



Plenary sitting

B8-0578/2018

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

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on behalf of the GUE/NGL Group

**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,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of which Egypt is part and the United Nations Declaration on Human Rights Defenders of 1998,
 - the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol which Egypt signed on 1981,
 - 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 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 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 to the EU Guidelines on Human Rights Defenders and on the Death Penalty and on Torture and other Forms of Ill-Treatment,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas in March presidential elections were held in Egypt and the current president Abdel Fatah al Sisi won the elections; whereas national and international organizations have denounced that the minimum guarantees were not given, that there was no real opposition and that the elections took place in a climate of repression against any political opponent or person critical of the government; whereas since 2013 there are more than 65,000 political opponents imprisoned;
- B. whereas the crackdown on Egyptian civil society, including human rights defenders and activists, journalists, bloggers, lawyers, and trade unionists, has clearly escalated in 2018; whereas they have faced arbitrary detentions, enforced disappearances, ill-treatment in detention and politically-based prosecution, using counterterrorism and state of emergency

laws; whereas, according to NGOs, human rights defenders in Egypt are suffering unprecedented repression;

- C. whereas since December 2017, Amnesty International has documented cases of at least 111 people who have been detained just for criticizing the president and the human rights situation in Egypt; whereas these arrests have spiked to unprecedented levels in recent months with detainees charged in Cases no. 441/2018 and 621/2018; whereas the most recent campaign of at least 40 human rights workers, lawyers, and political activists arrested, and some forcibly disappeared since late October 2018, particularly targeted the Egyptian Coordination for Rights and Freedoms which has been forced to suspend its activities;;
- D. whereas women human rights defenders in Egypt continue to face various forms of state-led harassment, notably in the form of defamatory campaigns and judicial prosecution, and independent women's rights organisations are increasingly affected by the general lack of guarantees for civil society organisations to exercise the rights of association and freedom of expression and to secure funding;
- E. whereas woman human rights defender Amal Fathy was handed a two-year prison sentence in September 2018 for spreading false news with intent to harm the Egyptian state and public indecency for publishing a video on social media criticising the government's failure to combat sexual violence and denouncing her own experience as a victim of sexual violence (case 1997/2018); whereas Ms Fathy is at the same time held in pre-trial detention pending investigation in a second case on national-security related accusations (case 621/2018);
- F. whereas many of those arrested have initially been forcibly disappeared, reappearing with these charges after a few days/weeks, whereas others remain disappeared; whereas human rights lawyer Ezzat Ghoneim, head of the Egyptian Coordination for Rights and Freedoms (ECRF), and Azzouz Mahgoub, a lawyer from ECRF, have been in pre-trial detention since March 2018, charged with "human rights terrorism"; whereas a court ordered their releases on 4 September 2018, but they were instead forcibly disappeared and their whereabouts remain unknown;
- G. whereas according with the allegations of the Egyptian independent campaign "Stop enforced disappearance", the authorities disappeared at least 230 people from August 2017 to August 2018, and the practice has increasingly targeted journalists and rights activists in recent months; whereas the Egyptian Commission for Rights and Freedoms, reported the enforced disappearance of at least 1,520 people by State Security forces in Egypt between July 2013 and August 2018;
- H. whereas lawyer Ibrahim Metwally, co-founder of the Association of the Families of the Disappeared, was arrested on his way to Geneva to attend Human Rights Council session in September 2017 to discuss the Giulio Regeni case, and he remains in detention; whereas on 2 February 2016 the body of Giulio Regeni, who disappeared in Cairo on January 25, was found bearing evidences of horrible tortures and a violent death; whereas the Egyptian authorities still did not reveal the truth regarding his death and did not bring all the perpetrators to justice; whereas Egypt has once again rejected the request of the Italian prosecutor's office, to identify the agents involved in the disappearance and death of Regeni;
- I. whereas Egyptian Human Rights Defenders and independent rights groups documenting and denouncing torture, and enforced disappearances and capital punishment continue to be targeted through repressive measures, such as the closure of the El Nadeem Centre in 2017 and repeated attempts by the Egyptian authorities to shut down offices of the Egyptian Commission for Rights and Freedoms (ECRF);

