

## **P7\_TA(2010)0310**

### **Human rights in Iran - the case of Zahra Bahrami**

#### **European Parliament resolution of 8 September 2010 on the human rights situation in Iran, in particular the cases of Sakineh Mohammadi Ashtiani and Zahra Bahrami**

*The European Parliament,*

- having regard to its previous resolutions on Iran, notably those concerning human rights, and in particular those of 22 October 2009<sup>1</sup> and 10 February 2010<sup>2</sup>,
  - having regard to the statement by the President of the European Parliament on the occasion of the European Day against the Death Penalty on 9 October 2009 and the declaration of 11 August 2010 on the sentencing of the Baha'i leaders,
  - having regard to the statements of 14 June and 6 July 2010 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy,
  - having regard to the report of the UN Secretary-General of 23 September 2009 on the situation of human rights in the Islamic Republic of Iran and the statement on Iran issued by the United Nations High Commissioner for Human Rights on 4 March 2010,
  - having regard to the resolutions adopted by the UN General Assembly, particularly Resolutions 62/149 and 63/168 concerning a moratorium on executions pending the abolition of the death penalty,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, to all of which the Islamic Republic of Iran is a party,
  - having regard to the 1963 Vienna Convention on Diplomatic and Consular Relations,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas Iran continues to hold the sad record of being the country in the world which executes the most juvenile offenders, and whereas in 2010 alone some 2000 death sentences have been handed down,
- B. whereas, according to reports, in Mashad's Vahil Abad Prison more than 100 prisoners have been executed on drug-related charges in the last few weeks alone, and whereas hundreds of others are awaiting execution in the next few days; whereas these mass executions, which were ordered, moreover, amid the utmost secrecy, represent a flagrant breach of international law,
- C. whereas, in spite of claims by the most senior members of the Iranian judiciary, Iran is still

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<sup>1</sup> Texts adopted, P7\_TA(2009)0060.

<sup>2</sup> Texts adopted, P7\_TA(2010)0016.

imposing the sentence of stoning for the crime of 'adultery', as in the case of Sakineh Mohammadi Ashtiani, which was highlighted in her televised 'confessions' on 11 August 2010,

- D. whereas in Iran in 2006 Sakineh Mohammadi Ashtiani, who was accused of having had two extramarital sexual relationships after the death of her husband, was sentenced to 99 lashes, which were administered the same year,
- E. whereas she was also charged with complicity in the murder of her husband and then acquitted, before being charged with adultery during her marriage and sentenced to be stoned,
- F. whereas the stoning, which was to have been carried out on 9 July 2010, was suspended by the Iranian authorities 'for humanitarian reasons', in response to international pressure,
- G. whereas the stoning sentence is in clear violation of Iran's obligations under the ICCPR; whereas only recently Iran agreed, during its Universal Periodic Review at the UN Human Rights Council, to observe at least the 'minimum standards' and the provisions of the ICCPR concerning the death penalty, for as long as it is retained,
- H. whereas the 18-year-old Ebrahim Hamidi was sentenced to death in August 2010 on charges of sodomy allegedly committed when he was only 16 years old and on the basis of a confession which he claims was obtained under torture,
- I. whereas the defence lawyer in both cases, Mohammad Mostafaei, who tried to raise public awareness about the defendants' situation, was forced to flee the country in fear of arrest, and whereas more and more human rights lawyers, including Mohammed Ali Dadkah, Mohammad Oliyifard and Mohammad Seifzadeh, and even eminent persons such as Nobel Peace Prize winner Shirin Ebadi are facing state persecution in the form of extraordinary tax claims and threats against their lives and their families,
- J. whereas Nasrin Sotoudeh, a human rights lawyer widely respected for her efforts on behalf of juveniles facing the death penalty and for her defence of prisoners of conscience, was arrested on 4 September 2010 on charges of 'propaganda against the state' and 'collusion and holding meetings with the aim of acting against national security',
- K. whereas one year after the fraudulent presidential elections and the subsequent mass protests, hundreds of protesters, journalists, civil rights activists and even ordinary citizens, such as the Dutch national Zahra Bahrami, who deny any connection with the demonstrations remain in prison,
- L. whereas Zahra Bahrami, who had travelled to Iran to visit her family, was arrested after the Ashura protests on 27 December 2009 and forced to make televised confessions admitting to the charges against her,
- M. whereas neither international human rights organisations nor the Dutch authorities have been granted access to Zahra Bahrami,
- N. whereas forced confessions, the torture and ill-treatment of prisoners, sleep deprivation, solitary confinement, clandestine detention, cruel, inhumane and degrading treatment, physical abuse, including sexual violence, and impunity for State agents continue to be

widespread in Iran, giving rise to serious doubts as to the fairness and transparency of the judicial process in that country,

