

MASHHAD: PLACE OF MARTYRDOM

By Simon Forbes

“In order to capture reality it is necessary to look at it long and unflinchingly.” – Abbas Kiarostami, Iranian film director.

“If we catch you again we will put you to death just like the boys in Mashhad.” – Colonel Javanmardi to a gay man called Amir.



ISNA/PHOTO: MASHHAD

Two teenagers are weeping and trembling. They are handcuffed together in a van surrounded by journalists – men who will give the boys no names. Their families know them as ‘Iyaad (left) and Muhammad (right). Friends know them as Mahmoud and Ayaz. “14 months ago we were arrested and we regret our own act and we have already performed *Tawbah* [Islamic Penance],” they say. [1] One of the youths says: “We did not realise that the perpetration of such a practice brings about the death penalty.” [3] Finally, one says that following arrest he was subject to beatings and abuse. [4] Their guards end the interview. It is time.



The time is 10 am. The date is the 19th of July. The year is 2005. It is a bright summer day with a clear blue sky. It is the last sky they will ever see. They are blind-folded and hustled out of the van. Those accompanying them tower over them. Some are wearing masks to cover their faces.

They are brought before a crowd of thousands that includes young children. Some are in the square itself and some are sitting on nearby walls straining for a good view. The crowd includes members of the boys' families. After the executions their parents will be made to pay for the ropes that are going to kill their children. The name of the place is *Meidaan-e 'Edaalat* or the Square of Justice. The name of the city is Mashhad or the Place of Martyrdom.



AP

AP/EPA

ISNA

AP/EPA

The terrified boys are made to stand on a truck underneath a metal gallows. Two masked men stand behind them and others are on the ground below. They are trying to steady the boys and keep them standing upright. The masked men standing behind them pull two ropes with nooses that are dangling down from the metal bar high above their heads. Just below the bar a slogan is emblazoned across the ropes. It reads:

“EXECUTING JUSTICE = PROVIDING SECURITY.”

The executioners tighten the ropes round their necks. They position the knot to the side of their necks. This is to ensure they do not become unconscious too quickly when strangulation commences. It is

considered important that their death is not too ‘easy.’ The drop will be minimal to ensure their necks are not broken. The *Qazis* (religious judges) who tried them and ordered their death are there to see that “justice” is done. A doctor is there to tell them when the boys are dead. The boys compose themselves with their heads down. The principal *Qazi* chants the sentence of death. Then he is silent.

Suddenly the masked men stand back and the truck starts moving. As they fall off the edge they feel a sharp pull against their necks as they are left dangling in the air. Many cheer while others look on silently in fear. A brother of Mahmoud begins screaming.



Iran Now

Quds Daily

Doug Ireland

ISNA

They feel searing pain in their necks as the ropes take the full weight of their bodies. They only drop a few inches. They thrash and swing about frenziedly. Their life giving windpipes are slowly and painfully squeezed shut as they writhe in agony.

Mercifully, and there is not much mercy in Justice Square today, their suffering begins to subside after a few minutes and they lapse into unconsciousness. Brain death comes first to Ayaz and he becomes still. Mahmoud clings to life for a little longer and then he too is gone. By now their life giving wind pipes, arteries and veins have become crushed flat by the weight of their bodies. Periodically the doctor puts a stethoscope against their chests. He listens to their heart beat as it grows fainter and fainter. Finally first in Ayaz’s and then in Mahmoud’s little body he hears silence.

The above reconstruction of this public execution is based on the photographs, press reports and general information about such executions. Iranian exiles have been consulted on some details, including one person who has witnessed such an execution.

RECONSTRUCTION OF EXECUTION: REFERENCES

[1] ISNA Khorasan & Main 1384/04/28 (19th July 2005)
<http://isna.ir/Main/NewsView.aspx?ID=News-556874>

[2] ISNA Khorasan 1384/04/28 (19th July 2005)
<http://branch.isna.ir/mainkhorasan/NewsView.aspx?ID=News-4165>

[3] ISNA Khorasan & Main 1384/04/28 (19th July 2005)
See page 43 for explanation of this quote

[4] ISNA Khorasan 1384/04/28 (19th July 2005)

Additional Sources for reconstruction:

Analysis of photographs above - sources of photos:

<http://branch.isna.ir/mainkhorasan/NewsView.aspx?ID=News-4165>

<http://isna.ir/Main/NewsView.aspx?ID=News-556874>

<http://www.gayegypt.com/july2005.html>

<http://www.homanla.org/New/executions.htm>

<http://iran-now.de/content/view/2073/26/>

http://direland.typepad.com/direland/2006/06/global_protests.html#comments

<http://www.qudsdaily.net/archive/1384/html/4/1384-04-29/page7.html#1>

Other details: ISNA Main & Khorasan 1384/04/28 (19th July 2005) & Quds Daily 1384/04/29 (20th July 2005);

Quds Daily 1384/04/28 (19th July /2005)
<http://www.qudsdaily.net/archive/1384/html/4/1384-04-28/page7.html#1>

General information on executions eg Dr. Hamiz 2004 & Saleha Darani
<http://www.geocities.com/richard.clark32@btinternet.com/iranfem.html>]

Richard Clark – capital punishment
<http://www.richard.clark32.btinternet.co.uk/hanging2.html>

Strangulation not even allowed for killing laboratory animals:

Close et al p307 “2.3.6 Strangulation: *This is not an acceptable method of killing any animal due to the time taken to unconsciousness, and the pain undue anxiety and stress it would cause.*”

<http://www.lal.org.uk/pdf/LA1.pdf>

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SUMMARY

Chapter One: Who were they?

- Afdhere Jama a key source of information about the boys.
- A Marhoni family member is one source of the claim they were arrested for consensual sex and not for rape.
- They were known as Mahmoud and Ayaz to most gay friends, which are coincidentally the names of a historically famous *hamjensgaraa* couple in the region.
- Information about the boys in the Iranian press not to be taken at face value.
- Seen at gay parties and details are given about one of these by local sources.
- Information about their character from local sources.
- Music lovers with contrasting musical tastes.
- Variant names.
- One was called Mahmoud 'Asgari aka MuHammad ibn MuTair 'Askari (or 'Asakara).
- The other was called Ayaz Marhoni, aka 'Iyaad ibn 'Abdul KaaZim Marhuuni.
- Families originally from South West of Iran. Their families moved to Mashhad in the North East at the other end of the country during the 1980-88 Iran-Iraq war.
- Fathers MuTair and 'Abdul KaaZim worked on the coast and sent money to their families.
- Discussion of sources and the difficulties and dangers they face.

Chapter Two: How old were they?

- Executions of offenders for crimes committed when under the age of 18 contrary to international conventions the regime has signed.
- Five known sets of ages, three of which were from official sources.
- The first was given out on the day of the execution by officials stating that they were 18 and 19, suggesting that one was probably over 18 at the time of their alleged crimes.
- The following day officials raised their ages to 19 and 21 suggesting they were both over 18 at the time of their alleged crimes.
- Three days later the ages were lowered slightly to 18 and 20, it is suggested, to take account of the fact that one of the boys lawyers had complained that his client was under 18 (at the time of execution not simply their alleged crimes).
- Three days after that, officials switched back to the claim that they were both over 18 at the time of their alleged crimes.
- However, in the same article that quoted the first of these official claims, ISNA journalists quoted the boys as saying they were both aged 17 shortly before they were killed, suggesting that they were 15 or 16 at the time of their alleged crimes.
- An alternative set of ages, 16 and 18, surfaced four days after the execution corroborated by Jama's sources.
- Either way none of the official claims about ages are credible and Amnesty International and OutRage! were correct to suggest that both were under 18 at the time of their alleged crimes.

Chapter Three: The Arrests and "Deeds against Morals"

- A key source for information about the allegations against these boys was an article in Quds Daily published on the morning of their execution which gave extensive if not full quotes from a statement to the police by a boy of 13 who claimed he had been lured onto the estate where Mahmoud/Muhammad and Ayaz/'Iyaad lived and subjected to "deeds against morals" by them and others.
- A number of "oddities" are in this story which cast serious doubt about its credibility.
- There is an alternative account of this incident which suggests that this boy of 13 was himself arrested along with both Mahmoud/Muhammad and Ayaz/'Iyaad after being caught having oral sex. Two other boys escaped.
- A local source says that the father of the 13 year old boy is a senior Revolutionary Guards officer though Jama's sources can only corroborate that he is a senior officer of some kind.

- A member of the Marhuuni family says that an older half brother of Ayaz/Iyaad complained to the police about their persistent sexual activities.
- Boys sent for medical examinations that proved that Mahmoud, Ayaz and the 13 year old boy had been penetrated recently. Mahmoud and Ayaz old enough to hang for this.
- Guilty plea at least to consensual anal sex on lawyers advice.
- Unclear if confessed to all crimes but such confessions must be regarded as suspect anyway given the circumstances.
- Mahmoud/Muhammad's lawyer denied the boys claims before execution that they had been subjected to beating and abuse after arrest and said they confessed before the court of their own free will.

Chapter Four: The Trial

- Tried by a public court, almost certainly in secret. Unfair trials common in Iran.
- Seven for trial according to Quds Daily.
- Mahmoud/Muhammad and Ayaz/Iyaad convicted of *Lavaat* (homosexual acts), taking part in kidnapping, disturbing public order, drinking alcohol, theft, fighting and destruction.
- In addition Mahmoud/Muhammad convicted of an offence with a knife, receiving stolen goods, and extortion.
- Ayaz/Iyaad was convicted of intentional wounding.
- Charges probably the result of stereotyping and character assassination rather than actual behaviour.
- Mahmoud/Muhammad and Ayaz/Iyaad sentenced to death by public hanging, 228 lashes, imprisonment and fines for these crimes.
- Five other defendants sentenced to whipping, imprisonment and banishment from the city.
- 13 year old boy also reportedly whipped.
- Family honour and how it works and its relevance to this case.
- Other capital cases of *Lavaat* described and distinction between 'habitual' and 'experimental.' behaviour in such cases. 'Habitual' behaviour treated more likely to lead to a death sentence.
- Cases of consensual sex rarely publicised. Believed some may be 'masked' as rape cases.

