



High Council for Human
Rights of the
Islamic Republic of Iran

Majidreza Rahnavaard: A Report on Death Penalty & Execution of Verdict

**The High Council for Human Rights of the Islamic Republic of Iran
(14 January 2023)**

In the Name of GOD

The High Council for Human Rights of the Islamic Republic of Iran

(14 January 2023)

Majidreza Rahnavard: A Report on Death Penalty & Execution of Verdict

Description of Crime Committed on 17 November 2022 in Mashhad

Following the actions taken by the enemies of the Islamic Republic of Iran and their affiliated media outlets over the last few months to launch a hybrid war against the Establishment and the Country, the adversaries have left no stone unturned to disrupt the security, comfort and calm of the general public by triggering riots in various cities, an example of which is the 17 November 2022 incident in the Horr-e Ameli Street in the holy city of Mashhad. According to the calls by rioting groups, about 150 rioters gathered on the said street, where the Basij forces were also in attendance. While the security forces were patrolling the Horr-e Ameli Street with motorcycles to control the riots at around 16:00, a person named **Majidreza Rahnavard**, armed with a knife, left his house, went towards the Basij forces and killed Hossein Zeinalzadeh with three stabs to the head and back of the body. The foregoing person then fled towards the beginning of the Horr-e Ameli Street No. 32, where he stabbed Ebrahim Ghafourian in the left shoulder, Danial Rezazadeh in the neck, and Mohammad Hossein Nedaei in the left shoulder. After killing two people and security forces, injuring four others, and creating terror among the citizens and businesses, he fled towards the Horr-e Ameli Street No 33.

Statements of Witnesses

“Following the call announced by the anti-Revolution elements for staging a riot, several teams from the police and Basij forces were patrolling the streets when they saw Majidreza Rahnavard attacking Hossein Zeinalzadeh and his other friends, stabbed them, and ran towards the Horr-e Ameli Street, where the abovenamed also confronted other people and beat them.”, said one of the witnesses, named P. Gh.

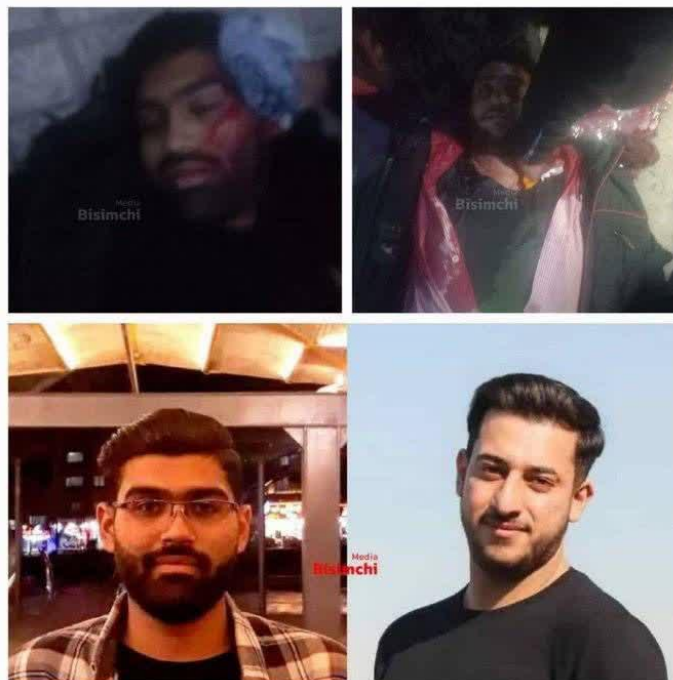
Another witness named A. M. said: “We were patrolling with our friends when we suddenly noticed that the assailant was attacking our friends with a knife. Anyone who came in front of him was stabbed. He ran to the Horr-e Ameli Street and killed several others.”

The child of another witness, named M. M., added: “In order to prevent street riots in the Horr-e [Ameli] region, I was there with my friends when I suddenly noticed that they were attacked.”

Filing Judicial Case & Arresting Perpetrator of Terrorist Incident

Immediately after the incident, and by order of the provincial prosecutor, the matter was placed on the judicial, law enforcement and intelligence agenda to investigate the dimensions thereof and identify and arrest the perpetrator. The defendant was arrested in the city of Eyvanekey in Semnan Province while fleeing to Tehran.

The inquiry to unmask the incident’s hidden angles was started in the investigation branch of the prosecutor’s office. As per the evidence and the express confessions made by the defendant and his accessories-in-fact from the beginning of the arrest until receiving the last defense before the examining magistrate on 21 November 2022, the investigations were declared final. Then, a writ of culpability was issued for the abovenamed on the charge of *moharebeh* by brandishing a knife with the intention of killing people, which resulted in the murder of Danial Rezazadeh and Hossein Zeinalzadeh, and the injury of Mehdi Ghaffari, Hamid Keramatian, Ebrahim Ghafourian and Mohammad Hossein Nedaei, and caused insecurity for the public.



Process of Fair Trial

Following the issuance of a writ of culpability by the office of the public prosecutor and a bill of indictment by the prosecutor, the judicial case was sent to a competent court to decide on the charge of “*moharebeh* by brandishing a knife with the intention of killing people”. The public hearing sessions have been held in the presence of various media outlets, with the footage and audio of which having been recorded, in compliance with legal standards in order to raise public awareness.

The defendant has enjoyed the right to have a lawyer from the very beginning of the judicial proceedings. His lawyer has also been present at all stages of the proceedings and provided the necessary defense for him. The defendant has been present in all the hearing sessions and presented all his points and defense, i.e., making confessions about killing two individuals, injuring four people and security guards with an *arme blanche*, and striking fear and terror into the hearts of people.

