



Plenary sitting

B8-1403/2015

15.12.2015

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 135 of the Rules of Procedure

on Ibrahim Halawa potentially facing the death penalty
(2015/3016(RSP))

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on behalf of the ECR Group

B8-1403/2015

European Parliament resolution on Ibrahim Halawa potentially facing the death penalty (2015/3016(RSP))

The European Parliament,

- having regard to its previous resolutions on Egypt, including that of 14 January 2015, and of 17 July 2014 on freedom of expression and assembly in Egypt;
- having regard to the 1948 Universal Declaration of Human Rights;
- having regard to the 1966 International Covenant on Civil and Political Rights, to which Egypt is a party;
- having regard to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Egypt is a party;
- having regard to the Arab Charter on Human Rights, to which Egypt is a party;
- having regard to the Constitution of the Arab Republic of Egypt;
- having regard to Egypt's Law 140-2014 on the deportation of foreigners accused or convicted of a crime;
- having regard to the EU-Egypt Association Agreement of 2004;
- having regard to the European Neighbourhood Policy and the most recent progress report on Egypt of 25 March 2015;
- having regard to the statement by the High Representative/Vice-President Federica Mogherini of 16 June 2015 on court sentences in Egypt;
- having regard to the Universal Periodic Review on Egypt before the UN Human Rights Council of 5 November 2014;
- having regard to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;
- having regard to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules");
- having regard to the International Covenant on Civil and Political Rights of 1966, to which Egypt is a party;
- having regard to Egyptian Law 107 of 24 November 2013 on the Right to Public Meetings, Processions and Peaceful Demonstrations;

- having regard to the results of the Egyptian Parliamentary elections of October and December 2015;
- having regard to Protocols 6 and 13 to the European Convention on Human Rights;
- having regard to Article 2 of the Charter of Fundamental Rights of the European Union;
- having regard to United Nations General Assembly Resolutions, in particular the one of 18 December 2014 on the moratorium on the use of the death penalty;
- having regard to the EU Guidelines on the Death Penalty,
- having regard to Rule 123 of its Rules of Procedure;

A. Whereas Ibrahim Halawa is an Irish citizen of Egyptian descent arrested in Cairo in August 2013 and is facing charges relating to his participation in a political protest which was marred by violence and in which his role is disputed;

B. Whereas at least 97 people died in the protests; whereas the deaths were as a result of violent clashes between demonstrators and security forces;

C. Whereas Ibrahim Halawa was aged 17 at the time of his arrest; whereas he has been detained for more than 800 days in an adult prison in contravention of Egyptian and international law;

D. Whereas Ibrahim was arrested along with his three sisters having sought refuge in the Al-Fateh mosque when a demonstration became violent; whereas his three sisters were subsequently released by the authorities;

E. Whereas Ibrahim faces a mass trial along with 493 others, the majority of whom are adults; whereas Ibrahim and his co-defendants are accused of attending an illegal protest and of violence, causing damage to public and private property, disturbing public safety, and possession of illegal weapons;

F. Whereas his trial has been postponed on several occasions since his arrest and is now scheduled to begin on 15 December; whereas he was not charged for a year after his arrest;

G. Whereas if convicted, Ibrahim could face the death penalty;

H. Whereas it is alleged that during his detention, Ibrahim has been subjected to torture, and cruel, inhumane and degrading treatment, often being kept for periods in solitary confinement, or in cells without proper sanitation, or which are overcrowded; whereas Ibrahim is staging a hunger strike to protest at his imprisonment and treatment;

I. Whereas since June 2013 the Egyptian government has been accused of numerous cases of arbitrary detention, mass arrests, harassment, intimidation and censorship against those willing to exercise their rights to free assembly, association and expression

J. Whereas Egyptian courts have handed down mass death sentences against hundreds of

defendants;

K. Whereas Egypt is a party to numerous international conventions on political and civil rights, torture, the rights of children and juveniles, and justice;

