

In the Name of God

[Seal of the Office of Grand Ayatollah Makarem Shirazi

Date: February 19, 2013

Number: 119621]

To His Excellency, the Great Shi'a Scholar, Grand Ayatollah Makarem Shirazi

Greetings,

Respectfully, we would like to inform you that four death sentences were issued by Supreme Court Branch Thirteen for individuals named Mahafarid Khosravi, Behdad Behzadi, Iraj Shojai, Sa'eed Kiani, who have been among the country's top job creators (as managers and employees of the Amir Mansur Arya Investment Company), pursuant to the response to a judicial query posed to your Excellency, attached hereto. Since the adjudicating prosecutor's office and court claim to have posed the query to your Excellency and issued their ruling on the basis of your response, we respectfully request that you order that the matter be looked into and the accuracy or falsity of said claim be stated.

May God Bring You Success

[Signed by Mashayekhi, Amir Khosravi, illegible, dated February 19, 2013]

In the Name of God

Response: Greetings and Salutations. We hereby inform you that we have never issued an opinion concerning these four individuals, nor do we have any specific information regarding people's crimes. Adjudication is within the domain of the judicial system not ours. Therefore, the result, whatever it is, has nothing to do with us. We only issue fatwas ("religious decrees") in our treatise and in response to questions, where, if an individual has been proven to be Mofsed fel-Arz, the sentence decreed by the Holy Koran is death. However, the applicability thereof to individuals is within the honorable judicial system's realm [of duties].

May you always be successful.

[Signed; seal of Nasser Makarem Shirazi]

In the Name of God

To His Excellency, the Great Shi'a Scholar, Grand Ayatollah Nuri Hamedani

Greetings,

Respectfully, we would like to inform you that four death sentences were issued by Supreme Court Branch Thirteen for individuals named Mahafarid Khosravi, Behdad Behzadi, Iraj Shojai, Sa'eed Kiani, who have been among the country's top job creators (as managers and employees of the Amir Mansur Arya Investment Company), pursuant to the response to a judicial query posed to your Excellency, attached hereto. Since the adjudicating prosecutor's office and court claim to have posed the query to your Excellency and issued their ruling on the basis of your response, we respectfully request that you order that the matter be looked into and the accuracy or falsity of said claim be stated.

May God Bring You Success

[Signed by Mashayekhi, Amir Khosravi, illegible, dated February 19, 2013]

In the Name of God

Greetings.

We never interfere in judicial matters and never issue an opinion; and no query has been posed to us in the above-mentioned matter. The Judiciary Branch is independent and issues rulings based on legal and religious standards.

[Signed Hossein Nuri Hamedani]

[Seal of Hossein Nuri Hamedani]

[Emblem]

Islamic Republic of Iran

The Judiciary Branch

Supreme Court Branch Thirteen

Court Decision Number: 91-9970907300664

Case Number: 9109980003009327

Branch Archive Number: 910432

Date of Drafting: February 17, 2013

Court Decision

...for Defendant number 5, Sa'eed Khosravi, and prison sentences ranging from thirty to one year were issued for and communicated to the other individuals.

Both the private plaintiff, Bank Saderat Iran, represented by its authorized representative Mr. Mojtaba Dehqandar, head of the legal department, as well as the convicted individuals' attorneys have appealed the Court Decision within the legally prescribed time. In the last week of the month of Mehr 1391 (third week of October, 2012), the case was submitted to Supreme Court Branch Thirteen, which studied and analyzed the same.

The case file contained 35 boxes, and the court decision was drafted and organized in triplicates, each one being in eleven volumes containing one thousand six hundred and sixty pages. In addition to the Branch's presiding judge who is in charge of examining and preparing a case report, the other judge Mr. Maleki, and the assistant member judge Mr. Razi, who has been temporarily assigned to the Branch for assistance, each read and studied a copy of the court decision, each one taking notes which were examined, and the Branch is now ready to issue its opinion regarding the sentences issued.

The Court Branch convened on the above date. Upon reading the case file, the auditing judge Mr. Ali Asghar Baghani's report, and the Prosecutor General's representative and Supreme Court Investigating Judge Mr. Hassan Qassemi's written opinion generally requesting issuance of a ruling pursuant to legal standards regarding the individuals convicted in the lower court, the appellant's Decision Number 1/91/Sh d/110, the Court deliberated and rules as follows:

Branch Decision

Asking God Almighty for His help. Based on the case summary report that was presented in approximately 200 pages, it was determined that the Islamic Revolutionary Court Branch One:

