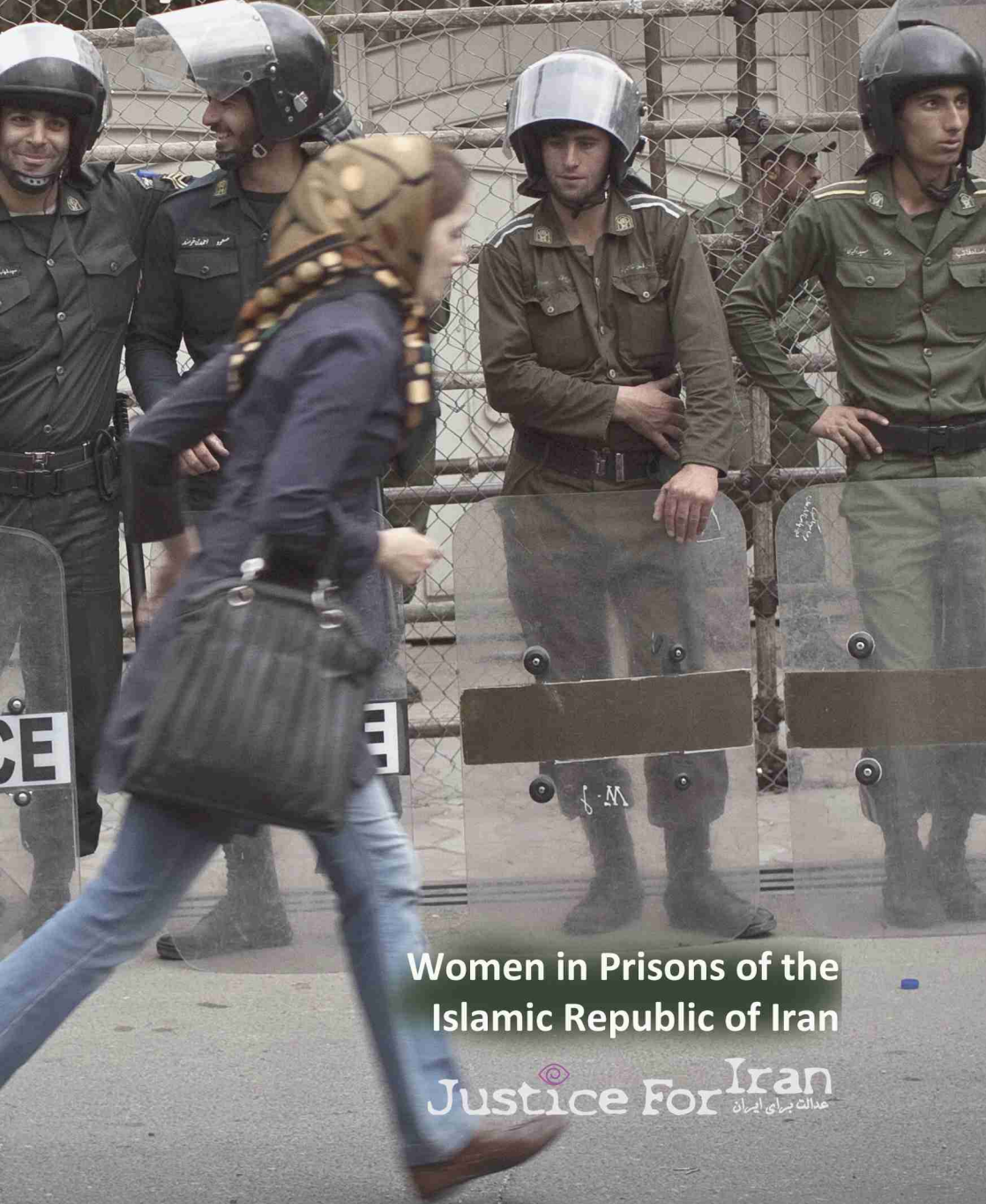


Raped out of Paradise



Women in Prisons of the
Islamic Republic of Iran

Justice For Iran
عدالت برای ایران

Raped out of Paradise:

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June 2013

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Women in Prisons of the Islamic Republic of Iran**

**Justice For Iran
June 2013**

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content of this report.

This brief is based on extensive research carried out over a two-year period pointing to systematic, widespread and state-sponsored policies that place sexual torture, including rape, at the heart of the Islamic Republic's judicial machinery and arms such as the Islamic Republic Guards Corps. It also delineates the wide-ranging forms of sexual torture practiced in prisons since the inception of the Islamic Republic. The most appalling practice remains 'rape of virgins' prior to execution. The Islamic Republic is the first state to justify and rationalize this form of torture in the name of religion.

Justice for Iran was established in July 2010 with the aim of addressing and eradicating the practice of impunity prevalent among Iranian state officials and their use of systematic sexual abuse of women as a method of torture in order to extract confession.

JFI uses methods such as documentation of human rights violations, collection of information, and research about authority figures who play a role in serious and widespread violations of human rights in Iran; as well as use of judicial, political and international mechanisms in place, to execute justice, remove impunity and bring about accountability to the actors and agents of human rights violations in the Islamic Republic of Iran.

To women who stand up for justice

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Introduction

The response of the Islamic Republic authorities to Iranian's uprising in objection to the 2009 presidential election was fraught with serious human rights violations including sexual torture. This was the first time that images and news of victims of these acts reached the worldwide community within hours of the incidents. The effects of state policies on torture and murder of young Iranian women and men were no longer confined to the thick walls of Evin and Kahrizak, but happening on the streets of Iran, captured on handheld devices and broadcast over the Internet.

This tragic episode in the history of Iran served as a catalyst for Iranians to break their silence and speak out about the inhumane and shameful acts committed by the hands of state authorities- acts which changed the courses lives forever.

Reflections on this episode presented Justice for Iran with the right opportunity to systematically document and study the wide range of sexual torture inflicted by Islamic Republic authorities on Iranians since the inception of the post-revolutionary government.

It was in this context that Justice for Iran launched its Crime without Punishment project to shed light on the reality of sexual torture in Iran and establish a discourse on the illegality of these state policies that are tantamount to crimes against humanity, as a first step towards seeking restorative justice for the victims of these crimes.

