



Plenary sitting

B9-0562/2022

13.12.2022

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 case of human rights defender Abdulhadi Al-Khawaja in Bahrain
(2022/2994(RSP))

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B9-0562/2022

**European Parliament resolution on the case of human rights defender Abdulhadi Al-Khawaja in Bahrain
(2022/2994(RSP))**

The European Parliament,

- having regard to its previous resolutions on Bahrain, in particular the resolution of 9 March 2021 on the human rights situation in the Kingdom of Bahrain, in particular the cases of death row inmates and human rights defenders,
- having regard to the 6th EU-Bahrain Human Rights Dialogue held in Manama on 27 October 2022,
- having regard to the Statement by UN Special Rapporteur on human rights defenders Mary Lawlor on Jailed Human Rights Defender Abdulhadi Al-Khawaja, from 22 September 2022,
- having regard to the statement by UN experts on the prolonged detention of human rights defenders in Bahrain from 22 June 2021,
- having regard to the intervention of Denmark at the 51th session of the Human Rights Council calling for the release of Human Rights Defender Abdulhadi Al-Khawaja,
- having regard to the European Union Guidelines on Human Rights Defenders, on the Death Penalty, on Torture and on Freedom of Expression, and on Freedom of Expression Online and Offline,
- having regard to the UN Secretary General’s annual report on reprisals from 14 September 2022,
- having regards to the UN Universal Periodic Review of Bahrain from 7 November 2022,
- 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 Universal Declaration of Human Rights,
- having regard to Rules 144 of its Rules of Procedure,
- A. Whereas human rights defender Abdulhadi Al-Khawaja, a Danish-Bahraini citizen, co-founder of the Bahrain Center for Human Rights (BCHR) and the Gulf Center for Human Rights (GCHR), and winner of the 2022 Martin Ennals Award, is currently completing his eleventh year in prison, serving a life sentence for leading peaceful protests during the 2011 popular uprising in Bahrain;
- B. Whereas following Abdulhadi Al-Khawaja’s arrest in June 2011, he was beaten,

tortured and sentenced in an unfair trial that did not comply with Bahraini criminal law nor minimum international standards for fair trials;

- C. Whereas a report by the Bahrain Independent Commission of Inquiry (BICI), published in November 2011 at the request and acknowledgment of the Bahraini king detailed severe physical, psychological and sexual torture in detention;
- D. 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;
- E. Whereas as a direct consequence of his imprisonment, torture and deprivation of access to medical care Abdulhadi Al-Khawaja suffers from a series of chronic and degenerative health problems and requires timely, expert medical treatment;
- F. Whereas in November 2022 new criminal charges were brought against human rights defender Abdulhadi Al-Khawaja; whereas on 28 November the Second Lower Criminal Court in Bahrain convicted Abdulhadi Al-Khawaja on additional criminal charges, linked to his protests about being denied the right to call his daughters abroad from Jaw Prison; whereas Abdulhadi Al-Khawaja was denied the right to attend the court hearing and the right to legal representation, despite a court order signed by the head of the Second Lower Criminal Court instructing the Secretary General of the administration of rehabilitation and reform centre to grant the defendant access to power of attorney; whereas this was a violation of the human rights defender's right to a fair trial and counsel;
- G. Whereas the timing of these new charges follow significant advocacy on Abdulhadi Al-Khawaja's case at both the UN and EU level, including the case being highlighted in the UN Secretary General's annual report on reprisals in September 2022, the EU-Bahrain Human Rights Dialogue in October 2022 and the UN Universal Periodic Review of Bahrain in November 2022,
- H. Whereas in late July 2022 prison authorities were supposed to take Al-Khawaja to the hospital for treatment for his back; whereas authorities shackled him, despite a doctor's orders that he not be shackled due to his spinal injury, and put him in a non-ventilated bus; whereas due to Al-Khawaja protests against this maltreatment a third case was brought against Abdulhadi Al-Khawaja consisting of serious criminal charges of incitement to overthrow, or change, the government of Bahrain; whereas a court date has not yet been set for this case;
- I. Whereas health and hygiene conditions in Bahrain's overcrowded prisons remain extremely worrying;
- J. Whereas the government of Bahrain continues to lead a heavy crackdown on the rights to freedom of expression, association and peaceful assembly; whereas human rights defenders, lawyers, journalists and political activists are severely prosecuted and suffer from arrest, threat of imprisonment or torture, intimidation, travel bans and revocation of citizenships; whereas Bahraini authorities arrested, detained, interrogated and prosecuted human rights defenders and political activists;

