

I decided to make the main parts of my verdict and summary of my defence public in order for people to know how and why I was sentenced accusations I have countered with real evidence that I believe will prove my innocence. Let them be recorded in history, which is the best judge.

Amir Raeisian Firouzabadi
Attorney at law and legal advisor [REDACTED]
Tehran, Islamic Republic of Iran
December 2020

Dear Head of Court of Appeal of Tehran Province

With compliments and respect,

By proxy, you are hereby informed that:

My client, Mr. Kameel Ahmady, son of Karim, holder of National ID No. [REDACTED], and Birth Certificate No. [REDACTED], issued in [REDACTED], objecting the written judgment No. --- issued by Division No. 15 of Tehran revolutionary Court on Nov. 14, 2020, served on Dec. 12, 2020, and appealing and quashing the issued judgment.

The reasons for appeal, based on non-observance of the provisions of clauses A, B, and C of Article 434 of criminal procedure, are hereby submitted:

I expressed my detailed defences in the initial plea regarding dismissing the charge of the accused, but the written judgment to which we now object was drawn up without considering the petitions and defences. Therefore, on the strength of clauses A, B, and C of Iranian criminal law procedure, and while objecting and criticising the issued award and appealing, I hereby express some of the defences mentioned in the initial plea for your enlightenment. We wish the honourable judges and counsellors at the appeal court to consider via this petition the necessity of protecting the lawful/sharia and legal rights of citizens.

A- Procedural Objection

The accusation of Clause D (Keeping shocker) has not been explained/charged to the principal/accused either at the public prosecutor's office stage or in court. Although the investigator mentioned it in the public prosecutor's office, since the mentioned accusation is grade 7, they have not explained this accusation. As we can see in the bill of indictment No. [REDACTED] dated Feb. 10, 2020, three accusations have been explained and became the subject-matter of the bill of indictment.

Therefore, the issuing of a judgment for conviction of the accused on the basis of these additional accusations has no legal validity. Further, according to the fact that grade 7 punishment is added up to higher grade punishments and is not an example of plurality, the accusations against the accused,

assuming they be proved, comprise not more than three items; therefore, his minimum legal punishment shall be equal to the average of the minimum and maximum punishments (as per article 134 of the penal code). It means that the minimum punishment for the crime of cooperation with the hostile government by assuming the plurality up to 3 crimes shall be 5 years and 6 months (the average of 1 year and 10 years).

By virtue of the Note of Article 18 of the Islamic penal code (article 2 of law for reducing the punishments approved in 2020), the court may pronounce a judgment more than the minimum punishments (five years and six months in the matter on hand) if its reasons are explained; but no reason is mentioned in the written judgment.

B- Nature of our Objection

Dear counsellors at law of the court of appeal

Since the initial perception and recognition of the nature and characteristics of the client has a significant effect on the interpretation of the investigation, please allow me to scrutinize some points to prove that the accused is not a threat to security. Basically, he is an ordinary and common citizen and, being a scholar and researcher, at the same time we need to include this in consideration of whether he has more entitlement to be trusted and of good character than ordinary citizens. If we consider and pre judge him as a threat to security, the truth and nature of his behaviour may be misjudged and may not be revealed.

Dear Sirs,

By considering the written judgment to which we object, we understand that after mentioning the records of the accused under the title of "Execution of the project of the HIVOS subversive foundation", the verdict said that:

"After investigating the documents about Kameel Ahmady, we understood that he performed a Female Genital Mutilation (FGM) Project in Iran with the support of HIVOS institute during 2011-2015, with a budget of 200,000/- Euros. In another words, Kameel Ahmady was the director of the HIVOS subversive institute's project in Iran with a budget of 600,000 Euros from 2012 to 2016.

