

Repression and Instability: Egypt's Downward Spiral

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Chairman Pitts, Chairman McGovern, Congressman Ellison, distinguished members of the Commission -- it is an honor to appear before you today.

The Egyptian government's current campaign of repression is a wide-ranging and brutal assault on the fundamental rights of Egyptians, which surpasses the scale of repression under former President Hosni Mubarak. It has decimated the political opposition, crushed civil society, and muzzled a range of independent voices.

The incidence of terrorist attacks has increased dramatically since Abdel Fattah el-Sisi took power in 2013. His government's campaign of repression has fueled unrest and violence. It thus imperils Egypt's internal stability and jeopardizes Egypt's ability to partner effectively with the United States in countering jihadi violence.

To stand as a true ally of the Egyptian people, the United States needs to press the Egyptian government more effectively to promote inclusive political processes, uphold the rule of law, and respect the rights of Egyptians, including the freedoms of expression, religion, association, and assembly.

In the 2015 editions of *Freedom in the World* and *Freedom of the Press* – Freedom House's annual assessments of civil and political liberties and of media freedom – Egypt is rated as Not Free due to the complete marginalization of the political opposition; state surveillance of electronic communications; public exhortations to report critics of the government to the authorities; and censorship, prosecution, and attacks on journalists.

Political Rights

Since the 2013 coup, the military has dominated Egypt's political system and all opposition forces have become thoroughly marginalized. Large numbers of Muslim Brotherhood members and supporters are behind bars; more than 60 are on death row, including former President Mohamed Morsi, former general guide Mohamed Badie, and former speaker of parliament Saad el-Katatni. And the government has persecuted secular political figures as well.

The record-low voter turnout of only ten percent in the first round of parliamentary elections on October 18-19 is a clear indication that the elections lacked credibility. With little if any room for the opposition to compete, voters were denied meaningful choices in these elections and opted to stay home. According to a *New York Times* report, when Abdullah Fathy, the president of the association of judges, who oversee the polling, was asked about procedural violations, he struggled not to laugh and said “There are no incidences, no violations, no excesses – no voters!”¹

Freedom of Expression

The Egyptian Center for Economic and Social Rights reports that there are more than 40,000 political prisoners in Egypt, many of whom are in prison simply for peacefully expressing dissent. Estimates vary, but between 18 and 60 journalists remain imprisoned in Egypt.² Sweeping anti-terrorism legislation approved by President el-Sisi in August will only worsen press freedom, allowing drastic government action during periods of state emergency (in a country where emergency law was in place for over 30 years).³ The law expands the definition of terrorism and prescribes sentences ranging from prison time to death.⁴ Journalists whose reports contradict the official narrative in terrorism-related cases can be sentenced to prison.⁵

Supporters of President el-Sisi will be quick to point out that 100 political prisoners – including two Al Jazeera journalists imprisoned in 2014, a human rights activist, and a human rights lawyer - were pardoned shortly before President el-Sisi’s visit to the United Nations in late September.⁶ While welcome, President el-Sisi’s decision should not obscure the fact that the wrongful convictions of these former prisoners still stand, and they should never have been imprisoned in the first place.

Religious Freedom

Freedom of religion is severely restricted in Egypt. The U.S. Commission on International Religious Freedom reports increased government control under President el-Sisi over all Muslim religious institutions.⁷ The Commission also found that, although President el-Sisi has taken some encouraging steps to promote religious tolerance, “the Egyptian government has not adequately protected religious minorities.”⁸ Attacks on religious minorities and their property abound, “Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy,” and the government is taking active steps to counter atheism.⁹

Fatima Naoot, a secular Egyptian columnist and poet, was charged with contempt of Islam, spreading sectarian strife, and disturbing public peace for a Facebook post in which she criticized animal sacrifice while referencing the story of Abraham.¹⁰ Karim el-Banna was beaten, arrested, denied medical care, and received a three-year suspended sentence for

blasphemy, contempt of Islam, and insulting the divine, all because he posted on Facebook that he is an atheist.¹¹ Mohammed Hegazy (also known as Bishoy Armia), a Muslim journalist who converted to Christianity and reported on attacks against Christians, was sentenced to five years in prison and fined for “depicting Christians as suffering from sectarian oppression” and “inciting sectarian strife.”¹² He faces pending charges for blasphemy, has been tortured in prison, and is being held in the prison’s execution chamber.¹³