Our two-part report includes testimony from nearly two hundred victims and hundreds of other documents that describe more than three decades of sexual torture committed in Islamic Republic prisons and detention centers. Given the cultural and

social stigma of rape within Iran, this represents a significant volume of first-hand accounts but we remain hopeful that more Iranians, victims, witnesses, and even perpetrators, will join us in this movement and come forward to provide more details, facts and accounts. This brief is based on information, facts and accounts from both parts of our report and, in addition, presents a number of policy recommendations and lines of action for policymakers, both in Iran and internationally.

Definition

For the purpose of this report rape is defined, as enunciated in the Rome Statute of the International Criminal Court, as a form of sexual violence during which the body of a person is invaded, resulting in penetration, however slight, of any part of the body of the victim, with a sexual organ, or of the anal or genital opening of the victim with any object or other part of the body.¹

Furthermore, sexual torture is defined as ‘invasion’ --a definition used by Amnesty International from amongst the decisions of the International Criminal Court processing charges of ‘crimes against humanity’. Based on this definition, “the invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.”²

Aside from the aforementioned definitions, one of the fundamental questions posed by the research was the degree to

1 Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, May 31-June 11 2010; International Criminal Court, “Elements of Crime,” ICC-PIDS-LET-03-002/11_Eng, 2011, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf> (accessed 26 May 2013).

2 [<http://www.amnesty.org/en/library/asset/TOR53/001/2011/en/7f5eae8f-c008-4caf-ab59-0f84605b61e0/ior530012011en.pdf>] (accessed 26 May 2013).

which sexual torture against female political prisoners was widespread or systematic. This definition was primarily adopted from Article 7 of the Rome Statute; it considers any form of torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual torture of comparable gravity, to be crimes against humanity if subjected as part of an attack against a civilian population and in a widespread and systematic manner.¹ The term ‘systematic’ has been understood as either an organised plan in furtherance of a common policy, which follows a regular pattern and results in a continuous commission of acts or as ‘patterns of crimes’ such that the crimes constitute a “non- accidental repetition of similar criminal conduct on a regular basis.”² That is to say ‘systematic’ refers to policies and practices adopted as a means of torture and intimidation of prisoners, with those who committed such acts feeling legally immune from the repercussions of such violent abuses.

Research Framework

This report is aimed at the following central questions:

- 1) In what manner and to what extent were sexual torture and rape implemented in Iranian prisons against female political prisoners? Was the rape and sexual abuse widespread? Were there systematic acts of rape and sexual violation?
- 2) Who were the perpetrators and executors of sexual torture in the prisons of the Islamic Republic of Iran and what positions do they occupy today?
- 3) For what reasons did the interviewees, other victims, or those aware of the abuses, not speak out publically about these atrocities at an earlier date?

1 Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, May 31-June 11 2010; International Criminal Court, “Elements of Crime,” ICC-PIDS-LET-03-002/11_Eng, 2011, <http://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf> (accessed 26 May 2013).

2 Ibid.

Table of the province and the reason of arrest of the interviewees

	Reason for Arrest Province	Tehran	Mazindaran	Isfahan	East Azerbaijan	Fars	Gilan	Kurdistan	Khuzistan	Khurasan	West Azerbaijan	Total
1	Political opposition activities	55		2	5	6	4	2	5	6	2	87
2	Civil & Human Rights activities	8			1							9
3	Women, student & ethnic minorities activists	10			2				1			13
4	Baha'i activists		4			1						5
5	Post-2009 election uprisings	19							1			20
6	Sex-related offences or disregard for Islamic codes	4	3	4								11
7	Illegal departure from Iran	1						1			1	3
8	Other	3										3
9	Total	100	7	6	8	7	4	3	7	6	3	151

This project has also made clear that the deepest and most painful effects on the psyches of prisoners subjected to sexual harassment and torture were never given appropriate attention. We hope that this report will shed light on the need for increased social and psychological support for the victims, the need for public discourse in order to transfer the shame from the victims to the perpetrators, and the need to stop these abuses from continuing.

Legal Framework

The Islamic Republic of Iran is not a signatory to the Convention against Torture (CAT), but according to Article 7 of the International Convention for Civil and Political Rights (ICCPR), to which Iran is a signatory and obliged to uphold, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”¹

Article 38 of the Constitution of the Islamic Republic of Iran establishes that: “All forms of torture for the purpose of extracting confession or acquiring information are forbidden.” However, no part of the Iranian body of law has been devoted to sexual torture and the punishments that befall its actors. Punishment for the act of rape, described as *zina bih anf* (forced adultery) is execution, regardless of whether the act took place inside or outside prison (Section D, Article 82 of the Islamic Penal Code). However, to prove rape, one needs to have at least four impartial male witnesses, or three impartial male and two impartial female witnesses, who attest to having seen the rape with their own eyes. The rapist’s confession must be repeated four times. Another way of proving rape is what is known in Iranian Islamic judiciary as ‘the knowledge of the judge’, which does not rely on any kind of evidence but rather on opinion of the judge that rape occurred. Naturally, inside prison, the rape of a prisoner by an interrogator inside a solitary cell is nearly impossible to ‘prove’ given the aforementioned criterion. This, despite the fact that such rapes occur with the knowledge of those party to the crime, i.e., prison authorities, who are either judicial officials or law enforcement forces who to date in this research will not speak out, or even be interviewed.

On the issue of torture, Article 578 of the Islamic Penal Code states:

1 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed 26 May 2013).

“If any of the juridical or non-juridical governmental authorities and employees inflicts corporal harm and torment upon an accused in forcing him to confess, he will, in addition to being subject to qisas (retribution) or payment of blood money as the case may be, be sentenced to a term of six months to three years in prison. If somebody orders in this respect, only the person who has issued the order shall be sentenced to the said imprisonment. Where the accused dies as a result of corporal harm and torment, the perpetrator shall be subject to the penalty for homicide; the person ordering the corporal”

Yet neither this article, nor any other article in the body of Iran’s law, considers inflicting psychological tortures such as fear of rape or imprisonment in a solitary cell, or other forms of torture such as inflicting hunger, preventing or refusing access to basic facilities such as a bathroom and showers, and refusal to administer medication to sick prisoners, as crimes that are punishable by law.

