

Thursday 8 February 2018

P8\_TA(2018)0035

## Executions in Egypt

### European Parliament resolution of 8 February 2018 on executions in Egypt (2018/2561(RSP))

(2018/C 463/06)

*The European Parliament,*

- having regard to its previous resolutions on Egypt, in particular that of 10 March 2016 on Egypt, notably the case of Giulio Regeni <sup>(1)</sup>, that of 17 December 2015 on Ibrahim Halawa, potentially facing the death penalty <sup>(2)</sup> and that of 15 January 2015 on the situation in Egypt <sup>(3)</sup>; to its resolutions of 16 February 2017 on executions in Kuwait and Bahrain <sup>(4)</sup> and of 8 October 2015 on the death penalty <sup>(5)</sup>; and to its resolution of 7 October 2010 on the World day against the death penalty <sup>(6)</sup>,
- 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, and to the joint statement issued following the EU-Egypt Association Council,
- 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,
- 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,
- having regard to the Constitution of Egypt, and notably Article 93 thereof (the binding character of international human rights law),
- having regard to the United Nations Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty,
- 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 final declaration adopted by the 6th World Congress against the Death Penalty, held in Oslo from 21 to 23 June 2016,
- 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,

<sup>(1)</sup> Texts adopted, P8\_TA(2016)0084.

<sup>(2)</sup> OJ C 399, 24.11.2017, p. 130.

<sup>(3)</sup> OJ C 300, 18.8.2016, p. 34.

<sup>(4)</sup> Texts adopted, P8\_TA(2017)0044.

<sup>(5)</sup> OJ C 349, 17.10.2017, p. 41.

<sup>(6)</sup> OJ C 371 E, 20.12.2011, p. 5.

**Thursday 8 February 2018**

- having regard to Article 2 of the European Convention on Human Rights and to Protocols 6 and 13 thereto,
  - having regard to the six resolutions of the UN General Assembly in favour of adopting a moratorium on the death penalty,
  - 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) and 123(4) of its Rules of Procedure,
- A. whereas the death penalty is the ultimate inhuman and degrading punishment, which violates the right to life as enshrined in the Universal Declaration of Human Rights; whereas the European Union has a strong and principled position against the death penalty and in favour of a universal moratorium on capital punishment with a view to its global abolition, as one of the key objectives of its human rights policy;
- B. whereas since January 2014 at least 2 116 individuals have reportedly been sentenced to death in Egypt; whereas no death sentences were approved under former Presidents Mohamed Morsi and Adli Mansour; whereas at least 81 executions have been carried out since 1 January 2014;
- C. whereas, reportedly, in 2017 Egyptian courts handed down at least 186 death sentences and 16 people were executed; whereas in recent weeks and since the end of December 2017 there has been an alarming increase; whereas all recent executions were carried out without prior notification of the victims or their families; whereas 24 other Egyptians currently appear to be in danger of imminent execution, having exhausted all appeal processes;
- D. whereas at least 891 people are currently on trial or awaiting trial in Egypt on charges that could carry a death sentence; whereas at least 38 individuals who were under the age of 18 at the time of their alleged offences have been tried alongside adult co-defendants on charges that carry the death penalty; whereas courts have recommended initial death sentences for at least seven such individuals; whereas the imposition and execution of the death penalty against persons who were aged under 18 when the crime was committed is a violation of international law, including the UN Convention on the Rights of the Child, as well as Article 111 of Egypt's Child Law; whereas Egypt is a party to numerous international conventions on political and civil rights, torture, the rights of children and juveniles, and justice;
- E. whereas the Military Code has a larger number of offences punishable by death than its civilian counterpart, and Egyptian legislation has gradually expanded military jurisdiction; whereas the number of civilians sentenced to death in Egypt's military courts leapt from 60 in 2016 to at least 112 in 2017; whereas at least 23 Egyptians were executed in recent months, including 22 civilians sentenced by military courts that are far from meeting standards for a fair trial; whereas in total, at least 15 000 civilians, including dozens of children, were reportedly referred to military prosecutors between October 2014 and September 2017;
- F. whereas reportedly a worrying number of the testimonies and confessions used in trials, including military trials, were obtained after the accused were reportedly forcefully disappeared and tortured or ill-treated; whereas the fight against torture is a long-standing human rights priority of the EU and a common objective for the UN Convention Against Torture, which has been signed by Egypt;

