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Situation in Egypt

Greens/EFA motion for resolution

Tabled by Judith Sargentini, Igor Šoltes, Ernest Urtasun, Davor Škrlec, Barbara Lochbihler, Alyn Smith, Molly Scott Cato, Eva Joly, Bodil Ceballos, Pascal Durand, Bart Staes, Ernest Maragall, on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular of 14 July 2014,
- having regard to the EU Foreign Affairs Council conclusions on Egypt of August 2013 and February 2014,
- having regard to the recent statements by the European External Action Service on Egypt, including on the court rulings of 3 December 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, and the EU Guidelines to promote and protect the enjoyment of all Human Rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons,
- having regard to the Universal Periodic Review of Egypt by the UN Human Rights Council on 5 November 2014,
- having regard to the Constitution of Egypt, notably articles 65 (freedom of thought and expression), 70 (freedom of the press), 73 (freedom of House), 75 (right to establish associations) and 93 (binding character of international human rights law),
- having regard to the Egyptian Law 107 of 2013 on Regulating the Right to Public Gatherings, Processions and Peaceful Protests,
- having regard to the presidential decree, Law 136 of 2014, which places all ‘public and vital facilities’ under military jurisdiction for two years,

- having regard to the African Charter on Human and Peoples' Rights,
- having regard to the International Covenant on Civil and Political Rights, which Egypt ratified in 1982,
- having regard to the Human Rights Watch report, All According to Plan, the Rab'a Massacre and Mass Killings of Protestors in Egypt, of 12 August 2014,
- having regard to Rule 123(2) of its Rules of Procedure,

A. whereas freedom of expression, freedom of association 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 fundamental freedoms are incontestably enshrined in the Egyptian Constitution adopted in 2014;

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; whereas the situation of human rights in Egypt has steadily deteriorated across the board under the leadership of President Abdel Fattah al-Sisi;

C. whereas an estimated 41,000 people have reportedly been arrested since the military coup of July 2013; whereas many of those have been detained solely in relation to peaceful protest activities or for simply voicing dissent;

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; whereas on 2 December 2014, an Egyptian criminal court handed down provisional death sentences against 188 defendants for their alleged participation in an attack on a police station in August 2013;

E. whereas a presidential decree issued in October 2014 has provided the basis for the referral of hundreds of civilians to military courts, including with retroactive effect; whereas military courts are under the authority of the Defense ministry and do not differentiate in their treatment of children and adults;

F. 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, including on 2 January 2015, when security forces shot dead two persons during the violent dispersal of a protest by supporters of the Muslim Brotherhood in Cairo's Matariya district; whereas the systematic and widespread killing of at least 1,150 pro-Morsi demonstrators by Egyptian security forces in July and August 2013 probably amounts to crimes against humanity, according to the NGO Human Rights Watch; whereas the latter stated that the Rab'a Square killings constitutes one of the world's largest killings of demonstrators in a single day in recent history; whereas the security officials responsible for this massacre have benefited from full impunity so far, while very few police or military officers have been held accountable for other abuses against protestors; whereas the fact-finding committee established in December 2013 is widely seen to have failed to provide a thorough, credible and impartial investigation into these events; whereas the Egyptian authorities have denounced acts of violence, including the use of firearms, committed by protestors against security officials; whereas according to the official Forensic Medical Authority, eight police officers were killed during the Rab'a dispersal;

G. whereas ousted President Mubarak, previously sentenced to life imprisonment 'for failing to protect protestors' in relation to the 2011 uprising, was acquitted by an Egyptian court alongside his two sons, the former Minister of Interior Habib al-Adly and several security officials on 29 November 2014;

