

Appellants:

1. Mr. Gholamreza Rassaei, represented by attorneys Mr. Ali Assadi, Mr. Hassan Ranjbar, and Mr. Ebrahim Lashkari
2. Messrs. Seyed Fariborz Ebrahimi and Farhad Zolnouri, represented by attorneys Mr. Omid Kakavandi and Ms. Neda Namdar Zangeneh
3. Mr. Seyed Rassoul Razavi
4. Legal heirs of the late Nader Biyrami
5. Mr. Zabihollah Noormoradi (Appellants 4 and 5 are represented by attorney Mr. Ali Azizi Elyasvandi)

Respondents:

Legal heirs of the late Nader Biyrami, Gholamreza Rassaei, Farhad Zolnouri, and others

Subject of Appeal:

Judgment No. 1402008782 issued by Branch 2 of the Criminal Court One of Kermanshah Province

Reviewing Authority:

Branch 17 of the Supreme Court
Panel Members: Mohammad Barani (Presiding Judge) and Dr. Mohammadreza Habibi (Deputy Member)

Case Summary:

As detailed in the introductory report of the court's judgment, on November 18, 2022 [27/08/1401 Persian calendar] at approximately 2:30 PM, a memorial ceremony for Seyed Khalil Alinejad, a key figure of the Ahl-e-Haq sect from the Aali Ghalandari branch, took place in Sahneh County at the burial site of the deceased. Around 2,000 people from Ahl-e-Haq communities across the country attended.

During the ceremony, two speakers—(1) Seyed Farhad Zolnouri, and (2) Seyed Fariborz Shah Ebrahimi—gave inflammatory speeches. Those speeches coincided with the protests in November 2022, and the speakers incited the crowd with slogans such as “Death to the Dictator” and “We don’t want a murderous government,” causing tension and disorder in the ceremony. In response, attendees began chanting similar slogans.

Amidst the gathering, undercover members of the IRGC and police were present. A woman, who was filming the scene, was confronted by Colonel Nader Biyrami, the head of intelligence for the IRGC in Sahneh County. When he warned her, he was suddenly attacked by people in the crowd; Colonel Biyrami was repeatedly stabbed and later died from his injuries, attaining martyrdom. Lieutenant Zabihollah Noormoradi was also injured in the incident.

After the death of Colonel Biyrami was announced, efforts were immediately made to identify and apprehend the attackers. One suspect, Farhad Beigi Gorouci, son of Saman, was arrested near Mowlavi Square, opposite the hospital. During his arrest, he attempted to change the clothes he had worn during the altercation. In his initial confession, he admitted to being at the gathering and participating in the fight, stating:

“I was there with Alireza Feyzi and Mostafa Azizi. I struck the officer in the back (shoulder) with a 30 cm brown-handled knife. Gholamreza Rassaei stabbed the officer in the heart with a kitchen knife and then struck his right leg and face.”

Farhad Beigi Gorouci further stated: “After delivering the blow, I fled the scene, changed my clothes, and placed the knife in Pouria Abdi’s car. This was because I saw him after escaping; he picked us up, but I did not tell him anything”.

Further, as detailed in pages 11 and 12 of the case file, a confrontation was documented between Alireza Feyzi and Mostafa Azizi. Based on the statements made, Alireza Feyzi knocked down Martyr Beirami, and the others attacked him. During the confrontation, Alireza Feyzi denied the accusation. However, during his initial interrogation with law enforcement officers, the accused Alireza Feyzi admitted:

“Yes, I was present in the gathering. Following the provocative speeches by Seyyed Farhad and Ebrahimi, the situation escalated; I attacked Martyr Beirami; I knocked him to the ground and struck him. Farhad Beigi, Gholamreza Rassaei, Mostafa Azizi, Ali Hosseini, Milad, Masoum Razavi, and Pedram were present during the altercation. They kicked the officer in the back and chanted slogans. Additionally, Farhad Beigi, while fleeing, said that he stabbed Martyr Beirami with a knife.”

Subsequently, the case was referred to the Public and Revolutionary Prosecutor’s Office of Sahneh County. Given the absence of the investigating magistrate, the case was referred to the substitute judicial officer in the jurisdiction for investigation. Upon questioning the accused, Alireza Feyzi acknowledged his presence at the gathering and attributed the start of the

conflict to the officers' warning to a woman who was filming. He further confessed to fleeing the scene with Farhad Beigi in Pouria Abdi's car, who was a short distance from the conflict scene. He noted that Farhad's hand was bloody, and he was holding a knife blade.

Following this, judicial instructions were issued according to the matter, and the substitute investigating magistrate continued the case investigation. The accused Farhad Beigi, son of Saman, confessed on page 30 of the case file, in the presence of officers, to delivering a single knife blow to Martyr Beirami's shoulder and stated that he left the knife in Pouria Abdi's car.

I saw a man (a young man with a long beard and an average height) strike an officer from the front. Subsequently, the officers, along with Pouria Abdi, who stated that the knife belonging to the defendant, Farhad Beigi, had been thrown out of the car on Molavi Street, attempted to recover the weapon used in the assault, but it was not found. In compliance with a judicial order, further investigation was conducted with the defendant, Alireza Feyzi. This time, the defendant denied striking the martyr Birami and reiterated his previous statements. Another defendant, Farhad Beigi, confessed again, stating: "Yes, I struck Martyr Birami with a knife in the shoulder (back). As he was trying to get up, Rassaei hit him with his knee, causing him to fall. Then, I stabbed the officer in the chest with the knife."

A report was filed, as detailed on page 44 of the case file. According to the session report on page 45, a photo of Gholamreza Rassaei was shown to the defendant Farhad Beigi, who stated: "Yes, this is the individual who struck Martyr Birami in the chest with the knife." Subsequently, another report was prepared (as described on page 44 of the file), and a knife blade used by Farhad Beigi to injure Martyr Birami was handed over to the officers by Pouria Abdi's sister. Further investigations were conducted with Pouria Abdi, who stated: "Yes, around 3:30 am, I picked up Farhad and Alireza. I dropped Alireza off at his house, and then Farhad placed a knife in my car and said, 'Keep this for me,' but he didn't tell me what he had done. I dropped Farhad off on Komiteh Emdad Street. Later, Arian called me and said Farhad had been arrested, so I gave the knife to my mother in Hosseinabad Village and hid it."

Later, Pouria Abdi was released on bail by judicial order. The case, along with the officers' report, was referred to the public and revolutionary prosecutor's office in Sahneh. Subsequently, the investigating judge charged Alireza Feyzi with:

1. Disrupting public order
2. Insulting the Supreme Leader
3. Conspiracy and collusion against internal security

The defendant admitted being present at the altercation but denied harming the officer. He attributed his actions to the prevailing atmosphere and stated

that Milad Assadi and Masoum Razavi punched the officer, and Farhad Beigi stabbed him with a knife. Finally, a bail order of one billion rials was issued, and the defendant was released on bail after its acceptance.

Farhad Beigi was charged with:

1. Direct involvement in the intentional murder of Martyr Nader Birami
2. Disrupting public order
3. Insulting the Supreme Leader
4. Conspiracy against internal security

The defendant admitted to being present at the altercation and possessing a knife but denied stabbing Martyr Birami. He attributed his previous confessions to fear and stated that Gholamreza Rassaei stabbed Martyr Birami in the chest with a knife. After the charges were explained, a detention order was issued for the defendant, and he was sent to a detention center.

