



## Human rights: Armenia, Russia, Afghan journalist and Iranian homosexual

**In four human rights resolutions adopted at the end of this week's Strasbourg session, MEPs deplored the violence used by the authorities against opposition demonstrators following presidential elections in both Armenia and Russia, and demanded reprieves for a journalist condemned to death in Afghanistan and for a gay Iranian who could be in grave danger if forced to return to his home country.**

### Violence following the elections in Armenia

In the wake of the presidential elections in Armenia on 19 February, a police crackdown against opposition supporters who were peacefully contesting the results left eight dead and dozens injured. A state of emergency was declared on 1 March and media freedom has been restricted. Parliament's resolution, adopted by 60 votes to 1 with 2 abstentions, deplores the loss of life, urges all parties to act responsibly and calls on the authorities to investigate the violence and take other measures.

The International Election Observation Mission stated that the elections were "administered mostly in line with OSCE and Council of Europe commitments and standards" but also identified a number of concerns, in particular concerning the media's commitment to providing impartial information.

In the resolution, Parliament "expresses its concern at recent developments in Armenia" and "calls on all parties to show openness and restraint, to tone down statements and to engage in a constructive and fruitful dialogue aimed at supporting and consolidating the country's democratic institutions".

#### *Call for inquiry, with punishment for perpetrators of violence*

It also calls "for a prompt, thorough, transparent, independent and impartial investigation of the events of 1 March" and "for all those responsible to be brought to justice and punished for misconduct and criminal acts of violence". The Council and Commission should offer EU assistance to help with the investigation.

The Armenian authorities are asked to lift the state of emergency, restore media freedom and take all measures necessary to ensure a return to normalcy. In addition, they are urged "to release citizens detained for exercising their right of peaceful assembly".

#### *EU support for Armenia to improve democracy and rule of law*

Parliament points out that the EU's Action Plan with Armenia under the European Neighbourhood Policy covers the strengthening of democratic structures and the rule of

law. In this context, it urges the Commission "to focus its assistance to Armenia on the independence of the judiciary and the training of police and security forces" and calls on the Armenian authorities "to implement swiftly all the remaining recommendations made by the International Election Observation Mission".

MEPs urge the Armenian authorities "to cooperate fully with the international community on finding an agreed solution" and they express support for the EU Special Representative to the South Caucasus and the OSCE's Special Envoy.

Turning to Armenia's conflict with neighbouring Azerbaijan over the status of Nagorno-Karabakh, the resolution "deplores the recent loss of life on the 'line of control' during fighting between Armenian and Azerbaijani forces" and "calls on all sides to refrain from further violence and to return to the negotiating table".

Lastly, MEPs reiterate "the clear EU commitment to building closer ties with Armenia and the South Caucasus countries" but emphasise that "closer cooperation with the European Union must be based on real and tangible progress and reforms and a full commitment to democracy and the rule of law".

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### **Police clampdown on opposition protests in Russia**

In a resolution on Russia, MEPs condemn the use of force by the police against demonstrators protesting after the presidential elections held on 2 March, which were won by Dmitry Medvedev, and urge the Russian authorities to observe democratic values and the rule of law.

According to the resolution, democracy has been weakened in Russia through measures such as government control of the media and new restrictions on the right to organise public demonstrations. Increased pressure was put on the media, opposition groups and non-governmental organisations in the run-up to the elections.

On 3 March 2008 'Other Russia', a coalition of opposition parties, organised a 'March of Dissent' to protest against the elections. The authorities refused to authorise the protest but 'Other Russia' decided to go ahead with the march. Several protesters were arrested as riot police and militias wearing helmets and carrying riot shields crushed the rally in Turgenevskaya Square in central Moscow, and opposition leaders were detained.

#### *Use of force against demonstrators condemned*

In its resolution, the European Parliament "condemns the disproportionate use of force by police and riot police and militias against the demonstrators on 3 March 2008 in Moscow, and calls on the authorities to investigate the incidents and to bring those responsible to justice".

It also "calls for the immediate release of all those demonstrators who are still detained". In addition, it deplores the "illegal" treatment of opposition candidates" and "regrets the failure to use the recent election to strengthen democracy and the rule of law in Russia".

MEPs also regret that the Russian authorities regarded the intended monitoring mission of the OSCE/ODIR as an intrusion into internal affairs. The resolution voices "strong support for the important work of these missions" and "reminds Russia of its commitments and responsibilities as a member of the OSCE and of the Council of Europe, including the right of association and the right to peaceful demonstrations".

