Rethinking the U.S.-Egypt Relationship: Why the Deterioration of Human Rights Matters and What the United States Can Do

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Testimony before the Tom Lantos Human Rights Commission November 3, 2015

Chairman McGovern, Chairman Pitts, and distinguished members of the Commission, thank you for the opportunity and honor of testifying before you today on human rights in Egypt and implications for U.S policy. Strikingly high levels of repression in a strategically vital country such as Egypt make this topic both more important and urgent than is often acknowledged.

Introduction

I will make four main arguments in my testimony. First, the *level* of repression that we have seen under President Abdel Fattah al-Sissi surpasses that of President Hosni Mubarak and even his predecessors, in terms of the number of Egyptians killed, wounded, detained, and "disappeared" since the military coup of July 3, 2013. Meanwhile, the *nature* of repression is more dangerous – and therefore of greater concern for U.S. policymakers – because it enjoys a significant degree of popular support, drawing on media and mass hysteria, cult of personality, and the dehumanization of political opponents. Second, Sissi's heavy-handed approach to Sinai security has effectively fueled the extremist insurgency there, calling into question Egypt's position as a reliable counterterrorism partner. Third, state institutions that were previously seen as "national" organizations – namely the military, judiciary, and religious establishment – have, for the first time in decades, become partisans in a bloody civil conflict. This has led the Muslim Brotherhood, other Islamist activists, as well as secular revolutionaries to gradually shift their perception of the Egyptian state as a problem to be reformed to an enemy to be undermined and even destroyed. With the thorough politicization of state institutions, there are no longer any domestic actors which can play the crucial role of third party guarantor during any future national reconciliation process. This means that regional and international actors, including the United States and the European Union, will need to play a more active role in laying the groundwork for future dialogue.

With this in mind, I conclude with specific recommendations for the United States in the short, medium, and long-term and argue for a rethinking of some of the core elements of the bilateral relationship.

Today's Repression in Context

I was in Egypt for two of the most important political moments of the Arab Spring: the day President Hosni Mubarak fell on February 11, 2011 and then the lead-up to the Rabaa massacre of August 14, 2013, which Human Rights Watch has called "the worst mass killing in modern

Egyptian history." These two moments serve as appropriate bookends for understanding the recent trajectory of Egyptian politics.

February 11, 2011 was one of those once-in-a-lifetime moments. Later that night, I overheard an Egyptian woman telling her friend: "I've never seen Egyptians so happy in my life." Neither had I. During those eighteen whirlwind days of protest in Tahrir Square, Islamists, liberals, and leftists fought and died together. They saved each other's lives. This remarkably diverse movement of secularists, socialists, Muslim Brothers, Salafis, and hardcore soccer fans were drawn together by what they opposed. But if this was the opposition's most impressive moment of unity, it would also prove to be one of its last. This wasn't the end of ideology, as some had hoped, but the beginning of a long-running cold – and sometimes hot – war, with questions of religion and identity at its center.

President Mohamed Morsi and the Muslim Brotherhood's one year in power further polarized an already polarized country, pitting Islamists against non-Islamists in what was increasingly perceived, at least by liberal and secular elites, as an existential battle over the meaning, purpose, and nature of the Egyptian state. This was the context in which the military moved to oust Morsi on July 3, 2013. In the days leading up to the Rabaa massacre, a significant segment of the population cheered on the repression, encouraged by the nearly nonstop demonization of the Brotherhood in the state and private media.

I should say from the outset that the question here is *not* whether the Brotherhood was any good at governing. It wasn't. President Morsi and Brotherhood officials failed to govern inclusively, managing to alienate old and new allies alike. They showed favoritism toward Islamist-aligned groups, harassed or threatened prominent opposition voices, and detained secular activists such as the April 6th Movement co-founder Ahmed Maher. Reasonable people can disagree on what exactly happened and didn't happen during Morsi's short tenure in power. But the very real sins of the Morsi government – and the general illiberalism of the Brotherhood – have nothing to do with whether we, as Americans, should turn a blind eye to the unprecedented levels of violence and repression that have followed Morsi's removal from power. Importantly, this campaign of repression has targeted not just Muslim Brotherhood members but also liberal, socialist, secular revolutionary activists as well as well-respected civil society organizations that have dared to speak out against the regime's policies.

The military-dominated government in power since Morsi's ouster has grown so repressive that few any longer compare Sissi to Morsi. In an article last year, Meredith Wheeler and I used the Polity IV Index, one of the most widely used empirical measures of democracy and autocracy, to score Morsi's one-year tenure and Sissi's first six months in power. We found a massive 6-point drop from Morsi (2) to Sissi (-4), with 10 being the most democratic and -10 being the most autocratic. Today, analysts and academics are more likely to compare Sissi's repression to Mubarak's or even to that of President Gamal Abdel Nasser. Going by the numbers, the level of repression under Sissi surpasses that of Nasser (and it's only been two years), which is something of a remarkable feat. In the first year after the 2013 coup, at least 2500 civilians were

¹ "Egypt: Security Forces Used Excessive Lethal Force," Human Rights Watch, August 19, 2013, http://www.hrw.org/news/2013/08/19/egypt-security-forces-used-excessive-lethal-force

² See Shadi Hamid and Meredith Wheeler, "Was Mohammed Morsi Really an Autocrat?" *The Atlantic*, March 31, 2014, http://www.theatlantic.com/international/archive/2014/03/was-mohammed-morsi-really-an-autocrat/359797/

killed and 17,000 wounded.³ By March 2015, security forces had arrested more than 40,000 people, the majority of them on grounds of suspected support for the Muslim Brotherhood, although leftist activists, journalists, and university students were also detained.⁴ And, in one of the most troubling developments of the past year, a growing number of Egyptians have "disappeared." My parents, who grew up under Nasser, would use the Arabic phrase *wara alshams*, which literally means "behind the sun." This is where the Nasser regime took you if you went too far. I remember thinking this sounded exotic. (In contrast, President Anwar el-Sadat and President Hosni Mubarak generally avoided disappearing their opponents.) But such disappearances – extra-judicial abductions outside the law – now happen with increasing frequency. Between April and June 2015, at least 163 Egyptians were "disappeared." As one prisoner recalled of his time at Azouli, a military jail that can't be seen by civilians: "There is no documentation that says you are there. If you die at Azouli, no one would know." It is difficult to know for sure, but human rights activists put the total number of the disappeared at as high as 800 Egyptians. In sum, today's repression, according to Human Rights Watch, is "on a scale unprecedented in Egypt's modern history."

