

by Alexandra Goldstein

Inaugural Presidential Citations and Rule of Law Awards

On Feb. 25, 2014, the Federal Litigation Section of the Federal Bar Association (FBA) and the Southern District of New York Chapter of the FBA co-hosted the FBA Presidential Citations and Rule of Law Awards. The inaugural Rule of Law Awards presentation was held at the Daniel P. Moynihan U.S. Courthouse and established to honor the outstanding achievements of individuals in the legal field. This year the FBA and SDNY Chapter of the FBA event brought together more than 200 lawyers, judges, and guests to recognize two German prosecutors, Alexander von Stahl and Bruno Jost, who courageously persevered in bringing a case against international terrorists in Germany. The event captured the attention of both *The Wall Street Journal* and *U.S. News and World Report*, a nod to the enduring significance of the events that transpired in Berlin.

The case arose out of a rash of targeted killings of Iranian dissidents who had been displaced in the wake of the Iranian Revolution of 1979. The violent rise of Ayatollah Khomeini brought with it deep political oppression for opponents of his rule, namely Kurds who were largely unwilling to bow to Khomeini's political and religious demands. Seeking shelter, Iranians and Kurdish leaders opposed to the regime moved into Europe, with nearly 100,000 Iranians taking refuge in Germany. Rather than allow the military rule to stop at its borders, what followed was a series of global, systematic, and unchecked murders of Iranians who dared to speak up against the Iranian regime. Seeking to silence political exiles, the assassinations spread, forcing Iranian dissidents to hold increasingly clandestine and covert gatherings.

As it neared 11 p.m. on the evening of Sept. 17, 1992, in Berlin, four Iranians gathered at the Mykonos Restaurant. At a dimly lit table sat a vocal and prominent opponent of the regime in Tehran, Iran, Sadegh Sharafkandi. Three Iranian dissidents, Fattah Abdoli, Homayoun Ardalan, and Noori Dehkordi joined him. Sharafkandi, a former chairman of Iran's Democratic Party of Kurdistan (DPKI), had long been an outspoken leader for Iranians opposed to Tehranian rule. Dehkordi was equally politically vocal and opposed to Iran; on that autumn evening, he had invited Sharafkandi, Abdoli, and Ardalan, also members of the DPKI, to Mykonos. As the four spoke, two figures paced outside the restaurant. At 10:57 p.m., without warning, two assassins abruptly stopped pac-

ing, covered their faces with their coats, and swiftly entered the restaurant. As they made their way to the back of the restaurant, they approached the table where the men were gathered. In the moments that followed, the first assassin delivered an unrelenting barrage of 26 bullets, leaving Sharafkandi, Abdoli, Ardalan, and Dehkordi dead. As the first assassin yielded, the second assassin stepped in to deliver another round into the lifeless bodies resting on the floor and nearby tables. The barrage of bullets gave way to the commotion of footsteps, with the two hastily disappearing from the restaurant as quickly as they had entered. Outside they flung open the doors of an idling BMW and sped off.

The killings incensed international media and touched off a manhunt for the assassins. German police arrested five men, revealing that both Lebanese and Iranians had been recruited to carry out the murders. Of those arrested was Kazem Darabi, an Iranian who lived in Germany and worked as a grocer. The investigation into Darabi and others exposed details of a murder plot that not only implicated individual Iranian assassins in Germany but snaked its way back to Iran and up to the highest levels of the country's government. Mounting evidence revealed that the president and security officers were not only aware of the murders but had likely ordered them. Moreover an explosive news report claimed that the murder weapons were supplied by Iran and had been used in a previous targeted killing in Austria.

In the face of overwhelming evidence, German officials vehemently objected to bringing charges in Germany, out of concern for economic relations between their country and Iran. At the time, trade relations between the two countries were strong, and the German government feared that a trial could shatter its delicate relationship with Iran. The unrelenting political pressure from Germany was only matched by officials in Tehran who opposed the Iranian assassins being tried for crimes in Germany, insisting that they be released from German custody and deported to Iran.

Rather than succumb to mounting political pressure, Chief Federal Prosecutor Alexander von Stahl and Lead Prosecutor Bruno Jost stood undeterred. In the ensuing weeks and months, von Stahl and Jost methodically and courageously waded through evidence, intent on delivering justice in the face of military rule.

