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*Plenary sitting*

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**B8-0580/2018**

11.12.2018

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

**Marietje Schaake, Pavel Telička, Petras Auštrevičius, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Dita Charanzová, María Teresa Giménez Barbat, Marian Harkin, Nadja Hirsch, Ivan Jakovčić, Petr Ježek, Ilhan Kyuchyuk, Gesine Meissner, Louis Michel, Javier Nart, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Jozo Radoš, Frédérique Ries, Robert Rochefort, Jasenko Selimovic, Hilde Vautmans, Mirja Vehkaperä**

on behalf of the ALDE Group

**B8-0580/2018**

**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, in particular that of 8 February 2018 on executions in Egypt, that of 10 March 2016 on Egypt, notably the case of Giulio Regeni, that of 17 December 2015 on Ibrahim Halawa, potentially facing the death penalty and that of 15 January 2015 on the situation in Egypt,
- having regard to the EU Guidelines on the Death Penalty, on Torture, on Freedom of Expression and on Human Rights Defenders,
- 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 also to the EU-Egypt Partnership Priorities 2017-2020, adopted on 25 July 2017, to the joint statement issued following the 2017 EU-Egypt Association Council, and to the joint statement on the 5th meeting of the EU-Egypt Subcommittee on Political Matters, Human Rights & Democracy in January 2018,
- having regard to the joint declaration of 10 October 2017 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, (VP/HR), Federica Mogherini, and the Secretary-General of the Council of Europe on the European and World Day against the Death Penalty, and to the Statement by the EEAS Spokesperson of the 2 November 2018 on attack on Coptic Christian pilgrims in Egypt;
- having regard to the joint statement of 26 January 2018 by UN experts including Nils Melzer, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, urging the Egyptian authorities to halt imminent executions, to the Statement by UN Special Rapporteur on adequate housing, Leilani Farha and UN Special Rapporteur Michel Forst on the situation of human rights defenders, of 4 December 2018 and to that of UN High Commissioner for Human Rights Michelle Bachelet of 9 September 2018 condemning the sentencing en masse of 75 people to death;
- having regard to the Constitution of Egypt,
- 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 the new EU Strategic Framework and Action Plan on Human Rights, which aims to place the protection and surveillance of human rights at the heart of all EU policies,
  - having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Arab Charter on Human Rights, which have been ratified by Egypt,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is party, and in particular to its Article 18 and the second optional protocol on the death penalty, as well as its Article 14,
  - having regard to Rules 135(5) of its Rules of Procedure,
- A. whereas since spring 2018, the crackdown on all dissent and Egyptian Human Rights Defenders, and various civil society actors has escalated further; whereas according to several civil society organisations Egyptian police and National Security Agency (NSA) forces have conducted a mass arrest campaign, rounding up at least 40 human rights workers, lawyers, and political activists since late October 2018; whereas the overall human rights situation continues to deteriorate in Egypt; whereas the crackdown on terrorism has been used as justification by the Egyptian authorities to conduct a large-scale repression;
  - B. whereas women human rights defenders in Egypt continue to face various forms of state-led harassment, notably by defamatory campaigns and judicial prosecution;
  - C. whereas Egypt opened a legal front against NGOs last year with a law requiring state security agencies to approve their funding, foreign or domestic, thus virtually banning them; whereas on 15 November 2018 President Al-Sisi called for a review of the NGO law to make it more ‘balanced’; whereas the retrial of 16 defendants of the ‘foreign funding case’ 173/2011 is scheduled for 20 December 2018 and the accused face charges of establishing and operating branches of international organisations without a license from the government;
  - D. whereas on 8 September 2018 photojournalist Mahmoud Abu Zeid, known as “Shawkan”, was sentenced to five years which he has already served but still remains in detention and his health has been deteriorating; whereas he was condemned in a mass trial alongside 612 people by the Cairo Criminal Court which handed down 75 death sentences, 47 life sentences, and heavy prison sentences ranging from 15 to 5 years related to participation in the Rabaa sit-in on 14 August 2013; whereas the Rabaa trial is just one example of mass trials in Egypt which are depriving individuals of their right to a fair trial;
  - E. whereas the Egyptian Coordination for Rights and Freedoms (ECRF), one of the last human rights organisations operating within Egypt highlighting cases of torture, disappearances and human rights abuses online and offline, announced on 1 November

