it was unaware that publicly attacking the MEK would undercut its ability to mount attacks. More likely, the United States was pursuing another objective – the release of American hostages. Ghorbanifar's letter to his Iranian contact supports this assertion. He specifically states that the US government, as part of the hostage negotiations, had issued "an official announcement terming the Mujahedin-e Khalq organization terrorist and Marxist."

This would not be the only time the MEK was an issue in negotiations with Iran. Repeatedly, Tehran has demanded that the United States and France undercut the MEK as a requirement for Iranian assistance.

D. MEK/NCRI Relocated to Iraq

Further evidence that Iran required the United States to chastise the MEK as a prerequisite for assistance in freeing American hostages is apparent from the similar actions taken by France in 1986 to gain the release of French hostages kidnapped by Islamic Jihad. Following US footsteps, the French government sought Iranian support to gain the release of its hostages. The MEK also was a central issue in the French negotiations.

Initial discussions between France and Iran were held from May 20 to 23, 1986. During those talks, Tehran made the following demands as a condition for its support:²³¹

- Extradite members of the MEK/NCRI to Iran.

²²⁹ "International News," ASSOCIATED PRESS, February 6, 1985.

²³⁰ "Protests Point to Growing War Weariness in Iran," ASSOCIATED PRESS, May 10, 1985.

²³¹ "Claim Rajavi's Move to Iraq Part of New Phase in War Against Iran," ASSOCIATED PRESS, June 8, 1986.

- Repay a \$1 billion down payment made in 1975 by Mohammad Reza Shah to France for a nuclear reprocessing plant that was never built.
- Pledge to stop selling weapons to Iraq.

Prime Minister Jacques Chirac said France was not “accustomed to expelling political refugees to their country of origin” and announced it was “absolutely out of the question that it would take such measures.”²³² As an alternative, Chirac said France would ensure an end to “certain excesses committed by Iranian refugees who do not respect the neutrality demanded when one asks for asylum in France.”²³³

On June 7, 1986, Massoud Rajavi and four others left France on a chartered jet. Regional police headquarters said they had departed voluntarily and were not under any type of expulsion order.²³⁴ The day Rajavi left France; local police surrounded the MEK headquarters in Paris, ostensibly to check identities. But according to *Le Monde*, the raid was undertaken to send a positive signal to Iran.²³⁵

In reference to Chirac’s statement that Iranian refugees remain neutral *The Associated Press* noted the MEK had regularly issued communiqués from its headquarters in Paris about “guerrilla activities in Iran” – which France now regarded as a violation of the MEK’s pledge of political neutrality.²³⁶

Rajavi’s chartered plane landed in Baghdad, where “high-level Iraqi officials” welcomed him.²³⁷ At that point, the Iran-Iraq war had dragged on for six years, and Iraq viewed the MEK as an ally. Rajavi traveled to Najaf and Karbala, two Shi’ite Moslem holy cities in southern Iraq. Khomeini had based his resistance movement in Najaf from 1965 to 1978, at which time he was expelled from the country and relocated to France.²³⁸

The MEK viewed its move to Iraq as a new phase of operations. It established its headquarters in Baghdad and was granted sanctuaries along the Iranian border. On June 9, 1986, the MEK issued a communiqué, charging Iran with politically blackmailing France:

²³² “France and Iran Meet to Improve Ties,” THE NEW YORK TIMES, May 24, 1986.

²³³ “Mujahedeen Leader Apparently to Leave France,” ASSOCIATED PRESS, June 7, 1986.

²³⁴ *Id.*

²³⁵ “Exiled Guerrilla Leader, Wanted by Iran, Arrives in Iraq,” ASSOCIATED PRESS, June 7, 1986.

²³⁶ “Mujahedeen Leader Apparently to Leave France,” ASSOCIATED PRESS, June 7, 1986.

²³⁷ “Exiled Guerrilla Leader, Wanted by Iran, Arrives in Iraq,” ASSOCIATED PRESS, June 7, 1986.

²³⁸ “Claim Rajavi’s Move to Iraq Part of New Phase in War Against Iran,” ASSOCIATED PRESS, June 8, 1986.

The Khomeini regime, being faced with daily worsening internal crises, is once again resorting to its customary methods, including hostage-taking and political blackmail, in a bid to pressure other countries to restrict the just Iranian resistance.²³⁹

Saddam Hussein allowed the MEK to operate autonomously. “We have complete freedom of movement in Iraq,” Hossein Madani, a spokesman for the MEK said in 1988.²⁴⁰ Saddam Hussein, according to the MEK, guaranteed the group’s ideological freedom on Iraqi soil. As explained by *The New York Times*, “The group has sought to maintain a correct, formal relationship with the Iraqis, who have allowed them to use at least two high-rise buildings in Baghdad for their hospital, museum, and offices.”²⁴¹

Two years earlier, in 1984, the MEK had signed a peace treaty with Iraq. “The two sides agreed that they would not interfere in the internal relations of one another,” a MEK spokesman said.²⁴² Subsequently, the MEK had met with Saddam Hussein, *The New York Times* reported.²⁴³

The MEK leaders maintain they never received any funding from Saddam and that their financial backing came from Iranians who supported their goals.²⁴⁴ “This resistance movement is being totally financed by the people of Iran,” the MEK emphasized.²⁴⁵

On June 19, 1986, about two weeks after the MEK left Paris, two French hostages – Philippe Rochot, a correspondent, and Georges Hansen, a cameraman – were released. They had been kidnapped on March 8, 1986, in west Beirut.²⁴⁶

In early November 1986, the French government announced “it had reached agreement with Tehran to make an initial payment of \$330 million toward settlement of the loan dispute.”²⁴⁷ A week after the deal was struck, two additional French hostages, both businessmen, were released – Marcel Coudari and 84-year-old Camille Sontag.²⁴⁸

²³⁹ “Opponents of Khomeini Said to Leave France For Iran-Iraq Border,” THE NEW YORK TIMES, June 10, 1986.

²⁴⁰ “Exiled Iranians Press a Political Cause From Iraq,” THE NEW YORK TIMES, February 7, 1988.

²⁴¹ *Id.*

²⁴² “Remarks Followed by Press Questions; Speaker: Alireza Jafarzadeh,” Federal News Service., April 4, 1991.

²⁴³ “Exiled Iranians Press a Political Cause From Iraq,” THE NEW YORK TIMES, February 7, 1988.

²⁴⁴ Interview with NCRI members, August 2005.

²⁴⁵ “Remarks Followed by Press Questions; Speaker: Alireza Jafarzadeh,” Federal News Service, April 4, 1991.

²⁴⁶ “Freed Frenchmen Arrive in Paris, Syria Pledges to Help Free Other Captives,” ASSOCIATED PRESS, June 21, 1986.

²⁴⁷ “West Europeans Adopt Sanctions Against Syria; 2 French Hostages Reportedly Released,” THE WASHINGTON POST, November 11, 1986.

²⁴⁸ “Coudari Denies he Acted for French Security Force in Lebanon,” ASSOCIATED PRESS, November 14, 1986.

Nearly a year later, in November, kidnappers released two more French hostages, Jean-Louis Normandin, a soundman with a TV network, and Roger Auque, a journalist.²⁴⁹ Prior to their release, France had announced it would make another \$330 million payment on the “\$1 billion loan” for the nuclear reprocessing plant that was never built.²⁵⁰

Eleven days after the hostages were released, on December 7, 1987, authorities in France “rounded up dozens of anti-Khomeini Iranians” for possible expulsion.²⁵¹ Although the French Security Minister Robert Pandraud claimed there was “no bargaining at all,” the following day the Iranians were expelled to the French colony of Gabon in West Africa.²⁵²

UPI reported, “The expulsions appeared to be part of Prime Minister Jacques Chirac’s diplomatic dealings to normalize relations with Iran in hopes that the Moslem fundamentalist regime in Tehran will put pressure on pro-Iranian kidnappers in Lebanon to free French hostages.”²⁵³

Rajavi said those arrested in Paris were legal residents of France with political refugee status. “I am astonished to see these victims of the violations of human rights become victims of secret deals,” he said.²⁵⁴ Four French human rights organizations also protested the arrests.²⁵⁵

France’s Interior Ministry said the MEK members’ activities “constituted a grave and immediate threat to the public order” and “the expulsion measures reached against these citizens were executed without delay, for urgent reasons of national security.”²⁵⁶

E. National Liberation Army

On June 19, 1987, a year after relocating to Iraq, the MEK announced the formation of the National Liberation Army (NLA). Regarding Saddam’s view of the NLA, Mohammed Mohaddessin, the political director of the MEK said, “Naturally when we fight against Khomeini, the Iraqis are happy. It consumes some of Khomeini’s energy.”²⁵⁷

²⁴⁹ “Two French Hostages Released in Lebanon,” UNITED PRESS INTERNATIONAL, November 27, 1987.

²⁵⁰ “French Expels 17 anti-Tehran Activists to its Former Colony,” UNITED PRESS INTERNATIONAL, December 8, 1987.

²⁵¹ “Dozens of Iranians Arrested; Mujahedeen Call It a Deal with Iran,” ASSOCIATED PRESS, December 7, 1987.

²⁵² *Id.*

²⁵³ “French Expels 17 Anti-Tehran Activists to Its Former Colony,” UNITED PRESS INTERNATIONAL, December 8, 1987.

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ “Iranian Rebels Based in Baghdad Unhappy with Iraq’s War Strategy,” THE WASHINGTON POST, June 1,

“The first recruits to answer the call to arms were . . . young idealists among the tens of thousands of Iranian students abroad,” a correspondent for the *Los Angeles Times* reported in December 1987.²⁵⁸ The NLA also included deserters from the Iranian army.

The fact that so many of the recruits were from universities made “the NLA one of the most highly educated armies in the world.”²⁵⁹ The *Los Angeles Times* correspondent added:

These well-read soldiers-in-exile have not only sacrificed their educations and careers but also their immediate financial prospects because there is no pay in the NLA.²⁶⁰

The MEK bases were located in the “central and northern sectors of the 700-mile war front.”²⁶¹ The bases typically contained an armory, mess halls, barracks, and other facilities.²⁶² The MEK also had a “well equipped hospital.”²⁶³

By December 1987, the total strength of the NLA was estimated to be about 10,000 to 15,000.²⁶⁴ About a third of the army’s members were women.²⁶⁵ A new recruit said he “received six months’ basic training in weapons” before participating in a military action.²⁶⁶ Soldiers wore “baggy, green US-style uniforms” and were armed with weapons “made in both the Soviet bloc and the West.”²⁶⁷

The NLA conducted continuous reconnaissance to gain intelligence on Iranian positions. When confronting Iranian soldiers, every effort was made to minimize casualties:

Officers who had taken part in the latest and largest battle in the Piranshahr area, where 310 prisoners were taken, explained that because of excellent intelligence they were able to surprise the enemy by surrounding his positions, usually at night. The NLA then used its superior fire power to bring down a heavy enveloping barrage. The shocked garrisons were then bombarded from loudspeakers with the news that the attackers were not Iraqis but Iranians; they called for surrender before the actual attack began. Perhaps because of these tactics, perhaps because of low Iranian morale, the NLA claims it does not find the Iranian soldier a tough, dedicated fighter but one quite

1988.

²⁵⁸ “Inside a Mujahedeen Camp: The Face of Iran-to-be?” *LOS ANGELES TIMES*, December 20, 1987.

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ “Iranian Rebels Based in Baghdad Unhappy with Iraq’s War Strategy,” *THE WASHINGTON POST*, June 1, 1988.

²⁶² “Underground Iranian Army Fights Khomeini Regime,” *ASSOCIATED PRESS*, February 3, 1988.

²⁶³ “Exiled Iranians Press a Political Cause From Iraq,” *THE NEW YORK TIMES*, February 7, 1988.

²⁶⁴ “Inside a Mujahedeen Camp: The Face of Iran-to-be?” *LOS ANGELES TIMES*, December 20, 1987.

²⁶⁵ “Underground Iranian Army Fights Khomeini Regime,” *ASSOCIATED PRESS*, February 3, 1988.

ready to run or give in. A Pasdaran, or Revolutionary Guard, pressed into service cannot be expected to have the commitment of an educated volunteer.²⁶⁸

The NLA began with hit-and-run attacks on small positions, gradually building up to brigade-size assaults. In February 1988, the NLA said it had captured “thousands of weapons, from small arms to heavy caliber weapons, including a tank.”²⁶⁹ Col. Khorramroudi, an officer in the Iranian army, was quoted in a Tehran newspaper saying that the NLA was “not like the Iraqi forces . . . They fight hard and are determined to uproot our regime.”²⁷⁰

In early 1988, Iraq and Iran began to target each other’s major cities with missiles. The MEK deplored the action, stating, “We are not in any way happy that the Iraqis are firing missiles at Iran.” The MEK considered the strategy “inhuman.” The MEK also opposed the use of chemical weapons, which it called “even more inhuman.”²⁷¹

The MEK differentiated its strategy from that of Iraq: “Our war is offensive for the purpose of overthrowing Khomeini whereas the Iraqis are just fighting a defensive war in order to protect themselves.”²⁷²

In June 1988, the NLA achieved a major success when it captured the central border town of Mehran.²⁷³ In July, NLA forces, backed by tanks, crossed into western Iran and captured two cities, Islamabad-e Gharb and Karand.²⁷⁴ The NLA then headed for Bakhtaran, the provincial capital of Kermanshah.²⁷⁵

As the NLA pushed nearly 100 miles into Iran, Tehran, in a “surprise decision,” announced on July 18 their acceptance of UN Security Council Resolution 598, calling for an immediate ceasefire, peace talks, troop withdrawals, and an exchange of prisoners.²⁷⁶

²⁶⁶ “Iranian Dissidents Waging War Against Khomeini,” ASSOCIATED PRESS, December 6, 1987.

²⁶⁷ “Underground Iranian Army Fights Khomeini Regime,” ASSOCIATED PRESS, February 3, 1988.

²⁶⁸ “Inside a Mujahedeen Camp: The Face of Iran-to-be?” LOS ANGELES TIMES, December 20, 1987.

²⁶⁹ “Underground Iranian Army Fights Khomeini Regime,” ASSOCIATED PRESS, February 3, 1988.

²⁷⁰ “The Ayatollah and Rajavi’s Gangs,” THE ECONOMIST, November 21, 1987.

²⁷¹ “Iranian Rebels Based in Baghdad Unhappy with Iraq’s War Strategy,” THE WASHINGTON POST, June 1, 1988.

²⁷² *Id.*

²⁷³ “Iranian Rebels Control Town Near Iraq,” THE WASHINGTON POST, June 21, 1988.

About 20 miles from Bakhtaran, the NLA offensive stalled, and its soldiers were forced to withdraw.²⁷⁷ On August 1, 1988, Khomeini's mullahs announced they had publicly hanged members of the MEK who had assisted in the invasion.²⁷⁸

Saddam Hussein, pressured by his Persian Gulf neighbors, publicly announced Iraq's acceptance of the UN ceasefire agreement.²⁷⁹ Further negotiations ensued and Secretary General Javier Perez de Cuellar announced that Iran and Iraq had accepted a ceasefire to begin on August 20, 1988.

After the truce, the NLA halted operations. Iran, however, embarked on a "wave of executions" of political prisoners. Most of the victims were MEK sympathizers, according to Amnesty International.²⁸⁰ Over a six-month period, more than 1,000 political prisoners were executed.²⁸¹

Having captured substantial military weaponry from Iran, the NLA began to transform itself from an infantry force into a small army with tanks, artillery, anti-aircraft batteries, and mobile missile launchers.²⁸² For example, in a single operation in June 1988, the MEK said it captured 64 tanks, tens of APCs, hundreds of field guns and anti-aircraft weaponry.²⁸³

Sporadic hostilities continued between Iran and the MEK.