The Exceptional Nature of Egyptian Repression

It is an odd thing to wait for a massacre. Before I left Egypt on August 12, 2014, I had interviewed Muslim Brotherhood leaders and activists in the Rabaa protest encampment for a book on Islamist movements I was finishing. Tens of thousands of Morsi supporters were gathered in a massive sit-in. I also had the opportunity to discuss the unfolding events with my relatives, many of whom still live in Egypt. The weekend before the killings, I went to Egypt's North Coast to visit family, hoping to escape, even if briefly, the fear, anger, and polarization consuming Cairo. Sitting by the beach, a relative performed a morbid demonstration, pointing to the coffee table in front of us and chopping his hand down on it. He said he wanted the severed heads of each of the Brotherhood's top leaders right on that same table, listing them each by name. I knew he was half-joking, performing a kind of theatre of the absurd. However, another relative, my well-educated and sensible uncle, was deadly serious. He took to his Facebook page to publicly call for the execution of Muslim Brotherhood members without due process. This – whatever this was – felt foreign to me.

Beyond the numbers, which can only tell us so much, how does regime repression today differ from that of previous governments? I argue here that Sissi's brand of the repression is one of the

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³ Michele Dunne and Scott Williamson, "Egypt's Unprecedented Instability by the Numbers," The Carnegie Endowment for International Peace, March 24, 2014, http://carnegieendowment.org/2014/03/24/egypt-s-unprecedented-instability-by-numbers/h5j3

⁴ Human Rights Watch, "UN Human Rights Council: Adoption of the UPR Report on Egypt," March 20, 2015, http://www.hrw.org/news/2015/03/20/un-human-rights-council-adoption-upr-report-egypt.

⁵ Mona Eltahawy, "Egypt's Vanishing Youth," *New York Times*, June 15, 2015, http://www.nytimes.com/2015/06/16/opinion/egypts-vanishing-youth.html?_r=0

⁶ Patrick Kingsley, "Egypt's secret prison: 'disappeared' face torture in Azouli military jail," *The Guardian*, June 14, 2014, http://www.theguardian.com/world/2014/jun/22/disappeared-egyptians-torture-secret-military-prison Nicola Abé, "The Vanishing: Why Are Young Egyptian Activists Disappearing?" *Der Spiegel*, September 10, 2015, http://www.spiegel.de/international/world/young-activists-disappear-amid-egyptian-government-crackdown-a-1052006.html

⁸ "Egypt: New Leader Faces Rights Crisis," Humans Rights Watch, June 9, 2014, http://www.hrw.org/news/2014/06/09/egypt-new-leader-faces-rights-crisis

more dangerous kinds – it is both *populist* and *popular* – and therefore should be of greater concern to American policymakers. An odd cult of personality quickly developed around the new leader. One female journalist actually offered herself as a "concubine" to General Sissi. A state-owned newsmagazine featured thirty smiling Sissis on its cover, all wearing different clothes – doctors, engineers, laborers – with the words "All of Egypt is Sissi" emblazoned at the top. Soon, there would be Sissi-themed pajamas for women featuring the general himself, sporting dark sunglasses. ¹⁰

During the pre-Arab Spring era, many Egyptians supported Mubarak, but it was difficult to find anyone who was particularly passionate about him. Mubarak was the serviceable strongman – steady, solid, and devoid of charisma. With Sissi, it was different. There were millions of Egyptians – Sissi's base – who passionately supported and believed in him, elevating him as a kind of savior figure. In the weeks before the Rabaa dispersal, it was common to hear secular and "liberal" Egyptians criticizing Sissi not for being too brutal, but for not being brutal enough: why hadn't he already gone in and killed the protesters? What was he waiting for? When it finally did happen, Sissi supporters cheered on the dispersals and the killings. Egypt's savior had delivered. Rarely had celebrity been so inseparable from brutality.

The cult of personality seemed to go hand in hand with a messianic streak that can only be described as bizarre. In a leaked off-the-record interview, for instance, Sissi tells confidant Yassir Rizk that thirty-five years ago he started having dreams like one where he raises "a sword with 'There is no God but God' written on it in red." In another, a voice comes to Sissi, saying, "we will give to you what we have given no other." In still another, he is with late President Anwar el-Sadat. Sadat says that he knew he would one day become president. Sissi replies, "And I know that I will be president of the republic." In public, Sissi presented himself as a national savior who would "maximize" state power to pull the Egyptian people – "the light of his eyes" – from their sorry state. He traded his beatific, paternal tone in private. "People think I'm a soft man. Sissi is torture and suffering," he once told a journalist. ¹⁴

Egypt wouldn't have been an obvious candidate for this kind of internecine conflict. The country is relatively homogenous and a sense of Egyptian-ness is widespread. With Shia and Sunni or Muslims and Christians, there is little doubt about who is what. The lines are drawn quite clearly for those who wish to see them. But what about when the enemy is a brother, daughter, sister, or son? An optimist might see this as proof that it can only get so bad: it's within the family, after all. But friends and family can turn on each other, and, in Egypt, they have. As Egypt's former

10 "Women's 'Sisi pajamas' hit the Egyptian market," *Al Arabiya*, November 29, 2013.

⁹ Ghada Sharif, "Ya Sissi... Inta Taghmaz bi 'Ainak Bas! [Oh Sisi...All it would take is one wink!]," *Al-Masri Al-Youm*, July 25, 2013.

 $[\]underline{http://www.almasryalyoum.com/news/details/198680}\#f6fc5af502e019.$

http://english.alarabiya.net/en/variety/2013/11/30/Women-s-Sisi-pajamas-hit-the-Egyptian-market.html.

¹¹ "Leaked recordings between Sissi and journalist Yasser Rizk," YouTube.com, December 11, 2013. https://www.youtube.com/watch?v=dhhmR2LB4pA&feature=youtu.be.

¹² Ibid. See also David Kirkpatrick, "Egypt's New Strongman, Sisi Knows Best," *New York Times*, May 24, 2014 http://www.nytimes.com/2014/05/25/world/middleeast/egypts-new-autocrat-sisi-knows-best.html.

¹³ Ibid.

