

# TIMEP Monthly Briefs: January 2019

At the Tahrir Institute for Middle East Policy (TIMEP), we strive to produce rigorous research, data-driven analysis, and policy tools that advance more effective policies toward the Middle East and Africa. To this end, we have created a product that offers succinct, policy-relevant information on regional issues, laws, and policies, highlighting the context in which developments occur, their trajectories, and implications. These TIMEP Briefs are published and updated regularly, incorporating relevant developments as they happen.

- *Law briefs* provide insights into legislation produced by regional governments, with descriptions of the laws, analysis on their adherence to national and international legal norms and obligations, and information tracking their implementation. Briefs on Egyptian law have covered the **Protest Law**, **NGO Law**, **Counter-terrorism Law**, a **media regulation law**, **Cybercrime Law**, and a **military immunity law**; and briefs on Syria have covered the **military service amnesty decree**, **Law No. 10 on housing and property**, and the **Counter-terrorism Law**.
- *Issue briefs* track and analyze ongoing, policy-relevant issues as they unfold, highlighting trends and implications on the ground. For Egypt, these briefs have covered **Christian issues**, **sectarian violence**, the **Sinai tribes' involvement in the war on terror**, and the **right to housing**, as well as the **Grand Ethiopian Renaissance Dam** and **Syria's Idlib province**.
- *Policy briefs* cover the policies and actions toward the region from the United States, Europe, and other relevant actors, offering greater clarity into the processes by which these policies are created and the anticipated impact on the countries toward which they are geared. Policy briefs have covered the **release of security assistance to Egypt** and **fiscal year 2019 appropriations to Egypt**.

Attached, please find a compilation of these TIMEP Briefs: 

# Protest Law



## BACKGROUND:

Egypt's Protest Law, Law No. 107 of 2013, was ratified by President Adly Mansour on November 24, 2013, after initially being approved by the cabinet on October 10, 2013, during a period in which there was no sitting parliament. The law was retroactively approved by the House of Representatives in a hasty process that involved the review of 341 decrees in 15 days once the legislature reconvened in January 2016; per the Egyptian Constitution, legislation passed in the absence of a sitting parliament must be discussed and approved within the first 15 days following the legislature's seating. In 2017, the Protest Law was amended; the amendment, initiated by the cabinet, was **approved** by the House on April 10, 2017. It **went** into effect after it was ratified by President Abdel-Fattah El Sisi and published in the Official Gazette edition dated April 30, 2017.

## SUMMARY:

The Protest Law requires that organizers of protests made up of 10 or more participants notify the police station in whose jurisdiction the protest would take place between three and 15 days in advance of the

“The Protest Law requires that organizers of protests made up of 10 or more participants notify the police station in whose jurisdiction the protest would take place between three and 15 days in advance of the protest.”

protest. The law also prohibits “violations of general security [or] public order ... as well as calling for disrupting public interests.” The law grants the Ministry of Interior the authority to cancel, postpone, or change the route of a protest if there is credible information regarding a national security threat; however, a 2017 amendment made it so that the ministry could only enjoy such authority if it first submitted a request to the judiciary that was then affirmed. The Protest Law authorizes security forces to use water cannons, batons, and tear gas to disperse protesters who refuse to leave protests found to be occurring in vio-

lation of the law. The law also sets forth a number of punishments, including a penalty of 10,000 to 30,000 Egyptian pounds, for holding a protest without proper prior notification.

## SIGNIFICANCE:

By establishing a required notification procedure at least three days in advance of a protest, the Protest Law constrains the ability of citizens to peacefully demonstrate. The vague language with which the law

prohibits “violations of general security” and the authority granted to the Ministry of Interior to request cancellations and postponements of protests create a system through which Egyptian authorities can quite easily ban entirely peaceful protests under the guise of national security.

## LEGAL CONTEXT:

In December 2016, the Supreme Constitutional Court **held** that Article 10 of the Protest Law, which originally granted the Ministry of Interior immediate authority to cancel or postpone a protest without judicial review, was unconstitutional; this provision was ultimately amended, approved, and ratified in 2017 to require the court’s review. In the same decision, the court rejected challenges regarding the consti-

“ In October 2017, the prime minister issued a decree that allows certain crimes to be tried by state security emergency courts; these crimes include violations of the Protest Law and the Assembly Law of 1914. ”

tutionality of Articles 7, 19, and 8 of the Protest Law, which, respectively, prohibit and establish punishments for “violations of general security [or] public order ... as well as calling for disrupting public interests” and detail the required notification procedure for protests. In addition to the Protest Law, protesters can also be prosecuted under the **Assembly Law of 1914**, which remains in effect to the present day, despite controversies regarding a historical repeal. In January 2017, a Ministry of Interior decree also **imposed** a no-protest zone

of 800 meters around vital government institutions. In October 2017, the prime minister **issued** a decree that allows certain crimes to be tried by state security emergency courts; these crimes include violations of the Protest Law and the Assembly Law of 1914.

