



Plenary sitting

B8-0174/2016

2.2.2016

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 Bahrain: the case of Mohammed Ramadan
(2016/2557(RSP))

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on behalf of the Verts/ALE Group

European Parliament resolution on Bahrain: the case of Mohammed Ramadan (2016/2557(RSP))

The European Parliament,

- having regard to its previous resolutions on Bahrain, notably of 9 July 2015 on Bahrain, in particular the case of Nabeel Rajab,
- having regard to the declaration of five UN special rapporteurs of 14 August 2015, expressing serious concerns over strong indications that Mr. Ramadan's confession was obtained under torture;
- having regard to the EU guidelines on the death penalty as revised on 12 April 2013,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
- having regard to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
- having regard to UN General Assembly resolution 68/178 and UN Human Rights Council resolution 25/7 on international human rights while countering terrorism,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas since the beginning of the 2011 uprisings, Bahraini authorities have been stepping up the use of repressive measures based on allegations of terrorism, including through the use of the death penalty, against peaceful protesters; whereas Bahraini courts have passed seven new death sentences last year;

B. whereas Mohammed Ramadan was allegedly arrested on 20 March 2014 without a warrant and violently beaten until he agreed to confess but later retracted in front of the public prosecutor;

C. whereas on the 29 December 2014, a Bahraini criminal court sentenced Mohammed Ramadan and Husain Ali Moosa to death for their alleged involvement in a February 2014 bomb explosion in al-Dair, northeast of the capital Manama, that resulted in the death of a policeman; whereas they were sentenced alongside ten other defendants, nine of whom received six years of incarceration and one a life sentence; whereas Bahrain's anti-terrorism law was used to justify the death penalty;

D. whereas their death sentences were upheld by the Court of Cassation, Bahrain's Highest Court of Appeal, on 16 November 2015 despite having retracted their confessions and reiterating that they confessed under torture; whereas Bahrain's courts failed to consider their claims or even open an investigation;

E. whereas Mohammed Ramadan is one of ten individuals on death row in Bahrain and the first to be sentenced to death since 2011; whereas Mohammed Ramadan is the first to have exhausted all legal avenues of appeal, and to stand at risk of imminent execution as soon as the King ratifies his sentence;

F. whereas on 14 August 2014 five UN-Human Rights experts expressed their concern to the Bahraini Government over allegations of arbitrary arrest, detention, and torture of nine Bahraini nationals, including Mohammed Ramadan and their subsequent conviction following trials that did not meet the international standards on fair trial and due process;

G. whereas several Human Rights NGO's have documented unfair trials, use of torture and death sentences carried out by Bahrain that are in breach of various International Conventions including the International Covenant on Civil and Political Rights (ICCPR), which Bahrain acceded to in 2006;

H. whereas the Bahrain Independent Commission of Inquiry (BICI) established on 29th June 2011 in the Kingdom of Bahrain pursuant to Royal Order No. 28 to investigate and report on the events that took place in Bahrain in February 2011 made a series of recommendations on human rights and political reforms;

I. whereas these recommendations have led the Government of Bahrain to establish three bodies since 2012—the Office of the Ombudsman in the Ministry of Interior, a Special Investigations Unit (SIU) in the Office of the General Prosecutor, and the Prisoners and Detainees Rights Commission (PDRC)—with a collective mandate to end torture in interrogation and detention facilities;

J. whereas Bahraini authorities have failed to effectively implement the BICI recommendations for combatting torture; whereas the new offices have failed to fulfil their mandate in all impartiality and independence; whereas Bahraini security forces continue to reportedly torture detainees;

1. Expresses its concern and disappointment over Bahrain's return to the practice of capital punishment; calls for the reintroduction of the moratorium on the death penalty as a first step towards its abolition; calls on the Government of Bahrain and in particular His Majesty Sheik Hamad bin Isa Al Khalifa to grant Mohammed Ramadan a royal pardon or to commute his sentence.

2. Strongly condemns the continuing use of torture and other cruel, degrading treatment or punishment against prisoners perpetrated by security personnel, government forces or any other official authorities; expresses concern over the prisoners' physical and mental integrity.

3. Is seriously worried about the misuse of anti-terrorism laws in Bahrain to repress peaceful dissent and to prevent citizens from pursuing political activities;

4. Urges the Government of Bahrain to uphold the international standards on the right to a fair trial and due process and to comply with the international minimum standards as set out in articles 9 and 14 of the ICCPR; reminds the Government of Bahrain that pursuant to the ICCPR, the death penalty can only be handed for most serious crimes and pursuant to a final judgment rendered by a competent court.

5. Calls on the competent authorities to undertake a prompt and impartial investigation into all allegations of torture and to prosecute suspected perpetrators of torture, and to dismiss all convictions made on the basis of confessions obtained under conditions of torture;

6. Reminds the Bahraini authorities that article 15 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment prohibits the use of any statement made as a result of torture as evidence in any proceedings; calls for the immediate ratification of the Optional Protocol to the Convention Against Torture and the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

7. Calls on the Government of Bahrain to issue an immediate and open invitation to the UN special rapporteurs, notably the one on torture, to conduct a country visit and allow unfettered access to detainees and all places of detention.

8. Calls on the Government of Bahrain to ensure the independence of the Office of the Ombudsman and the Prisoners & Detainees Rights Commission and to guarantee the independence of the Special Investigations Unit from the Office of the Public Prosecutor.

9. Calls on Bahraini authorities to lift the arbitrary travel ban on Nabeel Rajab.

10. 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, including dual EU-Bahraini nationals Abdulhadi al-Khawaja and Mohammed al-Muqdad;

11. 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 and to the members of the GCC.