

HUMAN RIGHTS IN EGYPT

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

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TUESDAY, NOVEMBER 5, 2015

HOUSE OF REPRESENTATIVES,

TOM LANTOS HUMAN RIGHTS COMMISSION,

Washington, D.C.

The commission met, pursuant to call, at 1:30 p.m., in Room 2360 Rayburn House Office Building, Hon. Joseph R. PITTS [co-chairman of the commission] presiding.

Chairman PITTS. Ladies and gentlemen, if our guests will take their seats, we'll convene the hearing. I apologize for being late; we're in a markup in another committee. So, we'll convene the hearing, have opening statements. We're due to vote on the floor, so we will probably have to recess for floor votes, and then we'll come and reconvene as soon as the floor votes are taken.

The subcommittee will come to order. The co-chairman will recognize himself for an opening statement.

I'd like to thank my distinguished co-chair, Mr. McGOVERN, and the distinguished Executive Committee Member, Mr. ELLISON, for collaborating on this important hearing on the Human Rights Climate in Egypt.

Congressman ELLISON first requested that we hold this hearing, noting that there had not been a Congressional hearing focused exclusively on Egypt's human rights situation since the 2013 popular demonstrations that brought an end to the Morsi government.

Nearly five years ago, this commission held such a hearing in January of 2011. We did not know at the time, nor could anyone have known, the dramatic events and the radical changes that took place just weeks afterward. The population revolutions of the Arab Spring with its start in Tunisia, quickly spread across North Africa and the Near East, forcing longtime president and American ally, Hosni Mubarak, from power. However, the revolution's messages of reform, democracy, and anti-corruption were quickly drowned out by competing movements. Egyptians after a series of elections and constitutions narrowly elected Mohamed Morsi in June of 2012.

International human rights observers noted human rights abuses under President Morsi, including torture by security officials, a stifling of expression and a climate of impunity for both security personnel and radical non-state actors. Consequently, a string of massive popular protests against the Morsi government led to the eventual removal of the president in July of 2013. Notably, it was then Defense Minister el-Sisi who issued the announcement transitioning power to an interim civilian president. However, the ensuing transition of power to eventually elected President el-Sisi has followed as much, if not more, criticism for its human rights record.

Observers note several or severe crackdowns on dissent, association, expression, and other civil liberties. Furthermore, the current government has been criticized for the enforcement

of laws restricting the freedom of religion. Security forces have been accused of torture and other direct violations of human rights. In what is perhaps the most severe trend noted by observers, the current government has used a tenuous security situation as a pretext to oppress and stifle political oppression -- opposition.

As this situation unfolds in Cairo, Egypt faces another threat to its human rights climate, that of terrorist organizations and their constant campaign to deprave human beings of their lives, deprive them.

The Sinai Province of the Islamic State wages an insurgency in the northern Sinai against Egypt's military. Other fighters have returned from Syria and Iraq, and hope to return Egypt to Islamic rule. Other terrorists have been radicalized internally by Islamist groups that have long operated within the country.

Terrorist groups, obviously, threaten the human rights climate in Egypt, but also represent an existential threat to Egypt's government and its citizens. I believe this hearing will offer an opportunity for change in the current state of affairs in Egypt. The U.S. interest of promoting democracy, the rule of law, and respect for human rights does not conflict with our interest in combating terror and mutually providing for robust security. To the contrary, they are very much in line. And I have been encouraged by some of the actions of the current government.

President el-Sisi's historic visit to St. Mark's Cathedral and his calls for unity should not go unnoticed. Similarly, his reflection point on the need for a revolution in Islam is courageous. The new government's confrontation of corruption and promoting economic liberty is also essential to meeting Egypt's challenges. However, these actions do not atone for the list of restrictions on freedoms, destruction of liberties, and repressive policies that seem to be growing from within Cairo, so I look forward to the testimony from our panelists here today. Hope we can explore sound solutions for these substantial challenges. And with that, I yield to my distinguished Executive Committee Member, Mr. ELLISON, for his opening statement.

[The statement of Mr. PITTS follows:]

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA AND COCHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

I'd like to thank my distinguish Co-Chair, Mr. McGovern, and the distinguished Executive Committee Member, Mr. Ellison, for collaborating on this important hearing on the human rights climate in Egypt.

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However, the revolutions' messages of reform, democracy and anti-corruption were quickly drowned out by competing movements.

Egyptians, after a series of elections and constitutions, narrowly elected Mohamad Morsi in June of 2012.

International human rights observers noted human rights abuses under President Morsi, including torture by security officials, a stifling of expression and a climate of impunity for both security personnel and radical non-state actors.

Consequently, a string of massive, popular protests against the Morsi government led to the eventual removal of the President in July of 2013. Notably, it was then Defense Minister Al-Sisi who issued the announcement transitioning power to an interim, civilian President.

However, the ensuing transition of power to eventually elected President Al-Sisi has followed as much – if not more – criticism for its human rights record.

Observers note severe crackdowns on dissent, association, expression, and other civil liberties. Furthermore, the current government has been criticized for the enforcement of laws restricting the freedom of religion. Security forces have been accused of torture and other direct violations of human rights.

In what is perhaps the most severe trend noted by observers, the current government has used a tenuous security situation as a pretext to oppress and stifle political opposition.

As this situation unfolds in Cairo, Egypt faces another threat to its human rights climate – that of terrorist organizations and their constant campaign to deprave human beings of their lives.

The Sinai Province of the Islamic State wages an insurgency in the Northern Sinai against Egypt's military. Other fighters have returned from Syria and Iraq and hope to return Egypt to Islamic rule.

Other terrorists have been radicalized internally by Islamist groups that have long operated within the country.

Terrorists groups obviously threaten the human rights climate in Egypt, but also represent an existential threat to Egypt's government and its citizens.

I believe this hearing will offer an opportunity for change in the current state of affairs in Egypt.

The U.S. interests of promoting democracy, the rule of law and respect for human rights does not conflict with our interest in combating terror and mutually providing for a robust security. To the contrary – they are very much in line.

I have been encouraged by some of the actions of the current government. President Al-Sisi's historic visit to St. Marc's Cathedral and his calls for unity should not go unnoticed. Similarly, his reflection point on the need for a "revolution" in Islam is courageous. The new government's confrontation of corruption and promoting economic liberty is also essential to meeting Egypt's challenges.

However, these actions do not atone for the list of restrictions on freedoms, destruction of liberties and repressive policies that seem to be growing from within Cairo.

I look forward to the testimony from our panelists here today and hope we can explore sound solutions for these substantial challenges.

Mr. ELLISON. Allow me to thank the Chairman of the Tom Lantos Human Rights Commission, and Ranking Member. I also would like to thank Secretary Tom MALINOWSKI for his appearance here today, and his commitment to the hard work of diplomacy and human rights.

I'd also like to thank Chairman GEORGE. We're grateful for your appearance today, and the work that you do to protect religious freedom around the world.

To our civil society panel, Mr. HAMID, Mr. SOLTAN, Ms. WHITSON, and Mr. CALINGAERT, you and the organizations you represent are in the trenches every day, day in and day out fighting for human rights. We're lucky to have you here. We want to say thank you.

And certainly not least, I'd like to thank the Egyptian Americans who have come from near and far driving many miles to be here with us today. We certainly appreciate your focus and attention to this critical issue. Some might say that you have every reason to be focused on this, but the truth is there's a lot of citizens who have every reason to be focused on a problem, and who still are not. So, your civic engagement and your commitment to civil and human rights deserves recognition, and I thank you.

Let me make it very clear that the United States and Egypt have every reason to strengthen and deepen our relationship. The maintaining a positive relationship with Egypt is important to U.S. national security interests, national economic interests for many reasons. Among these, Egypt is the larger Arab country in the world by population, and it's a powerful cultural influence on the world. The Suez Canal is an integral part to international trade and commerce. And, of course, we have an important military relationship with Egypt that is longstanding. Egypt is also geopolitically very important to the whole world, including the United States. And, yet, our relationship with Egypt should be marked with candor and accountability. Even though we have a longstanding relationship and are connected for a number of reasons, it's still critical that the relationship be characterized by openness about critical issues affecting Egyptians and Americans.

The US-Egyptian relationship is critical, as I said. Egypt is the second largest recipient of U.S. foreign aid and for Israel, each year their Congressman sends about \$1.3 billion in military aid to Egypt. So, when members of Congress ask questions about the human rights picture in Egypt, it really is not the United States minding someone else's business. This is our business, and we have every right to inquire into this issue because our constituents want us to, because U.S. taxpayer dollars are involved, and for a whole host of other reasons. It would be dereliction of our duty as members of Congress if we ignore the growing evidence of human rights abuses in Egypt.

I could assure you that I have come about asking for this hearing very reluctantly. It has been my very strong wish that the human rights picture in Egypt would correct all by itself. That has not happened. Each day, new evidence seems to come forward to give reason to believe that there are a number of violations, including indefinite detention, suppression of press freedom, trial without representation or minimal representation, and I think that we have a number of witnesses who will elaborate on these issues.

It's also, I think, important to note that even though there has been an election in Egypt and the current head of state has assumed control, that whenever any election leader takes office with 97 percent of the vote or more there is reason to suspect that perhaps the quality of democracy could be not as high as it should be. So, for this reason and others it's important to focus on human rights in Egypt today.

And let me also note that there is a connection between the denial of human rights and terrorism. No one should be -- and speaking about the fact that one of the ideological leaders of today's movement is characterized by violence against innocence to achieve political goals, also known as terrorism, is an individual who is executed by a prior Egyptian regime, and wrote extensively from prison.

President Obama recently said when human rights are denied and citizens have no opportunity to redress their grievances peacefully, it feeds terrorist propaganda that justifies violence. So, to reduce terrorism and dry up recruitment, it is important that all governments observe the human rights of all so that people who would exploit the human rights grievances won't be able to do so.

Finally, let me just say, Egypt is a signator to the International Covenant on Civil and Politic Rights, and has international obligations to uphold human rights of its citizens. As members of Congress, we have oversight obligations regarding how our taxpayers' hard-earned dollars are spent, and we cannot sit in good conscience idly while our basic military aid is used to violate human rights. And today with this hearing, we're calling attention to these issues. It is my hope today that we can generate meaningful solutions for both the Administration and Congress so that this important relationship between the United States and Egypt can endure on a solid footing where human rights are respected. I yield back.

Chairman PITTS. The Chair thanks the gentleman. We are voting on the floor. We still have six minutes and 15 seconds, so I'm going to recognize our first witness and ask you to confine your remarks to five minutes, and then we can run over and get the votes. There are three votes in this series, and then we'll be right back.

This hearing will provide firsthand accounts of the situation in Egypt, as well as recommendations from our experts, our panelists on the human rights issues in Egypt. And our first witness is Mr. Tom MALINOWSKI, Assistant Secretary for Democracy, Human Rights and Labor, U.S. Department of State. Thank you very much, Mr. Secretary, for coming. You're recognized for five minutes.

STATEMENT OF TOM MALINOWSKI, ASSISTANT SECRETARY FOR DEMOCRACY,
HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Mr. MALINOWSKI. Thank you so much, Mr. Chairman, Congressman ELLISON. Thank you for your leadership on these issues, and for holding this hearing, which has obviously generated a great deal of interest.

You have very, very distinguished second panel, as well. And I do want to start by actually saying a brief word about one of the folks who will be testifying, Mr. SOLTAN, who is an American citizen. As you know, many of us worked hard to try to get him out of prison in Egypt. We did so because he was an American citizen unjustly detained, and that was enough for us. But since he has come back, a number of us have gotten to know him quite well. He had a chance to come meet Secretary Kerry at the State Department, and I have to say to you, I've come to see him as a particularly decent and courageous American, somebody endured extraordinary hardship and pain for the sake of his principles, and who's come out of it with such a positive attitude of just wanting to help others. And I'm very glad that you guys gave him the opportunity to present his story today.

The relationship between the United States and Egypt is very important for all the reasons that both distinguished members mentioned. Egypt has long been a strong partner for peace and stability. The United States is committed to the security and the economic well being of the Egyptian people. That has not changed through all the turmoil of the last few years.

We also know that Egypt faces unprecedented challenges today, including the threat of terrorism, the insurgency in the Sinai, attacks on military and police, terrorist attacks on civilians in Cairo and other parts of the county. Many Egyptians have paid a huge price in this fight, and we're committed to helping them prevail. Although our efforts with Egypt have undergone important changes that perhaps we can discuss, we are providing security and economic assistance.

That said, we want to be very practical about this. As Secretary Kerry said during a recent strategic dialogue with Egypt, "Border security and law enforcement are a significant part of the equation, but the even larger imperative is to persuade and prevent young people from turning to terror in the first place." So, how do we do that?

Any country facing the kind of threat that Egypt faces has to have the support of religious authorities, and educators, and citizens who can stand up to extremists in their communities, which means that governments have to work hand in hand with civil society. There has to be trust between the authorities and the public which can only happen when security forces respect human rights.

You also have to disprove what I think has become the terrorists' main argument, which is that there are no viable peaceful means to pursue justice in these societies. And that can only be done if those who are critical of official policies can voice dissent through a democratic political process. So, we have stressed, as you have, that human rights, democratic governments are not ancillary to countering terrorism, they are absolutely central. So, let me summarize some of the issues that we have stressed in our conversations with the Egyptian government.

First, it's true that President el-Sisi has made some very positive symbolic gestures and statements regarding religious freedom and tolerance, and you mentioned some of those, but the overall trend in the last year has been negative. I would point to large-scale irregular, arbitrary arrests, disappearances, deaths of activists, as well as new allegations of lethal use of force during police raids which could amount to extrajudicial killings.

I point to a series of executive initiatives, laws, judicial actions that have severely restricted freedom of expression and the press, freedom of association, assembly, due process, including new counterterrorism legislation. I point to mass trials, and the use of military courts to try civilians. Hundreds of people, as you know, have received death sentences in trials without any ability to present individual defenses.

Now, we have pressed a number of these cases over the last several months. We welcome President el-Sisi's recent decision to release the Al Jazeera journalists, nearly 100 other activists, but many thousands of Egyptians remain in detention because they engaged in peaceful expression, or took part in a demonstration, or belonged to a political group, including many of the same young secular democracy activists who assembled in Tahrir Square in 2011.

And there is reason to fear that amidst very harsh prison conditions with thousands of political activists, political party members, protestors all intermixed with common criminals and violent extremists in prison, the seeds of radicalization will be sown. This has happened before in Egypt's history, and the danger is especially great now because I think this situation reinforces that argument that Daesh, that ISIL makes to young people who place their faith in the democratic process in the Middle East; the argument that peaceful methods are doomed, that those who rely on them will end up in prison; whereas, those who go to Syria, or Iraq or the Sinai to fight and kill will be strong and will be victorious. This is why Secretary Kerry has called on Egypt to move rapidly through its judicial system to address this problem of mass incarceration so that, as he said, "Young people are not pushed into greater radicalization as a consequence of the fight against it."

So, to conclude, we have an interest in helping Egypt counter these terrible security threats and we're doing so, that we will continue to make clear that the best way to win in Egypt and in every country in the region threatened by terrorism and extremism is to build institutions legitimate and inclusive enough to unite everybody, whether they're conservative, or liberal, or secular, or Islamist who pursues their goals peacefully. That is our interest, that's what we're trying to do. Thank you.

[The statement of Mr. MALINOWSKI follows:]

PREPARED STATEMENT OF TOM MALINOWSKI

I would like to start by recognizing the chair and distinguished members of the commission. Thank you for your continued leadership in promoting and defending human rights around the world, and thank you for providing me with this opportunity to testify on the important matter of Egypt and human rights.

I want to begin by emphasizing that Egypt has long been a strong partner for peace and stability in the region, and the United States is committed to the security and to the economic well-being of the Egyptian people. Secretary of State Kerry emphasized this point this August during the U.S.-Egypt Strategic Dialogue, the first such Dialogue we've had with Egypt in six years, which I also joined.

Secretary Kerry made clear that we want the relationship between the U.S. and Egypt to be centered around opportunities, not threats. And we know that, with the right economic choices and the right choices about governance, Egypt can address its domestic problems and continue to play a vital role in the Middle East. It is because of our support of the Egyptian people and our desire that Egypt continue to play that role, that the United States is deeply committed to this relationship.

That said, Egypt and other countries in the region face unprecedented challenges today, including the very serious threat posed by Daesh. We are deeply concerned about the insurgency in the Sinai, attacks on security and military forces there, and terrorist attacks in Cairo and other parts of Egypt. We recognize the high price Egyptians have already paid in this fight, and are committed to helping Egypt prevail.

To that end, we are providing security and economic assistance aimed at equipping the Egyptian government with the means to defeat terrorist threats and supporting Egypt's efforts to build a more prosperous society that will be better able to counter the dangers posed by extremism.

As Secretary Kerry said during the Strategic Dialogue, "border security and law enforcement actions are a significant part of the equation." "But," he added, "the even larger imperative is to persuade and prevent young people from turning to terror in the first place. Otherwise, no matter how many terrorists we bring to justice, those groups will replenish their ranks and we will not be safer. We will be involved in a round robin, circular, repetitive process."

A state's efforts – militarily, economically, and politically – to combat the threats of terrorism and violent extremism must all be interlinked. Defeating these threats requires a comprehensive strategy that enjoys the support of religious authorities, educators, and citizens who discredit violent doctrines and who are willing to stand up to extremists in their communities – something that governments cannot do unless they work hand in hand with civil society. Success will depend on building trust between the authorities and the public, which can only happen when security forces respect human rights. It also will require disproving the terrorists' argument that there are no viable peaceful means to pursue justice in the Middle East, at that can only be done if those who are critical of official policies can voice dissent through a democratic political process.

Human rights and democratic governance are thus not ancillary to countering terrorism; they are central. Protecting peaceful dissent, allowing space for civil society, and supporting free participation in the political process are all essential to help stem the growth of violent extremism. These are points that Secretary Kerry and I and other U.S. officials have consistently reiterated in our engagement with the Egyptian government. Let me summarize some of the specific concerns we have expressed.

With respect to democratic governance, I note that Egypt has just concluded a first phase of parliamentary voting and another phase is scheduled for later this month. We recognize the importance of the parliamentary elections to Egypt's political development.

While the seating of Parliament can be a significant step, we also recognize that democracy is about much more than holding elections. As President Obama has stated, "When journalists are put behind bars for doing their jobs or activists are threatened as governments crack down on civil society then you may have democracy in name, but not in substance." In Egypt, although President al-Sisi has made some positive symbolic gestures and statements regarding religious freedom and tolerance, concrete legislative changes and reform in the areas of rule of law and governance are needed to reverse what has been an overall negative trajectory for human rights and democracy. We are deeply concerned by recent reports of irregular, arbitrary arrests, the use of prolonged preventative detention, disappearances and deaths of activists, as well as new allegations of lethal use of force during police raids, which could amount to extrajudicial killings. It is imperative that authorities investigate these incidents in a timely and transparent manner, and signal to security forces that such tactics are not tolerated. More broadly, a series of executive initiatives, new laws, and judicial actions have severely restricted freedom of expression and the press, freedom of association, freedom of peaceful assembly, and due process, and they compromise the few steps taken towards political reform. Recently, the government issued new counterterrorism legislation that does not adequately distinguish between peaceful dissent and violent extremism. This could have a significant detrimental impact on human rights and fundamental freedoms, particularly fair trial guarantees, freedom of association, and freedom of expression.