2018 that it was suspending its work in Egypt until further notice as the group could not continue to work because the authorities “attack anyone who defends the oppressed”; whereas the whereabouts of Ezzat Ghoneim, head of the ECRF remain unknown following a court ordered his release on 4 September 2018; whereas the El Nadeem Centre was forced to close in 2017;

- F. whereas woman human rights defender Amal Fathy is in prison awaiting an appeal hearing on 30 December 2018 for criticising the government’s failure to address sexual violence; whereas Fathy was originally arrested in May 2018 due to a Facebook video she posted in which she speaks out against sexual harassment; whereas the prosecution alleges she has been "using the internet to call for terrorist acts"; whereas Amal Fathy's detention has been renewed multiple times since her detention; whereas there are serious concerns regarding her physical and mental health first voiced in July 2018 when she was deemed in urgent need of medical attention in Qanater women’s prison in Cairo;
- G. whereas Ismail al-Iskandarani, prominent journalist and one of the very few ones covering human rights violations in the Sinai, was detained in November 2015 upon his arrival in Egypt from Germany; whereas he was subsequently subjected to renewed detention periods of 45 days until 23 May 2018 when he was sentenced to ten years by a military court; whereas this is only one example of the crackdown on independent media within Egypt;
- H. whereas lawyer Ibrahim Metwally, co-founder of the Association of the Families of the Disappeared, has been arrested on his way to Geneva to attend a Human Rights Council session in September 2017, and has been held in pre-trial detention over charges of “communicating with foreign agents of several states”;
- I. whereas British student Muhammed Fathi Abulkasem was detained on arrival at Alexandria airport on 21 November 2018, after he took a photograph out of the window of aircraft which included a military helicopter; where Abulkasem is now charged with collecting intelligence and is subject to a secret military trial, where the chance of appeal is slim;
- J. whereas it is important that all necessary measures are taken to ensure that trials take place under conditions which genuinely afford the full guarantees stipulated in Article 14 of the International Covenant on Civil and Political Rights, to which Egypt is a State party;
- K. whereas avenues for peaceful political opposition were eliminated throughout the 2018 presidential election process, with a massive denial of Egyptian voters’ right to political participation;
- L. whereas companies based in several EU Member States have continued to export surveillance technology to Egypt facilitating hacking and malware as well as other forms of attacks on human rights defenders and civil society activists on social media; whereas this activity has led to the repression of freedom of expression online;

- M. whereas any detention that results from the exercise of the rights or freedoms guaranteed in international law, such as freedom of expression and freedom of assembly, is an arbitrary detention that is prohibited under international law;
- N. whereas there has been an ongoing state of emergency in Egypt, in place since April 2017 and extended for three months from 21 October 2018 onwards; whereas according to state media the state of emergency was introduced to help tackle the ‘dangers and funding of terrorism’; whereas the President and those acting on his behalf are granted the power to refer civilians to State Security Emergency Courts for the duration of the three-month period, which undercuts fundamental freedoms;
- O. whereas the UN High Commissioner for Human Rights Michelle Bachelet has criticised attempts to bestow immunity from prosecution for crimes allegedly committed by members of the security forces, which undermines the faith of the Egyptian people in the Government’s capacity to deliver justice for all;
- P. whereas the Counter-terrorism Law enacted in 2015 imposes the death penalty on anyone found guilty of setting up or leading a terrorist group, under 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’, and thus putting any civilian, including human rights defenders, at risk of being labelled a terrorist and being sentenced to death;
- Q. whereas since President al-Sisi came to power in Egypt in July 2013, Egyptian courts have recommended thousands of death sentences, including for at least 12 children; whereas during the same period, at least 144 executions were carried out; whereas the death penalty, particularly in mass trials, has frequently been applied against individuals exercising fundamental rights, including the right to assembly in support of democracy and human rights;
- R. whereas at the end of November, Egypt announced the establishment of a ‘High Permanent Commission for Human Rights’, reportedly in order to ‘respond to claims’ made against Egypt’s human rights record and ‘formulate a unified Egyptian vision’; whereas the main members of the Commission are representatives of the foreign and interior ministries, the military, and intelligence forces;
- S. whereas freedom of consciousness and religion is still severely restricted in Egypt; whereas it is still illegal for an Egyptian citizen to identify as atheist or non-religious; whereas, according to Human Rights Watch humanists and atheists are one of the country’s least-protected minorities;
- T. whereas, despite the constitutional recognition of the Coptic culture as a country’s “pillar”, the government continue to fail in protecting the lives of the people in danger, and the persecution of the Coptic Christians in Egypt has increased by around 10% in recent years as recorded by international institutions, religious communities and human rights associations; whereas the latest episode of terrorist attacks based on religious

prejudice happened this month with at least 7 people killed and 14 injured in the Minya region of Egypt;

