



## **6Rang written contribution to the 139<sup>th</sup> session of the UN Human Rights Committee on the situation in the Islamic Republic of Iran September 2023**

1. In its submission for the List of Issues of the Islamic Republic of Iran before the UN Human Rights Committee, 6Rang raised key issues on the non compliance of the Islamic Republic with regards to I) the right to non-discrimination (Article 2, 26); II) the right to life (Article 6); III) the freedom from torture (Article 7); and IV) the right to liberty and security of persons and right to fair trial (Article 9 and 14). All elements submitted then remain valid to this day.
2. The current note is an update on the Islamic Republic non compliance with International Covenant on Civil and Political Rights (ICCPR) in the context of the crackdown against LGBTIQ+ protesters since September 2022, on the basis of 6Rang's new report "[War on Bodies and Minds: Gender Persecution of LGBTIQ+ Protestors in the Context of the 2022-23 Iran Uprising](#)"<sup>1</sup>.
3. The death of Jina Mahsa Amini, a 22-year-old Kurdish woman, at the hands of the morality police due to alleged improper Islamic veil (hijab) usage on September 16, 2022, triggered a nationwide upheaval in Iran. United by shared struggles, LGBTIQ+ persons joined other marginalized groups including women and ethnic minorities, taking to the streets and engaging in various forms of protest such as demonstrations and strikes, spanning over six months.
4. Since the beginning, members of the LGBTIQ+ community, particularly queer youth, were extremely visible in the protests. 6Rang's observation and communication with its network inside Iran confirmed that LGBTIQ+ individuals were one of the most involved groups, as they were aware that they would never gain rights or dignity under the current government. Many have not only actively participated in street protests but have also come forward with the struggles they have faced due to their identities. Some showed the rainbow flag on the streets or posted photos kissing their same-sex partners. The community witnessed unprecedented support - for example, graffiti on university campuses signposting it as a safe space for LGBTIQ+ persons. This did not go unnoticed by the authorities.

### **I) LEGAL AND HISTORICAL BACKGROUND OF GENDER DISCRIMINATION**

5. Article 4 of the constitution of the Islamic Republic set out Sharia as the primary source of laws and regulations. This is fundamental to the core of the regime and in any revisions made to the Constitution.<sup>2</sup> The Guardian Council, composed of 12 members, comprising 6 clerics (*faqih*) and 6 legal experts, with the clerics

<sup>1</sup> <https://6rang.org/english/wp-content/uploads/2023/09/War-on-Bodies-and-Minds-EN-FINAL-.pdf>

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Article 4: "[Islamic Principle]

All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the wise persons of the Guardian Council are judges in this matter.", available at: <https://www.servat.unibe.ch/icl/iroooooo.html>.

appointed by the Supreme Leader, holds the responsibility of ensuring compliance with Sharia by making determinations on whether proposed legislations align with Islamic law, thus determining their eligibility to become enacted laws.<sup>3</sup> For over the past four decades, the Guardian Council has made these decisions based on the most conservative interpretation of Sharia that has effectively founded systematic discrimination on the basis of gender and gender expression, this has included torturing and killing those deemed outside the conformity of traditional gender roles.

6. Women and LGBTIQ+ persons are two groups whose fundamental human rights and existence are affected by gender criteria imposed by the ideology, laws, and policies of the Islamic Republic. According to the ICC Policy, “gender criteria imposed by perpetrators on members of targeted groups or collectivities that amount to severe fundamental rights deprivations may be regulated through, for example, how they behave, the way they dress, where they work, where they live, what they are allowed to consume, how they define their family, or whether they are simply allowed to exist.”<sup>4</sup>
7. Iranian law is rooted in gender. In Iran, one’s sex and gender can determine the course of one’s life, one’s clothing, university course, school, where one can sit on a bus, and even which door one can use to enter government buildings. Policies and practices in the areas of family, education, labour, employment, and politics are all based on gender stereotypes. Laws and policies are designed to control and constrain the behaviour of men and women. Their views are based on the idea that men are superior to women, and stereotypical gender roles.<sup>5</sup>
8. Article 638 of the Islamic Penal Code provides that “women who appear without Islamic hijab in public will be sentenced to imprisonment between 10 days and two months or payment of fine.” This law applies to all women regardless of their religious beliefs, including Christian, Jewish, Zoroastrian, Baha’i, and atheist women, none of whose belief systems require hijab. Under current laws, all girls as young as seven – the age girls begin their formal education - are required to observe full hijab. As such, it constitutes a zero-tolerance policy toward any lesbian women, trans women or non-binary persons who may, for example, wish to cut her hair short, stop wearing hijab, wear androgynous or gender-neutral clothing or clothing in a manner regarded as ‘masculine’.<sup>6</sup>
9. The same article authorizes judges to sentence those who engage in conduct that is “*haram*” [religiously forbidden] or “offends public morals” to 74 lashes.<sup>7</sup> This article

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<https://irandataportal.syr.edu/the-guardian-council>.

2 Shadi Sadr, *Majmooyeh-I Qvanin-i va Mogharrarat-i Poushesh dar Jomhuri-I Islami* [The Collection of Dress Codes and Regulations in the Islamic Republic of Iran] (Nili Book: Tehran, 2009), pp. 188-190. P58-9

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<https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf>.

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The Islamic Penal Code sets the age of criminal responsibility for women at 9 and for men at 15. It applies certain crimes such as *bihijabi* [wearing no veil] only to women; holds the value of a woman’s blood money to be half of that for a man; makes a woman’s testimony in court worth half of that of a man; gives men an exclusive right to murder their wives if they witness adultery; and exempts men from the punishments that ordinarily apply to murder (i.e. *qesas* and payment of blood money) if they murder their children. In a similar vein, Iran’s Civil Code gives men the exclusive right to marry two permanent wives and as many temporary wives as they want; obliges women to submit to the commands of their husbands and fulfil their sexual needs; and denies women the opportunity to enjoy, on an equal basis with men, their rights to marriage, divorce, equal inheritance, free choice of profession and employment, freedom of movement, transfer of citizenship and nationality, and guardianship and custody of children.

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<https://justice4iran.org/wp-content/uploads/2014/03/Hejab-Report-JFI-English.pdf>.

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*Ibid.*

has been used to punish those who ‘cross-dress’ or simply act or behave against conformity with the social norms that are set in law. Similar restrictions are faced by gay men, trans men, and non-binary persons who wish to express their gender identity through make-up, ‘feminine’ dress, and mannerisms that are typically regarded as ‘feminine’.

