

# NEW YORK CITY BAR

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H.E. Mr. Mohammad Khazaei  
Permanent Representative of the Islamic Republic  
of Iran to the United Nations  
622 Third Avenue, 34th Floor  
New York, N.Y. 10017

Dear Ambassador Khazaei:

During a recent speech at Columbia University in New York, President Ahmadinejad was asked about executions of homosexuals in Iran. He responded: "In Iran we don't have homosexuals like in your country." He continued: "In Iran we do not have this phenomenon. I don't know who's told you that we have this."

Notwithstanding the president's assertion, Iran does have a gay and lesbian population, as its laws implicitly acknowledge. As you are no doubt aware, consensual gay sex is punishable by death in Iran. Indeed, Iran is distinguished worldwide by the overt severity of the penalties it imposes on consensual, adult homosexual conduct. "Sodomy," or "lavat" – consummated sexual activity between males – is punishable by execution. "Tafkhiz" – non-penetrative sexual activity between men – is punishable by one hundred lashes for each partner. Tafkhiz recidivism is punishable by death on the fourth conviction. In addition, the Iranian Penal Code provides that "[i]f two men who are not related by blood lie naked under the same cover without any necessity," each one will receive ninety-nine lashes. Other sections of the Penal Code stipulate that the punishment for sexual intercourse between women is one hundred lashes and, if the offense is repeated three times, execution.

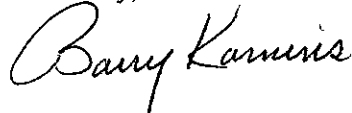
In recent years, Human Rights organizations have documented numerous cases of arrests, flogging, or execution of gay people in Iran. No public discussion of homosexuality is permitted, gay rights organizations are banned, and no organization or political party that endorses gay and lesbian human rights is allowed to exist.

We join with human rights organizations throughout the world in expressing our deep concern about this troubling and systematic violation of the human rights of sexual minorities in Iran.

One needs no further evidence of Iran's oppression of homosexuals than the execution of Makwan Moloudzadeh, a 21-year-old man hanged on December 5, 2007 for the "crime" of having had sexual relations with boys his own age when he was 13 years old. Iran's execution of two men in Gorgan in November 2005 for homosexual conduct – another of many such executions that has taken place since 1979 – also highlights a pattern of persecution of gay people that stands in stark violation of the rights to life and privacy. Human rights organizations have communicated with and interviewed a number of lesbian and gay Iranians, both inside and outside Iran. Their accounts confirm the picture of a society in which the social stigma and attendant violence attached to homosexual conduct are high, and where police and authorities repeatedly target and oppress suspected homosexuals in the name of social cleansing. These abuses have created an atmosphere of terror for lesbians and gays throughout Iran.

We urge the Iranian government to decriminalize homosexual conduct, and we remind Iran of its obligations under the International Covenant on Civil and Political Rights, to which Iran is party. *Toonen v. Australia* (1994), Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994), the United Nations Human Rights Committee's authoritative interpretation of that Covenant, extends recognition of the right to privacy and the right to freedom from discrimination on the grounds of sexual orientation throughout human rights law.

Sincerely,

A handwritten signature in cursive script that reads "Barry Kamins". The signature is written in dark ink and is positioned above the printed name.

Barry Kamins