



June 1, 2015

Dr. Angela Merkel
Chancellor of the Federal Republic of Germany
Willy-Brandt-Straße 1
10557 Berlin

Dear Chancellor Merkel,

We, the undersigned international human rights organizations, write to you in advance of your scheduled meeting with President Abdel Fattah al-Sisi of Egypt. The government headed by President al-Sisi presides over the gravest human rights crisis Egypt in decades. We urge you in the strongest terms to make clear in your meetings with President al-Sisi, and in public remarks you or other German officials may make in connection with this visit, that the nature and extent of Germany's relations with Egypt going forward will depend on the Egyptian authorities taking prompt and concrete measures to put an end to government policies that systematically violate Egypt's obligations under international human rights law as well as the Egyptian Constitution of 2014.

Since July 2013, when then-Defense Minister al-Sisi ousted the elected president Mohamed Morsi and his government, authorities have by their own admission detained more than 22,000 people. Egyptian rights organizations have credibly documented a much higher number of at least 41,000 persons who were arrested, indicted or sentenced between July 2013 and May 2014, including 300 lawyers. Many have been detained solely on the basis of alleged membership in or sympathy with the Muslim Brotherhood, with which President Morsi was affiliated. Hundreds of others have been arrested for participating in peaceful demonstrations, in violation of the repressive November 2013 assembly law outlawing gatherings of 10 or more persons not approved in advance by the Interior Ministry. Those

detained for violating the assembly law include some of Egypt's leading pro-democracy activists and a number of human rights defenders.

In one case, which the Euro-Mediterranean Human Rights Network raised with you in a letter of 2 April 2015, a leading women's rights lawyer, Azza Soliman, was charged with 16 others for participating in an illegal protest after they came forward as witnesses to the fatal police shooting of political activist Shaimaa al-Sabbagh. A judge acquitted Soliman and the 16 members of al-Sabbagh's Socialist Popular Alliance Party on May 23, but prosecutors have appealed the acquittal and continue to seek to jail peaceful activists.

President al-Sisi and other officials frequently characterize dissent as a threat to national security. Egypt's judges and prosecutors have contributed to a further politicization of the criminal justice system that has resulted in mass trials in which a judge sentences hundreds of people to death without any regard for individual criminal responsibility. In separate decisions on May 16, a criminal court recommended the death penalty for 122 people, including former President Morsy, noted academic Dr. Emad Shahin, and half a dozen top Muslim Brotherhood officials. The sheer number of people condemned to death in these rulings is emblematic of a much larger problem of lack of respect for international fair trial standards in proceedings involving political dissidents. Between January and March 2015, Egyptian courts convicted 2,381 political dissidents, sentencing 194 of them to death and 312 to life in prison, according to the Egyptian Observatory for Rights and Freedoms. Since Morsy's removal in July 2013, Amnesty International research indicates that courts have issued more than 742 death sentences after unfair trials and targeting Muslim Brotherhood members and their supporters. The authorities have shown a willingness to carry out executions more rapidly than in the past, and have executed 27 persons since June 2014. Seven out of the 27 were convicted of murder in relation to political violence and were executed following grossly unfair trials that violated international fair trial standards.

Another key area of concern is the Egyptian government's efforts to restrict the legitimate activities of independent non-governmental organizations (NGOs), including human rights organizations, which criticize government policies. The 2002 Law on Associations currently in force allows the government to shut down such organizations at will, freeze their assets, confiscate property, reject persons nominated to their governing boards, and block foreign funding. Authorities frequently deny the applications of groups seeking to register under the law, which mandates prison terms for members of those groups for what then become "unauthorized activities." The Ministry of Social Solidarity, which is responsible for implementing the 2002 law, relies heavily on the Interior Ministry's Homeland Security (formerly State Security investigations) bureau to monitor the activities and funding of human rights and other civil society organizations.