In another stage of the investigation, as detailed on page 61 of the case file, the defendant admitted to striking Martyr Birami once with a knife from behind (in the shoulder area). He also reiterated that Gholamreza Rassaei stabbed Martyr Birami in the chest with a knife and added, "Rassoul Razavi also had a knife." Ultimately, the defendant was sent to Kermanshah Central Prison.

Subsequently, according to the report dated November 23, 2022 on pages 75 to 78 of the case file, videos taken from the scene of the altercation were reviewed and analyzed. These indicated the presence of the defendant, Gholamreza Rassaei, at the scene, carrying a knife approximately 30 cm long in his right hand. Additionally, by analyzing the videos, it was confirmed that the following individuals were present during the altercation:

1. Amin Hatami
2. Armin Haghi
3. Afshin Haghi
4. Ali Ghasemabadi
5. Afshar Khaleghi
6. Mehrdad Shah Hosseini
7. Kaveh Khamoushi
8. Maziar Rostami

Following this, the General Directorate of Intelligence for Kermanshah Province reported that one of the suspects, Seyed Rassoul Razavi, was in Alborz Province and intended to leave the country. The investigating judge issued arrest warrants for all the suspects and, through judicial authorization, instructed the Public and Revolutionary Prosecutor's Office of Alborz County to arrest Seyed Rassoul Razavi.

In accordance with this judicial order, Seyed Rassoul Razavi, son of Seyed Morad, was arrested. He was charged with:

1. Conspiracy and collusion to commit crimes against internal security
2. Propaganda activities against the regime through subversive slogans

The suspect admitted to being present at the gathering that led to the killing but denied the charges against him. He was detained on a bail order of 20 billion rials and was subjected to further investigation. During interrogation by the Intelligence Office, the suspect admitted to participating in the gathering and stated, "I heard a noise. When I arrived, Martyr Birami was lying on the ground with a stab wound to his chest." He further stated, "Tahir Shadmehr handed me a knife, but I did not use it."

The suspect identified individuals involved in stabbing Martyr Birami and those who possessed knives, including Navid Yadegari, Gholamreza Rassaei, Tahir Shadmehr, Milad Assadi, and Milad Rezaei.

Images of the identified suspects stabbing Martyr Birami were added to the case file. Videos and other evidence from the scene were included in a digital format (CD).

In compliance with judicial orders, Gholamreza Rassaei was identified and arrested in Shahriar County. During questioning by authorities, he admitted to being present at the altercation. He stated, "When I arrived, Martyr Birami, who was wearing plain clothes, was lying on the ground," but denied committing any crimes himself. However, in a subsequent investigation detailed on page 158 of the case file, he confessed:

"I had a 35 cm wooden-handled kitchen knife with me. When I saw the situation becoming chaotic, I approached the officer. I saw people kicking and throwing stones at him. While he was lying face down, with his hands braced on the ground and bleeding from his thigh, I stabbed him once between his shoulder blades and then fled. I threw the knife into the gardens below the tomb of Seyed Khalil."

The defendant appeared before the investigating judge and was charged with:

1. Participation in the intentional murder of Martyr Birami with a bladed weapon

2. Conspiracy and collusion against internal security

The defendant repeated his previous statements, adding that he was at the scene with Navid Yadegari and his brother Mehrdad Rassaei. Following the issuance of a preventive detention order, the defendant was further investigated by police. During this subsequent interrogation, as detailed on pages 172 to 175, he confessed to striking Martyr Birami twice in the back (shoulder area) but denied stabbing him in the chest. He further stated:

“I hid the knife in our garden and did not see who stabbed the deceased with a knife.”

Following the defendant’s admission to carrying and keeping the weapon (knife), officers accompanied him to the specified location and recovered the knife used in the crime. During the preliminary investigation, on November 28, 2022 [1401/09/07 Persian calendar], law enforcement officers discovered a blood-stained knife and two blood-stained masks in the passenger seat of a white Pride vehicle with license plate 376 ط 39 Iran 38, belonging to Abdolmatlab Aziznia. The vehicle was seized, and its owner was arrested. During questioning, the owner stated:

“The knife had been in the car before. My brother and I were on our way to Sahneh County, and we bought pomegranates along the way. The discovered fabric is a blindfold that officers use during arrests. I have no knowledge of its presence.”

Due to the lack of evidence implicating him, the suspect was released on bail.

The investigating judge, on page 190 of the case file, ordered blood sample testing on the recovered knife, fabric, and blood stains to compare them with Martyr Birami’s injuries and blood sample. The results, detailed on page 314 of the file, showed no match between the blood on the blindfold and Martyr Birami’s blood.

The Forensic Medicine Organization, as described on pages 198 and 199 of the file, examined Martyr Birami’s body and reported the following injuries:

- Three wounds on the left side of the chest
- Three wounds on the left shoulder
- A cut on the outer left shoulder
- A wound on the buttocks
- General injuries to the front of the right lower leg

Additionally, a fracture of the sixth rib at the site of a chest wound and a penetrating wound between the sixth and seventh ribs were reported. The

cause of death was determined to be a heart rupture caused by the penetration of a sharp object into the front of the chest (wound #2).

“Additionally, it was determined that the weapon used for the chest injuries (Nos. 1 to 3) was different from the one used for the back injuries and the posterior lower limb injuries.

As investigations proceeded, personality files were prepared for the defendants Farhad Beigi and Gholamreza Rassaei, which were appended to the second volume of the case file. Subsequently, upon the arrest of other suspects, charges of wielding weapons to intimidate and conspiracy against the internal security of the country were brought against the defendants:

1. Seyyed Rassoul Razavi, son of Seyyed Yarmorad
2. Mohammad Almassi, son of Heybatollah

Mohammad Almassi stated: “I admit that I picked up a stone but did not throw it at anyone.”

Seyyed Rassoul Razavi stated: “I admit that I had a knife. The knife was given to me by Taher Shadmehr, but I did not use it and returned it immediately.”

These individuals were released on bail. Subsequently, Seyyed Masoum Razavi was questioned (page 334, Volume 2). He denied any criminal acts. According to the report on page 238, upon reviewing the footage, no images of the suspect were observed. However, upon further review of the video in the presence of the investigating judge and officers, as detailed on page 247, Volume 2, it was confirmed that the suspect was involved in the altercation, and was seen pushing Martyr Nader Birami.

Mehrdad Shah Hosseini was arrested and stated: “I was present at the scene of the altercation. There was noise, and I went to see what was happening. I saw Gholamreza Rassaei striking the Martyr Birami three times in the back. Other individuals, including Pourya Mennati and Shoja Mennati, were also present with knives, but I did not see them strike anyone. Additionally, Yazdan Moradi took Martyr Birami’s weapon from the ground.” (Pages 257-259, Volume 2).

This suspect was also released on bail. Further preliminary investigations revealed that Armin Haghi was charged with:

1. Conspiracy against national security
2. Participation in intentional assault causing injury

Armin admitted to kicking Martyr Birami but stated: “I don’t know if it hit him or not.” He also said: “I saw Gholamreza Rassaei stab Martyr Birami in the back

with a knife, and Yazdan Moradi took the martyr's weapon." A bail of 5 billion rials was set, and he was released upon meeting the bail conditions.

