



Plenary sitting

B8-0115/2018

6.2.2018

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 Executions in Egypt
(2018/2561(RSP))

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on behalf of the S&D Group

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**European Parliament resolution on Executions in Egypt
(2018/2561(RSP))**

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular of 9 March 2016, 15 December 2015 and 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-Egypt Partnership Priorities 2017-2020, adopted on 16 June 2017 and to the Joint statement following the EU-Egypt Association Council of 25 July 2017,
 - having regard to the EU Guidelines on the Death Penalty, on Torture and Ill-treatment, Freedom of Expression and on Human Rights Defenders,
 - having regard to the statement by the Office of the UN High Commissioner for Human Rights on the execution of 15 Egyptian men on 5 January 2018,
 - having regard to the Constitution of Egypt, notably article 93 (the binding character of international human rights law),
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Torture (UN CAT), and the UN Convention on the Rights of the Child (UN CRC), to which Egypt is a party,
 - 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 Rule 135 of its Rules of Procedure,
- A. Whereas at least 27 Egyptian civilians have been executed in one month between December 26th, 2017 and January 30th, 2018, without prior notification to the victims or their families; whereas at least 24 of them were sentenced to death by military courts far from meeting minimum standards for a fair trial; whereas a further ten civilians have been sentenced to death and are currently in the appeal process;
- B. Whereas these executions constitute an unprecedented acceleration in Egypt's recent history, in an alarming shift from Egyptian judiciary tradition where capital punishment had been used with relative caution;
- C. Whereas at least 24 other Egyptian civilians have been sentenced to death, have exhausted all avenues of appeal, and may be executed at any time; whereas many of these defendants

were denied access to lawyers during their trials, and similarly coerced to confess through torture, though prosecutors and courts refused in most cases to refer these defendants for a timely forensic examination to establish that;

- D. Whereas all recent and imminent executions reportedly resulted from trials that failed to uphold fair trial and due process rights; whereas the UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty strictly prohibit the application of the death penalty following unfair trials; whereas multiple UN human rights experts have repeatedly called on Egypt to halt all pending executions following repeated allegations of unfair trials;
- E. Whereas on November 29th, 2017, the African Commission on Human and Peoples' Rights issued a recommendation to President Abdel Fattah Al-Sisi to immediately suspend death sentences in five different cases; however the defendants in one of those, the Kafr el-Sheikh case, were executed on January 2nd, 2018;
- F. Whereas the Military Code has a larger number of offences punishable by death than its civilian counterpart, and the legislation has gradually expanded military jurisdiction; whereas the military trials of civilians have drastically increased, with the number of civilians sentenced to death in military courts leaping from 60 in 2016 to at least 112 in 2017 according to local civil society organisations; whereas in total, at least 15,000 civilians including dozens of children, were referred to military prosecutors from October 2014 to September 2017, according to Human Rights Watch;
- G. Whereas the Counterterrorism Law enacted in 2015 imposes the death penalty on anyone found guilty of setting up or leading a terrorist group, while providing 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", herein putting any civilian, including human rights defenders, at risk of being labelled terrorist and of being sentenced to death;
- H. Whereas two years since the disappearance and killing of Italian PhD student Giulio Regeni, the Egyptian authorities have failed to conduct an effective, independent and impartial investigation into his murder;
- I. Whereas serious security challenges exist within Egypt, particularly in the Sinai; whereas a number of devastating terrorist attacks have occurred within the country, including the recent attack on a Sufi mosque that killed 305 civilians and injured at least 128 others;
- J. Whereas the overall human rights situation in Egypt remains deeply problematic; whereas the crackdown on terrorism has also been used as justification by the Egyptian authorities to conduct a large-scale campaign of arbitrary detention, harassment, intimidation, enforced disappearance and censorship against government critics, including journalists, human rights defenders, lawyers and political opponents; whereas perpetrators enjoy a climate of near-total impunity;
- K. Whereas the EU is Egypt's first economic partner and its main source of foreign investment; whereas the EU and Egypt adopted Partnership Priorities in June 2017 that

aim to enhance cooperation in a wide-range of areas, including in the area of security, counter-terrorism and judiciary reform; whereas EU bilateral assistance to Egypt under the European Neighbourhood Instrument for 2017-20 is around EUR 500 million;

