Resolution on the case of the Iranian citizen Sayyed Mehdi Kazemi

2008/2555(RSP) - 13/03/2008 - Text adopted by Parliament, topical subjects

Following the debate on 13 March 2008, the European Parliament adopted on the same date, a resolution on the case of the Iranian citizen Sayyed Mehdi Kazemi, and expressed its serious concern regarding the fate of Mehdi Kazemi. It recalls that Mehdi Kazemi, a 19-year-old homosexual Iranian citizen, requested asylum in the United Kingdom and had his application rejected. Fearing deportation, he fled to the Netherlands, where he applied for asylum. The Dutch authorities, after examining his request, have decided to send him back to the UK, and the UK authorities are now left with the final decision on his asylum application and possible deportation to Iran.

Parliament pointed out that Iranian authorities routinely detain, torture and execute persons, notably homosexuals. Mr Kazemi's former partner has already been executed and his father has threatened him with death. In the similar case of Pegah Emambakhsh, the UK authorities decided, following international pressure, not to deport her back to Iran, although it is still not clear what her fate will be. The UK Prime Minister's spokesperson, while not commenting on the case of Mehdi Kazemi, has given 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.

Parliament considers that more attention should be devoted to the proper application of EU asylum law in Member States in cases involving sexual orientation. It 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. Members believe that the EU and its Member States cannot apply EU and national laws and procedures in such a way as would result in the expulsion of persons to a third country where they would risk persecution, torture and death. This would amount to a violation of European and international human rights obligations.

Parliament 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 most certainly 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. The Commission and the Council should cooperate fully with the Member States on this case.

The resolution calls on the EU institutions and Member States to take action to prevent similar situations in the future, through cooperation and the application of EU guidelines to find solutions in similar cases. Parliament asks the Commission to monitor and assess the application of EU asylum law in the Member States, and in particular in cases involving sexual orientation, and to report to the European Parliament. It 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.