There is a pervasive lack of respect for international fair trial safeguards and guarantees, which has been evident in the judiciary's use of mass trials, the use of military courts to try civilians, and the over-reliance on prolonged pre-trial detention. Hundreds – mostly supporters of the outlawed Muslim Brotherhood – have received death sentences in mass trials without any ability to present individual defenses or the benefit of minimum fair trial guarantees; appeals in these cases are ongoing. The government also issued a decree in 2014 that expanded the jurisdiction of military courts to try civilians. Human rights organizations estimate up to 3,000 civilians may have been tried in military courts since the decree was issued.

We welcome President Sisi's recent decision to release the Al-Jazeera journalists and nearly 100 activists, including human rights defenders Yara Sallam and Saana Seif. But human rights organizations estimate that many thousands of Egyptians remain in detention. This includes democracy activists -- many of the same young leaders

who assembled in Tahrir Square in 2011. They continued to advocate for their beliefs and were arrested for violating a law that effectively bans peaceful assembly. Many of those prisoners are being held in pre-trial detention, some for two years or more without a trial. As of the end of September, the Committee to Protect Journalists also reported that eighteen journalists remained behind bars in Egypt, while at least seven others have been released on bail after being imprisoned on pretrial detention orders in the past six months.

Conditions in prisons and detention centers are harsh due to overcrowding, physical abuse, inadequate medical care, and poor ventilation. Just last week, on October 26, President Sisi issued an amendment to Egypt's prison law that widens the circumstances under which use of force against prisoners is authorized. Continuing large numbers of arrests are only exacerbating these harsh conditions, especially in police stations, where authorities hold large numbers of persons arrested en masse, sometimes for extended periods.

There is reason to fear that amidst these harsh prison conditions, with thousands of peaceful political activists, political party members and protestors all intermixed with common criminals and violent extremists, the seeds of radicalization will be sown. This has happened before in Egypt's history. And the danger is especially great now because this situation reinforces one of the main arguments Daesh makes to young people who place their faith in democratic politics: that peaceful methods are doomed, that those who rely on them will end up in prison, silenced, forgotten and tortured, whereas those who go to Syria, Iraq or Sinai to fight and kill are strong and will be victorious. Where terrorists and peaceful political activists are sharing the same jail cells, Daesh has quite literally a captive audience for this message. This is why Secretary Kerry has called on Egypt to move rapidly through its judicial system to address the problem of mass incarceration so that "young people are not pushed into greater radicalization as a consequence of the fight against it."

We also remain concerned by the restrictive environment facing civil society organizations and continued reports of harassment. Some of Egypt's leading human rights organizations find themselves under investigation under laws that run counter to democratic practices. The Ministry of Social Solidarity has dissolved approximately 500 NGOs this year, largely those linked to the Muslim Brotherhood. Remaining NGOs operate under tight scrutiny, with many reporting harassment by Egyptian authorities.

Finally, in the Sinai, 3,200 families have been forcibly displaced as a result of the government's efforts to create a buffer zone on the Gaza border and we are concerned by reports that the government has failed to adequately provide for these displaced residents. It is imperative that the government follow through on its commitments to provide these individuals with relocation assistance, as well its broader pledge to deliver social and economic development for Sinai. Otherwise these security tactics will only exacerbate the underlying social and economic conditions in Sinai that fuel radicalization and unrest.

To conclude, we appreciate that Egypt faces real and urgent security threats. We have an interest in helping Egypt counter those threats, and we are doing so. But we will continue to make clear that the best way to win, in Egypt and in every country in the region threatened by terrorism and extremism, is to build institutions legitimate and inclusive enough to unite everyone, conservative or liberal, secularist or Islamist, who pursue their goals peacefully. When some people feel shut out because of the opinions they express or the group they belong to, that creates divisions the violent extremists love to exploit and that give them their only real hope for success.

Terrorist groups like ISIL don't need open societies to advance their goals; they thrive in the shadows; they recruit in the prison yards; they feed off the resentment that repression creates. It is the people who form the most powerful counterweight to ISIL in their communities – those who place their faith in peaceful political change and defend a non-violent vision of Islam who need freedoms of expression and peaceful assembly and the rule of law to do their work.

So we continue urge the Egyptian government to take specific steps that will help build a stronger, more stable, more united Egypt. We encourage it to revise legislation, including the Demonstrations law, NGO laws, and counterterrorism legislation, that restrict human rights and fundamental freedoms; to release those detained only for peacefully expressing dissent, including activists like Ahmed Douma, Ahmed Maher, Alaa Abdel Fattah, and Mohamed Adel, or for membership in a political group; to allow independent human rights organizations access to prisons; to address impunity and hold members of the security forces accountable for arbitrary or unlawful killings; and to take all appropriate steps to protect civilians during counterterrorism operations.

Neither the United States nor any other external force can impose such measures on Egypt; only the Egyptian government and Egyptian people can make the necessary decisions. We know as well that many Egyptians are eager for greater order and stability after the turmoil that their country has experienced since the events of 2011. But as friends of Egypt we can point out that going back to the models of governance that ultimately led to crisis in 2011 is not the best way to achieve lasting stability; that more inclusive, open governance rooted in the rule of law is the way to avoid repeated political upheaval and to unite the vast majority of Egyptians who reject violence against those who threaten the country's peace.

Chairman PITTS. Thank you, Mr. Secretary. As I said, we're voting on the floor. There is no time left, so we will have to recess to go vote, and we'll be right back and ask questions, if you'll bear with us.

Mr. MALINOWSKI. Of course. Thank you.

Chairman PITTS. Thank you very much, and this subcommittee, or the committee stands in recess until after the votes.

[Recess.]

Chairman PITTS. All right. Time for recess having expired, we'll reconvene the committee. Thank you for your patience. I don't think we'll have any more interruptions this afternoon. So, I'll begin the questioning and recognize myself for that purpose.

Mr. Secretary, the State Department noted in its human rights report the "unlawful deprivation of life," caused by terrorists and their attacks on the public. Can you please elaborate on the threats posed to human rights by non-State actors in Egypt?

Mr. MALINOWSKI. Well, I think you summed it up when you talked about deprivation of life, which is another way of saying killing civilians. And we have seen in Egypt and, of course, not just in Egypt, horrific attacks on civilians by terrorist groups, chiefly now Daesh or ISIL, which is a primary threat to the security of our allies and a primary threat to the security of the United States, as a result.

Chairman PITTS. Now the State Department's 2013 report, the last of which to have reported on Morsi's administration of the Egyptian government, documented that the Morsi government took actions to stifle freedom of expression, including demonstrating and religious freedom. Did the actions of the Morsi government make it easier, or set a precedent for the crackdown being committed by el-Sisi's government?

Mr. MALINOWSKI. I would say there certainly were violations of human rights under the Morsi administration. We reported on it at times. The State Department publicly condemned those actions, but human rights violations by one government, by one administration do not justify or provide a pretext for greater violations committed by anybody else. The victims in both cases are ordinary citizens who are trying to advance a better future for their country by peaceful means. And our interest remains the same regardless of who is in office in Egypt; our interest lies in promoting respect for human rights and democratic governance because it's the right thing to do, and because it is, for all the reasons that I think a number of us, including yourself, mentioned, absolutely essential to meeting our national security objectives.

Chairman PITTS. Today, hardline Islamist groups continue to plague Egypt and the Coptic Christian community. Just last week one watchdog group reported on the kidnaping for ransom of a 5-year old Coptic boy from a village in upper Egypt. Police initially refused to investigate, and the parents were forced to pay a hefty ransom for the safe return of their son.

In 2014, ICC documented 97 such kidnapings. Many, if not all of which, are carried out by armed gangs believed to have ties to the Muslim Brotherhood or other Islamic factions. Coptic leaders feel that President el-Sisi, though sincerely concerned about the abuses against the Coptic community, has been unable to reform the institutional anti-Christian biases found in countless police stations and courtrooms across the country that developed under the Mubarak regime and were hardened under former President Morsi. And this bias, coupled with a lack of equipment and training makes local security forces highly unwilling to respond to these

kidnapings and other abuses. Observers have noted that police and security services' behaviors have not changed significantly since the change in government.

A couple of questions. One, how systemic is abuse by the security apparatus in Egypt? Is this an entrenched problem that predates President el-Sisi?

Mr. MALINOWSKI. Well, let me take the general question, and then also address the issue with respect to the Coptic Christians. Abuses by security forces, by police have been a problem in Egypt for some time. In fact, this is one reason why so many young Egyptians in 2011 tried to change the system through the demonstrations in Tahrir Square. And at times things have gotten better, at times things have gotten worse, and we are going through, I think, a particularly difficult and dark period right now, because what's needed is a very, very clear message from those at the top that abuse of any kind by security forces against civilians, against prisoners, against those who are arrested will not be tolerated.

Now, with respect to the situation with the Coptic Christian community, which is something that we have followed very, very closely over the years, we have seen some progress in terms of particularly symbolic gestures that the Sisi administration has taken. Some actions, like the army's willingness to rebuild at its own expense some of the churches that were burned down in 2013. The president's decision to attend Christmas Eve mass at a Coptic Orthodox cathedral which was, again, a very good symbolic step.

At the same time, as you suggested, there has not been a perceptible reduction in various forms of discrimination that Christians face in their daily lives. One example of this is that government and security officials in various parts of Egypt continue to oversee what they refer to as reconciliation sessions in which perpetrators of sectarian violence against Christians and others are not held accountable for their crimes, and the victims have to relinquish their right to seek justice in the courts under the rule of law, and also a number of other problems.

I think one thing that we would hope to see when this newly elected congress in Egypt is seated, that it will, as mandated in the Egyptian constitution, pass a law regulating the construction of churches. Again, this is something that has been promised, delayed, something that can happen that would be a very positive gesture.

Chairman PITTS. How can the United States encourage the Egyptian government to counter these violent assaults by hardline groups while simultaneously encouraging due process, the rule of law, freedom of expression, freedom of religion, protection of the fundamental human rights in Egypt?

Mr. MALINOWSKI. I think the fundamental message, and it's what I tried to stress in my opening statement, is that the force of the security apparatus of the Egypt State needs to be directed at those who are, in fact, doing violence to the Egyptian people, whether they are doing it against Christians or other minorities, or other citizens of Egypt. Those who are doing violence, those who are inciting violence, those are the people who ought to be going to prison. And the problem is that what we have seen is that a significant part of that legal force of the state has, instead, been misdirected against people who have merely been expressing criticism of the status quo peacefully through demonstrations, through Facebook posts and so forth. That's not only an injustice, but it takes the focus away from those who are actually doing violence.

Chairman PITTS. I remember visiting with President Mubarak numerous times there and here, and every time I saw him, I would raise the issue of Al-Kush, never any prosecution. It got toward the end he'd go like this. He knew what I was going to raise, you know, justice needs to be done.

Two quick questions here. When assessing Egyptian Government human rights record, how does the willingness and actions of the el-Sisi government in combating extremists factor in?

Mr. MALINOWSKI. There is a very strong stated willingness to combat extremists and we, obviously, share that desire. And every step that we have taken in our policy towards Egypt in the last year, the last two years has been designed to help, to enable the Egyptian government to conduct that fight more effectively, and in a more discriminating way. The concerns that all of us have expressed today are very much linked to that imperative, because you not only have to go after the people -- what we want them to do is go after the right people, and to stop going after the wrong people, and not to conflate violent extremism with the peaceful dissent that every leader in a democratic society faces and must tolerate.

Chairman PITTS. Okay. And, finally, do we have to rely on el-Sisi's actions in so far as punishing human rights abusers alone? If Congress passed the Global Magnitsky Human Rights Accountability Act, couldn't the U.S. sanction and punish gross human rights violators on our own?

Mr. MALINOWSKI. That's a whole separate discussion, of course. We do have authorities already that enable us to, for example, deny visas to people who engage in human rights abuses. We have provisions in the law that we implement with respect to Egypt, the Leahy Law, to deny assistance to those parts of the security apparatus that are committing human rights abuses. We have worked with members in both the House and the Senate to try to shape this legislation in a way that strengthens our authority to act where it's appropriate, but that doesn't tie us to a global policy in which we have to impose economic sanctions on literally every single person in the world who may be connected to human rights abuse, which would be extraordinarily cumbersome. So, that's where we are on that legislation.

Chairman PITTS. The Chair thanks the gentleman. Again, thank you for your patience, and now recognizes the gentleman, Mr. ELLISON, for his questions.

Mr. ELLISON. Thank you again, Mr. MALINOWSKI. Could you detail, if you would, some of the violations that you've been able to track in Egypt in the current scene? I mean, how many people are experiencing preventive detention? How many people have been detained without trial? How many media outlets have been shut down? So, if you don't mind just giving sort of the picture.

Mr. MALINOWSKI. Yes. I'm going to be cautious about numbers.

Mr. ELLISON. Okay.

Mr. MALINOWSKI. Because one hears --

Mr. ELLISON. Different numbers.

Mr. MALINOWSKI. -- different numbers and, you know, I cannot tell you exactly how many people are imprisoned in Egypt for those reasons.

Mr. ELLISON. Okay.

Mr. MALINOWSKI. But we certainly have reason to believe that it's in the thousands. And, hence, the emphasis in my statement on the problem of mass incarceration of people who were not engaged in any sort of violent activities. So, it is a very, very large problem. We don't

need to know the exact number to understand the potential consequences of that practice, not just for human rights, but for our long-term security interests.

Mr. ELLISON. Right. Now, what about the press, and what about like the right to just peacefully protest, how would you describe the scenario there?

Mr. MALINOWSKI. Well, there are a number of journalists still imprisoned. We very much welcomed the release of the Al Jazeera journalists, of course, but there are a number of others. And here I've seen numbers from, I think, the Committee for the Protection of Journalists of roughly 18 journalists still imprisoned.

With respect to demonstrations, as you know, there's a very restrictive demonstration law that makes it virtually impossible for people who want to express criticism of the current administration to go out and peacefully protest. And a very large proportion of those who are in prison, either convicted or awaiting trial, are there because of violations of this protest law.

Mr. ELLISON. Are there any international conventions which Egypt is a signatory to which binds them not to engage in these practices?

Mr. MALINOWSKI. I have to admit, I don't have off the top of my head a full list of conventions that they're a party to.

Mr. ELLISON. But just a few that you may know?

Mr. MALINOWSKI. If they are a party to the ICCPR, it would certainly be in violation of many provisions of that. But I acknowledge, I'm not certain that they are. We can check on that.

Mr. ELLISON. Okay.

Mr. MALINOWSKI. Or you can ask some of the next panelists.

Mr. ELLISON. Yes, maybe our witnesses --

Mr. MALINOWSKI. And, of course, there is the Universal Declaration of Human Rights, which we feel expresses principles that all nations are bound to follow. There's the Convention Against Torture which speaks to a very, very significant and important problem.

Mr. ELLISON. Right. So you will -- the U.S. State Department has raised these concerns with the Egyptian government. What kind of cooperation have you seen?

Mr. MALINOWSKI. I think it will not surprise you to hear me say that this has been a difficult set of conversations over the last couple of years. We have raised a number of cases of concern. In some cases, the Egyptian government has acted. Of course, one product -- one result of that is Mr. SOLTAN, who you'll be hearing from later. There was the decision by President el-Sisi which we very strongly welcomed recently to release the Al Jazeera journalists and 100 other activists, including some very prominent people. But, overall, the situation is as I described; it is not a heartening one.

Mr. ELLISON. The Leahy Law, this is a piece of legislation that says that the U.S. State Department can limit or circumscribe financial aid in the form of training, equipment, other sorts of assistance to foreign military security forces if the U.S. Government has credible information that these units have committed violation of human rights. Of course, I don't want to bind you here today. This is a complicated issue to resolve, but is the Leahy Law something that is a

potential tool to try to get the Egyptian government to come into compliance with international conventions which it has signed and is signatory to?

Mr. MALINOWSKI. You can bind me; you have binded me.

Mr. ELLISON. Okay. Well, I do then.

Mr. MALINOWSKI. By passing the Leahy Law, it does bind us.

Mr. ELLISON. Right.

Mr. MALINOWSKI. It is the law.

Mr. ELLISON. Thank you.

Mr. MALINOWSKI. It doesn't merely enable us, it requires us to suspend assistance to any unit of a foreign security force, including in Egypt if, as you suggested, we have credible evidence that it has engaged in gross violations of human rights. I am the person in the State Department who is responsible for implementing the law, and I can tell you that in the case of Egypt we are implementing it, and it has had a significant impact on our ability to provide assistance to some parts of the security apparatus in Egypt, particularly the police and the interior ministry.

Mr. ELLISON. One of the things that seems to be at work here is that when we either withhold foreign assistance or threaten to based on human rights violations, that some of the countries that are in the neighborhood of Egypt simply supplement that. What about getting some regional cooperation from the Gulf, from our friends in Saudi Arabia in trying to help the Egyptian people have a higher quality of human rights? Is this something that is a potential? Is this something that is being done? Would you share what you know about it?

Mr. MALINOWSKI. We talk about these issues with all our partners in the region. Of course, we also talk to them about some of their own domestic issues, so this is a difficult region, and a very difficult and complicated time. And, as you know, Egypt has heard from a number of countries on these issues; in some cases encouraging it to move in one direction, in some cases encouraging it to move in precisely the opposite direction. Knowing that, we do engage our Gulf partners and others in conversations about what is happening in Egypt, and we say to them what I have said to you.

I think, you know, stepping back a bit, our experience shows that while it is often very difficult and frustrating to make progress on human rights issues in countries with the kinds of problems that Egypt has, with patience and persistence we, I think, we can make progress. I can think of many cases where in the moment when we were making this kind of effort it felt as if we were not making any progress, and then in the fullness of time it becomes clear that change can and does happen, and often is affected by voices from the United States and the international community.

Mr. ELLISON. I have one last question. Can the Egyptian government, or any government speaking broadly here, claim that -- legitimately claim that their security interests against real threats like Daesh justify clamping down on human rights for people who are civilians, who are engaged in normal free expression?

Mr. MALINOWSKI. In fairness, I think every country that has been attacked by terrorists, including our country, has at times felt the temptation to limit freedoms, to take shortcuts in the rule of law, establish democracies, face that temptation. But experience has

shown us, including our own experience, that this is not necessary and, in fact, nearly always a mistake; that it actually strengthens the propaganda, the arguments that terrorist groups make that it weakens the institutions that protect us. And it makes it harder to unite all of the people in any given society against what should be seen as a common threat to all of them.

Mr. ELLISON. Thank you, Mr. MALINOWSKI.

Mr. MALINOWSKI. Thank you.

Mr. ELLISON. I yield back.

Chairman PITTS. The Chair thanks the gentleman. Thank you very much, Mr. Secretary, for your testimony, for answering our questions. We may have follow-up questions. I'll send them to you in writing.

Mr. MALINOWSKI. Of course.