In April 30, 1990, Massoud Rajavi's brother, Kazem Rajavi, was murdered in a "burst of machine gun fire" near his home in a suburb of Geneva, Switzerland. Kazem was the chief lobbyist for the MEK at the Council of Europe in Strasbourg and other international organizations.

F. State Department Meetings with MEK/NCRI

In November 1986, after Irangate had become a public issue, the State Department formally proposed a dialogue with the NCRI.²⁸⁴ A State Department official in a meeting with the NCRI said its June 14, 1986, statement by Richard Murphy on the MEK had been

²⁷⁴ "International," UNITED PRESS INTERNATIONAL, July 26, 1988.

²⁷⁵ *Id.*

²⁷⁶ "International," UNITED PRESS INTERNATIONAL, July 26, 1988.

²⁷⁷ "Iran Claims Victory in Gulf Offensive," COURIER-MAIL, July 30, 1988.

²⁷⁸ "International," UNITED PRESS INTERNATIONAL, August 1, 1988.

²⁷⁹ "Iraq Shifts, Agrees to Truce Followed by Direct Talks; Pressure from Arabs Led to Compromise," THE WASHINGTON POST, August 7, 1988.

²⁸⁰ "Iranian Resistance Says Hundreds Left US to Fight Khomeini," ASSOCIATED PRESS, June 2, 1989.

²⁸¹ "Rights Group Reports 1,000 Iran Executions," THE NEW YORK TIMES, January 30, 1989.

discarded and said the MEK was the “only serious and sincere force with a decisive role in the future developments in Iran.”²⁸⁵

These meetings between the State Department and NCRI were confirmed in 1987 by Murphy:

“We meet, we have met” with the Mujahedeen, Murphy told congressmen last month. [November 1987] “We’re not boycotting them.” It is “a necessary part of our job to listen to them and the views of other (opposition) groups as well,” he said.²⁸⁶

Murphy described the MEK/NCRI as “a player” of increasing significance in the long-drawn-out struggle for freedom in Iran.²⁸⁷

Additionally, sources on Capitol Hill alleged the US government was covertly providing the group with at least \$100,000 a month and perhaps as much as \$300,000 a month to buy arms and fuel the propaganda machine.²⁸⁸

Both U.S. officials and the Mujahedin denied such payments were being made.²⁸⁹ A spokesman for the NCRI said that the group had stolen \$20 million from the Government of Iran in 1986 in what he termed “an intricate operation.”

Discussion

The statement by the State Department official that Murphy’s statement had been discarded provides further evidence that Murphy’s denunciation of the MEK was politically motivated to help gain the release of American hostages.

²⁸² “Ashraf Camp Journal,” THE NEW YORK TIMES, June 5, 1991.

²⁸³ “Remarks Followed by Press Questions; Speaker: Alireza Jafarzadeh,” Federal News Service, April 4, 1991.

²⁸⁴ Interview with NCRI members, August 2005.

²⁸⁵ “Legacy of a Misguided Policy,” National Council of Resistance of Iran Foreign Affairs Committee, 1988, p. 68.

²⁸⁶ “Mujahedeen Get Some U.S. Backing; Rebels Wage Campaign Of War, Words Against Iran,” LOS ANGELES TIMES, November 30, 1987.

²⁸⁷ “Mullahs of Iran Vie For Power,” LOS ANGELES TIMES, June 21, 1987.

XIII. Alleged Suppression of Kurds

State Department Allegation

“In 1991, the MEK assisted the Government of Iraq in suppressing the Shia and Kurdish uprisings in southern Iraq and the Kurdish uprisings in the north.”²⁹⁰

Background

The source of the allegation appears to be news reports on the Kurdish uprising in early 1991, a Human Rights Watch report published in June 1992, and a State Department report released in 1994.

Regarding the news reports, on March 26, 1991, *The Guardian* quoted Jalal Talabani, head of the Patriotic Union of Kurdistan (PUK), on the Kurdish uprising that began in early March. Talabani said Saddam Hussein was massing troops to quell the uprising, “including Iranian dissidents sheltering in Iraq.”²⁹¹ Talabani alleged, “More than 5,000 mercenaries of the [Iranian People’s] Mojahedin are being prepared and supplied with tanks to lead a ground attack.”²⁹²

The following day the PUK “telefaxed” a statement to *The Associated Press* accusing “Iraqi-based Iranian dissidents of attacking Kurdish forces Monday morning near the Iranian border northeast of Baghdad.”²⁹³ The PUK “claimed it was beating back the forces of the People’s Mojahedin of Iran and had killed several of its soldiers.”²⁹⁴ In response to the allegation, the MEK forwarded a statement to *The Associated Press*, stating the claims by the PUK were “a blatant lie.”²⁹⁵

Exiled leaders of Iraq’s Shi’ite Muslim al-Dawa party also alleged that the “Mujahedeen’s forces were fighting alongside the Iraqi army in an attempt to crush the rebellion.”²⁹⁶

In June 1992, Human Rights Watch published a report on the Kurdish uprising. The report stated:

²⁸⁸ “Mujahedeen Get Some U.S. Backing; Rebels Wage Campaign Of War, Words Against Iran,” LOS ANGELES TIMES, November 30, 1987.

²⁸⁹ *Id.*

²⁹⁰ “Country Reports on Terrorism,” US State Department, April 27, 2005.

²⁹¹ “UN Allies Urged to Save Iraqi Rebels,” THE GUARDIAN, March 26, 1991.

²⁹² *Id.*

²⁹³ “Kurdish Leader Returns to Iraq, Vows Flight to Free Nation,” ASSOCIATED PRESS, March 27, 1991.

Witnesses also accused fighters from the Iranian opposition organization Mojahedin-i-Khalq (People's Mojahedin of Iran) and Jordanian, Sudanese, Palestinian and Yemeni mercenaries of helping to suppress the uprising. They claimed to recognize the fighters' nationalities from their appearance or accents. While the testimony collected was persuasive that the Mojahedin-i-Khalq and foreign mercenaries helped Iraqi soldiers to crush the uprising, it was not possible to assess how important a role these various groups played.²⁹⁷

The footnote in the report for this allegation states:

Testimony of Kurdish refugees in Iran about Mojahedin-i-Khalq atrocities was rendered suspect by the evident prodding that many had received from their Iranian hosts to make such denunciations. Nevertheless, even when discounting for such pressure, the evidence was strong that the Baghdad-backed rebel group had played some role in crushing the revolt. After the uprising, Mojahedin displayed their tanks and other heavy equipment to journalists who visited a Mojahedin base some 60 miles north of Baghdad and 60 miles west of the Iranian border, near southern Kurdistan.²⁹⁸

The footnote cited a *New York Times* article by Alan Cowell published on June 5, 1991, as evidence that the MEK displayed its military hardware.²⁹⁹

In October 1994, *The Wall Street Journal* repeated allegations in previous news articles on the MEK:

The group's only major offensive in the past six years came in 1991 just after the Gulf War, when Saddam Hussein ordered Mr. Rajavi to help quell a Kurdish revolt in northern Iraq, participants in that operation say.

Finally, in 1994, the State Department produced a report on the MEK, based in part on the public record. The report repeats allegations in the press:

Iraqi Kurds also claimed the Mojahedin had assisted the Iraqi Army in its suppression of the Kurds, a "claim substantiated by refugees who fled near the Iranian border." The leader of the Patriotic Union of Kurdistan of Iraq, Jalal Talabani, told the reporters that "5,000 Iranian Mojahedin joined Saddam's forces in the battle for Kirkuk." A recent *Wall Street Journal* report stated that the NLA's "only major offensive in the past six years came in 1991, just after the Gulf War, when Saddam Hussein ordered Mr. Rajavi to help quell a Kurdish revolt in northern Iraq, participants in the operation say."

²⁹⁴ *Id.*

²⁹⁵ "Kurdish Leader Returns to Iraq, Vows Flight to Free Nation," ASSOCIATED PRESS, March 27, 1991.

²⁹⁶ "Iranian Forces, Exiled Opposition Said to be in Bloody Clash," ASSOCIATED PRESS, April 1, 1991.

Discussion

The sources and evidence to support the allegation that the MEK assisted in suppressing the Shia and Kurdish uprisings in southern Iraq and the Kurdish uprisings in the north are factually incorrect, are based upon unreliable sources, or are politically motivated.

The Kurdish rebellion began in early March 1991 in the town of Rania, northwest of Suleimaniyya. Ten days later, the Kurds “controlled every city in the north except Kirkuk and Mosul.” On March 20, they captured Kirkuk.³⁰⁰ According to *The Associated Press*, many towns and cities were “see-sawing between government and insurgent control.”³⁰¹ To put down the uprising, Iraqi troops “rolled into Dahuk and Irbil on March 30, Zakho on April 1, and Suleimaniyya, the last important town held by the rebels, over the next two days.”³⁰²

Also on April 1, *The Associated Press* quoted exiled leaders of Iraq’s Shiite Muslim al-Dawa party, alleging the “Mujahedeen’s forces were fighting alongside the Iraqi army in an attempt to crush the rebellion.”³⁰³

During this chaotic period in Iraq, the MEK was the target of two major attacks by the Iranian Revolutionary Guard, according to the MEK. Iranian forces hoped to take advantage of the confusion in Iraq in order to wipe out the MEK. “The plan was to destroy the NLA and its bases here,” the MEK explained at a press conference in Washington, D.C.³⁰⁴

The first attack by the Iranian Revolutionary Guard occurred from March 21 to 25, when forces crossed the border into Iraq. The MEK engaged the Revolutionary Guard “along the entire region of Kefri, Jalulah, Kelar, and around the Khaniqin.”³⁰⁵

The second offensive “started after they [the Revolutionary Guard] infiltrated into the Iraqi territory in the Qasr-Shirin area,” on March 31, according to the MEK.³⁰⁶ The Guards launched an attack the following morning at 1:30 a.m. along three major axes and one minor axis. The MEK counter-attacked; the Revolutionary Guard sustained substantial casualties and retreated.

²⁹⁷ “Endless Torment: The 1991 Uprising in Iraq and its Aftermath,” Human Rights Watch, June 1982.

²⁹⁸ *See Id.*, *see also* footnote 12.

²⁹⁹ “Ashraf Camp Journal: Facing Iran, an Army with Resolve and Day Care,” THE NEW YORK TIMES June 5, 1991.

³⁰⁰ “Endless Torment: The 1991 Uprising in Iraq and its Aftermath,” Human Rights Watch, June 1982.

³⁰¹ “Iranian Forces, Exiled Opposition Said to be in Bloody Clash,” ASSOCIATED PRESS, April 1, 1991.

³⁰² “Endless Torment: The 1991 Uprising in Iraq and its Aftermath,” Human Rights Watch, June 1982.

³⁰³ “Iranian Forces, Exiled Opposition Said to be in Bloody Clash,” ASSOCIATED PRESS, April 1, 1991.

The Associated Press published an article on the second attack on April 1, 1991. It stated the MEK repulsed the attack on a base north of the Iraqi town of Jalola.³⁰⁷

To tout its victories and bring attention to the attacks in Iraq by the Revolutionary Guard, the MEK held a press conference at the National Press Club in Washington, DC on April 4, 1991. The MEK explained it only became involved in the Gulf conflict because it had been attacked. “What else could we do but defend ourselves?,” an official said.³⁰⁸

The MEK stated it had remained neutral throughout the conflict and purposely kept a low profile. After Saddam Hussein attacked Kuwait, the MEK “halted their radio and television broadcasts and stopped their publications.”³⁰⁹ To minimize any conflicts, the MEK had “evacuated all of their bases in the Kurdish areas in the north and the regions in the south of Iraq.”³¹⁰ In early March, it sent a number of messages through the Kurdistan Democratic Party of Iran – Revolutionary Leadership, to the leaders of the Iraqi Kurds, stating it did not seek to engage the Iraqi Kurds unless attacked and that its sole aim was to topple the Iranian government.³¹¹

Talebani’s allegations against the MEK are questionable due to the fact that the PUK was aligned with Iran during the Iran-Iraq War and was an adversary of the MEK. As explained in a 1987 *Associated Press* article:

Iran backs Talabani’s guerrillas in their fight against Baghdad and Iraq supports Iranian Kurdish guerrillas fighting the Islamic Republic of Ayatollah Ruhollah Khomeini.³¹²

The previous year, “an unscheduled announcement broadcast by Tehran radio” alleged the PUK had attacked Kirkuk, damaging an oil refinery and power station, as well as destroying the headquarters of the MEK.³¹³ According to the MEK, “armed members of this group [PUK] ambushed four Mojahedin members on the Kirkuk-Suleimaniya road, killing them in a hail of bullets.”³¹⁴

³⁰⁴ “Opposition Trains on Plains of Iraq to Topple Iranian Rulers,” ASSOCIATED PRESS, May 8, 1991.

³⁰⁵ “Remarks Followed by Press Questions; Speaker: Alireza Jafarzadeh,” Federal News Service, April 4, 1991.

³⁰⁶ *Id.*

³⁰⁷ “Iranian Forces, Exiled Opposition Said to be in Bloody Clash,” ASSOCIATED PRESS, April 1, 1991.

³⁰⁸ “After the War; Kurds Fall Back From Iraq Forces,” THE NEW YORK TIMES, April 2, 1991.

³⁰⁹ *Democracy Betrayed*, The National Council of Resistance of Iran, 1993.

³¹⁰ *Id.* at 129.

³¹¹ *Id.* at 130.

The MEK stated there were “other attacks in subsequent years,” in which the PUK “killed or wounded more members of the Mojahedin and National Liberation Army.” Despite its ability to respond militarily, the Mujahedin said it “never reciprocated.”³¹⁵

There is no evidence to support the PUK’s allegation that MEK was preparing to lead any attacks against the Kurds. At the time of the uprising, the MEK was fully engaged in fighting Iranian Revolutionary Guards who had crossed into Iraq.

It was reported on March 26 that the PUK had “killed several of its [MEK] soldiers.” This report, according to the MEK, may refer to an incident that took place while the NLA was fighting the Revolutionary Guard. Following is MEK’s description of the event:

A platoon of 19 combatants, riding in four armored vehicles, lost radio contact with the command center. The group lost its way in the unfamiliar terrain, and mistakenly advanced several kilometers toward the city of Kelar, where they were captured by members of the Talabani group and the Kurdish Hezbollah (a proxy of the Iranian regime). Although the Mojahedin and NLA immediately acknowledged the error and issued statements to that effect on the same day, the Talabani group and other pro-regime Kurds executed 17 of them.³¹⁶

The allegation by the Dawa party on April 1 that the MEK was “fighting alongside the Iraqi army” is also inaccurate. Al-Dawa (The Call) is a radical fundamentalist Shi’ite organization, not unlike Hezbollah in Lebanon, which is financed and directed by Iran.³¹⁷ Al-Dawa appears to be an outlet for Iran’s propaganda and any of its statements must be viewed with great skepticism.

Much of the news about the Kurdish rebellion was supplied by Iran’s official Islamic Republic News Agency, *The Associated Press* reported.³¹⁸ As an example, the IRNA “quoted an unidentified spokesman of the Patriotic Union of Kurdistan [PUK] as saying the Iraqi government had threatened to kill 5,000 Kurdish hostages, mostly women and children, who had reportedly been rounded up and taken to Kirkuk.”³¹⁹ During the Gulf War, IRNA distributed many falsehoods in a propaganda campaign about the MEK. It alleged:

³¹² “Iranians Say Their Forces, Allied with Kurds, Kill 1,500 Iraqi Troops,” ASSOCIATED PRESS, April 18, 1987.

³¹³ “Iran Launches New Offensive in Northern Iraq,” BBC Summary of World Broadcasts, October 13, 1986.

³¹⁴ *Democracy Betrayed*, The National Council of Resistance of Iran, 1993, p. 128.

³¹⁵ *Id.*

³¹⁶ *Id.* at 130.

