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Plenary sitting

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B7-0133/2014

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 122 of the Rules of Procedure

on Bahrain, in particular the cases of Nabeel Rajab, Abdulhadi al-Khawaja and Ibrahim Sharif
(2014/2553(RSP))

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on behalf of the ALDE Group

B7-0133/2014

European Parliament resolution on Bahrain, in particular the cases of Nabeel Rajab, Abdulhadi al-Khawaja and Ibrahim Sharif (2014/2553(RSP))

The European Parliament,

- having regard to its previous resolutions on Bahrain and in particular on 17 January and 11 September 2013,
- 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, and having regard to the Arab Peninsula delegation visit from 29 April until 1 May 2013 and its press statement on 7 March and 30 April 2013,
- having regard to the statements of the Spokesperson of Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, on 25 November 2013 and 16 January 2014,
- having regard to statement of the United Nations High Commissioner for Human Rights and the Joint Statement on the OHCHR and the human rights situation in Bahrain on 9 September 2013,
- having regard to the 23rd EU-GCC Joint Council and Ministerial Meeting, held in Manama, Bahrain, on 30 June 2013,
- having regard to the Opinion 12/2013 (Bahrain) adopted by the UN Working Group on Arbitrary Detention at its sixty-sixth session on 29 April–3 May 2013,
- having regard to the report released in November 2011 by the Bahrain Independent Commission of Inquiry (BICI) and to its follow-up report of 21 November 2012,
- 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 Child and the Arab Charter on Human Rights, to all of which Bahrain is a party,
- having regard to the EU Guidelines on Human Rights Defenders of 2004, as updated in 2008,
- having regard to its resolution on a digital freedom strategy in EU foreign policy of 11 December 2012
- having regard to its resolution on the freedom of the press and media in the world of 13 June 2012
- having regard to the Universal Declaration of Human Rights of 1948,

- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the human rights situation in Bahrain remains a matter of concern in the wake of the crackdown on pro-democracy protesters in 2011; whereas many recent actions of the Bahraini Government continue to violate and restrict the rights and freedoms of segments of the Bahraini people, in particular the right of individuals to peaceful protest, freedom of expression and digital freedom; whereas the Bahraini authorities are continuing their crackdown on peaceful political protesters, including the disproportionate use of violence and torture by security and police forces as well as the excessive use of tear gas; whereas access to hospitals by those injured during protests is continually obstructed as those seeking medical aid may be arrested inside hospitals and subsequently detained.
- B. whereas on 9 January 2014 South Korea decided to suspend exports of tear gas to the Bahraini government, citing the unstable political situation in the country.
- C. whereas human rights activists are facing on-going systematic targeting, harassment, detention, forced disappearance and extrajudicial killing in Bahrain, some of them being condemned to life imprisonment, solely for exercising their rights to freedom of expression, online and offline, and assembly; whereas in Bahrain even children have been arrested and kept in adult detention unsuitable for minors, where they have reportedly been tortured and improperly treated;
- D. whereas on 9 September 2013 at the 24th session of the UN Human Rights Council, UN High Commissioner for Human Rights Navi Pillay expressed concern on the clampdown on human rights defenders in Bahrain and stressed the vital importance of protecting the right to peaceful protest, including freedom of expression and peaceful assembly and association; whereas 47 countries at the UN Human Rights Council issued a joint statement on the human rights situation in Bahrain; whereas in April 2013, Bahrain postponed the visit of the UN special rapporteur on torture, Juan Mendez for the second time and no new dates were proposed; whereas EU Special Representative for Human Rights Stavros Lambrinidis visited Bahrain in June 2013.
- E. whereas both the kingdom of Saudi Arabia and the Republic of Iran have repeatedly intervened or tried to influence events in Bahrain.
- F. whereas the President of the Bahrain Centre for Human Rights (BCHR) and deputy secretary general of the International Federation for Human Rights (FIDH), Nabeel Rajab was convicted to three years in prison in August 2012 for calling for and participating in "illegal gatherings" and "disturbing public order" between February and March 2011; whereas his sentence was reduced to two years in prison on appeal; whereas before this imprisonment Mr. Rajab was repeatedly detained for peaceful expressions of his views against the government during the pro-democracy protests that erupted in Bahrain in 2011; whereas he told the court that he had been held in dire conditions and subjected to ill-treatment; whereas he is just one of many human rights activists who have been detained since 2011.
- G. whereas on 22 June 2011 Abdulhadi-al-Khawaja founder of BCHR and regional coordinator of Front Line Defenders with Danish nationality, and Ebrahim Sharif

