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Bahrain, in particular the case of Nabeel Rajab

Greens/EFA motion for resolution

Tabled by Alyn Smith, Barbara Lochbihler, Michel Reimon, Bodil Valero, Igor Šoltés, Judith Sargentini on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous resolution on Bahrain, notably the one of 6 February 2014 on Bahrain, in particular the cases of Nabeel Rajab, Abdulhadi al-Khawaja and Ibrahim Sharif,
- having regard to the statement by the Spokesperson of HR/VP for Foreign Affairs and Security Policy Federica Mogherini of 17 June 2015, on the sentencing of al-Wefaq Secretary General Ali Salman in Bahrain,
- having regard to the statement of the Ministry of Foreign Affairs of the Kingdom of Bahrain on 17 June 2015 on the freedom of expression protected in Bahrain,
- having regard to the 24th EU-GCC Joint Council and Ministerial Meeting in Doha, Qatar, on 24 May 2015,
- having regard to the second UPR report by the UN Human Rights Council for 6 July 2012
- having regard to Report Detailing the Government of Bahrain's Implementation of the Recommendations of the Bahrain Independent Commission of Inquiry of February 2014 update on the UPR in September 2014, the government of Bahrain presented an update;
- having regard to the joint statement at the 26th Session of the UN Human Rights Council of 10 June 2014, by 47 States, including all 28 EU Member States, noting serious concerns over the human rights situation in Bahrain,
- having regard to UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the Kingdom of Bahrain is a party,
- 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 European Union Human Rights Guidelines on Freedom of Expression Online and Offline, adopted in May 2014,
- having regard to the United Nations Convention on the Reduction of Statelessness,
- having regard to the new EU Strategic Framework and Action Plan on Human Rights, which aims at placing the protection and surveillance of Human Rights at the heart of all EU policies, and which includes a specific section about the protection of Human Rights Defenders;
- having regard to the Universal Declaration of Human Rights, to which the Kingdom of Bahrain is a party,
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas Bahrain has promised progress in its reforms on the situation of human rights, following the release of the report by the Bahrain Independent Commission of Inquiry (BICI) on 23 November 2011, and to its follow-up report of 21 November 2012;

B. whereas Bahrain's establishment of the Ombudsman of the Ministry of Interior, the Prisoners and Detainees Rights Commission and the Special Investigations Unit is encouraging; whereas these institutions should be made more impartial, independent and transparent from Government institutions;

C. whereas during the last months, the government and security forces has been continuing the use of repressive measures against civil society activists and peaceful opposition, with a succession of repeated detentions, beatings and police abuses, death sentences, torture practices and revocations of nationality to its citizen;

D. whereas Nabeel Rajab, Bahraini Human Rights Defender and President of the Bahrain Center for Human Rights (BCHR), Deputy Secretary-General of the International Federation of Human Rights (FIDH) and member of the Advisory Committee of Human Rights' Watch Middle East Division, was sentenced to six months imprisonment only for peacefully exercising its freedom of expression in his personal Twitter account, and accused of insulting state institutions; whereas Nabeel Rajab was arrested on 1 October 2014 after a visit to the European Parliament's Subcommittee on Human Rights;

E. whereas Nabeel Rajab has served several prison sentences since setting up the Bahrain Centre for Human Rights in 2002; whereas Nabeel Rajab is facing further charges related to his freedom of expression and is currently risking up to 10 years imprisonment for allegedly "insulting a statutory body" and "spreading rumours at a time of war" on Twitter;

F. whereas on 16 June, the Secretary General of Bahrain's main opposition party al-Wefaq, Sheikh Ali al-Salman, was sentenced to four years in prison in the context of anti-government protests which erupted in 2011, at the height of the region's "Arab Spring" uprisings; whereas his lawyers have reportedly been prevented by the court from presenting oral arguments and have not been provided with any meaningful opportunity to examine the evidence;

G. whereas European citizens, including Danish human rights defender Abdulhadi Al-Khawaja and Swedish political activist Mohammad Habib Al-Muqdad have suffered ill-treatment, torture, unfair trials and sentencing on political charges;

H. whereas according to the BCHR, more than 3,000 prisoners are in arbitrary detention, many of them Human Rights Defenders who are imprisoned and serving long or life-long sentences as a direct reprisal for their activities; whereas most of them have been reportedly subjected to violence, ill treatment and physical or psychological torture;

I. whereas Bahraini laws ban protests in the capital Manama, allow extended pre-trial detention and restrict the ability of non-governmental organisations to operate without extensive oversight by the Ministry of Social Development;