10. Since the laws regarding gender and morality have never been accepted by a large proportion of the population, the Islamic Republic has had to create various regulatory mechanisms at work, educational, and other public spaces. One example of this is the morality police which is part of Iran’s police force (FARAJA).<sup>8</sup> It was established in 2007 to replace its predecessor, *Jondollah* or *Sarallah* Patrols (Gasht), which monitored compliance with Sharia rules in public in the 1980s.<sup>9</sup>
11. A study confirms that between 2003 and 2013, at least 30,000 women faced arrest throughout Iran. In 2007, a deputy chief of Tehran’s Police stated that in the capital alone, an average of 150 women are arrested daily. Official reports point to over 460,000 warnings issued against women and 7,000 women being forced to pledge to observe Islamic hijab laws. A further 4,358 cases were referred to the Judiciary.
12. These incidents of arbitrary arrest and detention have been frequently accompanied by excessive use of force, acts of verbal and physical abuse against women, and court ordered monetary fines.<sup>10</sup> In some instances, women have also been subjected to the cruel, inhumane, and degrading punishment of lashing following unfair trials.
13. In their application, mandatory hijab laws have not only violated women’s human right to liberty, security of person, and freedom from torture and other ill-treatment, but have also impaired the enjoyment of their human rights on an equal basis with men. These rights include education, work, the highest attainable standard of physical and mental health, freedom of movement in public spaces, and participation in recreational activities and sports. Examples of abuse include expulsion from university, exclusion from on-campus dormitories, termination of employment, and bans on entry into public spaces such as parks, cinemas, sports facilities, mountains, beaches, islands, free trade zones, airports, and terminals – all on grounds of “bad hijab” (improper veiling).
14. Jina Mahsa Amini was not the first or only woman who lost her life in custody of the morality police. The Iranian society remembers at least one more case. Zahra Bani Yaghoub was a medical doctor. Zahra was sitting on a park bench with her fiancé when the morality police arrested the couple. This was considered by the Iranian Judiciary to be a breach of modesty laws because the two were not yet married. They were detained in separate cells, and Yaghoub died in their custody the following day. Iranian officials claimed that the victim committed suicide by hanging herself. However, her lawyer did not accept the claims and requested investigations.<sup>11</sup>
15. Besides women, LGBTIQ+ persons are another group who suffer from institutionalised and systematic gender-based discrimination. Iran’s Islamic Penal Code criminalizes same-sex conduct with punishments ranging from flogging to the death penalty (Articles 233-240). These penalties also apply to children under the age of 18 as the age of criminal responsibility in Iran is 9 lunar years for girls and 15 lunar years for boys (Article 147).<sup>12</sup>

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Ibid.

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Ibid.

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Ibid.

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<https://www.rferl.org/a/1079182.html>.

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<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6762&file=EnglishTranslation>.

16. Under the 2013 Islamic Penal Code, male individuals who engage in same-sex anal intercourse (*lavat*) face different punishments depending on whether they are the “active” or “passive” partners, and whether their conduct is characterized as consensual or non-consensual (Article 234).<sup>13</sup>
17. If the conduct is deemed consensual, the “passive” partner of same-sex anal conduct may be sentenced to death. The “active” partner, however, is sentenced to death only if he is married, or if he is not Muslim and the “passive” partner is a Muslim. If the intercourse is deemed non-consensual (*lavat be onf*), the “active” partner receives the death penalty, but the “passive” partner is exempted from punishment and treated as a victim. This legal framework risks creating a situation where willing “recipients” of anal intercourse may feel compelled, when targeted by the authorities, to characterize their consensual sexual activity as rape in order to avoid the death penalty.<sup>14</sup>
18. The fourth conviction of “same-sex sexual conduct between men without penetration” (*tafkhez* – Articles 236 and 136)<sup>20</sup> and of “same-sex sexual conduct between women” (*mosahegeh* - Articles 238 and 136)<sup>21</sup> are also punishable by death. The punishment is 100 lashes for the first three convictions.
19. Iranian authorities do not allow individuals to freely define and express their gender identity. Individuals must obtain a diagnosis of ‘gender identity disorder’ and undergo invasive and irreversible medical procedures, including hormone replacement therapy and sterilization before they are able to present their gender through dress, hairstyles, and mannerisms to match those that are stereotypically associated with their opposite sex.
20. 6Rang’s previous research confirms that in Iran, LGBTIQ+ persons are denied this fundamental human right.<sup>15</sup> They are frequently subjected to harassment, discrimination, arbitrary arrests, detention, torture, and other ill-treatment, based on their gender expressions which are deemed to violate mandatory veiling, strict Islamic dress codes, and stereotypical notions of femininity and masculinity.

## **II) HATE SPEECH AGAINST LGBTIQ+ PEOPLE IN THE CONTEXT OF THE 2022-23 PROTESTS**

21. As part of their catalogue of human rights abuses based on sexual orientation and gender identity, the Iranian authorities consistently make hateful statements that demean and dehumanize people based on their sexual orientation. Homosexual people are regularly described in official statements and state media outlets as “immoral”, “corrupt”, “animalistic”, “subhuman”, “sick”, and “diseased”. They are also accused of collusion with Western-orchestrated Zionist conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.
22. These official statements reproduce misogynistic, homophobic, and transphobic values. They reinforce attitudes, beliefs, and practices that perpetuate violence, discrimination, and other harm on grounds of sexual orientation, gender identity, gender expression and constitute advocacy of hatred. In the context of Iran, this risk is particularly heightened considering that members of the public are not allowed to access and learn about affirmative materials on homosexuality and the human rights of persons belonging to diverse sexual orientations and gender identities.

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Ibid.

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Ibid.

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<https://6rang.org/english/wp-content/uploads/2016/02/Diagnosing-Identities-Paralyzing-Bodies.pdf>.

