

Plaintiffs hereby re-submit some of the key exhibits from the Additional Observations on the Merits for the Commission’s ease of access to those exhibits and submit one new exhibit, the affidavit of Dr. Kamrava re-affirming his prior affidavit submitted with the Additional Observations.

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EXHIBIT 1

1 **DECLARATION OF MOJTABA SEYED MIRMEHDI**

2
3 1. My name is Mojtaba Seyed Mirmedhi. I have personal knowledge of
4 the facts contained in this declaration, and if called to testify, I could and would
5 testify competently as to the truth of the facts in this declaration. I am originally
6 from Iran and currently live in Los Angeles.

7
8 2. I was arrested by the revolutionary guards at a pro-democracy
9 demonstration and detained without trial for three years in Iran. During my
10 detention, I was tortured and threatened with execution. Because of the severe
11 political persecution that I faced in my country, I fled to the United
12 States arriving on October 20, 1992.

13
14 3. In the past I attended a peaceful demonstration led by the NCRI in front of
15 the federal building that was pro-democracy and in support of a democratic
16 Iran.

17
18
19 4. In 1998, an immigration advocate filed an asylum application on my
20 behalf.

21
22 5. On March 1999, about five or six FBI officers came to my apartment to
23 arrest me. They pointed their guns at my head without even having a search
24 warrant. They asked if they could ask me some questions. I was scared for my
25 life and now I was being called a terrorist.

26
27 6. That same day, they put me in a van handcuffed and took me on a 70-mile
28 ride, back and forth. Agent J.A. MacDowell told me that they were sending me
 as gift to the Iranian President, as a gift for the New Year.

1
2 7. In August 1999, I was released on bond after an immigration judge found I
3 was not a flight risk and did not pose a danger to the community.
4

5 8. On October 2, 2001, following the September 11, 2001 terrorist attacks in
6 the United States, the government succeeded in revoking my bond. I was
7 arrested again. To try to prove that my brothers and I were terrorists, the state
8 offered a list of attendees of the peaceful NCRI demonstration that two of my
9 brothers attended in 1997.
10

11 9. While my brothers and I were detained for the second time, we were treated
12 like criminals. Every time we appeared in court, we were forced to
13 wear red jumpsuits and were shackled. We had to undergo body cavity searches
14 and were not treated with respect by the guards.
15

16 10. The Las Vegas Jail reminded me of a concentration camp. We were
17 surrounded by canines and hardcore criminals. While there, an immigration
18 officer assaulted me. He was transferring me and I told him that the handcuffs
19 were too tight and he called me a terrorist. I told him that I was shackled up and
20 I was not going to escape. I asked him to speak to me with respect, but he kept
21 calling me a terrorist. I explained that I was a political prisoner and that I was in
22 a pro-Democracy group for my country and I did not kill anybody nor I had a
23 gun or a bullet. But the officer still grabbed my collar and repeatedly hit the
24 back of my head. I was dizzy for several weeks after this episode.
25

26 11. On August 20, 2002, an immigration judge granted me withholding of
27 removal because of the risk of persecution I would face if I were sent back to
28 Iran. This gave me the legal right to remain in the United States. But the
government appealed the decision, and I was not released until March 2005.

1
2 12. In terms of the L.A. Cell Form, I believe that the full set of
3 documents included more than 3000 names on all of the pages. The officers
4 took only one page and said it was a list of Mujahedin-e Khalq
5 (“MEK”) members and they started talking about a safe house which
6 was actually a network of the people who went to the rally. This document was
7 made by the organizer of these rallies. The document was also mistranslated.
8 Instead of the word network, they used cell. I believe it was
9 misinterpreted to convince the judge that the people on the list were dangerous
10 terrorists.

11
12 13. This case has gotten a lot of attention and I do not like to be the center of
13 attention. To me, it felt like I was being kidnapped. I am asking for an apology.
14 I am asking for the United States to acknowledge that they made a
15 mistake when they detained us for years without any justification.

16
17 14. Because of what happened to me during these years in detention,
18 I experience flashbacks to my time in jail, sometimes coming out of nowhere
19 and out of my control. Since then, I have suffered from frequent nightmares
20 and anxiety, along with periodic bouts of depression. I have insomnia resulting
21 from these nightmares and anxiety. I also have PTSD from being detained in
22 Iran but it was not too bad when I first came to the United States. But being
23 detained again exacerbated my PTSD, especially when my whole family was
24 locked up. My symptoms were much worse after I was released in 2005.

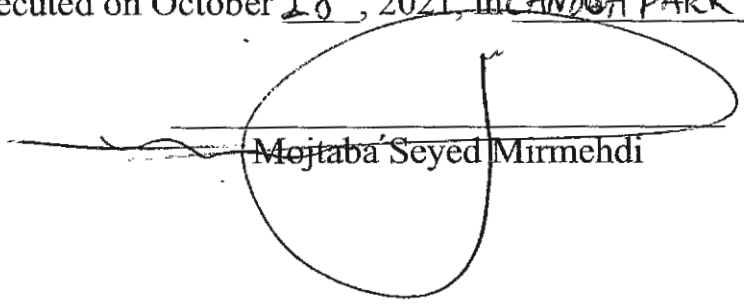
25
26 15. I also have physical symptoms. I lost my hair and six teeth. I have back and
27 neck pain. I have stress-induced eczema. During my anxiety attacks, I feel
28 chest pain as though something is painfully pinching my heart. I
lost everything because of detention.

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16. I was also financially impacted by all of this. The news reports that labelled me a terrorist caused me to lose clients. Additionally, I was advised to sell multiple condos and stock that I owned because I was going to be deported. I intended to keep these properties, but the fear of deportation and the advice I was given pushed me to sell them. Since then, the value of these condos has appreciated significantly. If I had not been detained for three years, I would not have asked a friend to sell my property.

17. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 20, 2021, in CANOGA PARK, California.



Mojtaba Seyed Mirmehdi

EXHIBIT 2

1 **DECLARATION OF MOHAMMAD-REZA MIRMEHDI**

- 2 1. My name is Mohammad-Reza ("Mohammad") Mirmehdi. I have personal
3 knowledge of the facts contained in this declaration, and if called to testify,
4 I could and would testify competently as to the truth of the facts in this
5 declaration.
- 6 2. I am a real estate agent and have been residing in the U.S. in Los Angeles,
7 CA since October 1993. I moved to the U.S. from Iran, and I am an Iranian
8 citizen. I settled in LA with my brothers.
- 9 3. On June 20, 1997, I attended a demonstration in Denver, Colorado
10 organized by the National Council of Resistance of Iran, which advocates
11 for a democratic Iran. We attended the event in Denver because we knew
12 that world leaders would be present for the Denver Summit. We protested
13 to encourage the Security Council to sanction Iran and help Iran establish
14 democracy. I saw some members of Congress speak at the rally. There were
15 a lot of people there who wanted to speak out against the current Iranian
16 government. I felt like the U.S. was a safe place to voice my opposition and
17 my support for democracy.
- 18 4. My family and I suffered political persecution in Iran. Our house was
19 vandalized dozens of times and painted with slogans such as "death to
20 infidels." My brother was arrested on the street and imprisoned for three
21 years for attending a civilian rally. Not only did we fear for our safety as a
22 family, but we could not sustain our livelihoods. I was admitted to
23 university, but the government withdrew my acceptance due to my
24 participation in actions opposed to the Iranian government. I could not
25 continue my education and develop my career in Iran.
- 26 5. In 1998, I applied for political asylum, withholding of removal and
27 protection under the Convention Against Torture. For my application, I
28 worked with Bahram Tabatabai, whom I believed to be an immigration
 attorney. Tabatabai later appeared at my asylum proceeding to testify on

1 my behalf, but he left before testifying. My lawyer told the judge at my
2 asylum hearing that he was told by Tabatabai that he was threatened by FBI
3 Agent Christopher Castillo not to testify and leave the court immediately
4 otherwise, he would be charged and thrown back in jail.

5 6. INS arrested my brothers and me in March 1999. We were handcuffed and
6 taken to the basement of the Federal building on Wilshire Boulevard in LA.

7 7. The agent who arrested us said that they were going to send us back to Iran
8 as a present for President Khatami. He called us terrorists. My heart was
9 racing -- I was afraid they were going to put us on a plane and send us to
10 Iran and that by the time anyone knew we would be tortured or dead.

11 8. Our attorney said that the government didn't have any evidence on us.
12 When we contested the accusations, Judge Sitgraves held me in custody.
13 Eventually, I paid the bond and was released in September, 2000.

14 9. Three weeks after the terrorist attacks in New York on September 11, 2001,
15 on October 2, 2001, I was arrested again with Mojtaba. My bond was
16 revoked, and I was imprisoned in immigration detention again. No one told
17 me why I was arrested.

18 10. On December 10, 2001, I had a bond proceeding hearing in front of
19 Immigration Judge D.D. Sitgraves in San Pedro, California. A true and
20 correct copy of pages 131 to 170 of the document is attached to the index of
21 the merits briefing. I was present when the attached hearing occurred and
22 can attest that it is a true and correct transcription.

23 11. Castillo proceeded to tell the court about a document he called an LA Cell
24 Form. He described the form as a log of members of the MEK. A copy of
25 the document that Castillo called the LA Cell Form is attached to the index
26 of exhibits filed with the merits brief. I was present when the FBI presented
27 the document at the December 10, 2001, hearing, and can attest that it is the
28 same document. Although my name is on the document, I was not then, nor

1 ever, an associate of the MEK. My lawyer later discovered that the FBI had
2 over 100 more pages of documents like the one he called the LA Cell Form.

3 12. In April 2002, an immigration judge denied my asylum application, but
4 granted my application for withholding of removal because he determined
5 that there was a clear probability that my life or freedom would be
6 threatened if I were deported to Iran. I kept a copy of the hearing decision.
7 Despite being granted immigration status, I remained detained, but I was
8 moved several times.

9 13. In detention, I did not get to speak to my family in Iran often. I also had a
10 hard time speaking with my lawyer.

11 14. I was supposed to go on Nightline with my brothers in February, 2005.
12 However, the day before, my lawyer told me the government was offering
13 to release us from detention. We all got ready to leave detention and were
14 excited to finally be released, but we learned that the release came with
15 conditions we had to agree to. They asked us to give up our freedom to go
16 to political rallies, which we would not agree to. Thus, we remained in
17 detention.

18 15. On March 5, 2005, when I was in San Pedro Detention Center, I saw
19 Officer Mario Lopez mistreating a detainee who was very ill and had major
20 medical issues. I knew it was Officer Lopez because he had a badge on his
21 lapel and I could see the badge. I asked Officer Lopez why he was
22 preventing the other detainee from using the bathroom. Officer Lopez then
23 grabbed my wrist and punched me in the face. He put his hands around my
24 neck, slammed me against a door, and choked me. I fell to the floor, and he
25 kept punching me with his fists and with handcuffs. Another officer came
26 and told me to turn around and lie on my stomach so he could handcuff me.
27 Officer Lopez then put his knee on my neck and pulled on my shoulder.
28 Eventually, another officer came and told Officer Lopez to get off me.

1 16. My shoulder, back, neck, and face were all injured from Lopez's beating. I
2 suffer from chronic pain. I also have neck and back pain from falling off a
3 top bunk while in jail. I had told officials that I moved around in my sleep
4 and would probably fall off the top bunk, but they did not move me to a
5 lower bunk until I had fallen two times.

6 17. I have requested copies of the recording of the beating from San Pedro
7 Detention Center and they said that they lost the records when the matter
8 went to court.

9 18. After the beating, I was separated from my brothers. I was in high security
10 and my feet and my hands were shackled. I was there until March 16. I
11 could not contact my attorney or anyone else. My attorney did not know I
12 was there. They refused to let my doctor and my attorney visit me to
13 evaluate my injuries. I went on a hunger strike for a couple days. An
14 officer said they were going to force feed me if I did not eat. They still did
15 not let me see the doctor, but they did move me out of high security and
16 send me back to the detention center with my brothers.

17 19. My attorney had reported my injuries to several reporters. Someone from
18 the Department of Justice was scheduled to interview me on March 17,
19 2005.

20 20. Again, we were offered a conditional release. We did not want to accept
21 the conditions and declined the offer. They wanted us to sign waivers
22 relinquishing our rights, restricting our movement, and agreeing not to
23 attend any rallies. We did not sign.

24 21. On March 16, 2005, we were released at night. This seemed unusual to me
25 because I had only heard of other detainees being released by 5pm at the
26 latest.

1 22.I was in custody for a total of five and a half years, including 20 months in
2 solitary confinement where I would be under lockdown for 23 hours per
3 day.

4 23. While I was in detention, I lost friends and clients. Our case was publicized
5 in Persian newspapers and magazines, and it was upsetting to know that our
6 community was reading these things about us. One of my friends from Iran
7 read about our story in the LA Times, and in Persian culture, everyone talks
8 to each other, so I am sure the rest of our neighbors knew. My parents
9 found out about the case from this neighbor.

10 24. We had not told our parents that we were in jail because we did not want
11 them to be distressed about our situation, and we were hopeful that we
12 would be let out soon. My dad has health issues and we did not want to
13 upset him. But we had to tell them what happened once they found out, and
14 my mom told me how disappointed she was that we did not have the
15 freedom she wanted for us. My mom had nosebleeds during our
16 immigration proceedings, and she went to the emergency room. There was
17 no way to go home to see them when they got sick.

18 25. I now have dreams and nightmares about being in jail. When I see buses
19 that transport inmates, it reminds me of the immigration buses. Even
20 Styrofoam cups remind me of being in jail. I feel anxious when I remember
21 being in jail. If I see someone parking their car outside my building, I feel
22 like it may be the FBI watching me. I always wonder why someone is
23 parking in the red zone in front of my gate. I feel like I have to be cautious
24 all the time. I sit and watch the cars to see if they will leave.

25 26. I am required to report to ICE every year. The ICE office I am required to
26 go to -- 300 North Los Angeles Street -- is the same building I was arrested
27 and held in. It is horrifying, it just reminds me of the past. I feel horrible
28 stories chasing me.

1 27. I saw a psychologist after I was released. But it's not easy for me to put it
2 aside and move on. I love this country but I don't feel like I fully belong to
3 this country.

4 28. When I have to talk about my detention, I become depressed. After a recent
5 meeting with my attorneys in which I rehashed the details of my detention, I
6 had to miss work the next day because I could not get out of bed. I am still
7 suffering from an open wound.

8
9 Executed on October 20, 2021, in Tarzana, California.

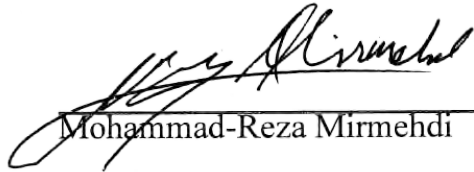
10
11 
12 _____
13 Mohammad-Reza Mirmehdi

EXHIBIT 3

1 **DECLARATION OF MOSTAFA SEYED MIRMEHDI**

2 I, MOSTAFA SEYED MIRMEHDI, hereby declare and state as follows:

3 1. My name is Mostafa Seyed Mirmehdi. I also go by the name Michael
4 Mirmehdi. I am a native and citizen of Iran. From a young age, I noticed inequality
5 in my country. I spoke up about the Government's oppression of my people, and so
6 did my brothers. We were persecuted for our political opinions.

7 2. I first came to the United States on a student visa. I was planning on
8 studying Mechanical Engineering and then return to Iran. I started college in Texas
9 in 1978 and I later continued my studies in Oklahoma. The Iranian Revolution
10 happened in February 1979. After the Revolution and the taking of American
11 hostages in Iran in 1979, relations between the US government and the new Iranian
12 government went sour. I turned against the new Iranian government because they
13 tortured and executed young freedom-loving people. I became involved with a
14 student group called the Supporters of Muslim Students Society ("SMSS"), which
15 publicly opposed the Islamic Government of Iran. The atmosphere toward Iranians
16 in Oklahoma became very negative, and I began to fear for my safety. But because
17 of my involvement with the SMSS, I knew that it would be even more unsafe for
18 me to return to Iran. As a result, in 1981, I moved to California, where I re-enrolled
19 in college and started working to support myself. In 1985, I obtained my license to
20 sell real estate and have worked as a realtor since then.

21 3. On June 20, 1997, I attended a demonstration in Denver, Colorado. It was
22 organized by the National Council of Resistance of Iran (NCRI) and there were
23 thousands of Iranian Americans from all over the country. NCRI is an umbrella of
24 political groups and individuals who believe in regime change and democracy in
25 Iran. The People's Mujahedin of Iran (MEK) is one of the groups under the NCRI.
26 I remember there were Congressmen present and I later read in the newspaper that
27 there were over 200 of them. The demonstration happened in front of the Summit
28 of the Eight, which was a meeting of the presidents of the eight leading countries

1 of the world. We were demonstrating in front of the Summit to pressure the
2 presidents to denounce the Government of Iran, and to call for democracy in Iran.
3 At the time, Iran was very oppressive and we wanted the US and other countries to
4 stand up to it. It was a very important demonstration, and it was lawful and
5 peaceful.

6 4. Around the same time, I reached out to Bahram Tabatabai for help
7 regularizing my immigration status. Congress had recently created a deadline for
8 filing for asylum, and I wanted to file for asylum to make sure I would not be sent
9 back to Iran, where I was afraid of persecution. Tabatabai was well known in the
10 local Persian community. My understanding at that time was that he was an
11 immigration attorney, and I had heard that he had other attorneys working for him
12 at his office. Tabatabai and I discussed my situation, and I paid him to prepare an
13 asylum application for me. He also prepared asylum petitions for my three
14 brothers. He had us sign blank signature pages, saying he had to re-type the forms,
15 so I did not see the final paperwork that was filed. He did not end up filing the
16 petitions by the deadline we were trying to meet, but he eventually filed them later
17 in 1998.

18 5. While discussing our applications, we told Tabatabai about what happened
19 to our family in Iran and why we were afraid to go back. We also told him about
20 the NCRI demonstration we had attended in Denver, Colorado. We explained that
21 we were not members of NCRI or the People's Mujahedin of Iran (MEK), which
22 had been put on the US Foreign Terrorist Organization list. We explained that we
23 had just attended a lawful and peaceful demonstration, but that we were afraid of
24 being persecuted by the Government of Iran for attending this pro-democracy rally.

25 6. However, Tabatabai did not listen to us. He did not listen to who we really
26 were or what we did. Instead, he just made up stories. None of us asked Tabatabai
27 to lie on our petitions. We asked him to tell the truth: that we supported democracy
28 in Iran and that we had attended a pro-democracy rally.

1 7. I later learned that around this time, both the FBI and the Iranian
2 government were investigating Tabatabai for falsifying asylum applications,
3 including for MEK members. Because Tabatabai had filed our asylum
4 applications, we were then suspected of being MEK members. The US
5 Government made an example of arresting us as suspected MEK members. I
6 believe the US government was trying to appease the Iranian government by
7 cracking down on organizations that supported democracy in Iran, like the MEK.
8 Our arrest was in the news all over the world, including in Iran and many other
9 countries.

10 8. The false information Tabatabai put on our applications created many
11 problems with our immigration status. In March 1999, Immigration and
12 Naturalization Services (INS) arrested me and my brothers for committing
13 immigration violations. There were 8 officers who came and held us at gunpoint
14 and searched our house without a warrant. They put guns to our heads and called
15 us terrorists, and took us in vans to a West Los Angeles facility where we were
16 questioned and detained.

17 9. Right after we were arrested, INS Agent MacDowell told me and my
18 brothers that the US was going to deport us to Iran as a Persian New Year present
19 for the Iranian government.

20 10. After an immigration judge found that we did not pose a threat, I was
21 released from detention on August 24, 1999, with Mojtaba and Mohsen.
22 Mohammad was released in September 2000. My bond was much higher than the
23 typical immigration bond; I had to pay \$50,000, and my brothers also paid similar
24 amounts.

25 11. On October 2, 2001, I got a call from my immigration attorney saying that
26 the FBI had called him and told him that they were going to come after me today
27 and arrest me. I told my attorney that I was at home, and I would wait there for the
28 FBI to come and arrest me. The FBI came to my house at around 12 pm the same

1 day. It was a very similar experience to my arrest in 1999. The FBI came in with
2 guns and arrested me and my brother Mohsen and took us in vans to the detention
3 facility. Our home was searched again without any warrant.

4 12. After I was detained, my immigration lawyer told me that INS had evidence
5 against us showing that we were terrorists. He showed us a one-page document
6 that the government called the "LA Cell Form." After looking at it, my brothers
7 and I realized it was probably a travel log for people who attended different rallies.
8 There are different sets of handwriting, so it looks like it was written on by
9 different people and reused for different rallies. For example, there is a plus sign
10 (+) by my name, Mojtaba's name, and Mohammad's name, which probably means
11 that we attended a particular rally.

12 13. Sometime in 2002, my lawyer, Thomas Li, had the chance to go to the FBI
13 headquarters and see the full set of documents that this page came from. This was
14 how I found out the one-page document being used as evidence against us was
15 actually part of a much longer set of documents that appeared to be a travel log.

16 14. My bond hearing was held on December 10, 2001. My bond hearing was
17 held jointly with the bond hearings for my brothers. Rather than giving us each an
18 individualized bond hearing, they treated us a group and evidence about one of us
19 was generalized against all of us.

20 15. At my bond hearing, the government presented the one-page document as
21 evidence but did not fully explain its context or that multiple people's notations
22 appeared on the form and columns had been added. The government claimed that it
23 showed my brothers and I were members of MEK, which the U.S. considered a
24 terrorist organization at that time. The government's translation contained some
25 errors. For example, the word "shabakeh" شبكه which means "network," was
26 translated as "cell," which sounds more dangerous. If the government had
27 accurately presented the original evidence, it would have been obvious that it was
28 just a travel log for the rally we went to.

