



Justice for the Victims of the 1988 Massacre in Iran (JVMI)

Prime Minister Alexander De Croo
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Belgium

OPEN LETTER - By email: contact@premier.be

7 September 2022

Subject: Belgium must not encourage impunity for Iran's officials by freeing its convicted diplomat

Dear Prime Minister,

We, experts in the field of human rights, criminal justice, and international law, are deeply concerned to hear that the government of Belgium intends to free an Iranian diplomat currently serving a 20-year imprisonment sentence for attempting to bomb an international summit. Releasing Assadollah Assadi back to Iran would only fuel the culture of impunity that exists for Iran's officials.

Assadi was convicted by the Belgian Judiciary for masterminding the attempted bombing of the summit in France in 2018. The court concluded in its decision that Assadi personally transferred a powerful bomb in his diplomatic bag on a commercial flight from Iran to Austria and later handed the bomb to two terrorists to use at the 'Free Iran' convention, organised by the Iranian dissident group 'National Council of Resistance of Iran' and attended by tens of thousands of people including hundreds of distinguished international personalities.

The Belgian Judiciary handed down a definitive maximum possible sentence to Assadi and stated that he was acting on behalf of the Iranian state.

Iran's officials have publicly declared that they do not recognise the decision by the Brussels court. On 11 March 2022, Belgium quietly signed a treaty¹ with Iran that allows persons sentenced in the territory of either party to be transferred to the territory of the other party.

Allowing Assadi to serve the remainder of his 20-year sentence in Iran, the state which was responsible for the attempted terrorist bombing, would make a mockery of the rule of law and foster further impunity for the Iranian government and its officials involved in terrorism and crimes against humanity.²

Most worryingly, Article 13 of the treaty signed with Iran states: *"Each Party may grant pardon, amnesty or commutation of the sentence in accordance with its Constitution or other laws."*

That article would effectively allow the Iranian government to grant pardon to Assadi the moment he arrives in Iran.

¹ <http://www.lachambre.be/FLWB/PDF/55/2784/55K2784001.pdf>

² See ECHR decision on *Makuchyan and Minasyan v. Azerbaijan and Hungary*

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The JVMI is a not for profit centre for research and documentation in London which operates internationally

Advisory board: Prof Lord Alton of Liverpool • Ingrid Betancourt • Sir Geoffrey Bindman QC • William Bourdon • Prof Bill Bowring • Kirsty Brimelow QC • Dr. Juan E. Garcés • Rama Yade (Former French Human Rights Minister)

Transferring Assadi to Iran would effectively free him from serving his sentence and would set a dangerous precedent and seriously weaken the rule of law in Europe. It would encourage more Iranian terrorism on EU soil and reassure Iranian officials that they could evade responsibility for major international crimes. Belgium would bear heavy responsibility in this regard.

Already, Belgian and international legal experts³ and human rights groups⁴ have warned against Belgium's treaty with Iran being used to grant impunity for state officials and agents responsible for serious human rights violations and crimes under international law.

Following a complaint filed by the NCRI and several international dignitaries, who were the potential victims of the terrorist plot, the Brussels Court of Appeal issued a temporary ruling blocking the transfer of Assadi to Iran.

United Nations Security Council resolution 1373, which was adopted after the 9/11 terrorist attacks and which is binding on all UN Member States, decides that all States shall: *"Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts."* (S/RES/1373, 28 Sept. 2001).

We respectfully remind you that Article 25 of the UN Charter specifically states: *"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."*

Furthermore, Article 103 of the UN Charter provides: *"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."*

Iran is currently engaging in hostage diplomacy. It has in recent times arrested a number of European citizens or dual nationals on spurious charges. Accordingly, state media have stated plainly that these individuals would only be freed if Assadi is released back to Iran. A lenient approach in this regard would undermine the rule of law in Europe and could also lead to more acts of terrorism.

We strongly urge the government of Belgium to resist Iran's hostage diplomacy tactics. Rather than helping to foster impunity in Iran by releasing a convicted terrorist, the Belgian government should unequivocally declare that Assadollah Assadi will not be released back to Iran and that he must serve the remainder of his sentence in Belgium.

Yours sincerely,

SIGNED:

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³ <https://www.lesoir.be/452530/article/2022-07-05/terrorisme-la-belgique-doit-renoncer-signer-un-traite-scandaleux-avec-iran>

⁴ <https://www.amnesty.org/en/documents/mde13/5813/2022/en/>

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Judge, Kosovo Specialist Chambers (KSC) (2017-present)
Judge, International Criminal Court (2009-2018)
Ad hoc Judge, International Court of Justice (ICJ) (2000-2002)
Judge, UN International Criminal Tribunal for the former Yugoslavia (2003–2009)

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Council of Europe Commissioner for Human Rights (2006-2012)
Secretary General of the Stockholm-based Olof Palme International Center (2002–2005)
Ambassador of the Swedish Government on Humanitarian Affairs (1994–2002)
Secretary General of the NGO “Save the Children Sweden” (1986–1992)
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Member of the UN Human Rights Committee (1977-1986)
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- Hadja Lahbib, Minister of Minister of Foreign Affairs
- Josep Borrell, High Representative of the EU for Foreign Affairs and Security Policy