



Plenary sitting

B8-0501/2018

22.10.2018

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul (2018/2885(RSP))

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on behalf of the GUE/NGL Group

European Parliament resolution on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul (2018/2885(RSP))

The European Parliament,

- having regard to the statement of 19 October 2018 by the Spokesman for the UN Secretary-General on the death of Jamal Khashoggi,
- having regard to the statement of 18 October 2018 by the Chair of the UN Working Group on Enforced or Involuntary Disappearances, Bernard Duhaime,
- having regard to the statement of 16 October 2018 by UN High Commissioner for Human Rights Michelle Bachelet urging Saudi Arabia to reveal all it knows about the disappearance of Jamal Khashoggi,
- having regard to Article 41 of the Vienna Convention on Diplomatic Relations of 1961 and to Article 55 of the Vienna Convention on Consular Relations of 1963,
- having regard to the remarks made by the VP/HR Federica Mogherini on 9 and 15 October and in particular to her declaration of 20 October 2018 on the recent developments on the case of Saudi journalist Jamal Khashoggi,
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to Article 19 of the Universal Declaration of Human Rights which protects freedom of opinion and expression, and to Article 5 which provides that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment,
- having regard to the Arab Charter on Human Rights, in which Article 32(1) guarantees the right to information and to freedom of opinion and expression, and Article 8 prohibits physical or psychological torture or cruel, degrading, humiliating or inhuman treatment,
- having regard to the Compilation on Saudi Arabia of 30 August 2018 by the Office of the United Nations High Commissioner for Human Rights ahead of the thirty-first session of the Working Group on the Universal Periodic Review by the Human Rights Council that will take place from 5 to 16 November 2018,
- having regard to its previous resolutions on Saudi Arabia, in particular to those of 11 March 2014 on Saudi Arabia, its relations with the EU and its role in the Middle East

and North Africa¹, of 12 February 2015 on the case of Raif Badawi², of 8 October 2015 on the case of Ali Mohammed al-Nimr³ and of 31 May 2018 on the situation of women's rights defenders in Saudi Arabia⁴,

- having regard to its previous resolutions on the situation in Yemen adopted on 25 February 2016⁵ and 30 November 2017⁶, and that of 4 October 2018 calling for an EU arms embargo against Saudi Arabia⁷,
 - having regard to Saudi Arabia's membership of the UN Human Rights Council,
 - having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment⁸,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the Saudi journalist Jamal Khashoggi went missing after last being seen entering the Saudi consulate in Istanbul on 2 October 2018; whereas the Saudi regime spent more than two weeks disseminating contradictory and disingenuous versions regarding the fate of Mr Khashoggi and denying any involvement in his disappearance;
- B. whereas extremely worrying information has appeared in the Turkish media suggesting that he was tortured before being extra-judicially executed in a state-sponsored murder involving the Saudi authorities, including officials close to Crown Prince Mohammad bin Salman; whereas the Saudi regime finally admitted on 19 October that Khashoggi was killed shortly after he entered the Saudi embassy, but claim he died in a 'fist-fight' with Saudi officials after a fight broke out between Jamal Khashoggi and people who met him at the consulate and that 'the discussions (...) led to a fight, which led to his death';
- C. whereas according to the Vienna Convention on Diplomatic Relations 'the premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law';
- D. whereas following Khashoggi's disappearance obstacles were put in place by the Saudi regime to block a prompt, thorough, effective, impartial and transparent investigation; whereas investigators were not allowed to examine inside the Saudi consulate until 15 October 2018 following an agreement with the Turkish authorities, and access was granted to the consul general's residence on 17 October 2018; whereas the consul general, Mohammad al-Otaibi, left the country on 16 October 2018;

¹ OJ C 378, 9.11.2017, p. 64.

² OJ C 310, 25.8.2016, p. 29.

³ OJ C 349, 17.10.2017, p. 34.

⁴ Texts adopted, P8_TA(2018)0232.

⁵ OJ C 35, 31.1.2018, p. 142.

⁶ OJ C 356, 4.10.2018, p. 104.

⁷ Texts adopted, P8_TA(2018)0383.

⁸ OJ L 335, 13.12.2008, p. 99.