¹⁴ David Kirkpatrick, "Egypt's New Strongman, Sisi Knows Best," *New York Times*, May 24, 2014 http://www.nytimes.com/2014/05/25/world/middleeast/egypts-new-autocrat-sisi-knows-best.html.

minister of interior Osama Heikal put it: "The enemy can be our own neighbor. The enemy is in our own homes."15

In this sense, Sissi's vision for Egypt is ambitious and totalizing. The new Egyptian regime seeks not merely to marginalize its Islamist opponents – who won successive elections in 2011-3 – but to eradicate them as a social force, and enlist popular support in the process. In a throwback to an older era, there have been regular reports of neighbors and colleagues informing on each other. The wall of fear, which had apparently crumbled during the Arab uprisings, was now being rebuilt and the wall, if anything, was stronger. In one incident, the Egyptian journalist Sara Khorshid recounts sitting in a Cairo café, where she was casually chatting about politics with Alain Gresh, editor of *Le Monde Diplomatique*. A 50-something veiled woman, who was apparently eavesdropping, shouted that they were "ruining the country" and proceeded to inform the police officers outside. "The woman who informed on us looked like any average Egyptian woman – like my mother or my neighbors... She sounded angry and sincere," writes Khorshid. "I've seen many like her in the past months, even in my own circle – ordinary people who really believe they are serving their country by doubting the loyalty of fellow citizens." The two journalists were detained.

The apparent intensity of popular support often led observers to overstate Sissi's popularity. With many television channels – still the main source of news for most Egyptians – closed down after Morsi's overthrow, there were few venues for expressing alternative viewpoints. Most journalists, meanwhile, were based in Cairo and other major urban areas where dislike for the Brotherhood and enthusiasm for Sissi was disproportionately high. Perhaps more importantly, the effectiveness of government intimidation, strong social pressure, along with the fear of arrest meant that coup skeptics had powerful incentives to keep their displeasure to themselves. Surveys appear to confirm this. According to a September 2013 Zogby poll, a majority of 51 percent of Egyptians opposed the July 3, 2013 military coup. ¹⁷ In an April 2014 Pew poll, 43 percent said they opposed the military's removal of Morsi, while 38 percent said they had a favorable opinion of the Muslim Brotherhood. 18 Both figures are surprisingly high considering that just months before the Pew poll was conducted, the Muslim Brotherhood was officially declared a terrorist organization by the Egyptian regime, with criminal penalties for any kind of association with the group, including even expressions of public sympathy. These caveats aside, however, the basic point remains: In a country of around 90 million people, Sissi enjoyed the enthusiastic backing of many millions of Egyptians, especially where it mattered most – in the politically dominant cities of Cairo and Alexandria. And sometimes that is all you really needed, especially when you could use violence to intimidate the many millions who opposed Sissi, keeping them quiet and in constant fear of persecution.

http://static1.squarespace.com/static/52750dd3e4b08c252c723404/t/5294bf5de4b013dda087d0e5/1385480029191/Egypt+October+2013+FINAL.pdf

18 "One year after Morsi's ouster, divides persist on El-Sisi, Muslim Brotherhood," *Pew Research Center*, May 22,

¹⁵ Qahira al-Youm [Cairo Today] television program, November 27, 2014, https://twitter.com/shadihamid/status/538086175169589248.

¹⁶ Sarah Khorshid, "Egypt's New Police State," New York Times, November 16, 2014, http://www.nytimes.com/2014/11/17/opinion/egypts-new-police-state.html.

^{17 &}quot;Egyptian Attitudes: September 2013," Zogby Research Services,

^{2014,} http://www.pewglobal.org/files/2014/06/Pew-Research-Center-Egypt-Report-FINAL-May-22-2014.pdf

Egyptians themselves may have been deeply divided. The Egyptian state, however, was a different matter entirely.

Unity of the State

The ongoing campaign against the Brotherhood as well as liberal and secular opponents reflects the unity of the labyrinthine and sometimes fractious Egyptian state. One might have expected such high levels of repression to sow doubt within the regime as well as among allies and supporters. But when the military led, the rest of the state followed, sometimes with over-the-top aplomb. There was the April 2014 sentencing to death of 529 Brotherhood members, one of the largest ever mass death sentences anywhere in the world. The court seemed to make no pretense of transparency or fairness in the case: the attorneys of the accused were denied access to the "evidence" and those who protested were threatened. The verdict was handed after only two court sessions, each lasting less than an hour. ¹⁹ In May 2015, the same court sentenced Mohamed Morsi for his alleged role in (his own) prison break during the 2011 uprising. The former president faced a public execution, by hanging, with more than 100 others sentenced alongside him. Morsi's co-conspirators included a Palestinian man "who has been in an Israeli jail since 1996," and two Palestinians who had reportedly already died, writes Emad Shahin, a leading Egyptian political scientist who himself was handed a death sentence in absentia. ²⁰

The judiciary, once hailed for its relative independence and autonomy in the mid-2000s, was a full and willing partner in the war against the Brotherhood and everyone else who was viewed as a threat to the regime's consolidation of power. The courts were instrumental in first banning the Brotherhood and then declaring it a terrorist organization, seizing its financial assets, and closing down hundreds of Islamist civil society organizations. The government confiscated hospitals, clinics, and charitable organizations affiliated with the Brotherhood, cutting off thousands of needy Egyptians. The crackdown extended to mosques: the Ministry of Endowments boycotted preachers not licensed through al-Azhar and instituted a license renewal requirement to ensure that all preachers were vetted by the state. Some institutions, such as privately owned schools, were harder to bring to heel than others. But the government used all of the weapons in its arsenal. In January 2015, the Ministry of Education appointed new directors for every school owned by a Muslim Brotherhood-affiliated individual.

²¹ Steven Brooke, "Egypt's Crackdown on Islamist Charities," *Foreign Policy*, December 27, 2013 http://foreignpolicy.com/2013/12/27/egypts-crackdown-on-islamist-charities/.

¹⁹ David D. Kirkpatrick, "Hundreds of Egyptians Sentenced to Death in Killing of a Police Officer," *New York Times*, March 24, 2014, http://www.nytimes.com/2014/03/25/world/middleeast/529-egyptians-sentenced-to-death-in-killing-of-a-police-officer.html.

²⁰ Emad Shahin, "Sentenced to Death in Egypt," *The Atlantic*, May 19, 2015, http://www.theatlantic.com/international/archive/2015/05/death-sentence-egypt-emad-shahin/393590/.

