

URGENT ACTION

ILL-TREATED IRANIAN LGBTI DEFENDER AT RISK

An Iranian gender nonconforming human rights defender Zahra Sedighi-Hamadani, known as Sareh, has been arbitrarily detained in Urumieh, West Azerbaijan province, since 27 October 2021 due to her real or perceived sexual orientation and gender identity as well as her social media posts and statements in defence of LGBTI rights. Authorities have ill-treated her and threatened to convict her of “spreading corruption on earth”, which carries the death penalty.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Head of judiciary, Gholamhossein Mohseni Ejei

c/o Embassy of Iran to the European Union

Avenue Franklin Roosevelt No. 15, 1050 Bruxelles, Belgium

Dear Mr Gholamhossein Mohseni Ejei,

Gender nonconforming human rights defender Zahra Sedighi-Hamadani, known as Sareh, is arbitrarily detained in the central prison in Urumieh solely in connection with her real or perceived sexual orientation and gender identity as well as her social media posts and statements in defence of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people. The Revolutionary Guards arrested her on 27 October 2021 near the Iranian border with Turkey while she was attempting to irregularly enter Turkey to seek international protection. Following her arrest, she was forcibly disappeared for 53 days. It subsequently transpired that the Revolutionary Guards held her in solitary confinement in a detention centre in Urumieh. During this period, she says a Revolutionary Guard agent subjected her to intense interrogations accompanied by verbal abuse and insults directed at her identity and appearance and threatened to execute or otherwise harm her and take away the custody of her two young children. These acts violate the absolute prohibition on torture and other ill-treatment.

On 16 January 2022, Zahra Sedighi-Hamadani was brought before the lead investigator of Branch 6 of the Office of the Revolutionary and Public Prosecutor in Urumieh who informed her that she is accused of “spreading corruption on earth” including through “promoting homosexuality”, “communication with anti-Islamic Republic media channels” and “promoting Christianity”. The first two accusations stem from her public defence of LGBTI rights, including on her social media platforms and in an appearance in a BBC documentary aired in May 2021 about the abuses that LGBTI people suffer in the Kurdistan Region of Iraq. According to information obtained by Amnesty International, the latter accusation is for wearing a cross necklace and attending a house church in Iran several years ago. Her case has since been referred to the head of the Office of the Revolutionary and Public Prosecutor in Urumieh to issue a formal indictment.

I ask you to immediately and unconditionally release Zahra Sedighi-Hamadani as she is detained solely based on discriminatory reasons related to her real or perceived sexual orientation or gender identity and for the peaceful exercise of her human rights including rights to privacy and freedom of expression and association. Pending her release, ensure that she is given regular access to a lawyer of her choosing and family and that the allegations involving her subjection to enforced disappearance, torture and other ill-treatment are investigated and those responsible are held to account in fair trials. I further urge you to repeal laws which criminalize consensual same-sex sexual conduct and which ban clothing and other forms of gender expression that do not conform to strict binary gender “norms”, and to adopt legislation to protect LGBTI people from discrimination, violence and other human rights violations.

Yours sincerely,

ADDITIONAL INFORMATION

Zahra Sedighi-Hamadani, aged 30, decided to leave the Kurdistan Region of Iraq (KR-I) for Turkey and seek asylum there after being arbitrarily arrested by Asayish (the Kurdistan Regional Government primary security and intelligence agency) in Erbil in early October 2021 and detained for 21 days in connection with her appearance in a BBC documentary aired in May 2021 about the abuses that LGBTI people suffer in the KR-I. During this period, she said intelligence and security agents subjected her to torture and other ill-treatment, including with beatings, electric shocks, and prolonged solitary confinement. Following her release from detention, she was in constant fear of being rearrested.

Prior to embarking on the hazardous segment of her journey across the Iran-Turkey border, she recorded a video message and asked a trusted contact to release it if she does not make it to Turkey safely. In the video circulated by the Iranian Lesbian and Transgender Network (6Rang) on 7 December 2021, she says, "I want you to know how much pressure we LGBT people endure. We risk our lives for our emotions, but we will find our true selves... I hope the day will come when we can all live in freedom in our country... I am journeying toward freedom now. I hope I'll arrive safely. If I make it, I will continue to look after LGBT people. I will be standing behind them and raising my voice. If I don't make it, I will have given my life for this cause."

On 6 November 2021, the Intelligence Organization of the Revolutionary Guards in West Azerbaijan province announced in a statement widely reported by state media outlets that they have caught "through a complex, multi-layered and extraterritorial intelligence operation, the leader of a network involved in smuggling Iranian girls and women to neighbouring countries for the purpose of corruption and directing and supporting homosexual groups that work under the protection of [foreign] intelligence agencies." Based on the accusations brought against Zahra Sedighi-Hamadani during her interrogations, Amnesty International understands that this official statement is in reference to her case. The organization believes that the allegations of smuggling are spurious and baseless and stem from Zahra Sedighi-Hamadani's association with other Iranian LGBTI asylum seekers.

On 30 December 2021, the Intelligence Organization of the Revolutionary Guards has taken over the Telegram channel of Zahra Sedighi-Hamadani, which had about 1,200 followers, changing its profile picture to the logo of the intelligence organization and posting a message, which stated, "Protecting family values is the red line of the unknown soldiers of Imam Zaman [the title used for Mahdi, the 12th Shia Imam] for the Intelligence Organization of the Revolutionary Guards."

Gender non-conforming individuals in Iran risk criminalization unless they seek a legal gender change, which require gender reassignment surgery and sterilization. Gender non-conforming individuals who cannot or do not wish to change their sex assigned at birth or choose between the binary gender categories of man and woman experience discrimination in access to education, employment, health care and public services because the Islamic Republic system heavily enforces gender segregation across public spaces and imposes strict dress codes.

Iran's 2013 Islamic Penal Code contains numerous provisions that criminalize consensual same-sex sexual conduct between adults, as well as between children, prescribing corporal punishments, such as flogging, which constitute torture, and the death penalty, the ultimate cruel, inhuman and degrading punishment. Sexual acts between two women are criminalized under *mosahegheh*, which is defined, under Article 238 of the Code, as when a woman "places her sexual organ on another woman's sexual organ". The punishments of *mosahegheh* is 100 lashes, but conviction for a fourth time is punishable by death, as per Articles 136 and 236 of the Code. The Code criminalizes *lavat* ("male-male anal penetration") with penalties ranging from flogging to the death penalty. If no penetration occurs between the partners, individuals may be convicted of the "crime" of *tafkhez* defined as the "placing of a man's sexual organ between another man's thighs or buttocks" (Article 235). The punishments for *tafkhez* are similar to those prescribed for *mosahegheh*. Article 237 of the Code also prescribes the punishment of between 31 to 74 lashes for "homosexuality of the male human [shown through] sexual conduct that falls short of *lavat* and *tafkhez* such as kissing or lustful touching". Note 1 to Article 237 provides that the article equally applies to "the female human".

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 22 March 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Zahra Sedighi-Hamadani (known as Sareh) (she/her)

ADDITIONAL TARGET

Mr Baharvand Mohsen
Embassy of the Islamic Republic of Iran
16 Prince's Gate SW7 1PT
020 7225 4208-9
Fax: 020 7589 4440
iranemb.lon@mfa.gov.ir