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*Plenary sitting*

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**B8-1408/2015**

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))

**Victor Boștinăru, Pier Antonio Panzeri, Elena Valenciano, Josef Weidenholzer, Eric Andrieu, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Biljana Borzan, Nicola Caputo, Nessa Childers, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Eider Gardiazabal Rubial, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Neena Gill, Theresa Griffin, Sylvie Guillaume, Sergio Gutiérrez Prieto, Cătălin Sorin Ivan, Liisa Jaakonsaari, Javi López, Juan Fernando López Aguilar, Andrejs Mamikins, Louis-Joseph Manscour, Marlene Mizzi, Sorin Moisă, Csaba Molnár, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Norbert Neuser, Demetris Papadakis, Emilian Pavel, Vincent Peillon, Tonino Picula, Miroslav Poche, Liliana Rodrigues, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Renato Soru, Tibor Szanyi, Claudia Tapardel, Marita Ulvskog, Julie Ward, Flavio Zanonato, Damiano Zoffoli**

on behalf of the S&D Group

**B8-1408/2015**

**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 of 15 January 2015,
- 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,
- having regard to the EU Guidelines on the Death Penalty and on Torture and other Forms of Ill-Treatment,
- having regard to the Constitution of Egypt, notably articles 73 (on freedom of assembly) and 93 (the binding character of international human rights law)
- having regard to the Egyptian Law 107 of 2013 on Regulating the Right to Public Gatherings, Processions and Peaceful Protests,
- having regard to the presidential decree of December 2014, which allows foreign nationals charged with criminal offence to be returned to their home country,
- having regard to the African Charter on Human and Peoples' Rights, notably its article 6 prohibiting arbitrary detention and its article 7 stipulating that every individual shall have the right to have his case heard by a competent, independent and impartial judicial body,
- having regard to Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, of the African Commission on Human Rights and People's Rights (ACHRPR),
- having regard to the Resolution on the Deteriorating Human Rights Situation in the Arab Republic of Egypt, adopted by the ACHRPR on 28 February 2015,
- having regard to the International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child and the UN Convention against Torture to which Egypt is a party,
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas Mr. Ibrahim Halawa, 19 years old, Irish national, is facing a death sentence in a mass trial of 494 defendants, including 11 children, for his participation in protests in central Cairo in August 2013;

- B. Whereas Ibrahim Halawa was arrested with his three older sisters, as they had sought refuge in a mosque in central Cairo after fleeing from a violent crack-down by Egyptian security forces against protestors; whereas 97 people died in these protests, most as a result of excessive use of force by security forces; whereas the Egyptian government claims that Ibrahim Halawa was involved in killing several civilians and other illegal actions, such as destroying public and private properties;
- C. Whereas Mr. Halawa was 17 years old at the time of his arrest, and thus still a juvenile under Egyptian and international law;
- D. Whereas Ibrahim Halawa is considered by Amnesty International as a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression and assembly;
- E. Whereas there are strong allegations from Mr. Halawa that he was subjected to torture and other ill-treatment upon arrest and in detention, including being whipped with chains and sticks, receiving blows to the head, being subjected to electric shocks and being deprived of medical, legal and Irish consular assistance;
- F. Whereas the Egyptian Cairo North Prosecution Services and the Court have failed to recognize Mr. Halawa as a juvenile at the time of his arrest, in violation of the obligations incumbent to the Egyptian authorities under the Convention on the Rights of the Child to which Egypt is a State Party;
- G. Whereas if convicted, Mr. Halawa could face the death penalty; whereas in May 2015, Egypt executed 5 individuals, one of whom was the same age as Mr. Halawa;
- H. Whereas the Minister for Foreign Affairs and Trade of Ireland , Mr. Charles Flanagan expressed disappointment following the further adjournment in the case of Mr. Halawa in Egypt; whereas the Irish consular officials have attended all hearings to date and have also paid 45 consular visits to Mr Halawa, which underlines the importance the Irish government attaches to the case;
- I. 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;
- J. Whereas Egypt is one of only a small number of countries believed to sentence people to death who allegedly committed crimes as children, along with Saudi Arabia, Iran, Maldives, Nigeria, Pakistan, Sri Lanka, Sudan and Yemen;
- K. Whereas the African Commission on Human and People's Rights has issued Provisional Measures in a pending communication regarding Mr Halawa and his co-