1 16. Apart from the so-called "LA Cell Form," the government's main evidence
2 that we had anything to do with the MEK was the testimony of Agent Castillo,
3 who described the FBI's investigation of the MEK and claimed that my brothers
4 and I were supporters of the MEK. One of the reasons he gave for this was that
5 Bahram Tabatabai had named us as MEK members as part of his plea agreement
6 with the FBI. However, Tabatabai had already recanted this testimony before our
7 2001 arrest and bond hearing. Castillo did not tell the immigration judge that
8 Tabatabai had recanted.

9 17. At our bond hearing, Agent Castillo said that it was better to keep us in
10 detention rather than let us go so that they could push us to cooperate with
11 them. Agent Castillo also said that it was actually safer for me and my brothers for
12 us to remain in detention because the Iranian government might try to come to the
13 United States to try to kill us.

14 18. Based on the "LA Cell Form" and Agent Castillo's testimony, the
15 immigration judge decided that my brothers and I should remain detained without
16 bond.

17 19. During our asylum hearings, the government continued to use unreliable
18 evidence to argue that my brothers and I were terrorists. They also tried to make it
19 harder for us to challenge their evidence. My immigration attorney, Thomas Li,
20 told me that he had called Tabatabai to ask him to testify at our immigration
21 hearings, and Tabatabai actually showed up at one hearing. However, Thomas Li
22 told me that Tabatabai left when Agent Castillo threatened him outside the
23 courtroom and told him that he would be recharged and go back to jail if he
24 testified on our behalf.

25 20. Eventually, the immigration judge found that there was no evidence I was a
26 terrorist or a danger. On August 20, 2002, she granted me withholding of removal
27 because I was likely to be tortured if I was sent back to Iran. Even after this, I was
28 not released from detention until March 16, 2005. The US government

1 intentionally appealed our grant of withholding of removal in order to keep us in
2 jail. They thought by keeping us in jail and harming us as much as possible they
3 could get us to cooperate with the FBI agent. The appeal was frivolous. They did it
4 for political reasons and coercion. The US government had offered to release me
5 and my brothers twice that year, both times right before we were supposed to be
6 interviewed by journalists. They first offered to release us in February 2005. But
7 they placed unreasonable conditions on the offer, like not being able to attend
8 rallies, so we refused. When we were finally released in March, we still had to
9 follow many requirements, like being required to check in with immigration
10 officials every week and having to stay within certain counties in southern
11 California, but they removed the requirement that we not attend political rallies. At
12 this point we had been detained for three and a half years.

13 21. I am sure that my arrest and detention really impacted my family. Our
14 parents were under constant pressure and anxiety. Even back in Iran, people knew
15 about what had happened to me and my brothers. My mom was crying all the time.
16 Both times we were arrested, she found out from the same neighbor, who read
17 about our arrests in the LA Times. We had been trying not to tell my mother and
18 father, saying that we were busy. But we couldn't even keep it from them. The
19 news reached Iran and we eventually had to tell them what happened.

20 22. When my parents found out, they were struggling with health issues, but
21 they would not tell us anything because they did not want it to affect us. I am sure
22 it was like torture for my parents to learn that their children, whom they let leave
23 the country to search for freedom, were all in jail. I have no doubt that it affected
24 them in their mind and life.

25 23. Besides my family, the detention really affected my work and my
26 community. When we were released, most of my clients didn't want to see me or
27 hear from me. They would say that I was a terrorist and that they didn't want to
28 work with me. Our case was publicized so people knew about it. It was covered

1 even in the Persian newspapers. I lost most of my clients, so I had to start all over
2 again. Since my brothers and I were all realtors, it was really bad for us. It got to a
3 point where we were really struggling to pay our bills. Our house was vandalized
4 three times. It hurt us emotionally and mentally.

5 24. After I was released for detention, I went to see a psychologist for five or six
6 months. Even after I stopped going to see the psychologist, it is hard to forget the
7 things that I experienced. The experiences of being detained have stayed with me
8 until now and I think they will stay with me for the rest of my life. To this day,
9 what happened to me and my brothers in detention is always on my mind. Every
10 night when I sleep, I have nightmares about detention. I never have good dreams
11 anymore. After I wake up from those dreams, my whole day is ruined and I feel
12 bad about myself.

13
14 I declare under penalty of perjury under the laws of the United States that
15 the foregoing is true and correct.

16
17 Executed on October 20, 2021, in Tarzana, California.

18
19 
20 Mostafa Mirmehdi

EXHIBIT 4

1 **DECLARATION OF MOHSEN SEYED MIRMEHDI**

2 1. My name is Mohsen Seyed Mirmehdi. I have personal knowledge of
3 the facts contained in this declaration, and if called to testify, I could and would
4 testify competently as to the truth of the facts in this declaration. I was born in
5 Iran and currently live in the United States along with three of my brothers.

6 2. In Iran, my family and I were accused by the Iranian government of being
7 anti-revolutionaries and American spies. One of my brothers had been taken
8 from our home and imprisoned for three years simply because he attended a
9 civilian rally. Our father asked us not to join the demonstrations against the
10 Shah. People would write “Death to America” and “Death with Taghooti”
11 (those who like the Shah) on our home’s walls.

12 3. Prior to coming to the United States, my permission to attend university in
13 Iran was withdrawn after I refused to fight for the new Islamic government
14 against Iraq and because my family was against the regime. I refused to fight by
15 hiding in my family home to avoid recruitment into the army. Eventually, in
16 January 1989, I joined the mandatory army draft and was forced to serve in a
17 low-ranking position in the army, a soldier.

18 4. My brothers and I feared persecution in Iran for our opposition to the
19 Iranian government. For that reason, I left Iran with my brother Mojtaba on
20 September 12, 1992 to travel to Austria, and we ultimately met with our other
21 brother Mostafa in the United States in the following month.

22 5. In 1996, I attended my first peaceful demonstration in Washington D.C. in
23 which I marched to promote freedom and democracy in Iran. This was the first
24 of three demonstrations that I attended in the United States, all of which were
25 demonstrations against abuses that had taken place under the Iranian
26 government. I also attended an Iranian New Year’s celebration in March of
27 1998.

1 6. In December of 1997, I signed a blank asylum application at the request of
2 Mr. Tabatabai, which he told me he would fill in later. I signed another blank
3 asylum application in September of 1998 because Mr. Tabatabai told me that he
4 had lost the first one. I expressed concern that Mr. Tabatabai had not yet filed
5 my application, but he assured me that he could still file it despite the fact that
6 the deadline had passed.

7 7. I saw the contents of my asylum application only two to three weeks before
8 I was scheduled to be interviewed by an INS asylum officer. I then confronted
9 Mr. Tabatabai about the false application and told him that I refused to lie to an
10 INS officer and that I would not attend the interview. Mr. Tabatabai
11 rescheduled my interview without my consent and threatened me that I would
12 be in the United States illegally for the rest of my life if I didn't attend the
13 rescheduled interview. However, I stood my ground and refused to lie, and then
14 asked Mr. Tabatabai to withdraw my application.

15 8. The last time I spoke to Mr. Tabatabai about my asylum application was in
16 February of 1999. I never filed a true asylum application under my own name
17 because I didn't think I could do that.

18 9. In March 1999, officers came to my house and arrested me. They didn't
19 show any search warrant, however they searched the garage and house with
20 guns pointed at my head. FBI cars were blocking our street and I remember
21 them telling my neighbors that we were terrorists.

22 10. I found out later that newspapers and radio stations were publicizing me and
23 my brothers' arrests and calling us MEK members who were involved in
24 fraudulent asylum claims. I have never been a member or supporter of the
25 MEK, nor have I ever had contact with the MEK cell in Los Angeles. My
26 brothers and I were detained until August 24, 1999 when I was released on bail
27 because the judge determined that we were neither flight risks nor threats to the
28 community.

1
2 11. I was arrested again on October 2, 2001 and I heard that the Washington
3 Post published my last name in a report about the arrest.

4 12. My brothers and I had a joint bond hearing on December 10, 2001. At our
5 hearing, Agent Castillo made it clear to the Judge that it would be easier for
6 him to force our cooperation if we remained in detention. I then witnessed
7 Agent Castillo describe the "LA Cell Form" document that he claimed was a
8 list of MEK members.

9 13. I had never before seen the "cell form" used by the FBI to justify our
10 arrests. The cell form contains the date of June 1997, however I did not attend
11 any demonstrations in that month and was not in prison at that time. I have
12 never supported or participated in any terrorist activities, nor have I raised or
13 donated funds to the MEK or NCR.

14 14. While I was detained with my brothers, I was scared because the other
15 inmates would call us terrorists and "Persian detainees". I was even badly
16 beaten up by an inmate. There was very minimal medical attention. If we had a
17 tooth problem, the staff would not really care for it. We had to pull our teeth out
18 after we got released or get implants. I had the cataract surgery at age 39, only
19 two years after I got out. I think it was a result of the terrible food we were
20 given while detained.

21 15. Underneath the detention facility, they have a holding area where they used
22 to put 80-90 people in a 400-500 square feet room with only two toilets. It was
23 like a gas room where it was difficult to breathe and the AC was not really
24 working. There was no privacy at all and it was very crowded. I was in Santa
25 Ana Jail in a small cell for over 20 months with sometimes 24 hour-lockdowns.

26 16. On March 16, 2005, when we were released, officials informed us of
27 several conditions for our release. They wanted us to call them every week and
28 we could not go beyond the greater Los Angeles County area. We did not

1 accept those conditions, but they let us go anyways. The Nightline team was
2 planning to come interview my brothers and I the next morning.

3 17. To this date, I still have nightmares. I am afraid of white color cars,
4 specially Ford cars because that is the car that the FBI has. I am also afraid that
5 someone is following me or tapping my phone.

6 18. For many years, I was also very afraid of people because I did not know
7 what they wanted from me. I am often scared because of all this uncertainty.
8 Recently, I was told that the authorities were still talking about deporting us.

9 19. The emotional distress continues even after our release. As part of our
10 conditional release, for the last 5 or 6 years we have had to report to ICE once a
11 week. It used to be once a month and they would call us every two weeks and
12 come visit us. The requirement to report to ICE went from every month to
13 every six months to every year. We go back to the same building where they
14 arrested us and where they could still arrest us.

15 20. Throughout this process, I became very depressed because many friends
16 and even neighbors back in Iran refused to talk to me. Some clients also refused
17 to work with me, which impacted my business. When people google our names,
18 they find information about the sentences, jail, and terrorism. We are realtors
19 and reputation is important in this business.

20 21. My family life was also impacted. My brother got married in Iran and we
21 did not know, so we could not send any money or gifts nor congratulate him.
22 We also missed both of our parents' funerals because we could not leave the
23 country and we never got to say goodbye to them.

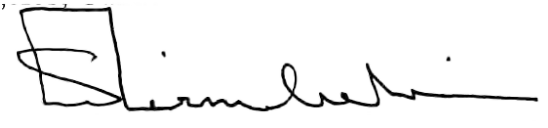
24 22. In Iran, they used to paint the United States flag on the floor so that students
25 would walk on it, but we never did. We always walked around it out of respect.
26 We did not agree with the school. I was sent to the principal's office for
27 refusing to walk on the flag. I liked this country so much when I was a student
28 and now we are here and they treat us like terrorists. It is surprisingly sad.

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23. It is difficult for me to recount these details, but I am doing so in the hopes of preventing future violations like I suffered. I have been seeing psychologists and therapists for almost 2 years because of my severe PTSD. I received antidepressants in San Pedro and after my release for my depression.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 20, 2021, in Tarzana, California.



Mohsen Mirmehdi

EXHIBIT 14

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOHAMMAD MIRMEHDI; MOSTAFA
MIRMEHDI; MOHSEN MIRMEHDI;
MOJTABA MIRMEHDI,
Plaintiffs-Appellants,

v.

UNITED STATES OF AMERICA; MARIO
LOPEZ; JOHN ASHCROFT; ROBERT S.
MUELLER, III; JAMES W. ZIGLAR;
MICHAEL GARCIA, Esquire;
CHRISTOPHER CASTILLO; JAMES
MACDOWELL,
Defendants-Appellees.

No. 09-55846
D.C. No.
2:06-cv-05055-
R-PJW
ORDER AND
AMENDED
OPINION

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Argued and Submitted
August 30, 2011—Pasadena, California

Filed November 3, 2011
Amended June 7, 2012

Before: Arthur L. Alarcón, Diarmuid F. O'Scannlain, and
Barry G. Silverman, Circuit Judges.

Opinion by Judge O'Scannlain;
Concurrence by Judge Silverman

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MIRMEHDI v. UNITED STATES

COUNSEL

Paul L. Hoffman, Schonbrun DeSimone Seplow Harris Hoffman & Harrison LLP, Venice, California, argued the cause and filed the briefs for the plaintiffs-appellants. With him on the briefs were Michael Seplow, Adrienne Quarry, and Victoria Don, Schonbrun DeSimone Seplow Harris Hoffman & Harrison LLP, Venice, California.

Andrew D. Silverman, United States Department of Justice, Torts Branch, Civil Division, Washington, D.C., argued the cause and filed the briefs for the defendants-appellees. With him on the brief were Jeremy S. Brumbelow, Tony West, Timothy P. Garren, and Andrea W. McCarthy, Department of Justice Civil Division, Washington, D.C.

ORDER

The opinion filed in this case on November 3, 2011, and reported at 662 F.3d 1073, is hereby amended. An amended opinion is filed concurrently with this order. With this amendment, the panel has unanimously voted to deny the petition for rehearing. Judges O’Scannlain and Silverman have voted to deny the suggestion for rehearing en banc, and Judge Alarcón has so recommended. The full court has been advised of the petition for rehearing en banc, and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for rehearing and the suggestion for rehearing en banc are DENIED. No subsequent petitions for rehearing or suggestions for rehearing en banc may be filed.

OPINION

O’SANNLAIN, Circuit Judge:

We are asked to decide, among other things, whether an alien not lawfully in the United States may sue for monetary damages claiming constitutionally invalid detention.

I

Mohammad, Mostafa (“Michael”), Mohsen, and Mojtaba Mirmehdi (collectively the “Mirmehdis”) are four citizens of Iran who came to the United States at various times, purportedly due to their long-standing opposition to that nation’s theocratic regime. In 1978, Michael arrived on a student visa. Having abandoned the degree that earned him entry into the United States, he became a real estate agent in 1985. Mohsen, Mojtaba, and Mohammad joined Michael in California in the early 1990s. Mohsen and Mohammad also became real estate

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agents. Unable to pass the real estate licensing exam, Mojtaba worked in construction.

In 1998, the Mirmehdis applied for political asylum with the assistance of an attorney named Bahram Tabatabai. Tabatabai falsified certain details in the Mirmehdis' applications. After Tabatabai was arrested for immigration fraud in March 1999, he agreed to cooperate with federal authorities. As part of his plea bargain, Tabatabai spoke to Special Agents Christopher Castillo of the Federal Bureau of Investigation and J.A. MacDowell of the Immigration and Naturalization Service regarding their ongoing investigation of a terrorist group known as the Mujahedin-e Khalq ("MEK"). Though he later recanted, Tabatabai told Castillo and MacDowell that the Mirmehdis were supporters of the group, which was founded on an antipathy for the Iranian government.

Based on this information, agents arrested the Mirmehdis for immigration violations in March 1999. Michael, Mojtaba, and Mohsen were released on bond later that year; Mohammad was released in September 2000.

On October 2, 2001, immigration authorities revoked the Mirmehdis' bond, largely based on a document known as the "L.A. Cell Form," a handwritten piece of paper that has become the subject of considerable litigation and is at the center of this case. The government has always maintained that the Form lists members, affiliates, and supporters of the MEK. During the Mirmehdis' bond revocation proceedings, Castillo testified to the immigration judge ("IJ") that the FBI seized the document from an MEK facility and that a confidential informant told him of its significance.

The Mirmehdis have always denied their involvement in the MEK and allege that Castillo and MacDowell knew from the start that the document was really just a list of attendees at a rally hosted by the National Council of Resistance of Iran ("NCRI"). It is undisputed that the MEK was listed as a ter-

rorist group in 1997 and is affiliated with the NCRI. But the Mirmehdis assert that they attended the rally *before* that classification occurred.

The Mirmehdis also assert that Castillo knowingly lied to convince the IJ to revoke their bond. They claim that the cooperating witness never existed and that Castillo's testimony before the IJ unreasonably continued to rely upon Tabatabai, even after he recanted. Castillo's motive, the Mirmehdis contend, was to pressure them into giving up information about the MEK that they did not possess.

The Mirmehdis' assertions are not new. They raised them on direct appeal of their detention, during the merits proceeding related to their asylum applications, and in a federal petition for a writ of habeas corpus. Almost all such forms of relief were denied. The Mirmehdis were, however, granted withholding of removal because they had demonstrated a likelihood of mistreatment if removed to Iran, and because the government failed to establish that they were engaged in terrorist activity as defined by statute.

Their immigration proceedings at last final, the Mirmehdis were released from detention in March 2005. The Mirmehdis subsequently brought this suit naming as defendants: Attorney General John Ashcroft, FBI Director Robert Mueller, INS Commissioners James Ziglar and Michael Garcia, the City of Santa Ana, the City of Las Vegas, MVM, Inc., Castillo, MacDowell, several named prison guards, John Does 1-10, and the United States. They raised a number of claims including unlawful detention, inhumane detention conditions, witness intimidation, and the intentional infliction of emotional distress.

The district court dismissed almost all of the Mirmehdis' claims for either lack of personal jurisdiction or failure to state a cause of action. The parties later settled all claims except those against Castillo and MacDowell for unlawful

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detention and conspiracy to violate their civil rights, against Castillo for intimidation of a witness, and against the United States for false imprisonment. The district court entered a final judgment, and the Mirmehdis timely appealed the claims to which they did not stipulate.

II

[1] The Mirmehdis first appeal the dismissal of their claim against Castillo and MacDowell for wrongful detention under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).¹ Whether such a claim presents a cognizable legal theory has been an open question in this circuit. *See Wong v. United States INS*, 373 F.3d 952, 961 (9th Cir. 2004); *see also Sissoko v. Rocha*, 412 F.3d 1021, 1028 (9th Cir. 2005), *withdrawn and replaced*, 509 F.3d 947 (9th Cir. 2007).²

A

In the past, we have suggested that “federal courts have inherent authority to award damages to plaintiffs whose federal constitutional rights were violated by federal officials.” *Papa v. INS*, 281 F.3d 1004, 1009 (9th Cir. 2002). But as the

¹The district court dismissed these claims based on its conclusion that the Mirmehdis had no constitutional right not to be detained pending deportation proceedings. We do not reach this issue because, even assuming such a violation, we must still decide whether *Bivens* provides for a theory for recovery. *See Wilkie v. Robbins*, 551 U.S. 537, 550 (2007); *see also Shaw v. Cal. Dep’t of Alcoholic Beverage Control*, 788 F.2d 600, 603 (9th Cir. 1986) (“We may affirm the judgment on any basis supported by the record even if the district court did not rely on that basis.”).

²The Mirmehdis argue that we have, in fact, recognized an immigrant’s right to pursue a *Bivens* action citing *Papa*, 281 F.3d 1004. But because cases like *Papa* did not squarely present the issue, it remains open. *See Berry v. Hollander*, 925 F.2d 311, 314 & n.3, 316 (9th Cir. 1991) (concluding that no *Bivens* action exists for government employees despite previously allowing such claims).

Supreme Court has since reminded us, “any freestanding damages remedy for a claimed constitutional violation has to represent a judgment about the best way to implement a constitutional guarantee.” *Wilkie v. Robbins*, 551 U.S. 537, 550 (2007). Such a cause of action “is *not* an automatic entitlement *no matter what other means there may be* to vindicate a protected interest.” *Id.* (emphasis added).

[2] Indeed, “[i]n the . . . years since *Bivens*,” the Supreme Court has repeatedly rejected *Bivens* claims outside the context discussed in that specific case and has “extended it twice only: in the context of an employment discrimination claim in violation of the Due Process Clause, *Davis v. Passman*, 442 U.S. 228 (1979); and in the context of an Eighth Amendment violation by [publicly employed] prison officials, [*Carlson v. Green*, 446 U.S. 14 (1980)].” *Arar v. Ashcroft*, 585 F.3d 559, 571 (2d Cir. 2009) (en banc). The Supreme Court has refused to extend *Bivens* to: violations of federal employees’ First Amendment rights by their employers, *Bush v. Lucas*, 462 U.S. 367 (1983); harms suffered incident to military service, *United States v. Stanley*, 483 U.S. 669, (1987); denials of Social Security benefits, *Schweiker v. Chilicky*, 487 U.S. 412 (1988); decisions by federal agencies, *FDIC v. Meyer*, 510 U.S. 471 (1994); actions by private corporations operating under federal contracts, *Corr. Servs. Corp. v. Malesko*, 534 U.S. 61 (2001); retaliation by federal officials against private landowners, *Wilkie*, 551 U.S. at 562; or Eighth Amendment claims against private contractors hired to administer public prisons, *Minneci v. Pollard*, 132 S. Ct. 617 (2012).

The Court has also “recently and repeatedly said that a decision to create a private right of action is one better left to legislative judgment in the great majority of cases.” *Sosa v. Alvarez-Machain*, 542 U.S. 692, 727 (2004) (citing inter alia *Malesko*, 534 U.S. at 68). Such a decision implicates grave separation of powers concerns because the “creation of a private right of action raises [policy choices] beyond the mere consideration whether primary conduct should be allowed or

not, entailing, for example, a decision to permit enforcement without the check imposed by prosecutorial discretion.” *Id.* For such reasons, the Court has instructed the federal courts to “respond[] cautiously to suggestions that *Bivens* remedies be extended into new contexts.” *Schweiker*, 487 U.S. at 421.