- J. 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 President Abdelfattah al-Sisi recently recognized that law 70/2017 was drafted in a spirit of mistrust and suspicion against independent civil society organizations; whereas he tasked Parliament with reviewing the law;
- K. whereas international and Egyptian NGOs and human rights defenders have been subject to persistent judicial harassment through case 173/2011, also known as the foreign funding case; whereas a Cairo criminal court sentenced 43 foreign and local NGO workers to one to five years suspended prison terms in 2013, while the Court of Cassation ordered a retrial of the defendants in April 2018; whereas the Prosecution reopened the case in 2016 by summoning and interrogating Egyptian NGO workers and human rights defenders, issuing at least 30 travel bans and 17 asset freezes (10 HRDs and 7 civil society organisations) targeting both rights organisations and individual advocates, notably causing the closure of Nazra for Feminist Studies last March;
- L. whereas the defenders of Nubian people's rights are also victims of persecution and judicial harassment; whereas dozens of Nubian activists were arrested between September and October 2017 and 32 of them are being tried on charges of incitement to protest, disturbance of public order and participation in an unauthorized demonstration; whereas there have been reports of violations of due process in the trial;
- M. whereas according to the press freedom index 2018 of Reporters Without Borders, Egypt is ranked 161 out of 180 countries, and considers that Egypt is now one of the world's biggest prisons for journalists; whereas Reporters Without Borders (RSF) had documented at least 38 media workers in detention in Egypt for their work by late November 2018, often subject to politically-based prosecution and multiple due process violations; whereas journalists and bloggers including Mohammed 'Oxygen' Ibrahim, Adel Sabri, Ahmed Tarek Ibrahim Zaida, Mustafa al-Aassar, Hassan al-Banna Mubarak, Moataz Wadnan, Hesham Gaafar, Ismail Iskandrani, and photojournalist Mahmoud Abu Zaid (known as Shawkan), remain in detention facing charges such as "membership of a terrorist organization" and "publishing false news"; whereas the Egyptian authorities have recently passed the Cybercrime Law which legalises internet censorship of platforms and independent news pages belonging to human rights groups; whereas since April 2017, the security services have blocked at least 504 websites without authorization or judicial supervision;
- N. whereas civilian employees, trade unionists and human right defenders face intimidation, judicial harassment and arbitrary detention, particularly in factories owned by the Egyptian military; whereas they are facing trials in military courts without any due process of law, in violation of international standards;
- O. whereas military operations continue to escalate in North Sinai since late 2013, and the government has conducted mass demolitions and forced evictions of tens of thousands of residents and prevented independent reporting, imposing a near-absolute media blackout and restrictions on the movement in and out of Sinai;
- P. 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; whereas Egypt's 2015 Counter-terrorism Law uses a broad definition of terrorism, putting peaceful dissenters, pro-democracy activists and human rights defenders, at risk of being labelled a terrorist and being sentenced to death;

- Q. whereas the death penalty, particularly in mass trials, has frequently been applied against persons exercising fundamental rights; whereas since Al-Sisi came to power in July 2013, 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 during the same period, Egypt has carried out at least 144 executions;
- R. whereas military prosecutors are sending hundreds of civilians to military trials in cases related to political dissent; 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;
- S. whereas in September a court in Egypt confirmed the sentences for more than 739 people, in relation to the protests that took place in Rabaa Square, after the 2013 coup d'état; whereas the court ratified the death sentences of 75 people and life imprisonment to another 47; whereas numerous irregularities have been denounced during the trial, and the High Commissioner of the United Nations for Human Rights described it as a serious miscarriage of justice; whereas the photojournalist Mahmoud Abu Zaid (known as Shawkan) was sentenced (during this trial) to five years ("time served") for doing his job, in the Rabaa Square protests, but he and 213 others were not released and now are to serve 6 more months for non-payment of a fine;
- T. whereas in Rabaa Square protests, at least 900 people were killed by the Egyptian security forces and none of those responsible for the massacre has yet been tried; whereas in July 2018 the Egyptian parliament passed a law granting immunity to security force for any crime committed in the course of duty between July 3, 2013 and January 10, 2016;
- U. 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 (such as Germany, France, Spain, Cyprus, Italy and UK) continue to supply arms and military and security equipment to Egypt; whereas European companies are providing surveillance equipment and security training to institutions that afterwards are in charge of blocking the websites of alternative media and of spying on human rights defenders and opposition figures;
- V. whereas Egypt is a country of destination, transit and source of migrants, refugees and asylum seekers; whereas the repression of human rights NGOs in Egypt also deprives migrants and refugees of legal services necessary for their defence and protection; whereas facilities used for immigration detention—including police and border guard stations, and prisons—are mostly overcrowded and far from meeting basic conditions; whereas people with a solid case for refugee status still frequently face a choice between indefinite administrative detention or deportation from Egypt or even have to face a trial in a military courts;
- W. whereas nationals of Sudan, Eritrea, Yemen or Syria have been forcibly deported from Egypt; whereas between January and April, at least 50 asylum-seekers from Eritrea, Ethiopia and Sudan, including children, did not have access to legal services nor were they able to contact the Office of the United Nations High Commissioner for Refugees (UNHCR); whereas Sudanese activist Mohamed Hassan Alim "al-Boshi" went missing in October 2018 after Egyptian security forces searched his residence in greater Cairo, where he had sought protection from the UNHCR; whereas he has since been located in national security detention

