



26 October 2018

Heiko Maas
Minister of Foreign Affairs of the Federal Republic of Germany
Auswärtiges Amt
11013 Berlin

Subject: Official visit of Egyptian President Al-Sisi to Germany

Dear Foreign Minister Maas,

Your upcoming meeting with President Al-Sisi of Egypt provides a crucial opportunity to raise concerns regarding the crackdown on the independent human rights movement in the country, in violation of Egypt's obligations under its 2014 Constitution and international human rights law.

Egypt's socioeconomic challenges, along with its increasingly repressive measures targeting civil society and human rights defenders play a critical role in the country's stability. The absence of institutional channels for dissent or holding the government accountable for its human rights violations, along with unfulfilled promises of socio-economic stabilisation, can potentially yield unrest and be contributing factors for migration.

EuroMed Rights, Cairo Institute for Human Right Studies (CIHRS), Dignity, IFEX, OMCT and Tahrir Institute for Middle East Policy (TIMEP) urge you to raise the following concerns with President Al-Sisi:

Repression of civil society organisations and activists

In recent years, Egyptian authorities have conducted a generalised crackdown on Egyptian civil society and activists, including arbitrary detentions, travel bans, asset freezes, closure and intimidation.

A draconian new NGO law, no. 70/2017, violates Egypt's Constitution and international rights commitments and has been denounced by your own [Human Rights Commissioner](#). The law will prevent the satisfactory implementation and monitoring of many development cooperation projects funded by Germany, intended to benefit Egyptian citizens in need, and migrants and refugees on Egyptian territory. This law should be repealed.

Furthermore, the foreign funding case (no. 173/2011), which impacted German political foundations, still looms over Egyptian NGOs. All charges should be dropped, and this case should be closed. Given the growing hardship and inequalities Egyptians are enduring, they need the support of NGOs, including those working on development and poverty-alleviation. Likewise, human rights NGOs are

essential to ensure accountability and promote the rule of law. By treating civil society organisations as enemies, Egypt is targeting an indispensable antidote to the continued rise of violent extremism.

Individual human rights defenders, including women human rights defenders, are facing State retaliation for their legitimate work. A list of cases that our organisations are documenting is annexed to this letter.

Torture, enforced disappearances and extra-judicial killings

1,520 cases of enforced disappearances have been documented by the Egyptian Commission for Rights and Freedoms between July 2013 and August 2018. More than 60,000 people are currently detained in Egypt, in dreadful detention conditions, where torture is rife. The Committee for Justice documented at least 129 cases of death in custody in 2017. There is a [widespread torture policy](#) fed by the total impunity of security forces and acquiescence at the highest level of the state.

In its [2017 annual report](#), the UN committee against torture concluded that “torture is a systematic practice in Egypt.” One of the committee’s recommendations was for Egypt “to prosecute perpetrators of torture, including those with command or superior responsibility.” A year later, in July 2018, Egypt did the exact opposite by adopting a law that allows the President to exempt some high-ranking army officials from legal accountability for potential crimes committed from July 2013 to January 2016, which includes mass killings perpetrated by the army and police. This law encourages the climate of impunity. It provides reassurance to those involved in serious human rights violations or, even worse, it sends the message that these actions are recompensed by the government. The politicised judiciary and lack of enforcement of human rights, including those contained within the Egyptian constitution, only strengthen this vicious circle.

Death penalty

Egyptian authorities have recently used the death penalty [on a regular basis](#), a fact that you have denounced in your statements under item 4 at the UN Human Rights Council. On 24 September 2018, an Egyptian court confirmed the sentencing of 20 persons to death, and of 80 others to life imprisonment in the [Kerdassa case](#). Procedures in this case have been typical of political mass trials in Egypt, which are marred by many serious violations: judges usually fail to establish individual criminal responsibility or to investigate torture and abuse of detainees, while the incriminating evidence usually consists mainly of unsubstantiated claims by the National Security Agency and police officers. So long as Egypt refuses to abolish capital punishment, this pattern of practice constitutes ample justification for an immediate moratorium on new death sentences and a freeze on the execution of death row prisoners sentenced in patently unfair mass trials by politicised “terrorism” circuits or military courts.

