

Written evidence submission on behalf of the family of Alaa Abd el-Fattah (SLH0043)

Summary

- Alaa Abd el-Fattah is a leading pro-democracy activist and writer who has been unfairly imprisoned by the Egyptian regime for most of the last decade. He gained British citizenship in December 2021 but Egypt has refused to grant the UK consular access, despite successive Prime Ministers raising his case with President Sisi and calling for his release.
- The Egyptian state's penal practices share several hallmark characteristics with hostage-taking.
- Protesting at his conditions and the lack of consular access, Alaa nearly died in November 2022 after a 200-day hunger strike, and several days of full water strike.
- Beyond raising the case with their counterparts, it is unclear what if any leverage has been exerted by the British government. While the FCDO say they are doing “everything we can”, Egyptian diplomats in London face no consequences for their government’s obstruction of the British Embassy in Cairo. Meanwhile strong bilateral trade ties have not been brought to bear.
- We ask the UK to end its sole reliance on a strategy of high-level lobbying which has so far failed to produce results for Alaa, and to demonstrate that there are real diplomatic, commercial and political consequences for refusing to cooperate with British officials on this critical matter.

About Alaa Abd el-Fattah’s case

1. This submission is made on behalf of the family of Alaa Abd el-Fattah, a British-Egyptian leading pro-democracy activist and writer imprisoned in Egypt’s Wadi al-Natroun prison, with the assistance of the human rights organisation FairSquare.
2. Alaa has been imprisoned by the Egyptian regime for most of the last decade, and was first arrested in 2006 for protesting for the independence of the judiciary. His current detention stems from September 2019. After two years of being held without trial, in December 2021 Alaa was sentenced by Egypt’s Emergency State Security Court to five years, for sharing a Facebook post about human rights violations in prison. His trial was manifestly unfair, to the extent that the Bar Human Rights Committee of England and Wales and the German Ministry of Foreign Affairs criticised the process before the verdict was even issued.¹ Neither the prosecution nor the defence presented their cases. The sentence cannot be appealed and can only be annulled by the President. The UN Working Group on Arbitrary Detention found Alaa to be arbitrarily detained.² The two years served of pretrial detention were not counted toward this new sentence.
3. The Egyptian state's penal practices share several hallmarks with hostage-taking: those arrested may be disappeared and taken to unknown locations, with victims’ families often spending days searching for kidnapped relatives around police stations and prisons, unsure if they are still alive. Official charges are in many cases not brought by the state, and instead victims can spend years being cycled through pre-trial detention procedures without appearing before a judge.³ There have also been high

¹ <https://barhumanrights.org.uk/continued-prosecution-and-detention-of-alaa-abd-el-fattah-mohamed-el-baqer-and-others-before-the-egyptian-state-security-court-raises-concern-about-egypts-profound-rule-of-law-crisis/> and <https://www.auswaertiges-amt.de/en/newsroom/news/-/2502528>

² <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter>

profile cases of victims such as the CEO of Juhayna - one of the most valuable companies in Egypt - Seif Thabet, being arrested, which has been internationally understood to have been part of the state's efforts to seize assets. Human Rights Watch said the case showed how the regime was using “flawed terrorism laws to punish successful businessmen who refuse to surrender their property to the state”.⁴ Relatives of outspoken Egyptian activists in the diaspora have been subjected to a regime strategy of “hostage-taking”, in which relatives in Egypt are imprisoned in an attempt to silence them.⁵ The US Government has called this trend “alarming”.⁶

Blocking of UK consular access to Alaa

4. In December 2021 Alaa gained British citizenship through his mother, who was born in London. However, the Egyptian authorities have refused to grant the UK consular access to Alaa. This is despite the British government repeatedly raising Alaa’s case at the highest levels: then Foreign Secretary Liz Truss in June and July 2022; then Prime Minister Boris Johnson in August 2022, and Prime Minister Rishi Sunak in November 2022. In an interview in November 2022, Egyptian Foreign Minister Sameh Shoukry stated that, “in Egypt, there are certain processes and procedures to recognize the bestowing of a dual nationality on what is originally an Egyptian citizen. That process has not been fulfilled.”⁷ In reality, the Egyptian government has insisted that Alaa give up his Egyptian citizenship in order for them to accept his British citizenship. He has agreed to do that, but the Egyptian Prosecutor General has repeatedly blocked him, over a period of many months, from carrying out the process to renounce his citizenship.⁸ In contrast, in July 2020, Alaa’s younger sister Sanaa Seif was arrested from outside the prison where her brother was being held, as she tried to deliver a letter to him. While in prison, she acquired British citizenship. She was granted a consular visit by representatives of the British embassy immediately. She did not have to renounce her Egyptian citizenship.

5. Alaa began a hunger strike in April 2022 to demand his right to UK consular access and to protest his prison conditions. International coverage of his strike led to him being moved to his current prison. In Tora prison, where he was previously held, he was held in a cell with no sunlight, denied access to any reading material, exercise, a radio, a mattress or bedding, or any time out of his cell. At Wadi al-Natroun he continued his hunger strike, maintaining a “Gandhi-style” fast, surviving on 100 calories a day. In November 2022, he stopped taking in any calories and escalated to a full water strike at the beginning of the COP27 climate conference in Sharm el-Sheikh. During COP27, world leaders including Rishi Sunak, Olaf Scholz, Emmanuel Macron, Boris Johnson, Jake Sullivan on behalf of the White House, and the UN High Commissioner for Human Rights called for Alaa’s release.

