



Plenary sitting

**B8-1402/2015 }
B8-1403/2015 }
B8-1404/2015 }
B8-1405/2015 }
B8-1406/2015 }
B8-1407/2015 }
B8-1408/2015 } RC1**

16.12.2015

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4), of the Rules of Procedure

replacing the motions by the following groups:

EFDD (B8-1402/2015)

ECR (B8-1403/2015)

Verts/ALE (B8-1404/2015)

ALDE (B8-1405/2015)

PPE (B8-1406/2015)

GUE/NGL (B8-1407/2015)

S&D (B8-1408/2015)

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

**Cristian Dan Preda, Elmar Brok, Seán Kelly, Davor Ivo Stier, Bogdan
Brunon Wenta, Brian Hayes, Roberta Metsola, Patricija Šulin, Lorenzo
Cesa, Jarosław Wałęsa, Claude Rolin, József Nagy, Eduard Kukan,
Andrey Kovatchev, Luděk Niedermayer, Jaromír Štětina, Ivan Štefanec,
Milan Zver, Tomáš Zdechovský, Giovanni La Via, Jeroen Lenaers, Ildikó
Gáll-Pelcz, Csaba Sógor, Pavel Svoboda, Agnieszka Kozłowska-Rajewicz,
Tunne Kelam, Mairead McGuinness, Marijana Petir, Andrej Plenković,**

RC\1082024EN.doc

PE574.472v01-0 }
PE574.473v01-00 }
PE574.474v01-00 }
PE574.475v01-00 }
PE574.476v01-00 }
PE574.477v01-00 }
PE574.478v01-00 } RC1

Dubravka Šuica, Lefteris Christoforou, Adam Szejnfeld, Michaela Šojdová, Lara Comi, Therese Comodini Cachia, Romana Tomc, Krzysztof Hetman, Anna Záborská, Stanislav Polčák, Thomas Mann, Ivana Maletić

on behalf of the PPE Group

Pier Antonio Panzeri, Neena Gill, Richard Howitt, Josef Weidenholzer, Nikos Androulakis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, Goffredo Maria Bettini, José Blanco López, Vilija Blinkevičiūtė, Biljana Borzan, Nicola Caputo, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Enrico Gasbarra, Elena Gentile, Michela Giuffrida, Cătălin Sorin Ivan, Liisa Jaakonsaari, Jeppe Kofod, Kashetu Kyenge, Marlene Mizzi, Sorin Moisă, Victor Negrescu, Demetris Papadakis, Tonino Picula, Miroslav Poche, Liliana Rodrigues, Daciana Octavia Sârbu, Monika Smolková, Tibor Szanyi, Claudia Tapardel, Marc Tarabella, Elena Valenciano, Julie Ward, Flavio Zanonato, Damiano Zoffoli, Carlos Zorrinho

on behalf of the S&D Group

Mark Demesmaeker, Angel Dzhambazki, Raffaele Fitto

on behalf of the ECR Group

Marian Harkin, Pavel Telička, Ramon Tremosa i Balcells, Maite Pagazaurtundúa Ruiz, Frédérique Ries, Filiz Hyusmenova, Marielle de Sarnez, Izaskun Bilbao Barandica, Petras Auštrevičius, Beatriz Becerra Basterrechea, Marietje Schaake, Dita Charanzová, Martina Dlabajová, José Inácio Faria, Nathalie Griesbeck, Antanas Guoga, Ivan Jakovčić, Petr Ježek, Kaja Kallas, Louis Michel, Urmas Paet, Robert Rochefort, Hilde Vautmans, Paavo Väyrynen, Cecilia Wikström, Ivo Vajgl, Jozo Radoš, Valentinas Mazuronis

on behalf of the ALDE Group

Lynn Boylan, Martina Anderson, Liadh Ní Riada, Matt Carthy, Marie-Christine Vergiat, Miguel Urbán Crespo, Tania González Peñas, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Luke Ming Flanagan

on behalf of the GUE/NGL Group

Judith Sargentini, Davor Škrlec, Klaus Buchner, Jean Lambert, Igor Šoltes, Barbara Lochbihler, Ernest Maragall, Bodil Valero, Margrete Auken

