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*Plenary sitting*

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**B8-0116/2018**

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 GUE/NGL Group

**B8-0116/2018**

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

*The European Parliament,*

- having regard to its previous resolutions on Egypt
- 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 52 (prohibition of torture in all forms and types.), 73 (on freedom of assembly) and 93 (binding character of international human rights law);
- having regard to the African Charter on Human and Peoples' Rights;
- having regard the Arab Charter on Human Rights
- having regard to the Resolution on the Deteriorating Human Rights Situation in the Arab Republic of Egypt, adopted by the African Commission on Human Rights and Peoples' Rights on 28 February 2015;
- having regard to the International Covenant on Civil and Political Rights of 196 and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of which Egypt is part;
- having regard the resolution adopted by the Human Rights Council of the UN on 2 July 2015 about “Protection of human rights and fundamental freedoms while countering terrorism”
- having regard the last report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 27 September 2017
- having regard to the United Nations Universal Declaration of Human Rights of 1948;
- having regard to Rule 135 of its Rules of Procedure,

- A. whereas on December 26, were executed 15 people convicted of terrorism; whereas on January 2, were executed 5 people, of which 4 were convicted of terrorism; whereas on January 9, were executed 3 other persons convicted of rape; whereas all sentences were ordered by military courts; whereas the United Nations High Commissioner for Human Rights denounced that at least 20 of the executed "could have been victims of enforced disappearance and torture before appearing in the military courts that sentenced them to death";
- B. whereas in June 2014, the International Federation for Human Rights condemned the alarming increase in the application of the death penalty by the Egyptian authorities; whereas, according to Amnesty International in 2014, 15 executions were carried out, 22 in 2015 and 44 in 2016; whereas according to Egyptian organizations in 2017 at least 49 people were executed; whereas there are now 26 other Egyptians who are in danger of facing imminent execution;
- C. whereas, according to Human Rights Watch, military prosecutors continued to send hundreds of civilians to military trials in cases related to political dissent; whereas President Al Sisi approved in August 2016 a five-year extension of a 2014 law that expanded the grounds for trying civilians in military courts; whereas between October 2014 and September 2017, the authorities sent at least 15,500 civilians to the military courts, including more than 150 children;
- D. whereas Elizabeth Throssell, Spokesperson for the Office of the United Nations High Commissioner for Human Rights (OHCHR). recalled on January 5, 2018, in a press conference relating to the situation in Egypt that "civilians should only be tried by military or special courts in exceptional cases"; and she added that "despite the security problems Egypt is facing - especially in Sinai - executions should not be used as a means of combating terrorism", and called on "the Egyptian authorities to reconsider the use of the death penalty in accordance with their international human rights obligations and to take all necessary measures to ensure that violations of the right to a fair trial are not repeated ".
- E. whereas collective trials without guarantees are still happening in the civil and military courts; whereas in some trials the courts accepted as evidence confessions obtained through torture which is a violation of Article 1 of the Convention against Torture; whereas Egypt is the only country to be the subject of two public inquiries by the United Nations Committee against Torture, which wrote in June 2017 that that the facts gathered by the committee "lead to the inescapable conclusion that torture is a systematic practice in Egypt";
- F. whereas the annual report on the death penalty in Egypt in 2017 affirm that: at least 32 defendants tried in eight different cases were forcibly disappeared, the prosecution began investigations with at least 50 defendants despite the absence of proper defence attorneys, at least 42 defendants who were sentenced to death retracted their previous confessions as having been the result of torture; whereas, according to Article 14 of the Convention on Civil and Political Rights that Egypt ratified, it is important that all necessary measures be taken to ensure that trials have full guarantees;

