



Plenary sitting

B8-1022/2015

6.10.2015

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 the case of Ali Mohammed al-Nimr
(2015/2883(RSP))

Frédérique Ries, Petras Auštrevičius, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Dita Charanzová, Martina Dlabajová, Juan Carlos Girauta Vidal, Ilhan Kyuchyuk, Urmas Paet, Maite Pagazaurtundúa Ruiz, Marietje Schaake, Ramon Tremosa i Balcells, Ivo Vajgl, Pavel Telička, Filiz Hyusmenova, Nathalie Griesbeck, Nedzhmi Ali, Philippe De Backer, Marielle de Sarnez, Gérard Deprez, Fredrick Federley, Ivan Jakovčić, Alexander Graf Lambsdorff, Louis Michel, Javier Nart, Jozo Radoš, Robert Rochefort, Johannes Cornelis van Baalen, Hilde Vautmans, Cecilia Wikström, Marian Harkin, Valentinas Mazuronis

on behalf of the ALDE Group

**European Parliament resolution on the case of Ali Mohammed al-Nimr
(2015/2883(RSP))**

The European Parliament,

- having regard to its previous resolutions of 12 February 2015 on the case of Mr Raif Badawi, Saudi Arabia and of 11 March 2014 on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa,
- having regard to the EU Guidelines on the Death Penalty of 1998 and recently revised and updated in April 2013,
- having regard to the UN General Assembly resolutions and in particular the one of 18 December 2014 on the moratorium on the use of the death penalty,
- having regard to the statements of 22 September 2015 by UN Human Rights experts on the case of Mr Ali Mohammed al-Nimr,
- having regard to UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to art. 11 of the Charter of Fundamental Rights of the European Union which declares everyone's right to freedom of expression, and art. 4 which prohibits torture,
- having regard to the European Union Guidelines on Human Rights Defenders, adopted in June 2004, and reviewed in 2008,
- having regard to the UN Convention on the Rights of the Child for which Saudi Arabia is party,
- having regard to the art.32 par.1 of the Arab Charter on Human Rights that guarantees the right to information and freedom of opinion and expression, and art. 8 prohibits physical or psychological torture or cruel, degrading, humiliating or inhuman treatment,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Mr Ali Mohammed al-Nimr, 21 years old, was sentenced to the capital punishment reportedly by beheading followed by crucifixion by Saudi Arabia's Supreme Court on criminal charges including sedition, rioting, protesting robbery and belonging to a terror cell on May 2015; whereas Ali Al-Nimr was under the age of 18 - and thus still a juvenile - at the time he was arrested while demonstrating for democracy and equal rights in Saudi Arabia; whereas serious allegations purport that Ali Al-Nimr was tortured and forced to sign his confession; whereas Mr al-Nimr was denied any guarantees of a safe trial and due legal process in compliance with international law;

B. whereas any sentence inflicting the death penalty on people under the age of 18 at the time

of the offence, and execution, are incompatible with Saudi Arabia's international obligations; whereas Saudi Arabia is one of the only a small number of countries in the world believed to sentenced people to death who allegedly committed crimes as children, along with Egypt, Iran, Maldives, Nigeria, Pakistan, Sri Lanka and Yemen, Sudan and Iran

C. whereas prohibition of torture and cruel, inhuman or degrading treatment or punishment is included in all international and regional human rights instruments, and constitutes a rule of customary international law, which is thus binding on all states, independent of whether they have ratified the relevant international agreements;

D. whereas the increase of death sentences is closely linked to Saudi Arabia's Specialized Criminal Court rulings in trials in response to terrorism related offences; whereas 175 executions were carried out in between August 2014 and June 2015 in Saudi Arabia;

E. whereas this case is one of many cases in which harsh sentences and harassment were used against Saudi activists persecuted for expressing their views, several of whom have been convicted, under procedures which fall short of international fair trial standards, as has been confirmed by the former UN High Commissioner for Human Rights in July 2014;

F. whereas the EU strongly condemns the application of the death penalty and the application of cruel and inhumane punishment all over the world, including for those convicted of committing acts of terrorism; whereas the EU is the leading institutional actor and largest donor to the fight against the death penalty supporting a moratorium that will lead to the total abolition of death penalty;

G. whereas Saudi-Arabia's Ambassador to the United Nations in Geneva, H.E. Mr. Faisal bin Hassan Trad, has been appointed Chair of a panel of independent experts on the UN Human Rights Council;

1. Strongly condemns the Supreme Court's sentencing of Mr Ali Mohammed al-Nimr to the death penalty; 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 abolition.

2. Calls on Saudi-Arabia and in particular His Majesty the King of Saudi-Arabia Salman bin Abdulaziz Al Saud to halt the execution of Ali Mohammed al-Nimr and to grant pardon or to commute his sentence; calls on the EEAS and the EU Member states to use all their diplomatic tools and efforts to immediately stop this execution.

3. Reminds the Kingdom of Saudi Arabia that it is a state party to the Convention on the Rights of the Child, which strictly prohibits the use of the death penalty for crimes committed by anyone below the age of 18. Continuation of breaching the said Convention will impact EU – Saudi Arabia relations.

4. Urges the Saudi authorities to abolish the Specialised Criminal Court, set up in 2008 to try terrorism cases but increasingly used to prosecute peaceful dissidents on apparently politically motivated charges and in proceedings that violate the fundamental right to a fair trial; recalls that freedom of expression both online and offline are universal human rights.

5. Calls on the Government of Saudi-Arabia to ensure a prompt and impartial investigation into the alleged acts of torture and to ensure that Ali Mohammed al-Nimr is given any medical attention he may require, as well as regular access to his family and lawyers.
6. Calls on increased Saudi engagement in the work of the UN Human Rights Council, whose members have a special responsibility to enhance the protection of human rights domestically.
7. Expresses its grave concern at the reported rise in the number of death sentences in the Kingdom of Saudi Arabia in 2014 and the alarming rate at which court rulings have ordered the death penalty in 2015.
8. Instructs its president to forward this resolution to the Council, the Commission, the VP/HR of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States.