

Bani Sadr deposition

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON)
SEPTEMBER 11, 2001)
)
) CIVIL ACTION NO:
) 03 MDL 1570(RCC)
)

This Document Relates To:

Fiona Havlish, et al, v Bin-Laden, et al
03 CV 9848 (RCC)

DEPOSITION OF PRESIDENT ABOL HASSAN BANISADR
VOLUME I

Friday, June 3rd, 2005
AT: 4.30 am

Taken at:

The residence of President Banisadr,
in Versailles, France

A P P E A R A N C E S

Appearing on behalf of The Plaintiff:

Bani Sadr deposition

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04:17:05 1 Friday, June 3rd, 2005
04:37:07 2 (4.35 pm)
04:38:09 3 THE VIDEOGRAPHER: We are on the record, the time
04:38:12 4 is 4.38 pm, on 3rd June 2005. My name is
04:38:19 5 Stephen Faigenbaum, I am the video operator, I work for
04:38:24 6 EuroAmerican Video Services, located in Paris, France.
04:38:26 7 we are here today in Versailles, France, to take
04:38:33 8 the deposition of Mr. President Banisadr, in the matter of
04:38:38 9 the Terrorist Attacks on September 11, 2001, in the United
04:38:38 10 States District Court for the Southern District of New York.

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04:38:44 11 The caption is Fiona Havlish, et al, v Bin-Laden, et al,
04:38:48 12 03 CV 9848 (RCC).

04:38:58 13 would counsel please identify themselves for
04:39:01 14 the record, then would the reporter, Mr. Trevor McGowan,
04:39:05 15 please swear the interpreter and then the witness.

04:39:11 16 MR. HAILEY: My name is Richard D. Hailey. I'm
04:39:14 17 with the law firm of Ramey & Hailey, in Indianapolis,
04:39:17 18 Indiana.

04:39:23 19 MR. FLEMING: Timothy Fleming, from Wiggins,
04:39:23 20 Childs, Quinn, Pantazis, in Washington DC.

04:40:13 21 THE INTERPRETER (sworn)

04:39:53 22 PRESIDENT ABOL HASSAN BANISADR,
04:39:53 23 having duly affirmed,
04:39:53 24 testified as follows:

04:40:03 25 THE WITNESS: I affirm, and I will say what

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04:40:12 1 I believe to be true.

04:40:32 2 Direct examination by MR. HAILEY

04:40:34 3 MR. HAILEY: As a preliminary matter, I would like
04:40:37 4 to hand the court reporter Exhibit A, the notice of this
04:40:42 5 deposition that was served, and state for the record that
04:40:46 6 notice of this deposition was served upon all party
04:40:49 7 defendants; they have chosen not to appear. The service is
04:40:54 8 pursuant to Federal Rules and US law.

04:40:59 9 (Exhibit A marked for identification)

04:41:00 10 Good afternoon, Mr. President.

04:41:03 11 A. Good afternoon.

04:41:04 12 Q. First of all for the record, and for the
04:41:06 13 obvious, would you state your full name?

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04:41:14 14 A. My name is Abol Hassan Banisadr.
04:41:17 15 Q. And where were you born?
04:41:21 16 A. I am born in Hamadan, in Iran.
04:41:26 17 Q. And where were you educated as a child?
04:41:30 18 A. First of all, in my home city; afterwards, in
04:41:39 19 Tehran; and after that, in Paris.
04:41:43 20 Q. My understanding is that you attended college
04:41:47 21 in Paris.
04:41:49 22 A. Yes, that's correct.
04:41:50 23 Q. And what were your studies?
04:41:53 24 A. Economy and sociology.
04:41:57 25 Q. And what is the highest degree that you hold?

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04:42:00 1 A. I was preparing a thesis that I did not defend
04:42:09 2 in the end, two theses. The revolution interrupted my
04:42:19 3 studies before I could finish my theses.
04:42:22 4 Q. And the revolution that you speak of, what
04:42:27 5 year was the revolution?
04:42:29 6 A. 1357 in Iranian year, 1978 in the western
04:42:48 7 calendar.
04:42:49 8 Q. And that revolution, did it remove from power
04:42:54 9 a Shah?
04:42:55 10 A. Yes, yes.
04:42:59 11 Q. And approximately how many years had you been
04:43:02 12 in office before you were removed?
04:43:10 13 A. [I] had been in power 37 years.
04:43:12 14 Q. After the revolution, was there a constitution
04:43:17 15 drafted for your country?
04:43:22 16 A. Yes, we made a new constitution.

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04:43:24 17 Q. And were you personally a part of the drafting
04:43:27 18 of that constitution?

04:43:28 19 A. I was a member of the committee that prepared
04:43:36 20 it. And then I was a member, an elected member, of
04:43:46 21 the constituent assembly which changed what we had drafted,
04:43:56 22 and made a new constitutional law. I was the first elected
04:44:09 23 President in the history of Iran.

04:44:11 24 Q. And your election was by open and democratic
04:44:15 25 vote; is that correct?

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04:44:17 1 A. Absolutely. Yes, indeed. There were 124
04:44:24 2 candidates. There was no need for the approval of
04:44:36 3 Mr. Khomeini, or the Guardian Council of the revolution. It
04:44:50 4 was completely free when I was a candidate.

04:44:54 5 Q. When you were elected President, give us
04:44:57 6 an explanation of the structure of the government. Was
04:45:01 7 there a executive branch?