Chapter Five: Could their Lives have been saved?

- Seriousness of the crime of *Lavaat* compared to other crimes on account of the supposed fate of the tribe of Lot.
- However, death sentences for most crimes where the offender is under 18 at the time of the crime are normally commuted to five years imprisonment.
- Unclear if this is normally done for *Lavaat*.
- Factors in the decision to hold execution in public.
- "Spreading" of homosexuality would also be a serious aggravation of the offence. Meaning of the term "corruption in the earth" and how it legitimises death sentences.
- Boys had repented and performed penance for their crimes. However the perceived "dangers" in leaving "habitual Sodomites" alive, including in prison, would have weighed against them.
- Leader of the country, Grand Ayatollah Khamene'i present in Mashhad at time of execution. He could have stopped it but chose not to.

Conclusion: Were they Martyrs?

- Difficulties in researching this case.
- Conclusion that Mahmoud/Muhammad and Ayaz/Iyaad killed because they were gay.
- Rape claims not credible.
- Source of claims they were gay were family and friends.

CHAPTER ONE: WHO WERE THEY?

Much has been written about these boys since their tragic deaths. At first the Iranian press claimed they committed one rape. [1] Then it was claimed by an Iranian diplomat and other sources that they'd committed a number of rapes. [2] By September 2005 people inside and outside Iran were spreading rumours that they were serial child killers. [3] In July 2006 an Iranian diplomat in Sweden claimed they were executed because they had murdered a boy. [4] There are no references to murder in any of the articles on the case. An article in the Iranian Students News Agency (ISNA) described them as 'professional criminals' and implied that they were part of some 'underclass.' [5] It suggested that people like them were prone to rape and robbery with violence. [6]

A key alternative source of information about the boys is Afdhere Jama, the editor of an international 'queer' magazine called *Huriyah*. His information has cast serious doubt on the claims made by the Iranian government and by those in the West who endorse such claims in whole or in part.

According to Jama's sources they were arrested in late May 2004, fourteen months before the execution, because they had been caught having sex with other boys. They were sent to the doctors. There was medical evidence that they had been anally penetrated recently and they had pleaded guilty to this. [7] This triggered a sentence of death. More details about this will be discussed in Chapter Three.

They were both reportedly of Iranian Arab origin but most of Jama's contacts knew them by the Persian names Mahmoud and Ayaz. Coincidentally these are the names of a historically famous *hamjensgaraa* (lit. same-sex oriented, often translated as 'gay') couple in the region. [8]

There are a number of quotes in the first ISNA articles attributed to the boys. [9] We cannot know at present if these are their exact words let alone everything that they said (the interview was filmed and this film may perhaps surface one day) and Iranian exiles have cautioned me about taking these quotes at face value. As in Saudi Arabia, all manner of foul methods can be used to get people to say just

about anything before an execution. Even so it is debatable how far these quotes support the regime's claims about them.

Such confessions are often televised. It is interesting that in the picture on page one they are clearly being filmed by a number of people, but this interview was not broadcast in the end. Perhaps, even judging by what is quoted in the local version of the ISNA article, they said too many things that were "awkward." However, in any case they don't really tell us very much about their character. Nor do they really lend support to the regime's claims about them.

ISNA says they introduced themselves as from Khorramshahr (in the South West at the other end of the country) and said they lived in the Shaheed Beheshti estate in Mashhad. [10] They said they had been arrested 14 months earlier, as Jama's sources also suggest helping to corroborate their account of the real reason for their arrest. They were sorry for what they had done and had performed *Tawbah* or Islamic penance. [11] This means of course that they were Muslims. Non-Muslims do not perform *Tawbah*.

The ISNA interview continues. They give their ages (17 according to ISNA) and say: "We advise young people that they should think of their own families and the pursuit of learning and a career." [12] This suggests nothing worse than that they might have been happy go lucky fun loving teenagers who had not treated these things as a priority – something that is pretty common in any country.

They then add that they: "did not know that perpetration of such a practice ('*amly*) brings about the death penalty." [13] Given that public executions for rape are not uncommon it seems hard to believe that they are referring to that. It is far more likely they are referring simply to anal penetration the '*aml-qawm-e Loot*, which is punishable by death in Iran even for the first offence.

Executions for consensual *hamjensbaazy* (lit. same sex play – homosexuality in the physical sense) have rarely been publicised since the 1980s. On the occasions that they are it is believed that they are 'masked' as rape cases or other charges are added.

They then say: “Our living environment was an unsuitable environment and delinquency (*khilaafkari*) and vandalism (*kharabkari*) are widespread there and this caused us to end up in this situation.” [14] Again even if the wording of this quote is accurate this does not necessarily support the claims that they engaged in such activities themselves, though they certainly came from a tough neighbourhood.

Arsham Parsi of the Persian Gay and Lesbian Organisation explains the terminology: “I believe *khalaf* is not same as crime, usually “*khalafkar*” that means a bully or lawless that walking in the street and they think that they are king of street and everybody must accept them. Each city of Iran has these areas and locations and unfortunately there are not good places.” [15] *Quds Daily* described these boys as “*khalafkaar*” though frankly the suggestion that either of these boys could themselves be “kings of the street” of that type borders on the laughable. [16]

The alleged quote from the boys may simply mean that bad social conditions led them to acts of *hamjensbaazy* and they may have been brainwashed into thinking only dirty people who live in bad places do such things. The self hatred of these boys before their execution is quite evident.

Alternatively, it may even mean that in the kind of place they lived in there would be zero tolerance for their kind and this led to their arrest. Jama’s sources suggest that when they were caught having sex with three other boys, including one who later made an allegation of rape against them. A mob quickly gathered and people wanted to beat the boys. [17]

Tolerance of such activity in such neighbourhoods in any country is often in short supply. If they had lived in some plush suburb in North Tehran their longer term survival would have been much more likely (though even there not guaranteed).

The Shaheed Beheshti estate is at 22 Bahman Boulevard in Mashhad. [18] It is named after a leading Ayatollah who was assassinated in 1981. The area is said by some locals to be fairly unsavoury and crimes such as rape and robbery are not uncommon, leading some to make the assumption that this meant they themselves must be guilty of such crimes as claimed by the authorities. [19]

The estate is the site of a former garrison and has been used since the early 1980s to house war refugees such as the 'Askari and Marhuni families. It also houses those who have been forcibly removed from dozens of Arab villages in the South West since that war. [20] It is somewhat sad that the treatment of Iranian Arabs by this regime is treated with such indifference in the West, especially when compared with the level of concern about Palestinian Arabs being squeezed off their land by the Israelis.

The residents of this estate find it difficult to find work in Mashhad itself, partly due to discrimination and the reputation of the estate. Those that do work do menial jobs such working as street sweepers or as carriers in the Bazaar. Many others including Mahmoud's and Ayaz's fathers find much better paid and more skilled jobs along the coast in places like Bandar 'Abbas and Bushehr. [21] They send money home to their families. If there is indeed a high crime rate in this area of Mashhad it is hardly surprising given such conditions. It seems to me to be a recipe for social disaster.

One of Jama's sources was a friend of a member of Ayaz's immediate family. That relative is one source of the claims that they were arrested for consensual gay sex not rape. [22] This claim was first made by Jama in an article by Doug Ireland in August 2005. [23] In my view, the existence of this source within the family helps to confirm that there has been no case of mistaken identity regarding these boys. Also the level of detail adds to the credibility of Jama's claims about the boys. For now what other information do we know about them?

In my view they have been the subject of vicious and inaccurate stereotyping, not merely by the Iranian authorities but by many who have written about them in the West. There seems special reluctance in the West to acknowledge them as *hamjensgaraa* that is "same sex oriented," which is often loosely translated as "gay."

Jama says that in the Summer of 2003, two years before their execution, the boys were seen at a *gay/hamjensgaraay* party. He has had direct contact with three witnesses who say they saw the boys there. [24] Doug Ireland, a gay political journalist, who has his own sources, suggests that they were seen at other gay parties as well. [25]

As a gay party it was in serious danger of being raided by the authorities, though happily this did not happen. Jama was told it was a kind of ‘wake’ in honour of a local gay man called Hassan. He had died as a result of wounds in prison. He was therefore a kind of ‘martyr’ to those present. This party was at the time of serious political disturbances in the city of Mashhad and elsewhere in Iran. In spite of this it is said to have been a quite a lively affair with plenty of dancing and intimacy between the guests. [26]

A gay couple, both in their twenties, remember these boys distinctly from this party. “They were all over each other,” they said. It was clear to them that both boys were “lovers.” [27]



A heterosexual woman friend of Hassan also told Jama that she had spoken to the boys. “I remember clear[ly] because they looked so young,” she said. Mahmoud would probably have been 14 and Ayaz 15 or 16 at this time. She spoke to them for a few minutes. They had not known Hassan themselves. [28]

Photo of underground Iranian party

Photo: Iran Focus

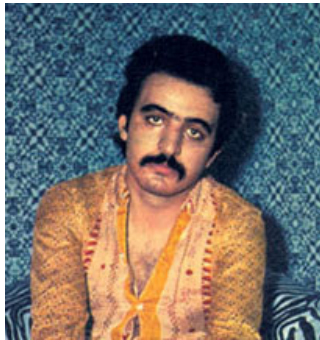
Later on she saw them both kissing at the back of the party amongst other couples. [29] That act alone is a crime in Iran if it is between males and could have earned them 60 lashes under the penal code. [30]

Jama has been told a fair amount of other information which may seem trivial to some readers. However the level of detail adds to the credibility of his sources – much has clearly come from the boys own families. Moreover some of this information shows that they have been the subject of vicious stereotyping both by the regime and by many who have written about them in the West. They may well have lived in a ‘bad’ area but this do not necessarily mean that everybody who lives there is engaged in criminal activity. In fact anywhere that is likely to be a minority.

