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2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF COLUMBIA**
4

5 MANOUCHER MOHAMMADI,)
6 NASRIN MOHAMMADI,)
7 SIMIN MOHAMMADI, ON BEHALF OF)
8 THEMSELVES AND ON BEHALF OF)
9 AKBAR MOHAMMADI,)

Civil Action No. 09-1289 (BAH)

10 c/o Larry Klayman, Esq.)
11 2020 Pennsylvania Ave., N.W., Suite 345)
12 Washington, D.C. 20006)

THIRD AMENDED
COMPLAINT UNDER THE
ALIEN TORT CLAIMS ACT
AND ANTI-TERRORISM
LAWS

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Plaintiffs,

v.

AYATOLLAH SAYID ALI)
HOSEYNI KHAMENEI)
c/o Mohammad Khazaee)
Permanent Representative of Iran)
to the United Nations)
East 46th Street)
New York, New York 10017)

and

MAHMOUD AHMADINEJAD)
c/o President's Office)
Pasteur Avenue)
Postal Office 1423-13185)
Tehran, Iran 13168-43311)

and

ISLAMIC REPUBLIC OF IRAN)
c/o Mohammad Khazaee)
Permanent Representative of Iran)
to the United Nations)
East 46th Street)
New York, New York 10017)

1 and)
2)
3 ARMY OF THE GUARDIANS OF THE)
4 ISLAMIC REVOLUTION)
5 c/o Mohammad Khazaei)
6 Permanent Representative of Iran)
7 to the United Nations)
8 East 46th Street)
9 New York, New York 10017)

7
8 Defendants

9 **I. INTRODUCTION**

10 1. Plaintiffs seek damages for assault, terrorism, crimes against humanity,
11 violations of civil and human rights, torture, and murder committed by Defendants and their
12 agents, who also acted in concert with aiding, abetting, facilitating, soliciting, directing,
13 orchestrating and conspiring with the Defendant Army of the Guardians of the Islamic
14 Revolution, commonly referred to as the Iranian Revolutionary Guard Corps ("IRGC"), Al
15 Qaeda and the Taliban, and other terrorist groups, nation states and their collaborators in those
16 atrocities, in violation of the Law of Nations, international law, the laws of the United States of
17 America and of individual states, including but not limited to the District of Columbia, and the
18 natural laws of man.
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21 **II. PARTIES**