Finally, according to the existing laws, the merits of the case and reasonable assumptions, including:

1. The complaint lodged by the owners of blood (mother and wife) of Martyr Danial Rezazadeh and the complaint filed by the mother of Martyr Hossein Zeinalzadeh;
2. Complaints lodged and statements made by private plaintiffs, namely Mehdi Ghaffari, Hamid Keramatian, Ebrahim Ghafourian, and Mohammad Hossein Nedaei, for intentional assault and battery with a knife;
3. The content of the videos reviewed at the time of the crime, which is indicative of the *modus operandi*;
4. The result of the psychological test performed on the defendant, which is emblematic of his mental health and non-insanity;
5. The discovery of a handwritten will from the defendant during the inspection of his house, which proves that the defendant – egged on by the influence of cyberspace – had already decided to carry out terrorist acts against the Basij forces;
6. The defendant’s explicit statements in the court and confessions of crimes attributed thereto: “I chose the wrong way! I admit I made a mistake. I also understand the public hatred towards what I have done; my thoughts and

beliefs were just wrong. I had hidden the knife in my hand. I didn't understand what had happened. Now I am waiting to be punished as soon as possible!";

7. Evidence proving the terrorization of people;

➤ Creating an atmosphere of terror and extreme insecurity for the citizens, and the testimony of the witnesses in the court, as mentioned hereinunder, all prove the terrorization of the people:

✓ "I myself and those present in the scene were frightened! Everyone was just running away to one side. That's why the people demand that the accused get the most severe punishment. I have two daughters. From that day on, they have nightmares, phone me constantly when I am out of the house, and express worries. The incident besmirched our neighborhood. I was holding Martyr Zeinalzadeh's hands until he was martyred. The assailant had walloped him on the neck that this young man was martyred on the spot!";

✓ "I saw fear in people's eyes that day. Some women with their children were screaming and yelping!";

✓ That day, I saw the defendant sitting on the body of one of the martyrs in the Horr-e Ameli Street and severely stabbing this young man with a knife. People were terrified and screaming in fear."; and

✓ "People no longer want to be in this street following the incident, and businesses are grappling with many [financial] problems. We are very sad about this. It seems as if no one dares to cross this area with a small child because people are still worried and terrified.", said one of the shopkeepers of the Horr-e Ameli Street while addressing the court.

8. Many calls by people to the police to express fear and complain about the lack of security after the incident;

9. The affidavits signed by over 100 people, shopkeepers, and businesses in Qarani and Horr-e Ameli streets and addressed to the Semnan Province Chief Justice Administration bear witness to the terrorization of the people living and working in the said areas. The affidavits read: "After the incident, the mental security of the people and businesses in this area has been seriously damaged. The incident has caused terrorized and harmed the emotions and feelings of people, particularly children and women."; and

10. The actions perpetrated by the defendant were found to be examples of the crime of *moharebeh* (including terrorist crimes) in line with Article 279 of the Islamic Penal Code, enacted in 2013. Therefore, the death sentence was issued.

Supreme Court Upholding Verdict

The issued sentence can be appealed in the Supreme Court branches. The right to appeal was notified to the defendant and his attorney on 3 December 2022. On the same date, his lawyer demands a trial *de novo*. However, after a detailed review of the verdict, given the extensive evidence, the merits of the case, and especially the explicit statements presented by the defendant – all of which point to the *mens rea* of the foregoing person for participating in the riots to confront the security forces, and the fact that he deliberately assaulted several Basij forces with an *arme blanche*, and that his actions were in a way that caused terror among the people and left two Basij forces dead – the Supreme Court concluded that all three constituent *actus rea* have been established and that the crimes committed by the defendant constituted a clear and solid example of *moharebeh*. Therefore, considering the proportionality of the crime to the punishment, the Supreme Council upheld the judgment.

Execution of Verdict

The verdict was executed on Monday, 12 December 2022, after the defendant met with his family, the exhaustion of legal formalities, the notification of the judgment to the lawyer, and obtaining the will of the foregoing person.

Most Serious Crimes Defined by International Standards

With regards to the right to life, Paragraph 2 of Article 6 of the International Covenant on Civil and Political Rights stipulates: “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

Therefore, on the strength of the aforementioned Covenant, the death penalty has not been declared absolutely prohibited, and it is permissible provided that the following conditions are met:

- The death penalty shall be limited to the “most serious crimes”;
- The conviction and punishment for the most serious crimes shall be in accordance with the law in force at the time of the commission of the crime;
- The laws shall not be contrary to the provisions of the aforesaid Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide; and
- The final judgment on the execution of the death penalty shall be rendered by a competent court.

Concerning the compliance of these aforementioned conditions with the case in question, be advised that as per the explanations provided hereinabove, the crime committed by Majidreza Rahnavard is considered as one of the examples of terrorist crimes, which had endangered the lives of several people and jeopardized public order and security. Few international lawyers and experts would disagree with the fact that such crimes are among the examples of “the most serious crimes”. The second condition referred to in Paragraph 2 of Article 6 of the said Covenant regarding the application of punishment in accordance with the law in force at the time of the commission of the crime has been fully observed in this case. The death penalty was issued on the strength of the provisions of the Islamic Penal Code. The judgment does not conflict with other provisions of the said Covenant and the Convention on the Prevention and Punishment of the Crime of Genocide. On the other hand, the fourth condition regarding the issuance of the judgment by a competent court, as explained hereinabove, has been strictly observed in this case.

Therefore, based on the explanations, it can be concluded that the verdict issued against Majidreza Rahnavard and the execution of the punishment meted out thereto are in full compliance with the laws and regulations of the Islamic Republic of Iran as well as the Country’s international obligations, including the International Covenant on Civil and Political Rights.

