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Federica Mogherini

EU High Representative for Foreign Affairs and Security Policy
Vice President of the European Commission

4 July 2017

Dear High Representative,
Dear Vice President of the Commission,

EU-Egypt Association Council (July/ September 2017)

We understand that the latest round of the EU-Egypt Association Council may be scheduled in July or September 2017, in order to finalize the new Partnership Priorities. Against the backdrop of increasing human rights violations, including a massive crackdown on human rights defenders (HRDs), Amnesty International calls on you to ensure that the Association Council only goes ahead if this issue is placed front and center on the agenda of the meeting, and is prominent in all related EU communications, particularly the official EU statement.

Over the past year and a half, the Egyptian authorities have escalated their efforts to curb the work of human rights organisations and activists. They have pursued criminal investigation into the legitimate work of human rights groups that have thus far resulted in arrests, interrogations, arbitrary travel bans and asset freezes. The President has also passed a new draconian NGO law curtailing freedom of association, a law even more restrictive than the Mubarak era law, which paves the way for the eradication of any independent human rights organisations speaking out against the state violations.

The Egyptian authorities have also continued to arrest, prosecute, and imprison journalists, activists, workers, trade unionists and even former presidential candidates on charges that included inciting protests, disseminating “false rumours”, and defaming officials and institutions. Many individuals have been subjected to arrest and detention for administrating Facebook pages or publishing content on other social media platforms that criticized state institutions and/or Government policies. The authorities also blocked access to more than 110 websites for publicising the abuses of the Egyptian State.

Furthermore the pattern of enforced disappearances has increased since 2015, with citizens abducted from their homes, streets, or places of work, and subjected to incommunicado detention for periods up to seven months. During detention, they were tortured to obtain confessions to be used against them in trials to obtain convictions. Victims of enforced disappearances included children as young as 14 years old.

The Egyptian authorities have also been using extra-judicial executions (EJE) against those they suspect are involved in political violence. Amnesty International has found that EJEs are usually linked to enforced disappearances, with the bodies of disappeared people being subsequently found in the morgue. The Egyptian authorities typically announce that those killed were shot in exchange of fire with the security forces despite the fact that the detainees were in the state’s custody when killed.

The Egyptian authorities have also used sectarian violence and other attacks on government institutions and personnel as a pretext to hand down hundreds of mass death sentences following grossly unfair trials that lacked international and domestic fair trial standards. Instead of reviewing security failures that led to the attacks on Coptic churches and security

forces, the authorities used these attacks as a pretext to declare a state of emergency and push through a set of repressive legislative amendments that do not address the root causes of these attacks but pave the way for more death sentences and executions.

Amnesty International is also extremely concerned about the transfer of arms of the types that are being used to commit or facilitate human rights violations. At least half of the EU member states have been transferring such arms to the Egyptian authorities, despite the suspension imposed by the 2013 Foreign Affairs Council conclusions following the killing of hundreds of protesters in a flagrant show of excessive force by security forces in August 2013.

In this context, the Association Council should not continue in a 'business as usual' fashion, and should only take place if substantial time is devoted on the Council's agenda to the crackdown on civil society and HRDs as well as other violations listed in the attached annex. A clear EU public statement is necessary, condemning the deterioration of the human rights situation in the country, and urging the Egyptian government to:

- Abide by their international human rights obligations and drop the investigations into case no.173, lift all travel bans and overturn asset freeze verdicts;
- Immediately release and drop all charges against all prisoners of conscience detained solely for exercising their right to freedom of expression, association and assembly and stop the use of the death penalty, extra judicial executions and enforced disappearances and to bring those responsible to justice.

In addition, all EU member states must recommit to suspending all transfers of arms that are likely to be used in internal repression, in line with the August 2013 and February 2014 Foreign Affairs Council conclusions.

