



Plenary sitting

B8-1028/2015

6.10.2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the case of Ali Mohammed a-Nimri
(2015/2883(RSP))

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on behalf of the PPE Group

B8-1028/2015

**European Parliament resolution on the case of Ali Mohammed a-Nimri
(2015/2883(RSP))**

The European Parliament,

- having regard to Article 18 of the 1948 Universal Declaration of Human Rights and Article 19 of the 1966 International Covenant on Civil and Political Rights,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - having regard to the EU Guidelines on the Death Penalty of 1998 and recently revised and updated in April 2013,
 - having regard to the UN General Assembly resolutions and in particular the one of 18 December 2014 on the moratorium on the use of the death penalty,
 - having regard to the statements of 22 September 2015 by UN Human Rights experts on the case of Mr Ali Mohammed al-Nimr,
 - having regard to the final declaration adopted by the 5th World Congress against the Death Penalty held in Madrid on 12-15 June 2013,
 - having regard to its resolution of 24 March 2011 on EU relations with the Gulf Cooperation Council,
 - having regard to its resolution of 11 March 2014 on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa,
 - having regard to Rules 135(5) of its Rules of Procedure,
- A. whereas Article 19 of the Universal Declaration of Human Rights states that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
- B. whereas the Kingdom of Saudi Arabia (KSA) is an influential political, economic, cultural and religious actor in the Middle East and the Islamic world, and a founder and leading member of the Gulf Cooperation Council (GCC) and of the G-20 group;
- C. whereas the Kingdom of Saudi Arabia is an important partner for the EU; whereas the relationship between KSA and the EU is comprehensive and covers a wide range of policies;
- D. whereas the opening of the dialogue between KSA and the EU on human rights could be a constructive step in the relationship and a very useful opportunity to enhance mutual understanding and promote further reforms in the country including the reform of the judiciary;

- E. Whereas imposing the death penalty on someone who was a child at the time of the offense and after allegations of torture is incompatible with Saudi Arabia's international obligations;
- F. Whereas international law, to which Saudi Arabia committed to, provides that capital punishment may only be imposed following trials that comply with the most stringent requirements of fair trial and due process, or could otherwise be considered an arbitrary execution;
- G. Whereas Ali Mohammed al Nimr, the son of a prominent government dissident was arrested in 2012 for his participation in Arab Spring protests when he was just 17 years old;
- H. Whereas Ali Mohammed al-Nimr was sentenced to death on 27 May 2014 for offences that included taking part in demonstrations against the government, attacking the security forces, possessing a machine-gun and armed robbery when he was 17 years old. Whereas it is reported that the Court have based its decision on "confessions" which Ali al-Nimr has said were extracted under torture and other ill-treatment and whereas the Court has refused to look into this allegation;
- I. Whereas his sentence has now been upheld by appeal judges at the Specialised Criminal Court (SCC) and by the Supreme Court, and the case sent to the Ministry of Interior in August 2015 for the sentence to be implemented;
- J. Whereas Ali Mohammed al-Nimr faces imminent beheading and crucifixion for crimes he reportedly committed as a child;
- K. Whereas it is reported that that the trial against Ali Mohammed al-Nimr fell short of fair trial and due process standards,
1. Reiterates its condemnation of the use of the death penalty, in all cases and circumstances, and strongly supports the introduction of a moratorium on the death penalty, as a step towards abolition; emphasizes once again that the abolition of the death penalty contributes to the enhancement of human dignity;
 2. Condemns firmly any form of torture or corporal punishment as an unacceptable and degrading treatment contrary to human dignity and voices concern about the alleged use of torture by Saudi Arabia;
 3. Urgently appeals to the Saudi authorities to immediately halt the scheduled execution of Ali Mohammed al-Nimr and calls upon the Saudi authorities to ensure a fair retrial of Ali Mohammed al-Nimr, and to review his case and sentence; and calls on the EEAS as well as all Member States to explore all diplomatic tools to halt this execution;
 4. Stresses that the Convention on the Rights of the Child, to which Saudi Arabia is party, strictly prohibits the use of the death penalty for crimes committed by anyone below the age of 18;

5. Calls on Saudi-Arabia authorities to conduct impartial investigations into the alleged acts of torture Ali Mohammed al-Nimr has been victim of;
6. Stresses the importance of the process of judicial reform undertaken by the Kingdom of Saudi Arabia with the view to improve the protection of individual rights, and encourages its fostering to ensure the fundamental rights to a fair trial and due process;
7. Calls on the KSA's authorities to pursue the necessary Human rights reforms and particularly those related to limiting the death penalty and capital punishment;
8. Believes that halting the execution of Ali Mohammed al-Nimr and commuting his sentence would be a positive signal of the commitment of Saudi Arabia authorities to the reform of the judicial system;
9. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.