Civil Society

Civil society has suffered a severe crackdown under the current government, with 500 non-governmental organizations (NGOs) shuttered in 2015 alone.¹⁴ Egypt’s laws governing NGOs are among the most restrictive in the world.¹⁵ And the 2013 anti-protest law criminalizes any gathering of more than ten people without prior government approval, effectively prohibiting marches, demonstrations, and gatherings.¹⁶

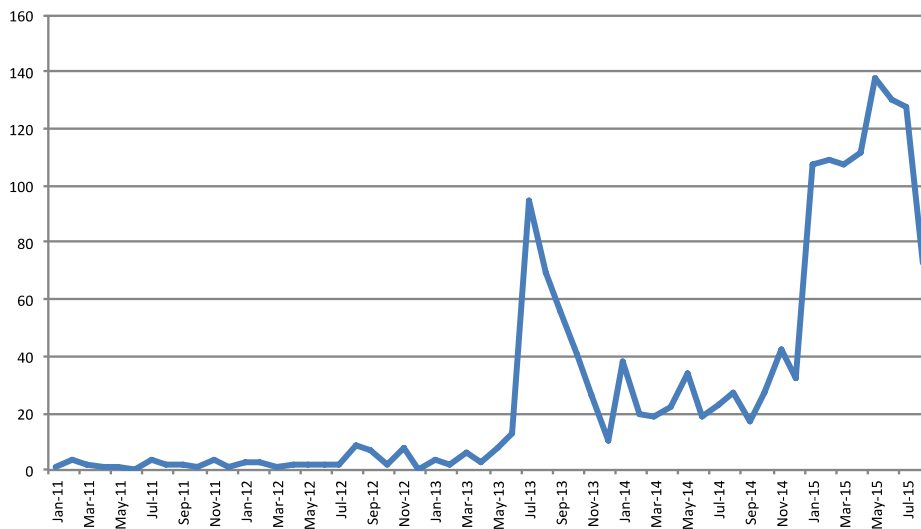
All NGOs must be registered in order to operate, and registration is routinely denied to organizations that “threaten national unity” or work “against public order and public attitude.”¹⁷ Groups seen as interfering in government affairs are often harassed, disbanded, or sanctioned, and political activities are prohibited. Individuals need advance government approval before joining organizations headquartered outside Egypt, and many activists and human rights defenders have been banned from leaving Egypt to attend conferences and meetings overseas – including meetings at the United Nations.¹⁸ NGOs are also prohibited from receiving foreign funding without prior approval. Anyone who accepts foreign funding can be sentenced to life in prison for “breaching security or public peace,” “compromising national unity,” or “harm[ing] the national interest.”¹⁹ This punishment can be raised to execution if the perpetrator is a public servant.²⁰

In June 2013, an Egyptian court convicted 43 NGO workers, including my colleagues at Freedom House, the International Republican Institute, the National Democratic Institute, and the Konrad Adenauer Foundation, in what U.S. Secretary of State John Kerry called “a politically-motivated trial.”²¹ These convictions, and the associated prison sentences, still stand. Moreover, in November 2014, President el-Sisi appointed the architect of Egypt’s NGO crackdown, Faiza Abou el-Naga, his national security advisor.²²

Rights and Stability

President el-Sisi justifies his government’s campaign of repression as necessary to fight terrorism and ensure stability. In fact, Egypt has grown less stable since then-General el-Sisi seized power. The number of terrorist attacks has soared from a monthly average of less than 2 in 2011 to more than 26 in 2014 and over 75 this year (see graph below).²³

Number of Terrorist Attacks in Egypt



Source: Tahrir Institute for Middle East Policy

The surge in violence is driven in part by militants in the Sinai and fueled by the Egyptian military's indiscriminate operations and the lack of economic opportunities for local inhabitants.²⁴ But terrorist attacks are also taking place in Cairo, with increasing frequency. These have included the assassination of Prosecutor-General Hisham Barakat and the bombing of Italy's consulate.

After he took power in 2013, President el-Sisi unleashed a wave of state violence against the Egyptian people, including several thousand killed in street demonstrations, more than 40,000 political prisoners, hundreds of documented cases of torture or forced disappearance, sexual assaults on detainees, and reported collective punishment of Sinai communities, possibly with U.S.-supplied weapons.