FCDO lobbying strategy and lack of results

³ <https://www.nytimes.com/interactive/2022/07/16/world/middleeast/egypt-prisoners.html>

⁴ <https://www.hrw.org/news/2021/11/18/egypt-terrorism-laws-abused-businessmens-arrests>

⁵ <https://www.theguardian.com/global-development/2021/jun/08/biden-accused-of-u-turn-over-egypts-human-rights-abuses>

⁶ https://www.washingtonpost.com/world/middle_east/egypt-tries-to-silence-its-critics-in-the-united-states-by-jailing-their-relatives/2020/07/08/c93a809e-c053-11ea-864a-0dd31b9d6917_story.html

⁷ <https://www.instagram.com/tv/CkpnDRijntf/>

⁸ <https://twitter.com/asoueif/status/1589641724862771200>

6. Still, there has been no progress on either his release or consular access. No British official has yet been able to visit him. Meanwhile, Alaa ended his strike during COP27, having come perilously close to death.
7. Publicly, Alaa's case has come to overshadow other aspects of the British-Egyptian bilateral relationship. The Foreign Secretary has said that there is a "disagreement" between the two governments on the case.⁹ Lord Ahmad, the Minister for the Middle East and North Africa, has called the lack of consular access "unacceptable", said the case has "a massive bearing" on the bilateral relationship, and told Parliamentarians that the government "must apply all the levers we have".¹⁰ The FCDO repeatedly says that officials are "doing everything they can".¹¹
8. However, in a number of respects, the bilateral relationship continues to operate seamlessly. Indeed the Egyptian state news agency notes that in the current period, "Egyptian-British relations are witnessing intense activity at the bilateral level and at various political, economic, cultural and religious levels".¹² As the former British Ambassador to Egypt and Downing Street adviser John Casson has said about the case, "it has become clear that Egypt is playing for time and are banking on our ministers losing interest and being all talk".¹³ It remains unclear what "levers" have been applied by the British government on Alaa's case, beyond raising it at high levels and expressing concerns publicly.
9. For example, Egyptian diplomats continue their work in London as normal. In November 2022, Shadow Foreign Secretary David Lammy MP called for reciprocal measures to be applied to the Egyptian embassy in London, saying: "UK officials in Egypt have no consular access to this British national and you've got to ask why is it that the Egyptian ambassador has access to Whitehall in those circumstances – I think it should stop."¹⁴
10. Similarly, while commercial ties between the UK and Egypt are strong, this has apparently not been brought to bear on Alaa's case. The UK is the largest foreign investor in Egypt, investing \$48 billion across all sectors.¹⁵ BP and Shell account for a large part of this investment, while Egypt is a priority country for British International Investment (BII), the UK's development finance institution, which states that "we are committed to investing in Egypt."¹⁶ In September 2022 the institution announced its intention to inject \$100 million into Egyptian startups. In 2021, UK Export Finance (UKEF) provided a £1.7 billion guarantee to support the construction of the Cairo Monorail, one of the largest amounts of financing provided for an overseas infrastructure project in UKEF's history.¹⁷ We are not

⁹ <https://www.theguardian.com/world/2022/nov/14/alaa-abd-el-fattah-family-of-activist-jailed-in-egypt-say-he-is-alive>

¹⁰ <https://hansard.parliament.uk/Lords/2022-11-09/debates/3419163F-C4FC-4439-A92D-DC26BA63521B/AlaaAbdEl-FattahHungerStrike>

¹¹ <https://uk.style.yahoo.com/sunak-writes-family-jailed-alaa-164225786.html>

¹² <https://sis.gov.eg/Story/173398/Egypt-and-United-Kingdom?lang=en-us>

¹³ <https://uk.news.yahoo.com/ex-ambassador-urges-ministers-not-091431745.html?guccounter=1>

¹⁴ <https://www.theguardian.com/world/2022/nov/09/britain-does-not-know-if-alaa-abd-el-fattah-still-alive-minister-admits>

¹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/859337/UK-Egypt_Joint_Statement_on_Economic_Cooperation.pdf

¹⁶ <https://www.bii.co.uk/en/news-insight/insight/articles/development-finance-egypt/>

¹⁷ <https://www.gov.uk/government/news/uk-export-finance-and-hassan-allam-holding-sign-agreement-to-enhance-cooperation-across-africa>

aware that the UK government has linked any element of its trade and investment activity to Alaa's case, nor incorporated British corporate investments into its strategy to gain consular access or secure his release. In July 2022, the government held the inaugural meeting of the UK-Egypt Association Council, a body that aims to "further the ambition laid out in the UK-Egypt Association Agreement".¹⁸ We are not aware that the proceedings of this council have been affected by the continued and blatant obstruction of British officials in Egypt. The Egyptian-British Chamber of Commerce meanwhile continues its activities smoothly, with the support of the Department for International Trade.¹⁹

What we are asking for

11. We are pleading with the UK government to end its sole reliance on a strategy of high-level lobbying, which has so far failed to produce a single positive result for Alaa. We ask them to recognise that the Egyptian government has made clear that it will not respond to polite requests, and to demonstrate that there are real diplomatic, commercial and political consequences for refusing to cooperate with British officials on the critical matter of the welfare, safety and freedom of their national.

2 February 2023

¹⁸ <https://www.gov.uk/government/news/joint-statement-between-the-uk-and-egypt-following-the-association-council-5-july>

¹⁹ <https://www.theebcc.com/events/>