

**NAMAZIS FILE APPEALS WITH IRANIAN SUPREME COURT AND UN SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS**

Washington, D.C. – Iranian counsel to imprisoned U.S. citizens Baquer and Siamak Namazi have now lodged an appeal with the Iranian Supreme Court in response to a [July 2018 complaint](#) filed by the Government of Iran with the International Court of Justice (ICJ). The ICJ complaint alleges that the U.S., in re-imposing sanctions on Iran following its withdrawal from the JCPOA, violated the terms of the 1955 Treaty of Amity, Economic Relations, and Consular Rights, or the “Treaty of Amity,” between the two countries.

Iranian government officials have repeatedly reaffirmed the validity and applicability of the bilateral Treaty of Amity. On August 25, 2018, Laya Joneydi, Iran’s Vice President for Legal Affairs, stated: “The Treaty of Amity, [which was] signed in 1955, remains valid . . . as neither the U.S. nor Iran have formally declared their withdrawal [from the Treaty].” In addition to the July 2018 complaint, Iran has invoked the Treaty of Amity on multiple other occasions, including in its [2016 complaint to the ICJ](#) challenging U.S. court judgments fining Iran billions of dollars for its involvement in terrorism.

Given the Treaty of Amity, the Namazis’ appeal argues their convictions cannot legally stand because they were convicted for collaborating with the U.S., a “hostile” state. Yet, Article I of the Treaty of Amity says “[t]here shall be firm and enduring peace and sincere friendship between the United States of America and Iran.” Furthermore, in a ruling in a case identical to the Namazis’ in 2014, Iran’s Supreme Court explicitly stated that “no government [including the United States] is in a state of hostility with Iran” and that “political differences” are not sufficient to classify a state as “hostile.” It reversed the conviction of an Iranian under the very same law under which the Namazis were convicted because it found the U.S. could not be properly classified as a hostile state.

In addition, international counsel to the Namazis earlier today also [filed a complaint](#) with Diego García-Sayan, UN Special Rapporteur on the Independence of Judges and Lawyers. It requests that he begin an investigation into the Namazis’ detention emphasizing that (1) Iran’s reliance and recognition of the Treaty of Amity prevents it from legally sustaining the conviction of the Namazis, and (2) the judiciary in Iran clearly cannot be independent or impartial because it was the very same judge and appeals court in the 2014 case whose finding that the U.S. was a hostile state had been reversed. Thus, in light of Iran’s affirmation of the validity of the Treaty of Amity as well as the Supreme Court prior precedent, those courts should have no choice but to acquit the Namazis.

Jared Genser, international counsel to the Namazis, stated:

We expect that, given the Government of Iran’s confirmation of the validity of the Treaty of Amity, the Iranian Supreme Court will overturn the Namazis’ conviction. Iran cannot, on the one hand, invoke the Treaty of Amity when filing complaints against the U.S. with the ICJ, and then, on the other, classify the U.S. as a “hostile” government in order to

sustain these convictions. Should Iran's Supreme Court choose to uphold the Namazis' convictions, it will in effect negate the Iranian government's assertion about the validity of the Treaty of Amity – which would seriously undermine its claims the ICJ has jurisdiction to hear Iran's complaints against the United States and could lead to the ICJ dismissing these complaints.

Unfortunately, it is impossible to predict when or if Iran's Supreme Court will rule on the Namazis' appeal, though in response to the complaint filed to the UN, under its ordinary procedures, a letter should be sent to Iran in the coming weeks asking for its response to the allegations made in the submission.

**Contact:**

Jared Genser  
[jgenser@perseus-strategies.com](mailto:jgenser@perseus-strategies.com)  
+1 (202) 320-4135