22 2. Akbar Mohammadi, Manouchehr Mohammadi, Nasrin Mohammadi, and Simin
23 Mohammadi ("Plaintiffs") were born in Iran and all but Akbar are nationals of the United
24 States. (Akbar was tortured and killed by Defendants in Iran before he had a chance to escape to
25 the United States.). Plaintiffs lived in Iran when the crimes alleged in this Third Amended
26 Complaint began and now live in the United States, where the brutality of the crimes of the
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1 Iranian regime continue to intimidate and destroy Plaintiffs. Akbar and Manouchehr
2 Mohammadi were sentenced to death and imprisoned for more than seven years and two
3 months. Akbar was tortured and murdered by the Defendants. His brother, Manouchehr,
4 escaped Iran with the help of U.S. government officials after years of physical and mental
5 torture. Simin was imprisoned and threatened with gang rape and execution and Nasrin was
6 tortured, poisoned, and threatened with death. These Plaintiffs also had their brother, Akbar,
7 brutally tortured, his body mutilated and then slowly killed because he fought for freedom from
8 the regime. Plaintiffs currently reside in Los Angeles County and Fresno, California.
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11 3. Defendant Islamic Republic of Iran ("Iran"), which has been designated as a
12 state-sponsor of terror by the U.S. Department of State, was established on April 1, 1979, when
13 the former leader, Shah Mohammad Reza Pahlavi, was overthrown in a coup. Under the
14 Supreme Leader Ayatollah Khomeini, then subsequently under the current Supreme Leader,
15 Defendant Khamenei, Iran has historically been a regime that has used force, fear, torture, and
16 murder and other violations of human rights in order to prop up its autocratic regime and to
17 ensure that the inhumane and barbaric Islamic laws of *Sharia* are imposed upon its unwilling
18 people.
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20 4. Furthermore, Iran frequently defies international law and jeopardizes world
21 peace by furthering terrorism and illegally pursuing its nuclear ambitions in its quest to acquire
22 nuclear weapons capabilities.
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24 5. Defendant Mahmoud Ahmadinejad ("Ahmadinejad") is and has been the
25 President of Iran since 2005. Prior to being "elected" as president, Ahmadinejad was a volunteer
26 member of the *Basiji* militia movement and has been actively engaged in rousing anti-American
27 and anti-western sentiments among the Iranian people. Many persons have identified him as a
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1 “ringleader” of the infamous Iranian hostage crisis which occurred during the U.S.
2 administration of President Jimmy Carter, where officials of the American Embassy in Tehran
3 were held hostage for over a year.
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5 6. Defendant Ahmadinejad is believed to be mentally unstable and harbors Neo-
6 Nazi beliefs and designs, and has denied publicly the established historical event of the
7 Holocaust, which ironically he is carrying out of sorts on his own people through the use of
8 intimidation, torture and mass murder. Upon information and belief, he presently resides in
9 Tehran, Iran.
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11 7. Defendant Ayatollah Sayyid Ali Hoseyni Khāmene’i (“Khamenei”) is the
12 highest ranking leader in Iran and is commonly referred to as the “Supreme Leader” in which
13 capacity he has served since 1989. He was the protégé of the mastermind of the 1970
14 revolutionary movement, Ayatollah Khomeini, which saw the overthrow of the Shah and led to
15 the current Islamist state in present-day Iran. Khamenei controls the Iranian military, the IRGC,
16 and all of the other tools of insidious force and subjugation of the Iranian people that enable him
17 to keep his grip on power in Iran. Upon information and belief, he presently resides in Tehran,
18 Iran.
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20 8. Defendant IRGC is a military group, supported and controlled by the Iranian
21 government, including Defendants Khomeini and Ahmadinejad. The IRGC was established in
22 1979, after the Islamic Revolution, and since then has engaged in a multitude of terrorist
23 activities against the Iranian people as well as against foreign military and civilian targets, at the
24 direction of Defendants Ahmadinejad and Khamenei. The IRGC was branded as a terrorist
25 group by the U.S. State Department in 2007 and continues to promote terrorist activities to this
26 day. The group is headquartered in Tehran, Iran.
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1 **III. JURISDICTION AND VENUE**

2 9. The Court has subject matter jurisdiction over this case under the Alien Tort
3 Claims Act (ATCA) 28 U.S.C. § 1350 and pursuant to the Torture Victim Protection Act of
4 1991 (TVPA) 28 U.S.C. § 1350, note,§ 2(a) and 28 U.S.C. § 1331 (Federal Question
5 Jurisdiction), as well as under 28 U.S.C. § 1332 (diversity jurisdiction).
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7 10. Defendants are subject to suit in the courts of the United States pursuant to the
8 Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602 *et seq.*, because their conduct falls within
9 the exceptions to foreign sovereign immunity set forth in 28 U.S.C. § 1605A.
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11 11. Plaintiffs also invoke the supplemental jurisdiction of this Court with respect to
12 claims based upon the laws of the State of California, pursuant to 28 U.S.C. § 1367.

13 12. The amount in controversy, both individually and collectively, is in the amount
14 of \$387,198,000.00 well exceeding \$75,000.
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16 **IV. FACTUAL BACKGROUND**

17 13. Defendant Khamenei, the Supreme Leader of Iran, first rose to worldwide
18 prominence in 1979 when he was the protégé of the mastermind of the Iranian Revolution,
19 Ayatollah Khomeini. This led to the overthrow of the Shah, the hostage-taking and eventual
20 expulsion of all American and Western nationals, the flight of millions of Iranians from Iran and
21 the rise of the radical and anti-western Islamic fundamentalism that has become widespread
22 throughout Iran and the rest of the region.
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24 14. Defendant Khamenei over the past twenty-five years has used various worldwide
25 terrorist groups such as Hezbollah, Al Qaeda, Defendant IRGC, and others, all officially
26 designated as ‘terrorist organizations’ by the U.S. State Department, to initiate campaigns of
27 violence against the Iranian people and Western individuals, companies, and interests both in
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1 with Iran and the United States.