³¹⁷ “Threats and Responses: Muslims; Shiites in Southern Iraq Loom as a Serious Threat to Hussein,” THE NEW YORK TIMES, January 14, 2003. See Also: “Iraqis and Iranians Hurl Sharp Insults,” THE NEW YORK TIMES,

- “A Mojahedin woman drove a tank over the bodies of the dead and wounded.”
- “Mojahedin forces actively collaborated with the Iraqi Ba’athist army in the suppression of the Iraqi people’s uprising and committed many crimes. For this reason, the people of Suleimaniya executed six Mojahedin women.
- In Kifri, Kelar . . . the Mojahedin fought face to face with ordinary people. Popular forces killed many and arrested a number of them, including several women.”³²⁰

Iran’s Intelligence Ministry had an active campaign to provide disinformation about the MEK. In 1995, Karen Parker, a lawyer for the Sub-Commission on Promotion and Protection of Human Rights, submitted testimony regarding Jamshid Tafrishi-Engineer, who spent about 18 months with the NLA. According to Parker, Tafrishi-Engineer was “an agent of the regime in Iran with an assignment to gather intelligence on Iranian exiles, to seek ways and means for discrediting them and all opponents of the regime, and to carry out misinformation campaigns against them.”³²¹ She further stated:

Mr. Tafrishi has recently written a letter in which he reveals that the Intelligence Ministry of the Iranian regime hired him (apparently paying him \$72,000 in addition to travel and other expenses) especially to carry out a misinformation campaign about the NLA, with false accusations that the NLA had itself engaged in violations of human rights or intimidation or extortion of the Iranian exile community. A number of the human rights organizations were treated to false testimony and government-orchestrated letter writing campaigns. Unfortunately, some of these organizations may have believed this misinformation.³²²

Information provided to Human Rights Watch could have been part of an orchestrated effort by Iran to discredit the MEK. At a minimum, the information should be viewed with great skepticism. The report openly declared it “was not possible to assess how important a role” each group allegedly played in the uprising. The report also acknowledged alleged atrocities were “rendered suspect by the evident prodding” from their Iranian hosts.

After openly stating that its information is of dubious origin, Human Rights Watch misidentified military actions by the MEK regarding the Iranian Revolutionary Guard and misconstrued an article by *The New York Times*.

June 26, 1980.

³¹⁸ “Saddam’s Troops Said to Retake Holy Cities, Use Napalm,” ASSOCIATED PRESS, March 12, 1991.

³¹⁹ *Id.*

³²⁰ *Democracy Betrayed*, The National Council of Resistance of Iran, 1993, p. 131.

³²¹ “Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World,” Testimony

As evidence that the MEK helped crush the uprising, the Human Rights Watch report mentioned the MEK had displayed tanks and other heavy equipment to journalists in June 1992. While it is true the MEK invited the media to a base in Iraq in June, the action had no relationship to the Kurdish uprising; rather, the MEK had organized the media visit to tout its military prowess and victories against the Iranian Revolutionary Guard.

The New York Times article featured Sadiyeh Hosseini, a mathematician and mother of a seven-year-old daughter, who fought against the Iranian Revolutionary Guard:

The campaign offered Mrs. Hosseini her combat debut in the T-55 [Russian battle tank]. “I was trying to keep myself under control and perform my responsibility as well as possible,” she said. Her gunner, she went on, scored direct hits on “the enemy,” who fired a rocket-propelled grenade that glanced off the T-55’s armor without piercing it. All the crew members of her tank were women, although the bulk of the army’s tank crews appeared to be men.

The New York Times article makes no mention of the Kurdish uprising. Human Rights Watch clearly misinterpreted the reason the MEK invited the media to its base in Iraq. The fact that the MEK possessed tanks and other heavy weapons is not evidence they “played some role in crushing the revolt.”

Finally, on July 14, 1999, the Kurdish Democratic Party (KDP) said the MEK was not involved in suppressing the Kurdish people, neither during the uprising nor in its aftermath. KDP Foreign Affairs Chief Hoshiyar Majmood Mohammed Zebari stated in an affidavit:

The KDP, as a major Kurdish political party, has led and participated in the Kurdish spring uprising of 1991 in Iraqi Kurdistan. The uprising caused the collapse of Iraqi government’s military, security and administrative structure in the region.

The oil city of Kirkuk was liberated by the people and Kurdish forces (peshmerga). When the Iraqi troops counterattacked and regained control of Kirkuk and other major cities, there were rumors of Mujahedin units assisting the Iraqi troops. But due to disorder of events and developments it was difficult to establish the truth. However, when the leadership of Kurdistan engaged in negotiations with the Government of Iraq from April to September 1991 and the situation stabilized, these rumors were found to be untrue.



The KDP can confirm that the Mujahedin were not involved in suppressing the Kurdish people, neither during the uprising nor in its aftermath.

We have not come across any evidence to suggest that the Mujahedin have exercised any hostility towards the people of Iraqi Kurdistan. The Mujahedin-e Khalq has its own political agenda in Iran and its members do not interfere in Iraqi internal affairs.³²³

The State Department offers no evidence to support its allegation that the MEK suppressed the Kurdish uprising. The State Department's 1994 report on the MEK offers only two sources of information to support the allegation that the MEK suppressed the Kurds. Both of these sources lack credibility. The 1994 report quotes the PUK and includes a quotation from a *Wall Street Journal* article that simply restates the earlier PUK allegation. No substantive source of information is provided. However, there are numerous credible sources of information that contradict the State Department allegation.

of Karen Parker, International Educational Development, Inc. on January 23, 2001; UN Commission on Human Rights, February 13, 2001.

XIV. Alleged Attacks on Iranian Embassies

State Department Allegation

“In April 1992, the MEK conducted near-simultaneous attacks on Iranian embassies and installations in 13 countries, demonstrating the group’s ability to mount large-scale operations overseas.”³²⁴

Background

On Sunday, April 5, 1992, 13 Iranian F-4 and F-5 Phantom jets swept across the Iraqi border and in “five waves” fired rockets and dropped cluster bombs on NLA’s Ashraf base, killing one MEK fighter and wounding a dozen others.³²⁵

“Dozens of unexploded cluster bombs were scattered around a logistics center . . . while cannon fire left two lines of small craters in the road.”³²⁶ Iraq shot down one of the Phantoms and captured its two crewmen. It was the first air strike by Iran on Iraqi territory since the ceasefire at the end of the Iran-Iraq war in 1988.³²⁷

Massoud Rajavi sent a telegram to Boutros Boutros-Ghali, then secretary-general of the United Nations, asking the UN Security Council to condemn the attack and embargo oil and arms trade with Iran.³²⁸

“Tehran said the air strike was in retaliation for a raid by guerrillas of Mujahedeen Khalq, or People’s Holy Warriors, on two villages in western Iran on Saturday. It also blamed the Mujahedeen for . . . attacks on Iranian diplomats in Baghdad,” *The Associated Press* reported.³²⁹

The Iranian bombing by the Phantom jets occurred eight days before Iran’s parliamentary election. In the weeks leading up to the election, the MEK escalated its “propaganda war” in support of President Ali Akbar Hashemi Rafsanjani.³³⁰

³²² *Id.*

³²³ *Iraq’s Major Political Groupings*, Middle East Reference, Glen Rangwala, University of Cambridge, UK, <http://middleeastreference.org.uk/Iraqiopposition.html>

³²⁴ “Country Reports on Terrorism,” US State Department, April 27, 2005.

³²⁵ “Iranian Planes Raid Rebel Base in Iraq; Baghdad Claims 1 Shot Down,” ASSOCIATED PRESS, April 5, 1992. CNN reported there were a dozen jet fighters, F-4s and F-5s that attacked the base. See “Reprisals Against Iran After Jet Attack in Iraq,” CNN, April 5, 1992.

³²⁶ “Iranian Planes Attack Rebel Base in Iraq,” SEATTLE POST-INTELLIGENCER, April 6, 1992.

³²⁷ “Iranian Planes Raid Rebel Base in Iraq; Baghdad Claims 1 Shot Down,” ASSOCIATED PRESS, April 5, 1992.

“Gulf-based diplomats said the Iranian raid was a warning to the rebels that they could no longer operate with impunity in Iraq.”³³¹ But Alireza Jafarazadeh, a spokesman for the MEK, said, “The real reason for [the] attack was the tremendous political crisis facing the Tehran regime inside Iran over the parliamentary elections.”³³²

A statement by the MEK released in Cologne, Germany, said its supporters staged the demonstration in Bonn to protest the Iranian air attacks on the Ashraf base in Iraq.³³³ Mujahedin supporters also demonstrated at and/or attacked Iranian embassies in other capital cities around the world, including those of Australia, Britain, Canada, Denmark, France, Netherlands, Norway, Sweden, Switzerland, and the United States.

Below are details of the demonstrations reported by the media:

- **Bern:** Protestors ransacked the Iranian embassy. The police arrested 24 people.³³⁴
- **Bonn:** Dozens of demonstrators “stormed the Iranian embassy, fought with embassy personnel and ransacked rooms on four floors.”³³⁵ “The angry mob hurled official papers and furniture from the windows during the rampage.”³³⁶ Several protestors and police officers were hurt.
- **Canberra:** About 40 protestors armed with hammers, baseball bats, sticks, and tire irons broke into the Iranian embassy on April 6 and injured three diplomatic staff members. The mission’s third secretary, Ali Borghie-Nejad, suffered a “broken nose and a head wound.”³³⁷ The protestors “smashed windows, wrecked furniture and office equipment, and set fire to documents.” Cars in the compound were damaged. Walls were sprayed with graffiti and bottles of red dye and eggs were thrown at the embassy.³³⁸ “The attackers took off with 217 blank Iranian passports and \$65,000 in US currency.”³³⁹ One protestor was sentenced to 18 months in jail, and three protestors to 12 months; six others were given suspended sentences.³⁴⁰ The Australian government paid Iran \$329,000 in compensation for the attack.³⁴¹

328 *Id.*

329 *Id.*

330 “Iraqis Down Iranian Plane Near Baghdad,” THE INDEPENDENT (London), April 6, 1992.

331 “Iran Bombs Rebel Camps in Iraq,” THE TIMES (London), April 6, 1992.

332 “Foreign General News,” THE CANADIAN PRESS, April 5, 1992.

333 *Id.*

334 “Iran Rebels Hit Missions in 10 Nations,” THE NEW YORK TIMES, April 6, 1992.

335 “Iraqis Down Iranian Plane Near Baghdad,” THE INDEPENDENT (London), April 6, 1992.

336 “Iran Rebels Hit Missions in 10 Nations,” THE NEW YORK TIMES, April 6, 1992.

337 “Four Jailed Over Attack on Iranian Embassy,” UNITED PRESS INTERNATIONAL, February 18, 1994.

338 “Embassy Attack Fury,” COURIER-MAIL, April 7, 1992.

- **Copenhagen:** About 50 protestors demonstrated at the Iranian embassy; windows were smashed and 11 people were arrested.³⁴²
- **Hamburg:** About 30 people “armed with stones and petrol bombs tried to attack the Iranian consulate.”³⁴³ About 20 people were arrested.³⁴⁴
- **The Hague:** Police arrested 35 demonstrators after they forced their way into the Iranian embassy compound with a minibus and ransacked the building.³⁴⁵
- **London:** Fifty people gathered outside the Iranian embassy in London, chanting, “Rafsanjani, terrorist.”³⁴⁶ They smashed seven windows with bricks and caused other minor damage.³⁴⁷ The group called itself the Iranian Supporters of the Mujahedin in Britain.³⁴⁸ Later in the day, “a gasoline bomb was thrown at the Iran Air office on Piccadilly in downtown London, causing minor damage to the building.”³⁴⁹
- **Munich:** The ground floor of the Iranian consulate was “destroyed in an arson attack.”³⁵⁰
- **New York:** Five protestors “armed with knives” seized the Iranian Mission to the United Nations for two hours, holding three employees hostage. “Two of the hostages escaped when the police broke through a back door” and the third was released when the protestors surrendered peacefully.³⁵¹ “Furniture, televisions, and computers were smashed and the mission’s walls were sprayed with paint...”³⁵² The five men said they were members of the People’s Mujahedin Organization in Baghdad.³⁵³
- **Oslo:** More than 20 protestors forced their way into the embassy and ransacked the building. One employee was hurt.³⁵⁴

339 “Early Warning But No System,” SUNDAY HERALD SUN, April 12, 1992.

340 “Four Jailed Over Attack on Iranian Embassy,” UNITED PRESS INTERNATIONAL, February 18, 1994.

341 “Iran Compensated for Attack on Embassy,” ASSOCIATED PRESS, October 28, 1992.

342 “Iran Rebels Hit Missions in 10 Nations,” THE NEW YORK TIMES, April 6, 1992.

343 “Iraqis Down Iranian Plane Near Baghdad,” THE INDEPENDENT (London), April 6, 1992.

344 “Iran Rebels Hit Missions in 10 Nations,” THE NEW YORK TIMES, April 6, 1992.

345 “Tehran Hits Rebel Base in Iraq in Most Serious Attack Since ‘98,” THE HOUSTON CHRONICLE, April 6, 1992.

346 “Protesters Seize Iranian Mission in New York,” UNITED PRESS INTERNATIONAL, April 5, 1992.

347 “Iran Bombs Rebel Camps in Iraq,” THE TIMES (London), April 6, 1992.

348 “Demonstrators Smash Embassy Windows,” Press Association, April 5, 1992.

349 “Protesters Seize Iranian Mission in New York,” UNITED PRESS INTERNATIONAL, April 5, 1992.

350 “Iran Demands Compensation for Embassy Attacks and Extradition of Perpetrators,” BBC Summary of World Broadcasts, April 7, 1992.

351 “Iran Rebels Hit Missions in 10 Nations,” THE NEW YORK TIMES, April 6, 1992.

- **Ottawa:** Protestors with sledgehammers, mallets, and clubs battered down the front entrance to the three-story embassy, gained access to the building, where they “smashed furniture and windows, and rifled filing cabinets.” The Iranian ambassador was clubbed with a broken chair leg.³⁵⁵ Three staffers “suffered minor injuries.” Protestors carted away “armfuls of folders.” They spray painted slogans on the walls and tried to set fire to the building.³⁵⁶ Two employees were injured by flying glass as they attempted to stop the protestors. Thirty-one people were arrested.³⁵⁷ In March 1993, Robab Farahi-Mahdavi, the “mastermind of the demonstration,” was deported to Britain. Her lawyer argued, “It’s a gross exaggeration to call this woman a terrorist. All she did was mastermind a demonstration that got out of hand.”³⁵⁸ Nineteen protestors “pleaded guilty to various charges of break and enter and possession of stolen goods.”³⁵⁹ They received suspended sentences. Two others were acquitted. One protestor received a six-month jail term and one was jailed for a year.³⁶⁰

- **Paris:** About 20 people took part in an “unauthorized demonstration” and were detained by the police. Five protestors scaled a fence, broke a window, and seized a surveillance camera.³⁶¹ On April 25, 1992, a court in Paris gave five protestors suspended sentences of six years in prison and granted the Iranian government \$16,650 (Fr. 50,000) in damages.³⁶²

- **Stockholm:** More than 50 supporters set fire to two buildings and six cars. Four employees were injured.³⁶³ Twenty-one protestors were arrested by police.³⁶⁴

An Iranian electrical engineering student in Canada defended the protests, asking the question, “Do you consider that the 140,000 people they [Iranian regime] have jailed, the 90,000 they have executed is nothing?”³⁶⁵

The MEK headquarters in Germany said the demonstrations were to condemn Tehran’s “aggression and serious damage to human rights.”³⁶⁶

352 “Protestors Occupy UN Mission in New York for Two Hours,” ASSOCIATED PRESS, April 5, 1992.

353 “Protesters Seize Iranian Mission in New York,” UNITED PRESS INTERNATIONAL, April 5, 1992.

354 “Iranian Embassies in Sweden, Norway Attacked,” XINHUA, April 5, 1992.