- L. Whereas companies based in several EU Member States have continued to export surveillance equipment to Egypt,
1. Condemns the execution of 26 Egyptian civilians in one month, as well as the military trial of most, often following enforced disappearance and torture to coerce confessions;
 2. Urges Egyptian President Abdelfattah al-Sisi to immediately use his legal authority to commute the 24 other death sentences to another penalty, and to voluntarily announce a moratorium on any new executions;
 3. Calls on the Egyptian authorities to review all cases of pending death sentences to ensure that those convicted in flawed trials will have a fair retrial;
 4. Calls on the Egyptian Parliament to review Egypt's Criminal Code, Code of Criminal Procedure, counterterrorism legislation, Military Code and on the Cabinet to review relevant decrees, to ensure civilians accused of crimes punishable by death are not referred to exceptional or military courts on any grounds, as they do not meet fair trial standards endorsed by Egypt in its international rights commitments and guaranteed in its Constitution;
 5. Calls on Egypt to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and the UN International Convention for the Protection of All Persons from Enforced Disappearance;
 6. Calls on the Egyptian authorities to uphold their international human rights commitments and constitutional principles by instructing all security bodies to cease practices of torture and enforced disappearance, and inform families of the disappeared of their relatives' fate and location;
 7. Calls on Egypt to invite/allow the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and UN WG on Enforced Disappearances and of the UN Working Group on Enforced or Involuntary Disappearances to visit the country;
 8. Remains deeply concerned by the overall human rights situation in Egypt, notably the generalized crackdown against civil society organisations, the harassment, the mass arrests, systematic torture and abuse in places of detention and the criminal proceedings against individuals, from all political backgrounds, solely as a response to their peaceful exercise of their fundamental freedoms or their expression of dissent;

9. Reiterates its call on the Government of Egypt to guarantee that domestic and international civil society organisations, and particularly human rights organisations, can operate freely, without intimidation; underlines, however, that there should also be no prejudice to the security of the country;
10. Strongly urges Egypt to 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; in this context, considers essential the full respect of the freedom of expression, association and assembly, and reiterates the importance of fully implementing the recommendations included in the final report of the 2014 EU Electoral Observation Mission to Egypt;
11. Recalling the urgency resolution of March 10th, 2016 (on Egypt, notably the case of Giulio Regeni), reiterates its strong condemnation of the torture and assassination under suspicious circumstances of EU citizen Giulio Regeni, and its deepest sympathy to Mr Regeni's family; notes with great concern that, more than 2 years after Mr Regeni's disappearance, the truth about his case is yet to be established and that those responsible have not yet been identified and brought to justice; deeply regrets the lack of substantive progress in the investigations and urges the Egyptian authorities to provide all the documents and information necessary to enable a swift, transparent and impartial investigation into the murder of Mr Regeni; calls on the EU and on its member states to put their full weight behind this call, adopting a strong, unified and persistent position on this case and using every possible occasion to urge the Egyptian authorities to finally ensure full and genuine cooperation with their Italian counterparts; calls for the immediate release of human rights defenders and lawyers who have provided support to the families and legal teams of Regeni and others who have been disappeared through the League of Families of the Disappeared, including Ibrahim Matwally Hegazy, Ahmed Amasha and Hanan Badr el-din;
12. Calls on the EU and its Member States to take a clear, strong and unified position on Egypt in the upcoming sessions of the Human Rights Council and for as long as the country fails to show meaningful improvements in its human rights record;
13. Deeply regrets that companies based in EU Member States have continued to sell surveillance equipment to Egypt despite calls by the European Parliament to halt such exports when they contribute to human rights violations; in this context calls on Member States to investigate allegations of and ensure accountability for complicity to torture and enforced disappearances;
14. 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.