



Plenary sitting

B8-0562/2018

11.12.2018

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 Iran, notably the case of Nasrin Sotoudeh
(2018/2967(RSP))

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European Parliament resolution on Iran, notably the case of Nasrin Sotoudeh (2018/2967(RSP))

The European Parliament,

- having regard to its previous resolutions on Iran, notably on the situation of imprisoned EU-Iranian dual nationals in Iran of May 2018, on the EU strategy towards Iran of April 2014 and on death penalty of October 2015 and to its report on the EU strategy towards Iran after the nuclear agreement of 24 October 2016;
- having regard to the awarding of the Sakharov Prize for Freedom of Thought and Expression to Nasrin Sotoudeh in 2012;
- having regard to the EU Guidelines on the Death Penalty, on Torture and on Freedom of Expression;
- having regard to the EU Guidelines on Human Rights Defenders;
- having regard to the Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran from September 2018;
- having regard to the Statement by UN human rights experts “Iran must protect women’s rights advocates”, of 29 November 2018
- having regard to the Universal Declaration of Human Rights;
- having regard to the International Covenant on Civil and Political Rights;
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Nasrin Sotoudeh is a renowned human rights lawyer and advocate who has represented many women protesters and other human rights activists and prisoners of conscience throughout her career; whereas Nasrin Sotoudeh was awarded the 2012 Sakharov prize for Freedom of Thought by the European Parliament in recognition of her outstanding work in the defence of human rights;

B. whereas Nasrin Sotoudeh was arrested on 13 June 2018 at her home in Tehran; whereas she was immediately taken to Tehran’s Evin prison to serve a five-year prison sentence handed down against her in absentia in 2016 but which had not been communicated to her until her arrest; whereas Nasrin Sotoudeh was sentenced again in absentia on 15 August 2018 to five years of prison for “propaganda against the state”, “assembly against national security” and “espionage”; whereas this conviction came after she gave legal counsel to a woman facing imprisonment for peacefully protesting Iran’s compulsory hijab law by removing it in public; whereas her husband, Reza Khandan, was also arrested in September for “spreading

propaganda against the system”, amongst other charges, and was accused of “promoting the practice of appearing in public without a veil”;

C. whereas Nasrin Sotoudeh started her third hunger strike on 26 November to protest Iranian’s authorities refusal to allow Farhad Meysami to receive hospital treatment;

D. whereas Nasrin Sotoudeh has spoken out against the application of the Note to Article 48, which denies individuals facing certain offences, including those related to national security, the right to access an independent lawyer of their own choosing during the investigation of their charges; whereas this right is protected under the International Covenant on Civil and Political Rights which Iran has ratified;

E. whereas the arrest of Nasrin Sotoudeh is part of an intensified crackdown against women’s rights defenders in Iran; whereas women’s rights defenders who have actively campaigned to enhance women’s empowerment and rights have suffered harassment, arbitrary arrests and detentions, and their rights to a fair trial and to a due process has been violated;

F. whereas UN human rights experts have called on Iran to guarantee the rights of human rights defenders and lawyers who have been jailed for publicly supporting protests against the mandatory wearing of the hijab in Iran;

G. whereas in the past months there has been a heavy crack down on the rights to freedom of expression, association and peaceful assembly, including jailing of peaceful critics on spurious national security charges; whereas the Government reportedly closed seven million web addresses, and the websites of human rights and political opposition groups; whereas in December 2017 President Rouhani stated "We need a secure communication atmosphere for people, not a suppressive one in which people's rights are violated";

H. whereas there are numerous reports regarding the inhuman and degrading conditions in prisons and the lack of adequate access to medical care during detention with the aim of intimidating, punishing, or coercing detainees, in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners; whereas according to civil society reports detainees held by the Ministry of Intelligence and the Revolutionary Guards were routinely subjected to prolonged solitary confinement amounting to torture;

