

Catherine Ashton

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

**AMNESTY
INTERNATIONAL**



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**FOREIGN AFFAIRS COUNCIL MUST ENSURE THAT THE TRANSFER OF EQUIPMENT USED FOR
“INTERNAL REPRESSION” REMAINS SUSPENDED TO EGYPT AND UKRAINE**

Dear Baroness Ashton,

Ahead of the Foreign Affairs Council (FAC) on Monday 12 May, Amnesty International calls on you to ensure that, in line with previous FAC decisions, all transfers of equipment that can be used for “internal repression” will remain suspended to Egypt and Ukraine until the relevant authorities have taken appropriate measures to address the concerns which have led to the suspensions.

All EU member states have a specific obligation under criterion two of the European Union (EU) Common Position [2008/944/CFSP] of 8 December 2008 defining common rules governing control of exports of military technology and equipment] to, inter alia, “deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression.”

In both incidents the FAC reacted to the use of unnecessary or excessive force, including lethal force, by security forces against protesters. Following the killings of hundreds of protesters in Egypt in August and scores of protesters in Ukraine in February, the EU member states agreed to suspend the transfer of “any equipment which might be used for internal repression” (see FAC decisions of 21 August 2013 and 20 February 2014).

Both countries are currently ruled by transitional governments and presidential elections are scheduled to be held later this month. However, so far in both countries the authorities have not taken appropriate measures to conduct effective investigations into the excessive use of force by the security forces and to bring perpetrators to justice; further, the authorities have failed to establish safeguards in order to prevent such incidents from occurring in future.

The authorities in Egypt and the Ukraine must uphold the rights of all to protest peacefully and must ensure law enforcement officers comply fully with international standards, as set out in the United Nations (UN) Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and thereby respect and protect the right to life, liberty and security of person.

EGYPT

On 14 August 2013, the world witnessed the full brutality of Egypt’s security forces. At Rabaa al-Adawiya and al-Nahda squares, security forces used excessive and unnecessary force to disperse sit-ins by hundreds of Mohamed Morsi’s supporters. Over 550 protesters died at the hands of the security forces that day at Rabaa al-Adawiya alone, and 600 people died in violence across Egypt in the days after.

Amnesty International found extensive evidence of repeated and sustained use of excessive force by the security forces. Yet over eight months later, the fact remains that not one member of the security forces has faced sanction or formal charge for such abuses. In March, President Adly Mansour ordered the

Justice Ministry to open an investigation into allegations that security forces committed human rights violations when dispersing the Rabaa al-Adawiya sit-in in August 2013. The president requested that the ministry appoint an investigative judge, after the National Council for Human Rights issued a report accusing the security forces of using excessive force to break up the sit-in. However, Egypt has yet to make the finding of its investigations public. A fact-finding committee appointed by the authorities to investigate human rights violations has faced criticism for its limited mandate, as well as doubts over whether it will be able to make its findings public.

Investigations have failed to establish the truth, the judicial system has failed to deliver justice, and the authorities have failed to provide adequate reparation. The security forces continue to operate in the long and deepening shadow of impunity.

In recent months, the human rights situation in Egypt has further deteriorated and the space for dissenting voices has been shrinking. In the months since Mohamed Morsi's ousting on 3 July 2013, the security forces have committed human rights violations on a scale unprecedented since the 2011 uprising, backed by newly resurgent state-security apparatus and in some cases armed with Western-made weapons and equipments. Since July 2013, the Egyptian security forces have routinely used excessive and unnecessary lethal force to disperse demonstrations, a practice that has resulted in the deaths of hundreds of protesters and bystanders, as well as in some cases journalists and other media workers. A number of perceived opponents across the political spectrum have been convicted in politically motivated trials and/or imprisoned for peaceful exercise of their rights to freedom of expression and assembly.

The authorities have taken no steps to ensure the security forces act in line with international law and standards, nor have they proposed any safeguards that would prevent the security forces from committing human rights violations. Instead, a new protest law restricting the right to public assembly gives the Interior Ministry wide discretionary powers over protests, including the use of firearms against peaceful protesters. At the time of writing, the authorities are also considering new counter-terrorism legislation that would pave the way for further human rights violations, restricting the right to freedom of expression, undermining legal safeguards against torture and arbitrary detention, and expanding the scope for the application of the death penalty.

UKRAINE

Since the beginning of the "EuroMaydan" demonstrations on 21 November 2013, Amnesty International has been documenting numerous cases of violations of the right to peaceful assembly and excessive use of force by law enforcement officers. New repressive legislation passed by the parliament in mid-January – although later repealed - fanned the flames of protest. Violence broke out again on 18 February after an unsuccessful attempt by the opposition to table constitutional changes in the parliament. During the protests in February, more than hundred people, including 17 police officers, were killed. Hundreds of people have been wounded, some very seriously, as a result of interventions by law enforcement officers during the protests.

The numerous very public incidents of excessive use of force by riot police during EuroMaydan have highlighted the need for a reform of the criminal justice system in Ukraine. As a priority, Ukraine must ensure that all incidents of use of excessive force and torture and other ill-treatment by law enforcement officers during EuroMaydan are promptly, independently and effectively investigated in line with the Ukraine's international human rights obligations.

Limited steps have been taken by the authorities to investigate the actions of law enforcement officers during the EuroMaydan events, but there are worrying signs of a lack of political will to prosecute all law enforcement representatives responsible for human rights abuses. On 3 April 12 former riot police officers were detained under suspicion of having killed demonstrators during the EuroMaydan protests, but on 5 May the Presidential Administration announced that former Berkut officers would only be prosecuted for torture and murder and not for lesser offences. The Council of Europe International

Advisory Panel, established on 9 April to oversee investigations into the violent clashes between protestors and security forces, should ensure that every allegation of abusive use of force by police officers is investigated in line with Council of Europe standards.

Additionally, to address a longstanding culture of impunity for police abuses and the persistent failure of prosecutors to investigate these thoroughly, the Ukrainian authorities should establish an independent agency to investigate all allegations of human rights violations by law enforcement officers. Repeated judgments by the European Court of Human Rights have also found that Ukraine has failed to carry out effective investigations into allegations of torture and other ill-treatment. State officials responsible for such acts have routinely gone unpunished, creating a “climate of virtually total impunity for such acts”.

EU COMMITMENTS

Amnesty International calls on the EU and its member states to ensure that existing obligations under the Common Position to suspend the transfer of military technologies and equipment to Egypt and Ukraine that could be used for internal repression by security forces are fully upheld; and that they are implemented and monitored by all EU member states until the violations of human rights in Egypt and Ukraine have been effectively investigated, and adequate safeguards established.

The suspension should include all indirect exports via other countries, the transfer of components and technologies used for such equipment and any brokering, financial or logistical activities that would facilitate such transfers. States should ensure that any co-operation with Ukraine and Egypt in the areas of law enforcement, security and justice does not contribute to the commission of human rights violations. Amnesty International calls on EU member states to effectively and consistently enforce the arms suspensions in question and to outline how these suspensions are being enforced.

We look forward to your response and stand ready to provide any further information you may require.

Yours sincerely,



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Cc:

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