04:45:05 8 A. When I was elected President, I was a member
04:45:12 9 of the Council of the Revolution, the Revolutionary Council
04:45:19 10 that was running the country. There was no Prime Minister
04:45:23 11 or President at the time. There were ministers who were
04:45:32 12 taking care of their ministries, under the direction of that
04:45:36 13 Revolutionary Council.

04:45:38 14 Q. In the original constitution under which
04:45:42 15 you were elected, was there anyone above your office?

04:45:45 16 A. There was the Guide, the Supreme Leader.
04:46:05 17 Under the original constitution, this first constitution, he
04:46:10 18 did not have executive power.

04:46:14 19 Q. So did he lack power to remove the President?

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04:46:21 20 A. No, he did not have the power to remove
04:46:35 21 the President. If the Parliament voted to remove
04:46:38 22 the President, he could then sign it.

04:46:41 23 Q. Under that constitution, did the Parliament
04:46:45 24 ever vote to remove you from office?

04:46:53 25 A. Yes, it did, but under pressure from

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04:46:55 1 Mr. Khomeini.

04:46:57 2 Q. Did the Parliament initiate that action to
04:47:01 3 remove [you] from office?

04:47:11 4 A. Yes, it did. The Speaker of Parliament at
04:47:26 5 the time, Mr. Rafsanjani, published a book called Crossing
04:47:34 6 the Crisis. In that book, he said that they were acting on
04:47:42 7 the orders of Khomeini.

04:47:47 8 Q. To be clear, Khomeini did an act which he was
04:47:52 9 not originally authorized to do?

04:47:55 10 A. That's correct, he was not authorized. He did
04:48:15 11 not respect the constitution, because the President was
04:48:23 12 the executive power under that constitution. So
04:48:43 13 the President was required every day to call up the Guide
04:48:47 14 (the Supreme Leader) to tell him that he was carrying out
04:48:51 15 acts which were unconstitutional, and that did not please
04:48:55 16 him.

04:48:55 17 Q. Did you make those phone calls to him
04:49:00 18 yourself?

04:49:04 19 A. No, I didn't. I wrote to him. It was not
04:49:08 20 telephone calls, I wrote to him.

04:49:11 21 Q. How soon after you took office did he begin to
04:49:17 22 exercise essentially executive authority, the Supreme

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04:49:18 23 Leader?

04:49:20 24 A. Almost right away. Right after my election,
04:49:57 25 the election for Parliament was no longer a free election.

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04:50:13 1 Mr. Rafsanjani went to see Khomeini, he said: what are we
04:50:18 2 going to do, because Mr. Banisadr has now been elected
04:50:24 3 President? Khomeini told him: try to take control of
04:50:30 4 the Parliament.

04:50:33 5 They began by falsifying the elections. So I made
04:50:40 6 an appeal to the Iranian people: if you find that these
04:50:48 7 elections are not free, do not participate in them. That's
04:51:02 8 why the Parliament was elected with 6 million voters,
04:51:09 9 28 per cent.

04:51:26 10 There was lots of fraud. I set up ten election
04:51:40 11 watch groups, and they submitted reports that there was so
04:51:58 12 much fraud and non-respect of election law. On the orders
04:52:20 13 of Khomeini, the Parliament began its work, without
04:52:24 14 the justice system ever being able to investigate
04:52:28 15 the election fraud and the way the election was carried out.

04:52:33 16 Q. He seemed very early on, the Supreme Leader,
04:52:37 17 to exercise control over the executive function and
04:52:42 18 the legislative branch. Did he exercise the same control
04:52:45 19 over the judiciary?

04:52:58 20 A. He began with the justice system, starting
04:53:18 21 with the constitution of the revolutionary courts. That was
04:53:22 22 a big part of his power. And by setting up the higher
04:53:33 23 judicial council, and that changed the structure of
04:53:44 24 the Iranian justice system.

04:53:48 25 Q. Did he also make any attempt to control

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04:53:51 1 the intelligence services of the nation?

04:53:54 2 A. At the time, there was no intelligence
04:54:06 3 service, because the Savak of the Shah had been dissolved.
04:54:13 4 Khomeini himself had an intelligence service.

04:54:17 5 Q. What did he call his intelligence service?

04:54:24 6 A. There was not a name. There was no name, but
04:54:35 7 there were people under his orders who worked for him
04:54:40 8 directly.

04:54:41 9 Q. And what type of activities did they
04:54:43 10 coordinate or do?

04:54:45 11 A. Activities such as the assassination of
04:55:16 12 Motahari. And, after that, the assassination of
04:55:27 13 General Gharani. It was the organization of Khomeini's own
04:56:08 14 intelligence structure that found the people who carried out
04:56:12 15 these two attacks.

04:56:14 16 THE INTERPRETER: (Seeks clarification).

04:56:18 17 A. It was Khomeini's own intelligence service
04:56:41 18 that found out which organization carried out these plots,
04:56:45 19 these assassination plots.

04:56:48 20 Q. Did there come a time during your
04:56:52 21 administration when a central intelligence agency was
04:56:55 22 formed; did you ever form a central intelligence agency
04:57:00 23 under your government?

04:57:01 24 A. Before my election as President,
04:57:19 25 the Revolutionary Council approved a law to establish

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04:57:29 1 an intelligence organization, with two branches: one for
04:57:42 2 domestic affairs, under the responsibility of the Minister
04:57:52 3 of Interior; another for overseas affairs, under
04:57:58 4 the responsibility of the Minister of Foreign Affairs. But
04:58:04 5 the law was never put into action.

