

## **P7\_TA-PROV(2013)0032**

### **Human rights situation in Bahrain**

#### **European Parliament resolution of 17 January 2013 on the human rights situation in Bahrain (2013/2513(RSP))**

*The European Parliament,*

- having regard to its previous resolutions of 27 October 2011 on Bahrain<sup>1</sup> and of 15 March 2012 on human rights violations in Bahrain<sup>2</sup>,
- having regard to its resolution of 24 March 2011 on European Union relations with the Gulf Cooperation Council<sup>3</sup>,
- having regard to the statements by its President of 12 April 2011 on the death of two Bahraini civil activists and of 28 April 2011 condemning the death sentences handed down to four Bahrainis for participating in peaceful pro-democracy protests,
- having regard to the visit of a delegation of its Subcommittee on Human Rights to Bahrain on 19 and 20 December 2012 and to the press statement issued by that delegation,
- having regard to the decision of the Bahraini Court of Cassation of 7 January 2013 to uphold the sentences of 13 political activists,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on Bahrain, in particular her statements of 24 November 2011 on the publication of the report of the Bahrain Independent Commission of Inquiry (BICI), of 5 September 2012 on the decisions of the Bahraini Court of Appeal on the cases of Abdulhadi al-Khawaja and 19 other individuals, and of 23 November 2012 on the first anniversary of the publication of the BICI's report, the statements by her spokesperson of 13 February 2012 on the anniversary of the unrest in Bahrain, of 10 April 2012 on the situation of Abdulhadi al-Khawaja in Bahrain, of 16 August 2012 on the sentencing of Nabeel Rajab in Bahrain and of 24 October 2012 and of 7 November 2012 on the recent violence in Bahrain, and the statements made by the VP/HR at the European Parliament on 12 October 2011 on the situation in Egypt, Syria, Yemen and Bahrain,
- having regard to the Council conclusions on Bahrain of 24 May 2011, 12 April 2011, 21 March 2011 and 21 February 2011,
- having regard to the statements by the UN Secretary-General of 23 June 2011 and 30 September 2011 on the sentences imposed on 21 Bahraini political activists, human rights defenders and opposition leaders, and to the statements by a spokesperson for the Secretary-General of 12 April 2012 on the bomb attack in Bahrain and of 30 September 2011, of 15 February 2012, of 24 April 2012, of 5 September 2012, of 1 November 2012 and of 8 January 2013 on Bahrain,

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<sup>1</sup> Texts adopted, P7\_TA(2011)0475.

<sup>2</sup> Texts adopted, P7\_TA(2012)0094.

<sup>3</sup> OJ C 247 E, 17.8.2012, p. 1.

- having regard to the report released by the BICI in November 2011 and to its follow-up report of 21 November 2012,
  - having regard to the statement by the Ministerial Council of the Gulf Cooperation Council (GCC) on the terrorist bombings in Manama on 5 November 2012,
  - having regard to Articles 61, 84, 87, 134, 135 and 146 of Bahrain’s Law of Criminal Procedure,
  - having regard to the statement by the Bahraini Public Prosecutor of 23 October 2011 regarding the retrial of doctors previously prosecuted in military trials,
  - 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, and the Arab Charter on Human Rights, to all of which Bahrain is a party,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the 2004 EU Guidelines on Human Rights Defenders, as updated in 2008,
  - having regard to the 1949 Geneva Convention,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the human rights situation in Bahrain remains critical in the wake of the crackdown on pro-democracy protesters in 2011; whereas many recent actions of the Bahraini Government continue seriously to violate and restrict the rights and freedoms of segments of the Bahraini people, particularly the right of individuals to peaceful protest, free speech and digital freedom; whereas the Bahraini authorities are continuing their crackdown on peaceful political protesters;
- B. whereas security and police forces continue to use disproportionate violence, leading to injuries and death; whereas there are increasing reports of violations by the Bahraini authorities, including extrajudicial arrests, extrajudicial raids on houses, unfair trials, media attacks, intimidation and humiliation of citizens at checkpoints and massive discrimination at work and university;
- C. whereas on 16 October 2012 the authorities arrested Mohammed al-Maskati, President of the Bahrain Youth Society for Human Rights, on charges of participating in an ‘illegal gathering’ in Manama a week earlier; whereas Mr al-Maskati was released on bail the next day and no court date has been set;
- D. whereas on 18 October 2012 four men were detained for defaming the Bahraini King on a social networking site and whereas, during their arrest, security forces confiscated their computers and other electronic equipment; whereas all the detainees denied any wrongdoing;
- E. whereas on 30 October 2012 the Interior Minister, Sheikh Rashid bin Abdullah al-Khalifa, ordered a ban on all public rallies and demonstrations (although he has now formally lifted it), saying that the authorities would no longer tolerate protesters against the government;