After the above sentence on pages [--] to [--] of the issued written judgment, the court decreed the documentation to prove this cooperation. After addressing some documentation (the accuracy and reliability of which we agree), the act of cooperation with a foreign foundation was deemed to be proven, but we must address the second element of the accusation, which alleges that the cooperation is an "Anti-Security" cooperation, as claimed in the following sentence:

"It is important to note that female genital mutilation is considered a form of Violence Against Women (VAW) and international institutes invest a huge budget on this subject.

“For example, the 2030 Sustainable Development Goal Agenda is one example of the propagation of western culture and civilization. Clause three of the fifth goal of which (Eradication of all harmful practices such as early child marriage (ECM) and Female Genital Mutilation (FGM)) explicitly speaks about female genital mutilation and obliges the countries to perform activity in pursuit of this goal. The 2030 Agenda is considered by the Iranian courts to be an example of destabilising national security and that Agenda emphasizes the subject of female genital mutilation; pursuing any goals of this Agenda is therefore considered to be taking action against Iranian national security. Moreover, the budget of this project was financed by the HIVOS subversive foundation, one of the well-known institutes active in the field of subverting the Islamic Republic of Iran, and cooperation with this foundation is considered as cooperation with a foreign hostile government and against Iranian national security.

“Generally, it can be said that Kameel Ahmady undertook the female genital mutilation project with the objective of implementation of the goals of 2030 Agenda, against interior and national security, and with funding from the HIVOS subversive institute.”

We can therefore conclude that the summary of the written judgment is as follows:

- a- The accused person has cooperated with HIVOS Foundation.
- b- The accused person put his effort into the implementation of the goals of 2030 Agenda.

Following on from this, the rest of the written judgment discusses why the HIVOS foundation is considered to be a subversive foundation, i.e., since the executors of the subversive decisions are western governments, cooperation with them is not different from cooperation with a subversive government. Particularly, the Government of the USA is adjudicated to be a hostile government at the end of the written judgment, using some reasoning not mentioned herein, and so cooperation is perceived to be cooperation with a hostile government.

Therefore, the reasoning sequence of the written judgment is that at the beginning, the “Cooperation” itself and then “its quality” (anti-security cooperation) has been explained. In further sections, “the cooperating party” and finally, “the hostility” of the government has been mentioned in the form of a foundation.

I want to draw your attention to one important pillar of this reasoning structure, with a short explanation that its absence/lack proves the innocence of the accused that is the “Anti-security description” of the cooperation. It is evident that if the cooperation with a hostile government has no basis as an "Anti-security" measure, other issues will also have no importance and objectivity. Although proving this issue needs no reasoning and in the text of Article 508 of the Islamic penal code, the quality of cooperation is bound/limited to the fact that it is “against the I.R. Iran”.

Article 508 – any person or group cooperating with hostile foreign countries in any manner against the I.R. Iran, will be sentenced to one to ten years of imprisonment in instances where there is no belligerence (person convicted of Muharaba).

In order to prove that such cooperation is not against the I.R. Iran, and it is not criminal cooperation, a common and obvious example is the military cooperation in the highest levels against criminals and terrorists such as ISIS in July 2017 in the Mosul liberation operation, and/or cooperation against Taliban terrorists in October 2001.

These authorized collaborations have been done not only against a common enemy but also in the spirit of Humanitarian goals in the form of the Red Cross and Red Crescent. Therefore, by considering the claim that the cooperation must be against the I.R. Iran, you are kindly requested to have a look at the summary of the reasoning mentioned in the written judgment:

“Since the 2030 Agenda is considered an example of destabilizing national security and emphasizes the subject of female genital mutilation; pursuing any goals of this Agenda is considered taking action against national security. Moreover, the budget for this project was financed by the HIVOS subversive foundation, one of the well-known institutes active in the field of subverting the I.R. Iran, and cooperation with this foundation is considered as cooperation with a foreign hostile government and against national security.

“Generally, it can be said that Kameel Ahmady carried out research on female genital mutilation in alignment with implementation of the goals of 2030 Agenda, against Iran’s interior and national security and with a budget from the HIVOS subversive institute.”