- O. whereas the number of cases is increasing in which peaceful civil rights defenders are being charged with 'moharabeh' (enmity with God), which can carry the death penalty, as in the case of Shiva Nazar Ahari, a member of the Committee of Human Rights Reporters (CHRR), who has been detained since 20 December 2009 and whose trial is imminent,
- P. whereas the persecution of religious and ethnic minorities in Iran continues unabated; whereas in August 2010 the seven leaders of the Baha'i faith, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli and Vahid Tizfahm, who have been imprisoned since 2008 solely on the basis of their religious beliefs, were sentenced to 20 years in prison on charges of propaganda against the State and espionage,
- Q. whereas the harassment of the opposition politicians Mir-Hossein Mousavi and Mehdi Karrubi and of other senior members of political parties continues; whereas in early September 2010 the residence of the former presidential candidate Mehdi Karroubi was attacked by dozens of armed men in plainclothes, leading to the daubing of graffiti, vandalism, broken windows and shootings inside Karroubi's home; whereas these attacks came after comments by the Commander of the Revolutionary Guard, Mohammad Ali Jafari, that the people of Iran would judge the 'heads of sedition', a reference to opposition leaders; whereas no attempt was made by the police to stop the attacks,
- R. whereas people who have been accused of committing crimes have been linked with the political opposition in Iran, and members of the political opposition have been linked with the perpetration of crimes by Iran's judiciary, the aim being to equate political opposition with criminal behaviour,
  - 1. Pays tribute to the courage of all those Iranian men and women who are fighting for the defence of fundamental freedoms, respect for their human rights and democratic principles, who actively protest against stoning and other forms of cruel punishment and who wish to live in a society free from repression and intimidation;
  - 2. Strongly condemns the sentencing to death by stoning of Sakineh Mohammadi Ashtiani, and takes the view that, regardless of the facts, a sentence of death by stoning can never be justified or accepted;
  - 3. Urges the Iranian authorities to set aside the sentences imposed on Sakineh Mohammadi Ashtiani and to initiate a comprehensive review of her case;
  - 4. Strongly insists that the Iranian Government reconsider Zahra Bahrami's case, immediately grant her access to a lawyer and consular assistance, release her or grant her due process; calls on Baroness Ashton, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, to raise the issue of Zahra Bahrami's detention with the Iranian authorities;
  - 5. Calls on the Government of Iran to halt the execution of Ebrahim Hamidi, an 18-year-old charged with sodomy, and calls on the Islamic Republic of Iran finally to abolish the death penalty for crimes committed before the age of 18 and amend its legislation to bring it into line with the international human rights conventions that Iran has ratified, including the

Convention on the Rights of the Child and the ICCPR;

6. Expresses its grave consternation that Iran continues to be one of the very few countries, together with Afghanistan, Somalia, Saudi Arabia, Sudan and Nigeria, which still practise stoning; calls on the Iranian Parliament to pass legislation outlawing the cruel and inhumane practice of stoning;
7. Reiterates its opposition to the death penalty and calls on the Iranian authorities, in accordance with UN General Assembly Resolutions 62/149 and 63/168, to institute a moratorium on executions pending the abolition of the death penalty;
8. Calls for the tabling at the next session of the UN General Assembly of a resolution requesting all countries which retain the death penalty to make available to the UN Secretary-General, and to the public, all information on capital punishment and executions, so as to overcome State secrecy concerning the death penalty, which is a factor in a great number of executions;
9. Expresses its opposition to any criminalisation of consensual sexual relations between adults, and urges the Iranian authorities to decriminalise 'adultery' and homosexuality;
10. Urges the Iranian authorities to eliminate, in law and in practice, all forms of torture and other cruel, inhumane or degrading treatment or punishment, and to uphold due process of law and end impunity for human rights violations;
11. Calls on the Islamic Republic of Iran to sign and ratify the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
12. Deeply deplores the lack of fairness and transparency in the judicial process in Iran and calls on the Iranian authorities to guarantee a fair and open appeal procedure;
13. Calls on the Iranian authorities to grant the Red Crescent access to all prisoners and to allow international human rights organisations to monitor the situation in the country;
14. Calls on the Iranian authorities immediately to release all those who are being detained solely on the basis of their involvement in peaceful protests and their desire to exercise their basic human right to freedom of expression, and, in particular, reiterates its call for the acquittal of the seven Baha'i leaders;
15. Recalls that freedom of thought, conscience and religion is a fundamental right which must be guaranteed in all circumstances, in accordance with Article 18 of the ICCPR, to which the Islamic Republic of Iran is a party and which it has ratified;
16. Calls for the immediate release of all human rights lawyers who have been arrested;
17. Expresses serious concern at the abuse of judicial powers by the Iranian authorities to target members of the human rights community and civil society activists, such as members of the One Million Signatures Campaign and the Central Council of the ADVAR student organisation, among others;
18. Calls on the Commission and Council to devise additional measures in the context of the European Instrument for Democracy and Human Rights in order actively to protect Iranian human rights defenders, and encourages the Member States to support the European Shelter

City Programme;

19. Calls for the re-establishment of a UN mandate for a Special Rapporteur to investigate human rights abuses and encourage accountability for those perpetrating human rights violations in Iran;
20. Calls for the existing list of individuals and organisations subject to the EU travel ban and the freezing of assets to be extended to include those who are responsible for violations of human rights, repression and curtailment of freedom in Iran;
21. 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 Secretary-General of the United Nations, the United Nations Security Council, the United Nations Commission on Human Rights, the President of the Iranian Supreme Court and the Government and Parliament of the Islamic Republic of Iran.