It quickly becomes apparent, however, that this query has a logical predicate—whether we would *need* to extend *Bivens* in order for illegal immigrants to recover for unlawful detention during deportation proceedings. Only after answering in the affirmative, would we need to turn to the issue of whether we *ought* to extend *Bivens* to such a context. *Arar*, 585 F.3d at 572.

B

To answer this question requires us to enter by a narrow gate. Examining the availability of a *Bivens* remedy at a “high level of generality” would “invite claims in every sphere of legitimate governmental action” touching, however tangentially, on a constitutionally protected interest. *Wilkie*, 551 U.S. at 561. Examining the question at too low a level of generality would invite never ending litigation because “every case has points of distinction.” *Arar*, 585 F.3d at 572. As such, we join our sister circuit and “construe the word ‘context’ as it is commonly used in law: to reflect a potentially recurring scenario that has similar legal and factual components.” *Id.*

[3] Deportation proceedings are such a context, unique from other situations where an unlawful detention may arise. It is well established that immigrants’ remedies for vindicating the rights which they possess under the Constitution are not coextensive with those offered to citizens. *See, e.g., Reno v. Am.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 488 (1999) (“AADC”) (“As a general matter . . . an alien unlawfully in this country has no constitutional right to assert selective enforcement as a defense against his deportation.”). Therefore, deportation proceedings constitute the relevant “environ-

ment of fact and law” in which to “decide whether to recognize a *Bivens* remedy.” *Arar*, 585 F3d at 572.³

C

[4] Having identified the appropriate context, we now must apply the Supreme Court’s test from *Wilkie*, in which it “distilled its 35-year history of *Bivens* jurisprudence into a two-step analysis.” *W. Radio Servs. Co. v. U.S. Forest Serv.*, 578 F.3d 1116, 1120 (9th Cir. 2009). First we must “determine[] whether there is ‘any alternative, existing process for protecting’ the plaintiffs’ interests.” *Id.* If there is such an alternative remedy, our inquiry stops. If there is not, we proceed to the next step and “ask[] whether there nevertheless are ‘factors counseling hesitation’ before devising such an implied right of action.” *Id.* The Mirmehdis’ claim for unlawful detention founders at both obstacles.

[5] The Mirmehdis could—and did—challenge their detention through not one but two different remedial systems. As the Second Circuit stated: “Congress has established a substantial, comprehensive, and intricate remedial scheme in the context of immigration.” *Arar*, 585 F.3d at 572. The availability of habeas is another remedy. *See Rauschenberg v. Williamson*, 785 F.2d 985, 987-88 (11th Cir. 1986). The Mirmehdis took full advantage of both.

[6] We are unpersuaded by the Mirmehdis’ assertions they

³By identifying this as the appropriate frame of reference, we do not hold that an illegal alien may never bring a *Bivens* claim. Instead, we merely recognize that because Congress has the ability to “make rules as to aliens that would be unacceptable if applied to citizens,” *Demoore v. Kim*, 538 U.S. 510, 521-22 (2003) (citing inter alia *Reno v. Flores*, 507 U.S. 292, 305-06 (1993) (“Thus, ‘in the exercise of its broad power over immigration and naturalization,’ Congress regularly makes rules that would be unacceptable if applied to citizens.”)), we must consider whether an immigrant may bring a *Bivens* claim to vindicate certain constitutional rights separately from whether a citizen may bring such a *Bivens* claim.

are nonetheless entitled to a *Bivens* remedy because neither the immigration system nor habeas provides monetary compensation for unlawful detention. “Even where Congress has given plaintiffs no damages remedy for a constitutional violation, the Court has declined to create a right of action under *Bivens* when doing so ‘would be plainly inconsistent with Congress’ authority in th[e] field.’ ” *W. Radio Servs. Co.*, 578 F.3d at 1120 (quoting *Chappell v. Wallace*, 462 U.S. 296, 304 (1983)). Indeed, “[s]o long as Congress’ failure to provide money damages . . . has not been inadvertent, courts should defer to its judgment.” *Berry v. Hollander*, 925 F.2d 311, 314 (9th Cir. 1991) (internal quotation marks omitted).

Congress’s failure to include monetary relief can hardly be said to be inadvertent, given that despite multiple changes to the structure of appellate review in the Immigration and Nationality Act, Congress never created such a remedy. *See Schweiker*, 487 U.S. at 423, 425 (1988) (considering “frequent and intense” congressional attention to “the design of a Government program [to] suggest[] that Congress has provided what it considers adequate remedial mechanisms for constitutional violations”).

The complexity and comprehensiveness of the existing remedial system is another factor among a broad range of concerns counseling hesitation before allowing a *Bivens* remedy. *Id.* at 423; *see also Idaho v. Coeur d’Alene Tribe*, 521 U.S. 261, 280 (1997); *see also Saul v. United States*, 928 F.2d 829, 840 (9th Cir. 1991) (considering the Civil Service Reform Act).

Furthermore, immigration issues “have the natural tendency to affect diplomacy, foreign policy, and the security of the nation,” which further “counsels hesitation” in extending *Bivens*. *Arar*, 585 F.3d at 574. As the Supreme Court has noted, concerns that always mitigate against “subjecting the prosecutor’s motives and decisionmaking to outside inquiry” have particular force in the immigration context. *AADC*, 525

U.S. at 490 (internal quotation marks omitted). Rather than mere “disclosure of normal domestic law-enforcement priorities and techniques” such cases often involve “the disclosure of foreign-policy objectives and (as in this case) foreign-intelligence products.” *Id.* at 490-91.

[7] Accordingly, we decline to extend *Bivens* to allow the Mirmehdis to sue federal agents for wrongful detention pending deportation given the extensive remedial procedures available to and invoked by them and the unique foreign policy considerations implicated in the immigration context.

III

The Mirmehdis next appeal the dismissal of their claims against Castillo for witness intimidation and against both Castillo and MacDowell for conspiracy to intimidate a witness pursuant to 42 U.S.C. § 1985(2),⁴ arguing that the district court erred by failing to find prejudice. Specifically, they argue that but for Castillo’s supposed threats, Tabatabai was ready, willing, and able to testify that they were not supporters of the MEK.

[8] But “[a]llegations of witness intimidation . . . will not suffice for a cause of action [under section 1985] unless it can be shown the litigant was hampered in being able to present an effective case.” *David v. United States*, 820 F.2d 1038, 1040 (9th Cir. 1987) (emphasis omitted). This rule applies to both witness intimidation and conspiracy to intimidate a witness. *Id.* at 1040; *see also Rutledge v. Ariz. Bd. of Regents*, 859 F.2d 732, 735-36 (9th Cir. 1988).

⁴To the extent that the Mirmehdis bring a separate claim for conspiracy selectively to enforce immigration laws, such a claim does not exist. The Supreme Court has stated that for reasons implicating the constitutional separation of powers, “an alien unlawfully in this country has no constitutional right to assert [a claim of] selective enforcement” of immigration laws. *AADC*, 525 U.S. at 488.

[9] Even assuming that the Mirmehdis could have been prejudiced by the absence of a witness that the relevant fact finder had dismissed as not credible, the outcome of the Mirmehdis' immigration proceedings demonstrate that they were not so harmed.⁵ According to the Mirmehdis, Tabatabai would have rebutted Castillo's testimony that they were involved with the MEK. As such, his testimony would have helped them to establish that they were eligible for withholding of removal because they were not involved with any terrorist activities as defined by 8 U.S.C. § 1182(a)(3)(B)(i). *See also* 8 U.S.C. § 1231(b)(3)(B). But the Mirmehdis were awarded withholding of removal even without Tabatabai's testimony. Therefore, they could not have been prejudiced by any alleged wrongdoing.⁶

IV

The Mirmehdis also appeal the dismissal of their claim against the United States under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 1346, arguing that they have stated a claim for false imprisonment under California law. "The United States, as a sovereign, may not be sued except insofar as it consents to be sued." *Rooney v. United States*, 634 F.2d 1238, 1241 (9th Cir. 1980). The FTCA does waive that immunity for certain torts, but it is subject to both procedural and substantive exceptions that "must be strictly interpreted." *Id.* (citing *United States v. Sherwood*, 312 U.S. 584, 590 (1941)).

⁵"When ruling on a Rule 12(b)(6) motion to dismiss, if a district court considers evidence outside the pleadings, it must normally convert the 12(b)(6) motion into a Rule 56 motion for summary judgment, and it must give the nonmoving party an opportunity to respond." *United States v. Ritchie*, 342 F.3d 903, 907 (9th Cir. 2003). But because the Mirmehdis referred to their related habeas and immigration cases on the face of their complaint, we may take judicial notice of any matters of public record. *See Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1198 (9th Cir. 1988).

⁶We are not persuaded by the Mirmehdis' fallback argument that Tabatabai's testimony would have allowed them to reopen the bond determination because we see no evidence that they tried to do so, even after the IJ's initial decision in 2002.

[10] One such exception is that the United States may not be sued “based upon the exercise or performance or the failure to exercise or perform a discretionary function . . . , whether or not the discretion involved be abused.” 28 U.S.C. § 2680(a).⁷ To determine whether conduct falls within this exception, we must first determine whether the “challenged conduct involves an element of judgment or choice” and then whether “the conduct implements social, economic or political policy considerations.” *Nurse v. United States*, 226 F.3d 996, 1001 (9th Cir. 2000) (citing *Berkovitz v. United States*, 486 U.S. 531, 536 (1988)). We must also determine whether the “complaint alleges that the policy-making defendants promulgated discriminatory, unconstitutional policies which they had no discretion to create.” *Id.* at 1002. Because the decision to detain an alien pending resolution of immigration proceedings is explicitly committed to the discretion of the Attorney General and implicates issues of foreign policy, and because the Mirmehdis do not allege that this decision itself violated the Constitution, it falls within this exception. *Cf. Medina v. United States*, 259 F.3d 220, 229 (4th Cir. 2001) (“Even though the INS ultimately decided not to pursue the deportation of Medina, we are fully satisfied that the initial decision to initiate proceedings and arrest him was the type of agency conduct Congress intended to immunize in the discretionary function exception.”); *Wright v. United States*, 719 F.2d 1032, 1035 (9th Cir. 1983) (“The decision whether or not to prosecute a given individual is a discretionary function for which the United States is immune from liability.”).⁸

⁷Though neither party raised this exception, because the applicability of an FTCA exception affects our jurisdiction, we must consider it sua sponte. See *Morris v. United States*, 521 F.2d 872, 875 & n.1 (9th Cir. 1975).

⁸This does not immunize from judicial review the conduct of the officers who made the arrest at an operational level. *Wright*, 719 F.2d at 1035. But, for the reasons discussed above, the Mirmehdis have not stated a claim on those grounds.

The Mirmehdis assert that the United States is nonetheless liable because Officer Castillo's knowingly false testimony to the IJ itself constituted false imprisonment under California law.⁹ This argument is unavailing under a second limitation imposed by the FTCA: the United States may not be held liable if the individual tortfeasor would be immune from suit. 28 U.S.C. § 2674; *see also Galvin v. Hay*, 374 F.3d 739, 758 (9th Cir. 2004) (affirming the dismissal of an FTCA claim when California law would have immunized the officers for claims of false arrest). California law would not permit recovery against an individual defendant for testimony given to an IJ in a bond revocation proceeding.

[11] California has a very broad "litigation privilege," which provides absolute immunity for almost any statement made "in any . . . official proceeding authorized by law," as against any tort except for malicious prosecution. Cal. Civ. Code § 47(2). Designed to promote open communication in official proceedings, the privilege covers even those statements not made in a court or even in existing litigation; they can be specifically intended to cause investigators to institute charges. *Tiedemann v. Superior Court*, 148 Cal. Rptr. 242 (Cal. Ct. App. 1978) (allowing immunity for statements by a confidential informant to the IRS). All that is required is that the communication be "(1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) . . . have some connection or logical relation to the action." *Sil-*

⁹It is unclear that this states a claim for false imprisonment under California law. As we have previously noted, California law allows false imprisonment claims "for arrests by officers . . . in two situations: when an arrest is made without a warrant, . . . and when an officer 'maliciously arrests and imprisons another by personally serving an arrest warrant issued solely on *information deliberately falsified by the arresting officer himself*.'" *Blaxland v. Commonwealth Dir. of Pub. Prosecutions*, 323 F.3d 1198, 1205 n.4 (2001) (emphasis added). There was a warrant here, and the Mirmehdis have never alleged that either Castillo or MacDowell participated in their actual arrests.

berg v. Anderson, 786 P.2d 365, 368-69 (Cal. 1990). A federal administrative hearing counts as a “quasi-judicial proceeding” if: “the administrative body is vested with discretion based upon investigation and consideration of evidentiary facts”, that body may “hold hearings and decide the issue by the application of rules of law”; and that body has the power to affect “the personal or property rights of private persons.” *Tiedemann*, 148 Cal. Repr. at 247 (internal quotation marks omitted). Malice is irrelevant to this definition. *Silberg*, 786 P.2d at 368-69. Castillo’s testimony falls within these parameters. As the Mirmehdis have not brought a claim for malicious prosecution, they have not stated a claim for relief under the FTCA.¹⁰

V

[12] Finally, the Mirmehdis appeal the denial of their motion to amend their complaint, arguing that they should be allowed an opportunity to comply with the heightened pleading requirements of *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). “[R]equests for leave [to amend] should be granted with ‘extreme liberality,’ ” particularly when a complaint was filed before *Twombly* and fails for lack of sufficient factual content. *Moss v. U.S. Secret Serv.*, 572 F.3d 962, 972 (9th Cir. 2009). However, a party is not entitled to an opportunity to amend his complaint if any potential amendment would be futile. *See, e.g., May Dep’t Store v. Graphic Process Co.*, 637 F.2d 1211, 1216 (9th Cir. 1980). As the Mirmehdis’ woes are not

¹⁰The United States asserts that this testimony would also be immune under federal law. The Supreme Court has stated that both lay and law enforcement witnesses are absolutely immune for live testimony given either at a trial or before a grand jury. *Malley v. Briggs*, 475 U.S. 335 (1986) (trial testimony); *Rehberg v. Palk*, 132 S. Ct. 1497, 1507 & n.1 (2012) (grand jury testimony) (distinguishing cases where law enforcement officers falsify affidavits for the purpose of obtaining an arrest). We see little distinction between this case and those, but we need not reach the issue because California law already provides immunity here.

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caused by insufficient allegations of factual content, no potential amendments would change the outcome.

VI

For the forgoing reasons, the decision of the district court is

AFFIRMED.

SILVERMAN, Circuit Judge, concurring:

Although I concur in the opinion of the court, I write separately to emphasize that this case does not present the issue of whether illegal immigrants could *ever* bring a *Bivens* action. In fact, we have previously allowed an illegal immigrant to bring a *Bivens* action. *See Papa v. United States*, 281 F.3d 1004, 1010-11 (9th Cir. 2002) (holding that immigrant could bring *Bivens* action for alleged due process violations during immigration detention). However, in *this* case, I agree with my colleagues that the plaintiffs lack an implied right of action under *Bivens*.

EXHIBIT 15

Protesters urge boycott of Iran - Denver Post, The (CO) - June 21, 1997 - page AA-03

June 21, 1997 | Denver Post, The (CO) | Kieran Nicholson Denver Post Staff Writer | Page AA-03

More than 1,000 political exiles from Iran gathered in Denver on Friday to send a message to the leaders of the summit - don't do business with Iran.

Chanting "No trade, no ties, no arms," supporters of the National Council of Resistance of Iran are calling for economic and political sanctions by the Group of Seven industrialized nations against their homeland.

Council backers claimed Iran uses capital raised from its oil exports to fund international terrorism and suppress its citizens.

"Economic ties raise money for the terrorist," said Ramesh Sepehrrad, press coordinator for the group. "We are here to encourage the leaders of the world to take serious action against the government of Iran."

On June 20, 1981, the Iranian government shot peaceful protesters in Tehran, killing hundreds and wounding thousands, council members said.

Friday's rally, at the state Capitol and along the perimeter of the secured Civic Center, was held on the 16th anniversary of the formation of the National Liberation Army of Iran, which wants to overthrow the current cleric-ruled government.

"You cannot be a state of God and do the devil's work," said U.S. Rep. Gary Ackerman, D-N.Y., and a member of the congressional international relations committee.

"Tehran's record of terrorism is no secret. Let Denver's Summit of the Eight be united against Iran's tyranny of the wicked," the congressman told the boisterous, flag-waving expatriates.

Rally participants said that an economic boycott can help bring down the Iranian government and a true democracy would be established.

"A free and fair election can only take place when all candidates can put their name on the ballot and not fear for their lives. That includes Mrs. Rajavi," Ackerman said.

Maryam Rajavi, president elect of the council, addressed the rally via satellite hookup from Iraq displayed on a large-screen television.

Should resistance succeed and the government be overthrown, Rajavi would lead a provisional government until elections are held, said Hussein Abedini of the council's foreign affairs committee.

The close of the 20th century will usher in democracy, peace and justice in Iran, Rajavi told supporters in Farsi, Iranians' native tongue.

Mohammad Bahranifarid and his family traveled to the rally from Ottawa.

He was at the June 20, 1981, Tehran rally with his brother, Mohsen, he said.

Mohsen was arrested, imprisoned for seven years because of his political beliefs and then executed, he said.

Now a taxi cab driver, Mohammad Bahranifarid said he escaped Iran in 1987 by crossing its mountainous border with Turkey.

"I would like to go back to Iran; the people need help there," Mohammad said.

However, he won't return until the country is free.

"We came here to ask for democracy."

CITATION (AGLC STYLE)

Kieran Nicholson Denver Post Staff Writer, 'Protesters urge boycott of Iran', *The Denver Post* (online), 21 Jun 1997 AA-03 <<https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/0EAF884922B7B2DF>>

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EXHIBIT 29

1 **DECLARATION OF BAHRAM R. TABATABAI**

2
3 I, Bahram R. Tabatabai, declare as follows:
4

5 1. On June 19, 2001, I appeared at an immigration hearing for
6 Mohammad Mirmehdi to testify on his behalf.

7 2. At the June 19, 2001, hearing, I testified, among other things, that I
8 had not told I.N.S. Agent James McDowell that Mohammad Mirmehdi and
9 his brothers were members or supporters of M.E.K; that the brothers had not
10 spoken to me about attending M.E.K. demonstrations; and that Mohammad had
11 not asked me to attend an M.E.K. rally.

12 3. On January 4, 2002, I attempted to testify again at an immigration
13 hearing for Mohammad Mirmehdi, where I was prepared to testify that
14 Mohammad was not a member of M.E.K. and that Mohammad had very real
15 reasons to fear returning to Iran because the government of Iran now had a basis
16 for believing that Mohammad was an opponent of their policies.

17 4. I was further prepared to testify that I was the cause of Mohammad's
18 immigration trouble because I had misinformed Mohammad about the application
19 process and instructed Mohammad to sign his name on a blank asylum application,
20 which I later filled in with false information unbeknownst to Mohammad.

21 5. However, I never testified that day because as I was waiting to testify
22 in the lobby of the courthouse, F.B.I. Special Agent Castillo approached me and
23 said, "You're here again? You will be re-arrested if you testify."

24 6. In response, I replied, "Why will I be re-arrested? I want to tell the
25 truth."

26 7. Agent Castillo then said to me in a threatening tone, "You shouldn't
27 be here. It is better for you not to be here."

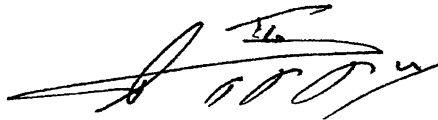
28 8. I felt threatened and intimidated both by Agent Castillo's remarks and

1 the tone in which he said them, and I believed that I would be re-arrested if I
2 testified on behalf of Mohammad Mirmehdi.

3 9. As a direct result of Agent Castillo's remarks to me that day and my
4 fear of being falsely re-arrested, I decided not to testify for Mohammad Mirmehdi.

5
6 I declare under penalty of perjury under the law of the State of California
7 and the United States that the foregoing is true and correct.

8
9 Executed this 21th day of December 2006, at Los Angeles, California.

10
11
12
13 

14 Bahram R. Tabatabai

Edward Lepkowitz, ADC
Office of the District Counsel
Immigration & Naturalization Service
606 S. Olive Street, 8th Fl.
Los Angeles, CA 90014
(213) 894-3002

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
LOS ANGELES, CALIFORNIA

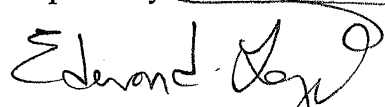
In the Matter of :)	File No. A 75 622 144
)	
Muhamed Mirmedhi,)	Judge : Hon. Henry Ipema
Respondent)	Hearing Date: June 18, 2001
)	
)	SERVICE SUBMISSION OF
)	TRANSCRIPTS OF WITNESS DEPOSITIONS
)	
)	Deposition of Bahram Tabatabai
In Removal Proceedings.)	
_____)	

SERVICE SUBMISSION OF TRANSCRIPTS OF WITNESS DEPOSITIONS
Deposition of Bahram Tabatabai

The Immigration and Naturalization Service (Service or INS) respectfully submits a copy of the transcripts of deposition of Mr. Bahram Tabatabai. A true copy of the same materials is being concurrently submitted upon respondent's counsel, Mr. Jay Fredman.

As of today, the Service has been unable to secure the presence of Mr. Tabatabai in order to sign the transcripts of depositions. The Service will promptly advise the Court and respondent of changes, if any, when Mr. Tabatabai signs the transcript of depositions. .