Some of the objections to this reasoning are as follows:

- a- 2030 Agenda was approved in 2015, and on the strength of the present written judgment, the cooperation of the client was during 2011-2015. It means that the research cooperation started and ended before approval of 2030 Agenda. Therefore, the work undertaken by Kameel Ahmady cannot be relevant to the implementation of the mentioned Agenda.
- b- The supreme leader of Iran criticized this Agenda for the first time in Iran on May 02, 2017, and we cannot call to account the accused for an action that was not forbidden up to 2016 on the strength of the policies declared in 2017. This act is a clear example of the improper use of irrelevant punishment. The accused cannot be expected to know about and understand the security consequence of this Agenda even before the security institutions did so. The security agencies themselves paid attention to this Agenda only after the warning of the supreme leader.
- c- The supreme leader explicitly declared that he opposed the parts of this agenda that are relevant to the "education system" which dose interference of other countries in educational policymaking. FGM, which is already a condemned tradition in some regions of Iran, is

already criticized by all Iranian state policymakers. Even if combating FGM is mentioned in the advice of the 2030 Agenda, aversion to this Agenda does not give rise to permitted performance of this harmful tradition. The critique of the supreme leader regarding the mentioned Agenda is not relevant to FGM. If we look at the explanation of the supreme leader regarding the risks of 2030 Agenda quoted from the official website of the supreme leader (Khamenei.ir):

United Nations

A/RES/70/1



General Assembly

Distr.: General
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Seventieth session
Agenda items 15 and 116

Resolution adopted by the General Assembly on 25 September 2015

[without reference to a Main Committee (A/70/L.1)]

70/1. Transforming our world: the 2030 Agenda for Sustainable Development

The General Assembly

Adopts the following outcome document of the United Nations summit for the adoption of the post-2015 development agenda:

Transforming our world: the 2030 Agenda for Sustainable Development

Preamble

This Agenda is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom. We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development.

All countries and all stakeholders, acting in collaborative partnership, will implement this plan. We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet. We are determined to take the bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path. As we embark on this collective journey, we pledge that no one will be left behind.

The 17 Sustainable Development Goals and 169 targets which we are announcing today demonstrate the scale and ambition of this new universal Agenda. They seek to build on the Millennium Development Goals and complete what they did not achieve. They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.

The Goals and targets will stimulate action over the next 15 years in areas of critical importance for humanity and the planet.

15-16301 (E)



Please recycle



To quote Khamenei the Supreme Leader:

Pay attention carefully, especially dear authorities. This is where the importance of 2030 Agenda is shown. The heart of the 2030 Agenda, which has an important chapter about education, is that the education system teaches the lifestyle and living philosophy to the children based on the western fundamentals. This the heart of 2030 Agenda. What does it mean? It means that you raise soldiers for the west in your classrooms. They worked and persisted on the 2030 Agenda, and wanted to stabilize it obviously and non-obviously on the state's relations like our country. The orders, recommendations, and main points available in this Agenda for education are that education should adjust the thinking relations of the students so that their living philosophy, living basis, and concept of living are in accordance with western thought. As I said earlier, raise soldiers for UK, France, and the USA, and other similar countries. Those who kill people without turning a hair. They said why do you help Saudi? They said because we need its money. They know what they are doing in Yemen. They sat in their place and we raise soldiers and supporters and servants in Iran, Asian, west Asian and Islamic countries. This is 2030 Agenda. May 01, 2019.
UNESCO 2030 Agenda

But the practise of FGM/C has been criticized by physicians and health specialists in different and reliable studies of universities in Iran from 2014 onwards, well before the 2019 date.

The question is, can we consider a non-security subject that has been studied and researched among different researchers and has been investigated by my client before the prohibition of execution of this Agenda, as an action against national security?!