Yours sincerely,

Iverna McGowan
Head of European Institutions Office and Advocacy Director

Annex

Freedom of Association and Human Rights Defenders

Over the past year and a half, the Egyptian authorities have escalated their efforts to curb the work of human rights activists. In relation to ongoing investigations in [case 173](#), the investigative judges have to date summoned 55 human rights defenders and NGO staff for interrogation, including Azza Soliman, co-founder of Lawyers for Peace and Justice, Mustafa el-Hassan, director of Hisham Mubarak Law Center, Ahmed Ragheb, human rights defender and lawyer and Mohamed Zaree, Egypt program director at the Cairo Institute for Human Rights Studies. All released on bail. The judges have also ordered [travel bans](#) against 23 human rights defenders and frozen the [assets](#) of ten individuals and seven NGOs. They have been charged with "receiving foreign funding to harm Egyptian national security" under Article 78 of the penal code, which could carry a sentence of up to 25 years in prison.

Egyptian authorities also raided and shut down [Al Nadeem Center](#) for Rehabilitation of Victims of Violence's headquarters in Cairo on 9 February 2017. Authorities also arrested the board director of the Egyptian Commissions for Rights and Freedoms (ECRF), [Ahmed Abdallah](#), and Minorities program director, [Mina Thabet](#), on 25 April and 19 May 2016 from their homes respectively. Both were charged with belonging to an outlawed group and with attempting to overthrow the government. Egyptian authorities released Mina Thabet on 20 June and Ahmed Abdallah on 10 September 2016 on bail. They have also banned its executive director, Mohamed Lotfy, from travel on 2 June, 2015.

On 30 May 2017, the Egyptian President signed a new draconian [NGO law](#). The new law gives the authorities wide powers to deny NGO registration, dissolve NGOs, dismiss their board of administration and subject their staff to criminal prosecution based on vaguely worded provisions, including "harming national unity and disturbing public order." The law establishes an "agency" comprised of several government bodies that includes representatives of the Ministries of Defence and Interior, and from the general intelligence agency, to oversee NGOs activities and review all requests for foreign funding. The law also imposes severe penalties of up to five years in prison and 1,000,000 EGP (55,220 USD) fines for those who do not comply with its draconian and arbitrary provisions including requiring prior approval to conduct field research and surveys and publish the results.

Further, the Egyptian authorities have subjected dozens of [workers and trade unionists](#) to unfair military trials, arbitrary arrests, and dismissal from work and other disciplinary measures solely for exercising their right to strike and form independent trade unions. Civilian workers in military-owned factories risk unfair trials by military courts to deter them from striking. At least, 25 workers from the military-run Alexandria Shipyard Company face a military trial on charges of "inciting the workers to strike". They got involved in this case after hundreds of workers participated in a protest that took place in May 2016 demanding of providing workers with safety measures.

Freedom of Expression and Assembly

Egyptian authorities continue to stifle freedom of expression and assembly and have continued to arrest, prosecute, and imprison journalists, and activists on charges that included inciting protests, disseminating "false rumours", defaming officials and institutions. In response to protests against Egyptian parliament's approval of a maritime border demarcation treaty that transferred sovereignty of two islands to Saudi Arabia, security forces arrested at least 171 individuals. Among the detainees, security forces arrested human rights lawyer Tarek Hussein on 17 June, 2017. Despite a prosecutor's order to release Mr. Hussein on bail, NSA officers continue to arbitrarily detain him until today.

Between April and May 2017, Egyptian authorities arrested at least 38 people from five opposition parties and political youth groups, in 17 cities in relation to comments they posted that were critical of the Egyptian President. Security forces also arrested former presidential candidate and prominent human rights lawyer [Khaled Ali](#) on 23 May 2017 and detained him for one day. He is now facing a trial for "violating public morals." If convicted he could face up to one year in prison or a fine. He would also be barred from running for the presidency.

Further, Egypt continues to imprison at least [25 journalists](#) including photojournalist Mahmoud Abou Zeid, known as Shawkan, and more than 730 other people continue to face a mass, unfair trial that began in August 2013 and is still ongoing. The state also continues to hold prisoner of conscience and Irish citizen [Ibrahim Halawa](#) on trumped up charges

and in a deeply flawed mass trial that includes more than 400 defendants and lacks the basic standards of fair trial guarantees.