23. 6Rang's research<sup>16</sup> over the statements made by officials confirm that hate speech and propaganda against the LGBTIQ+ community intensified during the uprising. The report suggests that the rise in hate speech is a reactionary act against the increased visibility of LGBTIQ+ persons and LGBTIQ+ issues in the protests.<sup>17</sup> Official hate speech in Iran has a long history and is becoming more prevalent. LGBTIQ+ persons are often said to be immoral, animalistic, and a constant threat to Islamic family values. Hate speech is used by all levels of government, including the president and the Supreme Leader.<sup>18</sup>
24. Islamic Republic's high-ranking officials used pre-existing gender social prejudices to spread the fear of homosexuality being forced upon Iran if the Islamic Republic were to go by using hate speech to instigate a link between the protests and 'immorality'. By doing that, they imposed their "accepted" forms of gender expression and created a hostile environment against the LGBTIQ+ community and their participation in protests. Such imposition was not only prevalent among security, judicial, and prison authorities but also, at least to some extent, among opposition forces.
25. The 2022-23 uprising was not an isolated event. It was only one event in the long history of the Iranian people's struggle for rights and dignity, especially that of women and marginalised groups, such as LGBTIQ+ persons. It, however, highlighted the institutionalised and systematic discrimination on the grounds of gender imposed by ideology, laws, and policies of the Islamic Republic.
26. Case study: statements
1. In January 2023, Hojjatollah Masoud Ali, teacher at a seminary (*hawza*), said: "*Reducing and making hijab optional, allowing relationships between boys and girls, accepting homosexuality and ultimately destroying families are the goals of our enemies.*"<sup>19</sup> In the same speech, he conflated this 'immorality' with the protests, saying, "*in the past 100 days, the rioters have shown what they want!*"
  2. More explicitly, in December 2022, Khorramabad's Friday prayer leader, Ahmadreza Shahrokhi, said, "*the dispute is not over a few strands of hair ... those behind the scenes want to force homosexuality and marriage with animals on Muslims.*"<sup>20</sup>
27. Case study: Nika Shakarami
1. Nika Shakarami was 16 years old at the time of her death. She had been partaking in a protest in Tehran when she was targeted by security forces and killed. The investigation by CNN that took place following her death confirmed that Nika had been fleeing security forces just before her death. Video and photo evidence show her making a phone call and then hiding behind cars.<sup>21</sup>
  2. According to eyewitnesses, Nika was forcibly taken into a van and forcibly disappeared for 10 days before her family was asked to identify the body. Her family say that Nika's nose had been obviously broken, and that she suffered trauma to the head.

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<https://6rang.org/english/2331/>.

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<https://6rang.org/english/3511/>

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<https://shorturl.at/kJPW7>.

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<https://shorturl.at/ikrZ5>.

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Ibid.

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<https://edition.cnn.com/2022/10/27/middleeast/iran-nika-shahkarami-investigation-intl-cmd/index.html>.

3. The authorities buried Nika away from the intended burial site in secret. They did not allow the family to hold a funeral. Although her death certificate confirms that her cause of death was blunt force trauma to the head, the authorities are adamant that Nika fell off a building.
4. After her death, it was found that Nika had been active on social media, known as a queer person to her followers and had a relationship with a 16-year-old girl in Germany, Nele. On 17<sup>th</sup> of November 2022, the German *Zeit* Magazine published a detailed story about their relationship.<sup>22</sup> It featured screenshots of their video calls and chats, the photos they exchanged, and full details of the last days of Nika's life and her involvement in the protests.
5. On 18<sup>th</sup> of November 2022, Shadi Amin, 6Rang Executive Director, dedicated her International Lesbian Visibility Award to LGBTIQ+ youth who lost their lives in the protests and named Nika Shakarami as one of these martyrs.<sup>23</sup> She was heavily attacked on Twitter and Instagram for stating that Nika had been part of the LGBTIQ+ community, regardless of evidence that proved this.<sup>24</sup> The situation escalated to rape and death threats when Nika's aunt, under dubious circumstances, posted a conflicting statement on Instagram saying that Nika was certainly heterosexual. She also alleged that Shadi Amin received \$10,000 for dedicating the award to Nika, even though the award had not included a monetary prize. Thousands others attacked Amin for 'dirtying' their hero and making a fortune from her death. Amin has been placed under German police protection ever since.
6. In the wake of this smear campaign, not only was Nika's identity erased, but the focus on the news of the award was dampened. Moreover, it reflected the government's success in conflating homosexuality and immorality - the general public did not want to admit that one of the faces of the protests was queer.

### **III) CRIMES COMMITTED AGAINST LGBTIQ+ PEOPLE IN THE CONTEXT OF THE 2022-23 PROTESTS**

28. Already tormented by discrimination and inequality in all aspects of life, the evidence collected by 6Rang confirms that LGBTIQ+ protestors experienced aggravated violations of their fundamental human rights only and merely for deviating from gender criteria imposed by the Islamic Republic during or as a result of participation in the 2022-23 protests. Moreover, some of the participants of this research ascertained that security forces targeted people who identify as LGBTIQ+.<sup>25</sup> This is believed by many others in this community.
29. Their perceived or real sexual orientation, gender identity, and gender expression became an excuse for security forces to not only deprive them of their fundamental human rights, an experience all protestors shared, but also open-handedly commit a wide-range of gender-based crimes against them, in particular.
30. *Case study: Leni*
  1. The story of Leni is a perfect example of how for LGBTIQ+ persons, deprivation of human rights in protests is a continuation of what they experience in the course of their ordinary life, and the similarities of the patterns of violations in

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[https://www.zeit.de/zeit-magazin/leben/2022-11/nika-schakarami-nele-iran-protest-love-english?utm\\_referrer=https%3A%2F%2Ft.co%2F](https://www.zeit.de/zeit-magazin/leben/2022-11/nika-schakarami-nele-iran-protest-love-english?utm_referrer=https%3A%2F%2Ft.co%2F)

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<https://6rang.org/english/3410>.

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<https://www.washingtonblade.com/2022/11/30/even-in-death-we-fight-to-be-visible>.

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Interview with Mahan, July 2023 (his real identity is withheld for security reasons).

both contexts.<sup>26</sup>

2. Leni is a 16-year-old gay man and a high school student in Isfahan. He described having been harassed and humiliated by his classmates and his teachers. He said the school principal referred to him using derogatory terms, and he was not able to report incidents of harassment to the school because of it. He talked about an incident where he was humiliated by students belonging to the Basij, as well as sexually harassed.<sup>27</sup>
3. Leni took part in a protest in Isfahan where he was identified and taken by plainclothes officers who beat him with batons until he fell. He was asked whether he was a boy or a girl. One of the officers attempted to ascertain his sex by touching his genitals. Because he resisted, an officer kicked him from behind, causing him to hit his head on the ground. He experienced temporary changes to his vision.<sup>28</sup>
31. The participants to 6Rang's research, among many others, took part in protests to express their objections to Islamic laws, including compulsory hijab rules enforced by the government. As told in interviews, a significant number of them along with others who refrained from participating in the protests, held objections either to the Sharia laws or to the Sharia law serving as the central and predominant foundation for legislations. In other words, they contested the core and fundamental role that the Sharia law played in shaping the structure of the Islamic Republic regime. As a matter of that fact, cracking down on protestors was also a violation of their right to freedom of belief, thoughts, and religion, including the right to be free from religion. The right to be free from religion is recognised by Asma Jahangir, the late former Special Rapporteur on Freedom of Religion and Belief<sup>29</sup>, The ECtHR<sup>30</sup>, and the ICC Prosecution<sup>31</sup>. The Human Rights Committee also provided that the freedom of not to 'have or to adopt' a religion or belief necessarily entails the freedom to choose a religion or belief.<sup>32</sup>
32. It is also worth noting that some LGBTIQ+ protestors witnessed atrocities, a few of whom were children, experienced the authorities violating their rights enshrined in the Convention on the Rights of the Child to which Iran is a member.
33. The participants in this research witnessed that their rights to freedom of expression, privacy, assembly, freedom from torture and other cruel, inhuman, or degrading treatment, and right to life had been violated during the protests. The extent to which their rights were violated was affected by their gender and their non-conformity with the gender norms, social construct, and laws of the country.