- G. whereas, according to the NGOs Egyptian Initiative for Personal Rights and the Adala Centre for Rights and Freedoms in 2017, the Egyptian courts, both civil and military, issued a total of 388 death sentences; whereas, according to Amnesty International in 2016, the courts issued at least 237 capital sentences; whereas NGOs claim that the Egyptian authorities are accelerating this type of legal proceedings under the pretext of fighting terrorism and to demonstrate to citizens that they are punishing those who carry out terrorist acts in the country;
- H. whereas 5 experts from the United Nations urged the Egyptian Government to stop all pending executions after receiving repeated complaints of unfair trials and death sentences based on evidence obtained through torture or ill-treatment, after a period of time of forced disappearance; considering the OACNUDH urged Egypt to reconsider the use of the death penalty, especially if it is used as a way to fight against terrorism;
- I. whereas Egypt is a country of destination, transit and source of migrants, refugees and asylum seekers; whereas until September 2017, the United Nations Agency for Refugees (UNHCR) said that 211,104 people were registered as refugees and asylum seekers in Egypt; whereas in 2016 Anti-illegal Migration Law was approved which imposes serious penalties for human smuggling activities but lacks guarantees for the rights to seek asylum or to freedom of movement and education and It also does not guarantee protection against deportation to a country where the migrant might be at risk of serious harm; whereas the crossing between the Gaza Strip and Egypt remains mostly closed; whereas in December 2017 the first session of the EU-Egypt Migration Dialogue was held and EU welcomed the adoption of the law without any criticism to the violation of the right of migrants, refugees and asylum seekers, that the law represents;
- J. whereas Egypt is the most populous MENA country, with over 95 million people, and is considered as strategic country in the southern Mediterranean; whereas political, economic and social developments in Egypt have significant implications;
- K. whereas Egypt is facing the presence and activity of militants linked with the Islamic State group, mainly in the Sinai Peninsula but also in Cairo where they have carried out attacks and elsewhere; whereas on November 24 an attack took place in Al Arish in where more than 300 people were killed and hundreds were injured; whereas this threat cannot be used as a pretext to persecute and repress any sort of political or democratic activities;
- L. whereas President Al-Sisi declared a State of Emergency throughout the country since April 2017; whereas the Emergency Law of 1958 grants uncontrolled powers to the security forces and allows the government to impose censorship of the media, order forced evictions and to undertake all necessary procedures to combat terrorism and preserve the safety of citizens and public properties across the nation;
- M. whereas the Anti-Terrorist Law (Law 94 of 2015) extends the powers of the security forces and the public prosecutor to keep people in detention without charge or trial;

- N. whereas the Egyptian government has conducted a large-scale campaign of arbitrary detention of people who criticize government policies -including journalists, human rights defenders, and members of parties of the opposition accused of promoting or participating in protests, spreading false rumours, terrorism and belonging to forbidden groups, such as the Muslim Brotherhood or the April 6 Youth Movement;
- O. whereas, according to Amnesty International, the National Security Agency under the Ministry of the Interior subjected hundreds of detainees to enforced disappearance; whereas, according to the Egyptian Commission for Rights and Freedoms, between August 2016 and 2017, at least 378 people had disappeared and in only 2015 they documented 1,700 cases of enforced disappearances;
- P. whereas in September 2017 the authorities detained Ibrahim Metwally, co-founder of the Association of Families of the Disappeared when he went to a meeting with the UN Working Group on Enforced or Involuntary Disappearances to discuss the Giulio Regeni case; whereas subsequently, prosecutors accused Metwally of spreading false news about the forced disappearance; whereas on 2 February 2016 the body of Giulio Regeni, an Italian doctoral student at Cambridge University who disappeared in Cairo on Jan. 25, was found on the outskirts of Cairo, in a ditch next to a road, bearing evidences of horrible tortures and a violent death;
- Q. whereas at least 37 people were extrajudicially executed by the police in the first half of 2017; whereas in April 2017, Human Rights Watch indicated that the military forces in the Sinai Peninsula had executed between 2 and 8 unarmed detainees and covered up the deaths to pretend that the victims were armed terrorists killed in a raid;
- R. whereas the complaints of abuses committed by the security forces under the pretext of fighting terrorism; whereas, according to Human Rights Watch, the authorities placed hundreds of people on terrorism lists and confiscated their assets for alleged terrorist links without due process;
- S. whereas the Law 70 of May 2017 gives the government extraordinary powers to control NGOs and imposes harsh penalties and fines against who do not comply; whereas the law prohibits field investigations or operating or receiving funds without government approval; whereas in the last three years, the shrinking space phenomenon for several human rights organizations has increased, a travel ban has been imposed on 24 of them and the assets of seven groups and 10 people have been frozen;
- T. whereas the army has exercised strict control over the media coverage of its operations against the insurgency and has denied access to independent journalists; whereas there are at least 25 journalists imprisoned and between January and May 2017, courts sentenced at least 16 journalists to prison terms of between three months and five years; whereas the Egyptian authorities have blocked access to at least 465 websites since May 24, 2017;
- U. whereas in September and October, security forces arrested 75 LGBTI activists who raised a rainbow flag; whereas the prosecution accused two of "joining an illegal

group"; whereas 40 were sentenced to prison terms of up to 6 years under vague laws of debauchery;

