

Honoring Defenders of Justice

The attorneys who prosecuted Iranian-backed assassins finally get their due

By Harold Evans

President Obama, in his meeting with French President Francois Hollande earlier this month, warned countries eager to boost trade with Iran that the U.S. will come down “like a ton of bricks” on any firms that breach sanctions. The French and Turks have already sent delegations to Tehran and the Germans are following. Next week in New York City, the Federal Bar Association will honor two German attorneys who diligently fought their government’s pressure to put trade before justice amid a high-profile terrorism prosecution. U.S. News Contributing Editor Harold Evans reports:

The murders in the restaurant were swift. Two big, bearded men, their coat collars up to their eyes, came out of the drizzly night and burst into a dimly lit private room at the back of the restaurant. The taller of the two stood over a party of eight at a corner table. He thrust a gloved hand into a bag slung over his shoulder and pulled out a machine gun. “You sons of whores,” he shouted, then fired 26 bullets in two bursts, killing four. The dignified senior figure who had been addressing the group died in his chair. To make sure, the second assassin pulled a handgun from his belt and fired three more bullets into his head. A minute later the two shooters and a third bearded man who had blocked the door were gone, driven off in a blue BMW that had been waiting outside, its engine idling.

Justice has been less swift. It has come in stages. The murders were committed at the Mykonos restaurant in Berlin on the night of Sept. 17, 1992. The trial of four men of the score or more in the plot did not conclude until



German police outside the Berlin restaurant.

1997. The killer with the machine gun escaped by plane that night and found refuge in Iran.

But if justice has not caught up with all the plotters, the attorneys who led the investigation and won convictions

achieved something more significant than even trial verdicts. They exposed the masterminds behind the Mykonos murders – the Iranian leadership in Tehran – and with that its then-unknown campaign to exterminate opponents no matter where they were in the world. Iran’s hit men had already killed more than 100 who had fled Iran. The victims at the restaurant were members of Iran’s Democratic Party of Kurdistan who were meeting with Secretary General Sadegh Sharafkandi.

Weeks before the Mykonos murders, the popular Iranian singer Fereydoon Farrokhzad was found beheaded in his home near Bonn, but nobody made the connection to a decree from Ayatollah Ruholla Khomeini upon winning power in 1979. He personally identified

500 individuals he wanted dead. Khomeini died in 1989 but his successor, the current Supreme Leader, Ayatollah Ali Khamenei, and his associates, continued to operate what President Reagan called Murder Incorporated (North

Korea being another charter member; its human rights violations were documented just this week in a new United Nations report.)

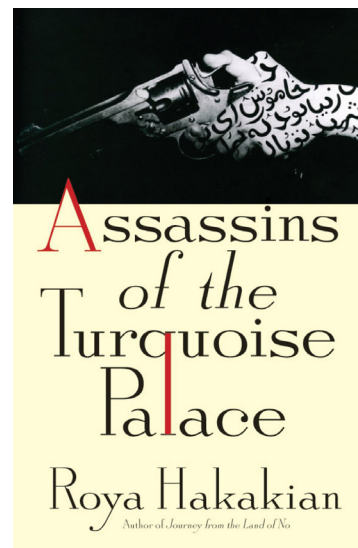
At the time, Khamenei was head of the “Committee for Special Operations,” which authorized the Mykonos assassinations, along with President Hashemi Rafsanjani; Minister of Intelligence Ali Fallahian, known as the butcher for his appetite for summary executions; and Foreign Minister Ali Akbar Velayati. Two months after Mykonos, Khamenei doubled the reward for the murder of author Salman Rushdie. Shortly thereafter an opponent was killed in Istanbul, and the interior minister said opposition leaders had that and more coming to them. The same month European ministers met excitedly with Iran to boost trade between them. Iran’s cynical contempt for human rights did not abate with sweet words from the diplomats. That January a car bomb killed a critic in Ankara, and another was shot in Iraq and another in Rome.



COURTESY OF ROYA HAKAKIAN

Bruno Jost, the unassuming lead prosecutor of the trial of the Mykonos murderers, and his supportive boss, Alexander von Stahl, Sr., a rising political star as Germany’s attorney general, achieved what they did at great personal cost. They called on their forensic skills, but even more on their resilience in the face of pressures from Germany’s political leadership, to avoid doing anything that would hazard Bonn’s role as champion of “moderate forces” in Iran and, not incidentally, profitable trade deals. Instead, they chose to risk their lives and careers by a dedication to a faith central to a civilized society, faith in the rule of law.