H. whereas the security situation in Egypt has continued to deteriorate, whilst Egyptian security forces have intensified their crackdown against militants in the Sinai Peninsula, particularly following an attack of the Karm al-Qawadis checkpoint during which 28 Egyptian soldiers were killed on 24 October 2014; whereas police officers and army personnel are regularly targeted across the country, including a bomb attack against a police building in North Sinai on 5 January 2015 and several policemen killed or wounded by gunfire in a western Cairo suburb on 4th January and in Minya on 6 January; whereas the State has ordered the eviction of thousands of residents of Rafah, established a 500-metre buffer zone along the Gaza border and imposed a three-months state of emergency in parts of the Sinai; whereas a militant group active in northern Sinai, Ansar Bayt al-Maqdis has sworn allegiance to the Islamic State; whereas the Rafah border crossing with Gaza remains mainly closed, with only three days of opening during December, thereby worsening the blockade of the enclave by its two neighbours;

I. whereas the new Assembly law, adopted by decree on 24 November 2013, has provided the legal basis 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; whereas hundreds of leading intellectuals, journalists and political parties have urged authorities to cancel the repressive law immediately;

J. whereas Egyptian civil society organizations have repeatedly expressed their deep concern about the draft NGO law, which would impose complete and unjustified control over civic groups and subordinate them to security and administrative bodies and allow for very harsh sentencing of human rights defenders; whereas civil society organizations have been given a repeatedly postponed deadline to register under law No 84, which places severe restrictions on the independence and activities of NGOs, or face criminal charges; whereas a presidential decree of 21 September 2014 amending the penal code places severe consequences, including life sentences, on NGOs receiving foreign funding for the vaguely formulated purpose of 'harming the national interest'; whereas Egypt's leading human rights NGOs have stated that the current repressive environment has reached levels unseen even under Mubarak's authoritarian regime; whereas Government-sponsored media have launched an unprecedented smear campaign against Egypt's independent human rights NGOs;

K. 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 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 to a 15-year prison term for protesting without authorisation; whereas 23 persons, including human rights defenders Yara Sallam and Sanaa Ahmed Seif, were sentenced on 20 October 2014 to three-year jail sentences for breaking the anti-protest law; whereas university students have been arrested and heavily sanctioned for participating in peaceful protests on university campuses, and some of them were shot dead by police forces in university premises; whereas in all these cases, the judicial proceedings were widely denounced as politically motivated and marred by substantial procedural shortcomings;

L. whereas violence against women is reported to be worsening, in spite of the adoption of a new law on sexual harassment, whose application remains to be observed, according to Egyptian women's rights NGOs; 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;

M. 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 journalists - Sue Turton, Dominic Kane, and Rena Netjes- were sentenced to 10 years in absentia; whereas on 1 January 2015, the Egyptian Court of

Cassation ordered the re-trial of the case; whereas the former UN High Commissioner for Human Rights, Navi Pillay, denounced these legal proceedings as ‘rife with procedural irregularities and in breach of international human rights law’; whereas at least 14 other journalists are currently in jail, placing the country among the world’s worst media repressors, according to the Committee for the Protection of Journalists; whereas self-censorship has increased dramatically since summer 2013;

N. whereas on 22 December 2014, Al Jazeera’s Egypt channel suspended its broadcasting from Qatar ‘until conditions are favourable’ for resuming work from Egypt; whereas seven leading members from the Muslim Brotherhood were asked to leave Qatar in September 2014; whereas both decisions are purportedly linked to a thaw in relations between Doha and Cairo,

O. whereas on 23 December 2014, prominent Egyptian satirist Bassem Youssef was fined 50 million Egyptian pounds (€5,9 million) by a Cairo-based arbitration body over a dispute with a television channel that suspended his show after it made fun of the Egyptian military leadership; whereas his show, which was the Arab world’s most popular satirical show ever in terms of audience, has been shut down; whereas most of the private media is closely related to the Mubarak regime and the current regime;

P. whereas on 7 December 2014, 26 men were arrested for ‘practicing debauchery’ in a public bathhouse in Cairo; whereas the arrest was broadcasted on television and presented as part of a campaign to punish deviant sexual behaviour; whereas all the defendants were acquitted on 12 January; whereas their deliberately humiliating arrest is set against a background of intensifying crackdown on the LGBT community in the country; whereas the December arrest constitutes the largest single arrest of alleged gay men since the Mubarak era; whereas in September 2014, eight men were sentenced to three years in jail on charges of debauchery on the basis of a video circulated online showing what appeared to be a ‘gay marriage’; whereas the sentence was reduced to one year in prison in December 2014; whereas in September 2014, a Cairo court sentenced six men to two years of hard labour after advertising their home as a gay meeting place on Facebook; whereas the Egyptian Initiative for Personal Rights estimates that at least 150 people have been arrested over the past 18 months on charges of debauchery;