- V. whereas sexual harassment and sexual violence continue to be endemic in Egypt; whereas women continued to lack adequate protection against sexual violence, and were still discriminated against on the grounds of gender in legislation and practice; whereas the national census of September 2017 disclosed that there are 118,000 girls under 18 years of age married; whereas cases of female genital mutilation continue to be alarming;
- W. whereas in August 2013, following the massacre at Rabaa Square, the EU condemned the disproportionate use of force by the Egyptian security forces and announced that the Member States had agreed to suspend export licenses to Egypt of any weapon that could be used for internal repression; whereas, despite the many complaints of human rights violations committed by the Egyptian authorities, several Member States continue to supply arms and military and security equipment to Egypt;
- X. whereas on 25 July 2017 the seventh session of the Association Council (AC) of the European Union and the Arab Republic of Egypt, took place in Brussels; whereas the country report published before the meeting recognized the existence of "substantial challenges" in relation to the rule of law, human rights, fundamental freedoms and space for civil society, but did not mention violations such as enforced disappearances, extrajudicial executions and the widespread impunity enjoyed by the security forces; whereas the session confirmed the resumption of the bilateral Association Agreement structure in 2015 and on the joint priorities identified in light of the revised European Neighborhood Policy (ENP) as well as the Sustainable Development Strategy: Egypt Vision 2030;
- Y. whereas the EU-Egypt Association Agreement preamble emphasizes the importance of the principles of the United Nations Charter, in particular the observance of human rights, democratic principles; whereas the respect for human rights and democratic principles constitute an essential element of the Agreement; whereas on 11 January 2018 the 5th meeting of the Subcommittee on Political Affairs, Human Rights and Democracy EU-Egypt was held; whereas they discussed cooperation in the areas of human rights, democracy, the rule of law and the fight against corruption;
- Z. whereas between 26 and 28 March presidential elections will be held in Egypt; whereas national and international organizations have denounced that the Egyptian authorities have arrested or convicted under false charges several opposition candidates and have threatened and discouraged others; whereas the UN has called for credible elections and has expressed concern over the arrest of one of the candidates; considering the rights of Egyptian citizenship to freedom of expression and political participation;
- AA. whereas it is over seven years since Hosni Mubarak stepped down after the demonstrations in Tahir Square and the uprisings throughout Egypt calling for fundamental reforms in the country's political, economic and social system, for an end to the corrupt regime, and for democracy, respect for human rights and better living conditions; whereas Egypt's stabilization and its future security require the

presence of a free civil society, free trade unions, able to play their full role as interlocutors of governmental institutions by underlining urgent issues of national concern, for democracy, freedoms and fundamental rights and notably social rights.

1. Condemns the recent terrorist attacks in Egypt; insists on the fact that the fight against sectarians and terrorists groups could be efficient only if we address the causes and specifically problems related to inequality, unemployment and poverty; highlights the fact that the terrorist attacks shouldn't be a pretext to derogate from the rules of the rule of law and restrict human rights and fundamental freedoms or to commit crimes especially extra judiciaries;
2. Reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; considers that the death penalty violates human dignity and can constitute cruel, inhuman and degrading treatment and therefore urges the Egyptian authorities to introduce a moratorium on executions as a first step towards the abolition of capital punishment;
3. Calls on the Egyptian authorities to put an end to all acts of harassment and repression, including at judicial level; reminds Egypt of its international obligations under the Covenant on Civil and Political Rights and the African Commission on Human Rights and People's Rights to uphold the right to a fair trial for all citizens before independent courts of law;
4. Expresses its concern about the arbitrariness detentions and calls for the release of all detained for peacefully exercising their rights to freedom of expression and assembly; urges the Egyptian authorities to ensure the immediate and unconditional release of Mr Metwally;
5. Asks the Egyptian authorities to criminalize enforced disappearances in Egyptian law and make them subject to no statute of limitations, to ratify the UN International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol of the Convention Against Torture (OPCAT); asks to introduce the necessary amendments to the Penal Code and Criminal Procedures Code so they comply with Article 52 of the Constitution, which prohibits torture in all forms and types;
6. Urges the Egyptian authorities and security forces to ensure the security of all citizens, irrespective of their political views, affiliation or confession, to uphold the rule of law and respect human rights and fundamental freedoms, to protect the freedoms of association, of peaceful assembly, of expression and of the press, to commit to dialogue and non-violence, and to respect and fulfil the country's international obligations; calls again on the authorities to guarantee that domestic and international civil society organisations, independent trade unions and journalists can operate freely, without interference;
7. Urges the Egyptian authorities to cease criminalising LGBTI people for expressing their sexual orientation and exercising their right of assembly on the basis of the 'debauchery law';

