



TEXTS ADOPTED

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The case of human rights defender Abdulhadi Al-Khawaja in Bahrain

European Parliament resolution of 15 December 2022 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,
- having regard to the November 2011 report of the Bahrain Independent Commission of Inquiry (BICI),
- having regard to the statement of 22 September 2022 by the UN Special Rapporteur on human rights defenders on jailed human rights defender Abdulhadi Al-Khawaja,
- having regard to the intervention by Denmark at the 51th session of the Human Rights Council calling for the release of human rights defender Abdulhadi Al-Khawaja, and having regard to the latest statements of the Danish Ministry of Foreign Affairs, notably that of 29 September 2022 and of 7 November 2022,
- having regard to the Cooperation Agreement between the EU and Bahrain signed on 10 February 2022,
- having regard to the joint communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission of 18 May 2022 entitled ‘A strategic partnership with the Gulf’ (JOIN(2022)0013) and to the Council conclusions of 20 June 2022 thereon,
- having regard to the European Union Guidelines on human rights defenders, on the death penalty, on torture, on freedom of expression, on human rights dialogues with third countries and on freedom of expression online and offline,
- having regard to the UN Universal Periodic Review of Bahrain of 7 November 2022,
- having regard to Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast)¹(‘Dual-Use Regulation’), and to previous recasts, in particular to Regulation (EU) No 1232/2011 of

¹ OJ L 206, 11.6.2021, p. 1.

the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items¹,

- having regard to the International Covenant on Civil and Political Rights, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Arab Charter on Human Rights, all of which Bahrain has ratified,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to Rules 144(5) and 132(4) 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 and the Gulf Center for Human Rights, and winner of the 2022 Martin Ennals Award, is currently completing his 11th year in prison and serving a life sentence for taking a leading role in protests demanding democratic reforms during the 2011 popular uprising in Bahrain;
- B. whereas after his arrest, Abdulhadi Al-Khawaja's was beaten, tortured and sentenced in an unfair trial that did not comply with Bahraini criminal law or minimum international standards for fair trials; whereas Al-Khawaja was sentenced on fabricated charges relating to 'financing and participating in terrorism to overthrow the government and spying for a foreign country';
- C. whereas in July 2012, the UN Working Group on Arbitrary Detention concluded that Abdulhadi 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;
- D. whereas Abdulhadi Al-Khawaja is facing renewed judicial harassment through a number of additional, separate trials; whereas on 28 November 2022, the Second Lower Criminal Court in Bahrain convicted Abdulhadi Al-Khawaja on additional criminal charges for allegedly breaking a chair in prison and verbally insulting a police officer for refusing to grant him a telephone call to his family; 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 President of the Second Lower Criminal Court instructing the Secretary-General of the General Directorate of Reformation and Rehabilitation 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;
- E. whereas Abdulhadi Al-Khawaja is a citizen of the Kingdom of Denmark and has been forced to live apart from his family since 2011;
- F. 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, including extreme back pain and impaired vision, and is in need of urgent medical attention; whereas the multiple hunger strikes that Al-Khawaja has carried out to protest against his mistreatment have aggravated his state of

¹ OJ L 326, 8.12.2011, p. 26.

health; whereas the prison authorities have been denying him adequate medical treatment;

