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*Plenary sitting*

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**B9-0427/2020**

15.12.2020

## **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 144 of the Rules of Procedure

on *The deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights (EIPR)* (2020/2912(RSP))

**Kati Piri, Pierfrancesco Majorino**

on behalf of the S&D Group

**B9-0427/2020**

**European Parliament resolution on The deteriorating situation of human rights in Egypt, in particular the case of the activists of the Egyptian Initiative for Personal Rights (EIPR) (2020/2912(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Egypt, in particular those of 24 October 2019, 13 December 2018, 10 March 2016 and 8 February 2015,
- having regard to European Parliament resolution of 17 September 2020 on Arms export: implementation of Common Position 2008/944/CFSP,
- having regard to Council Regulation (EU) 2020/1998 and to Council Decision (CFSP 2020/199 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses,
- having regard to DROI press statement of 23 November 2020 on the arrests of human rights defenders,
- having regard to the conclusions of the EU Foreign Affairs Council of 21 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 6th meeting of the EU-Egypt Subcommittee on Political Matters, Human Rights and Democracy in June 2019,
- having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,
- having regard to the Egypt country report of the EU Annual Report on Human Rights and Democracy in the World 2019 adopted by the Council of the European Union on 15 June 2020,
- having regard to the UN Human Rights Council Universal Periodic Review of Egypt of 2019-2020,
- having regard to the EEAS statements by the Spokesperson of 21 November 2020 on recent arrests of human rights activists in Egypt, 24 November 2019 on the raid of Mada Masr media and 24 April 2019 on the constitutional amendments in Egypt,

- having regard to the statement by the President of the European Parliament, ‘EP-President Sassoli calls for immediate release of Patrick Zaky’, of 12 February 2020,
  - having regard to the statement by the Spokesperson for the UN High Commissioner for Human Rights of 20 November 2020 on the detention of human rights defenders 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 UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings of 13 May 2020 and OHCHR press briefing of 3 April 2020 on Egypt,
  - having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1985, the Convention on the Rights of the Child of 1989, and the Arab Charter on Human Rights of 2004, which have been ratified by Egypt,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a party,
  - having regard to the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) of 2015,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the EU 2020-24 Action Plan on Human Rights and Democracy,
  - having regard to Rules 144 of its Rules of Procedure.
- A. Whereas the human rights situation in Egypt has sharply deteriorated since September 2019 in response to anti-government demonstrations protesting austerity measures, endemic government corruption, high cost of living and systematic repression; whereas since the beginning of the demonstrations, more than 4.000 citizens have been arbitrarily detained, including several human rights defenders under grave charges including “joining an illegal organisation”; whereas an estimated 60,000 people are imprisoned in Egypt on political grounds;
- B. Whereas this is part of a larger crackdown on civil society and fundamental democratic rights in Egypt, notably on freedoms of expression both online and offline, of association and assembly, political pluralism, the right to participation in public affairs and the rule of law;
- C. Whereas human rights lawyers, journalists, activists and members of the opposition have been jailed under grave charges including terrorism-related ones, “joining an illegal organisation, “demonstration without a permit,” and “spreading false news”; whereas peaceful dissenters, pro-democracy activists and human rights defenders are put at risk as they are labelled as terrorists; whereas these arrests are solely motivated by their peaceful

and legitimate work in defence of human rights, or doing their work as journalists, or attempting to exercise the right to peaceful political participation; whereas illegal digital surveillance is conducted on their work, their social media accounts and personal devices;

