



CATHERINE SWEETSER  
DIRECTOR, HUMAN RIGHTS LITIGATION CLINIC  
DEPUTY DIRECTOR, PROMISE INSTITUTE FOR HUMAN RIGHTS

SCHOOL OF LAW  
BOX 951476  
LOS ANGELES, CALIFORNIA 90095-1476  
Phone: (310) 267-5068  
Email: sweetser@law.ucla.edu

October 13, 2023

Tania Reneaum Panszi  
Executive Secretary  
Inter-American Commission on Human Rights  
Organization of American States  
1889 F St NW  
Washington, D.C., 20006  
United States of America

**Re: Summary of Arguments and Document Submission in *Mirmehdi vs. United States of America* (Case No. 14.543)**

Dear Ms. Reneaum Panszi:

In accordance with the letter from the Inter-American Commission on Human Rights (“Commission”) dated September 25, 2023, and the Guidelines for Hearings and Working Meetings of the Inter-American Commission on Human Rights, we are writing to summarize the main points that will be presented by the Petitioners and to submit necessary documents for the hearing regarding the merits in *Mirmehdi vs. United States of America* (Case No. 14.543), scheduled for 10:00 a.m. EST on November 8, 2023.

Petitioners request that two declarants testify during the hearing: Mostafa Seyed Mirmehdi (petitioner/witness to the arbitrary detention by the United States of America) and Mohsen Seyed Mirmehdi (petitioner/witness to the arbitrary detention by the United States of America). Dr. Mehran Kamrava, who was scheduled to testify in support of Petitioners, is no longer available to give oral testimony. Petitioners’ counsel will also present oral arguments.

During the oral presentation, Petitioners will demonstrate the following:

- The United States of America arbitrarily detained the four Mirmehdi brothers for forty-one months through misrepresented and recanted evidence and denied them a remedy for their wrongful detention in domestic courts due to their immigration status.
- The only piece of physical evidence used to detain Petitioners was a misrepresented document referred to as the “L.A. Cell List.” The document was a travel log for a 1997 demonstration in Denver, Colorado, that was held to call attention to human rights abuses in Iran and advocate for democracy in the country. The United States knowingly mischaracterized the document as a list of Mujahedin-e Khalq (“MEK”) agents in Los Angeles, intimidated a witness who had come to

testify on Petitioners' behalf (Bahram Tabatabai), and committed perjury. Using this document to detain the brothers and declare them terrorists criminalized the brothers' perceived political views and political expressions.

- In addition, prior to their detention, Petitioners worked as real estate agents. Although they continue to work in this field, their prolonged detention and the public information regarding their alleged association with terrorist groups decimated their client list, as well as their ability to obtain new clients. This ordeal has also resulted in the loss of friends and other personal connections, destroying the brothers' private lives. Furthermore, the petitioners suffered emotional and mental health impacts after their detention, such as depression, anxiety and sleeping problems.

These facts violated the following articles:

- The United States violated Petitioners' right to liberty under Article I of the American Declaration of the Rights and Duties of Man ("American Declaration") by revoking their bond and justifying their detention based on the presentation and use of falsified testimony and deliberately misconstrued evidence.
- The United States violated Petitioners' right to equality under law under Article II of the American Declaration by arbitrarily detaining them and denying them their right to bring claims related to their detention in domestic courts, on the basis of their national origin, and immigration status.
- The United States violated Petitioners' rights to freedom of opinion, expression, and dissemination of ideas, as guaranteed under Article IV of the American Declaration, by criminalizing their political expression and attempting to coerce them into ceding their right to political expression in return for their release from detention.
- The United States violated the Petitioners' rights under Article V of the American Declaration by damaging their professional reputations and personal lives as a direct result of their prolonged and arbitrary detention. Additionally, the petitioners have suffered serious mental health consequences such as depression, anxiety and sleeping problems, some of which have had to be treated medically.
- The United States violated Petitioners' right to basic civil rights and the protection of the courts, as guaranteed under Articles XVII and XVIII of the American Declaration (and the U.S. Constitution), when the U.S. Court of Appeals arbitrarily denied their claims. Petitioners were prohibited from being heard on the merits of their case, denied a satisfactory mechanism to protect themselves from violations of their fundamental rights, and overall denied appropriate redress for their wrongful detention.

