

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets]

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

[Emblem]

Justice Administration

Islamic Republic of Iran

Court Order

Court

“Do not follow (your) base desires, lest you deviate”

Date: 23 Khordad 1395 [12 June 2016]

Number: 29/H/95/4

Enclosure: -----

In the Name of God the Almighty

Date of Review: 21 Farvardin 1395 [9 April 2016]

File Number: 80/3505

Islamic Revolutionary Special Court for Article 49 in Fars Province

Administrative Court: Commission for the Provisions of Article 29 of Procedure Code in cases relating to Article 49 of the Constitution

Subject: Clarifications concerning lands and buildings owned by Baha'is in the Village of Kata, Town of Dena, in the Province of Kohgiluyeh and Boyer-Ahmad

Procedural Synopsis

The head of the Islamic Revolutionary Special Court for Article 49 of the Constitution in Fars Province (Shiraz), in a statement referenced 3505, dated [sic] 9091/80, dated 13 Azar 1392 [4 December 2013], addressed to the Commission for the Provisions of Article 29 of the Procedure Code in cases relating to Article 49 of the Constitution, in the enclosed file, has declared that pursuant to court order number 1658, dated 29 Farvardin 1373 [18 April 1994], issued by the respected Sharia judge at Branch 1 of the Islamic Revolutionary Court of Shiraz, lands and buildings owned by Baha'is who fled the region are ordered to be seized and confiscated. Subsequently, at the request of the

agencies of the Execution of Imam Khomeini's Order the provinces of Fars and Kohgiluyeh and Boyer-Ahmad, on 21 Ordibehesht 1381 [11 May 2002], a supplementary and amendatory court order, number 81/24, was issued in which names of individual Baha'is included in the previous order were listed, who in turn appealed these orders, and whose appeals were subsequently denied as per court order number 86/243, dated 13 Esfand 1386 [3 March 2008]. A subsequent appeal was filed by the named individuals to the Court of Appeals in Tehran, which was referred to Branch 21 of the Court of Appeals in the Province of Tehran for review. The said Branch, pursuant to Article 29 of the Procedure Code in cases relating to Article 49 of the Constitution, reasoned that orders that were finalized before 10 Khordad 1379 [30 May 2000] are no longer eligible for appeal, and that cases in which there are ambiguities and which require clarification must be submitted to the Commission for Article 29 for review, and noted that the Islamic Revolutionary Court of Shiraz had overstepped its jurisdiction by issuing court orders 81/24 and 86/243, hence overturning both court orders, and, as per the request of the Execution of Imam Khomeini's Order in Fars Province, forwarded the file to the Commission for cases relating to Article 29. Court order number 1013, dated 14 Mehr 1387 [5 October 2008], of Branch 21 of the Court of Appeals in Tehran, concerning which the aforementioned Commission, after reviewing the file and issuing court orders pursuant to the decision dated 15 Aban 1389 [6 November 2010], under number 29/H/89/43 (p. 578 of the file), dated 1 Dey 1389 [22 December 2010] determined that clarification of order number 1658, dated 29 Farvardin 1373 [18 April 1994], was conditional upon establishment of the identity and names of the residents who fled the named village (Kata), and left this issue to the Islamic Revolutionary Special Court for Article 49 of the Constitution to carefully review and properly identify the Baha'is who fled their lands and buildings in 1373 [1994/5], and submit its findings to the Commission, including the current status of the individuals' residences, so that a final decision could be determined. To this end, the Head of the [Special] Court for Article 49 at the time, through the Islamic Revolutionary Court in Yasuj, and the Provincial [Ministry of] Intelligence Office, followed up with the request (pp. 581 & 595–597) and provided a complete list (pp. 599–601) as per the request of the Commission, and thus the file was submitted to the Commission for decision. On 18 Dey 1391 [7 January 2013], the Commission declared that, other than decisions that might be required in the future, considering the merit of the appeal by the Special Court for Article 49 in Fars, and refusal of the Court of Appeals thereafter, at the moment, the Commission bore no further obligation (p. 605), and returned the file. Therefore, considering the revocation of preliminary court orders of this court by Branch 21 of the Court of Appeals in Tehran, and the subsequent submission of the case to the Commission for Article 29 and the request of the Commission that was fulfilled by the Islamic Revolutionary Court in Shiraz, your guidance is requested to clarify which authority ultimately [bears] the task of clarification and decision. Should Branch 21 of the Court of Appeals be responsible to decide, or is the Commission for Article 29 tasked with clarification? Or should the preliminary Islamic Revolutionary Court in Shiraz review [the case] for substantive merit? Given the date of the file, lack of decision, the quandary of the Execution of Imam Khomeini's Order, and pending claims of ownership, expediency in decision would be appreciated. In conclusion, with the submission of the file, your decision and guidance is sought.

Subsequent to reviewing the records and consultation, the Commission issues its decision as follows:

Commission's Decision

What is certain is that the farmlands, pastures and wetlands, as well as a number of abandoned buildings of fleeing Baha'is in the Village of Kata, in the region of Meymand, in Fars, were confiscated for the benefit of the Execution of Imam Khomeini's Order, as per court order number 1658-29 Farvardin 1373 [18 April 1994], by the authority of the Sharia judge in Branch 1 of the

Islamic Revolutionary Court in Shiraz. Subsequently, on 8 Azar 1373 [29 November 1994], the said order was confirmed and finalized by Mr. Nayyeri, respected head of the Special Court for Article 49 of the Constitution, pursuant to which, as per court order 81-24, dated 24 Ordibehesht 1381 [14 May 2002], the names of 73 individuals who were subject to the court order were identified and listed, and there is no reason to believe that there is any discrepancy in that list. Therefore, those listed are subject to court order number 1658, 29 Farvardin 73 [18 April 1994] in Kata, as per the amended court order number 81-24, 24 Ordibehesht 1381 [14 May 2002].

Head of the Commission

Mohseni-Ejei

Advisors

Mohammad-Sadegh Mahdavi-Rad

Abdol-Karim Ahmadi

[Certified copy, the transcription or copy corresponds with the original]