



Plenary sitting

B9-0192/2021

9.3.2021

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 144 of the Rules of Procedure

on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders
(2021/2578(RSP))

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on behalf of the S&D Group

B9-0192/2021

European Parliament resolution on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders (2021/2578(RSP))

The European Parliament,

- having regard to its previous resolutions on Bahrain, in particular those of 13 June 2018 on the human rights situation in Bahrain, notably the case of Nabeel Rajab and of 16 February 2017 on executions in Kuwait and Bahrain,
 - having regard to the statements by the HR/VP Spokesperson of 13 July 2020 on Bahrain: upholding death sentences, of 10 June 2020 on the release of human rights defender Nabeel Rajab, of 9 January 2020 on the confirmation of the death sentence for two citizens in Bahrain, and of 27 July 2019 on the executions of Mr al-Arab and Mr al-Malali,
 - having regard to the statement of 12 February 2020 by Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Fionnuala Ni Aolain, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and Nils Melzer, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, urging Bahrain to quash the death sentences against Mohammed Ramadan and Husain Moosa,
 - having regard to the European Union Guidelines on Human Rights Defenders, on the Death Penalty, on Torture and on Freedom of Expression,
 - having regard to the International Covenant on Political and Civil Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, of which Bahrain is party,
 - having regard to the November 2011 report by the Bahrain Independent Commission of Inquiry (BICI),
 - having regard to the Universal Declaration of Human Rights,
 - having regard to Rules 144 of its Rules of Procedure,
- A. Whereas in 2011 the Bahraini government, under the leadership of the late Prime Minister Khalifa Ben Salman, with the military support from Saudi Arabia, crushed the peaceful uprising of the Bahraini people which was part of a regional process demanding freedom, democracy, human rights and dignity known as the “Arab Spring”; whereas in the aftermath of that uprising, Bahraini authorities continue leading a heavy crackdown on the rights to freedom of expression, association and peaceful assembly, including arrests, threat of imprisonment or torture, intimidation, travel bans and revocation of citizenships; whereas Bahrain still applies death penalty; whereas since 2011 the authorities rejected all demands of the democratic opposition and human

rights defenders for freedoms of speech and assembly; whereas no political opposition is tolerated in Bahrain;

- B. Whereas demonstrations took place in Bahrain in February 2021 commemorating the tenth anniversary of the “Arab Spring” uprising; whereas the authorities have arrested at least 15 children for joining protests, reportedly subject to threats of rape and electrocution;
- C. Whereas since 2011 Bahrain has been sentencing to death and executing individuals at alarming rate; whereas between 2011 and 2020, Bahrain sentenced to death at least 51 people, whilst in the decade between 2001 and 2010 there are reports of 7 death sentences in Bahrain;
- D. Whereas 27 persons are currently on death row in Bahrain, of whom 26 at imminent risk of execution; whereas on 15 January 2017 Bahrain ended a seven-year *de facto* moratorium on the death penalty by executing three civilians; whereas six people have been executed since then; whereas these executions were declared extrajudicial killings by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions;
- E. Whereas in the majority of recent executions, Bahraini authorities have extracted confessions through torture and defendants have not been guaranteed fair trials; whereas, in addition, there are concerns that Bahrain’s government-affiliated oversight bodies, including the Ombudsman and the Special Investigation Unit (SIU), have not properly investigated torture allegations and that Bahraini courts have not excluded evidence extracted through torture at trials;
- F. Whereas Ali Al-Arab and Ahmed Al-Malili, both Bahraini citizens convicted of terrorism offences in a mass trial marred by allegations of torture and serious due process violations, were executed by firing squad on 27 July 2019; whereas, on appeal, on 13 July 2020, the Court of Cassation reaffirmed its final ruling and upheld the death sentences on Mohamed Ramadan and Hussein Ali Moosa, despite an unfair trial with a verdict based on confessions of the defendants allegedly coerced under torture, and findings by the Special Investigation Unit’s (SIU)’s investigation into Moosa and Ramadan’s torture allegations; whereas Agnes Callamard, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions, warned that Moosa and Ramadan’s conviction resulting in the death penalty would be arbitrary and a clear violation of their right to life and amount to arbitrary killing; whereas Mohamed Ramadan and Hussein Ali Moosa are at imminent risk of execution and have exhausted all legal remedies;
- G. Whereas human rights defender Abdulhadi Al-Khawaja, a Bahraini and Danish citizen, the co-founder of the Bahrain Center for Human Rights and the Gulf Center for Human Rights, is currently completing his tenth year in prison serving a life imprisonment sentence on charges of “financing and participating in terrorism to overthrow the government and spying for a foreign country”, whereas following Abdulhadi Al-Khawaja’s arrest, he was beaten, tortured and sentenced in an unfair trial that did not comply with Bahraini criminal law or international fair trial standards; whereas in July 2012, the UN Working Group on Arbitrary Detention concluded that Al-Khawaja’s arrest was arbitrary, as it resulted from his exercise of the fundamental rights of freedom

of expression, peaceful assembly, and association, and called for his release;