- D. Whereas enforced disappearances of human rights defenders and journalists have become a systematic practice of the Egyptian authorities, before most re-appear in the hands of the State Prosecution, such as Alaa Abdel-Fattah, Ibrahim Ezz El-Din, Asmaa Daabes, Esraa Abdel Fattah, Solafa Magdy, Hossam el-Sayyad, Mohamed Ibrahim, Abdelrahman Tarek, Ezzat Ghoneim, Haytham Mohamadeen, and Ibrahim Metwally Hegazy;
- E. Whereas pre-trial preventive detention and precautionary measures are being used punitively in order to prevent human rights defenders and their lawyers, such as Mahienour El-Masry, Patrick George Zaki, Mohamed El-Baquer, Esraa Abdel Fattah, Mohamed Ramadan and Ramy Shaath, from carrying out their legitimate human rights work in Egypt; whereas probationary measures are excessively used to punish those who have served their prison terms as in the case of photojournalist Mahmoud Abu Zeid (Shawkan); whereas human rights defenders already in detention, including Mohamed al-Baquer, Ramy Shaath, Zyad al-Elaimy and Alaa Abdelfattah have arbitrarily been added to Egypt's "terrorist list" in 2020 without due process or evidence of the allegations on which the decision was based;
- F. Whereas grave violations of the right to life continue in Egypt, notably through the judiciary, which has issued and implemented an unprecedentedly high number of death sentences against many individuals -even sentencing children- including following military and mass trials that lacked the minimum guarantees for fair trials; whereas more than 110 people have been executed in 2020, with 66 of these executions having taken place since 3 October, and at least 40 persons are at imminent risk of execution, including Wael Tawadros, known as Father Isaiah, sentenced to death following a grossly unfair trial, and a conviction based on his torture-tainted 'confessions'; whereas at least 17 juveniles have received death sentences since 2011;
- G. Whereas the situation in Egypt's overcrowded and unsanitary places of detention put detainees at increased risk of transmission of COVID-19; whereas there are serious reports of systematic ill-treatment, as well as deprivation of food, medicine, and medical care, including urgently needed cancer treatment and psychiatric medications while the detainees are in custody; whereas the Egyptian government has placed additional restrictions on the prison population, limiting access to prisoners, withdrawing the right to receive letters, books and media print, restricting critical information from being shared with families, and renewing detention periods without proper hearings; whereas a 24 August 2020 UN Special Procedures joint statement states that lengthy and unnecessary pre-trial detention of scores of Egyptian human rights defenders is putting them at grave and unnecessary risk during the COVID-19 pandemic; whereas arbitrary arrests, harassment and repression of medical workers and journalists for speaking out about the COVID-19 situation or the State response have also been recorded;
- H. Whereas no serious investigations have been launched into the many recent torture reports and allegations, including against recently arrested human rights defenders, and due process for victims of torture is still absent;
- I. Whereas in November 2020, Egyptian security forces arrested three senior employees of

the human rights organisation Egyptian Initiative for Personal Rights (EIPR), Mohammed Basheer, Kareem Ennarah and Gasser Abdel El Razek; whereas Mohammed Basheer, Kareem Ennarah and Gasser Abed El Razek were charged with membership of a terrorist organisation, funding terrorism and ‘spreading false news’ that undermined public security;

- J. Whereas, on 3 November 2020, EIPR hosted a meeting with ambassadors of EU Member States, representatives of the European Commission, and other diplomats on the human rights situation in the country; whereas Mohammed Basheer was subjected to questioning in regard to this meeting;
- K. Whereas, following national and international expressions of concern, including from the Office of the UN High Commissioner for Human Rights, the spokesperson of the VPC/HR and EU Member States, Mohammed Basheer, Kareem Ennarah and Gasser Abed El Razek were released on bail on 3 December 2020; whereas the charges against them were not dropped;
- L. Whereas restrictive measures against them, including asset freezes were upheld on 6 December in spite of their release three days prior; whereas the fact that the judge in their case refused their legal representation during the hearing on their asset freezes of 1 December represents a blatant violation of their right to a fair trial;
- M. Whereas the crackdown on EIPR has started since 2016, when the bank accounts of former EIPR director and founder Hossam Bahgat were frozen and he was banned from leaving the country;
- N. Whereas on 7 February 2020, EIPR gender rights researcher and postgraduate student at Italy’s University of Bologna, Patrick George Zaki, was arbitrarily arrested at Cairo International Airport; whereas, according to his lawyer, Patrick George Zaki was subjected to a 17-hour interrogation by Egypt’s National Security Agency before being transferred to Mansoura, where he was beaten and tortured with electric shocks; whereas Patrick George Zaki was charged among others with subversive propaganda, incitement to protest, and instigation to terrorism; whereas, while his health situation puts him at particular risk of contracting COVID-19 in Tora Prison, Patrick George Zaki’s pre-trial detention has continuously been extended for the past 10 months; whereas the President of the European Parliament has requested Zaki’s immediate release;
- O. Whereas many human rights activists are subject to repressive measures; whereas several NGOs named in case 173/2011 (the “Foreign Funding Case”) have suffered asphyxiating asset freezes and travel bans; whereas the Cairo Appeals Court on 5 December 2020 ordered the closing of the investigation against some NGOs, excluding the most prominent independent rights NGOs, who remain charged and whose staff remain subject to various asset freezes and travel bans measures;
- P. Whereas there has been an ongoing state of emergency in Egypt, in place since 10 April 2017 and extended for three monthly periods from 13 times, most recently on 26 October 2020; whereas according to state media the state of emergency was introduced to help tackle the ‘dangers and funding of terrorism’; whereas the state of emergency allows for the restriction of the freedom of assembly, movement and expression, as well as for arbitrary arrest and prolonged pre-trial detention;

