



Plenary sitting

**B8-0568/2018 }
B8-0569/2018 }
B8-0576/2018 }
B8-0578/2018 }
B8-0579/2018 }
B8-0580/2018 }
B8-0581/2018 } RC1**

12.12.2018

JOINT MOTION FOR A RESOLUTION

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

replacing the following motions:

B8-0568/2018 (Verts/ALE)
B8-0569/2018 (ECR)
B8-0576/2018 (EFDD)
B8-0578/2018 (GUE/NGL)
B8-0579/2018 (S&D)
B8-0580/2018 (ALDE)
B8-0581/2018 (PPE)

on Egypt, notably the situation of human rights defenders
(2018/2968(RSP))

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**European Parliament resolution on Egypt, notably the situation of human rights defenders
(2018/2968(RSP))**

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular that of 8 February 2018 on executions in Egypt¹, that of 10 March 2016 on Egypt, notably the case of Giulio Regeni², that of 17 December 2015 on Ibrahim Halawa, potentially facing the death penalty³, and that of 15 January 2015 on the situation in Egypt⁴,
- having regard to the EU Guidelines on the Death Penalty, on Torture, on Freedom of Expression and on Human Rights Defenders,
- 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, strengthened by the Action Plan of 2007; having regard also to the EU-Egypt Partnership Priorities 2017-2020, adopted on 25 July 2017, to the joint statement issued following the 2017 meeting of the EU-Egypt Association Council, and to the joint statement issued following the 5th meeting of the EU-Egypt Subcommittee on Political Matters, Human Rights and Democracy in January 2018,
- having regard to the joint declaration of 10 October 2017 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, and the Secretary-General of the Council of Europe on the European and World Day against the Death Penalty, and to the statement of 2 November 2018 by the EEAS spokesperson on the attack on Coptic Christian pilgrims in Egypt,
- having regard to the joint statement of 26 January 2018 by UN experts including Nils Melzer, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, urging the Egyptian authorities to halt imminent executions, to the statement of 4 December 2018 by the UN Special Rapporteur on adequate housing, Leilani Farha, and the UN Special Rapporteur on the situation of human rights defenders, Michel Forst, and to the statement of 9 September 2018 by the UN High Commissioner for Human Rights, Michelle Bachelet, condemning the death sentences passed en masse on 75 people,
- having regard to the Constitution of Egypt, notably its Articles 52 (on the prohibition of torture in all forms and types), 73 (on freedom of assembly) and 93 (on the binding

¹ Texts adopted, P8_TA(2018)0035.

² OJ C 50, 9.2.2018, p. 42.

³ OJ C 399, 24.11.2017, p. 130.

⁴ OJ C 300, 18.8.2016, p. 34.

- character of international human rights law),
- 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 the African Principles and Guidelines on the Right to a Fair Trial and Legal Assistance, which prohibit military trials of civilians under all circumstances,
 - having regard to the new EU Strategic Framework and Action Plan on Human Rights, which aims to place the protection and surveillance of human rights at the heart of all EU policies,
 - having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Arab Charter on Human Rights, all of which have been ratified by Egypt,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is party, and in particular to its Articles 14 and 18 and its second optional protocol on the death penalty,
 - having regard to the decision of Italy’s lower house, the Chamber of Deputies, to suspend its relations with the Egyptian Parliament owing to the lack of progress in the investigation into the death of Italian student Giulio Regeni,
 - having regard to the impact on human rights, both at domestic and regional level, of the sanctions put in place by Saudi Arabia, Egypt, Bahrain and the United Arab Emirates against Qatar in June 2017, and to the report on the impact of the Gulf crisis on human rights published by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in December 2017,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the Egyptian Government has intensified its crackdown against civil society organisations, human rights defenders, peaceful activists, lawyers, bloggers, journalists, labour rights defenders and trade unionists, including by arresting and disappearing several of them and increasingly using counter-terrorism and state of emergency laws; whereas since late October 2018, at least 40 human rights workers, lawyers and political activists have been arrested, some of them forcibly disappeared; whereas women human rights defenders and activists defending the rights of LGBTQI people in Egypt continue to face various forms of state-led harassment, notably via defamatory campaigns and judicial prosecution;
- B. whereas human rights lawyer Ezzat Ghoneim, head of the Egyptian Coordination for Rights and Freedoms (ECRF), has been in pre-trial detention since March 2018, charged with ‘human rights terrorism’; whereas his whereabouts remain unknown since a court ordered his release on 4 September 2018; whereas human rights lawyer Ibrahim Metwally Hegazy, co-founder of the League of Families of the Disappeared, was

