

To:

Josep Borrell, High Representative for Foreign Affairs / Vice-President of the European Commission
Foreign Ministers of the EU member states

Brussels, May 25, 2022

RE: Joint NGO letter ahead of EU-Egypt Association Council meeting

Dear High Representative / Vice-President Borrell,
Dear Foreign Ministers of EU member states,

We are writing ahead of the upcoming EU-Egypt Association Council meeting to urge HR/VP Borrell and EU member states' Foreign Ministers to use this opportunity to **raise concerns** over serious human rights violations and crimes under international law perpetrated by Egyptian authorities, and to set **concrete and measurable human rights benchmarks** as criteria for progress in the EU-Egypt bilateral relations. Specifically, these benchmarks should include:

1. **Releasing all those arbitrarily detained** for peacefully exercising their human rights or detained for reasons of religion, sex, gender identity and sexual orientation or other characteristic protected under human rights law;
2. Enacting a moratorium on the use of the **death penalty**, with a view to promptly abolishing it;
3. Ending the use of **torture and enforced disappearances** and ensuring effective, independent and impartial investigations into such unlawful acts, with a view to holding those responsible to account;
4. Ending all acts of **reprisals and harassment** against civil society workers and all peaceful activists and their family members, and ensuring that people in Egypt are able to exercise their rights to assembly, association and expression;
5. Ensuring the [meaningful participation](#) of Egyptian and non-Egyptian civil society at and around **COP27** without fear of violence or retaliation;
6. Bringing national **legislation** in line with Egypt's international obligations, including the [2019 NGO law and its bylaws](#), [counterterrorism laws](#) and the 1996 child law;
7. Ending the **ensorship** of independent news, human rights and other websites;
8. Granting access to independent journalists and activists to **Sinai**; providing families forcibly evicted from Sinai with alternative accommodation and fairly and transparently compensate those evicted or otherwise displaced;
9. Cooperating genuinely with Italian authorities in the prosecution for the torture and murder of Italian researcher **Giulio Regeni**;
10. Promptly ratifying the **Rome Statute** of the International Criminal Court, signed in 2000, and implementing it into national law;
11. Acceding to the **International Convention for the Protection of All Persons from Enforced Disappearance** and its optional protocol, and meaningfully implement it into domestic law and policy;
12. Implement the findings and recommendations of the **UN Committee against Torture**.

Public communication by the European Union and members states around the Association Council and other high-level meetings will be particularly important, as it will signal to the Egyptian people and civil society whether the European Union intends to continue to uncritically support the Egyptian government despite its oppression, or instead change course and seriously press the Egyptian authorities to uphold their human rights and fundamental freedoms.

Our organizations, local partners, [UN experts](#) and the European Parliament have repeatedly raised serious concerns over widespread and systematic human rights abuses under President Abdel Fattah al Sisi's rule. We regret that [our](#) and the [European Parliament's](#) longstanding calls for bold EU measures to address this situation have by and large remained unmet. In the absence of meaningful scrutiny and accountability measures from its international partners, including the EU and its member states, the Egyptian government's repression has thrived.

The EU-Egypt Association Council meeting will take place following a series of measures that have been portrayed by Egyptian authorities as tangible progress. In the annex, we address how these measures have not led to real policy change and instead amount to an attempt by the Egyptian government to whitewash its abysmal human rights record.

However minor, these steps followed a rare [public expression of concern](#) by the international community on Egypt's human rights record, led by Finland during the 46th session of the UN Human Rights Council (HRC), and supported by 32 states, including 18 EU member states. This indicates that Egyptian authorities care about their international reputation. Regrettably, HRC members are yet to follow up on that initiative, which we hoped would have helped build momentum toward a resolution establishing a long-overdue [UN human rights monitoring mechanism](#) on Egypt.

While engaging in discussions with Foreign Minister Shoukry during or alongside the Association Council, the HR/VP and EU Foreign Ministers should bear in mind that he represents a government responsible for [mass killings and brutal repression](#) of protests, [systematic torture](#) or other ill-treatment, [enforced disappearances](#), [extrajudicial killings](#), and the [arbitrary detention of thousands](#) of real or perceived critics and opponents, including human rights defenders, journalists, lawyers and political activists. The [horrific conditions of detention](#) have led or contributed to the death of dozens of detainees. Civic space has been harshly closed, and the few independent NGOs still operating in the country do so at great risk of [harassment, violence and intimidation](#), while the [law](#) regulating their activities – inexplicably hailed by the EU as a positive development – risks wiping them out completely.

These and other abuses happen in near total impunity. The judiciary and the public prosecution [routinely](#) ignore detainees' reports of torture and ill-treatment, while the courts keep perceived critics in endless pre-trial detention and hand down sentences – including [death sentences](#) – following grossly unfair trials. The authorities have also resumed carrying out executions, putting ten men to death in March 2022, following a hiatus from September 2021. Judges have also jailed several [women over morality related charges](#) for making TikTok videos, and religious minorities over blasphemy charges.

Regrettably, Egypt's abysmal human rights record has been met by weak, occasional statements of concern from the EU and its member states, which have also refrained from taking concrete measures to address it and have instead continued to provide full political, financial and military [support](#) to the Egyptian government.