It is vital to note that the majority of women who were subject, often numerous times, to sexual harassment and torture had no possibility of making a formal complaint regarding these acts of abuse. Even if there was an option, given that these women were usually imprisoned for exercising their constitutional right to freedom of dissent and free expression, they did not find Iran’s judicial bodies legitimate or have faith in the law to proceed with such complaints. Family members of the victims were subject to such harsh treatment that they lost any hopes of resolution to their complaints. A few of the prisoners who did intend to complain, were never given the opportunity to do so, and in the few cases where prisoners actually discussed their rights violations with supervisory committees while imprisoned, or with responsible officials after their release, the actors and perpetrators were never prosecuted.

There have been significant shifts in the political climate of Iran from 1979 to present. Most scholars of Iran agree that since 1979 there are three different distinguishable political eras that

each indicates some ideological shifts. These shift in turn have impacted how political oppositional groups and individuals were viewed and accordingly treated in the Iranian prisons. Our preliminary research confirmed the validity of these shifts and thus we designed our research around these political shifts and have, therefore, divided our project into three phases. The focus of the first research phase is the first after the establishment of the Islamic Republic in 1979, where prisons were primarily under Ayatollah Khomeini's direct rule. The second phase focuses on the post-Khomeini era of the 1990s through to 2009. The third phase covers the post-2009 election protests and subsequent arrests and abuses of prisoners.

Women's Political Activities after the 1979 Revolution

Thousands of Iranian women participated in the revolution. However, with the establishment of the law of hejab in the Spring of 1979, and its implications for all Iranian women, the revolutionary guards and the *komiteh*¹ took on the primary task of employing intimidation and violence as a mechanism to control women. A year later in May 1980, Ayatollah Khomeini set up the Supreme Council of the Cultural Revolution, to carry out policies that restricted the potential use of public spaces for opposition activism, in particular for women. In this manner, the post-revolutionary regime's gender-based policies eventually disheartened the majority of the women, many of whom joined political opposition groups.

The revolution dramatically changed the lives of women in unprecedented ways. The majority of democratic forces,--including a large segment of the female population--who had participated in the revolution in the hope of freedom and democracy either directly or indirectly, faced prison, torture and

¹ Committees composed of revolutionary guards

execution or were forced to abandon their political activism, or emigrate out of desperation.

Islamic Republic Authorities on Torture

In a speech made during a March 1981 demonstration, then-president Bani Sadr mentioned the occurrence of torture in prisons and reminded the public that the premise of the Islamic Revolution was fundamentally opposed to torturing political prisoners. This speech incited a direct reaction by Ayatollah Khomeini, as the leader of the revolution. He appointed "The Committee to Investigate the Rumors of Torture" to investigate the condition of prisoners and to look into whether torture was occurring. While they received received 3,620 complaints of torture from prisoners most accompanied by documentation, their final report refuted all complaints- allegedly based on lack of evidence.¹

With the Islamic Cultural Revolution and the consequent cleansing process that sought to eliminate unwanted elements, during the 1980's thousands of young girls and women were arrested, interrogated, tortured and even executed. A few days after Ayatollah Khomeini announced a cease-fire and the end of the Iran-Iraq war in August 1988, visitation was halted

Do you know that a large number of people have died under torture by interrogators? Do you know that in Mashhad prison, due to lack of medical care and attention for young girls, they were forced to excise the ovaries and uterus of around 25 of those young girls and in that manner, deformed (*naaqes*) their bodies and reproductive organs?!... Do you know that they [sexually] took young girls by force in some of the prisons of the Islamic Republic? Do you know that when young women are interrogated, usage of vulgar and sexual (*namoosi*) related terminology is commonplace?

Memoir of Ayatollah Montazeri, Volume 2, P. 1164.

¹ To read the complete report of the committee, see Ettelaat Newspaper of April 19, 1981, No. 16406 p. 15, and Ettelaat Newspaper of May 19, 1981, no. 16431, Pp. 3 and 13.

for prisoners in most prisons across the country. Judicial, intelligence and prison officials secretly hanged more than 5000 prisoners during a two-month period. None of those executed had been sentenced during their first round of trials. In fact, they were executed without an official execution sentence and merely as a result of an order issued by Ayatollah Khomeini to “annihilate the enemies of Islam immediately”.¹ Of those executed in 1988, more than 300 were women who had initially been sentenced to a few years imprisonment for supporting the *Mojahedin-e Khalq*. Some of them had even completed their prison terms yet were not released because they refused to give official statements denouncing their former political beliefs.

A Turning Point?

With the 1989 election of Hashemi Rafsanjani as Iran’s president, many expected a wave of change in national policies. However, soon it became apparent that a covert campaign to silence dissidents in Iran and abroad was underway. Rafsanjani and his supporters took every step to dampen political zeal through chain murders², attacks on civil activists and policies against women’s rights movements.

During the Khatami presidency, despite a rise in the number of civil rights movements and organizations, many of which were never issued permits by the state authorities, a different brand of limitations and restrictions enveloped activists, in particular women’s rights activists. Many faced imprisonment and torture while others were summoned for interrogation. Other instances include human rights abuses during the student uprising of 9 July 1999 the case of the Canadian-Iranian photojournalist, Zahra Kazemi, who was arrested while photographing a

1 The full text of Khomeini’s order is published in the Memoir of Ayatollah Montazeri, Hossein-ali Montazeri, Ketab publication, winter 2000, pp.351-352 and Crime and Impunity published by Justice for Iran on p. 59 available on-line at: http://justiceforiran.org/crime-and-impunity/assets/crime_and_impunity.pdf (accessed 26 May 2013).

2 A series of assassinations of nearly 80 dissidents in and outside of Iran

demonstration on 23 June 2003 and who died 18 days later as a result of torture and rape while in custody.