2 15. Defendant Khamenei has been the motivating force for terrorist groups across
3 the region and has assumed the primary leadership role for such groups. His regime has
4 provided for the funding, training, equipping, and mobilizing of terrorist groups, and has helped
5 to orchestrate attacks on Western individuals, governments and interests. Defendant
6 Khamenei's disdain for his own people and for the United States of America and her allies has
7 been evident in his speeches over the years, particularly when he is leading "death to America"
8 chants for his religious followers. All of the Iranians, including Plaintiffs herein, disagreeing
9 with his regime and who speak out on their opinions are branded Western sympathizers and are
10 subjected to brutal punishments, including public floggings, imprisonment without charge,
11 solitary confinement, barbaric tortures, and even death. These punishments are handed out
12 without remorse or segregation, to women, children, the elderly, and whomever else may be
13 deemed to be at risk to the absolute grip on power of Khamenei.

14 16. Plaintiff Akbar Mohammadi ("Akbar") was a student of the University of Tehran
15 and was an outspoken critic of the Iranian regime during his tenure at the University. In 1999,
16 Akbar was actively involved as a leader in the student protests that were motivated by the
17 closure of a reformist newspaper and the authoritarian government usurping freedoms. The
18 protests were non-violent, yet the Iranian police and governments used extreme force, violence,
19 and corruption to disperse and punish the protesters.

20 17. During the demonstrations, Akbar was taken into custody and locked away in
21 Evin Prison in Tehran, a place notorious for its cruel imprisonment of political dissidents.

22 18. While in prison, Akbar was subjected to repeated bouts of torture and cruel and
23 unusual forms of punishment. In his first twenty-seven days of incarceration, he was flogged
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1 with cables every other day, hanged from the ceiling upside down, handcuffed with his arms
2 behind his back, and brutally tortured with electric cables. The prison authorities at Evin beat
3 Akbar until he passed out from the physical pain.
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5 19. The authorities did not stop at the physical tortures. In addition to the constant
6 physical tortures in varying forms, Plaintiffs suffered extreme mental torture as well. Akbar and
7 his brother, Manouchehr, were told by officials that the other would be shot to death. In fact,
8 several times the guards brought both brothers to the roof of the prison with a rope and gallow,
9 asking them to execute their wills as this would be the last day they would live.
10

11 20. Akbar, like other Plaintiffs, was also placed in solitary confinement for long
12 stretches of time and subjected to extreme conditions not limited to the brutal beatings, all of
13 which seriously damaged him both physically and psychologically. As a result of his
14 deteriorating physical condition, doctors recommended that he be transferred to other countries
15 for treatment, under the laws of Iran, but this request from the doctors was denied. Akbar was
16 instead “treated” in Tehran in 2005, and lived, but his physical condition was constantly
17 deteriorating. He was prescribed numerous medications which he had to take daily, but when he
18 was readmitted into Evin prison, he was denied the use of these medications, further causing
19 him pain, more severe physical damage and emotional distress.
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22 21. Finally on July 31st, 2006, Defendants murdered Akbar in Evin prison during a
23 routine torture session. His long and grueling prison term was mercilessly ended by Defendants.
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25 22. During Akbar's imprisonment, he had been in contact with family members
26 including the other Plaintiffs, and had written letters to them on a regular basis. The Plaintiffs
27 were able to experience Akbar's account firsthand through visits with him and communications
28 back and forth. Plaintiffs have seen the entire episode unfold from their brother's days at Tehran

1 University in 1999 to his death in July, 2006 and have been a witness to the brutality that was
2 inflicted upon their brother, Akbar.