## 1) The Right to Freedom of Expression

34. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which, Iran is a party to, protects the right to freedom of expression and

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Interview with Leni, April 2023 (his real identity is withheld for security reasons).

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Ibid.

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Ibid.

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General Assembly of the United Nations, 60th Session, A/60/399, Interim Report of the Special Rapporteur on Freedom of religion and Belief, para. 67, [http://www2.ohchr.org/english/issues/religion/docs/A\\_60\\_399.pdf](http://www2.ohchr.org/english/issues/religion/docs/A_60_399.pdf), Para 48.

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<https://ilga-europe.org/files/uploads/2022/04/right-freedom-religion-belief-its-intersection-other-rights.pdf>.

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<https://www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf>

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paragraph 5 of its general comment No. 22 (1993) on article 18

information which “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 [one’s] choice.” This right includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others, including “political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.” Importantly, the scope of the article embraces expressions that may be regarded as deeply offensive and do not put restrictions except for very exceptional circumstances.

35. Case study: Mahan

1. Like many others, LGBTIQ+ persons expressed their dissenting opinions in different ways, and like many others, they faced consequences that included persecution on gender grounds. Mahan’s story shows how the authorities make an issue out of gender identity. He is a gay man from a religious city:
2. *“It was a few days after Mahsa Amini’s death. We were angry and angry and could not sit on our hands and do nothing. Two of my friends and I decided to graffiti walls. We wrote Mahsa Amini’s name on walls all over the city; even on the walls of mosques.”*<sup>33</sup>
3. One night, when they finished work and were almost home, they were arrested by a few plainclothes officers who attacked, handcuffed, and blindfolded them and forced them in a van with tasers and threats.<sup>34</sup>
4. Although they were arrested over expressing their dissident in the form of graffities, they were questioned about their gender due to their appearances while being handcuffed and blindfolded:
5. *“Even though I don’t appear out-of-the-ordinary, I could hear the officers say ‘these are girls. Why have you brought them here?’ They meant me and my other friend who was a girl. One of the officers came to me and asked if I was a girl or a boy. I answered, ‘isn’t it clear that I’m a boy?’ This made him use derogatory terms to speak to me. They insulted and cursed me, and if I responded to their insults, they would shock me with tasers. Amid humiliation and insults, they even told us to take off our pants to see if we are girls or boys!”*<sup>35</sup>
6. *“Being LGBT in Iranian society is hard and painful enough. We’ve been repeatedly harassed, hurt, and humiliated in Iran for all these years that the smallest word can bring us down. These events put unbearable pressure on us.”*<sup>36</sup>

36. Case study: Mohammad Sadeghi

1. The arrest of Mohammad Sadeghi, who was perceived as non-masculine by the authorities is an example of how the perceived sexual orientation and gender identity of a person can become an aggravated element in suppressing their right to freedom of expression.
2. On 16<sup>th</sup> of July 2023, Mohammad Sadeghi, a young actor, was arrested during a raid on his apartment in Tehran by the Intelligence Organisation of the Police. He had posted a video on his Instagram account radically criticising the policies of the government in reinstating the morality police ten months after the death

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Interview with Mahan, July 2023 (his real identity is withheld for security reasons)

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Ibid.

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Ibid.

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Ibid.



- of Jina Mahsa Amini, referring to a video of a woman being brutally arrested.<sup>37</sup>
3. Sadeghi used to post photos of himself on Instagram that challenged gender norms and binaries. He also supported LGBTIQ+ persons who posed and took photos with the Rainbow flags in streets.
  4. News agencies affiliated with the IRGC confirmed the news of his arrest and called him an actor who sought attention by wearing women's make-up, showed 'abnormal behaviours', and advocated for homosexuality.<sup>38</sup>

37. *Case study: Benyamin Ghaffari*

1. Benyamin Ghaffari, a 20-year-old queer influencer was also arrested in January 2023<sup>39</sup> and detained in Evin prison for posting in support of the 2022 protests. He was later released on bail.<sup>40</sup>

## 2) The Right to Privacy and Recognition before the Law

38. The right to privacy is guaranteed under Article 12 of the Universal Declaration of Human Rights and Article 17 of the ICCPR, both of which state that no one should be subjected to, "arbitrary or unlawful interference with his privacy, family, home or correspondence."
39. Confiscating mobile phones and other electronic devices of those arrested is a common practice for the Islamic Republic security forces.<sup>41</sup> Detainees are usually forced to give the passwords of their devices without a warrant and whatever is discovered on these devices can be used as evidence against them in court. Those who are arrested during protests are no exception and the authorities may check their phones and make decisions on whether to hold or release them based on what they find in their messages, photos, social media accounts, etc. LGBTIQ+ persons are the most vulnerable group; many aspects of their private life are criminalised, and anything discovered by the authorities on their devices that proves they had same-sex relations is incriminating.
40. Participants in 6Rang's research experienced such violations to their right to privacy which later lead to extra measures on deprivation of human rights because their sexual activities were criminalised. In addition to being arrested during protests considered illegal by the authorities, they may face extra charges or punishments due to their sexual orientation, gender identity, or gender expression:
41. *Case study: Mahan (continued)*
  1. *"They searched my phone. They used my photos as an excuse to say that I have a mental and sexual illness or, as they say, I am trans. But I'm not trans [I'm gay], with all due respect to my trans friends. But their sick minds see everything like this. It was as if the reason for my arrest had been forgotten. The questions were only about my sexual orientation, sex, appearance, and behaviour. They were trying to file a case against me. They kept asking if I'm a prostitute. They asked whether this is how I got the cash that was in my wallet. This went on for hours. Finally, they put papers in front of me and forced me to sign. It was written in the papers that I confirm that I am transgender and*

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Sadeghi was released on bail on 21st of August. At the time of writing, he is awaiting his trial: <https://www.hra-news.org/2023/hranews/a-43026>.

