



16.7.2014

B8-0007/2014 }
B8-0008/2014 }
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B8-0011/2014 }
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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:

ECR (B8-0007/2014)
PPE (B8-0008/2014)
ALDE (B8-0009/2014)
Verts/ALE (B8-0011/2014)
S&D (B8-0013/2014)
GUE/NGL (B8-0015/2014)

on freedom of expression and assembly in Egypt
(2014/2728(RSP))

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Jarosław Leszek Wałęsa, Seán Kelly, Petri Sarvamaa, Monica Luisa
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on behalf of the PPE Group

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Luigi Morgano, Ana Gomes
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Charles Tannock, Tomasz Piotr Poręba, Ryszard Czarnecki
on behalf of the ECR Group
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Judith Sargentini, Tamás Meszerics, Michel Reimon, Klaus Buchner,
Barbara Lochbihler, Margrete Auken, Ernest Maragall, Ulrike Lunacek
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EN

European Parliament resolution on freedom of expression and assembly in Egypt (2014/2728(RSP))

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular that of 6 February 2014 on the situation in Egypt¹,
- having regard to its resolution of 11 December 2012 on a digital freedom strategy in EU foreign policy²,
- having regard to its resolution of 13 June 2013 on the freedom of press and media in the world³,
- having regard to its resolution of 23 October 2013 on ‘The European Neighbourhood Policy: towards a strengthening of the partnership. Position of the European Parliament on the 2012 reports’⁴,
- having regard to the EU Guidelines on Freedom of Expression Online and Offline of 12 May 2014,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, on Egypt, and in particular her remarks following the Foreign Affairs Council meeting of 23 June 2014 concerning the sentences against Al Jazeera journalists and the death sentences against more than 180 people in Minya,
- having regard to the preliminary statement of 29 May 2014 of the EU Election Observation Mission to the presidential elections in Egypt,
- having regard to the declaration of 29 May 2014 by the Head of the European Parliament Delegation to the EU Election Observation Mission to the presidential elections in Egypt,
- having regard to the statements of 23 June 2014 by the UN Secretary-General, Ban Ki-moon, and the UN High Commissioner for Human Rights, Navi Pillay, on the jail sentences against several journalists and the confirmation of death sentences against several Muslim Brotherhood members and supporters,
- 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

¹ Texts adopted, P7_TA(2014)0100.

² Texts adopted, P7_TA(2013)0470.

³ Texts adopted, P7_TA(2013)0274.

⁴ Texts adopted, P7_TA(2013)0446.

20 March 2013 on its implementation,

- having regard to the Constitution of Egypt adopted by referendum on 14-15 January 2014, notably Articles 65, 70, 73, 75 and 155 thereof,
- having regard to Egyptian Law 107 on the Right to Public Meetings, Processions and Peaceful Demonstrations of 24 November 2013,
- having regard to the International Covenant on Civil and Political Rights of 1966, to which Egypt is a party,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

- A. whereas freedom of expression and freedom of assembly are indispensable pillars of a democratic and pluralist society; whereas freedom of the press and media are vital elements for democracy and an open society; whereas the Egyptian Constitution adopted in 2014 enshrines fundamental freedoms, including freedom of expression and assembly;
- B. whereas violations of fundamental freedoms and human rights – including violence, incitement, hate speech, harassment, intimidation and censorship, against political opponents, peaceful protesters, journalists, bloggers, trade unionists, civil society activists and minorities on the part of state authorities, security forces and services and other groups – continue to be widespread in Egypt; whereas the freedoms of association, assembly and expression have remained areas of particular concern since July 2013; whereas Egypt is rated as ‘not free’ by the 2014 Freedom in the World report published by Freedom House;
- C. whereas press, media, and digital freedoms have been repeatedly and increasingly under attack from the Egyptian Government; whereas journalists and news outlets, social media and the internet have been attacked or censored; whereas there is an extreme polarisation of the Egyptian media into pro and anti-Morsi factions, which is reinforcing the polarisation of Egyptian society; whereas, according to Reporters without Borders, at least 65 journalists have been arrested and 17 are still in detention; whereas at least six journalists have been killed in Egypt since July 2013;
- D. whereas on 23 June 2014 20 Egyptian and foreign journalists, including three Al Jazeera journalists – the Australian Peter Grete, the Canadian-Egyptian Mohamed Fahmy and the Egyptian Baher Mohamed – and, *in absentia*, the Netherlands citizen Rena Netjes, were handed down jail sentences of between 7 and 10 years; whereas they were accused of ‘falsifying news’ and of belonging to or assisting a terrorist cell; whereas journalists are being locked up and branded criminals or ‘terrorists’ simply for doing their jobs; whereas Rena Netjes was falsely accused of working for Al Jazeera;
- E. whereas, according to numerous witnesses, various irregularities and examples of ineptitude were observed during the trial proceedings; whereas international observers, including the