3 23. The Defendants were directly responsible for the torture and death of Akbar and
4 the physical and mental torture of other Plaintiffs and other political prisoners at Evin Prison.
5 The prison guards and other agents of the government acted on direct orders from the
6 Defendants and carried out their official policies of repression, brutality, torture, intimidation,
7 and murder upon those they deemed enemies of their tyrannical government.
8

9 24. Defendant Ahmadinejad has been the President of Iran since 2005 and recently
10 claims to have been re-elected in a fraudulent election that has been criticized worldwide for
11 being a sham, where voter fraud was rampant and corruption was the norm.
12

13 25. Defendant Ahmadinejad espouses the same worldview as Defendant Khamenei
14 and was handpicked by him for the role of the Presidency for this reason. He has carried out the
15 orders of Khamenei and added his own brutal twist, using the IRGC to commit acts of terror in
16 Iraq and elsewhere in an effort to harm his own people, destabilize the region, and to increase
17 the authority and standing of Iran among its regional peers.
18

19 26. Defendants continue to torture Plaintiffs living in the United States. The Interests
20 Section of Iran in the United States in Washington D.C. is the diplomatic representation of Iran
21 and it looks after its own interest by promoting anti-western ideologies and engages in
22 espionage and covert terrorist acts most recently demonstrated by the Boston Marathon
23 bombing, effectively monitoring, controlling, coercing, intimidating, and harming Plaintiffs
24 specifically and American-Iranians in general. Plaintiffs receive relentless phone calls from
25 people who identify themselves as member of the Ministry of Intelligence in Iran. These
26 members say they can kill Manouchehr as easily as they killed Akbar. Manouchehr has
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1 personally received three or four threatening calls from Iran since January of 2013.

2 27. Nasrin continues to receive threatening phone calls by Defendants' agents in the
3 United States. The Iranian regime contacts her parents in Iran also and tells them that if she does
4 not keep quiet, they will kill her, just like they killed their son, Akbar. Moreover, while living in
5 the United States, the email accounts of Manouchehr, Nasrin, and Simin have all been hacked.
6 The Iranian regime used pictures from Nasrin's Facebook account to create nude photographs of
7 her with profanity written on them. The regime took these sexually explicit photographs and
8 sent them to Nasrin's contact list, which included several senators and members of Amnesty
9 International. Nasrin contacted the police about this matter more than five times and had a
10 meeting with the FBI. They told her they cannot do anything. Plaintiffs' legal counsel, Mr. Larry
11 Klayman, has also received death threats and had his computer hacked and destroyed, upon
12 which information and belief are from the Iranian regime.
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15 28. The Defendants have acted in concert to repress all dissent, using brutal police
16 and military tactics, and maintaining their tight grip on power through fear, repression, and
17 intimidation. This was an effort by the Defendants to destroy a family and let everyone else
18 know that torture, infliction of severe physical and mental pain, and death are imminent realities
19 to all those who fight against tyrannical regime. The acts of the Defendants did not only cause
20 the death of a beloved family member; their heinous and barbaric torture tactics inflicted upon
21 Plaintiffs in addition to the Iranian regime's continued presence in their lives have left Plaintiffs
22 unable to function as capable human beings.
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25 **COUNT I**

26 **(Engaging in Terrorism and/or Providing Material Support to a Terrorist Organization –**
27 **Each and Every Defendant)**
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1 29. Plaintiffs re-allege all of the previous allegations in paragraphs 1 through 28 of
2 this Third Amended Complaint with the same force and effect, as if fully set forth herein.

3 30. The Defendants IRGC, Al Qaeda, and Hezbollah are all terrorist organizations
4 designated by the U.S. State Department, as hereinabove alleged.

5 31. That heretofore and at the time of the occurrences herein, Defendants, acting
6 individually and in concert with Al Qaeda, Hezbollah and other terrorist groups and nation
7 states, were engaged in terrorism and violations of human and civil rights in violation of the law
8 of nations, international law and of individual countries and states in that, *inter alia*, they
9 engaged in violent acts and acts dangerous to human life that were intended to intimidate or
10 coerce a civilian population, influence the policy of a government and its people by intimidation
11 or coercion and genocide, affect the conduct of a states, affect the conduct of government by
12 mass destruction, assassination, kidnapping, assassination, hostage taking, and other tortious
13 acts as defined by 31 CFR § 594.311 and Chapter 113B of Part I of Title 18 of the United States
14 Code.

15 32. The Defendants have also engaged in criminal acts intended and calculated to
16 create a state of terror in the minds of particular persons or a group of persons or the general
17 public as defined in the League of Nations Convention (1937) and the General Assembly
18 Resolution 51/210 (1999) wherein such acts are strongly condemned.

