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Freedom of expression and assembly in Egypt

Greens/EFA motion for resolution

Tabled by Judith Sargentini, Tamás Meszerics, Michel Reimon, Klaus Buchner, Barbara Lochbihler, Ernest Urtasun, Margrete Auken, Ernest Maragall on behalf of the Greens/EFA Group

For a debate on cases of breaches of human rights, democracy and the rule of law

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular of 4 February 2014,

- having regard to the Foreign Affairs Council conclusions on Egypt of 21 August 2013 and 10 February 2014,

- having regard to the recent statements by EU High Representative Catherine Ashton on Egypt, including of 23 June 2014,

- having regard to the EU-Egypt Association Agreement and the EU-Egypt ENP Action Plan,

- having regard to the EU Guidelines on Freedom of Expression and on Human Rights Defenders,

- having regard to the recent statements on Egypt by the UN High Commissioner for Human Rights and the Spokesperson for the UN Secretary-General,

- having regard to the Constitution of Egypt, notably articles 65 (freedom of thought and expression), 70 (freedom of the press), 73 (freedom of assembly) and 75 (freedom of assembly),

- having regard to the Egyptian Law 107 of 2013 on Regulating the Right to Public Gatherings, Processions and Peaceful Protests,

- having regard to the International Covenant on Civil and Political Rights, which Egypt ratified in 1982,

- having regard to Rule 135 of its Rules of Procedure,

A. Whereas freedom of expression and freedom of assembly are indispensable pillars of a democratic and pluralistic society; whereas the trampling of these fundamental freedoms under the Mubarak era was a determining factor in the popular overthrow of the regime in February 2011; whereas the Egyptian Constitution adopted in 2014 incontestably enshrines fundamental freedoms, including freedom of expression and assembly;

B. Whereas since the military coup in June 2013, the Egyptian authorities have engaged in a repression on a scale unprecedented in the country's modern history, according to Amnesty International and Human Rights Watch;

C. Whereas according to government figures, at least 22,000 people have been arrested since July 2013 by security forces; whereas many of those have been detained solely in relation to peaceful protest activities;

D. Whereas thousands of perceived members and supporters of the Muslim Brotherhood, including its entire leadership and ousted President Morsi, have been arrested and hundreds charged and have received death sentences, including after mass trials, or heavy prison sentences after judicial proceedings, which blatantly failed to meet with basic fair trial standards;

E. Whereas an estimated 1,400 protestors have been killed as a result of excessive and arbitrary use of force by security forces since July 2013; whereas on 14 August 2013, around 1,000 protestors were killed during the violent dispersal of pro-Morsi sit-ins in Raba'a al-Adawiya and al-Nahda Squares; whereas not a single security official has been held accountable for such acts or other abuses against protestors over the past year; whereas the fact-finding committee established in December 2013 is widely seen to have failed to provide a thorough, credible and impartial investigation into the violent incidents since July 2013;

F. Whereas the new Assembly law, adopted on 24 November 2013, was criticised for imposing severe restrictions on the right to peaceful assembly and freedom of expression, notably by granting the Ministry of Interior wide discretion to ban and to disperse protests and to arrest demonstrators;

G. Whereas a large number of human rights defenders, opposition figures and youth activists have been arbitrarily arrested, charged and sentenced in relation to their peaceful activities on the basis of the new Assembly Law; whereas prominent activists, such as the blogger Ahmed Douma, the April 6 leaders Mohamed Adel and Ahmed Maher, and the human rights lawyer Mahinoor El-Masry have been sentenced to three years in jail for allegedly violating this new law; whereas blogger Alaa Abd El Fattah and 24 other defendants were sentenced on 11 June to a 15-year prison term for protesting without authorisation; whereas human rights defenders Yara Sallam and Sanaa Ahmed Seif and 20 other persons have been arrested and charged in relation to a demonstration against the Assembly law in Cairo on 21 June; whereas in all these cases, the judicial proceedings were widely denounced as politically motivated and marred by substantial procedural shortcomings;

H. Whereas academics, such as Amr Hamzay and Emad Shahin, have been targeted in relation to their exercise of their right to free expression; whereas university students have been arrested and heavily sanctioned for participating in peaceful protests on university campuses, such as Abrar Al-Anany and Menatalla Moustafa who were sentenced to two years in prison for their involvement in a protest at Mansoura University in November 2013; whereas in June 2014, human rights activist Karam Saber was sentenced to five years in prison for writing a book deemed to show contempt for religion;

I. Whereas Egyptian female activists are in a particularly vulnerable situation and are often subject to violence, sexual assaults and other forms of degrading treatment in relation to their peaceful activities;

J. Whereas Egyptian civil society organizations have recently expressed their deep concern about the latest draft NGO law, which would impose complete control over civic groups and subordinate them to security and administrative bodies and allow for sentencing of human rights defenders;