- sentenced Defendants Number 1 through 4 to death on charges of disrupting the country's economic system and Efsad fel-Arz, and [ordered them] to return properties obtained from banks, to [payment of] monetary penalty, and for punishment of money laundering, to return of one quarter, the details of which are contained in the said court decision, and to which it will be alluded in the course of this ruling;
- pursuant to Principle 37 of the Constitution and the Law on the General and Revolutionary Courts Rules of Criminal Procedure, Article 177(a), acquitted defendants number 32 and 33, Messrs. Rassul Bahmani Oskui (executive director of Ahan va Fulad Loshan Company, a subsidiary of the Arya Group) and Hamid Sa'eedi (vice president of said company), of the charge of disrupting the country's economic system as mentioned above, through participation in group fraud and embezzlement and obtainment of illegal property for the benefit of Amir Mansur Arya Group in the amount of one thousand and forty billion Rials, the subject of six letters of credit opened for the benefit of said Company, and of the charge of money laundering, the earnings from the crime in the amount of [illegible], since the defendants strongly denied the charges and their and their attorney's defense was deemed valid and there was no evidence of the commission of the crime against said defendants, and the private plaintiff Bank Saderat Iran and the honorable Prosecutor General did not object to the ruling of acquittal. This Branch of the Supreme Court (Branch 13) therefore is under no obligation [to entertain anything in this regard];
- issued life sentences to a number of the defendants, citing the Law on Aggravated Punishment for Bribery, Embezzlement, and Fraud of 1988-89 enacted by the Expediency Council, Article 4, and thirty-year, twenty five-year, ... and one-year prison sentences [for other defendants].

We now take these sentences, and therefore the convicted individuals' and their attorney's [appeal and] objections into consideration.

Regarding Defendants numbers one through four, the court has cited and relied on the Law for the Punishment of Disruptors of the Country's Economic System of December 10, 1990, With Subsequent Additions and Amendments, Article 2, and on the Law on Aggravated Punishment for Bribery, Embezzlement, and Fraud of 1988-89 enacted by the Expediency Council, Article 4, in the latter portion of which it is stated: "In the event that it is an instance of Mofsed fel-Arz, their punishment shall be that of Mofsed fel-Arz." In the Law for the Punishment of Disruptors of the Country's Economic System, Article 1(a), (b), and (c), the word "examples" has been used and mentioned at the end of every paragraph and the word "disrupt" is used in the beginning of each paragraph, which is demonstrative of the fact that what is stated in each paragraph using the

word “through” is [for purposes of] illustration, that is, disrupting the country’s monetary and financial system is not solely limited to wholesale trafficking of currency, minting false coins, printing counterfeit currency, or wholesale importation or distribution thereof, whether domestic or foreign [currency], and that other cases can constitute examples of [disruption]. In the case being discussed, incorporation of numerous companies, a considerable number of which were fronts and in a high number of which no goods were traded, establishment of an organized gang, requesting and opening domestic letters of credit, and obtaining sums of money in the multi-billion range from banks, caused disruption in the country’s monetary system. Of course, the first section of Article 2 of the aforementioned law states: “In the event that the purpose of any of the actions mentioned in Article 1 paragraphs is to harm the regime of the Islamic Republic of Iran, and /or to fight the same, and/or [the actions are taken] with knowledge of the effectiveness of said actions in fighting the regime, if such actions rise to the level of Efsad fel-Arz, the perpetrator shall be sentenced to death...” [Here, the Law] makes in fact use of the condition “if such actions rise to the level of Efsad fel-Arz”, and Efsad fel-arz is not limited to the crime of Moharebeh provided for in Islamic Penal Code Chapter Seven, Article 183, but can also take place in crimes other than Moharebeh. Responses to queries posed to Grand Ayatollah Makarem Shirazi and Grand Ayatollah Nuri Hamedani are indicative of this meaning that is contained in the Court Decision issued by the Islamic Revolutionary Court Branch One. The intent of the sentence “with knowledge of the effectiveness of said actions in fighting the regime” is the perpetrator’s knowledge of crimes mentioned in the seven paragraphs and other such examples. Therefore, citing Article 105 that is in the indictment and concerns the judge’s knowledge is devoid of legal merit.

It must also be noted that statements made by a number of the defense attorneys in their briefs to the effect that opening LC’s and the actions attributed to the Amir Mansur Arya Group do not correspond to any of the aforementioned six paragraphs of the Law for the Punishment of Disruptors of the Country’s Economic System 1990’s Article 1, is due to disregarding the aforementioned sentence and the examples, mentioned in Article 1 (a), (b), and (c) of the Law. In other words, it is the disregard for this sentence stated at the end of said Paragraphs (a), (b), and (c) [that creates the confusion] of which the honorable attorney must take note and be aware; he should be reminded of this poem: “You have learned a few small things, but so many things remain hidden from you.” It must also be noted that Article 1’s Paragraphs have been enumerated in letters and are seven, from (a) to (g), which makes seven not six.