Leila Fadel, "Egypt's Crackdown on Islamists Spreads to Mosques, Charities," NPR, October 18, 2013, http://www.npr.org/blogs/parallels/2013/10/18/236256570/egypts-crackdown-on-islamists-spreads-to-mosques-charities.

²³ Steven Brooke, "The Muslim Brotherhood's social outreach after the Egyptian coup," Brookings Institution working paper, Rethinking Political Islam series, August 2015, p. 8, http://www.brookings.edu/~/media/Research/Files/Reports/2015/07/rethinking-political-islam/Final-Working-Papers/Egypt_Brooke_FINALv.pdf?la=en.

While members of the regime coalition may have had their disagreements on economic issues, such as tax and subsidy reform, or when and how to hold parliamentary elections, there were few, if any, dissenters when it came to the general repressive thrust of the state apparatus. As Michele Dunne and Nathan Brown write: "Under Nasser as well as Sadat and Mubarak... the judiciary sometimes acted as a brake on the government's most authoritarian impulses. Now, all the instruments of the Egyptian state seem fully on board. Whereas Nasser had to go to the trouble of setting up kangaroo courts, today there is no need." 24

The Role of the Religious Establishment

The trajectory of al-Azhar, the country's prestigious seat of Islamic learning, followed a similar path. During the democratic transition, it tried in seemingly good faith to bridge the gaps between Islamist and secular parties. At a series of meetings organized by al-Azhar Grand Imam Ahmed al-Tayyeb, the various parties endorsed a document in June 2011 establishing a "guiding framework" for the new constitution.

Despite initial calls after the revolution for expanding al-Azhar's autonomy from the state, ²⁵ since the coup it has functioned primarily as an instrument of the Sissi regime. Although uneasy with the Brotherhood's ambitions, al-Azhar avoided clashing with Morsi during his time in office. Ahmed el-Tayyeb reluctantly backed the overthrow of Morsi, a move which he would later describe as deciding between "two bitter choices." Ali Goma'a, the Grand Mufti at the time, had less compunction, leading the rhetorical charge against the Brotherhood. On several occasions in sermons and promotional videos, he offered religious justifications for killing members of the Muslim Brotherhood. "When someone tries to divide you, then kill them," he said in a video made for the military shortly after the Rabaa dispersal. Blessed are those who kill them, and those who are killed by them," added Goma'a. "We must cleanse our Egypt of this trash... they reek. God is with you, and the Prophet Muhammad is with you, and the believers are with you ... [Oh God], may You destroy them." Interestingly, Goma'a and other pro-regime clerics have employed the kind of *takfirist* reasoning usually associated with al-Qaeda and ISIS, arguing that Brotherhood members are akin to heretics and therefore their blood is licit. ³⁰

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²⁴ Nathan J. Brown and Michele Dunne, "Egypt's Judges Join In," Foreign Affairs, April 1, 2014, https://www.foreignaffairs.com/articles/middle-east/2014-04-01/egypts-judges-join

Nathan J. Brown, "Post-Revolutionary al-Azhar," The Carnegie Endowment for International Peace, September 2011, http://carnegieendowment.org/files/al_azhar.pdf.
 Ahmed Morsy and Nathan J. Brown, "Egypt's al-Azhar Steps Forward," The Carnegie Endowment for

Ahmed Morsy and Nathan J. Brown, "Egypt's al-Azhar Steps Forward," The Carnegie Endowment for International Peace, November 7, 2013, http://carnegieendowment.org/2013/11/07/egypt-s-al-azhar-steps-forward.

For a more extensive documentation of the role of clerics in justifying the use of violence against Sissi's political opponents, see Mohamad Elmasry, "The Rabaa massacre and Egyptian propaganda," *Middle East Eye*, August 13, 2015,

http://www.middleeasteye.net/columns/rabaa-massacre-and-egyptian-propaganda-131958993.

²⁸ David Kirkpatrick and Mayy El Sheikh, "Egypt Military Enlists Religion to Quell Ranks," *The New York Times*, August 25, 2013, http://www.nytimes.com/2013/08/26/world/middleeast/egypt.html.

²⁹ See for example Amr Osman, "Ali Gomaa: Kill them, they stink," *Middle East Monitor*, November 21, 2013, https://www.middleeastmonitor.com/articles/africa/8421-ali-gomaa-kill-them-they-stink, although I have made some slight changes to the English translation for accuracy

³⁰ "Full video for the fatwa of Dr. Ali Gomaa on the permissibility of killing and carrying weapons of Kharijites which was introduced to the officers and soldiers," Youtube.com, posted by Dr. Ali Gomaa, August 25, 2013.

Goma'a, the political scientist Steven Brooke writes, now leads what used to be the Brotherhood's network of hospitals and clinics.³¹ In another instance, a pro-Sissi preacher, on national television, called for implementing "God's punishment" of crucifixion on the Brotherhood.³² These examples underscore quite clearly that the characterization of the Sissi regime as "secular" or "reformist" couldn't be more further from the truth, with Sissi, senior officials, and state institutions routinely using religious rhetoric – and the clerical establishment – to incite and justify the use of violence against political opponents.

Loss of Faith in State Institutions and Implications for National Reconciliation

For the near entirety of the post-independence era, the army, judiciary, and the religious establishment may have been politicized, but they at least offered the pretense of being above the fray, nurturing an illusion of independence and autonomy. That they were widely perceived as pillars of the state was due in part to Egypt's relatively well-formed sense of nationhood. The idea of the Egyptian state, with its attendant bureaucratic largesse, predated Egyptian independence.

The military, in particular, enjoyed near universal respect, becoming something close to sacred. When the army stepped in and deposed Mubarak – one of their own – in February 2011, few Egyptians openly objected. Defying orders from Mubarak's henchmen, the army refused to shoot into the crowds in Tahrir Square, burnishing its image of non-partisanship. The chant that reverberated in the days leading up to Mubarak's fall – "the army and the people are one hand" – was no accident. Even if it wasn't quite true, it was the message the military brass fell back on over and over again: they represented no party or faction; they were dutiful servants of the nation, and they would guard over the interests of Egypt and Egypt alone. Even the Muslim Brotherhood, which had repeatedly fallen victim to the military's manipulations throughout its history, avoided any direct criticism of the army. As one former Morsi administration official told me, looking back at that critical period: "Our reformist approach led to a self-interested pact with the military."³³ To oppose the military would be tantamount to advocating revolution, and Brotherhood leaders had little interest in dismantling or purging the state. If they needed to place blame, they could direct it at individuals or policies, but not at institutions. There was no need to alienate state institutions when they hoped, one day, to win them over from within the democratic process. Why defeat the state when it could more easily be co-opted?

