

# CASE BRIEF



**Parties.** The people's Mojahedin Organization of Iran as a Petitioner. The Department of State and Hillary Clinton as the Secretary of State acted as respondents.

**Facts.** The Petitioner required the review of the decision of the Secretary of State, in accordance with which the Organization and All Designated Aliases were designated on the basis of recognizing them as Foreign Terrorist Organizations.

**Prior proceedings.** The presented Petition was not considered before neither by the US Court of Appeals nor by any other court in the USA.

## **Legal Issues.**

- 1.** Must the designation of PMOI as FTO be revoked due to the fact that no substantial support for inferring that PMOI is 'involved in terrorism or terroristic activities' has been presented by administrative record.
- 2.** Is PMOI and its defenders are entitled to any kind of access to the administrative records.
- 3.** Whether the principle of due legal process was violated in this case bearing in mind the fact that PMOI had no opportunity to provide any arguments to defend its position before the decision was passed by the Secretary of State.

**Arguments/objectives of the parties.** The PMOI stated that it had implemented significant changes and therefore it could no longer be recognized as Foreign Terroristic Organization within the framework of

AEDPA. Additionally, the PMOI claimed that it was not involved in any kind of terrorism or terroristic activities within the meaning of statute. Moreover, MPOI provided evidence that showed that the Organization lacked the 'capability and intent' to be involved in any kind of terroristic activities.

**Holding.** Due to the reasons presented in the Court's rationale the Judges inferred that the designation and resignation of the People's Mojahedin of Iran was carried out in contradiction with the current laws and that the Secretary of State did not ensure that the right to due process of the Petitioner was guaranteed. Therefore, it is inferred that constitutional rights of the Petitioner were violated as a result of designation of the Organization involved and lack of due process in presented case. Therefore, the Court granted the review on the presented petition, revoked PMOI's designation as an FTO.

**Rationale.** The decision was made in favor of the Petitioner due to the following reasons. First of all, the Court held that the Secretary was obliged to indicate the sources of information and prove their credibility. Secondly, the Secretary had to give the PMOI the access to the unclassified material on which the allegations regarding Organization's involvement in terrorism were made. At the same time, the Court noted that AEDPA does not provide the Petitioner with the right to access classified materials. At the same time, the Court states that none of the AEDPA cases indicates whether the use of undisclosed classified materials contradicts to the principle of due process. Additionally, none of the cases referred to the FTO designation. They also indicate that nowadays granting the PMOI the right to have a look at the unclassified materials of the record is considered to be sufficient to ensure requisite due process in presented case.

**Relation of case to the core value of Integrity.** This case relates to the core value of Integrity in regard to the failure of the State Secretary to honor the rules of AEDPA. Additionally, the Secretary of State failed to ensure that Petitioner's right to due process was realized.