



کتابخانه

# Denied Identity: Human Rights Abuses Against Iran's LGBT Community

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- Promote accountability, respect for human rights and the rule of law in Iran; and
- Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

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LGBT Community

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Documentation Center

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## Executive Summary

Iranian lesbian, gay, bisexual and transgender (LGBT) persons are discriminated against in various aspects of their lives in the Islamic Republic of Iran (IRI).

Iran's penal code, known as the Islamic Penal Code (IPC), is based on *Shari'a law*, or Islamic religious law. The IPC explicitly criminalizes same-sex relations, even imposing the death penalty on individuals convicted of sodomy. While the evidentiary burden for proving that a homosexual act has occurred is difficult to overcome, in Iran's legal system, a judge, based on his own "knowledge," can independently convict a person. Although exact statistics are unavailable, some sources claim that hundreds of people have been executed for homosexual acts since the founding of the IRI in 1979.

In addition to criminal liability, LGBT Iranians are also subject to a wide range of abusive and discriminatory practices such as custodial rape, arrests at social functions, expulsion from educational institutions and denial of employment opportunities.

LGBT persons also face significant abuse at home. They are not, however, afforded legal protection against abusive family members. Iranian laws give parents extensive discretion in disciplining their children. Moreover, filing a complaint against abusive parents or siblings could endanger LGBT persons, making it very unlikely that such abuse gets reported.

While the Iranian government permits, and in fact encourages, sex-reassignment surgeries (SRS), transgender individuals face unequal treatment. They could be subject to arbitrary arrest simply due to their appearance, and many carry official documents that state their status in order to be protected from official harassment. Often, transgender individuals are pressured to undergo SRS.

Iran's treatment of its LGBT minority violates international law. The rights of LGBT persons to life, health, non-discrimination and privacy are routinely violated by the IRI. In addition, LGBT persons are deprived of the freedom of peaceful assembly as well as the freedom of opinion, expression and information. LGBT persons are also subject to torture and other cruel, inhuman or degrading treatments or punishments in violation of international law.

The newest version of the Islamic Penal Code was implemented in 2013, and it will be in effect for at least five years. There is no indication that the situation of Iran's LGBT persons will change, in law or in practice, in the near future.

## Introduction

Farshid, a 27-year-old homosexual Iranian, had no choice but to keep silent after two plainclothes agents of the Iranian state raped him in Tehran one autumn night in 2007. Farshid was out with his friends when the agents approached him. He was told that he would be taken to police headquarters. Instead he was taken to the basement of a house, where the two plainclothes agents raped him in the bathroom. They told him that they knew he was gay. One of the plainclothes agents took photos of Farshid when he was naked, and he stated he would distribute his photos if Farshid spoke out about what had happened. As a homosexual living in Iran, the risks of speaking outweighed any possible benefits for Farshid:

*I was scared for a long time. I was worried that they would distribute my pictures. Who could have found out who has distributed the pictures? I was also worried that they would call again and harass me.*

From previous experiences, Farshid knew he had to keep quiet when faced with abuse. When his brother discovered Farshid was gay, they got into a physical fight. Farshid's brother attacked him with a knife. Farshid went to a hospital to tend to his injury. He did not, however, report the incident:

*If I filed a complaint, what do you think would have happened if my brother would have said that I was gay in court?*

If it is revealed that a person is gay in Iran, that person will probably face grave consequences. This happened to Farshid in 2010. When rumors spread among his classmates that he was gay, Farshid was summoned by *herasat*, the university's intelligence and security office.<sup>1</sup> He was subsequently expelled from his university. The official reason given in his dismissal letter was "incompatibility with Islamic mores in the university."<sup>2</sup>

Unfortunately Farshid's story is not unique. LGBT persons living in the Islamic Republic of Iran (IRI) face discrimination and prejudice on a daily basis. From laws that prescribe the death penalty for homosexual acts to insults and condemnation at home, LGBT persons have nowhere to turn for protection. Many are forced to leave Iran and seek asylum on the basis of their sexual orientation or gender identity. This report explains how LGBT persons are discriminated against in law and practice in the IRI, and relies on first-hand witness accounts to demonstrate the wide extent of abuse against them in contemporary Iranian society.

In the Iranian context, the acronym LGBT (lesbian, gay, bisexual and/or transgender) is often used interchangeably with the term "sexual minority" and for the purposes of this report, includes persons who are discriminated against or persecuted for their sexual orientation and/or gender identity. There are no reliable statistics available on the total number of LGBT persons in Iran.<sup>3</sup>

The IRI's treatment of the LGBT minority since the Iranian Revolution of 1979 has been the subject of serious concern from the international community. Iran is one of only seven countries in the world that imposes the death penalty for homosexual acts.<sup>4</sup> Based on *Shari'a* law, or Islamic religious law, Iran's Islamic Penal Code (IPC) provides for the death penalty and lashing of individuals convicted of engaging

1. Every university and governmental organization in Iran has an intelligence and security office known as *herasat*. This office is in charge of the university or organization's security, and monitors it for any subversive act or any conduct in violation of the IRI's strict Islamic code.
2. *Witness Statement of Farshid*, Iran Human Rights Documentation Center (Sept. 15, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000322-witness-statement-of-farshid.html#.UkCc0NJzFPs>
3. The Iranian census, conducted by Statistical Center of Iran, does not inquire about the sexual orientation of respondents. The Census questionnaire used in 2011—the last year in which the census was taken—is available online. Statistical Center of Iran, 2011 Population and Housing Census, Form 2- Household Questionnaire (2011), available at <http://www.amar.org.ir/Default.aspx?tabid=765> (follow "Census Questionnaire 2011" hyperlink). In addition, there is no independent polling data on numbers of persons who comprise the LGBT community in Iran.
4. International Lesbian, Gay, Bisexual, Trans, and Intersex Association, *State-Sponsored Homophobia 22* (2013) available at [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf). The other countries in which the death penalty is imposed for homosexual acts are Mauritania, Nigeria, Saudi Arabia, Somalia, Sudan and Yemen.



in sexual acts with someone of the same sex.<sup>5</sup> Due to the lack of transparency surrounding these executions, it is very difficult, if not impossible, to determine definite numbers.<sup>6</sup>

Iranian officials state that human rights protections enshrined in international conventions do not apply to homosexuals. In March 2013, during an interactive dialogue at the 22<sup>nd</sup> session of the United Nations Human Rights Council in Geneva, Mohammad Javad Larijani, the chair of the IRI's High Council for Human Rights, followed the presentation of a report from Dr. Ahmed Shaheed, the United Nations Special Rapporteur on the human rights situation in Iran, with these remarks about the international laws protecting LGBT persons:

*The very countries that impose [the acceptance of] this deadly sin as a sign of progress on the world prohibited homosexuality up to about two decades ago. They considered it a disease, and even [a] prosecutable [offense]. These countries had written and ratified these documents for over a half century; therefore, the Special Rapporteur's claims about international obligations are completely baseless.<sup>7</sup>*

Indeed, the IRI's treatment of LGBT persons has resembled a campaign against a deadly sin. Even former reformist president, Mohammad Khatami, stated that sodomy is a punishable crime according to Islam when asked about execution of homosexuals in Iran.<sup>8</sup>

While the IPC severely punishes homosexuality, other policies have also been enacted in pursuit of this goal. Transgender men and women are often encouraged to undergo sex reassignment surgery (SRS), which is a difficult and costly procedure by which a person's existing sexual characteristics are altered to resemble that of the other sex.<sup>9</sup> In fact, the Iranian government has subsidized these procedures, and recently it has required health insurers to pay for the costs of SRS.<sup>10</sup> SRS is discussed as an alternative for gay and lesbian persons, and according to a BBC report Iran has the second highest rate of SRS in the world.<sup>11</sup>

Iranian transsexuals, however, are not immune from intimidation and discrimination in the IRI. Shima, a male to female Iranian transsexual interviewed for this report, stated that after being arrested at a party, the transsexuals at the party were specifically told not to gather in large numbers. She also reported that she and a number of her transsexual friends were arrested at a park, although they were not doing anything illegal.<sup>12</sup>

Classified as a mental disorder, homosexuality can be grounds for exemption from military service, which is compulsory in Iran. While the homosexual men interviewed for this report willingly took the exemption so as to avoid military service, granting exemption from military service to homosexual men is another IRI policy that demonstrates homosexuality is treated as a mental disorder or even a contemptible sin. No'man, a homosexual man from Shiraz, stated that the military officer approving his exemption said to him:

5. Human Rights Watch, *Codifying Repression 25-26* (2012), available at [http://www.hrw.org/sites/default/files/reports/iran0812webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/iran0812webwcover_0.pdf)
6. The International Lesbian and Gay Association has estimated that at least 800 individuals have been executed for sodomy between 1979 and 1997 in Iran. See ILGA Communications Media Committee, *Iran Asked to End Execution of Homosexuals*, *Queer Resources Directory* (August 4, 1997), <http://www.qrd.org/qrd/world/asia/iran/ILGA.asks.end.execution.of.homosexuals-08.06.97>. For a more detailed discussion of executions for sodomy see section 5.1 of this report *infra*.
7. *Gharb tā 2 dahih qabl khudash hamjensgarāyī rā mamnū mīdānist*, *Fars News* (March 15, 2013), <http://www.farsnews.com/newstext.php?nn=13911225000460>
8. Doug Ireland, *Khatami at Harvard: Students Demonstrate as ex-Iran Pres. Justifies Gay Executions*, *Direland* (Sept. 11, 2006), [http://direland.typepad.com/direland/2006/09/khatami\\_at\\_harv.html](http://direland.typepad.com/direland/2006/09/khatami_at_harv.html).
9. Sometimes referred to as "gender reassignment surgery" (GRS) or by other clinical terms, sex reassignment surgery most commonly includes surgery to reshape the genitals, as well as a range of other procedures including, complete hysterectomy and bilateral mastectomy (for female to male transsexuals); chest reconstruction and augmentation (for male to female transsexuals) and genital reconstruction and facial plastic reconstruction (for both female to male and male to female transsexuals).
10. *Mūsavīchilk: bīmih hazīnihyi jarrāhī taghīri jinsiyat rā pardākht mīkunad*, *Khabar Online* (Jul. 7, 2012), <http://www.khabaronline.ir/detail/226027/>.
11. Vanessa Barford, *Iran's 'diagnosed transsexuals'*, *BBC* (Feb. 25, 2008), <http://news.bbc.co.uk/2/hi/7259057.stm>.
12. IHRDC Interview with Shima (June 16, 2013) (on file with IHRDC).

*You are only being exempted because you are a deviant. You are all deviants, and you will lead others to deviance as well. That's why you are exempt from the service.*<sup>13</sup>

The most widespread and basic problems that Iranian LGBT persons face, however, are at home. Like Farshid, many are subjected to physical and verbal abuse, and are isolated and threatened. Some are severely restricted by their parents who are ashamed of them and want them to keep a low profile so that they will not bring further shame to the family.

LGBT persons like Farshid have no recourse against the abuse they face at home. They cannot file complaints with the authorities due to the fear of persecution by the government. There is no law or mechanism to protect them. Nor is there any bar against discrimination at school or the workplace.

This report examines how LGBT persons are persecuted in Iran, and looks into both the laws and the practices that cause this persecution. The first section of this report provides a brief history and background of the attitudes towards homosexuality throughout the Qajar, Pahlavi and immediate post-1979 revolution eras. The second section will examine the treatment of homosexuality under Shari'a law. The third section provides an analysis of how homosexuality and sex-reassignment surgery are dealt with under Iranian laws. The fourth section looks at the rights of LGBT persons under international laws and the compliance of Iranian laws with international standards. The fifth section provides individual short case studies of persecution and discrimination against LGBT persons in Iran, followed by a short conclusion and methodology section.

Although the Iranian state, as a general rule, categorizes pre-operative transgendered individuals by their biological sex, for the purposes of this report the gender pronoun used to describe the witnesses described therein will match the witness' stated gender identity

## 1. Historical Overview

### 1.1. Attitudes towards Homosexuality during the Qajar and Pahlavi Eras

While Shari'a law has always condemned homosexuality, certain types of same-sex relationships have been historically tolerated in Iranian society. Classical Persian poetry, for instance, specifically discusses male homosexual relationships. Over centuries, young males have been the subjects of adoration in Persian poetry.<sup>14</sup> Acceptance of same-sex male relationships continued well into the 19<sup>th</sup> and the 20<sup>th</sup> centuries. During the rule of the Qajar dynasty, consensual relationships between adult males and adolescent boys existed with some degree of visibility across Iranian society.<sup>15</sup> Boy concubines were a common feature of Naser al-Din Shah's<sup>16</sup> court, and the king even took boy concubines with him when he traveled.<sup>17</sup> Relationships between guild masters and mentors were another form of homoerotic relationships in Iranian society. The practice of having boy concubines was observed in several professions. This phenomenon existed in the

Discussion of homosexuality in Iran during the Qajar era mostly focused on homosexual relations between men. The concepts and vocabulary associated with homosexual relations, however, differed widely with our contemporary understanding of homosexuality. Only the "passive partner" was classified or described as differing from other men. According to historian Janet Afary, three terms were used to describe such passive partners: *amrad*, *ma'bun* and *mukhannas*. *Amrad* was used to describe adolescent boys in homosexual relationships. This term, however, did not connote permanent passive status. An adolescent boy who was the subject of adoration of adult males could get married, have children, and even get involved in a homosexual relationship as an active partner when he grew up. *Ma'bun* was the term used for males who maintained passive status into their adulthood. These individuals were considered to be sexual deviants. The third term was *mukhannas*, and it was used to denote effeminate men who, in appearance and character, were said to resemble women.

13. IHRDC Interview with No'man (June 18, 2013) (on file with IHRDC).

14. *Homosexuality in Persian Literature*, Encyclopædia Iranica (last updated March 23, 2012), <http://www.iranicaonline.org/articles/homosexuality-iii>

15. Janet Afary, *Sexual Politics in Modern Iran* 105(2009).

16. Naser al-Din Shah was the fourth monarch in the Qajar dynasty. He ruled Iran from 1848 to 1896.

17. Afary, *supra* note 15 at 105.

military, in the merchant community, in the notaries, and even among street vendors.<sup>18</sup>

As historian Afsaneh Najmabadi notes in respect to the treatment of homosexual men during the Qajar era:

*It was (is) also the case that if men performed their procreative obligations, the larger community was generally not much concerned with the rest of their sex lives.<sup>19</sup>*

However during the Pahlavi era, attitudes towards homosexual relationships began to change. The 1926 Penal Code—which was passed a year into the rule of Reza Shah—criminalized sodomy, and prescribed the death penalty for anyone convicted, although the penalty was changed to three to ten years of imprisonment in 1933.<sup>20</sup> Other laws were passed against pederasty and male prostitution, and male prostitutes were arrested at a higher rate compared to female prostitutes.<sup>21</sup> Media were given leeway to criticize homosexuality during an era of rampant censorship.<sup>22</sup> With the urging of Ahmad Kasravi, a judge, prominent writer and university professor, Prime Minister Foroughi ordered the elimination of a chapter of Sa'di's *Golestan*<sup>23</sup> from school curricula.<sup>24</sup> The chapter, entitled “Love and Youth,” contains many stories with homosexual themes. Later, Kasravi succeeded in persuading Foroughi's successor, Mahmoud Jam, to prohibit publication of poems with homosexual themes in newspapers.<sup>25</sup>

## 1.2. Views on Homosexuality in the Islamic Republic

The 1979 Iranian Revolution ushered in new leadership that took a very harsh stance against what it considered immoral and un-Islamic. The newly established government immediately created Revolutionary Courts, which handed out sentences after summary trials. Early targets included former regime officials, drug smugglers, prostitutes, rapists and those convicted of adultery and sodomy. The summary trials did not involve specific charges based on codified law; instead often the charge leveled against these individuals was “corruption on earth,” a loosely defined term that could be used to describe a wider range of alleged offenses.

An Amnesty International report published on February 1, 1980 reported that 438 individuals were executed between February 16, 1979 and August 12, 1979.<sup>26</sup> While the vast majority of these individuals were former regime officials, army officials and police officers, others were executed for alleged moral offenses. Included in this number were four alleged prostitutes, 18 alleged rapists, three alleged adulterers, and four individuals who had allegedly committed sodomy.<sup>27</sup> In addition, three individuals were executed for both adultery and sodomy.<sup>28</sup>

In 1982 the Iranian parliament passed the *Law of Hodud and Qisas*.<sup>29</sup> This law was the first legislation that codified punishments based on Shari'a law. A supplementary law was enacted in 1983.<sup>30</sup> The IRI merged

18. Ja'far Shahri, 6 *Tarikh-e Ejtema'i-ye Tehran dar Qarn-e Sizdahom* 319 (1999).

19. Afsaneh Najmabadi, *Women with Mustaches and Men without Beards* 20 (2005).

20. Qānūni Mujāzāt [Criminal Code] 1304 [1926], art. 207, available at [http://www.alqaza.com/far/index.php?option=com\\_content&view=article&id=236&Itemid=](http://www.alqaza.com/far/index.php?option=com_content&view=article&id=236&Itemid=)

21. Afary, *supra* note 15 at 160.

22. *Id.*

23. Sa'di (1210-1291 or 1292) is considered to be one of the greatest figures in Persian literature. He was both a poet and a prose writer. *Golestan* was completed in 1258, and is one of the most important works of prose in Persian. For further information, see *Golestān-e Sa'di*, Encyclopædia Iranica (last updated Feb. 14, 2012), <http://www.iranicaonline.org/articles/golestan-e-sadi>

24. Afary, *supra* note 15 at 164.

25. Afary, *supra* note 15 at 164-65.

26. Amnesty Int'l, *Law and Human Rights in the Islamic Republic of Iran: A report covering events within the seven month period following the Revolution of February 1979* 169 (1980), available at [http://www.iranrights.org/english/document-338.php#\\_ednref205](http://www.iranrights.org/english/document-338.php#_ednref205)

27. *Id.* at 135-169.

28. *Id.*

29. Human Rights Watch, *Codifying Repression* 9 (2012), available at [http://www.hrw.org/sites/default/files/reports/iran0812webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/iran0812webwcover_0.pdf)

30. *Id.*

these laws into a single code in 1991. The IPC, which came into effect in that year, explicitly codified punishments for adultery, sodomy and other homosexual acts. According to this code, anyone convicted of sodomy would be sentenced to death.<sup>31</sup> The method of the execution was left to the judge's discretion. Islamic law grants extensive discretion to a judge in determining the method of execution for a person convicted of sodomy. Although in practice most offenders are executed by hanging, Ayatollah Khomeini previously stated that in cases of sodomy the judge can order the offender to be beheaded by a sword, burned alive, stoned or thrown off of a mountain or another high place with his hands and feet tied, or even have a wall demolished over his head.<sup>32</sup>

However, if no penetration occurred during the homosexual act, the parties would not be executed. Instead, they would be sentenced to one hundred lashes each.<sup>33</sup> Men engaging in lustful kissing would be sentenced to 60 lashes.<sup>34</sup>

Punishments for female homosexual acts were more lenient compared to that given to men. Two women convicted of homosexual acts involving their genitalia would be sentenced to 100 lashes. Nevertheless, for both non-penetrative male homosexual acts and female homosexual acts, the parties could be sentenced to death on the fourth conviction.<sup>35</sup>

The 1991 IPC was supposed to be enforced during a "trial" period. The law, however, was renewed for another ten years in 1996. In 2006, the IPC was renewed again, but only for one year. Similar one-year renewals were passed by Iran's parliament in subsequent years.<sup>36</sup> In 2013, and after a long legislative impasse, a revised version of the IPC came into effect. Nevertheless, this new version is not final either, and it will expire in five years. The 2013 IPC slightly differs from its predecessor in how it deals with homosexual acts, which will be explored in detail in Section 3.4 *infra* of this report.

## 2. Shari'a Law and Homosexuality

Generally speaking, Shari'a is defined as "Islamic religious law."<sup>37</sup> There are significant differences between Sunni and Shi'a interpretations of Shari'a law. The vast majority of Iranians are followers of Twelver Shi'a Islam. According to *Twelver Shi'a* Islam, Prophet Mohammad anointed Ali, his cousin and son-in-law, as his rightful successor. In addition, *Shia* Muslims believe that Ali's eleven subsequent descendants, or *Imams*, were divinely ordained to lead Muslims. Therefore, for Twelver Shi'a jurists the actions and sayings of Ali and eleven of Ali's descendants are also relevant for purposes of deriving *Shari'a* law.

In Shi'a jurisprudence, Shari'a law derives its rulings from four sources. The first, and most important, is the Qur'an itself. Considered to be God's revelation, the Qur'an contains laws that have been incorporated into Shari'a law. The second source is *Sunnah*, which can be understood as the collective actions of Prophet Mohammad, his son-in-law Ali, and eleven of Ali's descendants, known as Imams. *Sunnah* is based on oral traditions related from the life of Prophet Mohammad, Ali, and his eleven descendants. These oral traditions are referred to as *hadith*, and they constitute the basis for the majority of rulings in Shari'a law.<sup>38</sup> The third source is *aql*, which can be translated as "intellect" or "reason". The fourth and final source of Islamic law is *ijma'*, which means the consensus of Islamic scholars. This source is only used in the occasions that the previous three sources do not lead to a conclusive resolution of the issue at hand.

31. Qānūni Mujāzāti Islāmī [Islamic Penal Code] 1370 [1991], art.110, available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html#21>

32. Rūhullāh Khumīyīnī, 4 tārjumiyi tahrīr al-vasīliyi imām khumīyīnī 160 (trans. Muhammad Bāqir Mūsavī Hamidānī 1991) 1968, available at <http://www.ghaemiyeh.com/downloads/215-FA-tarjomeie-tahrirrol-vasile-emam-khomeini-j4.pdf>

33. Qānūni Mujāzāti Islāmī [Islamic Penal Code] 1370 [1991], art.121, available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html#21>

34. *Id.* art.124.

35. *Id.* arts.122 and 131.

36. Historical Information on the Islamic Penal Code, Pāyghāhi Ittilā'ti Qavānīn vā Muqarrarāti Kishvār, <http://www.dastour.ir/brows/?lid=143178> (last visited Oct. 13, 2013).

37. Shari'a 1 (Abbas Amanat & Frank Griffel eds., 2007).

38. *Id.* at 3.