In sum, state institutions had given up any pretense of neutrality. For the first time, the military – supported by all arms of the state, including the religious establishment – killed large numbers of Egyptian civilians from one particular political faction, in this case the Muslim Brotherhood and its allies. Once the Rabaa massacre happened, it had become, in a sense, too late. Too much blood had been spilled.

<u>https://www.youtube.com/watch?v=u9WE_zBV-fw</u>. See also Elmasry, "The Rabaa massacre and Egyptian propaganda."

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³¹ Brooke, "The Muslim Brotherhood's social outreach after the Egyptian coup," p. 5.

³² "Imam Mazhar Shaheen calls for crucifying the Muslim Brotherhood," YouTube.com, https://www.youtube.com/watch?v=MU6Kti3sxWI&feature=youtu.be

³³ Interview with author, Morsi administration official, February 17, 2014.

Young Brotherhood activists inside of Egypt – many of whom lambast the group's conservative old-guard for not being "revolutionary" enough – increasingly see the state, at least in its current iteration, not as an adversary to be co-opted or reformed, but as an enemy to be undermined. When thinking about radicalization, we tend to focus on the use of violence. But, intellectually and philosophically, attitudes toward the state and how to change it often prove more important over time. Violence is, more often than not, about means. The state is about ends.

The implications of this shift in Islamist perceptions of the Egyptian state are profound, and are likely to haunt Egypt for a long time to come. Whether they're justified or not, "revolutionary" approaches to politics – particularly when they hit up against an intransigent state – are likely to create more instability, at least in the short term. Since the state has no interest in accommodating or incorporating them, both Islamists and secular revolutionaries have a greater incentive to play "spoiler." In this sense, incentive structures are woefully misaligned in a way that encourages a spiral of destabilization: opposition plays spoiler; the regime becomes even more repressive; revolutionary attitudes of opposition activists harden.

In the pre-2011 era, Mubarak did not attempt to dismantle the Brotherhood's vast social infrastructure of mosques, charities, hospitals, schools, and businesses, but they were in constant fear of provoking such a regime response. The Brotherhood therefor had to tread carefully, as the costs of a crackdown on their social, educational, and preaching activities – effectively the Islamist lifeline – would be severe. In other words, even if they were harassed, arrested, and pushed out of the political arena, they could still operate in the social arena. However, when the social infrastructure is attacked and even destroyed, this incentive to eschew revolution and to avoid all out confrontation is removed. After all, there is little left to lose in organizational terms, if you've already lost nearly everything. Again, this underscores the point that not all repression is created equal; extreme levels of repression – what we might call "eradicationism" – are likely to have dangerous, destabilizing effects, particularly if such regime policies persist. As Steven Brooke, the leading scholar of the Egyptian Muslim Brotherhood's healthcare and educational infrastructure, argues in a new paper:

Over the longer term, the regime's crackdown on the Brotherhood's social service network potentially casts doubt on the wisdom of that organization's accommodationist, legalist approach to existing states. Specifically, the Brotherhood has historically situated their social service provision as complementary to the state's provision and, ultimately, subservient to it. Yet the recent legal campaign against these institutions may ultimately drive the Brotherhood's social service provision underground, shifting it in a more decentralized and potentially revolutionary direction. 34

As this quote makes clear, contrary to popular imagination, the Brotherhood, for the better part of 80 years, was not fundamentally opposed to the nation-state. If anything, the opposite was true. But this fundamental premise – that change came through gradualism and working the state – was undermined by the 2013 coup and, importantly, by the apparent success of the ISIS model of rejecting the existing nation-state altogether.

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³⁴ Brooke, "Islamist social outreach after the Egyptian Coup," p. 1

Even in such a context, there may still be a minority, on both sides, that remains open to some kind of "national reconciliation" in the years to come. But even if the political will exists to explore dialogue or confidence building measures, the means and mechanisms will still be wanting, making an already unlikely prospect even more unlikely. Particularly when the power imbalance is so lopsided, a national reconciliation process requires a viable third party guarantor, something which Egypt doesn't currently have. Entering into anything resembling a "dialogue" with pro-regime figures (to say nothing of actual members of the regime coalition) is extremely risky for Brotherhood leaders, who would be cast as sellouts and counter-revolutionaries by younger activists, potentially provoking a split in the organization. Considering these risks, guarantees would need to be ironclad and enforceable. Yet, for the reasons discussed above, the military, judiciary, religious establishment, and other state institutions – having become partisans in an ongoing civil conflict – are in no position to play such a role. Due to the collapse of the Egyptian "center," which had, in any case, already been quite weak, there are few civil society organizations or trade and professional unions which are seen as neutral by both sides. In practice, this means that any future national reconciliation effort will require significant regional and international involvement, similar to the efforts of the quartet of the United States, the European Union, Qatar, and the United Arab Emirates in the weeks leading up to the Rabaa dispersal. Diplomats, ambassadors, senators, and other officials almost succeeded in brokering a deal, based on a series of confidence-building measures, between the Brotherhood and the military.³⁵ In the absence of such international interest and commitment, it is difficult to see how a national reconciliation can gain any traction, to say nothing of actually succeeding.

The Myth of Authoritarian "Stability"

President Sissi came to power on a classic strongman platform. He was no liberal or democrat – and didn't claim to be – but he promised stability and security. Many in the international community have echoed this narrative: that as distasteful as Sissi's policies might be, at least Egypt is "stable." For instance, Eric Trager, after discussing political violence and the repressive policies of the Sissi regime, writes that "despite this bleak security outlook, Egypt is more politically stable than it's been in years." This narrative does not hold up to scrutiny, unless all the word "stability" has come to mean is *not being in a state of civil war*.