Jama was told that both had a taste in expensive ‘designer’ clothes. Ayaz actually spent the whole of one summer’s wages on one pair of shoes. This was when he went to work with one of his uncles. [31]

In my view, the fact that he saved up for these shoes for such a long time actually shows that the boy was basically honest. No thief or ‘professional criminal’ would go to such trouble. They would get the shoes much more promptly some other way.

The boys did not live together but at their respective parents homes. According to ‘Ahwazi’ Iranian Arab sources, their fathers did not live with them but had jobs in ports far away on the Southern coast and sent money to their families. [32] The boys both had the use of home computers with internet access, a relative luxury in Iran. They were great music lovers. They both often downloaded songs, including illegally on peer to peer networks. [33] Although “naughty” this hardly makes them “professional criminals.” That would be a breach of civil law not criminal law.



Fereydoun Foroughi

Photo: Iranian.com

Jama was told that Ayaz’s favourite singer was Fereydoun Foroughi [34]. Ayaz had actually met him in his early teens not long before he died in October 2001. Mahmoud had quite different tastes. He was a big fan of Michael Jackson, different from Foroughi in just about every respect, and had a huge poster of him on the wall of the bedroom he shared with one of his brothers. [35]

The names of these boys have been a matter of some confusion. A report in the Associated Press four days after their death gave their names as Mahmoud ‘Asgari and Ayaz Marhoni. The names appear to have come from legal sources. [36]

However, two days after this article, an underground Iranian LGBT publication called MAHA gave slightly different names “Mohammad Askari” and “Ayad Marhuni.” [37] OutRage! were given the names “Mohammad Askari” and “Iyad Marhuni” two days after the executions by a source inside Iran. [38]

MAHA stated that both their families were Iranian Arabs and had moved from the province of Khuzestan to Mashhad at the opposite end of the country. [39] This has been corroborated by Ahwazi

exile sources through their local contacts. [40] The name of Mahmoud's father was MuTair and that of Ayaz was 'Abdul KaaZim. [41]

One set of the boys' names may have been their officially recognised 'Persian style' names on their birth certificates and identity papers. The other 'Arab style' names may have been the ones their families used. There are official restrictions on names given to children in minority communities.

Generally, legal publications inside Iran did not see fit to dignify either boy with a name. The one exception was the Iranian Labour News Agency (ILNA) which gave the name "Mohammad 'Asgari" for one boy and declined to give any name for the other [42] Some publications just used initials to describe them and others did not even bother to do that.

One was consistently described with the Persian letters *Mem Ayn*. [43] This would be consistent with the first names of Mahmoud or Muhammad and the surnames of 'Asgari or 'Askari. The Iranian Student News Association (ISNA) used the Persian letters *Ayn Mem*, to describe the other boy whereas other publications used the initials *Alef Mem*. [44]

To clear up the confusion I consulted Ewen MacMillan, a specialist in Iranian Arabs used in asylum cases, about all this. The initial *Ayn* used by ISNA for the second of these names would be consistent with the first name 'Iyaad (which he says is the correct form of the Arab first name) whereas *Alef* used by the others to describe the same boy would be consistent with the name Ayaz, the Persian first name. *Mem* would of course be consistent with the surname Marhuuni/Marhoni. [45] He says the name Marhuuni (Marhoni in Persian form) indicates that he was from an 'Ahwazi' Arab clan native to Khuzestan, or Al-Ahwaz to give its traditional Arab name.

'Askari/'Asgari is not a clan name of this type and is commonly used by both Persians and Arabs in Iran (and for that matter people in the entire Muslim world), as is the name Muhammad. [46] However this may simply be a Persianised form of the tribal name 'Asaakara, which is a local name. [47] For the sake of simplicity and from now on, I will use the names Mahmoud and Ayaz to describe them, which is what they were called by Jama's sources.

Ahwazi exile sources say their families originally came from villages to the North of Muḥammad (officially called Khorramshahr) but had to move to Mashhad circa 1980-81 because of the invasion of Iran by Saddam’s forces. [48] This was some time before the boys were born. It is worth noting that ILNA suggests that the family of “Muḥammad ‘Asgari” had moved because of war. [49]



However, ISNA says the boys “introduced themselves as from Khorramshahr.” [50] This city is very close to the Iraqi border. It suffered badly at the hands of Saddam’s forces, who occupied the city from 1980 to 1982 and all but destroyed it and it was some time before a semblance normality returned. The city only began to be significantly repopulated after the end of the war in 1988.

It is unlikely that the boys were born there but may have lived there for a period and later returned to Mashhad. On the other hand they may simply have had the name of this city at the end of their names

after their parents, leading ISNA to believe falsely that it meant that they had lived there when they told them their full names.

Sadly many of the sources for much of the information about the boys have to remain anonymous. Jama has given me some details about his sources, but asked me to be cautious about disclosing such details as they might identify them. His direct sources are five in number. All of them are past or present residents of Mashhad. [51]

Most journalists in the Western media completely fail to understand the reasons for this. Jama for one was besieged following Doug Ireland's August the 11th article on the case by people wanting to be put in touch with his sources. He tells me:

“You are right, after the stories came out... my e-mail would not stop. I would get thousands of e-mails a day, all wanting to talk to people in Mashad. Even if these people did not "out" these sources, the gov[ernmen]t would certainly find out through such massive contacts from America and Europe... hitting a few houses in Mashad and Tehran -- and that would mean the beginning of the end for most of them. So, I thank you.” [52] Precisely because I did not ask that he then proceeded to tell me what I wanted to know. He said more recently: “there are two countries in the world where I would rather die than out sources – Iran and Saudi Arabia.” [53]

Family sources are especially vulnerable. According to Anna Enayat, a Middle East specialist at St Antony's College Oxford, members of families of those executed for homosexuality are usually forbidden to talk about the case by the authorities. [54]

Jama's other sources are also vulnerable. In fact they were put under surveillance following the executions. “The level of surveillance in Iran has reached maximum since the reports of the hanged boys got out,” he said in an interview. “You would be surprised how far I had to go to find out what happened. Can you believe one of my contacts had to dress up as a woman—with full facial nikkhab—also wearing gloves... and go into an Internet cafe... only to use Yahoo Messenger he created right there for only—yes—just a one-minute message to me? He had to travel a day to this Internet cafe to

make sure nothing would get back to him. It is that scary. People are rightfully scared for their lives.”

[55]

My own experience has taught me not to underestimate how vulnerable sources inside Iran can be. In an earlier version of this report I quoted something where a young gay man had given his real first name and e-mail address on a comments box on a blog. When I made contact with him I found that he was under investigation by the police for his sexuality. Out came the quotes fast. They had not necessarily been seen by the authorities and drawing attention to them could add to his troubles.

In fact there is specific law about such matters which prohibits: “any contact or exchange of information, interviews or collusion with foreign embassies, organizations, parties, or media which could be judged harmful to Iran’s independence, national unity or the interests of the Islamic Republic.” [56] Brett Lock of OutRage ! sums this up quite well – “in other words anything they don’t like.” This law is partly the reason why most internal sources have insisted on staying anonymous.

So, inevitably I have been unable to get first hand information and corroboration to confirm some of the material within this report so some will feel that I have only partially proved my case.

Human Rights Watch asked if I could procure any affidavits from internal contacts about this case and other information about LGBT people in Iran. They would need the person’s full name and contact details or they could send the affidavit forms to their lawyer. [57] Some people in the West need to wake up about conditions in Iran and the dangers people who live there face in doing things like that.

I do realise why they asked for these documents, though. I know how difficult and disbelieving people like the British Home Office, the Dutch Immigration Ministry and others who deal with asylum claims can be. They would dismiss much of what Jama says as “hearsay evidence.” Yet they accept unquestioningly the words of Iranian diplomats and don’t call that “hearsay.” [58] Frankly, and with no disrespect, I would accept the word of someone like Afdhere Jama against these diplomats any day, especially in view of the detailed and properly sourced information that he has given me.

The immigration authorities have the attitude that anybody who questions their assertions must prove everything beyond reasonable doubt, yet they don't have to prove anything. They use the flimsiest of evidence themselves in their "country study" reports, especially regarding the subject of homosexuality and transgender issues.

For instance year in year out the British Home Office claim that large numbers of transvestites are walking around North Tehran quite openly. [59] Having checked the source, a report by the United Nations High Commission for Refugees (UNHCR), no evidence is offered to back up this assertion. [60]

I have been in contact with past and present residents of Tehran about this matter. They confirm, in no uncertain and sometimes colourful terms, that transvestites are not likely to be found wandering about that city.

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CHAPTER TWO: HOW OLD WERE THEY?



Anti death penalty protest organised by OutRage! outside Iranian Embassy in London focusing on executions of juveniles and gays in Iran, August 11th 2005

Photo Brett Lock, OutRage! News Service

A key part of the controversy about this case is how old Mahmoud and Ayaz were at the time of execution. Nonetheless some readers may find this particular chapter tedious and may wish to skip to the next one if they are uninterested in the details of this particular controversy.

I am aware of no less than five different sets of ages for them. Three of these come from official sources which repeatedly contradicted themselves within the space of eight days.