- E. whereas in recent months Crown Prince Mohammad bin Salman has overseen a widespread crackdown on human rights defenders, women activists, lawyers, journalists, scholars and writers, which has intensified since he began consolidating control over the country's security institutions; whereas Saudi journalists and human rights activists based abroad have gone silent in recent months due to threats to their families in Saudi Arabia;
- F. whereas Saudi Arabia's 2014 counter-terrorism law contains an extremely broad definition of terrorism enabling the criminalisation of acts of peaceful expression and allowing the detention of individuals for up to 90 days without access to family members or legal counsel, thereby depriving them of legal safeguards against torture;
- G. whereas states are obliged to take all measures to prevent torture, enforced disappearances and other serious human rights violations, to investigate allegations of acts constituting these crimes, and to bring to justice those suspected of committing them;
- H. whereas the UN Committee against Torture has expressed its concern about the reported existence of secret places of detention and the absence of an independent institution to undertake regular and unannounced visits to all places of detention in Saudi Arabia;
- I. whereas the UN Working Group on Enforced Disappearances has expressed serious concern that increasing use is being made of enforced disappearances in recent years to extract evidence and finalise investigations outside the protection of the law and that this often involves coercion and torture; whereas the practice of states abducting individuals beyond their own borders, with or without the acquiescence of the host state, is being used to repress political dissent or allegedly fight terrorism;
- J. whereas the human rights situation in Saudi Arabia remains highly alarming, particularly with regard to the lack of democratic rights, discrimination against women, and the existence of corporal punishment and the death penalty;
- K. whereas the prohibition of torture and cruel, inhuman or degrading treatment or punishment is not just included in all international and regional human rights instruments, but constitutes a rule of customary international law which is thus binding on all states, independent of whether they have ratified the relevant instruments;
- L. whereas the death penalty is still applied in Saudi Arabia for a wide variety of crimes; whereas the regime officially carried out 146 executions in 2017; whereas public executions take place and those executed can be crucified and publicly displayed;
- M. whereas Saudi Arabia prescribes punishments for a host of crimes, such as the death penalty for blasphemy, murder, acts of homosexuality, theft or treason, and death by stoning for adultery or amputation for banditry;
- N. whereas women's rights are being violated in Saudi Arabia, as women are considered inferior to men and are under the control of a male member of their family rather than having the freedom to make their own decisions on matters such as going out or travelling; whereas despite the announcement of very limited measures granting some rights to women, the male guardianship system persists, allowing women to be

subjected to arbitrary detention if a guardian claims disobedience; whereas Saudi women are discriminated against in public life and public space, and harmful practices – including child and forced marriage, the compulsory dress code for women and polygamy – persist in the country;

- O. whereas the treatment of many immigrant workers is deeply worrying, in particular of those working in the building sector or as domestic helpers where working conditions are similar to slavery and include child labour; whereas discriminatory provisions against foreign workers persist in the Saudi labour law; whereas around 500 000 undocumented Indonesian domestic workers are currently facing a situation of extreme vulnerability in Saudi Arabia;
 - P. whereas the Saudi-led coalition – supported by the United States, the United Arab Emirates, Bahrain, Kuwait, Jordan, Morocco and Sudan – is the leading cause of death for Yemeni civilians, and is responsible for a dramatic humanitarian crisis in Yemen; whereas this coalition has committed serious violations of humanitarian law, including the bombing of hospitals and schools, which have resulted in the deaths of thousands of civilians, mostly women and children; whereas the United Nations has accused Saudi Arabia of committing war crimes in Yemen;
 - Q. whereas, in addition to the strong support given by the US, Saudi Arabia also counts on the support of many EU Member States – including the United Kingdom, France and Spain – which have strong political relations with Saudi Arabia pertaining in particular to security and defence; whereas the EU is Saudi Arabia's largest trading partner accounting for more than 16 % of total trade; whereas a large number of EU companies are investors in the Saudi economy, especially in the country's petroleum industry, and Saudi Arabia is an important market for the export of EU industrial goods in areas such as defence, transport, automotive, medical and chemical exports; whereas Saudi Arabia is the second largest importer of weapons worldwide and around 60 % of the weapons it imports are produced in the EU;
 - R. whereas on 22 January 2015 Saudi King Salman acceded to the throne of a hereditary, feudal, absolute monarchy without an elected parliament; whereas Saudi Arabia has a population of 28 million, including 9 million foreigners; whereas Saudi Arabia plays a leading role in the financing, dissemination and promotion worldwide of a particularly rigorous interpretation of Islam that has inspired terrorist organisations;
- 1. Strongly condemns the extra-judicial killing of Jamal Khashoggi by Saudi officials in the Saudi consulate in Istanbul; expresses its condolences to his fiancée, family and friends; calls for a prompt, thorough, transparent, independent and impartial international investigation into the circumstances of Mr Khashoggi's death;
 - 2. Deplores the use by Saudi Arabia of the premises of a diplomatic mission to perpetrate a crime, which constitutes a violation of its obligations under the Vienna Convention on Diplomatic Relations; recalls that states are responsible under international law for acts committed by their agencies or officials or in the exercise of their authority; calls for full accountability of the Saudi state; supports the request made by the UN High Commissioner for Human Rights to lift the immunity of any Saudi officials who may be involved;