in Khartoum, held incommunicado and accused of espionage and crimes against the State, charges which carry the death penalty; whereas in July, the authorities detained at least 200 Chinese students, mainly Uighurs, and expelled at least 20 directly to China, in violation of Egypt's obligations under the Geneva Convention on the Status of Refugees and its Protocol of 1967, which Egypt ratified in 1981;

- X. 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. Expresses its grave concern at the ongoing restrictions on fundamental democratic rights, notably freedom of expression, association and assembly, political pluralism and the rule of law in Egypt; calls for an end to all acts of violence, harassment, intimidation, enforced disappearances or censorship directed at political opponents, protesters, journalists, bloggers, students, human rights and women's rights activists, civil society actors, LGBTI people, NGOs and minorities, including Nubians, by state authorities, security forces and services and other groups in Egypt;
 2. Denounces the successive escalations since 2017 in the repression and judicial harassment of Egyptian human rights defenders, activists and NGOs as well as media workers, journalists and bloggers, and the closure of offices of the NGOs Nazra for Feminist Studies and El Nadeem Center for Rehabilitation of Victims of Violence and Torture; and expresses its grave concern at the judicial harassment and smear campaigns targeting prominent women human rights defenders and their organizations;
 3. Calls on the Egyptian authorities to immediately and unconditionally release all detained human rights defenders in the country, including Ola al Qaradawi and Hosam Khalaf, journalist and bloggers Mohammed 'Oxygen' Ibrahim, Adel Sabri, Ahmed Tarek Ibrahim Zaida, Mustafa al-Aassar, Hassan al-Banna Mubarak, Moataz Wadnan, Hesham Gaafar and Ismail Iskandrani, photojournalist Mahmoud Abu Zaid (known as Shawkan), lawyers Ibrahim Metwally, Ezzat Ghoneim, and Azzouz Mahgoub, activist Amal Fathy, and all others detained solely for the peaceful exercise of their freedom of expression; 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 ill-treatment or torture allegations";
 4. Calls on Egyptian authorities to end its crackdown on independent civil society; Urges the Egyptian authorities to cease targeting human rights defenders, to lift of the travel ban against Mostafa al-Hassan, Mozn Hassan, Nasser Amin, Mohamed Zaream, Malek Adly, Hossam Al-Din Ali, Gamal Eid and Azza Soliman and all others human rights defenders and ensure they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment;
 5. Recalls its continued outrage at the torture and killing of the Italian researcher Giulio Regeni, and denounces, once again, the lack of progress in the investigation into this brutal murder; Calls on the Egyptian authorities to identify all the responsible persons for the enforced disappearance, torture and murder of Giulio Regeni and to hold them accountable;
 6. Urges the Egyptian authorities to support the Italian authorities' requests to independently interrogate the witnesses and suspects involved in the enforced disappearance, torture and

murder of Giulio Regeni, also in Italy if necessary; Calls on the Egyptian authorities to cooperate with the legal representatives of Giulio Regeni's family and to provide them access to all the documents and information necessary to swiftly carry out their courageous work;