Iran has signed international treaties promising not to execute juvenile offenders. While they may regard these as worthless scraps of paper, which they sign for cynical reasons, they would be concerned about the effect these executions would have on the image of the regime inside and outside the country. People inside the country are particularly uneasy about executions while the offenders are still under

18. Even so, I have traced cases involving at least nine juvenile offenders who were executed in 2005, at least three of whom were under 18 at the time of execution. [1]

On the day of the execution official reports claimed that Mahmoud and Ayaz were aged 18 and 19 respectively, though this was contradicted within the same article. [2] Nonetheless, this first official set of ages is asserted as fact by Human Rights Watch. [3] The following day, as the international furore about the executions grew, these ages were raised to 19 and 21, suggesting they were both above the age of 18 at the time of the crime. [4]

However, since Mahmoud's lawyer had publicly revealed that his client was under 18 (Ayaz's lawyer stayed silent) their ages were dropped a year each to 18 and 20, suggesting that only Mahmoud was under 18 at the time of the crime, but both were above 18 at the time of the execution. [5]

A few days later the regime later insisted once again they were both aged above 18 at the time of both the execution and at the time of the crime. The British Embassy was assured of this when they raised this issue. [6] The Belgian foreign minister was also told this by the Iranian chargé d'affaires in Brussels who said they were both over 18 "at the time of the acts." [7]

With particular reference to this regime's functionaries, prominent Iranian dissident Akbar Ganji says: "Liars forget their previous lies and make up new ones." [8]

The first set of 'official' ages of 18 and 19 was quoted by the local Khorasan version of the first article on the case. [9] However if people read this article carefully, there is different and quite contradictory information in the two paragraphs below. The source here is the boys themselves as they spoke to local Iranian Student News Agency (ISNA) journalists.

As they are being interviewed just before execution the article states, "The two sentenced individuals declared that they are 17 years old." [10] The translation of this phrase was not done by me but by Doctor Houman Sarshar a respected academic and a native Persian speaker.

Five other Iranians have confirmed to me that this sentence does indeed mean in that context that they were both aged 17 at the time of execution. Interestingly both sets of ages were left out of the version of the article that appeared on the main web site at 5.10 pm local time, 35 minutes later. [11]

It is worth noting that police sources denounced “lying reports” that either were under the age of 18 at the time of the execution. [12] They fail to mention that one of these supposed “lying reports” was on the same web site four days earlier.

A number of press reports gave yet another set of ages. They described Mahmoud as 16 and Ayaz as 18 at the time of the execution. The first source of this in the West was an Associated Press article by Ali Akbar Dareini which appeared in various outlets on the 23rd and 24th of July. This article gives quotes by Mahmoud’s lawyer protesting at his client’s execution. [13]

Unlike Human Rights Watch, Amnesty International accepted this set of ages. They say that Mahmoud was a minor at execution and that Ayaz was 18. [14] They state that Mahmoud was 15 or 16 and Ayaz was 16 or 17 at the time of the crime. [15]

This set of ages is given added credibility because it is corroborated independently by Jama’s sources. They say Ayaz was 17 and Mahmoud was 15 at the time of arrest in May 2004 and Mahmoud’s birthday was two months earlier. [16] This would suggest of course that Ayaz was 18 and that Mahmoud, with an approximate date of birth in March 1989, was 16 at the time of the execution.

In a later article it is said Mahmoud’s lawyer Ruhollah Rezazadeh emphasised that his client was 16 at the time of appeal, which could have been a matter of days before the execution. [17] He seems to have done so in response to officials claims the previous day that both boys were much older. However, the quotes from his interviews with ISNA make no reference to Ayaz. [18] He was not his client and he may not have wished to tread on his fellow lawyer’s toes by talking publicly about the other boy. Early captions to an Associated Press photo of the boys under the gallows refers to “Mahmoud Asgari, 16, left, and another unidentified teenager,” mentioning neither name nor age of the latter. [19] It is not clear therefore if he is the source of the claim that Ayaz was aged 18 at execution.



Protest of August 11th near the Iranian embassy in London

Photo: Brett Lock

The slightly higher age of 18 may in any case be Ayaz's age in lunar years using the Islamic Calendar, whereas he might still be 17 using the Western or Persian calendar. He could therefore be 17 in the lunar calendar at the time of arrest in May 2004 but still 17 in the solar calendar at the time of execution. Iran uses all three calendars and this is a potential source of confusion. The Islamic lunar year is slightly shorter than the solar year, 354/355 days as opposed to 365/366 days. Over 18 years it makes a difference more than six months, so somebody can easily be 18 in lunar years but still be 17 in the solar calendar.

Likewise there is a similar period when someone can be 17 in lunar years and still 16 in solar years, though it is less clear if this could apply to Mahmoud if his birthday was indeed in March, five months before the execution. In which case ISNA may simply have misunderstood what the boys said. Ayaz may have said he was 17 and they thought it applied to them both. The precise ages are therefore uncertain though approximately 16/17 for Mahmoud and 17/18 for Ayaz in solar years at the time of death.

Nonetheless, all this suggests that Amnesty International are correct – namely that both were under the age of 18 at the time of their alleged crimes the previous year. It suggests that the Human Rights Watch assertion of higher ages is incorrect and based on an unreliable official source.



As Anna Enayat points out it is also unusual for executioners in Iran to be masked. However this is not unknown at the executions of juvenile offenders. For instance, at the execution of Rostam Tajik (16 at the time of his crime) in December 2005 the executioner wears a crash helmet (see left).

Execution of Rostam Tajik, Dec 2005

Photo Etemaad

Also ISNA repeatedly use the phrase *doo* (two) *noojavan* (literally - new young) to describe them both in the headlines of their articles on the case. [20] The word *noojavan* was also used in articles in *Quds* and *Kayhan* to describe the 13 year old boy who was their alleged victim. [21] I am told by native Persian speakers that this term is not likely to be used to describe someone aged 18 and above although it can mean more broadly “teenager.”

Another agency ILNA, which claimed they were aged 19 and 21, attacked those including ISNA who used the term *noojavan* to describe them. The word *javan* would be more appropriate for those aged 18 and above, I am told by Iranian exiles including civil right activist, Bahram Soroush. [22]

The repeated use of this term by local ISNA journalists may be a subtle attempt by them to hint that the truth was not being told by the regime on their ages. ISNA was set up in 1998 under the auspices of outgoing president, Khatami, and their journalists may have been more sympathetic to ‘reformers’ who wished to stop juvenile executions.

Some of the pictures they took and published were certainly likely to provoke an emotional reaction. They quoted Mahmoud’s lawyer extensively in two local articles, [23] and some of these quotes were repeated in articles on the main web site. [24] They also gave space to the opinions of Society for the Protection of the Rights of the Child, which is a legally tolerated lobbying group. [25]

ISNA was careful to balance all this with articles in support of the executions, both by local academics and by the local police. [26] No other publication from inside the country that I have seen dealt with the case in the same way. It is worth noting, though, the issues of *Etemaad*, a ‘reformist’ publication were missing between 20th and 25th of July (nos 882-886) at the time of the controversy about this case inside the country – there are no other such gaps on their web site archive. [27] Had they crossed the informal “red lines” that govern freedom of expression in Iran? Were these issues censored?

Most publications reporting on the case made no mention of their ages. This was true of both articles in *Quds*, [28] and of the short pieces in *Iran Newspaper*, *Mardom Salari*, and *Kayhan* [29] If it had not been for the ISNA reporting on the case the outside world would have been completely unaware of the age issue – indeed but for ISNA it is unlikely that the outside world would have paid any attention to the case.

The debate about their ages goes to the very heart of the controversy – how credible are the regime’s accounts of the case? If the regime is trying to lie (badly and inconsistently) about their ages, what does that say for the rest of it? Why should they also not lie about the real reason for their arrest and even about the precise nature of their convictions? Even if they had confessed to raping the boy, since the regime uses some of the most horrific methods of torture in the world, why should we believe such a confession under these circumstances?

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CHAPTER THREE: THE ARRESTS AND “DEEDS AGAINST MORALS”

“Fourteen months ago we were arrested,” they told ISNA. [1] There is considerable controversy about the real reasons for this arrest.

A locally produced paper *Quds Daily* did the first known report on the case. I am grateful for the considerable input of Professor Anna Enayat in correcting my translation of this difficult article in addition to the input of Bahman Soroush and Mani.

It is worth noting that *Quds Daily* is not an independent newspaper. It is owned by the *Astan Quds Razavi* organisation which is run by the representative of the Supreme Leader Ali Khamene’i in the province, Ayatollah Abbas Waiz Tabasi. [2] He has oversight over the criminal justice system in the province, which may explain why this paper was given privileged access to official information about this case.

Quds Daily describes an incident. In this incident a boy aged 13 became as *Quds Daily* put it: “encaptured in the snare of several delinquent young people.” [3] As a result they say seven of these people were later arrested, charged and brought to trial. Two of them, Mahmoud and Ayaz, were sentenced to death. [4]

Quds states that the incident involving the boy was in the Persian month of *Esfand* in the Persian year 1382 that is between 20th February and 19th March 2004. [5] This was about 16-17 months before the executions though the boys say they were arrested 14 months before then. There is therefore a gap of two or three months between the incident and the arrest that the boys referred to when they spoke to ISNA. *Quds Daily* say seven people were arrested later “one after the other” without specifying any period of time. [6]

There are two conflicting accounts of what led to their arrest. One is the ‘official’ version described in *Quds Daily* and more briefly in a later ISNA article, both given information by local police sources. [7] The other version is said to come from local gay sources that knew the boys and their families. [8]

Quds's principal source is a police statement by the alleged victim that was used as evidence against them. A local source in Mashhad has alleged that this boy is the son of a senior officer in the *Sepah* or Revolutionary Guards. [9] Jama's sources say they are aware that the father was a high ranking officer in law enforcement but weren't sure which branch. [10]



The *Sepaah-e Paasdaaraan-e Engelaab-e Islaami* (Islamic Revolutionary Guards Corps) is a paramilitary force that is entrusted with the defence of the regime. They have their own military units, partly to forestall the danger of a military coup by the regular armed forces. They are also responsible for suppressing internal dissent. The current President Ahmadinejad is a former *Sepah* officer. Former members also have a large presence in the Iranian Parliament and commanding positions in the regular military, the police and various other state bodies. [11]

Accordingly a senior officer in the *Sepah* would have a very high social and political status. *Sepah* personnel of any rank are widely regarded as extremely dangerous and are not crossed lightly.