The investigating judge issued further instructions to complete the investigations. Judicial delegations were granted to Tehran Province and the counties of Shahriar, Malard, and Eshtehard to arrest the suspects Shoja and Pourya Mennati. Shoja Mennati was arrested in Shahriar County and appeared before the judge.

ShojaMennatiwas charged with:

1. Propaganda activities against the regime
2. Conspiracy to disrupt internal security

Shoja denied all accusations, and a temporary detention order was issued. He was escorted to the Sahneh County Prosecutor's Office, where he was charged with participation in the intentional murder of Martyr Birami with a bladed weapon. He denied the charges, stating that many individuals with knives were present at the scene.

Another suspect, Pourya Mennati Monjeq Tapeh, appeared before the investigating judge. After being charged with conspiracy against internal security and participation in intentional assault, Pourya admitted:

"I threw punches and kicks." Subsequently, a bail amount of 2 billion Rials was issued for him.

During the course of the investigation, a witness named Ali Hatami Emarti was interviewed, as recorded on page 315, Volume 2. The witness stated:

"The martyr was surrounded and attacked by the crowd. Since the attackers had their backs turned to me, I was unable to identify them. I saw someone wearing a gray hoodie and khaki pants hiding a knife under their clothes and fleeing, but I did not see them strike anyone."

Later, a report was submitted by the IRGC Intelligence Organization indicating that a person named Mostafa Azizi was involved in the altercation and participated in intentionally harming the martyr. Based on this report, the investigating judge issued a summons for Mostafa Azizi. Upon his appearance before the judge, he was charged with:

1. Conspiracy to disrupt internal security
2. Participation in intentional bodily harm to Martyr Birami

Mostafa Azizi stated:

"Masoum Razavi and Alireza Feyzi also attacked the officer."

A bail of 500 million Rials was issued for him, and upon securing the bail, he was released.

During the preliminary investigation, the investigating judge requested to transfer the case to the provincial capital (Request No. 14015039000-7483) on January 11, 2023. With the approval of the First Court of Appeal of Kermanshah Province, the case was referred to the provincial prosecutor's office and assigned to the Second Branch (Special Murder Division).

Amin Hatami appeared before the judge and was charged with:

1. Conspiracy against internal security
2. Participation in intentional bodily harm to Martyr Birami
3. Insulting the Supreme Leader

Bail amounts of 5 billion Rials and 1 billion Rials were issued for these charges. Due to his inability to post bail, the suspect was sent to prison. The family of Martyr Birami was also interviewed during the investigation and demanded the qisas (retribution) of the perpetrators and legal action against the other suspects (pages 372, 383–398, Volume 2).

Judicial orders were issued on page 382 of Volume 2 by the investigating judge, and inheritance certification was documented on page 398. The forensic medical report to determine whether the recovered weapon matched the wounds inflicted on Martyr Birami was submitted. This report is recorded on page 399, Volume 2, and states:

"Considering the dimensions of the weapons and the size of the fatal wound (wound number two), the likelihood of this injury being caused by weapons 1 and 3 (linked to Farhad Beigi and Abdolmotleb Aziznia) is unlikely, while its occurrence with weapon number two (linked to Gholamreza Rassaei) is probable. The injuries to the back of the chest are possible with all three weapons, and the non-fatal injuries to the chest are caused by weapons 2 and 3.

Additionally, it was stated that wound number two is fatal, while the other injuries are non-fatal. The defendants,

- 1) Farhad Beigi and
- 2) Gholamreza Rassaei,

were subjected to mental health evaluations, which revealed no signs of mental illness or insanity (pages 404 and 405 of the third volume of the case file).

On page 408, an investigation was conducted into another injured party, Sergeant Zabiollah Nour Moradi (a member of the IRGC), who, as a witness,

mentioned sustaining injuries from kicks and a knife. He stated that he lost consciousness and did not notice further details but identified Momen Karmajani as responsible for the attack. During the ongoing investigation, Purya and Shoja Mennati Manjeq Tapeh stated they heard and saw that Milad Assadi had also stabbed Martyr Birami.

In compliance with a judicial order, all witnesses and defendants were questioned to identify the person responsible for Martyr Birami's murder. The defendants reiterated their previous statements. On page 479, defendant Farhad Beigi claimed he saw Gholamreza Rassaei holding a knife but did not see him stab the martyr. He also retracted his earlier statements, claiming they were made out of fear and denied inflicting any injuries.

Between pages 489 and 495, a face-to-face confrontation between the defendants was conducted, during which they repeated their earlier statements. Other witnesses present at the scene provided no clear details regarding the manner of injuries inflicted on Martyr Birami. Subsequently, the defendants were summoned again, their criminal charges were revised, and their final defences were recorded, in which they reiterated their earlier claims. Defendants 1) Gholamreza Rassaei and 2) Farhad Beigi denied all charges in their final defences.

The defendants' criminal records were obtained and included in the case file (pages 563-577, volume 3). A video recording reconstructing the crime scene was also included in the case. It is noteworthy that, upon request and with the appellate court's approval, the case was transferred from Sahneh's prosecutor's office to Kermanshah's prosecutor's office for further proceedings. The referral explicitly mentioned that crimes related to conspiracy against national security would be addressed in Sahneh's prosecutor's office.

Eventually, the investigating judge announced the conclusion of the preliminary investigation, issuing an order for trial, dismissal of some charges, and a determination of jurisdiction. The order, numbered 4416-1401503900, was issued on February 16, 2023. The case was subsequently sent to the Criminal Court of Kermanshah Province with an indictment numbered 14015043-5736, dated the same day. The case was assigned to the Second Branch of the aforementioned court for trial.

In accordance with Articles 384 and 387 of the Criminal Procedure Code, a comprehensive report was prepared. During an extraordinary administrative session, the court decided to summon the Sahneh Forensic Medicine representative to provide further explanations, but the representative failed to appear. Ultimately, the court identified procedural deficiencies and issued an order to address them, returning the case to the prosecutor's office for further investigation. The identified deficiencies are currently under review.

Regarding the two other individuals, namely Mr. Seyed Farhad Zolnouri and Mr. Seyed Fariborz Ebrahimi, after being informed of the charges of assisting in the intentional murder of the late martyr Nader Birami through incitement

