

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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BELGIUM MUST ENSURE NEW TREATY WITH IRAN DOES NOT ENTRENCH IMPUNITY

Belgian lawmakers must urgently ensure that a bill enacting a bilateral treaty between Iran and Belgium is fully consistent with Belgium's obligations under international human rights law. In particular, the bill should include adequate judicial safeguards to prevent the treaty being used to grant impunity for state officials and agents responsible for serious human rights violations and crimes under international law, Amnesty International said today.

On 29 June 2022, the Belgian federal government introduced [a draft law](#) aimed at ratifying five international instruments including the bilateral treaty, signed on 11 March 2022, between the Kingdom of Belgium and the Islamic Republic of Iran on the "Transfer of Sentenced Persons". The bilateral treaty provides under Article 13 that "either Party may grant pardons, amnesties or reductions in sentences in accordance with its Constitution or other laws." On 30 June 2022, parliament agreed to the government's request to expedite the bill's adoption. If adopted by the Committee on Foreign Affairs, which discussed the draft law on 5 July 2022 and is scheduled to continue the discussion on 6 July 2022, the draft law could be voted on in the Plenary meeting on 7 July 2022.

Amnesty International renews its warnings that there is a significant risk that Iranian dissidents abroad will face increased threats and attacks from agents of the Islamic Republic of Iran if the international community, including Belgium and other European governments, fail to ensure accountability for human rights violations and unlawful acts committed by the Iranian authorities extraterritorially to crush freedom of expression and peaceful dissent.

Since 1 July 2022, [media reports](#) have circulated quoting anonymous European [diplomatic sources](#) that the bilateral treaty is intended to facilitate the exchange of several foreign and dual nationals arbitrarily held in Iran for a former Iranian diplomat, Asadollah Asadi, who is serving a 20-year prison sentence in Belgium for his role in a thwarted 2018 bomb attack against an opposition convention in France. The reports follow [previous statements by Belgian authorities](#) signaling that the Iranian authorities have been attempting to use foreign and dual nationals arbitrarily held in Iran, including Swedish-Iranian academic Ahmadreza Djalali who also has ties to Belgium, as a bargaining chip to secure the release of Asadollah Asadi. The latest developments around the bilateral treaty raise once again [concerns](#) that the Iranian authorities are holding arbitrarily detained foreign and dual nationals in Iran hostage to pervert the course of justice in countries where former Iranians officials were convicted and/or are on trial, compel the governments of the countries concerned to hand them over to Iran, and deter future prosecutions of Iranian officials abroad.

The unlawful deprivation of liberty of any persons accompanied with threats to cause them harm, including by continuing to arbitrarily detain them, in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for release amounts to hostage-taking, a crime under international law.

RISKS OF CONTRIBUTING TO IMPUNITY FOR ATTACKS AGAINST DISSIDENTS ABROAD

Asadollah Asadi was a diplomat of the Iranian embassy in Austria when he was arrested in June 2018 for his role in a thwarted bomb attack against an Iranian opposition convention in France in 2018. A court in Belgium subsequently convicted him of "attempted terrorist offences" aimed at "deliberate killing or deliberate causing of blows or wounds" pursuant to article 137 §2.1° of the Belgian Criminal Code and "participation in the activities of a terrorist group" pursuant to articles 139 and 140 §1 of the Belgian Criminal Code, and sentenced him to 20 years' imprisonment in February 2021. The court identified Asadollah Asadi as an agent of Iran's Ministry of Intelligence and Security (MOIS) who worked under diplomatic cover in Europe. The court found that he worked for a group within Department 312 of the MOIS, which engaged in gathering information about the People's Mojahedin Organization of Iran (PMOI), an opposition group outside Iran that seeks the overthrow of the Islamic Republic system, and used this information to organize a bomb attack against a convention by the PMOI in France in 2018. The court found that Asadollah Asadi had carried explosives for the planned bombing in diplomatic baggage aboard a commercial flight to Austria from Iran. The court stated that "working under diplomatic status without effectively carrying out [diplomatic] activities can only be done with the consent of those responsible within the Iranian state", but added that there is not enough information to determine how the

abovementioned group within the MOIS operates within the state structure in Iran and who was the highest principal of the foiled attack.

This was not an isolated incident. There is a history of violent and deadly attacks by agents of the Islamic Republic of Iran against Iranian dissidents abroad, reflecting the authorities' long-standing pattern of repressing peaceful dissent by people inside and outside Iran. These attacks on dissidents abroad have included extrajudicial executions, abductions, enforced disappearances, arbitrary detention, torture, threats, harassment, and electronic surveillance.

In July 2021, Amnesty International and nine other human rights organizations [issued a joint statement](#) warning that there is a significant risk that Iranian human rights defenders, journalists and dissidents based outside Iran will continue to be targeted by agents of the Islamic Republic of Iran if the international community does not address the Iranian authorities' extraterritorial violent and unlawful activities to crush dissent. The human rights groups added that governments should give notice that anyone responsible for such unlawful acts will be held accountable, including through criminal prosecution and punishment.