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embassies of some EU Member States, attended this trial; whereas the UN High Commissioner for Human Rights, Navi Pillay, has denounced these legal proceedings as ‘rife with procedural irregularities and in breach of international human rights law’; whereas Egyptian President Abdul Fattah al-Sisi recently acknowledged that these verdicts had negative consequences and said that he wished the accused had been deported immediately after their arrest instead of being put on trial; whereas these sentences can be appealed, in a process that could take months;

- F. whereas thousands of protesters and prisoners of conscience have been detained in Egypt since the Egyptian army seized power in July 2013; whereas arrests and cases of arbitrary detention have continued since the election of President al-Sisi in May 2014; whereas on 11 June 2014 a court sentenced Alaa Abdul Fattah, a prominent activist who played a leading role in the 2011 revolution, and others to 15 years’ imprisonment on charges of violating Law 107 on the Right to Public Meetings, Processions and Peaceful Demonstrations of 2013 (Protest Law); whereas other prominent activists, including Mohamed Adel, Ahmed Douma, Mahienour El-Massry and Ahmed Maher, as well as leading women’s rights defenders, such as Yara Sallam and Sana Seif, continue to be detained; whereas on 28 April 2014 the Cairo Court for Urgent Matters ruled in favour of banning the 6 April Youth Movement;
- G. whereas government officials have acknowledged that the authorities have detained at least 16 000 individuals, including 1 000 protesters, since January 2014, and that many of those detained were rounded up for exercising their rights of free assembly, association and expression, or for their alleged affiliation with the Muslim Brotherhood; whereas hundreds of students have also been arrested during protests and clashes;
- H. whereas an estimated 1 400 protesters have been killed as a result of excessive and arbitrary use of force by security forces since July 2013; whereas not a single security official has been held accountable for such acts or other abuses against protesters over the past year; whereas the fact-finding committee established in December 2013 is widely seen to have failed so far to provide a thorough, credible and impartial investigation into the violent incidents since July 2013;
- I. whereas Article 65 of the Egyptian Constitution declares that freedom of thought and opinion is guaranteed, and that every person shall have the right to express his or her opinion verbally, in writing, through imagery, or by any other means of expression and publication; whereas, in its preliminary statement, the EU Election Observation Mission to the presidential elections in Egypt of May 2014 said that although the new constitution set out a wide-ranging catalogue of fundamental rights, respect for these rights fell short of the constitutional principles, and that a general climate of limited freedom of expression, leading to self-censorship by journalists, could be observed in the country;
- J. whereas Article 73 of the Egyptian Constitution declares that citizens shall have the right to organise public meetings, marches, demonstrations and all forms of peaceful protest, without carrying arms of any kind, by serving a notification as regulated by law, and that the right to peaceful and private assembly is guaranteed without need for prior notification, while security forces may not attend, monitor or eavesdrop on such meetings; whereas the passing

in November 2013 of Law 107 on the Right to Public Meetings, Processions and Peaceful Demonstrations (Protest Law), placing restrictions on public gatherings and demonstrations and granting security forces licence to use excessive force against protesters, represents a grave threat to freedom of assembly;

