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NEWS > CRIME AND PUBLIC SAFETY

## San Fernando Valley-based Iranian brothers turn to international tribunals over U.S. detentions



1 of 2

Iranian nationals Mostafa Mirmehdi, not pictured, and his three brothers, from left, Mohsen, Mohammad and Mojtaba, at UCLA School of Law for a discussion on Mirmehdi v. United States. The brothers, all of whom live in the San Fernando Valley, were detained shortly after Sept. 11, 2001 for 41 months and were later released without being charged.



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Four Iranian brothers who live in the San Fernando Valley are asking two international tribunals to rule that they were unlawfully held on alleged immigration violations for more than 40 months shortly after Sept. 11, 2001.

The Mirmehdi brothers were detained on allegations that they were affiliated with a terrorist organization, though the men argued they had just attended a rally in Denver opposing the Iranian government and they have no terrorist involvement.

They have already filed claims asking for compensation and an apology but were rejected by the U.S. courts who said federal officials are immune from prosecution. But now with help from UCLA law students, they are asking the U.N. Working Group on Arbitrary Detention and the Washington, D.C.-based Inter-American Commission for Human Rights to take up their case.

The two human rights bodies do not have the legal authority to force the U.S. government to

compensate the brothers, but the Mirmehdis and their backers feel the groups could give them a form of justice by authenticating their claims.

“We do want some sort of monetary damages and compensation as well (but) the most important thing is that the court says that the U.S. government was wrong about us,” said Mostafa “Michael” Mirmehdi, 55, of Lake Balboa.

The brothers say they were “arbitrarily detained” in October 2001 and mistreated while held on the basis of a false allegation that they were members of a terrorist organization for which no criminal charges were ever filed. The brothers, who were denied political asylum more than a decade ago but are allowed to stay in the country for the time being, were released from detention in March 2005.

According to federal officials, the Mirmehdi brothers were found to have been subject to removal from the United States because they were in the country in violation of the nation’s immigration laws and subject to mandatory detention because of alleged affiliation with a terrorist organization.

The Mirmehdis’s troubles date back to 1998 when they applied for political asylum with the help of an attorney named Bahram Tabatabai, who falsified certain details in the brothers’ applications, according to a 9th Circuit Court opinion. After Tabatabai was arrested for immigration fraud in March 1999, he agreed to cooperate with federal authorities. As part of a plea bargain, he told federal authorities that the Mirmehdis were supporters of an Iranian terrorist group known as the Mujahedine-e Khalq (MEK) “though he later recanted,” according to the opinion.

The agents arrested the Mirmehdis for immigration violations in March 1999 and they were later released on bond. The other three brothers are Mohammad, 43, of Tarzana, Mojtaba, 51, of Encino, and Mohsen, 47, of Tarzana.

Immigration authorities, however, revoked the bonds in October 2001 largely based on a document known as the “L.A. Cell Form,” a handwritten piece of paper that the government maintained listed members, affiliates and supporters of the MEK but that the Mirmehdis and their attorneys say was just a list of attendees at a “constitutionally-protected, pro-democracy” rally in Denver in 1997. That rally was hosted by the National Council of Resistance of Iran, affiliated with the MEK, and attended by several members of the U.S. Congress, the brothers said.

The Mirmehdis have maintained that they are not members of the MEK nor any terrorist organization and officials detained them for as long as they did to try to get them to provide terrorist-related information about MEK members they did not possess.

The MEK was removed from the U.S. State Department list of terrorist organizations in 2012.

An FBI spokeswoman said it would be inappropriate to comment beyond the U.S. courts' decisions.

Immigrations and Customs Enforcement spokeswoman Virginia Kice declined comment on Tuesday, but she pointed to earlier statements made by her agency about the case.

“The Supreme Court has ruled that aliens may not be detained indefinitely when the United States is unable to carry out their removal,” Kice said in a written statement in 2005 after the brothers were ordered released from custody. “However, the law permits continued detention of individuals who pose an imminent threat to national security. Following a detailed analysis of all-important factors, there is insufficient basis to support continued detention of the brothers. One of these important factors is a judicial finding that, although they were associated with a terrorist organization, there was not enough evidence to connect the brothers to personally engaging in terrorist acts.”

When the Supreme Court rejected their case last year, there was no other avenue in the United States for the Mirmehdis, said Catherine Sweetser, an associate of the Venice-based law firm Schonbrun DeSimone Seplow Harris & Hoffman that has represented the brothers for years. The firm then asked the UCLA School of Law's International Human Rights Clinic for help in taking the course to the international arena.

“The first thing we're hoping for ... are opinions that vindicate our clients' position saying they were arbitrarily detained and experienced all these human rights violations under detention,” said E. Tendayi Achiume, instructor of the UCLA School of Law's International Human Rights Clinic and a Binder Teaching Fellow. “We're hoping that both tribunals will also make recommendations that ask the U.S. government to do several things ... award damages and some form of rehabilitation/compensation for our clients for the violations they suffered. In addition to that, we would like both tribunals to recommend that the U.S. government amend the laws that immunize governments agents that engage in this conduct from being held accountable.”

*This story was updated to indicate that MEK is no longer on the U.S. terrorist group list.*