



Plenary sitting

B8-0254/2018

29.5.2018

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation of imprisoned EU-Iranian dual nationals in Iran
(2018/2717(RSP))

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on behalf of the ECR Group

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European Parliament resolution on the situation of imprisoned EU-Iranian dual nationals in Iran (2018/2717(RSP))

The European Parliament,

- having regard to its previous resolutions on Iran;
- having regard to the report on the EU strategy towards Iran after the nuclear agreement, adopted by the European Parliament in October 2016;
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy;
- having regard to the Universal Declaration of Human Rights of 1948;
- having regard to the International Covenant on Civil and Political Rights (ICCPR);
- having regard to the United Nations Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty;
- having regard to the European Convention on Human Rights;
- having regard to the Charter of Fundamental Rights of the European Union;
- having regard to the Council decision of 12 April 2018 to extend its restrictive measures for a further 12 months in response to serious human rights violations in Iran;
- having regard to the Constitution of the Islamic Republic of Iran;
- having regard to the EU Guidelines on the Death Penalty;
- having regard to United Nations General Assembly Resolutions on the death penalty, including that of 18 December 2014;
- having regard to the most recent Universal Periodic Review on Iran of 2014;
- having regard to a statement by the United Nations Working Group on Arbitrary Detention of 20 October 2017 on the case of dual British-Iranian national Nazanin Zaghari-Ratcliffe;
- having regard to a statement by the United Nations Working Group on Arbitrary Detention of 9 February 2018 calling on Iran to annul death sentence against dual Swedish-Iranian national Dr Ahmadreza Djalali;
- having regard to Rule 135 of its Rules of Procedure;

A. whereas the conclusion and implementation of the Joint Comprehensive Plan of Action (JCPOA) provides an opportunity to improve relations and mutual trust between the European Union, its Member States, international partners, and the Islamic Republic of Iran after years of isolation and suspicion;

B. whereas the objectives of EU-Iran relations include improvements in economic development, prosperity, the environment, people-to-people contacts, and human rights;

C. whereas the promotion of regional peace, security, and stability through dialogue and engagement is a central part of engagement between the European Union, its Member States, and Iran;

D. whereas in May 2017 Hassan Rouhani secured a second four-year term as Iranian President in an election marked by debate over the state of civil and political rights in the country;

E. whereas under international law the determination of citizenship when dual nationality is involved is governed by treaty involving an agreement between two or more nations;

F. whereas in November 2017 it was reported that Iran's Revolutionary Guards have arrested at least 30 dual nationals during the past two years, mostly on spying charges;

G. whereas foreign nationals and Iranians with dual nationality face arbitrary arrest and detention, grossly unfair trials and lengthy imprisonment; whereas authorities claim to be countering foreign orchestrated "infiltration projects"; whereas detainees are often charged with vague national security offences in connection with the peaceful exercise of their rights to freedom of expression and association;

H. whereas Iran does not recognise dual citizenship, thereby limiting the access foreign embassies have to their dual citizens held there;

I. whereas those arrested, detained, and convicted include British-Iranian woman Nazanin Zaghari-Ratcliffe who works for the charitable organisation the Thomson Reuters Foundation, and Swedish-Iranian academic Dr Ahmadreza Djalali;

J. whereas Mrs Zaghari-Ratcliffe is currently serving a five year jail term having been accused of running "a BBC Persian online journalism course" and seeking a "soft overthrow" of the Islamic Republic; whereas she was held in solitary confinement for 45 days and could not speak to her family or a lawyer; whereas in recent days it was reported that Mrs Zaghari-Ratcliffe could face a further conviction after she went to court to face new charges;

K. whereas in October 2017 Dr Djalali was sentenced to death after being convicted of spying in what was described as a "grossly unfair trial"; whereas it is claimed Dr Djalali had not been given access to a lawyer for seven months, three of which were spent in solitary confinement;

L. whereas on 15 April 2018 British Iranian academic and anti-war activist Abbas Edalat was arrested by the Islamic Revolutionary Guard Corps, with local media reporting that he belongs to "a network" of British spies;

M. whereas Iranian courts, and particularly revolutionary courts, regularly fall short of providing fair trials and use confessions obtained under torture as evidence in court; whereas authorities also routinely restrict detainees' access to legal counsel, particularly during the investigation period;

N. whereas several individuals charged with national security crimes have suffered from a lack of adequate access to medical care in detention;

O. whereas in March the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on the situation of human rights in Iran; whereas the Iranian authorities continue to deny her and other UN experts entry to the country;

P. whereas the EU and Iran have started working towards renewing a bilateral human rights dialogue while several human rights defenders served prison sentences imposed for communicating with EU and UN officials; whereas several national governments including Australia, Sweden and Switzerland have also started bilateral human rights dialogues with Iran;

Q. whereas at the end of December, thousands of Iranians took to the streets to protest against poverty, corruption and political repression, in the first anti-establishment demonstrations on such a scale since 2009;

R. whereas the Islamic Republic of Iran has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

1. Believes the conclusion and implementation of the Joint Comprehensive Plan of Action (JCPOA) is primarily intended to prevent any proliferation of nuclear weapons in Iran, helping to prevent an arms race in the region, and to preserve the international Treaty on the Non-Proliferation of Nuclear Weapons;

2. Underlines that the improvement in relations must be based on trust, and signs of Iran's willingness to abide by international law and conventions to which it is party;

3. Believes it is equally important that both sides engage in positive dialogue, without pre-conditions, on issues where they have differences;

4. Is deeply concerned about the arrest, detention, and conviction of EU-Iranian dual nationals, and insists on full consular access, access to legal representation, and appropriate medical treatment for all those being held;

5. Calls for the exercise of justice in Iran in line with existing international practice and rule of law and further voices concern that defendants are often denied fair and independent legal representation;

6. Calls on EU Member States which have dual nationals detained in Iran to continue strong diplomatic efforts with their counterparts in Tehran in order to secure their release as soon as possible;

7. Believes numerous EU-Iranian nationals have been arbitrarily deprived of their liberty and that their right to a fair trial before an independent and impartial court has been violated, representing a flagrant violation of Iran's obligations under international law;

8. Is deeply concerned about frequent violations of fair trial guarantees, especially in the Revolutionary Courts, and fully supports the creation of an environment in Iran which is conducive to the proper functioning of civil society organisations, including a reformed legal framework;

9. Expresses further deep concerns about the discriminatory treatment of foreign nationals in the justice system in Iran and calls for due process and transparency to become the cornerstones for all those in the justice system;

10. Expresses concern over the use of coerced confessions as well as detainees' inability to access legal representation during interrogations, serious allegations of abuse during pre-charge and pre-trial detention, and the trial of civilians before revolutionary courts; stresses that independence from political interference and ensuring a free trial are key in developing a modern code of criminal procedure and essential in addressing human rights issues;

11. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the parliaments and governments of the Member States, the Supreme Leader of the Islamic Republic of Iran, the President of the Islamic Republic of Iran, and Members of the Iranian Majlis.