

Twelve Men Face Execution for Sodomy in Iran

For first time, activist confirms queer organizing on university campuses

Sunday 27 December 2009, by [IRELAND Doug](#) (Date first published: 10 December 2009).

Ten young Iranian men, including eight teenagers, are currently awaiting execution for sodomy, and two more are being re-tried on the same capital charge. And, in an exclusive interview with Gay City News, an Iranian student gay rights activist confirmed for the first time the existence of queer organizing on multiple university campuses throughout Iran.

The information about the ten youths currently under sentence of death for sodomy (lawaat in Persian) was released on November 25 in a joint appeal by the International Gay and Lesbian Human Rights Commission (IGLHRC), the Iranian Queer Organization (IRQO), and COC of the Netherlands, the world's oldest LGBT rights group, founded in 1946. The three organizations called on Western countries "with significant diplomatic and economic ties to Iran, including Germany, France, Canada, as well as the European Union, to pursue diplomatic efforts to cease these executions."

It is extremely difficult to obtain information about death penalty cases involving homosexuality under today's repressive theocratic regime in the Islamic Republic of Iran, where the press is heavily censored and journalists, regime critics, and human rights advocates are routinely persecuted and arrested and where the subject of same-sex relations is officially considered a political and religious taboo. Defendants in sodomy cases are denied open trials. Last month, Human Rights Watch, basing its finding on an Iranian newspaper report, told of the execution of two men for sodomy.

Most of the new information about the 12 defendants now threatened with execution for sodomy was provided by lawyers and activists with the Committee of Human Rights Reporters (CHRR) in Iran, according to Hossein Alizadeh, the Middle East and North Africa program coordinator for IGLHRC, while contacts in Iran provided by IRQO yielded additional information, he told Gay City News.

CHRR, founded in 2005, has become one of the most important sources of information about human rights violations in Iran and recently became the first Iranian human rights organization to officially recognize the LGBT rights struggle by creating a Queer Committee to deal with persecution of sexual minorities. ("Queer" is the translation preferred by Alizadeh and other gay Iranians for the Persian word "degar-bash," a term meaning "different" and which embraces gays, lesbians, and transpeople.)

Hesam Misaghi, a 21-year-old leading member of CHRR's Queer Committee, speaking through a translator by telephone from Isfahan, Iran's third largest city, told Gay City News that this committee had been established some five months ago. The establishment of the Queer Committee by CHRR "is the sign of a new cultural awareness, because a new generation of Iranians no longer share the reactionary views of the regime with regard to sexual minorities," said Misaghi, who courageously insisted on using his real name for the interview with this reporter. He added that "while an important part of those with this new attitude are secular, there is even a new generation of conservative Muslims who want to recognize queer rights." Most of CHRR's activists are in their

20s, 30s, and 40s, and a number of them have been arrested and harassed by security forces for their human rights work.

"We're not afraid of criticism from other human rights organizations or from society" in taking up the cause of queers, Misaghi said. "While since the fraud-tainted elections the regime has been putting repressive pressure on all sectors of civil society, one way the government wants to prove its authority and show its muscle is by persecuting and silencing sexual minorities and other marginal groups." The activist added that "people in all the other CHRR committees and departments cooperate fully with the Queer Committee and help out." The Queer Committee's activism, Misaghi said, is "empowered by students."

Misaghi confirmed to this reporter the existence of queer organizing on a number of university campuses throughout Iran, marking the first time that a student activist has spoken openly to a Western reporter about this new development. The reason there has been no reporting outside Iran on campus queer organizing, according to the activist, is that "based on what I've experienced, there is great secrecy on the part of student queer activists, most of whom use aliases in their work, and in issuing public statements will do so only in the name of a group. There is no visibility, no head figure, no out activists."