8. calls on the Egyptian authorities to combat all forms of violence against women, including marital rape and sexual violence; calls, furthermore, on the Egyptian authorities to ensure effective and accessible reporting channels and protection measures that are sensitive to victims' needs and confidentiality; urges for an end to be put to impunity and for appropriate criminal sanctions against perpetrators to be ensured; calls the Egyptian's authorities to promote gender equality and women's empowerment through boosting women and women rights organisations participation in public and political life; calls for a comprehensive EU approach on violence against women and girls with increased efforts and resources to prevent and eliminate all discriminatory practices against women as well as to combat and prosecute all forms of violence including trafficking in human beings, female genital mutilation, forced sterilisation, forced pregnancy, domestic violence and marital rape, child, early and forced marriage and sexual violence;
9. Calls for an independent and transparent investigation for any human rights violations including extrajudicial killings, enforced disappearances, torture, rapes, arbitrary arrests, and extortion-related abuses; considers that actions of this kind cannot be justified as a means to combat the threat posed by terrorist organizations;
10. Is concerned about Law 70 of 2017 as well as the Anti-Terrorist Law (Law 94 of 2015) and Emergency Law of 1958, severely restricting the right to freedom of expression and association and to peaceful assembly and closing of workspace of several human rights organizations;
11. Deplores the security cooperation and arms deals by EU Member States with Egypt and calls for an EU-wide ban on export of any form of security equipment and military aid to Egypt;
12. Calls the Egyptian authorities to adopt as soon as possible legislation to protect the rights of migrants, and in particular refugees, as well as legislation on the right of asylum
13. Demands that the EEAS raises the issues of torture and enforced disappearances in Egypt as well as the evident impunity of the security forces, as urgent matters that cannot be separated from the objective of promoting Egypt's stability and the fight against terrorism; urges also to EU Member States to raise the issues of torture, enforced disappearances and impunity as a high priority in their bilateral relations with Egypt.
14. Calls the EU to take all the necessary diplomatic measures to effectively ensure the respect of Human Rights in Egypt, accordingly to the preamble of the EU-Egypt association Agreement;
15. Calls the EU and it's Member States to facilitate their access to European asylum and ensure human rights to all migrants; strongly condemns all readmission policies, especially those relating to countries where these people risk their lives and face ill-treatment contrary to the Geneva Convention, which may be particularly the case in Egypt; calls on the EU and its Member States to suspend any expulsion to Egypt; criticise the financial support of the EU for policies whose aim it is to externalise border controls without changing the current situation of the people in need in those



countries; Calls for ensuring rights and a safe passage to both migrants and displaced; stresses further that European politics must not be made conditional on cooperation in migration matters such as border management or readmission agreements; recalls its concerns about the increasing use of trust funds, such as limited transparency, lack of consultation and regional ownership;

16. Reiterates its call to the Egyptian authorities on the Rafah border to be fully operational, being this a need for the Gaza's million Palestinians;
17. Expresses again its strong solidarity with the Egyptian people and continues to support their legitimate democratic aspirations and efforts to secure a peaceful democratic transition towards political, economic and social reforms;
18. Calls on the Egyptian authorities to guarantee the development of credible and transparent elections that have guarantees; reaffirms the need and ability of the Egyptians to choose their future and to be willing to themselves; denounces the role played by third countries in the destabilization of the country;
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, the President and Government of the Arab Republic of Egypt and the African Commission on Human Rights and Peoples' Rights; the UN general secretary and UN relevant bodies.