I. whereas there are no independent mechanisms for ensuring accountability within the judiciary, and serious concerns remain over the politicisation of judges, particularly those presiding over Revolutionary Courts;

J. whereas the EU has adopted restrictive measures related to violations of human rights, including asset freeze and visa bans for individuals and entities responsible for grave human rights violations and ban on exports to Iran of equipment which might be used for internal repression and of equipment for monitoring telecommunications; whereas these measures are regularly updated and remain in place; whereas the last update, from 12 April 2018, extended them until 13 April 2019;

L. whereas the UN Special Rapporteur on the situation of human rights in Iran recalled the importance of the JCPOA, stressing that “peace, development, and human rights are deeply interlinked” and that “any imposition of economic sanctions combined with reduced dialogue

and international cooperation will ultimately undermine the full enjoyment of civil, social, and economic rights in the country”

1. Calls on the Iranian authorities to immediately and unconditionally release Nasrin Sotoudeh, as well as all the other human rights defenders and prisoners of conscience detained and sentenced for merely expressing their right to freedom of expression and peaceful assembly; stresses that that Iranian authorities must in all circumstances ensure that human rights defenders are able to carry out their human rights work free of threats, intimidation, and impediment;
2. Condemns in its strongest terms the crackdown on the rights to freedom of expression, association and peaceful assembly, urges the Iranian authorities to ensure the full implementation of the International Covenant on Civil and Political Rights, of which it is party;
3. Insists that Iranian authorities must guarantee the safety and well-being of all detainees while in detention, including adequate medical care to human rights defenders; calls on the Iranian authorities to investigate all allegations of ill-treatment in detention and bring perpetrators to justice;
4. Welcomes the much-awaited amendments to the drug-trafficking law, which will reduce the imposition of capital punishments, but stresses that this is insufficient; calls on the Iranian authorities to introduce an immediate moratorium on the use of the death penalty as a step towards abolition; calls for a review of all death sentences to ensure that these trials adhered to international standards;
5. Calls on the European External Action Service and the European Commission to establish an internal inter-institutional task force in support of Sakharov prize laureates who are at risk, including those who have been arrested, condemned, are facing the death penalty or manifestly unfair trials in third countries;
6. Deplores the fact that the EU VP/HR Frederica Mogherini has so far refrained from calling publicly for the release of Nasrin Sotoudeh; calls on all senior representatives of EU Member States and of the EU institutions, notably VP/HR Mogherini and Commissioners, to systematically raise the case of Nasrin Sotoudeh in their contacts with their Iranian counterparts and to request to meet with her during their visits in the country;
7. Calls on EU Member States with diplomatic missions on the ground to fully implement the EU Guidelines on Human Rights Defenders and to provide all appropriate support to Nasrin Sotoudeh, including prison visits, trial monitoring and the provision of legal or any other form of assistance that he might require;
8. Insists once again on the importance of an expeditious establishment of an EU Delegation in Tehran, which would inter alia strengthen the EU capacity to monitor the human rights situation on the ground and engage with its Iranian counterparts and with local civil society;

9. Calls on the EU and its Member States to increase their protection and support for human rights defenders in Iran, including through emergency grants under the European Instrument for Democracy and Human Rights;
10. Calls on the EEAS to continue including human rights, particularly the situation of human rights defenders, in the context of the EU-Iran High Level Dialogue;
11. Calls on the Commission and the Member States to reaffirm the categorical principle that European aid and assistance, including to UNODC counter-narcotics programmes, may not facilitate law enforcement operations that lead to death sentences and the execution of those arrested;
12. Calls on the Iranian authorities to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council and to cooperate in a proactive manner, urges them to ensure particularly that the UN Special Rapporteur on the situation of human rights in Iran is allowed to enter the country;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Islamic Consultative Assembly, the Government of the Islamic Republic of Iran, and the Office of the Supreme Leader of the Islamic Republic of Iran;