If this report is true then this would explain a lot about the case. It would explain for instance why at least one of the boys was executed when still under 18 when more typically the regime waits a few years until the offender is in their early twenties. Furthermore why they also received 228 lashes, which is an unusually high number of whippings to accompany a sentence of death. Indeed it partly explains why the execution was held in public, risking international criticism because of the boys' ages. To survive, the regime must constantly be seen to support its henchmen.

The alleged incident involving this boy took place in the evening. It was claimed that the 13 year old boy's bicycle was stolen near a haberdasher's shop in Bahman Boulevard in Mashhad where he had gone to buy some stationery. Two inhabitants of the local estate then promptly appeared and offered to sell him back his bike.

They then took the alleged victim to a secluded place near a football ground to retrieve the bike. There several other youths were waiting. They drew knives and performed “deeds against morals” upon him, the boy said. [12]

In addition to the seven boys charged Mahmoud’s lawyer told ISNA that three people were still fugitives at the time of the execution. [13] This could suggest that a total of ten boys were involved in these “deeds against morals” or that three of the seven had escaped from prison.

In a subsequent report, quoting the public prosecutor, a sword miraculously appears in addition to the knife and it is claimed that they also threatened the boy with it. [14] There is no mention of a sword in the original *Quds* article which contains a very full extract from the boy’s statement, and may even quote the entire document. It would hardly be a point of minor detail that is likely to have been omitted in the boys statement. This suggests to me that it was a later embellishment of the story by local officials at a time when the international outcry about the executions was increasing.

There are other questionable elements in this story. Iranian exiles I have spoken to, including civil right activist Bahram Soroush who assisted me with my translation, are astonished that human rights ‘experts’ can believe this story. Some people have clearly failed to read it critically, they say. However I am informed that staff at Amnesty International did think there were “oddities” in the story from the start. [15]

One possible “oddity” is that instead of reporting the rape to the police the father goes first to the judiciary who then refer him to the court and then they get the Entezami (the Law Enforcement Force or LEF) involved. [16]

The boy’s bicycle has disappeared when he comes out of the shop on Bahman Boulevard. The two youths are there. The boy promptly offers them and they promptly accept the ludicrously small sum of 300 Tumans (less than £2) to buy back his bicycle. [17]



Mashhad street scene

Photo Kakura.jp

He then casually goes off with them to the back of the football ground and “deeds (or practices) against morals” (*'aamaal-e khilaaf- akhlaaq*) take place. [18] This seems a very curious expression for a genuine rape victim to make and Iranian exiles I have spoken too about this agree.

Furthermore we are asked to believe that he ran over to a man in a car and that the culprits then threatened the man, dragged the boy back and performed the acts on him again. If true, they would have had to have been totally oblivious of the massively increased danger that they would be identified and caught by doing so. [19] Of course the date of this alleged incident was some months before they were arrested.

Nonetheless at least one local gay still strongly believed the rape story, at least at the time of the executions, because rape and robbery are said to be quite common in that part of the city. He believed they were singled out for execution because the boy’s father was a senior officer in the *Sepah* (Revolutionary Guards). He did not believe it was likely the boys were gay. [20] That said Mashhad is a city of 2.5 to 2.9 million people and not everybody knows everything about everybody. Furthermore, we cannot assume guilt about people just because they live in an area with a bad reputation.

There is indeed a quite different and alternative account of the circumstances of their arrest, which also comes from local gay sources. As Doug Ireland, a gay political journalist and writer, reveals from Afdhere Jama, the editor of *Huriyah* magazine:

“The first day I found out, [about the execution] I called my Iranian contacts from *Huriyah*,” Jama said. “All agreed on the fact that these boys were murdered for being queer. One of my contacts who has been to gay parties in Mashad swears the boys were long-term lovers, and another source told me one of the boys’ family members outed the couple.” [21]



Doug Ireland

Doug Ireland says that this is corroborated by MAHA the underground “Electronic Magazine of the *Hamjensgaryan* of Iran”. [22] Their own sources also told them that the charge was trumped up and confirmed that the two teenagers were lovers. [23] At least in outline, this helps to corroborate the information given by Jama’s sources.

Jama has written in more detail about what his sources told him. Most of Jama’s five direct sources state that the arrest took place not because of an outing by a family member but because they were caught having sex in public by people on their local estate. [24] A family member may indeed have made a statement to the police about the boys’ behaviour but this was not necessarily the cause of an actual arrest.

The arrest Jama’s sources speak of was a few months later than the date of the alleged incident of rape described in *Quds*. The latter was in Esfaand 1382 (ie Feb/March 2004) and 16 months before the execution. [25] However, the arrests reported by Jama were towards the end of May 2004. [26] This was therefore 14 months before the execution - precisely the same period the boys referred to when interviewed by ISNA. [27]

Curiously the time of the incident described by Jama’s sources is approximately the same as that in the *Quds* article, even if the date is different. The incident they describe took place before Isha prayers the last of the five daily prayers of the day which mark nightfall, so this was when it was still light. [28] At

that time of year 8pm, the time mentioned in the *Quds* article, is before Isha prayers unlike in February/March when it would still be dark. In my view the difference in dates is so local people would not connect the alleged rape described in *Quds Daily* with the incident in which the same boy is alleged to have been involved but sources say did not involve sexual assault.



Mashhad

Photo Kakura.jp

Jama says that sources tell him that the wife of a police officer heard shouting and looked out of her window. Some passers by had disturbed a group of boys. They were fondling each other and performing acts of oral sex. As it was before nightfall she could clearly see what the boys were doing. She saw that “Mahmoud who was then 15, was performing oral sex on the 13 year old.” [29] She then called out to her police officer husband who chased the boys enlisting the support of passers by. They caught three - Mahmoud, Ayaz and the 13 year old. [30]

Jama’s sources say she later testified to this in court and said that the younger boy, who was the receptive partner, was not resisting the act. [31] This alone made him liable to whipping under Article 112 of the penal code. [32] The two boys that escaped were respectively aged 14 and 15. Sources say that all three of the other boys were previously known to Mahmoud and Ayaz and had had sex with them before. [33]

The discovery of these “deeds against morals” led to a mob gathering and serious disorder on the estate. Jama’s sources say: “the whole neighborhood was in chaos because everyone wanted to hurt the boys who were committing homosexuality.” [34] It was therefore probably with some difficulty that the three boys were removed from the area in one piece by the police. Subsequently the boys were charged with disturbing public order because of all this and resisting arrest for trying to run away. [35]

Their troubles did not end there. “[A gay man from Mashhad in his thirties] personally knows Ayaz’s [a relative – member of his immediate family] and he says [an older] half brother of Ayaz outed the couple by confirming to the police the two were doing things for years.” [36] This source believed that this was the sole the cause of the arrest and subsequent execution, though this was disputed by others. However, it may simply be that he went to the police after the arrest described above. It would normal practice in cases involving juvenile offenders to summon the next of kin to the police station. Given that their fathers worked far away it may have been this elder half brother that went there from the Marhoni family.

It is unclear why the half brother chose to tell the police all this, though it may simply be that he felt angry and humiliated by the local scandal about the boys’ behaviour following their arrest. Jama says: “The only thing I can find is about honor of the family. It was a way to “clean” the name of the family in the eyes of the relatives.” Shortly after the execution the Marhoni family moved away from Mashhad to an unknown location. [37]

According to Anna Enayat, a Middle East specialist at St Antony’s College, Oxford, complaints about such a crime by someone such as a close family member or a neighbour will “automatically trigger a court hearing and, if the judge so decides, the formulation of charges.” [38] The element of discretion is therefore taken away from the police. The *Qazis* will accordingly decide what charges trumped up or otherwise are to be drawn up against the accused. *Quds Daily* states that the Entezami (Law Enforcement Forces) were in charge of the investigation. [39] Their remit includes the policing of “morals.”

Quds Daily mentions a total of seven accused in this case but the other five were not tried at the same trial. [40] Clearly they were identified and arrested shortly after Mahmoud and Ayaz’s arrest. Three

others were wanted by the authorities at the time of the execution, so had presumably fled from the city. [41] The two boys of 14 and 15 who fled the scene would be among one of these two categories. The other boys in addition to the five in the original incident were presumably caught up in the investigation as the Entezami pursued their enquiries into Mahmoud and Ayaz's sexual activities.

Jama's sources say that the boys were sent for medical examinations and that Mahmoud, Ayaz and the 13 year old came back positive for recent anal penetration. [42] This is punishable by death for those aged 15 and above and by a whipping of up to 74 lashes for those under that age. Mahmoud and Ayaz were both 15 or above, so they would accordingly be prosecuted on a capital charge.

Similar evidence led to a sentence of death in Tehran in 2000/2001. In this case the doctors could tell he had not only been penetrated but that there was semen in his rectum. [43] Amir of Shiraz a refugee was warned when he was first brought before the Qazis: "if we send you to a physician who vouches that your rectum has been penetrated in any way, you will be sentenced to death." [44] Amir was arrested again but fortunately this didn't happen though he and his co-defendants were warned that they would be executed if they were caught again

Clearly from these cases discretion can be used and such examinations reserved for repeat offenders. However, there are cases where this examination takes place after the first arrest. Both the Tehran case and the Mahmoud and Ayaz case indicate that if somebody like a neighbour or family member complains then this is more likely to be done. Furthermore, if there is evidence of persistent homosexual conduct. However, whether or not discretion is used is up to the individual Qazi and practice may vary widely in different parts of the country.

