



Plenary sitting

B8-1406/2015

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 PPE Group

B8-1406/2015

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, in particular those of 15 January 2015 on the situation in Egypt and of 17 July 2014 on Freedom of Expression and Assembly in Egypt,
- having regard to the recent statements by the European External Action Service on Egypt, including those of 16 June 2015 on Court sentences in Egypt and of 4 February 2015 on the sentencing of activists in Egypt,
- having regard to the EU-Egypt Association Agreement of 2001, which entered into force in 2004, strengthened by the Action plan of 2007, and to the Commission's progress report of 20 March 2013 on its implementation; having regard to the European Neighbourhood Policy and the most recent progress report on Egypt of March 2015,
- having regard to the new Egyptian constitution, adopted by referendum on 15 January 2014,
- having regard to the 1948 Universal Declaration of Human Rights and the European Convention on Human Rights of 1950,
- having regard to Article 10 of the Universal Declaration on Human Rights,
- having regard to the International Covenant on Civil and Political Rights, a binding treaty that Egypt ratified in 1982,
- having regard to the EU Guidelines on the Death Penalty, adopted in June 1998 and revised and updated in April 2013,
- having regard to the UN General Assembly resolutions, in particular that of 18 December 2014 on a moratorium on the use of the death penalty (A/RES/69/186),
- having regard to the issuing, by President al-Sisi of Egypt on the 13 November 2014, known as Law 140 whereby he may, upon a proposal filed by the Prosecutor General, and with the agreement of the Council of Ministers, agree to the transfer of defendants to their home countries,
- having regard to Rule 135 of its Rules of Procedure,

- A. whereas Ibrahim Halawa is an EU citizen, born in Ireland of Egyptian parents and was arrested in Egypt in August 2013 following a protest in Cairo, aged 17 years old and faces a mass trial;
- B. whereas since the military takeover of June 2013, it has been reported that a great number of detentions of protesters and prisoners of conscience have been conducted in Egypt; whereas reports indicate that since July 2013, more than 41,000 people have been detained following mass arrests; whereas the freedoms of association, assembly and expression have remained areas of particular concern since July 2013;
- C. whereas Mr. Halawa faces mass trial along with 493 others charged with attending an illegal protest during which protesters allegedly caused deaths and criminal damage and are now being held jointly responsible for these offences;
- D. whereas a large number of death sentences have been handed down through mass trials since 2013 against alleged Muslim Brotherhood members and alleged supporters of ousted President Morsi; whereas these sentences and procedures are in breach of Egypt's obligations under international law; whereas Ibrahim Halawa could face a real danger of receiving the death penalty given the nature of his mass trial;
- E. whereas freedom of expression and freedom of assembly are indispensable pillars of a democratic and pluralist society; whereas the Egyptian constitution adopted in 2014 enshrines fundamental freedoms, including freedom of expression and assembly;
- F. whereas Article 10 of the Universal Declaration on Human Rights considers that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his/her rights and obligations and of any criminal charge against him/her;
- G. whereas Mr. Halawa has now spent more than two years in prison, over a year of this without having been charged, in serious violation to his right to a speedy trial;
- H. whereas Mr. Halawa's trial is now in progress having been postponed on a number of occasions; whereas his most recent hearing took place on the 4 October 2015; whereas due to the non-appearance of a number of defendants, the hearing could not get properly underway and the 10th trial was then adjourned until the 15 December;
- I. whereas Ibrahim Halawa has been on hunger strike for over a month and his physical and mental health is rapidly deteriorating;
- J. whereas any decision to release Mr. Halawa must ultimately be taken by the Egyptian Authorities;

1. Underlines the importance that the EU attaches to its cooperation with Egypt as an important neighbour and partner; stresses the important role of Egypt for stability in the region; stresses its solidarity with the Egyptian people and that it commits to its continued support to Egypt in the process of strengthening its democratic institutions, respecting and defending human rights, and promoting social justice and security;
2. Expresses its deepest concern at the deteriorating condition of Ibrahim Halawa due to his ongoing hunger strike and his alleged poor conditions in prison; Calls on the Egyptian authorities to, as a matter of priority, ensure that the good health and wellbeing of Ibrahim Halawa is maintained while he remains in prison;
3. Asks the Egyptian authorities to ensure that Article 10 of the International Covenant on Civil and Political Rights, which states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person, is respected;
4. Welcomes that Egypt has facilitated consular access to Mr. Halawa, a European citizen, for the Irish government, and access to his legal representation;
5. Calls on the Egyptian authorities, in regard to Mr. Halawa's European citizenship, to continue to facilitate consular access for the Irish government;
6. Strongly condemns the use of a mass trial in the judicial process and urges the Egyptian government to ensure that the human right to a fair and independent trial as outlined in Article 10 of the Universal Declaration on Human Rights is respected and upheld;
7. Asks the Egyptian authorities to ensure an independent and credible investigation in the case of Ibrahim Halawa, to respect the right for a fair and timely trial based on clear charges, and to ensure the respect of the defendant's rights;
8. Reiterates the EU's absolute opposition to the use of the death penalty under all circumstances and calls for a full moratorium on the issuance of capital punishment in Egypt; urges Egypt to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights of 1996 aiming at the abolition of the death penalty;
9. Stresses its strong desire to see Ibrahim Halawa returned to Ireland by the Egyptian authorities under the Presidential Decree / Law 140 as soon as possible;
10. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to keep the case of Ibrahim Halawa with high priority on the agenda of political dialogue with Egypt;

11. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council and the Commission, the Governments and Parliaments of the Member States, the Egyptian Government and Parliament, the UN Secretary General and the UN Human Rights Council.