

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets]

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

[Summary Translation]

The Second Court of Appeals Hearing Concerning Planting Barley in the Village of Ivel

In the fall of 1391 [2012], the Baha'i farmers in Ivel had been prevented from planting barley in their farms by two local residents, Nad-Ali Fallahpour and Seyyed Javad Derakhshan. The Baha'is filed a complaint with the court in Kiasar. On 7 Esfand 1391 [25 February 2013], Judge Naseri issued an order for the exoneration of Mr. Fallahpour and Mr. Derakhshan. The order was appealed and the case went to Branch 5 of the Court of Appeals in Sari; a hearing was held on 31 Mordad 1392 [22 August 2013]. A second hearing took place on 1 Aban 1392 [23 October 2013] in order to obtain the testimony of witnesses. A summary report of this court hearing follows.

Judge Asghari was the presiding judge; the two accused were Messrs Fallahpour and Derakhshan; the witnesses were Messrs Feiz-Mohammad Ahmadi and Naghi Ahmadi; the plaintiffs were the Baha'i farmers of Ivel, and their lawyers were Messrs. Ali Taghavi and Jahanbakhsh Samimi. The judge called the witnesses, and after making them swear on the Quran, he asked them to recount what had happened. The witnesses told the judge that they had been helping the Baha'is in their farms when they were asked by the two accused individuals to stop working. The judge then asked the accused whether the statements of the witnesses were true; the accused both denied the charge and blamed the police for it. The judge asked the accused whether the Baha'is were the owners of the farms; the accused responded in the positive.

Mr. Taghavi, one of the lawyers, said that he had personally visited Ivel and had seen that the local residents had burned and destroyed the homes of the Baha'is, and that the case was being investigated in Branch 8 of the Court of Appeals. The judge said that the current case was not related to the one involving the fire. Mr. Taghavi pointed out that the action of the police in Telma Darreh was illegal, as the police had collaborated with the accused in preventing the farmers from proceeding with their work.

Mr. Feizollah Esmaili, one of the local residents, and Mr. Kamal Akbari, one of the Baha'is, had a discussion in the hallway concerning the events in Ivel; Mr. Esmaili said that the regime of the Islamic Republic had been responsible for burning down the homes of the Baha'is. He added that the local authorities were after the properties of the Baha'is using religion as a pretext; however, he said, there was still a group of people who were trying to fight the Baha'is only because of their religious obligations. Mr. Esmaili also admired the steadfastness of the Baha'is in this lengthy struggle.

After examining the witnesses, Branch 5 of the Court of Appeals issued its verdict under court order number 9209971515800916, case number 9109981992100634, branch archival number 920200 and date of issuance 4 Aban 1392 [26 October 2013]. The decision of the court was as follows:

Messrs 1. Ali Ahmadi; 2. Mahmoud Piri; 3. Kianoush Naimi; 4. Ali Taghavi—representing Mr. Jahanbakhsh Samimi—had all filed a complaint against Seyyed Javad Derakhshan, son of Mahmoud, and Nad-Ali Fallahpour, son of Mohammad, for preventing them from farming. However, the director of Branch 1 of the public court in Chahardangeh, in verdict number 9109971992100924 -7 Esfand 1391 [25 February 2013], had exonerated the accused. Therefore, the plaintiffs had appealed the decision. Upon further investigation, the court upheld the appeal for the following reasons:

- According to the police report, 26 Mehr 1391 [17 October 2012], the accused individuals prevented the plaintiffs from cultivating their farms.
- The accused individuals admitted that the plaintiffs were the rightful owners of the lands but claimed that because the Baha'is had been told to refrain from farming, they did not have license to farm.
- The witnesses testified in favour of the plaintiffs and against the accused individuals.

Considering the above, the accused individuals have been found guilty as charged; therefore, according to Article 690 of the Islamic Penal Code and Article 30, section 2 of the legislation regarding collection of government revenues and expenditure for specific purposes, the court fines each of the accused persons the sum of 3,000,000 rial (US\$117) towards the state fund. The verdict is final and binding. (A copy of this verdict is enclosed).

It should be mentioned that on 5 Aban 1392 [27 October 2013], after the verdict had been announced, the provincial court investigating the claims related to Article 49 of the Constitution submitted a letter to the said branch, asking to receive the case file. This letter was registered under registration number 9210091515801603 in Branch 5 of the Court of Appeals. The reason for this request is not known, but there is a possibility that some individuals are planning to get their hands on the lands owned by the Baha'is.

Some of the Muslim friends have stated that in order to divide the lands owned by the Baha'is among the Muslim residents, Mr. Rahim Layali, commander of Sipah-i-Quds¹ in Ivel, held a meeting in Ivel with a number of authorities, including the Friday prayer leader in Sari, Mr. Tabarsi; and the head of the justice administration in the province, Mr. Jafari, and his deputy, Mr. Mousavi; as well as a number of other officials; and tried to persuade them to agree with his plans. The attendees prepared a letter that is to be signed by the Islamic councils in the neighbouring villages, after which the judiciary will make a decision. So far, the neighbouring villages have not agreed to cooperate with Ivel and have not signed the letter. Therefore, Rahim Layali has been asking a number of authorities to convince the neighbouring villages to go along. It seems that the enemy is not sitting quietly.]

Ivelí

Aban 1392 [October/November 2013]

¹ [Quds Force is a special unit of Iran's Revolutionary Guards, described as "tasked with exporting" Iran's Islamic revolution or "responsible for extraterritorial operations" of the Revolutionary Guard.]