**Case Brief # 2**

**Legal Issues Counter-Terrorism**

[Submitted by]

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[Date]

**CASE BRIEF**

***Background of the Case***

In this case two of the major parties are involved;

1. People’s Mojahedin Organization of Iran
2. United States Department of State

The case which we are discussing provides the very first impression of these groups and how they sought to get the review of judicial basis about their particular designation. This was demanded through one and only State’s Secretary by FTOs (Foreign Terrorist Organization). This demand was made under the 302 Section which falls in the category of Anti-Terrorism and Effective Death Penalty Act (AEDPA) from the year 1996. However, these organizations were forbidden to raise any funding in United States as it was against the law to raise any supporting material for an organization that comes under an FTO. Another notice was issued by AEDPA that State Secretary should freeze any asset of United States which is for FTO (Daniel, 2017).

***Issues Presented Infront of Court***

Moving further, when the issue came in front of the court, it was argued by PMOI that State Secretary used those procedures for finding facts which actually made it difficult for them to use law for their support. It was argued because PMOI was given no prior notice that they have the chance to speak out for themselves. In addition to this, PMOI also argued that those pieces of evidence which were provided by the State Secretary were not solid and they did not provide any support which was substantial and could help in proving that the organizations were involved in any activities which can be labeled as ‘terrorist activities’. Therefore, it could not be proven that the security of the nation was at stake. In this case, security of nation is talked about in terms of economy of the nation, relation with foreign countries and other defense requirements of US (Jinks, 2000).

***Court Proceedings of the Case***

After hearing all the claims of PMOI, the result from the court came in. As per the court’s proceedings, the claims were rejected at the very moment. However, the organizations did not step down and continue trying. They argued how as per the Due Process Clause in the Constitution of US, the legal parties are not given permission to prohibit organization without a prior notice which gives them enough time period to understand and refrain from their ongoing activities. Similarly, without any notice the organization cannot be rejected. After this claim, the court took time to check the details and the realization was made that the record given to the court by State Secretary was not authentic and it was unusual (Jinks, 2000).

***Arguments of the Case and Findings***

Furthermore, the court ruled out the claim of the organizations by saying that as these organizations are not based in the United States, therefore, the clauses of US constitution do not apply to them. However, the court believed that some other way could be used for this case especially if it requires freezing all the assets (domestic) which these organizations have and are involved in this case. The second claim was later refused by the court. The reason which was provided was that the court cannot review the activities which these groups carried out and thus it cannot determine if these activities were any threat to the security of the nation. This was said because of the fact that the court is in no position to go through the foreign policy and review its decisions which are regarding the executives (Jinks, 2000).

***Ruling and Rationale***

The court announced that State Secretary can use any process to find out facts regarding the case as Section 302 does not say anything about which approach should be used by the Secretary. Therefore, both the claims were rejected. In addition to this, the court also ruled out that if State Secretary us claiming that something is a threat to the security of the nation, it is not subjected to any judicial review. Also, in the cases involving FTO, the cause of Due Process does not apply (Jinks, 2000).

**REFERENCE LIST**

613 F.3d 220, 392 U.S.App.D.C. 55

Daniel, J. (2017). Blacklisting Foreign Terrorist Organization: Classified Information, National Security, and Due Process. *University of Pennsylvania Law Review,* 166, 213-261.

Jinks, D. P. (2000). People’s Mojahedin Organization of Iran v. United States Department of State. *American Journal Of International Law,* 94(2), 396-400. DOI: <https://doi.org/10.2307/2555301>.