The Egyptian authorities have also [blocked](#) access to at least 110 websites since 24 May according to the Association for Freedom of Thought and Expression, including 48 news sites. Mada Masr, an independent news site, which regularly published news and analysis deeply critical of the authorities was among the first to be blocked along with Egyptian news sites Albedaiiah, run by independent journalist Khaled al Balshy, Elbadil and Egypt Daily News. Access to the global online publishing platform Medium and global campaigns website Avaaz was also blocked.

Moreover, On 14 August 2013, at [Rabaa al-Adawiya and al-Nahda Squares](#), security forces used excessive lethal force to disperse sit-ins by hundreds of Mohamed Morsi's supporters. Over 900 protesters died at the hands of the security forces that day at Rabaa al-Adawiya Square and Nahda Squares in Cairo. According to the prime Minister at the time, up to 1000 people were killed on 14 August across Egypt. Extensive evidence exists of repeated and sustained use of excessive force by the security forces. Not a single official was held accountable for this massacre. Furthermore, a new protest law, no. 107 of 2013 continues to subject protesters to a burdensome notification system, bars demonstrations in key public spaces and authorizes security forces to use force to disperse protests far in excess of that permitted by international standards. Hundreds of peaceful protesters, as well as bystanders and others including human rights defenders and journalists, have been arrested and prosecuted on under this law since November 2013.

Enforced disappearances

Since at least March 2015, the National Security Agency (NSA) of the Ministry of Interior has relied on the use of [enforced disappearance](#) as tool to combat "terrorism". To date, at least 1,700 people have been subjected to enforced disappearance. Over the past two years, the NSA has abducted hundreds of people from the streets or their homes without judicial order and held them incommunicado for periods reaching up to seven months, beyond any judicial oversight. The authorities have denied holding these detainees in state custody and they were therefore left without access to family members or legal representation. The security forces have targeted perceived supporters of the ousted president Mohamed Morsi and activists with other political affiliations. Victims include children as young as 14 and as old as 50 years. Retired parents have been arrested to put pressure on their children to confess to crimes or to implicate others. Many victims of enforced disappearance have been subjected to torture and other ill-treatment by NSA interrogators to extract "confessions" for use against them at trial. Methods included severe beatings, electric shocks including on the genitals, suspension in stress positions for long hours and in a few cases, rape.

For example, the NSA detained Aser Mohamed, who was 14 years old at the time, on 12 January 2016 and subjected him to enforced disappearance for 34 days. He said NSA interrogators forced him to "confess" under torture to terrorism-related charges, and that a prosecutor threatened him with further torture if he retracted his confession. His trial is on-going.

The Egyptian authorities have failed to conduct an effective, independent and impartial investigation into the disappearance and death of Italian PhD student Giulio Regeni who went missing in central Cairo on 25 January 2015. When his body was found on 3 February, a police official told Egyptian media that Giulio Regeni had died in a traffic accident, but autopsies concluded that he had been tortured. On 24 March, Egypt's Ministry of the Interior said the security forces had killed five members of a criminal gang responsible for Giulio Regeni's death. On 9 September, Egypt's public prosecutor acknowledged the security forces had briefly investigated Giulio Regeni before his disappearance and murder. Regeni's disappearance and torture is consistent with the pattern of enforced disappearances perpetrated by state security forces which Amnesty International has documented.

Extra-judicial executions

Since the killing of the then Public Prosecutor, Hisham Barakat in June 2015, the Ministry of Interior has been regularly announcing fatalities in different places in Egypt, purportedly in crossfire with security forces. In some cases relatives state that those killed were arrested or forcibly disappeared weeks before their bodies were found in the morgue. Military forces in North Sinai are also responsible for resorting to lethal force against individuals, who were not posing any danger to the forces.

There are reasonable grounds to believe, and in some cases clear evidence, that these were deliberate killings of people presenting no threat at the time, committed with intent to kill – that is, extrajudicial executions.

