

Parties case study

[Society](#), [Terrorism](#)



People's Moujahedin Organization of Iran v. United States Department of State, 613 F. 3d 220, (D. C. Cir. 2010)

The petitioners are The People's Moujahedin Organization of Iran, hereinafter PMOI. They are an organization based in Iran that were declared a Foreign Terrorism Organization, hereinafter FTO under the provisions of the Antiterrorism and Effective Death Penalty Act hereinafter AEDPA. The respondent to the petition is the United States Department of State who are charged by AEDPA with the duty of designating an organisation has an FTO and later on reviewing the designation in the application of the provisions as to revocation or maintenance of the said designation.

Facts:

The AEDPA provides that the secretary of state shall designate an organization as a FTO if and when in her opinion it meets the following conditions: that the organization is foreign, that it indulges in terrorism, or terrorist activities or retains a capability and intention of indulging in terrorism or terrorist activities, and lastly that the said activities are to the extent that they threaten the security of the nationals of the United States of America or the overall security of the United States of America.

Such a declaration bears a lot of consequences on the members of the said organization in relation to the United States of America; these include: freezing of the assets of the members by the Treasury, barring the members from entry into U. S. A. In addition, any member of the public that knowingly assists the organization through material or resources is liable to a fine and or imprisonment.

In 2003, PMOI was a declared a FTO by the secretary. This declaration was

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given on the following grounds: PMOI was engaged in military action against the government of Iran, it was armed with illegal arms, was not cooperating with the USA government at Camp Ashraf, among other factors that combined to appear as an organisation engaging and with intent to engage in terrorism activities.

Prior Proceeding:

On 15th July 2008, PMOI filed a petition seeking a revocation of the FTO designation in this Court of the Court of Appeals, District of Columbia Circuit which have original jurisdiction over the case. In January 2009, the secretary denied the petition arguing that the circumstances had not substantially changed as to occasion a revocation of the designation. In 2010 PMOI challenged the secretary's denial. The petitioners granted that the respondent had not followed due process, and that she had erred in the law by failing to grant PMOI access to unclassified material that she had relied on in denying the petitioners the revocation sort. This has been followed by a bureaucracy between the Departments of Justice and State. PMOI, therefore, on 27th February 2012 petitioned this court for a writ of mandamus which is the subject of this case.

Issues presented or questions of law:

The essential question of law is whether given the delay occasioned by the Department of State and by extension the Department of Justice and which has contributed to the failure by the Secretary of State to revoke the designation or maintain it and thereby give sufficient reason thereof that the petitioners can rely on for purposes of challenging the outcome. In addition,

the question of whether indeed the failure to observe statutory deadline which is one hundred and eighty days justifies the issue of a writ of mandamus and to that extent amounts to a failure in execution of tasks by the secretary of state. Finally, another issue is whether the secretary's explanation as to the urgency and prioritising of duties in her office which comes in conflict with the granted congressional time limit should justify the delay and if so the folly or wisdom of congress in providing for the one hundred and eighty day timeline.

Arguments and objectives of the parties:

It is the petitioner's arguments that the writ of mandamus should be granted to compel the respondent to either revoke the designation or maintain and thereby provide reasons. This the petitioner insists would remedy the injustice already committed since it is already six hundred days since seeking the respondents declaration despite the one hundred and eighty day statutory deadline. In addition, the petitioner argues that the secretary should allow access to unclassified material which it shall rely upon to challenge a declaration unfavourable to them. These arguments are predicated on the provisions of AEDPA, due process and the overall spirit of the law.

It is the respondent's arguments that she has been handling sufficiently more urgent matters within the State Department, that access to unclassified material shall be guided through the Department of Justice and the operative law. In addition, her arguments are predicated on the fact that the provisions of AEDPA cannot be applied in a vacuum and need to incorporate other laws and the general will of the nation.

Holding or Rule of Law:

The court declined to revoke FTO designation. In the same breadth, it declined to issue the writ of mandamus as sought by the petitioners.

However, the court orders the secretary to deny or grant PMOI's petitions within four months effective from the date of granting the opinion.

Rationale:

Regulations involving foreign matters often earn the executive more latitude.

In addition, four months effectively grants PMOI sufficient time to exit Camp Ashraf, a subject of analysis that would influence the secretary's decision.

Relation to case to the core value of integrity:

The law does not occur in a vacuum. Provisions of the law must not be read selectively but should be read and applied complementarily and in connection with other factors.

References

People's Moujahedin Organization of Iran v. United States Department of State, 12-1118 (United States Court of Appeal For the District of Columbia Circuit May 8, 2012).