Ahmadinejad's 2005 inauguration as the new president was shortly followed by the arrest of 60 women on 12 June 2005 a clear signal of disconcerting changes in Iranian citizens' access to their rights and a renewed zeal in imposing state policies reminiscent of those set in place during the early days of the Islamic Republic and the subsequent rise in arrest, torture and execution of civilians. Reports indicate that while between 1988 and 2009 the frequency of the crime of rape of Iranian prisoners may have decreased, nevertheless, various cases indicate that it remained a part of state policy. It should be kept in mind, however, that the number of prisoners in 2009 compared to the earlier period had also decreased.



*Ziba Kazemi,
Iranian Canadian Photojournalist*

Reports indicated that the demonstrations by millions of Iranians following the 2009 presidential elections were followed by arrests, torture and rape of inmates, some of whom died under mysterious circumstances. The threat of rape, either indirectly in form of marriage proposal or directly as a threat of sexual violence, remained a feature of interrogation by prison officials.

Testimonies obtained by Justice for Iran point to the fact that rape was used as a means of breaking prisoners and forcing them into submission or confessions obtained under duress. They also indicate that in most cases included in this report, officials at detention centers, and among intelligence or judiciary forces were fully aware, or were later made aware, of the cases

involving rape. However, none of the officials initiated any investigations. Instead, they denied all reports and accused the victims and their family members of insulting state authorities and forced them to withdraw their complaints. These and other reactions on the part of Islamic Republic officials point to a culture of impunity prevalent among those who commit acts of sexual violence against female prisoners.

A significant turning point in the dynamics of the Islamic Republic authorities' use of rape in Iranian prisons was a letter dated 29 July 2009 by the former Speaker of the Parliament and a defeated presidential candidate, Mehdi Karroubi, to then Head of the Expediency Council, Ayatollah Hashemi Rafsanjani, demanding an investigation--a first for an Islamic Republic national leader.

We had heard that when they killed girls they would then take flowers and sweets or sugar cones to the homes of their families and tell them that their daughter was married off to a Revolutionary Guard the night prior and executed on that day. We also heard some families were forced to pay for the bullets the girls were shot with.

Witness statement by Soheila Meshkin on file at Justice for Iran.

A group of those detained have expressed that some of the detained girls were raped so violently that it caused tearing and injury in their sexual organ. A group of people have raped the detained men in a violent manner, and caused them serious psychological and physical ailments so that they are hiding in the corners of their homes.

29 July 2009 letter by Mehdi Karroubi addressed to Hashemi Rafsanjani.

Sexual Torture: Part I.

Rape

Reports indicate that between 1981 and 1984 incidents involving torture and execution were rampant. The execution of girls was particularly noticeable in Tehran and other cities.¹ However, it was at the end of the Iran-Iraq war in August 1988, when visitation was halted for prisoners in most prisons across the country, that more than 5000 prisoners, including 300 girls and women,² were executed in secret to cleanse the country from, according to Ayatollah Khomeini, “enemies of Islam”.³

The execution of young girls attracted much controversy among senior clerics. Based on a traditional interpretation⁴[13] of a specific Koranic verse regarding the application of death sentences to a mohareb or ‘enemy of God’, Ayatollah Montazeri challenged the Supreme Leader, Ayatollah Khomeini, regarding the application of the death penalty to girls in detention. With Khomeini’s approval, Montazeri informed officials that girls should not be executed. However, according to Montazeri, officials misinterpreted his instruction and instead engaged in the practice of ensuring those facing execution were no longer girls or, as implied in Farsi, virgins.

Testimonies of female political prisoners indicate that rape of female political prisoners in 1980s did not extend to the entire

1 According to the list available at Boroumand Foundation’s website- which is not complete and is particularly missing executions that took place in the cities due to the absence of sources- at least 322 female political prisoners were executed in 1981, 122 in 1982, 100 in 1983 and 60 in 1984.

2 Analysis of the data provided by Boroumand foundation.

3 Memoir of Ayatollah Montazeri, Hossein-ali Montazeri, Ketab publication, winter 2000, pp.351-352.

4 See pp. 68-69 of Crime and Impunity: Sexual Torture of Women in Islamic Republic Prisons by Justice for Iran, available on-line at: http://justiceforiran.org/crime-and-impunity/assets/crime_and_impunity.pdf (accessed 26 May 2013).

female prison population, but to majority of virgin girls in prison.¹ However, they all believe that rapes did take place. Some witnesses believe that the possibility of rape increased when female prisoners resisted all other types of torture. In such cases, rape was used as a method to break resistance. There was an exponential increase in the likelihood of rape if the prisoner was beautiful, had boldly defended her stance during interrogation while refusing to provide any information--a behavior the interrogators considered audacious and brazen, or if her or her family possessed qualities that incited exceptional hatred and desire for vengeance in the interrogator.

Meanwhile, a significant number of witnesses believe that since officials did not want any trace of the rapes to leave the prison, aside from a few exceptional cases, the only individuals raped were those sentenced to execution. This group believes that female inmates with prison sentences who were not awaiting execution, even if they were very beautiful or possessed the other aforementioned qualities, were not raped.

Documents and testimonies obtained by Justice for Iran clearly establish the fact that the rape in Iranian prison of virgin girls- arrested for political activism- systematically took place prior to execution starting in the early 1980s. The rapes, rooted in a twisted misunderstanding of one of Ayatollah Khomeini's orders, were justified under the religious term of *siqih*, or temporary marriage. It can be said, without a doubt, that the raping of girls prior to their execution was a 'pattern of crime' that became regularized through various ideological means, including the interpretation of the *fatwa* issued on behalf of Ayatollah Khomeini by Ayatollah Montazeri, as well as interpretations of the relevant Koranic verses.

As stated by Ayatollah Montazeri, deputy leader at the time who went on to become an opponent of Ayatollah Khomeini, he was able to convince the leader of the revolution that girls

1 <http://www.irantribunal.com/images/PDF/Iran%20Tribunal%20Judgment.pdf> (accessed 26 May 2013).

(virgin women), who were at the forefront of execution lines, should not be executed as there are Islamic interpretations stating that they should be given prison sentences as is prescribed for female apostates. However, the judicial and security officials had no intention of halting the execution of women and instead interpreted the order as a dictate to kill as long as the girls were to lose their virginity prior to their execution.