19 33. In addition, Defendants have engaged in crimes against a civilian population
20 intended to cause death or serious bodily harm to civilians or non-combatants with the purpose
21 of intimidating a population in violation of UN Resolution May 17, 2005 and UN General
22 Assembly Resolution 49/60 of December 9, 1994 adopting the Declaration of Measures to
23 Eliminate International Terrorism and all other citations therein condemning terrorism which
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1 are hereby incorporated by reference; and UN General Assembly Resolution 42/159 (adopted
2 December 7, 1987) and other international laws and jus cogens as set forth herein and
3 elsewhere.

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5 34. Defendants' terrorism is a violation of the law of nations and international law.

6 35. Defendants' conspiring with and aiding, abetting, facilitating, soliciting and
7 giving material aid to a terrorist organization is a violation of the law of nations.

8 36. Defendants' actions against the Plaintiffs herein and in particular payments,
9 rewards, fees, gifts or salaries to terrorists who murder United States Servicemen is a violation
10 of the law of the United States, laws of nations and international law .

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12 37. That heretofore and at the time of the occurrences herein, Defendants, acting
13 individually and in concert with the terrorist organizations Al Qaeda, Hezbollah, Taliban, and
14 other terrorist groups and nation states were engaged in committing violent activities, including,
15 but not limited to coercive death threats, murder, forced disappearances, drug trafficking,
16 extortion, money laundering and kidnapping, and torture.

17
18 38. As heretofore alleged, Defendants, directly and by and through their agents, have
19 provided substantial support to an assortment of terrorist organizations which have then carried
20 out vicious acts against both civilians and military targets, to inflict the maximum amount of
21 damage, with little regard for human life. This includes direct or indirect payments of \$1000
22 bounty per head for the murder of United States Servicemen and \$6000 for the destruction of
23 United States Army vehicles and this support has been in the form of direct payments, training,
24 equipping, and mobilizing, and the direct result of this support has been torture, murder, and
25 crimes against humanity and genocide.

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28 39. At all times material hereto, the Defendants knew or should have known that

1 they are providing money, guns, ammunition, war material and other forms of aid to *Al Qaeda*,
2 Hezbollah, Taliban, and other terrorist groups and nation states would facilitate, aid and abet the
3 commission of murders, forced disappearances, kidnapping and other crimes, including the
4 murders of the Plaintiffs decedents as well as the murder of United States Servicemen around
5 the world.
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7 40. As a result of providing financial support to *Al Qaeda*, Hezbollah, Taliban, and
8 other terrorist groups and nation states the Defendants violated the law of nations, established
9 United States laws, international laws, treaties and norms, including, but not limited to those
10 sections previously set forth including but not limited to: The Declaration on Measures to
11 Eliminate International Terrorism and citations therein incorporated by reference adopted by the
12 United Nations General Assembly on December 9, 1994 (GA Res. 49/60); The Anti Terror Act,
13 18 U.S.C. 113B; The Anti-Terrorism and Effective Death Penalty Act (“AEDPA”), Pub. L.
14 No. 104-132, 110 Stat. 1214 (1996); The Uniting and Strengthening America by Providing
15 Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (“USA PATRIOT
16 Act”), Pub. L. No. 107- 56, 115 Stat. 271 (2001); The Convention on the Prevention and
17 Punishment of the Crime of Genocide; Art. 2, Dec. 9, 1948, 78 U.N.T.S.; International
18 Convention for the Suppression of Terrorist Bombings, G.A. Res. 52-164, 1, U.N. Doc
19 A/RES/52/164; International Convention for the Suppression of the Financing of Terrorism, 39
20 I.L.M. 270 (Dec. 9, 1997); G.A. Res. 54/109, 1 UN Doc A/RES/54/109 (Dec 1, 1999) and
21 ratified by over 130 countries (The Financing Convention); United Nations Charter, 59 Stat.
22 1031, 3 Bevans 1153 (1945); (Universal Declaration of Human Rights, G.A. Res. 217A (iii),
23 U.N. Doc. A/810 (1948); International Covenant on Civil and Political Rights, G.A. Res.
24 2220A(XXI), 21 U.N. Doc., GAOR Supp. (No. 16) at 52, U.N. Doc. (A/6316 (1966); Convention
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1 Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res.
2 39/46, 39 U.N. Doc., GAOR Supp. (No. 51) at 1100, U.N. doc. A/39/51 (1984); Declaration on
3 the Protection of all Persons From Being Subjected to Torture and Other Cruel, Inhuman or
4 Degrading Treatment or Punishment, G.A. Res. 3452, 30 U.N. Doc., GAOR Supp. (No. 34) at
5 91, U.N. Doc. A/10034 (1976); Common Article 3 of the 1949 Geneva Conventions; Articles 4
6 and 13 of the 1977 Geneva Protocol II; Convention on Combating Bribery of Foreign Public
7 Officials in International Business Transactions, 37 I.L.M. 1 (Dec. 18, 1997); and other jus
8 cogens.
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11 41. The coercive threats and/or murders of the Plaintiffs and/or injuries to Plaintiffs
12 were a direct and proximate result of the Defendants conspiring with and providing aid to
13 terrorist organizations, and through their individual and government acts, as hereinabove
14 alleged, jointly and severally.
15