This joint statement came in response to the US prosecution authorities' indictment of four Iranian agents for conspiring to abduct Iranian-US journalist Masih Alinejad from US soil. The prosecution authorities stated that the alleged plan to abduct Masih Alinejad was apparently part of a wider scheme of targeting Iranian dissidents, including those living in Canada and the United Kingdom. A month prior, in June 2021, the [BBC urged](#) the UN Human Rights Council to "safeguard" Iranian employees of the Persian service of BBC in the United Kingdom who have been harassed by Iranian state agents and threatened with kidnapping.

In recent years, Amnesty International has documented a growing number of abductions of dissidents abroad and their forced return to Iran, where they were subjected to a litany of human rights violations including enforced disappearance, torture and other ill-treatment, unfair trial, and, in one case, arbitrary deprivation of the right to life.

For instance, Habib Chaab, an Iranian-Swedish dual national, currently detained in Iran, was abducted in Turkey in October 2020, and removed to Iran through what the Iranian authorities [called](#) "specialist and combined actions". Turkish authorities wrote in a January 2021 [reply](#) to a communication from several UN Special Rapporteurs that he was "illegally smuggled to Iran the day after his arrival in Turkey." Habib Chaab is currently at risk of the death penalty.

In July 2020, Iranian-born US resident and German national [Jamshid Sharmahd](#) was also abducted during a stopover in Dubai in what the Iranian authorities called a "complex operation" to bring him back to Iran where he has since been subjected to enforced disappearance, torture and other ill-treatment. He is similarly at risk of being sentenced to death.

In October 2019, Iranian dissident journalist [Ruhollah Zam](#) was abducted by Iranian state agents during a trip to Iraq from his home in France and forcibly returned to Iran where he was later subjected to torture and other ill-treatment and executed in December 2020 after a grossly unfair trial.

Over the past decades, numerous Iranian dissidents have also been assassinated abroad in circumstances indicating that they were extrajudicially executed by Iranian state agents. Victims of such extrajudicial executions include former Iranian Prime Minister [Shapur Bakhtiar](#) in France in 1991, and dissident singer [Fereydown Farrokhzad](#) and [three leaders of the Kurdistan Democratic Party of Iran and an interpreter](#) in Germany in 1992.

Considering the abovementioned concerns, Belgian lawmakers must carefully consider and address the possible adverse effects of the treaty on the obligations of Belgium under international human rights law. These obligations include upholding the rights to freedom of expression and to freedom of peaceful assembly of human rights defenders, journalists and dissidents in Belgium, as well as protecting them from attacks for exercising these rights, and ensuring that the victims of such attacks are provided with justice and those responsible are not granted impunity. Accordingly, Belgian lawmakers must ensure adequate judicial safeguards and other necessary measures are in place to prevent the bilateral treaty being used to provide impunity for those responsible for human rights violations, including state officials and agents convicted and sentenced in Belgium for crimes that involve human rights violations against dissidents or others. Amnesty International has extensively documented that [a crisis of systemic impunity](#) prevails inside Iran for human rights violations and crimes under international law committed by Iranian officials including [extrajudicial executions](#) and other [unlawful killings](#), [enforced disappearance](#), [torture](#) and [other ill-treatment](#).

International law and standards including the [UN Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity](#) impose a duty on states to ensure that perpetrators of serious human rights violations and crimes under international law are "are prosecuted, tried and duly punished." The UN Human Rights Committee has stated that these obligations arise notably in respect of those violations recognized as criminal under either domestic or

international law, such as torture and similar cruel, inhuman and degrading treatment, summary and arbitrary killings, and enforced disappearance.

PUBLIC COMMENTS BY BELGIAN AUTHORITIES POINTING TO HOSTAGE-TAKING

The bilateral treaty between Belgium and Iran emerges in a context where, according to public comments by Belgian authorities, the Iranian authorities have been attempting to pursue a “deal” with Belgium to swap arbitrarily detained foreign and dual nationals in Iran, including Ahmadreza Djalali, for Asadollah Asadi and the Belgium authorities’ response to Iran was that “there is no legal framework that allows for an exchange of prisoners.”

On 3 February 2021, the Belgian minister of justice, Vincent Van Quickenborne, confirmed that “it is correct to say that the Iranian regime likes to push for a deal or prisoner exchange.”¹

More recently, on 18 March 2022, a member of parliament in Belgium addressed a question in writing to the Belgian minister of foreign affairs, Sophie Wilmès, regarding a meeting that the minister had with Iran’s minister of foreign affairs Amirhossein Abdollahian at the margins of the Munich conference on 19 February 2022. The parliamentarian asked the minister to confirm whether, during the meeting, the situation of Asadollah Asadi and “a possible swap deal” had been explicitly discussed, and whether the Belgian government would “guarantee that an exchange deal for Asadollah Asadi will never be implemented” and that he “will serve his entire sentence in a Belgian prison”.²

The minister confirmed in her written reply that the case of Asadollah Asadi had indeed been discussed during the meeting, adding: “You will understand that I, for my part, did not wish to comment on this decision of the Belgian judiciary. There is no legal framework that allows for an exchange of prisoners.”³ The minister added that she, for her part, recalled the independence of the Belgian judiciary and that it would not be possible under Belgian law to pursue prisoner exchanges.