04:58:18 6 Up until my destitution, there was no official
04:58:22 7 intelligence organization, except for a small part of savak,
04:58:27 8 the Seventh or the Eighth Bureau, espionage and
04:58:40 9 counter-espionage.

04:58:42 10 Q. What does MOIS stand for?

04:59:01 11 A. In Persian we say VEVAK.

04:59:16 12 Q. And when was it formed, approximately?

04:59:17 13 A. They created it after the coup d'etat against
04:59:22 14 me.

04:59:34 15 Q. So was your removal from office against
04:59:37 16 the principles and the plain language of the constitution at
04:59:41 17 the time?

04:59:48 18 A. Absolutely correct.

04:59:50 19 Q. You have some experience with international
04:59:54 20 law, I understand?

04:59:56 21 A. Yes.

04:59:57 22 Q. Both from studies and your service in your
05:00:00 23 country?

05:00:01 24 A. Yes.

05:00:07 25 Q. I think you've testified already that you

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05:00:10 1 helped author that constitution; is that correct?

05:00:19 2 A. Correct.

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05:00:19 3 Q. In your opinion, was your removal from office
05:00:23 4 an illegal act?

05:00:26 5 A. Absolutely.

05:00:27 6 Q. And therefore under the principles of
05:00:31 7 international law, you still would be constitutional
05:00:35 8 President; am I right?

05:00:36 9 A. Not really considered that way. The Iranian
05:00:59 10 people elected me for four years; they did not elect me for
05:01:06 11 life.

05:01:06 12 Q. But you have not been permitted to serve the
05:01:10 13 balance of your term?

05:01:15 14 A. That's true. There was a coup d'etat, and
05:01:28 15 I continued to fulfil my activities as President until
05:01:34 16 the end of my elected term. That's why I left Iran, to
05:01:48 17 reveal what was in the interests of Iran and to inform world
05:01:54 18 public opinion.

05:01:55 19 Q. Who is really running Iran today?

05:01:59 20 A. In the current regime, you can't really say
05:02:16 21 it's Khamenei, although he does have full powers. In
05:02:25 22 reality, it's a Mafia system. Currently there are two
05:02:36 23 branches of the Mafia that are opposing each other: there's
05:02:41 24 the old Mafia, such as Mr. Rafsanjani, and the new Mafia,
05:02:47 25 the new Mafia which I call the military financial Mafia,

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05:03:00 1 because most of them are Revolutionary Guards officers who
05:03:13 2 have in their hands many financial institutions. So these
05:03:27 3 two different groups in these elections are confronting each
05:03:31 4 other.

05:03:31 5 Q. Did you have, at the time of your leaving

05:03:41 6 office, any personal knowledge of the Supreme Leader being
05:03:44 7 involved or in any way engaged in what we would call
05:03:48 8 worldwide terrorist organizations?

05:03:51 9 THE INTERPRETER: When he was in office?

05:04:01 10 MR. HAILEY: When he was in office.

05:04:07 11 A. This is something very important. Before me,
05:04:11 12 there was terror. When I was President, there wasn't
05:04:19 13 terror. And after me, they began again. It shows that when
05:04:47 14 the state is not intimidated by these Mafia groups, terror
05:04:54 15 will not succeed.

05:04:56 16 Q. After you left office, were you able to
05:05:00 17 determine or learn how they supported their terrorist
05:05:05 18 activities?

05:05:15 19 A. Of course. We had three forms of activity:
05:05:23 20 one was terrorism, the second one was corruption, and
05:05:35 21 the third was betrayal or treason. Finding secret reports
05:05:47 22 among the Mullahs, and secret reports between the Mullahs,
05:05:52 23 the Americans, the Israelis, the kinds of things that were
05:05:57 24 revealed in Irangate, that sort of thing, those were our
05:06:00 25 activities. So we were able to understand the organization

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05:06:05 1 of terror, which I presented to the Mikanos trial in
05:06:18 2 Germany.

05:06:19 3 Q. After you left office, did Iran take a more
05:06:25 4 active role in international terrorism?

05:06:32 5 A. Iran is a country.

05:06:42 6 THE INTERPRETER: He's making a play on word, but
05:06:46 7 he's saying essentially the Mullahs did, but not Iran.
05:06:51 8 The mullocracy did.

05:06:58 9 Q. "Mullocracy", good word. I'm going to
05:06:58 10 continue along that line. Who composes the mullocracy, and
05:07:08 11 why do they expand these terrorist activities?

05:07:23 12 A. Inside the regime, no one is opposing
05:07:27 13 the Mullahs. No one would dare to do it. But inside Iran,
05:07:35 14 many people dare to. For example, those who bring us
05:07:40 15 information. For instance, just recently, I had new
05:07:52 16 information about the assassination of Qassem lou.

05:08:02 17 People who love Iran as their country do not want
05:08:06 18 it to be identified with terrorism, so there are many people
05:08:13 19 in Iran who fight against terrorism by bringing out
05:08:22 20 information on the structures of terrorism. Thanks to these
05:08:36 21 informations, today the terrorists are known, and it's
05:08:43 22 difficult for them to act as they did before.

05:08:46 23 Q. Is Iran, through the Mullahs, still pursuing
05:08:53 24 actively terrorist activities outside their borders?

05:09:16 25 A. Under Khatami, there had not been acts of

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05:09:21 1 terrorism outside, but during Mr. Khatami's presidency,
05:09:43 2 there were many assassinations inside Iran. For instance,
05:09:52 3 Mr. Forouhar and his wife, who were important domestic
05:10:01 4 political figures, they were assassinated. And many
05:10:05 5 writers.