and involvement in disturbing public order, a summons for trial was issued. Subsequently, a new indictment was issued with the number 140250430000039001, dated May 28, 2023, and the case was referred to this branch for further investigation. After fulfilling legal obligations, an order was issued to schedule the hearing, which took place at the designated time with the presence of the prosecutor's representative, the legal heirs of the late martyr Nader Birami, the accused, the parties' lawyers, and a legal medical expert. Initially, the indictment was read by the prosecutor's representative, followed by the hearing of the legal heirs' statements and complaints. All of them filed a complaint under the charge of intentional murder against the first accused, Galamreza Rassaei, and requested the application of legal punishment for the other accused. The charge of direct involvement in the intentional murder of the late martyr Nader Birami with a cold weapon, as well as the direct involvement in causing bodily injury not resulting in death to the late martyr, was formally explained to the first accused, Galamreza Rassaei. The accused denied the charges, stating that all of his previous confessions and statements made at the investigation center and to the authorities were obtained under torture. His lawyer, following the defendant's denial, argued that no accusation should be attributed to his client and requested the issuance of an acquittal. Due to the end of office hours, the session was adjourned, and the hearing was rescheduled for ten days later. At this session, the continued statements of the first accused were heard, and the charges against the other accused were explained according to the indictment, with all the accused collectively denying the allegations. Even those accused who had confessed to committing the crime during the investigation withdrew their confessions, stating they had made them under torture. In the following session, in order to clarify the matter and uncover the truth, the medical expert present at the session was questioned, and the results showed that the knife used to inflict injuries between the martyr Birami's shoulder blades (knife number two) was completely consistent with the wound inflicted on the chest area. Following this, the legal heirs' lawyer submitted a brief, stating that due to the necessity of influencing the objections to the charges brought against the accused, the court once again identified deficiencies in the case and returned it to the investigation center for further investigation. Unfortunately, this time, only minimal actions were taken to resolve the issue, and the case was sent back to the court. Finally, an order was issued to schedule a hearing with the presence of all parties and their lawyers. At this session, the final defence of the accused was heard, where all the accused denied the charges, and their lawyers, considering the denial of the accused, submitted multiple documents and requested the issuance of an acquittal. Ultimately, the court issued a ruling in the appealed judgment.

Regarding the charges against the following individuals:

1. Ghalamreza Rassaei, son of Morad Ali, 34 years old, single, self-employed, national ID: 4969917965, residing in Kermanshah, Sahneh, Talghani Street, Pachman neighborhood, currently detained in Kermanshah Central Prison, charged with:

A) Direct involvement in the intentional murder of the late martyr Nader Birami using a knife.

B) Direct involvement in causing non-lethal intentional injuries (not leading to death) to the chest area as detailed in the autopsy report.

C) Demonstrating power with a knife.

D) Disturbing public order by creating chaos and confusion.

2. Farhad Bighi, son of Saman, 20 years old, single, self-employed, national ID: 4960245395, residing in Kermanshah, Sahneh, 17th of Shahrivar Street, Hasrat Alley, represented by an assigned attorney, Mohammad Javad Jafari, charged with:

A) Direct involvement in causing non-lethal intentional injuries (not leading to death) as detailed in the autopsy report regarding injuries inflicted with knife number one.

B) Demonstrating power with a knife.

C) Disturbing public order by creating chaos and confusion.

3. Porya Abdi Maram, son of Shoqa Ali, 23 years old, single, self-employed, national ID: 4960196505, residing in Kermanshah, Sahneh, Husseinabad Khodabandeh village, charged with:

A) Possession and carrying of a cold weapon with intent to engage in a conflict.

B) Assisting in the escape and evasion of the accused from prosecution and trial.

4. Seyed Rasul Razavi, son of Seyed Yar Morad, 26 years old, single, self-employed, national ID: 4960160977, residing in Kermanshah, Sahneh, Vahidieh neighborhood, charged with:

A) Disturbing public order by creating chaos and confusion.

B) Demonstrating power with a cold weapon.

5. Seyed Masoum Razavi, son of Seyed Yar Morad, 31 years old, single, self-employed, national ID: 4960038071, residing in Kermanshah, Sahneh, Vahidieh neighborhood, charged with:

A) Disturbing public order by creating chaos and confusion.

B) Demonstrating power with a cold weapon.

6. Amin Hatami, son of Rostam Beg, 21 years old, single, military, national ID: 4960228679, residing in Kermanshah, Sahneh, 2nd Square, Narges II Alley, represented by his lawyer, Haji Morad Khosro Abadi, charged with:

A) Participating in the intentional non-lethal assault (non-lethal injury) causing injuries to the head, neck, and legs as detailed in the autopsy report, inflicted by punches and kicks.

B) Disturbing public order by creating chaos and confusion.

7. Armin Haqi Manjagh Tepe, son of Hayat Ali, 33 years old, married, driver, national ID: 4960003154, residing in Kermanshah, Sahneh, Elahiyeh neighborhood, charged with:

A) Participating in the intentional non-lethal assault (non-lethal injury) causing injuries to the head, neck, and legs as detailed in the autopsy report, inflicted by punches and kicks.

B) Disturbing public order by creating chaos and confusion.

8. Pourya Mennati Manjagh Tepe, son of Haidar, 32 years old, married, self-employed, national ID: 4960022159, residing in Kermanshah, Sahneh, end of Tarbiat Badani Street, charged with:

A) Participating in the intentional non-lethal assault (non-lethal injury) causing injuries to the head, neck, and legs as detailed in the autopsy report, inflicted by punches and kicks.

B) Disturbing public order by creating chaos and confusion.

9. Shajeh Mennati Manjagh Tepe, son of Haidar, 38 years old, married, employee, national ID: 4969710449, residing in Tehran, Shahriyar, charged with:

A) Participating in the intentional non-lethal assault (non-lethal injury) causing injuries to the head, neck, and legs as detailed in the autopsy report, inflicted by punches and kicks.

B) Disturbing public order by creating chaos and confusion.

10. Seyed Fariborz Ebrahimi, son of Seyed Reza, 57 years old, married, worker, national ID: 3255746833, residing in Kermanshah, Sahneh, Imam Khomeini Boulevard, charged with:

A) Assisting in the intentional murder of the late martyr Nader Birami through incitement and encouragement to commit the crime.

B) Disturbing public order by creating chaos and confusion.

11. Seyed Farhad Zolnouri, son of Seyed Malik Mirza, 61 years old, married, self-employed, national ID: 4500697683, residing in Kermanshah, Sahneh, Shahid Shamshadian Street, charged with:

A) Assisting in the intentional murder of the late martyr Nader Birami through incitement and encouragement to commit the crime.

B) Disturbing public order by creating chaos and confusion.

Considering the documents and contents of the case, as well as the issued indictments from the Public and Revolutionary Prosecutor's Office of Kermanshah Province, dated February 16, 2023 and May 28, 2023, and the evidence available, including:

1. Reports and minutes prepared by agents from the Intelligence Organization of the Revolutionary Guards and the Police Criminal Investigation Division, indicating the presence of the accused at the scene of the crime.

2. Results of the investigations carried out during the preliminary investigation stage, which indicate that the accused were armed at the scene, and that most of the individuals present were there with the intent of protesting, prepared for confrontation, and creating disorder. This is further supported by evidence such as their possession of cold weapons, preparation of protest banners, aggressive speeches, and prior planning to engage in a conflict with the authorities. The involvement of the accused is clear and confirmed through their actions.

3. Reviewing the films and photographs taken and included in the case file, which depict the role of the accused in the commission of the crime. It is observed from these photos and films, especially from pages 109 to 149 and 893 to 896, that all the accused, including Gholamreza Rassaei and Farhad Beigi, were armed with cold weapons (knives) and were involved in a confrontation. Additionally, the presence of other accused individuals, whose names are listed in the indictment, is confirmed in the confrontation, where they were engaged in physically assaulting the body of the late martyr Nader Birami.

4. Reviewing the recorded films of the speeches of the accused, Seyed Farhad Zolnouri and Seyed Ferybraz Ebrahimi, where their speeches are transcribed from pages 948 to 951. These speeches indicate their presence in a tense environment, surrounded by a large crowd of young people. Some of these young individuals were even dressed in burial shrouds. The accused delivered provocative and harsh speeches, inflaming the emotions of the people present at the scene, which ultimately led to chaos and clashes between the people and the authorities. It is noted that at the time of the crime, the security situation in the country was tense, and the accused admitted that they were warned by the governor's office and the intelligence department not to participate in gatherings, but they still took part. This indicates their malice in committing the crime.