On 4 July 2022, Belgian media reported that a 40-year-old Belgian NGO worker, Olivier Vandecasteele, has been detained in Iran since February 2022. According to the Belgian Minister of Justice on 5 July 2022, the individual has not been charged, but he is accused of “espionage” and Belgium has no information indicating that these accusations are justified. The same media reports indicated that Belgian security services fear that Olivier Vandecasteele has been arbitrarily detained by the Iranian authorities in order to compel Belgium to release Asadollah Asadi. During the abovementioned discussion at the Committee on Foreign Affairs, the Minister for Justice clearly indicated that the treaty between Iran and Belgium and the draft law before Parliament are connected to the detention of this Belgian national.

INVESTIGATION NEEDED INTO HOSTAGE-TAKING

Amnesty International has previously said that the failure of the international community, including European governments, to hold the Iranian authorities to account for the crime of hostage-taking, including through public statements and criminal investigation and prosecution of suspected perpetrators, has emboldened the Iranian authorities to continue the cruel practice of using arbitrarily detained dual and foreign nationals in Iran as political bargaining chips. The consequences of the impunity granted to Iranian authorities has been devastating, leading to a well-documented pattern over recent years of foreign and dual nationals being subjected to arbitrary arrest and detention, unjust imprisonment, torture and other ill-treatment, and threats of execution.

The urgent need for the international community to accelerate efforts to prevent and prosecute the crime of hostage-taking is particularly brought into sharp relief by the distressing situation of Swedish-Iranian national Ahmadreza Djalali where mounting evidence indicates the Iranian authorities have repeatedly threatened to execute him to compel Sweden and Belgium to swap him for Iranian officials convicted and/or on trial abroad and to deter these and other states from prosecuting Iranian agents accused of attacks against dissidents abroad. Amnesty International renews its call on members of the international community to use all means at their disposal to press the Iranian authorities to halt any plans to execute him, release him immediately and offer reparations for the harm he has suffered.

¹ Chambre of Representatives Committee on Justice, Report CRIV 55 COM 363, 3 February 2021, <https://www.dekamer.be/doc/CCRI/pdf/55/ic363.pdf>, p. 15, section 9.02. The original statement in Dutch was as follows: “Mevrouw Samyn, u zal begrijpen dat ik op uw eerste vraag niet in detail kan ingaan. In het algemeen is het wel correct dat het Iraanse regime graag aanstuurt op een deal of een gevangenenruil.”

² La Chamber.be, *Question et réponse écrite n° : 0630 - Législature : 55*, 18 March 2022, <https://www.dekamer.be/kvvcv/showpage.cfm?section=qrva&language=fr&cfm=qrvaxml.cfm?legislat=55&dossierID=55-Bxxx-1183-0630-2021202214698.xml>

³ La Chamber.be, *Question et réponse écrite n° : 0630 - Législature : 55*, 18 March 2022, [dekamer.be/kvvcv/showpage.cfm?section=qrva&language=fr&cfm=qrvaxml.cfm?legislat=55&dossierID=55-Bxxx-1183-0630-2021202214698.xml](https://www.dekamer.be/kvvcv/showpage.cfm?section=qrva&language=fr&cfm=qrvaxml.cfm?legislat=55&dossierID=55-Bxxx-1183-0630-2021202214698.xml)

Amnesty International further renews its calls for the establishment of an effective, transparent, and independent inquiry into the situation of Ahmadreza Djalali, in accordance with the International Convention Against Taking of Hostages, to investigate evidence pointing to hostage-taking. Given the prevailing climate of impunity in Iran, such an inquiry should be established, either jointly or separately, by Sweden and Belgium as the states against which compulsion has been directed or attempted.

In light of ongoing concerns regarding the Iranian authorities' practice of using detained dual and foreign nationals as leverage, Amnesty International also calls once again on all states whose nationals are at any point detained in Iran to urgently adopt policies to ensure that the cases of their detained nationals are promptly examined in accordance with the International Convention Against Taking of Hostages to determine whether the deprivation of liberty constitutes the crime of hostage-taking, and if so, to take all appropriate measures to protect and secure the release of the hostages concerned and to promote accountability through both public statements and criminal investigation and prosecution of suspected perpetrators. Given that deprivation of liberty could transform into an act of hostage taking at any stage following the arrest and during the detention period, all such cases must be subjected to regular reviews.