Thursday 8 February 2018

- G. whereas all recent and imminent executions are reportedly the result of trials that failed to uphold fair trial and due process rights; whereas the UN Safeguards Guaranteeing Protection of the Rights of those facing the Death Penalty strictly prohibit the application of the death penalty following unfair trials; whereas multiple UN human rights experts have repeatedly called on Egypt to halt all pending executions following allegations of unfair trials;
- H. 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; whereas in cases of capital punishment trials must meet the highest standards of fairness and due process;
- I. whereas on 29 November 2017 the African Commission on Human and Peoples' Rights urged the Egyptian government to immediately suspend death sentences in five different cases; whereas, nonetheless, the defendants in one of these, the Kafr el-Sheikh case, were executed on 2 January 2018;
- J. whereas Egypt has gone through several difficult challenges since the 2011 revolution and the international community is supporting the country in addressing its economic, political and security challenges;
- K. whereas serious security challenges exist within Egypt, particularly in Sinai, where terrorist groups have staged attacks on security forces; whereas a number of devastating terrorist attacks have occurred within Egypt, including the recent attack on a Sufi mosque that killed 311 civilians and injured at least 128 others; whereas on 9 April 2017 twin suicide bombings took place at St. George's church in Tanta and St. Mark's Coptic Orthodox cathedral, killing at least 47 people;
- L. whereas there has been an ongoing state of emergency in Egypt, in place since April 2017 and extended for three months from 13 January 2018, introduced, according to the state media, to help tackle the 'dangers and funding of terrorism' and undermining fundamental freedoms and granting the President and those acting on his behalf the power to refer civilians to State Security Emergency Courts for the duration of the three-month period;
- M. 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;
- N. 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;
- O. whereas Egyptian human rights defenders documenting and denouncing death sentences, torture and enforced disappearance have been subject to targeted repressive measures, such as the closure of the El Nadeem Centre in 2017 and the attempt by the Egyptian authorities to shut down the Cairo office of the Egyptian Commission for Rights and Freedoms (ECRF); 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 5 April 2018 Egypt's highest court of appeal will rule on the so-called 'foreign funding' case involving international NGOs;
- P. 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;

**Thursday 8 February 2018**

- Q. 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;
- R. whereas companies based in several EU Member States have continued to export surveillance and military equipment to Egypt;
1. Strongly condemns the use of capital punishment, and calls for a halt to any imminent executions in Egypt; strongly supports an immediate moratorium on the death penalty in Egypt as a step towards abolition; in this sense, condemns all executions wherever they take place and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity as established in the EU's human rights policy priorities; calls on the Egyptian authorities to review all pending death sentences in order to ensure that those convicted in flawed trials will have a fair retrial; recalls that despite security challenges in Egypt, executions should not be used as a means to combat terrorism;
  2. 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;
  3. Urges the Egyptian authorities to ensure the physical and psychological safety of all accused persons while imprisoned; denounces the use of torture or ill-treatment; calls on the Egyptian authorities to ensure that those detained receive all medical attention that they may require; 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;
  4. 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; encourages the Egyptian government to issue an open invitation to the relevant UN Special Rapporteurs to visit the country;
  5. Expresses its serious concern at the mass trials by Egyptian courts and the large number of death sentences handed down by them; calls on the Egyptian judicial authorities to uphold and respect the International Covenant on Civil and Political Rights, to which Egypt is a party, and notably Article 14 thereof on the right to a fair and timely trial based on clear charges and ensuring the respect of the defendants' rights;
  6. Calls on the VP/HR to condemn the alarming number of recent executions in Egypt, and urges the European External Action Service (EEAS) and the Member States to continue to fight the use of the death penalty; urges the EEAS to address recent developments in Egypt, and to use all means of influence at its disposal to stop imminent executions and encourage the Egyptian authorities to respect their commitments to international norms and laws;
  7. Urges the VP/HR and the Member States to ensure that human rights are not undermined by migration management or counter-terrorism actions under the EU-Egypt Partnership Priorities; underlines the importance that the EU attaches to its cooperation with Egypt as an important neighbour and partner; strongly urges Egypt to respect its commitment made in the EU-Egypt Partnership Priorities adopted on 27 July 2017 to promote democracy, fundamental freedoms and human rights, in line with its Constitution and international standards;
  8. Condemns the terrorist attacks in Egypt; extends its most sincere condolences to the families of the victims of terrorism; stands in solidarity with the Egyptian people, and reaffirms its commitment to fighting the spread of radical ideologies and terrorist groups;

Thursday 8 February 2018

9. 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;
  10. 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;
  11. Expresses its grave concern at the ongoing restrictions on fundamental democratic rights, notably freedom of expression, association and assembly, political pluralism and the rule of law in Egypt; calls for an end to all acts of violence, incitement, hate speech, harassment, intimidation, enforced disappearances or censorship directed at political opponents, protesters, journalists, bloggers, students, women's rights activists, civil society actors, LGBTI people, NGOs and minorities, including Nubians, by state authorities, security forces and services and other groups in Egypt; condemns the excessive use of violence against protesters; calls for the immediate and unconditional release of all those detained for peacefully exercising their rights to freedom of expression, assembly and association, and calls for an independent and transparent investigation into all human rights violations;
  12. Recalls its continued outrage at the torture and killing of the Italian researcher Giulio Regeni, and denounces, once again, the lack of progress in the investigation into this brutal murder; 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;
  13. Urges President Sisi and his government to fulfil their commitment to genuine political reform and respect for human rights; emphasises that credible and transparent elections are essential for a democracy, as guaranteed by the 2014 Constitution and in accordance with Egypt's international commitments;
  14. Calls on the EU and its Member States to take a clear, strong and unified position on Egypt in the upcoming sessions of the UN Human Rights Council and for as long as the country fails to show meaningful improvements in its human rights record;
  15. 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 Government and Parliament of Egypt.
-