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Plenary sitting

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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Egypt, notably the case of Giulio Regeni
(2016/2608(RSP))

Barbara Spinelli, Eleonora Forenza, Curzio Maltese, Marie-Christine Vergiat, Malin Björk, Tania González Peñas, Miguel Urbán Crespo, Lola Sánchez Caldentey, Xabier Benito Ziluaga, Estefanía Torres Martínez, Josu Juaristi Abaunz, Paloma López Bermejo, Lynn Boylan, Marina Albiol Guzmán, Kateřina Konečná, Stelios Kouloglou, Kostas Chrysogonos, Kostadinka Kuneva, Dimitrios Papadimoulis, Patrick Le Hyaric
on behalf of the GUE/NGL Group

B8-0377/2016

European Parliament resolution on Egypt, notably the case of Giulio Regeni (2016/2608(RSP))

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular on freedom of expression and assembly in Egypt (17/07/2014), on the situation in Egypt (15/01/2015) and on the case of Ibrahim Halawa, potentially facing the death penalty (16/12/2015)

- 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;

- having regard to the EU Guidelines on the Death Penalty and on Torture and other Forms of Ill-Treatment;

- having regard to the Constitution of Egypt, notably articles 52 (prohibition of torture in all forms and types.), 73 (on freedom of assembly) and 93 (binding character of international human rights law);

- having regard to the African Charter on Human and Peoples' Rights, notably its article 7 stipulating that every individual shall have the right to have his case heard by a competent, independent and impartial judicial body;

- having regard to the Resolution on the Deteriorating Human Rights Situation in the Arab Republic of Egypt, adopted by the African Commission on Human Rights and Peoples' Rights on 28 February 2015;

- having regard to the International Covenant on Civil and Political Rights of 196 and the UN Convention against Torture, of which Egypt is part;

- having regard to the United Nations Universal Declaration of Human Rights of 1948;

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

A. Whereas on 2 February 2016 the body of Giulio Regeni, an Italian doctoral student at Cambridge University who disappeared in Cairo on Jan. 25, was found on the outskirts of Cairo, in a ditch next to a road, bearing evidences of horrible tortures and a violent death.

B Whereas Mr Regeni, was conducting a research in Cairo on the development of independent trade unions in post-Mubarak and post-Morsi Egypt, having contacts with different people and civil society's associations, including regime opponents,

C. Whereas an official letter has been sent by various members of the European Parliament to the EU High representative for Foreign Affairs and Security Policy Federica Mogherini, asking to push strongly for obtaining a completely independent investigation on Mr Regeni's assassination.

D. Whereas Italy demanded an immediate joint investigation and sent out a team of investigators to collaborate with Egyptian authorities on Regeni's case.

E. Whereas the circumstances behind Regeni's death remain unclear and conflicting reports over the cause have been issued by Egyptian authorities,

F. Whereas the case of Giulio Regeni follows a long list of forced disappearances occurred in Egypt. The Egyptian Commission for Rights and Freedom (ECRF) has documented 1,700 cases of enforced disappearances only in 2015.

G. Whereas the Committee on Academic Freedom of the Middle East Studies Association (MESA), in its letter to the Egyptian President, has expressed its concern for the growing danger posed by the current political climate in Egypt to all those engaged in academic work, regarding a range and number of violations of academic freedom and freedom of expression, namely denial of entry to the country and harassment of numerous scholars and researchers; Gross state interference in university student and faculty governance; the dismissals and expulsions of hundreds of students; the sentencing of academics to death.

H. Whereas numerous reports and dossiers produced by humanitarian organizations highlight ongoing and serious human rights violations in Egypt; in particular Amnesty International denounces in different reports (January 2014 to June 2015) numerous cases of illegal arrests, use of torture, violence of various types;

I. Whereas the Amnesty International report of January 2014 showed that, in a few months (July 2013-December 2013) more than 1,400 were confirmed dead as a result of political violence and that most of these could be blamed to a disproportionate use of force by the security forces;