## 2.1. Treatment of Homosexual Acts under Shari'a Law

### 2.1.1. Sodomy

Scholars of Islamic law have long disputed the proper treatment of homosexual acts in Islam therefore the methods and severity of punishment for such acts have varied greatly throughout Islamic history. Although the Qur'an condemns homosexuality in its telling of the story of the people of Lut (the equivalent of the biblical Lot), there is no clear legal precedent for penalizing homosexuality. Two passages within this story are said to demonstrate the prohibition on homosexual acts: "You [the men of the city] approach men instead of women lustfully; you are rather a people given to excess",<sup>39</sup> and "Do you approach the males from all mankind and leave the wives that your Lord created for you? No, you are a transgressing people".<sup>40</sup> Neither passage mentions sodomy or other homosexual acts, nor does any passage suggest that such conduct should be criminalized rather than simply being viewed as a sin.

Muslim scholars have thus turned to various *hadith* and traditions, and their own reasoning and interpretations, to seek answers as to what treatment should be applied. With the multitude of traditions and schools of jurisprudence, the punishment for homosexual activity has varied greatly over time, with legal opinions ranging from lashing to stoning to execution. It is known that several early caliphs—or heads of the Islamic state<sup>41</sup>—punished the act of sodomy by having both parties executed, but jurists and scholars of the medieval period became increasingly divided over the proper penalty.<sup>42</sup> Some schools of Islamic jurisprudence continued to prescribe executions, while others called for somewhat milder discretionary action. Different *hadith* emerged in the centuries following the Prophet Muhammad's death, and they diverged on the appropriate punishment for sodomy. The authentic legal literature of Twelver Shi'a Islam did not emerge until the 3<sup>rd</sup> century of Islamic history.

Ultimately, despite much remaining ambiguity, the treatment of adultery (illicit sex between a man and a woman) as a *hodud* crime (a crime with a fixed punishment in Islamic law) became a paradigm by which to punish sodomy,<sup>43</sup> which was viewed not only as a sin but also as a crime.<sup>44</sup> Since sodomy is not specifically designated as a *hodud* crime in the Qur'an, it fell to the processes of deduction, drawing upon the Qur'an and *hadith*, to determine the appropriate penalty.<sup>45</sup> Although the four primary schools of Sunni jurisprudence<sup>46</sup> along with the *Jaf'ari* school of Twelver Shi'a Islam all differ from one another, the debates concerning the practical application of jurisprudence, especially with regard to homosexuality, crossed the boundaries of legal schools.

Due to the lack of authoritative word on the punishment for homosexual conduct, jurists can only refer to the people of Lut rhetorically, and cannot cite it as an authoritative legal source. Instead, they look to *hadith* or reports of the decisions of the early followers of Mohammad.<sup>47</sup> A representative authority is al-Qurtubi, a Maliki jurist who argued that anal sex between men was a *hodud* crime requiring capital punishment. The Qur'an only explicitly defines five *hodud* crimes: murder, highway robbery, theft, adultery, and false accusation of adultery.<sup>48</sup> Al-Qurtubi argued that homosexual anal sex is the legal equivalent of adultery, explicitly defined as an act of sexual penetration between a man and a woman who are not joined by a

39. Qur'an 7:81

40. Qur'an 26:165-166

41. The term caliph, which is derived from the Arabic term *khalifah* (successor), refers to the head of the Islamic state. Following Mohammad's death, Abu Bakr was selected as leader of the Islamic community, and he became the first caliph.

42. Everett K. Rowson, *Homosexuality*, in *Encyclopedia of Islam and the Muslim World* 316 (Richard C. Martin et al eds., 2004).

43. Sara Omar, *From Semantics to Normative Law: Perceptions of Liwat (Sodomy) and Sihaq (Tribadism) in Islamic Jurisprudence (8<sup>th</sup>-15<sup>th</sup> Century CE)*, 19 *Islamic Law and Society* 222 (2012).

44. Nicole Kligerman, *Homosexuality in Islam: A Difficult Paradox*, 2 *Macalester Islam Journal* 53 (2007) available at <http://digitalcommons.macalester.edu/cgi/viewcontent.cgi?article=1028&context=islam>

45. Brian Whitaker, *Unspeakable Love: Gay and Lesbian Life in the Middle East* 118 (2006).

46. There are four major Sunni legal schools. They are Maliki, Hanbali, Shafi'i and Hanafi.

47. Whitaker *supra* note 45 at 215.

48. Scott Siraj al-Haqq Kugle, *Sexuality, Diversity and Ethics in the Agenda of Progressive Muslims*, in *Progressive Muslims on Justice, Gender and Pluralism* 216 (Omid Safi ed., 2003).

contractual relationship or marriage punishable by death under certain conditions.<sup>49</sup>

Twelver Shi'a Islam uses similar jurisprudential arguments in deriving the appropriate punishment for sodomy. Al-Hilli, a prominent 13<sup>th</sup> century Shi'a jurist, wrote that the punishment for sodomy is death.<sup>50</sup> Several *hadith* from Shi'a Imams support this conclusion. For instance, Ja'far al-Sadiq, the sixth Shi'a Imam, is reported to have stated that a person who has committed sodomy should be killed with a sword.<sup>51</sup>

### 2.1.2. Difference in Treatment of Active and Passive Partners in Sodomy

Several prominent Islamic jurists have stated that while the passive partner in sodomy should always be killed, the active partner is only condemned to death if he is married. This view has been implemented in the revised and newly-approved IPC. Therefore it merits further examination.

The distinction between punishments for the active and passive participant in the act of sodomy originated from early Islamic scholars' conceptions of God's prescriptions for the role of males and females. An illustrative example is provided by Fakhr al-Din al-Razi, who argued that "maleness" is the source of action, and "femaleness" is the source of reaction. Thus, if a male becomes a passive participant in anal intercourse, he is behaving contrary to God's wisdom.<sup>52</sup> This position finds further support in a *hadith* in which a man who has been sodomized is referred to in feminized terms, comparing him to a woman who is penetrated during intercourse.<sup>53</sup> The distinction exists in Shi'a schools as well. According to a *hadith* attributed to the third Shi'a Imam:

"...[T]here are upside-down wombs in [passive partners'] lower backs, and their anuses are similar to those of women. One of Satan's descendants named "Zaval" was involved in the formation of their zygotes. Any man who has been affected by Zaval's involvement is a passive partner, like how any female whose zygote has been affected by Zaval is infertile, and any man who is part of that disgusting act [of being passive] cannot stop once he reaches 40 years of age. These men are remainders of the clan of Sodom."<sup>54</sup>

Additionally, Mohammed himself has been quoted as saying "God curses men who mold themselves in the manner of women and women who mold themselves in the manner of men."<sup>55</sup>

### 2.1.3. Lesbianism

Many fewer Islamic juridical authorities regarding lesbianism exist than those regarding sodomy. The justification for the prohibition of lesbian acts is found in the following verse: "As for those of your women who commit the immoralities, have four from among yourselves bear witness against them. If they do witness, then confine them [the women] to their rooms until death causes them to perish or until God makes for them a way [of release]. And for any two from among you [men] who commit it, then punish the two of them, then if they repent and reform then leave the two alone, for indeed God is forgiving and merciful"<sup>56</sup>, but the original Arabic passage itself is quite vague.<sup>57</sup> Contemporary punishment for lesbianism is not as severe as for homosexual sodomy upon the first offense because Islamic jurists define sexual intercourse only as penile penetration, meaning sexual acts between two women cannot be considered fornication or

49. *Id.*

50. Hamid Masjidsarāyī, *ta'amuli dar kiyfari lavāt: tahlīli fiqhī huqūqī mādiyi 110 qānuni mujāzāti Islāmī* [On the Punishment for Sodomy: A jurisprudential and legal analysis of Article 110 of the Islamic Penal Code], 44 mutālī' āti islāmī: fiqh vā usūl 101, 107 (2012), available at <http://jm.um.ac.ir/index.php/Fiqh/article/view/12920/2100>.

51. *Id.* at 108

52. Omar supra note 43 at 237.

53. *Id.*

54. Shiykh Sadūq, 'Ilal al-Sharā'ī' 539 (2006), available at <http://ia700807.us.archive.org/4/items/3287879423/ilal-shraeeia.pdf>

55. ZIYN AL-DĪN AL-'ARĀQĪ, 8 TARHI AL-TATHRĪB FĪ SHARHI AL-TAQRĪB 114 (N.D.), available at <http://shamela.ws/browse.php/book-11036#page-1902>

56. Qur'an 4:15-16

57. Bilancetti, Ilaria, *The hidden existence of female homosexuality in Islam*, Jura Gentium, <http://www.juragentium.org/topics/islam/mw/en/bilancet.htm> (last visited Oct. 3, 2013).

adultery.<sup>58</sup> However, repeat offenders can be punished with death. Justifications similar to those used to advance prohibitions on male homosexual conduct, such as the complementarity between the two sexes, are also used to rationalize prohibitions on lesbianism.<sup>59</sup>

### 3. Treatment of Homosexual Acts under Current Iranian Law

As mentioned in the introduction to this report, the IPC explicitly criminalizes sexual relations between same-sex individuals. A new version of the IPC came into effect in 2013, and section 3.2 *infra* explains how the new IPC treats homosexual acts. Also, in section 3.4 of this report the differences between the current and the previous versions of the IPC will be examined.

The IPC criminalizes specific sexual acts; it does not, however, provide for punishment of homosexuality in general. There are four types of same-sex sexual acts that are explicitly recognized as criminal by the IPC.

#### 3.1. Same-sex Offenses under Current Iranian Law

*Shari'a*, or Islamic law, prescribes punishments for certain offenses. As briefly mentioned in section 2.1.1 *supra* of this report, one category of crime and punishment as prescribed by *Shari'a* is called *hadd*. In plural, these punishments are called *hodud*, and they comprise a separate class of punishments from other *Shari'a* punishments or those that originate in the civil law. While *hodud* punishments have been incorporated into the IPC, they differ from other punishments in several aspects. Evidentiary requirements and treatment of repeat offenders are two examples of the ways in which *hodud* crimes differ from other crimes. In addition, *hodud* punishments are fixed and the judge cannot change or mitigate these punishments. Among the crimes listed below, sodomy, *tafkhez*, and *mosaheqeh* belong to the *hodud* class of crimes. On the other hand, crimes falling under the title “other homosexual acts” are not *hodud* crimes. Punishment for these crimes is referred to as *ta'zir*.

##### 3.1.1. Sodomy, *Tafkhez*, *Mosaheqeh* and Other Homosexual Acts

Article 233 of the IPC defines sodomy as: “penetration of a man’s sex organ, up to or beyond the point of circumcision, into the anus of another man.”<sup>60</sup> If there is no penetration, the parties could be charged with the lesser crime of *tafkhez*. Article 235 of the IPC defines *tafkhez* as: “placing a man’s sex organ between the thighs or the buttocks of another man.” A proviso to Article 235 states that if penetration does not reach the point of circumcision, the sex act is considered to be *tafkhez*. Sexual acts between two females can lead to a charge of *mosaheqeh*. Article 238 of the IPC defines *mosaheqeh* as: “when a female places her reproductive organ on another female’s reproductive organ.” Other sexual acts are discussed in Article 237 of the IPC. According to this Article, in addition to sodomy and *tafkhez*, other homosexual acts such as kissing and touching for pleasure are forbidden as well.

#### 3.2. Punishments for Same-sex Offenses under Current Iranian Law

##### 3.2.1. Punishment for Sodomy

Iranian law distinguishes between “active” and “passive” partners involved in sodomy. This distinction is rooted in Islam’s views on homosexuality. Accordingly, the punishments for active and passive partners are different.

###### 3.2.1.1. Passive Partner in Sodomy

The passive partner in sodomy, if convicted, will be sentenced to death. His marital status is irrelevant.<sup>61</sup>

58. *Id.*

59. *Id.*

60. Qānūni Mujāzāti Islāmī [Islamic Penal Code] 1392 [2013], art. 233, available at <http://rc.majlis.ir/fa/news/show/845002>

61. *Id.* art. 234.

### 3.2.1.2. Active Partner in Sodomy

The sentence given to the active partner engaging in sodomy is more complicated. If he is married<sup>62</sup>, he will be sentenced to death.<sup>63</sup> If he is not married, however, he will be sentenced to one hundred lashes. The death penalty will also apply to the active partner when the active partner is a non-Muslim but the passive partner is a Muslim.<sup>64</sup>

### 3.2.2. Punishment for *Tafkhiz*

Unlike sodomy, there is no distinction between an active and a passive partner. Also, there is no distinction between a married and an unmarried partner. Neither is punishment more severe if one partner forces the other to engage in the sexual act. Any man convicted of *tafkhez* will be sentenced to one hundred lashes. Nevertheless, if the active partner is a non-Muslim and the passive partner is a Muslim, the non-Muslim active partner will be sentenced to death.

### 3.2.3. Punishment for *Mosaheqeh*

Article 239 of the IPC states that *mosaheqeh* is punishable by one hundred lashes. Article 240 explains that there is no difference between an active and a passive partner, and the marital status of the parties has no effect on the punishment. Also, the religion of the partner is not a relevant factor. Similar to *tafkhez*, the punishment for a person convicted of *mosaheqeh* would not be more severe if she forces another woman to engage in the sexual act.

### 3.2.4. Punishment for Other Same-sex Sexual Acts

Article 237 of the IPC states that other homosexual acts, such as kissing and touching for pleasure, are punishable by 31 to 74 lashes. This provision applies to both men and women. *Shari'a* law does not specify punishments for crimes falling under this category. Therefore, the punishment of lashes provided in the IPC is referred to as a *ta'zir* punishment.

### 3.2.5. Death Penalty on the Fourth Conviction

Article 136 of the IPC states that any person convicted for the fourth time of any crime in the *hodud* category will be sentenced to death, provided that after each conviction he or she has been accordingly flogged. With the exception of the passive partner in sodomy, who will be executed after the first punishment, Article 136 means that an active partner in sodomy, a man convicted of *tafkhez*, and a woman convicted of *mosaheqeh* may be put to death after their fourth conviction. This repeat-offender scheme, however, does not apply to those convicted of "other same-sex sexual acts" such as kissing and touching for pleasure.

## 3.3. Evidentiary Burden for Homosexual Acts

There are several ways in which a sex offense, including homosexual acts, can be proven under Iranian law. This section examines the ways in which the evidentiary burden can be overcome.

### 3.3.1. Testimony of Witnesses

Similar to the crime of adultery, the crimes of sodomy, *tafkhez* and *mosaheqeh* can only be established if there are four male witnesses or three male and two female witnesses.<sup>65</sup> If there are only two male witnesses

62. The IPC uses the term "*ihsan*" which refers to the state of being married. Technically, however, *ihsan* is more complicated. The IPC states that *ihsan* is established when (a) a man has a permanent wife who has reached the age of majority, (b) he has had at least one vaginal intercourse with his wife after she has reached majority, and (c) he can have vaginal intercourse with his wife anytime he wants. It is only when all of these three conditions are satisfied that a man is said to have reached *ihsan*.

63. Qānūni Mujāzāti Islāmī [Islamic Penal Code] 1392 [2013], art. 234, available at <http://rc.majlis.ir/fa/news/show/845002>

64. *Id.* art. 233, proviso 1.

65. According to *Shari'a* law the testimony of one man is equal to the testimonies of two women. See Qānūni Mujāzāti Islāmī [Islamic Penal Code] 1392 [2013], art. 199, available at <http://rc.majlis.ir/fa/news/show/845002>.



and four female witnesses, the most serious punishment that can be imposed is lashing.<sup>66</sup> In other words, sodomy cannot be proven with two male and four female witnesses; only *tafkhez* and *mosaheqeh* can be proven. As for the category of “other homosexual acts,” two male witnesses will suffice. The witnesses must see the sexual act in person.

In addition to the difficulty in meeting the evidentiary burden, the law provides a significant disincentive for testifying. According to Article 200 of the IPC, if the number of eyewitnesses for adultery or sodomy does not reach the required minimum, the testifying witnesses can be charged with the crime of *Qazaf*, which is making a false accusation. *Qazaf* is punishable by 80 lashes.<sup>67</sup>

### 3.3.2. Confession

For adultery, sodomy, *tafkhez* and *mosaheqeh*, a person will be found guilty after confessing four times to committing the act.<sup>68</sup> For the category of “other homosexual offenses,” only one confession will suffice.

### 3.3.3. Knowledge of the Judge

According to Shari'a law, a judge, through his own knowledge and understanding, can come to a conclusion regarding guilt or innocence of the parties involved. The language defining a judge's knowledge is vague:

A judge's knowledge is established through a certainty that he reaches through clear evidence presented to him on an issue.<sup>69</sup>

This provision gives judges considerable authority in the legal process, and effectively nullifies the evidentiary requirements articulated in the law. As this report will later demonstrate, in most cases the “knowledge of the judge” has been relied upon to mete out harsh sentences for alleged homosexual acts.

## 3.4. Differences between the New IPC and the Previous IPC

### 3.4.1. Difference in Treatment of the Active Partner in Sodomy

The most notable difference between the new IPC and the previous one is treatment of the active partner in sodomy. Under the previous IPC both partners in sodomy would be sentenced to death. Under the new IPC, however, the active partner will only be executed if he is married, if he rapes the passive partner, or if he is not a Muslim who has engaged in sodomy with a Muslim passive partner. Under the new IPC, the treatment of the passive partner remains unchanged. Thus for the passive partner, a death sentence is provided irrelevant of marital status or religion.

In Shi'a jurisprudence there are two views regarding the appropriate punishment for persons engaging in sodomy. Many jurists, including Ayatollah Khomeini, have stated that both parties should be executed. Other jurists, however, believe that while the passive partner should be executed, the active partner should only be killed if he is married. It is not clear why the new law has shifted its view on the punishment of the active partner.

### 3.4.2. Different Definition of Sodomy

The previous version of the IPC defined sodomy as a sexual act involving penile penetration into another man's anus. The new IPC clarifies that penetration has to reach the circumcision point in order for sodomy to occur.

66. Qānūni Mujāzāti Islāmī [Islamic Penal Code] 1392 [2013], art. 199, available at <http://rc.majlis.ir/fa/news/show/845002>.

67. *Id.* art. 250.

68. *Id.* art. 172(a).

69. *Id.* art. 211.

### 3.4.3. Different Definition of *Tafkhiz*

The new IPC provides a more precise definition for *tafkhiz*, namely “placing a man’s sex organ between the thighs or the buttocks of another man.”<sup>70</sup> Without providing the definition, the previous IPC used *tafkhiz* to refer to any non-penetrative sexual act between two males.

### 3.4.4. Different Definition of *Mosaheqeh*

The new definition of *Mosaheqeh* (“when a female places her reproductive organ on another female’s reproductive organ”) is also more precise compared to the previous IPC. Under the previous law, *Mosaheqeh* was defined as a “homosexual act among women involving their reproductive organs.”

### 3.4.5. Difference in Treatment of Other Homosexual Acts

The previous IPC declared that unrelated men who were found naked together under sheets were to be sentenced to up to 99 lashes.<sup>71</sup> The same applied to women.<sup>72</sup> In addition, men convicted of “kissing for pleasure” were to be sentenced to up to 60 lashes.<sup>73</sup> These provisions have been replaced by Article 237 of the new IPC, which prescribes 31 to 74 lashes for same-sex acts such as kissing and touching for pleasure. The new IPC does not make any distinction between men and women.

## 3.5. Sex Reassignment Surgery under Iranian Law



There is no law criminalizing sex-reassignment surgery (SRS) in Iran and in fact, it is a lawful procedure in the IRI. About a decade before the 1979 Iranian Revolution, Ayatollah Khomeini stated that SRS was permissible under Shari’a law.<sup>74</sup> In practice, however, SRS did not occur in Iran until after Ayatollah Khomeini issued a specific *fatwa*, or a religious edict, that legalized SRS in 1986.<sup>75</sup>

### 3.5.1. Maryam Molkara and Ayatollah Khomeini’s *Fatwa* on SRS

Maryam Molkara was a male-to-female transgender person who obtained a *fatwa*, or a religious edict, from Ayatollah Khomeini permitting sex-change

**Figure 1.** Ayatollah Khomeini’s undated *fatwa*, or religious edict, legalizing sex-reassignment surgery in Iran. It states, “In His Great Name. Sex-reassignment, if prescribed by a trusted physician, does not raise any religious issues. God willing you will be protected, and hopefully the people you mentioned will be considerate towards you.”

70. For a discussion of the definition of *tafkhiz*, see section 3.1.1. *supra* of this report.

71. Qānūni Mujāzātī Islāmī [Islamic Penal Code] 1370 [1991], art.123, available at: <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html#22>

72. Qānūni Mujāzātī Islāmī [Islamic Penal Code] 1370 [1991], art.134, available at: <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html#22>

73. *Id.* art.124, available at: <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html#22>.

74. Rūhullāh Khumīyīnī, 4 tārjumiyi tahrīr al-vasīliyi imām khumīyīnī 262 (trans. Muhammad Bāqir Mūsavī Hamidānī 1991) 1968, available at <http://www.ghaemiyeh.com/downloads/215-FA-tarjomeie-tahrir-ol-vasile-emam-khomeini-j4.pdf>

75. The exact date of Ayatollah Khomeini’s *fatwa* is not clear. The written *fatwa* does not include a date. In an interview with BBC Persian, Maryam Molkara stated that she obtained this *fatwa* in the Iranian year 1365, which corresponds to March 21, 1986 to March 20, 1987. See Bihzād Bulūr, *taghyīri jinsīyyat dar īrān*, BBC Persian (May 19, 2006, 9:06 PM), [http://www.bbc.co.uk/persian/arts/story/2006/05/060519\\_7thday\\_bs\\_transexual.shtml](http://www.bbc.co.uk/persian/arts/story/2006/05/060519_7thday_bs_transexual.shtml). However, she has also reportedly indicated that her meeting with Ayatollah Khomeini occurred in Iranian year 1364, which corresponds to March 21, 1985 to March 20, 1986. See Muhammad Mihdī Karīmīnā, *taghyīri jinsīyyat bā takdīd bar dīdgāhi imām khumīyīnī* 74 (2012).