On 20 June 2017, the Ministry of Interior (MOI) announced the killing of Abdelzaher Mitawie, Sabry Sabah and Ahmed Abu Rashid. It also announced the killing of Mohamed Abdelmonim Abu Tabeekh on 23 June after they all allegedly exchanged fire with police forces in Alexandria and Giza. The MOI stated that the police were instructed to arrest the four men on charges of “terrorism”. However, family members of the four men told the media and rights groups that their relatives had been forcibly disappeared a month before their killing, and released documents corroborating their accounts. The documents showed that the four families had lodged complaints with the MOI, the Public Prosecutor and the National Human Rights Council regarding the disappearance of their relatives after their arrest on 18, 19, 20 and 28 May. The families had received no response from the authorities, or any other indication that their complaints were being investigated. Family members found out about the killing of their loved-ones from the media.

[In April 2017](#), a leaked video showed military forces in North Sinai executing seven unarmed individuals extra-judicially, including a 17-year old child. The video was verified by experts and family members. Residents of the area where the incident took place confirmed the killing of unarmed individuals. Egyptian authorities failed to conduct an investigation into the incident and described the video as “fake”.

[On 13 January 2017](#), police forces in North Sinai shot dead at least six individuals who had been in incommunicado detention for up to three months when the killing took place. The MOI claimed that when its forces raided a house, at least four persons inside resisted arrest by firing at police forces. Family members, local activists and neighbours, who witnessed the arrest of the six individuals by the National Security Agency, confirmed that the men were arrested from their homes or from the streets between October and November 2016.

There is a clear link between extra-judicial executions and enforced disappearances. The police, in many cases, do not refer those arrested to the Public Prosecution as stipulated by the law. Instead, they are held in conditions that amount to enforced disappearance. Authorities use enforced disappearance to facilitate impunity for those responsible for ordering and carrying out these unlawful killings.

Abuses in prisons and other custody places

Egyptian authorities hold prisoners and detainees in cruel and inhuman prison conditions and have routinely subjected them to torture and ill-treatment. Prison authorities in different places, including Tora Maximum Security Prison, known as Al Aqrab, Burj Al Arab Prison and Wadi el-Natroun prisons, place political prisoners in indefinite and prolonged solitary confinement. For instance, activist Ahmed Douma has been in solitary confinement in Tora Prison in a dirty cell with no bed and insufficient covers since October 2014. Former President Mohamed Morsi's assistant on Foreign Relations and International Cooperation Essam El Hadad and his son Gehad El Hadad have been denied family visits since October 2016. Prison authorities have been holding them in solitary confinement since their arrest in 2013 and deny them sufficient food. Essam El Hadad's health deteriorated recently after he had a heart attack in prison and was not granted with necessary medical treatment. Ahmed Haytham el-Degway, a student in the Faculty of Engineering, has been in prolonged solitary confinement in a dark cell, with only 30 minutes of daily exercise, from February 2016 to early of March 2017 in Al Aqrab prison. A police officer took him from his solitary confinement cell in Al Aqrab prison in February 2016 to the office of National Security Agency in Lazoughli (The headquarters of the Ministry of Interior), where he was severely beaten all over his body and told to "confess" to his involvement in the killing of the public prosecutor.

Sectarian violence and the failure to protect Copts

Attacks against the Egyptian Coptic Christian religious minority have escalated since the ousting of former President Mohamed Morsi in July 2013. Coptic churches and homes have been set on fire, members of the Coptic minority have been physically attacked, and their property has been looted. Over the past three years, there have been 400 sectarian incidents according to the Tahrir Institute. The Egyptian Initiative for Personal Rights has documented at least 64 sectarian incidents between 2011 and 2016, where the authorities resorted to reconciliation instead of applying the law and bringing those responsible to justice.

The government's persistent failure to protect Coptic Christians from sectarian violence is alarming. In December 2016, the bombing of a Cairo church killed at least 25. After the killings of seven individuals in North Sinai between 30 January and 23 February 2017, a Sinai affiliate of the so-called Islamic State announced that more violent attacks against Copts were planned.

The Egyptian authorities have consistently [failed](#) to prosecute those responsible for sectarian attacks against Christians, resorting instead to state-sponsored reconciliation agreements which sometimes involve financial settlements or even the forced eviction of Christian families from their homes. As a result, perpetrators of sectarian violence against Christians enjoy total impunity.

