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 144 of the Rules of Procedure

on Iran, in particular the case of 2012 Sakharov Prize laureate Nasrin Sotoudeh (2020/2914(RSP))

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The European Parliament,

– having regard to its previous resolutions on Iran, in particular those of 19 December 2019 on the violent crackdown on the recent protests in Iran, of 19 September 2019 on Iran, notably the situation of women’s rights defenders and imprisoned EU dual nationals, of 14 March 2019 on Iran, notably the case of human rights defenders, of 13 December 2018 on Iran, notably the case of Nasrin Sotoudeh, of 31 May 2018 on the situation of imprisoned EU-Iranian dual nationals in Iran, of 3 April 2014 on the EU strategy towards Iran, of 8 October 2015 on the death penalty and of 25 October 2016 on the EU strategy towards Iran after the nuclear agreement,

– having regard to the remarks by the High Representative/Vice-President Josep Borrell at the European Parliament plenary debate on the situation in Iran on 7 October 2020,

– having regard to the EU Guidelines on Human Rights Defenders,

– having regard to the EU Guidelines on the Death Penalty, on Torture and on Freedom of Expression,

– having regard to the report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran of 30 January 2019,

– having regard to the Statesments by the UN Office of the High Commissioner for Human Rights of 9 December 2020 and of 13 November 2020,

– having regard to the report of the UN Secretary-General of 8 February 2019 on the situation of human rights in the Islamic Republic of Iran,

– having regard to the Universal Declaration of Human Rights,

– having regard to the International Covenant on Civil and Political Rights,

– having regard to Rule 144 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 Sotudeh was sentenced again in abstentia 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 on 11 March 2019, Nasrin Sotoudeh was sentenced to 33 years and six months in prison and 148 lashes and was denied access to a copy of the verdict against her; whereas her bank accounts have been blocked by the Tehran Prosecutor's Office on 27 July 2020;

C. Whereas Nasrin Sotudeh began her fourth, 46-day long hunger strike against the continued imprisonment of human rights defenders and prisoners of conscience in Iran despite the pandemic and the inaction by the authorities in response on 10 August 2020; whereas on 23 September 2020, the Iranian authorities returned Ms. Sotoudeh to Evin Prison from Taleghani Hospital, where she was admitted on 19 September for a serious heart condition, whereas, while in hospital, she was under the surveillance of State security officials, who reportedly obstructed her treatment, blocked family contact and mistreated her; whereas her health condition further deteriorated and as of October she started experiencing grave cardiac and pulmonary problems requiring urgent hospitalisation; whereas instead of admitting her to hospital, authorities transferred Nasrin Sotoudeh to Qarchak prison in the Varamin neighbourhood of Tehran on 20 October;

D. Whereas, due to her extremely poor health condition, Nasrin Sotoudeh was granted temporary furlough from Qarchak prison on medical grounds on 7 November; whereas on 2 December 2020 she was returned to Qarchak prison, where she does not have access to the specialized medical care she needs, despite the fact that medical experts recommended the extension of her medical leave for a further two weeks; whereas, on 30 November, the medical examiner had also informed Nasrin Sotoudeh that she was still infectious with COVID-19 and needed to remain in quarantine;

E. Whereas Nasrin Sotoudeh’s family, relatives and friends, notably her husband Reza Khandan, have been targeted by the Iranian authorities, in order to silence and stop any campaigning for the release of Nasrin Sotoudeh

F. 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;

G. 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;
H. Whereas UN human rights experts stated that it is “unfathomable that Iranian authorities would return Ms. Sotoudeh to prison where she is at heightened risk to COVID-19, as well as with her serious heart condition,” and that pointed to Nasrin Sotoudeh’s imprisonment as “State retaliation for her tireless work defending human rights” and called for her release as a matter of urgency, to allow her to receive the health care and rest she requires and for her convictions and sentences, as well as those of all other lawyers arbitrarily detained in Iran, to immediately be quashed and for her case reviewed consistent with fair trial standards; whereas UN human rights experts have also 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;

I. Whereas there are numerous reports regarding the inhuman and degrading conditions in prisons and the lack of adequate access to medical care during detention, which have the aim of intimidating, punishing or coercing detainees, in contravention of the UN Standard Minimum Rules for the Treatment of Prisoners; whereas in March and April 2020, prisoners across the country waged hunger strikes, protests and riots to protest the authorities’ failure to protect them from COVID-19; whereas the authorities responded with unlawful force, resorting to beatings and firing live ammunition, metal pellets and tear gas to suppress protests, as a result of which several Ahwazi Arab prisoners were killed, and many others were injured in Sheiban and Sepidar prisons in Ahvaz, Khuzestan province;

J. Whereas there are no independent mechanisms for ensuring accountability within the judiciary, and serious concerns remain over the politicisation of judges; whereas judicial harassment is being used to silence human rights defenders;

K. 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 8 April 2019, extended them until 13 April 2020;

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”;

I. Calls on the Iranian authorities to immediately and unconditionally release Nasrin Sotoudeh, as well as all the other human rights defenders, including the numerous women human rights defenders and prisoners of conscience detained and sentenced merely for their human rights work, including attempts to prevent the execution of young offenders, work in favour of women's equality or for expressing their right to freedom of expression and peaceful assembly; stresses that Nasrin Sotoudeh’s convictions relate to the exercise of her profession as a lawyer, including defending women human rights defenders and that UN experts have on numerous occasions called
for her release from arbitrary detention; 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 criminalisation, threats, intimidation, and impediment;

2. Is appalled by the decision of the Iranian authorities to return Nasrin Sotoudeh to arbitrary imprisonment, despite her COVID-19 positive test and contrary to the opinion of medical professionals, thus placing the human rights defender, her fellow inmates and staff working at the prison facilities in life-threatening circumstances;

3. Reiterates its full support for Sakharov Prize laureates Nasrin Sotoudeh and Jafar Panahi; deplores the fact that Nasrin Sotoudeh is still imprisoned, serving a sentence of 33 years and six months and 148 lashes, insists on her immediate and unconditional release; calls on the Iranian authorities to lift the travel ban which has been placed on Jafar Panahi since 2010;

4. 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 and to ensure the right of all detainees to due process and a fair trial, including the right to be represented by a lawyer of their own choosing;

5. Insists that Iranian authorities must guarantee the safety and physical and psychological well-being of all detainees while in detention, including dignified medical care for human rights defenders; calls on the Iranian authorities to investigate all allegations of ill-treatment in detention and bring perpetrators to justice;

6. Is alarmed by the increasing use of death penalty against protesters, dissidents and members of minority groups in the country and reiterates its urgent call 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; equally calls on Iran to urgently abolish, in law and practice, all forms of corporal punishment, including flogging, amputation and blinding, which amount to torture under international law;

7. 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;

8. Calls on the EU VP/HR to clearly and publicly call for the release of Nasrin Sotoudeh and on all senior representatives of EU Member States and of the EU institutions, notably VP/HR Borrell 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;

9. 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 she might require;
10. 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;

11. 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;

12. 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;

13. 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;

14. Calls on the EU and its Member States to address the particular vulnerability of women human rights defenders through adequate protectionary measures that shield them from the specific and gendered risks they are exposed to;

15. 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;

16. 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 governments and parliaments of the Member States 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.