Their heroism will finally be honored, as it has not been in Germany, by the



Roya Hakakian probed the Mykonos murders

Federal Bar Association at a ceremony in New York City next week at the Daniel Patrick Moynihan U.S. Courthouse. The fiercely independent judge who presided over the trial of the assassins, Fritjof Kubsch, would no doubt have been

“Kazem Darabi, the agent who organized the murders, acted upon the orders of the intelligence ministry of Iran.”

honored with them. He presided over 246 sessions and heard 176 witnesses but died soon after its conclusion from leukemia. He had postponed treatment to see the trial to its end.

Much is owed to Roya Hakakian, the author of the riveting 2011 book, “Assassins of the Turquoise Palace.” At a meeting of the FBA in Hawaii last year, where she was a keynote speaker, Hakakian called Jost the modern day Atticus Finch, the hero of “To Kill a Mockingbird.” The lawyers and judges at the conclave were appalled when they heard of the treatment of Jost and von Stahl. Swiftly, with the backing of the president of the FBA’s Southern District of New York Chapter, William Dahill, members voted for the first time in their

nearly 100-year history to present the Rule of Law Award to two foreigners. “It’s vital to remember this case,” Hakakian said recently, “especially now that [President Hassan] Rouhani seems to have the world convinced that all is well

with Iran, while the number of executions has spiked since he took office.”

The integrity of Jost and von Stahl infuriated the Iranians. Jost and his family lived in a state of perpetual siege from hit men, a watchtower on their home, bodyguards everywhere he went. They expected that. What shocked them was the unrelenting pressure from Germany’s political leadership to drop the case.

A month after the murders, the head of German intelligence, Bernd Schmidbauer, received a secret visit from a man minuted as “F.” It was Minister of Intelligence Fallahian, who expected that his demand for the trial to be aborted would be met. Look what Tehran had done for Germany getting a hostage released. He

didn't know that he'd had a lucky escape. Jost and von Stahl had made plans to arrest him, countermanded by the politicians. When word of the visit leaked, Schmidbauer continued to act as Bonn's champion of Iran, blasting the idea that Tehran was the culprit. "Those who know the facts would draw vastly different conclusions," said Schmidbauer.

Bonn's political leaders wanted a quiet deportation and a private rebuke. They were furious when Jost in March 1993 drew up an indictment against the killers for "a most heinous act of murder against four human beings in the city of Berlin." Early on in his investigation, Jost had gone to Vienna to investigate the murder of a charismatic Kurd. He discovered that the Austrians had quickly traced the trail of the killer to the Iranian embassy. It was an open-and-shut case for indictment, but the Austrians had just done

an arms deal with Tehran. They quietly escorted the prisoner to an escape plane.

Jost had originally thought the Mykonos killings might be the work of a rival Kurdish group. He began to put the dots of blood together. It led to the next explosive sentence in his indictment: "Kazem Darabi, the agent who organized the murders, acted upon the orders of the intelligence ministry of Iran."

Von Stahl was immediately ordered to say nothing of this to anyone, but to send the draft to the justice ministry, routine enough, but also to the chancellery and foreign minister. Von Stahl was a conservative, a member of the party that favored being friends with Iran. But his respect for the law was too deep for compromise. He rightly regarded it as a breach of the independence of the prosecutor's office. Then the chancellery and

foreign ministry sat on the document, and sat and sat. A month later, von Stahl asked what was happening. What indictment? was the answer. Sorry, it seems we've lost it.

It was not until May of 1993 that the indictment reached Berlin's highest criminal court. Two months later von Stahl was sacked on the pretense of his mishandling of a minor shooting incident.

The pressures on the isolated Jost intensified. The foreign ministry circulated smears about "that f-----g Bruno Jost" who was undoing all their efforts to work with Iran. Jost was exhausted by the everlasting delays in the trial. He had no political protectors. Crowds at Qom demanded death for the infidel Jost. Chancellor Helmut Kohl didn't protest. He sent a conciliatory letter to Tehran to say how sorry he was that religious feelings had been offended.

But the Bonn-Tehran honeymoon ended with a bang when the verdicts vindicated Jost's charges against Iran. The criminals were eventually sentenced to 23 years in prison. Germany expelled the Iranian ambassador in Berlin. All the European states suspended diplomatic relations for six months. And the Iranians seemed to have ended the terror, though they staged a hero's welcome for the furtive Darabi, a grocer by trade, when he was released in 2007 by Germany after 10 years of his sentence.

The presentation of the awards to Jost and von Stahl next week have intriguing resonances. In the 1930s, the struggle for human rights was lost in the Nazi violence in Berlin's streets. Here it was won in a Berlin courtroom. And as Iran celebrates the 35th year of its violent revolution, the United States celebrates a reaffirmation of the rule of law. |

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