- H. Whereas the Bahraini authorities' dissolved al-Wefaq, the country's largest peaceful political opposition party, confiscated its assets and arrested its leaders; whereas the leader of the party Shaikh Ali Salman is currently serving life term in jail on dubious espionage charges;
- I. Whereas several public figures have been prosecuted merely due to their social media activity, including prominent lawyers Abdullah Al Shamlawi and Abdullah Hashim; whereas no independent media have operated in Bahrain since the Information Affairs Ministry suspended *Al Wasat*, the country's only independent newspaper, in 2017;
- J. Whereas CitizenLab identified significant usage of the Pegasus spyware of the Israel-based NSO Group in Bahrain, which has previously been linked to abusive use of spyware to target civil society, journalists, lawyers and opposition politicians; whereas a legal action was brought in front of Israeli Courts demanding the Ministry of Defence to revoke NSO Group's export licence;
- K. Whereas health and hygiene conditions in Bahrain's overcrowded prisons remain extremely serious; whereas Bahrain released 1,486 prisoners in March 2020 due to the health risk posed by the COVID-19 pandemic; whether the releases have excluded opposition leaders, activists, journalists, and human rights defenders; whereas Bahraini authorities are denying high-profile human rights defenders urgent medical attention, risking their health and wellbeing;
- L. Whereas Nabeel Rajab, one of the most prominent Bahraini human rights defenders, was released from prison on 9 June 2020 to serve the rest of his five-year sentence under the alternative sanctions law and is obliged to self-censor and refrain from participating in human rights activities at the risk of being imposed an additional sentence and re-imprisoned;
- M. Whereas the Bahraini courts continue to issue and uphold decisions to denaturalize citizens; whereas more than 300 people in 2018 and more than 100 people in 2019, including human rights defenders, had their citizenship revoked by Bahraini Courts and in most cases remain stateless; whereas revocation of nationality is used as a means of political repression in contravention of Article 15 of the Universal Declaration of Human Rights;
- N. Whereas the denial of civil rights in the country disproportionately affects its Shia majority, which is a subject to a range of discriminatory laws and practices, such as denial of key positions in the government, security forces and judiciary;
- O. Whereas in December 2018, Bahrain amended its labor law to prohibit employers from discriminating against workers on the basis of sex, origin, language or creed, and it instituted sanctions against sexual harassment at work; whereas the around 92,000 domestic workers in the country are included in the labor law, but excluded from provisions that offer the vast protections of the labor law including in relation to weekly rest days, a minimum wage, and limits on working hours;
- P. Whereas Bahraini law continues to discriminate against women in relation to family law

such as the right to divorce and transmission of Bahraini nationality to their children on an equal basis to men; whereas Article 353 of the penal code exempts perpetrators of rape from prosecution and punishment if they marry their victims; whereas Bahrain's parliament proposed a full repeal of that article in 2016, but the cabinet rejected the proposal; whereas Article 334 of the penal code reduces the penalties for perpetrators of so-called honor crimes and adultery and sexual relations outside marriage are still criminalised;

- Q. Whereas the change in leadership in November 2020 and the appointment of the new Prime Minister Prince Salman bin Hamad Al Khalifa presents Bahrain with an opportunity to move towards political reform and Sunni-Shia reconciliation; whereas, as of date, there are few tangible signs of positive change in these areas;
1. Is deeply concerned that ten years after the Bahraini "Arab Spring" uprising was crushed by the Bahraini authorities, with a military support from Saudi Arabia, the human rights situation in the country continues worsening, including the application of the death penalty, arbitrary arrests, prosecution and harassment of human rights defenders, denial of civil and political rights and freedoms of association, assembly, and expression;
 2. Strongly condemns the sentencing of Mohammed Ramadan and Husain Ali Moosa to death; is appalled by Bahrain's return to the practice of capital punishment; urges the Bahraini authorities to overturn the death sentences, order a retrial that fully complies with international fair trial standards and excludes evidence obtained under torture and to allow an independent investigation into the torture allegations; condemns the failure of Bahrain's authorities, particularly the Special Investigation Unit, to conduct an investigation into the allegations of Mr Ramadhan and Mr Moosa in accordance with the Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; regrets the passivity of Bahrain's Ombudsman in this case;
 3. Welcomes the release of Nabeel Rajab under the alternative sanctions law, while regretting the prohibition imposed on him to participating in human rights activities and urges the Bahrain authorities to immediately vacate Nabeel Rajab's unjust conviction and undertake a prompt, impartial, and independent investigation into Rajab's allegations of ill-treatment in detention;
 4. Calls for the immediate and unconditional release of all human rights defenders, prisoners of conscience and political prisoners, including Dr. Abduljalil al-Singace, Abdulhadi al-Khawaja, Naji Fateel, Abdulwahab Hussain, Ali Hajee, Sheikh Ali Salman and Hassan Mshaima, detained and sentenced for merely expressing their right to freedom of expression, and to drop all charges against them; strongly commends the work of all human rights defenders, journalists and lawyers whose work is essential for the defence of human rights;
 5. Calls on the Bahraini government to stop the harassment and immediately lift the travel ban against human rights defenders and insists that authorities guarantee in all circumstances that human rights defenders in Bahrain are able to carry out their legitimate human rights activities, both inside and outside the country; urges the