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See this: <https://shorturl.at/iBQT2>, this: <https://shorturl.at/qtBV9>, and this: <https://shorturl.at/nrEFT>.

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<https://6rang.org/73777>.

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Ibid

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<https://cpi.org/2022/09/iranian-security-forces-step-up-arrests-of-journalists-as-anti-state-protests-spread>.

*have a mental and sexual illness. They said that my family must approve this and sign the papers, otherwise they wouldn't let me go. They kept us all night. In the morning, they called my family, and told them to sign for me and take me.*"<sup>42</sup>

2. The interrogators who belonged to the Intelligence Organization of the IRGC, according to the above's father, deleted all his Instagram posts even his personal photos.<sup>43</sup>

#### 42. Case study: Navid

1. Navid is a 25-year-old gay man. His story demonstrates how the breach of the right to privacy of LGBTIQ+ persons in the context of the protests can result in further gender-based violations.<sup>44</sup>
2. Navid was arrested on suspicion of plainclothes security forces who he believed were IRGC. He was taken to the university mosque, had his phone checked and security forces discovered that he was gay as a result of seeing his chats with his boyfriend. The officers then forced him to add their numbers on his phone and solicited him for sex in exchange for indemnity.<sup>45</sup> He was then taken to Evin Prison and released on bail after 14 days. He has been subsequently sentenced to two years imprisonment.<sup>46</sup>
43. Two of the participants of this research who had been detained due to taking part in the protests said that they believed their personal and home phones, as well as their activities on social media and even their movement, are being heavily monitored by security forces since their release.<sup>47</sup>

### **3) The Right to Freedom of Assembly**

44. Article 27 of the Constitution of the Islamic Republic of Iran recognises the right to assembly but subjects the right to vague and broadly worded conditions. Under the Article, public assemblies and marches are allowed, "provided that arms are not carried, and that they are not detrimental to the fundamental principles of Islam." For the right to assembly to be realised under the law, the organisers of any public gatherings must obtain permission from a body known as 'the Committee of Article 10 of the 2016 Political Parties and Groups Act',<sup>48</sup> consisting of representatives from the Judiciary, Parliament, the Interior Ministry, and political parties. Only political parties, associations, and NGOs that are already registered and obtained required licences for activities under the government's strict rules are eligible to apply for the permission for demonstrations and rallies. Any assembly without such a permission is deemed "illegal" and can be subjected to suppression. In practice, licences are only granted to assemblies organised by the state, or where the purpose of the

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42

6Rang Interview with Mahan, July 2023 (his real identity is withheld for security reasons).

43

Ibid.

44

6Rang Interview with Navid, July 2023 (his real identity is withheld for security reasons).

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Ibid.

46

On the time of the interview, he was still waiting to be summoned to prison to serve his sentence.

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6Rang Interview with Setare, July 2023 (her real identity is withheld for security reasons), and 6Rang Interview with Mahan, July 2023 (his real identity is withheld for security reasons).

48

This Act replaced a similar Act which had been passed in 1981. However, the regulation on public gathering and assemblies has not changed in the new law and has remained as it has been since 1981.

assembly is to support state-sanctioned ideologies and policies. All other assemblies are generally and arbitrarily considered “illegal”.<sup>49</sup>

45. Participants of 6Rang's research witnessed the brutal crackdown on protests in different cities which violated the right to freedom of assembly of countless protestors. All of those taking part in protests or even passing by a protest experienced security forces violence in multiple ways.

46. Case study: Ashkan

1. For instance, Ashkan, a 19-year-old gay man, was beaten heavily with a baton by an officer. This resulted in heavy bruising on his back. He also lost mobility in his back for several days after the beating. He was not involved in a protest when this happened – he was merely passing by a protest in the city of Isfahan.<sup>50</sup>

47. Case study: Ali

1. Ali, a young gay man who took part in protests in Gorganpars Square in the city of Gorgan on 22<sup>nd</sup> of September was sexually assaulted by a plainclothes agent who wore a black mask, dark clothes, and had a baton in hand:

2. *“A 14 or 15-year-old boy was being tortured by these people in the square. To the extent that one of them had fallen on him and his elbow was on the boy's back... I protested because of that painful scene. That person first started by saying sexual obscenities to me. Then his colleague attacked me, threatened me with rape, and put his finger inside me and said, ‘this is nothing, if you don't leave, I'll fuck you in the ass with soda bottles’... I fled.”<sup>51</sup>*

48. Trans or non-binary individuals are more likely to be targeted in the midst of a street protest because of their deviation from social norms of gendered appearance.

49. Case study: Sabri

1. Sabri, a trans woman said, “in [ ]<sup>52</sup> November, I joined the crowd in Vali-Asr Street<sup>53</sup> to express my protests, and for freedom of expression and thoughts, not even the LGBTIQ+ rights which we are far away from. While I had not set foot outside for four years due to health problems but [with killing Jina Mahsa Amini, they did something that I could not be silent about].”<sup>54</sup>

2. Over seven security forces assaulted and arrested her:

3. *“They beat me even harder when they realised that I'm trans and that's the reason for my hair being long. They insulted me, insulted my mother. They used a lighter to burn my hair. They touched me inappropriately. After that, I was put inside a van and taken to somewhere like a police station. We were blindfolded and didn't know where we were being taken. They kept kicking us while our hands were tied. Our eyes were closed, and we didn't know where we were going. They kept kicking us with our eyes and hands tied. They didn't know which detention centre to take me to, men's or women's. Finally, they saw that I'm registered as male on my ID.”<sup>55</sup>*

50. Case study: Leni

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6Rang has used inverted commas when using the term ‘illegal’ for unlicensed gatherings to indicate the arbitrary nature of granting permissions to assemblies in Iran. As detailed in the text, Iran's laws do not fully guarantee the right to freedom of assembly. Such partial recognition of the right, which contravenes international human rights law and standards, gives rise to imposition of arbitrary and undue restrictions on the right to freedom of assembly.

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6Rang Interview with Ashkan, June 2023 (his real identity is withheld for security reasons).

51

6Rang Interview with Navid, June 2023 (his real identity is withheld for security reasons).

52

The exact date is withheld by 6Rang due to security reasons.

53

This is the name of a street in the centre of Tehran.

54

6Rang Interview with Sabri, July 2023 (her real identity is withheld for security reasons).