A joint statement from several campus groups and signed "Queer Students of the Iranian Universities," issued for the December 7 nationwide commemorations of what is known as Student Day and addressed to the larger Iranian student movement, declared: "Considering that a considerable number of students are sexual minorities and the fact that many queer activists are either students or alumni of Iranian Universities, on the eve of this year's Student Day we should embrace a more thorough meaning of human rights values that includes the rights of queers. It is also imperative that those in the Green Movement [the name given to the pro-democracy, anti-regime agitation following the fraudulent elections] who are working on the draft of Iran's new constitution, expand their horizons and include the sexual rights and protection of sexual minorities in this document.

"The queer students of Iranian universities would like to address the Green Movement in friendship and solidarity and tell them that the respect for human rights and the rights of all citizens is above and beyond all other demands, including the desire of the leaders of the student movement to protect the [framework and the principles] of the Islamic revolution."

The December 7 Student Day commemorates the 1953 slaying of three students during a protest under the late shah, and this year was marked by large anti-regime demonstrations at campuses across the country, including by hundreds of students chanting anti-government slogans at Azad University in Mashhad, the city in which the hanging of two teenagers on sodomy charges in 2005 sparked world-wide protests. The demonstrators in Tehran, who chanted, "Death to the dictator" and "Do not be scared, we are all together," were violently attacked by Basiji, the thuggish parapolice the regime employs to attack dissidents and muscularly enforce its stringent morals policy. Tear gas and even live rounds were reported to have been used, and all university campuses were surrounded by security forces. On other occasions, the Basiji have used beatings, kidnapping, and torture against queers.

Misaghi explained the queer students' declaration by observing, "The majority of the student movement is dominated by conservative Muslims, who, even when they criticize the current regime, defend the Islamic Republic and aren't at all sympathetic to queer rights, due to the taboo nature of homosexuality in the Islamic Republic. Leftist student groups are more inclined to support the queer struggle. But this is a zero tolerance regime, and even student critics who share its Islamist ideology are subjected to arrest and persecution."

Misaghi noted that “as an indicator, when the Queer Committee of CHRR puts out a statement, it is the leftist groups and students of leftist tendencies who pick it up and redistribute our statement” in their blogs and literature.

The student movement as a whole has been under serious attack in recent weeks, with at least 130 students arrested as of December 9, according to Hadi Ghaemi, director of the US.-based International Campaign for Human Rights in Iran.

Misaghi told Gay City News that on Student Day he was part of a conference to talk about the student movement, but that the meeting was dispersed by riot police. When Misaghi was a second-year student at Isfahan University, he was expelled for being a member of the Baha’i faith, a monotheistic religion founded in 19th century Persia that emphasizes the spiritual unity of all humankind. The target of ferocious persecution since the Islamic Revolution of 1979, the Baha’ii have been subjected to a marked increase in repression since Mahmoud Ahmadinejad became president of Iran, including loss of employment, arrest, expulsion from universities, the sacking of their shrines, and the desecration and bulldozing of their cemeteries.

The joint statement on those facing the death penalty for sodomy by IGLHRC, IRQO, and COC noted, “In most cases, the Court convicts the defendants of sodomy charges solely on the basis of ‘the knowledge of the judge.’ According to the Iranian law, when there is not enough evidence to convict a defendant of a sexual crime, the judge may use his knowledge, in a deductive process based on the evidence that already exists, to determine whether the crime took place or not. Unfortunately, the excessive use of this principle means that rather than paying attention to evidence, the judge often sentences defendants to death based on his speculations. A number of prominent legal and religious scholars believe that such a broad application of the ‘the knowledge of the judge’ to issue death penalty for sexual crimes is in violation of the letter and the spirit of Sharia law.”

Among the dozen cases detailed in the joint statement by the three groups were the following:

Ghaseem Bashkool, 25, a third-year student of applied mathematics, 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, the First District of the Criminal Court of the Ardabil province finding them guilty of sodomy and sentencing them to death. In February 2009, in an open letter on the Internet in which he pleaded for his life, 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 his letter, Ghassem had spent 20 months in Ardebil prison, but despite repeated efforts by a lawyers and human rights defenders inside Iran, his fate is currently unknown.

