

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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IRAN/BELGIUM: IRAN MUST BE HELD ACCOUNTABLE FOR HOSTAGE-TAKING AFTER OVERDUE RELEASE OF OLIVIER VANDECASTEELE IN PRISONER SWAP

Amnesty International welcomes the release of Belgian aid worker Olivier Vandecasteele and is relieved he will soon be with his family in Belgium. He had been unjustly imprisoned in Iran since February 2022 and subjected to enforced disappearance, torture and other ill-treatment.

The organization is, however, deeply disturbed that he was only freed and allowed to leave Iran through a deal between Belgium and Iran, which enabled the premature release of Iranian intelligence agent, Assadollah Asadi, and diminished the effect of his conviction and 20-year prison sentence by a Belgian court for planning a thwarted bomb attack against Iranian dissidents in France. The circumstances of his release confirm Amnesty International's earlier concerns that the Iranian authorities held Olivier Vandecasteele hostage to swap him with Assadollah Asadi.

By transferring Assadollah Asadi to Iran, the Belgium government has contributed to a climate of impunity for the extraterritorial targeting of Iranian dissidents for extrajudicial executions, torture, and other ill-treatment, and undermined the rights of victims to justice, reparations and guarantee non-recurrence of violations.

Amnesty International warns that Iranian dissidents abroad will be exposed to increased risks of attack by agents of the Islamic Republic of Iran when the international community, including Belgium and other European governments, fail in their obligations under international law to duly punish attempted extrajudicial executions and other gross human rights violations committed by the Iranian authorities extraterritorially to crush freedom of expression and peaceful dissent.

Amnesty International is deeply concerned that the prisoner swap risks emboldening the Iranian authorities to continue to commit hostage-taking and other crimes under international law. To mitigate these risks, the Belgian authorities must urgently conduct investigations into whether the deprivation of Olivier Vandecasteele's liberty amounted to the crime of hostage-taking and promote accountability through both public statements and the investigation and prosecution of suspected perpetrators.

Amnesty International also urges the Belgian authorities to criminally investigate and issue arrest warrants for officials and others against whom there is sufficient admissible evidence of responsibility for torture, enforced disappearance or other crimes under international law against Olivier Vandecasteele, on the basis of the principles of universal jurisdiction and passive personality jurisdiction.

Amnesty International reiterates its call on all states whose nationals are or have been detained at any point in Iran to conduct investigations into whether the deprivation of liberty amounts to an act of hostage-taking, and if so, take all appropriate measures to ensure accountability. This includes, where there is sufficient admissible evidence, issuing arrest warrants and requesting extradition of Iranian officials for prosecution in line with international fair trial standards.

Iran and Belgium are parties to the International Convention Against the Taking of Hostages, which criminalizes acts of hostage-taking committed by state and non-state actors. The Convention defines hostage-taking as the detention of any person accompanied by threats to kill, injure or continue to detain them, unless certain conditions are met by a third party. There is no requirement under international law for the conditions attached to the release of a detainee to have been explicitly uttered for the act of detention to amount to the crime of hostage-taking. Circumstances of a case that demonstrate an implicit demand placed on a third party to do or refrain from doing something, may suffice to establish intent and to qualify the deprivation of liberty as an act of hostage-taking.