By any measurable standard, Egypt is more vulnerable to violence and insurgency today than it had been before. Moreover, Egypt's ineffective counterterrorism policies are fueling the very insurgency it claims to be fighting. This past July, as many as 64 soldiers were killed in coordinated attacks by Egypt's ISIS affiliate, the so-called Sinai Province. It was the worst death toll in decades, and came just days after the country's chief prosecutor, Hisham Barakat, was assassinated. But these were not isolated incidents. According to the Tahrir Institute for Middle East Policy, July 2013, the month of the coup, saw a massive uptick in violence, from 13 to 95 attacks.³⁷ The number of attacks dipped in subsequent months – to 69 in August and 56 in

³⁵ For the definitive treatment of the final days of diplomacy before the massacre, see David Kirkpatrick, Peter Baker, and Michael R. Gordon, "How American Hopes for a Deal in Egypt were Undercut," *New York Times*, August 17, 2013, http://www.nytimes.com/2013/08/18/world/middleeast/pressure-by-us-failed-to-sway-egypts-leaders.html.

³⁶ Eric Trager, "Egypt's Durable Misery," *Foreign Affairs*, July 21, 2015, https://www.foreignaffairs.com/articles/egypt/2015-07-21/egypts-durable-misery

³⁷ Egypt Security Watch Infographic, Tahrir Institute for Middle East Policy, https://timep.org/esw/

September – but remained significantly higher than before the coup. The pre-and-post coup discrepancy becomes even more obvious when we zoom out further: From July 2013 to May 2015, there were a total of 1,223 attacks over 23 months, an average of 53.2 attacks per month. In the 23 months prior to June 2013, there were a mere 78 attacks, an average of 3.4 attacks per month.

If the military coup had nothing or little to do with this, it would stand as one of the more remarkable coincidences in the recent history of Middle East politics. Of course, other variables of interest, such as the flow of arms from Libya or ISIS's growing stature, may have contributed to these outcomes but neither variable changes in mid-to-late 2013 to an extent that could account for such a sharp increase in attacks over such a relatively short period of time. Civil conflict in Libya and the role of competing militias resulted in a more porous border and an increase in arms smuggling as early as 2012. As for ISIS's stature, it wasn't even called ISIS before 2014, but rather the Islamic State of Iraq (ISI). And while ISIS was making important gains in Iraq throughout 2014, ISIS didn't register in a serious way in the broader region until the summer of 2014, when the group took over Mosul, Iraq's second largest city.

That leaves us with the coup and what it wrought – namely the Sissi regime's increasingly repressive measures – as the key event that helped spark the wave of violence. How many people who otherwise wouldn't have taken up arms, took up arms because of the coup and the subsequent crackdown? Obviously, there is no way to know for sure. The strength of Ansar Bayt al-Maqdis (ABM), the group that eventually pledged allegiance to ISIS and renamed itself Sinai Province, is estimated to be in the low thousands, so even a tiny increase of, say, 500 militants – representing 0.00055 percent of Egypt's overall population – would have an outsized effect. Recruitment, however, takes time, so it is unlikely this would have mattered in the days immediately after the coup. The more likely short-term explanation is that militants viewed the coup as an opportune moment to intensify their activities.

ABM exploited the "narrative" of the local Sinai population, which was already predisposed to distrust state institutions after years of economic neglect and heavy-handed security policies. Not surprisingly, then, residents were more likely to oppose the coup than other Egyptians. The founders of ABM, many of whom hail from North Sinai, knew this as well as anyone. The jihadist group, before pledging allegiance to the Islamic State in November 2014, was almost entirely focused on police and military targets, and would generally couch such attacks as "revenge for the security forces' suppression of Islamist dissidents." ³⁸

U.S. Policy Options

The optics of U.S. policy in in 2015 have proven problematic. In the span of a week in August, the United States delivered F-16s to Egypt³⁹ (and bragged about the deliveries on the U.S. embassy in Cairo's twitter account, using Sissi's campaign slogan as a hashtag no less⁴⁰). It

https://twitter.com/USEmbassyCairo/status/627160593909317632

³⁸ <u>Patrick Kingsley</u>, "Egypt faces new threat in al-Qaida-linked group Ansar Beyt al-Maqdis," *Guardian*, January 31, 2014, http://www.theguardian.com/world/2014/jan/31/egypt-alqaida-terrorist-threat-ansar-beyt-almaqdis.

³⁹ "Press Release - United States Delivers Eight Advanced F-16 Aircraft to Egypt." Embassy of the United States, Cairo, Egypt. July 30, 2015. http://egypt.usembassy.gov/pr073015.html?mc_cid=9aa324f33f&mc_eid=07a15830e2. ⁴⁰ U.S. Embassy in Cario Twitter account, July 31, 2015,

relaunched the U.S.-Egypt "strategic dialogue" and said it would resume "Bright Star," the joint military exercise suspended after the coup. 42 These decisions came not as Sissi showed any signs of goodwill or reciprocation but rather as repression was actually getting *worse*.

Proponents of re-engagement have argued that warming to and even embracing Sissi is the best of the available bad options. Several months later, we can now judge whether this approach has been effective: there simply have been no signs of reciprocation on the part of the Sissi regime. He as Michael Hanna has written in a new *Foreign Affairs* article arguing for reducing military assistance to Cairo: For [mending fences with autocratic regimes] to be worth it, the strategic benefits must outweigh the costs, and Washington's resumed embrace of Cairo does not pass that test. He concludes that, since Egypt has become a problem ally that offers less and less to American security interests, Washington hardly needs to cut Cairo loose, but the United States should stop coddling it. The United States will, of course, need to continue working with Sissi on shared interests, including counterterrorism in the Sinai. But to work with Sissi on issues of mutual and overlapping interests is very different than working to legitimize his rule and embracing him as the close, cooperative ally he very clearly isn't.

The Obama administration's March 2015 decision to resume the delivery of withheld weapons systems, ⁴⁶ while roundly criticized by human rights advocates, was somewhat more complicated. The move was pitched as an attempt to "modernize" military assistance to Egypt. In this respect, there were positive signs, including the announced termination in 2018 of "cash flow financing," which has long allowed Egypt to make future weapons purchases on credit. This locked the United States into large, long-term defense contracts to be paid with future U.S. military assistance, constricting America's room for maneuver. On its own, the cancelation of cash flow financing matters relatively little; but it is important for what it allows us to do in the future, if we so choose.

Moreover, President Obama noted that new military assistance would be channeled through four categories – border security, counterterrorism, Sinai security, and maritime security. This would address a longstanding concern that the military aid package is oriented around "prestige" military equipment more appropriate for conventional warfare than Egypt's present security threats. Again, these changes are positive – in theory – but the question remains whether there will be sufficient follow-through, particularly when the Egyptian government is likely to drag its feet.