Maryam Molkara was born in 1950 in Bandar Anzali, a port in northern Iran. Though Molkara was born a boy, from an early age she felt that she was in the wrong body. Since Molkara came from a religious background, she sought the opinion of Ayatollah Khomeini by writing a letter to him regarding sex-change operations. At that time Ayatollah Khomeini was in exile in Najaf, Iraq. Ayatollah Khomeini responded to Molkara, stating that having a sex-change operation was permissible under Islamic law. In an attempt to seek clarification, Molkara traveled to France to meet Ayatollah Khomeini, where he lived in the months prior to his return to Iran as the eventual leader of the 1979 Iranian Revolution. However at that time, she was not able to discuss her problem with him. Molkara was finally able to meet Ayatollah Khomeini in the mid-1980s. As the *Guardian* reported, Molkara wore a

man's suit and went to Jamaran, Ayatollah Khomeini's residential compound in north Tehran. She was reportedly beaten by the security guards, who only stopped after Ayatollah Pasandideh, Ayatollah Khomeini's brother, intervened. Ahmad Khomeini, Ayatollah Khomeini's son, spoke with Molkara, and he reportedly was brought to tears after hearing Molkara's story. It was decided that Molkara should meet with Ayatollah Khomeini. During the meeting, which was also attended by three physicians, Ayatollah Khomeini asked about the difference between intersex and transgender individuals. After this meeting Khomeini issued his famous fatwa.

The exact date of the meeting between Molkara and Ayatollah Khomeini is not clear. In an interview with BBC Persian Molkara states that the meeting was in the Iranian year 1365 (1986-87). In *Taghir-e Jensiāt*, a book written about the topic of sex-reassignment surgery, Mohammad Mehdi Kariminia, who interviewed Molkara, states that the meeting took place in the Iranian year 1364 (1985-86). A report in the *Guardian* indicated that the meeting took place in 1987, while a *New York Times* article stated that the meeting happened in 1986. Nevertheless, Molkara was not convinced that Ayatollah Khomeini had understood her situation, and she believed that Ayatollah Khomeini had approved sex-change operations for intersex individuals (persons possessing both male and female organs) instead of a transgender person such as Molkara.

operations. After years of correspondence that eventually culminated in an in-person meeting in 1986, Ayatollah Khomeini issued his well-known *fatwa*, which paved the way for SRS in Iran (see figure 1 and box inset).

### 3.5.2. Government Policies on SRS

The Iranian government subsidizes SRS procedures. In 2012 *Hamshahri* newspaper quoted an official from the State Welfare Organization<sup>76</sup> saying that 350 million tomans (approximately US \$122,000 according to exchange rates at the time), was allocated for assisting patients undergoing SRS.<sup>77</sup> According to this report a hundred patients would receive between 3 to 5 million tomans (approximately US \$1040 to \$1740) as government assistance for their surgeries. Meanwhile, the same State Welfare Organization official stated that a third of those undergoing SRS see their health improve, a third see no difference, and a third fare considerably worse. Also in 2012 an official with Iran's Ministry of Cooperatives, Labor and Social Welfare announced that health insurers have been required to cover SRS costs.<sup>78</sup> The Ministry of Health and Medical Education is responsible for issuing permits for SRS. This ministry has designated Fatemeh Zahra hospital

76. The State Welfare Organization is an agency of Iran's Ministry of Cooperatives, Labor and Social Welfare. The State Welfare Organization is primarily charged with rehabilitation of the physically and mentally disabled, the elderly, the orphans, abused women and girls, and drug addicts.

77. *Bihzistī bi transsikshūālhā kumāk hazīniyi jārrāhī mīpārdāzad*, Hamshahri Online (Nov. 21, 2012, 1:22:10 PM), <http://www.hamshahrionline.ir/details/192032>.

78. *Mūsavīchilk: bīmih hazīniyi jārrāhīyi taghyīri jinsīyyat rā pardākht mikunad*, Khabar Online (July 7, 2012, 3:21:00 PM), <http://www.khabaronline.ir/detail/226027/>

in Tehran as a center for SRS.<sup>79</sup>

#### 4. International Law

##### 4.1. Violations of International Law

The IRI is a party to two major treaties on international human rights law: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and therefore legally bound to the provisions therein. The provisions of the Universal Declaration of Human Rights (UDHR) are also binding on Iran as a UN member state.

However, despite the IRI's obligations under international law, LGBT persons still face grave violations of their rights. Abuses sanctioned by law primarily affect lesbian and gay persons, whose behaviors are explicitly criminalized by Iran's laws. While transgendered and transsexual persons enjoy greater legal protections because Iranian laws permit sex reassignment, these individuals face the same penalties if they engage in perceived homosexual behavior prior to the completion of SRS procedures. Additionally many transgender and transsexual individuals interviewed for this report gave accounts of the harassment they suffered at school or the workplace, and from their family and society in general, on account of their gender identity—for which they had no legal protection against.

The following constitute the major human rights abuses perpetrated by the Iranian government against LGBT persons.

##### 4.1.1. The Right to Life

Article 3 of the UDHR states that “everyone has the right to life, liberty and the security of person.”<sup>80</sup> Article 6 of the ICCPR sets parameters on the application of the death penalty and specifies that “in countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes.”<sup>81</sup> Comments to this provision by the UN Human Rights Committee, the human rights treaty body charged with overseeing the implementation of the ICCPR, have noted that the death penalty should be a “quite exceptional measure.”<sup>82</sup>

The IPC prescribes death as the punishment for multiple crimes, including sodomy in some circumstances.<sup>83</sup> Furthermore, capital punishment in the IRI does not always distinguish “between young and old,” violating the Convention on the Rights of the Child (CRC) which prohibits the death penalty being assigned to minors under the age of eighteen.<sup>84</sup>

79. *Taghyiri jinsīyyati bīsh az 270 trānī dar sāl*, Fararu (Dec. 3, 2012, 10:36 AM), <http://fararu.com/fa/news/133991/> بری‌یغت لاس‌ردي-ین‌اری-۲۷۰-زانش‌ی‌ب‌ت‌ی‌س‌ن‌ج

80. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948) (hereinafter UDHR).

81. International Convention on Civil and Political Rights, 999 U.N.T.S. 171, art. 6 (New York, Dec. 16, 1966) (hereinafter ICCPR).

82. Office of the High Commiss'r for Human Rights, *General Comment No. 06: The Right to Life (art.6)* (Apr. 30, 1982).

83. See Section 3.2 of this report, *supra*.

84. Although Iran has both signed and ratified the CRC, it has made the following reservations:

Upon signature:

Reservation:

“The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification”.

Upon ratification:

The IPC encompasses the definition and punishment procedure for acts of sodomy. According to Article 234, the *hadd* punishment for the passive partner in sodomy is the death penalty, while the active partner is to receive a hundred lashes. The active partner could be executed on the fourth conviction after being flogged on three prior convictions. Under Article 236, if *tafkhez* (the rubbing of a man's penis between another man's legs) is punishable by a hundred lashes, and if it is repeated and punished three times, the fourth punishment shall be the death penalty. Female homosexual conduct is subject to the same punishments. When committed between two consenting, competent adults, the conduct proscribed by the IPC in its above sections does not constitute "most serious crime" under international norms, nor is its application "exceptional".

#### 4.1.2. The Right to Health

Article 25 of the UDHR and Article 12 of the ICESCR preserve the right to "the highest attainable standard of physical and mental health."<sup>85</sup> The Committee on Economic, Social and Cultural Rights, the UN treaty body that governs the implementation of the ICESCR, clarified the term "health" by stating that it includes "the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation."<sup>86</sup> Additionally, the Committee reiterated that the ICESCR prohibits discrimination in access to health care "on the grounds of . . . sex . . . health status (including HIV/AIDS), sexual orientation and civil, political, or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health."<sup>87</sup>

Gay and lesbian Iranians are routinely labeled deviant due to their sexual preferences, and have their sanity called into question even when they are otherwise healthy. Some are even pressured into undergoing SRS procedures so that instead of engaging in same-sex sexual acts, which are criminalized by the IPC, they will be transsexuals engaging with members of the opposite sex.

Furthermore, Iran violates the Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Sexual Identity. These principles are non-binding, but restate accepted international law and have been signed by human rights leaders from around the world.<sup>88</sup> Principle 18 states:

*No person may be forced to undergo any form of medical or psychological treatment, procedure, testing, or be confined to a medical facility based on sexual orientation or gender identity. Notwithstanding any classifications to the contrary, a person's sexual orientation and gender identity are not, in and of themselves, medical conditions and are not to be treated, cured or suppressed.*<sup>89</sup>

Further evidence of the violation of the right to health of the Iranian LGBT population comes

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Reservation:

"The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect."

85. UDHR, art. 25, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); International Covenant on Economic, Social and Cultural Rights, 993 U.N.T.S. 3 (New York 16 Dec. 1966) (hereinafter ICESCR).

86. Gen. Comm. No. 14, U.N. Econ. & Soc. Council, 22nd Sess. (2000), reprinted in U.N. Doc. HRI/GEN/1/Rev.7 at 88 (2004), available at [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En)

87. *Id.* at 91.

88. International Panel of Experts in International Human Rights Law and on Sexual Orientation and Gender Identity, The Yogyakarta Principles 34 (2007), available at [http://www.yogyakartaprinciples.org./principles\\_en.pdf](http://www.yogyakartaprinciples.org./principles_en.pdf)

89. *Id.* at 23.

from the UN Special Rapporteur on the right to health, stating that “the legal prohibition of same-sex relations in many countries, in conjunction with a widespread lack of support or protection for sexual minorities against violence and discrimination, impedes the enjoyment of sexual and reproductive health by many people with lesbian, gay, bisexual, or transgender identities or conduct.”<sup>90</sup>

#### 4.1.3. The Right to Non-discrimination

Article 2 of the UDHR, the ICESCR and the ICCPR guarantee that “the rights enunciated . . . will be exercised without discrimination of any kind . . . including sex . . . or other status.”<sup>91</sup> The Committee on Economic, Social and Cultural Rights noted that “other status” includes sexual orientation and that discrimination against particular groups may occur through act or omission.<sup>92</sup>

In January 2013, the IRI responded to the observations of the Committee by denying that Article 2 had “anything to do with sexual orientation and the word ‘sex’ in this paragraph is limited to male and female. We believe . . . this goes beyond the content of the Covenant, and are amazed to see [this].”<sup>93</sup> The assertion by the IRI that discrimination on the basis of sexual orientation is not something within the scope of the Covenant shows its denial of its obligation to protect such minorities, as does its treatment of those who commit homosexual acts under the aforementioned Articles of the IPC.

#### 4.1.4. The Right to Privacy

Article 12 of the UDHR and Article 17 of the ICCPR protect an individual’s right against “arbitrary or unlawful interference with his privacy, family, home or correspondence, [and] to unlawful attacks on his honor and reputation.”<sup>94</sup> Furthermore, Article 12 and 7 both provide that every person has “protection of the law against such interferences.”<sup>95</sup>

UN General Comment N. 16, submitted to the Human Rights Committee, confirmed that any interference with privacy, even if provided for by law, “should be in accordance with the provisions, aims and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances.”<sup>96</sup> Since *Toonen v. Australia* in 1994, the Human Rights Committee has held that laws used to criminalize private, adult, consensual same-sex sexual relations violate rights to privacy and to non-discrimination. The Committee has rejected the argument that criminalization may be justified as “reasonable” on grounds of protection of public health or morals, noting that the use of criminal law in such circumstances is neither necessary nor proportionate.<sup>97</sup> The Articles

90. Special Rapporteur on the right to health, *The right of everyone to the enjoyment of the highest attainable standard of physical and mental health* 12, Econ. & Soc. Council, U.N. Doc. E/CN.4/2004/49 (Feb. 16 2004) (by Paul Hunt) available at [http://www.ifhro.org/images/stories/ifhro/documents\\_UN\\_special\\_rapporteur/3\\_4\\_5.pdf](http://www.ifhro.org/images/stories/ifhro/documents_UN_special_rapporteur/3_4_5.pdf).

91. UDHR, art. 2; ICESCR, art. 2; ICCPR, art. 2.

92. Gen. Comm. No. 20, U.N. Econ. & Soc. Council, 42nd Sess. (July 2, 2009) 3-4, 10, U.N. Doc. E/C.12/GC/20.

93. Replies of the Islamic Republic of Iran to the List of Issues, Addendum to the List of Issues in Connection with the Consideration of the Second Periodic Report of the Islamic Republic of Iran (E/C.12/IRN/2), U.N. Econ. & Soc. Council, E/C.12/IRN/Q/2/Add.1, 4 (Apr. 17, 2013)

94. UDHR, art. 12; ICCPR, art. 17.

95. UDHR, art. 12; ICCPR, art. 17.

96. Gen. Comm. No. 16, UN Human Rights Comm., 32nd Sess. (1988), reprinted in U.N. Doc. HRI/GEN/1/Rev.7 at 142 (May 12, 2004) available at [http://www.unhcr.ch/tbs/doc.nsf/0/ca12c3a4ea8d6c53c1256d500056e56f/\\$FILE/G0441302.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/ca12c3a4ea8d6c53c1256d500056e56f/$FILE/G0441302.pdf).

97. *Toonen v. Australia*, Comm’n No. 488/1992, UN Human Rights Comm., 50th Sess., U.N. Doc CCPR/C/50/D/488/1992(1994).

of the IPC which deal with criminal punishment for male and female same-sex sexual activity violate these stipulations.

#### 4.1.5. The Right to Freedom of Peaceful Assembly

Article 21 of the UDHR and the ICCPR states that “everyone has the right to peaceful assembly and association.”<sup>98</sup> The IRI, however, routinely raids gatherings or parties of LGBT individuals and punishes individuals attending or facilitating such events.<sup>99</sup> Sentences of imprisonment and flogging have been handed down to LGBT persons arrested at such gatherings.

#### 4.1.6. The Right to Freedom of Opinion, Expression, and Information

Article 19 of the UDHR states, “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>100</sup> In the same vein, Article 19(2) of the ICCPR states, “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>101</sup>

Under the IPC, the “Press Law” codifies the definition, mission, and rights of the press. Article 2 stipulates that the mission of the press is to “enlighten public opinion . . . and to negate the drawing up of false and divisive lines, or pitting different groups against each other . . . by practices such as dividing people by . . . customs.” Article 9 states that publishers are only eligible to publish books that are “free of moral corruption” and “supportive of the Constitution,” which dictates that no publisher may publish LGBT material.<sup>102</sup> According to a report by the International Gay and Lesbian Human Rights Commission and the Iranian Queer Organization, “Iranian authorities deploy extensive monitoring and censorship methods to prevent any mention of homosexuality that may contradict the official homophobia spread by the government.”<sup>103</sup>

The “Computer Crimes Law,” codified by the IRI in 2011, prohibits forms of expression of opinion through electronic media that are contrary to “public morality and chastity.” The IRI considers LGBT practices contrary to public morality and chastity, thus the dissemination of LGBT-related information through electronic media is prohibited by law.<sup>104</sup>

#### 4.1.7. Right to Be Free from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 5 of the UDHR, as well as Article 7 of the ICCPR, states that “no one shall be subjected to

98. UDHR, art. 21; ICCPR arts. 21 and 22.

99. See e.g. IHRDC Interview with Shima (June 16, 2013)(on file with IHRDC), IHRDC Interview with Milad (June 19, 2013) (on file with IHRDC), and IHRDC Interview with Pouya (July 15, 2013)(on file with IHRDC).

100. UDHR, art. 19.

101. ICCPR, art. 19.

102. Qānūni Mātbū'āt [Press Law] 2000, art 2, available at: <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3201-the-press-law.html?p=1#.Ud2or9LOuP4>.

103. Int'l Gay & Lesbian Human Rights Comm'n, Human Rights Violations on the Basis of Sexual Orientation, Gender Identity and Homosexuality in the Islamic Republic of Iran 13 (2011), available at <http://www.iglhrc.org/sites/default/files/Iran%20Shadow%20Report%202011.pdf>.

104. For an analysis of Iran's Computer Law see Article 19, Islamic Republic of Iran: Computer Crimes Law (2012) available at [http://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB\[4\].pdf](http://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB[4].pdf).

torture or to cruel, inhuman or degrading treatment or punishment.”<sup>105</sup> Lesbian and gay individuals, and transgendered and transsexual individuals who engage in homosexual activity risk punishments of lashings, wrongful detentions, and the death penalty in Iran. This is considered torture, and cruel and unusual treatment. In this regard, the Committee against Torture obligates States to protect all persons from torture and ill-treatment, regardless of sexual orientation or gender identity, and to prohibit, prevent and provide redress for torture and ill-treatment in all contexts of State custody or control.

## 5. Discrimination against and Persecution of Lesbians and Gays in the Islamic Republic of Iran

### 5.1. Executions of Homosexuals

It is difficult to ascertain the exact number of individuals executed for homosexual acts in Iran since the Iranian Revolution of 1979. As indicated before, the only homosexual act punishable by death on the first conviction is sodomy. The term “sodomy,” however, may also be used by Iranian courts and Iranian media to describe the rape of a man or a young boy by another man. Also, it is not uncommon to see a person convicted of both rape and sodomy.<sup>106</sup> In such cases it not possible to ascribe either sodomy or rape as the sole crime for which the death penalty has been imposed. Nevertheless, there are numerous cases in which the only stated charge has been sodomy. These executions started in the months following the 1979 Iranian Revolution.

#### 5.1.1. Executions in the Immediate Aftermath of the Revolution

The execution of individuals for the crime of sodomy should be understood in the context of the post-revolutionary violence that gripped Iran. The revolutionary government undertook a campaign against what it considered “corrupt” elements. Former regime officials, military and police officers of the former regime, political opponents, drug addicts and smugglers, and individuals suspected of engaging in extra-marital or homosexual sexual relations were among those targeted. According to one source 757 individuals were sentenced to death by Revolutionary Courts from February 1979 to June 1981.<sup>107</sup> Of those, 497 executions were politically motivated, while 260 were executed for non-political charges.<sup>108</sup> According to this source 20 homosexuals were among those executed.<sup>109</sup>

An undated video probably recorded in the early 1980s is perhaps the only visual evidence available on summary executions for homosexual acts in the immediate aftermath of the Revolution.<sup>110</sup> The narrator states that the video was taken inside a detention facility in Tehran. This video shows two individuals accused of drug charges and homosexual relations while they are in custody. The image below is a still-shot of the video:

As can be seen in the image, the two men have had their hair shorn through the middle, which may have been done to humiliate them.<sup>111</sup> This is a portion of the conversation in the video:

105. UDHR, Art. 5.

106. Iranian law considers heterosexual and homosexual rape forms of adultery and sodomy, respectively. See, for instance, *Sih mahkūm bi lavāt dar mala' i 'ām i dām shudand* [Three individuals convicted of sodomy executed in public], Iranian Student News Agency, (Feb. 18, 2013, 09:36 AM), <http://isna.ir/fa/news/سب-موک-ح-مس-د-طاول-ب-د-طاول-ب-د-طاول>. Although the title indicates that the executed individuals were convicted of sodomy, the crime for which they were prosecuted was rape of a child. Also see Human Rights Watch, *We Are a Buried Generation 28* (2010), available at [http://www.hrw.org/sites/default/files/reports/iran1210webwcover\\_1.pdf](http://www.hrw.org/sites/default/files/reports/iran1210webwcover_1.pdf).

107. Ervand Abrahamian, *Tortured Confessions* 124 (1999).

108. *Id.* at 125.

109. *Id.*

110. See *Iran: A Revolution Betrayed* (BBC TV, 1983). The video, which is 2:47 minutes long, is included in the BBC documentary entitled *Iran: A Revolution Betrayed*. A portion of this documentary, which includes the video of the two men accused of sodomy, is available at <https://www.youtube.com/watch?v=1RKf-ZVqnSU>

111. Another video, also included in the BBC Documentary *Iran: A Revolution Betrayed*, depicts dozens of alleged drug addicts whose hair has been shorn through the middle after being detained. This video shows Ayatollah Khalkhali, the head of the





**The officer:** *This man [the one on the right] has been arrested for [drug] smuggling. The other [the one on the left] is his boss, who has engaged in deviant acts with him, and has forced him to sell smuggled goods, heroin, opium and the like. He [the one on the right] admits that they have engaged in the deviant act [sodomy]. The other one [on the left] admits this as well. We have sent him [the one on the left] to the medical examiner's office. The medical examiner's office has confirmed that he has repeatedly been subject to deviant acts [sodomy] ...He has pulled his teeth, and he has engaged in oral sex as well.*

**Cameraman:** *Sir, are the things that the colonel said true?*

**Man on the right:** *Yes.*

**Another person that cannot be seen:** *What do you have to say?*

**Man on the right:** *What can I say?*

According to the narrator, the man on the right of the image was only 16 years old. The narrator states that the two men were executed two hours after this video was recorded. Similar to other executions in that period, there is no indication that the defendants had access to counsel or were afforded other due process rights.

A February 1, 1980 report by Amnesty International listed 438 executions in Iran between February 16, 1979 and August 12, 1980.<sup>112</sup> Of those, seven individuals were charged with sodomy. Of those seven, three were *only* charged with sodomy, and no other offenses. The names of these individuals are not reported in the Amnesty International report. The first two executions, for which the only charge against the defendants

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newly-formed Islamic Revolutionary Court, at the height of his execution campaign against drug addicts and drug traffickers. Prosecuting drug traffickers and drug addicts was one of the responsibilities given to Ayatollah Khalkhali—who later came to be known as the “Hanging Judge”. See Shaul Bakhash, *The Reign of the Ayatollahs: Iran and the Islamic Revolution* 111 (1984). The narrator states that the video was recorded by the order of Ayatollah Khalkhali, and it shows him as he speaks to group of alleged drug addicts. The video is available at <https://www.youtube.com/watch?v=1RKf-ZVqnSU> A more recent example in which a detained individual's hair has been cut in such a fashion can be seen in another video posted on YouTube, in which two individuals wearing police uniforms cut the hair of a young man and seem to burn it. This video, which was posted on YouTube in 2008, is available at <http://www.youtube.com/watch?v=cENF4nYX-8U>

112. The Amnesty International mission to Iran in 1979 that the February 1980 report was based on was, to date, the only time this organization was allowed into Iran following the 1979 revolution to compile evidence, and the evidence it collected remains a significant source of information for that period. The report is available at <http://www.iranrights.org/english/document-338.php>

was sodomy, took place on May 27, 1980, only three months after February 11, 1979, which is officially recognized as the date on which the monarchy was overthrown.

