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## TEXTS ADOPTED

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### **P8\_TA(2017)0044**

#### **Executions in Kuwait and Bahrain**

##### **European Parliament resolution of 16 February 2017 on executions in Kuwait and Bahrain (2017/2564(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Bahrain, in particular those of 4 February 2016 on the case of Mohammed Ramadan<sup>1</sup> and of 7 July 2016 on Bahrain<sup>2</sup>, and that of 8 October 2015 on the death penalty<sup>3</sup>,
- having regard to the statement of 15 January 2017 by the spokesperson of Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Federica Mogherini on the executions carried out in Bahrain, and that of 25 January 2017 on the recent executions in the State of Kuwait,
- having regard to the joint statement of 10 October 2015 by VP/HR Federica Mogherini, on behalf of the EU, and the Secretary-General of the Council of Europe, Thorbjørn Jagland, on the European and World Day against the Death Penalty,
- having regard to the statement of 25 January 2017 by the UN Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions, Agnes Callamard, and on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nils Melzer, urgently calling for the Government of Bahrain to stop new executions, and the statement of 17 January 2017 by the spokesperson of the United Nations High Commissioner for Human Rights, Rupert Colville, on Bahrain,
- having regard to the EU Guidelines on the Death Penalty, on Torture, on Freedom of Expression and on Human Rights Defenders,
- having regard to the new EU Strategic Framework and Action Plan on Human Rights, which aims to place the protection and surveillance of human rights at the heart of all EU policies,
- having regard to Article 2 of the European Convention on Human Rights and to Protocols

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<sup>1</sup> Texts adopted, P8\_TA(2016)0044.

<sup>2</sup> Texts adopted, P8\_TA(2016)0315.

<sup>3</sup> Texts adopted, P8\_TA(2015)0348.

6 and 13 thereto,

- having regard to Articles 1 and 2 of the Charter of Fundamental Rights of the European Union,
  - having regard to the Cooperation Agreement between the European Union, its Member States and countries of the Cooperation Council for Arab States of the Gulf (GCC) of 1988,
  - having regard to the conclusions of the 25th EU-GCC Joint Council and Ministerial Meeting of 18 July 2016,
  - having regard to the UN General Assembly resolutions on the moratorium on the use of the death penalty, in particular that of 18 December 2014 and the most recent one, of 19 December 2016,
  - having regard to 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 Kuwait and Bahrain are parties,
  - having regard to the safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984,
  - having regard to the concluding observations on the third periodic report of Kuwait of the UN Human Rights Committee of 11 August 2016,
  - having regard to the Universal Declaration of Human Rights of 1948, in particular Article 15 thereof,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR), in particular Article 18 thereof and the second optional protocol thereto on the death penalty, and to the International Covenant on Economic, Social and Cultural Rights,
  - having regard to the UN Conventions of 1954 relating to the Status of Stateless Persons and of 1961 on the Reduction of Statelessness,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas, according to the Office of the UN High Commissioner for Human Rights (OHCHR), more than 160 UN members states, with a variety of legal systems, traditions, cultures and religious backgrounds, have either abolished the death penalty or do not practise it;
- B. whereas on 25 January 2017 Kuwait’s authorities executed seven people, including a member of the royal family: Mohammad Shahed Mohammad Sanwar Hussain, Jakatia Midon Pawa, Amakeel Ooko Mikunin, Nasra Youseff Mohammad al-Anzi, Sayed Radhi Jumaa, Sameer Taha Abdulmajed Abduljaleel and Faisal Abdullah Jaber Al Sabah, most of whom were convicted of murder; whereas five of the prisoners were foreign nationals: two Egyptians, one Bangladeshi, one Filipino and one Ethiopian, and three of them women; whereas the executions were the first in the country since 2013, when Kuwaiti authorities executed five people after a six-year moratorium;