Respectfully Submitted



Edward Lepkowitz, ADC
Immigration & Naturalization Service
Los Angeles, California

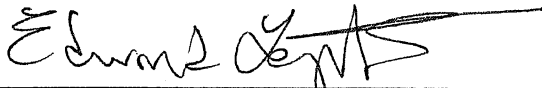
DATE: May 1, 2001

CERTIFICATE OF SERVICE

I, hereby declare that, a copy of the SERVICE SUBMISSION OF TRANSCRIPTS OF WITNESS DEPOSITIONS Deposition of Bahram Tabatabai was served upon the Applicant through counsel by pre-paid first class mail at:

Jay Fredman, Esq.
1750 K Street, NW Suite 325
Washington, DC 20006

At Los Angeles, California on May 1, 2001



Edward Lepkowitz, ADC
Immigration & Naturalization Service
Los Angeles, California

CERTIFIED COPY

IN RE:

MOHAMMED MIRMEHDI,

)
)
) NO. A75-622-144
)
)
)

DEPOSITION OF BHRAM TABATABAI

JANUARY 24, 2001

REPORTED BY:
PATRICIA CHUNG
CSR NO. 12117

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website: www.seijasreporters.com

1 DEPOSITION OF BAHRAM TABATABAI, TAKEN ON
2 BEHALF OF THE SERVICE AT 300 NORTH
3 LOS ANGELES STREET, SUITE 8104,
4 LOS ANGELES, CALIFORNIA, COMMENCING AT
5 9:20 A.M. ON WEDNESDAY, JANUARY 24, 2001,
6 BEFORE PATRICIA CHUNG, CSR NUMBER 12117,
7 PURSUANT TO NOTICE.

8
9 A P P E A R A N C E S :

10 FOR IMMIGRATION & NATURALIZATION SERVICE:

11 MEGAN TURKAT SCHIRN

12 EDWARD LEPKOWITZ

13 606 SOUTH OLIVE STREET

14 SUITE 800

15 LOS ANGELES, CALIFORNIA 90014

16 (213) 894-2165

17
18 FOR RESPONDENTS:

19 VADIM YUZEFPOLSKY

20 113 NORTH SAN VICENTE BOULEVARD

21 SUITE 212

22 BEVERLY HILLS, CALIFORNIA 90211

23 (323) 852-6795

24
25 ALSO PRESENT:
MOHAMMED MIRMEHDI

I N D E X

W I T N E S S :

PAGE

BAHRAM TABATABAI

COMMON QUESTIONS BY MS. SCHIRN 4, 32

COMMON QUESTIONS BY MR. YUZEFPOLSKY 14, 34

EXAMINATION BY MS. SCHIRN 35

EXAMINATION BY MR. YUZEFPOLSKY 44

E X H I B I T S :

(NONE OFFERED.)

1 MS. SCHIRN: WE'RE HERE TODAY ON JANUARY 24,
2 AT THE FEDERAL BUILDING, 300 NORTH LOS ANGELES STREET,
3 IN THE OFFICE OF THE DISTRICT COUNSEL.

4 PRESENT TODAY IS OUR WITNESS
5 BAHRAM TABATABAI. ALSO PRESENT FOR THE GOVERNMENT IS
6 MEGAN TURKAT SCHIRN -- LAST NAME, T-U-R-K-A-T,
7 S-C-H-I-R-N -- AND EDWARD LEPKOWITZ.

8 WE'RE HERE IN THE MATTERS OF
9 MASSOUD HOSSEINI, CASE NO. A73-985-544;
10 MOHAMMED MIRMEHDI, 75-622-144; MUSTAFA MIRMEHDI,
11 23-556-599; MOHSEN MIRMEHDI, 75-617-462;
12 MOJTABA MIRMEHDI, 75-514-687.

13 PRESENT IS ONE OF THE RESPONDENTS
14 MOHAMMED MIRMEHDI, CASE NO. 144 AND PRESENT AS THE
15 ATTORNEY OF RECORD IN ALL FIVE CASES IS -- COULD YOU
16 PLEASE STATE YOUR APPEARANCE AND ALSO STATE THAT YOU'RE
17 THE ATTORNEY OF RECORD TODAY IN ALL FIVE CASES.

18 MR. YUZEFPOLSKY: VADIM YUZEFPOLSKY, ATTORNEY
19 OF RECORD IN ALL FIVE CASES -- LAST NAME,
20 Y-U-Z-E-F-P-O-L-S-K-Y.

21
22 BAHRAM TABATABAI,
23 HAVING BEEN FIRST DULY SWORN,
24 WAS EXAMINED AND TESTIFIED
25 AS FOLLOWS:

COMMON QUESTIONS

1
2
3 BY MS. SCHIRN:

4 Q MR. TABATABAI, WHAT'S YOUR CURRENT AGE?

5 A 46 ALMOST. I'M BORN IN '55.

6 Q WHAT'S YOUR ADDRESS NOW?

7 A AT THIS TIME I LIVE AT 5050 SEPULVEDA
8 BOULEVARD, SHERMAN OAKS, 91403.

9 Q THANK YOU. HAVE YOU EVER HAD AN IMMIGRATION
10 BUSINESS?

11 A YES.

12 Q FOR WHAT YEARS DID YOU RUN AN IMMIGRATION
13 BUSINESS?

14 A I BELIEVE '94 OR '93 UP TO MARCH, '99.

15 Q WHAT SERVICES DID YOU PROVIDE?

16 A BASICALLY ALL KIND OF APPLICATIONS -- I-485,
17 I-130, I-589, I-140, DIFFERENT TYPE OF SERVICE.

18 Q ARE YOU AN ATTORNEY?

19 A NO.

20 Q WHAT WAS THE NATURE -- WHAT DID YOU DO AS
21 PART OF THIS BUSINESS?

22 A PROVIDE SERVICES, IMMIGRATION SERVICES.

23 Q ARE YOU A UNITED STATES CITIZEN?

24 A YES.

25 Q WHAT'S YOUR EDUCATIONAL BACKGROUND?

1 A I HAVE MASTER IN INTERNATIONAL LAW.

2 Q IS THAT FROM THE UNITED STATES?

3 A FROM UNIVERSITY OF BRUSSELS IN BELGIUM.

4 Q DID YOU FILE ASYLUM APPLICATIONS FOR PEOPLE?

5 A YES, I DID.

6 Q DID YOU HELP PREPARE THEM?

7 A YES, I DID.

8 Q WOULD YOU ALSO GET NON-IMMIGRANT VISAS FOR
9 PEOPLE?

10 A YES, I DID. AND IMMIGRANT VISAS, BOTH.

11 Q HOW MANY EMPLOYEES DID YOU HAVE AT YOUR
12 OFFICE?

13 A IT VARIED FROM ONE TO PROBABLY EIGHT, NINE, A
14 LOT OF DIFFERENT TIMES.

15 Q WHAT DID THE EMPLOYEES IN YOUR OFFICE DO?

16 A USUALLY PREPARE THE APPLICATION, TYPE,
17 RESPOND THE LETTERS, AND THESE KINDS OF THINGS.

18 Q WHAT DID YOU DO?

19 A I USUALLY TALKED TO THE CLIENTS, PREPARED THE
20 APPLICATIONS AND PREPARED THE CLIENTS.

21 Q DID YOU ARRANGE THE FEE AGREEMENTS WITH YOUR
22 CLIENTS?

23 A YES.

24 Q HOW WOULD YOU GO ABOUT SETTING A FEE
25 AGREEMENT WITH A CLIENT?

1 A IT WAS ANYWHERE FROM FREE OR PRO BONO CASES,
2 WHICH I HAD A LOT, TO PROBABLY EVEN SOMETIMES 5-, 4-,
3 6,000. IT REALLY DEPENDS.

4 Q WHAT WOULD IT DEPEND ON?

5 A DEPENDS ON THE SITUATION OF THE PERSON. IF
6 HE REALLY HAD PROBLEMS, ESCAPED, DIDN'T HAVE MONEY,
7 SOMETIMES I PROVIDED ROOM FOR THEM. AND IF THEY HAD
8 MONEY OR IF THEY COULD AFFORD, THEN I TRY TO CHARGE UP
9 TO 5- TO 6,000.

10 Q WOULD YOU DISCUSS WHAT YOU WERE GOING TO DO
11 ON THE PERSON'S CASE BEFORE YOU REACHED THE FEE
12 AGREEMENT?

13 A IT VARIED. SOMETIMES YES; SOMETIMES NO.
14 IT'S REALLY A GENERAL QUESTION. IT'S REAL HARD TO
15 ANSWER. SOMETIMES WE -- I WILL DISCUSS THE STRATEGIES
16 OR HOW TO DO IT AND SOMETIMES NO.

17 Q BEFORE A PERSON PAID YOU ANY MONEY TO DO
18 THEIR CASE, WHAT UNDERSTANDING WOULD YOU WANT TO REACH
19 WITH THAT PERSON ABOUT WHAT SERVICES YOU WERE GOING TO
20 PROVIDE FOR THEM?

21 A GENERALLY ABOUT THE TYPE OF SERVICE, YES.
22 BUT NOT ABOUT THE STRATEGY AND THE DETAILS.

23 Q SO WHAT DO YOU MEAN BY "THE TYPE OF SERVICE"?

24 A LIKE, FOR EXAMPLE, IF SOMEBODY COMES FOR --
25 FOR EXAMPLE, APPLY FOR ASYLUM, WE WERE DISCUSSING

1 ASYLUM. BUT SOMETIMES WE DIDN'T DISCUSS HOW TO REACH
2 THAT. AND WE LEFT IT FOR LATER THAT I THINK ABOUT
3 THE -- OR THE CRIME WILL COME UP WITH SOME KIND OF
4 INFORMATION. IT REALLY VARIED.

5 Q HAVE YOU EVER BEEN CONVICTED OF ANY CRIMES IN
6 THE UNITED STATES?

7 A JUST THIS TIME, NOT BEFORE.

8 Q AND WHAT WAS THIS TIME FOR?

9 A FOR IMMIGRATION FRAUD.

10 Q WHAT WAS THE NATURE OF THE IMMIGRATION FRAUD
11 THAT YOU WERE CONVICTED OF?

12 A BASICALLY FALSE STATEMENT AND FALSE
13 INFORMATION ON APPLICATION, WHICH I TOTALLY AGREED WITH
14 THAT. BUT WITH THE COUNT II THAT THEY CHARGED ME,
15 HELPING TERRORIST, I DISAGREED. BUT I WAS COERCED TO
16 PLEA. OTHERWISE, THEY TOLD ME, "YOU GET 25 YEARS." SO
17 THEY FORCED ME FOR THAT ONE, WHICH WAS NOT TRUE. AND I
18 STILL DON'T BELIEVE IN THAT.

19 Q WHAT WAS YOUR SENTENCE THAT YOU AGREED TO?

20 A TWO YEARS' CUSTODY AND THREE YEARS'
21 PROBATION.

22 Q ARE YOU CURRENTLY ON PROBATION NOW?

23 A YES, I AM.

24 Q WHAT ARE THE REQUIREMENTS OF YOUR PROBATION?

25 DO YOU NEED TO REPORT TO ANYONE?

1 A OH, YEAH. REPORT MONTHLY AND JUST BASICALLY
2 DON'T DO ANY ILLEGAL ACTIVITY REGARDLESS WHAT IT IS.

3 Q WHEN WERE YOU RELEASED ON PROBATION?

4 A WHEN? DECEMBER 8, 2000.

5 Q HAVE YOU HAD ANY PROBATION VIOLATION SINCE
6 YOU'VE BEEN RELEASED?

7 A NO.

8 Q HAVE YOU HAD ANY OTHER ARRESTS IN THE
9 UNITED STATES?

10 A ANY REST? WHAT DO YOU MEAN BY "REST"?

11 Q EVER ARRESTED BY THE POLICE --

12 A OH, ARREST. NO.

13 Q OTHER THAN --

14 A I HAD JUST ONE FAMILY DISPUTE WITH MY
15 GIRLFRIEND WHICH WAS -- BASICALLY IT WAS -- JUST THE
16 POLICE CAME. AND THEN AFTER THAT, THEY DROPPED IT. WE
17 DIDN'T EVEN GO TO COURT. IT WAS JUST A PHONE CALL.

18 Q WHEN WAS THAT?

19 A '91, '90, DOMESTIC VIOLENCE.

20 Q OTHER THAN THE TIME YOU SERVED FOR
21 IMMIGRATION FRAUD, IS THERE ANY OTHER CRIMINAL RECORD
22 THAT YOU HAVE?

23 A NO. I HAVE POLITICAL BACKGROUND IN IRAN BUT
24 NOT HERE.

25 Q YOU SAID YOU MADE AN AGREEMENT WHEN YOU PLED

1 TO THE IMMIGRATION FRAUD OFFENSE.

2 WHAT WAS THE AGREEMENT THAT YOU REACHED?

3 A YOU MEAN AS FAR AS THE CONDITION OF THE
4 AGREEMENT OR WHAT? WHAT PART OF THAT? BECAUSE IT'S
5 LIKE --

6 Q IS THAT JUST AN AGREEMENT YOU MADE WITH THE
7 U.S. ATTORNEY'S OFFICE?

8 A YES.

9 Q WHAT WAS THE AGREEMENT THAT YOU MADE WITH
10 THEM IN RETURN FOR THE TWO-YEAR SENTENCE?

11 A THE AGREEMENT WAS I PLEAD GUILTY TO BOTH
12 COUNTS. AND MY PREVIOUS ATTORNEY COERCED ME AND
13 REALLY -- THAT'S WHY I FILED A COMPLAINT WITH THE STATE
14 BOARD AGAINST HIM TOO.

15 AND HE MISCONDUCT (SIC) ME ABOUT THE NATURE
16 OF THE SECOND CHARGE WHICH WAS ASSISTING THE TERRORIST
17 GROUP, WHICH BASICALLY WAS A BIG LIE. AND IT WAS SOME
18 KIND OF MIS-ADVERTISING (SIC) BY AUTHORITIES, I THINK,
19 ABOUT THIS CASE.

20 BUT AS FAR AS THE OTHER PART -- I AGREED WITH
21 IMMIGRATION PART, WITH FRAUD PART. YES, I TOOK ALL THE
22 BLAMES. AND I SAID I DID EVERYTHING. AND MY MAIN PART
23 WAS NOT REALLY FINANCIAL. IT WAS HELPING THE PEOPLE OF
24 MY COUNTRY WHO ARE SUFFERING EVERY DAY THERE.

25 Q DID YOU MAKE ANY AGREEMENT TO TESTIFY FOR THE

1 GOVERNMENT? WAS THAT PART OF YOUR AGREEMENT AT ALL?

2 A YES. THEY SAID ANYTIME THAT THEY NEED ME FOR
3 ANY DEPOSITION OR ANYTHING LIKE THAT, I HAVE TO BE
4 READY AND FULLY COOPERATE WITH THEM THAT'S WHY I'M
5 HERE TODAY.

6 Q THANK YOU. AND HAVE YOU TESTIFIED FOR THE
7 U.S. ATTORNEY'S OFFICE?

8 A NO, NO, NEVER.

9 Q HAVE YOU TESTIFIED IN ANY OTHER CASES WHERE
10 THEY --

11 A NO.

12 Q YOU SAID YOU REACHED A FEE AGREEMENT WITH
13 YOUR CLIENTS.

14 WAS THIS A WRITTEN AGREEMENT THAT YOU HAD
15 YOUR CLIENTS SIGN?

16 A MOST OF THE TIME, YEAH. PROBABLY 99 PERCENT
17 OF THE TIME.

18 Q AND YOUR CLIENTS WOULD SIGN A CONTRACT WITH
19 YOU?

20 A CLIENT OR AGENT REPRESENTATIVE OR FAMILY
21 MEMBER.

22 Q DID YOU EXPLAIN THE CONTENTS OF THE FEE
23 AGREEMENT, THE CONTRACT, BEFORE THEY SIGNED IT?

24 A BASICALLY WHAT WE AGREED -- WE WERE USUALLY
25 DISCUSSING VERBALLY BEFORE THEY SIGNED.

1 Q IF YOU HAVE A CLIENT WHO HAD A PROBLEM WITH
2 THEIR CASE -- LIKE THEY'VE BEEN IN THE UNITED STATES
3 FOR MORE THAN A YEAR, THEY WANT TO FILE FOR ASYLUM --
4 WOULD YOU DISCUSS THAT WITH THEM BEFORE YOU REACH A FEE
5 AGREEMENT?

6 A IT REALLY DEPEND TO THE LEVEL OF -- HOW CAN I
7 EXPLAIN IT? OF THE CLIENTS. SOME CLIENTS REALLY
8 DIDN'T CARE. THEY WANTED TO BE HERE. AND THEY'RE
9 SCARED OF DEPORTATION.

10 BUT SOME OF THEM WHO ARE MORE KNOWLEDGEABLE
11 ABOUT THE THINGS -- THEY TRY TO KNOW MORE ABOUT THE
12 STRATEGIES AND HOW HE CAN GET TO THAT POINT.

13 BUT REALLY IT'S HARD TO TELL YOU WHICH --
14 WITH WHO I DID OR I DID NOT. BUT IT REALLY DEPEND IN
15 THE CASE.

16 Q DID YOUR OFFICE EVER PROVIDE FRAUDULENT
17 DOCUMENTS FOR YOUR CLIENTS TO SUBMIT WITH THEIR ASYLUM
18 APPLICATIONS?

19 A WE DIDN'T -- ACTUALLY, WE GOT IT THROUGH
20 OTHER PEOPLE. BUT WE NEVER MADE ANY OURSELF OR HAVE
21 KNOWLEDGE OF DOING THAT.

22 Q IS THIS A -- WHO IS HAGHIGHATGOO?

23 A HE'S A DOCUMENT PRODUCER.

24 Q DID YOU REFER YOUR CLIENTS TO HIM TO GET
25 DOCUMENTS?

1 A SOMETIMES TO HIM, YES.

2 Q WHEN YOU SAY "DOCUMENT PRODUCER," DID HE
3 PRODUCE FRAUDULENT DOCUMENTS?

4 A BASICALLY FOR -- AS YOU SAID, LIKE THE PEOPLE
5 WHO WERE HERE MORE THAN A YEAR BEFORE THAT '97 LAW
6 PASSED AND MAKE THEM DISQUALIFIED FOR ASYLUM -- WE
7 REALLY DIDN'T HAVE ANY OTHER CHOICE TO MAKE HIM QUALIFY
8 BUT TO MAKE SOME CHANGES EITHER IN SPELLING OR IN
9 THE -- LAST NAME TO MAKE HIM QUALIFIED FOR APPLYING FOR
10 ASYLUM HERE. AND WE WERE USING HAGHIGHATGOO AND SOME
11 OTHER PEOPLE LIKE THAT.

12 Q HE WOULD MANUFACTURE DOCUMENTS?

13 A YEAH. THEY USUALLY PROVIDED TO US.

14 Q HAVE ANY OF YOUR CLIENTS CLAIMED THAT THEY
15 WERE TAKEN ADVANTAGE OF BY YOU, THAT THEY DIDN'T KNOW
16 THAT YOU WERE GOING TO CHANGE THEIR STORY?

17 A YEAH, IT HAPPENED. BECAUSE SOMETIMES WHEN
18 I'M LIKE TRYING TO COME UP WITH THE STORY AND SINCE I
19 KNEW REALLY WHAT MADE HIM QUALIFIED AND HOW TO APPROACH
20 THAT, SOMETIMES I WAS FEELING THAT THIS IS NOT A
21 QUALIFIED STORY OVERALL. SO I TRIED EITHER EXAGGERATE
22 OR ELABORATE IT OR SOMEHOW QUALIFY.

23 Q WAS THE CLIENT AWARE THAT YOU WOULD DO THIS
24 FOR THEM?

25 A MOST OF CASES YES.

1 Q AND THEY WERE IN AGREEMENT?

2 A IN SOME CASES, THEY JUST TOLD ME LIKE
3 WHATEVER IS NECESSARY. SO REALLY TO THE LAST MINUTE
4 THEY DIDN'T KNOW.

5 Q DID ANYONE EVER DEMAND THEIR MONEY BACK FROM
6 YOU?

7 A THE PEOPLE WHO -- GRANTOR USUALLY NO, NEVER
8 BECAUSE THEY GOT WHATEVER THEY WANTED. BUT PEOPLE WHO
9 DENIED, THAT'S NATURAL. IF YOU DO WHATEVER SERVICES OR
10 BUY ANY MERCHANDISE YOU DON'T LIKE, THE RESULT, YOU TRY
11 TO, YOU KNOW, BLAME IT ON THE PERSON.

12 YEAH, THAT HAPPENED. BUT USUALLY I TRIED TO
13 TELL THEM, "I PAY FOR ALL THE LITIGATION COSTS. AND WE
14 DO EVERYTHING FOR YOU FREE." SO THIS WAY, THEY WERE
15 SATISFIED MOST OF THE TIME.

16 Q WHAT DO YOU MEAN YOU PAY THE LITIGATION COST?
17 YOU MEAN YOU'D FILE A NEW APPLICATION FOR THEM AND TRY
18 AGAIN?

19 A NO, NO. WHEN THE CASE IS WITH WORKING I.J.,
20 USUALLY THERE IS ANOTHER CHARGE. ALL THE OFFICES OR
21 ALL THE PLACES USUALLY CHARGE THE CLIENTS FOR THE
22 SECOND TIME BECAUSE THE FIRST ARGUMENT IS JUST FOR THE
23 INS PART, THE ASYLUM OFFICE.