Mahmoud's lawyer is quoted as saying that they confessed to "the crime" (i.e. *Lavaat*) before the court. [45] We should not use the singular here, not "their crimes." Jama's sources make it clear that he and the other lawyer had persuaded their clients to confess to consensual anal sex since the medical examination proved that they had both been penetrated.

Jama's sources do not state that the lawyers persuaded them to plead guilty to all their crimes, including those associated with the alleged rape. They would have given their clients exceptionally bad

advice if they had done that. The appeals against conviction may have not just been on grounds of age but also against some of their convictions, though none of the Iranian press articles make this clear.

Even if they did confess to everything we should not take such confessions at face value. Extraction of confessions through torture is not uncommon in Iran, as in Saudi Arabia.

Right at the end of the interview with ISNA: “one of the two sentenced individuals claimed that for a period after arrest there was beating and abuse.” [46] However, the article then states: “The accused’s [Mahmoud’s] lawyer denied that the persons sentenced were subjected to beatings during arrest and incarceration” [47] However, such a denial should still be treated with extreme scepticism.

Complaining about the execution of minors seems to be permitted by the regime since there isn’t a consensus among the Mullahs on this issue. This lawyer did indeed do so most vigorously after the executions. [48] He may well have had a guilty conscience since he had persuaded his client to plead guilty thinking, wrongly, that it would help lead to commutation of sentence.

However, for a lawyer to assert that his client was physically abused, let alone tortured, would be treated with far less tolerance. As Payam Shirazi of the Persian Gay and Lesbian Organisation says, “lawyers are usually afraid [for] their life in such subjects.” [49] To do so would cross the informal “red lines” that govern freedom of expression in Iran. In any event as ISNA makes clear both these lawyers were “briefed by the government.” [50] That means they were paid for and acting on behalf of the state rather than their clients and even less likely to raise such issues.

Amir of Shiraz said that after his second arrest he was told by one Colonel Javanmardi: “... that if they catch me again I would be put to death, ‘just like the boys in Mashad.’ He said it just like that, very simply, very explicitly. He didn’t mince his words.” [51]

“We all know that the boys who were hanged in Mashad were gay — the rape charges against them were trumped up, just like the charges of theft and kidnapping against them. When you get arrested, you are forced by beatings, torture and threats to confess to crimes you didn’t commit. It happens all the time, it happened to friends of mine.” [52]



Amir of Shiraz after being beaten and whipped

Photo PGLO

As we have seen, after Amir was first arrested he was warned that if he was sent for a medical examination and if there was evidence that he had been anally penetrated he would be sentenced to death. [53] This was precisely the fate of Mahmoud and Ayaz, according to Jama's sources.

Happily Amir managed to escape from Iran and is now due to move to Canada as a refugee. Sadly most gay asylum seekers from Iran are not so lucky and most are returned. If unlucky they can of course be sent for medical examinations leading if they prove positive for penetration to execution.

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CHAPTER FOUR: THE TRIAL

According to Anna Enayat, a Middle East specialist at St Antony's College, Oxford this type of case would normally be held 'in camera,' particularly if it involved juveniles. [1] There is no contemporary report of the trial. We do not even have a date for the trial.

We are therefore largely dependent on press reports from the Iranian press at the time of and in the days following the executions. None of these journalists would have been present at the trial (though people like Mahmoud's and Ayaz's families would be allowed access) and they would have simply repeated what officials told them to write. This is not a country with a free press. They constantly have to operate within "red lines" that fluctuate. [2] Journalists cross them at their peril. Investigative journalism in the Western sense can lead to a lengthy jail sentence as Akbar Ganji found to his cost. He has only recently been released after six years in prison. [3]

Such trials are unlike ours and often not even remotely fair. This particularly applies to Revolutionary Courts which deal with political crimes. Mahmoud and Ayaz were tried by one of the ordinary 'public courts' which pay a little more attention to legal niceties, but are not much better.

The 13 year old boy's father appeared in court and requested the "maximum penalty" for this "deed against chastity," as the *Quds* article describes it, to set an example to similar offenders. [4] Such a request would be superfluous if true since only one sentence is allowed by law for anal penetration between males, consensual or otherwise, and that is death.

On the advice of their lawyers Mahmoud and Ayaz pleaded guilty to the crime of *Lavaat* (the word is derived from *Loot* or Lot of Sodom fame), even though as I have said the law allows no other sentence than death where there is evidence of anal penetration. As Jama points out, "lawyers in Iran don't have much say, really. They are "briefed" and they stay that way if they value their lives. I wouldn't really blame these lawyers." [5] ISNA describes them as lawyers "briefed by the government." [6]



Mashhad

Photo Iran Chamber.com

Shortly before their execution the boys said: “We did not realise that the perpetration of such a deed would bring about the death penalty.” [7] Given the context, this ‘deed/practice’ (*amal*) was clearly a reference to *amal-e qawm-e Loot* – the “deed of the tribe of Lot” or anal penetration between males.

It was widely reported in the Iranian press that they had been convicted of *Lavaat-e beh ‘Onf* which means “homosexual acts with force.” [8] However, there is no such specific offence in Iranian law. All sex acts between males, consensual or otherwise, are charged simply as *Lavaat*. Unlike *Zina* or heterosexual ‘fornication’ there is no sub-category that is equivalent to rape. [9] Therefore those in the West who asserted that they were convicted of ‘rape’ are not quite correct legally speaking.

Lavaat covers all types of sex between men both penetration and *Tafhiz* (literally rubbing) and the like’ which would cover such things as interfemoral (between the thighs) intercourse, oral sex, and mutual masturbation. [10] The crime is punishable by death for the first offence where there is anal penetration or where a non-Muslim ‘tops’ a Muslim in the case of other sex acts. [11] In other cases the penalty is 100 lashes for the first three times they are convicted and death for the fourth offence. [12] None of these penalties apply where the accused is a boy under the age of 15. In their case they will be punished with up to 74 lashes in any case of *Lavaat* unless they can satisfy the court they submitted under duress. [13]

The manner of proof of *Lavaat* includes confession repeated four times, as would have happened in this case. [14] Also the scarcely used rule where four witnesses say they see the physical act. [15] Finally proof can be by the “knowledge of the judge.” [16] The last of these three means: “the judge’s certainty that a crime has been committed” and involves the use of circumstantial and ordinary evidence. [17] It includes the use of medical evidence of the relevant sex acts and the questioning of the accused in court by the judges. If anything conviction is easier than in Western courts, contrary to what is often suggested.

Jama’s sources say they were tried for consensual anal sex. He says, “I definitely know with their lawyer’s advice, both convicted boys pled guilty to consensual anal sex.” [18] It is likely that even if the boys had not confessed to this crime they would have been convicted anyway as, according to Jama’s sources, there was clear medical evidence they had been recent anal penetration. [19]

Most of the Iranian press reports available on the web at the time of the case do not clearly suggest that consensual anal sex was among the charges. One possible exception was a ‘hard line’ Iranian publication called Baztab stated that they had been executed “by reason of *Lavaat* and *Tajaavoz* (rape)” [20] implying that both consensual and non-consensual acts had been alleged in the case (both would be *Lavaat* legally speaking of course in this context). By a curious coincidence this paper is run by a former head of the Revolutionary Guards.

OutRage!’s principal source on the case said “one does know (according to the news) that they had sex together and it is used against them in the court.” [21] We should not dismiss the possibility that there were other articles on the case that said that, which people in the West have not seen. We should recall for instance that there are “missing” issues in the *Etemaad* (a reformist paper) archive at the time of the case (20th July to 25th July 2005). [see above page 27]

The Iranian chargé d’affaires in Brussels while being ‘carpeted’ by the Belgian Foreign Minister let slip that he had been told by Tehran that they had been convicted of BOTH rape and “homosexual activities,” suggesting that a mixture of consensual and non-consensual acts had been alleged. [22]

Also some German web sites in the days following the executions suggest this was the case and appear to reference local sources. [23]

The boys were also convicted of the non-capital offences of drinking alcohol for which they sentenced to 80 lashes with a whip, theft for which they received 74 lashes, and disturbing public order, for which they also received 74 lashes. [24] According to Jama's sources, the reason for the charge of disturbing public order was the commotion that was caused on the Shaheed Beheshti estate when word spread round about what they had been caught doing. Furthermore they were charged with resisting arrest for trying to run away. [25]

Judging by the cases I have seen on the internet, the total of 228 lashes with a whip is an unusually high number when accompanied by a sentence of death. It is further evidence that the youths were treated with exceptional vindictiveness.

Iranian exiles have told me that it is normal practice to give the beatings just before the execution. This was not done in this case, I suggest not so much out of humanity, but because there might be a risk that such a high number of blows all at once could cause death themselves and therefore 'spoil' the execution. Hadi Ghaemi, researcher at the Iran desk of Human Rights Watch, thinks though the whippings are most likely to have taken place in prison, contrary to what the Todestrafereport suggested on the day of the execution. [26]

In addition they were both convicted of 'fighting' and 'destruction.' Mahmoud was convicted of extortion and an assault with a knife. Ayaz was convicted of intentional wounding. [27] They were sentenced to fines and imprisonment for these additional crimes. [28]

Quds Daily says three witnesses were produced in court to say that they had started fights, and had been breaking glass and smashing up cars in the area. [29] We should note that the article does not claim as some have suggested that these witnesses interrupted or witnessed the alleged rape. The presence of these witnesses may indicate they had pleaded not guilty to such charges since otherwise they would be superfluous. *Quds Daily* claims they pleaded guilty to "fighting" but the mention of

witnesses to that crime may indicate that this is not true and calls into question the claims of guilty pleas to other offences including those related to the alleged rape. [30] Given the nature of the publication, this article does not necessarily give a full and accurate description of the trial.