355 “Man Guilty of Assaulting Iranian Ambassador,” THE OTTAWA CITIZEN, July 2, 1994.

356 “Violence Escalates Between Iran and Iraq Again,” CBS News Transcripts, April 6, 1992.

357 “Mob Ransacks Iranian Embassy,” THE OTTAWA CITIZEN, April 6, 1992.

358 “Woman Ordered Deported; Not a Terrorist, Lawyer Says,” THE VANCOUVER SUN, April 8, 1993.

359 “Iranians to Recount Khomeini Horrors at Sentencing,” THE OTTAWA CITIZEN, May 29, 1994.

360 “Agency “Erred” in Embassy Siege,” THE VANCOUVER SUN, September 10, 1994.

361 “Tehran Hits Rebel Base in Iraq in Most Serious Attack Since ‘98.” THE HOUSTON CHRONICLE, April 6, 1992.

362 “Iranian Paper Slams French Court Over the Trial of Anti-Tehran Activities,” AGENCE FRANCE PRESSE, April 25, 1992.

363 “Iranian Embassies in Sweden, Norway Attacked,” XINHUA, April 5, 1992.

One of the protestors arrested in the attack on the Iranian embassy in Ottawa, Nezamalddin Afraz, was not a member of the MEK. Since leaving Iran, he had actively been involved in raising the awareness of human rights violations in his home country. The night before the embassy attack, Afraz said he left his home in Toronto on a bus bound for Ottawa. He said he had no idea he would be taking part in a coordinated effort to attack Iranian embassies worldwide.³⁶⁷ Under the oppressive regime of Khomeini, Afraz had been imprisoned for five and a half years. While he was incarcerated, he recalled, a prisoner in his cell once asked a guard for a blanket. The prisoner was doused in gasoline and set afire. In the mid-1980s, Afraz witnessed a fellow inmate being beheaded: "In front of the eyes of other people, his head was cut off." In prison, Fridays were called "fearful Fridays" because guards would randomly select prisoners for immediate execution. After being released, Afraz built a successful business as an auto mechanic. But, in 1987, he was again imprisoned and beaten. Again released, Afraz fled to Canada.³⁶⁸

When told he was viewed as a terrorist by the Iranian government, Afraz responded: "Khomeini executed a 70-year-old Christian priest and called him a terrorist. He was killing 80-year-old mothers and calling them terrorists. He was raping 13-year-old girls and calling them terrorists. You only have to listen to [author] Salman Rushdie to understand who's the terrorist."³⁶⁹

Afraz's lawyer, Norman Boxall, said there was no evidence to support widely publicized claims that any of the protestors in the Ottawa attack were members of the dissident Mujahedin Khalq, believed to be responsible for coordinating attacks on Iranian embassies around the world.³⁷⁰

Afraz was convicted of assaulting the Iranian ambassador and sentenced to one year in prison.³⁷¹

Discussion

The attack on the MEK camp by 13 Iranian Phantom jets was unprecedented and provoked an intense emotional response by Iranian expatriates around the world. Tensions already were elevated as a result of the parliamentary elections, scheduled for Monday, April 13.

³⁶⁴ "Iran Rebels Hit Missions in 10 Nations," THE NEW YORK TIMES, April 6, 1992.

³⁶⁵ "Refusing to Leave Their Conflicts Behind," THE OTTAWA CITIZEN, April 7, 1992.

³⁶⁶ "Dissidents Storm Iranian Missions Worldwide to Protest Air Raid," ASSOCIATED PRESS, April 5, 1992.

³⁶⁷ "Man Regrets Assault on Iranian Ambassador, Trial Told," THE OTTAWA CITIZEN, June 23, 1994.

³⁶⁸ "Man Charged in Assault on Iranian Ambassador Suffering from Post-Traumatic Stress, Court Told," THE OTTAWA CITIZEN, June 22, 1994.

³⁶⁹ "Man Regrets Assault on Iranian Ambassador, Trial Told," THE OTTAWA CITIZEN, June 23, 1994.

There is no evidence the MEK urged its supporters to use violence in demonstrating against the Iranian regime. Additionally, it is clear that not all of the demonstrators were affiliated with the MEK. The protestors in Ottawa were not members of the MEK, according to Judge Pierre Mercier, who adjudicated the cases involving the demonstration there:

There was no evidence that the 21 accused belong to the dissident group Mujahedeen Khalq or, as the Crown has alleged, any terrorist group. The protestors had reason to be angry given the atrocities many endured under the regime of the Ayatollah Ruhollah Khomeini.³⁷⁰

Nezamalddin Afraz, who had been imprisoned by Khomeini's regime, was not a member of the MEK but shared its goal of overthrowing the repressive Iranian government.

The protests at Iranian embassies around the world were planned before the attack on Camp Ashraf. On Saturday night, the day before the attack, Afraz had already left his home in Toronto on a bus bound for Ottawa. To counter the demonstrations and send a stern message to the MEK, Iran likely mounted the attack on Camp Ashraf.

Tehran claimed the bombing was a response to alleged raids by MEK on villages in Western Iran. This justification appears to be a fabrication. No information could be located to substantiate the claim.

The attack, however, ignited an emotional powder keg. The Iranian regime evokes great bitterness and hatred. For many supporters of the MEK, their opposition of the government is personal. Many of their friends and family members have been imprisoned, tortured, and executed by the government. In the case of Afraz, he had suffered hundreds of hours of torture by prison guards – a policy endorsed by the Iranian regime to maintain public control. When news emerged that the Iranian government had used Phantom jets to attack the MEK base in Iraq, it triggered a violent reaction that was felt around the world.

In Ottawa and other cities, demonstrations turned into mobs, bent on avenging untold injustices and the Phantom attacks. "This crime [bombing Ashraf] was not at all acceptable to me," Afraz stated. "How could a regime do such a thing?" Afraz and other demonstrators attacked the Iranian embassy and Afraz assaulted the ambassador.

When emotions calmed, Afraz realized his actions were wrong. "Had I been able to think about the incident prior to it," he told the court, "I wouldn't have done it."

³⁷⁰ "Leniency Sought for Iranian Protesters," THE OTTAWA CITIZEN, June 29, 1994.

Demonstrators in many countries who broke laws were arrested and many were sentenced to jail. Others received suspended sentences.

Since 1992, the MEK and other organizations opposed to the Iranian regime have participated in numerous demonstrations that have been peaceful.

Iran also continued attacking the MEK with its Phantom jets. In May 25, 1993, F-4 fighters dropped 32 bombs in raids near the village in the Jalula area and others at Camp Ashraf, according to the Iranian National Liberation Army. News reports said two buildings were heavily damaged.³⁷³

³⁷¹ "Judge Criticizes CSIS, Crown Over Siege Trial; Only Two of 21 Iranian Embassy Protestors Jailed," THE

XV. Alleged Targeting of Key Iranian Military Officers

State Department Allegation

“In April 1999, the MEK targeted key military officers and assassinated the deputy chief of the Iranian Armed Forces General Staff.”³⁷⁴

Background

On April 10, 1999, Lt. Gen. Ali Sayyad Shirazi, Deputy Chief of the Joint Staff Command of the Armed Forces in Iran, was gunned down on his way to work by killers disguised as municipal street cleaners. Shirazi was shot three times in the head and neck.

A spokesman for the MEK told Reuters in Dubai by telephone that its units had carried out the attack: “Sayyad Shirazi was killed as he was being escorted by a group of heavily armed Revolutionary Guards acting as his bodyguard[s].”³⁷⁵

Shirazi, a senior army commander during the Iran-Iraq War, had “personally led several of Iran’s major offensives.”³⁷⁶ Nicknamed Iron Man, Shirazi was awarded the Fateh (Conqueror) medal in 1989, the country’s highest military honor in its armed forces.³⁷⁷

The MEK said Shirazi was also known as the Butcher of Kurdistan and was responsible for purging and executing military personnel during the Iran-Iraq war.³⁷⁸

The Associated Press in Cairo said it received a telephone call from an MEK spokesman in Paris who said the group’s units inside Iran were responsible for the attack.³⁷⁹ *Agence France Presse* said it received a statement from the MEK at its bureau in Nicosia, taking credit for the attack.³⁸⁰ The MEK’s command headquarters in Iran also reported that several MEK operational units had “punished General Ali Sayad Shairazi,” according to a news report by *Agence France Presse*.³⁸¹

OTTAWA CITIZEN, September 10, 1994.

³⁷² “Mujahedeen Organization is Falsely Accused of Attacks,” THE OTTAWA CITIZEN, February 2, 2000.

³⁷³ “Iranian Strike on Rebel Bases Leaves Craters, Damaged Buildings,” AGENCE FRANCE PRESSE, May 25, 1993.

³⁷⁴ “Country Reports on Terrorism,” US State Department, April 27, 2005.

³⁷⁵ “Top Iranian General Slain by Gunmen,” SAN JOSE MERCURY NEWS, April 11, 1999.

³⁷⁶ “Top Iranian General Assassinated in Tehran,” AGENCE FRANCE PRESSE, April 10, 1999.

³⁷⁷ *Id.*

³⁷⁸ *Id.*

Discussion

While Iran and Iraq signed a ceasefire in August 1988, ending the eight-year war, the MEK and Iran have continued hostilities. The MEK publicly claimed responsibility for the attack on Sayyad Shirazi.

In the view of the MEK, Shirazi was a legitimate military target, as were many other attacks it mounted against the government of Iran.

The following events preceded the attack on Shirazi:

- **January 5, 1999:** Two men on a motorbike attacked Hojatolislam Ali Razini, head of Tehran's judiciary, while he was driving his car. Explosives were attached to his car, which detonated, wounding him in the leg, chest, and abdomen. A 30-year-old passerby was reported killed. The MEK faxed a statement to *The Associated Press* in Cairo, congratulating "the Iranian people on the heroic operation to bring to justice Ali Razini, one of the clerical regime's most ruthless religious judges." The MEK, however, did not claim responsibility for the attack.³⁸²
- **January 31, 1999:** Mortars "pounded" the headquarters of the Intelligence Ministry in Tehran, which oversees internal security, causing "heavy damage."³⁸³ There were no reported casualties. The MEK, in a statement to *The Associated Press* in Cairo, said the attack was in response to a recent wave of political murders in Iran.³⁸⁴
- **February 7, 1999:** The Iranian government arrested 27 people for "spying and treason," including ten MEK members, according to the Intelligence Ministry.³⁸⁵
- **March 9, 1999:** An estimated 5,000 demonstrators protested Iranian President Mohammad Khatami's visit to Rome.³⁸⁶
- **March 11, 1999:** Armed gunmen fired machine guns and RPG-7 rockets (rocket-propelled grenades) at an MEK convoy near Amara in southern Iraq. An attacker was killed by return fire, according to the MEK, which said in a statement that the attackers were agents of Iran's clerical regime.³⁸⁷

³⁷⁹ "Iranian Army Commander Assassinated," ASSOCIATED PRESS, April 10, 1999.

³⁸⁰ "Top Iranian General Assassinated in Tehran," AGENCE FRANCE PRESSE, April 10, 1999.

³⁸¹ *Id.*

³⁸² "Iranian Judge in Intensive Care After Assassination Attempt," ASSOCIATED PRESS, January 6, 1999.

³⁸³ "Dissidents Claim a Mortar Raid in Teheran," THE NEW YORK TIMES, February 1, 1999.

³⁸⁴ *Id.*

After Shirazi was killed, the MEK continued to attack key government officials in Iran and the Iranian government continued to attack MEK/NLA positions in Iraq and MEK authorities outside Iran:

- **June 5, 1999:** Two bombs exploded near MEK's headquarters in Baghdad, without causing any casualties, according to the MEK.³⁸⁸
- **June 9, 1999:** A remote car bomb killed four MEK members and an unidentified woman, riding in a bus near Baghdad. Twenty-three others were wounded. A spokesman for the MEK blamed the Iranian government for the incident.³⁸⁹
- **June 11, 1999:** Iran fired three long-range Scud missiles at the MEK's Ashraf training camp.³⁹⁰
- **November 2, 1999:** A missile attack against an MEK camp in Iraq killed five people and wounded 78 others. An MEK spokesman blamed Iran for the attack.³⁹¹
- **November 26, 1999:** The MEK launched a mortar attack on a Revolutionary Guard facility in the Western city of Khorramabad, inflicting heavy casualties.³⁹²
- **November 26, 1999:** MEK agents said they fired mortars at the Iranian Intelligence Ministry. According to the MEK, "a large number of Intelligence Ministry agents were killed or wounded."
- **December 11, 1999:** The MEK fired 82-mm mortars at the headquarters of the 23rd Iranian Commando Division of Special Forces, an electronic surveillance center of the Southern Command, inflicting "heavy casualties and severe damage." The MEK issued a statement to *Agence France Presse* in Nicosia taking responsibility for the attack.³⁹³
- **December 26, 1999:** An Iranian soldier was killed in a clash with MEK forces along the Iran-Iraq border in the southern province of Khuzestan. A fax by the MEK to *The Associated Press* in Cairo said its fighters attacked a Revolutionary Guard barracks. It said two MEK fighters and many Iranian troops were killed in the incident.³⁹⁴

385 "27 Arrested in Iran Intelligence Crackdown," AGENCE FRANCE PRESSE, February 7, 1999.

386 "Iranian President Greeted by Protests on Landmark European Trip," AGENCE FRANCE PRESSE, March 9, 1999.

387 "Iranian Opposition Says Its Convoy Attacked in Iraq," ASSOCIATED PRESS, March 11, 1999.

388 "Car Bomb Kills Four Iranian Opposition Fighters in Iraq," AGENCE FRANCE PRESSE, June 9, 1999.

389 *Id.*

390 "Iraq Accuses Iran of Firing Three Missiles," THE SEATTLE TIMES, June 11, 1999.

391 "International Affairs; Middle East," Facts on File, World News Digest, December 31, 1999.

XVI. Alleged Attack on NASR Headquarters

State Department Allegation

“In April 2000, the MEK attempted to assassinate the commander of the NASR Headquarters, Tehran’s interagency board responsible for coordinating policies on Iraq.”³⁹⁵

Background

The description by the State Department of the MEK attack on NASR commander Revolutionary Guard Brig. Gen. Reza Seifollahi (also spelled Seyfollahi, Seifollahi, Seifullahi, and Sayfullahi) is incorrect. However, the MEK did attempt to kill Seifollahi in August 2000 and again in May 2001.

Seifollahi is one of the masterminds of the US embassy takeover in Tehran in 1979 and in 2000 was Iran’s intelligence minister, heading a special group “to export terrorism,” according to the MEK.³⁹⁶ In April 1991, he was elevated to lieutenant general and was placed in charge of the Intelligence and Security Department of the Interior Ministry.³⁹⁷ In 2002, Seifollahi also coordinated Iranian policies with Iraq.³⁹⁸ At present, NASR also has operational centers in Basra, Nassiriyah, Najaf, Khanaqin, al-Kut, and al-Amarah. Seifollahi is now leading covert efforts to drive the US out of Iraq.³⁹⁹

In the first attack on Sunday, August 27, 2000, the MEK ambushed Seifollahi as his convoy passed through an intersection in northwest Tehran. In a statement to *Agence France Presse*, the MEK provided details of the incident:

Seven of his bodyguards jumped out and began shooting aimlessly to help Seifollahi and his deputy flee the scene. One of the Mujahadin charged at the Revolutionary Guards and pulled his hand grenade.⁴⁰⁰

³⁹² “Report: Rebels Killed After Planting Bomb in Iran,” ASSOCIATED PRESS, November 26, 1999.

³⁹³ “Iranian Armed Opposition Claims Attack on Military Bases,” AGENCE FRANCE PRESSE, December 11, 1999.

³⁹⁴ “Iranian Soldier Dies in Clashes with Opposition,” ASSOCIATED PRESS, December 27, 1999.