- F. whereas on 5 November 2012 several homemade bombs detonated in the capital, Manama, killing two workers and injuring a third;
- G. whereas on 7 November 2012 the government revoked the nationality of 31 activists who had participated in peaceful protests, without due process, thereby violating the rights of Bahraini nationals under international law;
- H. whereas on 18 December 2012 Sayed Yousif al-Muhafdha, Vice-President of the Bahraini Centre for Human Rights (BCHR), who has campaigned tirelessly for the release of many activists, in particular Nabeel Rajab, President of the BCHR, and Jalila al-Salman, former Vice-President of the Bahrain Teachers' Association, was detained and charged with using social media to disseminate false news; whereas his case has been adjourned until 17 January 2013, and whereas he remains in custody and if convicted faces up to two years in jail; whereas he has been detained on several occasions by the Bahraini authorities as part of the ongoing systematic targeting, harassment and detention of human rights defenders in Bahrain;
- I. whereas on 7 January 2013 Bahrain's Court of Cassation upheld prison terms for 13 prominent activists charged with plotting to overthrow the monarchy; whereas eight of those activists, including Abdulhadi al-Khawaja and Ibrahim Sharif, were condemned to life imprisonment; whereas this verdict is final and the only avenue left for the defendants is a royal pardon; whereas this ruling appears to confirm the inability of Bahrain's judicial system to protect basic rights;
- J. whereas all cases heard by the military courts are being reviewed by the ordinary courts, and whereas the ordinary courts are generally not granting new trials but rather reviewing convictions based on the records compiled by the National Safety Courts;
- K. whereas despite promises to implement the recommendations of the BICI and to respect basic human rights and fundamental freedoms, the Bahraini authorities have failed to investigate the violence and to hold the perpetrators to account; whereas the implementation of the BICI's recommendations remains slow;
- L. whereas Bahrain was the subject of the Universal Periodical Review of the UN Human Rights Council in September 2012;
- M. whereas on 7 December 2012 Bahraini Crown Prince Salman bin Hamad bin Isa al-Khalifah called for dialogue with the country's opposition in order to break the deadlock in the restive Gulf Arab state; whereas a consensual dialogue between all forces is necessary in order to arrive at a comprehensive solution;
1. Condemns the ongoing human rights violations by the Bahraini authorities and security forces, particularly the use of violence, the excessive use of tear gas, the use of birdshot at short range, the ban on all forms of protest and the arrest and detention of peaceful protesters who choose to exercise their rights to freedom of expression and peaceful assembly, despite the very welcome concrete set of recommendations made by the BICI and the stated commitment by the Bahraini authorities to implementing the BICI reforms;
  2. Considers that accountability for past violations is a key element on the path towards justice and genuine reconciliation, which are necessary for social stability; strongly supports,

therefore, the BICI recommendations, which have also been endorsed by King Hamad and his government;