Accurate statistics on the number of executions for homosexual acts are hard to obtain.<sup>113</sup> Not all cases may have been reported.<sup>114</sup> Among the cases that have been reported, often more than one charge was leveled against defendants, making it difficult to ascertain whether or not the alleged homosexual act was the primary reason for the execution sentence. One source indicates that at least 152 persons who were executed had sodomy as a charge against them. Of those, 68 individuals were solely executed for sodomy.<sup>115</sup> Charges accompanying the sodomy charge ranged from murder, rape and adultery to lesser charges such as gambling and consumption of drugs or alcohol.

A review of reports from print newspapers in Iran in the early years following the 1979 Revolution indicates that executions for the crime of sodomy, like executions for other crimes at the time, were carried out with little to no regard for the due process of law. At the time there was no explicit, written law criminalizing sodomy<sup>116</sup>, and the executions took place along with executions of individuals who were deemed “enemies” of the Revolution.<sup>117</sup> Often several executions were announced simultaneously without any discussion of the trial or the judicial process leading to the death sentence.

For instance, a *Jomhuri Eslami* report dated July 15, 1980 announced the executions of 14 individuals in Tabriz, including three on charges of sodomy.<sup>118</sup> The breakdown of charges given for the executed persons is as follows: two members of the Bahá'í Faith were charged with cooperating with the Pahlavi regime as well as Israel, one individual was charged with operating a brothel as well as with “direct cooperation” with counter-revolutionaries, and one person was charged with the crimes of adultery, distributing pornography, gambling tools and opium. For seven other of the executed individuals, no specific charge was announced. Three persons, meanwhile, were convicted of sodomy and other related charges. Asghar Nourani, one of the named individuals, was charged with “repeated counts of sodomy” and “spreading corruption on earth.” Two other individuals named Naser Farhani Aali and Boyouk Rasoulzadeh were convicted of “acts against chastity and several counts of sodomy, so much so that this immoral and dirty act had become a serious illness in their being.” They were also charged with “corruption on earth.”

Another report from *Jomhuri Eslami*, published on August 12, 1981, announced the executions of 29 “rebels, adulterers and drug smugglers.”<sup>119</sup> Included in the list of executed individuals and their offenses are these four individuals from the town of Isfahan:

*The Isfahan Islamic Revolutionary Court, after reviewing the cases of four defendants in that court, issued the following verdicts:*

1. *Mahmoud Amiri, son of Ahmad, from Zanjan, 22*
2. *Ebrahim Haqjou, son of Mohammad, 21, from Shiraz*

113. For the definitions of homosexual acts see section 3 *supra* of this report.

114. The February 1, 1980 Amnesty International report stated that the situation in post-revolutionary Iran has been “difficult to document.” The report adds that on July 9, 1979 *Ayandegan* published a report in which Tehran’s prosecutor was quoted as saying that revolutionary courts had processed about 10,000 cases up to that point, whereas Amnesty International’s report was based on approximately 900 cases.

115. See *Omid: A Memorial in Defense of Human Rights*, Boroumand Foundation, <http://www.iranrights.org/english/memorial-search.php?pagenum=0> (last visited Oct. 7, 2013). *Omid* is a database compiled by the Abdorrahman Boroumand Foundation, and it includes the names of individuals who have been executed or killed in an extrajudicial manner by the Islamic Republic of Iran since the 1979 Iranian Revolution. Information in *Omid* is compiled from various sources including official statements, newspaper reports, and information given by victim’s families.

116. The Law of Hodud and Qisas, which was the Islamic Republic’s first penal code, was passed in 1982. See also, Human Right Watch, *Codifying Repression 9*, available at <http://www.hrw.org/sites/default/files/reports/iran0812webwcover.pdf>

117. “Enemies of the revolution” or “counter-revolutionary” was a loosely defined term used to refer to a broad range of groups and individuals opposed to the Islamic Republic. These phrases were also used to refer to royalists, ethnic minorities aligned with regional political parties and members of leftist political groups.

118. Appendix I.

119. Appendix I.

3. *Hasan Mahdian, son of Ali, from Qa'em Shahr*

4. *Nasrollah Ja'fari, son of Ramezan, 22, from Nosrat Abad, Zanjan*

*The court has found all of the above guilty of repeated counts of sodomy. In addition, defendant number 3 named above has been found guilty of the counter-revolutionary act of wearing women's clothes, distributing illegal leaflets, and spreading rumors. The court sentenced all of the individuals listed above to death, and the sentence was carried out in the early morning of August 9, 1981.*

In addition to the value of this written record establishing that the crime of sodomy was punishable with execution even prior to the offense being codified in Iranian laws, the sentences described by Iranian newspapers in the early 1980s is significant for the implicit views on homosexuality and practices of LGBT persons by the judiciary at the time. One court ruled that the act of sodomy was “immoral” and “dirty” and rose to the level of a “serious illness”, while another found cross-dressing, a practice of many pre-op, trans-gendered people, to constitute a “counter-revolutionary act” and adequate support to justify an execution sentence. It should be noted that, similar to sodomy, no Iranian law at the time the sentence was issued specifically proscribed the practice of cross-dressing.<sup>120</sup> The arbitrary nature of executions during this period is best manifested by the fact that in some instances individuals convicted of sodomy were given prison sentences as lenient as six months of imprisonment and 70 lashes.<sup>121</sup>

### 5.1.2. Executions after the Revolution to the Present

While it is difficult to obtain comprehensive data on the rate of executions in the Islamic Republic of Iran in the 1980s, it appears that the number of executions for sodomy decreased once the new Islamist government succeeded in eliminating much of its political opposition and solidifying its authority.<sup>122</sup>

Despite a possible decrease in numbers, executions for homosexual acts have continued to the present. In 2005, the executions of Mahmoud Asgari and Ayaz Marhoni, both teenagers, caused an international outcry.<sup>123</sup> Although they were officially charged with raping a 13-year old boy, some rights groups claimed that the two boys had only engaged in consensual homosexual acts, and that the boys were well-known in Mashhad's underground gay community.<sup>124</sup>

Additionally, since the 1980s, there have been several cases of execution for consensual same-sex acts. In November 2005 *Kayhan* reported that two men, Mokhtar N. and Ali A., were publicly executed in the northern town of Gorgan.<sup>125</sup> Also in 2005, Human Rights Watch reported that according to the daily *Etemaad*, the Tehran Criminal Court sentenced two men to death following the discovery of a home video showing the two men engaging in sexual acts.<sup>126</sup> In 2009 Human Rights Watch reported that three teenagers

120. Cross-dressing is not specifically prohibited by the IPC. However, Article 638 of the Fifth Book of *Ta'zirat* of the IPC, states that whoever commits a religiously prohibited act in the public will be sentenced to a prison term of ten days to two months, or flogging not to exceed 74 lashes, in addition to the penalty prescribed for the prohibited act itself. Even if the specific act is not punishable by law, if the act “injures public chastity”, a person committing such an act will be sentenced to a prison term of ten days to two months or flogging not to exceed 74 lashes. In 2011, Iranian media reported that a 15-year-old boy was arrested in Qom for wearing a chador, and he was sent for psychological counseling to a police counseling center. See *Dastgīrū pīsarī ki chādūr sar mīkunad*, Tabnak, (Sept. 25, 2011, 10:53 AM), <http://www.tabnak.ir/fa/news/192609/>  
[دینک‌ی‌م‌ر‌س‌ر‌دا‌ج‌ح‌ک‌ی‌ر‌س‌پ‌ی‌ر‌ی‌گ‌ت‌س‌د](http://www.tabnak.ir/fa/news/192609/)

121. Appendix I

122. According to the data compiled by the Abdorrahman Boroumand Foundation, of the 68 executions attributed solely to the charge of sodomy on record since 1979, only 11 have taken place after 1982. Although the data is not complete, it shows that the rate of executions for the crime of sodomy has fallen.

123. Nazila Fathi, *Rights Advocates Condemn Iran for Executing 2 Young Men*, N.Y. Times (July 29, 2005), [http://www.nytimes.com/2005/07/29/international/middleeast/29hangings.html?\\_r=0](http://www.nytimes.com/2005/07/29/international/middleeast/29hangings.html?_r=0)

124. Human Rights Watch, *We Are a Buried Generation 28*; see also Doug Ireland, *Shame of Iran*, LA Weekly (Sept. 1, 2005), <http://www.laweekly.com/2005-09-01/news/shame-of-iran/>

125. *Iran: Two More Executions for Homosexual Conduct*, Human Rights Watch (Nov. 22, 2005), <http://www.hrw.org/news/2005/11/21/iran-two-more-executions-homosexual-conduct>

126. *Id.*

named Mehdi P. from Tabriz, Mohsen G. from Shiraz and Nemat Safavi from Ardebil were sentenced to death in separate cases.<sup>127</sup> In respect to the cases of Mehdi P. and Mohsen G., Human Rights Watch stated that the conviction was based on the judge's discretionary "knowledge" instead of the requirement of four male witnesses.<sup>128</sup>

Executions for the crime of sodomy have continued in recent years. On June 9, 2011, for instance, Iran Student News Agency (ISNA) reported that three individuals were executed in Ahvaz for committing sodomy.<sup>129</sup> In May 2012, Human Rights Activists News Agency (HRANA) reported that four men were convicted of homosexual rape of a young boy and sentenced to death in Kohgilouye and Boyer-Ahmad Province.<sup>130</sup> In an interview with HRANA, however, a family member of one of the four individuals sentenced to death stated that the accuser had previously engaged in same-sex relations as well, and he only accused the four men of rape after their sexual relationship became known to the public.<sup>131</sup>

## 5.2. Lack of Clear Distinction between Rape and Sodomy in the Islamic Penal Code

The IPC does not recognize rape as a separate crime. Instead, the acts of heterosexual and homosexual rape are discussed as forms of adultery and sodomy.<sup>132</sup> In fact, rape is treated as a defense for the crimes of adultery and sodomy.<sup>133</sup>

The lack of distinction between sodomy and homosexual rape creates two major issues:

First, if a consensual homosexual relationship is discovered by law enforcement, the passive partner has a significant incentive to claim that he has been raped. The difference, literally, is between life and death. Hossein Raeesi, a barred attorney from Shiraz who has worked on a number of sodomy cases in Iran, stated in an expert witness testimony to IHRDC that many of the rape cases brought in Iran's judiciary were, in reality, cases of consensual homosexual relations.<sup>134</sup> In a situation in which alleged homosexual relations come under scrutiny by a court, a defendant's claim that his consensual homosexual relations were in fact an act of rape might be one of the only means to spare his life.

Second, in an actual male-on-male rape case the victim is at a legal disadvantage because there is substantial risk in filing a complaint. If an alleged rapist succeeds in proving that the sexual act was consensual, the victim could be executed for sodomy. The alleged rapist who successfully argues that the sexual act was consensual, however, will only be executed if he is married and meets the legal requirements discussed in section 3.2.1.2 *supra* of this report. If he is unmarried, he will not be sentenced to death, and instead be subject to a hundred lashes. Therefore, the IPC creates a major disincentive for rape victims to speak out.

127. *Iran: Revoke Death Sentences for Juvenile Offenders*, Human Rights Watch (Nov. 4, 2009), <http://www.hrw.org/news/2009/11/03/iran-revoke-death-sentences-juvenile-offenders>

128. *Id.*

129. *Bi ittihāmi qāchāqi mavvādi mukhaddir va tajavuz bi unf; 6 mahkūm dar zindāni karūni ahvāz i dām shudand* [Charged with smuggling drugs and rape; 6 convicts were executed in Kārūn prison in Ahvaz], Iran Students' News Agency (Sept. 4, 2011), <http://www.isna.ir/fa/news/9006-07868/6>. This news item did not provide the names of the executed individuals, and it only identified them with their initials. The report also did not directly state that they were executed for sodomy. Instead, it stated that they were executed in accordance with Articles 108 and 110 of the IPC in effect at the time. Those provisions prescribed the death penalty for individuals convicted of crime. It should be noted that the executed individuals in this case were charged with abduction and robbery as well. Their death sentence, however, was based on sodomy.

130. *HRANA; Hukmi i dāmi 4 zindāni mutaham bi lavāt ta 'id shud* [HRANA; Death sentences for 4 prisoners charged with sodomy were upheld], Human Rights Activists News Agency (May 12, 2012, 11:48 AM), <http://hra-news.org/1389-01-28-00-30-11/12226-1.html>

131. *HRANA; Barrasiyi ahkāmi chahār javāni mutaham bi lavāt dar guftigū bā uzvi khānivādih* [Evaluating sentences given to four youth charged with sodomy in a conversation with a family member], Human Rights Activists News Agency (May 17, 2012, 03:01 AM), <http://hra-news.org/2/1389-01-27-05-27-51/12286-1.html>

132. Article 224 of the IPC describes the punishment for different types of adultery. Article 224(d) states that the punishment for (heterosexual) rape is death. Article 234 delineates the punishments for different types of sodomy. Homosexual rape is considered one type of sodomy, and is punishable by death.

133. Article 140 of the IPC states that for all *hadd* crimes a party is only criminally liable if he or she is a willing participant.

134. IHRDC Interview with Hossein Raeesi (July 20, 2013)(on file with IHRDC).

Remarkably, the legal framework of sexual crimes is designed in a way that the evidentiary burden for proving adultery or sodomy is more difficult to overcome compared to either heterosexual or homosexual rape. Article 241 of the IPC states:

*In cases where legal evidence needed to prove crimes related to chastity are lacking, and when the defendant denies the allegations, it is unlawful to conduct any investigation or interrogation to uncover matters that are private. This provision does not apply when there is the possibility that the act has been committed through force, duress, harm, kidnapping, deception, or any other condition that constitutes rape under this code.*

In other words, when there is an allegation of rape, the judge faces less restriction in gathering evidence, and, as a result, a conviction is more likely. As discussed in section 2 *supra* of this report, a judge's knowledge can be enough for securing conviction under the IPC. Therefore, a rape allegation paves the way for a judge to investigate the sexual relationship between the two parties more thoroughly. Ironically, this may result in a judge conducting a thorough investigation and reaching the conclusion that a consensual act has taken place, potentially making both parties eligible for the death penalty, while absent a rape allegation such an outcome would have been impossible.

### 5.3. Flogging for Homosexual Acts

As stated in section 3.2.2 and section 3.2.3 *supra*, respectively, of this report, the IPC provides for a hundred lashes for the crimes of *tafkhez* and *mosaheqeh*. *Tafkhez* is defined as non-penetrative sexual acts between males, while *mosaheqeh* involves sexual relations between two females.

A regulatory code, which describes various forms of punishment, provides the specific details of the way in which flogging should be carried out.<sup>135</sup> According to this regulatory code there are three levels of severity for lashes. Individuals convicted of sexual crimes such as adultery, sodomy, *tafkhez* or *mosaheqeh* are to receive the most severe lashing.<sup>136</sup> Males convicted of sexual crimes should be flogged in a standing position, and they should not be wearing any clothes except to cover their private body parts.<sup>137</sup> Women, however, are to be flogged in a sitting position, and their bodies should be covered.<sup>138</sup> If flogging is for a lesser morality offense, such as being arrested at a gay party, the person being flogged is to lie down on his or her stomach, and he or she should be clothed. The severity level of lashes for this class of offenses is to be at the moderate level.<sup>139</sup> Additionally, an individual's head, face and genitals should not be lashed.<sup>140</sup>

A description of the properties of the whip to be used in the flogging has also been included in the regulatory code. The whip has to be made of braided leather, and it should be about 1 meter in length and 1.5 centimeters in diameter.<sup>141</sup>

Two witnesses who gave interviews to IHRDC discussed how they were flogged for charges that were based on their sexual orientation. Maryam Ahmadi, a lesbian, and Pouya, a homosexual man, were both flogged for lesser moral offenses stemming from their homosexuality.

#### 5.3.1. Maryam Ahmadi

Maryam Ahmadi, a lesbian whose sexual orientation made her the target of Iranian authorities, described how she was sentenced to one hundred lashes after she and her partner Sara were arrested at a party in which they were celebrating their union:

135. Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution, and Flogging of 19 Sept. 1999, available at <http://www.jcl.ir/1390/08/24/post-5/>.

136. *Id.* art. 30.

137. *Id.* art. 33.

138. *Id.* art. 32.

139. *Id.* art. 34.

140. *Id.* art. 28.

141. *Id.* art. 27.

*They first took us to an investigator and later released everyone except for me and Sara. They lied to us there. They said, "If you tell us what really [happened] and confess, we'll help you."<sup>142</sup>*

The authorities had obtained Maryam and Sara's personal videos, and they interviewed the guests at Sara's house. They then began interrogating Maryam and Sara:

*They then turned us in to the investigator. They took us in and out four times and got confessions from us. Sometime later when they took us in again for interrogation, the investigator said you have confessed to your crime, and your crime has been proven. I said when did I confess four times? The investigator said you confessed the day when they kept taking you out and back in again, when they took your signatures again. They had taken four confessions from me on one day.<sup>143</sup>*

Maryam stated that she did not know that four confessions would be sufficient for conviction. While in prison, a surveillance camera caught Maryam and Sara as they were kissing. This incident led to Maryam and Sara being flogged, which was independent of the charge for which they were later required to appear in court. The judge told Maryam and Sara that he would make an example out of them. Maryam described how she was flogged. She was made to lie on a bench. They took her chador off, but she was otherwise clothed.

*I don't know if they actually struck us fifty times or however many times it was. I fainted. When I gained consciousness, I noticed they'd placed me next to a small garden and splashed water on me. I don't know if they continued to strike the 100 lashes I was to receive while unconscious.<sup>144</sup>*

Maryam spent nine months in prison. Meanwhile, Maryam and Sara learned that Sara's husband filed a complaint against them. He told the authorities that he had four male witnesses to testify to Maryam and Sara's relationship. Although Sara had retained an attorney, her attorney was not allowed to accompany Sara and Maryam when they were taken to meet their case investigator. Their trial was scheduled for July 7, 2011. According to Maryam, quite incredibly, she managed to abscond from the courtroom while her trial was ongoing when the security guard turned his attention away from her. She subsequently left Iran using a friend's passport.

In addition to specifically prohibited sexual crimes, flogging can also be handed down for lesser offenses involving morality. According to Article 19 of the IPC, offenses against chastity may be punishable by up to 99 lashes.<sup>145</sup> Lesbian and gay individuals are at a high risk for being flogged for these lesser offenses. Being arrested at a party at which a large number of homosexuals are in attendance, for instance, could be enough to sentence a homosexual individual to lashes.

### 5.3.2. Pouya

Pouya, a homosexual Iranian, was among more than 80 individuals arrested at a friend's birthday party in Isfahan in 2007.<sup>146</sup> Most of the guests at this party were individuals who identified as LGBT. The authorities, who were fully aware of the sexual and gender orientation of those arrested, questioned Pouya about his

142. IHRDC Interview with Maryam Ahmadi (Oct. 11, 2012)(on file with IHRDC). See also, *Witness Testimony of Maryam Ahmadi*, Iran Human Rights Documentation Center (Feb. 5, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000241-witness-testimony-of-maryam-ahmadi.html#.Ui0QbNLBPAs>.

143. *Id.*

144. *Id.*

145. Article 19 of the IPC establishes eight classes of *ta'zir* punishments, with punishments decreasing in severity in each successive class. Class one contains the most severe punishments. For instance, class one includes prison terms of more than 25 years as one type of punishment. Flogging as a form of punishment appears in classes six through eight. Under class six, a convicted individual may receive between 31 and 74 lashes. However, if the offense is of a sexual nature, the offender may receive up to 99 lashes.

146. IHRDC Interview with Pouya (July 15, 2013)(on file with IHRDC).

own birthday party, which was held a month prior to his friend's party. Pouya was sentenced to two months' imprisonment and 74 lashes for hosting his own birthday party.<sup>147</sup> In the trial, which lasted less than an hour, the judge specifically addressed the sexual orientation of Pouya's guests, and stated that a gathering of gay individuals was an immoral act in itself.<sup>148</sup>

After he was sentenced, Pouya was taken to Dastgerd prison in Isfahan. A few days into his imprisonment Pouya was given his lashes. Pouya described his flogging:

*He told me that I should take off my clothes, except my underwear... I lay down. The flogging wire was braided like hair. He started flogging me on the ankles, and he moved up to my neck. Then he went down, from my neck to the ankles, and then again up, from my ankles to my neck.*<sup>149</sup>

He was placed in solitary confinement for ten days, and then transferred to the ward holding people who were imprisoned because they could not pay their *mehrieh*, or dowry.<sup>150</sup>

#### 5.4. Rape of LGBT Individuals

Due to the fact that homosexual, bisexual and pre-operative transgendered persons can be held criminally liable in Iran on account of same-sex sexual acts, they face significant risk if they report sexual abuse. Additionally, although post-operative male to female transsexuals who engage in sexual relations with men would not be subject to charges of sodomy that warrant the death penalty under Iranian law, some of the witnesses that IHRDC interviewed reported that they felt they were at a heightened risk for sexual assault on account of their appearance.

A number of witnesses who shared their stories with IHRDC have discussed how they were raped by Iranian authorities, including while in custody, and how the fear that their sexual orientation would be discovered if they came under increased scrutiny from the authorities prevented them from reporting the assaults.

##### 5.4.1. Farshid

According to Farshid, a young homosexual man from Tehran who is now resettled in Canada, his sexual orientation made him the target of harassment, arrest and ultimately rape, by Iranian law enforcement.<sup>151</sup>

In his witness statement to IHRDC, Farshid recounts an evening in fall 2007 when he and a group of his friends, some of whom were homosexual as well, were confronted by plainclothes *basij* officers.<sup>152</sup>



“Morality police” is a general term used to describe government-backed forces that confront or occasionally arrest men or women for dressing improperly, mixing with the opposite sex, or any other behavior which is deemed to be immoral or un-Islamic. Two different organs could act as the morality police. The first is the regular police, which often set up checkpoints on the street or raid house parties to enforce the morality code. The second is the *Basij*. *Basij* is a volunteer militia force, and during the Iran-Iraq war it fought under the direction of the Islamic Revolutionary Guard Corps (IRGC). *Basij* played a significant role in suppressing the post-June 2009 election protests. *Basij* forces also may set up checkpoints on the streets or go to residential units to enforce the IRI's morality code.

147. See note 122, *supra*. In Pouya's case, given the fact that he was sentenced to 74 lashes, it appears that his offense was not considered sexual as discussed in Article 19 of the Islamic Penal Code.

148. IHRDC Interview with Pouya (July 15, 2013)(on file with IHRDC).

149. *Id.*

150. *Id.*

151. *Witness Statement of Farshid*, Iran Human Rights Documentation Center (Sept. 15, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000322-witness-statement-of-farshid.html#.UIVx39JzGq2>.