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⁴¹ "Joint Statement on the U.S.-Egypt Strategic Dialogue," U.S. Department of State, August 2, 2015, http://m.state.gov/md245588.htm.

John Kerry, "Press Availability with Egyptian Foreign Minister Sameh Hassan Shoukry," U.S. Department of State, August 2, 2015, http://www.state.gov/secretary/remarks/2015/08/245585.htm.
 See for example Eric Trager, "Obama wrecked US-Egypt ties," *The National Interest*, April 8, 2015,

⁴³ See for example Eric Trager, "Obama wrecked US-Egypt ties," *The National Interest*, April 8, 2015, http://www.nationalinterest.org/feature/obama-wrecked-us-egypt-ties-1257

For more on "reciprocation," see Tamara Wittes, "Obama administration to Sissi: Egypt-bound weapons released with caveat," The Brookings Institution, April 6, 2015, http://www.brookings.edu/blogs/markaz/posts/2015/04/06-wittes-obama-releases-egypt-bound-weapons-to-sissi-with-caveat

⁴⁵ Michael Wahid Hanna, "Getting Over Egypt." *Foreign Affairs*, November/ December 2015, https://www.foreignaffairs.com/articles/egypt/getting-over-egypt

⁴⁶ "Readout of the President's Call with President al-Sisi of Egypt," The White House, March 31, 2015, https://www.whitehouse.gov/the-press-office/2015/03/31/readout-president-s-call-president-al-sisi-egypt

Congress can and should play a leading oversight role in this proposed restructuring of military assistance. First, the Sissi government may hope that with a new administration, these two modifications – on cash flow financing and aid restructuring – can be reversed by the next administration. As a first step, then, Congress, either by including language in the Foreign Affairs Appropriation Bill or the Defense Authorization Act, should endorse the administration's proposed aid restructuring in a bipartisan fashion.

Second, and more importantly, Congress should require the administration to consult regularly to explain how changes are being implemented and enforced. The Egyptian military's use of American weapons systems must be closely monitored. A key element of this, per the Leahy Amendment, ⁴⁷ is to ensure that U.S. arms are not being used against civilian populations in a "gross violation of human rights," yet as the State Department notes, "government forces have committed arbitrary or otherwise unlawful killings... during military operations in the Northern Sinai Peninsula." Such efforts at monitoring are constrained by the fact that U.S. officials have not been able to travel to Northern Sinai for close to a year, due to Egyptian refusals to grant access on security grounds. ⁴⁹ As the *New York Times* editorial board recently wrote, the Egyptian regime "wants to keep the evidence of its scorched-earth approach to fighting militants hidden."

Yet if the Egyptian military refuses to listen to American requests, what can the U.S. really do about it? Contrary to what some argue, the U.S. does continue to enjoy significant leverage in the bilateral relationship. The United States can, in fact, hold up weapons deliveries for significant periods of time, as it has done intermittently over the past two years. While Saudi Arabia and the United Arab Emirates have tried to replace the United States as Egypt's primary patrons through billions of dollars of *economic* aid, there is (still) simply no replacement for U.S. *military* provision. Ultimately, Egyptian jets and tanks cannot be serviced without U.S. maintenance and spare parts. The U.S. military should not be expected to service Apaches, for example, unless American officials can actually see how U.S. weapons are being used in the battlefield. This is not an entirely new problem: the Egyptian military has had a history of violating "end-user agreements." ⁵¹

Holds on weapons deliveries need not devolve into public, high profile spats with our Egyptian counterparts, which would unnecessarily aggravate tensions in an already tense relationship. Some disagreements, though, will inevitably rise to public attention. While the U.S.-Egypt strategic dialogue, re-launched in August, wasn't necessarily very important for the United States, it was important for Egypt. Resuming the dialogue had long been a demand of Egyptian

⁴⁷ "22 U.S. Code § 2378d - Limitation on Assistance to Security Forces," *Cornell Legal Information Institute*, https://www.law.cornell.edu/uscode/text/22/2378d.

⁴⁸ State Department, Certification pursuant to section 70141(a)(6)(C)of the Department of State, Foreign Operations, and Related Appropriations Act, 2015, May 12, 2015, http://www.al-monitor.com/pulse/files/live/sites/almonitor/files/documents/2015/Egypt%20Waiver%20May%202015%20FMF-IMET-FMF.pdf

⁴⁹ Interviews with author, NGO representatives, October 2015

⁵⁰ "The Questionable Legality of Military Aid to Egypt," *The New York Times*, August 19, 2015, http://www.nytimes.com/2015/08/19/opinion/the-questionable-legality-of-military-aid-to-egypt.html

⁵¹ Ben Berkowitz, "Special Report: Weapons and the Art of Diplomacy," *Reuters*. March 4, 2011, http://www.reuters.com/article/2011/03/04/us-wiki-diplomacy-business-idUSTRE72335820110304?pageNumber=3

officials, and understandably so. A U.S.- initiated strategic dialogue, reserved for close allies, imparts legitimacy and prestige on the Egyptian regime, something which it very clearly values.

The next iteration of the dialogue would likely be in Washington, allowing Sissi and other senior Egyptian officials to underscore their acceptance by the international community, including through a high-profile meeting with President Obama. Unless the Egyptian regime can, in the coming year, demonstrate significant progress on human rights concerns, the strategic dialogue *should not be held*. Expectations of what the exercise of U.S. leverage can and cannot do must be realistic, of course. No one should be under the impression that Sissi will become democratic anytime soon. The objective, instead, would be to induce Sissi to become at least somewhat less repressive that he currently.

Some, including in the Obama administration, have argued that we already tried to suspend military aid for a significant period of time (from October 13 to April 2015) yet Egyptian behavior didn't actually change in response. In reality, though, aid that was deemed vital for counterterrorism was exempted, and the vast majority of military assistance continued to flow, despite the "suspension." During the 18-month suspension period, Egypt still received 1.8 million in assistance, "representing 92 percent of the \$1.3 billion per year annual rate during that period," as Stephen McInerney and Cole Bockenfeld document in their annual POMED budget assistance report. Moreover, immediately after the announced suspension in October 2013, senior officials went out of their way in the policy rollout to belittle the importance of the announcement, emphasizing that business would continue as usual. During a visit to Egypt on November 3, 2013, Secretary of State John Kerry reiterated that message in more direct fashion, saying that the "aid issue is a very small issue." In short, the partial suspension of aid was doomed to have little impact on Egyptian behavior from the very beginning. In short, a meaningful aid suspension was never actually attempted, so it is simply incorrect to say that the attempt to tie aid to at least minimal progress on human rights failed.