In my view these charges were not a reflection of actual behaviour but part of a character assassination. There are numerous other examples of this in Iranian trials. Some believe this was related at least in part because of their race. The British Ahwazi Friendship Society, in their article about this case said:

“By targeting Arabs, the Iranian regime is clearly using the social taboo of homosexuality and the heinous crime of child rape to justify the social marginalisation of the Ahwazi Arab population. Racial discrimination against Arabs and the summary nature of the Iranian justice system mean that Arabs rarely receive a fair trial. Criminal charges are often trumped up to achieve political ends, in this case the portrayal of Arabs as morally degenerate.” [31]

This is very far from being the case solely for ethnic minorities though. There have been numerous examples of unfair trials of the Persian majority as well.

As Jama says: “In Iran, people don't get executed just because they are something or another because people would rise up against the regime. So they make up horrible crimes in which people then can go "well, they may deserve death." For example, when a prostitute was once executed in Shiraz, she was accused of giving HIV to a man without his knowledge. The community, however, claims this woman was negative.” [32]

“Very few of the gays that were executed over the last twenty five years are executed with the public's knowledge of their homosexuality alone. More often than not, people have been accused of rape, murder, terrorism, etc etc etc.” [33]

As OutRage!'s principal source on the case put it: “What we know is that it always has been the case that when they kill some one the newspapers, the court authority and the governments usually add a lot of things to the convicted's so called crime, to gain public support and make people think that this

government is really good in fighting crime and support them, and it doesn't matter if the convicted is a political opponent or gay or as example: when they killed Ali Sirjani a famous writer who was very much anti regim[e], they adde[d] that he was gay and had gay sex and had used drugs as well.”

[34]

Other unnamed co-defendants of the youths were reported in some publications as sentenced not to death, but to whipping, imprisonment and banishment from the city after release. [35] *Quds* speaks of five others in this case but does not say what their sentence was. [36] They were not tried at the same time. Mahmoud and Ayaz were clearly singled out for execution though this may simply be because, as Jama's sources say, there was medical evidence of anal penetration in their case. [37] The only other boy said to have tested positive for this was aged 13 so too young to hang.

Hard as it may be for us to believe, Jama's sources say that the 13 year old boy later presented as a victim of rape was also sentence to be whipped. He would be liable for a whipping both for having sex at the time of arrest and on account of a medical examination that proved recent anal penetration, according to the claims of these sources. [38]

Though not be liable for execution as he was under the age of 15 lunar years he would still be liable under the penal code for a whipping of up to 74 lashes for *Lavaat*. [39] The wife of the police officer who saw the boys having sex is said to have testified in court that the boy was engaged in receptive oral sex with Mahmoud and a willing participant. [40]

According to Jama's sources a governmental official said this boy was indeed whipped. However, Jama adds: “I don't know if the boy was "actually" lashed, but a source in the govt claims so. The father of the son is a high ranking [officer] in law enforcement. I don't know what branch. I do know a lot of times when a child of a high ranking official is guilty of something, often they are let go while it is claimed in the media that they were punished.” [41]

If he was in fact whipped, to us in the West this would seem utterly, bizarre and unbelievable. Why if his father was able to “pull strings” would he allow his son to be whipped and then have him presented to the rest of the world as a victim of rape?



Mashhad, a bazaar

Photos Kakura.jp

We should bear in mind though that this would have nothing to do with his son's own welfare and everything to do with the father preserving his own good name and reputation and the honour of his family. Jama explains: "in the Middle East, reputation precedes all forms of concern for family. People would rather murder their own children to 'save' the honor of their family reputation. It is a sick mentality but that is how it works." [42]

As OutRage!'s source put it: "that the father of the 13 years old boy had been outraged is nothing new as due to society's view on homosexuality every family denies that their boy/daughter is gay and blame others, so the claim that the father had been angry is not unusual." [43]

The state would be happy to go along with this because for this regime to survive it must constantly back up its law enforcement and state security forces to stay in power. Should these forces once lose the will to suppress dissent this regime, like many other despotisms before it, will collapse like a house of cards.

Since the early 1990s the regime has avoided publicising executions for consensual gay sex. [44] Two different sources, one an internal Iranian source and the other an asylum seeker in Britain, give a possible example of this. They state that they heard a story that two or three gays had been executed in Khoramabad in early 2005. These executions were not publicised and the details of the case are vague. [45]

Mr K is a former Iranian lawyer who gave evidence to an asylum appeal tribunal in Britain. He said he had witnessed cases and defended such clients who had committed *Lavaat* and who had been sentenced to the death in Iran. [46]

He added in his evidence that: “No journalist was allowed to report on these cases and no lawyer could obtain a copy of the file documents. He stated that there was no statistical evidence as to the number of people killed for this crime each year, given the threats to families not to talk about the reason for death. He also stated that the Islamic clerics insisted that these cases remain private to try and protect the Islamic society from being corrupted, and that publicity might cause other people to commit these sinful activities.” [47]

However, there may be exceptions and there may be cases of consensual gay sex that are publicised but ‘masked’ as rape cases. As Paula Ettlbrick of the International Gay and Lesbian Human Rights Commission says: “It’s clear that a pattern is emerging in which young men are executed as couples and that the crimes they allegedly committed always involve some form of sexual assault of another male.” [48]

I myself have found four such publicised cases from December 2004 to November 2005, including two in Mashhad (including that of Mahmoud and Ayaz), one in Arak and one in Gorgan, which all mention a strikingly similar list of charges. [49]

Because since the early 1990s homosexual cases are either not publicised at all or, it is believed, “dressed up” as rape cases then it is hard to say under what circumstances the death penalty will and will not be used for homosexuality. However, judging by the recent cases I have seen, a distinction seems to be drawn between those whose homosexual activity is seen as ‘incidental’ and ‘experimental’

and those whose behaviour is more 'habitual' and therefore indicative of a definite homosexual orientation.

Islamists do not accept the idea that there is such a thing as a 'fixed' sexual orientation that cannot be changed. Shi'a authorities in particular would reject that as they believe firmly in free will. However, they do not entirely reject the concept although it would be dressed up in religious terms. They believe that such an 'orientation' is formed following puberty, making the "corruption" of a boy of 13 or a few years older a strong possibility in their view. [50]

Juveniles might be treated more leniently as they might "grow out of it," but not if they are considered to be "habitual Sodomites" who were "spreading" their "corruption" among other boys. Sources indicate that Mahmoud's and Ayaz's behaviour was persistent. They would be seen as *Mofsed fil Arz* (corrupters in the Earth) who must not be suffered to live. [see below pages 55-58]

In 2001 two High School students, both aged above 15, were caught in the act of "sexual intercourse" by a school cleaner on a school premises in North Tehran. They experienced considerable violence on and following arrest. They confessed their crime. However, they were not convicted of a capital crime and not sentenced to death. One aged 16 was sentenced to three months imprisonment and to 70 lashes which could be commuted with payment of a fine. It was made clear to him by the judge this was only because he was under 18 and this was his first offence. [51]

This was probably also because it was seen as a "one off" act of experimentation. What was probably not known was that the boys were regular partners and in one case he had had two previous regular partners by the age of 16. [52] They might well have been treated much more harshly if this had been known.

About the same time a university student above 18 was sentenced to death after evidence was brought before the court that he had been repeatedly penetrated by another man over a long period of time. Semen was found in his anus and he confessed to his crime. [53] The offences also took place in North Tehran, which relatively speaking is supposed to be more 'liberal' than other parts of the country.

As is said of Mahmoud and Ayaz he had been sent to the doctors for a medical examination. This may be because a complaint was laid by somebody close to him, in this case a room mate rather than a family member. We don't know for sure but it may be policy that if such a complaint is made then the offender is treated much more harshly and is much more likely to face the death penalty.

More recently two men were sentenced to death, again after a complaint by somebody close to them, in this case one of their wives. Again this was in Tehran, and the sentence was clearly for consensual *Lavaat* with each other, also over a long period of time. This case involved a prostitution type relationship. The younger man's wife discovered a video of them having sex together which she took to the *Qazis* resulting in their arrest and conviction. [54] One was married so stoning to death was a possible sentence, although it was not stated if this was the case.

This contrasts with the treatment of some factory workers who were brought before the courts and accused of an incident involving anal sex in the work place. They were defended by the same lawyer as the case of the student above, who is the source of both accounts. The workers claimed they were just "joking" around and had not committed the act. They said they had just "put a pipe on his back." The court accepted this defence and sentenced them to lashes instead of passing sentence of death. [55] Again the incident would appear to the court to be one of casual experimentation, which may account for the leniency in this case.

There have been one or two cases where young men have simply disappeared after being arrested in a local park used as a cruising area in Tehran and are presumed by local circles to be dead (it is unclear if this a reference to two separate men or the same man according to sources). In one story it is suggested that he had been arrested several times before. [56]

We cannot be sure that if this was because this man was (or these men were) executed. However, if this was the case, then it would be another instance of where evidence by the police of 'habitual' or 'persistent' homosexual behaviour was used by the courts to justify an execution.

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CHAPTER FIVE: COULD THEIR LIVES HAVE BEEN SPARED?

The case went to appeal. Like the original trial there were no reports released at the time and we do not know the precise date of this appeal. Nor do we know the grounds for appeal whether simply against sentence on grounds of age or against any convictions to which they had pleaded not guilty.



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In spite of their age, and the International Conventions the regime had signed against juvenile executions, the appeal was denied. The case would then have been referred to the Amnesty and Clemency Commission (*Komisyon-e 'Afv va Bakhshoudegi*) which would then decide whether or not to commute the sentence. This has to have the agreement of the head of the judiciary, Ayatollah Shahroudi.