- C. whereas the Gulf Centre for Human Rights and other human rights organisations have documented violations of due process in Kuwait's criminal justice system that made it difficult for defendants to receive a fair trial; whereas foreign domestic workers are particularly vulnerable since they lack social and legal protection;
  - D. whereas on 15 January 2017 Bahrain executed Ali Al-Singace, Abbas Al-Samea and Sami Mushaima by firing squad, ending a six-year moratorium;
  - E. whereas, according to the OHCHR, the executions took place in serious violation of fair trial standards; whereas the three men were accused of a bombing in Manama in 2014 which killed several people, including three police officers; whereas, however, all three were reportedly tortured into confessions which were then used as primary evidence for their convictions; whereas they were stripped of their nationality, refused access to a lawyer and executed less than a week after the verdict, with no prior information given to their families and no chance to apply for pardon;
  - F. whereas the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions declared these executions to be 'extrajudicial killings' on the basis that all three men were not afforded the fair trial rights enshrined in Article 14 of the ICCPR;
  - G. whereas the OHCHR said it was 'appalled' by the executions and that there were 'serious doubts' that the men received a fair trial;
  - H. whereas two other men, Mohammad Ramadan and Hussein Moussa, also face the death penalty in Bahrain; whereas both men allege they were tortured into falsely confessing to capital crimes and may be executed at any moment;
  - I. whereas Bahraini-Danish citizen Abdulhadi al-Khawaja, a founding director of the Gulf Center for Human Rights, as well as Khalil Al Halwachi, a mathematics teacher formerly living in Sweden, remain in prison for charges related to the peaceful expression of their opinion;
1. Deeply deplores the decision of Kuwait and Bahrain to return to the practice of capital punishment; reiterates its condemnation of the use of the death penalty, and strongly supports the introduction of a moratorium on the death penalty as a step towards its abolition;
  2. Calls on His Majesty Sheikh Hamad bin Isa Al Khalifa of Bahrain to halt the executions of Mohamed Ramadan and Hussein Moosa, and on the Bahraini authorities to ensure a retrial in compliance with international standards; recalls that all allegations of human rights violations committed during the proceedings must be duly investigated;
  3. Stresses that the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights expressly prohibit the death penalty for offences committed by persons under 18 years of age;
  4. Calls on the Governments of Kuwait and Bahrain to issue an immediate and open invitation to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to conduct a country visit, and to allow unfettered access to detainees and to all places of detention;
  5. Recalls that the EU opposes capital punishment and considers it to be a cruel and inhuman

punishment which fails to act as a deterrent to criminal behaviour and is irreversible in the event of error;

6. Calls on Kuwait and Bahrain to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty;
7. Urges the European External Action Service (EEAS) and the Member States to continue to fight against the use of the death penalty; strongly urges Bahrain and Kuwait to comply with international minimum standards, and to reduce the scope and use of the death penalty; urges the EEAS to remain vigilant with regard to developments in these two countries and in the Gulf region in general, and to use all means of influence at its disposal;
8. Reiterates that the activities of European companies present in third countries must be entirely consistent with international human rights standards; strongly condemns the agreements on trade in arms and in technologies used to violate human rights;
9. Urges the EEAS and the Member States to intervene with the Bahraini Government in order to appeal for the release of Nabeel Rajab and of all those held solely on the basis of their peaceful exercise of freedom of expression and assembly, and to urge the Bahraini Government to stop the excessive use of force against demonstrators or the practice of arbitrary revocation of citizenship;
10. Calls for the release of Abdulhadi al-Khawaja and Khalil Al Halwachi;
11. Calls on the Bahraini Government to fully implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI) report, the Universal Periodic Review and the National Institute for Human Rights; further encourages reform efforts in Kuwait;
12. Calls on the Bahraini authorities to pursue the national consensus dialogue with a view to finding lasting and inclusive national reconciliation and sustainable political solutions to the crisis; notes that in a sustainable political process legitimate and peaceful criticisms should be able to be expressed freely;
13. Takes note of the protests taking place in Bahrain marking the sixth anniversary of the 2011 uprising; calls on the Bahraini authorities to ensure that the security forces fully respect the rights of peaceful protesters and refrain from the excessive use of force, arbitrary detention, torture and other acts violating human rights;
14. Encourages dialogue and bilateral and multilateral initiatives between the European Union, its Member States and Gulf countries including Kuwait and Bahrain on issues relating to human rights, as well as in other areas of mutual interest; calls on the EEAS and VP/HR Federica Mogherini to insist on the establishment of a formal human rights dialogue with the Kuwaiti and Bahraini authorities, in accordance with the EU Guidelines on Human Rights Dialogues;
15. 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, the Government and Parliament

of the State of Kuwait and the members of the Gulf Cooperation Council.