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IRAN LGBTI DEFENDER SENTENCED TO DEATH

Iranian LGBTI rights defender Zahra Sedighi-Hamadani and another woman, Elham Choubdar, were sentenced to death for “corruption on earth”. The women were targeted due to their real or perceived sexual orientation and/or gender identity and their social media activities in support of LGBTI communities.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) rights defender Zahra Sedighi-Hamadani, 31, known as Sareh, and another woman, Elham Choubdar, 24, were sentenced to death after the Revolutionary Court in Urumieh, West Azerbaijan province, tried them in early August 2022 and subsequently convicted them of “corruption on earth.” Official statements, state media reports, and statements made by prosecution officials to Zahra Sedighi-Hamadani since her arrest in October 2021 indicate that she was targeted for discriminatory reasons tied to her real or perceived sexual orientation and/or gender identity, as well as her peaceful LGBTI rights activism, including on social media, and her association with LGBTI asylum seekers in Iraq.

On 18 July 2022, state media affiliated with the Revolutionary Guards aired a homophobic video portraying Zahra Sedighi-Hamadani as a “criminal” for publishing online content which “promoted homosexuality” and “challenged the stigma around religiously forbidden [namashrou] sexual relations”. The propaganda video linked Zahra Sedighi-Hamadani’s peaceful online LGBTI rights activism to unfounded accusations of “gambling” and “smuggling women and girls from Iran to Erbil [Iraq]” in a bid to vilify her. Court documents and other information reviewed by Amnesty International indicate that Elham Choubdar was similarly targeted for discriminatory reasons related to her real or perceived sexual orientation and/or gender identity, LGBTI supportive activities on social media, and association with Zahra Sedighi-Hamadani.

The proceedings leading to the women’s convictions and sentences were grossly unfair. Zahra Sedighi-Hamadani was forcibly disappeared for 53 days following arrest. During this time, she was subjected to abusive interrogations without access to a lawyer, prolonged solitary confinement, homophobic insults, death threats and threats to take away the custody of her children, which violate fair trial rights and the absolute prohibition on torture and other ill-treatment. Amnesty International understands that Elham Choubdar was pressured to make “confessions”. Moreover, the offence of “corruption on earth” fails to meet requirements for clarity and precision needed in criminal law and breaches the principle of legality and legal certainty. Officials told the two women of their sentences on 1 September 2022 in Urumieh prison, where both are held. Their cases have been appealed to the Supreme Court.

Write to the Head of the Judiciary urging him to:

- immediately quash the convictions and death sentences of Zahra Sedighi-Hamadani and Elham Choubdar, and immediately release both as they are targeted based on discriminatory reasons related to their real or perceived sexual orientation and/or gender identity and peaceful activities in defence of the human rights of LGBTI people
- pending their release, ensure they are given regular access to lawyers of their choosing and family
- urge the Iranian authorities to establish an official moratorium on executions with a view to abolishing the death penalty
- decriminalize consensual same-sex sexual conduct, and adopt legislation to protect LGBTI people from discrimination, violence and other human rights violations

Write to:

Head of the Judiciary
Gholamhossein Mohseni Ejei
c/o Embassy of Iran to the European Union
Avenue Franklin Roosevelt No. 15
1050 Bruxelles
Belgium
Email: secretariat@iranembassy.be
Salutation: Dear Mr Gholamhossein Mohseni Ejei:

Additional information

The HENGAW Organization for Human Rights reported on 4 September 2022 that Zahra Sedighi-Hamadani and Elham Choubdar were sentenced to death. Following widespread media coverage, Iran's judiciary confirmed the news on 5 September 2022, [announcing](#) that Zahra Sedighi-Hamadani and Elham Choubdar were sentenced to death in connection with "smuggling women and girls". Prior to this, on 6 November 2021, the Intelligence Organization of the Revolutionary Guards had claimed they caught "through a complex, multi-layered and extraterritorial intelligence operation, the leader of a network involved in smuggling Iranian girls and women to neighbouring countries for the purpose of corruption and directing and supporting homosexual groups that work under the protection of [foreign] intelligence agencies." Amnesty International believes that the allegations of smuggling are spurious and baseless and stem from the women's real or perceived sexual orientation and/or gender identity and in the case of Zahra Sedighi-Hamadani, association with other Iranian LGBTI asylum seekers fleeing systematic persecution in Iran.

Iran's Revolutionary Guards arbitrarily arrested Zahra Sedighi-Hamadani in late 2021 near Iran's border while she was attempting to seek international protection in Türkiye. Elham Choubdar was arrested sometime afterwards. The authorities charged both women with "inciting people to corruption and prostitution" and "spreading corruption on earth" (efsad-e fel arz). They further charged Zahra Sedighi-Hamadani with "illegally entering the country". As per Iranian criminal law, the charges of "inciting people to corruption and prostitution" and "illegally entering the country" were referred to Branch 111 of Criminal Court 2 in Urumieh for trial, and the charge of "corruption on earth" to the Revolutionary

Court in Urumieh. In July 2022, the criminal court convicted Zahra Sedighi-Hamadani of “illegally entering the country” and imposed a cash fine. In the same ruling, the court dismissed, with respect to both women, the charge of “inciting people to corruption and prostitution” on the grounds that the two women were already being prosecuted before the Revolutionary Court in Urumieh on the charge of “corruption on earth” for the same activities and therefore fell outside the jurisdiction of Criminal Court 2. The verdict of Branch 111 of Criminal Court 2 in Urumieh, which has been reviewed by Amnesty International, states that the women were charged with “corruption on earth” based on their “activities in the online environment”, but does not provide more information.

In mid-January 2022, Zahra Sedighi-Hamadani was told by the lead investigator of Branch 6 of the Office of the Revolutionary and Public Prosecutor in Urumieh that she was accused of “spreading corruption on earth” including through “promoting homosexuality”, “communication with anti-Islamic Republic media channels” and “promoting Christianity”. The first two accusations stem from her public defence of LGBTI rights, including on her social media platforms such as Telegram and Instagram, and during an appearance in a [BBC documentary](#) aired in May 2021 about the abuses that LGBTI people suffer in the Kurdistan Region of Iraq (KR-I). According to information obtained by Amnesty International, the latter accusation is for wearing a cross necklace and attending a house church in Iran several years ago.

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

Iran’s penal code [criminalizes](#) consensual same-sex sexual conduct between adults, as well as between children, prescribing corporal punishments, such as flogging, which constitute torture, and the death penalty, which is the ultimate cruel, inhuman and degrading punishment. Amnesty International’s research consistently shows that Revolutionary Courts lack independence and impose harsh sentences on human rights defenders and others under the influence of security and intelligence bodies and following grossly unfair, summary and predominantly secret processes which undermine the right to a fair trial. Human rights defenders and lawyers in Iran have repeatedly said Revolutionary Courts lack constitutional basis and should be abolished. Amnesty International has also previously [documented](#) the Iranian authorities’ criminalization of human rights defenders which takes place against the backdrop of ongoing smear campaigns against human rights defenders, particularly on the internet, in a bid to undermine their human rights work.