- K. Whereas Abdulhadi Al-Khawaja is one of several human rights defenders experiencing long-term arbitrary imprisonment in Bahrain, reprisal for continuing to advocate for human rights from within the prison system, and denial of adequate medical treatment; whereas human rights defender Naji Fateel was arrested in May 2013, and sentenced to 15 years in prison in May 2014; whereas Naji Fateel was tortured, held in incommunicado detention, prohibited from receiving phone calls and visits from his family and lawyer and placed in solitary confinement; whereas Naji Fateel continues to suffer from denial of access to adequate medical treatment for injuries on his leg and ear inflicted on him by the authorities; whereas human rights defender Dr. Abduljalil Al-Singace was arrested in August 2010, briefly released for 21 days in February-March 2011, and rearrested on 17 March 2011 and sentenced to life imprisonment in June 2011; whereas Dr. Abduljalil Al-Singace experiences post-polio syndrome and multiple other health problems, including severe intermittent headaches, a prostate problem, arthritis in his shoulder joint, tremors, numbness, and diminished eyesight; whereas Dr. Abduljalil Al-Singace has undertaken a prolonged hunger strike of solid food since 8 July 2021 in response to the confiscation of his book on Bahraini dialects of Arabic that he spent four years researching and writing by hand; whereas Dr. Abduljalil Al-Singace's health continues to decline;
- 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;
- M. Whereas Bahrain sustains the application of the death penalty; whereas according to the Bahrain Institute for Rights and Democracy (BIRD) and Reprieve 26 individuals are currently on death row, all at imminent risk of execution, having exhausted all legal remedies;
- N. 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;
- O. Whereas in March 2022 Bahrain published its National Action Plan for Human Rights (2022-2026) which states civil and political rights as a focus point;
- P. Whereas the European Union and Bahrain held their 6th Human Rights Dialogue in Manama on 27 October 2022;
1. Calls for the immediately and unconditionally release of human rights defender and prisoners of conscience Abdulhadi Al-Khawaja and all other human rights defenders and prisoners of conscience, including Dr Abduljalil al-Singace, Naji Fateel, Abdulwahab Hussain, Ali Hajee, Sheikh Ali Salman and Hassan Mshaima who have been detained and sentenced for merely exercising their right to freedom of expression, and to drop all charges against them; welcomes the release of Nabeel Rajab in 2020 under the alternative sanctions law, but urges the Bahraini authorities to lift his travel ban;

2. Condemns the continuous human rights violations by the Jaw prison administration against Abdulhadi Al-Khawaja and all other of prisoners of conscience; is appalled that the Jaw prison administration has deprived Abdulhadi Al-Khawaja from access to much needed medical care, including for the treatment of eczema, back and shoulder pain as well as a facial operation to cure the effects of torture; condemns that Abdulhadi Al-Khawaja was repeatedly denied to call his family; denounces the acts of reprisal against Abdulhadi Al-Khawaja for speaking out in the face of injustice and mistreatment at Jaw prison; condemns that Abdulhadi Al-Khawaja was denied the right to attend the court hearing and the right to legal representation in a breach of his right to a fair trial;
3. Expresses its deepest concern that the Bahraini authorities continue to violate and restrict the rights and freedoms of the population, in particular the right of individuals to peaceful protest, freedom of expression and digital freedom both online and offline;
4. Urges the Bahraini authorities to end the systematic targeting, harassment, detention and torture of human rights defenders and prisoners of conscience, lawyers, journalists and political activists; urges Bahraini authorities to repeal Law 25/2018, known as the political isolation law, and Law 36/2018, known as the civil isolation law, and penal code provisions and other abusive legislation that are used to crack down on peaceful dissent and political activities; urges Bahrain authorities to restore previously dissolved political societies al-Wifaq, the National Democratic Action Society (Wa'ad), and Amal, restore full civil and political rights to all opposition members, and lift all restrictions imposed on the political opposition regarding candidacy in the parliamentary and municipal elections; calls on the authorities of Bahrain to implement the recommendations of the BICI and of the 2022 Universal Periodic Review;
5. Reiterates its strong opposition to the death penalty calls on the Bahraini authorities to reintroduce an immediate moratorium on death sentences and executions as a step towards abolition; pending the moratorium, urges Bahraini authorities to commute the death sentences for all individuals, starting with those convicted on the basis of confessions alleged to have resulted from torture or ill-treatment and those who have been sentenced to death for other than the most serious crimes, such as drug offenses; calls on Bahrain to repeal article 30 of Law No. 15 of 2007, which provides that a death sentence may be imposed against individuals convicted of drug offences;
6. Expresses its concern that according to international human rights organisations Bahraini authorities generally fail to credibly investigate and prosecute allegations of torture and other human rights violations by police officers and other officials; reminds the Bahraini authorities that Article 15 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) 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 (OPCAT) and of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty;
7. Acknowledges Bahrain's preparation and publishing of a National Action Plan for Human Rights and calls for its full implementation;
8. 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;

9. Calls on the High Representative and Vice-President of the European Commission Josep Borrell, the EEAS and all EU officials visiting Bahrain, as well as EU Member States, in particular the government of Denmark, to raise the case of Abdulhadi Al-Khawaja and all other human rights defenders in the country both publicly and privately and demand their unconditional release; urges all EU officials and representatives of EU Member States visiting Bahrain to visit the prisons and meet with human rights defenders, and explicitly requesting to visit with Abdulhadi Al-Khawaja, Naji Fateel and Dr. Abduljalil Al-Singace;
10. Calls on the EEAS and EU 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 geared around concrete deliverables and commitments, including with the consultation of civil society before and after the dialogue, and to consider its suspension if Bahraini authorities continue failing to meaningfully and genuinely engage in the process and treat it as a box-ticking exercise; regrets that despite the calls of the HR/VP and visits of high-levels officials, including former EUSR on Human Rights, to the country, no concrete progress on human rights has been achieved;
11. Calls on the EU Delegation in Riyadh and all Member State diplomatic missions covering Bahrain to attend future hearings of Abdulhadi Al-Khawaja's and monitor developments in these hearings;
12. Calls on the EU Delegation to fully implement all relevant EU human rights guidelines, notably those on human rights defenders, on torture and other cruel, inhuman or degrading treatment or punishment, and on freedom of expression online and offline, as well as of the EU action plan on human rights and democracy 2020-2024;
13. Calls on the EU and Member States to increase their protection and support for human rights defenders and prisoners of conscience in Bahrain, including through emergency grants under the NDICI- Global Europe instrument and the European Endowment for Democracy;
14. Strongly condemns 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 of EU Member States with Bahrain;
15. 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;