05:10:22 6 Q. After you left office, I believe you said
05:10:25 7 there was some growth in this terrorism and these activities
05:10:30 8 outside the country. Why did the regime see terrorism as in
05:10:37 9 their interests?

05:10:38 10 A. It's clear, the people had made the revolution
05:11:02 11 to live freely, but they wanted to impose a dictatorship.

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05:11:08 12 The only means they had to impose a dictatorship was
05:11:16 13 terrorism, both inside Iran and on the outside.

05:11:25 14 Q. Under these Mullahs, did terrorism become
05:11:30 15 actually a part of foreign policy in Iran?

05:11:40 16 A. In part, yes.

05:11:44 17 Q. Do you have any personal knowledge of
05:11:47 18 terrorist conventions that used to happen every year in
05:11:52 19 the City of Tehran?

05:12:10 20 A. I can't say I really have knowledge, because
05:12:25 21 they didn't come under the names of active terrorist
05:12:29 22 organizations, they came under other names. But it does
05:12:34 23 appear that those people got together, to coordinate their
05:12:45 24 activities. For instance, in the assassination in Berlin,
05:12:56 25 there were Iranians and Lebanese who were involved, which

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05:13:02 1 shows that there was coordination.

05:13:04 2 Q. Were some of the groups, the individuals that
05:13:09 3 used to come to these conventions, were any of them
05:13:13 4 connected with Egyptian Jihad?

05:13:37 5 A. I can't say that this man represented that
05:13:39 6 organization. But in so far as this regime was in contact
05:13:53 7 with organizations in the region, it's possible. But
05:14:00 8 I can't tell you which man, which name was representing
05:14:04 9 which particular organization.

05:14:05 10 Q. Do you have any personal knowledge of
05:14:12 11 Zawahiri attending these meetings in Tehran?

05:14:30 12 A. No.

05:14:30 13 Q. Do you have any information that would show
05:14:36 14 a relationship between Zawahiri and Zolqadr?

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05:14:51 15 A. Zolqadr, yes. He is a multipurpose member of
05:15:02 16 the Iranian terrorist structure. He's gone to Egypt and
05:15:13 17 other countries. But I don't have particular information
05:15:23 18 that would let me say he was in contact with Zawahiri.

05:15:27 19 Q. Explain, would you, the office that
05:15:33 20 Zolqadr holds?

05:15:50 21 A. Currently, he is the deputy commander of
05:15:53 22 the Revolutionary Guards. In fact, a bit more than
05:16:03 23 the deputy: he is the one who replaces the commander when
05:16:11 24 the commander is absent. There are several groups within
05:16:23 25 the Revolutionary Guards. Zolqadr has what we call

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05:16:40 1 the Shiraz group, because he is originally from the City of
05:16:47 2 Shiraz. He works with the hardliners of the regime.

05:17:04 3 In the beginning there was a committee that chose
05:17:07 4 the targets to be assassinated, and he directed that
05:17:15 5 committee. Afterwards, the Guide, the Supreme Guide,
05:17:27 6 the Supreme Leader, had to approve the target, and then gave
05:17:35 7 the order to execute that person.

05:17:37 8 Q. Who are these people that are being singled
05:17:47 9 out for execution? (Pause).

05:18:17 10 It seems that after you were removed,
05:18:23 11 the religious leaders' power increased greatly; correct?

05:18:32 12 A. Yes.

05:18:32 13 Q. And it also seems that when they took over
05:18:36 14 more power, they began to engage in these acts of terror; is
05:18:49 15 that correct?

05:18:49 16 A. Yes.

05:18:50 17 Q. Did the acts of terrorism include more than

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05:19:18 19
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05:19:47 23
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just assassination?
A. Yes, they did.
Q. Are you aware of the details of the connection between Iranian Government and Hamas?
A. You know, those relations, it's not the government that has them. In Iran we have a state and a separate apparatus, which is the leaders' apparatus. All of those activities are under his direction.

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05:21:45 12
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In the beginning, the relations with other groups that we called at the time revolutionary were supposed to have been organized within the Foreign Affairs Ministry. But after the coup d'etat, it was the al Qods force of the Revolutionary Guards that took over. They set up the al Qods Army to carry out overseas acts of terrorism. So inside the al Qods force, they set up this organization that took charge of the relations with foreign groups.
Q. Was this the same group that will have coordinated any activities in the Bekaa Valley camps?
A. Yes, it was the Qods force.
Q. Do they support these activities out of the national Treasury?
A. From the Treasury directly, no, but indirectly, yes. There are several sources. You won't find in the budget, for instance a line item for that type of activity.
It began under Mr. Rafsanjani, where every one of these organs involved in overseas terrorist activities would have its own financial setup to finance its operations. For

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05:23:03 21 instance Vevak, or MOIS, had many companies that supported
05:23:12 22 its operations, and especially the Revolutionary Guards.
05:23:14 23 First of all, they controlled virtually all the airports, so
05:23:21 24 they had a hand on import and export, and the free ports.
05:23:35 25 And there are even Customs officers that the official

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05:23:40 1 Customs Agency doesn't control. In fact, in the previous
05:23:57 2 Parliament, the Sixth Majelis, a question was raised: how
05:24:06 3 come the Customs Service does not have control of all
05:24:09 4 the Customs ports? So if you wish, they have all the money
05:24:14 5 they need to finance this type of activity.