دوره ۲، شماره ۱ - (بهار و تابستان ۱۳۹۳) (۱۲۹۲)

جلد ۲ شماره ۱ صفحات ۱-۱۰ | برگشت به فهرست نسخه ها



بیمادهای ختنه در زنان: مروری بر مطالعات موجود

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چکیده: (۷۸۲۲ مشاهده)

زمینه و هدف: طبق تعریف سازمان بهداشت جهانی، ختنه زنان شامل برداشت یا صدمه به بخشی یا تمام قسمت های دستگاه تناسلی خارجی زنان بدون دلیل پزشکی است. بر طبق گزارش WHO، 100 تا 140 میلیون زن و دختر در دنیا ختنه شده اند که در مطالعات مختلف عوارض و پیامدهای متعددی برای این عمل ذکر شده است. در مطالعه ی مروری حاضر به بررسی مطالعات صورت گرفته در زمینه ی پیامدهای ختنه زنان پرداخته شده است. روش بررسی: مطالعه حاضر، نتایج منتشر شده در زمینه بررسی پیامدهای ختنه زنان را در فاصله سال های 2013 - 2003 در پایگاه های Emro، Cinahl، Cochrان library، Medline، Pubmed، SID و WHO، Iranmedex مورد بررسی قرار داده است. برای جمع آوری اطلاعات، ابتدا مقالاتی که در متن خود دارای یکی از کلمات کلیدی Female genital mutilation، Infibulations، Female circumcision، health outcome بودند، جستجو شد که در نهایت مجموع آنها به 74 مقاله رسید. یافته ها: ختنه زنان با عوارض و پیامدهایی مانند عفونت، درد هنگام مقاربت، تکرر ادرار، خونریزی های مداوم، فاعدگی دردناک، عفونت دوران بارداری، احتمال ابتلا به هیپاتیت و نازایی در زنان همراه است. اما با توجه به این که تعداد مطالعات مورد شاهدهی در خصوص بررسی این عوارض در خوامع مختلف بسیار کم است، با قطعیت نمی توان در مورد ارتباط پاره ای عوارض با ختنه ی زنان اظهار نظر نمود. نتیجه گیری: ختنه زنان یکی از مظاهر نقض حقوق بشر و خشونت علیه زنان و دخترانی است که حق داشتن بدن و جسم سالم را دارند. بنابراین، علیرغم تلاش جهانی، هنوز در مناطقی از دنیا که این سنت وجود دارد نیاز به اقدامات شدیدتر و جدی تر برای متوقف کردن آن احساس می شود.

واژه های کلیدی: ختنه زنان، پیامد جسمی، پیامد روانی، پیامد جنسی، پیامد مامایی

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Simbar M, Abdi F, Zaheri F, Mokhtari P, dadkhal tehrani T, shahoi R. Outcomes of circumcision in women: A review of existing studies. Jorjani Biomed J. 2014; 2 (1) :10-1
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سیمیر مصومه، عیدی فاطمه، ظاهری فرزانه، مختاری پوران، دادخواه تهرانی تهمنه، شاهوی روناک، پیامدهای ختنه در زنان: مروری بر مطالعات موجود. فصلنامه علمی پژوهشی ریست پزشکی جرجانی. ۱۳۹۳؛ ۲ (۱): ۱۰-۱

URL: <http://goums.ac.ir/jorjanijournal/article-۱-۲۴۶-fa.html>

It is noteworthy that all of Mr Ahmady's research has been undertaken according the internal rules of Iran and published under license of the official institutions. These are interconnected like a chain and this issue applies in anthropology since harmful traditional practices are interconnected. For example, in societies where female genital mutilation is practised, early child marriage is also very common, and this is globally the case; my client worked on child marriage and after that temporary marriage (not as an established concept in jurisprudence but as a phenomenon leading to harmful social consequences) while he was researching female genital mutilation .