- K. whereas peaceful protests have been dispersed and many protesters have been arrested and detained under the Protest Law over the past few months; whereas on 21 June 2014 the police dispersed a peaceful march in Heliopolis demanding the repeal of the Protest Law and the release of those detained under it, and arrested more than 50 people in connection with this event on the same day; whereas more than 20 of those arrested continue to be detained and are facing trial;
- L. whereas Article 75 of the Egyptian Constitution declares that all citizens shall have the right to form non-governmental associations and foundations on a democratic basis; whereas Egyptian civil society organisations have recently expressed their deep concern over the latest draft NGO law, which would impose complete control over civic groups and subordinate them to security and administrative bodies, as well as permitting the sentencing of human rights defenders;
- M. whereas in September 2013 the Egyptian interim authorities banned the Muslim Brotherhood, imprisoned its leaders, seized its assets, silenced its media and criminalised its membership; whereas on 21 June 2014 an Egyptian court confirmed the death sentences against 183 Muslim Brotherhood members and supporters, convicted in an earlier mass trial; whereas these sentences are the latest in a string of prosecutions and court proceedings that have been rife with procedural irregularities and in breach of international law;
- N. whereas recent judicial practices cast serious doubts on the independence of the judicial system and on its ability to ensure accountability; whereas, in particular, these sentences resulting in the death penalty risk undermining the prospects for long-term stability in Egypt;
- O. whereas Article 155 of the Egyptian Constitution declares that, after consultation with the Cabinet, the President of the Republic may issue a pardon or reduce a sentence;
- P. whereas the rule of law, fundamental freedoms and human rights, as well as social justice and a higher standard of living for citizens, are crucial dimensions of the transition towards an open, free, democratic and prosperous Egyptian society; whereas independent trade unions and civil society organisations have a crucial role to play in this process, and free media form a crucial part of society in any democracy; whereas Egyptian women continue to be in a particularly vulnerable situation in the current period of political and social transition in the country;
- Q. whereas, in line with its revised European Neighbourhood Policy and notably the ‘more for more’ approach, the EU’s level and scope of engagement with Egypt should be incentive-based and therefore dependent on the country’s progress in terms of democracy, the rule of law, human rights and gender equality;

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1. Condemns strongly and calls for an immediate end to all acts of violence, incitement, hate speech, harassment, intimidation or censorship against political opponents, protesters, journalists, bloggers, trade unionists, women's rights activists, civil society actors and minorities on the part of state authorities, security forces and services, and other groups in Egypt; reminds the Egyptian Government of its responsibility to ensure the security and safety of all citizens irrespective of their political views, affiliation or confession, and to guarantee that the freedoms of assembly, association, expression and the press can be exercised without arbitrary limitations and censorship in the country; calls on the Egyptian authorities to commit to dialogue and non-violence as well as to inclusive governance;
2. Expresses its deepest concern over a series of recent court decisions in Egypt, including the lengthy jail terms handed down on 23 June 2014 to three Al Jazeera journalists and 11 other defendants tried *in absentia*, as well as the confirmation of death sentences against 183 people;
3. Expresses its alarm at the increasingly severe clampdown and physical attacks on both media and civil society in Egypt, which are hampering their ability to operate freely; condemns the harassment, detention and prosecution of national and international journalists and civil society actors, including bloggers, for simply doing their job; reiterates its call for prompt, independent, serious and impartial investigations into cases of disproportionate use of force against, or arbitrary detention by, security forces and state authorities, and for those responsible to be held accountable;
4. Regrets the existence of media and web censorship and the fact that access to some blogs and social networks is limited; condemns the harassment suffered by a number of newspapers and audiovisual media outlets;
5. Calls on the Egyptian authorities to immediately and unconditionally release all those detained, convicted and/or sentenced for peacefully exercising their rights of freedom of expression and association, as well as all human rights defenders; calls on the Egyptian judiciary to ensure that all court proceedings in the country meet the requirements of a free and fair trial and to ensure respect for defendants' rights; calls on the Egyptian authorities to order independent and impartial investigations into all allegations of ill-treatment and ensure that all detainees have access to any medical attention they may require;
6. Stresses that Egypt's anti-terrorism law has also been used to bring convictions in a number of trials; urges the President to act without delay, including through his constitutional right to grant pardons, to ensure that no death sentence is executed and that no-one can be detained in Egypt with a verdict issued in a court procedure that does not meet the aforementioned requirements; calls on the authorities to immediately establish an official moratorium on executions as a first step towards abolition;
7. Calls on the competent Egyptian authorities to repeal or amend the Protest Law and to review the new NGO bill presented by the Ministry of Social Solidarity, in line with Articles 65, 73 and 75 of the Egyptian Constitution, international standards and the country's international obligations, and to ensure that all existing and future legislation in the country is in compliance with the constitution and those standards and obligations;