- G. whereas the timing of these new charges follows extensive advocacy on Abdulhadi Al-Khawaja's case at both the UN and EU level, including the case being highlighted in September 2022 in the UN Secretary-General's annual report on reprisals, in October 2022 in the EU-Bahrain Human Rights Dialogue and in November 2022 in the UN Universal Periodic Review of Bahrain; whereas for over a decade the Danish government has relied on private diplomacy with the Bahraini government to secure the release of Al-Khawaja without its demand being met;
- H. whereas the government of Bahrain continues to mount 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 arrest, threats of imprisonment or torture, intimidation, travel bans and revocation of citizenship; whereas the Bahraini authorities have arrested, detained, interrogated and prosecuted human rights defenders and political activists;
- I. whereas Abdulhadi Al-Khawaja is one of several human rights defenders experiencing long-term arbitrary imprisonment in Bahrain; whereas other political prisoners currently incarcerated in Bahrain include high-profile political opposition leaders, activists, bloggers and human rights defenders sentenced to life imprisonment for their roles in the 2011 pro-democracy protests; whereas human rights defender Naji Fateel was arrested in May 2013 and sentenced to 15 years in prison in May 2014; whereas Naji Fateel has been tortured, held in incommunicado detention, prohibited from receiving phone calls and visits from his family and lawyer and kept in solitary confinement; whereas human rights defender Dr Abduljalil Al-Singace was arrested in August 2010, released briefly for 21 days between February and March 2011, rearrested on 17 March 2011 and sentenced to life imprisonment in June 2011; whereas Bahraini human rights defenders and their family members face harassment, intimidation and prosecution; whereas some have gone into exile and many have been arbitrarily stripped of citizenship; 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;
- J. whereas according to reports, the Bahraini authorities have increased repression against online and social media activity and prosecuted critics for peaceful expression; whereas reports state that the COVID-19 pandemic was used as a pretext to further limit the freedom of expression in the Kingdom;
- K. whereas 26 persons are currently on death row in Bahrain and all face imminent execution, having exhausted all legal remedies;
- L. whereas digital surveillance in Bahrain has increased significantly in recent years, with interception of text messages, deep package inspection, surveillance of social media and calls with the NSO's Pegasus software, according to the Guardian newspaper and Amnesty International; whereas European companies are among those who have supplied Bahraini authorities with interception technologies; whereas Bahrain uses surveillance technology to intercept the communications of human rights activists, resulting in their arrest;

- M. whereas export controls on surveillance technology were adopted in the 2011 revision of Regulation (EC) No 428/2009; whereas the 2021 recast of this Regulation was adopted to further strengthen these measures;
- N. whereas the European Union and Bahrain held their sixth Human Rights Dialogue in Manama on 27 October 2022; whereas the Human Rights Dialogue covers a broad range of topics, such as freedom of expression and association, rule of law, including the right to a fair trial and the death penalty, women's rights and gender equality, labour rights and freedom of religion or belief;
1. Urges Bahrain to release Abdulhadi Al-Khawaja immediately and unconditionally; highlights that all its prisoners of conscience should be released, 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; calls for all charges against them to be dropped; welcomes the release of Nabeel Rajab in 2020 under the alternative sanctions law, but urges the Bahraini authorities to lift his travel ban;
 2. Expresses its consternation at the treatment of Abdulhadi Al-Khawaja and other political detainees; reiterates its strong condemnation of the judicial harassment, intimidation, torture and lack of due process which he and other political detainees, as well as their families, continue to face; demands that the Bahraini authorities abide by their obligations under the UN Convention against Torture and that they end the use of torture and other ill-treatment, as well as the use of any statement made under torture as evidence in any court case; calls on the Bahraini authorities to tackle the culture of impunity by investigating all torture allegations, holding perpetrators accountable and ensuring effective mechanisms for victims to receive justice and restitution, including in the case of Al-Khawaja;
 3. Calls on the Bahraini authorities to guarantee fair and due process and that the rights of detainees are upheld, including those of Abdulhadi Al-Khawaja; calls on Bahrain to ensure that basic principles on the treatment of prisoners are fully implemented; underlines that the rights of prisoners need to be guaranteed at all times, including their ability to receive adequate medical care and full access to their families and lawyers of their own choice; calls on Bahrain to review the independence and effectiveness of internal bodies monitoring abuses by security and prison personnel, including its Ombudsman, the Special Investigations Unit and the Prisoners and Detainees Rights Commission;
 4. Calls on Bahrain to restore Bahraini citizenship to the almost 300 individuals who have been stripped of it;
 5. 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; calls on the Bahraini authorities to guarantee a safe space for civil society organisations and independent media and to ensure the right to freedom of expression can be exercised; condemns Bahrain's repeated use of anti-terrorism laws to curtail freedom of speech;