- Q. Whereas, under the state of emergency and Decree No. 2165/2017, 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 renewable three-month period; whereas the legal process implemented by these Courts violates detainees' right to a fair trial, right to liberty and other rights beyond the power of derogation accorded to them under the State of Emergency;
- R. Whereas Egypt received strong recommendations in the framework of the UN Universal Periodic Review (UPR) process adopted in March 2020, including on upholding its domestic legislative and constitutional human rights guarantees, particularly in the context of counterterrorism, investigating excessive use of force by security forces during demonstrations, and criminalizing all forms of sexual and gender-based violence; whereas the UPR concluded without meaningful engagement from Egypt; whereas Egypt rejected key recommendations among others on critically important human rights issues, including establishing a moratorium on the application of the death penalty with a view to abolishing it and ending brutal crackdowns on peaceful dissent and restrictions on freedom of assembly;
- S. Whereas with unequivocal and significant evidences the Italian persecutor's office has formally accused four Egyptian state security officers, General Tariq Sabir, Colonels Athar Kamel Mohamed Ibrahim and Uhsam Helmi and Mjor Magdi Ibrahim Abdelal Sharif, for the kidnap, torture and murder of Giulio Regeni; whereas the Egyptian authorities have tried to mislead and hindered progress in investigating and rejected the requests of the Italian prosecutor's office to provide information on the agents involved in the disappearance and death of Regeni;
- T. Whereas the 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 European efforts to engage Egypt to address the severest aspects of human rights violations have not yielded perceptible results;
- U. Whereas the EU Foreign Affairs Council conclusions of 21 August 2013 stated that 'Member States also agreed to suspend export licenses to Egypt of any equipment which might be used for internal repression and to reassess export licenses of equipment covered by Common Position 2008/944/CFSP and review their security assistance with Egypt'; whereas companies based in several EU Member States have continued to export arms, surveillance technology and other security equipment to Egypt, thus facilitating hacking and malware as well as other forms of attacks on human rights defenders and civil society activists, both physically and online; whereas this activity has facilitated the repression of freedom of expression online;
- V. Whereas the Foreign Affairs Council has to date failed to issue an implementing act following the conclusions and the persistent non-compliance of EU Member States with these commitments;

1. Deplores 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 solely as a response to their exercise of their fundamental freedoms or their expression of dissent;
2. Strongly condemns the arrests of senior employees of the human rights organisation Egyptian Initiative for Personal Rights (EIPR), Mohammed Basheer, Kareem Ennarah and Gasser Abed El Razek that appear to have been carried out as retaliation for a meeting EIPR held with EU ambassadors and other diplomats on the human rights situation in the country; welcomes the provisional release of these human rights defenders; urges the authorities to withdraw all charges against them and Hossam Bahgat, EIPR founder, and revoke all the restrictive measures, including travel bans and asset freezes, that have been adopted;
3. Regrets that the decision for their release was not extended to other EIPR detainees, in particular Patrick George Zaki, whose detention order was prolonged on 6 December for 45 days; calls for Patrick George Zaki's immediate and unconditional release and for all charges against him to be dropped; considers it necessary a strong, swift and coordinated EU diplomatic reaction to his arrest and prolonged detention;
4. Strongly condemns the systematic enforced disappearance and arbitrary detention of human rights defenders in Egypt; is dismayed at the credible reports of instances of torture; calls on the Egyptian authorities to immediately and unconditionally release all human rights defenders, human rights lawyers and activists detained or sentenced merely for carrying out their legitimate and peaceful human rights work, including Mohamed Ramadan, Ezzat Ghoneim, Haytham Mohamadeen, Ibrahim Metwally Hegazy, Mahienour El-Massry, Mohamed El-Baqer, Hoda Abdelmoniem, Zyad el-Elaimy, Patrick Zaki, Ibrahim Ezz El-Din, Ramy Kamel, Alaa Abdel Fattah, Abdelrahman Tarek, Ramy Shaath, Ahmed Amasha, Hassan Barbary and Sanaa Seif;
5. Is concerned about the ongoing restriction on civil liberties, including restrictions on freedom of expression and assembly and the erosion of media freedom in Egypt; emphasises that, under the ICCPR, any state of emergency must be strictly limited in content, scope, geographic reach and time, in proportion to the specific emergency; expresses concern that Egypt returns to a renewed continuous and disproportionate state of emergency; calls on the Egyptian authorities to repeal Decree No. 2165/2017, to ensure no derogation of any of the human rights under article 4(2) of the ICCPR takes place under any state of emergency in line with Egypt's commitments under international law, and to replace the nationwide state of emergency with proportionate measures following its expiration on 26 January 2021;
6. Reiterates its call on the Egyptian government to guarantee that local and international media workers and organisations can operate freely, without government interference; urges the authorities to cease the blocking of news and human rights organisations' websites and release without delay all media workers that have been detained or sentenced for peacefully doing their work or expressing their opinion, including Mohamed Ibrahim, Esraa Abdel Fattah, Solafa Magdy, Hossam al-Sayyad, Kamal El-Balshy, Islam El-Kalhy, Mahmoud Hussein;

