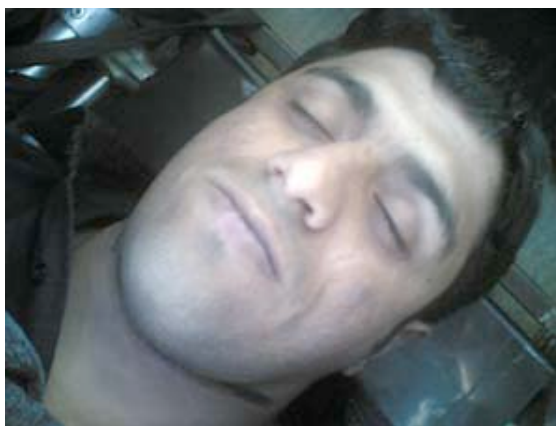




IRQR Urges the UN General Assembly to Adopt the France Resolution on Dec 10. (December 5, 08)

In Memorial of Makvan- who was Executed in Iran.

Last year in Iran on December 5, 2007 Makvan Moulloodzadeh 21-years old was executed. Homophobia runs deep into Iranian society. This, of course, partly reflects the influence of the conservative Islamic legal and religious standards promoted by the government.



Within the region, Iran is distinguished by the overt severity of the penalties; it imposes on consensual, adult homosexual conduct.

Lavat, or sodomy, is punishable by execution on the first offence, regardless of whether the partner is passive or active. Article 111 of the Islamic Penal Code states that, "Lavat is punishable by death so long as both the active and passive partners are mature, of sound mind, and have acted of free will." Death is also the punishment for the first offence involving sex between a Muslim and a non-Muslim. According to Articles 121 and 122 of the Penal Code, Tafkhiz (the rubbing together of thighs or buttocks, or other forms of non-penetrative "foreplay" between men) is punishable by one hundred lashes for each partner. Upon a fourth conviction of Tafkhiz the punishment is death. Article 123 of the Penal Code further provides that, "if two men who are not related by blood lie naked under the same cover without any necessity," each will receive ninety-nine lashes.

According to Iran's Penal Code, an accused person can be convicted of sodomy if he reiterates a confession to the act four times, or if four "righteous men" testify that they have witnessed the act. The Code also offers ways to circumvent this nominally high standard of evidence. Judges may lodge a conviction for sodomy based on "the knowledge of the judge," in

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practice allowing a wide range of circumstantial evidence to be adduced as proof. Furthermore, the practice of torture is prevalent in Iran, and the practice of torturing prisoners to extract confessions is common. Forced confessions are openly accepted as evidence in criminal trials.

The death penalty for lavat does not merely exist on paper: it is practiced and enforced. Trials on morals charges in Iran are held in camera; yet, international outrage over the frequency of executions (Iran has the second highest rate of executions per capita in the world) has led the government to exercise tight controls over press reporting of the death penalty. For these reasons, confirming the frequency of executions for lavat is effectively impossible.

On December 5, 2007, Makvan Mouloudzadeh, a 21-year-old Iranian man was executed in Kermanshah Central Prison. He was found guilty of multiple counts of anal rape (ighab), allegedly committed when he was as young as 13 years old. At his trials, all the witnesses retracted their pre-trial testimonies, claiming to have lied to the authorities under duress. Makvan also told the court that his confession was made under coercion and pleaded not guilty. The Seventh District Criminal Court of Kermanshah in Western Iran and the Supreme Court nonetheless found him guilty and sentenced him to death. This ruling directly violated various legal codes of the Islamic Republic of Iran. Makvan was born on March 31, 1986, making him a minor back in 1999, at the time of the alleged crime. Article 113 of the Islamic Penal Code declares: "If a minor sodomizes another minor, both should be punished by up to 74 lashes, unless one of them is forced to do so." Since the alleged sodomy happened when the defendant and his alleged partners were 13 years old, the death penalty was not technically applicable to this case. Although all the alleged witnesses and victims dismissed the sodomy charges, the defendant pleaded not guilty and there was no medical examination conducted to verify the case, the judge employed the "Knowledge of the Judge" clause as a way to prove sodomy in this case. This case caused an international uproar. In response to mounting public pressure, and following a detailed petition submitted to the Iranian Chief Justice by Mr. Mouloudzadeh's lawyer, the Iranian Chief Justice, Ayatollah Seyed Mahmoud Hashemi Shahrudī, nullified the impending death sentence. The Iranian Chief Justice described the death sentence to be in violation of Islamic teachings, the religious decrees of high-ranking Shiite clerics, and the law of the land. However, in defiance of the Chief Justice, the judges ultimately decided to ratify the original court's ruling and ordered the local authorities to carry out the execution. This case is a clear example of how convictions of sodomy can be obtained despite the absence of any credible evidence.

We are in 21st century but still discrimination for queer community do exist. Unfortunately in most of international reports about Iran, governments and United Nations are pointing to all human rights violation except queer people who are facing persecution on base of their sexual orientation.

Few days ago, France, on behalf of a member of the European Union, has tabled a resolution at the United Nations as the

UN marks the 60th anniversary of its Declaration on Human Rights calling for governments worldwide to decriminalize homosexuality. The UN General Assembly is expected to adopt the resolution on December 10. If adopted, it will be non-binding on member states.

Iranian Queer Railroad would like to express its support and urges governments and United Nations to adopt this resolution because queer rights are human rights.

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You can support Iranian queers and their freedom cause by your donation. 0.01\$ would be help.

