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*Plenary sitting*

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**B8-0283/2018**

12.6.2018

## **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 human rights situation in Bahrain, notably the case of Nabeel Rajab (2018/2755(RSP))

**Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi**  
on behalf of the EFDD Group

**European Parliament resolution on human rights situation in Bahrain, notably the case of Nabeel Rajab (2018/2755(RSP))**

*The European Parliament,*

- having regard to 21 February 2018 EEAS statement by the spokesperson on the sentencing of the Bahraini Human Right Defender, Mr Nabeel Rajab
  - having regard to 17 January 2018 EEAS, Statement by the spokesperson on the sentencing of Nabeel Rajab in Bahrain
  - having regard to the UN Committee against Torture Concluding observations on the second and third periodic reports of Bahrain adopted on 8 and 9 May 2017
  - having regard to its previous resolutions on Bahrain, notably those of 16 February 2017 on executions in Kuwait and Bahrain, of 7 July 2016 on Bahrain and of 9 July 2015 on Bahrain, in particular the case of Nabeel Rajab;
  - having regard to the International Covenant on Civil and Political rights
  - having regard to the UN Universal Periodic Review of Bahrain of 2017
  - having regard to the EU Guidelines on the Death Penalty, on Torture, on Freedom of Expression and on UN Human Rights Defenders,
  - having regard to the Bahraini Constitution
  - having regard to the November 2011 report by the Bahrain Independent Commission of Inquiry (BICI),
  - having regard to the 1966 International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Arab Charter on Human Rights, to all of which Bahrain is a party,
  - having regard to the 1948 Universal Declaration of Human Rights, particularly Article 15 thereof,
  - Having regard to its rules of procedures
- A. Whereas human rights abuses - including arbitrary detention, torture and unfair trials of human rights defenders - have dramatically intensified in Bahrain over last years as Bahrain has significantly increased its crackdown on all forms of dissent targeting

human rights defenders, lawyers, journalists, political activists and leaders, Shi'a clerics and peaceful protesters

- B. Whereas common practices by the authorities include summons, threats, interrogations, arrests, prosecutions, imprisonments, travel bans against activist, HRDs and all those who speak out against the government; whereas hundreds of human rights defenders and undesired citizens have been stripped of their nationality, leaving them stateless, and their families have been targeted as a form of retaliation;
- C. Whereas in 2017 Bahraini government reversed two of the most substantive recommendations of the Bahrain Independent Commission of Inquiry, that it had previously implemented, by restoring arrest and investigation powers to the National Security Agency and by authorizing trial of civilians before military courts;
- D. Whereas the Bahraini Ministry of interior said in an official statement that Bahrain is planning to introduce new significant restrictions to online speech and reinforce surveillance online activity;
- E. Whereas on 21 February 2018, prominent Bahraini human rights defender, Nabeel Rajab, has been sentenced to five years' imprisonment for "disseminating false rumours in time of war", "insulting a neighbouring country" and "insulting a statutory body" in relation to tweets posted on his Twitter account about alleged torture in Bahrain Jaw prison and the killing of civilians by the Saudi-Arabia led coalition airstrikes in Yemen
- F. Whereas on 5 June 2018 Bahrain's High Criminal Court of Appeal upheld the five year sentence against Nabeel Rajab;
- G. Whereas the verdict follows a trial that has been marred by serious violations as Mr. Rajab case has been postponed 20 times and on several occasions the court violated criminal procedure law, by for example preventing Mr Rajab legal team to present its defence
- H. Whereas Nabeel Rajab and other human rights defenders detention has been marred by serious allegations of ill-treatment and torture; whereas ahead of his first appeal hearing in Rajab family reported that in April 2018 authorities denied him and other inmates access to water for more than a day and a half; whereas Mr. Rajab health has been deteriorating but authorities have been denying access to proper, independent, adequate and trusted healthcare;
- I. Whereas this is just the last chapters of a history of harassment against him, as Mr. Rajab has been in and out of prison since 2012 on numerous charges related to its activism and has been banned from leaving Bahrain since November 2014
- J. Whereas Mr. Rajab case is just one of many as Bahrain stepped up its crackdown on all forms of dissent targeting human rights defenders and civil society; whereas a number of peaceful critics and their relatives have been threatened, summoned, interrogated, prosecuted, arrested, imprisoned or banned from travel; whereas human

rights defender and dual Bahraini and Danish citizen Abdulhadi al-Khawaja and Dr. Abduljalil Al-Singace are serving a life sentence since 2012