While, as our research demonstrates, this was one reason behind the raping of a large number of female political prisoners prior to their execution, different prison officials of the 1980s tried to find or create so-called *shari'a*-based justifications for this action. The fact that it continued for so many years also indicates it could not have been unknown to higher officials within the government. Therefore, the entire regime is implicated in this atrocity- not just those committing these crimes. According to interpretations of the International Criminal Court, such acts can be construed as crimes against humanity.

I remember very vaguely that this discussion took place in prison; in the ideological classes [set up for] the girls. Different groups had ideological classes. We had teachers sent by the religious seminary, by the *pas-dars* [Revolutionary Guards], to teach us the Islam. The ideological analysis for raping the girls before execution was based in the *Koranic* verse '*bih ay danab qutali?*'. The meaning of the verse is "for what crime are you being killed". The history of this verse is that Arabs used to bury their daughters alive and Prophet Mohammad was against it. When he came to power and brought Islam to the Arabs, this verse was revealed and Prophet Mohammad faced his own society and said, "Why are you killing your virgin girls?" In effect he called the girls innocent. However in the Islamic prisons of Iran, in order not to go against this verse, while yet insuring that they would not be questioned by God for executing virgin girls, they would 'marry' off virgin girls on the night of their execution and rape them because they wanted to make sure everything was being done correctly and islamically.

Witness statement by Nasrin Neku-bakht on file at Justice For Iran.

Prison Marriages

During its research, Justice for Iran also uncovered the practice of forced marriage inside prisons. A considerable number of marriages occurred between imprisoned female prisoners and male authorities. These marriages are too frequent in number to be considered as exceptional cases. Taking into account the structures put forth in international legal definitions, the sexual relations that resulted from these marriages, where women did not have a real choice and were forced to accept sexual relations with prison authorities, were instances of sexual torture.

In most prison marriages, but not all cases, the female prisoner was a *tavaab*--a prisoner who had recanted her political opposition and expressed her support for the regime. In the interviews conducted for this report, statements such as, "the girl became a *tavvab* and then married her interrogator" was prevalent. The prisoners rarely considered the marriages in the prison to be 'forced' and the sexual relationship resulting from it to be rape.

However, according to the International Criminal Court's definition of consent, and those of other bodies of international law, it is clear that in the case of these marriages, the consent of the women prisoners is very questionable.¹ 'Consent' which sets apart a willing and free relationship from that of rape, effectively ceases to hold merit when the woman is in prison and under threat, enforcement or harassment. This holds true even if she is not directly threatened, forced or harassed but is in an atmosphere where enforcement and dominance reign. Based on these definitions, even if the victim expresses her consent to having sexual relations or entering into a marriage, this consent is not

¹ Here we define consent as an act of reason and deliberation. A person who possesses and exercises sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another. Consent assumes a physical power to act and a reflective, determined, and unencumbered exertion of these powers. It is an act unaffected by fraud, duress, or sometimes even mistake, when these factors are not the reason for the consent. Consent is implied in every agreement.

‘genuine’¹ and cannot be a justification for denying the occurrence of rape.²

The information compiled from witness testimonies show that forced marriages inside prisons, or even marriages that happened between prisoners and prison officials, employees or their close associates, and male *tavvabs*³ after the prisoners were released, served different functions. Some marriages were proposed as a condition for freedom. In other cases, marriages were the condition for escaping execution. There were also cases in which marriage, the promise of marriage, temporary or permanent, as well as sexual abuse were used as a tool to prove faithfulness and complete an irreversible conversion from previous political beliefs. In other cases marriage was used as a method to control the beliefs and actions of the female prisoner outside of the prison upon release. Some prisoners were able to escape harsh punishments and relieve pressure on themselves and their families through accepting marriage. Many others who were offered the same proposal never accepted it and often faced death as a result. Within the group that accepted marriage, the acceptance caused physical or psychological conditions that remained with them for the rest of their lives.

This report investigates the various functions served by prison marriages and the manner in which this form of torture was implemented. It must be noted that a marriage, or its proposal, could have served one or multiple functions simultaneously:

- Marriage as a condition of release: There is a general assumption that once a woman marries, due to the responsibilities of upkeep of her husband and child, she will not have a lot of time for political activism. Consenting to

1 Genuine consent.

2 Amnesty International, Rape and sexual violence: Human rights law and standards in the International Criminal Court, Index No. IOR 53/001/2011, 1 March 2011, available at <http://www.amnesty.org/en/library/info/IOR53/001/2011/en> (accessed 26 May 2013).

3 Mehri Elghaspour spoke of a woman in Ahvaz prison who was a supporter of the Communist Union and married one of the *tavvabs* of that group by order of the prosecutor.

marry a pasdar often resulted in isolation of these women from their families and friends, also resulting in diminished political activities.

- Marriage as a condition of escaping execution: Officials would tell female prisoners that either they would marry one of the Islamic brothers or face execution.
- Marriage as a condition to relieve harassment and threats: Based on some of the testimonies, while prisoners were undergoing serious and extreme harassment and interrogation, marriage was proposed as a measure to alleviate some of the prisoner's emotional stress.

While pregnant, Mehrangiz was imprisoned along with other female prisoners in a container in the Yard of Gachsaran prison. She tells of an instance when Va'ezzi, the religious magistrate of Gachsaran, told a girl that if she accepted a temporary marriage, her execution sentence would be commuted to life imprisonment and that she would be released from prison in a few years.

Witness statement by Manijeh Rouhi on file at Justice for Iran.

- Marriage as a mental reaction to continuous torture (Stockholm syndrome)¹: One of the most controversial occurrences discovered within the testimonies of this report are marriages between officials and the *tavvab* prisoners. Witnesses repeatedly speak of women who established emotional relations, fell in love and married officials in different prisons.
- Marriage as a tool to control the mental and physical behaviour of the prisoner: Forced marriage as a mean of controlling the thoughts and actions of female prisoners

¹ Stockholm Syndrome is an expression that became popular in the early 1970s and describes the sense of belonging expressed by victims of violence towards individuals who had treated them with extreme violence that was offset with periods of brief kindness. Based on this syndrome, in conditions of sensory deprivations, such as sight and hearing, and emotional deprivations, such as undergoing belittling and solitude, a victim can form strong bonds with his/her torturer.

ensured that they were under control even outside of the prison. In fact, marriages conducted with a male prison employee or his close associates, offered an iron clad assurance that a female prisoner would not step out of line, even after her release from prison.