24 SO THAT WAS LIKE SOME KIND OF PAYBACK TO
25 THEM. AND I TOLD THEM, "YOU DON'T NEED TO PAY ANY MORE

1 THINGS," TO KEEP THEM HAPPY.

2 Q DID YOU EVER GO WITH ANY OF YOUR CLIENTS TO
3 THEIR INTERVIEWS IN ANAHEIM?

4 A YES, I DID.

5 Q WOULD YOU PREPARE THEM WITH THEIR STORY
6 BEFORE THE INTERVIEW?

7 A YES, I DID.

8 MS. SCHIRN: THANK YOU. I DON'T HAVE ANY
9 MORE GENERAL QUESTIONS ABOUT THIS CASE. SO BEFORE I
10 ASK SPECIFIC ONES ABOUT THE CASES TODAY, I'D ASK IF
11 COUNSEL YUZEFPOLSKY HAS ANY GENERAL QUESTIONS.

12
13 COMMON QUESTIONS

14
15 BY MR. YUZEFPOLSKY:

16 Q GOOD MORNING, SIR.

17 A GOOD MORNING.

18 Q YOU TESTIFIED EARLIER THAT YOU CHARGED UP
19 TO -- FROM FREE TO 5- TO \$6,000. IS THAT CORRECT?

20 A THAT'S RIGHT.

21 Q DO YOU KNOW WHO HOJJAT IS? HOJJAT AZIMI.

22 A HOJJAT AZIMI, YEAH, SURE. I KNOW ALL HIS
23 LIFE STORY NOW.

24 Q WHAT ROLE DID HE PLAY IN YOUR OFFICE?

25 A WHAT YEARS? BECAUSE THAT'S A VERY LONG

1 STORY. FROM WHAT YEAR TO WHAT YEAR YOU'RE TALKING?

2 Q WHEN DID HE START --

3 A YOU'RE TALKING ABOUT YOUR CLIENT'S TIME OR --

4 Q NO. WHEN DID HE START WORKING IN YOUR
5 OFFICE?

6 A IT WAS SOMETIME IN '96.

7 Q WHAT WERE HIS RESPONSIBILITIES? WHAT DID HE
8 DO?

9 A GENERALLY, WHEN HE CAME TO ME, I JUST TRIED
10 TO HELP HIM BECAUSE HE WAS NOT LIKE A BRILLIANT PERSON
11 TO BE ABLE TO DO SOMETHING. BUT HE BEGGED ME. HE
12 DON'T HAVE A PLACE TO STAY. I TOOK HIM TO MY HOME.

13 I GAVE HIM A PART-TIME JOB FOR TWO DAYS. AND
14 THEN EVEN I GAVE HIM THE KEY FOR THE OFFICE TO SLEEP
15 BECAUSE HE DON'T WANT TO COME SOMETIMES TO MY HOUSE
16 AND -- YOU KNOW, FOR ANY REASON.

17 THEN EVERYTHING STARTED FROM THERE. AND THEN
18 I MADE HIM PART TIME -- FULL TIME LATER. BUT LATER ON,
19 ESPECIALLY IN THE LAST 30 DAYS, I FIND OUT THAT HE WAS
20 AGENT OF THE GOVERNMENT OF IRAN -- AND I HAVE PROOF OF
21 THAT -- WHICH SHORTLY I BRING IT TO THE NEWSPAPER AND
22 ALL THE MEDIA.

23 AND HE ACTUALLY SOLD ME BECAUSE HE DID
24 ROBBERY AND HELP MAKE ORGANIZATION WITH SOMEBODY IN
25 SAN FRANCISCO. AND THEN WHEN THE GOVERNMENT OF IRAN

1 FOUND OUT ABOUT THAT, HE SOLD ME TO THEM. HE TOLD THEM
2 THAT -- BECAUSE I HAD TRANSFORMED (SIC) THE GOVERNMENT
3 OF IRAN.

4 THEY CAME EVEN TO MY OFFICE. AND I TOLD THIS
5 EVEN TO THE JUDGE AND EVERYBODY ABOUT THIS STORY. ONE
6 DAY THEY -- SOMEBODY CAME AND SAID HE'S FROM OFFICE OF
7 INTEREST OF IRANIAN IN THE GOVERNMENT IN WASHINGTON.
8 AND THEY DON'T LIKE MY ACTIVITIES AND WHAT I DO.

9 AND I SAID, "I CAN'T HELP IT. I'M HURT." MY
10 FATHER WAS EXECUTED BY THE GOVERNMENT OF IRAN. HE WAS
11 A MILITARY COMMANDER IN IRAN. I WAS IN POLITICAL JAIL.
12 THEY SUSPENDED MY LICENSE -- ACTUALLY, REVOKED IT AFTER
13 REVOLUTION. SO I WAS HURT.

14 I TOLD THEM, "I DO WHATEVER." AND THEY TOLD
15 ME TO SHUT DOWN YOUR OFFICE. AND THE RESEARCHES THAT I
16 DID WITH SOME SOURCES IN EUROPE -- WE'RE GOING TO GET
17 SOME DOCUMENTS THAT HE'S AGENT OF GOVERNMENT IN IRAN
18 AND CAME HERE TO DESTROY ME.

19 AND IN THE OTHER HAND, THE FAMILY MEMBER THAT
20 HE HAD IN JAIL -- THEY GOT RELEASED BECAUSE -- THAT'S A
21 LONG STORY. I DON'T WANT TO GET TO THOSE DETAILS NOW
22 BECAUSE IT'S NOT THE SUBJECT AT THIS POINT.

23 AND THEN HE DID THE SAME THING WITH FBI. AND
24 HE HAD A FIVE YEARS' JAIL TIME, I BELIEVE, FOR -- I
25 FORGOT THE NATURE. FOR GAMBLING FRAUD OR SOMETHING

1 LIKE THAT. AND HE SOLD ME TO THEM TOO. AND THIS IS
2 WHAT I KNOW ABOUT HIM.

3 Q HOW LONG DO YOU BELIEVE HE WAS IN JAIL FOR
4 GAMBLING?

5 A I THINK -- I'M NOT SURE BECAUSE I THINK HE
6 GOT FIVE YEARS. BUT HE NEVER SERVED. HE MADE A DEAL
7 WITH FBI.

8 Q WHAT DID HE DO IN YOUR OFFICE? DID HE WRITE
9 POLITICAL ASYLUM APPLICATIONS? DID HE PREPARE CLIENTS?
10 WHAT DID HE DO IN YOUR OFFICE?

11 A BASICALLY HE WAS A MESSENGER. HE WAS -- JUST
12 BASICALLY REAL GENERAL THING LIKE IF SOMEBODY COMES IN,
13 BRING TEA; GO TO THE BANK -- THESE KIND OF THINGS.

14 Q DID HE EVER PREPARE CLIENTS?

15 A LATER ON, YES. BECAUSE HE START LEARNING
16 ABOUT THINGS AND -- ESPECIALLY I DID HIS ASYLUM TOO
17 SINCE HE WAS DEPORTED TO THE -- AND HE LOST HIS APPEAL.
18 SO I DID HIS ASYLUM. AND SINCE THEN HE START LEARNING
19 ABOUT THESE THINGS.

20 Q HOJJAT TESTIFIED YESTERDAY THAT YOU CHARGED
21 AS HIGH AS \$13,000 PER APPLICATION.

22 IS THAT INCORRECT?

23 A THAT'S TOTALLY INCORRECT. THE HIGHEST CHARGE
24 I EVER DID WAS 10,000. AND THAT WAS FOR SOMEBODY WHO
25 GOT HIS NON-IMMIGRANT VISA FIRST WHEN HE CAME TO THE

1 UNITED STATES. THEN FOR BOTH SERVICES -- FOR GETTING
2 GREEN CARD AND VISA -- I CHARGED -- AND THAT HAPPENED
3 JUST ONCE.

4 Q IF YOU COULD ESTIMATE, HOW MANY CASES OF
5 ASYLUM FRAUD DO YOU THINK YOU PARTICIPATED IN?

6 A WHAT'S THE DESCRIPTION OF FRAUD HERE?
7 BECAUSE IN MY OPINION, IF I SAVE SOMEBODY'S LIFE, IT'S
8 NOT FRAUD.

9 Q LET ME NARROW IT DOWN FOR YOU.
10 HOW MANY ASYLUM APPLICATIONS DID YOU SUBMIT,
11 KNOWING THAT EITHER THE DOCUMENTS WERE FALSE SINCE THEY
12 WERE MADE BY SOMEONE ELSE THAT YOU REFERRED THEM TO OR
13 THAT THE STORY WAS FALSE SINCE YOU MADE IT UP OR
14 ELABORATED ON IT? HOW MANY CASES --

15 A EXAGGERATION TOO?

16 Q YES.

17 A PROBABLY BETWEEN 50 TO 80 OR 85.

18 Q HOW MANY VISAS DID YOU PERFORM WHERE THE
19 DOCUMENTS YOU PROVIDED TO THE IMMIGRATION SERVICE YOU
20 KNEW WERE FALSE?

21 A YOU MEAN TO THE STATE DEPARTMENT?

22 Q CORRECT.

23 A PROBABLY SOMETHING BETWEEN 10 TO 20.

24 Q HOW MANY COUNTS OF IMMIGRATION FRAUD, FALSE
25 STATEMENTS, AS YOU TESTIFIED EARLIER, WERE YOU CHARGED

1 WITH, HOW MANY COUNTS?

2 A 99-PLUS.

3 Q WHEN YOU PROVIDED DOCUMENTS TO THE
4 IMMIGRATION SERVICE, THEY WERE PREPARED BY
5 MR. HAGHIGHATGOO? DID YOU KNOW THAT THESE DOCUMENTS
6 WERE FALSE?

7 A SOME OCCASION, YES. SOME OCCASION, BELIEVE
8 ME OR NOT, EVEN WE WERE NOT AWARE THAT THE CLIENT --
9 SINCE THE PEOPLE TALKED TO EACH OTHER, WHEN THEY COME
10 TO MY -- THEY CAME TO MY OFFICE, THEY KNEW WHAT TO TELL
11 ME.

12 AND IN SOME OCCASION, I REALLY DIDN'T KNOW
13 THAT THE DOCUMENTS THAT THEY HAVE IS NOT LEGITIMATE.
14 BUT IN SOME CASES I KNEW AND SOME NOT.

15 Q WERE THERE INSTANCES WHERE YOU FILED MORE
16 THAN ONE POLITICAL APPLICATION FOR CERTAIN CLIENTS?

17 A JUST ONCE -- NO. TWICE. SORRY.

18 YOU MEAN CHANGE NAME AND REFILE IT; RIGHT?

19 Q CORRECT. AFTER THEY HAD ALREADY BEEN DENIED.

20 A JUST IT HAPPENED ONCE. AND THE SECOND TIME,
21 HE FILED IT WITH SOMEBODY ELSE. THEN WE REFILED IT.
22 THAT WAS NOT THROUGH US. BUT I DID FILE JUST ONCE.

23 Q WHAT IS THE NAME OF THAT INDIVIDUAL?

24 A MASSOUD HOSSEINI.

25 Q BUT YOU ONLY FILED ONCE?

1 A I MEAN --

2 MS. SCHIRN: COUNSEL, I'D ASK THAT YOU NOT
3 MENTION THE -- TRY NOT TO MENTION THE RESPONDENTS'
4 NAMES IN THE GENERAL PART BECAUSE THIS IS GOING TO GO
5 INTO OTHER HEARINGS. AND IT'S GOING TO --

6 MR. YUZEFPOLSKY: OKAY. I JUST WANTED -- THE
7 REASON I ASK IS BECAUSE I WANTED TO MAKE SURE IT WAS
8 ONE OF MY -- ONE OF THE PEOPLE WE WERE DISCUSSING
9 BECAUSE IT COULD HAVE BEEN SOMEONE ELSE. I JUST WANTED
10 TO KNOW WHO WE WERE DEALING WITH. BUT I WILL NOT --

11 MS. SCHIRN: IT WILL MESS UP THE
12 TRANSCRIPT --

13 MR. YUZEFPOLSKY: RIGHT, RIGHT.

14 MS. SCHIRN: -- IF WE START MENTIONING
15 PEOPLE'S NAMES.

16 MR. YUZEFPOLSKY: THE REASON I ASK IS -- YOU
17 SEE WHAT I'M SAYING? IT COULD HAVE BEEN COMPLETELY
18 SOMEONE DIFFERENT. AND THEN IT DOESN'T CONCERN US AT
19 ALL.

20 Q SIR, WHEN YOU WENT TO ANAHEIM, YOU WERE
21 ACTING AS AN INTERPRETER. CORRECT?

22 A YES.

23 Q DID YOU TAKE AN OATH TO TRANSLATE --

24 A YES.

25 Q -- TO THE BEST OF YOUR ABILITY?

1 A YES, I DID.

2 Q AND ISN'T IT TRUE THAT SOMETIMES YOU CHANGED
3 PEOPLE'S STORIES --

4 A YOU MEAN --

5 Q -- TO THE ASYLUM OFFICER?

6 A VERY, VERY FEW TIMES. BECAUSE WE USUALLY --
7 IF THE PERSON WAS NOT READY, WE USUALLY DON'T TAKE THAT
8 PERSON FOR INTERVIEW IF HE'S NOT WELL PREPARED. SO IT
9 HAPPENED JUST VERY, VERY FEW OCCASION THAT SOMEBODY
10 JUST SLIPS AND SAY SOMETHING AND -- VERY FEW OCCASIONS.

11 Q SIR, WERE YOU UNDER THE INFLUENCE OF
12 NARCOTICS AT ANY TIME WHILE YOU OPERATED YOUR BUSINESS?

13 A FOR A WHILE, YES. BUT I WAS IN
14 REHABILITATION PROGRAM WHEN I GOT ARRESTED. I WALKED
15 INTO ONE CLINIC FOR -- I DON'T KNOW. I CAN PROVIDE YOU
16 WITH THE NAME OF THAT PLACE. SO ACTUALLY I CAN SAY IN
17 THE LAST FEW MONTHS, NO.

18 Q SIR, YOU JUST TESTIFIED THAT YOU GOT
19 ARRESTED. WHEN WAS THIS?

20 A FOR THIS CRIME OR --

21 Q I SEE. SO YOU'RE TALKING ABOUT THIS ARREST.
22 OR WAS THERE ANOTHER ARREST?

23 A BASICALLY I'VE BEEN IN JAIL IN THE
24 UNITED STATES JUST ONCE.

25 Q OKAY.

1 A AND THERE WAS ONCE A FAMILY DISPUTE WHICH
2 IS -- THE POLICE CAME. AND THEN IT GOT FINALIZED RIGHT
3 THERE. THERE WAS NO CLAIM FILED OR NOTHING LIKE THAT.

4 SO IF WE DON'T TALK ABOUT THAT ONE -- WHICH
5 WAS NOT AN ARREST AND WAS NOT EVEN A COURT OR NOTHING
6 LIKE THAT -- IT WAS JUST ONCE.

7 Q JUST THE IMMIGRATION COUNT?

8 A JUST THE IMMIGRATION.

9 Q YOU WERE NEVER ARRESTED FOR ANY NARCOTICS
10 VIOLATION?

11 A NO.

12 Q WHAT WAS THE PERIOD IN WHICH YOU WERE USING
13 DRUGS?

14 A GET HOOKED OR JUST LIKE SOCIAL? BECAUSE IT'S
15 TWO DIFFERENT WAY OF TALKING ABOUT THAT.

16 Q FIRST LET'S TALK ABOUT WHEN YOU WERE USING
17 DRUGS SOCIALLY.

18 A PROBABLY ABOUT '97 TO -- PROBABLY FOR A YEAR.
19 JUST ONCE IN A WHILE, ONCE IN A MONTH OR SOMETHING.

20 Q NOW LET'S TALK ABOUT WHEN YOU SAY YOU WERE
21 HOOKED. WOULD YOU SAY YOU WERE ADDICTED?

22 A YES.

23 Q WHEN WAS THAT PERIOD?

24 A PROBABLY FOR ANOTHER YEAR. AND THEN I WENT
25 TO THE PROGRAM FOR REHABILITATION. AND I WAS ALMOST

1 DONE. I DON'T RECALL EXACTLY HOW MANY DAYS I HAD LEFT.
2 BUT IT WAS TOWARDS THE END OF THAT.

3 Q WHEN YOU SAY IT WAS ANOTHER YEAR, DO YOU MEAN
4 '98 TO '99 OR '97 TO '98?

5 A NO. '98 TO LIKE BEFORE '99, SOMETHING LIKE
6 THAT.

7 Q SO YOU SAY YOU WERE ADDICTED FROM 1998 TO
8 1999?

9 A YES. ABOUT THAT, PROBABLY LESS.

10 Q WOULD YOU EVER SHOW UP TO YOUR OFFICE UNDER
11 THE INFLUENCE OF A CONTROLLED MIND ALTERING SUBSTANCE?
12 WOULD YOU EVER GO TO WORK UNDER THE INFLUENCE?

13 A NO. IT WAS USUALLY AFTER WORK.

14 Q HAVE YOU TAKEN ANY DRUGS IN THE 24 HOURS
15 BEFORE THIS DEPOSITION?

16 A NO.

17 Q WHAT SUBSTANCES WERE YOU ADDICTED TO?

18 A OPIUM.

19 Q EVER ADDICTED TO COCAINE OR ALCOHOL?

20 A NO. ALCOHOL, SOCIALLY. COCAINE, NO, NOT AT
21 ALL.

22 Q SO IF HOJJAT SAID YOU WERE ADDICTED TO
23 COCAINE AND ALCOHOL, HE WOULD BE WRONG?

24 A FOR SURE.

25 Q HAVE YOU EVER DISTRIBUTED OPIUM?

1 A NO. AND EVEN HOJJAT -- MANY TIMES HE SMOKED
2 POT AND ASKED ME TO SMOKE IT. I SAID, "I NEVER SMOKE
3 POT."

4 Q THANK YOU FOR BRINING IT UP.
5 WHAT DRUGS WAS HOJJAT TAKING?

6 A POT MOST OF THE TIME. HE'S A POTHEAD
7 BASICALLY IN MY OPINION. THAT'S WHY HE'S SO SLOW. AND
8 HE'S LIKE VERY LOW IQ. BUT HE WAS DRINKING. AND HE
9 WAS A HEAVY SMOKER, PROBABLY TWO PACK A DAY AT LEAST.

10 Q WAS HOJJAT EVER UNDER THE INFLUENCE OF
11 MARIJUANA WHILE HE WAS IN YOUR OFFICE?

12 A I THINK HIM AND HIS WIFE SMOKING IT ALL THE
13 TIME.

14 Q SO IS IT POSSIBLE THAT HE COULD HAVE BEEN
15 UNDER THE INFLUENCE OF MARIJUANA WHILE HE WAS WORKING?

16 A REALLY THE JUDGMENT IS HARD. BUT I CAN SAY
17 YES BECAUSE HE WAS SMOKING POT REGULARLY.

18 Q ISN'T IT TRUE THAT YOU SENT OUT ASYLUM
19 APPLICATIONS WITHOUT TELLING YOUR CLIENTS WHAT THE
20 CONTENTS OF THOSE APPLICATIONS WERE?

21 A AS I SAID, SOMETIMES IN THE LAST MINUTES, I
22 WAS FEELING IT SOMETHING WRONG. AND I SHOULDN'T DO IT.
23 IT'S NOT IN INTEREST OF THE CLIENT. SO I WAS CHANGING
24 IT AND THEN LATER ON TRIED TO EXPLAIN IT FOR WHAT
25 REASON THAT HAPPENED.

1 Q DID YOU TELL YOUR CLIENTS THAT LYING OR
2 EXAGGERATING WAS THE ONLY WAY THAT THEY COULD OBTAIN AN
3 IMMIGRATION BENEFIT?

4 A NOT IN ALL CASES. IN SOME CASES AS I SAID.
5 WHEN THERE WAS NO OTHER ALTERNATE WAY TO QUALIFY THEM,
6 YOU KNOW, AS I SAID -- SOMETIMES THEY COULDN'T APPLY
7 EVEN THROUGH GETTING MARRIED. THERE WAS NO WAY EXCEPT
8 JUST EITHER EXAGGERATE OR CHANGE SOME PART OF THE
9 STORY.

10 Q WOULD YOU SAY THAT HOJJAT IS AN HONEST
11 PERSON?

12 A HE'S ALWAYS NOT.

13 Q WOULD YOU SAY HE IS OR ISN'T AN HONEST
14 PERSON?

15 A FIRST OF ALL, HE'S A BANK ROBBER. OKAY. HE
16 ROBBED THE BANK AND INJURED SOME PEOPLE. AND THEN
17 AFTER THAT, HE FLED TO IRAN. AND THE GOVERNMENT OF
18 IRAN WANTED HIM. THAT'S WHY HE MADE AN AGREEMENT WITH
19 THEM AND WORKED FOR THEM AND SOLD ME TO THEM AND SHUT
20 DOWN MY OFFICE.

21 THAT WAS WHAT THE PERSON FROM EMBASSY, FROM
22 INTEREST OFFICE TOLD ME -- "IF YOU DON'T STOP, WE SHUT
23 YOUR OFFICE DOWN." AND THEY DID. AND HOW A PERSON CAN
24 BE HONEST WHEN I FEED HIM, WHEN I PAY HIM WITH ALL KIND
25 OF -- ANYTHING THAT HE NEEDS TO SURVIVE, BUY HIM

1 CARS -- I HAVE ALL THESE THINGS I DID.

2 I BOUGHT HIM THREE CARS. AND HE WAS SELLING
3 THEM. AND THEN HE TOLD ME, "OH, FOR THIS REASON, THE
4 CAR WAS NOT GOOD. I SOLD IT FOR \$100," FOR EXAMPLE.
5 HE WAS REAL DISHONEST WITH ME.