Accordingly, Defendants numbers one through four’s role in opening one hundred and thirty six LC’s and acceptance thereof by Mr. Sa’eed Kiai Rezazadeh, and their knowledge of the fact that the LC’s were largely a sham and fake, for which no goods were traded, and resulted in emptying bank coffers and disrupting the country’s economic system, corresponds to [and falls under] the Law for the Punishment of Disruptors of the Country’s Economic System, Article 2, section one. The president of Bank Melli Iran - who is one of the accused in the major bank corruption case and is now a fugitive from the law - Mr. Mahmud Reza Khavari’s letter of

resignation, accepted by the Minister of Economics and Finance on September 27, 2011, which indicates admission of bank corruption and [reflects] public anger toward the uncovered corruption, is also demonstrative of the matter.

And now, the text of the resignation letter which is contained in the issued Court Decision's Volume One and attached to the file: "Dear Doctor Seyyed Shamseddin Hosseini, Minister of Economics and Finance; Respectfully, Amir Mansur Arya Investment Group's abuse of financing means caused public anger and resulted in the country's banking system's functioning being judged differently, even though the root of this abuse is in the bank issuing letters of credit and there is no doubt as to Bank Saderat's responsibility. However, Bank Melli Iran's Branch Affairs Administration, by exceeding its powers, not heeding my and the board member's written orders, disobeying Credit Affairs Directorate and Supervision and Inspection Affairs Directorate's written warnings, accepting an exceptionally huge risk in [issuing and] discounting letters of credit solely relying on Bank Saderat Iran's previous obligation, certainly contributed to the creation of this evil phenomenon. I, therefore, ..."

Pursuant to Article 265(a) [which provides] "if the decision is issued in accordance with the law and the evidence in the case, the [decision] must be upheld and the case remanded to the court that originally issued the ruling," we consider the ruling concerning defendants one through four in accordance with the law and uphold said ruling.

Regarding other defendants in the case, we will issue an opinion on an individual basis in the following pages.

Defendant Number 5, Mr. Sa'eed Reza Mohammadi: He was President of Bank Melli Kish Central Branch. On September 14, 2011, he was charged with being an accomplice in disrupting the economic system, and taken to Kish Prison upon issuance of a temporary detention order by the court. On November 1, 2011, he was interrogated at the Information Ministry and questioned regarding the location of his wife's bank accounts, obtaining the sum of one hundred million from Mr. Sa'eed Khosravi and depositing the same into the account of Nima and Negar Company in Kish, run by Ms. Firuzeh Shoja'ee, Mr. Amir Abbas Shoja'ee (and Iraj Shoja'ee, auditing member's) sister at Saeed Reza Mohammadi's own request, real and movable properties, trips abroad, and efforts to study and obtain residency in Canada.

On November 22, 2011, the investigating judge explained the charge of being an accomplice in disrupting the economic system and an accomplice in obtaining illegal property for the benefit of Amir Mansur Arya Investment Group, accomplice in money laundering, and receiving a bribe in the amount of one billion seventy million Rials from Mr. Mahafarid Amir Khosravi, with Sa'eed Khosravi also playing a role. The defendant responded: "Everything I did was with administrative authorization from Free Zones Branches Affairs (Mr. Ashfai); the discounts were received in a timely fashion, and if there was any forgery, the branch had no knowledge. Regarding receiving the amount of one billion seventy million Rials, Mr. Sa'eed Khosravi gave

seventy million Rials as Eidi (Nowruz monetary gift, on the occasion of the new Iranian year) for the year 2011, which I took to be spent on building a mosque, and I received the amount of one billion Rials as a loan from Sa'eed Khosravi for which I gave a guaranteed check [as collateral] and I did not intend to receive a bribe. Therefore, I do not accept the charges. I also do not accept the charge of using a forged document because examination of documents is within the duties of the Currency Section.”

The court asked the defendant: “What was the original amount?” The defendant responded: “The first credit was approximately one hundred billion Rials. I think the difference was from one hundred to 250 billion Rials. I contacted Mr. Ashfai; he said ‘don’t do it if it is a sham.’ Ms. Mirzai contacted him again and he said ‘I’ll give you a written approval, continue the work. There is a legal expert, a currency expert, the head and the vice president of the Transactions Administration on this Committee, and I, as the head of the Administration, am also on this Committee. So what are you worried about?’ We started the work with such a high volume and in spite of the problem we had, because of Mr. Ashfai’s insistence... I truly didn’t think that this was a sham and that it might cause disruption. I was not apprised of any of this.”

The court stated that although the defendant Mr. Sa'eed Reza Mohammadi is guilty of the charge of disrupting the country’s economic system given the totality of the evidence cited, but because of the circumstances at Bank Melli and its management, and the level of his influence in creating said conditions for violations, his knowledge of the effectiveness of the crimes committed in fighting the regime has