- K. Whereas Bahrain does not limit its action within its borders as Sayed Ahmed Alwadaei, the Director of Advocacy at the Bahrain Institute for Rights and Democracy (BIRD) who lives in exile in the UK, and his family, have been harassed by the authorities to force him to stop his human rights activities;
  - L. Whereas Bahrain refused to receive an European parliament delegation attempting to assess the human rights situation in the country in April 2018 and routinely denies entry to international NGOs, human rights advocates and critical journalists and since 2006 to all UN special procedures mandate holders who requested to visit the country
  - M. Whereas all major opposition political societies have been dissolved, including Wa'ad in May 2017, and Al-Wefaq in July 2016, and the only independent newspaper, al-Wasat, was indefinitely suspended in June 2017
  - N. Whereas in April 2018 the government approved a bill preventing opposition members and official of permanently dissolved political societies from running in upcoming elections, thus further silencing all opposition voices
  - O. Whereas Bahraini authorities have dissolved dozens of civil societies, including Bahrain Center for human Rights or replaced their board and put legal restrictions on freedom of association, including the requirement of prior registration
  - P. Whereas there are systemic problem in the administration of criminal justice as made clear by the arbitrary nature of trials; whereas it persists the widespread use of forced confessions as evidence in courts;
  - Q. Whereas Bahrain carried out its first execution in 2017 in more than six years and sentenced to death three more people so far in 2018; whereas there are currently 21 men on death row
  - R. Whereas the right to free of expression is protected under article 19 of the International Covenant on Civil and Political rights, which Bahrain Ratified in 2006
1. Condemns the relentless crackdown on the rights to freedom of expression, association, peaceful assembly and the rule of law carried on by state authorities and the security forces and services; notes with concern that such a crackdown has been increasing as the country prepares itself for parliamentary elections;
  2. Urges Bahraini authorities to cease all intimidation or repression against human rights defenders, civil society and all those who are exercising their rights to freedom of expression, association and peaceful assembly and to revise or repeal laws that unduly restrict such rights, in line with its international obligations
  3. Calls on Bahraini authorities to align its internal legislation with its international obligations and to implement recommendations of the Bahrain Independent Commission of Inquiry (BICI) and of the Universal Periodic review; calls on the

authorities to rescind amendments of law 105b allowing for civilians to be prosecuted in military courts and to repeal the proposed amendment of article 3 of the law regulating the exercise of political rights;

4. Condemns the use of Anti-terrorism laws and penal code provisions to prosecute human rights defenders and anyone freely expressing its opinions; express its worries on Bahrain intention to further crackdown on online freedom of expression and especially on the possibility of a new regulation that could provide a new legal basis to prosecute anyone using social media to exercise its rights of freedom of expression;
5. Condemns the ongoing practice of arbitrarily stripping nationals of their citizenship, which has in many cases resulted in leaving people stateless and contravenes Bahrain's international obligations under Article 29 of the Arab Charter on Human Rights; calls on Bahrain to immediately put an end to arbitrary deportations and restore citizenship to those who have been left stateless or whose citizenship was revoked unfairly or arbitrarily;
6. Calls on Bahraini authorities to immediately and unconditionally release Nabeel Rajab, and to drop any remaining charge against him, and Abdulhadi Al-Khawaja, along with all detained human rights defenders and political prisoners detained solely for peacefully exercising their rights;
7. Urges Bahrain authorities to guarantee that trials meet international fair trial standards; notes in this regard that the cases and verdicts against Nabeel Rajab fall short of Bahrain's International Obligations, including article 9, 14, 19 and 22 of the International Covenant on Civil and Political rights, as well as articles 19 and 20 of the Constitution of the Kingdom of Bahrain;
8. Calls on the authorities, pending Mr. Rajab release, to ensure that he is not subjected to torture or other ill-treatment and has regular access to his family, lawyers of his choice and adequate healthcare.
9. Reminds to Bahrain authorities the importance to uphold international standards on the right to a fair trial and due process and to comply with its international obligations, to ensure that all detainees are charged with an offense established under the law and to stop to use any statement made as a result of torture as evidence in any proceeding
10. Calls on Bahraini authorities to refrain from all torture, cruel and degrading treatment of detainees and to ensure that all allegations in this sense are independently, promptly and thoroughly investigated and perpetrators are held accountable; reminds to the authorities that no person should be held incommunicado and detainees should have access to proper healthcare; calls on the Bahraini authorities to ratify the Optional Protocol to the Convention Against Torture;
11. Calls on the Bahraini government to rescind the arbitrary decision to close the only independent newspaper in the country, al-Wasat, and end its campaign against freedom of press and journalists and to work towards restoring a conducive environment for upcoming elections

12. Calls on Bahrain to ensure political pluralism by re-opening dissolved opposition groups and to immediately halt the suppression of different political opinions in the country and the repression of their leading representatives, regardless of their political or religious affiliation and to ensure the participation of representative opposition groups to the 2018 elections;
13. Calls on Bahraini authorities to fully cooperate with UN Special Procedures, including providing a standing invitation to UN Special Rapporteurs as well as granting access to international NGOs, observers and parliamentary delegations wishing to visit the country; urges Bahraini authorities to refrain from harassing and imposing travel bans on all those human rights defenders and rights advocates attending to the sessions of the Un Human Rights Council in Geneva
14. Calls on the Bahraini authorities to declare an official moratorium on executions by commuting all death sentences as a first step towards abolition; calls on the Bahraini authorities to review all pending death sentences in order to ensure that those convicted in flawed trials will have a fair retrial
15. Urges the European External Action Service and Member States to actively monitor and raise the cases of individual human rights defenders with Bahraini authorities, including during human rights dialogues and in the upcoming sessions of the Human Rights Council, and to visit jailed human rights defenders;
16. Calls on all EU member states to strictly observe EU Codes of Conduct on Arms Export, and in particular to halt all transfers of weapons, surveillance and intelligence equipment and material that can be used by Bahrain in its ongoing crackdown on human rights
17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of the Kingdom of Bahrain, and the members of the Gulf Cooperation Council.