As the Working Group on Egypt, which I am part of, argued in a letter to Secretary of State Kerry in July 2015, state violence "is creating more incentives for Egyptians to join militant groups."²⁵ The government crackdown on political opposition, media, and civil society, and presidential decrees that criminalize peaceful protests and free expression, have closed off space for Egyptians to air their grievances and to have a say in how their country is governed. The Working Group observed to Secretary Kerry, "By carrying out a campaign of repression and human rights abuses that is unprecedented in the country's history," and

shutting “all avenues of peaceful expression of dissent,” President el-Sisi “is stoking the very fires he says he wants to extinguish.”²⁶

Secretary Kerry conveyed a similar message to his Egyptian counterpart during his last visit to Cairo. “The success of our fight against terrorism depends on building trust between the authorities and the public,” Kerry said. “If that possibility does not exist, then, regrettably, more misguided people will be driven to violence and there will be more attacks.”²⁷

Recommendations

U.S. criticism of the Egyptian government’s human rights abuses has fallen on deaf ears. Congress should reinforce the message to the Egyptian government that repression breeds jihadi violence and thus harms U.S. interests, tramples the rights of Egypt’s citizens, and undermines President el-Sisi’s stated aim of promoting stability. The United States should use its leverage more effectively to persuade President el-Sisi to reverse course. There are several ways to do so:

Reduce military assistance: In the 1980s, the U.S. government gave Egypt about \$1.3 billion in military aid and \$815 million in economic assistance annually, a ratio of about \$1.50 in military aid for every \$1 in economic assistance. While the level of military aid has remained steady, economic assistance has declined to about \$150 million per year. The ratio of military to economic assistance has increased to more than 8:1. The disproportionate share of military aid reflects a bilateral relationship that is largely focused on Egypt’s armed forces. The heavy emphasis on support for Egypt’s military at this time, while the military-dominated government is conducting a harsh campaign of repression, makes the United States look complicit and appears to subsidize the failed policy of President el-Sisi. The U.S. government should start to restructure its aid package to Egypt to bring military and economic aid more into balance.

Set rigorous conditions for U.S. aid: U.S. credibility in calling on the Egyptian government to respect human rights is often undermined by business as usual in providing U.S. aid to Egypt. Appropriations bills typically include a national security waiver, which is regularly invoked when Egypt fails to meet U.S. conditions for aid. Thus U.S. military aid, with rare exceptions, continues to flow even when the Egyptian government carries out gross human rights abuses. Conditions on aid have become, for the most part, an empty threat. Congress should make these conditions credible. It should mandate a delay or reduction in military assistance if the Egyptian government fails to meet U.S. conditions. In addition, Congress should require the Secretary of State to provide a public assessment of democracy and human rights in Egypt before obligating military assistance, and this assessment should set rigorous benchmarks, including:

- Release of all political prisoners and due process for detainees

- Free and fair elections
- Implemented reforms to protect freedoms of expression, association, and assembly, including the ability of civil society and media organizations to function without interference
- Credible investigations and prosecutions of security personnel for use of excessive force

Press Egypt to overturn the convictions of NGO workers: While the wrongful convictions of NGO workers are deemed invalid for the purposes of U.S. law, they still stand in Egypt. They force Egyptian citizens who worked for American NGOs to remain in exile; they hang over American and international staff; they cast a shadow over current U.S. programs to support democracy in Egypt; and they intimidate Egyptian partners who seek to benefit from these programs. The State Department appears to treat these convictions as yesterday's issue and has moved on. It has thereby sent an unfortunate signal, which undercuts its diplomatic credibility: that the U.S. government won't stick up for the people who carry out the programs it funds. The U.S. government should vigorously press the Egyptian government to overturn these convictions.

Bring attention to political prisoners: Members of Congress should speak out for political prisoners in Egypt and press for their release, both publicly and in conversations with Egyptian officials. Congressional delegations to Egypt should visit political prisoners and comment publicly on their cases and the conditions they endure. While the Egyptian government is likely to respond defensively, Congressional attention to political prisoners often leads to improvements in their prison conditions and may facilitate their release.