6 Q DID YOU --

7 A AND AS A MATTER OF FACT -- I HAVE TO MENTION
8 THIS. PROBABLY I SHOULDN'T MENTION THIS HERE. BUT I
9 HAD A LITTLE BIT OF CASH IN MY HOUSE.

10 AND AFTER I GOT RELEASED, I WENT TO THAT
11 PLACE. AND I COULDN'T FIND IT. AND HE WAS THE ONLY
12 ONE WHO KNEW ABOUT THAT AND MY MOTHER. MY MOM WOULD
13 NEVER DO THIS, STEAL SON MONEY.

14 Q SIR, WOULD YOU SAY IT'S AN ACCURATE STATEMENT
15 IF I SAID THAT YOU FABRICATED OR EXAGGERATED IN
16 98 PERCENT OF YOUR CASES?

17 A 98? TOTALLY WRONG, TOTALLY WRONG.

18 Q SO IF HOJJAT SAID YOU FABRICATED 98 PERCENT
19 OF YOUR CASES, HE WOULD BE WRONG?

20 A TOTALLY WRONG AND TOTALLY -- LET ME TELL YOU
21 THIS: WHEN I READ THE DISCOVERIES, I FOUND OUT SOME OF
22 THE PEOPLE WHO LIKED -- WHO HE LIKED -- HE NEVER TALKED
23 ABOUT THEM IN HIS REPORTS, IN HIS BRIEFS.

24 FOR EXAMPLE, IF A GIRL -- HE TRIED TO ASK THE
25 GIRL LIKE LYDA (PHONETICALLY SPELLED), WHO WAS

1 DEPORTED. HE LOVED THAT GIRL. AND EVERYBODY IN THE
2 OFFICE KNEW THAT. YOU CAN ASK THE OTHER EMPLOYEES TO
3 TESTIFY.

4 AND HE ASKED FOR DATE, AND SHE SAID NO. AND
5 THEN NOW SHE'S BEEN DEPORTED BECAUSE HE MADE A BIG CASE
6 OUT OF HER. THAT'S WHY I THINK PERSONAL THINGS WAS
7 INVOLVED TOO.

8 Q SIR, DID HOJJAT EVER WRITE ASYLUM STORIES?

9 A NO. HE WAS NOT THAT BRILLIANT. NO.

10 Q IF I TOLD YOU THAT HE TESTIFIED THAT HE HAD
11 WRITTEN STORIES BUT YOU JUST DIDN'T LIKE HIS WRITING
12 STYLE, WOULD THAT BE CORRECT?

13 A NO.

14 Q SIR, DID YOU HAVE RELATIONS WITH HOJJAT'S
15 WIFE?

16 A NO, NO.

17 Q WERE YOU ATTEMPTING TO GET CLOSE TO HOJJAT'S
18 WIFE?

19 A NOT AT ALL. THEY TRIED TO GET CLOSE TO ME
20 BECAUSE THAT WAS THE PLAN. I NEVER NEED THAT. NO, I
21 DIDN'T NEED. I HAD EIGHT, NINE PRETTY GIRLS WORKING
22 FOR ME. I HAD VERY GOOD SOCIAL LIFE. I NEVER NEED TO
23 GET CLOSE TO AN UGLY FEMALE WHO'S MARRIED.

24 Q SO IF HE SAID -- IF HOJJAT TESTIFIED THAT YOU
25 WERE TRYING TO GET CLOSE TO HIS WIFE, HE WOULD BE

1 WRONG?

2 A HUNDRED PERCENT.

3 Q SIR, WHEN YOU PREPARED YOUR CLIENTS FOR THEIR
4 ASYLUM INTERVIEWS, WAS HOJJAT PRESENT?

5 A PREPARING THEM?

6 Q PREPPING THEM.

7 A SOMETIMES. NOT ALL THE TIME.

8 Q DID YOU EVER TELL YOUR CLIENT -- HOJJAT THAT
9 YOUR CLIENTS WERE MEMBERS OF THE MUJAHEDDIN E-KHALQ?

10 A DID I TELL HOJJAT?

11 Q YES.

12 A NO. I WAS NOT AWARE. I HEARD FEW OCCASIONS
13 FROM HIM THAT HE SAID THAT. AND I SAID, "I USUALLY
14 DON'T INVOLVE MYSELF WITH THIS THING." I HELP IRANIAN
15 WHO FLED. THAT'S ALL.

16 Q SO IF HE TESTIFIED THAT YOU HAD TOLD HIM THAT
17 SOME OF YOUR CLIENTS WERE MEMBERS OF THE MEK, HE WOULD
18 BE LYING?

19 A A HUNDRED PERCENT. ONCE, ONCE, AND THAT'S
20 ALL. THEY HAVE IT ON THE TAPE TOO FROM ME. HE SAID,
21 "ARE YOU AWARE OF THIS, THIS, THIS ARE FROM MEK?"

22 I SAID, "I DON'T CARE. I'M AGAINST
23 GOVERNMENT OF IRAN. WHOEVER" -- I SAID THIS: "WHOEVER
24 IS ENEMY OF GOVERNMENT OF IRAN IS MY FRIEND. AND I
25 HELP THEM." THIS IS WHAT I SAID WITHOUT GOING THROUGH

1 THE DETAILS.

2 Q SIR, WHY DID YOU CHANGE THE NAMES ON ASYLUM
3 APPLICATIONS FOR SOME OF YOUR CLIENTS?

4 A OKAY. AS I SAID, THERE WAS NONE OCCASION
5 THAT I CHANGED IT FOR THE REASON OF CRIMINAL RECORD
6 BECAUSE NONE OF MY CLIENTS HAD CRIMINAL RECORD. AND
7 THAT'S -- I READ IT IN SOME STATEMENT THAT I DID THIS
8 FOR THIS PURPOSE, WHICH WAS NOT TRUE.

9 BUT I DID JUST TO MAKE HIM QUALIFIED FOR
10 ASYLUM WITH REGARDS OF THAT ONE-YEAR STATUS, YOU KNOW,
11 SOME REASONS LIKE THAT, JUST TO MAKE HIM QUALIFIED.

12 Q SIR, HAVE YOU EVER HELD YOURSELF OUT TO BE AN
13 ATTORNEY?

14 A NO.

15 Q DO YOU THINK YOUR CLIENTS THOUGHT YOU WERE AN
16 ATTORNEY?

17 A NO. ALL THE TIME ON MY BUSINESS CARD, I PUT
18 DOWN EITHER ADMINISTRATOR OR CONSULTANT, SOMETIMES EVEN
19 IN MY ADDRESS, TELEPHONE NUMBER IN ALL THE NEWSPAPERS.

20 Q WHAT WOULD YOU --

21 A I'M A LAW GRADUATE EVEN MORE THAN A LAW
22 SCHOOL. I HAVE MY MASTER IN INTERNATIONAL LAW. BUT IF
23 I ACT AS A LICENSED ATTORNEY IN STATE OF CALIFORNIA,
24 NEVER.

25 Q DID YOUR ADS ADVERTISE YOUR PRACTICE AS A LAW

1 OFFICE?

2 A WE HAD ANOTHER SECTION OF OUR OFFICE WHICH
3 WAS FUNCTIONING AS A LAW OFFICE. AND IN THAT SECTION,
4 THERE WERE A FEW ATTORNEYS WHO WERE DOING FEDERAL OR
5 STATE LAW.

6 SO IN THAT PART, THE ADVERTISING UNDER THEIR
7 NAME AND THEIR NAME ON THE DOOR, YES, WE WERE
8 FUNCTIONING AS A LAW OFFICE. AND I WAS ACTING AS
9 ADMINISTRATOR OF THE LAW OFFICE.

10 Q DO YOU THINK IT'S POSSIBLE THAT SOME OF YOUR
11 CLIENTS WERE CONFUSED OR MAYBE MISLEAD THAT YOU WERE
12 NOT AN ATTORNEY BECAUSE PART OF YOUR PRACTICE WAS A LAW
13 OFFICE?

14 A I DON'T THINK THAT'S SOMETHING THAT COULD
15 HAPPEN EASILY BECAUSE I HAD MY ADVERTISING; I HAD MY
16 ROOM; I HAD MY CALENDAR. AND WHEN THEY COME, THEY COME
17 TO ME. THEY NEVER ASK FOR SOMEBODY ELSE. PLUS, I
18 NEVER HEARD SUCH A THING.

19 PROBABLY IT HAPPENED. SOME PEOPLE ESPECIALLY
20 IF THEY ARE NOT REALLY EDUCATED -- THEY -- EVEN THEY --
21 SOME PEOPLE -- THEY THINK THESE PEOPLE WHO GET
22 SOCIAL SECURITY FOR THE OLDER LADIES -- THEY ARE
23 ATTORNEYS.

24 BUT THAT'S NOT MEANING THAT THEY TRIED TO
25 PRETEND AS AN ATTORNEY. THAT'S, I THINK, THE

1 INFORMATION OF THAT PERSON ABOUT. THERE IS NO
2 DIFFERENCE BETWEEN AN ATTORNEY OR A SOCIAL HELPER OR
3 THESE KIND OF THINGS FOR THEM BECAUSE THEY DON'T HAVE
4 THE KNOWLEDGE OF THESE THINGS.

5 Q SIR, AFTER YOU HAD CHANGED OR EXAGGERATED
6 SOME STORIES FOR CLIENTS AND SUBMITTED THE APPLICATIONS
7 WITHOUT THEIR KNOWLEDGE OF THESE CHANGES, AFTER THESE
8 PEOPLE COMPLAINED, WHAT WOULD YOU DO?

9 A EITHER I TRY TO CONVINCING THEM THAT THIS IS
10 FOR YOUR GOOD. OR IF THEY DIDN'T WANT TO DO THAT, WE
11 JUST WITHDRAW THE APPLICATION AND DO IT IN WHATEVER WAY
12 THEY WANTED.

13 Q ISN'T IT TRUE THAT ONCE YOU SUBMITTED THE
14 APPLICATION, YOU TOLD THEM THAT THEY HAD NO OTHER
15 CHOICE BUT TO GO ALONG WITH IT?

16 A WELL --

17 Q BECAUSE IF YOU WITHDREW THE APPLICATION, THEY
18 WOULD END UP IN FRONT OF THE IMMIGRATION JUDGE.

19 A I HAVE TO THINK BECAUSE I -- I TRIED TO COME
20 UP WITH THE REASON FOR THAT. AND IT MIGHT -- IT MIGHT
21 HAPPEN THAT I COULDN'T CONVINCING THEM.

22 MR. YUZEFPOLSKY: I HAVE NO MORE GENERAL
23 QUESTIONS.

24 MS. SCHIRN: JUST A COUPLE.

25 / / /

FURTHER COMMON QUESTIONS

1
2
3 BY MS. SCHIRN:

4 Q DO YOU FEEL THAT HOJJAT AZIMI BETRAYED YOU?

5 A YOU MEAN AS A -- I THINK HE BETRAYED THE
6 WHOLE COMMUNITY OF IRANIAN, NOT EVEN ME. I HELPED HIM
7 A LOT. THAT'S SOMETHING THAT EVERYBODY KNOWS IN THIS
8 TOWN.

9 WHEN HE CAME TO ME, HE WAS SLEEPING IN HIS
10 CAR. LATER ON I FOUND OUT THAT WAS THE INSTRUCTION OF
11 FBI. BUT I WAS NOT AWARE OF THAT. SO I TOOK HIM HOME.

12 AND AS A FRIEND, I PAID HIM. I GAVE HIM A
13 JOB, THIS, THIS, THIS. AND THEN HE TOLD ME THAT HIS
14 WIFE LEFT HIM. AND I DID A FREE DIVORCE FOR HIM. THEN
15 I DID A FREE ASYLUM FOR HIM.

16 WHEN YOU DO ALL THESE THINGS FOR SOMEBODY AND
17 YOU PAY HIM EVEN SALARY, I THINK WHEN HE TURN BACK AND
18 SELL YOU TO GOVERNMENT OF IRAN AND THEN LATER, FOR HIS
19 OWN GOOD, TO FBI, HE MUST BE A TWO-FACED PERSON --
20 THREE-FACED PERSON BECAUSE HE BETRAYED ME, GOVERNMENT
21 OF IRAN AND FBI. BECAUSE HE LIED TO FBI TOO. THE
22 THINGS THAT I HEAR NOW, HE'S A LIER.

23 Q DID HE SELL YOU OUT?

24 A FOR SURE.

25 Q ARE YOU ANGRY WITH HIM FOR THAT?

1 A NO, I'M NOT ANGRY. AS I SAID, HE SOLD THE
2 COMMUNITY OF IRANIAN. ALL THESE PEOPLE WHO FLED TO
3 SAVE THEIR LIFE -- IF THEY HAVE BEEN HERE AND THEY --
4 FOR SOME FINANCIAL REASON, THEY APPLY FOR ASYLUM AND I
5 TRY TO HELP THEM IS NOT MEANING THAT PERSON SHOULDN'T
6 BE HERE.

7 I TRIED TO HELP THE PEOPLE. AND HE DIDN'T
8 LIKE THE PEOPLE OF HIS OWN COMMUNITY. AS I SAID, HE --
9 HE TOLD YOU THAT I WAS DOING THAT. HE HAD A GIRLFRIEND
10 HERE. IT WAS AFRICAN AMERICAN GIRL. AND I GOT MY
11 PHONE BILLS. I ORDERED THEM.

12 I COME UP WITH THAT NUMBER TOO IN CASE THAT
13 WE GO THAT FAR TO -- HE TALKS A LOT ABOUT HE WAS HONEST
14 TO HIS WIFE. AND I TRIED TO DO SOMETHING WITH THIS.
15 BUT IT WAS ALL STORIES. BELIEVE ME OR NOT, IT WAS A
16 STORY.

17 Q WOULD YOU HAVE GONE TO JAIL WITHOUT HOJJAT'S
18 HELP TO THE FBI, WITHOUT THE INFORMATION HOJJAT
19 PROVIDED TO THE FBI?

20 A I THINK I DIDN'T DO BAD TO ANYBODY. I WAS
21 HELPING THE PEOPLE, WHOEVER -- FROM NORTH, SOUTH,
22 EVERYWHERE. THEY NEEDED HELP. I WAS PAYING THREE,
23 FOUR PEOPLE RENT.

24 Q I DON'T THINK YOU HEARD THE QUESTION.
25 DO YOU THINK THAT YOU WENT TO JAIL BECAUSE OF

1 THE INFORMATION THAT HOJJAT GAVE TO THE FBI?

2 A FOR SURE.

3 MS. SCHIRN: I DON'T HAVE ANY MORE GENERAL
4 QUESTIONS.

5 MR. YUZEFPOLSKY: CAN I ASK ONE MORE?

6 MS. SCHIRN: SURE.

7
8 FURTHER COMMON QUESTIONS

9
10 BY MR. YUZEFPOLSKY:

11 Q SIR, WHY DO YOU THINK HOJJAT GAVE YOU UP TO
12 THE FBI, IF YOU KNOW?

13 A BECAUSE HE HAD FIVE YEARS' JAIL. I FOUND OUT
14 HE -- I'M NOT SURE ABOUT THE YEAR. I KNOW HE HAD A
15 CONVICTION OF GAMBLING FRAUD IN VEGAS BECAUSE HE WAS A
16 DEALER, A CARD DEALER IN ONE OF THESE CASINO.

17 AND WHEN THAT HAPPENED, IT WAS EXACTLY AT THE
18 TIME THAT HE START -- I DON'T KNOW IF GOVERNMENT OF
19 IRAN SENT HIM TO MY OFFICE, WHICH MOST LIKELY HE DID.

20 AND HE USED ME AS A TWO-WAY BENEFIT. HE SOLD
21 ME TO THEM. AND HE SOLD ME TO FBI. AND NOW HE HAS A
22 GOOD LIFE. AND HIS FAMILY ARE RELEASED FROM JAIL IN
23 IRAN TOO.

24 MS. SCHIRN: ANY MORE GENERAL QUESTIONS?

25 / / /

1 BY MR. YUZEFPOLSKY:

2 Q SO YOU THINK IT WAS PART OF HIS PLEA BARGAIN
3 WITH THE GAMBLING CONVICTION THAT HE -- IF HE GAVE YOU
4 UP?

5 A NO. WHAT HAPPENED, WHAT I FOUND OUT -- I'M
6 NOT SURE ABOUT THIS PART. HE GOT CONVICTED SOMEHOW.
7 AT THE SAME TIME HE GO TO FBI AND TELL THEM, "I HAVE A
8 BIG FISH FOR YOU GUYS. JUST GIVE ME MY GREEN CARD,
9 CHANGE MY NAME OR COVER ME." AND THEN THEY HELPED HIM.

10 MR. YUZEFPOLSKY: NOTHING FURTHER.

11 MS. SCHIRN: WE'RE DONE WITH ALL THE GENERAL
12 QUESTIONS?

13 MR. YUZEFPOLSKY: YES.

14 MS. SCHIRN: WE'VE NOW COMPLETED ALL THE
15 GENERAL QUESTIONS THAT PERTAIN TO ALL FIVE CASES.

16
17 EXAMINATION

18
19 BY MS. SCHIRN:

20 Q MR. TABATABAI, I'M GOING TO ASK YOU SOME
21 QUESTIONS THAT SPECIFICALLY RELATE TO
22 MOHAMMED MIRMEHDI, CASE NO. A75-622-144. AND AS I
23 MENTIONED PREVIOUSLY, MOHAMMED MIRMEHDI IS PRESENT AND
24 SITTING AT THIS TABLE, FACING THE WITNESS.

25 SIR, DO YOU RECOGNIZE MR. MOHAMMED MIRMEHDI

1 WHO'S SITTING IN THIS ROOM?

2 A YES, I DO.

3 Q WAS HE EVER A CLIENT OF YOURS?

4 A YES, HE WAS.

5 Q WHAT KIND OF SERVICES DID YOU PROVIDE FOR
6 HIM?

7 A ASYLUM.

8 Q YOU FILED AN ASYLUM APPLICATION FOR HIM?

9 A YES, I DID.

10 Q DID HE HAVE A FEE CONTRACT WITH YOUR OFFICE
11 TO FILE ASYLUM FOR HIM?

12 A YES. ACTUALLY, I THINK IT WAS SIGNED BY
13 SOMEBODY ELSE FOR HIM. I DON'T REMEMBER. BUT HE HAD
14 AN AGREEMENT WITH US.

15 Q WAS THAT SIGNED BY HIS BROTHER?

16 A I THINK SO.

17 Q DID YOU AGREE TO TAKE ON ALL THE BROTHERS'
18 CASES AT THE SAME TIME?

19 A YES.

20 Q WERE YOU AWARE THAT MOHAMMED MIRMEHDI HAD
21 BEEN IN THE UNITED STATES FOR MORE THAN ONE YEAR WHEN
22 HE CAME TO YOU TO FILE FOR ASYLUM?

23 A YES.

24 Q DID YOU TALK TO HIM ABOUT THAT PROBLEM?

25 A I DON'T RECALL PARTICULARLY TALKING TO HIM OR

1 HIS BROTHER OR ONE OF THEM BECAUSE IT'S BEEN LIKE
2 THREE YEARS PROBABLY.

3 BUT I THINK FOR THE REASON OF ONE YEAR, WE
4 TRIED TO -- I THOUGHT THAT'S THE ONLY ALTERNATIVE -- TO
5 CHANGE THE SPELLING OF THEIR NAME. THAT WAS THE ONLY
6 REASON WHICH I OFFERED HIM.

7 Q DID YOU EVER MEET IN PERSON WITH
8 MOHAMMED MIRMEHDI TO PREPARE HIS CASE?

9 A YES.

10 Q HOW MANY TIMES DID YOU MEET IN PERSON WITH
11 HIM?

12 A I FORGOT.

13 Q DO YOU REMEMBER WHAT YOU DISCUSSED WITH HIM
14 ABOUT HIS CASE?

15 A I DON'T RECALL THE DETAIL AT ALL BUT -- OR
16 PARTICULAR STORY. BUT I KNEW THAT HE HAD SOME -- HE
17 HAD FEAR OF GOING BACK TO IRAN. THAT WAS FOR SURE.
18 THAT'S WHAT HE TOLD ME.

19 AND I TRIED TO COME UP WITH THE STORY TO
20 COVER THAT ONE-YEAR LAPSE. AND I TRIED TO TELL HIM
21 WHAT TO SAY AND ALL THIS.

22 Q DID YOU TELL HIM THAT YOU NEEDED TO CHANGE
23 HIS NAME ON HIS CASE?

24 A YES.

25 Q WAS THIS TO HIDE THE CONNECTION WITH HIS

1 BROTHERS?

2 A WHAT DO YOU MEAN? LIKE IT WAS FOR ALL OF
3 THEM OR WHAT?

4 Q TO SHOW THAT THEY WERE NOT BROTHERS, THAT
5 THEY WERE NOT ALL IN THE UNITED STATES.

6 A YEAH, I THINK I OFFERED THEM.

7 Q WAS MOHAMMED MIRMEHDI IN AGREEMENT WITH YOU
8 IN CHANGING HIS NAME ON HIS APPLICATION?

9 A I THINK THAT WAS MY OFFER TO CHANGE THE
10 SPELLING, NOT THE NAME. THE SPELLING IS DIFFERENT
11 THING. BUT ANYWAY, I KNEW THAT HE CAME -- I REMEMBER
12 THIS.

13 HE CAME ANYWAY THROUGH A SMUGGLER OR WITH
14 SOME KIND OF DOCUMENTS THAT -- I WAS THINKING THAT THEY
15 MIGHT HAVE THE RECORD OF THAT. THAT'S WHY I OFFERED
16 HIM TO CHANGE THE SPELLING.