In September, President al-Sisi amended by decree the Penal Code to raise the penalty for accepting foreign funding with intent to "harm the national interest" to life in prison and a US\$70,000 fine. In November 2014, Egyptian authorities threatened to close down any organizations conducting NGO-type activities while registered as a law firm or civil company, as many are to avoid the 2002 law's onerous restrictions. In the face of broad criticism from many countries as well as international organizations and United Nations rights bodies, the government refrained from implementing this threat but has continued more quietly to intimidate and harass individuals and their organizations with travel bans, investigations, and denial of permits for public events. This comes on top of the closure of offices of international organizations that support Egyptian groups, including the Konrad Adenauer Stiftung, and criminal prosecution of their staff. These threats have led several of Egypt's most prominent NGOs to

shut down key programs for fear of running afoul of the law and relocate some of their programs abroad.

Egyptian authorities have taken no evident action to improve fatal conditions in badly overcrowded prisons, police stations and security directorates beyond occasional apparently superficial inspections by prosecutors. The authorities have also undertaken no steps to investigate or end detention in unofficial places of detention, like the premises of the National Security Agency, where torture and ill-treatment are routine. Human Rights Watch and Amnesty International documented the deadly consequences of these overcrowded conditions and the lack of proper medical care in such facilities. At least 124 detainees have died in police custody since August 2013 as a result of medical negligence or torture and other forms of ill-treatment, according to human rights groups including three former Muslim Brotherhood parliamentarians.

Women continue to face discrimination in law and in practice, including high levels of gender-based domestic, public and state violence. A June 2014 amendment to the penal code to combat sexual harassment requires further improvement and incidents of sexual harassment are ongoing. Assaults by mobs of men against women in Tahrir Square during President al-Sisi's inauguration spurred his administration to promise action to combat violence against women, but promised additional measures have not yet materialized. The authorities have not taken serious measures to bring perpetrators of violence against women to justice, especially when they are from the security forces.

Finally, Germany should continue to freeze the transfer of all arms and security related items that could be used for repression until Egyptian authorities have carried out judicial and impartial investigations into the killings of hundreds of protesters by police and security forces, and bring those responsible to justice. This includes the infamous and bloody August 14, 2013, clearing of two largely peaceful sit-ins in Cairo organized by opponents of the military takeover, in which security forces killed more than 1,000 protesters in a single day.

We encourage you to make clear to President al-Sisi that closer German ties with Egypt depend on his government's taking steps to address these concerns. Specifically, we ask you to urge President al-Sisi to commit to the following steps:

- Repeal the November 2013 law (Law 107/2013) severely restricting the right to peaceful assembly or amend it to bring it in line with international human rights law and standards and release immediately and unconditionally those jailed solely for peacefully exercising their right to freedom of expression and assembly;
- Release or retry before civilian courts whose proceedings meet international fair trial standards those sentenced in mass trials or those jailed solely for their alleged membership in or sympathy with the Muslim Brotherhood;
- Establish a moratorium on executions with the view of abolishing the death penalty;
- Refrain from forcing NGOs to comply with the 2002 Law on Associations until an elected parliament passes a new law respectful of international human rights standards after dialogue with relevant stakeholders;
- Put in place effective measures to end sexual and gender-based violence in private and public spheres, as well as by the state, in consultation with independent women's rights groups;
- Ensure that all places of detention, including police stations and unofficial places of detention are under judicial oversight comply with international standards including the UN Convention

against Torture, to which Egypt is party, and the UN Standard Minimum Rules for the Treatment of Prisoners

Thank you for your attention to these important concerns.

Sincerely,

Selmin Çalışkan, Secretary General, Amnesty International Germany

Wenzel Michalski, Germany Director, Human Rights Watch

Mary Lawlor, Executive Director, Front Line Defenders

Gerald Staberock, Secretary General, OMCT

Michel Tubiana, President, Euro-Mediterranean Human Rights Network