#### *A test for President Medvedev's commitment to the rule of law?*

Parliament does welcome the stated commitment by the newly elected President of Russia to guarantee the rule of law and democracy. In this context, it calls on him to review the treatment of imprisoned public figures (among them Mihail Khodorkovsky and Platon Lebedev), "whose imprisonment has been assessed by most observers as having been politically motivated".

It also urges the Council and Member States to make Russia's full compliance with judgments of the European Court of Human Rights a key priority at all levels of dialogue with Russia.

Lastly, the EP calls on the new Russian president and government to create together with the European Union "the necessary conditions for a rapid start of the negotiations on a new Partnership and Cooperation Agreement". But it again stresses that "the rule of law, democracy and human rights must be an important part of any future agreement".

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### **Death sentence on Afghan journalist Perwiz Kambakhsh**

Perwiz Kambakhsh, a journalist in Afghanistan, is under a death sentence for circulating an article on women's rights in Islam. The European Parliament, reaffirming its opposition to the death penalty in general, calls for his execution to be prevented and also for the Afghan government to improve its judicial system and comply with the Universal Declaration on Human Rights.

On 22 January 2008 a regional court in northern Afghanistan sentenced 23-year-old Mr Kambakhsh to death for circulating an article about women's rights in Islam which he had downloaded from the internet. The judges ruled that the article constituted 'blasphemy' and sentenced Mr Kambakhsh to death.

Mr Kambakhsh was denied legal representation, sentenced without a proper hearing, allegedly beaten and threatened with execution until he signed a confession.

The resolution notes that journalists in Afghanistan, especially women, are increasingly faced with intimidation, death threats, abduction and violence, even though Afghanistan's Constitution clearly defends the right to freedom of expression.

#### *EP's total opposition to death penalty*

Parliament "reaffirms its unconditional opposition to the death penalty". It notes that the death sentence against Perwiz Kambakhsh comes despite the UN General Assembly's call for a worldwide moratorium on the death penalty and at a time when a total of 135 countries have abolished the death penalty.

The resolution condemns Mr Kambakhsh's arrest and calls for him to be released. It also calls on the Afghan authorities to prevent his execution and on President Karzai, if the court of appeal upholds the death sentence, to pardon him.

In addition, MEPs call on the President and Parliament of Afghanistan "to speed up the development of a functional penal and judicial system based on international standards" and they welcome the announcement by the EU External Relations Commissioner of immediate financial support to help Afghanistan strengthen the rule of law and reform its judiciary.

Lastly, the resolution calls on the Afghan Government "to fully respect the United Nations Universal Declaration of Human Rights and to ensure that freedom of expression is fully guaranteed and upheld for all citizens in Afghanistan".

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### **The plight of Mehdi Kazemi**

MEPs demand that a solution be found to the situation of Mehdi Kazemi, a 19-year-old gay Iranian citizen, who faces the prospect of deportation from Europe back to Iran, where he could be tortured and even executed because of his sexual orientation.

Mehdi Kazemi requested asylum in the United Kingdom but had his application turned down. Fearing deportation, he fled to the Netherlands, where he also applied for asylum. The Dutch authorities, after examining his request, have decided to send him back to Britain because, under EU rules (the Dublin Regulation), asylum applications must be processed in the first EU country in which the applicant made an application. It is feared the UK will simply deport him to Iran.

### *A solution for Mehdi Kazemi...*

The resolution, adopted by 46 votes to 2 with 12 abstentions, points out that the Iranian authorities "routinely detain, torture and execute persons, notably homosexuals" and that "Mehdi's partner has already been executed, while his father has threatened him with death".

It adds 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". And they stress that the EU directive on qualifying criteria for refugee status (the Qualifications Directive) "recognises persecution for sexual orientation as a ground for granting asylum".

In this particular case, therefore, 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".

### *...and for others in future*

More broadly, MEPs argue that "more attention should be devoted to the proper application of EU asylum law in Member States as regards sexual orientation".

They invoke the European Convention on Human Rights, which prohibits the removal of persons to countries where there is a serious risk that they would face the death penalty, torture or other inhuman treatment, as well as the EU Charter of Fundamental Rights and the Geneva Convention.

Parliament also asks EU institutions and Member States to take action to prevent similar situations in the future, while acknowledging 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.

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