## POLITICAL CONTEXT:

The Protest Law was approved and ratified just months after the Republican Guard clashes and the dispersals of the Raba’a al-Adaweya Square and Nahda Square sit-ins. Additionally, the Protest Law came into force in the context of an expanded uptick in popular protests and demonstrations in the wake of the January 25 Revolution.

## ADHERENCE TO LEGAL NORMS:

The significant limitations set forth by the Protest Law and the vague language it uses contravene Egypt’s constitutional obligation to respect the rights of citizens to organize demonstrations and peaceful protests, as well as Egypt’s international legal obligations to honor the right to peaceful assembly, as laid out in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights.

## IMPLEMENTATION:

As of September 24, 2016, independent monitoring initiative [Daftar Ahwal](#) had documented more than 37,059 cases of arrest per the Protest Law, including the infamous Shura Council Case. In that case, 21 individuals were [arrested](#) and ultimately sentenced to prison terms between three and five years and fined LE100,000 each for their involvement in a 2013 protest that called for an end to the military trials of civilians. More recently, in September 2017, a group of Nubian activists were arrested for allegedly violating the Protest Law when they took to the streets for a peaceful singing demonstration to demand their constitutionally guaranteed right to return; their case is ongoing and is being heard by the Aswan Misdemeanor State Security Emergency Court.

## TEXT:

The official text of the original law is available in Arabic [here](#). An informal English translation of the original law is available [here](#). The official text of the 2017 amendment to the law is available in Arabic [here](#).

### ➡ ADDITIONAL TIMEP COVERAGE:

- Protest and Freedom of Assembly in Egypt ([TIMEP Brief](#));
- “Why is Egypt Amending its Protest Law Now?” ([TIMEP Commentary](#))

# NGO Law



LAW



EGYPT

## BACKGROUND:

The Law Governing the Work of Associations and Other Foundations Working in the Field of Civil Work (commonly known as the NGO Law), Law No. 70 of 2017, went into effect after President Abdel-Fattah El Sisi ratified the law, and it was published in the edition of the Official Gazette dated May 24, 2017. The draft law had first been submitted to the House of Representatives by Representative Abdel Hadi al-Qasbi in September 2016. After reviewing the draft law, the State Council returned it to the House on November 28, 2016, and the legislature approved the draft law the following day. It remained in limbo between parliamentary approval and presidential signature for a period of almost six months.

## SUMMARY:

Under the NGO Law, domestic and foreign nongovernmental organizations must obtain prior approval before receiving funding from outside of Egypt and from foreigners residing inside Egypt. The NGO Law creates the National Agency to Regulate the Work of Foreign NGOs, made up of representatives of government entities and security and intelligence personnel, to approve and monitor said funding. The agency also has the sole authority to grant permission for a foreign NGO to function inside the country.

“Per the NGO Law, all NGOs must pursue development and social welfare objectives and are prohibited from “any work of a political nature” or anything that “may cause harm to national security, law and order, public morals or public health.””

While domestic NGOs are technically considered properly registered once they notify the government of their existence, other provisions limit their functioning. Per the NGO Law, all NGOs must pursue development and social welfare objectives and are prohibited from “any work of a political nature” or anything that “may cause harm to national security, law and order, public morals or public health.”

The NGO Law authorizes significant government supervision over NGOs, including the right of the Ministry of

Social Solidarity to dismiss an NGO’s board of directors if it fails to inform the ministry of its move to new premises, as well as a prohibition on NGOs seeking the help of foreign experts without prior government approval. The NGO Law sets forth a number of penalties for violations of the law, including prison terms lasting between one and five years and a fine for individuals found guilty of working with or helping foreign NGOs that are not authorized to work in Egypt.

## SIGNIFICANCE:

“The NGO Law severely restricts the ability of civil society to exist, let alone operate, in Egypt.”

The NGO Law severely restricts the ability of civil society to exist, let alone operate, in Egypt. The law creates numerous hurdles for NGOs seeking to properly register and receive funding, entrenches a system of government supervision and surveillance over activities, and establishes punishments that may promise prohibitive for many NGOs to continue doing their work without fear of retribution or retaliation.