- The United States violated Petitioners' rights to assembly and association under Article XXI and XXII of the American Declaration by detaining the brothers for participating in a peaceful assembly with fellow supporters of a legitimate political and cultural cause.
- The United States violated Petitioners' right to protection from arbitrary arrest under Article XXV of the American Declaration by revoking their immigration bond based solely on evidence state actors knew to be false. Moreover, Article XXV states that every individual deprived of his liberty has the right to contest the legality of his detention in court. U.S. courts violated this right by dismissing Petitioners' case based on their immigration status rather than the substance of their claims.
- The United States violated Petitioners' right to due process under Article XXVI of the American Declaration by using false and misrepresented evidence to revoke their bond and ultimately imprison them, undermining their right to a fair and impartial hearing, regardless of immigration status, and their right to be presumed innocent until proven guilty.

This case is part of an ongoing and increasing pattern by the United States to restrict the ability of immigrants and other marginalized groups to enforce their rights in courts and to create impunity for federal government officials that violate those rights. Courthouse doors are closing to non-citizens, who have a right to a remedy under international law.

Under international law, states are required to make reparations for any violation of an international obligation.<sup>1</sup> Reparation of the damage caused by the violation consists of full restitution (*restitutio in integrum*), which includes the reestablishment of the previous situation, reparation of the consequences produced by the violation, and adequate compensation.<sup>2</sup>

Based on the facts and arguments submitted in our pleadings, along with the arguments presented during the hearing, Petitioners will respectfully request that the Commission find that the United States of America has violated Petitioners' rights as enshrined in Articles I, II, IV, V, XVII, XVIII, XXI, XXII, XXV, and XXVI of the American Declaration. In addition, Petitioners will humbly request that the Commission instruct the United States to provide appropriate remedy, by:

1. Providing integral reparations to Mostafa Seyed Mirmehdi, Mohammad-Reza Mirmehdi, Mohsen Seyed Mirmehdi, and Mojtaba Seyed Mirmehdi as a consequence of the violations of their rights under the American Declaration.
  - a. Order monetary compensation to reimburse the Petitioners for the economic losses and the pain and suffering that they have endured through the actions of state officials.
  - b. Determine reparations that provide adequate remediation for the psychological and physical suffering suffered by the Petitioners as a result of the violations presented.

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<sup>1</sup> I/A Court H.R., Case of Velásquez Rodríguez v. Honduras. Case of Velásquez Rodríguez v. Honduras. Reparations and Costs. Judgment of July 21, 1989. Series C No. 7. párr. 7. Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949, pág. 184

<sup>2</sup> I/A Court H.R., Case of Aloeboetoe et al. v. Suriname. Case of Aloeboetoe et al. v. Suriname. Reparations and Costs. Judgment of September 10, 1993. Series C No. 15. párr. 45.

- c. Adjust Petitioners' immigration status to that of asylum, to allow them freedom of movement and other rights coterminous with a more permanent status.
2. Adopting concrete measures such as an investigation aimed at clarifying the facts surrounding Petitioners' unlawful and arbitrary detention, according to the standards set by the Inter-American System of Human Rights and the American Declaration.
3. Formally recognizing the wrongdoing and harm caused, including the arbitrary arrest, unlawful detention, lack of access to justice through U.S. courts, and resulting defamation of the Petitioners, through an official apology by a high-level official, along with the state officials that were involved in the harms carried out against the Petitioners. Such acknowledgements and apologies should be published in prominent local and/or national newspapers to help repair the Petitioners' reputations.
4. Carrying out an internal review of the laws, procedures, and practices of the United States at the federal, and, if applicable, state level to ensure that additional persons are not deprived of their liberty based on their immigration status or country of origin, and ensuring due process following the parameters laid out by both the American Declaration and the U.S. Constitution. In addition, considering the guarantee of non-repetition, the United States should train state officials, including those in the judiciary, according to these standards.

Please find attached an updated affidavit for Dr. Mehran Kamrava, who has submitted such in lieu of providing live testimony at the hearing, along with previous documentation, originally submitted with our "Additional Observations on the Merits," that we would like to further highlight for the Commission.

Sincerely,



Catherine Sweetser

Tessa Baizer

James Degen

Catherine Washington

Paula Angarita

Human Rights Litigation Clinic, UCLA School of Law