K. Whereas on 23 June 2014, Al-Jazeera journalists Mohamed Fadel Fahmy, Peter Greste, and Baher Mohamed were sentenced to between seven and 10 years in prison on charges of reporting “false news” and conspiring with the Muslim Brotherhood; whereas three other Al Jazeera journalists - Sue Turton, Dominic Kane, and Rena Netjes- were sentenced to 10 years in absentia; whereas the UN High Commissioner for Human Rights, Navi Pillay, has denounced these legal proceedings as “rife with procedural irregularities and in breach of international human rights law”; whereas President al-Sisi was reported to have said that the verdict "had very negative effects" and to have wished the journalists were deported right after their arrest instead of being put on trial; whereas at least 14 other journalists are currently in jail, placing the country among the world's worst repressors, according to the Committee for the Protection of Journalists;

L. Whereas the Egyptian government recently announced substantial rises in fuel and electricity prices and tax increases on tobacco and alcohol as part of a reform plan to reduce the budget deficit; whereas the government cuts include the halving of subsidies for medicine and children's dairy products, yet provide for an increase of 28% for the military and the judiciary; whereas the prices of commodities, notably foodstuffs, have sharply risen in relation to these measures;

M. Whereas the EU is Egypt's first economic partner and its main source of foreign investment; whereas in line with its revised European Neighbourhood Policy after the Arab Spring and notably the "more for more" approach, the EU's level and scope of engagement with Egypt is dependent on progress with regard to the country's respect of its commitments on democracy, rule of law and human rights; 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 according to developments on the ground;

N. Whereas the conditions for the deployment of an EU Election Observation Mission include that political parties and individual candidates must enjoy their legitimate right to take part in the election; that there must be freedom of expression, allowing possible criticism of the incumbent government and the right to free movement and assembly; that all contesting parties and candidates must have reasonable access to the media;

1. Expresses its profound dismay to witness over the past year an unrelenting assault by the Egyptian authorities on human rights, notably on freedoms of expression, association and assembly, which were among the core aspirations of the Egyptian people in their successful overthrow of President Mubarak in February 2011;

2. Denounces the police and military brutality, the harassment, the mass arrests, and the sham criminal proceedings against hundreds of individuals - journalists, human rights defenders, intellectuals and opposition activists alike - solely as a response to their peaceful exercise of their fundamental freedoms of assembly and expression; calls on the Egyptian authorities to strictly uphold the unequivocal constitutional guarantees in relation to these freedoms;

3. Calls for the immediate and unconditional release of all persons detained solely for exercising their right to freedom of expression and peaceful assembly, including human rights defenders Yara Sallam and Sanaa Ahmed Seif; calls for the immediate release of human rights activist Alaa Abd El Fattah and human rights lawyer Mahinour El-Masry and the overturning of their heavy prison sentences; calls on the authorities to annul the baseless ban against the April 6 Youth Movement and the sentences against the organization's activists, including Ahmed Maher and Mohamed Adel; denounces the raids against the NGO Egyptian Centre for Economic and Social Rights and the arrests and sentencing of several of its members; calls on the Egyptian authorities to stop prosecuting individuals on the basis of blasphemy laws and to annul the sentence against Karam Saber;

4. Is gravely concerned by the systematic abuse of the judiciary as a tool of the Egyptian regime to stifle any form of dissent in the country; urges the Egyptian authorities to strictly uphold the independence of the judiciary, to effectively guarantee the right to a fair trial in line with the Constitution and international standards and to put an end to civilians being tried in military courts;

5. Expresses its absolute abhorrence of the handing down of mass death sentences against supporters of the Muslim Brotherhood, after shockingly unfair trials; calls for these sentences to be annulled and for the defendants to be guaranteed a fair re-trial, as well as for the enforcement of a moratorium on death sentences with a view to the abolition of this cruel and inhuman form of justice; reiterates the EU's strong and principled position against the death penalty;

6. Expresses its profound preoccupation with the severe deterioration of the media environment; calls on the Egyptian President to act on his own public misgivings about the verdict against the Al Jazeera journalists sentenced on 23 June 2014, and to annul the sentencing of these journalists, as well as that against all media professionals and bloggers convicted for merely carrying out their legitimate activities;

7. Denounces the repressive, public assembly law which has been used on numerous occasions to ban any protest, to forcibly disperse and to arrest demonstrators; urges the Egyptian authorities to annul or amend this law to bring it in line with international human rights standards;

8. Condemns the mass, unlawful killing of protestors, notably members and supporters of the Muslim Brotherhood, by the Egyptian security forces over the past year; calls on the Egyptian authorities to order security forces to apply force against demonstrators strictly in line with international standards of proportionality and necessity; deplores the climate of total impunity for security officers responsible for repeated use of excessive force and other serious abuses over the past year;

9. Expresses concern at the reported plans to carry out indiscriminate mass surveillance of social media in Egypt, which would directly contradict the new Constitution which enshrines the right to privacy; deplores in this regard that the mass surveillance programmes of the USA National Security Agency, with the active complicity of certain EU Member States, as revealed by US whistle-blower Edward Snowden, contribute to encouraging third countries such as Egypt to engage in such illegal practices;