The Kerdassa case is only the latest in a series of recent mass death sentences. In August 2018, 75 death sentences were handed out in [the Rabaa Dispersal Case](#) (no. 34150/2015). The judge found all 739 defendants guilty, handing out 47 life sentences and dozens of other long prison terms in addition to the 75 death sentences. 22 minors were given a 10-year jail sentence. This case was described as [distressing](#) by your Human Rights Commissioner.

Socio-economic rights

Foreign Minister Maas himself [remarked that](#) “Human rights and freedom of the press are also prerequisites for economic development through investments from abroad.” Indeed, the police state in Egypt remains [a massive barrier to growth](#) as the crackdown on dissent targets human rights defenders, journalists, social activists and trade union leaders—“those very actors who advocate the fight against corruption, state transparency and the establishment of procedures based on the rule of law,” [explained](#) SWP expert Stephan Roll. Meanwhile, mismanagement and corruption are [a huge concern for the public](#) in Egypt.

Egypt’s financial, economic and social policies have led both to severe hardship and frustration for large sectors of the population, and to a state of increased economic volatility where several factors could easily trigger a more acute crisis. The influx of funds since the 2016 currency float, particularly to treasury bills, exposes Egypt to severe consequences should investors withdraw. Though foreign reserves have increased, short-term external debt has [soared and its ratio](#) to foreign reserves has tripled compared to 2011. Egypt’s military spending has [skyrocketed](#) to an unsustainable level.

The government has focused on deficit reduction through measures harshly impacting the needy, while at least [half of the poor](#) are not reached by any of the cash transfer programmes, [according to the Egypt Social Progress Indicators economic policy data](#). And Egypt’s tax structure is becoming [more and more regressive](#). The authorities continue to pursue grandiose projects unlikely to benefit the needy and focus on satisfying the military-controlled sector of the economy—whose increasing weight continues to [crowd out the private sector](#). All this ensures that existing reform efforts remain [highly painful yet insufficient](#) to fulfil promises of prosperity and sustainable development. German and European interests would be best served by engaging President Al-Sisi to review his socio-economic priorities, seriously promote accountability and transparency, and [reopen the public sphere to trade unions](#) and civil society, if we wish to avoid a new phase of revolt in Egypt.

Migration and human rights

Ex Foreign Minister Gabriel’s [wish](#) “to help ensure that young people in Egypt face a better future” appears very unlikely to be met unless Germany—and other international partners of Egypt—use financial, political and trade leverage to push the authorities toward reform, accountability and reopening of the public sphere. German and EU focus on preventing irregular departures from Egypt will not prevent future large-scale migratory fluxes without addressing the underlying issues. The Al-Sisi regime continues to instrumentalise the migratory crisis context since 2015 “to generate urgently [needed financial aid](#) without having to make concessions with regard to political reforms that might jeopardise its own consolidation of power.” German and European leaders will only be exposed to more visible complicity with well-documented, rampant [human rights abuses in Egypt](#), and the risk of possible legal liability. Egypt’s security forces have a long-standing and documented record of grave human rights abuses both in [border policing](#) and in [places of detention](#).

Egypt issued a [law](#) on illegal migration but in doing so, failed to fully address rights of refugees or process for asylum. Therefore, in the absence of asylum law in Egypt, refugee status determination continues to be carried out by the chronically short-staffed and underfunded UNHCR, whose access to places of detention is [limited and irregular](#), including to UNHCR-registered detainees. Facilities used for immigration detention—including police stations, border guard stations, and prisons—are mostly overcrowded and far from meeting basic conditions. Children are regularly detained; the UNHCR estimated unaccompanied (or separated) children of concern in Egypt at [over 3,800](#).

Persons with a solid case for refugee status are often faced with a choice between indefinite administrative detention or deportation. The expansion of military jurisdiction since 2013 allows for trial of immigration detainees by military courts far from international fair trial standards. Nationals of Sudan, Eritrea, Yemen or Syria have repeatedly been forcibly deported from Egypt back to war zones or to [persecution](#) by security services in their home countries, and this [continues to occur](#).

The closure of civic space in Egypt also hampers the work of humanitarian NGOs providing vital services and support to refugees. Once again, there remains no alternative to engaging the Egyptian authorities to initiate broad social, judicial and political reforms if the country is to move toward sustainable conditions and real stabilisation.

Yours sincerely,

EuroMed Rights, CIHRS, Dignity, IFEX, OMCT and TIMEP