secretary general of the National Democratic Action society, were sentenced to life sentence by a special military court; whereas after 3 years of appeals the legal process came to a conclusion and the sentences are upheld; whereas both high-profile leaders of peaceful protests were charged with attempting to "topple the regime forcibly in collaboration with a terrorist organization working for a foreign country" and "collecting money for a terrorist group"; whereas on 27 January 2014, Zainab-al-Khawaja, Abdulhadi-al-Khawaja's daughter was sentenced to a further four months in prison on charges of destroying government property.

- H. whereas Mr. al-Khawaja and Mr. Sharif reported to have repeatedly been tortured in detention and beard visible signs of ill-treatment while appearing in court; whereas Mr. al-Khawaja undertook a 110 days hunger strike to bring international attention and pressure on the issue of political prisoners in Bahrain;
- I. whereas on Friday 29 November he served three quarters of his two years sentence and has become legally eligible for release; whereas a third request for early release was submitted by Nabeel Rajab's lawyers on 21 January 2014 to the Court but it was rejected without providing any justification and without replying to the discrimination complaint;
- J. whereas before passing judgment, the judge reportedly did not take any action to investigate whether conditions for early release were met; whereas conditions for early release are set by article 349 of Code of Criminal Procedures as three quarters of the sentence being served, trustworthy good behaviour during detention and the imprisoned person not being a threat to public security; whereas all three conditions apply to Mr. Rajab;
- K. whereas according to information published in the Official Gazette regarding the release of 208 prisoners in October 2013 and the release of 172 prisoners in January 2014, there are evidences that the administration handles hundreds of releases constantly whether through conditional release or exemption from the remaining sentence period;
- L. whereas following the Bahrain Independent Commission of Inquiry (BICI) report, the Bahraini authorities committed themselves to implementing reforms; whereas most of the BICI recommendations have not yet been implemented and a culture of impunity and lack of accountability on the part of the security forces continues, even though this was explicitly criticised in the BICI report.
- M. whereas on 18 September 2013 all representatives of the opposition societies announced the suspension of their participation in the dialogue accusing the authorities of cracking down on its members; whereas the government accuses Al-Wefaq of secretly backing violent attacks on police; whereas on 8 January 2014 the National Consensus Dialogue has been suspended; whereas on 15 January 2014 HRH Bahrain's Crown Prince Salman bin Hamad al-Khalifa, upon the request of HM King Hamad Bin Issa Al Khalifa, held wide ranging talks with participants in the National Consensus Dialogue, including in particular with Al-Wefaq's Secretary General Sheikh Ali Salman for the first time since the events of February 2011;