6. Deplores the lifting of the de facto seven-year moratorium on executions in 2017; reaffirms its strong opposition to the death penalty; reiterates its call to His Majesty Sheikh Hamad bin Isa Al Khalifa to reintroduce a moratorium on executions with a view to abolishing the death penalty and to immediately release Mohamed Ramadan, Husain Ali Moosa, Maher Abbas al-Khabbaz, Salman Isa Ali Salman, Hussein Abdullah Khalil Ebrahim, Mohammad Radhi Abdulla Hassan, Sayed Ahmed Fuad Abbas Isa Ahmed Al-Abar, Hussein Ali Mahdi Jasim Mohamed, Hussein Ebrahim Ali Hussein Marzooq, Moosa Abdallah Moosa Jafaar, Hussain Abdullah Marhoon Rashid and Zuhair Ebrahim Jasim Abdullah;
7. Calls on the government of Bahrain to fully cooperate with UN bodies and to extend a standing invitation to all Special Procedures of the UN Human Rights Council and to cooperate with them in a proactive manner; calls on the Bahraini government to allow EU officials, independent monitors and human rights groups to visit Bahraini prisons;
8. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell (VP/HR), the European External Action Service (EEAS) and all EU officials visiting Bahrain, as well as EU Member States, in particular the government of Denmark, to continue raising the case of Abdulhadi Al-Khawaja and all other human rights defenders in the country both publicly and privately and to demand their unconditional release;
9. Urges all EU officials and representatives of EU Member States visiting Bahrain to visit the prisons and meet human rights defenders and explicitly request to visit with Abdulhadi Al-Khawaja, Naji Fateel and Dr Abduljalil Al-Singace; deeply deplores that the Al-Khawaja's family has only been allowed one visit in the past two years; urges Bahrain, therefore, to uphold visitation rights for all prisoners' families;
10. Calls on the VP/HR, the EEAS, the Council and Member States to systematically raise concerns about human rights violations in Bahrain and raise cases bilaterally and in all international forums, including the UN Human Rights Council as well as in the context of EU-Bahrain Cooperation Agreement;
11. Calls on the EU Delegation in Riyadh and all Member State diplomatic missions covering Bahrain to attend future hearings concerning Abdulhadi Al-Khawaja and monitor developments in these hearings;
12. 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;
13. Strongly condemns the use of surveillance technology against Bahraini human rights defenders; calls on the EU and its Member States to strictly enforce the updated Dual-Use Regulation which comprehensively includes technology used for surveillance, and to prevent companies from exporting, selling, updating or maintaining surveillance technology that can be used to crack down on peaceful opposition voices in Bahrain; deplores the fact that European companies have been found in breach of human rights by selling dual-use technology;
14. Encourages the European Union and its Member States to strengthen the dialogue with Bahrain on human rights; believes that the release of Abdulhadi Al-Khawaja and all

other human rights defenders would be an important step to improve EU-Bahrain relations;

15. Condemns in the strongest terms any undue influence on the work of the European Parliament, whether directly by foreign countries or indirectly through government-controlled NGOs; urges all EU institutions to further strengthen the Transparency Register by adopting more stringent rules and to establish an independent ethics committee for all EU institutions; recalls the recommendations of its resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation¹, notably on how to strengthen the EU's response to foreign interference in the EU's democratic processes; calls on the EEAS to draw up a study on the prevalence and influence of malicious state actors in European institutions, think tanks, universities, religious organisations and media institutions;
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, the Government and Parliament of the Kingdom of Bahrain, and the members of the Gulf Cooperation Council.

¹ OJ C 347, 9.9.2022, p. 61.