



Plenary sitting

B8-0192/2016

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

The European Parliament,

- having regard to its previous resolutions on Bahrain,
- having regard to the statement by the Spokesperson on the sentencing of al-Wefaq Secretary General Ali Salman in Bahrain of 17 June 2015,
- having regard to the Joint Statement on Bahrain by 33 States, in the 30th session of the UN Human Rights Council of 14 September 2015
- having regard to the Joint statement on Bahrain by UN Special Rapporteur on the situation of human rights defenders, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association of 16 July 2015
- having regard to November 2011 report of the Bahrain Independent Commission of Inquiry (BICI)
- having regard to the decision of the Arab League’s Ministerial Council, meeting in Cairo on 1 September 2013, to set up a pan-Arab court of human rights in Bahrain’s capital, Manama,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012,
- having regard to the Statement by UN High Commissioner at the UN Human Rights Council of 15 June 2015,
- having regard to its resolution of 13 June 2013 on the freedom of the press and media in the world,
- having regard to the 2004 EU Guidelines on Human Rights Defenders, as updated in 2008,
- 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, and the Arab Charter on Human Rights, to all of which Bahrain is a party,
- having regard to Opinion A/HRC/WGAD/2013/12 of the United Nations Working Group on Arbitrary Detention of 25 July 2013,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012,

- having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the 1949 Geneva Convention,
 - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas on 29 December 2014 a Bahraini court sentenced Mohammed Ramadan and Husain Ali Moosa to death for their supposed involvement in a bomb explosion in al-Dair on 14 February 2014 that resulted in the death of a policeman; whereas Mohammed Ramadan was reportedly subjected to sustained ill-treatment and torture for more than four days; whereas in order to halt the abuse, he signed a false confession stating that he was involved in the explosion in al-Dair; whereas Ramadan claims he was informed that the government knew he was not involved in the charges against him, but that his participation in protests and other political activities made him a traitor and therefore he deserved to be sentenced for his crimes;
 - B. Whereas security forces arrested Husain Ali Moosa one week after the al-Dair bombing; whereas he was housed at the Criminal Investigation Directorate (CID), where he claims security officials hung him from the ceiling for three days while beating him with batons; whereas in order to stop his torture, Moosa confessed to being involved in the al-Dair bombing; whereas three days later, CID forces transferred Moosa to the Office of the Public Prosecutor, where he recanted his confession; whereas as a result, he was again transferred to the CID, where security forces allegedly tortured him for three months;
 - C. Whereas in February a Bahraini court will deliver its verdict on Ebrahim Sharif, the secretary general of the opposition National Democratic Action Society, for allegedly encouraging the government's overthrow and inciting hatred in a speech that consisted solely of peaceful criticism of the government and calls for political reform;
 - D. whereas Sheikh Ali Salman, secretary general of the country's largest legally recognized opposition political society, Al Wifaq, is appealing a four year sentence for speech-related charges; whereas the presiding judge at his original trial refused to allow Sheikh Salman's defense lawyers to present potentially exculpatory evidence, including recordings of the speeches for which he was prosecuted;
 - E. whereas the prominent human rights activist Nabeel Rajab may still face charges that relate to critical comments against Government he made and he is still submitted to a travel ban;
 - F. Whereas the BICI experts identified the most common forms of mistreatment as blindfolding, handcuffing, enforced standing for prolonged periods, beating, punching, hitting the detainee with rubber hoses (including on the soles of the feet), cables, whips, metal, wooden planks or other objects, electrocution, sleep-deprivation, exposure to extreme temperatures, verbal abuse, threats of rape to the detainee or family members, and insulting the detainee's religious sect (Shia);
 - G. Whereas human rights violations in Bahrain remain of great concern; whereas many recent actions by the Bahraini authorities continue to violate and restrict the rights and

freedoms of segments of the population, in particular the right of individuals to peaceful protest, freedom of expression and digital freedom; whereas human rights activists face ongoing systematic targeting, harassment and detention;