Death Penalty

Since the ousting of Mohamed Morsi in July 2013, Egyptian ordinary and military courts handed down more than [1000](#) death sentences mostly related to incidents of political violence. The sentences were imposed after grossly unfair trials. Courts relied heavily on confessions extracted under torture and other ill-treatment while the defendants were held incommunicado under conditions that amount to enforced disappearance. Courts also relied entirely on deeply flawed police investigations.

At least [81](#) persons were executed since 2013 including at least 8 in relation to incidents of political violence. Amnesty International has found that at least six of the men executed could have not committed the offence they were accused of, as they were in police custody when these crimes were committed. There are currently at least 11 men on the [death row](#) after the Court of Cassation and Military High Court upheld the death sentences against them. Most of the men were held under conditions of enforced disappearance for periods reaching to three month where they were tortured including by the use of rape to obtain confessions. These confessions were later used by courts to convict and sentence the men.

President Abdel Fattah al-Sissi signed a set of [draconian amendments](#) to the code of criminal procedures and the law regulating the appeals before the Court of Cassation. The law limited the appeals before the court of Cassation and made it a one-stage process instead of the previous two, and also abolished the right to retrial. This law will pave the way for more death sentences and executions after it abolishes core guarantees in the Egyptian Justice System.

Transfer of Arms

Almost half of European Union (EU) member states have flouted an [EU-wide suspension](#) on arms transfers to Egypt, risking complicity in a wave of unlawful killings, enforced disappearances and torture. Despite the suspension imposed after hundreds of protesters were killed in a show of grossly excessive force by security forces in August 2013, [12 out of 28 EU member states](#) have remained among Egypt's main suppliers of arms and policing equipment. It is feared that EU Foreign Ministers could soon decide to scrap the current, already insufficient, suspension.

In 2014 alone, EU states authorized 290 licenses for military equipment to Egypt, totaling more than €6 billion. The items have included: small arms, light weapons and ammunition; armored vehicles; military helicopters; heavier weapons for use in counter-terrorism and military operations; and surveillance technology. The EU countries who have supplied arms to Egypt through exports or brokering since 2013 are: Bulgaria, Cyprus, Czech Republic, France, Germany, Hungary, Italy, Poland, Romania, Slovakia, Spain and the UK.

Amnesty International found that armored vehicles exported by the US and France were used to facilitate extra judicial executions and unlawful killings of protestors. Also rights groups faced over [90 online attacks](#) on their emails, accounts and other online platforms which [strongly implies state involvement](#).

While the records show that many EU states have all but ignored the 2013 call for a suspension of transfers of arms used for "internal repression" in Egypt, there are fears that upcoming talks could result in a further loosening or even a discontinuation of the suspension. Supplying arms that are likely to fuel such internal repression in Egypt is contrary to the Arms Trade Treaty, to which all EU states are party, and flouts the EU's Common Position on arms exports.

Sinai

Since the ousting of Mohamed Morsi in July 2013 and the violent dispersal of the two sit-ins of his supporters in Cairo on 14 August 2013, armed attacks against the security forces have been on the rise across the country and particularly in North Sinai. Scores of ordinary residents in North Sinai have been either killed or injured as a result of the armed attacks from the military or the armed groups.

The Egyptian government has used these security threats as a pretext to clampdown on human rights. A media blackout has been imposed on reporting about military operations in the Sinai, and journalists and independent civil society organizations have been banned from entering the area. Thousands of families had their homes demolished and have been [forcibly evicted](#) without being provided alternative accommodation or housing. Further, reportedly hundreds more are held under conditions of enforced disappearance or arbitrarily detained without judicial oversight. At least dozen were extra judicially executed when there were unarmed and in the custody of the authorities.

The government's heavy-handed security measures have also taken a heavy toll on the residents of al-Arish and other cities and villages in North Sinai who have suffered economically as a result of the curfews imposed in many areas, shortages of food and medical supplies as well as long-standing power and water cuts and insufficient communications infrastructures.