

Crimes against humanity?!/ Shadi Sadr

The streets of Iran may seem calm, but the pain and the anger among people remains and is getting stronger.

Getting beaten in the streets, attacked by knives and batons, insulted, arrested and thrown into a cell, tortured and forced to tell lies and make false confessions, raped and in the end killed, will forever be a bitter experience of injustice for thousands and will remain in the memories of millions who witnessed these crimes inside Iran and all around the world.

In the past two months and for the first time in thirty years, the issue of sexual abuse in prison has been made so obvious that it puts the legitimacy of the Iranian government and its ideological religious law in question.

Because of the stories coming out of Kahrizak prison camp, the stories of the rape and sexual torture of women political prisoners is being heard for the first time and has gained important for many, especially the youth.

The name of Taraneh Mousavi, a recent victim of rape and murder, has revived the beautiful names of Zahra Kazemi and Zahra Bani Yaghoub and has served to remind us of other politically active women who were raped and killed in the 80's. Once again there is open discussion of the rapes of virgin women before execution. The biggest concern for us now is that the discussion not end here, like a flame that has been lighted in the dark and then blown out.

My question and certainly the question of others like me is what we can do to keep the flame from being blown out? To answer this question I will first review the sexual torture and abuse of politically active women in prison, and then I will talk about the solutions to this matter.

The historical overview of the sexual abuse and torture of politically active women in jails.

Before I enter the main discussion, I would like to make it clear why I am focused mainly on the issue of women's sexual abuse and torture, while based we know that since the election there has been more evidence and sexual abuse of men than of women.

There can be no doubting the importance of pursuing cases of male sexual abuse since the election. However, from my point of view, sexual abuse of politically active women since the election is not an exception. It is not something that happens for the first time in the history of the Islamic republic of Iran. On the contrary, over the past 30 years, sexual torture and rape (as the worst kind), has been used as a tool to obtain confessions and to punish dissenting opinions and life styles as well as to attack the personal identity of women and those related to them.

In addition, the rape of virgin girls before execution, which in my opinion is still an unresolved puzzle, could make the problem of women's sexual abuse a crime against humanity.

On the other hand, as a feminist who already has had the experience of fighting against the patriarchal system and who has been jailed where I faced the most obvious kind of patriarchy, I think there are similarities between the two systems of suppression that cause a female political prisoner to have a completely different outlook than a man.

Since the society is ruled by patriarchal ideas, and different tools are used for the mental torture of women,

sexual abuse and, more importantly, the threat of sexual abuse, is used as a means to prevent women from participating in political activities. The isolation of politically active women from their family and the society combined with the threat of abuse means that families seek to limit the activities of women and girls in order to prevent them from coming into danger. On one hand, the government threatens the sexuality of women by spreading fear, and on the other hand it places the responsibility on the families of those women to keep them quiet and to prevent any activities against the regime. In fact, the threat of sexual abuse of politically active women combines with the suppression within the family and that is the importance of this discussion.

Based on the evidence from women prisoners, torture during the last 30 years seems to fall into two categories: first mental torture and second sexual and physical torture.

According to the narratives from the prisoners, most, but not all politically active women had experienced “sexual torture”. This threat was sometimes made by the interrogator, the warden, or the convicts. In some cases these threats were experienced as threatening or sexual behaviour, as being alone with the interrogator or another official, or as being placed with male prisoners. Many prisoners frequently experienced verbal sexual torture which included vulgar insults with sexual content, interrogation on personal issues and sexual relationships, or demands for sexual acts in return for freedom.

Sexual torture by an interrogator or a warden, starting with physical contact or molestation and ends with rape has been reported in various cases and has even come under judicial investigation.

According to evidence from prisoners in 80's, sexual abuse seems to have been limited to the systematic rape of virgin girls before execution. Only one of the former prisoners, who was held in Isfahan, mentioned frequent sexual abuse of all women. The “spit over” is used as expression of this action. At the same time, even though sexual abuse was not carried out against all women in prison, all experienced a kind of sexual and physical torture. Since the 80's and up until the recent election (2009) there have been scattered cases reported regarding the sexual abuse of women political prisoners. The cases of Zahra Kazemi, Zahra Bani Yaghoub, and Roya Toloui received the most attention. Excluding the scattered cases of rape, sexual torture and abuse has been used most commonly to gain confessions. The evidence and stories from those arrested since the election in 2009, shows that torture and sexual abuse is being reported more than in the 90's and is no longer confined to women political prisoners.