3. Deeply deplores the contradictory and disingenuous versions regarding the fate of Jamal Khashoggi disseminated by the Saudi authorities; is astonished that, according to the European media, 15 Saudis, including Maher Abdulaziz Mutreb, a relative of the Crown Prince, arrived in Istanbul on the morning of the assassination of Jamal Khashoggi and that most of them immediately went to the consulate before leaving at the end of the afternoon; is also surprised that, according to the same sources, consulate staff had been given half a day off for the afternoon; considers that all this may constitute a set of evidence that is, to say the least, disturbing; urges the regime, therefore, to cooperate fully with an independent international inquiry committee in order to resolve this case with transparency and full clarity and to make public the location of Jamal Khashoggi's remains;
4. Urges the Saudi authorities to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance; reminds the Saudi authorities of their international obligations under international law, in particular regarding the prohibition of torture as most notably enshrined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Saudi Arabia has signed and ratified;
5. Strongly condemns the widespread human rights violations committed by the Kingdom of Saudi Arabia, and calls on the Saudi authorities to stop the current imposition of corporal punishment against individuals who have been sentenced, including flogging/lashing and amputation; urges Saudi Arabia to bring its national law closer to international human rights standards;
6. Calls on the Saudi authorities to halt the unacceptable punishment of Raif Badawi and to immediately release him along with all prisoners of conscience, including the women's human rights defenders Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Youssef, Samar Badawi, Nassima al-Sada, Nassima al-Sada and other women who have been arbitrarily detained without charge since the start of the recent wave of arrests in May;
7. Expresses its deepest concern at the upcoming trial before Saudi Arabia's counter-terror court of five individuals, including the young woman Israa al Ghomgham and her husband Moussa al-Hasshem who are facing the death penalty simply for participating in protests in the Eastern Province; condemns the fact that at least four Saudi Arabian nationals are on death row for offences committed when they were under the age of 18;
8. Underlines its opposition to the death penalty in all cases, regardless of the nature of the crime; reiterates its call for the universal abolition of the death penalty and calls for an immediate moratorium on the carrying out of death sentences in Saudi Arabia; condemns the continued application of the death penalty for what are considered in the country to be a wide variety of crimes, including homosexuality, drug offences, apostasy, sorcery and witchcraft;
9. Deplores the fact that despite the ratification in October 2004 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in practice Saudi women are still discriminated against in many ways, such as in their personal lives, in matters of employment, participation in public life, submission to men, widespread domestic violence, or through restrictions on their rights

to free movement and the freedom to choose their partner; condemns the criminalisation of women who are victims of rape and sexual exploitation, in that they are not protected as victims but rather condemned as women in prostitution;

10. Calls on the Saudi authorities to improve the working conditions and treatment of immigrant workers, paying special attention to the situation of women working as domestic helpers, who are at particular risk of sexual violence, and to the eradication of child labour;
11. Condemns the fact that despite widespread human rights violations in Saudi Arabia, and despite the country's financing of terrorist groups, Saudi Arabia remains the main ally of the US and EU Member States in the region; deplores the double standards demonstrated by the EU in its hypocritical and preferential treatment of Saudi Arabia, which is motivated by the EU's economic and geostrategic interests and its dependence on oil; draws attention to the close and publicly notorious relationship that exists between some European governments, and in particular the Spanish royal family, and the Al Saud dynasty, as well as their shared interests;
12. Denounces the hypocritical position of the US administration in this case and its intention to uphold the arms deal between the US and Saudi Arabia; calls on the EU to put an end to its preferential relations with Saudi Arabia and to halt any trade agreement with this country while it continues to perpetrate widespread human rights violations;
13. Condemns the intervention of Saudi Arabia and its allies in Yemen, and is deeply concerned about the humanitarian crisis in the country and, in particular, the blockade by the coalition forces that prevents the flow of humanitarian aid;
14. Deeply deplores the destabilising effects of arms sales by some EU Member States, such as Spain, the UK, France, Germany and Sweden, to the Kingdom of Saudi Arabia; again reiterates its call on all EU Member States to stop selling arms and military equipment to Saudi Arabia, given its serious breaches of international humanitarian law committed in Yemen; calls on the EU Member States to respect the Arms Trade Treaty of 2 April 2013 and the Common Position of the Council of the European Union of 8 December 2008;
15. Reminds the Saudi leadership of its pledge to 'uphold the highest standards in the promotion and protection of human rights' when it applied successfully for membership of the UN Human Rights Council in 2013; deeply deplores that some EU Member States voted in favour of this membership and also of Saudi Arabia's membership of the UN Commission on the Status of Women despite the country's continuous violations of human rights, and of women's rights in particular; urges the EU Member States to promote, within the UN framework, the cancellation of Saudi Arabia's membership of the UN Human Rights Council;
16. 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 UN Secretary General, the Office of the UN High Commissioner for Human Rights, the Parliamentary Assembly of the Council of Europe, the Arab Human Rights Committee, and the King and the Government of Saudi Arabia.