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The case of Ali Mohammed al-Nimr

Greens/EFA motion for resolution

Tabled by Alyn Smith, Pascal Durand, Barbara Lochbihler, Klaus Buchner, Igor Šoltes, Davor Škrlec on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous resolutions of 12 February 2015 and of 11 March 2014,
- 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 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 that prohibits physical or psychological torture or cruel, degrading, humiliating or inhuman treatment,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Ali Al-Nimr was 16 or 17 years old when he was arrested while demonstrating for democracy and equal rights in Saudi Arabia; whereas now 21 years old, he was sentenced to death 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 14 September 2015; whereas there are serious allegations that Ali Al-Nimr was tortured and forced to sign a confession; whereas Mr al-Nimr was denied due legal process in compliance with international law;

B. whereas Saudi Arabia is one of the only three countries in the world known to maintain the death

penalty for people who allegedly committed crimes as children, along with Sudan and Iran;

C. 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 have been carried out between August 2014 and June 2015 in Saudi Arabia;

E. whereas this case is one of many 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 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 on 17 September, few days after the judgment against Ali Mohammed al-Nimr and shortly after the Saudi government posted a job advertisement for eight new executioners;

1. Strongly condemns the Supreme Court's sentencing of child offender Ali Mohammed al-Nimr to death and urgently calls for a fair retrial;

2. reiterates its condemnation of the use of the death penalty and strongly supports the introduction of a moratorium as a step towards abolition;

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;

4. 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;

5. Urges the Saudi authorities to abolish the Specialised Criminal Court, set up in 2008 to try terrorism cases but increasingly used to prosecute peaceful dissent on apparently politically motivated charges and in proceedings that violate the fundamental right to a fair trial;

6. 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 courts have ordered the death penalty in 2015;

7. Is amazed about the choice of a Saudi Chair for the panel of independent experts at the UN Human Rights Council and calls on the Saudi government to start living up to the responsibility which such an important post should carry;

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 and the Government of Saudi Arabia.

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