U. whereas the EU-Egypt Association Council is due to take place on 20 December 2018; whereas a European Parliament DROI mission to Egypt has been scheduled prior to the meeting of the Council; whereas Egypt has not officially extended an invitation to the delegation showing little interest in engaging with the European Parliament regarding Human Rights;

V. whereas Egypt has gone through several difficult developments since the 2011 revolution and the international community is supporting the country in addressing its economic, political and security challenges; 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;

W. whereas the new 2017-2020 EU-Egypt Partnership Priorities adopted in July 2017 are guided by a shared commitment to the universal values of democracy, the rule of law and respect for human rights, and constitute a renewed framework for political engagement and enhanced cooperation, including on security, judicial reform and counter-terrorism, on a basis of due respect for human rights and fundamental freedoms; whereas the Subcommittee on Political Matters, Human Rights and Democracy of the Association Agreement between Egypt and the European Union held its fifth session in Cairo on 10 and 11 January 2018, addressing cooperation in the areas of human rights, democracy and the rule of law;

X. whereas the EU is Egypt's first economic partner and its main source of foreign investment; whereas EU bilateral assistance to Egypt under the European Neighbourhood Instrument for 2017-2020 amounts to around EUR 500 million; whereas on 21 August 2013 the Foreign Affairs Council tasked the High Representative to review EU assistance to Egypt; whereas the Council decided that the EU's cooperation with Egypt would be readjusted in accordance with developments on the ground;

1. Strongly condemns the continuous restrictions on fundamental democratic rights, notably freedom of expression both online and offline, association and assembly, political pluralism and the rule of law in Egypt; calls for an end to all acts of violence, incitement, hate speech, harassment, intimidation, enforced disappearances and censorship directed at political opponents, lawyers, protesters, journalists, bloggers, students, women's rights activists, civil society actors, LGBTI people, NGOs and minorities, by state authorities, security forces and services and other groups in Egypt; condemns the excessive use of violence against protesters; calls for those responsible to be held to account;
2. Calls for the immediate and unconditional release of all those detained for peacefully exercising their rights to freedom of expression, assembly and association, including those convicted in mass trials; 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, independent and transparent investigations into all human rights violations including any ill-treatment or torture allegations, such as long periods of solitary confinement which has reportedly been increasingly used against human rights defenders and activists;

3. Calls on the Egyptian authorities to drop all existing criminal investigations into NGOs and to repeal the draconian NGO law, in accordance with its domestic and international obligations to protect freedom of association;
4. Calls on the Egyptian Parliament to review Egypt's Criminal Code, Code of Criminal Procedure, counter-terrorism legislation and Military Code, and calls on the government to review the relevant decrees so as to ensure that civilians accused of crimes punishable by death are not referred to exceptional or military courts on any grounds, since such courts do not meet the fair trial standards endorsed by Egypt in its international rights commitments and guaranteed in its Constitution; calls on the Egyptian authorities to cease trying civilians in military courts;
5. Reiterates the fact that every Egyptian citizen should have the right to be tried by an impartial court and in full respect of the right to a fair trial for all defendants, without recourse to the death penalty; deplores the judicial system's failure to uphold the presumption of innocence and denounces the lengthy criminal procedures that often lead to prolonged periods in detention;
6. Condemns the extended use of security arguments to repress freedom of expression both online and offline and suppress the role of the media in promoting well-informed citizens;
7. Is extremely concerned about the harassment, intimidation and reprisals against individuals that collaborate with different UN bodies; condemns the attacks against individuals who met with or provided information to UN Special Rapporteur Ms. Farha and her delegation during their visit to Egypt in September 2018, including the forced eviction of a number of families from two communities, and the demolition of several houses, and residents made homeless; expresses its concern over the UN experts' view that Egypt is not ready to host further UN visits as it cannot ensure that human rights defenders and victims of human rights violations can interact with UN human rights envoys without fear of reprisal;
8. Expresses its serious concern at the mass trials by Egyptian courts and the large number of death sentences and long-term prison sentences handed down; calls on the Egyptian judicial authorities to cease applying the death penalty against individuals, including against those under the age of 18 at the time of their alleged offence, and 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;
9. Encourages Egypt to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, and the

