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B6-0111/2008 }  
B6-0117/2008 }  
B6-0122/2008 }  
B6-0126/2008 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 115(5) of the Rules of Procedure, by

- Pasqualina Napoletano, Michael Cashman, on behalf of the PSE Group
- Marco Cappato, Marco Pannella, Sophia in 't Veld, Marios Matsakis, Jeanine Hennis-Plasschaert, on behalf of the ALDE Group
- Jean Lambert, Raül Romeva i Rueda, on behalf of the Verts/ALE Group
- Vittorio Agnoletto, Giusto Catania, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- Verts/ALE (B6-0111/2008)
- PSE (B6-0117/2008)
- GUE/NGL (B6-0122/2008)
- ALDE (B6-0126/2008)

on the case of Mehdi Kazemi

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PE401.125v01-00}  
PE401.131v01-00}  
PE401.136v01-00}  
PE401.140v01-00} RC1

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## European Parliament resolution on the case of Mehdi Kazemi

*The European Parliament,*

- having regard to the European Convention on Human Rights (ECHR), and in particular to Article 3 thereof, which prohibits the removal, expulsion or extradition of persons to countries where there is a serious risk that they would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment,
  - having regard to the Charter of Fundamental Rights, and in particular to Articles 18 and 19 thereof on the right to asylum and on protection in the event of removal, expulsion or extradition respectively,
  - having regard to the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
  - having regard to Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Qualifications Directive) and to Council Regulation (EC) No 343/2003 on the criteria and mechanisms to determine the Member State responsible for assessing asylum applications (Dublin Regulation), as well as to other EU asylum instruments,
  - having regard to the letter of 10 September 2007 from its President to the UK Prime Minister on the case of Pegah Emambakhsh, an Iranian lesbian who risked being sent back to Iran after her request for asylum was turned down,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Mehdi Kazemi, a 19-year-old gay Iranian citizen, requested asylum in the United Kingdom and had his application turned down; whereas, fearing deportation, he fled to the Netherlands, where he applied for asylum; whereas Dutch authorities, after examining his request, have decided to send him back to the UK,
- B. whereas UK authorities are now left with the final decision on his asylum application and possible deportation to Iran,
- C. whereas Iranian authorities routinely detain, torture and execute persons, notably homosexuals; whereas Mehdi's partner has already been executed, while his father has threatened him with death,
- D. whereas in the similar case of Pegah Emambakhsh the UK authorities decided, after international pressure, not to deport her back to Iran, but whereas it is still not clear what her fate will be,
- E. whereas the UK Prime Minister's spokesperson, while not commenting on the case of Mehdi Kazemi, gave general assurances as to the conformity of UK asylum procedures with international commitments and to the possibility of appealing against asylum decisions to an

independent judge, as well as to the fact that the authorities would not remove anyone who would be at risk on his or her return,

- F. whereas more attention should be devoted to the proper application of EU asylum law in Member States as regards sexual orientation,
1. Expresses its serious concern regarding the fate of Mehdi Kazemi;
  2. Asks for the proper and full application of the Qualifications Directive, which recognises persecution for sexual orientation as a ground for granting asylum and requires Member States to consider the individual case and the situation in the country of origin, including laws and regulations and the manner in which they are applied;
  3. Believes that the EU and its Member States cannot apply European and national laws and procedures in a way which results in the expulsion of persons to a third country where they would risk persecution, torture and death, as this would amount to a violation of European and international human rights obligations;
  4. Appeals to the Member states involved to find a common solution to ensure that Mehdi Kazemi is granted asylum or protection on EU soil and not sent back to Iran, where he would be executed, thus ensuring that Article 3 of the ECHR is fully respected by all European authorities and notably, in this case, by the UK; asks the Commission and the Council to fully cooperate with the Member States on this case;
  5. Asks EU institutions and Member States to take action to prevent similar situations, in the future, through cooperation and EU guidelines to find solutions in similar cases; asks the Commission to monitor and evaluate the application of EU asylum law in Member States, and in particular as regards sexual orientation, and to report to the European Parliament; underlines the fact that the Commission has announced, for 2008, amendments to the Dublin Regulation and the Qualifications Directive which will address the issues raised in this resolution;
  6. Instructs its President to forward this resolution to the Commission, the Council, the Member States, the United Nations High Commission for Refugees and Mehdi Kazemi.