10. Expresses its concern at the reports of a rise in the cases of arrests and heavy prison sentences against persons based on their sexual orientation; calls on Egyptian authorities to stop the hate campaign against LGBT people; urges Egyptian authorities to cease criminalizing LGBT people using the 'debauchery law' and release all LGBT people arrested and imprisoned under this law;

11. Expresses concern at the reports of a strongly restrictive draft NGO bill and urges the authorities to ensure that the future legislation complies with the constitutional guarantees on freedom of association;

12. Is concerned that recent measures, in a context of ever-increasing poverty, to cut subsidies on basic commodities while substantially increasing the budget allocation to the military, are bound to negatively affect the most vulnerable and fuel public discontent and lead to further protests;

13. Stresses that the unprecedented level of repression in Egypt warrants a profound review of the EU's policy towards Egypt and the swift adoption of Foreign Affairs Council conclusions, which contain practical and meaningful measures in response to the situation in the country;

14. Is dismayed by the demure public reaction by the EU High Representative for Foreign Affairs and the EU Member States to the string of outrageous rulings against human rights defenders, which falls short of the EU's commitments, notably under the EU Guidelines on Human Rights Defenders, and can only be seen in Cairo as an endorsement of the ongoing spiral of repression; expects the EU, notably the HR/VP and the EU Delegation in Cairo, to step up its public response to further assaults by the Egyptian regime against human rights defenders and other voices of dissent, to support those at risk or in detention and to monitor their trials in a comprehensive manner;

15. Calls on the EU to adopt a list of Egyptian prisoners of conscience, whose fate will serve as a yardstick against which to determine the future of EU-Egypt relations;

16. Bearing in mind the recent, swift EU response to the brutal repression of protestors in another country in the European Neighbourhood, Ukraine, calls on the EU Member States to adopt targeted sanctions including asset freeze and visa ban against those responsible for human rights violations, violence and use of excessive force in Egypt;

17. Calls for an EU wide ban on export of any form of security equipment and military aid to Egypt, which could be used to suppress peaceful protest;

18. Calls on the High Representative to clarify the specific measures which were taken in response to the decisions of the EU Foreign Affairs Council to review EU assistance to Egypt; requests in particular a clarification of the status of i) the planned Justice Reform programme, ii) the EU budget support programmes, iii) the Trade and Domestic Enhancement Programme; iv) Egypt's participation in EU regional programmes such as Euromed Police and Euromed Justice;

19. Calls for an immediate suspension of all engagement with Egyptian authorities in relation to trade facilitation, including a freeze on the trade sustainability impact assessment in support of the envisaged

20. Expresses serious doubts with regards the fairness, inclusiveness and credibility of the forthcoming parliamentary elections in a context of continued restrictions on basic freedoms and a recently revised electoral framework which has been widely criticized as failing to meet international democratic standards; requests that, in case the EU receives an invitation to observe these elections, the HR/VP reports to Parliament on its assessment on the advisability, usefulness and feasibility of an EU observation mission, prior to taking a decision;

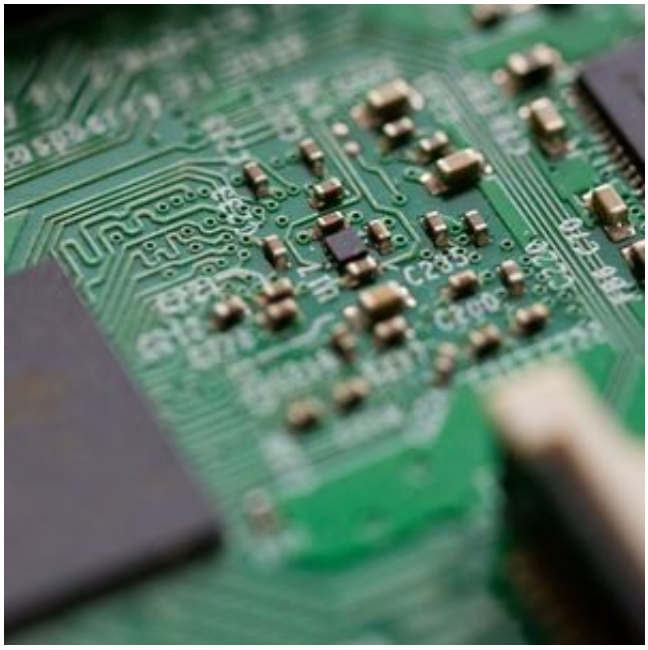
21. Expects the HR/VP to muster EU support in favour of a resolution on the situation in Egypt at the next session of the UN Human Rights Council, which would inter alia initiate an international investigation into the killings of protestors and allegations of torture and ill-treatment by security forces over the past year;

22. 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 and Government of the Arab Republic of Egypt.

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