³⁹⁵ “Country Reports on Terrorism,” US State Department, April 27, 2005.

³⁹⁶ “Protesters Break Windows in Latest Unrest in Western Iranian City,” AGENCE FRANCE PRESSE, August 29, 2000.

³⁹⁷ “Crisis in the Gulf; Iran Shakes up Internal Security,” THE INDEPENDENT, April 2, 1991.

³⁹⁸ “Iran Invites Iraqi Opposition Leaders to Seminar on Iraq ‘Invasion’ – Report,” AL-SHARQ AL-AWSAT, January 26, 2002, BBC Monitoring Middle East, January 28, 2002.

³⁹⁹ “Iran’s Path; Stopping the Mullahs in their Tracks,” National Review, May 14, 2003.

The MEK said Seifollahi and his deputy, as well as six bodyguards, were wounded.⁴⁰¹ Afterwards, the MEK and government forces clashed in “hit-and-run battles” in Tehran, in which at least 15 guards or agents had been killed or wounded, according to the MEK.⁴⁰² Days after the attack, Iranian news outlets quoted Seifollahi stating, “I am absolutely safe and sound. There was a plan to assassinate me but it was foiled before they reached me.”⁴⁰³

Later, on May 28, 2001, the MEK, in a fax to *Agence France Presse*, announced another strike, saying that its command units inside Iran had attacked NASR military headquarters and the offices of their commander, Brig. Gen. Reza Seifollahi.⁴⁰⁴

Discussion

The MEK publicly claimed responsibility for the attack on Revolutionary Guard Brig. Gen. Reza Seifollahi. The MEK considered Seifollahi, as the head of intelligence, to be a legitimate military target.

In addition to the April 2000 incident, the MEK carried out numerous other strikes, including:

January 9, 2000: The MEK said it fired 82-mm mortars at the intelligence and local armed forces headquarters in Ilam. In a statement sent to *The Associated Press* in Dubai, the MEK claimed that dozens of Iranian security forces had died in the attack and the command centers’ buildings and facilities were damaged.⁴⁰⁵ Iran counter-claimed that three civilians were killed and five wounded. The MEK, in a statement to *Agence France Presse*, said the dead were senior officers of the Bassiji Islamic militia and the wounded were other Bassiji “agents.”⁴⁰⁶

January 12, 2000: Iranian police killed three MEK fighters along the border of Iraq, according to a report by Iranian state television. The MEK, in a statement, confirmed the death of three of its fighters.⁴⁰⁷ A MEK spokesman told *Agence France Presse* that it had mounted 23 attacks in 40 days, explaining the clashes were linked to the group’s growing capabilities and the February 18 parliamentary elections in Iran.⁴⁰⁸

<http://www.nationalreview.com/ledeen/ledeen051403.asp>

⁴⁰⁰ “Protesters Break Windows in Latest Unrest in Western Iranian City,” AGENCE FRANCE PRESSE, August 29, 2000.

⁴⁰¹ *Id.*

⁴⁰² *Id.*

⁴⁰³ “Iran Dismisses Opposition Mujahedeen as “Child’s Play,” AGENCE FRANCE PRESSE, August 31, 2000.

⁴⁰⁴ “Iranian Opposition Claims New Attack in Tehran,” AGENCE FRANCE PRESSE, May 28, 2001.

⁴⁰⁵ “Three Dead, 4 Injured in Clashes with Iranian Opposition,” ASSOCIATED PRESS, January 9, 2000.

January 16, 2000: The MEK said Iran launched a 107-mm rocket at one of its camps near the southern Iraqi city of Al-Kut. There were no casualties.⁴⁰⁹

January 25, 2000: The MEK said it attacked two Iranian bases of the 16th Armored Division in the areas of Sarnay and Saleh-Abed and launched another attack against the 23rd Special Forces Division at Dehloran.⁴¹⁰

⁴⁰⁶ "Three Killed in Iran Opposition Attack: Television," AGENCE FRANCE PRESSE, January 9, 2000.

⁴⁰⁷ "Report: Iranian Police Kill Three Opposition Fighters," ASSOCIATED PRESS, January 12, 2000.

XVII. Alleged February 2000 Attacks Against Iran

State Department Allegation

“The normal pace of anti-Iranian operations increased during ‘Operation Great Bahman’ in February 2000, when the group launched a dozen attacks against Iran. One of those attacks included a mortar attack against the leadership complex in Tehran that housed the offices of the Supreme Leader and the President.”⁴¹¹

Discussion

A series of attacks were mounted by the MEK in early 2000 to influence the parliamentary elections on February 18, 2000. The MEK publicly claimed responsibility for the attack on the leadership complex, deeming it a legitimate military target.

Additional attacks by the MEK include:

- **February 5, 2000:** The MEK fired “several mortar shells” at President Mohamad Khatami’s palace, which is near the offices of Supreme Leader Ayatollah Ali Khamenei, the parliament, judiciary, and the expediency council. According to *The Associated Press*, one of the mortars struck a nearby publishing house, located across the street from the judiciary building. Tehran claimed one person was killed and four were injured.⁴¹² But the MEK said “all of the mortars hit the intended buildings” and there were no civilian injuries.⁴¹³ The MEK forwarded a statement to *The Associated Press* in Cairo claiming responsibility for the attack,⁴¹⁴ saying the mortars hit Khamenei’s offices and residence. The attack was part of an operation named Tehran Uprising in memory of the people killed by the Revolutionary Guard.⁴¹⁵ The attack was significant because it occurred in a highly protected security zone, demonstrating the MEK’s ability to attack any target. The MEK said its “operational units” succeeded in entering the zone “with the help of the people and a number of staff members.”⁴¹⁶

⁴⁰⁸ “Iran Opposition Claims New Attack in Southwest,” AGENCE FRANCE PRESSE, January 12, 2000.

⁴⁰⁹ “Iranian Opposition Accuses Tehran of Rocket Attack in Iraq,” AGENCE FRANCE PRESSE, January 17, 2000.

⁴¹⁰ “Iran Opposition Claims New Attacks in Western Iran,” AGENCE FRANCE PRESSE, January 25, 2000.

⁴¹¹ “Country Reports on Terrorism,” US State Department, April 27, 2005.

⁴¹² “Blasts Heard Near Parliament,” ASSOCIATED PRESS ONLINE, February 5, 2000.

⁴¹³ “Iranian Opposition Denies Civilians Hurt in Blasts,” AGENCE FRANCE PRESSE, February 6, 2000.

⁴¹⁴ “Blasts Heard Near Parliament,” ASSOCIATED PRESS ONLINE, February 5, 2000.

- **February 6, 2000:** The MEK said it carried out 12 attacks on Iranian forces who were conducting military exercises in Kermanshah and Ilam provinces. MEK forwarded a statement to *Agence France Presse* in Nicosia that provided details of the offensive, which it code-named Operation Great Bahman. MEK said it used 120-mm and 82-mm mortars, as well as 107-mm missiles, to attack Iranian forces in the Qasr-e Shirin region. The MEK said it also ambushed intelligence agents and military patrols on the Sumar-Natfshahr road.⁴¹⁷
- **February 7, 2000:** The MEK said it foiled a planned attack against the group by the Iranian government. An NLA patrol discovered six rockets aimed at one of its military camps.⁴¹⁸
- **February 12, 2000:** In two separate operations, the MEK attacked military targets in southwestern Iran, according to a statement it forwarded to *Agence France Presse*.⁴¹⁹ The MEK said it fired 82-mm mortars at the headquarters of the 782nd battalion of the 23rd Airborne division. It also ambushed “several military patrols.”⁴²⁰
- **February 23, 2000:** *Agence France Presse* reported that the MEK killed two Iranian soldiers who were on patrol along the Iraqi border.⁴²¹

⁴¹⁵ “Explosions Near Iranian President’s Office Kill One, Wound Five: TV,” AGENCE FRANCE PRESSE, February 5, 2000.

⁴¹⁶ “Iranian Opposition Denies Civilians Hurt in Blasts,” AGENCE FRANCE PRESSE, February 6, 2000.

⁴¹⁷ “Iranian Opposition Claims Series of Attacks in South and West Iran,” AGENCE FRANCE PRESSE, February 6, 2000.

⁴¹⁸ “Iran and Guerrillas Clash,” UNITED PRESS INTERNATIONAL, February 7, 2000.

⁴¹⁹ “Armed Opposition Claims Fresh Attacks in Iranian Border Province,” AGENCE FRANCE PRESSE, February

XVIII. Alleged Mortar Attacks Near Iran-Iraq Border

State Department Allegation

“In 2000 and 2001, the MEK was involved regularly in mortar attacks and hit-and-run raids on Iranian military and law enforcement units and Government buildings near the Iran-Iraq border, although MEK terrorism in Iran declined toward the end of 2001.”⁴²²

Discussion

In July 2001, the National Council of Resistance of Iran (NCRI) publicly stated it had “carried out 261 military operations in Iran during the past year,” including 180 in 2001.⁴²³ The MEK states all the attacks were against legitimate military targets.

Below are details of attacks reported by the media:

2000

- **March 13, 2000:** The MEK said it launched “up to ten” 60-mm mortar shells at headquarters of the security forces and the Islamic Revolutionary Guard Corps and its commander, Gen. Rahim Safavi.⁴²⁴ The rounds landed inside a large residential complex near a military base.⁴²⁵ At least two people were injured.
- **March 13, 2000:** The MEK forwarded a statement to UPI in London, stating its guerrillas ambushed Col. Zinal Zadeh and two officers of the Revolutionary Guard in Aroumeh city.⁴²⁶
- **March 14, 2000:** Iranian jet fighters bombed the MEK training base in Ain Zaleh, about 75 miles northeast of Baghdad, according to the MEK.⁴²⁷

12, 2000.

⁴²⁰ *Id.*

⁴²¹ *Id.*

⁴²² “Country Reports on Terrorism,” US State Department, April 27, 2005.

⁴²³ “Iran’s Opposition Determined to Overthrow Tehran’s ‘Religious Dictatorship,’” AGENCE FRANCE PRESSE, July 29, 2001.

⁴²⁴ “Mortar Attack in Iran Wounds 4,” UNITED PRESS INTERNATIONAL, March 13, 2000.

- **March 28, 2000:** The MEK said it foiled a 60-mm mortar attack on its headquarters in Baghdad. Additionally, the MEK said Iranian forces attacked a car carrying MEK members near the town of Al-Sawira.⁴²⁸
- **April 13, 2000:** Iran claimed it intercepted and killed an “unspecified” number of MEK fighters near the Iraqi border.⁴²⁹
- **April 22, 2000:** Four MEK fighters were killed in clashes with Iranian police in the border town of Hosseibieh, according to Iranian authorities.⁴³⁰
- **May 1, 2000:** The MEK launched several mortars at the command headquarters of the national police forces in Tehran, according to a MEK spokesman who called *Agence France Presse*. The attack preceded runoff elections, scheduled for May 5, 2000.⁴³¹ The spokesman said the attack was carried out “in solidarity with student protests and strikes throughout the country.”⁴³²
- **May 13, 2000:** Five mortar shells exploded in the district of Kermanshah, southwest of Tehran. The MEK said in a statement forwarded to *The Associated Press* in Cairo that it had targeted the headquarters of the anti-riot forces.⁴³³
- **May 15, 2000:** Iran said it arrested two MEK fighters who entered the country intending to carrying out attacks in Iran.⁴³⁴ It claimed “scores of agents were killed or wounded in the attack.”⁴³⁵
- **May 30, 2000:** The MEK said it launched a 60-mm mortar attack on the Revolutionary Guard headquarters in Tehran. It claimed a number of senior officers were killed and wounded.⁴³⁶

⁴²⁵ “Mortars Hit Apartment Complex in Tehran, 2 Injured,” Associated Press International, March 13, 2000.

⁴²⁶ “Mortar Attack in Iran Wounds 4,” UNITED PRESS INTERNATIONAL, March 13, 2000.

⁴²⁷ “Iran Rebels Say Tehran Bombed Base,” UNITED PRESS INTERNATIONAL, March 14, 2000.

⁴²⁸ “Iran Opposition Says it Foils Baghdad Mortar Attack by Iranian Regime,” AGENCE FRANCE PRESSE, March 28, 2000.

⁴²⁹ “Iranian Rebels Killed Near Iraqi Border,” AGENCE FRANCE PRESSE, April 13, 2000.

⁴³⁰ “Iranian Opposition Members Killed Near Iraqi Border,” AGENCE FRANCE PRESSE, April 23, 2000.

⁴³¹ “Six People Wounded in Tehran Mortar Attack Claimed by Armed Opposition,” AGENCE FRANCE PRESSE, May 1, 2000.

⁴³² *Id.*

⁴³³ “Iran Denies Involvement in Baghdad Explosions,” ASSOCIATED PRESS, May 15, 2000.

- **June 11, 2000:** According to a statement forwarded to *Agence France Presse*, the MEK said it had attacked the regional intelligence department and other government buildings in Tabriz.⁴³⁷
- **June 22, 2000:** The MEK said its units crossed the border into Iran and launched mortar attacks over a three-day period against Iranian military and intelligence positions in the cities of Ahwaz and Tabriz.⁴³⁸
- **July 16, 2000:** The MEK forwarded a statement to *Agence France Presse* stating it had attacked the intelligence ministry with 20 82-mm mortar rounds, causing “substantial damage.”⁴³⁹
- **July 17, 2000:** The MEK said it carried out a mortar attack on the Revolutionary Guard near Ahwaz in Southern Iran.⁴⁴⁰
- **July 18, 2000:** The MEK said it launched a Katyusha rocket attack on the command headquarters of the 35th Commando Brigade in Darbalout Garrison in Gilan-e Gharb.
- **July 31, 2000:** The MEK said in a statement forwarded to *Agence France Presse* that it killed dozens of Iranian troops in clashes over a two-day period. It said it had fired some 200 shells during 30 hours of fighting.⁴⁴¹
- **August 18, 2000:** Revolutionary Guards crossed into Iraq and fired 120-mm mortars at Camp Habib, a MEK training facility in Southern Iraq. In the previous three weeks, the MEK claimed to have killed or wounded “dozens” of Iranian forces in a series of attacks in the border provinces of western Iran.⁴⁴²
- **August 19, 2000:** Two female MEK members were wounded in a skirmish with Iranian soldiers near the Iraqi border, according to Iranian sources.⁴⁴³

⁴³⁴ “Iran Says it Has Attested ‘Saboteurs’ Belonging to Armed Opposition,” AGENCE FRANCE PRESSE, May 15, 2000.

⁴³⁵ “Iranian Opposition Claims Kermanshah Explosions,” AGENCE FRANCE PRESSE, May 14, 2000.

⁴³⁶ “Mujahedin Claims Attack on Revolutionary Guards HQ in Tehran,” Deutsche Press-Agentur, May 30, 2000.

⁴³⁷ “Mortar Bombs Go Off in Iranian City of Tabriz,” AGENCE FRANCE PRESSE, June 11, 2000.

⁴³⁸ “Iran Says Seven Rebels, One Man Killed in Border Clashes,” ASSOCIATED PRESS, June 22, 2000.

⁴³⁹ “Blasts in North-East Tehran Damage Houses: Radio,” AGENCE FRANCE PRESSE, July 16, 2000.

⁴⁴⁰ “Iranian Opposition Mujahedeen Claim Attacks on Garrisons in South and West,” AGENCE FRANCE PRESSE, July 18, 2000.

⁴⁴¹ “Iran Says Two Troops, Five Rebels Dead in Border Clashes,” AGENCE FRANCE PRESSE, August 2, 2000.