on behalf of the Verts/ALE Group

Fabio Massimo Castaldo, Ignazio Corrao, David Borrelli

on behalf of the EFDD Group

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 that of 15 January 2015 on the situation in Egypt¹ and that of 8 October 2015 on the death penalty²,
- having regard to the EU Foreign Affairs Council conclusions on Egypt of August 2013 and February 2014,
- having regard to the EU-Egypt Association Agreement of 2001, which entered into force in 2004, supplemented by the EU-Egypt Action Plan of 2007,
- having regard to the ENP Country Progress Report 2014 on Egypt of 25 March 2015,
- 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 Joint Declaration of 10 October 2015 by the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, on behalf of the EU, and the Secretary General of the Council of Europe, Thorbjørn Jagland, on the European and World Day against the Death Penalty,
- having regard to the EU Guidelines on the death penalty and the Guidelines to EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment,
- having regard to the International Covenant on Civil and Political Rights of 1966, the UN Convention on the Rights of the Child and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Egypt is a party; 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 (69/186),
- having regard to the Constitution of the Arab Republic of Egypt,
- having regard to Egyptian Law 107 of 24 November 2013 on the right to public meetings, processions and peaceful demonstrations,
- having regard to the presidential decree of November 2014 (Law 140), which allows foreign nationals charged with a criminal offence to be returned to their home country,

¹ Texts adopted, P8_TA(2015)0012.

² Texts adopted, P8_TA(2015)0348.

- having regard to the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, of the African Commission on Human and Peoples' Rights; having regard to the African Charter on Human and Peoples' Rights,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Irish citizen Ibrahim Halawa has been detained for more than two years on charges of attending an illegal protest on 16 and 17 august 2013 while on a family holiday in Cairo, during which protesters allegedly caused deaths and criminal damage; whereas 97 people died in these protests, most as a result of excessive use of force by security forces; whereas Ibrahim Halawa was 17 years old – and therefore still a juvenile under Egyptian and international law – at the time of his arrest;
 - B. whereas Ibrahim Halawa was arrested along with his three sisters, having sought refuge in the Al-Fateh mosque when violence erupted during a demonstration; whereas his three sisters were subsequently released by the authorities;
 - C. whereas the prosecutor has failed to provide evidence that Ibrahim Halawa was involved in a single act of violence during the protests; whereas the prosecutor has depended entirely on police witnesses and reports, and investigations by intelligence services; whereas his trial has been repeatedly postponed and adjourned by the Egyptian Court, most recently on 15 December 2015; whereas he was not charged for a year after his arrest; whereas Ibrahim Halawa is awaiting, along with 493 individuals, the majority of whom are adults, a mass trial due to take place on 19 December 2015, without any guarantee of the minimum standards for a free and fair trial being applied, and will potentially face the death penalty if convicted; whereas, in May 2015, Egypt executed six individuals, one of whom was the same age as Ibrahim Halawa is currently;
 - 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 procedures are in breach of Egypt's obligations under international law;
 - E. whereas Article 10 of the Universal Declaration on Human Rights states 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;
 - F. whereas Ibrahim Halawa is being detained for peacefully exercising his rights to freedom of expression and assembly and is considered by Amnesty International as a prisoner of conscience; whereas freedom of expression and freedom of assembly are indispensable pillars of any democratic and pluralist society; whereas Article 73 of the Egyptian Constitution stipulates that citizens shall have the right to organise public meetings, marches, demonstrations and all forms of peaceful protest;
 - G. whereas it has been reported that, since the military takeover of June 2013, a great number

RC\1082024EN.doc

PE574.472v01-0 }
 PE574.473v01-00 }
 PE574.474v01-00 }
 PE574.475v01-00 }
 PE574.476v01-00 }
 PE574.477v01-00 }
 PE574.478v01-00 } RC1

of detentions of protesters and prisoners of conscience have taken place in Egypt; whereas the freedoms of association, assembly and expression have remained areas of particular concern since July 2013;

