



November 25, 2009

Mr. Fredrik Reinfeldt, The Presidency of the European Union, Prime Minister of Sweden  
+46 8 723 11 71

Mr. Carl Bildt, Foreign Minister of Sweden,  
+46 8 723 11 76

Dr. Guido Westerwelle, Foreign Minister of Germany  
+49 30 2 27 7 65 62

Dr. Bernard Kouchner, Foreign Minister of France  
+33 1 01 47 05 27 39

Mr. Lawrence Cannon, Foreign Minister of Canada  
+1 613 996 9709

Your Excellencies:

I am writing on behalf of the International Gay and Lesbian Human Rights Commission (IGLHRC) to request an immediate diplomatic intervention to save the lives of a number of Iranian men, including minors and people who were minors at the time the alleged crimes occurred, who are currently in detention after having been convicted of sodomy and sentenced to death. These men include Ghaseem Bashkool, Mahdi Pooran, Hamid Taghi, Ebrahim Hamidi, Mehdi Rezaii, Hamze Chavoshi, Loghman Hamzepour, Mohsen Ghabraii, and Nemat Safavi (see appendix).

As you know, Iran has one of the highest rates of execution in the world. Imposing the death penalty for sexual crimes is an cruel and unusual form of punishment, which violates international human rights law. The United Nations Human Rights Committee has stated that under the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a party, that applying the death penalty for 'homosexual acts' violates Article 6, and that criminalization of private sexual relations between consenting adults is contrary to Articles 17 and 26. Additionally, the Special Rapporteur on Extra-Judicial, Summary, and Arbitrary Executions has expressed concern numerous times about the use of the death penalty for consensual sodomy and has stated that criminalizing sodomy "increases the social stigmatization of members of sexual minorities, which in turn makes them more vulnerable to violence and human rights abuses, including violations of the right to life."

International Gay and Lesbian Human Rights Commission  
80 Maiden Lane, Suite 1505, New York, NY 10038  
T: 212-268-8040 F: 212-430-6060 E: [iglhrc@iglhrc.org](mailto:iglhrc@iglhrc.org)

Over the past three decades, the Iranian authorities have persecuted many of their citizens for sodomy, a crime that the Iranian Penal Code states is punishable by death. Unfortunately, the sodomy law has been frequently used to punish minors and consenting adults who were privately involved in same-sex practices, and those who have never been involved in such practices.

Although the Iranian Penal Code is very strict about the level of evidence required to prove sodomy, including a requirement of the testimony of four, reliable, male witnesses who have seen the sexual act and are able and willing to testify before the court, the courts often rely on inadmissible methods. These methods frequently include forced confession under severe physical and psychological pressure or torture, the speculation of the judge (known as the "knowledge of the judge"), forced medical exams, and reports by informers.

The defendants are denied fair and open trials; due to the taboo nature of sexual crimes, lawyers, human rights activists and reporters find it next to impossible to advocate on behalf of the defendants. Furthermore, the Iranian judicial system does not allow independent observers to examine the outcome of the courts and those who dare to advocate for the defendants are often harassed by the government and vigilantes.

The lack of transparency and due process for defendants, the imposition of the death penalty for minors, and the frequent violations of strict guidelines of the Iranian Penal Code for trying sexual crimes demonstrate the fundamentally unjust nature and implementation of the sodomy law in Iran. Regardless of the sexual orientation and gender identity of these defenders, the Iranian government should not murder its own citizens based on allegations of sexual behaviors that are nearly impossible to prove under Iranian legal standards.

I strongly urge you and your government to use your diplomatic influence on Iran to stop the pending executions of the minor and adult men already convicted of sodomy.

Respectfully,



Cary Alan Johnson  
Executive Director, IGLHRC

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The International Gay and Lesbian Human Rights Commission's mission is to advance human rights for everyone, everywhere to end discrimination based on sexual orientation, gender identity, and gender expression. A non-profit, non-governmental organization, IGLHRC is based in New York, with offices in Cape Town and Buenos Aires. [www.iglhrc.org](http://www.iglhrc.org)

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## Appendix:

The following sodomy cases have been brought in the Iranian judicial system within the past three years. We are still investigating other possible cases in which men have been charged with sodomy, convicted, and sentenced to death.