Although the phenomenon of prison marriages has greatly diminished, there is a generation of Iranian women and their families who continue to suffer from this practice endorsed by Islamic republic authorities.

Sexual Torture: Part II.

Striking Genitals

Ghezel Hesar prison survivors testify to the fact that women and girls of all ages were forced to quickly crawl on the ground, often in long corridors, and race to reach the front while holding on to their chadors and hejab. Prison guards standing behind them would kick the women in their genitals with their boots while screaming profanities forcing them to crawl faster. Many of those forced to engage in this form of torture were suffering from various conditions due to old age or medical challenges as a result of previous experiences of torture. A considerable number of women facing this form of sexual torture suffered from bleeding and excruciating pain.

Forced Confessions to Sexual Promiscuity

Over the second and third decades of the Islamic Republic, interrogators subjected prisoners to a widespread and systematic campaign of intimidation and interrogation in order to extract false confessions regarding details of their sexual relations in writing or recording to publicize over national media, as a means of forcing prisoners to admit to espionage and acting against national security because of the stigma associated with sex outside of marriage.

Such a pattern of torture can be fully understood within the context of Iranian culture, which views sexual relationships outside of marriage or between individuals of same sex, as a “sin” and “taboo.” Within such a cultural context, the pressure exerted by interrogators to extract false confessions regarding illegitimate sexual relationships breaks down the prisoners so that they prefer to accept political lies to the taboo of sexual promiscuity. This is a particularly powerful means of silencing and subjugating female political prisoners as any accusation involving ille-

gitimate sexual activity can greatly diminish the position of a female activist and undermine her identity as a respectable woman within her family unit as well as her community. This in turn undermines the validity of her political activities. This may be the reason why once released, former female detainees live in fear of their false confessions coming to light, and once known, are subjected to inquisition and ill-treatment at the hands of their family and community members.

The authorities insisted that I specifically had to say “I had vaginal intercourse... and the number of time I had had it... right in front of the camera... it is very hard to take part in TV confessions... they said we are going to broadcast it during the evening news... imagine your family hearing such words.... If it was up to me I would have never done it, but they said this was my only way to freedom... but in fact this is done so that they can claim so and so who is a human rights activist is has no morals. Many Iranians share this perspective, which serves as a means of oppressing their families and questioning everything about their identity.



Witness statement by Rozhin Mohammadi on file at Justice for Iran.

Offensive Language and Sexual Insults

In many cultures sexual insults constitute the worst means of verbal dehumanization. They relate demeaning references to sexual organs and activities to the victim. Psychological studies indicate that due to cultural and social taboos, use of such terminology, especially when addressed to women, can cause confusion, depression and loss of concentration. Reference to excommunicated populations, such as those born outside of marriage or as a result of prostitution, to the members of opposition groups in political and social circles are used in order to devalue and destroy their identity.

The majority of women who were interviewed by Justice for Iran stated that male prison authorities subjected them to sexual insults employing expressions such as “whore.” However, many were Muslim women who even practiced *hejab* laws. Several among them explained that in their experience, judicial and security authorities referred to any woman whose actions were somehow deemed as opposed to the regime and who was imprisoned, regardless of the charges, as a whore. All interviewees mistreated in this manner considered it as one of the worst forms of mental abuse.

In one case, while raping a communist prisoner, the perpetrator had specifically said: “You are a communist so it does not matter to you. Men use you in any which way they want anyway. You do not worship God so you have no standards, enjoy the rape...”¹

In another case, an intelligence officer in Qazvin subjected an anti-stoning activist to a series of sexual insults accusing her that the reason why she was fighting to abolish stoning was because she was involved in extramarital affairs and adultery.

It should be noted that the Islamic Republic penal code includes a number of articles delineating specific punishments for the crime of accusation of adultery or sodomy. However, none of the prison authorities, who sexually insulted witnesses interviewed in this research, were investigated.

Sex-based Cruelty

Many of the witnesses indicated that compared to exclusively male facilities and staff, fear and possibility of the threat of rape was far less tangible when female officials were also present and the authorities were less likely to pressure the prisoners.

In addition to the absence of female officers at the time of arrest and interrogation, a considerable number of those inter-

1 Witness statement by Shayda Soltani on file at Justice for Iran.

viewed for the purposes of this report indicated that females were also not present at their court or detention centre. This is of particular relevance to political prisoners and Baha'i women detained at intelligence detention facilities in remote provinces.

While in the 1980s prison officials made a point of isolating female Baha'i prisoners from others due to their *najes* or impurity, over the next two decades, those interviewed by Justice for Iran were told their isolation was due to their efforts to convert other prisoners.

Overall, during the second and third decade since the establishment of the Islamic Republic, many female political prisoners faced exclusively male facilities and/or officials throughout their arrest and detention. This pattern seems to apply more generally to political and Baha'i prisoners in provincial facilities. The results of this research indicate that male-dominated spaces and staff are far more conducive to sexual torture and violence against women. At the same time, such spaces cause a sense of severe insecurity and fear of being seen while nude, or subject to sexual insult or rape among other threats. Others incarcerated in male facilities faced insult and shame while requesting feminine hygiene products. In one case, an Arab woman was forced to give birth to her child without access to any medical facilities while two male intelligence official watched her.

Cavity Search

Searching the entire bodies of female prisoners, as a part of administrative procedures for admission into prison or detention facilities, was usually carried out in such a manner that every time a woman needs to enter the facilities she needs to remove all her clothing so that in addition to regular physical searches, her rectum and vagina are also inspected. Therefore, any time a female prisoner leaves prison premises to attend her court session or receive a visit from a family member or legal counsel, she must repeat the same procedure at the time of re-entry.