L. Whereas the European Union and its Member States are seeking to develop closer relationships with Egypt in a wide range of areas including trade, security and people-to-people contacts, and in support of Egypt's domestic and political reforms;

M. Whereas the increase of death sentences in Egypt is closely linked to Court rulings in response to terrorism-related offences; whereas courts have imposed mass sentences against scores of people in some cases; whereas there was a large spike in death sentences in Egypt, with 588 people sentenced to death in Egypt in less than two years;

O. Whereas the imposition and execution of the death penalty against person aged under 18 when the crime was committed is a violation of international law;

1. Condemns the fact Ibrahim Halawa has been held for more than two years without trial;

2. Calls on the President of Egypt, Abdel Fatah al-Sisi, to use his presidential prerogative and invoke Law 140-2014 on the deportation of foreigners accused or convicted of a crime, leading to the immediate deportation of Ibrahim Halawa so he may return to Ireland; notes the legal complications caused by his Egyptian parentage;

3 Believes Ibrahim Halawa's arrest and detention to be in violation of the International Covenant on Civil and Political Rights, and other conventions to which Egypt is a party, if it can be shown that he was engaged in legitimate, peaceful protest;

4. Urges the Egyptian authorities to ensure Ibrahim Halawa is afforded full and unfettered access to legal representation and all evidence relating to his imprisonment and the charges against him;

5. Condemns the fact that Ibrahim Halawa was imprisoned for a year without charge and has been denied the right to a speedy resolution to his case in accordance with accepted international norms and legal practices;

6. Regrets the failure of the Egyptian authorities to grant a judicial review into Ibrahim Halawa's detention, in accordance with Article 143 of Egypt's Criminal Procedure Code;

7. Calls for full disclosure of all evidence relating to Ibrahim Halawa's charges and for such evidence to be put before an Egyptian court as quickly as possible;

8. Remains convinced that it will be extremely difficult for Ibrahim Halawa's lawyers to mount an individual defence in the event his case is heard as part of a mass trial of all defendants arrested in connection with the August 2013 protests;

9. Demands that the Egyptian authorities categorically rule out the threat of the death penalty if Ibrahim Halawa is convicted, given that he was arrested as a juvenile;

10. Demands that all allegations of torture and maltreatment of Ibrahim Halawa are thoroughly and independently investigated, with anyone found to be guilty of such acts to face appropriate trial and punishment according to Egyptian and international law;
11. Calls for a full and independent investigation into allegations of the use of excessive force by Egyptian security services during the August 2013 protests at which Ibrahim Halawa was arrested;
12. Supports the Irish Government in its bilateral engagement with the Egyptian Government regarding the case of Ibrahim Halawa;
13. Calls on the Egyptian authorities to abide by their international commitments regarding civil and political rights, torture, and the detention of juveniles;
14. Supports the aspirations of the majority of Egyptian people who want to establish a free, stable, prosperous, inclusive, and democratic country which respects its national and international commitments on human rights and fundamental freedoms;
15. Believes that as a major actor in the Middle East and North Africa, Egypt's transition to a democratic state has the potential to be the role model for many other states in the region;
16. Regrets, in this regard, that the Ibrahim Halawa case, and recent other examples such as the detention of three al-Jazeera journalists, undermines Egypt's commitment to democracy and the willingness of the international community to become active and engaged partners in the country's future development;
17. Believes Egypt, European Union Member States, and third countries have a shared interest in defeating the threat to regional and international security; further offers to help the Egyptian authorities develop robust intelligence and security mechanisms, in line with international law, including measures relating to crowd control and legitimate, peaceful protest.
18. Shares the concerns of the Egyptian people about the economic, political and security challenges facing their country, and offers its support in addressing such issues; in this regard, however, believes that tackling such challenges must be done in full respect of human rights, fundamental freedoms, and international law;
19. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the parliaments and governments of the Member States, the President of the Arab Republic of Egypt, and the Parliament of the Arab Republic of Egypt.