152. *Basij* is a volunteer-based militia force. Formed as a volunteer fighting force during the Iran-Iraq war, *Basij* is now

One of the men asked Farshid why he was out at that hour of the night and then proceeded to search his car:

*He started searching my car, and he found a pack of condoms in the dashboard. He asked: What is this? "Condoms," I said. He asked: What is this doing in your car? I said that I bought it from a pharmacy, and if it was a bad thing they would not be selling it at the pharmacy. He said: The pharmacy is for someone who has a wife. Do you have a wife? He took the condoms, and I could not say anything because someone who is unmarried cannot be involved with another person in Iran.<sup>153</sup>*

While Farshid suspects that law enforcement targeted him for other reasons, they arrested him on the grounds that his outfit was not "appropriate", a reason that Farshid believed to be a pretext. Then they put him in their vehicle, and they told him that they were driving towards police headquarters. Instead, however, they took him to a basement of a house.

*There was a table in the corner of the room. The older man sat down and leaned on a column and made me sit in front of him. He put his pistol and wireless radio on the table and said that they knew that I was gay. He used inappropriate and vulgar words [...] He told me to get up and take off my clothes. I asked: Why should I remove my clothes? He said: Just do as I tell you.<sup>154</sup>*

When Farshid did not immediately comply, the *basiji* turned violent and started asking personal questions:

*He got up and started punching and kicking me and swearing at me. He asked the other guy to undress me, and he obliged. I had shaved my body. He asked me why I had shaved my body. I didn't know what to say. I told them that I was body-building, and that my trainer had told me to shave so that my muscles could develop. It was common for body-builders to shave their bodies. He asked: So you are body-building? Why? He went on asking similar questions.<sup>155</sup>*

One of the two men succeeded in taking Farshid's clothes off, and then they took him to the restroom:

*The younger man told me that I had to sleep with the older one. I asked them to let me go. He said that he was powerless, and he told me to do as the other guy asked [...] First the younger one raped me. Then the older one did the same... After they were done, [one of them] told me to put my clothes back on. He slapped me a few more times. ...He took some pictures of me while I was naked. He told me that if I said anything anywhere, they would spread my pictures around.<sup>156</sup>*

Farshid never filed a complaint regarding this incident.

#### 5.4.2. Matin Yar

Matin Yar is another IHRDC witness who stated that he was raped while in custody.<sup>157</sup> Arrested in 2007 for engaging in sexual acts with other men in public, Yar was imprisoned in Isfahan's Dastgerd prison. During

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controlled by the Islamic Revolutionary Guard Corps (IRGC). To enforce the morality code of the Islamic Republic, Basij forces often confront and arrest men and women for "inappropriate" attire, or that which is not in accordance with Islamic norms of dress.

153. *Witness Statement of Farshid*, Iran Human Rights Documentation Center (Sept. 15, 2012), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000322-witness-statement-of-farshid.html#.U1Vx39JzGq2>.

154. *Id.*

155. *Id.*

156. *Id.*

157. *Witness Statement: Matin Yar*, Iran Human Rights Documentation Center (April 17, 2010), <http://www.iranhrdc.org/english/publications/witness-testimony/3031-witness-statement-matin-yar.html#.UfLSQLVAqI>.



his time in Dastgerd, Yar stated that he was targeted because he was a homosexual:

*During my time at Dastgerd, I was targeted as [a] homosexual and brutally raped several times by prison authorities. I know it was prison authorities who raped me because of the ease with which they bypassed the prison's intricate security system. The men who raped me did not do so in a solitary cell but navigated the prison and moved me from a public cell to a more private cell so they could take their time with me.<sup>158</sup>*

The individuals who raped Yar threatened him, saying that if he complained to anyone they would kill him and make it look like a suicide.<sup>159</sup>

According to Yar, the prevailing negative attitude toward homosexuals precludes rape victims from speaking out. In regards to his rape, Yar says:

*I was too frightened to inform other prison authorities because I did not think they would sympathize with a homosexual.<sup>160</sup>*

### 5.4.3. Ako

Ako, a homosexual man from Kurdistan province, is another individual who was targeted for rape and felt powerless to report it for fear of repercussions should his sexual orientation be discovered.<sup>161</sup>

According to Ako, in September 2012 he was forced to have sex with an IRGC officer in Kurdistan province after the officer—who was Ako's neighbor—discovered a home video on Ako's laptop. Ako had saved a video of himself and his partner engaged in a sexual act on his computer, and the IRGC officer found the video when he had borrowed Ako's computer. The IRGC officer threatened to publicly release the video and, with that threat, forced Ako to sleep with him on three separate occasions in a one-month period.<sup>162</sup>

Ako's father, who is a conservative Muslim, found out about Ako and the IRGC officer and severely punished Ako. Among other forms of abuse, Ako stated that his father used a heated knife to burn him. Unable to stop the officer's blackmail, Ako saw no option but to discreetly film the officer as he raped Ako. Afterwards, Ako informed the officer that he had recorded their sexual encounter, and that he would release the video if the officer released the video of Ako and his partner, which served as the original blackmail.<sup>163</sup>

However, Ako's father spoke to the family of the officer's wife about her husband's sexual encounter with his son, which led to the officer retaliating against Ako. In October 2012 the IRGC officer who raped Ako and two plainclothes men forced Ako into their pickup truck and drove away. They beat him and threatened him:

*They said if this film was to be shown, we'll kill your sister and mother right before your eyes, and I was sure they would do something like that.<sup>164</sup>*

Soon after, the IRGC officer went ahead and released Ako's personal video. The brother of Ako's partner in the video reported seeing the video the day following Ako's beating. Fearing for his life, Ako ultimately fled Iran and registered as an asylum seeker with UNHCR in neighboring Turkey.<sup>165</sup>

### 5.4.4. Shiva

Shiva, a male to female transsexual from Tabriz, a city in northwestern Iran, stated that she was raped at

<sup>158.</sup> *Id.*

<sup>159.</sup> *Id.*

<sup>160.</sup> *Id.*

<sup>161.</sup> IHRDC Interview with Ako (July 13, 2013)(on file with IHRDC).

<sup>162.</sup> *Id.*

<sup>163.</sup> *Id.*

<sup>164.</sup> *Id.*

<sup>165.</sup> *Id.*

a police station after she was arrested.<sup>166</sup> According to Shiva, she was arrested solely on the account of her appearance while she was walking on the street one night in 1997. The police officers who arrested her humiliated her with derogatory comments.<sup>167</sup> They took her to Tabriz's 16<sup>th</sup> police precinct, and they subsequently left the precinct, leaving Shiva alone with one officer who was on duty for the night shift. The officer, who was in his early to mid-thirties, took out the clothes Shiva had in her bag. The clothes were women's clothes. The officer said, "It seems like you're a real woman. What are your breasts like?" He then started touching Shiva's breasts.<sup>168</sup> Shiva continued:

*His office window faced the street. Behind the office was an "abdarkhouneh" [a kind of pantry where tea or coffee is made]. The officer dragged me into the pantry and sexually assaulted me. That's all I can say about that night. I don't want to go into detail. The officer let me go home in the morning. This was the story of how I was raped in that police station. To this day, the thought of what happened that night stresses me.*<sup>169</sup>

## 5.5. Discrimination in Education

While there is no specific law barring LGBT persons from access to education, several witnesses that IHRDC interviewed for this report stated that they were expelled or otherwise discriminated against in school or university on account of their sexual and/or gender orientation. In some instances, the witness' manner of dress was questioned and used as a basis on which to expel the student or discriminate against them. In other cases, the individual's relations with other students of the same sex was called into question and used as a basis for questioning or disciplinary measures.

### 5.5.1. Nima

Nima, a homosexual man from Tehran, stated that he was expelled seven times from several schools in Tehran due to his sexual orientation.<sup>170</sup> After his first expulsion, which was in middle school, the school referred him to a special counselor for kids with behavioral issues ranging from a violent attitude to perceived behavioral issues like homosexuality.

Rather than counseling Nima or offering him guidance, the counselor threatened Nima and said that he could face serious consequences for his sexual orientation. The counselor asked him detailed questions about his sexual behavior. Nima recalls:

*The counselor told me that he could send me someplace where no one would ever hear from me again. He told me he could make it impossible for me to continue my education. He also said that he could have horrible things happen to me.*

Eventually Nima was expelled from his school due to allegations about his sexuality and had to enroll at another school. At the next school, Nima was called into the *omur-e tarbiati*, or the morality affairs office,<sup>171</sup> early in the morning. He was questioned for an hour, and then he was told to wait in the schoolyard. It was snowing that day, and Nima was forced to stay outside from 8 a.m. until 2 p.m.

### 5.5.2. Akan

Akan, a female to male transgender, stated that he was expelled from his all-female high school because he was involved in a close relationship with his female classmate. He was expelled, but he was allowed to re-enroll after two months. He was warned not to contact his girlfriend. This was not the only restriction, however:

166. IHRDC Interview with Shiva (Oct. 10, 2012)(on file with IHRDC).

167. The Iranian police force is staffed through the military draft process. Therefore the arresting officers may have been regular soldiers or professional police officers.

168. According to Shiva, at this point in time, she had already had a breast augmentation as part of her transition to a woman.

169. IHRDC Interview with Shiva (Oct. 10, 2012)(on file with IHRDC).

170. IHRDC Interview with Nima (June 21, 2013)(on file with IHRDC).

171. The *omur-e tarbiati* or *parvareshi* office is an office that promotes Islamic values and mores in the school environment.

*They didn't let me participate in any group activity. For instance, I used to be the captain of the futsal team in school. This time they wouldn't let me participate in athletic competitions, saying I shouldn't be talking to girls. They told me to sit in some corner during the breaks and not have any contact with the rest of the kids. This was all done by the school principal.<sup>172</sup>*

### 5.5.3. Farshid

In addition to being a victim of rape, Farshid—whose account of sexual assault is detailed in section 5.4.1 *supra*—was also subjected to discrimination at university on account of his sexual orientation.

In 2010, Farshid—who was 21 years old at the time and attending a university in Tehran—was expelled from his university after the university's *herasat*<sup>173</sup> office discovered that he was gay.<sup>174</sup> A female student, who had heard from Farshid's friend that he was gay, spoke to a number of her classmates about Farshid's sexual orientation. The news spread, and the *herasat* office was notified:

*Herasat summoned me and told me that they had evidence that I was gay. They had summoned that girl and asked her about what she had said, and she had confirmed that she had heard it from my friend. They brought in my friend and he was so afraid that he admitted that I told him myself that I was gay.*

*Herasat* told Farshid that a three-person panel would be formed to decide his case. Five or six days after the initial meeting with the *herasat* office the panel held a meeting with Farshid.

*That meeting lasted half an hour. They talked to me in a harsh tone, and they used offensive words. The meeting was not formal at all. They did not have any evidence to support their case. They did not have eyewitnesses to my homosexual acts, nor did they have several witnesses who had heard about my homosexuality from me. I had told someone that I was gay and that person told someone else, and the news spread around in a rather childish manner. They did not ask me any questions in that meeting.*

Farshid received his letter of dismissal on July 1, 2010. The reason for his dismissal was stated as “incompatibility with Islamic mores in university.”<sup>175</sup>

### 5.5.4. Samira

Samira is a lesbian from Tehran, and her account of physical abuse is provided in section 5.6.5 *infra* of this report. In addition to physical abuse at home, Samira faced discrimination at her all-female high school.<sup>176</sup> When she expressed her romantic interest in a classmate, her classmate told the school principal.<sup>177</sup> Samira was summoned to the principal's office and confronted about what she had said to her classmate. Subsequently Samira was told to sit in a solitary chair while in class.<sup>178</sup> Moreover, when Samira approached other students during breaks, the vice-principal would call her name over the loudspeakers and would ask her what she was saying to other students.<sup>179</sup>

172. IHRDC Interview with Akan (June 17, 2013)(on file with IHRDC).

173. Every university and governmental organization in Iran has an intelligence and security office known as *herasat*. This office is in charge of the university or organization's security, and monitors it for any subversive act or any conduct in violation of the IRI's strict Islamic code.

174. *Witness Statement of Farshid*, Iran Human Rights Documentation Center (Sept. 15, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000322-witness-statement-of-farshid.html#UfMHmdLVAqI>.

175. *Id.*

176. While universities in Iran are co-ed, all primary and secondary schools in Iran are segregated by sex.

177. IHRDC Interview with Samira (Aug. 8, 2013)(on file with IHRDC).

178. Classrooms in Iranian schools typically have benches, and each bench seats two or three students.

179. IHRDC Interview with Samira (Aug. 8, 2013)(on file with IHRDC).

## 5.6. Lack of Protection against Abuse of LGBT Persons by Family Members

Physical and psychological abuse by family members is one of the primary problems that LGBT Iranians, and particularly LGBT minors who are living in their family homes, face on account of their sexual orientation and/or gender identity.

Iranian law shields parents, especially fathers, from legal responsibility when they abuse their minor and non-minor children. The concept of *Qisas*, which is enshrined in the IPC, provides that the father or the male paternal ancestor of a murdered person has the ultimate right to demand retribution for the death of his son or daughter. Therefore, if a father kills his son or daughter, he will not be put to death because it is within his own discretion to exercise the right to exact retribution for his child's death. Article 301 of the IPC states:

*Qisas will only be established if the perpetrator is not the father or a male paternal ancestor of the victim, and the victim is of sound mind and of the same religion as the perpetrator.*

In cases where *Qisas* is not carried out the IPC provides for a sentence of three to ten years of imprisonment.<sup>180</sup>

Under Iranian laws both parents are given considerable discretion in meting physical punishment to their children. Article 1179 of Iran's Civil Code states:

*Parents have the right to punish their child, but they cannot punish their child in a manner that exceeds the norms of discipline.*<sup>181</sup>

Although the IRI is a signatory to the Convention on the Rights of the Child (CRC)—a human rights treaty that requires that states safeguard the civil, political, economic, social, health and cultural rights of children—the Iranian legal system is, in fact, lenient on parental abuse of children.<sup>182</sup> Article 19 of the CRC provides that the state should protect children against abuse and mistreatment<sup>183</sup>—however according to evidence collected by IHRDC for this report and in other contexts, the IRI judiciary and legal framework frequently falls short in this regard.

Many of the witnesses interviewed for this report testified to physical and psychological abuse they were subjected to by family members who disapproved of their LGBT status. This abuse took the form of beatings, floggings, burning and other forms of physical violence, as well as psychological abuse like threats of violence and enforced seclusion and isolation from society.

The concept of *Qisas* is at the core of the Islamic justice system, and it gives the family of a murdered individual, often the father, the opportunity to exact retribution on the perpetrator. Both Sunni and Shi'a Islam, however, contain special exemptions from the law of *Qisas*. Sunni jurists have stated that if the perpetrator is the father or the mother or another paternal or maternal ancestor, he or she would not be subject to *Qisas*. Support for this exemption is found in a *hadith* attributed to Prophet Mohammad. Relying on other *hadith*, particularly on a *hadith* from Imam Sadeq, Shi'a jurists believe the exemption from *Qisas* applies only to the father and paternal ancestors. This understanding of Shi'a jurisprudence informs the Islamic Penal Code's provision exempting the father and paternal ancestors from *Qisas*.

180. Qānūni Mujāzātī Islāmī [Islamic Penal Code] 1392 [2013], art. 301, available at <http://rc.majlis.ir/fa/news/show/845002>

181. Qānūni Madani [Civil Code] 1314 [1935], art. 1179, available at <http://www.tamin.ir/content/oldeditor/file/tamin-ravabet%20omomi/ghavanin/madani.pdf>.

182. See e.g. *Testimony of Mina Dehghani Sarkazi: A Child Unprotected*, Iran Human Rights Documentation Center (Feb. 6, 2013), [http://www.iranhrdc.org/english/publications/witness-testimony/1000000243-testimony-of-mina-dehghani-sarkazi-a-child-unprotected.html#.UgFaStJO\\_PY](http://www.iranhrdc.org/english/publications/witness-testimony/1000000243-testimony-of-mina-dehghani-sarkazi-a-child-unprotected.html#.UgFaStJO_PY).

183. Article 19 of the CRC states:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Child abuse victims in Iran already suffer from a lack of Iranian laws protecting against abuse and exploitation, however in the case of lesbian and gay persons, the discrimination they experience on account of Iranian society's unfavorable perception of their sexual orientation effectively precludes them from seeking any meaningful legal redress if they are abused by family members. In contrast, according to at least one witness that IHRDC interviewed, the lawful status of transsexuals gives them a measure of legitimacy to file claims with the IRI authorities.

### 5.6.1. Akan

Akan, a female to male transgender, indicated that his father repeatedly beat him because he did not dress like a girl:

*I was beaten up every night. I don't remember not being beaten up a single day over this issue. For instance he would tie up my hands and legs and throw me into the bathtub. He did these things a lot, but this didn't make me wear women's clothes outside. My father beat me up a lot, but I couldn't say anything as he was my father nor could I hit him the way he hit me. I would cut myself with a razor and other things to reduce my anger.<sup>184</sup>*

Physical abuse was not the only abuse Akan suffered at the hands of his father. Severe restrictions were also placed on him socially; his father did not let him have any female friends. Despite these social restrictions, Akan's father made an exception for sport and allowed him to play futsal through a program that Akan's school offered.<sup>185</sup> After joining the program, Akan got involved in a romantic relationship with his female coach.

When Akan's father found out about this relationship, he imposed harsher restrictions on Akan, to the point that he even prevented Akan from taking the university entrance examination. Chafing under these increased restrictions, Akan attempted suicide by slitting his wrist:

*My mother found me and wrapped my hand. My father's slap brought me to consciousness. Since my father worked at the environmental sciences in the medical field and people knew him in hospitals, he didn't want them to find out I did this because of him, so he stitched my hand up himself. My father had taken some courses and knew how to do these things. I have the pictures, and there are still scars [on my hand.]<sup>186</sup>*

Despite Akan's suicide attempt, his father continued to treat him poorly. Akan's father also made it clear that he did not fear any repercussions for his abuse of Akan:

*My father had threatened to kill me saying no one would do anything to him. That's something my father always said.<sup>187</sup>*

### 5.6.2. Nima

Nima, whose account is introduced in section 5.5.1 *supra* of this report, stated that his father never accepted his sexual orientation. One day during an argument his father heated a knife on the stove and then pressed the knife on Nima's arm. The scar remains until now.

Nima's father told him that this scar would



**Figure 2.** Scar on Nima's arm

184. IHRDC Interview with Akan (June 17, 2013)(on file with IHRDC).

185. Futsal, or indoor soccer, is played between two teams of five players on a hard court surface.

186. IHRDC Interview with Akan (June 17, 2013)(on file with IHRDC).

187. *Id.*

always remain with him to remind him of the wrongs—that in his father's view—Nima had committed. Nima says that every day this scar reminds him of his identity as a gay man. Nima stated that due to the IRI's laws going to the authorities was never an option for him.

### 5.6.3. Ako

Ako, whose story was introduced in section 5.4.3 of this report *supra*, also suffered from parental abuse in his family home. When his father caught him while he was having sex with another man, he severely punished him.<sup>188</sup>

*My father called my uncle, and they tortured me as much as they could. He burned and flogged me. They tied me to the bed so that it could be proven that I was innocent and the person [he caught me with] had raped me by force...He had a thick rope with which he strapped the cow's legs. He came with my uncle and strapped my hands and feet and started beating me up with a belt. My father went to get a knife saying, "I'll cut your head off. What did you do?" My uncle didn't let him. My father returned to the kitchen. He heated the knife and burned three places on my back, and the scars are still there.*<sup>189</sup>

Ako stated that he was beaten and tortured so much that he defecated while he was tied to the bed. Ako later escaped to Turkey. Even after seeking refuge in Turkey he did not feel safe. By that time his father had learned that he was, in fact, homosexual. Ako, who is Kurdish, stated that he was afraid that his father could hire a Kurdish person in Turkey to abduct him and take him back to Iran.<sup>190</sup>

While the physical abuse Ako was subjected to left physical marks, according to him, the verbal abuse he was subjected to left lasting emotional damage. Ako recalls that when he spoke in the presence of his father and uncle, they told him to be quiet because he was a "woman." His father told him that he would not consider him to be a man until he changed the way he talked, the way he moved his hands, the way he held a cup and the way he drank his tea. In reflection, Ako muses:

*Sometimes the things you hear are worse than being beaten.*<sup>191</sup>

### 5.6.4. Farshid

Farshid, whose story is discussed in section 5.4.1 and section 5.5.3 *supra*, stated that he and his brother got into a physical fight when his brother found out that he was gay. His brother injured him using a knife. Farshid did not go to a hospital, nor did he report it to the authorities:

*I did not go to a hospital when I was injured... [I]f I had gone to the hospital or if I had filed a complaint and I was asked who had injured you, I had to say it was my brother. If I filed a complaint, what do you think would have happened if my brother would have said that I was gay in court?*<sup>192</sup>

### 5.6.5. Samira

Samira is a lesbian from Tehran. Her father died when Samira was nine, and her mother died due to a heart condition when Samira was a teenager. After the death of her mother Samira moved to the residence of her paternal uncle.<sup>193</sup>

Samira's uncle blamed her for her mother's death, and he often told her that her mother had died because

188. See Section 3.2. *supra*

189. IHRDC Interview with Ako (July 13, 2013)(on file with IHRDC).

190. *Id.*

191. *Id.*

192. *Witness Statement of Farshid*, Iran Human Rights Documentation Center (Sept. 15, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000322-witness-statement-of-farshid.html#.UfMHmdLVAqI>.