5. Statements from all arrested defendants who, at the very beginning of the confrontation, admitted their presence at the scene and provided details of their criminal behavior. For example, one of the accused, Farhad Beigi, explicitly admitted in the file (page 9) that he was carrying a cold weapon (a knife). He stated: "I admit that I attended the ceremony with Alireza Fayzi and Mustafa Azizi, and I had a brown-handled knife in my hand. I stabbed an officer in the back, and Ghalamreza Rassaei, who had a kitchen knife, struck the officer's heart." Other accused individuals, including Seyed Rasool Razavi, Amin Hatami, and others, also admitted to being present at the scene, with Ghalamreza Rassaei armed with a kitchen knife. The statements of witnesses and informants, as well as the initial reports immediately after the crime, confirm that Ghalamreza Rassaei was responsible for the intentional murder of the late martyr Nader Birami. Since these statements were made immediately after the crime, they are considered the most reliable, as there was no opportunity for the defendants to conspire. Additionally, the psychological shock at the time of the crime left the defendants no room to fabricate their accounts. Thus, the statements made in the immediate aftermath are considered to reflect the truth. It is evident from the immediate aftermath of the murder that Ghalamreza Rassaei was indeed responsible for the intentional killing of Nader Birami.

6. More importantly, the confessions and statements of the defendants, particularly Galamreza Rassaei and Farhad Beigi, are crucial. They explicitly and repeatedly confessed to the crime during the preliminary investigations, in the presence of officials and during interrogation at the prosecutor's office, and detailed how the crime was committed. For instance, defendant Farhad Beigi admitted to striking the victim with a knife on the back, while defendant Galamreza Rassaei admitted to delivering two knife stabs between the victim's shoulder blades. Following these confessions, an investigation was conducted to discover the cold weapon used by the aforementioned defendants. Galamreza Rassaei's knife was found in his personal garden, hidden under a mulberry tree, as noted in the report on page 176. Additionally, Farhad Beigi's knife was found, upon his own confession, in the Peugeot 405 of defendant Pouria Abdi Maram, where it had been stored, and was handed over to the authorities by Pouria Abdi Maram's sister.

7. Observing the autopsy report and the details of the body examination, the cause of death was determined to be heart rupture due to the impact of a sharp object penetrating the front of the chest. When comparing the injuries on the victim's back and shoulder with the fatal wound in the chest area, the medical commission's report, along with the explanations provided by the forensic expert present at the session on July 22, 2023 (documents 906-909), indicates that the injuries' characteristics and the measurement of their size align closely with knife number two, which belonged to Galamreza Rassaei. According to the forensic doctor's detailed and technical explanation, and the photographic evidence of the late martyr Nader Birami's body, it was concluded that the knife used by Galamreza Rassaei was indeed the weapon that caused the wound to the victim's chest. The external surface of the wound in the chest measured approximately 4 cm, and the wound to the heart's internal area was 1 cm. Although the forensic examiner in the city of

Sahneh (page 178) stated that there was no similarity between the injuries to the back and chest, this opinion is not valid in a legal context. The forensic specialist from Kermanshah province, Dr. Ghazanfari, rejected the examiner's theory due to a lack of expertise in forensic medicine. Furthermore, the opinion of the forensic examiner is not backed by technical and practical evidence, and such a general opinion is deemed flawed.

Thus, after considering the expert opinions and the evidence, the forensic expert's conclusion aligns with the facts and convinces the court. Based on the above evidence and the documentation, the judicial knowledge of the crime committed by the defendants is evident. Regarding the first defendant, Galamreza Rassaei, as discussed above, he was present at the scene wearing a black sports jacket with three green lines on the sleeve, carrying two cold weapons (a kitchen knife with a yellow handle in his right hand and a knife blade in his left). His aggressive behaviour, physical posture, and being armed with weapons in both hands, along with his role from the beginning to the end of the gathering, were documented in the recorded footage, which shows his prior preparation and intent to confront the authorities. His weapon was found hidden in a location he had concealed. Additionally, witnesses, informants, and other defendants all identified Galamreza Rassaei as the killer of the late martyr Nader Birami in the early moments after the murder. He fled and hid in Shahriar city, where he was later arrested through technical surveillance. This act of fleeing indicates that he accepted responsibility for the crime, providing the court with reliable evidence.

The defendant Galamreza Rassaei is confirmed to have directly participated in the premeditated murder of the late martyr Nader Birami using a cold weapon, as well as causing bodily harm (non-fatal injuries) with a cold weapon, and participating in disturbing public order through creating chaos and confrontation. Even though the defendant denied the charges and claimed his confessions were obtained under torture during the preliminary investigations, this claim is baseless and false. First, according to Article 173 of the Islamic Penal Code, denial after confession does not negate punishment, except in cases where the confession concerns a crime punishable by stoning or the death penalty. Since the committed crime is not subject to the said Article, dismissing the confession is not admissible. Second, since the defendant confessed multiple times to the crime in front of officials and interrogators, his claim of torture lacks justification, as his detailed confessions at the prosecutor's office clearly explain the crime.

The discovery of the weapon used as the murder instrument was based on the defendant's confession before the investigating judge, which confirms the truth of the matter. Therefore, there is no evidence to support the defendant's claim that the confession was made under duress or torture.

Thirdly, since the defendant's confessions included detailed explanations and aligned so closely with the evidence, facts, and other details in the case file, it left no room for doubt and convinced the court of their accuracy and voluntariness, free from torture or coercion. As such, the court, having obtained judicial certainty and confirmed the defendant's mental soundness

(with no evidence of psychological disorder or insanity at the time of the crime), and in consideration of the request by the heirs of the late martyr Nader Biyrami for retribution (qisas), and upon confirming the defendant's guilt, sentences the defendant to qisas (retribution by execution) by hanging until death, pursuant to Articles 134, 19, 18, 2, and Clause A of Article 290, along with Articles 351, 350, 211, 171, 713, 710, 709, 419, 418, and 354 of the Islamic Penal Code, as well as Articles 614 - 618 of the Islamic Penal Code of 1996 (Section on Discretionary Punishments). Execution of the qisas is contingent upon obtaining permission from the Supreme Leader.

Additionally, regarding the charge of intentional bodily harm not leading to death, due to the use of a sharp weapon, the court sentences the defendant to one year of discretionary imprisonment (ta'zir) with time served deducted from the sentence. Concerning the private aspect of the case, the court orders the payment ofdiyyeh (blood money) as follows:

1. Two percent of a fulldiyyeh [blood money] for two deep wounds that reach the bone on the chest.
2. Three percent of a fulldiyyeh for two wounds with severe tearing of flesh between the shoulder blades.
3. One percent of a fulldiyyeh for one wound on the upper and outer part of the left shoulder.

These payments are to be made to the heirs of the deceased within one full lunar year from the date of the crime.

Moreover, the defendant is sentenced to one year of discretionary imprisonment, with time served deducted, and 74 lashes to be administered in the penal execution environment for participating in acts of disturbing public order and security, as their actions clearly disrupted public peace and tranquility.