Chairman PITTS. Thank you very much.

Mr. MALINOWSKI. Thank you.

Chairman PITTS. And the Chair excuses the gentleman, and now calls for a second panel, Dr. Robert P. GEORGE, Chairman of the U.S. Commission on International Religious Freedom. And, as always, your written statement will be made a part of the record, but we'd ask that you summarize your statement. And the Chair now recognizes Dr. GEORGE. Dr. GEORGE, I'm told that around the corner in the markup I'm needed. It's a very close vote. I'll be right back. I've got one vote, and I'll leave it in your hands. I'll be right back.

DR. ROBERT P. GEORGE, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. GEORGE. Thank you, Mr. PITTS. As you're leaving let me say just how honored I am again to be testifying before a commission named for the great Tom Lantos. He was a magnificent champion of international religious freedom. I have the great pleasure of working on the U.S. Commission on International Religious Freedom with his daughter, Katrina Lantos Swett, herself a great champion of international religious freedom and other fundamental human rights. In fact, Dr. Lantos Swett and I have been going back and forth as Chairman of the U.S. Commission on International Religious Freedom, and working with her is a very great pleasure.

Mr. ELLISON, I want to thank you, and I want to thank Chairman PITTS, and I want to thank Chairman McGOVERN for the work of the Tom Lantos Commission, and for the work that each of you, together with so many of your colleagues, has done to advance the cause of international religious freedom, religious freedom for people around the world.

Journalists tell us that we live in an age of hyper partisanship. Historians tell us maybe it's not so different from past ages in the United States, but it's wonderful to see that as many disagreements as people have, legitimate disagreements across a range of issues of domestic policy, and in some areas of foreign policy, differences between the parties and so forth, still people come together across party lines, across the religious divides and so forth in America to fight for religious freedom for everyone around the world; Republicans and Democrats, Catholics, Protestants, Mormons, Jews, Muslims, Baha'is, Buddhists, Hindus. In America, we unite in support of the right of anyone anywhere in the world to express their religious beliefs, to worship God as they see fit, to believe or not believe as they see fit, to change their religion if their conviction changes, to enter into the public square and bring their religiously-informed beliefs about justice and the common good, and human rights to bear in vying for the allegiance of their fellow citizens. That's a fundamental right that we recognize in America. It's in our very founding principles, in our DNA, as the great Frank Wolf sometimes says, "It's in our DNA," and yet, we understand it not just as a local right that we Americans should enjoy, but as a universal right that we, to the extent that we can in the formation and execution of our foreign policy should do our best to advance. So, thank you very much for this opportunity to be before the commission.

Of course, I have written testimony, as you know, that I'll submit.

While I need focus today, of course, more focus on the state of religious freedom or belief in Egypt, and highlight some of our commission, the United States Commission on International Religious Freedom's recommendations for U.S. foreign policy. I'd be remiss if I didn't note, as Mr. MALINOWSKI did, that the Egyptian government's efforts to combat extremism and terrorism have dramatically chilled other fundamental human rights and civil society activities with severe limits placed on dissent and criticism of the government. That has to be acknowledged as part of the background situation that we need to bear in mind as we're looking more specifically at the religious freedom issue which is, of course, what USUR exists to address.

Now, these limits have resulted in a poor human rights situation overall, with sympathizers and members of the Muslim Brotherhood, journalists and opposition figures harassed, jailed, given harsh prison terms, including death sentences for Brotherhood members and other Islamists, sometimes on legitimate grounds, but also on unfounded security charges. Egypt is not alone in that, but it's part of the reality.

In contrast, I can best characterize the status of freedom of religion or belief as one step forward and at least one step, maybe two steps back, and that's not good. While the el-Sisi

government has clamped down on virtually all forms of dissent, President el-Sisi has made a number of positive gestures and statements urging reforms and religious tolerance. Again, Mr. MALINOWSKI brought that to light. And his government has undertaken some initiatives to improve religious freedom. And, of course, we applaud those. We need to recognize them. We want an accurate picture of what's going on there. There's a lot on the negative side, there's some on the positive side.

For example, just this year, the Ministry of Education started a process to remove passages from primary school textbooks deemed to promote incitement and extremism. And last month, as President el-Sisi decreed earlier this year, Egyptian authorities started to build a new church to honor the Copts killed by the Islamic State forces in Lybia in February. We need to acknowledge these things. These are positive. It's part of the picture.

Perhaps the most encouraging trend over the past two years has been the notable decrease in the number and scale of targeted sectarian attacks following extremists' violent assault on dozens of Christian churches and properties in August of 2013. Now, this decrease has been partly due to a greater security presence. We have been demanding that of the Egyptian government, and we're glad to see some steps in the right direction there.

Furthermore, some changes including in the January 2014 constitution could bode well for religious freedom, but it depends on how they're implemented. Article 235, again, we were discussing this, you were discussing it with Mr. MALINOWSKI a few minutes ago, requires the incoming parliament to pass a law governing the building and renovating of churches, thereby potentially lifting the longstanding government approval, requirement of government approval of both. The new constitution also mandates the establishment of an anti-discrimination body tasked with eliminating bias, including discrimination based on religion or belief.

At the same time, most existing laws and policies restricting religious freedom remain in place, firmly in place. That, too, is reality. And new government campaigns bode ill for Egyptian religious minorities and non-believers. Now, here are some examples of concern.

Number one, conditions for Copts remain precarious with sporadic attacks continuing, particularly in upper Egypt, and most perpetrators of recent attacks having been neither convicted, nor even tried; thereby, perpetuating an atmosphere of impunity. And impunity is a real problem here, very serious problem, and we need to bring pressure on the Egyptian government to do something about that problem.

And now here at the same time I want to take this opportunity to say that we should also be aware and grateful for those Egyptian Muslims who have at risk to themselves on occasion stepped forward to protect Coptic and other Christian churches and institutions. Too often, this is ignored in the media. The bad stuff gets reported, and the good stuff just gets lost somehow, but the good stuff has to be held up, as well, so that people can see the complexity of the picture, and give credit where credit is due, including to brave Muslims who are willing to stand up for the rights of their fellow citizens of different beliefs.

The government has increased its control, secondly, over all Muslim religious institutions, including mosques and religious endowments justifying this increase as needed to counter extremism and terrorism. Well, yes, some steps obviously need to be taken. We've been demanding them to counter extremism and terrorism, and to do something about the problem of impunity, but we worry when governments go too far, as the Egyptian government in some cases has. And we also worry about pretexts where the government cracks down for politically motivated reasons under the pretext of providing security to minority citizens. Again, Egypt is not unique in this, but it's part of the problem to be recognized.

Third, small communities of Baha'i, people of the Baha'i faith and Jehovah's Witnesses remain banned by presidential decrees that go all the way back to 1960. Now, obviously, this is simply incompatible with the internationally recognized rights of religious freedom which Egypt itself formally, of course, recognizes. But it is an outrage when peaceful groups, religious groups such as the Baha'is, people of the Baha'i faith, people of the Jehovah's Witnesses tradition are actually banned.

Fourth, Egyptian authorities have not combated antisemitism in the state-controlled and semi-official media. We here in the United States don't like state-controlled media of any kind, but if you're going to have state-controlled or semi-official media, then the state has some responsibility when it comes to grotesque, blatant, flagrant antisemitism or other forms of hatred being disseminated through state or semi-official media.

Fifth, Egyptian courts continue to prosecute, convict, and imprison Egyptians for blasphemy with cases dramatically increasing. This is bad news, increasing since 2011 with more than 15 new cases this year alone. Now, most of these charges have been leveled against Muslims. Most of those sentenced to prison, however, have been Christian Shia Muslims, that is the minority Muslims in Egypt, and atheists. But regardless of who's being victimized by these laws, they really need to go. I mean, throughout many parts of the world these blasphemy laws are used by regimes as a pretext for oppressing religious minorities creating prisoners of conscience, and it really is simply unacceptable under the most basic international human rights standards.

Finally, the Ministry of Religious Endowments launched a new campaign in April to combat what it perceives as threatening topics in mosques, but including atheism, the Baha'i faith, and Shia Islam, again, the minority religions. And we're obviously concerned about that, and the Congress should be.

So, based on these and other concerns, USCRIF recommended in April 2015 that Egypt be designated a country of particular concern, or CPC under the International Religious Freedom Act. And this is a recommendation that our commission has been making since 2011. It has not been accepted by the State Department, but it's a recommendation that has been consistent since 2011. Our commission will, I assure you, continue to monitor the situation to determine if a change in our 2016 recommendations is warranted. As of now, we do not believe that a change is warranted, so we continue to urge CPC status for Egypt. And CPC status is simply the status statutorily required to be given where religious freedom abuses by a regime are systematic, ongoing, and egregious.

Our commission also recommends that the U.S. Government press the Egyptian government to do several things; repeal decrees banning religious minority faiths like the Baha'is and the Jehovah's Witnesses, remove religion from official identity documents. That really needs to be done. And pass a law for the construction and repair of places of worship once a new parliament is formed. Revise Article 98(f) of the penal code which criminalizes blasphemy. And then prosecute perpetrators of sectarian violence, the people who carry out violence with impunity, through the judicial system, including past cases, such as the 2011 Maspero Massacre where justice has not been served.

USCIRF also urges our government, the United States Government, to do some things. In particular, emphasize in its annual reporting to Congress on human rights and religious freedom the Egyptian government's progress on the protection of religious minorities, prosecution of perpetrators of sectarian violence, and the ability of Egyptian non-governmental organizations to receive outside funding from sources including the U.S. Government.

Let me conclude by stating that Egypt continues to experience both some progress, but also setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards including, of course, those for freedom of religion or belief. For the sake of stability and security, as well as human rights, the United States Government should urge Egypt to choose the pathway to democracy and freedom for all Egyptians, those of all faiths, and of none.

Mr. Chairman, thank you, and I'd be happy to take your questions.

[The statement of Mr. GEORGE follows:]

PREPARED STATEMENT OF ROBERT P. GEORGE

I want to thank the Members of the Tom Lantos Human Rights Commission for holding this hearing on "Human Rights in Egypt" and inviting me to testify today on behalf of the U.S. Commission on International Religious Freedom (USCIRF). In my testimony today, I will focus primarily on the state of freedom of religion or belief in Egypt over approximately the past year, and highlight some of USCIRF's recommendations for U.S. policy. As my testimony will underscore, the situation has become somewhat complex due to several recent developments and factors.

Since the overthrow of former Egyptian president Hosni Mubarak in February 2011, Egypt has experienced both progress and significant setbacks during its political transition. Between 2011-2013, under the leadership of the Supreme Council of Armed Forces (SCAF) and President Mohamed Morsi, conditions for religious freedom deteriorated dramatically. Following the military's ouster in July 2013 of Morsi, the first democratically-elected president in Egyptian modern history, Egypt has continued to experience much volatility and turmoil. Led by then-General Abdel Fattah Sisi, an interim government began implementing a roadmap in late 2013 that would amend the constitution and hold presidential and parliamentary elections. In January 2014, a new constitution was approved overwhelmingly by referendum, and in May 2014, Sisi was elected president. Parliamentary elections finally are underway and are expected to conclude next month. Some of the religious freedom provisions in the constitution that are an improvement over the 2012 constitution cannot be implemented until a new parliament is seated.

During this same period of time, the government's efforts to combat extremism and terrorism have had a dramatically chilling impact on human rights and civil society activities in the country. Among the consequences have been severe limits on dissent and criticism of the government, resulting in a poor human rights situation overall. Despite some political and other dissidents being released from prison this year, sympathizers and members of the Muslim Brotherhood, journalists, and opposition figures have been harassed, jailed, and given harsh prison terms, including death sentences for Brotherhood members and other Islamists, sometimes on legitimate, but also on unfounded, security charges. Conditions for Coptic Orthodox Christians remain precarious, as most perpetrators of recent attacks have not been convicted, or even tried, including from the largescale incidents that occurred between 2011 and 2013, such as the October 2011 Maspero massacre where more than two dozen Copts and Muslims were killed. Small communities of Baha'is and Jehovah's Witnesses remain banned and anti-Semitism persists in state-controlled and semi-official media.

Positive Developments and Ongoing Challenges for Religious Freedom

Perhaps the most encouraging trend over the past two years has been the notable decrease in the number and scale of targeted, sectarian attacks against Copts. Since the horrific, violent assault on Copts and their churches and properties in August 2013, the number of attacks has decreased significantly, despite some sporadic incidents, particularly in Upper Egypt, and backlash from violent Islamists. Since he assumed office in June 2014, President Sisi has made several noteworthy public statements and gestures encouraging religious tolerance and moderation, an important shift in tone and rhetoric from his predecessors. In particular, President Sisi delivered a speech earlier this year to senior Muslim religious authorities at Al-Azhar University calling for a "religious revolution" and urging reform of conservative religious discourse in society. He also was the first head of state to attend a Coptic Christmas

Eve mass and offered condolences in person to Coptic Pope Tawadros after ISIL (Islamic State in the Levant) killed 20 Copts and one Ghanaian in Libya. Just last month, as decreed by President Sisi earlier this year, Egyptian authorities started building a new church to honor those Copts. President Sisi also has urged the reform of religious curricula and textbooks. Subsequently, the Ministry of Education in March announced that it had decided to remove passages from primary school textbooks that were deemed to promote incitement and extremism, and started to implement this decision over the past several months. Reforms also are reported to include religious curricula at Al-Azhar.

Despite these positive developments, most of the discriminatory and repressive laws and policies that restrict freedom of thought, conscience, and religion or belief remain in place. Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy, and new government initiatives have emerged over the past year that are designed to counter atheism, Shi'a Islam, and the Baha'i faith. While the 2014 constitution includes improvements regarding freedom of religion or belief, how these relevant provisions are interpreted and implemented remain to be seen, primarily due to the lack of an elected parliament.

Based on these and other concerns, USCIRF recommended in April 2015 that Egypt be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), a recommendation USCIRF has made since 2011. USCIRF will continue to monitor the situation closely to determine if developments warrant a change in Egypt's status in our 2016 recommendations.

Religious Freedom Conditions 2014-2015

Government Control of Islamic Institutions

During President Sisi's tenure, the government has increased its control over all Muslim religious institutions, including mosques and religious endowments. Egyptian officials have justified this increase in control as necessary to counter extremism and terrorism. In February 2015, an administrative court upheld a 2013 decree by the Ministry of Religious Endowments that prevents imams who are not graduates of Al-Azhar from preaching in licensed and unlicensed mosques. The ruling, which resulted in thousands of small mosques being closed, bans unlicensed mosques from holding Friday prayers and requires Friday sermons to follow government "talking points." The government also appoints and pays the salaries of all Sunni Muslim imams and monitors sermons.

Coptic Christians, Violence, and Continued Impunity

In January 2015, President Sisi became the first Egyptian head of state to attend a Coptic Christmas Eve mass at the St. Mark's Coptic Orthodox Cathedral in Cairo. He met in February with, and offered condolences to, Coptic Pope Tawadros at the cathedral after ISIL killed 20 Copts in Libya and declared a national week of mourning. While the Coptic community generally welcomed these and other symbolic gestures, repressive laws and discriminatory policies against Copts remain in place, including blasphemy charges and convictions, limits on building and maintaining churches, limits on conversion from Islam, and inadequate accountability for violent attacks.

Over the past year, the number and severity of violent incidents targeting Copts and their property have decreased significantly. However, sporadic violence has continued, particularly in Upper Egypt. For example, in late June, at the time of the two year anniversary of the overthrow of former president Morsi, a number of Christian homes and properties were attacked and a mob firebombed a church in Alexandria in July, with the authorities responding slowly. In March, local police failed to prevent a mob attack on a Coptic church in the al-Our village, the hometown of 13 of the 20 Copts killed in Libya. The mob vowed they would not allow the new church to be built and damaged several Coptic homes and businesses in the area.

Because Egyptian security services increased protection of churches during significant religious holidays, the level of fear and insecurity among members of the Coptic community decreased in some parts of the country. Following the unprecedented violence in the summer of 2013, including against Coptic churches and their property, the Egyptian government formed a fact-finding commission to investigate the attacks and pledged to hold accountable those responsible for the violence and rebuild the dozens of destroyed churches. In November 2014, the Egyptian government released an executive summary of the commission's report. The report found that 29 people

died in sectarian-related killings, without any specific details surrounding the deaths, and that 52 churches were completely destroyed, another 12 damaged, and numerous Christian-owned properties destroyed. According to various other reports, at least half of the destroyed churches and Christian properties were in the process of being repaired or rebuilt.

There also has been some progress on the accountability for the destruction of and damage to Christian churches and properties in the summer of 2013. In December 2014, some 40 perpetrators who were found responsible for attacks on five churches in Assiut, Upper Egypt, were sentenced to prison terms ranging from one to 15 years. In April 2015, an Egyptian court convicted and sentenced approximately 70 individuals to life in prison for their role in burning a church in the village of Kafr Hakim just outside Cairo.

Other cases are ongoing, and perpetrators have yet to be brought to justice. In still other cases, police have not conducted adequate investigations, sometimes due to fear of retribution by violent extremists. The inability to protect Copts and other religious minorities, and successfully prosecute those responsible for violence, has continued to foster an atmosphere of impunity.

Furthermore, in response to sectarian-related violence, local Egyptian authorities continue to conduct “reconciliation” sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, local authorities and Muslim and Christian religious leaders have abused these reconciliation sessions to compel victims to abandon their claims to any legal remedy. Human rights groups have argued that reconciliation sessions create a significant imbalance for Christians in reaching a fair and equitable outcome to various disputes, many of which are sectarian-related attacks targeting Christians.

Other Concerns for Christians

Following the August 2013 church attacks, the number of incidents of kidnappings for ransom and extortion of Christians rose dramatically. While these incidents have decreased over the past year, they continue in parts of the country, particularly in Upper Egypt.

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process continues to be time-consuming and inflexible. Egyptianborn Muslims who have converted to Christianity cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility. Bishoy Armia, previously known as Mohamed Hegazy, a Christian convert who was among the first to legally change his religion from Islam to Christianity, was sentenced in June 2014 to five years in prison for working as a journalist and reporting on anti-Christian activities in Minya, Upper Egypt. In July, he also was charged with “insulting Islam,” charges that had been filed against him in 2009. In December 2014, an appeals court dropped some of the charges. However, Armia remains in prison on the blasphemy charge. In past cases in which converts have sued for the right to reflect their new religious affiliation on ID cards, Egyptian courts have ruled that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert.

Regarding re-converts to Christianity, there remain systemic problems for those individuals who converted to Islam and decided to convert back to Christianity to have this change reflected on identity documents. Despite a July 2011 law making it easier to reflect one’s religion on ID cards— and not having to declare “formerly Muslim”—it still is difficult in practice for these individuals to obtain identity cards.

Blasphemy Law and Limits on Religious Expression

Article 98(f) of the Egyptian Penal Code prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” Authorities use this “contempt-of-religion,” or blasphemy, law to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities allegedly jeopardize “communal harmony” or insult Judaism, Christianity, or Islam. In January 2015, President Sisi issued a decree that permits the government to ban any foreign publications it deems offensive to religion. Blasphemy cases have increased since 2011, and this trend continues today. While the majority of charges are leveled against Sunni Muslims, most of those sentenced by a court to prison terms for blasphemy have been

Christians, Shi'a Muslims, and atheists, largely based on flawed trials. According to reports, there have been at least 17 new blasphemy cases since the beginning of 2015.