193. IHRDC Interview with Samira (Aug. 8, 2013)(on file with IHRDC).

she was upset with Samira's sexual orientation. Samira stated that her uncle repeatedly beat her, and that she lost the hearing in her left ear as a result of the physical abuse she suffered at the hands of her uncle. She did not report the abuse for fear that the authorities would discover that she is a lesbian.<sup>194</sup>

Her uncle's family did not accept her either:

*My aunt was a religious woman, and she would tell me that if I sat to eat with their family I would bar God's bounty from reaching their table.*<sup>195</sup>

In the years following, Samira dropped out of high school and eventually enrolled in a course to train as a hairdresser. There, she met her girlfriend at the time. In the spring of 2013, when Samira was 23 years old, Samira's uncle walked in on Samira and her girlfriend as they were having sex. He beat both of them, and he called the family of Samira's girlfriend. When they arrived, Samira's uncle told them about Samira and her girlfriend. The family of Samira's girlfriend, who were also conservative, filed a complaint against Samira with the General Court in the Sa'adat Abad district in Tehran, and Samira was later summoned to appear before the court. Her uncle, who served in the Iranian military, was able to have the charges dropped through his connections. However, he insisted that Samira should get married. Samira refused:

*My uncle threatened me and said, "Either you kill yourself, or I will kill you." I wanted to live. Why should I have killed myself? I said, "Kill me if you can." We started to fight. He cut my face with a knife. I still have the scar.*<sup>196</sup>

Samira escaped her uncle's house after this incident, and she left Iran for Turkey within weeks. She was convinced that her uncle would harm her if he found her. Once in Turkey, Samira was threatened during an on-line chat with her cousin, the daughter of her uncle—the cousin warned her that if they found her she would be killed.<sup>197</sup>

#### 5.6.6. Sam

Sam is a 28 year-old female to male transsexual from Khansar, Isfahan province. Sam moved to Tehran in 2007, and his family joined him a couple of years later. By the time his family had arrived in Tehran Sam had started the sex-change process, and he was wearing men's clothes in public. Before coming home, however, Sam would change into women's clothes so that his family would not become suspicious and harass him about his choices.<sup>198</sup>

One day in 2011, however, his brother, who was coming home at the same time, saw Sam as he was changing his clothes. Sam and his brother were alone in their home, and Sam's brother beat him severely, so much so that Sam's face was bloodied. Sam called the police. When the police arrived Sam's mother had reached home. She sided with Sam's brother. The police officers left without apprehending Sam's brother or helping Sam in any way.<sup>199</sup>

After this incident Sam's family threatened him with legal action. Led by his uncle, Sam's family drafted a complaint against him, alleging un-Islamic behavior including appearing in public without the Islamic veil. They showed the complaint to Sam, and they told him that they would file the complaint with the authorities if he did not change his behavior. Sam refused to accept their demand, and Sam's mother filed the complaint with the authorities. The examining magistrate who interviewed Sam criticized him and stated that his brother had confronted Sam out of his piety. Nevertheless, when Sam showed the magistrate legal documents showing that he was a transsexual, the magistrate dismissed the charges.<sup>200</sup>

194. *Id.*

195. *Id.*

196. *Id.*

197. *Id.*

198. IHRDC Interview with Sam (Aug. 9, 2013)(on file with IHRDC).

199. *Id.*

200. *Id.*

Sam's family filed a complaint against him a second time. This time several members of his family joined the complaint, and they alleged that Sam was delusional in thinking that he was a man. A different examining magistrate dismissed the charges again. Meanwhile, Sam filed a complaint against his brother for beating him. The court ruled in Sam's favor, and sentenced his brother to imprisonment. Sam eventually withdrew his complaint, and his brother did not serve time in prison.<sup>201</sup>

## 5.7. Health Issues Facing Iran's LGBT Community

The Iranian government and its healthcare system view LGBT persons through an ideological lens, one in which homosexuality is clearly prohibited as opposite to Islamic values, and considered to be a mental illness. While significant gains have been achieved globally in the past few decades in respect to a medical and psychological understanding of homosexuality, bisexuality, and transgender issues, this progress stands contrary to the prevailing Islamic understanding of these topics.

In 1990 the World Health Organization officially declared that homosexuality should no longer be considered to be a disorder.<sup>202</sup> However, in March 2013, at a side-meeting among non-aligned members at the 22<sup>nd</sup> session of the Human Rights Council in Geneva, Mohammad Javad Larijani, the secretary general of Iran's High Council for Human Rights, reportedly said to other country representatives that:

*In our country homosexuality is a disease, a wrong act, and prosecutable.*<sup>203</sup>

The view that homosexuality is a disease has shaped the Iranian government's policies towards homosexuals. Military exemption for homosexuals and transsexuals, and policies encouraging Sex Reassignment Surgery are two areas in which the medical and psychological view of the Iranian government towards LGBT individuals is most clear.

### 5.7.1. Military Exemption

Under Iranian law, a designation as a transsexual is considered to constitute a medical and psychological condition that warrants an exemption from compulsory military service.

The IRI has a mandatory military service for males that begins at the age of 18. While the duration of service is dependent on circumstances like location, in general males are expected to serve for a period of 20 months.<sup>204</sup> A failure to serve without being granted an exemption can result in the government's refusal to grant a driver's license to that individual, revocation of their passport and a ban on them leaving the country without special permission.

All males of the required age are subject to the draft in Iran, however there are exceptions for those who cannot serve on account of physical or mental health problems or disabilities.<sup>205</sup> While typically conditions such as schizophrenia, bi-polar disorder, manic-depressive tendencies and other serious mental illnesses would warrant an exception from service on psychological grounds, the regulatory code that governs medical exemptions also states that "moral and sexual deviancy, such as transsexuality" can be grounds for a medical exemption.<sup>206</sup> Figure 3 *infra* shows an actual medical exemption card that indicates the exemption was granted pursuant to Article 33, paragraph 8 of this code.

201. *Id.*

202. World Health Organization, The ICD-10 Classification of Mental and Behavioral Disorders (1990), available at <http://www.who.int/classifications/icd/en/bluebook.pdf>.

203. *Gharb tā 2 dahi qabl khudash hamjinsgarāyī rā mamnū ' mīdanist* [the West Prohibited Homosexuality until Two Decades Ago], Fars News (Mar. 15, 2013), <http://www.farsnews.com/newstext.php?nn=13911225000460>.

204. For service in impoverished areas, the duration can last 24 months while service in boundary areas can last 22 months.

205. It should be noted that exceptions can also be made for non-health related reasons including, *inter alia*: a man who has demonstrated exceptional scholastic achievement; a man who is the only child in a family (on the grounds that the parents require the assistance of their only child); a man who is the only male in the family and his father is over 65 years old; a man who is the sole caretaker of a parent, a minor or ill sibling or ill grandparents. Additionally, students in secondary school or university are exempt as long as they are attending classes.

206. The New Code for Examination and Medical Exemption of 2001, art. 33, cl.8, available at <http://vazifeh.police.ir/?siteid=25&siteid=25&pageid=1688>.



### 5.7.1.1. No'man

No'man, a homosexual man from Shiraz, obtained a medical exemption from mandatory military service after being formally designated by a psychiatrist as a transsexual.<sup>207</sup> No'man recalled that it was his psychiatrist who first suggested that he obtain a medical exemption from military service.<sup>208</sup> After evaluating him through psychological tests, No'man's psychiatrist wrote letters in support of his medical exemption. Although No'man is gay, his psychiatrist stated that No'man was a "transsexual". No'man speculates that his psychiatrist wrote this instead so that he would not face any negative repercussions from being declared homosexual, since transsexuality is lawful in the IRI.<sup>209</sup>

No'man attached the letters to his application and sent it to the Military Service Office. He was informed that he had to undergo further evaluation. He was first referred to a hospital in Shiraz. He completed a questionnaire that contained 300-400 questions.

The next step was to meet with the Medical Commission of the Military Service Office in Shiraz. The Commission was comprised of four male doctors who evaluated No'man again but did not give him a physical medical examination. One of the doctors wanted to send No'man to Tehran for an additional medical examination that would include physical tests, but another doctor on the Commission persuaded him not to and instead to recommend No'man for exemption. The final step was to meet the colonel who headed the Military Service Office in Shiraz. He would have the final say.



**Figure 3.** A military exemption card issued to an Iranian male who sought an exemption based on his homosexuality. The card indicates that the medical exemption is granted pursuant to Article 33, Paragraph 8 of the medical exemption regulatory code.

207. While prevailing attitudes towards compulsory military service in Iran differs depending on region, socio-economic status and other factors, many young males of military age do seek to avoid mandatory military service, either through one of the provided exceptions or by informal and illegal means through monetary bribes to officials.

208. IHRDC Interview with No'man (June 18, 2013)(on file with IHRDC).

209. It should be noted that the Iranian government—and to an extent, the medical profession in Iran—does not distinguish between “transgender” and “transsexual” individuals. While the current global LGBT rights framework acknowledges that a transgendered individual can elect to not have surgery to alter their anatomy and yet still have a transgendered identity, in the Iranian context this has not been the subject of extended discussion. Therefore the indication that No'man was a “transsexual” on his military exemption documents was not necessarily meant to indicate that he has had a sex-reassignment surgery, rather, in this context, it could simply have meant that the psychiatrist perceived that No'man displayed feminine characteristics or exhibited other behavior typically associated with females.

*He opened my file and started reading it. He asked me a few questions, saying "Do you wear a bra? Do you do certain things? How do you have sex?" Well, these were a little hard to answer.*

The colonel finally agreed to grant No'man's military exemption.

*He said, "You shouldn't think you're released and exempted for no reason. It's because you people are corrupt and lead others astray, and that's why you're exempted from service."*

#### **5.7.1.2. Milad**

Milad, a homosexual Iranian man from Shiraz, also obtained a military exemption on account of his sexual orientation.<sup>210</sup> Although Milad told his physician that he was gay, his physician recommended that he seek exemption as a transsexual.<sup>211</sup> The process that Milad went through was similar to that of No'man's, with one major exception. Before meeting the Medical Commission, a military officer who Milad believed was in charge of the Military Service Office in Shiraz examined him personally:

*He asked me to go to his room and take off all my clothes...He touched me, looked at me and examined me...You can tell the difference between a time that a physician is examining you and when an ordinary person is examining you just to bother you. He was grinning, and he looked at me derisively.<sup>212</sup>*

Despite the unwanted and unprofessional physical examination he was subjected to, Milad ultimately obtained his exemption from military service on the grounds of "transsexuality", pursuant to Article 33, Paragraph 8 of the medical exemption regulatory code.

#### **5.7.2. Sex Reassignment Surgery (SRS)**

As discussed in section 3.5.2 *supra* of this report, the Iranian government has implemented policies encouraging SRS procedures, which include both financial assistance and requiring medical insurers to cover the cost. Another aspect of the drive towards SRS involves encouragement by medical professionals. A number of IHRDC witnesses spoke about their experiences regarding this matter.

##### **5.7.2.1. Bardia**

Bardia, a homosexual man, stated that a mental health professional he saw in Tehran suggested that he should undergo tests to see whether he has a high level of female hormones. Bardia believes that the health professional was nudging him toward the path of SRS. When Bardia went to the hospital to be tested, he was told that his reproductive organs should be examined. Bardia told the practitioners in the hospital that he was gay, and that he didn't have a problem in his reproductive organs. Bardia went to see another doctor, but according to him, she was very conservative and therefore he did not have much faith in her ability to see his condition as something other than a mental disease. Concluding that the doctor could not help him, he only asked for anti-depressants and anti-anxiety medications.<sup>213</sup>

##### **5.7.2.2. No'man**

No'man, whose account is introduced in section 5.7.1.1 *supra*, stated that his psychiatrist was not informed about homosexuality:

*He was more informed about transsexuals than homosexuals. He viewed everything from*

210. IHRDC Interview with Milad (June 19, 2013)(on file with IHRDC).

211. According to Milad, No'man and an Iranian attorney who is familiar with similar case files, the physicians charged with administering these evaluations likely recommended that these individuals seek exemption on the basis of transsexuality, not homosexuality, because of the Iranian government's more lenient attitude towards the former in contrast to the latter.

212. *Id.*

213. IHRDC Interview with Bardia (June 20, 2013)(on file with IHRDC).

*the perspective of transsexuals. Looking at the way you dressed or showed affection or showed interest in certain things, he'd say, "These are feminine inclinations so you're a transsexual" ... He couldn't directly encourage me [to have surgery]. He would say, "Your best option is to undergo sex change, so to be able to have a better life. You'll be yourself."*<sup>214</sup>

### 5.7.2.3. Hengameh

Hengameh, a lesbian, stated that in the early 2000s—after experiencing some doubts about her gender identity—she went to see a prominent physician in Tehran to consult about SRS.<sup>215</sup> According to Hengameh, the Iranian authorities usually approved recommendations from this particular physician that a patient undergo SRS. A psychologist who evaluated her in the office asked to meet her outside the office. In their private meeting the psychologist informed her that she did not need to undergo SRS, but he could get in trouble if she said the same thing to her in the office. Hengameh stated that this psychologist was eventually fired because the prominent physician's financial interest was in recommending more SRS procedures. Hengameh stated that she later met a group of transsexuals who were facing medical complications as a result of surgeries recommended by the same physician.<sup>216</sup>

## 5.8. Arrest, Detention, and Other Punitive Measures against LGBT Persons

Many LGBT persons have been subject to arbitrary arrest and detention simply because of their different appearance or demeanor. Several IHRDC witnesses spoke about how they were arrested and mistreated.

### 5.8.1. Minou

Minou, a male to female transsexual from Tehran, stated that being arrested by the police while walking on the street was a regular occurrence for her. The police would tell her that people like her gave the city a "bad image". Minou recalls:

*Some of [the trans women] were forced to work the streets in order to provide for themselves. But I didn't do it, because it would put me under tremendous psychological pressure. They [the police] associated everything to me being a transsexual. On a number of occasions they arrested me for no reason as I was walking on the sidewalk. They told me that I was walking there, and that that's the place where people like me came for doing business. I tried very hard to prove otherwise, but I couldn't. Incidents like this would lead to being beaten up and detained for a few days.*<sup>217</sup>

### 5.8.2. Ehsan

Ehsan, a 31 year-old homosexual man from Tehran who freelanced as a translator, was a bystander when he was arrested during a political protest in March 2011.<sup>218</sup> He was blindfolded and taken to Shahpour Avenue police headquarters where he was interrogated and detained for several days. At first the questions the interrogators asked him revolved around politics. But then the interrogators shifted to questioning him about the contents of his laptop, which he was carrying when he was arrested:

214. IHRDC Interview with No'man (June 18, 2013)(on file with IHRDC).

215. See IHRDC Interview with Hengameh (June 20, 2013)(on file with IHRDC). In her witness statement, Hengameh notes that due to societal restrictions at the time in Tehran, she had never heard of the term "lesbian", which led her to question her gender identity rather than her sexual orientation.

216. IHRDC Interview with Hengameh (June 20, 2013)(on file with IHRDC).

217. IHRDC Interview with Minou (Sept. 15, 2012)(on file with IHRDC).

218. The witness was involved in some of the last protests called for by former reformist presidential candidates Mir-Hossein Mousavi and Mehdi Karroubi. Mousavi and Karroubi called for protests on February 14, 2011 in support of the Arab Spring, which was on-going at the time, and were later placed under house arrest as a result. Demonstrations were held once a week in Tehran for two to three weeks following the crushed February protest. See *Iran Unrest: MPs Call for Death of Mousavi and Karroubi*, BBC News (Feb. 15, 2011, 3:30 PM), <http://www.bbc.co.uk/news/world-middle-east-12462491>

*By day three or four...they accessed the data in my computer and found out about my sexual identity.<sup>219</sup> From then on the type of questions changed. First they were respectful and friendly. They asked, for instance, if I had ever seen a psychologist, or if my family was aware of [my orientation]. After a while they became rude and insulting. They said they would arrest my boyfriend and tell my family.<sup>220</sup>*

Ehsan stated that he was kicked and slapped in the back of his head while in custody. He was released on a bail of 40 million tomans (approximately US \$38,500 according to the exchange rate at the time). In July 2011 Ehsan received a phone call from the authorities. He was told to appear at Branch 71 of the Criminal Court in Tehran.

*If I was summoned to the Public and Revolutionary Court, it would have meant that my case was political. But I had been called to the Criminal Court. The Criminal Court deals with issues of sexual indecency, sexual assault, desecration and so on. Therefore, it was clear to me that this was not about political activities.<sup>221</sup>*

Ehsan decided to leave Iran rather than risk appearing in court. He and his boyfriend fled Iran to Turkey a week after he received the phone call to appear in court.

### 5.8.3. Mahan

Mahan, a 28 year-old homosexual man who studied industrial management in Iran, was arrested at an LGBT party in Shiraz in 2003. Mahan recounts that plainclothes agents arrested the party goers, and one of the officers brandished a handgun in the air as agents were entering the house. Mahan was blindfolded and handcuffed during his arrest.<sup>222</sup>

Mahan recalls that during his arrest, and the arrest of the other party goers, the arresting officials checked to see whether they had tweezed their eyebrows or not:

*One of the things they checked was our eyebrows. They moved our blindfolds down to check our eyebrows. They made notes regarding whether anyone had cleaned and shaped their eyebrows or not.<sup>223</sup>*

From this and other actions, it was clear that the sexual orientation of Mahan and others at the party mattered to the authorities. An officer at the detention facility told the families of the arrested individuals why they were arrested:

*The Colonel told the families that these people (our group) were transgender and gay. He used the word, gay. Gay was not a common word at that time in Iranian society.<sup>224</sup> Even my family did not realize what gay was. They thought it was something like heavy metal or rap.<sup>225</sup>*

Mahan received a suspended three-year prison sentence at Shiraz General Court. His charge was engaging in deviant acts and taking part in a gay party in which alcohol was served. Mahan left Iran in 2006 and

219. In his interview, Ehsan notes that the authorities discovered photos of himself and his boyfriend on his laptop.

220. *Witness Statement of Ehsan*, Iran Human Rights Documentation Center (Sept. 30, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000384-witness-statement-of-ehsan.html#.UlcgmdJzHus>.

221. *Witness Statement of Ehsan*, Iran Human Rights Documentation Center (Sept. 30, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000384-witness-statement-of-ehsan.html#.UlcgmdJzHus>.

222. IHRDC Interview with Mahan (Sept. 15, 2012)(on file with IHRDC).

223. *Id.*

224. LGBT issues are taboos in Iranian society, and they are not often discussed in the public sphere. For example, Sam, one of IHRDC witnesses (see section 5.6.6 of this report), claimed that the first time he heard about “transsexuality” was through a BBC Persian program that aired in 2009.

225. *Id.*

sought asylum after registering with UNHCR in Turkey—he is now resettled in Canada.<sup>226</sup>

#### 5.8.4. Milad

Milad, a homosexual Iranian man from Shiraz, was arrested at a party with gay male attendees in a friend's apartment in the summer of 2007.<sup>227</sup>

According to Milad, plainclothes *basijis* stormed the party. They wielded batons and used them to hit Milad and others at the party. They also broke the windows in the apartment and a television set. The guests were made to face the wall, and they were blindfolded. While blindfolded, the guests were pushed down the stairs of the apartment. Milad stated that he fell down when he was pushed down the stairs.<sup>228</sup>

Once downstairs, Milad and the others were forcefully pushed into the back of a vehicle. He was told to sleep on his stomach. Milad was thrown into the vehicle, and others were pushed on top of him:

*I thought that I may die right then and there. I could not breathe. Many people were on top of me.*<sup>229</sup>

Milad and the other guests were taken to a *basij* detention facility on Khalili Street in Shiraz. According to Milad, they were held there for three days, and none of their families were informed of their whereabouts. They were not given any food or water for the three days, and they were kept handcuffed and blindfolded in that period.<sup>230</sup>

On the third day of their detention, Milad and others were told to call their families to come and post bail. Milad was released after his family posted the deed to their house as bail. The charges against Milad included consumption of alcohol and homosexual conduct.<sup>231</sup>

Milad did not want to face trial, so about one to two weeks later he fled Iran to Turkey without even telling his family. His family was fined 20 million tomans (approximately US \$21,000 according to the exchange rate at the time) for Milad's failure to appear at court, and they had to put up the deed to their house as bail. Milad still speaks with his family but has not told them that he is gay, though he speculates they may have realized the truth following these events.<sup>232</sup>

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226. *Id.*

227. IHRDC Interview with Milad (June 19, 2013)(on file with IHRDC).

228. *Id.*

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

## Conclusion

Lesbians and gays face serious violations of their human rights in the IRI. The IPC provides for severe punishment of homosexual acts. These punishments include the death penalty and flogging. Given that in Iran's legal system the "knowledge" of the judge can be the basis for a defendant's guilt, individuals engaging in same-sex acts can be arbitrarily sentenced to harsh punishments.

While transgender Iranians are legally protected if they start the sex-change process, there is significant concern that gay and lesbian individuals could be unnecessarily encouraged to undergo sex-reassignment surgery.

A number of LGBT individuals interviewed by IHRDC stated that they were raped while in custody. None of these witnesses reported the alleged rapes, believing that speaking out could further endanger them or that filing a complaint would be fruitless.

Several IHRDC witnesses spoke of the difficulties they faced within their families. Since homosexual conduct is criminalized in Iran, members of Iran's LGBT community face significant risks if they file a complaint against family members who abuse them.

Iranian LGBT persons also face significant issues regarding education, employment and their social lives. A number of IHRDC witnesses reported that they were ostracized or even expelled from school or university due to their sexual orientation. LGBT persons also face discrimination in employment. In particular, gay men and transsexual persons who obtain military exemption due to their sexual orientation are at a significant disadvantage because their military exemption cards indicate that they have received the exemption as a result of a psychological disorder. The social lives of LGBT persons are also not immune from government interference. They could be arrested on the street or at parties, which may result in imprisonment and flogging on charges ranging from wearing improper clothes to deviant and un-Islamic acts.

The IRI is in violation of its international obligations with respect to Iran's LGBT community. The IPC prescribes the death penalty for homosexual acts in violation of the ICCPR, which states that the death penalty can only be imposed for the most serious crimes. The right to health, the right to non-discrimination, the right to privacy, the right to freedom of assembly and the right to be free from torture and other cruel, inhuman, or degrading treatment or punishment are among other rights denied to Iran's LGBT community.

## Methodology

IHRDC gathered and analyzed information for this report from the following sources:

*Testimony of victims and witnesses.* These testimonies include more than 30 interviews with Iranian lesbian, gay, bisexual and transgender individuals. Due to security concerns and other restrictions on conducting witness interviews with persons currently residing inside Iran, the vast majority of individuals interviewed are refugees who have sought asylum due to the persecution they faced as LGBT persons in Iran, and are currently living outside of the country.

*Government Documents.* The latest version of the Islamic Penal Code, which became enforceable in 2013, explicitly provides for punishment of individuals engaging in homosexual acts. Other documents issued by the Iranian government have been used as appropriate.

*Documents issued by non-governmental organizations.* Reports and press releases from Amnesty International, Human Rights Watch, the Abdorrahman Boroumand Foundation and other NGOs were among sources that have been used in drafting this report.