7. Holds the Egyptian authorities responsible for the safety of the Italian and Egyptian legal team investigating the case of Giulio Regeni, in particular his family lawyer Alessandra Ballerini and legal adviser Ahmed Abdallah; Calls on the Egyptian authorities to put an end to all acts of harassment concerning the Egyptian Commission for Rights and Freedoms and its law practitioners for their role in supporting Giulio Regeni's case and in campaigning against the enforced disappearance in Egypt;
8. Insists that the Egyptian authorities must end practices of torture and ill-treatment in detention, investigate all allegation of torture and ill-treatment in an independent manner meeting international standards, and bring perpetrators to justice; 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;
9. Expresses serious concern at recent reports by the United Nations Special Rapporteurs on Adequate Housing and Human Rights Defenders of grave attacks and reprisals, against persons who engaged with the Special Rapporteur during her official country visit to Egypt;
10. Strongly urges Egypt to definitively close case no. 173/2011 known as the "Foreign Funding Case" against NGOs and thus, to withdraw all associated pre-trial measures like travel bans, asset freezes and tax investigations, and to drop charges against those being retried after conviction in 2013 in the same case;
11. 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);
12. Calls on the Egyptian authorities to combat all forms of violence against women; 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;
13. 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';
14. Recommends that the Egyptian authorities move to repeal the NGO law no. 70/2017 due to is severely restrictive for amendments to produce a practical and open legal framework for independent civil society organizations, and to adopt new legislation on CSOs based on open dialogue with all civil society forces, including independent human rights NGOs, on the role and status of civil society in Egypt, and ensuring it is fully compliant with the Constitution and international rights commitments;
15. Is concerned about 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; Is also concerned about the law which law granting immunity to security force, and the Cybercrime Law;

16. Insists on the fact that the fight against 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, they must not be used to combat any form of opposition or to commit crimes especially extra judiciaries; Expresses its particular concern on the ongoing trials under the accusations of "human rights terrorism"; Urges the Egyptian authorities to immediately open North Siani to independent observers and journalists, to provide residents with essential needs and to allow independent relief organizations to provide aid for people in need;
17. Expresses its serious concern at the mass trials by Egyptian courts and the large number of death sentences handed down by them; calls on the Egyptian judicial authorities 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;
18. 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;
19. 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, including by protecting human rights defenders, journalists, media workers and peaceful rights and democracy activists while they conduct their legitimate activities and exercise constitutionally-protected rights to freedom of expression, association and assembly;
20. Calls on the EU and its Member States to take a firm position on human rights during the upcoming 8th meeting of the EU-Egypt Association Council, raising serious concerns with the Egyptian authorities, to publicly denounce the repression of human rights defenders, media workers and all peaceful dissidents exercising their rights to freedom of expression, association and assembly, and to call for the prompt release of those in detention;
21. Calls on the EU and its Member States to take a clear, strong and unified position on Egypt in the upcoming sessions of the UN Human Rights Council and for as long as the country fails to show meaningful improvements in its human rights record; and calls on the EU Member States to address the serious restrictions on fundamental democratic freedoms and the reprisals against human rights defenders in their recommendations for the 2019 Universal Periodic Review of Egypt;
22. Calls on the European Commission and the External Action Service to apply article 2 of the EU-Egypt Association Agreement of 2001 stating that the provisions of the Agreement shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration on Human Rights, and to suspend the implementation of the EU-Egypt Partnership Priorities accordingly;
23. Deplores the security cooperation and arms deals by EU Member States with Egypt, strongly condemns the exports of any form of security equipment and military aid to Egypt and calls

for an EU-wide ban on this export;

24. Calls on the European Commission to immediately suspend the EU project in support of the judiciary and to suspend all other current and planned cooperation programs with the Egyptian national authorities, until Egypt does not respect minimum standards of human rights ;
25. Demands on Egypt to keep to their obligations under the Geneva Convention on the Status of Refugees and its Protocol of 1967, which Egypt ratified in 1981;
26. Calls the EU and it´s Member States to facilitate their access to asylum seekers to European territory 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 and endangering those most in need of protection; Calls for ensuring rights and a safe passage to both migrants and refugees; 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;
27. 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;
28. 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.