For example, an Egyptian man in August 2015 was arrested for distributing bibles in a mall in Cairo and subsequently charged with blasphemy. In May, a dentist from the Daqahlia governorate was sentenced to six months in prison for both practicing Shi'a Islam and contempt-of-religion, partly because authorities found Shi'a books and materials in his home. That same month, a wellknown television show host, Islam El-Beheiry, was convicted of blasphemy and sentenced to five years in prison for comments he made about Islam on his program. His sentence was upheld on appeal last month. Also in May, four Coptic Christian teenagers and their teacher were arrested and charged with blasphemy for making a social media video mocking ISIL.

In May, Michael Mounir Bishay was sentenced to a year in prison for publishing in November 2014 a YouTube video on Facebook that reportedly offended his neighbors. In June 2014, separate courts in Luxor imposed blasphemy sentences of up to six years in prison on four individuals, including Coptic Christian Kirolos Shawqi Atallah, who was sentenced to six years for posting photos on a Facebook page deemed defamatory to Islam. In February 2014, a court sentenced Amr Abdullah, an Egyptian Shi'a, to five years in prison with labor on charges of blasphemy and defaming the Prophet Mohammed's companions for attempting to observe the Shi'a Ashura holiday at the al-Hussein mosque in Cairo.

Egyptian atheists have seen a rise in blasphemy charges in recent years, as well as growing societal harassment amidst various Egyptian government campaigns to counter atheism. In December 2014, Dar al-Ifta, a Justice Ministry entity that issues religious edicts, published a survey claiming that Egypt was home to 866 atheists, supposedly the "highest number" of any country in the Middle East. Two officials from the office of the Grand Mufti – who heads Dar al-Ifta – publicly called this finding a "dangerous development." In June 2014, the Ministries of Religious Endowments and Sports and Youth initiated a national campaign to combat the spread of atheism among Egyptian youth. In 2014, a Ministry of Interior official publicly stated that a special police task force had been formed to arrest a group of Alexandria-based atheists who expressed their beliefs on Facebook and other social media platforms. In February 2015, a university student from Ismailia, Sherif Gaber, was sentenced to one year in prison for discussing his atheist views on Facebook. In January 2015, Egyptian atheist student Karim Al-Banna was given a three-year prison sentence for blasphemy because a court found some of his Facebook posts to "belittle the divine." His sentence was upheld in March. In March 2014, an Egyptian court upheld a three-year prison sentence on "contempt-of-religion" charges for Egyptian author Karam Saber for publishing a book questioning the existence of God.

In addition, in April 2015, the Ministry of Religious Endowments launched a campaign to combat what it perceives as threatening topics in mosques: Shi'a Islam, atheism, the Baha'i faith, and other social issues such as murder and drug addiction.

Baha'is, Jehovah's Witnesses, and Shi'a Muslims

Baha'is and Jehovah's Witnesses have been banned since 1960 by presidential decrees. As a result, Baha'is living in Egypt cannot meet or engage in public religious activities. Al-Azhar's Islamic Research Center has issued *fatwas* over the years urging the continued ban on the Baha'I community and condemning its members as apostates. In December 2014, the Ministry of Religious Endowments held a public workshop to raise awareness about the "growing dangers" of the spread of the Baha'i Faith in Egypt. Since Baha'i marriage is not recognized, married Baha'is cannot obtain identity cards, making it impossible for them to conduct daily transactions like banking, registering for school, or owning a car. Other Baha'is can obtain identity cards only if they put a dash "--" in the required religion section since the only options are Islam, Christianity, or Judaism. More recently, the Baha'i community reportedly has been able to conduct some private religious activities without interference by authorities.

In recent years, the government has permitted Jehovah's Witnesses to meet in private homes in groups of fewer than 30 people, despite the community's request to meet in larger numbers. Jehovah's Witnesses are not allowed to have their own places of worship or import Bibles and other religious literature. Over the past year, security officials continued to harass and intimidate

Jehovah's Witnesses by monitoring their activities and communications and threatening the community with intensified repression if it does not provide membership lists.

In addition to the blasphemy cases targeting members of the Shi'a community and government campaigns to counter Shi'a Islam in public and in mosques, the Deputy Minister of Religious Endowments just last week announced that the Shi'a community would not be permitted to celebrate Ashura in several mosques in Cairo. A subsequent statement from the Ministry reportedly justified the closure stating that Shi'a rituals had no basis in Islam.

Anti-Semitism and the Jewish Community

Egyptian authorities have failed to take adequate steps to combat anti-Semitism in the state controlled and semi-official media as material vilifying Jews with both historical and new anti-Semitic stereotypes continue to appear. This material includes anti-Semitic cartoons, images of Jews and Jewish symbols demonizing Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egypt's once-thriving Jewish community of tens of thousands in the mid-20th century is now only a small remnant consisting of fewer than 20 people. The community owns communal property and finances required maintenance largely through private donations.

Egypt's Constitution

There are some encouraging changes in the January 2014 constitution that could bode well for religious freedom. Several problematic provisions from the 2012 constitution were removed: a provision that narrowly defined Islamic Shari'ah law; a provision potentially giving Al-Azhar a consultative role in reviewing legislation; and a provision that effectively bans blasphemy. In addition, a new provision, Article 235, requires the incoming parliament to pass a law governing the building and renovating of churches. This provision potentially would lift the longstanding requirement of governmental approval for building or repairing churches. This requirement has been used to justify sectarian-related violence targeting Christians. The new constitution also mandates the establishment of an anti-discrimination body tasked with eliminating all forms of discrimination, including on the basis of religion or belief. While Article 64 provides that "freedom of belief is absolute," as is the case in the 2012 constitution, this article limits the freedom to practice religious rituals and establish places of worship to only the "divine" religions: Islam, Christianity, and Judaism.

U.S. Policy

For many years, U.S. policy toward Egypt has focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations have viewed Egypt as a key ally in the region. Egypt is among the top five recipients in the world of U.S. aid. The FY2015 Consolidated Appropriations Act provides Egypt with \$1.3 billion in foreign military financing (FMF) and \$150 million in economic support funds (ESF), the lowest level in more than three decades. Since President Sisi was elected, the Obama Administration publicly has urged the Egyptian government to make progress on economic and political reforms, including on human rights concerns, although less so on specific religious freedom issues than it did in the three years following the January 25, 2011 revolution.

Public Law 113-235, the FY2015 Consolidated Appropriations Act, places conditions on U.S. assistance to Egypt related to limits on human rights, including religious freedom. Specifically, it requires the Secretary of State to certify that Egypt has taken steps to advance the democratic process, protect free speech, and protect the rights of women and religious minorities, among other measures. However, the Act also authorizes the Secretary to provide assistance to Egypt if he or she determines that the assistance is important to the national security interests of the United States. On March 31, 2015 the U.S. government announced that it would continue foreign military financing and economic support funds to Egypt, although the United States would no longer allow Egypt to purchase military equipment on credit and will earmark future aid for specific activities related to U.S. counterterrorism goals. On May 12, Secretary of State Kerry certified in a public report to Congress that the resumption of aid to Egypt was in the national security interest of the United States. Despite the certification, the report concluded that the overall trajectory for human rights and democracy in Egypt was negative. In addition, the report found that the Egyptian

government “had taken steps to advance to protect and advance the rights of religious minorities,” although these protections were limited to followers of Islam, Christianity, and Judaism.

According to the State Department, officials at all levels of the U.S. government continue to raise a range of religious freedom concerns with Egyptian counterparts. When President Obama met with President Sisi last year on the sidelines of the UN General Assembly, President Obama raised some human rights concerns, although it was unclear if any religious freedom issues were discussed. Despite USCIRF recommending since 2011 that Egypt should be designated a “country of particular concern,” the State Department has not taken such action.

Recommendations for U.S. Policy

Egypt continues to experience both progress and setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. In addition to recommending that the U.S. government designate Egypt as a CPC, USCIRF recommends that the U.S. government should:

- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship, and provide direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians;
- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths; removing religion from official identity documents; and passing a law for the construction and repair of places of worship once a new parliament is formed;
- Urge the Egyptian government to revise Article 98(f) of the Penal Code, which criminalizes contempt of religion, and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f);
- Press the Egyptian government to prosecute perpetrators of sectarian violence through the judicial system, and ensure that responsibility for religious affairs is not placed under the jurisdiction of the domestic security agency, which should deal only with national security matters such as cases involving the use or advocacy of violence; and
- Place particular emphasis, in its annual reporting to Congress on human rights and religious freedom, on the Egyptian government’s progress on the protection of religious minorities, prosecution of perpetrators of sectarian violence, and the ability of Egyptian non-governmental organizations to receive outside funding from sources including the U.S. government.

Conclusion

The religious freedom landscape in Egypt has become further complicated over the past year, and can be summed up as follows: one step forward, two steps back. While the Sisi government has clamped down on virtually all forms of dissent in the country, which has had an alarming impact on human rights and civil society activities, President Sisi has made a number of positive gestures and public statements urging reforms and religious tolerance, and his government has undertaken some initiatives that aim to improve religious freedom. At the same time, most of the existing laws and policies that restrict religious freedom remain unchanged and, during his tenure, new government campaigns have been initiated which do not bode well for Egyptian religious minorities and non-believers.

One of the most important barometers of a country’s well-being is its treatment of religious minority communities. If Egypt is to make genuine progress in its political transition, it is vital that Egypt’s government recognize that full freedom of religion or belief is a fundamental human right that should be honored and respected, and commit itself to protecting the right of every Egyptian, regardless of background or belief, to exercise this freedom in peace and without fear of reprisal. For the sake of stability and security, and because of Egypt’s international human rights commitments, the United States government should urge Egypt to choose this pathway to democracy and freedom for all Egyptians.

Chairman PITTS. The Chair thanks the gentleman for your opening statement. I'll begin the questioning and recognize myself for that purpose.

Since 2011, as you mentioned, USCIRF has recommended to the State Department that Egypt should be designated a country of particular concern, CPC, for engaging in or tolerating ongoing systematic and egregious violations of religious freedom; yet, the State Department has never placed Egypt on that list. The question is, why do you think that is?

Mr. GEORGE. Well, of course, we continue, as I said, to urge the State Department to make the CPC designation. As I mentioned, we believe the designation is statutorily required where there is systematic, ongoing, and egregious violations of religious freedom. There, of course, is in the legislation the possibility of a waiver, but we think the designation does need to be made. And where waivers are granted, I would stress, speaking now in my own capacity, that they should not be unlimited, of unlimited terms and unconditional.

But to get to the heart of your question, the State Department really should be using this same standard. The standard isn't one thing for USCIRF and something else for the State Department. Now, that doesn't mean that the State Department has to agree with us every time on whether the standard has been met, but we think it's pretty clear in the case of Egypt, which is why we've been so consistently making this recommendation that it has been met, we believe that the Department considers a wider range of issues that are part of the U.S. bilateral relationship with Egypt, as is the case, frankly, with other countries like Pakistan, another country that we had been urging for many years a CPC designation. In fact, in the case of Pakistan, we believe that's the number one country on the offender's list that's currently not a CPC, that should be made a CPC.

But there are, obviously, a range of considerations that need to be taken into account when you're constructing and executing U.S. foreign policy, and that's not our job at USCIRF. Our job is to make recommendations specifically on the religious freedom front, but the standard is the same for us as for the State Department. And we really do strongly believe it has been met, so we're going to continue urging the State Department to make the designation at least until the actual practice of the government, or a government in Egypt matches some of the tone and rhetoric that we do have from the current government, but where the rhetoric is not backed up by the actions.

Chairman PITTS. In your testimony you have stated that the overall human rights situations has deteriorated since President el-Sisi came to power; yet, you have cited some contrasting improvements for religious freedom during the same period. Do you believe these are cosmetic improvements, or is Egypt making genuine progress on religious freedom?

Mr. GEORGE. It's making some progress. What I pointed to are real steps forward. What worries me are the steps back, and the failure to take the steps forward that are needed really across the board here.

Since he assumed his office in 2014, President el-Sisi has made several really very noteworthy public statements and gestures. Gestures are important. I'm not trying to play them down, gestures do matter, but we need more than gestures, but the gestures are important, and they're important as a way of encouraging in civil society tolerance and moderation. So, there's been a shift in tone from his various predecessors.

He's delivered some speeches, good speeches urging reform of religious discourse of the sort that is problematic because it stirs up animosity and even sometimes, of course, incitement of violence against Copts or Baha'is, or Shia Muslims, or Sunni Muslims who don't go along with a more radical view of things. So, that's good, that's good that President el-Sisi is doing

that. He was also the first head of state, as you know, to attend Coptic Christmas Eve mass. I think Mr. MALINOWSKI pointed this out, and he offered condolences in person to the Coptic Pope, Pope Tawadros after the murder by the Islamic State in the Levant of twenty Copts and one Guinean in Libya.

Just last month, as decreed by President el-Sisi earlier this year, Egyptian officials, authorities starting building a new church to honor these Copts, and that's good. That kind of gesture makes a difference. That's why I said, I don't want to make light of gestures to just say they're mere gestures. He's also urged reform of religious curricula in textbooks to get some of the extremism out of them. And that, too, matters. When you're bringing up the next generation, you know, how you bring them up, what's in those textbooks makes a difference. Our commission has been worried about and fighting on this textbook front, not just Egypt, Saudi Arabia and other places, as well, because we do recognize that it is important.

Here's the trouble, though. Despite this improved rhetoric and some of these nice, and again not downplaying, more than nice, meaningful, positive gestures, most of the discriminatory and repressive laws and policies remain that restrict the fundamental freedom of religion and belief of the people of Egypt. Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy. And new government initiatives have emerged over the past year that are designed to counter atheism. Shia Islam and the Baha'i faith are also subject to these kinds of government-sponsored attacks.

Copts continue to face limits on building and maintaining churches, and still face sporadic violent attacks and inadequate accountability for past attacks. And there are limits on conversion from Islam to any non-Muslim faith. And look, international religious freedom, as I said at the very opening comment includes the right to change your belief, change your affiliation, adopt a different religious view, or a non-religious view as your conscience dictates. And the state continues to ban minority faiths. I mentioned those presidential decrees going back to 1960, such as the Baha'is and the Jehovah's Witnesses.

So in sum, Mr. Chairman, yes, the progress is real, and the gestures are very welcome, but it's not enough, and there have been some steps backward.

Chairman PITTS. All right. In your 2015 commission report it was noted that non-State actors present a major challenge to freedom of religion or belief. Many have noted that acts of terrorism in Egypt are on the rise. My question is, how have terrorist groups like ISIS impacted the state of religious freedom in Egypt?

Mr. GEORGE. Well, it's a massive problem, and not simply in Egypt but, of course, also in Egypt. And, you know, we at USCIRF have been strongly recommending that we adjust even our legislative mandate to permit us to designate non-State actors as the equivalent of countries of particular concern. It wasn't that there was some mistake in the 1998 legislation, it's simply that the world has changed, and so we need some updating of the legislation to deal with the reality of the world changing. And one of the ways that the world has changed for the worse, of course, is the rise of the non-State actors, whether we are talking about the Islamic State in Syria and in Iraq. And, of course, with violence also carried out in Libya and Egypt, or we're talking about the Boko Haram in Nigeria. This has made things difficult, and let's be honest here, it's also made things difficult for states. So, whether we're talking about Iraq again, or Nigeria, or Egypt, one of the realities that makes things very difficult for leadership is dealing with these non-State actors that are perpetrating terrorism, violence in their countries.

But we're asking them to do something that's hard, still needs to be done, but it's hard, and that is to act effectively for the security of their people against private acts of violence by mobs, and thugs, and terrorists, while at the same time respecting the basic civil liberties of their

people. We in the United States have to some extent ourselves had to wrestle with the security versus liberty dynamic. You know, we want as much liberty as we can possibly have, but we know that sometimes we have to sacrifice a little bit for the sake of security. That's just part of living in a civilized society. Well, there's some real challenges when it comes to those considerations for nations like Egypt.

What we don't want to see in Egypt, we don't want to see it in Russia, we don't want to see it anywhere else, is the security concerns being used as a pretext to clamp down on legitimate non-violent religious practitioners who for political reasons any particular regime just doesn't like. That's what I don't want to see anywhere.

Chairman PITTS. All right. Finally, there's been a lot of talk in this country about the status of the Muslim Brotherhood, whether or not it is a terrorist group. While that may be in doubt by some, I believe their role in committing human rights abuses is not doubt. Should Congress update the International Religious Freedom Act to be able to sanction non-State actors? Would that prove useful in this scenario?

Mr. GEORGE. Speaking for myself here, because I cannot speak for the commission, we have not deliberated on exactly that question, so we don't have a recommendation for you. My own view would be, we do need to update legislation to deal with non-State actors. But I would urge you with an organization such as the Muslim Brotherhood to recognize that what we've got here is a range of views and attitudes among people who are associated with the Muslim Brotherhood. So, this is one of these entities that is hard to treat as a unified actor. So, I think it's very important here to just be careful in moving forward to make sure that we know who it is exactly that we are proposing to act against, and not to act against people who are not actually involved in violent extremism.

Chairman PITTS. Very good. Thank you very much, Mr. Chairman. It's a privilege to have you here, and the Chair now recognizes Mr. ELLISON for his questions.

Mr. GEORGE. Thank you.

Mr. ELLISON. Dr. GEORGE, thanks for your very thorough and comprehensive presentation. I think you hit a number of the things I was going to ask about. Also, Chairman PITTS was pretty comprehensive in his questioning, so I don't really have any questions for you.

I simply want to say thank you for the hard work of the Commission, of raising these critical issues and giving the clear testimony that you have today. So, thank you very much, and please keep up the good work that you're doing.

Mr. GEORGE. Well, thank you very much. And I want to say right back at you, too, to you, Congressman ELLISON, and you, Chairman PITTS, and to Co-Chairman McGOVERN. We at USCIRF not only appreciate the great work that the Tom Lantos Human Rights Commission does for religious freedom. We also very much appreciate the support that you've given to us at the U.S. Commission on International Religious Freedom. As you know, we were recently re-authorized for a four-year term on terms that we think are very good, and enable us to do our work well going forward. And I want to thank you for that, and tell you that we're just going to rededicate ourselves to the cause of international religious forward, pressing forward as vigorously as we can and working hand in hand with you, and with the non-governmental organizations, and the religious groups, and the diaspora groups, anyone who's willing to join hands with us to protect people across the world when it comes to the fundamental human right of religious freedom.

Chairman PITTS. Thank you very much, Dr. GEORGE.

Mr. GEORGE. Thank you.

Chairman PITTS. And if we have follow-up questions, we'll send them to you in writing.

Mr. GEORGE. Appreciate it.

Chairman PITTS. Thank you very much. I'll now call Panel 3 to the witness table, and introduce them in the order that I'd ask them to speak.