Q. whereas female genital mutilation (FGM) is banned in Egypt and the sanctions for violating the law have significantly increased, yet its practice continues to be widespread; whereas the first trial on FGM in the country ended with the acquittal on 20 November 2014 of the doctor and the father of the 13-year old girl, who died following an FGM procedure; whereas this decision was appealed by the Prosecutor’s office;

R. 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 level and scope of the EU’s engagement with Egypt is to be 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;

S. whereas parliamentary elections are foreseen in March and April 2015; 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;

T. whereas the EU Foreign Affairs Council (FAC) conclusions of 21 August 2013 stated that, ‘Member States also agreed to suspend export licences to Egypt of any equipment which might be used for internal repression and to reassess export licences of equipment covered by Common Position 2008/944/CFSP and review their security assistance with Egypt.’; whereas these conclusions were reiterated by the FAC in

February 2014;

U. whereas on 27 November 2014, France announced a number of arms deals with Egypt, including a €1 billion contract to furnish four battleships and the renewal of fighter jets; whereas in June 2014, the USA released \$575 million in military aid to Egypt that it had frozen since the military coup; whereas in August 2014, Russian President Vladimir Putin pledged to develop military and technological cooperation with Egypt and it is reported that both countries are nearing a \$3bn advanced missiles and warplanes deal;

1. Expresses its profound concern about the unrelenting assault by the Egyptian authorities on the rule of law, fundamental freedoms, political pluralism and civil society in Egypt, since the military coup of June 2013; deplores the country's unremitting deviation from the aspirations of social justice, dignity, freedom and democracy that motivated Egypt's popular revolution of 25 January 2011;

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

3. Calls, once again, 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 Movement and the sentences against the organization's activists, including Ahmed Maher and Mohamed Adel;

4. Continues to be greatly preoccupied by the deteriorating security situation in Egypt, including the multiplication of terrorist attacks and other acts of violence, claimed by radical Islamist groups; is particularly concerned by the situation in the Sinai and the reports of growing radicalization, particularly among the youth; expresses its solidarity with the victims; supports all efforts of the Egyptian authorities to address the grave threat of Islamist extremism, in a manner which is consistent with human rights standards; expresses concern about the reports of heavy-handed measures against local populations, including the eviction of thousands of residents in Rafah; underlines that fighting terrorism by violence only increases violence on both sides and calls on the Egyptian authorities to root out the basis for extremism by the integration of all political forces into the political process; calls on the Egyptian authorities to address the longstanding grievances among the Sinai's Bedouin population stemming from political alienation and economic deprivation; calls for an end of restrictions on independent voices in Sinai;

5. 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 and to effectively guarantee the right to a fair trial in line with the Constitution and international standards;

6. Deplores the unprecedented extension of military jurisdiction over civilian cases with the referral of hundreds of civilians to military courts, including with retroactive application; calls on the Egyptian authorities to repeal the October 2014 decree which provides the basis for this practice and to put an end to civilians being tried in military courts, in line with international and regional standards;

7. Expresses its profound preoccupation with the severe deterioration of the media environment; calls for the immediate and unconditional release of the Al Jazeera journalists, whose re-trial was ordered on 1st January 2015, as well as that of all media professionals and bloggers convicted for merely carrying out

their legitimate activities, including Mahmoud Abdel Nabi, Mahmoud Abu Zeid, Samhi Mustafa, Ahmed Gamal, Ahmed Fouad and Abdel Rahman Shaheen;

8. Expresses its absolute abhorrence of the handing down of mass death sentences against supporters of the Muslim Brotherhood, after shockingly unfair trials, including most recently on 2 December 2014, when 188 defendants were sentenced to death; 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; notes that Egypt ranks as the world's fourth country in number of death sentences;