05:24:21 6 A share of oil is sold by these groups. For
05:24:33 7 instance, with Saddam, there was a share of Iraqi oil under
05:24:38 8 sanctions that went through Iran, under control of
05:24:42 9 the Revolutionary Guards. They took a very significant
05:24:49 10 percentage, a cut. So they did not need the state to
05:24:56 11 finance.

05:24:57 12 Q. As part of their --

05:25:02 13 A. I'd like to add to that, another source of
05:25:14 14 their revenue is all the activities of drug smuggling.

05:25:37 15 Q. When it comes to their funding, do they work
05:25:40 16 through shell corporations and businesses abroad?

05:25:48 17 A. Certainly. These front companies had played
05:26:07 18 a very important role in terrorist activities. So to
05:26:42 19 finance the comings and goings of people, they would use
05:26:46 20 these front companies. We found this out during some of
05:26:57 21 the terrorist investigations, that people would go overseas
05:27:03 22 as representatives of these front corporations, and so
05:27:08 23 finance their operations also through these front companies.

05:27:12 24 Q. Who arranged and approved of the international
05:27:17 25 aspect of the organization and funding of terrorist

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05:27:20 1 activities?

05:27:22 2 A. The first organizer was Mr. Rafsanjani, and he
05:27:44 3 worked directly with Khomeini himself. After Khomeini's
05:27:50 4 death, it was Khamenei, the current leader. Those two were
05:27:57 5 at the top of state. During the presidency of
05:28:05 6 Mr. Rafsanjani, because the government of Mr. Khatami did
05:28:16 7 not play the game, they reorganized the structures. Now it
05:28:26 8 is a completely separate organization that has no need for
05:28:41 9 the state.

05:28:41 10 Q. Is there any aspect of the state operation of
05:28:44 11 Iran that does not come under the authority of the leader?

05:28:48 12 A. Under the constitution, the Supreme Leader is
05:29:21 13 supposed to give general guidelines of economic policy and
05:29:25 14 foreign policy. Outside of that, the government is free,
05:29:29 15 free to pursue its activities. In theory, that's the way
05:29:37 16 it's organized. But in practice, the Supreme Leader
05:29:49 17 intervenes whenever he thinks it is necessary.

05:29:52 18 For instance, during the sixth Parliament, a law
05:30:02 19 was drafted to grant greater press freedoms. The Supreme
05:30:10 20 Leader sent a letter to the Parliament, and that put an end
05:30:18 21 to the discussion. The law was never approved.

05:30:24 22 Q. Correct me if I'm summarizing this aspect of
05:30:29 23 your testimony incorrectly, but essentially what you're
05:30:33 24 saying is that the Supreme Leader is the government, if he
05:30:40 25 wants to be, when and if he likes being or wants to be

05:30:44 1 the government?

05:31:04 2 A. In reality, that's right. Just as with

05:31:08 3 Louis XIV, the state is made.

05:31:13 4 Q. Right. He is the head of state?

05:31:17 5 A. No, he's not the head of state, he's

05:31:22 6 the Guide. The head of state in theory, in appearances, is

05:31:30 7 the President.

05:31:31 8 Q. But the President does not have the luxury to

05:31:34 9 disagree with the Guide?

05:31:36 10 A. He can disagree. I disagreed. But at that

05:31:53 11 time, the Guide did not have the executive powers he has

05:31:58 12 today. But, even today, a President could say to the Guide:

05:32:07 13 you have gone beyond the limits of the law. So if he

05:32:15 14 doesn't say that, it shows his weakness.

05:32:17 15 Q. You spoke earlier of the hardliners. Who do

05:32:36 16 you identify as the hardliners?

05:32:39 17 A. As I was trying to explain, there are two

05:32:43 18 types of Mafia: the old Mafia and the new one. Their

05:32:53 19 philosophy comes in two phrases. One comes from

05:32:57 20 Mr. Khamenei. Khamenei says "victory by terror". This is

05:33:14 21 an Arabic phrase, "nasdr rohb". "Nasdr" means "victory",

05:33:25 22 "rohb" means "make afraid", "terror".

05:33:28 23 The other phrase comes from another cleric,

05:33:34 24 Mesbahi Yazdi, who is a Mullah but a philosopher. He's not

05:33:55 25 a Neocon but an old style Conservative. His phrase is

05:34:14 1 "movement of violence and terror". That means in effect to

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05:34:33 2 govern and to impose divine law through terror, impose it on
05:34:45 3 Iranians as well as others.

05:34:46 4 Q. Is it really their dream, these hardliners, to
05:34:51 5 use violence and terror to impose Islamic control
05:34:55 6 governments on the whole region?

05:35:09 7 A. I can tell you, they have no real tie to
05:35:13 8 Islam, and they don't care about Islam, they only care about
05:35:19 9 power. They are only interested in power, not Islam.

05:35:30 10 Q. Well, why do they use Islam as their rationale
05:35:34 11 for what they do?

05:35:43 12 A. They do that to appear more legitimate. I'll
05:35:57 13 give you an example. Recently they've been speaking about
05:36:03 14 Guantanamo and what happened respecting the Koran. The same
05:36:10 15 thing was done in Iran under these Mullahs. There was a man
05:36:16 16 named Saïd Emami, who was a Deputy Minister of Intelligence.
05:36:26 17 After the assassination of Forouhar and others in Tehran,
05:36:33 18 he was arrested. They said he committed suicide in jail,
05:36:39 19 but that means they killed him. But his wife was then
05:36:51 20 tortured. The torturer made her admit that after they had
05:37:13 21 sexual relations he, the husband, wiped himself with
05:37:18 22 pages of the Koran. Once they published this on a CD, which
05:37:31 23 you might be able to see as well, it was put on
05:37:35 24 the internet.