7. Condemns the Egyptian authorities' apparent targeting of human rights defenders who maintain ties with representatives of the European Union and its Member States; welcomes the efforts of the VPC/HR, the EEAS, Member States and the European Union Delegation to Egypt in support of the release of Mohammed Basheer, Kareem Ennarah and Gasser Abed El Razek; calls on the VPC/HR, the EEAS, the Member States and the European Union Delegation to Egypt to ensure the greatest possible extent of safety and security for the human rights defenders with whom they collaborate;
8. Stresses the importance of the separation of powers as a fundamental principle of democracy and that the judiciary cannot be used as an instrument of political persecution and repression; calls on the Egyptian judiciary to ensure that all court proceedings in the country meet the requirements of free and fair trial, including clear charges and the right to legal assistance;
9. Denounces the systematic and arbitrary use of pre-trial detention for repressing dissent; underlines that this practice is particularly used against human rights defenders, lawyers and journalists, without the minimum guarantees for fair trials;
10. Emphasises that the treatment of all detainees, including human rights defenders, while in detention, must adhere to the conditions set out in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by means of UN General Assembly Resolution 43/173 of 9 December 1988;
11. Calls for an end to all acts of violence, incitement, hate speech, harassment, intimidation, enforced disappearances and censorship directed at human rights defenders, lawyers, protesters, journalists, bloggers, trade unionists, students, women's rights activists, LGBTI people, civil society organisations, political opponents and religious minorities, nubian and other ethnic minorities, by state authorities, security forces and services and any other groups in Egypt; calls for an independent and transparent investigation into all human rights violations and for those responsible to be held to account;
12. Deplores in particular the arrest of women and members of the LGBTI community, including over "indecentcy", "violating family principles and values" and "debauchery" charges; calls on the authorities to end the practise of arresting and prosecuting women for posting videos on social media platforms on "morality" charges, as the female human rights defender Amal Fathy who has been sentenced to two years in prison for a video depicting sexual harassment, ensure that rape survivors and witness are protected, including from arbitrary prosecution and detention; is deeply worried about the arrest of Seif Bedour, inside a police station where he had gone to assist a friend, for allegedly engaging in same-sex conduct, following an illegal search on his phone's photos; highlights that similar actions send a disturbing message to the Egyptian society that persons who voluntarily go to a police station to assist others may be arrested for their alleged sexual orientation; calls the authorities to immediately end the arrest and prosecution of members of the LGBTI community solely on the basis of their real or perceived sexual orientation;
13. Expresses grave concern at the reprisals against persons who cooperate or seek to cooperate with international rights organisations or United Nations human rights bodies; welcomes the Cairo Appeals Court decision of 5 December 2020 to close the case 173/2011 (Foreign



Funding Case) for some NGOs and calls the authorities to expand the decision for all human rights defenders and staff members of human rights NGOs affected by the case and lift all travel bans and asset freezes imposed against them; deplores the fact that many human rights defenders based in Egypt were not allowed to travel and participate in person in Egypt's Universal Periodic Review on 13 November 2019 before the UNHRC;