⁴⁴² “Iranian Armed Opposition Says Tehran Forces Shell One of its Iraq Camps,” AGENCE FRANCE PRESSE,

- **August 26, 2000:** The MEK said it carried out 15 large-scale attacks in Khuzestan, Kermanshah, and Ilam provinces against units of Iran's army units, state security, and intelligence. The MEK claimed "hundreds" of government forces had been killed or wounded.⁴⁴⁴
- **September 6, 2000:** Iran said it arrested two MEK members after they crossed the border into Iran in the Marivan region, south of Sanandaj.⁴⁴⁵
- **October 14, 2000:** The MEK said it attacked the headquarters of the anti-riot division of state security. According to the MEK, the target was "pounded with 82 millimeter mortars, inflicting heavy casualties and damages on enemy forces."⁴⁴⁶
- **October 18, 2000:** The MEK said Iran fired rockets at their camp in Jalawla, about 20 miles from the Iranian border.⁴⁴⁷
- **October 22, 2000:** The MEK said it attacked two Revolutionary Guard headquarters with mortars, killing or wounding a number of troops. In a statement forwarded to *Agence France Press*, the MEK said the targets were the headquarters of the commander in chief of the Revolutionary Guard, Gen. Rahim Safavi, and Tehran Commander Brig. Gen. Mohammad-Ali Aaziz Jaafari.⁴⁴⁸ Iran claimed there were no casualties.⁴⁴⁹
- **October 25, 2000:** The MEK said it launched a mortar attack on security headquarters in Tehran. The unit, according to the MEK, was made up exclusively of women.⁴⁵⁰
- **October 31, 2000:** The MEK said Iran launched 107-mm rockets at their camp at Hodayun, about 30 miles from the border. The MEK said it was the 102nd attack on the MEK since 1993.⁴⁵¹
- **November 2, 2000:** In a statement forwarded to *Agence France Presse*, the MEK said its fighters mortared an army brigade headquarters near Mehran. Iran said the MEK launched five mortar shells in Kermanshah. They reportedly landed in a vacant lot and there were no casualties.⁴⁵²

August 18, 2000.

⁴⁴³ "Two Female Opposition Members Wounded While Smuggling Weapons into Iran: TV," *AGENCE FRANCE PRESSE*, August 19, 2000.

⁴⁴⁴ "Iranian Armed Opposition Claims Series of Attacks on Government Forces," *AGENCE FRANCE PRESSE*, August 26, 2000.

⁴⁴⁵ "Two Members of Iran's Armed Opposition Arrested: Tehran," *AGENCE FRANCE PRESSE*, September 6, 2000.

⁴⁴⁶ "Strong Blast Rocks Arms Depot in Iran," *AGENCE FRANCE PRESSE*, October 25, 2000.

⁴⁴⁷ "People's Mujahedeen Says Iranian Forces Shell Camp in Iraq," *AGENCE FRANCE PRESSE*, October 31, 2000.

⁴⁴⁸ "Tehran Hit by Several Violent Explosions: IRNA," *AGENCE FRANCE PRESSE*, October 22, 2000.

⁴⁴⁹ "Iran Opposition Launches Mortars," *ASSOCIATED PRESS ONLINE*, October 22, 2000.

- **November 15, 2000:** The MEK clashed with Iranian forces in Southern Fars province. Iran said its forces seized munitions and mortar tubes from the MEK, who had “entered the country with the aim of planting bombs and carrying out sabotage operations.” The MEK, in a statement, said the fighting lasted several hours. It claimed to have killed 20 Iranians; two MEK fighters were killed.⁴⁵³
- **December 4, 2000:** The MEK said it fired three mortars at the Hossein-Abad garrison, headquarters of the 21st Hamzeh division’s commando battalion, east of Mehran. The MEK claimed to have inflicted “heavy casualties and damages.”⁴⁵⁴

2001

- **April 18, 2001:** The MEK said Iran fired surface-to-surface missiles at its camps.⁴⁵⁵ According to the MEK, it was the heaviest missile attack in ten years on bases inside Iraq.⁴⁵⁶
- **April 28, 2001:** The MEK said it clashed with Iranian forces north of Gilan-e Gharb, spreading to Kermanshah. It claimed “dozens” of Iranian troops were killed or wounded, while Iran claimed eight members of the MEK were killed.⁴⁵⁷ Iran claimed more than 70 members of the MEK had been killed since the beginning of the year.⁴⁵⁸
- **July 29, 2001:** The National Council of Resistance of Iran (NCRI) said it had “carried out 261 military operations in Iran during the past year,” including 180 in 2001.⁴⁵⁹
- **May 1, 2001:** Iran said it killed five MEK members during a clash with Iranian forces. The MEK forwarded a statement to *The Associated Press* in Cairo, denying Iran’s report, stating Iran had “exaggerated the [group’s] losses by 500 percent.”⁴⁶⁰
- **May 12, 2001:** The MEK, in a statement to *Agence France Presse* in Nicosia, said it attacked the Islamic Culture and Communications Organization (ICCO) and the headquarters of the state security forces’ counter-intelligence operations in northern Tehran.⁴⁶¹

⁴⁵⁰ “Strong Blast Rocks Arms Depot in Iran,” AGENCE FRANCE PRESSE, October 25, 2000.

⁴⁵¹ “People’s Mujahedeen Says Iranian Forces Shell Camp in Iraq,” AGENCE FRANCE PRESSE, October 31, 2000.

⁴⁵² “Iran City Hit by Mortar Attack, No Injuries or Damage,” AGENCE FRANCE PRESSE, November 2, 2000.

⁴⁵³ “Iran Reports Clashes with Opposition Guerrillas,” ASSOCIATED PRESS, November 15, 2000.

⁴⁵⁴ “Iran’s Armed Opposition Shells Western Border City: Papers,” AGENCE FRANCE PRESSE, December 4, 2000.

⁴⁵⁵ “Iranian Opposition Claims New Attack in Tehran,” AGENCE FRANCE PRESSE, May 28, 2001.

⁴⁵⁶ “Mujahedeen Says it Killed Several Iranian Troops Attacking Base in Iraq,” AGENCE FRANCE PRESSE, June 7, 2001.

⁴⁵⁷ “Iran Says It Killed 8 Members of Mujahedeen Rebel Group,” ASSOCIATED PRESS, April 28, 2001.

⁴⁵⁸ “Top Iranian Commander Says 70 Rebels Killed Since March,” ASSOCIATED PRESS, April 29, 2001.

⁴⁵⁹ “Iran’s Opposition Determined to Overthrow Tehran’s ‘Religious Dictatorship,’” AGENCE FRANCE PRESSE, July 29, 2001.

- **May 20, 2001:** The MEK said in a statement to *Agence France Presse* that it “attacked with grenade-launching guns and rifle-launched grenades the headquarters of the Islamic Culture and Communications Organization (ICCO) . . . and the Khomeini complex.”⁴⁶²
- **May 23, 2001:** The MEK said in a statement forwarded to *The Associated Press* in Cairo that it attacked the Defense Ministry in Tehran with rocket-propelled grenades, “inflicting heavy damage.”⁴⁶³
- **May 24, 2001:** The MEK said two members of the Iranian military were killed in clashes in western Iran’s Ilam province. According to the MEK, it fired grenades, 60-mm mortars and heavy machine guns at Iranian military positions and patrols. It also said that grenades were fired at security force headquarters and the provincial governor’s office in Abadan. The MEK said it had carried out ten attacks in the previous days.⁴⁶⁴
- **May 28, 2001:** The MEK said in a statement to *Agence France Presse* that it attacked the Nasr military headquarters with rocket-propelled grenades.⁴⁶⁵
- **June 7, 2001:** Iranian forces of the 45th Commando Brigade attacked Camp Habib, north of Basra, according to a statement forwarded by the MEK to *Agence France Presse*.⁴⁶⁶ Iran’s presidential election was June 9, 2001.⁴⁶⁷
- **June 25, 2001:** In an e-mail forwarded to *Agence France Presse*, the MEK said it mounted four attacks using rocket propelled grenades against the central headquarters of the state security forces’ deputy intelligence commander, Abdul-Hossein Ramezani.⁴⁶⁸
- **July 8, 2001:** The MEK in a statement forwarded to *Agence France Presse* said it “carried out two simultaneous attacks from close range on the Military Industries Organization headquarters and the Revolutionary Guards’ ammunition factory.”⁴⁶⁹
- **September 14, 2001:** The MEK said Iran fired five rockets at its camp in Mazarmi.⁴⁷⁰

⁴⁶⁰ “Iranian Army Says it Killed Five Rebels Trying to Cross Border from Iraq,” ASSOCIATED PRESS, May 1, 2001.

⁴⁶¹ “Mujahedeen Says Attack in Tehran Caused Heavy Casualties, Damage,” AGENCE FRANCE PRESSE, May 12, 2001.

⁴⁶² “Iranian Opposition Claims New Attack on Offices in Tehran,” AGENCE FRANCE PRESSE, May 20, 2001.

⁴⁶³ “Iranian Dissidents Claim Attack on Defense Ministry in Tehran,” ASSOCIATED PRESS, May 23, 2001.

⁴⁶⁴ “Iranian Opposition Says Two Killed in Clashes,” AGENCE FRANCE PRESSE, May 24, 2001.

⁴⁶⁵ “Iranian Opposition Claims New Attack in Tehran,” AGENCE FRANCE PRESSE, May 28, 2001.

⁴⁶⁶ “Mujahedeen Says it Killed Several Iranian Troops Attacking Base in Iraq,” AGENCE FRANCE PRESSE, June 7, 2001.

⁴⁶⁷ *Id.*

- **September 17, 2001:** According to the MEK, Iran detonated three bombs hidden alongside a road near Camp Muzarmi, killing five Iraqis and wounding several others.
- **October 20, 2001:** The MEK said Iran targeted its camp in Mazarmi with a 107-mm rocket. No casualties were reported.⁴⁷¹
- **November 28, 2001:** The MEK said Iran attacked its camp in Mazarmi with 107-mm rockets. It reportedly was the seventh attack against the MEK in the previous two and a half months.⁴⁷²
- **December 26, 2001:** The MEK said Iran launched an attack with 107-mm rockets against its camp in Mazarmi, about 40 miles from the Iranian border.⁴⁷³

⁴⁶⁸ "Iran's Armed Opposition Claims New Attacks in Central Tehran," AGENCE FRANCE PRESSE, June 25, 2001.

⁴⁶⁹ "Iran's Mujahedeen Claim Rocket Attack on Military Targets in Tehran," AGENCE FRANCE PRESSE, July 8, 2001.

⁴⁷⁰ "Iran Opposition Says Five Iraqis Killed in Iranian Bomb Attack," AGENCE FRANCE PRESSE, September 17, 2000.

⁴⁷¹ "Iran Armed Opposition Says 'Terrorists' Rocketed Iraq Camp," AGENCE FRANCE PRESSE, October 20, 2001.

XIX. Goodwill Gestures to Iran

The MEK has repeatedly been a pawn that has been sacrificed in relations between the United States and Iran.

The 1985 State Department verbal assault on the MEK was a condition to gain Iran's help in freeing American hostages.

Iran's willingness to make concessions to the US if it would clamp down on the MEK/NCRI were publicly voiced in February 1987, when Hashemi Rafsanjani, then Speaker of the Majles, "suggested that the Iranian government would end its support for terrorists groups in Lebanon if the U.S. government were to restrain Mujahedeen activities in the United States."⁴⁷⁴

Since then, the US government has acted against the MEK/NCRI on numerous occasions to curry favor with Iran.

The decision to place the MEK on the Foreign Terrorism Organization list in 1997 was a "goodwill gesture," according to a senior Clinton official and a former CIA top official.

In 1999, when the United States wanted Iran to extradite the Saudi bombers responsible for the attack on the Khobar Towers military complex, Tehran again demanded in return that the US clamp down on the MEK. During the secret negotiations, the US again placed the MEK on the Foreign Terrorist Organizations list and added to the list the National Council of Resistance (NCRI).

On August 15, 2003, the US government shut down the NCRI in another goodwill gesture to Iran. The crackdown occurred during secret negotiations with Tehran to try to reach understandings on Iraq, al Qaeda, and Iran's nuclear weapons program. An Iranian official announced before the closing of the NCRI offices, "We will reciprocate any gesture on the part of the United States."

Below are additional examples of America's willingness to undermine the MEK/NCRI to gain favor with Iran.

⁴⁷² "Iran Armed Opposition Says 'Terrorists' Rocketed Iraq Camp," AGENCE FRANCE PRESSE, November 28, 2001.

A. Mujahedin Placed on FTO List

On October 8, 1997, Secretary of State Madeleine Albright identified 30 foreign groups as terrorist organizations. The designation by the US State Department is a requirement of the Antiterrorism Act, enacted in 1996.

Included on the list for the first time was the People's Mujahedin of Iran. According to an official with the Clinton Administration, the designation was a signal to Iran of America's willingness to improve relations. As explained by *The Los Angeles Times*:

One senior Clinton administration official said inclusion of the People's Mujahedin was intended as a goodwill gesture to Tehran and its newly elected moderate president, Mohammad Khatami. The People's Mujahedin was once accused of anti-American terrorism but in recent years has concentrated on paramilitary attacks on Iranian targets.⁴⁷⁵

The decision to place the MEK on the FTO list for political reasons was substantiated by a former top intelligence official.⁴⁷⁶

The US government sought to improve relations with Tehran in May 1997, after Mohammed Khatami was elected the new president of Iran. President William Jefferson Clinton said at the time that he had "never been pleased with the estrangements between the United States and the people of Iran" and he hoped they could be "bridged."⁴⁷⁷

Soon thereafter the Clinton Administration "made secret overtures to Khatami as a first step to ending a generation of hostility."⁴⁷⁸ The United States signaled its willingness to improve relations by not opposing the construction of a major oil pipeline through Iran.

Iran viewed the signals as insufficient, declaring in September 1997 that America's leaders were "not sincere in their stated desire to talk with us."⁴⁷⁹ Three weeks later, the US State Department publicly designated the MEK a terrorist organization.

According to *The Washington Post*, the US State Department "pleased Tehran by including an Iranian opposition group known as the Mujahedin on a list of 30 foreign organizations designated as terrorist groups."⁴⁸⁰

⁴⁷³ "Iran Armed Opposition Says 'Terrorist Agents' Rocketed Iraq Camp," AGENCE FRANCE PRESSE, December 26, 2001.

⁴⁷⁴ "Mullahs of Iran Vie for Power," LOS ANGELES TIMES, June 21, 1987.

⁴⁷⁵ "U.S. Designates 30 Groups as Terrorists," LOS ANGELES TIMES, October 9, 1997.

⁴⁷⁶ Discussion with former top intelligence officer, September 2005.

⁴⁷⁷ "Clinton Sees Hope in Results of Iranian Election," CHICAGO TRIBUNE, May 29, 1997.

In October 1997, President Khatami offered a positive view of the United States. “As far as we are concerned,” he said, “there has never been any impediment to economic cooperation with the United States. It was the Americans who raised obstacles and denied themselves of its benefits.”⁴⁸¹

On December 8, 1997, it was reported that the FBI was reopening a “long-dormant investigation of the People’s Mujahedin Organization of Iran, following the official designation of the group on the State Department’s list of international terrorist organizations.”⁴⁸²

The following week, on December 15, President Khatami called for a “thoughtful dialogue” with the United States. At a news conference in Tehran, he stated, “I declare my respects to the great people of the United States, and I hope that in the close future I would have a dialogue and talk with the people of America, and I hope this will not take long.”⁴⁸³

According to *The Los Angeles Times*, President Clinton and President Khatami were personally directing the sensitive initiatives.⁴⁸⁴

President Clinton enthusiastically responded to Khatami’s remarks, saying, “I would like nothing better than to have a dialogue with Iran as long as we can have an honest discussion of all the relevant issues.”⁴⁸⁵

Khatami told a CNN interviewer that he had decided to talk to the American people.⁴⁸⁶

According to US policymakers, Khatami’s warm statements toward the US were a surprise, given the fact that he only assumed office in August.