subjected to enforced disappearance and tortured and then ordered into arbitrary preventive detention, and remains in solitary confinement; whereas the El Nadeem Centre was forced to close in 2017;

- C. whereas the human rights defender Amal Fathy was handed a two-year prison sentence in September 2018, on charges of ‘spreading false news’ with intent to harm the Egyptian state and of ‘public indecency’ for publishing a video on social media criticising the government’s failure to combat sexual violence; whereas Ms Fathy is being held in pre-trial detention pending investigation over a second set of national security-related charges;
- D. whereas Ola al-Qaradawi, a Qatari national, and her husband Hosam Khalaf, an Egyptian national, have been detained in appalling conditions in Egypt since 30 June 2017, with no charges formulated against either of them; whereas in June 2018 the UN Working Group on Arbitrary Detention found that they have been subjected to cruel, inhuman or degrading treatment that may amount to torture, declared their detention arbitrary and called on the Egyptian government to release them;
- E. whereas on 2 February 2016 the body of Giulio Regeni, who disappeared in Cairo on 25 January, was found bearing evidence of horrible torture and a violent death; whereas the Egyptian authorities have still not revealed the truth regarding his death and have not brought all the perpetrators to justice; whereas Egypt has once again rejected the request of the Italian prosecutor’s office that it identify the agents involved in the disappearance and death of Regeni;
- F. whereas Reporters Without Borders have documented at least 38 media workers who are currently in detention in Egypt for their work, on the basis of politically-based prosecution and multiple due process violations; whereas foreign media workers are also targeted, with several international media correspondents having been deported or denied entry into Egypt; whereas photojournalist Mahmoud ‘Shawkan’ Abu Zeid was sentenced to five years in a mass trial for his legitimate professional activities and is still serving an additional six-month sentence for non-payment of a substantial fine; whereas Ismail al-Iskandarani, a prominent journalist and one of the very few covering human rights violations in Sinai, was detained in November 2015 and was sentenced in May 2018 to ten years’ imprisonment by a military court;
- G. whereas in July 2018 a new media law was adopted broadening the definition of the press to include any social media account with more than 5 000 followers, making such accounts liable to prosecution for publishing ‘false news’ or anything deemed to constitute incitement to break the law; whereas respect for civil liberties - including freedom of expression and media freedom - is an essential part of the foundations of a democratic society, and journalists should be free to exercise their profession without fear of prosecution or imprisonment;
- H. whereas companies based in several EU Member States have continued to export surveillance technology to Egypt facilitating hacking and malware, as well as other forms of attack on human rights defenders and civil society activists on social media;

whereas this has led to the repression of freedom of expression online;