Regarding the second defendant, Farhad Beigi Gorussi, who was charged with intentional bodily harm not leading to death using a sharp weapon against the late martyr Nader Biyrami:

For the public aspect of the case, given that the injuries were inflicted with a sharp weapon, the court sentences him to one year of discretionary imprisonment with time served deducted. For the private aspect of the case, the court orders the payment of one percent of a fulldiyyeh for a wound in the middle of the shoulder blade, to be paid to the heirs of the deceased within one full lunar year from the date of the crime. Additionally, the court sentences him to one year of discretionary imprisonment with time served deducted and 74 lashes to be administered in the penal execution environment for participating in acts of disturbing public order and security, as his actions clearly disrupted public peace and tranquility.

As for the charges against the other defendants—namely, Seyed Rassoul Razavi, son of Seyed Yarmorad; Seyed Masoum Razavi, son of Seyed Yarmorad; Armin Haghi Monjeq Tappeh, son of Hayat Ali; Pouria Mennati Monjeq Tappeh, son of Heydar; Shoja Mennati Monjeq Tappeh, son of Heydar; Seyed Farhad Zolnouri, son of Seyed Malek Mirza; and Seyed Fariborz Ebrahimi, son of Seyed Reza—all accused of participating in disturbing public order through rioting and creating chaos:

First, it has been definitively established that all the aforementioned defendants were present at the gathering during a time when the country was in a state of unrest.

Second, their actions at the gathering were clearly intended to provoke disorder and chaos.

Third, their actions disrupted public order and deprived the community of peace and security.

The court finds all the defendants guilty of the-said charges. Based on Article 618 of the Islamic Penal Code of 1996 (Section on Discretionary Punishments), the court sentences each of the defendants to one year of discretionary imprisonment (ta'zir) with time served deducted, as well as 74 lashes, to be carried out in the penal execution environment.

Regarding the charges against Armin Haghi Monjeq Tappeh, Pouria Mennati Monjeq Tappeh, and Shoja Mennati Monjeq Tappeh for participating in the infliction of intentional bodily harm not resulting in death upon the body of the late martyr Nader Biyrami:

The court orders the payment of diyyeh (blood money) in equal shares as follows:

1. Three thousandths of a full diyyeh for bruising the upper eyelid of the left eye.
2. Three thousandths of a full diyyeh for bruising the upper eyelid of the right eye.
3. Three thousandths of a full diyyeh for bruising the right side of the nasal bridge.
4. Three thousandths of a full diyyeh for bruising the forehead.
5. Three-tenths of one percent of a full diyyeh for bruising the top of the head as compensation.
6. Three-tenths of one percent of a full diyyeh for bruising the right temple.

7. One-hundredth of a fulldiyyeh for a wound (a superficial cut) on the head.
8. Three thousandths of a fulldiyyeh for bruising the right ear.
9. Three thousandths of a fulldiyyeh for bruising the right side of the neck.
10. One-hundredth of a fulldiyyeh for a harisah wound on the right side of the neck.
11. Half a hundredth of a fulldiyyeh for a wound on the right shin.
12. One-hundredth of a fulldiyyeh for two wounds on the upper and back part of the left thigh.
13. Three thousandths of a fulldiyyeh for bruising the back of the left hand.

These payments must be made to the heirs of the deceased within one full lunar year from the date of the crime.

It is understood that for defendants who have been sentenced to multiple punishments based on the principle of multiplicity of crimes, only the most severe punishment will be carried out. If, for any reason, the most severe punishment cannot be enforced, the next most severe punishment will be executed. Additionally, it is necessary to note that the reason for imposing the maximum legal punishment on the defendants is the atrociousness of their actions, as they brazenly engaged in confrontations with law enforcement, incited chaos in the community, and disrupted public peace and security. Therefore, the court has issued the maximum punishment under the law for these defendants.

Finally, regarding the charges against Pouria Abdi Maram, son of Shoghali, for carrying and storing a weapon with the intent to engage in conflict and aiding another defendant to escape prosecution:

First, the defendant did not prepare or store the weapon with the intent to engage in conflict. The weapon found in his vehicle had been placed there by the defendant Farhad Beigi Gorussi as a loan.

Second, this behaviour does not align with the legal definition of carrying and storing a weapon with intent to create conflict as outlined in the Note to Article 617 of the Islamic Penal Code of 1996 (Section on Discretionary Punishments).

Third, there is no conclusive evidence to prove the defendant's intent to assist Farhad Beigi Gorussi in escaping prosecution, as he was unaware of what criminal actions Farhad Beigi Gorussi had committed. He merely gave him a ride in his car and dropped him off at his residence.

Thus, based on the presumption of innocence and according to Article 37 of the Constitution of the Islamic Republic of Iran and Article 120 of the Islamic Penal Code of 2013, the court issues a verdict of acquittal for this defendant.

Regarding the charges against Amin Hatami, son of Rostam Beg, for participating in intentional bodily harm not resulting in death and disturbing public order through rioting and chaos:

First, no injuries or harm that could indicate the defendant's involvement in criminal behavior have been found in the case documents.

In other words, there is no evidence to suggest that this defendant committed the offense of intentional bodily harm against the late Nader Beyrami. Secondly, based on the defendant's defence, which stated, "My sole intention in intervening at the scene of the crime was to save Martyr Beyrami, and by doing so, I sought to rescue him from the attackers," the court found this claim to be credible. Consequently, with the absence of malicious intent by the defendant, and pursuant to Article 37 of the Constitution of the Islamic Republic of Iran and Article 120 of the Islamic Penal Code 2013, the defendant is acquitted based on the principle of presumption of innocence.

Regarding the charges against Gholamreza Rassaei, Farhad Beigi Gorussi, Seyed Rassoul Razavi, Seyed Masoum Razavi, all accused of "brandishing cold weapons to intimidate others," the court ruled that their actions did not meet the legal criteria for such an offense. Instead, their behaviour aligns with the offense of "disturbing public order." Issuing a double penalty for a single act lacks legal validity. Therefore, relying on the principle of presumption of innocence and Article 120 of the Islamic Penal Code, the court acquits them of this charge.

Finally, regarding the charge of complicity in the intentional murder of the late Martyr Nader Beyrami against Seyed Farhad Zolnouri and Seyed Fariborz Shah Ebrahimi through incitement and encouragement: Although these defendants were present as speakers at the disruptive gathering, and their speeches agitated the attendees, their actions cannot legally be deemed complicity in intentional murder. For such a charge, the incitement and encouragement must directly and specifically lead to the crime. The defendants neither knew the on-scene officers nor specifically incited individuals to target anyone. Moreover, they lacked shared intent with the principal defendant in committing the murder. As a result, the court does not find the legal elements of complicity in murder to be satisfied. Therefore, based on the presumption of innocence, Article 37 of the Constitution, and Article 120 of the Islamic Penal Code 2013, these defendants are acquitted. The issued ruling is in-person and subject to appeal before the Supreme Court within 20 days of notification.

Additionally, concerning other defendants—Sajjad (Mo'in) Kermani, Navid Yadegari, Kaveh Khamoushi, Yazdan Moussavi, Seyed Soroush Abbassi, and others—who were implicated in the offense but whose charges were not addressed in the indictment, the court deems it necessary to prepare a useful

duplicate of the case file and forward it to the prosecutor's office for further investigation and substantive review.