- H. whereas Ibrahim Halawa faces extremely harsh prison conditions, which include alleged acts of torture and other cruel, inhuman and degrading treatment upon arrest and in detention, and has been denied medical and legal assistance; whereas, according to his family and legal representatives, Ibrahim Halawa has been on hunger strike in protest at his continued detention since 21 October 2015, thus seriously endangering his state of health;
- I. whereas the Egyptian Cairo North Prosecution Services and the Court have failed to recognise Ibrahim Halawa as a juvenile at the time of his arrest, in violation of the obligations incumbent upon the Egyptian authorities under the Convention on the Rights of the Child, to which Egypt is a party;
- J. whereas any sentence inflicting the death penalty on people under the age of 18 at the time of the offence, and execution, are incompatible with Egypt's international obligations;
- K. whereas Charles Flanagan, Irish Minister for Foreign Affairs and Trade, has expressed disappointment following the continuous adjournment of the case of Ibrahim Halawa in Egypt; whereas Irish consular officials have attended all the hearings to date and have also paid 48 consular visits to Ibrahim Halawa, and whereas this underlines the importance which the Irish Government attaches to the case;
- L. whereas Egypt has released foreign nationals under a presidential decree issued in November 2014 which allows foreigners charged with a criminal offence to be deported to their home country;
- M. whereas, to date, Egypt has failed to implement the Provisional Measures requested by the African Commission on Human and Peoples' Rights in March 2015 to guarantee the integrity of Ibrahim Halawa and the other juveniles involved in the case by releasing them immediately on bail;
- N. whereas the EU and its Member States are seeking to develop closer relations with Egypt and its people, as an important neighbour and partner, in a wide range of areas; whereas Egypt is the most populous Arab country, with over 80 million people, and is a pivotal country in the southern Mediterranean; whereas it is facing serious security concerns owing to the impact of the situation in neighbouring countries; whereas political, economic and social developments in Egypt have significant implications for the whole region and beyond;
- 1. Expresses its deep concern about the unacceptable breach of basic human rights arising from the arbitrary detention of Irish citizen Ibrahim Halawa, and calls on the Egyptian authorities to immediately and unconditionally release him to the Irish authorities pursuant to a presidential decree issued in November 2014 under Egyptian Law 140;

2. Expresses its deepest concern at the deteriorating condition of Ibrahim Halawa due to his hunger strike and his alleged poor conditions in prison; calls on the Egyptian authorities to ensure, as a matter of priority, that the good health and well-being of Ibrahim Halawa are maintained while he remains in prison; demands that all allegations of torture and maltreatment of Ibrahim Halawa be thoroughly and independently investigated;
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. Reminds the Egyptian authorities that Egypt is bound by indisputable international obligations under the Convention on the Rights of the Child as they apply to Ibrahim Halawa; demands that the Egyptian authorities categorically rule out the threat of the death penalty should Ibrahim Halawa be convicted, given that he was arrested as a juvenile;
5. 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;
6. Is extremely concerned about the failure of the Egyptian authorities to uphold the right to a fair trial for Ibrahim Halawa and his 493 co-defendants, in particular the lack of opportunity to review or challenge their continued detention and the charges against them, the repeated denial of access to lawyers and the excessive pre-trial detention period, which violates Egypt’s domestic and international obligations;
7. Remains convinced that it will be extremely difficult for Ibrahim Halawa’s lawyers to mount an individual defence in the event that his case is heard as part of a mass trial of all defendants arrested in connection with the August 2013 protests;
8. Strongly condemns the use of a mass trial in the judicial process and calls on the Egyptian authorities to abide by international law and safeguard the highest international standards with regard to the right to a fair trial and due process; calls on the Egyptian authorities to release those detained for peacefully exercising their right to freedom of expression, assembly and association as enshrined in the Egyptian constitution and other international conventions to which Egypt is a party; expresses its profound preoccupation with the severe deterioration of the media environment; condemns the trials against and conviction of Egyptian and foreign journalists, in absentia;
9. Calls on the European External Action Service, via the EU Delegation in Cairo, and the Member States, notably Ireland, to monitor all hearings in the trial of Ibrahim Halawa and his co-defendants; expects the EEAS to raise this case at the highest level of its dialogue with Egypt and to report back regularly to Parliament on the trial monitoring; calls on the Irish authorities to continue providing their full legal, consular and other forms of support

RC\1082024EN.doc

PE574.472v01-0 }
PE574.473v01-00 }
PE574.474v01-00 }
PE574.475v01-00 }
PE574.476v01-00 }
PE574.477v01-00 }
PE574.478v01-00 } RC1

to Ibrahim Halawa and his relatives, and to visit him regularly in prison, as well as the EU Delegation; calls on the Egyptian authorities, in regard to Ibrahim Halawa's European citizenship, to continue to facilitate consular access for the Irish Government;

10. 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 Office of the UN High Commissioner for Human Rights, the parliaments and governments of the Member States, and the President of the Arab Republic of Egypt and his interim government.