Mohsen Ghabrai, who was a minor at the time of his arrest, was found guilty by a Court in Shiraz of sodomy and sentenced to death. His lawyer appealed, but the Supreme Court upheld his death sentence, which is expected to be carried out soon. Mohsen has consistently said he is innocent of the charges.

Mahdi Pooran, 17 years old, and three other teenagers — Hamid Taghi, Ebrahim Hamidi, and Mehdi Rezaii — were found guilty of sodomy by the Second District Criminal Court of Tabriz in July 2008, and sentenced to death. The case was based on a complaint alleging physical and sexual assault from a 19-year old man, Hojat, with a history of family feuds with the defendants. After repeatedly telling the court he had no witnesses to substantiate his charges, in the most recent court session, Hojat introduced three male relatives he said were witnesses. Given the absence of the fourth witness required under law, the court’s ruling was based on the “knowledge of the judge.”

A prominent Iranian human rights lawyer, Mohammad Mostafaii, who represented the four defendants, believes his clients were framed. In a post to his blog, he said that following a fistfight between his clients and a group of four young men who trespassed and damaged land owned by Hamidi's father, the police intervened and arrested his clients, accusing them of gang rape. When his clients declared their innocence, the police officials subjected them to three days of beatings and torture, trying to force a confession from at least one of them. Failing that, 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 the four to death, a penalty that will be carried out if the Iranian Supreme Court approves when it takes up the case at an unspecified date.

Nemat Safavi, now 19, was arrested in June 2006 at age 16 for alleged sodomy, and the Criminal Court in Ardebil sentenced him to death. But the Supreme Court overturned his sentence on March 4, 2009, and sent the case to another criminal court in Ardebil for retrial. Saeed Jalalifar, a member of CHRR who recently obtained a lawyer for Safavi, was arrested on November 30 and is still in prison.

Gay City News spoke by telephone through a translator with that lawyer, 32-year-old Masomeh Tahmasebi. She said she had been denied the files relating to Safavi's death sentence and would only learn more about the case when she traveled next week to meet with him in Ardebil, a northwest frontier province whose former governor is President Ahmadinejad and whose population is largely made up of ethnic Azeris, who are racially persecuted by the Islamic Republic.

Tahmasebi explained that it was often very difficult for defendants in sodomy cases to find competent lawyers. "Because of the social stigma attached to sodomy cases, many lawyers are not willing to take on such cases because of fears of accusations that they might be gay themselves," she told Gay City News. "And because of this same social shame, families often do not contact lawyers to defend the accused, so as a last resort the court assigns a lawyer pro bono, who often does not get the case until the day of the trial. So most of these sodomy cases are badly defended."

That means, Tahmasebi added, that "the only real chance left for the defendant is international human rights pressure and protest against the application of the death penalty — but often this occurs so late that the window of opportunity to prevent these executions is very small."

In recent weeks, the Ahmadinejad regime has increased its monitoring and disruption of Internet and telephone communications in an attempt to stifle opposition and criticism, and this reporter chillingly experienced this first-hand while interviewing the two Iranians quoted here. During the interview with Tahmasebi, when Ahmadinejad's name was mentioned, the communication was abruptly terminated in mid-sentence. And in the interview with Misaghi, when the question of organizing to repeal the death penalty for sodomy was brought up, the communication was similarly cut off quite suddenly.

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P.S.

* Published: Thursday, December 10, 2009 10:22 AM CST. From:

http://gaycitynews.com/articles/2009/12/11/gay_city_news/news/doc4b2109624f65c652502853.txt

* This reporter would like to thank Hossein Alizadeh of IGLHRC for his translation services in the preparation of this article. The English-language web site of Iran's Committee of Human Rights Reporters is at <http://chrr.us/index-en.php>. To protest the impending executions for sodomy in Iran, click on iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/1028.html. Doug Ireland can be reached through his blog, DIRELAND, at <http://direland.typepad.com/>.