1. Leni was sexually assaulted by the security forces during the protests.
2. He was at a protest in Isfahan in December 2022. He was noticed by the police and plainclothes officers because of his voice. They started a physical altercation with him. He was beaten with batons and fell to the ground due to pain. They dragged him to a car to harass him. An officer asked him if he is a girl or a boy. Leni answered that he is a boy. One of the officers said, "*It's one of those tranny prostitutes. It's probably a girl.*" The officers attempted to ascertain his sex by touching his genitals. He tried to resist being touched. Another officer kicked him from the back. Leni hit his head on the ground, which caused his vision to blur.<sup>56</sup>

51. Case study: Kamran

1. Kamran, a gay man was arrested in a protest in a southern city. The moment the security forces noticed his earrings, they began beating him, hitting him multiple times on his head and the back of his neck while calling him a paedophile. "*While they were humiliating and insulting me, they kept saying things like, 'So you think a few useless kids like you can overthrow the government with a couple of stories and slogans?'*", he said in an interview with 6Rang.<sup>57</sup>

52. Exercising the right to freedom of assembly has led not just to arrest and detention but to the deprivation of basic rights, such as right to education and work. Seyla's story is just one example that demonstrates the experiences of the LGBTIQ+ persons in protests.

53. Case study: Selya

1. Selya is a 21-year-old non-binary university student in a city at central Iran. When the protests erupted in their university, they joined them. They were joining their classmates by not attending classes and not wearing hijab. They were sent to the university disciplinary committee by the intelligence department and were suspended for four weeks. The committee obtained a commitment letter from them that if they repeated the offence, they would be expelled. However, intimidation and harassment continued: "*The head of Herasat<sup>58</sup> at the university once said to me because of my clothing and short hair: 'You made yourself look like a man, but you can't be a man. You wear binders to hide your breasts, and what is between your legs but you will have to eventually suffocate while a man is on top of you!'*"<sup>59</sup>

54. Homophobia and transphobia surrounding LGBTIQ+ persons should also be taken into consideration as an obstacle for them to exercise their right to freedom of assembly, even in the rare occasions where protests are not suppressed by security forces.

55. Case study: Azarmitash

1. For instance, Azarmitash, a 32-year-old non-binary trans participated in a protest in the city of Sari alongside a friend who was also trans.<sup>60</sup> They were chanting 'Woman, Life, Freedom' when they were verbally insulted by an old shopkeeper and when Azarmitash replied, the shopkeeper attempted to

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Ibid.

56

6Rang Interview with Leni, April 2023 (his real identity is withheld for security reasons).

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6Rang Interview with Kamran, June 2023 (his real identity is withheld for security reasons).

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See footnote 28.

59

6Rang Interview with Selya, August 2023 (their real identity is withheld for security reasons).

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The exact name of the city and other details are withheld due to the security reasons.

physically attack them. While other shopkeepers were trying to end the conflict, some agents of the municipality who were passing-by intervened and threatened them to leave immediately otherwise they would call the police and the police would detain them because of the way they dressed and their appearance.<sup>61</sup>

#### 4) The Right to Free from Torture and Other Cruel, Inhuman, or Degrading Treatment

56. According to the official statistics, over 20,000 people were arrested during or in relation to the protests,<sup>62</sup> among them were LGBTIQ+ person, including some of the participants of this research. Human rights groups reported appalling conditions in detention centres and more importantly, the prevalent use of torture and other cruel, inhuman, or degrading punishments against the detainees.<sup>63</sup>

57. All participants of 6Rang's research who were arrested while exercising their rights to freedom of expression or freedom of assembly experienced torture and ill-treatment, often aggravated by gender-based violence and sexual abuse. These included the use of derogatory and insulting words referring to their gender, being threatened with rape, physical torture, and physical sexual assault.

##### 58. *Case study: Kamran (continued)*

1. Kamran, a gay man who was arrested at a protest in a southern city described the condition as follows:
2. *"When we were in detention, they didn't give us any food for almost 24 hours. We were so frightened that we didn't even dare to ask for water. Until morning, they were kicking the metal door, there were 24 of us in a small detention centre where we couldn't even stretch our legs, and they constantly demanded that we stand up.*
3. *After that, they transferred us from our hometown to the prison in Bushehr which was about a 3-hour drive away (300 kilometres), we were in a van with metal walls and no windows in the southern heat. They didn't even open a ventilation duct.*
4. *Our hands were bound with plastic handcuffs, and they insulted us. The space was so small and they intentionally wafted unpleasant smells from the handcuffs towards our faces, just to make us lose our balance. (I can say that for the first two days in prison, my leg was so injured that I couldn't feel it.)"*<sup>64</sup>

##### 59. *Case study: Dana*

1. Dana, a 41-year-old trans woman who was arrested at night with about 50 other protestors in the city of Karaj said that she was treated differently by the guards and other security forces in the detention centre. While everyone was severely beaten, they also used vulgar terms against her such as *bacheh kouni* (batty boy) that referred to her gender.<sup>65</sup>

##### 60. *Case study: Mahan (continued)*

1. Mahan, a gay man was arrested because of spray-painting 'Woman, Life,

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6Rang Interview with Azarmitash, August 2023 (their real identity is withheld for security reasons).

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<https://www.npr.org/2023/02/05/1154584532/iran-acknowledges-it-has-detained-tens-of-thousands-in-recent-protests>.

63

<https://www.amnesty.org/en/latest/news/2023/03/iran-child-detainees-subjected-to-flogging-electric-shocks-and-sexual-violence-in-brutal-protest-crackdown>.

64

6Rang Interview with Kamran, June 2023 (his real identity is withheld for security reasons).

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6Rang Interview with Dana, July 2023 (her real identity is withheld for security reasons).

Freedom' on walls. He was blindfolded and taken to several places, presumably detention centres, where he was interrogated repeatedly for hours. He says that as soon as interrogators became privy to his sexual orientation due to his appearance, they neglected the reason for his arrest.<sup>66</sup> He was kept for questioning on the basis of his identity:

2. *"It was as if the reason for my arrest had been forgotten. The questions were only about my sexual orientation, sex, appearance, and behaviour. They were trying to file a case against me. They kept asking if I'm a prostitute. They asked whether this is how I got the cash that was in my wallet. This went on for hours. Finally, they put papers in front of me and forced me to sign. It was written in the papers that I confirm that I am transgender and have a mental and sexual illness. They said that my family must approve this and sign the papers, otherwise they wouldn't let me go. They kept us all night. In the morning, they called my family, and told them to sign for me and take me."*<sup>67</sup>
3. He believes that interrogators target LGBTIQ+ protestors: "They constantly threatened us with the possibility of being raped in prison because of our appearance and identities. They would tell us that we had been caught by good people and we were safe, since they hadn't raped us. It was as if they themselves openly admitted that they do these things with detainees and protestors."<sup>68</sup>