J. Whereas after the barbaric murder of Giulio Regeni, Amnesty International reaffirmed the continuing and flagrant violation of human rights in Egypt, with more than 1,700 death sentences and numerous cases of "disappearance" and "seizure" of young Egyptians working in various opposition organizations; whereas the verdicts were given in the framework of collective trials, and were based on expeditious conceptions of justice;

K. Whereas the Egyptian government has conducted a large-scale campaign of arbitrary detention of government critics -including journalists, human rights defenders, and members of parties of the opposition;

L. Whereas Egypt has expelled a number of foreign nationals under a Presidential Decree issued in November 2014 under the Egyptian Law 140 on the deportation of foreign criminals, allowing foreigners charged with criminal offences to be deported to their home country;

M. Whereas Egypt is the most populous Arab country, with over 80 million people, and is a pivotal country in the southern Mediterranean; whereas it is facing serious security concerns due to the impact of the crisis situation in neighbouring countries; whereas political, economic and social developments in Egypt have significant implications for its own people, and for the whole region and beyond;

N. Whereas Egypt's stabilization and its future security require the presence of a free civil society, free trade unions, able to play their full role as interlocutors of governmental institutions by underlining urgent issues of national concern, for democracy and social rights.

O. Whereas Egypt is facing the presence and activity of militants linked with the Islamic State group, mainly in the Sinai Peninsula but also in Cairo where they have carried out attacks and elsewhere, such as the crashing of a Russian aeroplane in October 2015 and a bomb outside the Italian consulate in Cairo in July 2015. Whereas this threat cannot be used as a pretext to persecute and repress any sort of opposition activities, included those of the Muslim Brotherhood;

P. Whereas the UNHCR Egypt has confirmed the arrest during 2014 of more than 3,000 individuals, and established that exit from detention was often premised on departure from Egypt, and conditions of asylum were believed to be an important push factor for refugees to attempt migration by sea; whereas the High representative for Foreign Affairs and Security Policy has expressed concern about such report, in a working document on the Neighbourhood Policy in Egypt published on 25/03/2015, and asked to ensure that regulations on the right of asylum are in line with the Constitution and international standards on the rights of migrants and refugees; and that there were no developments regarding Egypt's accession to the Hague Conventions on judicial cooperation (http://eeas.europa.eu/enp/pdf/2015/egypt-enp-report-2015_en.pdf).

Q. Whereas the human trafficking problem in Sinai subsides, as a result of closing the border with Israel, the toughening of immigration laws and an increased army presence in Sinai;

R. Whereas it is over five years since Hosni Mubarak stepped down after the demonstrations in Tahir Square and the uprisings throughout Egypt calling for fundamental reforms in the country's political, economic and social system, for an end to the corrupt regime, and for democracy, respect for human rights and better living conditions;

S. Whereas Egypt and the EU are bound by the legally binding treaty in the form of the Association Agreement which came into force in 2004; whereas the EU is Egypt's first economic partner and its main source of foreign investment; whereas the EU-Egypt Association Agreement preamble emphasizes the importance of the principles of the United Nations Charter, in particular the observance of human rights, democratic principles. Respect for human rights and democratic principles constitute an essential element of the Agreement; whereas the EU's engagement is intended to be dependent on progress regarding commitments on democracy, rule of law and human rights;

1 Strongly condemns the barbaric murder of Giulio Regeni and expresses its deep condolences to the family;

2. Urges the Egyptian government to ensure an independent and impartial investigation over the enforced disappearance, torture and murder of Giulio Regeni will be conducted, and his killers and perpetrators will be held to account under Egyptian law and its Constitution.

3. Demands that the EEAS and the HR raise the issues of torture and enforced disappearances in Egypt as well as the evident impunity of all the forces

engaged in the destabilisation of Egypt and North Africa, as urgent matters that cannot be separated from the objective of promoting Egypt's stability and the fight against terrorism.

4. Urges EU Member States to raise the issues of torture, enforced disappearances and impunity as a high priority in their bilateral relations with Egypt.