Pass Global Magnitsky: The *Global Magnitsky Human Rights Accountability Act* (H.R.624/S.284) would address the impunity of officials responsible for gross human rights abuses or significant acts of corruption anywhere in the world by denying them U.S. visas and freezing their assets in the United States. The bill would target individual perpetrators of abuses, such as Egyptian commanders who have ordered security forces to fire on peaceful demonstrators, prison officials who authorize the torture of detainees, or judges who have convicted dissidents or imposed death sentences on political activists in mass trials that lacked due process. By imposing penalties on foreign officials who have carried out human rights abuses with impunity, the *Global Magnitsky Act* is likely to deter future human rights abuses. The *Global Magnitsky Act* would provide a nimble policy tool to press for an end to human rights abuses while maintaining U.S. collaboration with the Egyptian government on shared interests, including security matters.

Conclusion

The spiral of repression and violence in Egypt, if left unchecked, will only take the country further down the dangerous path of instability and extremism. President el-Sisi shows little sign of allowing meaningful political participation or tolerating dissent, and jihadi

violence rages on. He is dragging Egypt down, and the reputation and interests of the United States down with it.

Rather than continue to subsidize President el-Sisi's failed policy, the United States should align its actions more closely to its words of support for democracy and human rights in Egypt. It should reduce the emphasis in its bilateral relationship and its aid package on the Egyptian military and take visible steps to distance itself from the perpetrators of human rights abuses.

Better yet, the United States should use its leverage more effectively to persuade President el-Sisi that repressive rule fuels unrest and he should reverse course. Egypt will only become stable and prosperous when the government respects the rights of its citizens and includes their voices in charting the country's future.

Thank you.

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² <http://www.icfr.info/en/?p=3220>

³ <http://www.reuters.com/article/2015/08/17/us-egypt-security-lawmaking-idUSKCN0QL0TU20150817>

⁴ <http://www.reuters.com/article/2015/08/17/us-egypt-security-lawmaking-idUSKCN0QL0TU20150817>

⁵ <http://www.cnn.com/2015/07/05/africa/egypt-terrorism-law-journalists/>

⁶ <http://time.com/4046513/egypt-political-prisoners-sisi-al-jazeera-journalist/>

⁷ <http://www.uscirf.gov/countries/egypt>

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¹⁰ <http://www.reuters.com/article/2015/01/28/us-egypt-courts-poet-idUSKBN0L121M20150128>

¹¹ <http://www.theguardian.com/media/greenslade/2015/jan/13/egyptian-student-jailed-for-proclaiming-that-he-is-an-atheist>

¹² <http://english.ahram.org.eg/NewsContent/1/64/104553/Egypt/Politics-/Journalist-Bishoy-Armia-given--years-in-jail-for-i.aspx>

¹³ <http://www.christiantoday.com/article/egyptian.christian.still.held.in.prison.for.reporting.attacks.on.churches/66203.htm>

¹⁴ http://www.madamasr.com/news/state-shutters-57-ngos-total-500-closed-year?mc_cid=18e81c756b&mc_eid=35e31bed06

¹⁵ <http://www.icnl.org/research/monitor/egypt.html>

¹⁶ <http://www.icnl.org/research/monitor/egypt.html>

¹⁷ <http://www.icnl.org/research/monitor/egypt.html>

¹⁸ <http://www.cihrs.org/?p=10572&lang=en>

¹⁹ <http://www.icnl.org/research/monitor/egypt.html>

²⁰ <http://english.ahram.org.eg/WriterArticles/NewsContentP/1/111488/Egypt/Egypt-amends-penal-code-to-stipulate-harsher-punis.aspx>

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²² <http://www.haaretz.com/news/middle-east/.premium-1.625169>

²³ <http://timep.org/esw/reports-briefs/>

²⁴ <http://www.forbes.com/sites/charlestiefer/2015/09/11/al-isis-egypt-challenged-revealing-the-u-s-senate-struggle-with-kerry-about-human-rights-part-i-2/>

²⁵ <https://freedomhouse.org/article/joint-letter-us-egypt-strategic-dialogue-secretary-state-john-kerry-july-2015>

²⁶ <https://freedomhouse.org/article/joint-letter-us-egypt-strategic-dialogue-secretary-state-john-kerry-july-2015>

²⁷ <http://www.nytimes.com/2015/08/03/world/middleeast/kerry-in-egypt-discusses-balancing-human-rights-and-terror-fight.html>