

# ATTORNEY NEWSLETTER

## Iranian Citizen Held in U.S. Prison for Embargo Offense | By Matt Kohn, Esq.

Matt Kohn is representing Imhoff & Associates client Amirhossein Sairafi, one of tens of millions of middle class Iranian citizens who love their country and hate injustice by any government regime. He has been in prison in the United States since the date of his arrest and extradition from Germany on January 10, 2010.

Mr. Sairafi (age 42) transshipped used vacuum pump parts to Iran via his duly issued license and registered business established in Dubai, U.A.E., an ally of the United States. He has been running the same import business since the age of 16, when he took over for his father, who had died of cancer.

He was recently sentenced in the Central District California Federal Court to 41 months for a commercial embargo offense under a U.S. law that does not distinguish between shipping baby food or centrifuges for potential nuclear proliferation. The case was based on conspiracy with two others, including the buyer (still at large in Iran) and the seller in Glendale, California.

Every day Mr. Sairafi is kept apart from his wife and two small children in a massive tragedy. No matter what the United States District Court or U.S. Attorney in Central District California may think of Mr. Sairafi, he was basically hijacked upon deplaning in Germany (on an F.B.I. arrest warrant issued in the U.S.) where he was attending university oral exams. He is a non-combatant and non-political person; he is not an agent and not a part of the military or regime of Iran; he never served in Iran military (he paid \$500 USD for a deferment); he never worked for his government; he never visited or stepped foot in the U.S. until his abduction, he is a permanent resident citizen of Iran.

The U.S. Government and District Court confirmed in open court that Amir was not involved in nuclear proliferation, chemical, biological, military, or any weaponry sales or shipments, whatsoever! At sentencing, the court also ruled it did not rise to the "egregiously serious" level. The Government declined to comment on vacuum pump technology or its potential uses.

Defense argued that the equipment is used by medical and dentistry professionals and is "harmless – unless you want to hit someone over the head with it. This case has nothing to do with weapons."

The President of Iran Sept. 13, 2011 suggested that the United States free the Iranians in U.S. prisons. There are only a handful. We believe Mr. Sairafi is the only Iranian in his set of circumstances. The regime in Iran has kept a close monitor on our case since his extradition.

Historically, embargoes do not work. OPEC in the 1970s is proof of that. Our case therefore presents concerns of political prosecutions. To what extent might the U.S. State Department pursue prisoner issues (swaps) that might start to cool down U.S.-Iran relations? Who should and should not be paying the price for the political differences that exist between these two governments--which are not in armed conflict? Is it the right strategy to make any non-military, non-political a pawn? Or, to hijack foreign nationals in flight when they were never in U.S. jurisdiction in the first place?

We have not been contacted by the U.S. State Department about Mr. Sairafi's case. We do not know whether Mr. Sairafi's case was involved somehow through U.S., Swiss, or Iranian back channels in freeing the two hikers, Shane Bauer and Josh Fattal. We do not know the legal consequence or effect on Mr. Sairafi as to how the \$1,000,000 bail can be arranged for Shane and Josh under the same U.S. embargo sanctions sentencing guidelines which prohibit "financial transactions with Iran," no matter how the money is transshipped through third parties. It rings of hypocrisy; but it is done with a wink and a nod and everyone looks in the other direction.

Mr. Sairafi was sentenced to about the length of the American hikers' sentence for trespass. The hikers' trial was set to begin Feb. 28, 2011 and was suddenly postponed. The sentencing hearing for Mr. Sairafi in U.S. District Court was set for March 3, 2011 and took place March 7. The hikers were later tried July 31, 2011, and sentenced August 21, 2011. On September 21, 2011, Shane and Josh

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were released and freed in the hands of the envoy of Oman government.

We have concerns about Mr. Sairafi's treatment in U.S. prison in Indiana where most or all of the Middle East prisoners are housed. We are concerned about an incident during post-sentence interrogation in prison by F.B.I. agents in regard to nuclear matters, which the government knows to be non-existent in Mr. Sairafi's case.

U.S. and Iran governments have an absolute right to disagree, but their citizens should not be made to pay the price of these disagreements. Our leaders may or may not have learned a lesson from an unemployed Tunisian graduate engineer who sold fruit from an unlicensed street cart to make ends meet and then burned himself to his death in the market place for everyone to see, demonstrating what I call the "Freedom To Be Left Alone." That Tunisian man triggered the recent Middle East and North African "Facebook Revolutions." Apparently, it is the citizenry of these countries with radical regimes that are the key to democratic reforms and revolutions.

Mr. Sairafi's sentencing proceedings are the subject of his appeal to the Ninth Circuit in appeal case no. 11-50102. The Central District California is case number 09-CR-01344-VBF. For more information contact me through Imhoff & Associates' main office in Los Angeles.

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