- H. Whereas death by firing squad is stipulated by Bahrain's Penal Code; whereas the offences for which capital punishment either can or must be applied are: aggravated murder, murder, other offenses resulting in death, terrorism, rape of child, arson of a public or Government building, even if it does not result in death, drug trafficking, treason, espionage, other military offenses;
1. Condemns the application of the death penalty against Mohammed Ramadan and Husain Ali Moosa; calls on Bahraini authorities to vacate Ramadan's and Ali's sentences and the immediate and unconditional release of all political prisoners, political activists, journalists, human rights defenders and peaceful protesters;
 2. Expresses its deeply concern on Ramadan's and Moosa's prosecutions relied substantially on evidence obtained under torture and in direct violation of Bahrain's obligations under the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the Convention against Torture;
 3. Recalls the authorities in Bahrain that there is an absolute prohibition of torture under international law and there are no exceptions whatsoever to that prohibition in any circumstances; also condemns all forms of corporal punishment, torture and reaffirms its absolute opposition to the death penalty;
 4. Requests a full investigation into all credible allegations of torture, as mandated by the Convention Against Torture; calls for independent judicial oversight over the grounds for detention and ensure protection of detainees from abusive treatment during criminal investigations as well as their basic rights to access to medical personnel and medical treatment, as well as access to their lawyers and family members; requests that victims of torture or ill-treatment receive appropriate compensation and physical and psychological rehabilitation in accordance with Bahraini law and Bahrain's international treaty obligations;
 5. Recommends the establishment of an independent and impartial mechanism to determine the accountability of government actors for acts of torture and mistreatment, with a view to bringing legal and disciplinary action against those individuals found to be responsible under international standards; asks that there should be audio-visual recordings of all official interviews with detainees;
 6. Urges the authorities to conduct impartial, speedy and effective investigations and to ensure independent investigation into all allegations of human rights violations, including allegations of torture and ill-treatment, in order to identify all those responsible, to apply them the sanctions provided by law and ensure the victims' right to effective remedy according to international standards; issues a standing invite to the UN special rapporteur on torture in order to facilitate a truly independent and fully transparent assessment of the effectiveness of Bahrain's anti-torture efforts and allow rights groups access to the country and to places of detention;

7. Encourages applicable reparations to be awarded to victims of torture as required by the Convention against Torture and urges the implementation of international regulations against the use of torture as a means to extract false confessions;
8. Condemns all human rights violations in Bahrain and urges the Bahraini government to put an end to all human rights abuses and to respect human rights and fundamental freedoms, including the freedom of expression, both online and offline, and the freedom of assembly, in line with Bahrain's international human rights obligations;
9. Stresses the obligation to ensure that human rights defenders are protected and allowed to conduct their work without hindrance, intimidation or harassment; strongly condemns any form of censorship to the freedom of expression and recalls that the freedom of expression is a fundamental right of human dignity;
10. Call on Bahrain's authorities to ensure the independence of the Ministry of Interior Ombudsman and the Prisoners and Detainees Rights Commission (PDRC); asks that a committee drawn from a cross-section of civil society, which includes lawyers, human rights activists, and members of the political opposition, should nominate candidates for and approve the appointment of the ombudsman and the members of the PDRC;
11. Urges the Government of Bahrain to implement all the recommendations in the BICI report and the Universal Periodic Review, and to replace its anti-terrorism laws with legislation that does not encroach upon citizens' rights to free expression, association and assembly;
12. Calls for the strengthen of the rights of defendants including by ensuring that they are presumed innocent, that they are guaranteed a fair trial, including by allowing them to effectively challenge the evidence against them; asks for the commitments to full financial support for rehabilitation, restitution and/or just compensation to all human rights defenders who suffered human rights violations in accordance with international standards and obligations;
13. Call on Bahraini authorities to lift the arbitrary travel ban immediately and unconditionally on Nabeel Rajab and to drop all pending free speech-related charges against him;
14. Notes the Bahraini Government's ongoing efforts to reform the penal code and legal procedures, and encourages the continuation of this process; calls on the Government of Bahrain to take all necessary steps to guarantee due process and the independence and impartiality of the judiciary in Bahrain, and to ensure that it acts in full accordance with international human rights standards; invites the Bahraini Government to ensure particularly that the courts may not be used for political reasons nor to sanction the legitimate exercise of rights and freedoms universally guaranteed;
15. Calls for the immediate ratification of the Optional Protocol of the Convention Against Torture, the Second Optional Protocol to the ICCPR aiming at the abolition of the Death Penalty, the Convention for the Protection of All Persons from Enforced Disappearances, International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families;

16. Encourages the establishment of an official moratorium on executions with a view to abolishing the death penalty;
17. Calls on the EU VP/HR and the Member States to develop a clear strategy as to how the EU will, both publicly and privately, actively push for the release of prisoners of conscience; asks 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 political prisoners;
18. Invites the EU VP/HR and the Member States to consider the possibility to suspend funding, support and training until Bahrain enacts and complies with key recommendations in this report;
19. 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, and the Government and Parliament of the Kingdom of Bahrain.