First, Mr. Shadi HAMID, Senior Fellow, Center for Middle East Policy, the Brookings Institution. Let's see, I guess we're going in this direction from over here. And then Mr. Mohamed SOLTAN. He's an Egyptian-American activist, former political prisoner. Then Sarah Leah WHITSON, Executive Director of Middle East and North Africa Division, Human Rights Watch. And, finally, Daniel CALINGAERT, Executive Vice President of Freedom House.

Thank you very much for coming today. We appreciate your patience. Your written testimony will be made part of the record. We'd ask you to summarize in five minutes each, so at this point, Mr. HAMID, you're recognized for five minutes for your opening statement.

STATEMENT OF SHADI HAMID

Mr. HAMID. Mr. Chairman, Congressman ELLISON, thank you for the opportunity to share my views with you.

Let me begin by offering a framework for understanding the trajectory of human rights in Egypt. First, the level of repression under President el-Sisi surpasses that of Mubarak, and even I would argue Gamal Abdel Nasser in terms of the numbers of Egyptians killed, wounded, and detained.

As autocratic as Mubarak was, he never attempted to eradicate the opposition. In contrast, repression under el-Sisi has been both more ambitious and totalizing, culminating in the worst mass killing in modern Egyptian history according to Human Rights Watch.

In a throwback to an older era, there have been regular reports of neighbors, colleagues, and even relatives informing on each other. Pro-regime figures have encouraged this. As former Minister of Information, Osama Heikal, said on national TV last year, "The enemy can be our own neighbor. The enemy is in our own homes."

Also, something which doesn't get as much attention is that senior clerics under the el-Sisi regime, including state appointees, have routinely used religious rhetoric to incite violence against political opponents. The Grand Mufti at the time of the coup, Ali Gomaa, has employed essentially takfirist reasoning to argue that Brotherhood members are heretics and, therefore, their blood is licit. And I detail other examples of this rhetoric in my written testimony. He says, for example, in one military promotional video, "Blessed are those who kill them," referring here to Brotherhood members.

And then there is the phenomenon of the disappeared, where security forces abduct Egyptian citizens outside and beyond the law. Human Rights activists put the number of the disappeared at as high as 800. In other words, this is not your run of the mill authoritarianism. There is actually no other major Arab recipient of U.S. foreign aid that actively disappears its own citizens.

Now, el-Sisi was no democrat, and he didn't claim to be, but he said he would bring stability. Many in the international community have echoed this narrative, that as bad as el-Sisi might be, at least Egypt is stable. This narrative, though, does not quite hold up to scrutiny. By any measurable standard, Egypt is now more vulnerable to violence and insurgency. The numbers are clear. In the two years prior to the July 2013 coup, there were a mere 78 attacks by militants, an average of 3.4 attacks per month. In the two years after the coup, there were 1,223 attacks, an average of 53 attacks per month, so a massive increase.

This is where we are now. An ISIS affiliate has a foothold in the Sinai, bombings are a regular occurrence in the mainland. The fact is that el-Sisi's heavy-handed approach to counter terrorism is fueling the very insurgency he claims to be fighting. This, unfortunately, appears to be the regime's approach to conflict resolution, more state power, more control, and more repression.

Fortunately, there is more the U.S. can do. Yes, we have to be realistic, we have to work with el-Sisi on shared security interests. There's no way to get around that. But there is simply no reason to either legitimize or normalize el-Sisi's behavior by warming to him, or acting as if he's just another Arab leader.

Over the past year, the Obama Administration has tried just that, for example, by relaunching the US-Egypt strategic dialogue; yet, el-Sisi has not reciprocated. Repression has

only gotten worse. And as you know, in March the Obama Administration resumed delivery of key weapon systems. This, I would argue, is problematic, but two of the other changes are positive, at least in theory; ending cash flow financing and channeling military assistance to four specific categories. This is where Congress can play an important oversight role requiring the Administration to consult and explain how this restructuring is being implemented.

In my written testimony, I lay out the broader case that the U.S. enjoys more leverage than is commonly assumed. Part of the problem is that we haven't seriously attempted to use our leverage, and leverage when unused atrophies. The partial aid suspension of October 2013 was a suspension in name only. As the project on Middle East Democracy's annual budget report details, Egypt still received \$1.8 billion in assistance during the eight-month suspension period. In other words, we only suspended 8 percent of military assistance during this period, 8 percent. So, it's not a question of if we can do it, but rather whether we want to do it.

The U.S. can, in fact, hold up weapons deliveries for significant periods of time. Let us also remember that Egyptian jets and tanks cannot be serviced without U.S. maintenance and spare parts. It is not unreasonable, in my view, for the U.S. to hold back on servicing Apaches, for example, unless U.S. officials can actually see how they're being used on the battlefield.

In closing, I realize that Egypt isn't a top priority today in Washington, but it should be. If there's a lesson that I've learned in studying the Middle East, it's the certain key events can have devastating long-term effects. If it's bad, it can get worse. So, instead of waiting for Egypt to further destabilize, it is time to be proactive and fundamentally rethink our policy toward Egypt. Thank you.

[The statement of Mr. HAMID follows:]

PREPARED STATEMENT OF SHADI HAMID

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.”¹ 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.² 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 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 al-shams*, 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.”⁵ 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.”⁶ It is difficult to know for sure, but human rights activists put the total number of the disappeared at as high as 800 Egyptians.⁷ In sum, today’s repression, according to Human Rights Watch, is “on a scale unprecedented in Egypt’s modern history.”⁸

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 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.⁹ 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.”¹¹ In another, a voice comes to Sissi, saying, “we will give to you what we have given no other.”¹² 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.”¹³ 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 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.”¹⁶ 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. 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.²¹ 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.²² 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.²³

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."²⁶ Ali Goma'a, the Grand Mufti at the time, had less compunction, leading the rhetorical charge against the Brotherhood.²⁷ 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.²⁸ "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."²⁹ 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

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.

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 therefore 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.

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.”³⁶ 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 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 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 relaunched the U.S.-Egypt “strategic dialogue”⁴¹ 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.⁴³ 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.⁴⁴ Yet, 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.”⁴⁵ 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.

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.”⁴⁸ 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.”⁵⁰

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 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 than he currently is.

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 billion 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.⁵² 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."⁵³ 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 threats 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 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 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.

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Chairman PITTS. The Chair thanks the gentleman, and now recognizes Mohamed SOLTAN for your opening statement.

STATEMENT OF MOHAMED SOLTAN

Mr. SOLTAN. Before I start, I want to take this opportunity on my own behalf, and on behalf of Egyptian Americans, and everybody in this room that has come out in support of freedom and democracy in Egypt, and is worried about the human rights violations. So, Mr. Chairman, Congressman ELLISON, thank you very much for hosting this hearing. Thank you.

My name is Mohamed SOLTAN. I grew up in the Midwest. I'm a huge Buckeye fan. I'm very proud. And always had a dream about the Egyptian part of my identity. Having or enjoying at least some of the freedoms and liberties that my American side did. I always thought that was a dream. My sister always tells me that I'm an idealist.

Like many of you in this room, I was ecstatic to see the January 25th -- to see young Egyptian youth take to the streets and peacefully request, and ask, and demand their right to freedom and liberty. So, on the 29th of January, I took myself, went to Egypt and joined the protests.

I came back to the States, finished my education at Ohio State and, unfortunately, my mother was diagnosed with cancer. My father was a Deputy Minister of Islamic Endowment in the Morsi government. So, I quit my job, and my sister quit her job and we went down to take care of our mother and my sick brother who has a chronic disease.

Out of principle, I joined the Rabaa sit-in as a translator, just kind of blogging, tweeting. I witnessed both massacres that led up to the Rabaa Massacre. I was shot after a bullet had missed my head and just minutes after two cameramen had taken shots to the head. Eleven days later while I was recovering at home, I got arrested.

May 30th, earlier this year, I was released after 21 months in prison. Five and a half months I stand, or I'm before you today. Sometimes, a lot of times I still have trouble sleeping. It's not because of the physical torture that I had to go through in prison. It's not that I had to go through an impromptu surgery, an underground dungeon by a cell mate who was a doctor, who cut me open from my elbow and from my shoulder to extract with pliers two nails that were in my arm. It wasn't that I was handcuffed at some point to my wheelchair after I started a hunger strike to protest my detention, and beaten into submission so that I can give my vitals to security officers. It wasn't that. It wasn't also the psychological torture that I had to endure for five and a half to six months where I was placed in a room in complete and utter isolation with no windows, with no reading material, no clock, nothing at all. It wasn't all that. It was the fact, and I think this is the hardest part for every prisoner, is the fact that you go to sleep and you're dreaming you're out and about, you're doing everything that you've always wanted to do, but then you wake up to the dark, gloomy reality of being in an underground dungeon thousands of miles away from the place you know as home. That detention is renewed every single day. Until today, I feel like this is all a dream, and I have a very, very hard time sleeping.

Now, this is just a quick snapshot of some of the things that I went through. There was, obviously, systematic psychological torture where my father was used against me as a weapon, torture by proxy, where guards passed razors from under the door so that they can -- and I was explicitly told to relieve myself and them of the headache. It wasn't all that. This is what I've gone through, and this happened under some U.S. oversight. The U.S. Embassy was visiting.

Now, one can only imagine what 40,000 political prisoners in there, youth from all across the ideological and political spectrum are going through, systemic political, systemic

psychological and physical torture on a daily basis. You see, I'm telling you my story as the human person behind the suits, behind the person that takes off the suit and goes home to his wife, to his kids. And all of these things are enough to give us a sense of moral urgency to demand the changes. Chairman, you said earlier that our interests are not mutually exclusive, but our principles.

And some may argue that, you know, the human rights violations are an unfortunate price for securing our interests. But from what I have experienced, is that this war on terror facade, this cosmetic measure that the regime has, it's allocating -- like what was said earlier in the previous panel, it's misallocating the resources that it has to cracking down on political opposition rather than effectively combating extremism. And to give you an example of that, on March 16th earlier this year, my father, a journalist, and 12 others were sentenced to death. On the same day, a man that has confessed to the same judge in front of us that he had pledged allegiance to the Islamic State as he called it, that man got released and 14 people got the death sentence, including my father. For me, this was the epitome of just irrationality. Nothing made sense at that point.

So, not only is the current environment in Egypt where the crackdown on any political dissent, there's no room for -- there's no space for dialogue, no space for anything. Notable NGOs have been driven out. Journalists are not allowed to report anything but the state narrative; otherwise, they are either put in prison or fined. New terrorism law, I'm not a policy guy so I don't want to get into much -- much more credible people here on this panel to explain to you the details of this. But from what I felt, there's no room in -- so not only is the current government, not only is the environment not effectively combating extremism, but as a prisoner, what we had faced inside and saw where there's no room, it's already like a pressure cooker with no outlet. But not only is that, but there's a growing disbelief in democracy and freedom model. And people are exposed, young, disenfranchised Egyptians are exposed to recruitment efforts inside of prison.

Now that -- let's not forget again, as some points were made where al Qaeda came out of those some to our prisons in the >80s, and its latest mutation as ISIL or ISIS, whatever they call themselves. Now, we're tried supporting authoritarian regimes for three decades. It hasn't worked. I don't understand why would it work now. And as Assistant Secretary Tom MALINOWSKI said, me standing here before you today, I'm living proof that we have leverage, and we could use it. I'm living proof of that.

So, my main point, I guess, is whether you put the policy making hat on or take it off, our principles are our interests, as you so eloquently put it in the beginning, so I believe that it's largely beneficial for the U.S. interests, economic, political, security interests for stability in Egypt and in the region for the fight against extremism, real effective fighting against extremism, for democracy. You make public statements urging the Egyptian authorities to release all political prisoners. There are at least seven dual citizens, five Americans that I know that are still in prison, over 20 journalists, 176 ex-MPs, 10s of ex-officials, hundreds of academics, and thousands of youth languishing in unspeakable conditions. I wanted to share some pictures with you today from inside of prison, but technical difficulties. I will submit them in print.

This not only gives the Egyptian regime notice when there are people that are spoken, are vocal, that the world is watching. It knows what's going on. It recognizes that, but it also slows down the process of disbelief in democracy. I remember being on the receiving end of some terrible news that the world has abandoned. I had the hunger strike as an outlet to resist both oppression and radicalization, and I had the background and experience of democracy having lived here my whole life. Most Egyptian political prisoners don't have that. So, I only hung on to hope when I almost lost faith, because I knew that there were people out there that had not abandoned their principles. And there are 40,000 political prisoners that are looking for that.

I also urge you to demand that the Egyptian regime be held accountable in a manner that is proportionate to the massive aid we provide as a major ally in an important region.

I also urge you to pass the Egypt language that's currently in the Senate FY16 Appropriations Bill. The language of Egypt's military aid would require all political prisoners be released. And additional global language would require a list of American citizens imprisoned as prisoners of conscience abroad. Insuring both of these is included in the final version of the bill is very, very important.

Despite the gloomy reality, my father -- actually, now he's being targeted because of me being outspoken. He's actually in a cell with no bathroom. He is handcuffed 24 hours a day, and he's beaten on a daily basis. My father is on death row. I was not allowed to see him before I came. Three of my journalist friends are serving a life sentence, the ones that were with me at my home, Alaa Abdel Fattah, Ahmed Maher, Mahienoor, Esraa Al-Tawee. Thousands of political prisoners, thousands of youth are languishing in these prisons. And despite the gloomy reality that is Egypt now, I'm very hopeful. I'm hopeful because the youth of Egypt have not given up on their dream for freedom. And to them, I dedicate this testimony. Thank you very much.

[The statement of Mr. SOLTAN follows:]

PREPARED STATEMENT OF MOHAMED SOLTAN

My name is Mohamed Salah Soltan. I am a 27 years old Egyptian-American. I grew up in the Midwest and am a proud Ohio State Buckeye. As an American and a Muslim, I have always had a passion for social justice. While in college, I was active on my campus with many grassroots groups and student organizations, organizing numerous events, clothing drives and fundraisers for domestic and international catastrophes. I have dedicated my time, money and effort to being a staunch defender of democracy and justice everywhere. So, like many of you, I was inspired and hopeful when I saw peaceful protesters take to the street on January 25th, 2011, demanding the same rights that I had enjoyed and come to love as an American. To me it was an expression of the universal truth of American values. I felt that the so-called "Arab Spring" was a defining moment for my generation, so I took a break from school to go participate in the protests. Still being a good Egyptian boy from a hard-working immigrant family, I graduated the following year from Ohio State and started a steady job as a manager in a medium size oil service company. But again life got in the way. I had to move to Egypt in March 2013 to take care of my mother who was diagnosed with breast cancer and my younger brother who was fighting Crohn's disease.

I never personally supported the ousted president, Mohamed Morsi, but I was appalled at the prospect of the military removing Egypt's first democratically elected leader in its history. In defense of democratic principles, I joined the Rabaa sit-in protesting the July 3rd military coup, acting as an interpreter for Western journalists there. I personally witnessed the two preliminary massacres, where peaceful protesters were shot while praying in front of the Republican Guard headquarters on July 8, 2013 and in Minasa on July 27, 2013. I was also present for the August 14, 2013 massacre, when the security forces violently dispersed the Rabaa sit-in by indiscriminately killing over a thousand peaceful demonstrators. On the day of this horrific display of military violence, one bullet struck my arm after an initial one missed my head by mere inches. A few days later, in the back of a clinic, a doctor had to insert metal nails to support the broken bone after taking out the bullet. The police arrested myself and three journalist friends, Samhy Mostafa, Abdullah Fakhrany, and Mohamed Al-Adly later on August 25th, 2013, while I was recovering at my family's house in the Maadi suburb of Cairo. My father, a deputy minister in the deposed regime, was arrested a month later.

During the beginning of our imprisonment, my friends and I were moved between six prisons and police stations (Basateen, Manshiyat Nasir, Alkhaleefa, Istkibal Torah, Lieman Torah Max security, and Wadil Natrun 2). In overcrowded dungeons, "welcoming parties" of guards and officers lined up in two rows; they made us run in between them, Soul Train style, only we were greeted with batons, whips and belts, and I was beaten on my still-healing broken arm for two hours, after being stripped down to our underwear. I was handcuffed to another prisoner at all times, even while utilizing the lavatory. I was interrogated by the national security forces, blindfolded and asked about my father's whereabouts and information concerning him. Two days after we were arrested, an arrest

warrant was retroactively issued and dated August 25, 2013. We were then transferred to the state security prosecution building, where we were interrogated relentlessly about our political opinions. We were accused of unbelievable crimes, which included: being part of a terrorist organization, forming a gang, plotting to overthrow the regime, and best of all, spreading false information internationally with the intention of shaking the grandeur of the state. These are the exact charges the Al-Jazeera Staff were charged with. At no time was any evidence presented, or was a legitimate investigation conducted. Throughout this period and until the first session of our trial, neither we, nor our lawyers, were permitted to see the evidence against us. Without any legal authority for doing so, Egyptian state security officers interrogated me twice in the Tora Prison while blindfolded.

On many occasions, the prosecution neglected my repeated pleas for any modicum of healthcare. This, despite the fact that my arm was fractured and I suffer from a chronic blood clotting disorder for which I took blood thinners. I had numerous bruises on my elbow and shoulder due to the beatings and torture. One of the nails penetrated the skin at my elbow, and another ripped through my deltoid shoulder muscle. I underwent a procedure to remove two 13” nails that were placed in my left arm to support and repair the damage sustained from the gunshot wound I suffered at the hands of the Egyptian security forces. I was forced to undergo this procedure without any anesthesia or sterilization whatsoever, because the Egyptian authorities overseeing my illegal detention refused to transfer me to a hospital for proper surgical care. The doctor who performed this procedure was a cellmate, and he used pliers and a straight razor in lieu of a scalpel while I laid on a dirty mat, my other cellmates held me down to ensure that I did not jolt from the pain and risk permanent loss of feeling and function in that arm. The pain was so excruciating, it felt like my brain could explode at any given point. I was finally given two aspirin almost an hour later when the guards found my cellmates’ screams for help unbearable.

Realizing that our case was a duplicate of the Al-Jazeera Staff case, and in an effort to avoid a similar international outcry, we were told by the prosecution that leaders of the Muslim Brotherhood as well as other prominent political and media figures would be added to the case against us. When the initial 150 days of our detention lapsed, we grew optimistic because we were told we were going to be seen by a judge. We thought, finally, we would gain an audience in front of a neutral judge who would hear us out and inevitably grant us our release. But we were shocked when the judge ordered our imprisonment for another forty-five days without even hearing us. On that same day, January 26, 2014 I decided to conduct an open-ended hungerstrike to protest my unjust arrest.

While on my hunger strike, I cut off all solid foods and drank only liquids for months. This was the first such strike ever recorded in Egypt. Due to the lack of medical care, I suffered a pulmonary embolism and nine hypoglycemic comas in prison. Each time, my medical situation was so dire, it left the prison authorities with no choice but to transfer me to an outside hospital because the prison hospital was not equipped to handle my situation. After sixteen months on hunger strike, I shed 160 of the original 270 pounds of my initial body weight, went in and out of consciousness multiple times, risked organ failure and was knocking on death’s door.