J. whereas since 2012, Bahrain has been using vague anti-terrorism legislation to arbitrarily revoke the nationalities of activists and members of the opposition as a reprisal for dissent, including at least 9 minors; whereas, over 150 activists, protesters and politicians have had their citizenship revoked since 2012, making a significant majority of them stateless, in contravention of the UN Convention on the Reduction of Statelessness;

K. whereas the use of the death penalty in politically motivated cases has increased since 2011; whereas at least 7 individuals have been condemned to death in political cases since 2011 and four of these seven individuals were sentenced to death in 2015; whereas all those sentenced to death allege security forces committed acts of torture upon them during their detention;

L. whereas the BICI core recommendations are progressing only slowly, whereas notably the National Dialogue talks have collapsed ; whereas some groups are still unrepresented in the political system, civil society organisations face operational challenges and the security forces remain unaccountable;

M. whereas the Bahraini penal system does not meet the UN Minimum Standards on Prisons, with overcrowding, poor hygienic facilities and overall living conditions; whereas the Bahraini penal system does not adequately protect the rights of children as underlined in the UN Convention on the Rights of the Child;

1. Calls for the immediate and unconditional release of all imprisoned Human Rights Defenders in Bahrain, including Nabeel Rajab Naji Fateel, Abdulhadi Al-Khawaja, Abduljalil Al-Singace and the immediate and unconditional release of all political activists and leaders, including Sheikh Ali Salman and the “Bahrain 13”; Calls for the immediate and unconditional release of all those imprisoned in relation to their rights to free expression, assembly or association, including journalists, peaceful protesters and prisoners of conscience in Bahrain; Regrets that hitherto the EU and some of its Member States have not explicitly called for the immediate release of Nabeel Rajab

2. Regrets the continuing human rights violations in Bahrain and urges the Bahraini government to swiftly implement the recommendations in the BICI report and the Universal Periodic Review, including the freedom of expression, both online and offline and the freedom of assembly, in line with Bahrain’s international human rights obligations;

3. Urges the government to repeal the decisions revoking the citizenship of Bahraini citizens and to put the legislative framework in accordance with international law; also urges to amend the anti-terrorism law in order to bring it in line with international human rights standards;

4. Condemns the continuing use of torture and other cruel, degrading treatment or punishment against prisoners, peaceful protesters and civilians by Bahraini authorities and the security forces and urges the government of Bahrain to abide by its obligations and commitments under the UN Convention against Torture.

5. Encourages the Government of Bahrain to allow visits by the five UN Special Rapporteurs on Torture,

on the independence of judges and lawyers, on freedom of opinion and expression and on the rights to freedom of peaceful assembly and association and on the situation of human rights defenders and makes the responsible ones accountable.

6. Urges the government of Bahrain to take all steps to guarantee an impartial and fair judicial system, guaranteeing due process, and to guarantee the impartiality of its Ombudsman, of the Special Investigations Unit and the National Institute for Human Rights; calls on the Bahraini government to introduce reforms to its penal system with a view to abolishing the death penalty;
7. Calls on the Bahraini government and the opposition to put all their efforts into intensifying the negotiation process and urges all parties to find sustainable political solutions to the crisis; expresses its belief that sincere dialogue is a condition sine qua non national reconciliation and sustainable reform in Bahrain;
8. Notes that an EU-Bahrain human rights dialogue can in no way compensate a thorough dialogue between government and opposition in Bahrain itself;
9. Urges the Bahraini government, the opposition and all parties to discourage the use of divisive language that will hinder their efforts in reviving the negotiation process; Stresses that inclusivity in the negotiation process is a prerequisite to reconciliation in Bahrain;
10. Calls on the EU Delegation in Riyadh and the Member States in Bahrain to apply the EU human rights Guidelines (notably on Human Rights Defenders and torture) and to report publicly on their implementation;
11. Calls on the EEAS to undertake a public evaluation of EU and/or Member States' support given to Bahrain (e.g. judicial and police system) and to reshape this support when needed on the basis of the lessons learnt through the evaluation exercise;
12. Regrets the lack of response of the European Union to the on-going situation in Bahrain and calls for a collective EU effort to develop a comprehensive strategy on how the EU and the Commission can actively push for the release of the imprisoned activists and prisoners of conscience.
13. Stresses that the EU and its Member States must not deviate from political talks with the government of Bahrain to address human rights violations and vague anti-terrorism legislation, with the view that Bahrain is a strategic Gulf ally in the US-led coalition against the so-called Islamic State
14. Calls for an EU ban on exports of tear gas and crowd control equipment until investigations are conducted regarding their improper use and until the perpetrators of such improper use are held accountable;
15. Equally urges to ban the exports of technologies used for tracking, tracing, censorship and surveillance of information and communication flows, resulting in human rights violations.
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 governments and parliaments of the Member States, and the Government and Parliament of the Kingdom of Bahrain and to the members of the GCC.

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