With or without consent *Lavaat* (also called *hamjensbaazy* or homosexuality in the physical sense) is amongst the most serious of capital crimes in Iran. Under the Ja'fari school of Shari'a that prevails in Iran, it is unique in its range of forms of death sentence including stoning and burning alive. [1]

Grand Ayatollah Sistani, one of the most influential leaders of this school in Iran as well as among the Shi'a in the rest of the world, stated the judgement for homosexuality is that it is: "Forbidden. Punished, in fact, killed. The people involved should be killed in the worst, most severe way possible." [2] This was no idle remark and is binding on any who "follow" him as a "source of imitation" and are bound to follow his pronouncements on such subjects, including in the framing of legislation and make decisions on whether or not to commute a sentence of death.

The former leader of the country, Grand Ayatollah Khomeini called for homosexuals to be "extirpated" as "parasites and corruptors of the nation" who "spread the stain of wickedness." [3] He is still a major influence and there is no evidence that his successor Ali Khamene'i has different views on the subject.

According to the only interpretation of the *Qur'an* accepted by the regime it was for their persistence in homosexuality that the 'tribe of *Loot*' (Lot) were destroyed. [4] Shi'a tradition states that it was Satan himself who went to Sodom and taught them this crime. They performed it first upon him and then on each other and then by force on any hapless travellers who came to the city seeking hospitality. [5]

An internal Iranian source tells me that the slogan "When a man mounts another man the throne of Allah shakes" is emblazoned on some walls in Iran. Recently Ayatollah Jannati, a senior figure in the regime, said in an outburst against the West:

"You have made homosexuality official and legal. I spit in your face. The world should be ashamed of your deeds. Humanity should be ashamed. Your shamelessness should cause humanity to sweat in shame. A boy marrying a boy." [6]

However as Mahmoud's lawyer pointed out, normally death sentences for those under 18 are commuted to five years imprisonment. [7] Yet, as with these boys there are clearly juvenile cases where they decide not to do so. We do not really have enough information to say how often they would refuse to commute sentences in a juvenile *Lavaat* case.

Some local people think the alleged position of the 13 year old boy's father in the Revolutionary Guards had a lot to do with why Mahmoud and Ayaz were executed. [8] If true, it would certainly explain why they were prepared to risk international opprobrium by holding it in public to demonstrate support for their henchmen. It would have been much easier to execute them secretly inside a local prison.

If we accept Jama's account of the real reason for the arrest the authorities may have wished to hold the execution in public to appease the blood lust of the homophobic mob that assembled after they were caught. What Jama's sources say they were really doing would have been viewed as far worse than any rape. It would be viewed as "spreading" of homosexuality among other "innocent" teenagers. Therefore they would be classed as *Mofsed fil Arz* (corrupters in the Earth) who should be killed.



ISNA/ PHOTO : MASHHAD

Grand Ayatollah Ali Khamene'i, the *Vali-e Faqih* of Iran, with Ibrahim Ja'afari, the 'Iraqi Prime Minister, in Mashhad on the 18th of July the day before the executions [ISNA Khorasan 1384/04/27 (18/07/2005)]

The concept of *Mofsed fil Arz* is used as a 'catch all' to justify killings by the regime. For it is suggested in the *Qur'an* that no life should be taken except for murder or *Fasaad f'il-ArD* (corruption in the earth). [9] Since the latter term is ill-defined this regime uses it as a pretext for killing amongst others dissidents, drug users, and people guilty of homosexuality and other sex crimes. Multiple additional charges serve to reinforce the label of "corrupter in the Earth."

As is suggested in the previous chapter, a distinction may be drawn between casual experimentation and evidence of a habitual course of criminal conduct. The evidence we have is that Mahmoud and Ayaz were in a long term relationship and had been having sex with other boys for a period of time and therefore their behaviour would have been regarded as 'habitual.' Accordingly there may have been the fear that they might "corrupt" other prisoners if their sentence was commuted.

There was however still one man who could have spared their lives, Grand Ayatollah 'Ali Khamene'i the leader of the country. He was present in Mashhad on the day of the execution. [10] At the time of the execution he was hosting a visit by leading members of the 'Iraqi government at the time and had arrived the day before.

As the *Vali-e Faqih* [Governor of the Islamic Jurist] he could have spared their lives under article 126 of the Penal Code in the first place if the trial judge or *Qazi* had requested this. [11] This procedure only applies if the defendants, like Mahmoud and Ayaz, have confessed their crime and performed *Tawbah* or Islamic Penance. This may have been an additional incentive to plead guilty, at least to consensual anal sex. The penance takes the form of a series of rituals washing, prayers and recitations from the *Qur'an*. It is supervised by the mullahs who ensure that such repentance is sincere. As head of state Khamene'i has the power to commute any death sentence in any case, with or without the agreement of the trial judge.

They said: "we have already performed *Tawbah*." [12] This can be done in Iran to try and get a reprieve shortly before an execution. However in this case it did them no good. Penance or no penance, they are likely to have been regarded as "habitual Sodomites" who should be killed for their "own good," in case they sin more and die unrepentant. For according to Shi'a tradition if a Sodomite dies unrepentant then his body will be spirited away from his grave to the land of Sodom to await the day of resurrection when it will be raised with the original Sodomites for eternal punishment. [13]

Khamene'i himself was born and raised in Mashhad. As the 'Place of Martyrdom' (the meaning of the word Mashhad) of one the early Shi'a leaders Ali al Reza (poisoned circa 818 AD), it is one of the holiest cities in Iran. To commit homosexual acts in such a place would be regarded as an outrage by Ayatollah Khamene'i and other Shi'a clerics. There was also a case where two males of unknown age were executed on a strikingly similar list of charges the previous year. [14]



Shrine of Imam Ali al-Reza, Mashhad

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CONCLUSION: WERE THEY MARTYRS?



Mahmoud (left) and Ayaz (right) in their dying moments

Photo ISNA, Mashhad

Research into this case has been difficult. Particularly difficult has been verifying and corroborating some information I have been given by internal sources through indirect channels.

Such sources for their own safety cannot go ‘on the record.’ I certainly would not wish to put anybody in danger in order to reinforce or prove my point. Therefore I have not been to prove absolutely all that I claim about the case. However, I am confident that I have got as close anybody is likely to get to the truth about this case in present political circumstances.

My conclusion from all this is that Mahmoud and Ayaz were killed because they were gay (*hamjensgaraa*), even if the authorities themselves would describe them as “habitual Sodomites” rather than use that word. To make matters worse there is clear evidence that they were both under the age of 18 at the time of their (many) alleged crimes and in at least one case at the time of the execution as well. In my view, they were killed as much for their sexual orientation as for any specific sex act. They were killed, at least in part, because of a superstition about a legend concerning a long lost ‘tribe’ that lived in some cities in the Dead Sea area four to five thousand years ago and about whom historians know next to nothing.

As “habitual Sodomites” they may have been regarded as “spreading” that sexual orientation among the “innocent” as if it was some disease one can catch. Behind the religious trappings we see the

standard homophobic hogwash. Also, having examined the evidence I simply do not regard the claim of rape against them as credible.

There may have been a political angle to the case if it is true that one of those “corrupted” was the son of a senior officer, possibly in the Revolutionary Guards. It may even explain why the case was presented as a rape case not so much so as to establish the guilt of Mahmoud and Ayaz, but the “innocence” of that son in the public’s mind for the sake of the father’s good name and reputation.

It is unclear if racial discrimination was a strong factor in causing their execution. However, in my view, they were victims of crude stereotyping.

There is not a scrap of evidence to support the claims that the National Council of Resistance in Iran or the Peoples Mojahedin were the source of reports that the boys were gay, as some persist in suggesting. The reports that the boys were gay clearly came from local sources that knew the boys personally, including their families.

I will doubtlessly be denounced in some quarters as “Islamophobic” for writing this, just as the campaign against the executions was denounced as “Islamophobic” and even “racist.” I reject that charge. This regime no more represents the true spirit of Islam than the Spanish Inquisition represented the true spirit of Christianity. The idea that Shari’a Penal Law, which has scarcely changed since the early Middle Ages, is some essential part of the religion and must not be questioned should be rejected.

Of course any proposed military aggression against Iran must be opposed. This will actually help the regime stay in power as it will use it as a pretext to crush any opposition, just as they did during the Iran-Iraq war of 1980-88. However, that does not mean that human rights abuses in Iran must not be criticised. As Akbar Ganji says: “whoever remains silent against crime, shares equally in that crime.”

Not everybody will agree that Mahmoud and Ayaz were martyrs. However I would hope that most people would agree that not only were they subjected to a barbaric and cruel death, but also that there was a huge injustice perpetrated against them and that they were the subject of character assassination.

What was their true character? My assessment of the evidence suggests they were just two fun loving teenage kids who were in love and who had never harmed anybody. They sought out secluded places to be intimate with each other and have sex with their friends.

Then one awful day they were caught. They and another friend found themselves at the centre of a howling homophobic mob. Following arrest they were beaten. They were sent for medical tests and to their horror were told what their friends had done to them meant they would be sentenced to death. They were made to apologise for their love and their sex together and with their friends. Lie after lie was told about them in court. They were brainwashed into self-hatred. They performed penances for this. They abased themselves before the mullahs and pleaded for mercy. It was denied.

Their all too short lives ended in the Square of Justice in the Place of Martyrdom. This tragic story ends with their lifeless bodies hanging still from a metal gallows as the prurient crowd begins to drift away having seen their morning's 'entertainment.' Their love and their lives were destroyed by a warped regime based on warped ideas about sexuality. We should never forget them.



Sunset near Mashhad

Photo: Kakura.jp

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