A related argument is that any move to seriously pressure Egypt will lead to "retaliatory" responses. There is little evidence to suggest this is the case. Egyptian officials made similar threat in the 2000s, as President George W. Bush began putting more pressure on Hosni Mubarak, yet Egypt did nothing to challenge U.S. overflight rights or priority access to the Suez Canal. As the Carnegie Endowment's Michele Dunne wrote in January 2009:

What can the next administration learn from the bumpy course of U.S.-Egyptian relations since the inception of Bush's freedom agenda? First, Egypt at no time withheld or even seriously threatened to withhold cooperation on military, counterterrorism, or regional diplomacy due to the freedom agenda. If anything, Cairo tried harder to please Washington in these areas in 2002-2006 in the hope of relieving pressure for political reform.⁵⁴

2015, http://www.state.gov/secretary/remarks/2013/11/216220.htm

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⁵² Stephen McInerney and Cole Bockenfeld, "The Federal Budget and Appropriations for Fiscal Year 2016: Democracy, Governance, and Human Rights in the Middle East and North Africa," Project on Middle East Democracy, May 2015, http://pomed.org/wp-content/uploads/2015/05/FY2016-Budget-Report.pdf
⁵³ John Kerry. "Remarks With Egyptian Foreign Minister Nabil Fahmy," U.S. Department of State, November 3rd,

⁵⁴ Michele Dunne, "The Baby, the Bathwater, and the Freedom Agenda in the Middle East," *The Washington Quarterly*, January 2009, http://carnegieendowment.org/files/09jan_Dunne.pdf

That said, the United States must always prepare itself for worst-case scenarios. In the very unlikely event that President Sissi would retaliate, there are, as my colleague Michael O'Hanlon argues, workarounds in the event that the Egyptian government limited access to the Suez Canal, for example.⁵⁵

The larger issue here, however, is the overall frame of reference in understanding the nature of the bilateral relationship. The United States, with the world's most powerful military and being the senior partner in the relationship, can withstand such tensions much more than a regime which is struggling economically, politically, and militarily and which is ultimately dependent on U.S. military provisions.⁵⁶

After the Parliamentary Elections

Some of the above recommendations cover the medium-to-longer term, but an earlier test of congressional leadership and action will come when the current parliamentary elections conclude in January. Egyptian officials have hailed the polls as the final step in the "roadmap" of the post-coup transition. No genuine opposition parties agreed to participate. Even the Salafi Nour party – the ultraconservative Islamist party that backed the military coup – decided to withdraw from the elections. In the first round, the pro-Sissi coalition won 100 percent of the 60 seats reserved. As expected, the parliament will be dominated by old National Democratic Party figures, prominent businessmen, and pro-military figures who are likely to use the body as a patronage distribution network. Under Mubarak, the U.S. didn't treat the elections as if they were normal or democratic, because they weren't. There is simply no reason to treat these elections as serious, representative, or even as a sign of mildly positive progress. The elections are, by any reasonable standard, even *less* competitive and less democratic than even those held under Mubarak (after all, the party which won successive elections in 2011-2013 is banned from participation).

With this in mind, Congress should refrain from praising Egypt for holding parliamentary elections and should instead raise serious and substantive concerns about the environment in which elections were held and the lack of opposition participation. Those concerns should be raised as soon as possible, so that they are taken into account by the State Department when it issues its own statement at the conclusion of the polls.

In addition, Congress should prioritize and improve efforts to engage with the broadest cross-section of the Egyptian population possible. Before the Arab Spring, the U.S. was criticized for engaging with a limited spectrum of Egyptians, focusing its attention on ruling party members, liberal elites, and businessmen with close ties to the regime. After the uprisings of 2011, it became clear that such outreach hadn't put the U.S. in good stead for a new political environment in which young secular revolutionaries, Muslim Brotherhood leaders, and Salafi

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⁵⁵ Michael O'Hanlon, "The U.S. Can Afford to Rethink Aid to Egypt," *Washington Post*, August 23, 2013, http://www.washingtonpost.com/opinions/access-to-suez-is-convenient-but-not-essential-forus/2013/08/22/224a001c-09d9-11e3-9941-6711ed662e71 story.html

⁵⁶ For more on the question of U.S. leverage with Egypt, see Shadi Hamid and Peter Mandaville, "A Coup too Far: The Case for Re-ordering U.S. priorities in Egypt," Brookings Doha Center, September 2013, http://www.brookings.edu/~/media/research/files/papers/2013/09/05-us-priorities-egypt-hamid-mandaville/us_egypt-relations_english.pdf

preachers were now influential actors. Unless we think the Sissi regime, or something like it, will persist indefinitely, the U.S. must diversify its relationships and make an extra effort to engage in dialogue with peaceful opposition actors, whether secular or Islamist.

Conclusion

No matter how bad the Muslim Brotherhood was during its time in power, this has no bearing on whether post-coup repression should be accepted or shrugged off by the international community. Here, there is unanimous agreement among American and international NGOs that levels of repression are extraordinarily high and perhaps even unprecedented in Egypt's modern history. Importantly, such repression is not, in any case, focused solely on Islamists, but on all actors and political forces who directly challenge the regime and its interests, including those young, secular revolutionaries who we once saw, not too long ago, as the future of a new Egypt.

In all of the recommendations above, the overarching principle is that the United States is not a human rights organization and must, of course, balance conflicting priorities. We have to be realistic and we will need to do business and cooperate with autocratic regimes on shared interests, particularly in the realm of regional security. But this not just an authoritarian regime; it is a regime which has jailed (with the exception of Syria) more of its political opponents than any other Arab country. In sum, while we will need to work with the Egyptian regime on counterterrorism priorities, there is no reason, in light of the analysis above, that we should in any way help to "legitimize" or "normalize" the regime's behavior – behavior which has undermined Egypt's stability and security and will continue to do so in the critical months and years ahead. Instead, there is an opportunity to use the very real leverage we still have to clarify that, without at least some improvement on human rights, there will be significant costs for the Egyptian government and that there will be a reassessment of what was once a mutually beneficial bilateral relationship, but no longer is.