The resulting trial began in 1993, spanning nearly four years

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before a verdict was announced. The length of the trial was agonizing, but the importance of a resolution motivated heroic efforts to persevere; the judge, Frithjof Kubsch, presided over 246 sessions and heard the testimony of 166 witnesses. Threats to end the trial and overcome the judicial process were unrelenting. A fatwa was entered against Jost, leading to a steady stream of death threats to his home. Bodyguards escorted him anytime he stepped outdoors, and a watchtower was positioned on the roof of his home, scanning the streets and adjacent buildings for threats. But it was not just political and military might that threatened the trial—in the waning days of the ordeal, Judge Kubsch received a leukemia diagnosis. Faced with the decision of whether to begin chemotherapy and fight the disease, he chose to delay treatments in order to continue presiding over the case. He died shortly after the trial concluded.

The long-awaited verdict came on a spring date in 1997; throngs of interested Germans and Iranians flanked the streets outside the courthouse. In a historic victory for the rule of law, Judge Kubsch announced what Jost and von Stahl had argued: “Iranian political leadership ordered” the Mykonos murders motivated by a desire “...to silence an uncomfortable voice.” While not naming names, the decision implicated Iran’s president, foreign minister, and security in the Mykonos murders. The judgment came with an international arrest warrant for Ali Fallahian, the minister of intelligence in the Iranian government. Out of the five men who had previously been arrested, two were sentenced to 23-year terms in prison in Germany. In the wake of the decision, diplomatic and economic relations between Iran and Germany, as well as the European Union were fractured; within hours, each respective EU nation had recalled its ambassador in Tehran.

The murders and the ensuing trial spurred the research of Roya Hakakian, an Iranian-American writer and poet. Hakakian was born in Tehran, coming to the United States under political asylum in 1985. After a chance encounter with one of the survivors of the assassinations, Hakakian became fascinated by the Mykonos murders, namely the ensuing trial. Employing her deep understanding of Iranian history and political unrest, Hakakian wove her exploration of Mykonos into what would become her second novel, *Assassins in the Turquoise Palace*. The nonfiction account is based on her research, which began in 2005. In addition to hundreds of hours of interviews with key witnesses, she pored through the Archives for Iranian Research and Documents, as well as the Archives of the Iranian Political Refugee Association. The meticulous records of prosecutors, the attorney general, and historians accelerated Hakakian’s research, and in 2011 *Assassins in the Turquoise Palace* was published.

Hakakian’s novel opens with the gripping details of that fateful September evening in Berlin; she walks the reader through the streets of Germany, past the front door of Mykonos, and up to the table in the back of the restaurant. Her vast research yields a transfixing account of the trial, but it is her interviews that provide a backdrop replete with the stories of the trial’s key witness, as



well as a survivor of the murders who was seated alongside those killed on that night in September.

The drive behind *Assassins in the Turquoise Palace*, like the Rule of Law awards themselves, is not solely the events that transpired in Germany but a focus on the power of independent judicial intervention in the face of seemingly insurmountable military might and political pressure. The Mykonos murders, though a tragic and painful reminder of ruthless military rule, yielded a judicial victory that gave hope to millions of Iranians and illuminated astounding sacrifice. Though Hakakian’s interviews with von Stohl and Jost revealed two men who believed they were “just doing their jobs,” the impact of their work rippled far wider than Germany or even Iran.

Hakakian was on hand during the FBA’s Rule of Law awards to examine the lasting impact of the Mykonos murders and the resulting trial. She was joined by former U.S. Ambassador J.D. Bindeagel. Throughout his career, Bindeagel’s, focused on diplomatic relations with Germany, and for three years he led the U.S. embassy in Germany. The panel was moderated by U.S. District Judge Joanna Seybert. Hakakian and Ambassador Bindeagel, both in pivotal positions to comment on the events that transpired in Germany, enlightened attendees with their thoughts on the Mykonos murders, the diplomatic fallout, and the lasting judicial blueprint from the ensuing case.

In addition to Hakakian and Ambassador Bindeagel, the FBA event recognized the strength of Jost and von Stahl for their roles in the trial that strongly affirmed the rule of law. FBA President, Hon. Gustavo A. Gelpí awarded presidential citations to Jost and von Stahl, as well as the inaugural Rule of Law awards. Without their dedication to the case and tenacity in seeing it through, the case may never have come to fruition. ☉