1. Ghaseem Bashkool, son of AzizAllah and born in 1984, was arrested along with another young man on May 31, 2007 on charges of sodomy. Both men were convicted despite an absence of credible evidence, and sentenced to death. At the time of the arrest, Qhassem was a third-year student of applied mathematics, but following his arrest, he was expelled from the university. The negative publicity around his case also took a toll on his family, causing them great social and economic hardship.

The First District of the Criminal Court of the Ardabil province found both men guilty of sodomy and sentenced them to death. In February 2009, an open letter surfaced on the Internet in which he pleaded for his life. In his letter, Ghassem insisted that the sodomy allegation was baseless and that in the absence of any credible evidence, the judge had referred to the "knowledge of the judge" as the basis of his ruling. At the time of the writing of the letter, Ghassem had spent 20 months in Ardebil prison.

Despite repeated efforts by a number of lawyers and human rights defenders inside Iran to investigate the situation, it currently remains unclear.

2. In February 2009, an informed source at the Fars Province Bar Association confirmed that the Fourth District of the Criminal Court in the Fars Province had convicted a man of sodomy and, in accordance with Article 110 of the Islamic Penal Code, had sentenced him to death by throwing him off a cliff.

Following the gruesome ruling of the Court, the accuser decided to withdraw his complaint and asked the Court to close the case. Instead, the Court ruled that the public aspect of the case (in the Court's language, "the violation of the divine law"), forces the Court to prosecute the defendant regardless of the accuser's demand. However, in the absence of the private complaint, the Court ordered a retrial and that the earlier ruling to be nullified.

We are gathering information regarding the current status of the ruling and the defendant.

3. On Aug 9, 2008, the Iranian reformist newspaper Kargozaran, which was later shut down by the government, reported on the conviction of 4 young men in Tabriz (North-Western Iran) for sodomy. According to the report, Mahdi Pooran (17-years-old), Hamid Taghi, Ebrahim Hamidi, and Mehdi Rezaii were found guilty of sodomy by the Second District Criminal

Court of Tabriz in July 2008, and were sentenced to death. The case was based on a complaint by a 19-year old man with a history of family feuds with the defendants, Hojat, who accused the defendants of physical and sexual assault. Although Hojat consistently told the court that he had no witness for his alleged rape, in the last session of the court he introduced 3 of his male relatives as witnesses to the rape. Given the absence of 4 male witnesses, the Court's ruling was based on the "knowledge of the judge."

The prominent Iranian human rights lawyer, Mohammad Mostafaii, who represented the four defendants, believes his clients were framed. In a post to his blog, he says that following a fist fight between his clients and a group of four young men who trespassed and were damaging a piece of land owned by Ebrahim's father, the police intervened and arrested his clients, accusing them of gang-rape. Since his clients declared their innocence, the police officials started beating and torturing them for 3 days, hoping that at least one of them would confess to the sexual act. After 3 days, the police referred the case to the court as a sodomy rape case.

After the initial hearing, the court ordered the release of the men on \$10,000 bail, but it took the defendants 28 days to provide the bail and get out of jail. Fifty-five days later, during the trial, the Deputy District Attorney requested the death penalty for the defendants. The court sentenced all defendants to death penalty, which will be carried out after approval by the Iranian Supreme Court at an unspecified time.

4. In February 2008, reports surfaced of the arrest of two young men, Hamze Chavoshi (19 years old) and Loghman Hamzepour (18 years old), in the Kurdish city of Sardasht in Western Iran. Both men were accused of sodomy. Their current status is under investigation.
5. Sources have informed us that a Court in Shiraz found Mohsen Ghabraii guilty of sodomy and sentenced him to death. Despite his lawyer's appeal, his death sentence was upheld by the Supreme Court and it will be carried out soon. Mohsen, who at the time of the alleged crime was a minor, has pleaded not guilty and has insisted on his innocence ever since.
6. Nemat Safavi, now 19 years old, was arrested in June 2006 at age 16 for alleged sodomy. According to reports in 2008, the Criminal Court in Ardebil sentenced him to death. Nemat was first sent to a juvenile detention center and was later admitted to the young adult prison facility in Ardebil, waiting for his death sentence to be reviewed by the Supreme Court.

According to an investigation performed by the Committee of Human Rights Reporters (CHRR) in November 2009, the Supreme Court overturned Nemat's death sentence on March 4, 2009 and sent the case to another criminal court in Ardebil for retrial. Efforts are currently underway to provide Nemat with a defense lawyer who can convince the court of his innocence and prevent another death sentence for him.