From December 18th, 2014 until the time of my release, 163 days later, I was placed in a windowless room. This room was just 2.5m x 3m, in complete isolation in a building in the corner-most part of a maximum security prison complex, nine layers in. I had been in solitary confinement for the 8 months before, but this was much harsher, much crueler. I was in utter isolation, no human contact, no windows for sunlight, no sound of anything living, no recess, no exposure to the sun, and for the first two months I was not allowed books, newspapers, clock or a radio. Basically nothing that could possibly help with the passage of time. After a few days of silence, I broke down and started banging my head against the door until I bled enough to need a bandage. As the psychological torture continued, the prison authorities began to encourage me to kill myself. Guards would slip razors under the door or would leave the electrical wires exposed in the room. A senior prison official, General Mohamed Ali, told me to “Relieve us and yourself of this headache.”

Then the prison authorities tried sleep deprivation. First they kept me awake by having guards come to my door at random hours of the night with keys as if they are about to barge in. They later positioned other inmates, who would scream in agony right outside my door. Then I was put under a 72-hour spotlight. Finally the guards put a blinking strobe light in my room that made me suffer a seizure. In retaliation, I refused to allow the prison doctors to take my vital signs. The guards, under orders of senior officials, handcuffed me to my wheelchair and beat me into submission.

One evening a few weeks later, a guard and a nurse carried a prison hospital patient named Rida into my room. “Take care of Rida,” the guards told me, and they locked the door behind them. Rida began screaming in agony, and I banged on the door for help but no one came, although the guards assigned to me were always right outside my solitary door. Rida died in front of me, and the guards did not open the door again until the next day, almost 15 hours later. “You did not knock hard enough!” the guards, doctors and senior officers told me. “You let this man die? How could you do this?!” A prison doctor later told me that Rida had been terminally ill with cancer. Although at the time, I knew the psychological and emotional tactics they were using to break me, but Rida’s death was too much of an overwhelming experience for me. I could not overcome the amount of guilt I felt and continue to feel. I still have nightmares about that night.

After these tactics failed to break me or get me to take my own life, the prison authorities transferred my father back to the same prison and started to use some of the systematic psychological torture methods they had used on me with him, while instructing the guards to tell me in detail everything that was happening to my father. In short, torture by proxy. They kept this up until my last hour in prison. I begged them to see my father, who is on death row, or even hear his voice before I left, but they did not allow it. I left not knowing when and if I would ever get to see him or hear his voice again.

This is an overview of my 21 month experience in Egyptian prison, which barely scratches the surface of the struggle that more than forty thousand political prisoners from every ideological and political background are facing in Egypt’s prisons today. Due to the notoriety of my case and international efforts, everything I had to endure occurred with US embassy awareness. For the unfortunate 40,000-plus political prisoners who are not known or have no international connection, there is no oversight or accountability at any level: NGOs and human rights organizations have all been driven out of Egypt; and journalists are subject to a fine and imprisonment if they report facts that depart from the narrative of the state. Having had the privilege of carrying two citizenships, I had an opportunity that not many have—a democracy to turn to in my defense. Many of Egypt’s famous blogger-activists and leaders of the April 6th youth movement, including Alaa Abdel Fattah, Ahmed Maher, and Mohamed Adel, are still imprisoned for violating the law banning all protests. Women have been subjected to sexual assault and rape in prison. Minors have been imprisoned for peacefully protesting against the regime. Journalists and lawyers have been imprisoned for doing their jobs. Egyptian authorities are responsible for activists’ forced disappearances where people vanish and then appear in prisons months later. Many others have yet to reappear.

In the Declaration of Independence our founding fathers explicitly wrote that we are “endowed by [our] Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

In Egypt, what was at stake, before it entered into the world of politics and revolution, was a call for human dignity and freedom and how Egyptians should treat each other. Freedom is a Godgiven right and it is not a choice or a favor. When this right is turned into a distant dream, there is no doubt that oppression exists. I am not speaking to you about theoretical situations derived from newspapers and talk shows. I am one of the youth who was not involved with anything other than purely and simply calling for freedom. God gave us freedom and it was unjustly stolen from us. When this happened, Egyptians resisted peacefully, whether through protests or hunger-strikes.

However, those outlets were quickly stifled and the population became more oppressed. With non-peaceful mechanisms for dissent and the climate to speak out against injustice stifled, what is to be expected? The attempt to force a perceived stability through the rape of freedom will breed nothing but extremism. This is a dangerous reality because the youth are the majority in a country like Egypt, making the future quite perilous. Oppression will only cause a gap between the regime and the future. Freedom is the only solution.

However, The current regime in Egypt has no interest in granting basic liberty to their people. Freedom for the general population does not promote the interests of the Egyptian military industrial complex. To economically control Egypt the way the military currently does, the population must either be bought into the system or subservient to it. There are no other options; to disagree is to all but guarantee a hefty prison sentence, or death.

In Egypt, the regime has polarized society and suffocated all avenues of peaceful expression and dissent through politics, civil society or media, leaving many dead, disappeared, imprisoned, hiding or exiled. The anti-protest and anti-terrorism laws have left no space for any meaningful dialogue in Egypt, let alone dissent. This is not only true for the demonized Islamist camp; the crackdown has reached every voice of opposition across the ideological and political spectrum.

The current environment is fertile ground for radicalization, as many disenfranchised young Egyptians find themselves questioning the ideals of freedom and democracy that they once cherished when they see the free world silent in the face of Sisi's repression. The government continues to allocate every resource to suffocating any political opposition instead of effectively combating extremism. The hunger strike I staged gave me a positive outlet to resist oppression and radicalization simultaneously, but for thousands of prisoners that is not the case, although some cling on to hope.

Social polarization, moral and ethical degradation and a growing disbelief in the democratic model are some of the very clear implications of these grave injustices, violations of basic human rights by a regime that is escalating in its repression. I know first-hand the feeling of desperation that takes over in the confines of Egyptian captivity, and have also been on the receiving end of mocking reports from Egyptian officials stating that the developed world has abandoned its ideals and values and has turned a blind eye to the abuses of the military-run state. This type of environment is the most fertile breeding ground for extremist ideologies. The current security-heavy US policy towards Egypt is to turn a blind eye to these violations as an "unfortunate cost" of combating terrorism. But this approach must be reconsidered.

To give you an example from my own personal experience of the misallocation of resources, I will tell you about the day my father, a friend, a journalist and 11 others got the death sentence in the case I was charged in. On the evening of March 16th, 2015, in the transport car back to Torah Maximum security prison, a long-haired, black-turbaned man who had pledged allegiance to ISIS and confessed that to the judge, was celebrating news of his release verdict as my father and 13 others had received news of their death sentences. These sentences were handed out by the same judge. A judge I personally witnessed joking with the aforementioned defendant after he had narrated the progression of his change of allegiance from Al-Qaeda to "The Islamic State."

The current regime is not only failing to combat terrorism but it is using the war on terror as a facade to shut out every voice of opposition in order to cling on to power. It is labeling all political dissidents as terrorists, while ISIS is advancing to the heart of Cairo while its future foot-soldiers are being created in these prisons.

By not addressing the causes of the rise of extremist mentality, we only create more enemies to fight in the future. The cost of fighting terrorism cannot be creating more terrorists, yet that is exactly what is taking place in present-day Egypt. We are fueling the exact fire we are trying to put out by supporting Sisi.

Supporting ruthless, authoritarian, totalitarian regimes is not a long-term solution and has not worked in the past to defeat extremism, so why would it work now? If we really want to combat extremism in an effective manner, the approach needs to change. Inside of prison, given the lack of space for dissent and a growing feeling of betrayal and abandonment, is a very large and diverse crowd of young political prisoners who are more susceptible to the process of radicalization. And we know from history what problems such treatment in Egyptian prisons can spawn. By taking peaceful resistance off the table, Egypt has become a breeding ground for extremism rather than a partner in the war against it.

The fact of the matter is, with every day that passes without addressing the 40,000 political prisoners, the likelihood increases of more moderate pro-democracy prisoners turning to extremist causes. In light of the growing fight against extremism worldwide, this makes this matter both important and urgent. The US can no longer afford to take the risk of supporting an unsustainable authoritarian regime.

Can Something be done?

I am living proof that we have leverage. Those arrested with me languish, while due to U.S. pressure I am free. The only proven strategy to relieving the plight of a few political prisoners has been direct and consistent pressure from the international community; with the US at the forefront. This is not only true for the dual nationals

such as myself, Canadian-Egyptian, and Australian citizens (AJ Staff), but also true the Egyptian AJ staff as well as tens of activists whose particular case has received international attention.

What Can be done?

I believe it would be largely beneficial for the US's interests for stability in Egypt and the region, for the fight against ISIS and extremism, and for democracy as a principle that you:

- Make public statements urging the Egyptian authorities to release all political prisoners. There are at least 7 dual citizens (5 Americans), over 20 journalists, 176 ex-parliamentarians, tens of ex-officials, hundreds of academics and thousands of youth languishing in unspeakable conditions. This not only gives the Egyptian regime notice that the world is watching, but also slows down the process of disbelief in democracy and freedom within the youth. I only hung on to hope because I knew that there were people that have not abandoned me.
- Demand that the Egyptian regime be held accountable in a manner that is proportionate to the massive aid we provide and as a major ally in an important region.
- Pass the Egypt language that is currently in the Senate FY16 appropriations bill. The language on Egypt's military aid would require all political prisoners be released, and additional global language would require a list of American citizens imprisoned as prisoners of conscience abroad. Ensuring both of these is included in the final version of the bill is very important.

Chairman PITTS. The Chair thanks the gentleman. The Chair thanks the gentleman for your very eloquent, moving testimony.

Now, the Chair recognizes Sarah WHITSON for five minutes for your opening statement.

STATEMENT OF SARAH LEAH WHITSON

Ms. WHITSON. Thank you to the Chairman for organizing this hearing, and inviting me to comment. And, actually, I also want to thank so many Egyptian Americans in the audience here today who have very direct and personal experience of abuses of Egypt's security forces, not just Mohamed SOLTAN, but so many here who have personally lost friends and family in the demonstrations and protests which the government has refused to tolerate, and responded quite violently to. So, thank you for your continued faith in democracy and rights, and your faith in the U.S. Government, and that it will do the right thing by the Egyptian people first and foremost.

We are on the heels of the first phase of elections for Egypt's new parliament, an exercise that Cairo has promoted as the final step on a roadmap that guides its so-called transition to democracy. The blessing that our Secretary of State, John Kerry, bestowed on this roadmap shortly after the military's removal of former President Mohamed Morsi, regrettably reinforced its international legitimacy. But the transition's true nature has since revealed itself. It is the re-emergence of a military-led authoritarianism that has rolled back Egyptian public life to a state of repression that has not been seen in decades, if ever.

The fact of the repression that followed Morsi's removal are probably known to this committee and touched on by the panelists today, but worth stating again here for the public record. In its efforts to crush those who resisted the military takeover, the Egyptian government planned and executed a systematic violent incursion of two sit-ins of over 100,000 people in Rabaa and al-Nahda Squares leaving at least 1,150 people dead. Likely, as was noted, the gravest mass killing of demonstrators in world history, exceeding even Tiananmen Square, and crimes against humanity.

The government did not prosecute a single officer, much less a senior official for these killings. Instead, erecting a statue to honor the police at the site of the main protest dispersal in Rabaa Square, and renaming it after a slain Prosecutor General involved in implementing the plan, quite an insult to the victims.

In the wake of the coup, Egyptian security forces have detained, charged, or sentenced at least 41,000 people, and the numbers are important because we're talking about human beings. Between July 2013 and April 2014, mostly because of their alleged support for or association with the Muslim Brotherhood, according to the most thorough research undertaken by activists on the ground, they have faced a laundry list of generically applied charges in large part relating to their participation in demonstrations. At least 670 people have received death sentences in cases connected to political opposition or alleged violence since Morsi's removal, most of them following mass trials that relied solely on the testimony of officers in the security services, and made no effort to establish actual individual guilt.

Egyptian military courts have charged or sentenced at least 3,700 civilians, including students, professors, and children since October 2014 when el-Sisi decreed an expansion of military court jurisdiction to cover all public space in Egypt for a period of two years, which we are certain, in fact, will be extended. Egypt's military courts deny defendants the rights to be informed of the charges against them, access to a lawyer, and to be brought promptly before a judge following arrest. At least 124 people have died in the custody of the security services between July 2013 and June 2015, including lawyers and former members of parliament.

Prisons and police holding cells are incredibly overcrowded, creating lethal conditions such as those Mohamed just described today, especially for inmates with medical problems.

The Interior Ministry's National Security Agency notoriously known as State Security until its re-branding following the 2011 revolution has disappeared suspects for days or months at a time. Local human rights groups continue to allege the regular use of torture by police and national security agents. In January of this year, a major human rights law firm said that its lawyers had handled 465 cases of torture between October 2013 and August 2014, including 129 beatings that led to death.

Nearly two dozen journalists are still behind bars, a record number according to the Committee to Protect Journalists. A law decreed by el-Sisi provides for life imprisonment for any NGO member who receives foreign funding with a vaguely defined goal of harming the nation's interests; however some judge decides to interpret that.

Several major non-governmental organizations are currently under investigation. Other Egypt and international NGOs, including Human Rights Watch, have shut down their offices, and some activists not already jailed have fled the country.

The new counterterrorism law grants the government authority to prosecute crimes under a definition of terrorism that is so broadly worded it could encompass civil disobedience. It makes it a crime to publish or promote news about terrorism if it contradicts the Defense Ministry's official statements, and would allow the courts to ban journalists from practicing their profession for a year for doing so. It makes one adjudged to have facilitated, incited, or agreed to any vaguely defined terrorist crime, whether in public or private, liable for the same penalty as if they had committed the crime, even if the crime doesn't occur.

Egypt has arbitrarily banned scores of lawyers, scholars, politicians, and activists from traveling abroad providing no opportunity for them to challenge the basis of the ban against them.

The authorities have prevented Khaled al-Qazzaz, a former foreign policy advisor to Morsi, from traveling outside Egypt. His family members are here today attending this hearing in hopes of drawing attention to this unjust situation, and his urgent medical condition.

The military arrested al-Qazzaz along with other Morsi aides in July of 2013, and held them incommunicado for more than five months. They never charged al-Qazzaz with a crime, and finally released him in January of this year on medical grounds after the Prosecutor General cleared him of all charges, his family has told us. Nevertheless, the government has refused to allow him from leaving the country.

In the Sinai Peninsula, the government has mostly demolished the Town of Rafah at the Gaza border, destroying thousands of homes and forcibly evicting thousands of families after declaring a staggering unheard of 79 square kilometer buffer zone. The government's dubious counterterrorism strategy appears to be making little progress against the growing threat of the Islamic State affiliate in the area.

Over 3,600 people have died in Sinai, a territory of 500,000 people, just in the past two years. And it's unclear what gains the government has to show for this. It's a particularly dangerous moment as the Egyptian government plays politics with the facts, attempting to connect the Muslim Brotherhood to the violence of the Islamic State and other extremist groups with no evidence whatsoever.

What makes this dire reversal of the 2011 uprising more discouraging is that it has unfolded in full view of world powers that claim to human rights in high esteem, and has been met by their acquiescence. The United States flouted a key law in punishing military takeovers by refusing to label Morsi's removal a coup. Rather than condemn the usurpation of power from the Egyptian people, Secretary Kerry bizarrely lauded the coup as restoring democracy.

In 2011, President Obama promised to shift American policies away from standing with dictators and towards supporting people's aspirations for freedom and democracy, even assuring us in 2013 that we would not return to business as usual with a post-coup Egypt. Yet, these promises have been broken, and we have very much returned to business as usual.

Administration diplomats insist that they raise human rights concerns with el-Sisi's government at every level, that criticizing Egypt in public is counterproductive and, of course, that the U.S. lacks leverage over Egypt. Some of this might be true, but the public record suggests that this Administration views the rights of Egyptian citizens as an afterthought in its pursuit of an outdated regional security methodology.

As recently as October 29, as Egypt received four American F-16s, the U.S. Ambassador in Cairo stated that the delivery was, "another step forward in US-Egyptian cooperation on fighting terror, bringing stability to the region, and strengthening our historic relationship."

The ongoing military and political support for the el-Sisi government should not be seen merely as a tool of leverage. The U.S. should recognize that this support acts as an endorsement for the Egyptian government and its unjust and inhumane repression. And to many in the Middle East, makes the Administration appear complicit in that government's abuses. This, too, is a national security threat that the U.S. should take into consideration.

In order to refocus its Egypt policy on basic principles that support the rule of law, or at the very least mitigate its support for a government engaged in the most serious human rights abuses, the United States should take the following steps. It should continue the progress made in March when President Obama announced changes to Egypt's military aid policy by reducing the dollar amount of military aid and increasing support to civil society, exchange programs, and other non-governmental initiatives. These changes could include new targeted economic aid, and be conditioned on human rights progress, specifically the release of political detainees and freedom for journalists and independent organizations to do their work without harassment.

The U.S. should support action at the United Nations to hold Egyptian authorities accountable, particularly because they have failed to do so so miserably themselves, including an International Commission of Inquiry into the mass killings of 2013. The complete impunity of security forces only fuels grievances and further violence, as so many panelists today have advised.

And, finally, we should insure that the U.S. Government, specifically, the Cairo Embassy's defense attache, has wider access to the northern Sinai Peninsula where the Egyptian military has used American equipment in its opaque counterterrorism campaign, including to destroy civilian homes. This access should go beyond visits to the main north camp of the Multinational Forces and Observers where we understand even U.S. observers have been limited, and which do not satisfy Leahy Law requirements that the State Department periodically update procedures to identify units involved in human rights violations. Thank you for your attention.

[The statement of Ms. WHITSON follows:]

PREPARED STATEMENT OF SARAH LEAH WHITSON

Thank you to the Chairman for organizing this hearing and inviting me to comment.

We are on the heels of the first phase of elections for Egypt's new parliament, an exercise that Cairo has promoted as the final step on a "road map" that guides its so-called transition to democracy. The blessing that Secretary of State John Kerry bestowed on this road map shortly after the military's removal of former president Mohamed Morsy in 2013 regrettably reinforced its international legitimacy. But the transition's true nature has since revealed itself: It is the re-emergence of a military-led authoritarianism that has rolled back Egyptian public life to a state of repression that has not been seen in decades.