05:37:48 25 Recently Mr. Ghabal, who is cleric who fled Iran

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05:37:57 1 recently -- he was an enlightened Mullah; he believes in
05:38:06 2 human rights and freedom. But before, he was close to
05:38:11 3 Mr. Khamenei. Two days ago, he sent a letter to
05:38:21 4 Mr. Khamenei, and he asked this question: what did you do,

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05:38:37 5 Mr. Guide, when you saw the outrage of this woman being
05:38:43 6 tortured and the outrage to the Koran? He noted several
05:38:54 7 assassinations that were committed by the Guide -- that were
05:38:59 8 ordered by the Guide before he even began the Supreme
05:39:05 9 Leader.

05:39:13 10 Q. This campaign of violence and terror that you
05:39:18 11 speak of, how does it seem, again, in the interests of
05:39:27 12 Iranian foreign policy to be important; what are they trying
05:39:32 13 to influence?

05:39:43 14 A. Because it had a determining influence on
05:39:49 15 events inside Iran. For instance Mr. Velayati, who was
05:40:00 16 Minister of Foreign Affairs, he has recently told two
05:40:06 17 stories, very important, about these terrorist activities
05:40:13 18 and their goals. He said he had come to Paris and met
05:40:22 19 Mr. Mitterrand, and Mr. Mitterrand had accepted to come to
05:40:30 20 Iran. So Velayati went back to Iran and informed
05:40:43 21 Mr. Rafsanjani, who was then President, that: okay, this is
05:40:47 22 going to happen, look at what I've done.

05:40:57 23 Two days afterwards, Dr. Bakhtiar was assassinated
05:41:07 24 in Paris. So Mr. Velayati himself has said that there were
05:41:27 25 people inside the regime who did not want better relations

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05:41:32 1 with friends. He said the same thing in the Mikanos case.

05:41:39 2 So it's clear, it's absolutely clear that
05:42:00 3 terrorism is a tool in the power struggle within the regime,
05:42:06 4 for different factions within the regime.

05:42:15 5 Q. There have been many reports of different
05:42:19 6 international terrorist groups, Al-Qaeda, Egyptian Jihad,
05:42:25 7 various groups connected with the Mojahedin and other

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05:42:25 8 movements, that have not only met in Iran, but lived and
05:42:32 9 stayed with their families and associates in Iran. Have you
05:42:37 10 heard these same reports?

05:42:57 11 A. Yes, of course I've heard that information.
05:42:59 12 we've published many of it ourselves. It's important to
05:43:15 13 verify exactly who came, when they came, where they went
05:43:23 14 and with whom they were in contact. I'm sure that most of
05:43:29 15 the people who enter Iran come in without the knowledge of
05:43:33 16 the Foreign Ministry. Even at the beginning it was like
05:43:39 17 that.

05:43:39 18 For instance, when Mr. Bazargan was Prime
05:43:47 19 Minister, the Prime Minister of Libya came to Iran, without
05:43:57 20 telling the Foreign Minister. So one day the son of
05:44:15 21 Montazeri came to see me, and said: are you going to visit
05:44:20 22 the Prime Minister of Libya? And I said: the Prime Minister
05:44:24 23 of Libya, what's he doing here? So I went to see him. It
05:44:41 24 was Major Jaloud. So that continues today.

05:44:48 25 Q. There also have been many reports about many

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05:44:53 1 of these various groups, what we call international
05:44:57 2 terrorist groups, coming and spending time in training camps
05:45:03 3 in Iran. If true, can this situation be possible without
05:45:14 4 the approval of the Supreme Council of Supreme Leaders?

05:45:30 5 A. Without the approval of the Guide, it would be
05:45:32 6 difficult. But it is feasible, because the Guide has given
05:45:44 7 his agreement in general, and he leaves the details to
05:45:51 8 the Revolutionary Guards. Not so much to the organization
05:46:05 9 itself, but to groups within the Revolutionary Guards.

05:46:12 10 Q. Again, to what advantage would it be for Iran

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05:46:16 11 to allow these international terrorist groups to do any
05:46:20 12 training at all or to be organized at all inside Iran? why
05:46:33 13 do they do it?

05:46:35 14 A. First of all, it's very expensive, because
05:46:45 15 Iran pays. One benefit is that they use terrorism to get
05:47:07 16 rid of dissidents inside Iran, and they use these
05:47:20 17 organizations every time they have something to resolve
05:47:23 18 with, let's say, the European countries. They will use
05:47:29 19 these organizations to carry out their attack, such as
05:47:33 20 kidnappings in Lebanon or the relations with the Regan
05:47:47 21 administration. They revealed Irangate with European
05:47:54 22 countries such as France. Mr Chirac got the French hostages
05:48:09 23 freed so he could become President. So those interests
05:48:14 24 exist.

05:48:15 25 Q. So, in essence, what you're telling me is that

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05:48:23 1 these international terrorist groups which they have decided
05:48:28 2 to affiliate in some way with, both inside and outside
05:48:32 3 the country, serve the interests of that council of
05:48:37 4 religious people who control the country?