14. Reiterates its call for the repeal of the 2019 NGO law and the introduction of a new legislation prepared in consultation with civil society organisations and in conformation with the Egyptian Constitution and international standards;
15. Calls once again the Egyptian authorities to repeal or amend the counterterrorism law, which is the legal basis for the establishment of special terrorism circuits in the criminal court system, as well as Law 136 of 2014 on the protection of public facilities, which allows for the military trial of civilians for a vast range of offences; stresses the need to refer all civilian cases still pending before these tribunals to the competent civil court, and retry any civilians convicted by military courts in the competent civil court;
16. Deplores the attempt of Egyptian authorities to mislead and hinder progress in investigating for the kidnapping, torture and murder in 2016 of Giulio Regeni, an Italian researcher; regrets their persistent refusal by the Egyptian authorities to provide to the Italian authorities with all the documents and information necessary to enable a swift, transparent and impartial investigation into the murder of Mr Regeni in accordance with Egypt's international obligations; calls on the EU and the Member States to urge the Egyptian authorities to fully cooperate with Italian juridical authorities, putting an end to their refusal to send residence addresses - as required by Italian law - of the four suspects indicated by the Rome Prosecution, General Tariq Sabir, Colonels Athar Kamel Mohamed Ibrahim and Uhsam Helmi and Mjor Magdi Ibrahim Abdelal Sharif, upon closing the investigation, in order to allow for their formal indictment to face charges in a fair trial in Italy;
17. Recalls that pursuant to international human rights law, Egypt is under a duty to prosecute or extradite those against whom there is sufficient evidence of torture, and that any prosecution would need to be effective, fair and independent; regrets that there is little evidence of that being possible in Egypt at present;
18. Expresses a strong political and human support to the family of Giulio Regeni for their constant and dignified search for the truth; recalls that the search for the truth about the kidnapping, torture and murder of a European citizen does not belong to the family alone, but is an imperative duty for national and European institutions that requires to take all necessary diplomatic actions and consequences;
19. Urges the Egyptian authorities to enact an immediate moratorium on executions with a view to abolishing the use of the death penalty in Egypt and to conduct a full review of all death sentences recommended by Egyptian courts where the individual may have been under 18 years of age at the time of the alleged offence or the individual's rights to a fair trial or to be free from torture were breached; calls on Egypt to immediately release all juveniles who have received death sentences and amend the Article 122 of the Child Law; reiterates its call on 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;

20. Calls on the HR/VP and the Member States to respond in a unified and resolute manner to the current crackdown and human rights violations in Egypt; reminds the HR/VP and the Member States of their obligation 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 arbitrarily deprived of liberty and urges the Egyptian authorities to respect their obligations under international law;
21. Welcomes the adoption by the Council of the EU Global Human Rights Sanctions Regime; Calls on the HR/VP and the Member States to impose targeted restrictive measures on high-level Egyptian officials responsible for the most serious human rights violations in the country;
22. Urges the EU and its Member States to take the lead at the upcoming session of the UN Human Rights Council to create a long overdue monitoring and reporting mechanism on grave human rights violations in Egypt;
23. Encourages representatives of the EU Delegation and the EU Member States in Cairo to attend the trials of Egyptian and foreign journalists, bloggers, trade unionists, human rights defenders and civil society activists in the country;
24. Strongly urges the Egyptian authorities to respect the commitments made in the context of the 2017-2020 EU-Egypt Partnership Priorities and emphasises the need for their full and proper implementation; in view of the negotiation of the new partnership priorities, calls on the EU to establish clear benchmarks making further cooperation with Egypt's strictly conditional on its progress in the reform of its democratic institutions, the rule of law and human rights, and to mainstream human rights concerns in all talks with the Egyptian authorities, while also preserving existing conditionality on human rights for its assistance to Egypt; reiterates that human rights should not be undermined by migration management or counter-terrorism actions and that any agreement should comply with international human rights standards and ensure adequate levels of transparency and accountability;
25. Deplores that despite the ongoing repression and crackdown on fundamental rights in Egypt, Member States are still supporting President al-Sisi's government politically and financially, thus legitimising the violations and contributing to the spreading of the culture impunity inside and outside the country;
26. Considers that any financial support provided by the EU to Egypt, directly or indirectly, should be conditioned to an ex ante human rights impact assessments; Calls on the EU and the Member States represented on the Board of the European Bank for Reconstruction and Development (EBRD) to ensure that during its upcoming country strategy review, the Bank ensures that its future and current funding programs contribute to promoting human rights benchmarks in Egypt; calls on the EEAS and the European Commission to ask the European Investment Bank to also review its funding policy to Egypt accordingly;
27. Reiterates its recent calls on the EU Member States to follow up on their 21 August 2013 Foreign Affairs Council Conclusions announcing the suspension of export licences for any equipment which might be used for internal repression in line with Common Position 2008/944/CFSP and condemns the persistent non-compliance of EU Member States with

these commitments; calls on the Member States to halt all exports of arms, surveillance technology and other security equipment to Egypt that can facilitate attacks on human rights defenders and civil society activists, including on social media, as well as any other kind of internal repression; calls on the EU to implement in full its export controls vis-à-vis Egypt with regard to goods that could be used for repression, torture or capital punishment; regrets that despite its calls no concrete action has been taken by Member States;

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, and the President of the Arab Republic of Egypt.