The facts of the repression that followed Morsy's removal are probably known to this committee but worth stating again here for the public record:

- In its efforts to crush those who resisted the military takeover, the Egyptian government planned and executed a systematic, violent incursion of two sit-ins of over 100,000 people in Rabaa and Al-Nahda Squares, leaving at least 1,150 dead, likely the gravest mass killing of demonstrators in world history and crimes against humanity. The government did not prosecute a single officer, much less a senior official, for these killings, instead erecting a statue to honor the police at the site of the main protest dispersal in Raba'a Square and renaming it after a slain prosecutor general involved in implementing the plan.
- In the wake of the coup, Egyptian security forces have detained, charged or sentenced at least 41,000 people between July 2013 and April 2014, mostly because of their alleged support for or association with the Muslim Brotherhood, according to the most thorough research undertaken by activists on the ground. They have faced a laundry list of generically applied charges in large part relating to their participation in demonstrations.
- At least 670 people have received death sentences in cases connected to political opposition or alleged violence since Morsy's removal, most of them following mass trials that relied solely on the testimony of officers in the security services and made no effort to establish individual guilt.
- Egyptian military courts have charged or sentenced at least 3,700 civilians, including students, professors and children, since October 2014, when al-Sisi decreed an expansion of military court jurisdiction to cover all public space in Egypt for a period of two years. Egypt's military courts typically deny defendants the rights to be informed of the charges against them, access a lawyer and be brought promptly before a judge following arrest.
- At least 124 people died in the custody of the security services between July 2013 and June 2015, including lawyers and former members of parliament. Prisons and police holding cells are incredibly overcrowded, creating lethal conditions, especially for inmates with medical problems.
- The Interior Ministry's National Security Agency, notoriously known as State Security until its rebranding following the 2011 revolution, has disappeared suspects for days or months at a time. A local human rights group has documented at least 164 cases of enforced disappearance between April and June alone.
- Local human rights groups continue to allege the regular use of torture by police and National Security agents. In January of this year, a major human rights law firm said that its lawyers had handled 465 cases of torture between October 2013 and August 2014, including 129 beatings that led to death.
- Nearly two-dozen journalists are behind bars, a record number according to the Committee to Protect Journalists. A law decreed by al-Sisi provides for life imprisonment for any NGO member who receives foreign funding with the vaguely defined goal of harming the nation's interests. Several major NGOs are currently under investigation. Other Egyptian and international NGO's have shut down their offices, and some activists not already jailed have fled the country.

- The new counter-terrorism law, decreed by al-Sisi, grants the government authority to prosecute crimes under a definition of terrorism that is so broadly worded it could encompass civil disobedience. It makes it a crime to publish or promote news about terrorism if it contradicts the Defense Ministry's official statements and would allow the courts to ban journalists from practicing their profession for a year for doing so. It makes anyone judged to have facilitated, incited, or agreed to a vaguely defined terrorist crime – whether in public or in private – liable for the same penalty as if they had committed the crime, even if the crime does not occur.
- Egypt has arbitrarily banned scores of lawyers, scholars, politicians and activists from traveling abroad, providing no opportunity for them to challenge the basis of the ban against them. The authorities have prevented Khaled al-Qazzaz, a former foreign policy adviser to Morsy, from traveling outside Egypt; his family members are here today attending this hearing in hopes of drawing attention to this unjust situation and his urgent medical condition. The military arrested al-Qazzaz, along with other Morsy aides, on July 3, 2013, and held them incommunicado for more than five months. Egyptian authorities never charged Al-Qazzaz with a crime, and finally released him in January 2015 on medical grounds after the Prosecutor General's Office cleared all the charges, his family said. Nevertheless, the government has blocked him from leaving the country.
- In the Sinai Peninsula, the government has mostly demolished the town of Rafah at the Gaza border, destroying thousands of homes and forcibly evicting thousands of families after declaring a staggering 79-square-kilometer buffer zone. The government's dubious counter-terrorism strategy appears to be making little progress against the growing threat of the Islamic State affiliate in the area. The absence of independent monitoring and reporting makes it almost impossible to know just what's going on. It's a particularly dangerous moment as the Egyptian government plays politics with the facts, attempting to connect the Muslim Brotherhood to the violence of the Islamic State and other extremist groups, with no evidence whatsoever.

What makes this dire reversal of the 2011 uprising more discouraging is that it has unfolded in full view of world powers that claim to hold human rights in high esteem, and has been met by their acquiescence. The United States flouted a key law aimed at punishing military takeovers by refusing to label Morsy's removal a coup. Rather than condemn the usurpation of power from the Egyptian people, Secretary Kerry bizarrely lauded the coup as "restoring democracy." In 2011, President Obama promised to shift US policies away from standing with dictators and towards supporting people's aspirations for freedom and democracy, even assuring in 2013 that we would not return to "business as usual" with a post-coup Egypt. Yet these promises have been broken, and we have very much returned to business as usual.

Administration diplomats insist that they raise human rights concerns with al-Sisi's government at every level, that criticizing Egypt in public is counter-productive, and that the United States lacks leverage over Egypt. Some of this might be true, but the public record suggests that this administration views the rights of Egyptian citizens as an afterthought in its pursuit of an outdated regional security methodology. As recently as October 29, as Egypt received four American F-16s, the US ambassador in Cairo stated that the delivery was "another step forward in U.S.-Egyptian cooperation on fighting terror, bringing stability to the region, and strengthening our historic relationship."

The ongoing military and political support for the al-Sisi government should not be seen merely as a tool of leverage; the United States should recognize that this support acts as an endorsement for the Egyptian government and its unjust and inhumane repression, and to many in the Middle East, makes the administration appear complicit in that government's abuses. This too is a national security threat that the US should take into consideration.

In order to refocus its Egypt policy on basic principles that support the rule of law or at the very least mitigate its support for a government engaged in serious human rights abuses, the United States should take the following steps:

- Continue the progress made in March, when President Obama announced changes to Egypt military aid policy, by reducing the dollar amount of military aid and increasing support to civil society, exchange programs, and other non-governmental initiatives. These changes could also include new, targeted

economic aid and be conditioned on human rights progress, specifically the release of political detainees and freedom for journalists and independent organizations to do their work without harassment.

- Support action at the United Nations Human Rights Council to hold Egyptian authorities accountable, including an international commission of inquiry into the mass killings of 2013. The complete impunity of security forces only fuels grievances and further violence.
- Ensure that the US government, specifically the Cairo embassy's defense attaché, has wider access to the northern Sinai Peninsula, where the Egyptian military has used US equipment in its opaque counterterrorism campaign, including to destroy civilian homes. This access should go beyond visits to the main North Camp of the Multinational Force and Observers, which do not satisfy Leahy Law requirements that the State Department periodically update procedures to identify units that might be involved in human rights violations.

Thank you for your attention.

Chairman PITTS. The Chair thanks the gentlelady, and now recognizes Mr. Daniel CALINGAERT for five minutes for your summary.

STATEMENT OF DANIEL CALINGAERT

Mr. CALINGAERT. Chairman PITTS, Congressman ELLISON, thank you for your leadership in drawing attention to the issue of human rights in Egypt

My written testimony details the wide-ranging and brutal campaign of repression against the fundamental rights of Egyptians. What I'd like to focus on now is the impact of that campaign, and what the U.S. should do about it.

Egypt has grown less stable since el-Sisi seized power. I'd like to draw your attention, it was in my written testimony, and you may have a copy of a chart we put together showing the incidents of terrorist attacks in Egypt, and I think the picture is plenty clear.

What you've heard described by the other witnesses, and it's also in my written testimony, I would say it amounts to a campaign of state violence against citizens in Egypt. And it's a concerted effort to crush the political opposition, crush civil society, and muzzle independent voices in the media, and for individuals speaking out on political issues. And by leaving few avenues, few, if any, avenues for people to engage in peaceful ways to assert their rights and to have a say in their country's future, the current campaign of repression is actually fueling unrest and further instability.

What should the United States do? We should focus on using our leverage more effectively to persuade President el-Sisi to reverse course. I'd suggest several ways to do so. First, reduce military assistance. In the 1980s, the ratio of U.S. military to economic aid to Egypt was about \$1.50 for each dollar. Now, the ratio is more than eight to one. This is a heavy emphasis on support for Egypt's military at a time when a military-dominated government is conducting a harsh campaign of repression, and this makes the United States look complicit. And it also appears that we are subsidizing a failed policy that is generating more instability. The U.S. Government should start to restructure its aid package to bring military and economic aid to Egypt more into balance.

Second, we should 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. 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.

Third, we should press Egypt to overturn the convictions of the 43 NGO workers, including some of my former colleagues at Freedom House who were unjustly sentenced two years ago in a politically-motivated trial. These convictions still stand in Egypt. They force Egyptian citizens who work for American NGOs to remain in exile. They hang over American and international staff, and they cast a shadow over current U.S. programs to support democracy in Egypt.

The State Department appears to have moved on. It is thereby sending an unfortunate signal that the U.S. Government won't stick up for the people who carry out the programs that it funds.

Fourth, Congress should bring attention to the situation of political prisoners, speaking out for the individuals and for political prisoners generally in Egypt, pressing for their release publicly, and in your conversations with Egyptian officials. And, where possible, visit them when you travel to Egypt.

Fifth, pass the Global Magnitsky Human Rights Accountability Act. It would impose U.S. visa bans and asset freezes on foreign officials responsible for human rights 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 in mass trials that lack due process. By imposing penalties on foreign officials who have carried out abuses with impunity, the Global Magnitsky Act is likely to deter future human rights abuses.

The spiral of repression and violence is taking Egypt down a dangerous path of instability. 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 his failed policy, the United States should align its actions more closely to its words of support for democracy and human rights in Egypt. We should reduce the emphasis in the bilateral relationship and the aid package on the Egyptian military, and take visible steps to distance ourselves from the perpetrators of human rights abuses. Better yet, the United States should use its leverage more effectively to persuade President el-Sisi to respect the rights of Egypt's citizens and include them in charting the country's future. Thank you.

[The statement of Mr. CALINGAERT follows:]

PREPARED STATEMENT OF DANIEL CALINGAERT

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!”

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 Naoout, 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

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.

- 1 <http://www.nytimes.com/2015/10/20/world/middleeast/low-voter-turnout-reflects-system-by-design-in-egypt.html>
- 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-journalists/>
- 7 <http://www.uscirf.gov/countries/egypt>
- 8 <http://www.uscirf.gov/countries/egypt>
- 9 <http://www.uscirf.gov/countries/egypt>
- 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>
- 21 <http://www.state.gov/secretary/remarks/2013/06/210257.htm>
- 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-sisis-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>

Chairman PITTS. The Chair thanks the gentleman. Thank you, each of you, for giving us specific recommendations that are very helpful.

I'll begin questioning, and go in the order of the presentations. So, Mr. HAMID, do you believe that Egyptian efforts to quash Islamist and secular opposition forces will ultimately create a violent backlash against the government and/or the United States? How valid are Egyptian officials' arguments that such measures are necessary to counter domestic militancy and maintain internal stability?

Mr. HAMID. Thank you. Well, the first step of counterterrorism is correctly identifying who the terrorists actually are. And the fact that the Egyptian regime is devoting so much attention and resources towards not just the Muslim Brotherhood, we're not just talking about Islamists here, but also young liberals, socialists, leftists, instead of on ISIS, instead of the people in the Sinai who are actually the ones responsible for the vast majority of attacks.

But it's almost like a self-fulfilling prophecy because if people, and we know this from the academic literature, that if people feel that they are closed off from any political outlets, that they have no way to express their grievances through the democratic process, then at least some of them will resort to violence, and we're seeing signs of that. So, this kind of radicalization which Mohamed SOLTAN talked about, which is happening inside Egypt's prisons is something we have to watch, I think, very closely going forward.

You know, I would also say that there is a widespread perception that the U.S. is backing the el-Sisi regime, that the U.S. has not been as forceful in its condemnations. That we are, in effect, on the wrong side of history. So, what I'm worried about is that really for decades to come, this will be the perception of young Egyptians, the people who will be the future of this country are going to remember our silence, and in some ways complicity with the kinds of repressive acts that have happened. And this is, I think, what a lot of us warned about during the time of the coup. I mean, this was not unpredictable. It was, in fact, predicted by most of us in the think tank community by most academics who focus on these issues, that by ending the democratic process -- and let's also be frank about this, the Morsi government was pretty lousy at governing. They did harass and intimidate their opponents. But the badness, let's say, of the Morsi government should not justify the repression that is happening now against Morsi Administration officials, against the Muslim Brotherhood. So, we should separate that. So, we don't have to like the Muslim Brotherhood. As Americans, I think many of us profoundly disagree with some of their ideas, but there is something called due process, and there is something called that even if you disagree with people, they have a right to express their grievances politically.

Lastly, I'll just say that there was one group that was celebrating the military coup in Egypt, so it wasn't just el-Sisi, and liberals, and secularists who opposed the Brotherhood in Egypt, but also ISIS. And one of ISIS' earliest statements in August 2013, a month after the coup -- I recommend that people go to this document. There's a section on the Muslim Brotherhood where they essentially say our way have been vindicated. Look at those bankrupt Brotherhood people, their model of participating in the democratic process has failed miserably. So, what ISIS is telling young Egyptians is look, democracy doesn't work. They will never let you come to power through free and fair elections. The only way to achieve an Islamic State is through brute force. And I worry that ISIS' message is being vindicated day in and day out if people continue to see not just in Egypt, but throughout the region, that democratic openings are being closed.

Chairman PITTS. Thank you.

Mr. HAMID. Thank you.

Chairman PITTS. Mr. SOLTAN, you mentioned your father was in prison, I think you said on death row. Now, he was an official in the Morsi government. Right? So, he's a political prisoner, but why was he sentenced to death?

Mr. SOLTAN. So, in the case that I was -- that I have finalized life sentence in, my father and a journalist, my friend, Omar Malek, and 11 others were sentenced to death. Let me give you just a little bit of a quick -- what's called about the case that we're in, our case is called Case 317. It's known as the Rabaa Operation Room. It sounds really scary, but it's not. What happened was, we -- the charges that were brought against us, and I have this in my written testimony, is the exact same charges that the Al Jazeera staff was charged with. We were actually transferred to the exact same judicial circuit, and we were tried in front of the same judge.

What happened was, there was an international outcry about the Al Jazeera staff, so the charge, just so -- what's called the usual, you know, being a member of a terrorist organization, this da da da, but the main kind of charge was spreading false information internationally to shake the majesty of the state. So, that's the exact same charge. There was not a shred of evidence that was provided for anybody. Actually five of the 51 defendants in the case were not given true representation. Their lawyers did not give any statements. The trial was rushed, and we were surprised one hearing 14 people got sentenced to death, and me and 38 others, or 37 others were sentenced to life. So, again, a lot of people ask me, you know, having again lived my whole life in a systematic society, you know, that abides by the rule of law, you can't really think of anything that happens in Egypt, especially after the coup in any logical, or rational, or systematic sense. You just kind of just take it for what it is.

Chairman PITTS. Now during your testimony you said something, I believe, in Arabic.

Mr. SOLTAN. Oh, sorry.

Chairman PITTS. Did you, or were those names of prisoners?

Mr. SOLTAN. Yes, those are friends of mine that I encountered, that I've gotten to know inside of prison.

Chairman PITTS. Okay.

Mr. SOLTAN. People from all across the political and ideological spectrum. Alla Abdel Fattah is the revolution's icon. There's also Ahmed Maher, who's the head of the Sixth of April Movement. Also, Esraa Al-Tawee who's honestly a child who's -- I wish there was an image that we were able to fix. There's an image of her just yesterday. She's a 20-year old child -- she's an 18-year old girl that has -- that got shot during the revolution in 2011, and is on crutches, and she was -- they picked her up literally -- she was having dinner in Chili's and they picked her up. She disappeared for, I can't remember how many days, and she showed up and they just keep renewing her detention, and again indefinite temporary holding, again doesn't make sense, but that's Egypt. And there's a truly horrifying image of her yesterday crying in court because, again, trying to make sense of anything just doesn't work.

Chairman PITTS. Thank you for mentioning those names.

One final question for you, Mr. SOLTAN. Are there any indications that the government is willing to ease up on its crackdown and release political prisoners?

Mr. SOLTAN. So, again, I'm not a political analyst, so I'm going to try to answer that question from my personal experience.

I was released on May 30th, 2015. July 1st, my aunt's husband was assassinated in the 6th of October City in an extrajudicial killing. He was one of nine, and when my aunt and cousins went to pick him up, three girls and a 15-year old boy, three of his fingers were cut off.

Not only is the regime not maintaining its repression like Mubarak and his presidents did the, regime continues to escalate in its repression in an unprecedented way, and that is because it is not facing any real consequences for its escalation in its repression. It feels like anything -- that the international community is giving it a green light to do as it wishes, to kill thousands of people, to imprison tens of thousands of young Egyptians, Egypt's future. You have a country that's 60 percent under the age of 29, very, very young country, to imprison a country's future is to destroy it. So, I hope that answers your question.

Chairman PITTS. Yes, very good. Thank you very much. Appreciate your testimony.

Ms. WHITSON, what are some of the types of human rights violations that your organization has documented in Egypt? And what components of the Egypt security forces does your organization believe perpetrated these violations?

Ms. WHITSON. Well, the most significant because of the magnitude of the crimes that we documented and that remains really the largest blemish on the history of Egypt is the mass killing of demonstrators in August of 2013, when the government planned and executed a plan to violently disperse people who conducting a sit-in in Rabaa and al-Nahda Squares. And what we documented in that the government planned this violent assault weeks in advance, knowing and anticipating that it would result in thousands and thousands of deaths. The number of people they actually killed was less than the number of people they anticipated killing. And this was in broad daylight. It was directed indiscriminately with security forces firing from rooftops. In certain cases, evidence pointing that they're firing from helicopters. In certain cases, murdering those who had been injured with bullet wounds, setting fire to protest camps, and so forth, with this unbelievable death toll, and with complete impunity. So that is, I think -- the taking of human life stands, of course, as the worst of abuses.

We have tried to monitor as closely as we can the mass trials that have resulted in the mass death sentences. We continue to monitor the cases of those who are still detained typically in the form of administrative detention, pretrial detention with these rather bogus charges against them. And the crackdown on civil society, the crackdown on journalists, the crackdown on NGOs is also something that we document.

Just this week, we put out a press release on the government's extensive use of travel bans, effectively turning the entire country into a prison from which Egyptians can't leave if the government doesn't like their point of view.

Chairman PITTS. Thank you.

Mr. CALINGAERT, in June of 2013 an Egyptian court convicted 43 employees from four U.S. non-governmental organizations, and a German organization of operating unauthorized organizations in Egypt. To date, these judicial rulings stand. My question is, what steps should be taken by the U.S. Government to seek redress on behalf of the 43 convicted individuals?

Mr. CALINGAERT. I think the U.S. Government should demand that the convictions be released, or reversed. The State Department called the trial a politically-motivated trial. These convictions are not recognized for purposes of U.S. law, but as I detailed in my testimony, they're damaging certainly for the individuals involved, but for more broadly the efforts for American civil society, and Egyptian civil society to work together. We have a lot of leverage

from our aid package to the military relationship, everything we've talked about, and I don't see that we've used it.

Chairman PITTS. Be a little bit more specific about the tools that Congress and the Administration should use to advance human rights and democracy in Egypt.

Mr. CALINGAERT. Well, I think the military aid is probably one of the first tools to start with, \$1.3 billion. As Congressman ELLISON said in his opening remarks, this is taxpayer money. We have a direct interest in how it is spent. And, you know, the way it's being spent --

Chairman PITTS. So, would you condition that aid, or restrict it, or reduce it?