defendants, noting that on the basis of this communication Mr. Halawa's continued detention is "prima facie" illegal; 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 Mr. Halawa and the other juveniles' in the case by releasing them immediately on bail; to investigate Mr. Halawa and all others' allegations of torture and cruel; to accord Mr. Halawa and other juveniles with their right to be treated as juveniles in conflict with the law; and provide assurances that the death penalty will not be sought against all the defendants in the case, including Mr. Halawa; whereas Egypt has yet to respond to the communication;

- L. Whereas Egypt has released a number of foreign nationals under a Presidential Decree issued in November 2014 that allows foreigners charged with a criminal offence to be deported to their home country; whereas Al Jazeera journalist Peter Greste and political activist Mohamed Soltan, who also faced a death sentence in a mass trial, were released under provisions of that decree;
  - M. Whereas on December 3 the Egyptian Court of Cassation decided to hold a retrial of the supreme guide of the Muslim Brotherhood and others who have received a death sentence in an earlier trial;
  - N. Whereas the EU is Egypt's first economic partner and its main source of foreign investment; whereas Egypt faces a terrorist threat from extremist organisations, some of which pledged allegiance to ISIS, notably on the Sinai peninsula;
1. Expresses its deep concern about the detention of Irish citizen Ibrahim Halawa in Egypt and calls for his immediate release in compliance with the African Commission's provisional measures, as well as the immediate and unconditional release of all others detained solely for peacefully exercising their rights to freedom of expression and assembly;
  2. Condemns the failure of the Egyptian authorities to uphold the right to a fair trial of Mr. Halawa and his 493 other co-defendants; denounces in particular the lack of opportunity to review or challenge their continued detention and the charges against them and repeated denial of access to lawyers, as well as the excessive pre-trial detention period which violate Egyptian domestic and international obligations;
  3. Reminds Egypt of its international obligations under the Convention on the Rights of the Child as they apply to Mr Halawa and to cease seeking the death penalty for alleged crimes committed as a juvenile;

4. Calls on the European External Action Service, via the EU Delegation in Cairo, as well as 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 and the EU Delegation to provide their full legal, diplomatic and other forms of support to Ibrahim Halawa and his relatives, and to regularly visit him in jail;
5. Remains deeply concerned by the overall human rights situation in Egypt and the lack of progress in dealing with this issue, notably the continued examples of police and military brutality, the harassment, the mass arrests, the practice of mass trials and torture in places of detention; calls on the Egyptian authorities to strictly uphold the unequivocal constitutional guarantees in relation to these freedoms; calls on the Egyptian authorities to work constructively with the civil society organisations that deal with these issues and to ensure that they may operate freely and unencumbered;
6. Denounces the repressive protest law of November 2013, under which Mr. Halawa was charged, as well as the 1914 Assembly Law, which both severely restricts the right to peaceful assembly and urges the Egyptian authorities to annul or amend both laws in order to bring them in line with international human rights standards;
7. Calls on the Egyptian authorities to comply with the request by the African Commission on Human Rights and Peoples' Rights to uphold the right to a fair trial for all citizens before independent courts of law in accordance with international law and standards and to observe a moratorium on the death penalty;
8. Recognises and supports Egypt's legitimate right to defend itself against the terrorist threat, as well as the key role it can play in defeating it in the Arab world; stresses, at the same time, that the fight against terrorism must be conducted in strict adherence to Egypt's international human rights obligations; emphasises that the dialogue with non-violent political Islamist forces can play a significant role in diffusing the terrorist threat;
9. 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, the President and Government of the Arab Republic of Egypt and the African Commission on Human Rights and Peoples' Rights.