



Mr. Tom O'Neill
Meeting Administrator
South Dublin County Council
Corporate Services Department
County Hall
Tallaght
Dublin 24



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Our Ref: CON0150278
Your Ref: M01/1115

Dear Mr. O'Neill,

Many thanks for your letter to Minister Flanagan. The Minister has asked me to reply on his behalf.

The Department of Foreign Affairs and Trade are exploring every avenue to try and secure the release of Ibrahim Halawa and will continue to bring all of our influence to bear on his behalf through the appropriate channels. Significant resources in Cairo and in Dublin continue to be deployed in the provision of comprehensive consular assistance to both Ibrahim and his family. Ultimately, the decision to release Ibrahim will be made solely by the Egyptian authorities. Irrespective of any views regarding the fairness or appropriateness of any arrest abroad, the reality is that where an Irish citizen is charged with an offence under the law of a foreign country, it is the foreign law that applies and it is the relevant foreign court which decides matters such as bail and release.

All actions taken in this case are considered in light of the Government's clear objectives. Firstly, to see Ibrahim released by the Egyptian authorities so that he can return to his family and his studies in Ireland, and secondly to provide consular support for his welfare while he remains in detention. The considered approach and sustained action that has been taken by Minister Flanagan and the Department of Foreign Affairs and Trade to date in this case has been to further these objectives, and most importantly to avoid any action that could be counterproductive or detrimental to his best interests.

All of the information we have received indicates that it is highly unlikely that there will be any decision as regards his release until the court makes its decisions. The Department of Foreign Affairs and Trade continues to review its approach and actions in this case, but the Government's approach is guided at all times by the two key objectives set out above.

Given that the trial has now commenced, we must exercise restraint in our public comment. This is entirely consistent with our approach in other consular cases, in line with our clear objectives in this case and what we firmly believe to be in this citizen's best interests and to be most likely to contribute to a positive outcome for him.

Officials in the Department of Foreign Affairs and Trade, both in Dublin and in Cairo, remain in ongoing contact with the Halawa family. We will continue to engage appropriately with the Egyptian authorities, will remain resolute in seeking to protect the interests of this Irish citizen, and will do all possible to achieve a positive outcome.

I have included a speech delivered by Minister Flanagan to the Joint Committee on Foreign Affairs and Trade on this subject for further information.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Eimear Friel', written over a horizontal line.

Eimear Friel
Private Secretary

Statement by Minister for Foreign Affairs and Trade, Charlie Flanagan TD, on Halawa case at Joint Committee on Foreign Affairs and Trade

8 July 2015

Chairman, as you know this is a matter that it being treated with the utmost priority by me and by officials in my Department.

As the Committee will be aware from previous briefings and from recent correspondence, my Department has a very clear strategy in place focussed on achieving a positive outcome at the earliest time possible. That strategy is based on two clear objectives: firstly to see Ibrahim released by the Egyptian authorities so that he can return to his family and his studies in Ireland and, secondly, to provide consular support for his welfare while he remains in detention.

Over the last year, I have intensively engaged with the Egyptian authorities, and with EU and international partners at a very high level on this case.

We continue to review our approach in line with developments and we retain the flexibility to adjust our approach as and when that may be required.

I am aware of various submissions that have been made to the Department and the Committee by NGOs and law firms, advocating a more adversarial and legalistic approach. My Department has always been cognisant of the international legal framework that may be relevant to this case. But surely the key question is what stands the best chance of securing Ibrahim's release.

It is the Government's considered view, supported by decades of diplomatic experience in other consular cases and extensive consultation with states which have had citizens in similar circumstances, that the firm and measured diplomatic approach we are taking remains Ibrahim's best hope for return to Ireland at the earliest possible date. In this context, the members will appreciate how important it is that we continue to maintain good bilateral relations with Egypt.

The Government has formally supported applications by Ibrahim Halawa's legal team for both release on bail and release under the Presidential decree on foreign prisoners. However, any decision to release Ibrahim Halawa will ultimately be taken by the Egyptian authorities. Based on our consultations with other international partners, the available information suggests that it is unlikely there will any decision to release Ibrahim, either under the Presidential Decree or on bail, until after the trial process has concluded.

There is a lot of public and media interest in this case. But, as I hope the Committee will appreciate, it is not always appropriate or helpful to play out in public everything that we are doing. Most of the work of my Department's consular team takes place away from the public glare. These officials frequently deal with citizens experiencing extraordinary difficulties. They do so in a professional, compassionate and diligent manner, not only in this case but also in the recent handling of crises in Nepal, Berkeley and Sousse.

My consular officials in Dublin and Embassy staff in Cairo are working in challenging circumstances and are dedicated to their work. I am disappointed therefore by the personalised nature of some of the criticism of Department officials in relation to this case.

My Department's consular resources are finite and often have to operate on several fronts at once. I would ask for the Committee's understanding for our efforts to ensure that limited resources are deployed primarily in protecting our citizens rather than explaining each course of action taken in individual cases.

Concerted and targeted work is ongoing behind the scenes with a view to ensuring that we are best placed to take advantage of any opportunity that arises to achieve progress towards a positive outcome for Ibrahim Halawa.

I share the Committee's concern about the length of time that Ibrahim Halawa has now spent in detention, and I have raised these concerns at the highest level with the Egyptian authorities. I am also concerned by reports about the prison conditions and, where allegations of mistreatment have been made, my Department has taken the appropriate action. Since his arrest in August 2013, Ibrahim has been visited a total of 42 times by Embassy officials. This unprecedented level of consular visitation indicates clearly the priority we are placing on doing all that we can to carefully monitor his welfare in detention, and to advocate strongly on his behalf to the Egyptian authorities.

In some very complex and challenging cases the considered view of the Department of what is in the best interests of the citizen does not always coincide with the immediate demands for action being made by the citizen or his family. However, even in such difficult cases we endeavour to do all we can to engage with the family and to explain to them why we are pursuing a certain course of action in what we judge to be best interest of their loved one.

I think it is helpful for us to remember that we are all on the same side here: seeking the best for an Irish citizen in difficulty. In recent weeks, officials in my Department's Consular Section have been publicly commended for their efforts to assist the Irish citizens and families caught up in the tragedies of Berkeley and Tunisia. It is the same small number of officials who are working to assist Ibrahim Halawa and his family and they bring the same level of commitment and indeed compassion to his case.

My officials are due to meet with the Halawa family once again tomorrow to discuss this case. And I am of course happy to keep the Committee updated through you Mr Chairman, or through the opposition spokespersons if that would be helpful.

ENDS