While international standards set for treatment of prisoners ban the use of hands for internal inspection of female organs, in many cases female prisoners held in Islamic Republic facilities faced complete and invasive body search, including their sexual and other cavities. In all cases interviewed for this report, detainees were subjected to inspection by hand and, in some cases, the inspection took place in the presence of male prison officials. They all consider such treatment, normally reserved for drug-related offences, a direct insult on those prisoners who are detained due to their political or personal belief systems.

The authorities subjected us to three rounds of full bodily search. Twice, we could keep our clothes on and once we were in the nude. It was a sexually charged atmosphere. They were all uttering profanities, starting with the sergeant who was handing me my paper to the female employees and you cannot do anything at all, you just have to suffer and take it... When we were completely in the nude, a man was standing in the doorway and we were kept at the entrance of bathroom-like facilities. A woman would stand behind us and force us to take everything off, bend over repeatedly etc. ... I could not even see the man who was present, nevertheless, I always have found nudity problematic, I mean I feel that is a private act that is exclusive to me... I never thought I would face such a situation where they would force me to take my clothes off. I recall when she would tell me to take my clothes off, I wept and begged her not to force me go any further, that if you want to do it, you take my clothes off as I unable to do it. I wept so hard that she gave up and said fine, put your clothes back on and go. I literally could not do it.

Witness statement by Farnaz Moiriyani's on file at Justice for Iran.

Motherhood in Prison

Interviews and testimonies carried out by Justice for Iran clarify that the regime used 'motherhood inside prison' as a specific form of both psychological and physical abuse of women. Some women were either pregnant at the time of their arrest or were arrested along with their infants. About 20% (15 out of 77) of our interviewees recounted horrific experiences during preg-

nancy, delivery (or abortion/miscarriage), as well as the trauma of raising their children inside Iranian prisons during the 1980s. Many of the interviewees viewed the act of being deprived of basic hygienic, nutritional, and personal care products--for themselves or their children--as a form of torture. While normally this is considered as 'inhumane treatment', having listened to numerous detailed accounts of these deprivations, results of the research pointed out that prolonged and consistent inhumane treatment, when systematically carried out, can be equivalent to torture.

In addition to Ahwazi Arab women and Baha'i mothers with infants serving in Semnan prison, Fahimeh Esmaili Badawi, an elementary school teacher, was arrested with her husband Ali Matourzadeh, on 28 November 2005, while eight months pregnant. Fahimeh gave birth to her baby by herself in the presence of her interrogators while held in solitary confinement in the Ahwaz Ministry of Intelligence detention centre, without any medical assistance. Due to severe torture and intense pressure, Ali accepted the charge of terrorism for the sake of his wife and newborn detainee daughter. He was executed on



19 December 2006. Fahimeh Ismaili Badawi, following her forced confession aired by Press TV, was sentenced to 15 years in prison. She is serving her seventh year while exiled to Yasouj prison.

Resistance by Female Prisoners

Over the past three decades, female prisoners have consistently tried every means to avoid facing rape and sexual torture. However, the widespread use of psychological and physical torture with the intent to force women to make sexual confessions has left many victims. Some witnesses interviewed indicated that they were able to successfully choose creative means to escape this form of torture. Examples include:

- Reference to legal standards: Some of the detainees cited specific articles of law pointing to the illegality of such confessions.¹
- Reference to Sharia laws: Two of the witnesses accused of illegitimate sexual relations referred to the Sharia law of *sighbeh* or temporary marriage to mitigate the charges against them.
- Indifference: Some of the witnesses felt their lack of reaction to certain incendiary questions during interrogation proved effective.
- Citing family values: Some detainees who were faced with forced confessions reasoned that their traditional families could not tolerate their exposure to a camera.
- Some of the detainees, including Hengameh Shahidi, faced 12-hour interrogation sessions six days a week for three months, plus physical torture and mock execution, but simply refused to falsely confess.

Post-detention Sexual Abuse

Following their release from prison, female detainees not only face pressure from their family and immediate environment, but intelligence officials also continue to harass them.

¹ Articles of Procedural law and Civil Rights

These pressures, when applied to those women who faced sexual torture and abuse at the hands of their interrogators, resulted in greater suffering and setbacks both in their personal life as well as their political activities. Some were summoned for additional rounds of interrogation.

The authorities controlled others through lengthy and intimidating calls, at times based on the excuse that arrangements needed to be made for the return of their properties to them and their families. In comparison with the 1980s, the increased prevalence of mobile communication devices has allowed state authorities to exert increasing degree of control over the detainees.

Female detainees not only face pressure while in prison, but also after their release. This is perpetrated both by state officials as well as members of their families, communities and the society at large. In some cases, the simple act of imprisonment is enough to entirely destroy a woman's reputation. Familial and social pressures based on concerns around the possibility of her rape while in custody range from questions and rumors to murder and honor killings.

A female detainee can observe that men in a situation similar to hers can return to their lives after release from prison, or in some cases enjoy greater opportunities, while she loses some of all of her advantages. Reports and news pertaining to rape and sexual torture of prisoners helps to increase transparency and prepares female activists to face the possibility of such cruel measures.

Likewise, for interrogators, the release of a female detainee is not the end of her case. Instead, various means of control, investigation and intimidation of the former detainee persist. However, in the case of women, one of the primary means remains that of sexual harassment.

Withstanding such harassment while facing torture and torment in prison gains a greater degree of intensity, while simi-

lar experiences outside of prison place such limitations on that many are left with no choice but to leave the country.

The Case of Kahrizak

The focus of this report is on sexual crimes committed against women. However, at the Kahrizak Detention Centre, most victims of rape and sexual torture were men. This section reviews those points that are of direct relevance to cases at Kahrizak.¹

Based on interviews with 19 women, one man and three experts, as well as review of available documents, contrary to popular belief, our findings point to the fact that in cases of post-2009 detainees,



Kahrizak Detention Centre

rape was not used systematically on a widespread scale. Instead, as was the case in Kahrizak, rape was used as a form of torture in order to extract information or forced confession, and in order to bring inmates to submission.