Mr. CALINGAERT. We've had conditions. The problem, as I see it, is that year after year there have been conditions in the Appropriations language and a national security waiver. And with one brief exception, the waiver has always been invoked, and the aid continues. So, it's turned into an empty threat. I mean, we can keep going through this charade again and again, but every time we say we're really serious about these conditions but, you know, if we have to for national security reasons, we'll waive them. I think the Egyptian government expect that, you know, we'll huff and puff, but at the end of the day, it's not going to change anything for them. So, there are different ways to do it. We can remove the national security waiver. I think that would be a bit too rigid, but there's also -- there are gradations. It doesn't have to be, you know, complete shutoff, but redirect or a certain percentage, or a certain delay. And I think, also, tied to public reports on the human rights and democracy conditions in Egypt, so that the State Department is required to detail what is going on, and put that out there for the public record. And that report affects the decisions on how much military aid gets through, and how quickly.

Chairman PITTS. The Chair thanks the gentleman, and now recognizes the gentleman, Mr. ELLISON, for his questions.

Mr. ELLISON. Let me just thank everybody on the panel for their very moving testimony.

Mr. SOLTAN, while you were in prison for 21 months, did you get a chance to observe how the prison authorities treated you and other non-violent protestors versus how they treated people who were known to be affiliated with al-Qaeda and ISIS?

Mr. SOLTAN. In a ward in Liman Tora, that's the prison, the maximum security prison that I was in, I was placed in this ward that had a very diverse group of people. I had some of the secular and liberal activists. It also had some of the Muslim Brotherhood, and also had some of the ISIS or ISIL members. And at some point, when the government or the security, Minister of Interior had kind of given up on trying to convince me to shy away from my non-violent means of resistance through the hunger strike, the ISIS guys were pushed on me to try to convince me of that same argument that has been made over and over again today, that this non-violent stuff doesn't work. The world only understands the language of power, that might makes right. And that how my government had given up on me.

So, that should kind of give you an idea. Again, I don't like to talk in theory, and in abstract terms. I like to speak from my own experience. So, that can give you an idea of the kind of room they were given, as opposed to other folks.

Mr. ELLISON. Were they given any kind of privileges that the non-violent protestors were denied?

Mr. SOLTAN. I don't know. I spent a lot of time in my own cell because I just had no energy.

Mr. ELLISON. Okay.

Mr. SOLTAN. So, like I wouldn't -- I wasn't exposed to that, and I don't want to speak to something that I didn't see.

Mr. ELLISON. Sure, sure.

Mr. SOLTAN. But, again, to have that kind of -- you know, people coming into my room and having that kind of -- you know, because my room was watched at all times, so to be allowed to enter my room as opposed to others that weren't given that what's it called, just kind of gave me an idea, but I can't speak to that, because there are also other reports of people, you know, that are getting terrible treatment in prison all across. So, again, I can't -- I don't know if I can answer that from my own experience completely.

Mr. ELLISON. Thank you, sir.

Dr. HAMID, if we do use tools at our disposal to say stop military aid, take other actions, is there a legitimate concern that other governments in the region who really don't want a free democratic Egypt next door to them, will just backfill with weapons and money?

Mr. HAMID. So, this is actually one of the misconceptions that I hear a lot. And people always tell me, well, Shadi, if we condition aid or reduce aid, then Saudi Arabia or the UAE will fill the gap. They can do that, but only on economic assistance, not on military provisions. There is actually no substitute for U.S. military provisions. And, of course, Saudi Arabia and the UAE receive their military weaponry from the U.S., so let's just keep that in mind, as well.

Sometimes the Egyptians will threaten to kind of go towards Russia, but I think we should call their bluff. It's very hard to take that seriously. I don't know of any government that would want to switch from the prestige of the U.S. military relationship and the state-of-the-art weaponry and move towards Russia. And there's also the question of interoperability of weapon systems. Even if hypothetically they wanted to move to Russian weapons, they really wouldn't be able to because everything they have now are U.S. weapon systems. So, I think that that's why it's very important to make a distinction between economic and military assistance.

Mr. ELLISON. So, let me ask you about economic aid.

Mr. HAMID. Yes.

Mr. ELLISON. How would it affect the average work-a-day Egyptian if economic aid from the United States were cut?

Mr. HAMID. So, I'm not actually a big proponent of cutting economic aid. There are different kinds of economic assistance, there's ways to target economic assistance so it actually helps Egyptians and doesn't go to the cronies of the regime. And we can have -- you know, reasonable people can disagree on how exactly to do that.

I do think, however, that we should resist any additional economic support. And that doesn't have to be through direct aid, that can be through business delegations. That could be through our relationship with the IMF and the World Bank. There is no reason to give Egypt more as repression is getting worse, and we can also use our leverage with our European allies, many of whom are dealing with the same kinds of debates about economic assistance.

Mr. ELLISON. Now, Dr. HAMID, I've read your work for years, and I really respect it, but I have had many Egyptian friends of mine, and I have tons of them, who have said that the economic aid that we give to the government of Egypt doesn't really get down to the average person in terms of education or -- I've just heard that. It's anecdotes. Would you like to respond to that?

Mr. HAMID. That's actually to a large extent true, which is why I'm saying --

Mr. ELLISON. Okay.

Mr. HAMID. -- we have to rethink how we do economic assistance and find ways to actually get it to the Egyptian people.

Mr. ELLISON. Right.

Mr. HAMID. That's a conversation that I think that we have to have, but I think at the very least -- you know, we have to be realistic. I'm not arguing that anything we're going to do is going to make el-Sisi democratic. That is not one of the options that's in front of us right now. My hope is actually quite modest, is to at least induce him to be somewhat less repressive and to at least have some small openings in the Egyptian public arena.

I think that is actually realistic. And I think that as my -- you know, as other witnesses have said, the fact that whenever we're in a staring contest with the el-Sisi regime, we always blink first. That's why our leverage and our threats, if you will, don't actually amount to much because el-Sisi regime knows that when push comes to shove, we're going to back down. We're not going to actually follow-through. And this is where the credibility of America's word has really come into question. They know they can get away with it. And that didn't start with el-Sisi. It started -- I would put the real kind of turning point here in Spring 2012, when they waged war on our American citizens, on our American NGOs, as well as, of course, on Egyptian NGOs, and we actually let them get away with it to the extent that American citizens were holed up in the U.S. embassy being threatened with arrest, and they had to flee the country.

That was the first test of our resolve. And I actually remember talking to someone in government saying "Well, you know, why don't we think about using our military assistance as leverage?" And I remember this person said well, we're saving our leverage for when it really matters. So, I asked, "When do you think it will really matter?" And they said, "In the event of a military coup." So, it's kind of -- when I look back at that conversation -- and then when the military coup happened, I heard the same thing from U.S. officials. "We want to save our leverage for when it gets worse." "We had the first massacre, the second massacre, the Rabaa Massacre. At some point for U.S. leverage to matter, there has to be, I hate to use this term because it's a red line. There has to be a place where we say you will pay a price if you continue going along this route."

Mr. ELLISON. Many good questions to be asked. I know we're running low on time, but I would like to just ask Mr. CALINGAERT and Ms. WHITSON the same question; and that is, going to this issue of these 43 convictions. First, was the son of the former Secretary of Transportation among those 43 convictions? So, Joe LaHood, whose father was a colleague of our's, and at the time the Secretary of Transportation's son was charged, convicted, and had to run out of the country. I mean, that's what happened. Right?

Mr. CALINGAERT. Yes.

Mr. ELLISON. Now, let me just tell you. I was in a meeting a few months before this whole thing went down with a senior official in the Egyptian government, a woman named

Fayza Abul Naga. I don't know if you all ever heard of this lady or not. She says, "They don't have a license to operate." And I remember saying, "Then put them out of the country then." She says, "No, no government would ever do this. No government would allow people to operate without a license." I said, "Fine, so give them a license, or deny them the license, but don't just let it float like that. If they're persona non grata, flights leaving Cairo every day." She didn't want it either way. She wanted to keep it in the middle zone to try to gain compliance. And I heard we had increased our democracy assistance and it didn't flow through her hands any more. Is any of that accurate? I mean, is that -- I guess you don't know, because I was the one who was there. But is -- what is -- does anything I said strike you as correct based on your own experience?

Mr. CALINGAERT. It -- I saw a different angle of it, but it sounds very familiar. And I would make three points.

The party institutes, so the National Democratic Institute and the International Republic Institute applied for registration in Egypt years before they were shut down. And my understanding is they had a verbal commitment from the then foreign minister that this was routine, it would go ahead in a matter of weeks, and it dragged on for years. And I think that that was very deliberate on the part of the Egyptian government. They wanted to keep this in limbo so they could say well, we're not shutting them down but, you know, they could always sort of hold over them the fact that they never received legal registration.

For this very reason, Freedom House -- this is during the Mubarak period, did not even apply for registration in Egypt, because we knew the same thing would happen to us. So, in fact, we operated from elsewhere in the region, and when we did training seminars or other events in Egypt, it was always in partnership with one or more Egyptian civil society organizations, all done openly.

The issue of the NGO workers, you know, the problem was with Sam LaHood and the others, that I think the State Department treated the problem as we just need to get these people out of harm's way. So, you know, when they were holed up in the embassy, there's obviously some deal cut, get the Americans out of the country, and then treat it like okay, problem is solved. And I would say that's a very dangerous way of looking at it, because the bigger issue is the U.S. credibility. And it's not just about the Americans; among those 43 were people of many different nationalities.

Mr. ELLISON. Right.

Mr. CALINGAERT. Including Egyptians, and including at least several Egyptians who are still in exile to this day. And all of this is because they worked on democracy support programs funded by the U.S. Government. So, it's not U.S. Government personnel, but it's still pretty close to let's say our people that we're not sticking up for.

And the last point I'd want to make if I could, we knew from the beginning that when they start -- even before they raided our offices, there was a let's say campaign of vilification in the press about our organizations.

Mr. ELLISON. Right.

Mr. CALINGAERT. And we were even commenting at that point, it was very clear, this was simply step one to go after Egyptian civil society organizations. And that was really -- you know, if they could basically push the Americans out of the way, then it would be much easier to go after Egyptian human rights defenders.

Mr. ELLISON. Which brings me to my final question with Ms. WHITSON. Ms. WHITSON, how is it now for democracy organizations to operate? I mean, your organization is trying to function. Are you getting cooperation with the Egyptian government? Is it difficult to do the work that you all do in documenting human rights, and raising the issues? What's the environment like now?

Ms. WHITSON. The environment is certainly the worst that we've ever seen in our decades of working in Egypt, on the ground in Egypt, including having been forced to shut down our office because of the similar games that they played with Freedom House, not accepting our registration, and keeping us dangling, having security officers threateningly intimidate our staff, and hang outside our office. We have actually been denied entry into the country. I was deported with my colleague, Ken Roth, from the airport in Egypt when we came to release our report on Rabaa. And the government promised to invite us, but has not.

And this, of course, is much worse for the domestic human rights organizations, the most prominent of which, the Cairo Institute for Human Rights Studies, shuttered its office and moved outside the country. Many democratic -- human rights activists have fled the country and, of course, some have been jailed. And this is really the double game that Egypt and its government continues to play, because inside Egypt in the Egyptian-controlled press, they portray the United States as supporters of the Muslim Brotherhood and, of course, supporters of ISIS, while at the same time have their hand out to receive their payments and support from the U.S.

And I think in terms of the military aid, some of the question you touched on, the military aid which predates ISIS, the billions in aid that the U.S. has been giving, is not important to Egypt purely militarily. In fact, I think the least important part of the military aid we give is the military interest, the military need that Egypt has. It is the stamp of legitimacy, and the stamp of approval that that aid suggests. And that's why it's so important to the Egyptian government.

And the challenge, of course, is it flies in the face of what President Obama has made a priority of U.S. strategic interest, which is combating violent extremism. So much of the rhetoric of that campaign is about recognizing the repression that creates violent extremism, and yet the policies of the U.S. Government are doing exactly that, supporting a repressive government that every single expert, every single academic, every single scholar, every single activist has said very clearly, the United States Government is fueling the violent extremism. So, what can we do to better align the U.S. stated interest priority of combating violent extremism when we're supporting a government that fuels violent extremism?

Mr. ELLISON. Let me yield back my time to the Chairman.

Chairman PITTS. The Chair thanks the gentleman. Thank you, again, to the witnesses for your very important testimony, and for all of my colleagues' efforts in coming together for this important meeting.

Chairman McGOVERN has asked that his written opening statement be made a part of the record. Without objection, so ordered.

Chairman PITTS. As we have just explored, the human rights challenges facing Egypt are immense, and this being the case, I believe the United States must double down on our relationship with Egypt. I'm a member of Congress that has welcomed President Obama's recent recalibration on releasing select weapon systems within our security assistance. At the same time, we need to be finding new ways to promote the human rights norms that have been violated so systematically under Mubarak, Morsi, and el-Sisi governments.

I hope this Congress passes legislation like the Global Magnitsky Human Rights Accountability Act so that our government can more directly go after individuals within the complicated fabric of threats to Egyptian society. I further call on Congress to reform the International Religious Freedom Act to sanction non-State actors for severe violations of religious freedom. I call on the Egyptian government to release the 43 employees of the NGOs who are prisoners. I call on the Egyptian government to take all political prisoners, including Mr. SOLTAN's father, off of death row.

The United States has a vested interest in supporting both the Egyptian government as a strategic partner, and the Egyptian people's universally recognized human rights. The commission will continue to work to the end, in Congress I'll work with my colleague, Mr. ELLISON, on writing the appropriate letters. And with thanks again for your patience, this hearing is adjourned.

[Whereupon, at 4:33 p.m., the Commission was adjourned.]

APPENDIX



MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission (TLHRC)
Hearing Notice

Human Rights in Egypt

Tuesday, November 3rd, 2015
1:30 – 3:30 PM
2360 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a hearing on human rights violations in Egypt.

Alarming reports of widespread human rights abuses, political oppression, and religious persecution have been commonplace in the years following the Arab Spring of 2011, during the government of President Mohamed Morsi and since President Abdel Fattah el-Sisi's taking of power in Egypt. In recent years, thousands of Egyptian citizens, including politicians, judges, and other civil servants, have reportedly been detained for political dissent, while others have been sentenced to death in mass trials that lack due process. Human rights groups have urged the U.S. Congress and the President to address the dismantling of free press in Egypt and warned that the fundamental human rights of Egyptian citizens are at risk.

This hearing will provide firsthand accounts of the oppression in Egypt as well as testimony and recommendations from panelists with expertise on human rights issues in Egypt.

The following witnesses will testify:

Panel I

- Tom Malinowski, Assistant Secretary for Democracy, Human Rights and Labor, U.S. Department of State

Panel II

- Dr. Robert P. George, Chairman, U.S. Commission on International Religious Freedom

Panel III

- Shadi Hamid, Senior Fellow, Center for Middle East Policy, The Brookings Institution
- Mohammed Soltan, Egyptian-American activist and former political prisoner
- Sarah Leah Whitson, Executive Director, Middle East and North Africa Division Human Rights Watch
- Daniel Calingaert, Executive Vice President, Freedom House

The briefing is open to Members, Congressional staff, the public and the press. For any questions, please contact Carson Middleton (for Rep. Pitts) at 202-225-2411 or Carson.Middleton@mail.house.gov or Lindsey Herbel (for Rep. Ellison) at 202-225-4755 or Lindsey.Herbel@mail.house.gov or Kimberly Stanton (for Rep. McGovern) at 202-225-3599 or Kimberly.Stanton@mail.house.gov.

The hearing will be live-streamed at
<https://www.youtube.com/channel/UCRoohKNpVS4cEIAVNTgSwyA>.

Sincerely,

Joseph R. Pitts
Co-Chair, TLHRC

Keith Ellison
Executive Committee, TLHRC

James P. McGovern
Co-Chair, TLHRC

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND COCHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION



Tom Lantos Human Rights Commission Hearing

Human Rights in Egypt

Tuesday, November 3, 2015

1:30 – 3:00 PM

2360 Rayburn House Office Building

Opening Remarks (As prepared for delivery)

Good afternoon. Welcome and thank you for joining us this afternoon for our hearing on Human Rights in Egypt.

I would like to recognize my fellow co-chair Congressman Joe Pitts, and Congressman Keith Ellison, a member of the Executive Committee of the Tom Lantos Human Rights Commission, and thank them for their long-standing leadership on behalf of human rights and religious freedom around the world. I also want to thank the expert witnesses who are taking time from their schedules to provide us with up-to-date information on Egypt's very worrisome human rights climate. I thank you all for the work you do, for your untiring commitment and for the passion with which you defend human rights in Egypt.

It's been almost five years since Hosni Mubarak resigned the presidency of Egypt, initiating Egypt's Arab Spring. As the demonstrations that forced him out got underway, then Commission Co-Chair Frank Wolf and I wrote to President Obama urging him to emphasize both privately and in public statements that any transition should be peaceful and democratic and ensure that human rights and religious freedom were protected. We wanted to make sure that the rapidly evolving situation would not be exploited by extremist elements.

Today I regret to say that we were right to be concerned, but perhaps wrong about where the worst threats to a fragile democratic process would come from. Mohammed Morsi, who won Egypt's first-ever contested presidential election in July 2012, was ousted in a coup a year later. Months before he was removed from office, he was accused of favoring his political base, the Muslim Brotherhood, and he faced serious opposition for his handling of a new constitution and his use of decree powers. He brought out the armed forces to control unrest in the streets. So there's no question that his time in office was tumultuous.

But the way to remove unpopular democratically-elected leaders is by defeating them in the next election. Instead, Egypt's army suspended the constitution and imposed an interim government, which ended up lasting almost as long as Morsi's – until the June 2014 election of President Abdel Fatah al-Sisi, in an environment that observers including the U.S. government termed "restrictive."

Although formally a republic, Egypt under Al-Sisi looks a lot like it did under Mubarak. Al-Sisi has sought to crush the opposition – the Muslim Brotherhood is outlawed, many of its leaders are imprisoned, its political party has been dissolved by court order and it has been formally designated as a terrorist organization. In a period of eight

months, more than 40,000 people were detained, charged or sentenced because of their alleged association with the Muslim Brotherhood.

What have been the consequences of the return to military rule? As we will hear today, the human rights situation has deteriorated dramatically. Documented abuses include unlawful killings, torture, suppression of civil liberties, and lack of due process. People have been forcibly disappeared; others are dying in prison; others are banned from travel. A record number of journalists are behind bars. The situation is truly awful – so awful, in fact, that many observers believe that the government’s actions are fueling anti-government militancy and terrorism. In the name of fighting extremism, people are being radicalized.

This is a phenomenon that we are seeing all over the Middle East: repressive, discriminatory states are creating the conditions that lead to extremism – and then those same states come to the United States looking for more military aid to combat the extremists. Last August, during the U.S.-Egypt “strategic dialogue,” Sec. Kerry expressed concern that Egypt’s crackdown could be fueling violence. Yet the Administration has continued to provide U.S. military assistance to Egypt, to the tune of \$1.3 billion a year, bypassing certification requirements included in the FY2014 and 2015 appropriations acts in the name of national security. How do we break this cycle?

Today, we are privileged to hear from individuals who have profound knowledge of the human rights climate in Egypt. I look forward to hearing your testimony, and I especially look forward to your recommendations to Congress.