9. Firmly believes that a genuinely pluralistic and inclusive society constitutes the fundamental underpinning of the long-term security and stability of Egypt; in this regard, calls on the Egyptian authorities to reconsider its designation of the principal opposition organization, the Muslim Brotherhood, as a terrorist group;

10. Denounces the repressive protest law of November 2013, which has been used on numerous occasions to ban any form of protest criticizing the regime, to forcibly disperse and to arrest demonstrators; urges the Egyptian authorities to annul or amend this law in order to bring it in line with international human rights standards;

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. Condemns the mass, unlawful killing of peaceful protestors, notably members and supporters of the Muslim Brotherhood, by the Egyptian security forces since the military coup; 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 near-total impunity for security officers responsible for repeated use of excessive force and other serious abuses over the past year;

13. Expresses its outrage at the intensifying clampdown against the LGBT community in Egypt with an increasing number of arrests, including in most humiliating conditions, 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;

14. Deeply regrets the outcome of Egypt's first trial on the crime of female genital mutilation by the minor offenses court in Agga on 20 November 2014, and calls on the Egyptian authorities and judiciary to effectively investigate, prosecute and convict all persons involved in such cruel and harmful acts, in line with the Egyptian domestic legislation;

15. Calls on the Egyptian authorities to cooperate fully with UN human rights mechanisms, including by approving pending visit requests by several UN special rapporteurs, and to act upon Egypt's commitment to the opening of a regional bureau of the UN Office of the High Commissioner for Human Rights;

16. Stresses that the unprecedented level of repression in Egypt proscribes any 'business as usual' approach by the EU and instead warrants a profound and comprehensive review of the EU's relations with Egypt; calls for the swift adoption of Foreign Affairs Council conclusions, which should contain effective and targeted measures in response to the situation in the country; opposes any new initiative in the EU's engagement with Egyptian authorities, including dialogue at technical level, prior to this policy review process;

17. Is dismayed by the demure public reaction of 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;

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

19. Underlines the blatant double standards of the EU in relation to mass killings of protestors by partner countries and highlights the contrast between the lack of EU response to the August 2013 Rab'a killings and the coercive measures taken by the EU following the crack-down on protestors in 1989 on the Tiananmen Square in Beijing and in 2005 in Andijan, Uzbekistan; drawing on the 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;

20. Deplores the continued security cooperation and announced arms deals by EU Member States, notably France, with Egypt, which run counter to the EU Common Position on Arms exports; calls for an EU-wide ban on export of any form of security equipment and military aid to Egypt; calls on the High Representative to report on the current state of military and security cooperation by EU Member States with the Egyptian regime, and on the results of the review by Member States of their security assistance with Egypt, as decided by the Foreign Affairs Council in August 2013;

21. Reiterates its call on the High Representative to clarify the specific measures which were taken in response to the August 2013 decision of the EU Foreign Affairs Council to review EU assistance to Egypt; requests a clarification by the Commission of the current status of the substantial funds allocated for five budget support programmes and on the plans for implementing these funds in line with the Commission's Budget Support Guidelines and the Court of Auditors' recommendations of June 2013; calls on the Commission to clarify the safeguards established within the programmes funded under the Neighbourhood Investment Facility, in relation to corruption risks as well as to economic and financial entities controlled by the military;

22. 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 Deep and Comprehensive Free Trade Agreement;

23. 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 the revised electoral framework, which has been widely criticized as failing to meet international democratic standards; insists that, in case the EU receives an invitation to observe these elections, the HR/VP should decline from sending an observation mission in line with international and EU standards on election observation; calls on the EU to make clear to the Egyptian authorities that the conduct and outcome of these elections will constitute defining elements for the future development of EU-Egypt relations; deplores the sending of a full-fledged EU election observation mission in May 2014, which ran contrary to EU observation mission guidelines and damaged its reputation and credibility;

24. Encourages, once again, 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

since the military coup;

25. 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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