5. Calls on the Egyptian authorities to put an end to all acts of harassment and repression, including at judicial level, against activists, journalists, the political opposition, human rights defenders and trade unionists; in particular, we express our concern about the continuous harassment of the Egyptian Commission for Rights and Freedoms (ECRF) for its apparent role in the campaign "Stop Enforced Disappearance" in Egypt."; calls on the authorities to uphold the constitutional guarantees related to fundamental rights;

6 Extends immediately the invitation to the UN Special Rapporteur on Torture and Working Group on enforced disappearances, to visit Egypt. Allow Egyptian and international rights organizations full access to all places of detention and to all prisoners held there. Allow the National Council for Human Rights to make unannounced visits to all such locations and ensure they are in compliance with regulations, the law and Constitutional guarantees

7 Asks the Egyptian authorities to criminalize enforced disappearances in Egyptian law and make them subject to no statute of limitations. To ratify the UN International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol of the Convention Against Torture (OPCAT). Asks to introduce the necessary amendments to the Penal Code and Criminal Procedures Code so they comply with Article 52 of the Constitution, which prohibits torture in all forms and types. Asks furthermore the Egyptian government to speed up the accession to the Hague Conventions on judicial cooperation, and to insure that the regulations on the right of asylum are in line with the Constitution and international standards on the rights of migrants and refugees.

8 Asks to review and investigate without delay the complaints filed by the families of victims of enforced disappearance; communicate the outcome officially to families and legal counsel. Conduct fair and transparent investigations into all complaints of torture by police or security forces or other forces; hold the responsible parties accountable without exception. Prosecute all Egyptian police or military officers directly involved in criminal operations

related to practices of torture and enforced disappearances.

9. Condemns the unacceptable breach of basic human rights arising from the arbitrary detention of Irish citizen Ibrahim Halawa who has been labelled a prisoner of conscience by Amnesty International, detained without trial as a minor solely for peacefully exercising his right to freedom of expression and assembly and potentially facing the death penalty; expresses its deepest concern at the deteriorating condition of Ibrahim Halawa due to his hunger strike since October 2015 in which he has lost 30 kilograms, and his alleged poor conditions in prison; calls on the Egyptian authorities to ensure, as a matter of priority, that the good health and well-being of Ibrahim Halawa are maintained while he remains in prison and that he is transferred from the high-security jail he is currently being held in to the El Torah prison; demands that all allegations of torture and maltreatment of Ibrahim Halawa be thoroughly and independently investigated;

10. Notes with serious concern that Ibrahim Halawa's trial, together with hundreds of others as part of a mass trial, has been postponed for the 13th time until June; calls on the Egyptian authorities to transfer Ibrahim Halawa's individual case to Egypt's juvenile justice circuit, in compliance with domestic Egyptian and binding international law; Calls on the European External Action Service to make representations to Egyptian authorities in support of transferring Ibrahim Halawa's case to Egypt's juvenile justice circuit; and calls on the European External Action Service to closely monitor Ibrahim Halawa's trial and report back;

11. Denounces the repressive protest law of November 2013 as well as the 1914 Assembly Law, severely restricting the right to peaceful assembly;

12. Reiterates its support for the demands made by the Egyptian people for freedom, human dignity, social justice, democracy, respect for human rights, better living conditions, and in particular for their demands for wage increases to match price increases, and for housing, health and effective job opportunities; expresses its full solidarity for those parts of the Egyptian society which are fighting for a secular State.

13. Calls the EU to take all the necessary diplomatic measures to effectively ensure the respect of Human Rights in Egypt, accordingly to the preamble of the EU-Egypt association Agreement; to reassess its policies of migration, taking more adequately into account the respect of Human Rights and the right to aylum; to ensure that no country considered as "sure country" violates the Human Rights;

14. Draws the attention of the EU Council and the High representative for Foreign Affairs and Security Policy to the risks of inflaming widespread anti-European sentiments in Egypt and in the whole of Maghreb through new military interventions in Lybia, envisaged without any clear strategic objectives by former colonial powers. Expresses its opposition to a new military intervention in Libya that could be supported by the Egyptian government but is not in the interest of the EU. Reminds that the anti-terrorist fight against ISIS must fully incorporate the respect of the rule of law, of the human rights, and of the international law;

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, the President and Government of the Arab Republic of Egypt and the African Commission on Human Rights and Peoples' Rights; the UN general secretary and UN relevant bodies.