In recent years, Kameel Ahmady has worked on issues such as different forms of child labour, child scavenging (waste picking), that addressed various legal aspects of children in urban society. In investigating his work and academic record we should consider all studies/books in his professional resume, and the key factor is that he should be accepted as a researcher in the field of children. All subjects, statistical populations, and goals are about children and harm to them, or have a direct relationship with their childhood. In all his studies, his intention, impartial and scientific predictions as a researcher and anthropologist are completely evident. He tried to investigate the subjects from a scientific perspective and his results point to positive changes especially for the target society. As you know, his research about the negative impact of FGM has domestic relevance and he is honoured that informing and publishing essays and this research in the form of his book entitled *In the name of Tradition (A Comprehensive Research Study on Female Genital Mutilation (FGM) in Iran)* has had an impact on reducing this harmful tradition practice which is harmful to the mind and body of the children in Iran.

Therefore, it is clear that cooperation with the HIVOS foundation was in the form of two contracts that were only on the subject of "female genital mutilation", and there was no other cooperation.

Dear Sirs,

As you can see, if the details of the file were observed carefully and all the facts were observed without negative expectations and pessimism, a great part of the complexity of this case would remove. Therefore, you are kindly requested to put aside, for the previously mentioned logical reasons, the belief that the accused was undertaking anti-security actions; please consider the triple pillars of the crime without prejudice in order to investigate the reality of the file adopting a correct legal description of the facts.

Other issues/matters

- Cooperation with HIVOS foundation

The above-mentioned person's initial cooperation came about in connection with research work about FGM as a personal and family issue. Since female members of his own family had undergone mutilation, and the FGM phenomenon was prevalent in Kurdistan regions and especially at his place of birth and nearby areas, this subject drew Mr Ahmady's attention as a subject for research work. Subsequently, Kameel Ahmady produced a film (*in the name of tradition*) in 2005 on this subject and shared his field experiences with another NGO, WADI, in the Kurdistan region, since WADI was working on the same subject in Erbil and Sulaymaniyah in Iraq.

From 2005 to 2009 Mr Ahmady worked on a book in the field of anthropology in the east of Turkey, whilst he was also commuting to Iran. He reached out to the welfare officials in FGM affected provinces - Hormozgan University of Medical Sciences, the Ministry of Health and the Medical Education Province governor's offices - but he gained nothing (reached no conclusion) because FGM was not a working priority for such organizations. He insisted on performing the research in this issues on his own and when WADI offered to help him for the first field stage of this study, he accepted, with the provision that this cooperation be solely a scientific cooperation and its results be independent and impartial research.

After the first phase that lasted 6 months, WADI referred/introduced him to an institute named HIVOS that was the donor/supporter of their FGM project in Iraqi Kurdistan and for sometimes the project was under the supervision of WADI who helped to prepare the required reports.

The communication of the accused with HIVOS was from 2009 for three years (the duration of the contract) until the death of his father interrupted it and this cooperation was kept official and limited to emailing progress report exclusively about FGM research.

The client has at no time received information about the HIVOS institute and their records in Iran and no deceleration, warning or advice was given or made in this regard, and, given that he returned to Iran at the end of his studies, having been away for years, he had insufficient information and knowledge about Iran and he did not know many researchers in this field.

As you know, the accused never had access to confidential and classified documents, and he was never a threat to national security and interests and had no intention to be so.

The results are as follows:

- 1- The contact for the research project was for 3 years, as has been acknowledged in the written judgment, but the contract was also said to apply from 2012 to 2016 (Page 148, end of the last contract: 2014/12/31). This is incorrect.
- 2 - Initially the Kameel Ahmady was the coordinator of HIVOS project, and the budget/wages for project manager/coordinator as a distinct item is obvious.