Bahraini authorities to allow international NGOs and journalists freedom of access in Bahrain, including the purposes of gaining contact with detained human rights defenders;

6. Urges the Bahraini authorities to uphold the right to freedom of expression and repeal the laws that criminalise the peaceful exercise to freedom of expression, association and assembly, including the amendment to the Law on the Exercise of Political Rights; urges them to implement the recommendations of the BICI and of the 2017 Universal Periodic Review, especially regarding to the criminal justice reform and respect for all civil, economic, political, social and cultural rights; urges the government of Bahrain to reinstate the country's one independent media outlet, Al-Wasat, and to allow independent political societies to operate in Bahrain, including the dissolved al-Waad and al-Wefaq; urges the government of Bahrain to allow foreign journalists and human rights organisations access to Bahrain;
7. Condemns the continuing use of torture and other cruel, degrading treatment or punishment against detainees, including peaceful protesters and civilians and calls for thorough and credible investigations into all torture allegations, with a view of holding those responsible to account; calls on the HR/VP and Member States to consider applying the newly acquired tools under the EU Global Human Rights Sanctions Regime towards Bahraini officials who have committed grave human rights violations, in particular towards those who participated in or ordered the widespread torture of prisoners of conscience during interrogations since 2011;
8. Urges the government of Bahrain to abide by its obligations and commitments under the UN Convention against Torture; calls on the Bahraini authorities to ratify the Optional Protocol to the Convention Against Torture and to adhere to all due process rights enshrined in the International Covenant on Political and Civil Rights, particularly the exclusion of all evidence extracted through the use of torture;
9. Calls on the government of Bahrain to fully cooperate with the UN bodies and to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council and to cooperate in a proactive manner; calls on the Bahraini government to allow EU officials, independent monitors and human rights groups to visit Bahraini prisons, and urges the authorities of Bahrain to ensure particularly that the UN Special Rapporteurs on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on Human Rights Defenders, on Freedom of Expression and on Freedom of Assembly are allowed to enter the country;
10. Condemns the ongoing practice of arbitrarily stripping nationals of their citizenship, which has in many cases resulted in leaving people stateless in violation of the UN Convention on the Reduction of Statelessness; calls on the Bahraini authorities to amend the country's citizenship law and to restore Bahraini citizenship to those individuals who have been unfairly stripped of it;
11. Calls on the EU Delegation to fully implement the EU Guidelines on human rights defenders and to provide all appropriate support to human rights defenders detained, including through arranging prison visits, trial monitoring and public statements;
12. Calls on the EEAS and Member States to systematically raise the concerns about the

violation of human rights in Bahrain as well as the lack of political space for expressing legitimate and peaceful dissent, including as part of future human rights dialogues; urges the EEAS to ensure that the informal human rights dialogue with Bahrain is result-oriented toward concrete deliverables, and to consider its suspension if Bahraini authorities continue failing to meaningfully and genuinely engage in the process and improve the human rights situation;

13. Is deeply disturbed at the reports regarding the use of surveillance technology against Bahraini human rights defenders; calls for an EU-wide ban on export, sale, update and maintenance of any form of security equipment to Bahrain which can be or is used for internal repression, including Internet surveillance technology; calls on the High Representative to report on the current state of military and security cooperation by EU Member States with Bahrain;
14. Urges the Bahraini government to amend the labor law to ensure that domestic workers are able to benefit from the same rights as other workers including limits to their working hours, weekly rest days and a minimum wage;
15. Calls on the Bahraini government to amend laws as necessary to remove discrimination against women in relation to entering marriage, in marriage, during dissolution and in relation to children and inheritance and to allow women to pass nationality to their children on an equal basis with men; calls on the Bahraini authorities to repeal articles 353 and 334 of the Penal Code which condone violence against women;
16. Calls on the new Prime Minister Prince Salman bin Hamad Al Khalifa to use his authority to move Bahrain towards political reform, respect for human rights and fundamental freedoms, allow political parties and clubs to resume their legal, peaceful, political and cultural activities, embrace national reconciliation, end sectarian repression and discrimination and promote national unity, which would be in line with the positions he expressed in the past;
17. 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 the members of the Gulf Cooperation Council;