16 42. The abuses described above were premeditated, politically-motivated acts of
17 violence committed against noncombatant civilians for the purpose of instilling fear, targeting
18 political opponents, and generally terrorizing a civilian population to further their radical and
19 perverted Islamist agenda and to retain their grip on power in Iranian government.
20

21 43. Defendants are liable to the Plaintiffs in that they aided and abetted, directed,
22 ordered, requested, paid, were reckless in dealing with, participated in a joint criminal enterprise
23 with, confirmed, ratified, and/or conspired with the Al Qaeda, Hezbollah, Taliban, and other
24 terrorist groups and nation states in bringing about and perpetrating the acts of terrorism against
25 Plaintiffs.
26

27 44. The murderous and other tortious acts of terrorism and violations of human
28 rights and other torts against the Plaintiffs were made possible and even advocated by the

1 Defendants' inhuman and barbaric behavior hereinabove alleged and their own individual and
2 government official acts.

3 45. That the Defendants and their agents knowingly and substantially assisted Al
4 Qaeda, Hezbollah, Taliban, and other terrorist groups and nation states and their collaborators to
5 commit acts that violate clearly established international law norms, and facilitated the
6 commission of international law violations by providing these terrorist groups and their
7 collaborators with the tools, money, instrumentalities, or services to commit those violations
8 with actual or constructive knowledge that those tools, instrumentalities, or services would be
9 (or only could be) used in connection with that purpose.
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12 46. That by reason of the wrongful conduct of the Defendants, each and every one of
13 them, jointly and severally, including aid to a terrorist organizations and nation states as
14 hereinabove alleged and the consequent crimes and torts committed thereby, as hereinabove
15 alleged, Plaintiffs suffered conscious pain, suffering and death, and suffered pecuniary and
16 economic damages, loss of support, loss of nurture care and guidance, grief, anguish, loss of
17 society, loss of services and other mental and physical injuries, and accordingly, the Plaintiffs
18 claim all damages allowed by law, including compensatory and punitive damages in the amount
19 of \$387,198,000.00
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22 **COUNT II**

23 **(Assault and Battery– Each and Every Defendant)**

24 47. Plaintiffs repeat and re-allege all of the allegations of paragraphs 1 through 46 of
25 the Third Amended Complaint with the same force and effect as if fully set forth herein.

26 48. As a direct and proximate result of Defendants' actions as described
27 hereinabove, Plaintiffs have suffered substantial damages including, but not limited to, physical
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1 harm, death, and emotional distress, anxiety, fear and apprehension.