05:48:56 5 A. A council, that doesn't exist, because there
05:48:59 6 are several groups. Each one has its own interests and its
05:49:06 7 own assassins. After the death of Khomeini, there was
05:49:15 8 a reorganization. All these disparate activities were
05:49:28 9 reorganized. But still you have a situation where one group
05:49:42 10 can carry out an act and the Supreme Leader will not be
05:49:45 11 aware of it.

05:49:46 12 For instance, a cleric might give the order to
05:49:57 13 carry out an assassination, and afterwards, after it's done,

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05:50:03 14 the Supreme Leader will have to accept it. But those are
05:50:08 15 small cases. For the big cases, the leader must give his
05:50:13 16 green light.

05:50:14 17 Q. Do you believe that these groups, through
05:50:19 18 their international terrorist network and affiliations, are
05:50:24 19 capable of carrying out operations against American
05:50:27 20 interests?

05:50:45 21 THE INTERPRETER: Did you say with the aid of
05:50:46 22 Iran?

05:50:48 23 MR. HAILEY: With the aid of Iran.

05:50:51 24 A. They have the power to do it. But in
05:51:00 25 the beginning the Mullahs wanted American protection, so

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05:51:21 1 they believed that if an act of terrorism would get
05:51:25 2 the Americans to pay better attention to Iranian interests,
05:51:29 3 they would carry it out.

05:51:31 4 Q. Who are the persons or people responsible for
05:51:36 5 coordinating international terrorist activities against
05:51:43 6 significant nations like the United States or England or
05:51:48 7 France; who would have to approve a big action like that?

05:52:12 8 A. Let's start with the first one. Okay, so
05:52:20 9 first there was the period of Khomeini, and then the period
05:52:24 10 of Rafsanjani. During Khomeini's period, the big decisions
05:52:39 11 had to be approved by his son, Ahmad, who was assassinated,
05:52:48 12 and by Mr. Rafsanjani. Those two made the decisions for any
05:53:02 13 acts outside of Iran, and the Qods force would carry it out.
05:53:08 14 They would make a contact with foreign organizations that
05:53:13 15 were to take part in it. It wasn't always with foreign
05:53:34 16 organizations, but sometimes with foreigners who were in

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05:53:37 17 direct relationship with Iran, foreigners they would bring
05:53:47 18 to Iran for training. It was the Qods force that organized
05:53:57 19 this. They took care of the team that would be sent out to
05:54:07 20 carry out the terrorist attack.

05:54:09 21 Q. So it can't take place without some official
05:54:16 22 approval in the organization?

05:54:36 23 A. You know, you're using the word "official" as
05:54:40 24 if it were the United States. It's not as if the President
05:54:45 25 gives the order to the Minister of Defence or the Minister

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05:54:47 1 of Foreign Affairs to attack Iraq. That is something
05:54:52 2 separate. Because in Iran, the administration is not aware
05:54:58 3 of anything.

05:55:09 4 For instance, you won't find a paper signed by
05:55:11 5 the President ordering the Minister of Foreign Affairs to
05:55:17 6 get in contact with Hezbollah in Lebanon to kill this or
05:55:26 7 that person. It's a separate kind of structure. Once
05:55:32 8 the order has been approved, it's sent to the Revolutionary
05:55:35 9 Guards, and there are people who are outside of
05:55:44 10 the structure.

05:55:48 11 Even those who are within the official structure
05:55:51 12 of the Revolutionary Guards are not necessarily aware of
05:55:55 13 what's going on. There are people who are in charge of
05:56:06 14 terrorist activities, and they organize these acts. For
05:56:20 15 instance, the assassins who came to Vienna to kill
05:56:26 16 Mr. Qassem lou came with European passports. So the Iranian
05:56:33 17 Ministry of Foreign Affairs was aware of nothing. They had
05:56:38 18 no passports or anything.

05:56:39 19 So all of that is organized separately. Except

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05:57:02 20 during the period of Rafsanjani. When Rafsanjani was
05:57:06 21 President, he took advantage of the structures of state to
05:57:10 22 carry out terrorist activities. For instance, he ordered
05:57:27 23 the Ministry of Foreign Affairs to deliver an official
05:57:31 24 diplomatic passport Mr. Mahmoud Ahmadi-Nejad, who is
05:57:49 25 currently the Mayor of Tehran and a candidate for President

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05:57:57 1 today, so he could go to Vienna. The Ministry of Foreign
05:58:04 2 Affairs delivered the passport without knowing what was his
05:58:09 3 mission. He was on the second team, the second group, part
05:58:19 4 of the team of this terrorist operation. He was the one in
05:58:28 5 Vienna who gave the weapons to the hit team.

05:58:32 6 So that was organized outside the structure, and
05:58:44 7 the Ministry of Foreign Affairs gave a passport to this
05:58:48 8 person without knowing what his mission was going to be.

05:58:53 9 Q. Have you, through your own investigation and
05:58:58 10 information, come across a man by the name of
05:59:03 11 Imad Mughniyeh?

05:59:07 12 A. Yes, he's very famous.

05:59:09 13 Q. And what is your understanding of what
05:59:11 14 Mughniyeh does?

05:59:22 15 A. He is in the terrorist branch of the Lebanese
05:59:28 16 Hezbollah.

05:59:29 17 Q. And what is his relationship to Iran?

05:59:32 18 A. I know that he has made many trips back and
05:59:53 19 forth to Iran. But, beyond that, to tell you who he's met,
05:59:58 20 where he's met, when he's met, I do not have specific
06:00:04 21 information.