*Academic articles and books.* Books and articles on Iranian history and LGBT issues have been consulted and cited in this report.

*Media reporting.* Various Iranian media sources such as the Human Rights Activists News Agency (HRANA), as well as non-Iranian media sources, have been used to provide details and context for this report.

Where the report cites or relies on information provided by government actors or other involved parties, it specifies the source of such information and evaluates the information in light of the relative reliability of each source. The IHRDC has meticulously cross-checked all the sources of information used to compile this report to ensure their credibility and accuracy.

All names of places, organizations, etc. originally written in Farsi have been transliterated using the system of the International Journal of Middle Eastern Studies (IJMES), available at <http://web.gc.cuny.edu/ijmes/docs/TransChart.pdf>.

## Appendix I



# در شیراز، همدان، نجف آباد، کرمان، کرمانشاه وزاهدان: ۲۴ قاچاقچی و مفسد فی الارض اعدام شدند

## سه قاچاقچی در همدان اعدام شدند

همدان- بنا به حکم صادره از سوی دادگاه انقلاب اسلامی همدان ۳ نفر از مجرمین به خرید و فروش و توزیع هروئین مفسد فی الارض شناخته شده و سحر گاه چهارشنبه تیرباران شدند و یک نفر دیگر به حبس ابد محکوم شد.

۱- محمد رجیبی آرام فرزند باقری شغل قصاب مجرم خرید و فروش هروئین و کشف ۲ کیلو هروئین از منزل وی با داشتن سرفه مندر در توزیع هروئین محکوم به اعدام شد.

۲- مصطفی جلالوند فرزند علی ساکن کرمانشاه مجرم خرید و فروش هروئین و داشتن سواغ مندر در این امر و سرفشاهی مکرر و تخریب و شرارت محکوم به اعدام شد.

## در کرمان یک مفسد فی الارض اعدام و چهار نفر سنگسار شدند

کرمان- خبرگزاری پارسی- مرکز خبری سپاه پاسداران- کرمان- گزارش داد که بر اساس حکم دادگاه انقلاب استان کرمان ساعت ۵:۳۰ با تعداد پرویز چهار نفر سنگسار و یک نفر تیرباران شدند.

سنگسار شدگان عبارتند از غلامحسین انداچه ۲۲ ساله ساکن خرسوس سیرجان متاهل شغل کشاورزی این شخص یک دختر ده ساله را اغفال و به وی تجاوز کرده بود توسط ساموران زندان مرکزی دستگیر شد.

۲- حسین بریایی سن ۳۸ ساله کارمند برق منطقه‌ای دارای ۶ فرزند و میثم به زنا و لواط بود و سابقه وی در این موارد زیاد است.

۳- خانم فرخ معروف زاسلی وی

## \*در میان معدومین، عاملین دستگیری آیت‌الله دستغیب و آیت‌الله محلاتی نیز بودند

شیراز- خبرنگار جمهوری اسلامی- حجت‌الاسلام ختالی صبح پنجشنبه گذشته وارد شیراز شد و بلافاصله پس از بازدید از سپاه شیراز به منظور رسیدگی به پرونده متهمین دادگاه شیراز در این دادگاه حضور یافت.

به موجب این گزارش بنا به حکم حجت‌الاسلام ختالی شانزده نفر به جرائم قتل و کشتار مردم مسلمان انقلابی در روز بیست و دو بهمن، عضویت فعال در ساواک، شکنجه، اجساد شیره کش خانه و ارتکاب عمل لواط محکوم به اعدام شدند که حکم صادره بلافاصله پنجشنبه شب گذشته در مورد آنها به اجرا گذاشته شد. اموال شش تن از شانزده مفسد فی الارض اعدام شده نیز مصادره شد.

بزرگارش خبرنگار ما اسلامی معدومین شرح زیر است: ۱- سر تپ علی اصغر ده پناه- عامل قتل و کشتار مردم مسلمان در روز ۲۲ بهمن سال ۵۷ که شهبند شدگان در گریه‌های این روز که زیر نظر وی اداره می‌شدند به هشتاد تن می‌رسد.

۲- داریوش بیضی عامل کشتار مردم در روز ۲۲ بهمن ۵۷ ۳- سرهنگ عنصر سهیلور، شکنجه گر ۴- ناصر دولتفر شکنجه گس و عامل دستگیری آیت‌الله دستغیب و آیت‌الله محلاتی در سال ۴۲ ۵- عبدالرسول ولدان- قاچاقچی ۶- محمود دادبود قاچاقچی ۷- بانو نصرت کوئل طلبی مجرم دایر کردن شیره کش خانه و قاچاقچی ۸- مسوهر ادیب پور مجرم

سر کوبی و کشتار مردم مسلمان در ۲۲ بهمن ۵۷ ۹- حبیب بیلی- قاچاقچی ۱۰- حسین آفرابی- قاچاقچی ۱۱- حسین زینالی- قاچاقچی ۱۲- حاج بابا رحیمی- قاچاقچی ۱۳- احمد رضائینی معروف به احمد کچل- قاچاقچی و شرکت کننده در بچاه و چهار فشره سرقت مسلحانه ۱۴- مظفر دشمنای- قاچاقچی و لواط کار

همچنین احکام زیر نیز در مورد ده تن از مجرمین این دادگاه شرح زیر صادر شد: احمد عباسیان مجرم خرید و فروش مواد مخدر و داشتن یک کیلو و هشتصد گرم هروئین بهنام دستگیری با یک درجه تخفیف محکوم به حبس ابد، غلامحسین یاو اکبر رشیدی و عباس راشکی مجرم سرقت مسلحانه، که علامحسین یاو اکبر رشیدی به ده سال حبس و اکبر رشیدی با پانزده سال حبس محکوم شدند.

حسین امیری مجرم پخش و توزیع مواد مخدر به پانزده سال حبس، شکرالله نوائی مجرم دایر کردن شیره کش خانه، محکوم به پنج سال حبس، جیران جانفشان مجرم دایر کردن عتشرنگه محکوم به مصادره اموال و ده سال زندان، مراد قنبری مجرم پخش و توزیع مواد مخدر محکوم به پنج سال حبس و اسماعیل سپاه زادگان مجرم فروش مواد مخدر و دایر کردن شیره کش خانه به ده سال حبس محکوم شد.

کرمانشاه- یوحنا باوندپور فرزند عباس مجرم سرقت مسلحانه و قتل ماشاالله لطفی و بهمن دوشه بوم فرزند محمود مجرم عمل شنیع لواط و قتل طفل خردسال با سربدن سر وی

نصفهان - خبرگزاری پارسی سفلی بواسط عمومی سپاه پاسداران انقلاب اسلامی اصحاب گزارش داد بر اساس رای دادگاه انقلاب اسلامی نجف آباد به نفره اسمعیل مهدی دهری به اتهام عمل لواط و تجاوز به عفت بطور مکرر و زنا به حد اشد - جیدانی عبور به اتهام چند فقره لواط و عملی سوکتی سامور سابق اطلاعات شهرتانی نجف آباد به اتهام دخالت مستقیم در واقع آتش سوزی ۱۱ و ۱۲ مجرم ۱۳۵۷ قتل - جرح و دستسوز انواع شکنجه منجر به نقص عضو مفسد فی الارض و متحارب با خدا و رسول خدا شناخته شدند و به اعدام محکوم گردیدند رای صادره به مرتبه اجرا گذارده شد. به موجب این گزارش در پی اعدام این سه نفر شرفی آباد یکپارچه تعطیل شد و گروه‌های مختلف مردم طی یک راهپیمایی با صدور قسطنامه ای پشتیبانی خود را از دادگاه انقلاب اسلامی نجف آباد و سپاه پاسداران اعلام داشتند.

اعدام سارق مسلح زاهدان - خبرگزاری پارسی - ساعت ۲۱ چهارشنبه شب گذشته سیدمحمد افروز فرزند غلام محمد که بموجب حکم دادگاه انقلاب اسلامی سیستان و بلوچستان مفسد فی الارض و متحارب با خدا و رسول خدا شناخته شده در مقابل جوجه آتش قرار گرفت و اعدام شد. بر اساس اطلاعیه دادگاه انقلاب اسلامی استان نامبرده مجرم شرارت و سرقت مسلحانه و به قتل رساندن سرباز وظیفه احمد ترکمانی و به سرقت بردن اسلحه وی و ایجاد ترور و ناامنی و شرکت در آدم ربائی و توطئه علیه جمهوری اسلامی به اعدام محکوم شد. همچنین ستارحکم صادره از سوی دادگاه انقلاب اسلامی سیستان و بلوچستان مجید دولتجلالی فرزند سعید اهل سروزار به اتهام حمل مقداری مخش به یکسال زندان محکوم شد.

**گلچینی از بهترین طرح‌های کاغذ دیواری دنیا**

پلاستر	پروانه	آلبوم
پلاستر	الماس	آلبوم
پلاستر	عروس	آلبوم
پلاستر	لاله	آلبوم
پلاستر	گل سرخ	آلبوم
پلاستر	شقایق	آلبوم

کلیه طرح‌های آلبوم‌های بالا موجود و در تمام فروشگاه‌های تزئیناتی در سراسر کشور در اختیار شماست

## Jomhuri Eslami, Saturday July 5, 1980

In Shiraz, Hamedan, Najafabad, Kerman, Kermanshah and Zahedan:

### **24 Smugglers and Individuals Charged with Sowing Corruption on Earth Were Executed**

**Those involved in arrests of Ayatollah Dastgheyb and Ayatollah Mahallati were among the executed.**

Shiraz—Jomhuri Eslami Reporter—Hojjat al-Islam Khalkhali entered Shiraz on Thursday morning. After visiting the Shiraz Revolutionary Guards, he immediately went to the Shiraz court to address the cases of those charged in the Shiraz Court.

According to this report, Ayatollah Khalkhali sentenced sixteen individuals to death on charges of killing Muslim and revolutionary people on February 11 [1979], active membership in the SAVAK, engaging in torture, carrying and dealing arms, establishing a drug house and sodomy. Their sentences were immediately carried out Thursday night. The properties of six of the sixteen individuals executed for corruption on earth were confiscated.

According to our reporter, the names of the executed individuals are as follows:

1. Brigadier General Ali Asghar Deh-Panah, responsible for the murder of the Muslim masses on February 11, 1979. The number of those martyred during the conflicts of that day—which were directed by him—amounts to eighty.
2. Daryush Beyzali, responsible for murdering people on February 11, 1979.
3. Colonel Ghazanfar Bahampour, engaging in torture.
4. Naser Zolqadr, engaging in torture and responsible for the arrest of Ayatollah Dastgheyb and Ayatollah Mahallati in 1963.
5. Abdol-Rasoul Valadn, smuggling.
6. Mahmoud Dadboud, smuggling.
7. Ms. Nosrat Koel Talimi, running a drug house and smuggling.
8. Manouchehr Adibpour, cracking down and murdering Muslims on February 11, 1979.
9. Habib Pili, smuggling.
10. Hossein Afrabi, smuggling.
11. Hossein Zeinali, smuggling.
12. Haj Baba Rahimi, smuggling.
13. Ahmad Rezaei, also known as Ahmad Kachal [Ahmad the Bald], smuggling and involvement in fifty-four counts of armed robbery.
14. Mozaffar Dashtbani, smuggling and engaging in sodomy.

In addition, the following sentences were handed out to ten individuals tried in this court: Ahmad Abbasian, charged with dealing drugs and possessing one kilo and eight hundred grams of heroin when arrested, sentenced to life imprisonment with one degree of leniency [whereas the typical sentence would have been death]. Gholamhossein Pa, Akbar Rashidi, Abbas Rashki, charged with armed robbery; Gholamhossein Pa and Akbar Rashidi were sentenced to ten years of imprisonment,

and Akbar Rashid [sic] was sentenced to fifteen years of imprisonment.

Hossein Amiri, charged with distributing drugs, sentenced to fifteen years of imprisonment; Shokrollah Navaei, charged with running a drug house, sentenced to five years of imprisonment; Jiran Janfeshan, charged with running a house of vice, sentenced to confiscation of property and ten years of imprisonment; Morad Qanbari, charged with distributing drugs, sentenced to five years of imprisonment; and Esmaeil Sepahzadegan, charged with dealing drugs and running a drug house, sentenced to ten years of imprisonment.

Kermanshah—Nokhas Bavandpour, son of Abbas, charged with armed robbery and the murder of Mashaollah Lotfi; and Bahman Doshe Boum, son of Mahmoud, charged with the repulsive act of sodomy and murder of a young child by decapitation [were sentenced to death].

### **Three Smugglers Executed in Hamedan**

Hamedan—According to the sentences issued by the Hamedan Islamic Revolutionary Court, three individuals charged with dealing and distributing heroin were found guilty of sowing corruption on earth, and they were executed on Wednesday morning. Another person was sentenced to life in prison.

Ali Mokarram, the assistant prosecutor of the Hamedan Islamic Revolutionary Prosecutor's Office contacted Pars News Agency and announced the names and charges of these individuals:

1. Mostafa Jalalvand, son of Ali, residing in Kermanshah, sentenced to death on charges of dealing heroin and having a record of engaging in the same, involvement in repeated robberies, destruction and evil acts.
2. Ahmad Kiani, son of Qlij, taxi driver, sentenced to death on charges of producing heroin, discovery [on him] of 190 kilos of acid water and tools used to produce heroin, discovery [on him] of a thousand and eighty grams of a suspicious white powder and distributing and using the produced heroin.
3. Mohammad Rajabi Aram, son of Nejatali, occupation butcher, sentenced to death on the charge of dealing heroin and discovery of two kilos of heroin from his home, with a long record of distributing heroin.
4. Mostafa Parvizi, son of Ali, occupation driver, residing in Kermanshah, sentenced to life in prison on the charge of possessing heroin and transporting it from Hamedan to Kermanshah.

### **One Person Charged with Sowing Corruption on Earth Was Executed, Four Were Stoned in Kerman**

Kerman—Pars News Agency—Revolutionary Guards News Headquarters in Kerman reported that, in accordance with the order of the Kerman Province Revolutionary Court, four individuals were stoned and one person was executed by firing squad at 5:30 AM two days ago.

The stoned individuals were

- [1.] Gholamhossein Anache, 22, from [illegible] Sirjan, married, engaged in agriculture. This person had deceived and raped a ten year old girl, and he had been arrested by the gendarmerie.
2. Hossein Pariayi, 38, employed at the municipal electric power utility, father to six children, with a second grade education. His charges involved adultery and sodomy, and he has an extensive record involving these matters.
3. Ms. Farrokh Ma'roof Zaboli—she was the head of Kerman's brothel and has played a significant role in deceiving young women in this city.
4. Ms. Hayat, charged with prostitution, deceiving young women, and spreading prostitution and

corruption.

Also, Gholam Heydari [was executed.][H]e had brought a boy from Shiraz to Kerman and committed sodomy with him. He was shot by a firing squad, and the other four were stoned.

### **Three Individuals [Charged with] Waging War against God Were Executed in Najafabad**

Isfahan—Pars News Agency, quoting Isfahan Islamic Revolutionary Guard Corps public relations office, reported that according to the judgment of the Najafabad Islamic Revolutionary Court, three individuals were found guilty of sowing corruption on earth and waging war on God and his Prophet, and were sentenced to death. They were Mehdi Qaheri, charged with sodomy and repeated rape with the threat of a weapon; Heydar Ali Ghayour, charged with several counts of sodomy; and Ali Tavakoli, a former police intelligence official charged with direct involvement in the fire of 11 and 12 Moharram 1357 [December 12 and December 13, 1978], murder, inflicting injury, and ordering various kinds of torture resulting in dismemberment. Their sentences were carried out. According to this report, following the execution of these three individuals, the entire town of Najafabad was closed down and various groups of people joined a rally, issuing a resolution supporting the Najafabad Islamic Revolutionary Court and the Revolutionary Guard.

### **Execution of Armed Robber**

Zahedan—Pars News Agency—At 9 pm last Wednesday Seyed Mohammad Afrouzeh, son of Gholam Mohammad, who was found guilty of sowing corruption on earth and waging war on God and his Prophet by the Sistan and Balochistan Islamic Revolutionary Court, was put in front of a firing squad and executed. According to the communiqué of this Revolutionary Court, this person was sentenced to death on charges of evil acts, armed robbery, murdering Private Ahmad Torkamani and stealing his weapon, inciting terror and fear, involvement in abduction and conspiracy against the Islamic Republic. In addition, the Sistan and Balochistan Islamic Revolutionary Court sentenced Majod Zoljalali, son of Abbas and resident of Sabzevar, to one year of imprisonment on the charge of carrying hashish.

## اطلاعیه‌ها و احکام دادگاه‌های انقلاب

### ۴ افسد فی الارض در تبریز اعدام شدند

دادن یک دختر به سه ماه حبس و ۵۰ ضربه شلاق و احمد عیسی زاده پرنوی به یکماه زندان و ۴۰ ضربه شلاق، معظم مردانی آزاد بجرم عمل خلاف عفت به سه ماه زندان و ۱۰۰ ضربه شلاق و عباس بازگشائی بجرم لواط به ۶ ماه حبس و ۷۰ ضربه شلاق محکوم شدند در ضمن رحیم کمیلی بجرم آججو خوری به ۳۰ ضربه شلاق و محمد رضا رهنمایی بهاری- منوچهر بی‌مسعود جودی- حمید قزینیان- حبیب لطیفی - سیامک موسی نژاد بسا کفالت آزاد شدند همچنین اسماعیل اشماثیل زاده فرزند صادقی- صمد باقری فرزند اصغر- محمود بزاز فرزند احمد ولی بنیویان فرزند قادر مرسل بسنگتراش فرزند بهلول محمود سرخابی فرزند ابراهیم- عباس عباسی فرزند صفر که به حکم دادگاه ویژه آیتالله خلخالی در تهران هر ۷ نفر محکوم به اعدام شده بودند عصر دیروز در تبریز حکم اعدام در مورد افراد مذکور به مورد عمل درآمد.

### احکام دادگاه انقلاب اسلامی کازرون

جرم خرید و فروش تریاک و نگهداری ۱۹/۵ کیلو تریاک، توسط پاسداران انقلاب دستگیر شده بود جهت صدور حکم به دادگاه ویژه مواد مخدر به سرپرستی حجت الاسلام خلخالی به مرکز فرستاده شدند. همچنین توسط گروه ضربت سپاه پاسداران انقلاب اسلامی کازرون از شخصی بنام رضا رضائی فروشنده اسلحه و مهمات در کنار شاهی جان کازرون ۱۲ قبضه اسلحه کالیبر ۳۶ و ۳۳۶ تیر فشنگ کشف و ضبط و صاحب این سلاحها و مهمات به اتفاق شخصی بنام محمد علی امیری که شش قبضه اسلحه کالیبر ۳۶ و ۱۳۵ تیر فشنگ از وی بدست آمده بود دستگیر و تحویل دادگاه انقلاب شد.

و کثیف در وجود آنها بصورت یک مرض کاری شده بود افسد فی الارض و محکوم به اعدام. حکم اعدام در مورد نامبردهگان عصر دیروز به مرحله عمل در آمد ضمناً مهدی تقصیلی به جرم اقدام علیه جمهوری اسلامی و به اشاعه فساد و دروغ پردازی افترا بوسیله اعلامیه‌های چریکهای به اصطلاح فدائی خلق به سه ماه حبس، محمد صادق رفوگر عیوب حق پور احمد علیزاده درختی از اعضای خلق مسلمان به ۶ ماه حبس و حسن برازنده به سه ماه حبس، نصرت اسدی بجرم پخش کتب، اعلامیه‌های غیر قانونی و غیر انسانی و غیر اسلامی محکوم به ۶ ماه و هدایت تقی پور روحانی نما محکوم به ۶ ماه حبس و خلع لباس مقدس روحانی، رحیم حسنی جرم لواط و عمل خلاف عفت به یکسال زندان و ۷۰ ضربه شلاق- بهروز محمودیان و رحیم امراهی بجرم مشروبسازي و مشروب فروشی به دو ماه حبس و ۷۰ ضربه شلاق- بهروز محمودیان و رحیم حسینعلی عباسی به جرم فراری

### ۷ تن از این عده بحکم آیتالله خلخالی محکوم باعدام شدند

تبریز- خبرنگار جمهوری اسلامی- دادگاه انقلاب اسلامی تبریز پس از رسیدگی به پرونده اتهامی چند نفر از متهمین این دادسرا رای خود را بدین شرح اعلام نمود: ۱- دکتر فرامرر سمندری فرزند میرآقا، رئیس محفل بهائیان آذربایجان شرقی بجرم همکاری موثر با رژیم فاسد پهلوی و ساواک منحل و دولت اسرائیل و صهیونیسم بین‌المللی افسد فی الارض و محکوم به اعدام.

۲- بداله استانی فرزند احمد، رئیس محفل بهائیان تبریز بجرم همکاری با رژیم منحل پهلوی و ساواک منحل و سرکوبی مسلمانان مبارز و همکاری با دولت فاسد اسرائیل و قیام علیه مسلمین محکوم به اعدام.

۳- حسن رهبر فرزند کاظم بجرم فساد منکرات و دایر کردن مراکز فحشاء و همکاری مستقیم با افراد ضدانقلاب و کشاندن دختران معصوم به فساد بوسیله محتاج نمودن به عکسهای سکسی افسد فی الارض و محکوم به اعدام.

۴- رسول فرزند علی بجرم انجام زناي محسنه و تکرار آن و پخش اوراق سکسی و قمار و تریاک و اشاعه فساد محکوم به اعدام.

۵- اصغر نورانی فرزند محمود بجرم لواطهای مکرر و اشاعه فساد افسد فی الارض و محکوم به اعدام.