Furthermore, reports indicate that the authorities did not observe Islamic codes pertaining to touch or mingling among members of the opposite gender who are not considered as *mahram*² Witness statements, including those from Kahrizak, show that over the past two decades, Islamic Republic authorities have

¹ See: <http://www.peykeiran.com/Content.aspx?ID=5319> (accessed 26 May 2013).

² A kin with whom any sexual act would be considered incestuous.

repeatedly engaged in illegal bodily contact with *non-mahram* inmates during arrest, interrogation or torture, including inappropriate touch, contact or abuse of sensitive bodily parts, including genitalia. This is in direct violation of Islamic Republic laws for all, regardless of personal preference or belief system, to observe Islamic Sharia laws regarding interactions between members of the opposite sex.

Other accounts also indicate insulting language and inappropriate bodily contact between male officials and female detainees. Some of the cases involving ethnic and religious minorities involve more complex forms of sexual and mental torture. Examples include the case of Connie Ardalan, a journalist incarcerated at Gohardasht prison. According to her testimony throughout her entire interrogation, only male prison officials were present. They did not ask any specific questions, but instead proceeded to beat her up while uttering profanities against her Kurdish heritage, endorsing Saddam Hussein's dehumanizing reference to Kurds as flies. On other occasions one of the interrogators would alone occupy the room

with her, sitting in such close proximity as to place his knees and hands between her thighs, or touching her breasts while blowing cigarette smoke into her face, forcing his chewed gum into her

During interrogations, no official observed *mahram* or *non-mahram* codes of conduct. Male officers would arrest a woman, would pull you all over the place. I recall an incident on 12 June 2001 when we were seated in a circle on the ground. I was in between Shadi Sadr and Fariba Mohajer, who had her chador on. Male police officers came to break us up when Fariba was yelling at them complaining that they were oblivious to *mahram* laws and touch *non-mahram* women, that they touch *non-mahram* women. Not that they paid attention and continued to strike us with batons... I recall our demonstration on 12 June at 7 Tir Square in Tehran where the authorities beat us up badly. You have probably seen the images of the authorities pulling Delaram Ali on the ground so badly that her clothes were torn off and you could see her all over. But then they included "bodily exposure" as one of the charges against her!

Witness statement by Maryam Hosseinkhab's on file at Justice for Iran.

mouth and using insulting language about her, and her female family members and friends. When she would resist his advances, he would make derogatory comments comparing his genitals to those of Kurdish men. Having been raised in a traditional family, such conduct on the part of the authorities made her wish for execution as a way out of such psychosexual torture.¹

Connie Ardalan's case, as well as those of other female detainees, point to certain common features in terms of goals and reasons for such mistreatment. Our report offers the following for consideration:

- Forcing prisoners to confess to political activities: An examination of testimonies by prisoners throughout the three decades since the inception of the Islamic Republic indicates that prisoners finally admit to whatever the officials ask in order to avoid further sexual torture.
- Stigmatization among family members and friends: Many Iranian families maintain traditional values and belittle women involved in illegitimate sexual relations, even as victims
- Wearing down the prisoners and breaking their resistance: Many prisoners faced insurmountable pressure to admit to prostitution and espionage- as opposed to their ideals and personal beliefs--as the reason for their political activities.
- Invalidating a sociopolitical process: In some cases the officials recorded forced confessions to use as a means of debunking specific sociopolitical movements.
- Character assassination of political figures: Forcing women to falsely confess to sexual relations with political figures would serve as means of destroying those figures' reputations.

¹ Witness statement by Connie Ardalan on file at Justice for Iran.

Conclusion

This brief is based on extensive research carried out over a two-year period pointing to systematic, widespread and state-sponsored policies that place sexual torture, including rape, at the heart of the Islamic Republic's judicial machinery and arms such as the Islamic Republic Guards Corps. It also delineates the wide-ranging forms of sexual torture practiced in prisons since the inception of the Islamic Republic. The most appalling practice remains 'rape of virgins' prior to execution. The Islamic Republic is the first state to justify and rationalize this form of torture in the name of religion.

Sources indicate that the highest officials of the Republic were, have been and are aware of these incidents. However, no official in Iran has ever taken steps to eliminate these human rights violations.

Furthermore, the state routinely ignores its national laws and international obligations and avoids its responsibility and accountability with regards to protection of human rights enunciated in the articles of the International Bill of Rights, to which it is a signatory. Instead, the Islamic Republic judiciary randomly invokes national security and other vague charges to violate the rights of its citizens.

The officials that sanctioned such cruel treatment of women prisoners should be brought to justice. A thorough, public discussion of the government's misuse and manipulation of religion to excuse or legitimize violence against women would enhance the public consciousness and serve as the the foundation for

developing a humane political culture which denounces such actions and demands they should never again be repeated. It is an ethical duty upon all humanity, and in particular human rights activists, to make an issue of these uncivil developments and unethical practices, in this case carried out in the name of ethics and religion, to prevent them from happening again.

Access to transparency and restorative justice alongside a national debate on alternative approaches to recovery and resocialization of victims of such crimes as equal citizens are essential steps towards an open and democratic society.

Policy recommendations

1. That the situation of human rights in the Islamic Republic continues to received the full attention of state authorities in the United Kingdom and the European Union in matters of mutual concern with the Islamic Republic of Iran.
2. That the United Nations and the European Union continue to address serious violations of human rights in Iran and include grave concerns of human rights defenders during discussions with Islamic Republic authorities at the highest levels, bilaterally and multilaterally, with a particular focus on the lack of gender equality in the Republic's policies.
3. That the Western governments and Global South countries encourage the Islamic Republic to fully cooperate with UN mechanisms and procedures, including the Universal Periodic Review recommendations.
4. That governments in favor of human rights encourage the Islamic Republic to sign the UN Convention on the Elimination of All Forms of Discrimination Against Women and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment with no reservations.
5. That the European Union continues to place targeted sanctions against key individuals and organizations directly responsible and involved in implementation of gender-based discriminatory policies or abuse and torture. In this regard, Justice for Iran continues to expand its database and stands ready to provide further accurate and up to date information as a means of combatting the culture of impunity prevalent among Islamic Republic officials and organisations.



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