Also:

- 1- Basically, HIVOS is a Dutch foundation and my client himself does not know why this foundation is considered to be an American Foundation.
- 2- According to the collected information, and assuming that one of its investors/donors is American. Thereby assuming the "American Budget", does not make this foundation an American Foundation. We should ask whether the accused knew about this fact?
- 3- Assuming even that he did know, did cooperating with an American Foundations give rise to cooperation with the government of the USA?
- 4- What were the exact actions of the client that had any relationship with the national security? Against whom was it?

None of the people who were in contact with my client had access to classified information or national security affairs due to their job, positions and responsibility, or in any other way.

It should be noted that the primary contract on this research was made by WADI, arising from the positive relationship between the client and this Kurdistan NGO. Then, due to having the same ethnicity and run by a couple from Sulaymaniyah, he considered continuation of the cooperation with HIVOS in the form of the initial contract and being their donor as well for the same study subject. The accusation of cooperation with the USA as a hostile government is not acceptable for the accused, especially as he is known for his criticism of the current policies of the USA in respect of the Middle East.

It is evident that Kameel Ahmady's positive objective and committed action may be a relevant element of the accusation. We do not however know what my client has done that is an example of anti-security activity, so it is fair to consider the contract made by and between the accused and HIVOS as the example of permissible action; we do not see a rationale for the unexplained punishment.

It is worth mentioning the possibility that this set of research actions could be an influencing/penetration project by the accused, with these actions as a tool to get close to the authorities. Although there have been such rival intelligence services methods in some cases, I hereby draw your attention to attachment No. 8. The accused, in an email, explicitly told HIVOS that despite the expression of interest by the governmental authorities of a focus on the subject of FGM, he has no motivation to continue this communication/relationship with the authorities and explicitly declared that HIVOS itself can take over the relationship.

As you can see, if my client had done this research to establish such communication/relationship and influence, he would have put more effort into developing this relationship when it was possible to have more direct communication with the authorities, but he said he had no desire to do so

Another matter of note is that the financial revenue of the accused's research has been exaggerated excessively to justify the non-research motivation.

The dear head of court knows that although the total expense of a research project is considered as budget, the wage of the coordinator of the project is a small share of this amount. You can see Kameel Ahmady's contract in attachment No. 2, and the salary of the coordinator of the project is listed; this amount is obvious, approximately the wage of employee and a common normal fee. This subject is important since no one would put his and his family's security in danger for such a small sum (3500 Dollars), and it is evident that the accused has not been supported by the western institutes financially, let alone been the executor of an influencing/penetration project and it's a normal norm that researcher received fund for their studies all over the world and even its considered as success and prestige. (The relevant fee was between 8400to 14400 Euros on the evidence of pages 139 and 142, therefore, the total budget of the project was not collected or received by the accused, although he has now been fined 600,000 Euros.)

Dear head and counsellors at law of the Court of Appeal of Tehran Province:

The accused is an elite researcher and scholar who was not aware of Iran's hard core political issues for a long time, and conviction in this case is based on wrong fundamentals and weak reasoning, which will exclude him from rights and push him out of the system and the country.

Kameel Ahmady has no intention of opposition against, or enmity with, Iran's system, as may be proved by scrutinizing his behaviour.

My client explicitly declared that he has taken no action which contravenes national security and he has denied these accusations. On the contrary, and in opposition to these declarations, the court considered the accused as a committed person/professional with broad interpretation and connecting the accused to 2030 Agenda. Undoubtedly, it is an example of purposeful rejection and ostracism of a citizen via questionable legal manoeuvres.

Therefore, on the strength of article 37 of Iranian constitutional law regarding innocence, and also given the existence of serious doubts and credit of broad interpretation and assigning the accusations and its example, on the strength of article 120 of Islamic penal code based on the rule of avoidance of punishment (*darā'*), we request that the issued written judgment be squashed, and we ask the judge to declare the innocence of the accused, thereby strengthening his hope of justice.

Sincerely yours,

Amir Raeisian Firouzabad, Attorney of Kameel Ahmady