17 Q ON THE APPLICATION THAT YOU FILED FOR HIM, IT
18 SAYS THAT HE ENTERED THE UNITED STATES IN MARCH 12,
19 '98, ILLEGALLY THROUGH THE MEXICAN BORDER.

20 DID YOU MAKE THAT UP?

21 A YES, MA'AM.

22 Q AND DID HE KNOW THAT YOU MADE THAT UP ON HIS
23 APPLICATION?

24 A I THINK WHEN I DISCUSSED THIS WITH HIM, I
25 TOLD HIM THAT'S PART OF THE THINGS THAT WE HAVE TO SAY.

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Q WAS HE IN AGREEMENT WITH THAT?

A I BELIEVE OR EITHER -- AT LEAST FOR SAVING HIS LIFE, PROBABLY HE HAD TO GO WITH IT.

Q DID MOHAMMED EVER COMPLAIN TO YOU AND SAY, "I WANT EVERYTHING ON MY APPLICATION TO BE TRUE. I DON'T WANT YOU TO MAKE ANY CHANGES"? DID HE EVER TELL YOU ANYTHING LIKE THAT?

A YEAH, HE DID. BUT I TOLD HIM, "OTHERWISE, YOU GET DENIED."

Q WHAT DID HE SAY WHEN YOU TOLD HIM THAT?

A I THINK THEN I DISCUSSED THIS WITH HIS OTHER BROTHER. HE CAME THERE TO SEE -- SOLVE THIS PROBLEM. THAT WAS LIKE BACK AND FORTH FOR A WHILE.

Q WHAT WAS THE RESULT? DID HE LET YOU FILE FOR HIM, THE APPLICATION?

A I DID THAT REGARDLESS. YES, I DID.

Q DID HE EVER TELL YOU NOT TO FILE IT THAT WAY AFTER YOU TOLD HIM THAT HE NEEDED TO; OTHERWISE, HIS APPLICATION WOULD GET REJECTED?

A I REALLY DON'T RECALL THAT. I KNOW THAT HE WAS DISPUTING ABOUT THAT. BUT I DON'T RECALL THE DETAILS OF THAT, WHAT HAPPENED AFTER THAT.

Q DID YOU HAVE HAGHIGHATGOO PREPARE A BIRTH CERTIFICATE TO FILE WITH HIS APPLICATION?

A YES. I SENT HOJJAT, ACTUALLY, I THINK, TO DO

1 THIS. I DON'T RECALL HOW I DID IT. BUT I THINK IT WAS
2 THROUGH HAGHIGHATGOO.

3 Q WAS MOHAMMED IN AGREEMENT WITH YOU GETTING
4 THE BIRTH CERTIFICATE FROM HAGHIGHATGOO? *

5 A THEY DIDN'T KNOW WHERE WE GET IT.

6 Q BUT WAS HE IN AGREEMENT WITH YOU PROVIDING
7 HIM WITH A NEW BIRTH CERTIFICATE?

8 A I THINK I TALKED WITH HIS BROTHER BECAUSE HE
9 WAS THE ONE -- THE OLDER BROTHER MUSTAFA, I THINK. HE
10 WAS THE ONE WHO USUALLY -- WAS LIKE THE OLDER ONE AND
11 COME FOR ALL THESE DISCUSSIONS. I DIDN'T DO IT WITH
12 HIM. *

13 Q THE BROTHER MADE THE DECISIONS ABOUT THE
14 CASES?

15 A I THINK I DID IT WITH HIM.

16 Q DID YOU EVER PREPARE MOHAMMED FOR AN
17 INTERVIEW IN ANAHEIM?

18 A YES.

19 Q DID YOU DISCUSS WHAT HIS STORY WAS GOING TO
20 BE, WHAT HE WAS GOING TO TELL THE ASYLUM OFFICER? *

21 A I TRIED TO EXPLAIN WHAT THE STORY WOULD BE.
22 AND BASICALLY, AS I SAID, I TOLD HIM, "IF YOU SAY THAT
23 YOU CAME LIKE FEW YEARS AGO" -- I DON'T RECALL THE
24 YEAR -- "THAT MAY PUT YOU IN TROUBLE." AND I THINK HE
25 WAS NOT REALLY -- SINCE HE WAS NOT REALLY HAPPY, I

1 DIDN'T EVEN GO WITH HIM TO THE INTERVIEW.

2 Q WHAT DO YOU MEAN BY "HE WASN'T HAPPY"?

3 A BASICALLY I THINK THAT HE TOLD ME THAT HE HAD
4 SOME PROBLEMS IN IRAN AND HE WANTS TO GO WITH THAT.
5 AND I SAID, "YOU MIGHT GET DENIED. NOT MIGHT, YOU SURE
6 GET DENIED BECAUSE OF THIS LAW PROVISION AND THIS
7 PROBLEM."

8 AND BACK AND FORTH HIS BROTHER COMING TO
9 DISCUSS TO SOLVE THIS PROBLEM. AND I REMEMBER THAT I
10 EVEN CHANGED THE APPLICATION BEFORE FILING, CHANGED IT
11 ONCE TOO.

12 Q WOULD HIS CASE HAVE BEEN DENIED IF HE CLAIMED
13 THAT HE WAS A MEMBER OF THE MUJAHEDDIN ON HIS
14 APPLICATION?

15 A AT THAT YEAR -- I DON'T KNOW WHAT YEAR WAS
16 IT, WAS IT BEFORE THAT LAW OR AFTER THAT LAW PASSED BY
17 THE STATE DEPARTMENT.

18 Q DO YOU THINK IF SOMEONE PUT THAT ON AN
19 APPLICATION NOW -- THAT THEY WERE PART OF THE
20 MUJAHEDDIN -- WOULD THAT APPLICATION GET DENIED?

21 A I THINK THAT'S ONE OF THE -- YES. IF THEY
22 ARE PART OF THIS ORGANIZATION, ULTIMATELY THEY ARE NOT
23 QUALIFIED FOR ASYLUM.

24 Q YOU SAID THAT YOU TALKED WITH MOHAMMED ABOUT
25 HIS INTERVIEW.

1 SO WAS HE AWARE OF WHAT YOU PUT DOWN ON HIS
2 APPLICATION?

3 A YES.

4 Q SO HE KNEW THE CONTENTS OF WHAT YOU FILED FOR
5 HIM?

6 A YES.

7 Q WAS HE IN AGREEMENT THAT HE WAS GOING TO GO
8 TO THE INTERVIEW AND TALK ABOUT WHAT YOU PUT IN HIS
9 APPLICATION?

10 A I THINK HE DIDN'T HAVE ANY OTHER CHOICE. AS
11 I SAID, HE DIDN'T LIKE IT. BUT I THINK I PROBABLY
12 SOMEHOW COERCED HIM TO DO IT.

13 Q WHAT DO YOU MEAN BY YOU COERCED HIM?

14 A BECAUSE THAT WAS THE ONLY CHOICE FOR THEM.
15 THERE WAS NO OTHER WAY.

16 Q .DID YOU PHYSICALLY THREATEN HIM? WHAT DO YOU
17 MEAN? WHAT DID YOU DO? EXPLAIN HOW YOU --

18 A NO, NO. I TRIED TO TELL LIKE -- NOT HIM. TO
19 ALL THE CLIENTS WHO DISAGREED.

20 Q SPECIFICALLY MOHAMMED. WHAT DO YOU MEAN THAT
21 YOU COERCED HIM? WHAT DO YOU MEAN BY THAT?

22 A I TELL HIM, "THIS IS THE WAY IT SHOULD BE.
23 IF YOU DON'T DO THIS, IF YOU DON'T SAY THIS, YOU'RE
24 GOING TO BE DENIED. IF YOU" -- BASICALLY I DON'T
25 RECALL THE DETAIL.

1 BUT I KNOW THAT HIM AND HIS BROTHER -- THEY * * *
2 WERE DISAGREEING WITH THIS. BUT I TRIED TO SHOW HIM
3 EVEN THE BOOKS THAT IF YOU HAD BEEN HERE MORE THAN A
4 YEAR, YOU GET DENIED. AND THAT'S IN BLACK AND WHITE.
5 THERE'S NO OTHER WAY TO DO IT.

6 Q DO YOU MEAN YOU JUST EXPLAINED TO THEM THAT
7 OTHERWISE, THEIR CASE WOULD BE DENIED?

8 A (INAUDIBLE RESPONSE.)

9 Q DID YOU USE ANY PHYSICAL PRESSURE ON HIM
10 THAT --

11 A NO.

12 Q DID YOU USE ANY --

13 A JUST EXPLANATION.

14 Q -- THREAT THAT SOMEONE WAS GOING TO HARM HIM
15 OR -- WERE YOU GOING TO HARM HIM?

16 A NO. PROBABLY EVENTUALLY IF HE GET DENIED AND * * *
17 GET DEPORTED, HE WOULD BE HARMED BY GOVERNMENT OF IRAN
18 BUT NOT IN UNITED STATES. I DIDN'T TELL HIM THAT YOU
19 GET HARMED OR SOMETHING.

20 Q WHAT WOULD YOU HAVE DONE TO HIM? WOULD YOU
21 HAVE DONE ANYTHING IF HE DECIDED NOT TO SHOW UP FOR HIS
22 INTERVIEW OR NOT TELL THAT STORY?

23 A NO, NO. I COULDN'T HARM HIM PHYSICALLY OR
24 ANY OTHER WAY.

25 Q DID YOU EVER TELL HIM YOU WOULD?

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A BUT HE MIGHT COME BACK FOR HIS MONEY.

Q DID HE EVER COME BACK FOR HIS MONEY FROM YOU?

A ACTUALLY, I HAVEN'T SEEN HIM SINCE THEN, THE FIRST TIME I'D SEEN HIM.

Q SO HE'S NEVER ASKED YOU FOR HIS MONEY BACK?

A I DON'T EVEN KNOW THE RESULT OF HIS INTERVIEW OR IF HE'S GONE OR NOT. I HAVEN'T SEEN HIM. I WAS ARRESTED.

Q SO YOU DON'T KNOW ANYTHING ABOUT WHAT HAPPENED TO HIS CASE OR WHAT HE DID OR --

A NO.

Q SO TO THE BEST OF YOUR KNOWLEDGE --

A THERE WAS NO WAY BECAUSE HE WAS IN JAIL, I HEARD. AND I WAS IN JAIL TOO.

Q SO TO THE BEST OF YOUR KNOWLEDGE, HE'S NEVER ASKED YOU FOR HIS MONEY BACK?

A NO.

MS. SCHIRN: THANKS. I DON'T HAVE ANY MORE QUESTIONS REGARDING MOHAMMED MIRMEHDI.

EXAMINATION

BY MR. YUZEFPOLSKY:

Q SIR, IS IT TRUE THAT MICHAEL WANTED TO TELL THE TRUTH ABOUT WHAT HAPPENED TO HIM IN IRAN?

1 MS. SCHIRN: OBJECTION. MICHAEL -- WE'RE NOT
2 TALKING ABOUT MICHAEL.

3 MR. YUZEFPOLSKY: I'M SORRY.

4 Q ISN'T IT TRUE THAT -- THANK YOU. I GOT HIM
5 MIXED UP.

6 ISN'T IT TRUE THAT MOHAMMED WANTED TO TELL
7 THE TRUTH ABOUT WHAT HAPPENED TO HIM IN IRAN?

8 A YEAH. AS I SAID, HE TRIED TO GO WITH HIS
9 STORY BECAUSE HE HAD DIFFICULTIES. AND IF I'M NOT
10 MAKING MISTAKE, HE WAS IN A POLITICAL INCARCERATION
11 BECAUSE OF HIS POLITICAL IDEAS. AND HE HAD FEAR TO
12 RETURN TO IRAN. THIS IS -- I'M SURE. BUT JUST BECAUSE
13 OF THAT ONE-YEAR THING, I TRIED TO COERCE HIM TO GO
14 WITH THAT.

15 Q I UNDERSTAND YOU DIDN'T MAKE ANY PHYSICAL
16 THREATS. BUT YOU'VE SAID, "IF YOU DON'T DO THIS, YOU
17 WILL BE DEPORTED AND SENT BACK TO IRAN"?

18 A YES.

19 Q DID YOU EVER TELL ANYONE THAT MOHAMMED IS A
20 MEMBER OF THE MEK?


21 A I WAS NOT AWARE OF THAT.

22 Q SO YOU NEVER TOLD HOJJAT --

23 A NEVER WE DISCUSSED, NO. HOJJAT TOLD ME ONE
24 DAY THAT -- HOJJAT TOLD ME ONE DAY THAT THESE BROTHERS
25 ARE SUPPORTING THIS ORGANIZATION. I SAID, "I DON'T

1 KNOW." I NEVER ASKED THESE THINGS FROM THE PEOPLE.

2 Q SO YOU NEVER TOLD HOJJAT?

3 A NO. 

4 Q WERE YOU AWARE THAT MICHAEL WAS SUPPORTING
5 THE NCR? MOHAMMED, MOHAMMED. I'M SORRY. BEFORE YOU
6 OBJECT AGAIN -- WERE YOU AWARE THAT MOHAMMED WAS
7 SUPPORTING THE NCR?

8 A I DON'T RECALL, NO. BECAUSE I WAS NOT AWARE
9 OF THAT.

10 MR. YUZEFPOLSKY: I HAVE NOTHING FURTHER.

11 MS. SCHIRN: SINCE I DON'T HAVE ANY QUESTIONS
12 ABOUT MOHAMMED MIRMEHDI, I SUGGEST THAT WE STOP THE
13 RECORD AND ALLOW MR. MIRMEHDI A CHANCE TO LEAVE THE
14 ROOM BEFORE WE GO ON TO THE OTHER RESPONDENTS.

15 (RECESS TAKEN.)

16 (WHEREUPON, THE DEPOSITION WAS
17 CONCLUDED AT 10:20 A.M.)

18 * * * * *

19 I DECLARE UNDER PENALTY OF PERJURY THAT
20 THE FOREGOING IS TRUE AND CORRECT.

21 EXECUTED THIS ____ DAY OF

22 _____, 2001.

23
24 _____
25 BAHRAM TABATABAI

EXHIBIT 30

DECLARATION

1. My name is Mehran Kamrava and I am a professor at Georgetown University in Qatar. I can testify to the below statements of my own personal knowledge.
2. As a Professor of Government, I specialize in the Middle East and in Persian Gulf Politics. I have been a professor for 32 years. I am fluent in Farsi. I have attached a true and correct copy of my CV as Exhibit A to this declaration.
3. In 2001, I was asked to review a document that was presented as evidence against the Mirmehdi brothers in their immigration proceedings.
4. I looked at the document again and my prior declaration, dated December 31, 2001, on October 10, 2023. I hereby reaffirm my prior statements as to the meaning of the document. The document appears to be a travel log for June 20, 1997. A true and correct copy of my prior declaration is attached as Exhibit B.
5. Unfortunately, I cannot appear in person at the November 8, 2023 hearing, as I have a prior commitment to travel and I will be in transit that day. However, should the Commission wish to pose any written questions, I will do my best to answer them in writing.

I declare under penalty of perjury that the foregoing is true and correct.

Signed at Washington, D.C., on October 10, 2023.



Mehran Kamrava

EXHIBIT A

MEHRAN KAMRAVA

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www.MehranKamrava.com

EXPERIENCE

July 2007-date	Professor of Government Georgetown University Qatar Campus
March 2020-date	Director Iranian Studies Unit Arab Center for Research and Policy Studies Doha, Qatar
July 2007-July 2020	Director Center for International and Regional Studies Georgetown University Qatar Campus
Aug 2009-Aug 2011	Interim Dean Georgetown University Qatar Campus
1997-2008	Assistant, Associate, and Professor of Political Science California State University, Northridge (CSUN) (Tenured in 2002)
Aug 2005-Aug 2006	Acting Chair, Department of Anthropology, CSUN
Aug 2002-Aug 2005	Chair, Department of Political Science, CSUN
Aug 1991-Aug 1997	Assistant and Associate Professor of Int'l. Studies, Rhodes College (Tenured in 1995)
Nov 1989-July 1991	Research Director, Institute for International Studies
Jun 1987-Sep 1988	Consultant, The Rand Corporation

EDUCATION

1984 to 1989	Ph.D. in Politics and International Studies University of Cambridge
1981 to 1984	B.A. in Political Science and History California State University, Northridge

RELATED EXPERIENCE

2014-date	Visiting Professor Graduate School of Economics and International Relations (ASERI) Catholic University of Milan Milan, Italy
Spring 2012	Visiting Professor Institut d'Études Politiques Sciences Po-Lyon Lyon-France
Aug 1998-Aug 2002	Graduate Coordinator Department of Political Science, CSUN

PUBLICATIONS

Single-Author Books:

Righteous Politics: Power and Resilience in Iran, Cambridge: Cambridge University Press, forthcoming in 2023.

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The “Resource Curse” in the Persian Gulf, London: Routledge, 2020.

The Great Game in West Asia: Iran: Turkey and the South Caucasus, New York: Oxford University Press, 2017.

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Miron Rezun. *Saddam Hussein's Gulf Wars: Ambivalent Stakes in the Middle East*, in *International Journal of Middle East Studies*, Vol. 26, No. 1, (February 1994), pp. 168-170.

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“Back to the Future in Iran: Political and Policy Implications of the 2021 Presidential Elections,” *Case Analysis*, Arab Center for Research and Policy Analysis, (June 28, 2021), pp. 1-5.

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CONTRIBUTION TO THE DISCIPLINE

Series Editor: Oxford University Press & Hurst Publishers, *Iran and the World*
Syracuse University Press, *Contemporary Issues in the Middle East*

Editorial Board Member: Cambridge University Press, *Elements in Middle East Politics*
Palgrave Macmillan, *Studies in Iranian Politics*

Journal Editorial Board: Iranian Journal of Political and International Studies
International Studies Review Journal of International Studies
Journal of Arabian Studies Political Strategy
National Interest Studies Third World Quarterly

Reviewer for Publishers: Blackwell; Bloomsbury; Cambridge University Press; Columbia University Press; Cornell University Press; Lynne Rienner; Northeastern University Press; Oxford University Press; Palgrave Macmillan; Polity Press; Princeton University Press; Routledge; Rowman & Littlefield; Syracuse University Press; SUNY Press; Temple University Press; University of California Press; and Westview.

Reviewer for Journals: American Political Science Review; Asian Politics & Policy; British Journal of Middle Eastern Studies; Comparative Politics; Conflicts and Change; Democratization; International Political Science Review; International Politics; International Spectator; Journal of Political and Military Sociology; Political Communication; Management Research News; Middle Eastern Studies; Politics and Policy; Research in Social Movements; Sociology of Islam; and Third World Quarterly.

Grant Evaluator: Economic & Social Research Council (UK); Social Sciences and Humanities Research Council (Canada); and, International Research and Exchange Board (US)

Albert Hourani Book Award Committee, Middle East Studies Association, 2009-2010

Book Award Committee, Chair, Association for Gulf and Arabian Peninsula Studies, 2017-2018

Program Committee, Middle East Studies Association, 2020

CONFERENCE PAPERS (1996-date)

“Why Iranians Vote? Legitimacy and Elections in the Islamic Republic,” American Political Science Association, Montreal, September, 2022.

“Iranian Foreign Policymaking in relation to the GCC,” American Political Science Association, Seattle, WA, October 2021.

“Institutions and Policy in Iran’s Relations with the GCC,” Gulf Studies Forum, Arab Center for Policy Research and Studies, Doha, December 2020.

“Iran and the United States: Neither War, Nor Peace,” Gulf Studies Forum, Arab Center for Policy Research and Studies, Doha, December 2019.

“From Urban Spaces to Global Cities: Assessing the New Port Cities of the Gulf,” Gulf Studies Forum, Arab Center for Policy Research and Studies, Doha, December 2018.

“Chronic Insecurity in the Persian Gulf: Causes and Consequences,” Gulf Studies Forum, Arab Center for Policy Research and Studies, Doha, December 2017.

“The State and the Changing Social Contract in the GCC,” Middle East Studies Association, Washington, DC, November 2017.

“The China Model and the Middle East,” International Studies Association, Baltimore, MD, February 2017.

“Regional Threat Perceptions and Security Dilemma in the Persian Gulf,” American Political Science Association, Philadelphia, PA, September 2016.

“State-Business Relations in Qatar,” State-Business Relations in Comparative Perspective, British Library, London, April 30, 2016.

“Small State Power Projection in the International Arena: The Case for Subtle Power,” International Studies Association, Atlanta, GA, March 2016.

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“Recalibrating Persian Gulf Security: Domestic versus Regional Challenges,” International Studies Association, New Orleans, LA, February 2015.

“Transformations to Palestinian Society Since the Oslo Accords,” American Political Science Association, Washington, DC, August 2014.

“Qatari Foreign Policy and the Exercise of Subtle Power,” Middle East Studies Association, New Orleans, LA, October 2013.

“The Evolving Ruling Bargain in the Middle East,” International Studies Association, San Francisco, CA, April 2013.

“Popular Perceptions toward Sanctions and the Nuclear Program in Iran,” International Studies Association, San Francisco, CA, April 2013.

“The Arab Spring and the Question of Nationalism,” International Studies Association, San Francisco, CA, April 2013.

“State-Building and Political Consolidation in Qatar,” Middle East Studies Association, Denver, CO, November 2012.

“High Modernism and the Limits of State Autonomy in Qatar,” International Studies Association, San Diego, CA, March 2012.

“The Power of Small States: Qatar in the Persian Gulf,” International Studies Association, Montreal, Canada, March 2011.

“The Perseverance of Rentierism in the Persian Gulf,” Middle East Studies Association, San Diego, CA, November 2010.