#### 61. Case study: Sabri

1. Sabri, a trans woman was arrested during a protest in Tehran and also had the same experience of being subjected to sexual insulting words and rape threats. She was placed under pressure and death threats to falsely confess in front of the interrogators' camera that she had set fire to trashcans.<sup>69</sup> She was asked who she had been collaborating with, where she had graffitied, etc. She and a few others refused to answer. Consequently, they were transferred from an unknown detention centre to another location that they called a prison. She was taken to a square in Tehran and released a few hours later after the head of the prison realised that she was trans: *"I don't know if he felt sorry for me, or he did not want a LGBT person in his prison"*.<sup>70</sup>

#### 62. Case study: Erfan

1. Erfan, a 35-year-old gay man, was raped repeatedly in detention. He was arrested after being identified, together with his two other friends who were also LGBTIQ+ persons, by the authorities for his involvement in a Telegram group that was used to organise street protests in their cities. The admin of the Telegram group was arrested and information about the group members including Erfan and his two other friends got into the hands of the IRGC. From searching his phone, they also learned that he sent videos of protests to Vahid Online, a Telegram Channel and Twitter account that was one of the main sources of news about the protests.<sup>71</sup>
2. After the 7-day interrogation process, they were transferred from the IRGC

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6Rang Interview with Mahan, July 2023 (his real identity is withheld for security reasons).

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Ibid.

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Ibid.

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Inhaling smoke is a way to ease the impact of tear gas. Therefore, protestors set trash cans on fire. It was also used to prevent security forces from getting to protestors.

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6Rang Interview with Sabri, July 2023 (her real identity is withheld for security reasons).

71

6Rang Interview with Erfan, August 2023 (his real identity is withheld for security reasons).

detention centre where they were held in cells with only one inmate to a ward in the city general prison holding criminals with heavy charges. He and his friends were raped or otherwise sexually assaulted two to three times a day by the other prisoners for 20 days before being released. He believes that although those who identified and arrested him never mentioned anything about his sexual orientation, they knew about it and the guards used it to humiliate and abuse him.<sup>72</sup>

3. For instance, they searched him and touched his chest and genitals every time he was being returned to his cell after interrogation - an unusual process for a detainee returning from an interrogation room in the same building while blindfolded.<sup>73</sup> He also said the fact that they put him and his friend in that particular ward implied they knew about their sexual orientation and wanted to punish them for it.<sup>74</sup>
4. The impact of sexual abuse and gendered psychological abuse on LGBTIQ+ protestors after being released is devastating. Erfan almost committed suicide twice. He said, "I attempted suicide twice after I was released. I don't know why but I had a lot of suicidal thoughts to the point where I was too scared to sleep. One of my friends who is a doctor told me to take a drug test, so I did. The test came back positive for methamphetamine, amphetamine, and morphine. This was very interesting. My friend said this was probably why I was feeling suicidal."<sup>75</sup> He said it might've been in the tea or the food they gave us every day. We had to drink the tea and eat the food. Whether it was in the food or the tea, I can say I had withdrawal symptoms."<sup>76</sup>

63. *Case study: Mahan (continued)*

1. Mahan also said that for a few days after his release, he kept replaying the insults and humiliation in his head: "I thought to myself, what if they're right?! What if we're ill?! What if we deserve what they say to us?! Their voices are always in my head."<sup>77</sup>
2. He became quite distressed at this point in the interview. He said that since that day, he feels that he is no longer the same person he was before: "For days and days, their voices rang in my ears; their insults and loud laughter. They inflicted on me in a few hours a blow that a person may feel in his soul and spirit for a few years; words that I can't repeat and insults that seem to sit in your brain and alienate you from yourself. I feel like what's happening to us LGBTQ people is not just being arrested and interrogated for a crime we haven't committed."<sup>78</sup>

64. *Case study: Kamran (continued)*

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72

Erfan

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After the first interrogation, Erfan was taken to a doctor in the detention center to be generally examined while he was blindfolded: "I remember when someone took my hand and led me to the doctor down the hallway. On the way back, they turned to me and said, 'You're not very dainty.' I didn't say anything. When they took me to the doctor, they said, 'Yes, Doctor, this one is also quite dainty. Be careful with this one.' The doctor performed a physical examination. As they were taking me to the cell, they said, 'Gosh, you're not very dainty at all.' I turned and said, 'Goodness, you're not very decent either.'"

74

Ibid.

75

Ibid.

76

Ibid.

77

6Rang Interview with Mahan, July 2023 (his real identity is withheld for security reasons).

78

Ibid.

1. Kamran also suffered from the psychological consequences of the treatment he received while in detention: "After I was released through Khamenei's amnesty, I was constantly contemplating suicide. I sought counselling and have been undergoing treatment for a while now. I'm taking Fluoxetine, Propranolol, and Olanzapine."<sup>79</sup>
65. Although they were released on bail or under the Supreme Leader's Amnesty's order,<sup>80</sup> or a combination of both, their activities are still being monitored and the harassment and intimidation still continues in one way or another. They are under constant agony and distress.

## 5) The Right to Life

66. Article 6 of the ICCPR recognizes and protects the right to life of all human beings. The right to life is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation.
67. Human rights organisations have recorded over 500 deaths as a result of the crackdown on the 2022-23 protests.<sup>81</sup> They believe that the real number is much higher as the families keep silent about the loved one being killed due to intimidation and fear of reprisal.<sup>82</sup> The number of those who were severely injured by security forces has not been verified, but it is estimated to be thousands.
68. Methods of dispersing protests leading to deaths or injury varied from live ammunition to pellet bullets, shotguns, batons, or other ways of causing injuries to the head or vital organs.<sup>83</sup>
69. Some participants in 6Rang's research were faced with violations of the right to life during peaceful protests. For instance, Ashkan, a 19-year-old gay student was subjected to heavy violence in the protests. He said he made a near escape from the police forces that were aiming to shoot at him specifically. He had a panic attack and was hospitalised for five days as a result of the shock of being nearly shot to death.<sup>84</sup>
70. The views 6Rang collected from some of the members of the LGBTIQ+ community is that some of the most prominent victims (martyrs) of the protests belonged to the queer community. They back these claims with social media posts or interviews from partners of the victims (such as Nika Shakarami), homo-erotic photos and videos with their same-sex friends (such as Mehrshad Shahidi), or rainbow flags and other signs of their belonging to the community in their blogs (such as Sarina Esmailzadeh).

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6Rang Interview with Kamran, June 2023 (his real identity is withheld for security reasons).