06:00:04 22 Q. Do you believe Mughniyeh is connected with

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06:00:11 23 Iranian international terrorist activities, other than
06:00:22 24 Hamas, other than Hezbollah?

06:00:37 25 A. That is possible. But I don't know exactly

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06:00:41 1 the internal organization of the Lebanese Hezbollah, and
06:00:48 2 I don't know whether he worked as an individual for Iran or
06:00:51 3 as a member of that organization.

06:00:56 4 Q. When did Hezbollah become a part of -- did
06:01:03 5 Iran create Hezbollah?

06:01:14 6 A. Without Iran, Hezbollah would not have become
06:01:21 7 what is now is. The initiative came from Mr. Mohtashemi,
06:01:33 8 who was then the Ambassador to Syria. At that time, it was
06:01:51 9 part of the general policy of the government. They had
06:01:54 10 the same type of thing in Afghanistan. Not the government,
06:02:01 11 but the apparatus of Khomeini, of the leader. They had in
06:02:11 12 Lebanon the Amal organization, which was close to Syria. So
06:02:31 13 the Iranians decided not to support Amal, but to create
06:02:36 14 their own more radical organization. They helped them
06:02:46 15 financially, militarily and everything. That organization,
06:02:54 16 Hezbollah, became what it has become.

06:02:57 17 Q. Tell me what is your understanding and what
06:03:19 18 you know about the involvement of Iranian-sponsored
06:03:25 19 individuals in Sudan?

06:03:43 20 A. In Sudan it was Zolqadr, who went to do
06:03:52 21 the same thing that they did in Lebanon. But I don't think
06:04:01 22 they were able to succeed. There they had Islamic
06:04:20 23 organizations that considered themselves as rivals to
06:04:23 24 the Islamic Republic of Iran. Al-Qaeda did not want
06:04:59 25 the Iranian Mullahs to organize something in Sudan such as

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06:05:04 1 Hezbollah in Lebanon. This is what people say. But at
06:05:19 2 the same time there were contacts with Al-Qaeda in
06:05:23 3 the Sudan. But I'm not personally entirely sure, it's not
06:05:28 4 my information.

06:05:29 5 Q. The Islamic regime that is now running Iran,
06:05:58 6 in the present day do you get any signals or signs that
06:06:02 7 they are willing to dismantle their international terrorism
06:06:08 8 mechanism, in exchange for maybe better relationships with
06:06:22 9 the west?

06:06:26 10 A. I've just read an article in an Arab newspaper
06:06:42 11 that claims that Mr. Rafsanjani has recently had contact
06:06:46 12 with the Bush administration, precisely on the subject of
06:06:53 13 Lebanese Hezbollah, so it would become a political party and
06:07:06 14 abandon its military and terrorist activities. But, that
06:07:16 15 said, Mr. Rafsanjani is now a candidate for President.
06:07:23 16 Inside Iran, he's detested. So he tries to put out this
06:07:43 17 kind of information to make people believe, inside Iran,
06:07:47 18 that he is the best person to improve Iran's situation with
06:07:51 19 other states. The Iranian people would like an end to be
06:08:10 20 put to all of these activities, terrorism and others, so
06:08:21 21 that could eventually benefit Mr. Rafsanjani in this
06:08:25 22 election.

06:08:26 23 But is he ready, once elected, to actually do it?
06:08:34 24 That's another question.

06:08:36 25 Q. Finally, Mr. President, the Guide and

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06:08:41 1 the Council, the religious leaders, they must be aware that

06:08:49 2 Hezbollah coordinates activities and interacts with

06:08:54 3 international terrorist groups, numerous groups around

06:09:00 4 the world; they must be aware of that, am I correct?

06:09:18 5 A. Certainly, yes.

06:09:20 6 Q. No further questions.

06:09:23 7 THE VIDEOGRAPHER: We're going off the video

06:09:27 8 record, the time is 6.09.

06:09:30 9 (6.10 pm)

06:09:32 10 (The deposition concluded)

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CERTIFICATE OF DEPONENT

Bani Sadr deposition

I, PRESIDENT ABOL HASSAN BANISADR, hereby certify that I have read the foregoing pages, numbered 5 through 33, of my deposition of testimony taken in these proceedings on Friday, June 3rd, 2005, and, with the exception of the changes listed on the next page and/or corrections, if any, find them to be a true and accurate transcription thereof.

Signed:

Name: PRESIDENT ABOL HASSAN BANISADR

Date:

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CERTIFICATE OF COURT REPORTER

I, Trevor Joseph McGowan, an Accredited LiveNote Reporter with Reportage Intégral, Groupe wordwave (a LegaLink company), of Paris, France, hereby certify that the testimony of the witness PRESIDENT ABOL HASSAN BANISADR in the foregoing transcript, numbered pages 5 through 33, taken on Friday, June 3rd, 2005, was recorded by me in

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Stenographic shorthand and was thereafter transcribed by me;
and that the foregoing transcript is a true and accurate
verbatim record of the said testimony, according to the best
of my skill and ability.

I further certify that I am not a relative or employee of,
counsel to, or financially involved with any of the parties
to the within cause, nor am I an employee or relative of any
counsel for the parties, nor am I in any way interested in
the outcome of the within cause.

Signed:

Trevor Joseph McGowan

Dated: Friday, June 10th, 2005

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E R R A T A

Deposition of PRESIDENT ABOL HASSAN BANISADR

Page/Line No.	Description	Reason for change
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Bani Sadr deposition

Signed:

Name: PRESIDENT ABOL HASSAN BANISADR

Date:

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