B. NCRI Placed on FTO List

In August 1999, President Clinton sent a secret letter to Iranian President Mohammed Khatami, asking for help in finding three Saudis believed to be responsible for the 1996 truck bombing of the Khobar Towers military complex in Saudi Arabia. If Iran cooperated, President Clinton held out the prospect of better relations.⁴⁸⁷

⁴⁷⁸ “U.S. Won’t Object to Gas Pipeline Through Iran,” LOS ANGELES TIMES, July 27, 1997.

⁴⁷⁹ “Iran Sees No Change in US Attitude Since Khatami’s Election,” AGENCE FRANCE PRESSE, September 15, 1997.

⁴⁸⁰ “More Signs of Thaw in Icy U.S.-Iran Relations,” THE WASHINGTON POST, March 27, 1998.

⁴⁸¹ “Iran Hopes For Better Ties With US, But Pledges to Keep Missile Program,” AGENCE FRANCE PRESSE, October 25, 1997.

⁴⁸² “FBI’s Operation Suture,” THE IRAN BRIEF, December 8, 1997.

⁴⁸³ “Khatemi Seeks U.S. ‘Dialogue’ Iranian Leader Takes Conciliatory Tone, Praises American People,” THE WASHINGTON POST, December 15, 1997.

⁴⁸⁴ “Iranian Leader Plans to Address the U.S. on TV,” LOS ANGELES TIMES, December 31, 1997.

On October 7, 1999, news media reported that Iran had rejected the request from President Clinton. “These events have nothing to do with Iran,” the spokesman for Iran’s Foreign Ministry announced.⁴⁸⁸ The following day, the State Department announced the updated list of organizations on the FTO list.⁴⁸⁹

After Iran rejected President Clinton’s request, Assistant Secretary of State Martin Indyk “renewed Washington’s offer of unconditional dialogue with the Iranian government.”⁴⁹⁰ To demonstrate America’s good faith, Indyk stated on October 14 that the United States had “redesignated the MEK as a foreign terrorist organization.”⁴⁹¹ Additionally, he said the US, “for the first time, listed the National Council of Resistance (NRC) as an alias of the MEK. Such designations have the effect of making it illegal to provide financial support to these organizations.”⁴⁹²

President Mohammad Khatami told *The Mideast Mirror* that it was a long-standing demand of Iran that the United States get tough on the NCRI.⁴⁹³ As explained by *The Mideast Mirror*:

Although U.S. policy toward Iran, as spelled out by Assistant Secretary of State Martin Indyk on Thursday, remains largely unchanged, Washington has made a goodwill gesture to Tehran by confirming that it was cracking down on the National Council of Resistance (NCR), the civilian front for the main Iranian armed opposition group, says Iranian analyst Ali Nouri-Zadeh. This has been a long-standing demand of the government of President Mohammad Khatami, he told *The Mideast Mirror* Friday.⁴⁹⁴

C. NCRI Offices Closed

On August 15, 2003, the National Council of Resistance (NCRI), the political arm of the Mujahedin, was shut down by the State, Treasury, and Justice Departments in the United States. According to a State Department official, the decision to close the office was “based on information from a variety of sources that those entities [NCRI, National Council of Resistance] functioned as part of the MEK and have supported the MEK’s acts of terrorism.”⁴⁹⁵

⁴⁸⁵ “Iran, US Face Host of Obstacles on the Road to Dialogue,” AGENCE FRANCE PRESSE, December 15, 1997.

⁴⁸⁶ “Iranian Leader Plans to Address the U.S. on TV,” LOS ANGELES TIMES, December 31, 1997.

⁴⁸⁷ “Clinton Reaches Out to Iran for Information on ‘96 Bombing,” THE WASHINGTON POST, September 29, 1999.

⁴⁸⁸ “Iran Rejects U.S. Request for Help in Bombing Investigation,” THE WASHINGTON POST, October 7, 1999.

⁴⁸⁹ “Bin Laden Group on Terrorism List,” ASSOCIATED PRESS ONLINE, October 8, 1999.

⁴⁹⁰ “U.S. Goodwill Gesture To Iran,” THE MIDEAST MIRROR, October 15, 1999.

⁴⁹¹ “Text of Remarks Given by Martin S. Indyk, Assistant Secretary For Near Eastern Affairs,” Federal News Service, October 14, 1999.

⁴⁹² “Text of Remarks Given by Martin S. Indyk, Assistant Secretary For Near Eastern Affairs,” Federal News Service, October 14, 1999.

State Department acting spokesman Tom Casey claimed the decision had no connection with US policy toward Iran.⁴⁹⁶ But just weeks earlier news media reported the US was in negotiations with Iran to gain the extradition of top al Qaeda members and that Iran sought a “gesture” from the US before it would take any action.

At the time, the Bush Administration was conducting “secret talks with Iranian officials to try to reach understandings about Iraq, al Qaeda, and the nuclear weapons it says Iran is seeking to develop.”⁴⁹⁷

Then Secretary of State Colin Powell publicly acknowledged that the MEK was an issue in the negotiations with Iran. On August 1, 2003, a reporter asked:

Question on a different topic? Iran? I don't expect you to say that there are negotiations going on, but there are, Mr. Secretary, reports that the Iranians are willing to turn over some senior al Qaeda people that they have, but they would in turn want us to take further action against the MEK in Iraq, disband, eliminate, whatever term you want. Is that a fair description of the situation? Is that a deal worth doing considering the case of the terrorist lists?⁴⁹⁸

Powell answered that the US was “in touch with the Iranians on both of these issues.”⁴⁹⁹

USA Today provided additional details on the negotiations several days later:

The Iranian official, who has direct knowledge of the negotiations between Iran and the United States, suggested that Iran might be willing to comply with U.S. requests to extradite the prisoners to their home countries, such as Egypt and Saudi Arabia. . . . But for now, the Iranian government is refusing to do that because it says the Bush administration has failed to rein in a violent exile group called the Mujahedin el-Khalq (MEK).⁵⁰⁰

Iran indicated it might change its position. “We will reciprocate any gesture on the part of the United States,” the Iranian official announced.⁵⁰¹

493 “U.S. Goodwill Gesture To Iran,” THE MIDEAST MIRROR, October 15, 1999.

494 *Id.*

495 *Id.*

496 “U.S. Shuts Offices of Iran Rebel Group,” UNITED PRESS INTERNATIONAL, August 15, 2003.

497 *Id.*

498 “Colin L. Powell Holds News Conference with Regional Syndicates,” FDCH Political Transcripts, August 1, 2003.

On August 15, 2003, the United States shut down the offices of the NCRI. The following day Iranian Foreign Minister Kamal Kharrazi praised the action of the United States, saying it was “a positive step that conforms to its international responsibilities.”⁵⁰²

⁴⁹⁹ *Id.*

XX. 2003 Raid on NCRI Headquarters in Paris

The NCRI/MEK has also been a pawn in negotiations between France and Iran. In 1986, Iran demanded that France extricate members of the NCRI to Iran as a condition for their help to free French hostages. The NCRI/MEK relocated to Iraq and soon hostages were released.

Again on June 17, 2003, the NCRI became the sacrificial lamb, when 1,200 heavily armed French police stormed 13 NCRI locations in Paris, including the walled compound in Auvers-sur-Oise, north of Paris, which has long served as the organization's headquarters. Many of the police were masked and armed with automatic weapons. At the time, the NCRI had operated on French soil for more than two decades.

The police detained 164 people, including Maryam Rajavi, the president-elect of the NCRI, and Saleh Rajavi, the brother of Massoud Rajavi. About \$1.3 million, mainly in \$100 bills, was seized, along with computer and satellite telecommunication equipment.

The raid was ordered by Judge Jean-Louis Bruguière after uncovering a “criminal conspiracy with the intent to prepare acts of terrorism and financing of a terrorist enterprise,” according to the Interior Ministry.⁵⁰³

French Interior Minister Nicolas Sarkozy said the MEK was being investigated for “preparing acts of terrorism and for financing a terrorist enterprise.”⁵⁰⁴ He also claimed the MEK was preparing to use France as their “rear base,” which, he said, was unacceptable.⁵⁰⁵ Pierre de Bousquet de Florian, director of France's intelligence agency Direction de la Surveillance du Territoire (DST), said the MEK “was preparing to commit attacks outside Iran, including Europe.”⁵⁰⁶

Then Foreign Minister Dominique de Villepin said the MEK “claimed responsibility for numerous attacks in Iran. This terrorist dimension cannot be masked.”⁵⁰⁷ An internal document from the DST, leaked to the daily *Le Figaro*, said the MEK were organizing operations against Tehran's consulates and embassies in Europe, as well as “the physical

⁵⁰⁰ “Iran Might Swap Terrorists for Help From U.S.,” USA TODAY, August 4, 2003.

⁵⁰¹ *Id.*

⁵⁰² “Iran Praises U.S. Closure of Dissident Group's Offices as Positive Step,” ASSOCIATED PRESS, August 16, 2003.

⁵⁰³ “France Frees Iranian Opposition Leader,” THE INTERNATIONAL HERALD TRIBUNE, July 3, 2003.

⁵⁰⁴ “French Police Seize 158 Iranians in Raid on Terror Group,” THE INDEPENDENT, June 18, 2003.

⁵⁰⁵ “Paris Says People's Mujahedeen Wanted to Use France as Rear Base,” AGENCE FRANCE PRESSE, June 17, 2003.

elimination of former members of the movement collaborating with the Iranian intelligence service,” in the event the US were to attack Iran.⁵⁰⁸

French authorities said their raid had been planned for over a month, in response to an investigation of terrorist activities that was launched in 2001.⁵⁰⁹

In response to the raid, the NCRI said the people detained were all in France legally and had not conducted any illegal activity.⁵¹⁰ A spokesman for the NCRI called the raids “unjustifiable, unwarranted, politically, morally and ethically unjustifiable . . . [and] only designed to mollify the Iranian regime.”⁵¹¹

Iranians in many cities protested the raid. A demonstrator set himself on fire outside the French Embassy in London. In Hamburg, about 50 people demonstrated against the crackdown, throwing stones and fruit at the Iranian consulate office and burning an Iranian flag. A couple dozen people gained entrance to the consulate, overturning tables and spray-painting the walls red.⁵¹² In subsequent demonstrations, more protesters set themselves afire to show their anger.

Iran welcomed the crackdown on the NCRI, calling it a “positive step on the part of France.”⁵¹³ A spokesman for the Foreign Ministry said, “We have been waiting for a long time for the French authorities to act against them and conform with the decision of the European Union, which had declared this small group to be terrorist.”⁵¹⁴

On June 22, 2003, a judge placed 17 members, including Maryam Rajavi, under judicial investigation. The members were subsequently charged with “criminal conspiracy in relation to a terrorist enterprise.” Maryam Rajavi was not released from jail until July 2.

A year after the police raid, a motion was filed to drop the charges for the 17 members still under judicial investigation. Henri Leclerc, representing the defendants, said, “There is not the beginning of proof for any kind of action being undertaken on French soil or in any other country except Iran.”⁵¹⁵

⁵⁰⁶ “Spy Chief Says Opposition Group Planned Attacks as Three Iranians Set Themselves on Fire,” ASSOCIATED PRESS, June 18, 2003.

⁵⁰⁷ “French Judge Confirms Detention of People’s Mujahedeen Members,” AGENCE FRANCE PRESSE, June 24, 2003.

⁵⁰⁸ “Shadowland: Most-Favored Terrorists,” NEWSWEEK, June 27, 2003.

⁵⁰⁹ “France Mounts Massive Raids on Mujahedeen Khalq to Check Reported Rear-Guard Activity,” ASSOCIATED PRESS, June 17, 2003.

⁵¹⁰ *Id.*

⁵¹¹ “Iranian Protestor Sets Self on Fire Near French Embassy,” ASSOCIATED PRESS, June 17, 2003.

⁵¹² “Fifty Held After Riot at Iranian Consulate in Germany,” AGENCE FRANCE PRESSE, June 17, 2003.

⁵¹³ “Iran Welcomes French Crackdown on Opposition as ‘Positive Step,’” AGENCE FRANCE PRESSE, June 17, 2003.

Discussion

The raid on the NCRI by the French police was designed to gain Iranian favor regarding pending commercial contracts, according to a highly placed source in French intelligence.⁵¹⁶

As discussed by *The Independent*, the timing of the raids “suggests an attempt by France to remove a source of Western friction with Iran while Tehran is under pressure from both the U.S. and European Union to cooperate with the international community on its nuclear arms program.”⁵¹⁷

Lawyers for the NCRI members announced there were “troubling coincidences” in the timing of the raid and a series of deals with Tehran.⁵¹⁸ Patrick Baudouin, one of the lawyers, stated, “The French state dishonors itself when it flouts the rule of law in the interest of petro-dollars.”⁵¹⁹

Foreign Minister Villepin traveled to Iran prior to the raid “to negotiate large contracts with his counterpart, who repeatedly asked questions about the Mujahedin in France,” according to an article in the daily newspaper *Libération*.⁵²⁰

Trade between France and Iran in 2001 reached nearly \$2 billion. Following are announcements made in early 2003 of major French commercial enterprises and projects in Iran, as well as French government efforts to promote Franco-Iranian commerce:

- **February 7, 2003:** France’s Alstom submitted a bid with Mitsubishi Heavy Industries of Japan to construct four power stations in Iran.
- **February 15, 2003:** Iran announced it would soon award a contract for the development of Phase 11 of the South Pars gas field, which is estimated to contain 14 trillion cubic meters of gas. In competition for the contract were France’s TotalFinaElf, Britain’s BP, Italy’s ENI, and Statoil of Norway.⁵²¹ Investment in the project was set at \$8 billion.⁵²²

⁵¹⁴ “France Frees Iranian Opposition Leader,” INTERNATIONAL HERALD TRIBUNE, July 3, 2003.

⁵¹⁵ “Year After French Round-Up, Iranian Opposition Demands Charges Be Dropped,” AGENCE FRANCE PRESSE, June 17, 2004.

⁵¹⁶ Confidential source in French intelligence.

⁵¹⁷ “French Police Seize 158 Iranians in Raid on Terror Group,” THE INDEPENDENT, June 18, 2003.

⁵¹⁸ “French Arrests ‘Timed to Seal Deals with Iran,’” THE DAILY TELEGRAPH, June 19, 2004.

⁵¹⁹ “Year After French Round-Up, Iranian Opposition Demands Charges Be Dropped,” AGENCE FRANCE PRESSE, June 17, 2004.

⁵²⁰ “The Mujahedin – Victims of a Deal With Iran,” Translated from original article in French, “Moudjahidin victimes

- **March 18, 2003:** Iran's National Petrochemical Company concluded a €183 million contract with the French oil engineering company Technip-Coflexip SA to build an ethylene plant in Iran.⁵²³
- **March 27, 2003:** France's Renault entered into negotiations with Iran's Industrial Development and Renovation Organization, an arm of the industry ministry, for a joint venture to produce a car being developed by Renault.⁵²⁴
- **April 24, 2003:** Foreign Minister Villepin traveled to Iran to meet with Iranian Foreign Minister Kamal Kharrazi to focus on bilateral relations.⁵²⁵
- **May 10, 2003:** Iran said it would choose one of three competing oil companies to develop the gas field: Royal Dutch Shell, British Petroleum, or TotalFinaElf.⁵²⁶
- **May 12, 2003:** French Minister of Trade Francois Loos signed an agreement with Iran's minister of finance in Tehran on promotion and support of joint investments. Accompanying Loos were officials from French state and private sectors, a number of parliamentarians, and representatives from 27 major French companies.⁵²⁷
- **May 22, 2003:** Minister Villepin met with Minister Kharrazi in Paris.⁵²⁸

Several weeks after the May 22 meeting, the French police raided the MEK headquarters in Paris.

On October 28, 2003, Renault finalized a joint-venture agreement with Iran to produce Renault's low-cost L-90 model in Iran.⁵²⁹

On December 8, 2004, Iran signed a contract awarding TotalFinaElf a 60 percent stake and Malaysia's Petronas a 40 percent stake to develop Phase 11 of the South Pars gas field, including LNG production and export.⁵³⁰

d'un deal avec l'Iran," Libération, June 18, 2004.