2 **COUNT III**

3 **(Intentional Infliction of Emotional Distress**

4 **Each and Every Defendant)**

5 49. Plaintiffs repeat and re-allege all of the previous allegations of the Third
6 Amended Complaint in paragraphs 1 through 48 with the same force and effect as if fully set
7 forth herein.
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9 50. The Defendants' actions, as described in the foregoing paragraphs, were
10 intentional, extreme, outrageous and intolerable and created a fear of serious bodily injury and
11 death. Plaintiff Akbar was murdered by the Defendants and this intentional act caused enormous
12 emotional distress up to the Plaintiffs similarly situated.
13

14 51. The Defendants' conduct was the sole proximate cause of the severe and
15 continuing emotional distress that has been suffered by Plaintiffs and others who have
16 experienced similar human rights violations, torture, mayhem, false arrests, murder, genocide
17 and loss of freedom. As a direct and proximate result of the intentional, reckless, outrageous
18 and intolerable conduct of the Defendants, each and every one of them, jointly and severally,
19 Plaintiffs have suffered substantial damages including, but not limited to, severe emotional
20 distress, mental anguish, intense fear and anxiety, and other physical manifestations of
21 emotional distress, such as loss of sleep, back pain, migraine headaches, heart ailments, loss of
22 self esteem, nervousness, anxiety, companionship, consortium and other manifestations of
23 physical and emotional distress. Claimed damages in the amount of \$387,198,000.00 for
24 Plaintiffs.
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27 **COUNT IV**

1 **(Wrongful Death - Each and Every Defendant)**

2 52. Plaintiffs repeat and re-allege all of the previous allegations of the Third
3 Amended Complaint in paragraphs 1 through 51 with the same force and effect as if fully set
4 forth herein and asserts that this claim arises under the District of Columbia Wrongful Death
5 Statute, D.C. Code §16-2701. *et seq.*
6

7 53. The Defendants, each and every one of them, jointly and severally, were
8 responsible for the torture and death of Akbar Mohammadi and the torture of Plaintiffs, as
9 Defendants Khamenei and Ahmadinejad gave specific instructions on how to falsely arrest,
10 convict, terrorize, torture, and kill Iranian citizens who did not obey orders and who instead
11 chose to peacefully assemble, a right not often recognized by the Defendants. Further, when
12 Akbar was taken into custody by Defendants or their agents, it was the Defendants who gave
13 the orders on how to treat political prisoners, including orders to torture and to maim and kill, in
14 their plan of carrying out genocide against their own citizens who questioned their radical and
15 perverted rendition of Islam. As a direct result of these orders given by the Defendants, Akbar
16 died a premature death in Evin prison, a political prisoner, defiant to the end against an
17 autocratic and unjust regime.
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20 **COUNT V**

21 **28 U.S.C. § 1605(A), Private Right of Action**

22 54. Plaintiffs repeat and re-allege all of the previous allegations of the Third
23 Amended Complaint in paragraphs 1 through 53 with the same force and effect as is fully set
24 forth herein.
25

26 55. Iran was a state sponsor of terror as described in 28 U.S.C. §1605A(a)(2)(A)(i).
27 Defendants and their agents were acting within the scope of their office, employment or agency
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1 in committing the acts alleged herein, including the planning and torture and murder of the
2 Akbar Mohammadi and the torture and intimidation his family suffered and continues to endure
3 in the United States.

4
5 56. As a direct and proximate result of the willful, wrongful, intentional and reckless
6 acts of Defendants, whose acts were directed by the Supreme Leader and President of Iran,
7 Plaintiffs suffered mental anguish, severe emotional pain and suffering, loss of physical
8 capabilities, and economic losses resulting from the Defendants' acts.

9
10 57. Pursuant to 28 U.S.C. §1605A(c), Plaintiffs may assert a cause of action against
11 Defendants for personal injury or death that was caused by an act of extrajudicial killing and
12 torture when the act engaged in is made by an official, employee, or agent of the Defendants
13 while acting with the scope of his or her office, employment, or agency.

14
15 WHEREFORE, on all counts herein, Plaintiffs demand judgment in their favor
16 and against the Defendants, each and every one of them, jointly and severally, for compensatory
17 and actual damages, punitive damages, pre- and post-judgment interest, attorneys' fees, costs
18 and such other relief as this Court deems just and proper in an amount in excess of
19 \$387,198,000.00.

20
21
22 Respectfully Submitted,

23 /s/ Larry Klayman

24 Larry Klayman, Esq.

25 2020 Pennsylvania Ave., N.W., Suite 345

26 Washington, D.C. 20006

27 Telephone: (310)-595-0800

28 leklayman@yahoo.com

Attorney for Plaintiffs