- I. whereas Egypt opened a legal front against NGOs last year with a law requiring their funding, foreign or domestic, to be approved by the security agencies of the state, thus virtually banning them; whereas on 15 November 2018 President Al-Sisi called for a review of the NGO law to make it more ‘balanced’ and tasked the parliament with reviewing the law; whereas the retrial of 16 defendants of the ‘foreign funding case’ 173/2011 is scheduled for 20 December 2018 and the accused face charges of establishing and operating branches of international organisations without a government license;
- J. whereas there is an ongoing state of emergency in Egypt, in place since April 2017 and extended for three months from 21 October 2018; whereas according to state media the state of emergency was introduced to help tackle the ‘dangers and funding of terrorism’; whereas the President and those acting on his behalf have the power to refer civilians to state security emergency courts for the duration of the three-month period; whereas the UN High Commissioner for Human Rights, Michelle Bachelet, has criticised attempts to bestow immunity from prosecution for crimes allegedly committed by members of the security forces, which undermines the faith of the Egyptian people in the Government’s capacity to deliver justice for all;
- K. whereas Egypt’s 2015 counter-terrorism law uses a broad definition of terrorism that includes ‘infringing the public order, endangering the safety, interests, or security of society, obstructing provisions of the constitution and law, or harming national unity, social peace, or national security’, putting peaceful dissenters, pro-democracy activists and human rights defenders at risk of being labelled terrorists and sentenced to death;
- L. whereas under the rule of President el-Sisi, Egyptian courts have recommended at least 2 443 preliminary death sentences - including for at least 12 children - and confirmed at least 1 451 death sentences; whereas at least 926 of the confirmed death sentences are the result of mass trials of 15 or more people simultaneously; whereas during the same period, Egypt has carried out at least 144 executions; whereas the death penalty, particularly in mass trials, has frequently been applied against persons exercising their fundamental rights, including freedom of assembly;
- M. whereas in August a court in Egypt confirmed the sentences of over 739 people in relation to the protests that took place in Rabaa Square after the 2013 coup; whereas the court ratified 75 death sentences and confirmed sentences of life imprisonment for another 47 people; whereas numerous irregularities were denounced during the trial, and the UN High Commissioner for Human Rights described it as a serious miscarriage of justice;
- N. whereas at the end of November, Egypt announced the establishment of a ‘High Permanent Commission for Human Rights’, reportedly in order to ‘respond to claims’ made against Egypt’s human rights record and ‘formulate a unified Egyptian vision’; whereas the main members of this commission are representatives of the foreign and interior ministries, the military, and the intelligence services;

- O. whereas despite the constitutional recognition of the Coptic culture as a ‘pillar’ of the country, violence and discrimination against Egyptians of Coptic descent, who make up the majority of Egypt’s nine million Christians, has risen since 2011; whereas Coptic Christians, who constitute approximately 10 % of the mostly Muslim Egyptian population, have borne the brunt of sectarian violence; whereas on 2 November 2018 an attack perpetrated by Islamic militants on a bus of Coptic Christian pilgrims in Minya killed seven and left 19 injured, demonstrating the security challenges that Egypt is facing;
- P. whereas the EU-Egypt Association Council is due to meet on 20 December 2018; whereas a mission of the European Parliament’s Subcommittee on Human Rights to Egypt has been scheduled prior to the meeting of the Association Council; whereas Egypt has not officially extended an invitation to this delegation;
- Q. whereas Egypt has gone through several difficult developments since the 2011 revolution and the international community is supporting the country in addressing its economic, political and security challenges; whereas serious security challenges exist within Egypt, particularly in Sinai, where terrorist groups have staged attacks on security forces; whereas a number of devastating terrorist attacks have occurred in Egypt;
- R. whereas the new 2017-2020 EU-Egypt Partnership Priorities adopted in July 2017 are guided by a shared commitment to the universal values of democracy, the rule of law and respect for human rights, and constitute a renewed framework for political engagement and enhanced cooperation, including on security, judicial reform and counter-terrorism, on a basis of due respect for human rights and fundamental freedoms; whereas the Subcommittee on Political Matters, Human Rights and Democracy of the Association Agreement between Egypt and the European Union held its fifth session in Cairo on 10 and 11 January 2018, addressing cooperation in the areas of human rights, democracy and the rule of law; whereas the 6th meeting of the Egypt-EU Association Committee took place on 8 November 2018;
- S. whereas the EU is Egypt’s first economic partner and its main source of foreign investment; whereas EU bilateral assistance to Egypt under the European Neighbourhood Instrument for 2017-2020 amounts to around EUR 500 million; whereas on 21 August 2013 the Foreign Affairs Council tasked the High Representative with reviewing EU assistance to Egypt; whereas the Council decided that the EU’s cooperation with Egypt would be readjusted in accordance with developments on the ground;
- T. whereas avenues for peaceful political opposition were eliminated throughout the 2018 presidential election process, with a massive denial of Egyptian voters’ right to political participation;
- U. whereas the Foreign Affairs Council conclusions of 21 August 2013 stated that ‘Member States also agreed to suspend export licenses to Egypt of any equipment which might be used for internal repression and to reassess export licenses of equipment