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8. Recalls that the newly adopted Egyptian Constitution opened the way for building a country that respects freedom and democracy and makes rights and justice a way of life; reminds the Egyptian Government that freedom of expression, press freedom and digital freedom, as well as the right to participate in peaceful demonstrations, are fundamental human rights in a democracy, as recognised in the new Egyptian Constitution;
9. Reminds the competent Egyptian authorities of their national and international legal obligations, and calls on President al-Sisi and the Egyptian Government to prioritise the protection and promotion of human rights and ensure accountability for human rights violations;
10. Urges the competent Egyptian authorities to change course and take concrete steps to ensure that the provisions of the new Constitution on fundamental rights and freedoms, including freedom of expression and assembly, are fully implemented, showing that they respect human rights and the rule of law and starting with the immediate and unconditional release of prisoners of conscience;
11. Stresses the importance of the separation of powers as a fundamental principle of democracy, and the fact that the judiciary cannot be used as an instrument of political persecution and repression, and suggests reforming the judicial authority law to ensure a genuine separation of powers that would lead to the independent and impartial administration of justice;
12. Encourages representatives of the EU Delegation and embassies of EU Member States in Cairo to be present at politically sensitive trials of Egyptian and foreign journalists, bloggers, trade unionists and civil society activists;
13. Regrets the fact that, despite a new law on sexual harassment, violence against women has been worsening, especially in the public sphere, with dozens of cases of rape and sexual violence occurring during protests; urges the Egyptian authorities to cease criminalising LGBT people for expressing their sexual orientation and right of assembly, on the basis of the ‘debauchery law’, and to release all LGBT people arrested and imprisoned under that law; urges the Egyptian Government to adopt national strategies for combating violence against women and LGBT people and eliminating all forms of discrimination, ensuring the effective consultation and involvement of women’s and LGBT rights groups and other civil society organisations throughout the process;
14. Reaffirms that freedom of the press and media are vital elements for democracy and an open society, and that as such they should be among the focal points of EU action concerning Egypt, as part of a broader, coherent EU strategy which should focus on improving the rights, freedoms and opportunities of Egyptians as the EU develops relations with the country;
15. Expresses again its strong solidarity with the Egyptian people in the current period of troubled transition in their country; calls for a common strategy among the Member States towards Egypt; once again urges the Council, the VP/HR and the Commission to work actively on the basis of the principle of conditionality (‘more for more’), and taking account

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of the serious economic challenges faced by Egypt, in the Union's bilateral relations with and financial support for the country; reiterates its call for clear and jointly agreed benchmarks in this regard; reaffirms its commitment to assisting the Egyptian people in the process of moving towards democratic and economic reform;

16. Calls on the VP/HR to clarify the specific measures taken in response to the Foreign Affairs Council's decision to review EU assistance to Egypt; requests, in particular, clarification of the status of: (i) the planned justice Reform programme; (ii) the EU budget support programmes; (iii) the trade and domestic enhancement programme; and (iv) Egypt's participation in EU regional programmes such as Euromed Police and Euromed Justice;
17. Calls for an EU-wide ban on the export to Egypt of intrusion and surveillance technologies which could be used to spy on and repress citizens, and for a ban, in line with the Wassenaar Arrangement, on the export of security equipment or military aid that could be used to suppress peaceful protest;
18. Encourages the VP/HR to muster EU support in favour of a resolution on the situation in Egypt at the next session of the UN Human Rights Council, which would, inter alia, initiate an international investigation into the killings of protesters and allegations of torture and ill-treatment by security forces over the past year;
19. 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 parliaments and governments of the Member States, and the President of the Arab Republic of Egypt and his interim government.