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<https://apnews.com/article/iran-protests-and-demonstrations-government-ali-khamenei-8560e45570321ado8ef75f1f743f9b80>

81

<https://www.euronews.com/2022/12/20/iran-protests-what-caused-them-who-is-generation-z-will-the-unrest-lead-to-revolution>.

82

<https://www.amnesty.org/en/latest/news/2023/08/iran-respect-families-right-to-commemorate-loved-ones-killed-during-uprising-without-reprisals-on-one-year-anniversary>.

83

[https://us.dk/media/10580/coi\\_brief\\_report\\_iran-protests-2022-2023.pdf](https://us.dk/media/10580/coi_brief_report_iran-protests-2022-2023.pdf).

84

6Rang Interview with Ashkan, June 2023 (his real identity is withheld for security reasons).



## Story of Raha Ajoudani



Raha Ajoudani, trans influencer, blogger, and civil activist was 19 years old when she was arrested by agents from the Ministry of Intelligence on 26<sup>th</sup> of October 2022 in Tehran, at the location where she was supposed to meet someone she was in love with. A few days earlier, she posted a video on her Instagram page in which she said: “Each and every one of us knows this very well. As long as this government holds power, it's a sword hanging over each of us. Any of us could have been Mahsa Amini. It could have been any of us who were killed instead of Mahsa Amini.”<sup>85</sup>

“The reason I find myself on this path today is due to an incident that occurred when I was 12 years old. At that age, during a Basij student camp, I was raped by a camp organiser who was a member of the Revolutionary Guards. I reported the incident to the camp authorities and confided in my friends, but during those days no one believed me. They accused me of hallucinating, attention-seeking, or attempting to tarnish the reputation of the Basij. This experience led me to decide not to remain a victim and to strive so that others would not go through the same ordeal.”<sup>86</sup>

On 26<sup>th</sup> of October 2022, 15 agents from the Ministry surrounded her, took her phone violently, and threw her on the ground: “When I told them why are you arresting me so brutally, they said, ‘Don't pretend to be a girl here, this isn't the place to stir our emotions with a feminine tone’. I said, ‘Why did there have to be 15 people to arrest me? Am I a terrorist?’ They replied, ‘You're worse than a terrorist. Why would someone who has connections with adversarial governments like the US and Israel is at least not worse than a terrorist or an ISIS member?’

Their reference was to an open letter that I and a group of civil activists inside Iran had written to the United Nations Security Council [about the protests in Iran].” They took her to a Ministry of Intelligence office in Baradaran Mozaffari Street and interrogated her for hours. They questioned her about the involvement of the LGBTIQ+ community in the uprising.

They conditioned her release on her making a commitment both in writing and in front of a camera that she did what she did under the influence of foreign spies, and that she was wrong and would not engage in any media activity and remain silent about her arrest. They prepared the text for her and made her wear her headscarf while on camera. They told her that she should wait a few days until they summoned her again, and then released her.

On 17<sup>th</sup> of December 2022, Raha was arrested again during a raid to her home and by IRGC forces. All her electronic devices were confiscated, her mother was intimidated not to break the news to media outlets outside the country, and she was taken to Branch 8 of Shahr-e Ray Prosecution Office where charges were brought against her.

“The accusations included insulting Islamic sanctities, engaging in propaganda against the system, calling for people to wage war and commit murder to disrupt

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<https://www.facebook.com/watch/?v=838481037407989>.

86

6Rang Interview with Raha Ajoudani, August 2023.

national security, and allegedly collaborating with adversarial governments. Then they asked for an explanation, and I said, 'I didn't incite anyone to war or murder.' They showed me a video related to Mahsa Amini that had been published by me. I asked, 'Where do you see in this video that I'm inciting violence and murder?' They replied, 'Just the fact that you're calling for nationwide protests is enough for that purpose.' At that point, they told me, 'You're not a woman; why is your hair so long?' Then they sent a female police officer who pulled my hair to see if it was real or fake." After 31 days of detention, she was released on a heavy bail of 20 billion Iranian Rials (approximately 473,000 USD). During 26 days of her detention, she was kept in solitary confinement in a clandestine detention centre where other detainees and the guards were all men.

A day later, she was summoned again to the Prosecution Office to be informed about a travel ban issued against her.

Branch 29 of the Tehran Revolutionary Court tried her on 24 June 2023, and sentenced her to a total of two year and six months imprisonment; "I had to appear in court dressed and perceived as a man."

The verdict also mentioned the defendant's sensitive circumstances, which referred to her gender. The authorities felt it was inappropriate for her to be sent to the men's prison because her gender expression was that of a woman; it was also inappropriate for her to go to a woman's prison because she was legally a man. Therefore, her sentence was converted into a fine of 740 million Iranian Rials (approximately 17,500 USD) which she is unable to pay. She is not only under financial hardship but constant pressure:

"A list of over twenty friends, who had been in contact with me during the 31 days of my detention by the Revolutionary Guards, were summoned and interrogated. Since the time I was released, several of my friends have told me that someone using a private number had contacted them and advised them against maintaining contact with me.

Later when I was summoned by the Revolutionary Guards again due to my presence on social media networks, I asked them about it. I said, 'Is this your doing?' They replied, 'No, it's possible you're delusional.' I told them, 'No, I've heard from multiple people using shared terminology that it's not our doing, it might be the work of the Ministry of Intelligence. It's their habit to turn us against each other.'

Since I was released on bail, many of my close friends have severed ties with me. They justify this action by stating that they have cut off communication due to security pressures. They create a scenario where you're out of prison, but they construct a larger prison for you out there. To the extent that a hundred thousand times a day, you wish they would imprison you again and return you to that solitary cell.

They pushed so much into my private life that my friends were forced to cut ties with me which consequently drove me further into seclusion in my personal life. They are constructing a larger prison for you here, to the point that you say, I wish they would imprison me again in that same cell.<sup>87</sup>

#### **IV) SUGGESTED RECOMMENDATIONS**

71. 6Rrang urges the UN Human Rights Committee to acknowledge that the atrocities committed by the Islamic Republic to suppress the 2022-23 uprising are clear violation of its obligations under the ICCPR, and may amount to crimes against humanity.
72. 6Rrang reiterates its general calls on the Islamic Republic to:
  - Decriminalise same-sex sexual relations and remove the death penalty and

flogging for offences relating to consensual same-sex relations between adults;

- End discrimination and violence against LGBTIQ+ persons, both in law and practice;
- Protect gender non-conforming people from harassment, arbitrary arrest and detention, and torture and other ill-treatment, whether by state or non-state actors;
- Stop incitement of hatred against the LGBTIQ+ community.