covered by Common Position 2008/944/CFSP and review their security assistance with Egypt'; whereas these conclusions were reiterated by the FAC in February 2014; whereas the VP/HR confirmed in a written reply dated 27 October 2015 that these conclusions constituted 'a political commitment against any military support to Egypt';

1. Strongly condemns the continuous restrictions on fundamental democratic rights, notably freedom of expression both online and offline, freedom of association and assembly, political pluralism and the rule of law in Egypt; calls for an end to all acts of violence, incitement, hate speech, harassment, intimidation, enforced disappearances and censorship directed at human rights defenders, lawyers, protesters, journalists, bloggers, trade unionists, students, women's rights activists, LGBTI people, civil society organisations, political opponents and minorities, including Nubians, by state authorities, security forces and services and other groups in Egypt; condemns the excessive use of violence against protesters; calls for an independent and transparent investigation into all human rights violations and for those responsible to be held to account;
2. Calls on the Egyptian Government to immediately and unconditionally release human rights defenders Ahmad Amasha, Hanan Badr el-Din, Amal Fathy, Ezzat Ghoneim, Hoda Abdelmoneim, Ibrahim Metwally Hegazy, and Azzouz Mahgoub and media workers Mahmoud 'Shawkan' Abu Zeid, Hisham Gaafar, Mohammed 'Oxygen' Ibrahim, Ismail Iskandarani, Adel Sabri, Ahmed Tarek Ibrahim Ziada, Alaa Abdelfattah, Shady Abu Zaid, Mostafa al-Aasar, Hassan al-Bannaand and Moataz Wadnan, and all others detained solely for the peaceful exercise of their freedom of expression, in violation of Egypt's constitution and international obligations; pending their release, calls on Egypt to allow them full access to their families, lawyers of their choice and adequate medical care, and to conduct credible investigations into any allegations of ill-treatment or torture; calls on the EU to implement in full its export controls vis-à-vis Egypt with regard to goods that could be used for torture or capital punishment;
3. Reminds the Egyptian Government that the long-term prosperity of Egypt and its people goes hand in hand with the protection of universal human rights and the establishment and anchorage of democratic and transparent institutions that are engaged in protecting citizens' fundamental rights; calls, therefore, on the Egyptian authorities to fully implement the principles of the international conventions which Egypt has adhered to;
4. Calls on the Egyptian authorities to drop all existing baseless criminal investigations into NGOs, including the 'foreign funding case', and to repeal the draconian NGO law; encourages the replacement of that law by a new legislative framework, to be drafted in genuine consultation with civil society organisations in accordance with Egypt's domestic and international obligations in order to protect freedom of association;
5. Expresses its serious concern at the mass trials by Egyptian courts and the large number of death sentences and long prison terms handed down; calls on the Egyptian judicial authorities to cease applying the death penalty against individuals, including against those who were aged under 18 at the time of their alleged offence, and to uphold and respect the International Covenant on Civil and Political Rights, to which Egypt is a

party, and notably Article 14 thereof on the right to a fair and timely trial based on clear charges and ensuring the respect of the defendants' rights;