The question remains: is it possible to consider the sexual abuse and torture of women over the past 30 years as a true crime against humanity?

If the answer to this question is yes, as I believe it to be, then victims could gain access to international judicial mechanisms to achieve justice. They could actually file suits and pursue criminal prosecution and trials for both the perpetrators and those who gave the orders for sexual torture. It has been proven many times that the Judiciary of the Islamic republic of Iran lacks the independence and determination to prosecute these crimes. As a result, an international system would be a great hope to the victims and their families in pursuing criminal prosecution. Achieving this has many challenges. I will try to explain the most important ones:

1 The challenge of definition: just like any other task, when we are talking about the sexual abuse against the female political prisoner, we need to have clear definitions. Although every one of us has a different definition and image of the female political prisoner, the reality is that all definitions are related to the main issue of political action or non-political action. This, in turn, is determined by the way that the government itself defines what is and what is not political. For example, is a person who is making a movement with a clear political goal a

political prisoner, or someone who violates the ideological rule a political prisoner? For example is Zahra Bani Yaghoub considered a political prisoner because of her liaison with her fiancé? She was arrested by the Morals Police and then sexually tortured. Answering the question of whether or not she was a political prisoner is not a simple task.

2 The challenge of the lack of evidence: In order to follow up on violations of human rights, it is important to have reliable evidence. Gathering evidence in regards to the violation and torture in prisons is a very difficult task and in some cases quite impossible. In order to gather that evidence we need the narratives of the victims and their families. The issue of the sexual abuse is a taboo subject in Iran. As a result, the victims and their families usually avoid testifying. It is clear that the criminals don't leave any evidence and because of the unwillingness of the victims, gathering proof is a very difficult task. The difficulty is even greater when the victim has been killed under the pressure of torture. For instance the issue of the rape of virgin women before execution is an example. No one come back after death, but relatives have reported that they received the belongings of the girls together with dowry and sweets. This story was told and passed on in the beginning of the 80's.

3 The challenge of proof of systematic abuse: The International Criminal Court Statute states that sexual abuse is a crime against humanity if they can prove that it was done in a systematic way. According to this definition:

crimes against humanity are particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. However, murder, extermination, torture, rape, political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of meriting the stigma attaching to the category of crimes under discussion. On the other hand, an individual may be guilty of crimes against humanity even if he perpetrates one or two of the offences mentioned above, or engages in one such offense against only a few civilians, provided those offenses are part of a consistent pattern of misbehavior by a number of persons linked to that offender (for example, because they engage in armed action on the same side or because they are parties to a common plan or for any similar reason.) Consequently when one or more individuals are not accused of planning or carrying out a policy of inhumanity, but simply of perpetrating specific atrocities or vicious acts, in order to determine whether the necessary threshold is met one should use the following test: one ought to look at these atrocities or acts in their context and verify whether they may be regarded as part of an overall policy or a consistent pattern of an inhumanity, or whether they instead constitute isolated or sporadic acts of cruelty and wickedness.

Last message

In the current situation, no one doubts the necessity of pursuing violations of human rights in Iran. In particular, the latest events of 2009 and the continual repression in Iran have made it important to find a way to legally address the violation of human rights in Iran. We have to be careful not to act without careful planning because improper timing and the inappropriate use of International law could lead to a lost opportunity. The issue of female sexual torture and abuse prisons has been neglected over the last few years. Each and every one of us must think of practical solutions in order to prosecute the criminals and be able to deal with all the challenges that face us.

In my opinion today it is our duty to form an independent commission consisting of feminists and Iranian human rights activists to research the issue of sexual abuse in prison in order to develop the cases, to inform the public, and to pursue the main agents of these crimes within the international system.

This commission can't form without the help of every single victim or the help of a close relation to the victims. This will not be possible without breaking the silence or without the will of everyone to end the darkness and silence of Taraneh Mousavi, Zahra Kazemi, Zahra Bani Yaghoub, and all the other unknown women that are not among us today and have been the victims of sexual abuse.

This should be a call to action for us us all starting from today.

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