Mr. Ali Assadi, acting as counsel for the convicted defendant Gholamreza Rassaei, has appealed this decision, explaining: "For known and unknown reasons, neither the prosecutor's office nor the court paid adequate attention to my well-founded defence and that of my client. A severe death sentence was issued against my client. A case should only proceed in the Criminal Court of First Instance when there is no ambiguity in the preliminary investigation. I submitted a written and oral statement detailing fundamental deficiencies, but these shortcomings were never resolved. Preliminary investigations were dominated by emotion, and the court's decision relied on the judge's personal knowledge. The court's analysis does not align with the facts of the case and is flawed. Judges' personal knowledge cannot be the basis for a ruling; instead, it must be based on common knowledge that would convince the majority of people in similar circumstances. The Supreme Court's precedents also emphasize this point."

According to the case documents, a fight and altercation occurred during a ceremony attended by a crowd of approximately two thousand people. Several knives and sharp objects were present, which all needed to be collected and examined. The mere presence of the defendant and possession of a weapon does not necessarily indicate involvement in the murder. The prosecution failed to address the deficiencies identified by the court, as noted in the court's judgment.

Among these deficiencies is the fugitive status of Sajad Kermani Jani, against whom the only action taken was the issuance of an arrest warrant. As for Navid Yadegari, several defendants and witnesses stated that he was present at the scene, striking the martyr with a knife. Yet, no meaningful investigation has been conducted regarding his involvement, despite his criminal history, which suggests he might be the primary or one of the main perpetrators.

Furthermore, the investigations into Noushad Taheri, Seyyed Soroush Abbassi, Shoja Monti, and Amin Hatami were incomplete. After an order to address these deficiencies, Gholamreza Rassaei was interrogated by the IRGC intelligence unit, but the related investigation documents are missing from the case file.

Regarding the two unidentified assailants whose photos are present in the file, no efforts have been made to identify them. Due to the lack of timely investigations, evidence may have been destroyed, or the individuals may have fled. Without apprehending and interrogating these numerous unidentified or fugitive individuals, issuing a death sentence against the defendant contradicts Islamic law, legal principles, and rationality.

One of the court's main pieces of evidence is the testimony of Farhad Beigi against the defendant. However, Beigi himself was the primary murder suspect, with a history of unemployment and criminal behaviour. His statements have been inconsistent throughout the investigation, and the court

selectively used parts of his testimony unfavorable to the defendant. (Panel member: The appeal lawyer cited some of Farhad Beigi's statements documented in different parts of the case.)

Farhad Beigi's accusations against the defendant were likely an attempt to save himself and misdirect the investigation from the outset, rendering his testimony unreliable and legally invalid. Shockingly, the court has accepted others' initial statements as evidence, except those of Rassaei, specifically regarding claims that he struck the back of the victim and not the front.

The court's reasoning that the widespread belief in Rassaei's involvement in the early stages of the murder establishes his guilt contradicts the findings of the investigation. Even if such widespread belief existed, it could stem from Rassaei's local familiarity. In initial statements—closer to the truth, according to the judge—Shoja and Pouria Monti claimed Rassaei stabbed the victim from the back. However, the court disregarded this testimony and relied solely on an ambiguous and incomplete early statement by Beigi, where he mentioned a stab to the chest.

Amin Hatami, a member of the police force who was also initially a suspect but later acquitted, corroborated the defendant's statement that the blow to the victim came from the back. He also confirmed that prior to this, the victim had sustained injuries to the front.

The initial forensic report, which examined the body while it was still warm, aligns more closely with reality and is scientifically more accurate. However, the court favoured the opinion of the medical commission and Dr. Ghazanfari, using it as the basis for its ruling.

Based on the case documents, the following observations are presented:

Even the commission's report mentions that Knife No. 2, attributed to Rassaei, is likely to have caused the injury unless further investigations uncover other evidence or weapons. Thus, the forensic report is not definitive. Assuming the court disregards the lawful defences presented here, while maintaining the stated objections and emphasizing their validity, it appears that the crime in question aligns with provisions related to "general knowledge of doubt" and does not even reach the threshold of "hearsay evidence". In my view, the court should act according to Article 477 of the Islamic Penal Code of 2013, and I request the annulment of the court's ruling.

Another attorney, Mr. Hassan Ranjbar, representing the same convicted individual (Mr. Gholamreza Rassaei), submitted an objection letter that largely reiterates the arguments of the previous lawyer. Due to the extensive text of the document, it will be read during consultations if deemed necessary. Furthermore, Mr. Ebrahim Lashkari has also declared representation for the same defendant and requested access to the case file but has not submitted any additional objections.

Attorney Omid Kakavandi, representing Mr. Seyed Fariborz Ebrahimi and Farhad Zolnouri, has objected to the court's ruling, specifically regarding the conviction of his clients for public disorder, which resulted in prison sentences. He explained that his clients' charges of public disorder were previously addressed in the Public and Revolutionary Prosecutor's Office of Sahneh County, where, considering the nationwide unrest and the compassionate pardon by the Supreme Leader towards most participants, a stay of prosecution was issued under Case No. 1402007118 by the Second Branch of the Sahneh Prosecutor's Office. This decision, being final and binding, invalidates subsequent rulings by the Kermanshah Prosecutor's Office and the Criminal Court. The attorney requests annulment of this part of the judgment.

Ms. Neda Namdarzangeneh, another attorney representing the same individuals, echoed the previous lawyer's points, asserting that the matter had already been resolved as per the final ruling. She further argued that the court, contrary to the amended Note to Article 18 of the Islamic Penal Code, sentenced her clients to imprisonment beyond the legal minimum. She explained that her clients' actions were limited to brief speeches, which, although critical, primarily supported local officials and unity. Their actions did not incite riots or disruptions to public order.

Additionally, some lawyers have submitted documents, including decisions such as stays or dismissals of prosecution by the First Branch of the Public and Revolutionary Prosecutor's Office of Sahneh County. These rulings were based on factors like the Supreme Leader's general pardon in 2022, defendants' expressions of remorse, commitments to avoid future offenses, and the absence of proven malicious intent.

Mr. Seyed Rassoul Razavi also objected to the court's ruling, emphasizing his lack of a criminal record, his reactionary behavior due to the unrest, and the absence of any private complainants. He has submitted a declaration of remorse to the court and requested annulment of the ruling. If penalties are to be imposed, he has requested a reduction in his sentence.

Finally, Mr. Ali Azizi Elyasvandi, a legal expert from the Legal and Judicial Support Office for Martyrs and Veterans, representing the family of the late Martyr Nader Birami and the injured Mr. Zabihollah Nourmohammadi, filed an appeal against the court's ruling. He explained that, from a procedural perspective, the crimes committed by the accused, which were instigated and led by Seyed Fariborz Shah Ebrahimi and Seyed Farhad Zolnouri, with the recruitment of members of the Haqqani sect from across the country and influenced by hostile networks, constitute clear cases of rebellion, waging war, and spreading corruption on earth. Thus, the case should have been handled by the Revolutionary Court, but the court did not consider this objection.