- N. whereas in the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012, the Council affirmed its commitment to place human rights at the centre of its relations with all third countries, including strategic partners.
1. Urges the Bahraini authorities to respect human rights and fundamental freedoms, including the rights to freedom of expression, association and assembly, including the freedom to seek, receive and impart information, both online and offline, in line with Bahrain's international human rights obligations and to ensure that all human rights organizations and human rights defenders are able to carry out their work without hindrance, intimidation or harassment; Underlines the importance of free and pluralistic media.
 2. Expresses its grave concern regarding the Bahraini authorities' treatment of Nabeel Rajab and other human rights activists, in addition to their refusal to grant him early release that he is eligible for as per the law; Is concerned about the discrimination against Mr. Rajab in applying the law of early release, as well as the harm he suffered because of the prolonged delay in responding to his request which was submitted to the Court of Cassation to suspend the sentence; Calls on the Bahraini government to abide by its own laws and immediately release leading human rights defender Nabeel Rajab.
 3. Calls on the Bahraini authorities to put an immediate end to all acts of repression, including judicial harassment, forced disappearance and extrajudicial killings and calls for the immediate and unconditional release of all prisoners of conscience, political activists, journalists, bloggers, doctors and paramedics, human rights defenders and peaceful protesters, in particular Abdulhadi al-Khawaja and Ibrahim Sharif; underlines that both activists remain in prison on charges related to their exercise of their rights to freedom of expression and assembly.
 4. Urges the Bahraini authorities allow complete and unconditional access to hospitals and medical aid and cease the continuing militarisation of hospitals.
 5. Opposes the creation and use of special courts or the use of military courts to try national security crimes.
 6. Urges the Bahraini authorities to respect the rights of juveniles, to refrain from detaining them in adult facilities, and to treat juveniles in accordance with the Convention on the Rights of the Child, to which Bahrain is a party.
 7. Condemns the repeated intervention and attempts to influence affairs within Bahrain by the Kingdom of Saudi Arabia and the Republic of Iran.
 8. Recognises that some steps have been taken by the Bahraini authorities to implement the recommendations by the Bahraini Independent Commission of Inquiry; Stresses nevertheless that these are not enough and that more must be done to improve the human rights situation in the country and calls on the Government of Bahrain to implement fully and swiftly the BICI and Universal Periodic Review recommendations and to end the culture of impunity and the lack of accountability on the part of security forces; Reminds that establishing new institutions is important but they must now produce concrete results in order to win the confidence of the public.

9. Welcomes the news that HRH Bahrain's Crown Prince Salman bin Hamad al-Khalifa held wide ranging talks with participants in the National Consensus Dialogue; Also welcomes the positive reaction of the opposition to the talks; Calls on the resumption of an inclusive National Consensus Dialogue and the implementation of the necessary democratic reforms; Stresses that the number of participants in the National Consensus Dialogue from the government and opposition must be equal and balanced; Is convinced that there is no solution to the current crisis other than a Bahraini one based on compromises and mutual trust which will pave the way for long term national reconciliation and sustainable reform in Bahrain.
10. Calls on the Bahraini authorities to ensure accountability and to fight against impunity regarding deaths and allegations of torture during the 2011 unrest and in response to on-going allegations of abuses; Reminds that Bahrain's constitution forbids the use of torture and use of evidence secured by torture; Takes the view that accountability for past violations is a key element on the path towards justice and genuine reconciliation, which are necessary for social stability.
11. Welcomes the operational launch of the office of the Ministry of Interior's Ombudsman and a Special Investigations Unit in the Public Prosecution Office and encourages these institutions to act independently and effectively; Further welcomes the increasingly active role assumed by the National Institution for Human Rights since its reform and the creation of the 'Prisoners and Detainees' Commission", which will monitor places of detention in order to prevent torture and ill-treatment; Calls on Bahraini authorities to improve the conditions and treatment of prisoners and to allow relevant local and international organisations access to detention centres.
12. Regrets the weak EU response to the on-going situation in Bahrain and calls on the HR/VP to condemn the on-going violations of basic human rights and fundamental freedoms, and to impose targeted restrictive measures (visa bans and asset freezes) against those individuals responsible for, and involved in, the human rights abuses (as documented by the BICI report).
13. Calls on the VP/HR and the Member States to work together to develop a clear strategy as to how the EU will, both publicly and privately, actively push for the release of prisoners of conscience, and 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 those prisoners.
14. Notes that an EU-Bahrain human rights dialogue can in no way compensate a thorough dialogue between government and opposition in Bahrain itself; stresses, in this respect, that a crucial criterion for the establishment of such a dialogue, should be the release of all political prisoners, including
15. Welcomes the decision by the Arab League to set up an Arab Human Rights Court in Manama and expresses its hope that it may act as a catalyst for human rights across the region; urges the Government of Bahrain, as well as its partners in the Arab League, to ensure the integrity, impartiality, efficiency and credibility of this Court.

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 government and parliaments of the Member States and the Government and Parliament of the Kingdom of Bahrain.