UN International Convention for the Protection of All Persons from Enforced Disappearance;

10. Reiterates its commitment to freedom of conscience and religion in Egypt, and calls for the promotion of international collaboration, including an independent investigation by the United Nations to assess the situation of Coptic Christians in Egypt;
11. Reminds the Egyptian Government that the long-term prosperity of Egypt and its people goes hand in hand with the protection of universal human rights and the establishment and anchorage of democratic and transparent institutions that are engaged in protecting citizens' fundamental rights;
12. Supports the aspirations of the majority of Egyptian people who want to establish a free, stable, prosperous, inclusive, and democratic country which respects its national and international commitments on human rights and fundamental freedoms;
13. Sends its most sincere condolences to the families of victims of terrorism; stands in solidarity with the Egyptian people and reaffirms its commitment in fighting the spread of radical ideologies and terrorist groups;
14. Urges the Egyptian government to ensure all operations in Sinai are conducted in line with international human rights standards, to thoroughly investigate all abuses, to immediately open North Sinai to independent observers and journalists, to provide residents with essential needs and to allow independent relief organizations to provide aid for people in need;
15. Calls on the VP/HR to condemn the alarming Human Rights situation in Egypt including the use of the death penalty and urges the EEAS to address recent developments in Egypt, and to use all means of influence at their disposal to pressure Egypt to improve its human rights situation, stop imminent executions, call for the prompt release of those in detention and encourage the Egyptian authorities to respect their commitments to international norms and laws;
16. Regrets that Partnership Priorities were concluded with Egypt in 2017 despite continuous backsliding in the field of human rights, democracy and the rule of law and amidst of a 'torture epidemic' as documented by Human Rights Watch; urges the HR/VP and the Member States to make further cooperation with Egypt conditional human rights and to mainstream human rights concerns in all talks with Egyptian authorities, especially the three priorities established; reiterates that human rights are not subsidiary to migration management or counter-terrorism actions; strongly urges Egypt to therefore 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; reminds the Egyptian authorities that under the more for more principle EU funds distributed under the current European Neighbourhood Instrument can be cut and/or suspended in cases in which beneficiary countries do not adhere to fundamental rights and principles;

17. Strongly urges the HR/VP and the Member States to maintain a strong and unified position on human rights in the upcoming EU Association Council with Egypt scheduled for 20 December 2018, as it should in all human rights fora and in bilateral and multilateral meetings, and calls on the HR/VP and the Member States to raise serious concerns with the Egyptian authorities, articulate what concrete consequences the country shall face should it fail to revert its abusive trend;
18. Recalls its continued outrage at the torture and killing of the Italian researcher Giulio Regeni, notes the developments in his case, including the opening of investigations against suspects; stresses that it will continue to press the European authorities to engage with their Egyptian counterparts until the truth is established on this case and the perpetrators are held accountable; reminds the Egyptian authorities of their responsibility for the safety of the Italian and Egyptian legal team investigating the case of Giulio Regeni;
19. Calls on the EU to implement in full its export controls vis-à-vis Egypt, in particular with regard to goods that could be used for torture or capital punishment;
20. Expresses concern at the alarming rise of arms sales to Egypt by EU Member States, including to security bodies known for mass violations against civilians;
21. Reiterates its call for an EU-wide ban on export, sale, update and maintenance of any form of security equipment which can be or is used for internal repression, including Internet surveillance technology to states with a deplorable human rights record such as Egypt; Stresses the importance of the EU institutions' ongoing efforts to update the dual-use export control regulation and calls on the Council to rapidly establish an ambitious position in order to reach an agreement before the end of this legislative term;
22. Instructs its president to forward this resolution to the Council, the Commission, the VP/HR of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, and to the Egyptian government and parliament.