

Mr. Dimitrij Rupel  
President of the Council of the European Union

Brussels, 23 April 2008  
Our ref. B771

Dear Mr. Rupel,

**Subject: EU-Egypt Association Council**

In light of the forthcoming EU-Egypt Association Council, Amnesty International has prepared the attached briefing highlighting five key human rights concerns in Egypt. We urge the Presidency to raise these issues with the Egyptian delegation during the meeting.

**Counter-terrorism bill and state of emergency**

Amnesty International is concerned that the forthcoming counter-terrorism bill would entrench human rights abuses under the long standing state of emergency. In force continuously since 1981, the state of emergency, which has facilitated human rights violations including prolonged detention without charge, torture and ill-treatment, undue restrictions on freedom of speech, association and assembly, and unfair trials before military courts and Supreme State Security Courts, was renewed in April 2006 for an additional two-years or until a new counter-terrorism law is in place. The anti-terrorism law was drafted and completed in December 2007 without consultation with civil society or human rights organizations in the country. Amnesty International fears that the state of emergency might be extended again at the end of May 2008. We are also concerned that the counter-terrorism bill would allow human rights abuses to continue being committed.

**Freedom of expression, association and assembly**

Freedom of expression, association and assembly witnessed a serious setback in 2007. Journalists were threatened, harassed and imprisoned for publishing offences and some NGOs have obstacles registering and obtaining legal status while others have been dissolved or forced to close, including the AHRLA. As the Association for Human Rights and Legal Aid (AHRLA) works mainly on supporting victims of torture and exposing human rights violations in Egypt, Amnesty International believes that by its closure, the Egyptian authorities are not only violating the right to freedom of association, but also preventing torture victims from receiving valuable independent advice and legal aid in support of their rights.

**Lethal and excessive use of force against migrants and refugees**

Thousands of migrants, refugees and asylum seekers, mostly from Sudan and Eritrea or other parts of sub-Saharan Africa, try to cross from Egypt into Israel each year. Egyptian border police allegedly used excessive and lethal force against them. In 2007, at least four men and two women were shot dead. According to reports, eight men and three women were shot dead by Egyptian security forces in the first four months of 2008 while they were attempting to cross the border into Israel. There were also reports of excessive use of force which have left dozens of such migrants injured. Amnesty International is concerned that Egyptian border police continues to use excessive force, thus putting the lives of more migrants, refugees and asylum seekers at risk.

**Courts**

Following a decision by the Egyptian President in February 2007, forty members of the Muslim Brotherhood opposition organization have been facing trial before a military court since April 2007 on charges of terrorism and money laundering, although they are all civilians. This decision was based on the powers given to the President under the Code of Military Justice which allows him to bypass the ordinary criminal justice system where the defendants' fair trial rights would be better protected. The use of military courts to try civilians violates international law, in particular Article 14 of the International Covenant on Civil and Political Rights (ICCPR) which states that everyone is entitled to a public hearing by a competent, independent, and impartial tribunal established by law. Despite numerous attempts, Amnesty International and other national and international human rights organizations were denied access to court to observe the trial since it started in 2007.

Being established by the Emergency Law, Supreme State Security Courts continue to try terrorism-related cases despite the fact that they violate some of the basic guarantees for a fair trial, including the right to appeal to a higher tribunal.

**Nine men convicted of 'debauchery'**

Since October 2007, Cairo police have detained 12 men in a spreading hunt for people suspected of being HIV-positive. All of them were charged with the "habitual practice of debauchery", a term which in Egyptian law includes consensual sexual acts between men. The detainees were subjected to forcible HIV tests without their consent. In addition, doctors from Egypt's Forensic Medical Authority performed forcible and abusive anal examinations on the men to "prove" they had had sex with other men. In 2008, nine men were convicted in two separate trials of same-sex sexual relations on the ground of their HIV status.

Amnesty International calls on the Presidency to use the opportunity of the Association Council meeting to urge the Egyptian authorities to:

- Ensure that the counter-terrorism bill does not entrench the human rights abuses perpetrated under the current state of emergency and abides by Egypt's obligations under international human rights law;
- Make public the text of the counter-terrorism bill and organize proper consultation with Egyptian civil society, specialists, and national human rights organizations;
- Revise the press law with a view of repealing provisions allowing prison sentences for publishing offences;
- Rescind the decision to dissolve AHRLA and lift any other restrictions in order to allow the AHRLA to provide much needed assistance in defence of human rights;
- Protect the human rights of individuals intercepted at the border with Israel who include refugees, asylum-seekers and migrants, and to launch immediately a thorough, independent, and impartial investigation into the killings of at least seventeen refugees or asylum-seekers in 2007-2008, and make its findings public;
- Stop referring civilians to military courts, halt all pending trials of civilians in military courts immediately, and transfer the cases to civilian courts for a new trial;
- Immediately and unconditionally release all men convicted of debauchery as they are all prisoners of conscience;
- End campaign of arrests against people suspected of having HIV as it can undermine the authorities' efforts to prevent the disease and drive people with HIV into hiding;
- Ensure that personnel affiliated with the Ministry of Health and Population, or the National AIDS Program, neither condone nor participate in torture, ill-treatment, or criminal interrogations of detainees, and immediately report any instances of torture or ill-treatment to the appropriate authorities;
- Ensure that all detainees receive the highest available standard of medical care for any serious health conditions.

Further information can be found in the attached briefing. We would also like to express our particular concern over the continued postponement of the EU-Egypt Human Rights Subcommittee. In this regard, Amnesty International urges the Presidency to use the Association Council to underline to the Egyptian authorities that the Human Rights Subcommittee is an integral part of EU-Egypt relations, and to set a date for this meeting as soon as possible.

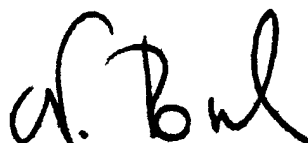
We look forward to hearing from you on the outcome of the meeting,

Yours sincerely,



Natalia Alonso

*Deputy Director  
Amnesty International EU Office*



Nataša Posel

*Director  
Amnesty International Slovenia*