

## **IRAN'S SUPREME COURT REJECTS THE APPEALS OF AMERICAN CITIZENS SIAMAK NAMAZI AND BAQUER NAMAZI**

*Documentary on Iranian National Television Airs New and Fabricated Charges Against Them*

Washington, D.C. – American citizens Siamak Namazi and Baquer Namazi were each unjustly convicted and sentenced to 10 years in prison in Iran in October 2016. There have been two recent developments in their cases, which reaffirm the arbitrary character of their detentions and the extraordinary lengths to which the Iranian Government will go to try and justify its actions.

### **Supreme Court Rejects Appeals**

Today, it is being made public that Iran's Supreme Court has recently rejected both of the Namazis' appeals. By way of further background, both Namazis were unjustly convicted under Article 508 of the Iranian Criminal Code on charges of "collaboration with a hostile government," referring to the United States, in October 2016. On August 28, 2017, their first appeals were both rejected. In August 2018, the Namazis appealed those decisions to Branch 33 of the Iranian Supreme Court. The basis of their appeals were as follows:

First, Iran had asserted the validity of the 1955 Treaty of Amity, Economic Relations, and Consular Rights, or the "Friendship Treaty," between Iran and the United States in filing a claim against the United States in the International Court of Justice ("ICJ") in July 2018. It is a positional conflict for Iran to assert in the ICJ that it is in a state of friendship with the United States, while claiming to its own courts that it is in a state of hostility with the United States.

Second, a different branch of the Iranian Supreme Court (36) had explicitly ruled in October 2014 that "presently no government is in a state of hostility with Iran" and "political differences" are not the same as "hostility" within the meaning of the law. In that decision, the Supreme Court overturned a conviction (by the very same court that convicted the Namazis) of another person under Article 508, where the trial and first appeals court had also concluded the United States was a "hostile government."

And finally, both the Iranian Judiciary and Iran's Foreign Ministry have publicly confirmed that Iran is not in any state of "hostility" with any nation.

Notwithstanding these indisputable facts and legal precedents, in a very short ruling Branch 33 of the Iranian Supreme Court recently declared that the United States was in a state of "hostility" with Iran. It summarily rejected the Namazis' appeals, explaining without reasoning:

"Considering the hostile actions of the United States Government against the Islamic Republic of Iran such as the oppressive sanctions against the great people of Iran which recently has been reimposed . . . we have no doubt the United States Government being hostile and based on note to Article 25 of the Armed Forces Offenses Law the recognition of this topic [state of hostility] is with the court and in case of doubt, the National Security Council is the competent body for opining on this topic."

This new declaration by the Iranian Supreme Court could have far-reaching implications, if this position is maintained.

First, Iran will have a difficult time sustaining its claim that the Friendship Treaty remains in force in its arguments before the ICJ against the United States.

Second, there could be dramatic and extraordinary implications for Iranians and American-Iranian dual nationals. Specifically, anyone who works in the United States and pays U.S. taxes to the United States Treasury, receives assistance from U.S. funded universities, who are involved in scientific or academic studies in the United States, who accept invitations to attend seminars in Iran, or attend any conferences around the world are all vulnerable with being charged and convicted of collaboration with the hostile government of the United States. This could even expose family members of senior Iranian Government officials who live and work in the United States.

And third, this decision is inexplicable when juxtaposed next to the decisions of Branch 36 of the Supreme Court and of the Iranian Judiciary and Iran's Foreign Ministry as well as Iran's reliance on the Friendship Treaty in the ICJ.

It is important to emphasize that the Supreme Court in the Namazis' decision concluded that Iran's National Security Council, which is headed by President Hassan Rouhani, has the ultimate responsibility to clarify this question. As such, President Rouhani now cannot avoid taking responsibility for the detention of dual nationals like the Namazis, by claiming there is a separation of powers between the executive and judiciary. Indeed, the Supreme Court has made clear that it is President Rouhani and the National Security Council which must render a final decision. Since President Rouhani has on numerous occasions publicly claimed his desire to help the Namazis and other detained dual nationals but justifies his inability to do so due to separation of powers, he can now demonstrate his sincerity and end this ongoing injustice. It is unacceptable for Iran to claim "friendship" in the Hague and "hostility" in Tehran – and President Rouhani as the head of the National Security Council has the power to resolve this contradiction.

### **Major Documentary Aired on Iranian National Television**

In recent weeks, Iranian National Television aired a ten-part documentary depicting the so-called infiltration of Iran by the U.S. and British Governments, which included Iran's justifications for holding the Namazis (and others) captive.

The content of this documentary would make a great dark satirical comedy but for the fact the Iranian state is actually trying to get the Iranian people to believe some truly stunning lies. Over the course of numerous episodes, the documentary actually reported the Namazis are responsible for nothing less than:

- United Nations, U.S., and European sanctions against Iran (including on oil and medicine);
- Reducing the size of the Iranian population;

- Importing tainted birth control pills (the Namazis have never engaged in any trade activity with Iran of any kind let alone import of medicine);
- Promoting Christianity;
- Having members of Namazi family releasing the StuxNet virus in Iran's nuclear facilities; and
- Implementing Henry Kissinger's "plan" to reduce Muslim populations.

It is especially tragic that even the efforts of Siamak Namazi to try and secure the removal of sanctions on medicine and medical supplies for Iran has been twisted into his trying to impose and increase these sanctions. It is a public and verifiable fact that Siamak's efforts actually contributed to the reduction restrictions sending medicine and medical supplies to Iran.

Of course, none of the above outrageous allegations were ever made part of the "evidence" in the fictional cases against the Namazis that led to their unjust convictions.

These recent Supreme Court decisions and this documentary reaffirm the arbitrary process suffered by the Namazis and the highlight the absurdity of the false charges they have had to endure.

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