Substantively, as mentioned in the introduction of the verdict and supported by video evidence, before the killer (Gholamreza Rassaei) stabbed Martyr Nader in the heart, several others, including Navid Yadgari, Farhad Beigi, and others, severely beat him with knives, and the video shows the martyr trying

to escape, but he was brought down to the ground, and then the killer carried out his act. Did they not facilitate the crime and are they not accomplices in the murder? Should they not be sentenced to 15 years in prison, or is it merely a simple public disturbance deserving of only one year of imprisonment? Especially Seyed Fariborz Shah Ebrahimi, one of the speakers, stirred up the crowd against the system and incited them before the martyr's killing. Is this incitement not a clear case of complicity in murder?

The court argued that there cannot be a shared intent between the perpetrator and the accomplice, but this was not an ordinary murder; it was the killing of a public official to maintain the safety of the community. If this case had been addressed by the Revolutionary Court, the handling would certainly have been different. One of the martyr's colleagues, Zabihollah Nourmohammadi, who was severely beaten by the perpetrators, is still awaiting a notification from the prosecution for the trial of the attackers. Unfortunately, he was not even called as a witness. It is requested that the case regarding him, who survived due to medical intervention, be addressed.

The complicity of Seyed Fariborz Shah Ebrahimi and Seyed Farhad Zolnouri in this murder is evident, as the first defendant, Gholamreza Rassaei, is clearly seen in the video standing beside the two speakers holding a statement. The two speakers incited the crowd, encouraging them to confront the government, considering it martyrdom. The security council had obtained a commitment from these two individuals before the event, but contrary to this commitment, they encouraged people to act, and a large number of young men, dressed in shrouds, attended the event. The incitement here constitutes complicity in the murder.

The legal representative of the Legal Support Office further pointed out the role of some of the accused in the incident, naming them as witnesses, and stated that the court did not hear the testimonies of the witnesses and acquitted some of the accused despite strong evidence. The charges against Armin Haghi, Pouria Monti, Masoom Razavi, Amin Hatami, Kaveh Khamoushi, and Milad Assadi, related to their complicity in the murder (by encircling the martyr and bringing him to the ground), are clear. The representative concluded by requesting the annulment of the verdict regarding all members of the rebellious group, that the case be referred to the Revolutionary Court, and that the maximum punishment be imposed. If the Supreme Court deems the case within the jurisdiction of the Criminal Court, the representative requests the confirmation of the death sentence for Gholamreza Rassaei and the designation of complicity in the murder for all those who assaulted the martyr and the inciting speakers.

The tribunal convened on the specified date, and after reading the report by Dr. Mohammad Reza Habibi (Member of the Tribunal) and reviewing the opinion of Mr. Hamzeh Shariati (Honorable Deputy Prosecutor of the Supreme Court), regarding the appeals of Mr. Seyed Fariborz Ebrahimi and Farhad Zolnouri, represented by Ms. Neda Namdar Zanganeh, Seyed Rasul Rezavi, and Ms. Golpasand Heydarian and Narges Da'i Chini, as well as Mr. Bababirami, represented by Mr. Ali Azizi Elyasvandi, and Mr. Gholamreza

Rassaei, represented by Mr. Ali Assadi, against the ruling No. 1402/7/15-782 issued by Branch 2 of the Criminal Court of Kermanshah Province. This ruling convicted Mr. Seyed Fariborz Ebrahimi and Farhad Zolnouri of involvement in disturbing public order, sentencing them each to one year in prison and 74 lashes. Mr. Gholamreza Rassaei was sentenced to death for the premeditated murder of the late Martyr Nader Birami and one year in prison for causing bodily harm with a cold weapon, along with payment of blood money for the public disturbance, and 74 lashes for the same.

The plaintiffs have argued that the punishment is inappropriate, as it should have been corruption on earth or a lighter penalty considered. They also questioned why the charge of complicity for Seyed Fariborz Ebrahimi and Farhad Zolnouri was dismissed, and whether the investigations into the case were comprehensive enough.

Considering the investigations carried out, the forensic medical certification, and the ineffective defence of the appellants (defendants), as well as their confessions, the issued verdict has been made in accordance with legal and Sharia standards and there is no error in it. It is confirmed and upheld, in accordance with clause (a) of Article 469 of the Code of Criminal Procedure. The appealed verdict is confirmed, and I agree with its upholding.

Upon reviewing the contents of the case and after consulting, the tribunal issues the following ruling:

Ruling

The objection raised by the counsel of the convicted party (Mr. Gholamreza Rassaei) against the appeal judgment, particularly the conviction of the accused for premeditated murder of Martyr Nader Birami, and the payment of blood money for the injuries not leading to death, and the imprisonment and lashes for disturbing public order, as well as the public aspect of the injuries, is not substantiated. The evidence available to the honourable judges of the court regarding the murder, based on the various indicators in the case file (some of which were referred to in the report), is considered reasonable. Furthermore, there is sufficient evidence, especially the accused's own confessions at various stages of the trial.

The objections raised by the counsel of Mr. Seyed Fariborz Ebrahimi and Farhad Zolnouri regarding the same appeal judgment, sentencing the two accused to prison and lashes for disturbing public order, and also the objection of Mr. Seyed Rasul Rezavi to the same part of the judgment, are unfounded. This is because the suspension orders and non-prosecution decisions referenced by the appellants, which were issued by the Public and Revolutionary Court of Sahneh County based on the 2023 Amnesty Circular by the Supreme Leader, cannot be extended to this specific case, which involved assault and murder with a private complainant.

Contrary to one of the appellants' claims, the reason for determining the punishment beyond the minimum legal limit has been clearly stated in the

verdict. Therefore, based on clause (a) of Article 469 of the Code of Criminal Procedure, the appeal is confirmed for the reasons mentioned above.

The objection raised by Mr. Ali Azizi Elyasvandi as a legal expert of the Legal and Judicial Support Office for the Martyrs and Veterans' Rights, on behalf of the family of the martyr and the injured party, Mr. Zobihollah Nourmoradi, regarding the competence of the court and the need to transfer the case to the Revolutionary Court for crimes such as rebellion and corruption on earth, and the acquittal of two defendants (Seyed Fariborz Shah Ebrahimi and Seyed Farhad Zolnouri) of the charge of complicity in murder, is also unsubstantiated. The decision by the investigative court and the tribunal regarding the criminal charges and their non-application to rebellion and corruption on earth is considered correct. Regarding the issue of complicity in murder, the court correctly established that the defendants shared the intent with the direct perpetrator of the murder, and no substantial evidence has been presented to undermine the court's reasoning in this regard.

Moreover, according to the case file, the appellate court agreed with the request to transfer the case from the Sahneh County Public and Revolutionary Prosecutor's office to the provincial capital's office for investigation of the murder. The Deputy Prosecutor of Kermanshah also emphasized this point and clarified that the other charges, such as conspiracy against national security, are still being processed at the Sahneh Public and Revolutionary Prosecutor's office. The Criminal Court, in the scope of the issued indictment, has made its ruling accordingly. Regarding the injuries inflicted on Mr. Zobihollah Nourmoradi, considering the circumstances mentioned above, he should continue his complaint at the Sahneh Public and Revolutionary Prosecutor's office.

Therefore, based on clause (a) of Article 469 of the mentioned law, the appeal is confirmed on the above-mentioned grounds. However, one of the charges against the attackers and assailants of the martyr involves assaulting government officials while performing their duties, and since no investigation or ruling has been issued regarding this charge in the public prosecutor's office or the court, only a reminder is provided.

Branch 17 of the Supreme Court of the Country

President: Mohammad Barani

Vice President: Dr. Mohammadreza Habibi