۶- ۷- ناصر فراهانی عالی فرزند صمد و بیوک رسولزاده فرزند اسماعیل بجرم عمل منافی عفت و لواطهای مکرر بطوری که این عمل ضداخلاقی

## Jomhuri Eslami, Tuesday, July 15, 1980

### Communiqués and Judgments of Revolutionary Courts

#### 14 Individuals [Charged with] Sowing Corruption on Earth Were Executed in Tabriz

#### 7 of these Individuals Were Executed by the Order of Ayatollah Khalkhali

Tabriz—Jomhuri Eslami reporter—The Tabriz Islamic Revolutionary Court, after reviewing the cases brought by the Prosecutor's Office, announced its judgments as follows:

1. Dr. Faramarz Samandari, son of Mirza Agha, head of the East Azerbaijan Bahá'í assembly, [was] found guilty of corruption on earth and was sentenced to death on charges of effective cooperation with the decadent Pahlavi regime, the dissolved Savak, the corrupt Israeli government and international Zionism.
2. Yadollah Astani, son of Ahmad, head of the Tabriz Bahá'í assembly, [was] sentenced to death on charges of cooperating with the decadent Pahlavi regime, the dissolved Savak, the corrupt Israeli government and revolting against Muslims.
3. Hasan Rahbar, son of Kazem, [was] found guilty of corruption on earth and sentenced to death on charges of [engaging in] deviant acts, running brothels, direct cooperation with counter-revolutionary individuals and involving innocent girls in deviance through making them dependent on pornographic images.
4. Rasoul, son of Ali, [was] sentenced to death on charges of repeated adultery, distributing pornography, gambling [devices] and opium and spreading corruption.
5. Asghar Nourani, son of Mahmoud, [was] found guilty of sowing corruption on earth and [was] sentenced to death on repeated counts of sodomy and spreading corruption.

6-7. Naser Farhani Aali, son of Samad, and Boyouk Rasoulzadeh, son of Esmail, [were] found guilty of sowing corruption on earth and [were] sentenced to death on charges of acts against chastity and several counts of sodomy, so much so that this immoral and dirty act had become a serious illness in their being. The death sentences against the named individuals were carried out yesterday evening.

In addition, Mehdi Tafsili was sentenced to three months of imprisonment on charges of acting against the Islamic Republic, spreading corruption, lying and making false accusations through the leaflets of the so-called Fedayian Guerrillas. Mohammad Sadeq Rofougar, Ayoub Haghpour, Ahmad Alizadeh Derakhshi, members of the Muslim [People's Party], [were] sentenced to six months of imprisonment; Hasan Barazandeh was sentenced to three months of imprisonment. Nosrat Asadi was sentenced to six months of imprisonment on the charge of distributing illegal, inhuman and un-Islamic books and leaflets. Hedayat Taghipour, a so-called cleric, was sentenced to six months of imprisonment and was deprived of the sacred clerical garb. Rahim Hasani, was sentenced to one year of imprisonment and 70 lashes on charges of sodomy and acts against chastity. Behrouz Mahmoudian and Rahim Amrahi were sentenced to two months of imprisonment and 70 lashes on charges of producing and selling alcoholic beverages. Behrouz Mahmoudian and Hossein Ali Abbasi were sentenced to three months of imprisonment and fifty lashes on the charge of assisting a girl to escape; Ahmad Issazadeh Partovi was sentenced to one month of imprisonment and 40 lashes. Moazzam Mardani Azad was sentenced to three months of imprisonment and 100 lashes on the charge of acting against chastity. Abbas Bazgoshayi was sentenced to six months of imprisonment and 70 lashes on the charge of sodomy. In addition, Rahim Komeili was sentenced to 30 lashes for drinking beer. Mohammad Reza Rahnamayi Bahari, Manouchehr Masoud Jouyi, Hamid Qazinian, Habib Latifi, and Siamak Mousanejad were released on bail.

Also Esmail Esmailzadeh, son of Sadeq, Samad Baqeri, son of Asghar, Mahmoud Bazazi, son of Ahmad, Vali Binavayan, son of Qader, Morsel Sangtarash, son of Bohloul, Mahmoud Sorkhabi, son of Ebrahim,

Abbas Abbasi, son of Safar, who were all sentenced to death by Ayatollah Khalkhali's special court in Tehran, were executed yesterday evening in Tabriz.

### **Sentences Issued by the Kazeroun Islamic Revolutionary Court**

Kazeroun—Jomhuri Eslami reporter—The Kazeroun Islamic Revolutionary Court sentenced nine individuals charged with dealing and possessing arms and ammunition. The names of the individuals sentenced are as follows:

Assadollah Tarinaqdeh, Ali Lotfi, Mirza Ali Ashrafabadi, all three from Kermanshah, were sentenced to two years of imprisonment. Reza Qoli Shamsabadi was sentenced to two years of imprisonment. Shahbaz and Mashallah Sasani, Ali, known as Khodabakhsh Dehqan, and Allah Qoli Bekhradnejad were each sentenced to one year of imprisonment. Qodrat Dehqani was sentenced to six months of imprisonment. Also, the Kazeroun Islamic Revolutionary Court, headed by Hojjat al-Islam Daneshjou, referred [the cases of] Abed Salehi and Ali Bakhsh Abdollahi to the special drugs court [in Tehran] headed by Hojjat al-Islam Khalkhaliu. [These two individuals] were arrested by the Revolutionary Guards and charged with dealing and possessing 19.5 kilograms of opium.

In addition, the Kazeroun Islamic Revolutionary Guard Corps' task force found twelve 36 caliber guns and 336 bullets on an individual named Reza Rezaei, an arms and ammunition dealer near Shahi Jan in Kazeroun. This person, along with Mohammad Ali Amiri, who was caught with six caliber 36 guns and 135 bullets were arrested and transferred to the Revolutionary Court.

با رای دادگاههای انقلاب کرج، رشت، زنجان، آستارا، بجنورد و گنبد:

## ۲۱ توطئه گر علیه نظام جمهوری اسلامی و مفسد اعدام شدند

برای رهبری منافقین از شهر خود به بجنورد آمده بودند و رهبری تظاهرات مسلحانه را در این شهر بعهده داشته اند و جین فرار به مشهد دستگیر شدند محکوم به اعدام.

سید مرتضی فرح اله مجرد از کارهای فعال مجاهدین خلق در بجنورد که در تظاهرات مسلحانه شرکت داشته و احیرا در خانه تیمی با اسناد و مدارک سازمان دستگیر شدند محکوم به اعدام.

شاهرخ اسفراینی از کاردارهای سازمان تروریستی طوفان و رابط این گروه با منافقین که در حین حمله مسلحانه به پاسداران دستگیر شده است محکوم به اعدام که حکم صادره در مورد این افراد سحرگاه دیروز به اجرا درآمد.

هره جلالی عالیه هاشمی و رهرا باقرزاده هریک به ۱۰ سال زندان، پروانه عمیری ۸ سال، معصومه باقرزاده ۶ سال، پیروش عمیری و میترا معیر هریک به ۵ سال، رسول کریمی ۴ سال، پسرانو آل داوود و حمیله آل یاسین هریک به سه سال فرزانه شایگان و مهوش رجائیان هریک به ۲ سال زندان و اصغر رخشانی و حسین فدایی هر کدام محکوم به تحمل ۷۰ ضربه شلاق بحکم دادگاه مزبور همچنین هشت تن بقیه این افراد با سپردن تعهد و ضمانت نامه آزاد گردیدند.

### ۳ مفسد در آستارا اعدام شدند

رشت- سه تن بجرم عمل منافی عفت در آستارا اعدام شدند بگزارش جبرگزاری پارس بحکم دادگاه انقلاب اسلامی آستارا احد پاسانی فرزند محمد تقی بجرم عمل لواط و باهرم علی نبی صحت فرزند عمش و بانو مدینه دستگیری فرزند شیرین علی بجرم زنا به اعدام محکوم و حکم صادره نیز به مورد اجرا گذاشته شد.

### اعدام یک مفسد در گنبد

ارسوی دادگاه انقلاب اسلامی گنبد کاووس حدا داد سنجولی فرزند رضا باکن کلاه به جرم تجاوز به عنف به دختر بچه دهسالگی به اعدام محکوم شد حکم صادره در مورد نامبرده به مورد اجرا گذاشته شد.

اعتقاد به منفی مسلحانه علیه جمهوری اسلامی باغی- محارب و مرند فطری و معسد فی الارض شناخته شد و اعدام محکوم گردید. اسماعیل عالمی فرزند جمشید بجرم اقدام علیه نظام جمهوری اسلامی و سرسپردگی به سازمان منافقین خلق و شرکت در درگیریها و ترور و تحریب و عدم معرفی صحیح خود در حین دستگیری - بمظنور جنابا بودن وسایل و مدارک موجود در منزل یا خانه تیمی باغی محارب و معسد شناخته شد و حکم اعدام در مورد وی صادر گردید مینا شماییپور علیه نظام جمهوری اسلامی و شرکت در اکثر درگیریها و مقاومت در حین دستگیری و فعالیت در خانه تیمی منافقین خلق و شرکت در حوادث حوسین دانشگاه گیلان ار سوی دادگاه باغی - محارب و مفسد شناخته شد و به اعدام محکوم گردید و حکم صادره در مورد نامبردگان سحرگاه دیروز در رشت با اجرا درآمد.

### ۵ تن از اعضای گروهکهای آمریکایی منافقین و طوفان در بجنورد اعدام شدند

مشهد- بحکم دادگاه انقلاب اسلامی شهرستان بجنورد پنج تن از عوامل و اعضای گروهکهای مجاهدین خلق و طوفان که در درگیری های مسلحانه این شهر نقش عمده ای داشتند محکوم به اعدام شدند و ۱۴ تن دیگر نیز به ۲ تا ۱۰ سال زندان محکومیت یافتند که حکم صادره در مورد محکومین به اعدام پس از تایید شورای عالی قضایی سحرگاه دیروز به مرحله اجرا درآمد بگزارش جبرگزاری پارس دادگاه انقلاب اسلامی شهرستان بجنورد طی چند جلسه ۲۷ تن از عوامل اعصاب و هواداران گروهکهای مجاهدین خلق و طوفان را مورد محاکمه قرار داد و پس از شور و بررسی رای خود را در مورد هریک از منعمین بدیشرح اعلام کرد. مجتبی لنگرودی با نام مستعار قاسم اهل لنگرود، مجتبی رضوانی با نام مستعار شیرعلی اهل همدان که

### ۳ نفر بجرم توطئه علیه جمهوری اسلامی در زنجان تیرباران شدند

زنجان- جبرنگار جمهوری اسلامی: حکم دادسرای انقلاب اسلامی زنجان ۳ تن از صدانقلابیون بجرم توطئه بر علیه نظام جمهوری اسلامی محکوم به اعدام گردیده و حکم صادره روزیکشنبه ۶۰/۵/۱۸ به حله اجراء آمد. نامی آنها بدین شرح است: ۱- مصطفی نصیری فرزند عبدا ۲۲ ساله بجرم حمله مسلحانه و شرکت فعال در گروهک آمریکایی و صدخلفی منافقین و طرفداری از جنگ مسلحانه محارب با خدا و رسول حداتشخیص داده، حکم صادره در سحرگاه روزیکشنبه ۶۰/۵/۱۸ با اجرا درآمد.

۲- نجیبی عربیان بجرم ایحاد عمد و وحشت و شرکت در تظاهرات حیوانی و حمله به عضو بسیج و رجم نمودن وی محارب با خدا و رسول خدا باغی و مفسد فی الارض شناخته شد و به اعدام محکوم گردید حکم صادره در شبانگاه ۶۰/۵/۱۸ به مرحله اجراء آمد.

۳- مرتضی سلیمی بجرم شرکت در درگیری و خلع سلاح و حمله به پاسدار و ایراد ضرب و جرح پاسدار به حمایت از صدانقلاب و منافقین صدخلق و ایحاد رعب و وحشت در میان مردم مسلمان محارب با خدا و رسول حداتشخیص و باغی و مفسد فی الارض و به اعدام محکوم گردید و حکم صادره در مورد وی در شب روزیکشنبه ۶۰/۵/۱۸ به مرحله اجراء آمد.

### اعدام ۳ محارب در رشت

رشت- بحکم دادگاه انقلاب اسلامی رشت ۳ تن از وابستگان به گروهکهای صد انقلاب سحرگاه دیروز در این شهرستان اعدام شدند. اسامی و جرائم معدومین بدین شرح است. جمشید پور فاسمی فرزند علی بجرم سرسپردگی به سازمان چریکهای فدائی خلق اقلیت و اقدام علیه جمهوری اسلامی و

سرویس شهرسان با حکم دادگاههای انقلاب اسلامی کرج، زنجان، رشت، آستارا، بجنورد و گنبد ۱۳ تن به جرم توطئه و حمله مسلحانه علیه جمهوری اسلامی و مفسد دیگر محکوم به اعدام شدند و حکم صادره در مورد آنان به اجرا درآمد.

### ۳ عامل انفجار و ۳ مفسد دیگر در کرج اعدام شدند

کرج- جبرنگار جمهوری اسلامی: ۳ تن از عناصر فعال سازمان منافقین که بجرم حمله و پیرنات کو کتل مولونوف طرف مفر بسیج مسعفین دهقان ویلا و ایحاد رعب و وحشت باغی و محارب شناخته شده و اعدام شدند احکام صادره از سوی دادگاه انقلاب اسلامی کرج بشرح ریز میباشند: ۱- حمید قائمی فرزند هوشنگ بجرم ارتباط فعال با سازمان منافقین و ایحاد رعب و وحشت سیر مرمه مسلمان و حمله با مواد منفجره و کوکتل مولونوف در شب ۲۱ مسد مبارک رمضان مفسد فی الارض و محارب با خدا شناخته و به اعدام محکوم گردید.

۲- علی قادرداشی فرزند طهماسب بجرم داشتن رابطه فعال با سازمان منافقین و حمله با کوکتل مولونوف به بسیج دهقان ویلا مفسد و محارب با خدا و رسول خدا شناخته و اعدام گردید.

۳- کریم اکبری فرزند مهریان بجرم حمله با کوکتل مولونوف به یادگان بسیج دهقان ویلا و هواداری از سازمان منافقین و داشتن رابطه فعال با آن سازمان مفسد شناخته شده و به اعدام محکوم گردید احکام صادره در سحرگاه ۶۰/۵/۱۶ به مرحله اجرا گذارده شد همچنین ۲ تن از متهمین دادگاه انقلاب اسلامی کرج بنام شاهین اصلانی فرزند گیهان و عباس کوده روستا فرزند علی اشرف پس از بررسی عمومی محتویات آورنده و اسماعاع دفاعیات منعمین بجرم خودفروشی و انجام مکرر عمل لواط مفسد شناخته شده

و به اعدام محکوم گردیدند. حکم صادره در سحرگاه ۶۰/۵/۱۸ به مرحله اجرا درآمد.



Jomhuri Eslami, Tuesday August 11, 1981

**With the Judgments of the Islamic Revolutionary Courts in Karaj, Rasht, Zanjan, Astara, Bojnour and Gonbad:**

## **21 Conspirators against the Islamic Republic and Individuals Sowing Corruption Were Executed**

Provinces Service—Islamic Revolutionary Courts in Karaj, Zanjan, Rasht, Astara, Bojnour and Gonbad sentenced 13 persons to death for conspiracy and armed resistance against the Islamic Revolution; 7 other individuals [charged with] sowing corruption were also sentenced to death. The sentences have been carried out.

### **3 Persons Involved in Bombings and 3 Others [Charged with] Sowing Corruption Were Executed in Karaj**

Karaj—Jomhuri Eslami reporter—Three active members of the Hypocrites Organization [Mojahedin-e Khalq], who were charged with attacking and throwing Molotov cocktails towards Dehqan Villa's Basij Mostazafin headquarters and inciting terror, were found guilty of rebellion and waging war on God and were executed. The judgment of the Karaj Islamic Revolutionary Court is as follows:

1. Hamid Qa'emi, son of Houshang, was charged with having active relations with the Hypocrites Organization and inciting terror among Muslim people and staging an assault using explosives and Molotov cocktails on the holy night of 21 Ramadan. He was found guilty of sowing corruption on earth and waging war on God and was sentenced to death.
2. Ali Qaderdashi, son of Tahmasb, charged with having active relations with the Hypocrites Organization and attacking the Basij at Dehqan Villa, was found guilty of sowing corruption and waging war on God and God's Prophet, and was executed.
3. Karim Akbari, son of Mehraban, charged with attacking the Dehqan Villa Basij base with a Molotov cocktail, supporting the Hypocrites Organization, and having active relations with this organization, was found guilty of sowing corruption and was sentenced to death. The sentences were carried out at dawn on August 7, 1981.

In addition, after a general review of their cases and hearing their defenses, two individuals charged at the Karaj Islamic Revolutionary Court named Shahin Aslani, son of Kayhan, and Abbas Toudeh Rosta, son of Ali Ashraf, were found guilty of sowing corruption and sentenced to death. They were charged with prostitution and repeated counts of sodomy. Their sentences were carried out at dawn on August 8, 1981.

### **3 Individuals Were Executed by Firing Squad in Zanjan on the Charge of Conspiring against the Islamic Republic**

Zanjan—Jomhuri Eslami reporter—The Zanjan Islamic Revolutionary Prosecutor's Office sentenced three counter-revolutionaries to death on the charge of conspiring against the Islamic Republic. Their sentences were carried out on Sunday, August 9, 1981. Their names are as follows:

1. Mostafa Nasiri, son of Abdollah, 22 years old, charged with an armed attack, active

participation in the American and anti-people Hypocrites grouplet and supporting armed resistance, was found guilty of waging war on God and God's Prophet. His sentence was carried out at dawn on Sunday, August 9, 1981.

2. Issa Arabian, charged with inciting terror, participating in street protests, attacking a member of the Basij and injuring him, was found guilty of waging war on God and God's Prophet, rebellion, and sowing corruption on earth, and he was sentenced to death. This sentence was carried out on August 9, 1981 at night.
3. Morteza Salimi, charged with fighting, disarming and attacking a Revolutionary Guard in support of counter-revolutionaries and the anti-people Hypocrites, and inciting fear among Muslim people, was found guilty of waging war on God and God's Prophet, rebellion, and sowing corruption on earth, and was sentenced to death. His sentence was carried out on August 9, 1981 at night.

### **Execution of 3 Persons [Charged with] Waging War on God in Rasht**

Rasht—The Rasht Islamic Revolutionary Court sentenced three persons affiliated with counter-revolutionary grouplets. Their sentences were carried out yesterday at dawn. The names and the crimes of the executed individuals are as follows. Jamshid Pourqasemi, son of Ali, charged with being in service of the Minority Fedayian Guerrilla Organization and acting against the Islamic Republic, and believing in armed struggle against the Islamic Republic, was found guilty of rebellion, waging war on God, apostasy, and sowing corruption on earth, and was sentenced to death. Esmaeil Alemi, son of Jamshid, was charged with acting against the Islamic Republic, being in service of the People's Hypocrites Organization, fighting, involvement in terror and acts of destruction, and failing to introduce himself correctly upon arrest in order to replace their belongings and documents in their home or safe house, was found guilty of rebellion, waging war on God and sowing corruption, and he was sentenced to death. Mina Sha'banpour, daughter of Hossein Ali, was charged with active opposition to the Islamic Republic, involvement in most conflicts, resisting arrest, participating in the People's Hypocrites safe house, and involvement in the bloody incidents at Gilan University, was found guilty of rebellion, waging war on God, and sowing corruption, and he was sentenced to death. The sentences for the individuals mentioned above were carried out yesterday at dawn in Rasht.

### **Five Members of the American Grouplets of Hypocrites and Toufan Were Executed in Bojnourd**

Mashhad—The Bojnourd Islamic Revolutionary Court sentenced five agents and members of Mojahedin-e Khalq and Toufan grouplets. These individuals played significant roles in the armed conflicts that took place in this town. Fourteen other individuals were sentenced to two to ten years of imprisonment. The sentences of the individuals sentenced to death were carried out yesterday at dawn after being approved by the High Judicial Council. According to the Pars News Agency, the Bojnourd Islamic Revolutionary Court tried 27 agents, members, and supporters of the Mojahedin-e Khalq and Toufan grouplets, and after conducting its review, announced its judgment regarding each defendant as follows: Mojtaba Langaroudi, with the alias Qasem, from Langaroud, and Mojtaba Rezvani, with the alias Shir Ali, from Hamedan, had come to Bojnourd from their respective towns to lead the Hypocrites. They led the armed demonstration in this town, and they were arrested as they were escaping to Mashhad. They were sentenced to death.

Seyed Morteza Farajollah Mojarrad, an active member of Mojahedin-e Khalq in Bojnourd,

was involved in armed demonstrations, and he was recently arrested in a safe house with organizational documents. He was sentenced to death.

Shahrokh Asfarayami, an active member of the terrorist Toufan Organization, and the group's contact with the Hypocrites, was arrested during an armed attack on the Revolutionary Guards. He was sentenced to death. The sentences of these individuals were carried out yesterday at dawn.

Zohreh Jalali, Alieh Hashemi and Zahra Baqerzadeh were sentenced to ten years of imprisonment. Parvaneh Mo'ayeri and Ma'soumeh Baqerzadeh were sentenced to eight and six years of imprisonment, respectively. Parivash Mo'ayeri and Mitra Mo'ayer were each sentenced to five years of imprisonment. Rasoul Karimi was sentenced to four years of imprisonment. Parto Al-e Davoud and Jamileh Al-e Yasin were each sentenced to three years of imprisonment. Farzaneh Shaygan and Mahvash Rajaian were both sentenced to two years of imprisonment. Asghar Rakhshani and Hossein Fadayi were sentenced to 70 lashes. Eight others were released after making [written] promises.

### **3 Individuals [Charged with] Sowing Corruption Were Executed in Astara**

Rasht—Three individuals were executed in Astara for acts against chastity. According to Pars News Agency, the Astara Islamic Revolutionary Court sentenced Ahmad Yasayi, son of Mohammad Taqi, to death. He was charged with sodomy. Bayrom Ali Nabi Sehhat, son of Amash, and Ms. Madineh Dastgiri, daughter of Shirin Ali, were sentenced to death. They were charged with adultery. The sentences were carried out.

### **Execution of One Individual [Charged with] Sowing Corruption in Gonbad**

The Gonbad Kavous Islamic Revolutionary Court sentenced Khodad Sachouli, son of Reza Baken Kalaleh, to death. He was charged with raping a ten year old girl. His sentence was carried out.



The story of Maryam Ahmadi (pictured above) clearly illustrates the difficulties facing LGBT persons in Iran today. In 2010, Maryam, a lesbian, was arrested along with her partner. They were charged with Mosaheqeh, the term used to refer to same-sex acts between two females, and flogged for this offense. Maryam's family strongly disapproved of her due to her sexual orientation, and did not provide her with any emotional support during this ordeal. During Maryam's trial, which was held on July 7, 2011, her father actually physically assaulted her. In a daring move, Maryam escaped the court room and fled Iran within days.