In February, Minister Shoukry publicly [dismissed](#) human rights concerns by Germany's new government, pointing to Egypt's strategic importance for the EU regarding security and migration. In March, EU member states agreed to downgrade concerns on Egypt at the UN Human Rights Council, bowing to Hungary's unjustified request to move reference to Egypt from the item 4 to the [item 2](#) debate, where country situations deemed less concerning are discussed. Shortly after, the EU-Egypt joint bid to chair the Global Counter-Terrorism Forum was endorsed. As a result, the EU is expected to co-chair a platform which aims at shaping global counter-terrorism policies with a government

[notorious](#) for committing serious abuses under the guise of countering 'terrorism'. Finally, despite its track record of harsh repression and reprisals against civil society, Egypt has been selected to host COP27, providing the government with a new opportunity to boost its international image.

In [reiterating our calls](#) on the EU and its member states to break this cycle of impunity and seriously reconsider their relations with Egypt, we urge that the HR/VP and EU foreign ministers use the upcoming Association Council to pass a clear, unequivocal and bold message to the Egyptian government that **human rights need to be at the heart of their bilateral relations**. They should note with concern that the rights commitments of the previous EU-Egypt Partnership Priorities have not been implemented. The upcoming ones should reflect the EU's first policy commitment in the 2021 [New Agenda for the Mediterranean](#) on human development, good governance and the rule of law.

Concrete progress in Egypt's human rights record should benefit bilateral relations, while **lack of progress should have serious consequences** on Europe's support for the government, leading to concrete, long-overdue measures to address the human rights crisis in the country.

While hoping that this letter will trigger serious reflections within and among EU governments and institutions, we wish you a productive meeting with your Egyptian counterparts and we stand ready to discuss these issues further any time.

Yours sincerely,

Amnesty International
CIHRS - Cairo Institute for Human Rights Studies
DIGNITY – Danish Institute Against Torture
EuroMed Rights
FIDH – International Federation for Human Rights
Human Rights Watch
OMCT – World Organization Against Torture
Reprieve

ANNEX – recent developments in Egypt

The recent, limited releases of arbitrarily detained activists, journalists and human rights defenders, and the partial closing of criminal investigations against some human rights defenders from case 173/2011 (known as the “foreign funding case”), although at least 16 human rights defenders remain subject to travel bans and/or asset freezes in relation to the case, are welcome steps, but they have unfortunately been accompanied by other negative developments.

On April 24 – the [same day](#) that the latest releases were announced – Egyptian authorities [arrested](#) TV presenter Hala Fahmy, and journalist Safaa al-Korbagy was handed a 15-day detention order by the State Security Prosecution, three days after her [arrest](#). Both remain detained pending investigations over unfounded terrorism related charges. Egyptian authorities have failed to conduct an independent and transparent investigation into the death in March of economic researcher [Ayman Hadhoud](#) in a psychiatric hospital, after his arrest and enforced disappearance in February, with signs of [likely human rights violations](#).

In December, prominent human rights defenders [Alaa Abdel Fattah, Mohamed El-Baqer and Mohamed Ibrahim “Oxygen”](#) were sentenced following grossly unfair trials before 'emergency' courts, whose verdicts cannot be appealed. The same happened in November to [Zyad el-Elaimy and](#)

[Hisham Fouad](#), and again in May 2022 with politician Yehia Abdelhadi. They are among the many unjustly sentenced or prosecuted, including Patrick Zaki, Ahmed Samir Santawy, Hoda Abdelmonem, Ibrahim Metwally Hegazy, Ezzat Ghoneim, Haytham Mohammadeen, Ahmed Amasha, Mohamed Ramadan, Mohamed Adel, Anas el-Beltagy, Abdel Moneim Aboul Fotouh, Mohamed al-Kassas, Kholoud Said, Marwa Arfa Safwan, Seif Thabet, Mawda al-Adham, Haneen Hossam, Marco Gergesand Ismail Iskanderani, to name just a few.

In October, President Sisi announced the lifting of the [state of emergency](#), which was however followed just a few days later by the adoption of a series of amendments to other laws that *de facto* entrenched a [permanent state of emergency](#) into the Egyptian legal system.

In September, Egyptian authorities announced – with great fanfare – the adoption of a [national human rights strategy](#). Regrettably, that strategy completely overlooks patterns of past and ongoing human rights violations and fails to acknowledge the abusive role of security forces and other state actors; it also repeatedly attributes responsibility for the failure to enjoy their human rights to Egyptian citizens themselves, for their alleged lack of awareness of their legal rights and available government support programs, and it offers modest and largely technical solutions to overcome human rights “challenges,” without acknowledging the need for political will on the part of the Egyptian authorities to reverse course. Furthermore, the strategy was drafted under the aegis of the Ministry of Foreign Affairs by a [body](#) whose stated objective is to “respond to allegations about human rights in Egypt”, which suggests that the government is more interested in whitewashing its terrible reputation rather than in achieving concrete human rights progress.

Decisions by the recently reactivated “Presidential Pardons Committee”, tasked with identifying prisoners to be released, remain subject to approvals by security agencies, and [lack basic transparency and objective criteria, leading to arbitrary decisions](#). Its members repeatedly indicated the exclusion of individuals accused of “membership in terrorist groups” or use of violence, amid the well documented concerns of such charges being used to arbitrarily detain thousands for their peaceful exercise of human rights and/or in prolonged pretrial detention. The authorities have to date refused to adopt Egyptian human rights organizations’ proposal to address arbitrary detention.

A trial *in absentia* against four Egyptian security officers charged for the torture and murder of Italian student Giulio Regeni remains stuck due to the Egyptian authorities persistent [failure to genuinely cooperate](#) with the Italian judiciary.