3. Considers it regrettable that the follow-up report issued by the BICI on 21 November 2012 has also not led to any meaningful change in the policies of the Bahraini authorities, particularly as regards the lack of progress in finding a political solution and the promised democratisation of the country; urges the Bahraini authorities to ensure the swift implementation of the recommendations, to set a timeframe and immediately to respect basic human rights and fundamental freedoms;
4. Reiterates its demand that the Bahraini security forces and authorities stop the use of violence against peaceful protesters and end the ongoing repression of political dissent through prosecution, detention and torture; urges the authorities fully to respect fundamental freedoms, particularly the freedoms of assembly and expression, both online and offline, and immediately to end all restrictions on access to information and communication technologies; calls on the Bahraini authorities to implement the necessary democratic reforms and to encourage inclusive and constructive national dialogue, including direct talks between the government and opposition components, which are currently not involved in dialogue, so as to allow reconciliation and restore collective social consensus in the country;
5. Considers strongly regrettable the latest sentences imposed on opposition activists and medical personnel and calls for the immediate and unconditional release of all Bahraini political prisoners, including teachers, doctors and other medical staff, who have been detained and charged with alleged violations related to the rights of expression, peaceful assembly and association, in particular Sayed Yousif al-Muhafadha, Nabeel Rajab and Abdulhadi al-Khawaja;
6. Calls on the Government of Bahrain to conduct a prompt and independent investigation into all cases of violations against children, including but not limited to arrest, detention and torture, and to ensure that children are held in detention facilities separate from those used for adults and are dealt with by the juvenile judicial system;
7. Urges the Bahraini authorities immediately to lift the de facto restrictions on all demonstrations, which are irreconcilable with their professed commitment to reform and will not help to advance national reconciliation or build trust among all parties;
8. Calls on the Bahraini authorities to lift all entry restrictions for foreign journalists and international human rights organisations and to allow an independent mechanism for monitoring the evolution of the situation on the ground; calls for the establishment of an international monitoring mechanism, to be set up through a resolution of the UN Human Rights Council to be adopted during its next session in March 2013, with a mandate to monitor the implementation of the recommendations of the BICI and of the UN Universal Periodic Review of Bahrain, including those relating to human rights defenders; calls on the Bahraini authorities to adopt measures to deter future human rights violations;
9. Calls on the Bahraini authorities to ensure that the 31 Bahrainis whose citizenship was withdrawn can appeal the decision before a court, as it is clear that the revocation of the nationality of political opponents by the Bahraini authorities is contrary to international law;
10. Stresses its strong disapproval regarding the lack of an EU response to the ongoing situation in Bahrain and calls on the VP/HR to condemn the ongoing violations of basic human rights

and fundamental freedoms, to impose targeted restrictive measures on the individuals directly responsible for, or involved in, the human rights abuses (as documented in the BICI report);

11. Calls for the suspension of, and a ban on, exports of tear gas and crowd control equipment to Bahrain until investigations have been conducted as regards their improper use and until the perpetrators of such improper use have been held accountable;
12. Calls for EU export restrictions on technologies used for the tracking, tracing, censorship and surveillance of information and communication flows, resulting in human rights violations;
13. Calls on the Government of Bahrain to take all necessary steps to guarantee the competence, independence and impartiality of the judiciary in Bahrain and to ensure that it acts in full accordance with international human rights standards, and in particular to ensure that the courts cannot be used for political purposes or to sanction the legitimate exercise of universally guaranteed rights and freedoms; calls on the Bahraini Government to strengthen the rights of defendants, inter alia by ensuring that they enjoy fair trial guarantees, allowing them effectively to challenge the evidence against them, providing for independent judicial oversight of the grounds for detention and ensuring that detainees are protected from abusive treatment during criminal investigations;
14. Considers it regrettable that the Government of Bahrain's intention to act on the BICI's findings, as stated at the Universal Periodic Review (UPR) session in May 2012 ahead of the UN Human Rights Council session in Geneva in September 2012, appears to be a shallow promise, given that little of substance has been achieved since then in relation to either human rights or democracy in Bahrain;
15. Endorses the recommendations of the UPR and calls on the Bahraini Government to give political priority, and to allocate the necessary resources, to adequate and timely follow-up; calls on the Bahraini Government to improve human rights protection and ratify international human rights conventions, such as the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocols to the International Covenant on Civil and Political Rights, and the International Convention for the Protection of All Persons from Enforced Disappearance;
16. Supports and encourages the cooperation between the Office of the UN High Commissioner for Human Rights and the National Human Rights Institution (NHRI) of Bahrain, and recommends further strengthening of the NHRI on the basis of the Paris Principles of pluralism and independence; strongly supports the NHRI in its function of monitoring and protecting the human rights of all Bahrainis, but remains convinced of the necessity of ensuring the operational freedom of human rights defenders and independent NGOs active in Bahrain;
17. Considers the next parliamentary elections to be a crucial part of the national reconciliation process, and encourages efforts to guarantee a free and fair election system in good time for the 2014 general election;
18. Calls on the VP/HR and the Member States to work together to develop a clear strategy for how the EU will, both publicly and privately, actively push for the release of the imprisoned activists prior to the EU-GCC ministerial meetings due to take place in Bahrain in mid-

2013, and in this connection calls on the VP/HR to work with the Member States to ensure the adoption of Foreign Affairs Council conclusions on the human rights situation in Bahrain, which should include a specific call for the immediate and unconditional release of the imprisoned activists;

19. Believes that it is crucial to continue the efforts to increase cooperation between the EU and the Gulf region and to promote mutual understanding and trust; considers that regular interparliamentary meetings between Parliament and its partners in the region are an important forum for developing a constructive and frank dialogue on issues of common concern;
20. 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 and the Government and Parliament of the Kingdom of Bahrain.