“Iran’s Regional Foreign and Security Policies,” International Studies Association, New Orleans, LA, February 2010.

“Re-Making the Persian Gulf: Qatar, the UAE, and the Changing Geopolitics of the Middle East,” Middle East Studies Association, Boston, MA, November 2009.

“Post-Reform Intellectual Discourses in Contemporary Iran,” Middle East Studies Association, Washington, DC, November 2008.

“Regional Security Dynamics in the Middle East: Trends and Prospects,” Turkish Military Central Command International Symposium, Istanbul, June 2008.

“Challenges and Opportunities of IR Research in the Persian Gulf,” Iranian International Studies Association, Tehran, May 2008.

“How Institutions Change: Lessons from the Middle East,” International Studies Association, San Francisco, CA, March 2008.

“Iranian Shi’ism at the Gates of Historic Change,” International Studies Association, Chicago, IL, February 2007.

“Modernization, Development, and Democracy in the Muslim World,” Research Triangle Institute Symposium on Global Tension Areas, Chapel Hill, North Carolina, April 2006.

“The Secular Modernist Discourse in Post-Khomeini Iran,” International Studies Association, San Diego, CA, March 2006.

“The Reformist Religious Discourse in Post-Khomeini Iran,” International Studies Association, Honolulu, HI, March 2005.

“The Conservative Religious Discourse in Post-Khomeini Iran,” Middle East Studies Association, San Francisco, CA, November 2004.

“Contemporary Shi’ite Scholarship in Iran,” Middle East Studies Association, Anchorage, Alaska, November 2003.

“The Muslim World’s Democracy Deficit in Comparative Perspective,” Barriers to Modernization and Democratization in the Muslim World, Center for Strategic and International Studies, Washington, DC, May & July 2003.

“Teaching the Palestinian-Israeli Conflict,” Global Ethics and Religion Forum, Northridge, CA, April 2003.

“The Politics of Weak Control: State Capacity and Economic Semi-Formality in the Middle East,” Middle East Studies Association, Washington, DC, November 2002.

“The Negative Equilibrium of Iranian Politics,” International Studies Association, New Orleans, LA, March 2002.

“The Question of Democracy in the Middle East,” International Studies Association, Chicago, IL, March 2001.

“Obstacles to Globalization in the Middle East,” International Political Science Association, Quebec, Canada, August 2000.

“State-Building in Azerbaijan: The Search for Consolidation,” International Studies Association, Los Angeles, CA, March 2000.

“The Semi-Formal Sector and the Turkish Political Economy,” Middle East Studies Association, Washington, DC, November 1999.

“The Politics of Weak Control: State and Economic Sectors in the Middle East,” American Political Science Association, Atlanta, GA, September 1999.

“Civil Society and Intellectuals in Iran,” Western Political Science Assoc., Seattle, WA, March 1999.

“Beyond the State-in-Society Approach: A New Framework for Comparative Analysis,” International Studies Association, Washington, DC, February 1998.

“The Political Economy of State-Society Relations in the Middle East,” International Studies Association-West, Claremont, CA, October 1998.

“The Armed Forces and the Character of the Middle Eastern State,” International Institute for Strategic Studies, Beirut, September 1998.

“Civil Society in Comparative Perspective: Lessons from Latin America & the Middle East,” University of Warwick Conference on Democratization and Civil Society, February 1996.

AWARDS AND GRANTS

2022-23	Faculty Research Grant, Georgetown University, Qatar \$20,000 for research on “Riyal Politics: A People’s Political Economy of the Middle East”
2021-22	Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “The Politics of Social Change in the Persian Gulf”
2020-21	Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “The Politics of Social Change in the Persian Gulf”
2019-20	Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “State Resilience in Iran”
2018-19	Faculty of the Year Award, Georgetown University, Qatar
2018-19	Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “Righteous Politics: Power and Legitimacy in Iran”

- 2015-18 Co-Lead Principle Investigator on National Priorities Research Program (NPRP) grant \$802,564 for research on “Safeguarding Food and Environment in Qatar”
- 2016-17 Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “Nation-Building in Central Asia”
- 2013-16 Co-Lead Principle Investigator on National Priorities Research Program (NPRP) grant \$600,000 for research on “Emerging Sectarian Fault Lines, Regional Security and the Arab Revolution”
- 2012-16 International Co-Investigator on Economic & Social Research Council (ESRC) grant £417,000 for research on “Renegotiating the Social Contract in the GCC: State-Business Relations and Reform in the Oil Rentier Monarchies”
- 2015-16 Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “Civil-Military Relations in the Middle East after 2011”
- 2013-14 Faculty Research Grant, Georgetown University, Qatar \$10,000 for research on “Re-Envisioning Security in the Persian Gulf”
- 2012-14 Co-Lead Principle Investigator on National Priorities Research Program (NPRP) grant \$667,000 for research on “The Domestic Effects of International Human Rights Treaty Ratification in the Member States of the GCC”
- 2012-13 Faculty Research Grant, Georgetown University, Qatar \$7,000 for research on “State-Building and the Two-State Solution in Palestine”
- 2009-11 Principle Investigator on National Priorities Research Program (NPRP) grant \$115,000 for research on “Conflict Resolution by Qatar and Saudi Arabia: New Roles in Regional Diplomacy”
- 2003-05 United States Institute of Peace \$30,315 for research on “Discourses in Iranian Shi‘ism”
- 2003-04 Faculty Research Competition, School of Social & Behavioral Sciences, CSUN \$4,000 for travel and fieldwork in Iran
- 2002-03 American Institute for Iranian Studies \$3,000 for travel and fieldwork in Iran
- 2000-01 International Research and Exchange Board (IREX) \$3,000 for travel and fieldwork in the Republic of Azerbaijan
- 1999-00 Faculty Research Competition, School of Social & Behavioral Sciences, CSUN \$4,500 for travel and fieldwork in Turkey
- 1997-98 Faculty Award in Outstanding Teaching, CSUN
- 1993-96 The J. S. Seidman Research Fellowship in Int’l Studies; Rhodes College \$10,000 annual support for various research projects (\$30,000 total)

MEMBERSHIP IN ASSOCIATIONS

American Political Science Association
International Studies Association
Middle East Studies Association

PERSONAL

Date of Birth: February 1, 1964
Marital Status: Married, two children
Citizenship: United States

EXHIBIT B

Declaration of Mehran Kamrava, PhD

I, Mehran Kamrava, do declare the following to be true and accurate.

The statements and analysis that follows are based on my expertise in Middle Eastern studies and Iran. I hold a PhD in Social and Political Sciences from the University of Cambridge. Working at the Rand Corporation as a Resident Consultant in Middle Eastern affairs upon graduation, in 1991 I was appointed as Assistant Professor of International Studies at Rhodes College in Memphis, Tennessee, where in 1994 I was promoted to the rank of Associate Professor. Since 1997 I have taught in the Political Science Department of California State University, Northridge, where I currently hold the positions of Associate Professor and Director of the Masters Program, as well as Assistant Department Chair. I have written seven books and sixteen journal articles, and have been invited to give presentations at numerous national and international conferences. In preparation for my publications, I have done extensive fieldwork in almost all Middle Eastern countries, including Iran. I am fluent in Farsi. I have written one article in Farsi, and, for my research, I routinely translate materials from Farsi into English and vice versa. Of my seven books, two deal specifically with Iran, two examine the nature of political and economic conditions in the developing countries, and the rest examine political phenomena from a more theoretical perspective. I have qualified as an Expert Witness in immigration hearings in Arizona, Tennessee, and California a number of times.

This Declaration, prepared on Monday, December 31, 2001, is based on my conversations with Mr. K. Thomas Li, attorney for Mr. Mirmehdi and on my own research and studies on Iran. I have also reviewed photocopies of a sheet that appears to be a log of some sort. Copies of this sheet, in both the Farsi original and in English, were given to me by Mr. Li.

This affidavit will address three issues: 1. The nature of the form(s) shown to me by Mr. Li; 2. The translation of the Farsi word "shabakeh", which appears on the forms; and, 3. The date that appears on the form and the events that occurred in Denver, Colorado, on that date.

1. The Nature of the Form:

The form appears to me to be a travel log of some sort. Prior to my conversations with Mr. Li regarding this case, I had never seen a form like this, and I cannot speak with certainty as to whether or not this is indeed a list of supporters or members of the Mujahedeen-e Khalq Organization of Iran (MEK). From my understanding of the MEK and my studies of the organization, however, the form does not appear to be a membership list. Instead, the form appears to pertain to a specific event on a specific date (30 Khordad 1376). In the Farsi original of the form, the date is printed on the form and is part of the form itself; information regarding the date is then hand-written in. It stands to reason that a membership list would not be specific to a particular date. Other printed items on the form, on the second row from the top, state: "Ticket Money" and "Travel Time", underneath which there are slots for "Departure" and "Return". The relevant information for departure and return of various named individuals on the form is then hand-written in the form. All of these indicate to me that the form is a travel log of some sort and not a membership list.

2. The translation of the Farsi word "shabakeh"

On top of the original Farsi version of the form, the word "shabakeh" appears. In the English translation of the form, the word "shabakeh" has been translated as "cell". I believe this is an inaccurate translation. The correct translation for "shabakeh" is network. Along with this affidavit, I am including photocopies of dictionary translations for the words "cell" and "shabakeh". According to *The Pocket Persian-English Dictionary*, the English translations of the Farsi word "shabakeh" are: net, rete, network, mesh, lattice, grating, grid, plexus, reticle, reticulation, gridiron, meshwork, trellis.¹ Regardless of whatever context the word "shabakeh" might be used in, "cell" is not a correct translation for it.

¹ Abbas Aryanpur-Kashani and Manoochehr Aryanpur-Kashani. *The Persian-English Pocket Dictionary*. (Tehran: Amir Kabir Publishing, 1983), p. 526.


Cross-referencing the word "cell" in an English-Persian dictionary, again the translation of "shabakeh" does not appear. Instead, the dictionary translates "cell" into the following words (in Farsi transliteration): sellol, pill, hasteh, kanun.²

The two specific dictionaries cited here are the ones I use for my own purposes. Besides these two, I have not consulted other dictionaries to see how they would translate the words "cell" and "shabakeh".

3. Events on 30 Khordad 1376

Iran uses a solar calendar. According to the *Khayyam Calendar Converter* Program (available online at <http://www.payvand.com/calendar/>), 30 Khordad 1376 corresponds to Friday, June 20, 1997. On this specific date, according to the *Denver Post*, "more than 1,000 political exiles from Iran gathered in Denver on Friday to send a message to the leaders of the summit – don't do business with Iran".³ The summit refers to the annual meeting of the leaders of the "Group of Seven" industrialized countries, which in 1997 was held in Denver, Colorado. As part of this affidavit I am including a copy of the *Denver Post* article, which I acquired online.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in Northridge, CA, on December 31, 2001.



Mehran Kamrava

² *Alborz Learner's Pocket English-Persian Dictionary*. (Tehran: Peykan Publishing, 1999), p. 64.

³ Kieran Nicholson. "Protesters Urge Boycott of Iran". *The Denver Post*. (June 21, 1997), p. A3.

Protesters urge boycott of Iran

Denver Post; Denver, Colo.; Jun 21, 1997; Kieran Nicholson *Denver Post* Staff Writer;

Sub Title: [Rockies Edition]
Start Page: AA, 3:3
Subject Terms: Demonstrations & protests
Economic summit conferences
Economic policy
Boycotts
Sanctions

Geographic Names: Iran
Denver Colorado

Abstract:
More than 1,000 political exiles from Iran gathered in Denver on Friday to send a message to the leaders of the summit - don't do business with Iran.

Chanting "No trade, no ties, no arms," supporters of the National Council of Resistance of Iran are calling for economic and political sanctions by the Group of Seven industrialized nations against their homeland.

"Economic ties raise money for the terrorist," said Ramesh Sepehrrad, press coordinator for the group. "We are here to encourage the leaders of the world to take serious action against the government of Iran."

Full Text:
Copyright Denver Post Jun 21, 1997

More than 1,000 political exiles from Iran gathered in Denver on Friday to send a message to the leaders of the summit - don't do business with Iran.

Chanting "No trade, no ties, no arms," supporters of the National Council of Resistance of Iran are calling for economic and political sanctions by the Group of Seven industrialized nations against their homeland.

Council backers claimed Iran uses capital raised from its oil exports to fund international terrorism and suppress its citizens.

"Economic ties raise money for the terrorist," said Ramesh Sepehrrad, press coordinator for the group. "We are here to encourage the leaders of the world to take serious action against the government of Iran."

On June 20, 1981, the Iranian government shot peaceful protesters in Tehran, killing hundreds and wounding thousands, council members said.

Friday's rally, at the state Capitol and along the perimeter of the secured Civic Center, was held on the 16th anniversary of the formation of the National Liberation Army of Iran, which wants to overthrow the current cleric-ruled government.

"You cannot be a state of God and do the devil's work," said U.S. Rep. Gary Ackerman, D-N. Y., and a member of the congressional international relations committee.

"Tehran's record of terrorism is no secret. Let Denver's Summit of the Eight be united against Iran's tyranny of the wicked," the congressman told the boisterous, flag-waving expatriates.

Rally participants said that an economic boycott can help bring down the Iranian government and a true democracy would be established.

"A free and fair election can only take place when all candidates can put their name on the ballot and not fear for their lives. That includes Mrs. Rajavi," Ackerman said.

Maryam Rajavi, president elect of the council, addressed the rally via satellite hookup from Iraq displayed on a large-screen television.

Should resistance succeed and the government be overthrown, Rajavi would lead a provisional government until elections are held, said Hussein Abedini of the council's foreign affairs committee.

The close of the 20th century will usher in democracy, peace and justice in Iran, Rajavi told supporters in Farsi, Iranians' native tongue.

Mohammad BahraniFarid and his family traveled to the rally from Ottawa.

He was at the June 20, 1981, Tehran rally with his brother, Mohsen, he said.

Mohsen was arrested, imprisoned for seven years because of his political beliefs and then executed, he said.

Now a taxi cab driver, Mohammad BahraniFarid said he escaped Iran in 1987 by crossing its mountainous border with Turkey.

"I would like to go back to Iran; the people need help there," Mohammad said.

However, he won't return until the country is free.

"We came here to ask for democracy."

[Illustration]

Caption: PHOTO: The Denver Post/Kent Meirels Iranian protesters carrying placards and banners chant at a rally at the Colorado state Capitol on Friday. Protesters want the industrialized nations participating in the Summit of the Eight to establish an economic boycott against Iran.

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64		65	
cease - fire		ceremonial	ceremonious
A	S: stop, end	ceremonial /sə'remɪniəl/ adj	ceremonious /sə'remɪniəs/ adj
B	cease - fire /si:z 'faɪə/ n.c.	census /sɛnsəs/ n.c.	chalk /tʃa:lk/ n.c. n.v.
C	ceaseless /si:zsləs/ adj	cent /sɛnt/ n.c.	challenge /tʃælɪndʒ/ n.c. v.
D	ceaselessly /si:zsləsli/ adv	centenary /sɛntɪ'nɛəri/ n.c. (pl)	chamber /tʃæmbə/ n.c.
E	ceaselessly /si:zsləsli/ adv	centenary /sɛntɪ'nɛəri/ n.c. (pl)	chamberlain /tʃæmbə'reɪn/ n.c.
F	celebrate /sɛləbreɪt/ v.	centennial /sɛntɪ'nɛɪniəl/ n.c.	chambermaid /tʃæmbə'meɪd/ n.c.
G	S: applaud, glorify	center (US) = (CENTRE) /sɛntə/ n.c.	chamber music /tʃæmbə'mju:zɪk/ n.c.
H	celebrated /sɛləbreɪtɪd/ adj	centimetre (US - meter) /sɛntɪ'mɪ:tə/ n.c.	chamber of commerce /tʃæmbə'ɒf kəmɜ:ns/ n.c.
I	celebration /sɛləbreɪʃən/ n.c. n.v.	centipede /sɛntɪ'pi:di/ n.c.	chance /tʃɑ:ns/ n.c. n.v.
J	celebrity /sɛləbrɪ'ti/ n.c. n.v.	central /sɛn'trəl/ adj	chalk /tʃa:lk/ n.c. n.v.
K	celestial /sɛlə'stɪəl/ adj	central heating /sɛn'trəl 'hi:tiŋ/ n.c.	challenge /tʃælɪndʒ/ n.c. v.
L	cell /sɛl/ n.c.	centralization /sɛn'trəlɪzə'seɪʃən/ n.c.	chamber /tʃæmbə/ n.c.
M	cellar /sɛlələ/ n.c.	centralize /sɛn'trəlaɪz/ v.	chamberlain /tʃæmbə'reɪn/ n.c.
N	cement /sɛmɪnt/ n.c.	centrally /sɛn'trəli/ adv	chambermaid /tʃæmbə'meɪd/ n.c.
O	celler /sɛlələ/ n.c.	centre /sɛn'tə/ n.c.	chamber music /tʃæmbə'mju:zɪk/ n.c.
P	cement /sɛmɪnt/ n.c.	centric /sɛn'trɪk/ adj	chamber of commerce /tʃæmbə'ɒf kəmɜ:ns/ n.c.
Q	celler /sɛlələ/ n.c.	ceramic /sɛrə'mɪk/ adj	chance /tʃɑ:ns/ n.c. n.v.
R	cement /sɛmɪnt/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chalk /tʃa:lk/ n.c. n.v.
S	celler /sɛlələ/ n.c.	ceramics /sɛrə'mɪk/ n.c.	challenge /tʃælɪndʒ/ n.c. v.
T	censor /sɛnsə/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chamber /tʃæmbə/ n.c.
U	censorship /sɛnsəʃɪp/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chamberlain /tʃæmbə'reɪn/ n.c.
V	censor /sɛnsə/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chambermaid /tʃæmbə'meɪd/ n.c.
W	censorship /sɛnsəʃɪp/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chamber music /tʃæmbə'mju:zɪk/ n.c.
X	censor /sɛnsə/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chamber of commerce /tʃæmbə'ɒf kəmɜ:ns/ n.c.
Y	censorship /sɛnsəʃɪp/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chance /tʃɑ:ns/ n.c. n.v.
Z	censor /sɛnsə/ n.c.	ceramics /sɛrə'mɪk/ n.c.	chalk /tʃa:lk/ n.c. n.v.

OCT-01-2001 12:59
SEP-27-2001 22:20



This is the alleged L.A. call list of mek on the Travel log that
was produced by mek associates in LA about the Denver
rally on June 20, 1997 which was conducted on Feb. 27,
2001 and was used against us after the Sept. 11 events

In Reply, Please Refer to
File No.

11000 Wilshire Boulevard #1700
Los Angeles, CA 90024

September 27, 2001

I, Behrooz Sarshar, a certified FBI Language Specialist (LS) in the Farsi
language, certify that the attached transcript, dated 09/27/01, is an accurate translation of a
copy of original evidence found in 1B93. Search on 2/27/01 at 12656 Marco Place, Los
Angeles, Room "N"

Behrooz Sarshar

LS Behrooz Sarshar
FBI

نام سرشبکه: انجمن اسلامی

R	نام نیرو	۳۰ خرداد ۷۶			پول بلیط		زمان حرکت	اسم لاتین	ملاحظات
		مثبت	منفی	مشروط	کل مبلغ	قسطن			
	شیرین کورنیا	+					شنبه ۱۹ شب ۹:۲۰	OREIZI NIAERALMOLOK	
۱۱	پرویز بیگی (مهندسین)							تایم بار و غیره در دسترس نیست	
۱۰	رامین عزیزان								
۱۵	ماهان سید محمد	+			نقد		پنجشنبه شب	MIRMEHDI Michael	
۱۴	مجیدی سید محمد	+	۱				"	MOJTABA MIRMEHDI	
۱۳	رامین سید محمد								
۱۲	محمد سید محمد	+					پنجشنبه	MIRMEHDI Mohammad	
۱۷	پرویز (مهندسین)								بار و غیره
۱۸	رامین عزیزان	+						Soghra Mina Khordadian	رامین عزیزان
					جمع تاکنون:		مثبت:	منفی:	مشروط:

۱۳۸۵-۰۱-۰۱-۰۱
 ۱۳:۴۱
 INS NET MIRA I NM
 ۹۸۲
 TOTAL P.05
 P.05

LA Cell Form

Name of the cell leader: Mahshid Salami										
Remarks	Name in Latin	Departure [Flight] Time		Ticket's Amount		Khordad 30th, 76			Manpower's name	R
		Return	Departure	Paid by instalment	Total Amount	Conditioned	Negative	Positive		
	Oreizi Naieralmolok	Friday 20 9:00 p.m.	Thursday 19 9:20 p.m.					+	Nayereh Oreizi	
Babak is in contact with	him. He'll tell him separately	"	"			Was contacted			Behrooz Basiji [unint]	1 1
									Ramin Faramarzi	1 2
	Mirmehdi Michael	Friday night	Thursday night		Cash	Prison		+	Michael Mirmehdi	1 3
	Mojtaba Mirmehdi	0				Prison			Mojtaba Mirmehdi	1 4
						Prison			Mohssen Mirmehdi	1 5
	Mirmehdi Mohammad	Friday night	Thursday night			Prison		+	Mohammad Mirmehdi	1 6
Mother [Unint ...]								+	Parvin (Ramin's mother)	1 7

INS MIRA LOMA

OCT-01-2001 12:59
SEP-27-2001 22:20

OCT-01-2001 12:59
SEP-27-2001 22:40

INS MIRA LOMA
199-21 44 5

P.04/05

Gone to Iran	Soghra Mina Khordadian	Friday night							+	Mina Morazzezi	1 8
Conditioned:	Negative:	Positive:	Current Totals							Totals	

TOTAL P.04