⁵²¹ "Iran to Award Phase II of South Pars Gas Field," Agence France Presse, February 15, 2003.

⁵²² "Iran Seeks Eight Billion Dollar Investment in South Pars Gas Field," AGENCE FRANCE PRESSE, March 5, 2003.

⁵²³ "Iran, French Company Sign Contract for Ethylene Plant," BBC Monitoring International Reports, March 19, 2003.

⁵²⁴ "Iran Industry: Automotive Updates," EIU ViewsWire, March 27, 2003.

⁵²⁵ "Iran Refutes US Charges of Interference in Iraq," XINHUA, April 24, 2003.

⁵²⁶ "Deal Close to Iranian Oil Field: Official," AGENCE FRANCE PRESSE, May 10, 2003.

⁵²⁷ "Iran, France Sign Joint Investment Agreement," BBC Monitoring International Reports, May 12, 2003.

A year after the raid, lawyers for the 17 NCRI members still under investigation in France filed a petition to have the case withdrawn. The lawyers said the government offered no proof that any of the NCRI members were involved in plotting or supporting any terrorist acts.

Deploying more than 1,200 heavily armed French police appears to have been designed more for public show than necessity. The NCRI has been present on French soil since 1981 and had posed no threat to the public. The organization had never mounted an operation outside Iran and had cooperated regularly with Western governments. Many elected officials support the NCRI. The French government has even provided security for the organization. As explained by the mayor of Auvers-sur-Oise, eight police officers were routinely assigned to protect the compound “because they [NCRI] were threatened with death by the Iranian regime.”⁵³¹

As a result, according to the French newspaper *Humanité*, the pretext for the police raid was fallacious.⁵³²

⁵²⁸ “Iranian, French Foreign Ministers Discuss Nuclear Plans,” BBC Monitoring International Reports, May 23, 2003.

⁵²⁹ “Iran, France Sign Deal on Manufacturing New Model Car,” BBC Monitoring International Reports, October 28, 2003.

⁵³⁰ “Iran Signs Pars LNG Deal with TotalFinaElf, Petronas,” OPEC News Agency, December 8, 2004.

⁵³¹ “France Mounts Massive Raids on Mujahedeen Khalq to check reported rear-guard activity,” ASSOCIATED

XXI. Conclusion

The independent assessment conducted by GlobalOptions, Inc., evaluates the State Department's rationale for designating the Mujahedin-e Khalq (MEK) and National Council of Resistance of Iran (NCRI) as a Foreign Terrorist Organization (FTO). The assessment also analyzes key events in the history of the MEK and NCRI. Following are conclusions from the assessment:

- **Alleged Killing of Americans:** The original MEK organization was not involved in the killings of Americans in Iran in the 1970s. Rather, these killings were committed by individuals who regrouped after 69 members – almost the entire MEK leadership – were executed or imprisoned in 1971-72. Surviving rank-and-file members were isolated, fragmented, and without a chain of command. A handful of Marxists took control of the remnants and began carrying out operations misusing the MEK name. These Marxists were more radical and violent, and specifically targeted Americans to demonstrate that their doctrine was more effective than that of the original MEK and to thereby win over the allegiance of the remaining members. Vahid Afrakhteh, a member of this Marxist leadership, confessed to killing three US soldiers, Lt. Col. Lewis Hawkins, Col. Paul Shaffer, and Lt. Col. Jack Turner. The Marxist group also claimed responsibility for killing three Rockwell employees in 1976. These Marxists continued to operate until the early 1980s, when they were uprooted by Khomeini's regime. Massoud Rajavi, an original MEK member imprisoned in 1972, was released from jail in 1979 and rebuilt the organization that survives today.
- **Alleged Support of the US Embassy Takeover:** The MEK did not assist in the planning or seizure of the US Embassy in Tehran. In fact, according to the spokesperson for the student radicals who were responsible for taking over the embassy, the MEK "had been opposed to the takeover and the confrontation with America from the very first." The MEK viewed the hostage crisis as unfortunate and damaging to its political position. The crisis allowed Khomeini's regime to consolidate power and push aside the pro-democratic Provisional Government, which the MEK supported.
- **Alleged MEK Bombing of Islamic Republic Party:** It remains unclear who planted the bomb. This view is supported by author Ervand Abrahamian. Years after the attack, a tribunal executed four "Iraqi agents" for the attack. Mehdi Tafari was also executed for the event. A "Mr. Kolahi" was blamed for the attack. And military intelligence in 1985 said royalist army officers, rather than the MEK were responsible.

- **Alleged Military Action with Saddam Hussein:** In June 1987, the MEK announced the formation of the National Liberation Army, which operated independently of Iraq. Most of the NLA's weapons were captured during confrontations with Iran. The State Department criticizes the MEK for aligning with Saddam Hussein in the Iran-Iraq war. But the United States also aligned with Iraq during that period. In 1982, President Reagan issued a National Security Decision Directive authorizing the US to take whatever means necessary to prevent Iraq from losing the war with Iran. The US subsequently provided significant financial support to Iraq. In addition, more than 60 Defense Intelligence Agency officers provided Iraq with detailed information on Iranian deployments, and the CIA furnished satellite photography of the war front. It is inconsistent for the State Department to fault the MEK for cooperating with Saddam Hussein, given that America also allied itself with Iraq during this period.
- **Alleged Suppression of Kurds:** There is no credible evidence the MEK assisted in suppressing the Shia and Kurdish uprisings in Iraq. The allegation is based on false information from Iran and its allies and other unreliable sources. The Kurdish Democratic Party in 1999 stated publicly that the MEK was not involved in suppressing the Kurdish people, during the uprising or in its aftermath.
- **Alleged Attacks on Iranian Embassies:** There is no evidence the MEK urged supporters to use violence in demonstrations against the Iranian regime. The day before the protests, eight Iranian Phantom jets attacked MEK camps in Iraq. The air strike was unprecedented and provoked an intense emotional response by Iranian expatriates around the world. The MEK had already planned protests at Iranian embassies in response to upcoming elections. After the Iranian attack, the demonstrators became angry mobs, bent on revenge.
- **Alleged Targeting of Key Military Officers:** The MEK publicly claimed responsibility for the attack on Lt. Gen. Ali Sayyad Shirazi, deputy chief of the Joint Staff Command of the Armed Forces in Iran. The MEK considered Shirazi a legitimate military target.
- **Alleged Attack on NASR Headquarters:** The MEK publicly claimed responsibility for attacking Revolutionary Guard Brig. Gen. Reza Seifollahi, commander of Nasr. Seifollahi was one of the masterminds of the US embassy takeover and had been in charge of the Intelligence and Security Department of the Interior Ministry. The MEK viewed Seifollahi as a legitimate military target.
- **Alleged February 2000 Attacks against Iran:** A series of attacks against military and government targets were carried out by the MEK in early 2000 in an effort to influence the parliamentary elections on February 18, 2002. The MEK publicly claimed responsibility for attacking these sites, which it viewed as legitimate non-civilian targets.

- **Alleged Mortar Attacks near Iran-Iraq Border:** In July 2001, the NCRI publicly stated it had “carried out 261 military operations in Iran during the past year” and 180 in 2000. The MEK stated all the attacks were against legitimate military and government targets.

State Department reports in 1984 and 1985 on the MEK form the basis for many of the allegations against the organization. The reports contain substantial inaccurate, incomplete, and/or outdated information.

The State Department still describes the Mujahedin as a Marxist group, which it is not. During his reign, Mohammad Reza Shah mislabeled the MEK as Marxist to undercut public support. The same propaganda strategy is being used by the regime in Iran to demonize the organization.

The MEK’s historical roots are pro-democratic. In 1908, the original Mujahedin guerrillas battled Mohammad Ali Shah because he had mounted a coup d’etat and had thrown out the country’s first constitution. The Mujahedin led a popular revolt, defeated the Shah, and restored the constitution. The founding members of the MEK were members of the Liberation Movement, which supported the reimplementation of the 1906 democratic constitution.

The MEK has long made public its political platform. The NCRI advocates democratic principles. It states unequivocally that it “believes in political pluralism and a multiparty system.” It “recognizes democracy as the sole guarantee for the advancement and progress of the country.” It views elections and the popular vote “as the sole criterion of legitimacy for elected officials.”

The State Department’s inaccurate description of the MEK/NCRI may be linked to political events. Over and over again, the MEK has been sacrificed as a pawn in US and French relations with Iran:

- In 1985, the US labeled the MEK “terrorist and Marxist,” in an apparent deal with Iran to free American hostages in Lebanon.
- In 1986, the French government forced the MEK out of Paris as part of a deal to secure Iranian help in freeing French hostages in Lebanon.
- In 1997, the MEK was placed on the Foreign Terrorism Organization list in a “goodwill gesture” to Iran, according to a senior Clinton Administration official and former CIA top official.

- In October 1999, the MEK was again placed on the FTO list and the NCRI was added to the list to encourage Iran to extradite Saudi bombers responsible for the attack on the Khobar Towers in Saudi Arabia.
- In June 2003, 1,200 heavily armed French police stormed 13 NCRI/MEK locations in Paris. Authorities detained 164 people. Seventeen members were charged with criminal conspiracy. The reason: The raid was designed to gain Iran's favor for commercial contracts then pending with French companies, according to news reports and a highly placed source in French intelligence.
- In August 2003, the US shut down the offices of the NCRI in Washington, DC in another goodwill gesture to Iran. At the time, the US was in secret negotiations with Iran seeking an agreement on Iraq, al Qaeda, and Iran's nuclear weapons program. Before the NCRI offices were closed, an Iranian official announced, "We will reciprocate any gesture on the part of the United States."

The MEK and NCRI were placed on the FTO list for political reasons and not based on an objective and comprehensive analysis of the facts. Additionally, the rationale offered by the State Department for placing the organizations on the FTO is flawed. Consequently, there is no substantive basis for continuing to label these organizations as FTOs, and they should be removed from the list.

Delisting these groups would strengthen America's hand in its complex relationship with Tehran and would be of material assistance in achieving US regional and international goals to combat terrorism and the spread of nuclear weapons. In addition, delisting these groups would advance the cause of Iranian democracy and reform.

Appendix I

The following is a statement by Mehdi Bazargan made on the day the Liberation Movement was founded, explaining the reasons for its creation and political goals:⁵³³

With the Help of the Great and Almighty God.

Verily, God Changes Not What A People Has Until They Change It Themselves.

Considering the need to safeguard the rights of the Iranian people, from which, by the will of God, emanate all powers ruling over it.

Considering the need to [enjoy] the freedom to found National organizations for the purpose of furthering the principle that the Iranian people are at the source of all correct social evolution, and that as long as every Iranian does not feel that he has personal [dignity], freedom, and social value, that as long as he does not feel that he has a say in the conduct of his affairs, and that as long as he is not allowed to engage in social activism, protest, and constructive criticism, then national talents will not flower and the nation will not attain happiness.

Considering the need to establish social justice, which is of vital importance for maintaining domestic order, for preventing foreign meddling, and for maintaining international peace, especially in the Middle East.

Considering the country's urgent need for a ruling group deriving its powers from the confidence and support of the people and cognizant of the conditions of the world and our time, which must be determined to enact truly national policies and face every kind of aggression and provocation to safeguard the people's rights and especially the sacred principles of the National Movement of Iran.

And finally considering the self-evident truth that the progress of every movement and the survival of every nation are impossible without action, sacrifice, and piety both of society and of the individual:

PRESS, June 17, 2003

⁵³² "When Sarkozy Returned the Ball to Tehran," translated from the original article in French "Quand Sarkozy renvoyait la balle à Téhéran," HUMANITÉ, June 19, 2004.

⁵³³ *Iranian Politics and Religious Modernism: The Liberation Movement of Iran under the Shah and Khomeini*,

In Compliance With

The High Principles of Islam and Iran's Constitutional Laws
The Universal Declaration of Human Rights
The Charter of The United Nations

The Liberation Movement of Iran commences its activities in pursuit of the following goals:

Goals and Points of the Party Program

In Domestic Politics

First Point

To revive the fundamental rights of the Iranian people and install the rule of law and thereby delimit the powers and responsibilities of the different branches of government for the purpose of establishing the rule of the people by the people.

To entrust the government to individuals who are worthy of leading the country in today's developed world among its awoken nations.

Second Point

To spread moral, social, and political principles based on the exalted religion of Islam with due attention to the political and cultural conditions of the present age.

To encourage honesty and piety and struggle against moral corruption, addictions, and harmful publications.

To dispose of the elements of dishonesty and corruption, especially the symbols of foreign dominance, and to discard all those elements which stand in the way of effective, genuine, and quick reforms or which contribute to the weakening of the individual and collective personality of Iranians.

To struggle against the enemies of the people's bodily, intellectual, and moral health, that is to say to overcome fear, helplessness, poverty, ignorance, underdevelopment, and disunity.

Third Point

To gradually prepare for [the Iranian people's] participation in the running of public affairs, for making good use of democracy, and for claiming their social rights.

Fourth Point

To achieve economic independence. To create correct financial, commercial, social, cultural, health, agricultural, and industrial orders.

To establish just and peaceful relations between workers and employers, and between peasants and landowners.

To develop social security and to create insurance for peasants.

To allocate the oil revenues and foreign loans to development projects in agriculture, industry, and infrastructure and to remove said revenues and loans from the country's current budget.

To create financial and economic security to encourage the repatriation of private capital held in foreign banks.

Fifth Point

To gradually reform the nation's laws by means of creating a central organization for the elaboration of law projects.

To comply totally with the independence of the judicial branch, to widen the competencies of general jurisdictions and to abolish special jurisdictions.

To reform existing security and judicial apparatuses so as to achieve security and gain for them the confidence and goodwill of the people.

Sixth Point

To utilize the manpower of the entire population as the country's main capital, and to create confidence and strong belief in the principle that "A better life results from more useful activity."

To combat unemployment and idleness, egoism, self-indulgence, and privileges resulting from discrimination.

Seventh Point

To provide for the country's sound administration by stabilizing offices by respecting the independence of officials and encouraging them to seek more expertise and competence, training managers and strengthening offices of management, statistics, and research in all fields, making use of the modern methods of management, and by providing for the material and spiritual welfare of government officials.

In Foreign Affairs

Eighth Point

To strive for the transfer of the right to determine the world's fate from the major powers to the United Nations so as to assure the freedom and independence of small nations. International Justice. World Peace.

Ninth Point

To strive for Iran's neutrality.

Tenth Point

To base foreign relations on the Charter of the United Nations. To create good understanding between Iran and all nations, especially neighboring countries.

Eleventh Point

To strive for unity among peace-loving and neutral nations which share common historic, geographical, cultural, social, or religious interests and strive for the unity of all Muslim countries so as to facilitate the attainment of these goals.

Twelfth Point

To accept responsibility for and to partake in international efforts aimed at solving world problems peacefully.

To support genuine national movements and the independence and freedom of all peoples.



DLA Piper LLP is a global law firm with over 3,200 lawyers in 62 offices and 24 countries around the world. We provide legal assistance to our clients in an extensive range of practice areas including corporate and finance, legislative and regulatory, general business litigation, and strategic counseling on international matters.

Our work on this report was led by the Honorable Richard K. Armey, former Majority Leader of the US House of Representatives, and Senior Policy Advisor to DLA Piper.

For more information about *A New Approach to US Iran Policy: A Response to the Failure of Engagement* (DLA Piper Report), please contact:

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GlobalOptions, Inc. is a multidisciplinary international risk management and business solutions company headquartered in Washington, D.C. The company, founded in late 1998, has assisted hundreds of corporations, luminaries, and even governments in dealing with the complexities and tribulations of the modern world. Its client base includes two of the ten largest corporations in the world, as well as some of the globe's most recognizable names and faces.

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