

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets]

[Personal information has been **redacted**.]

[Emblem]

The Judiciary of the Islamic Republic of Iran

Court order

Court -----

Do not follow your own desires, lest you deviate [Quran 4:135]

Date -----

Number -----

Enclosure -----

In the Name of God, the Compassionate, the Merciful

Date: 14 Mehr 1387 [5 October 2008]

File classification: 566/21/87

Court order number: 1013

Investigating authority: Branch 21, Tehran Court of Appeal, located at the Islamic Revolutionary Court of Tehran.

Court members: Chief Justice Seyyed Mahmoud Towliat, and Ebrahim Paydar Pouya, Court Advisor

Appellant: Seyyed Hasan Alavi, Mohammad Raji, representing Jan-Ali Rasteh and others, address: **[redacted]**

Respondent: The Executive Headquarters [under the Directive of the Imam], Shiraz, address: Ghasredasht Street, Motahhari crossing.

Procedural Synopsis,

The case was appealed at this Branch within the prescribed time limit and according to the prescribed procedure. A special session was held in the presence of the undersigned (members of the Branch) and the above-numbered file was reviewed. Based on the contents of the file and normal review proceedings, the Court concluded the review. After consultation, and with reliance on the help of God, honour and conscience, [the Court] delivers the following decision.

Court Decision

Regarding the appeal of Mr. Seyyed Hosein Alavi and Mr. Mohammad Raji, the lawyers for Mr. Jan-Ali Rasteh and 18 other listed individuals, concerning the Court order 86/243, dated 13 Esfand 1386 [3 March 2008], issued by the Islamic Revolutionary Court, in which, while rejecting the request for review made by the aforementioned concerning the default judgment number 81/24, dated 24 Ordibehesht 1381 [14 May 2002], issued by the aforementioned Court, [this Court] upheld the aforementioned [initial default] decision.

Given the court decisions that are the subject of the appeal, in line with the Court order number 1658, dated 29 Farvardin 1373 [18 April 1994], delivered by the Sharia judge of Branch 1 of the Islamic Revolutionary Court, Shiraz, and the approval [of this decision] by the chief justice of the Special Court of Article 49, dated 8 Aban 1373 [30 October 1994] supporting the confiscation of agricultural lands and [residential and commercial] buildings belonging to the Baha'is located in the Village of Kata—who left the region during the early days of the revolution and have not returned—for the benefit of the Executive Headquarters [under the Directive of the Imam], and according to the request of the Executive Headquarters under the Directive of the Imam, for the purpose of clarification and brevity, the above explained court decision was issued with mention of the names of the owners of the properties. On the other hand, according to Article 29 of the by-laws enacted on 28 Mehr 1380 [20 October 2001] concerning the legal procedure of the matters referred to in Article 49 of the Constitution and subsequent amendments, any clarification of ambiguity, mistake, brevity and enforcement difficulty and removal of any dichotomy amongst court orders issued until 10 Khordad 1379 [30 May 2000] [must be] finalized [through the provisions of Article 29], including Court decision 1658, dated 29 Farvardin 1373 [18 April 1994], and its approval, dated 8 Azar 1373 [29 November 1994], and the [hearing of] the aforementioned case was within the jurisdiction of the Commission formed under the aforementioned Article 29 of the by-laws. Despite this, the Islamic Revolutionary Special Court of Article 49 in Fars Province held a hearing outside its own jurisdiction about the subject matter and issued the judgment that has been appealed [by the appellant] herewith.

Accordingly, this Court, in reliance on Articles 3, 8 and 29 of the above-mentioned Article 29 of the by-laws and Clause 3 of Article 257 and Article 248 of the Public and Revolution Courts Procedure Act, concerning criminal matters, while annulling the court decisions which are the subject of the appeal and are [Court decision] numbers 81/24, dated 24 Ordibehesht 1381 [14 May 2002], and 86/243, dated 13 Esfand 1386 [3 March 2008], orders the application of the Executive Headquarters under the Directive of the Imam, according to Article 29 of the by-laws, to be referred to the Commission formed under Article 29, which is located at the Islamic Revolutionary Court of Tehran. This decision is final. 07TR178

Chief Justice of Branch 21 of the Court of Appeal of Tehran Province

Seyyed Mahmoud Towliat

Court Advisor, Branch 21 of the Court of Appeal of Tehran Province

Ebrahim Paydar Pouya,

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This is a true copy of the original, Registry of Branch 21 of Court of Appeal of Tehran Province

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25 Azar 1387 [15 December 2008]

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The fourth sentence