6. Reiterates its call on Egypt to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, as well as the UN's International Convention for the Protection of All Persons from Enforced Disappearance; encourages the Egyptian Government to issue an open invitation to the relevant UN Special Rapporteurs to visit the country;
7. Calls on the Egyptian Parliament to review Egypt's Criminal Code, Code of Criminal Procedure, counter-terrorism legislation and Military Code; calls on the Egyptian authorities to cease trying civilians in military courts;
8. Expresses grave concern at the reprisals against persons who cooperate or seek to cooperate with international human rights organisations or UN human rights bodies, such as most recently the United Nations Special Rapporteur on Adequate Housing; reminds the Egyptian authorities of Egypt's obligations as a UN member to refrain from such acts;
9. Condemns the continued persecution of minority groups in Egypt; reiterates its commitment to freedom of conscience and religion in Egypt, and calls for the promotion of international collaboration, including an independent investigation by the UN to assess the situation of Coptic Christians in Egypt; calls on Egypt to review its blasphemy laws and ensure the protection therefrom of religious minorities;
10. Urges the Egyptian Government to put an end to all discriminatory measures put in place after June 2017 against Qatari nationals, with particular reference to the case of Ola al-Qaradawi and her husband Hosam Khalaf;
11. 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; recalls that, at a moment when Egypt is seeking to consolidate democracy and the rule of law, respect for peaceful expression of opinion and criticism is important;
12. Extends its most sincere condolences to the families of victims of terrorism; stands in solidarity with the Egyptian people and reaffirms its commitment in fighting the spread of radical ideologies and terrorist groups;
13. Urges the Egyptian Government to ensure that all operations in Sinai are conducted in line with international human rights standards, to thoroughly investigate all abuses, to immediately open North Sinai to independent observers and journalists, to provide residents with essential needs, and to allow independent relief organisations to provide aid for people in need;
14. Calls on the VP/HR to prioritise the situation of human rights defenders in Egypt, and to condemn the alarming human rights situation in the country, including the use of the

death penalty; urges the EEAS to address recent developments in Egypt and to use all means of influence at its disposal to put pressure on Egypt to improve its human rights situation and halt imminent executions, to call for the prompt release of those in detention, and to encourage the Egyptian authorities to respect their commitments to international norms and laws;

15. Underlines the importance that the EU attaches to its cooperation with Egypt as an important neighbour and partner; strongly urges Egypt to therefore respect its commitment made in the EU-Egypt Partnership Priorities adopted on 27 July 2017 to promote democracy, fundamental freedoms and human rights, in line with its constitution and international standards; underlines that the Partnership Priorities were concluded with Egypt in 2017 despite continuous backsliding in the field of human rights, democracy and the rule of law; urges the VP/HR and the Member States to make further cooperation with Egypt conditional on respect for human rights, and to mainstream human rights concerns in all talks with the Egyptian authorities, especially with regard to the three priorities established; reiterates that human rights should not be undermined by migration management or counter-terrorism actions;
16. Reminds the Egyptian authorities that the EU's level of engagement with Egypt should be incentive-based, in line with the 'more for more' principle of the European Neighbourhood Policy, and should depend on progress in the reform of democratic institutions, the rule of law and human rights;
17. Urges the VP/HR and the Member States to maintain a strong and unified position on the EU's stance on human rights at the meeting of the EU-Egypt Association Council scheduled for 20 December 2018, as they should in all human rights fora and in bilateral and multilateral meetings, and to articulate clearly the consequences that the Egyptian Government will face should it fail to reverse its abusive trend, such as targeted sanctions against individuals responsible for human rights violations; calls also for the EU to issue a firm statement at the next session of the UN Human Rights Council, also in view of the recommendations for the 2019 UN Universal Periodic Review (UPR);
18. Recalls its continued outrage at the torture and killing of the Italian researcher Giulio Regeni; stresses that it will continue to press the EU authorities to engage with their Egyptian counterparts until the truth is established on this case and the perpetrators are held accountable; reminds the Egyptian authorities of their responsibility for the safety of the Italian and Egyptian legal team investigating the case of Giulio Regeni;
19. Reiterates its call on the Member States to halt exports of surveillance technology and security equipment to Egypt that can facilitate attacks on human rights defenders and civil society activists, including on social media;
20. Deeply regrets the unwillingness shown by the Egyptian authorities to organise a mission of Parliament's Subcommittee on Human Rights to Cairo; expects the EU side to raise the continued refusal of the Egyptian authorities to authorise this visit;
21. 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, and the Government and Parliament of Egypt.