## LEGAL CONTEXT:

The NGO Law replaces the previous law governing NGOs: Law No. 84 of 2002. Because new implementing regulations for the NGO Law have not yet been passed, however, many are left unsure as to whether the NGO Law is in effect alongside the implementing regulations for Law No. 84 of 2002, or whether a slightly different combination of legal schemes currently governs the space, leaving most NGOs and civil society workers entirely unaware of their legal obligations and the procedures to which they must adhere in order to remain in accordance with the law.

In 2011, security personnel raided the headquarters of multiple foreign NGOs and shuttered their respective organizations. Investigations, arrests, and prosecution proceeded, and in June 2013, a Cairo Criminal Court sentenced 43 Egyptian and foreign NGO workers, including 16 Americans, for allegedly receiving foreign funds, operating illegally without a permit, and encouraging social unrest per Law No. 84 of 2002. In April 2018, Egypt's Court of Cassation **ordered** a retrial for 16 of the original defendants in the case. The retrial is ongoing.

## POLITICAL CONTEXT:

Individuals from civil society organizations faced arrests, travel bans, and asset freezes both before and following the NGO Law's ratification. In February 2016, the Ministry of Health **ordered** the closure of El Nadeem Center for Rehabilitation of Victims of Violence and Torture, claiming that the NGO was illegally operating as a human rights institution in addition to being a medical facility. Authorities later forcibly closed the organization in February 2017 by **barricading** its entrance. Numerous countries and foreign organizations including **Human Rights Watch** have condemned the NGO Law and labeled it as “draconian.” In August 2017, the United States government **withheld** \$195 million in military aid to Egypt in part because of a number of human rights conditions, including the passage of the NGO Law; although the NGO Law was not amended or repealed, the funds were ultimately **released** in July 2018.

## IMPLEMENTATION:

“ Since the passage of the law, the crackdown on civil society activity has continued to escalate, with interrogations, arrests, and harassment continuing at an all-time high. ”

Although there has been little public reporting on the implementation of the NGO Law to date, particularly in light of the lack of clarity enabled by the government with its confusing legal scheme and lack of transparency, NGOs report a climate of fear and self-censorship in the wake of the NGO Law's passing. Since the passage of the law, the crackdown on civil society activity has continued to escalate, with interrogations, arrests, and harassment continuing at an all-time high.

## ADHERENCE TO LEGAL NORMS:

The provisions and likely implementation of the NGO Law threaten to severely constrain the constitutionally, regionally, and internationally recognized rights to freedom of association and expression that Egypt is obligated to respect under domestic, regional, and international law. Egypt's constitution specifically notes in Article 75: "Citizens have the right to form [NGOs] and institutions on a democratic basis ... They shall be allowed to engage in activities freely. Administrative agencies shall not interfere in the affairs of such organizations [or] dissolve them, their board of directors, or their board of trustees except by a judicial ruling." A law that significantly limits the type of work in which NGOs can partake, impedes the ability of certain NGOs to pursue and enjoy legal status, creates an expansive government oversight culture, and sets forth jail time for exercises of the right to freedom of association occurs in clear violation of the aforementioned obligations.

## TEXT OF THE LAW:

The official text of the law is available in Arabic [here](#).

### ➡ ADDITIONAL TIMEP COVERAGE:

- "New Law Will Cripple Egyptian NGOs" (Joint Statement)
- "Bricks in the Wall: El Nadeem, the NGO Law, and Egypt's Crackdown" (TIMEP Commentary)
- "Freedom of Association" (TIMEP Brief)



# Counter-terrorism Law



LAW



EGYPT

## BACKGROUND:

On August 15, 2015, the Counter-terrorism Law was published in the Official Gazette and went into effect. It had previously been approved by the cabinet on July 1, 2015, during a period in which there was no sitting parliament. The law was retroactively approved by the House of Representatives in a hasty process that involved the review of 341 decrees in 15 days once the legislature reconvened in January 2016; per the Egyptian Constitution, legislation passed in the absence of a sitting parliament must be discussed and approved within the first 15 days following the legislature's seating.

## SUMMARY:



**Fines of 200,000-500,000 Egyptian pounds for publishing "false news"**

to harm national unity and security ... to obstruct the interests of the government ... and to impede the implementation of the Constitution."

The law establishes a number of significant punishments including life imprisonment and death sentences for founders and heads of terrorist organizations, five-year prison terms for propagating "ideas and beliefs calling for the use of violence" or inciting terrorism through social media, and fines of 200,000–500,000 Egyptian pounds for publishing "false news" about terrorist acts or counter-terror operations. The law also establishes procedures for the prosecution of terrorism, including the creation of a specialized circuit to try all terrorism cases and expanded monitoring and surveillance authority during the investigation of an alleged terrorist crime.

The Counter-terrorism Law sets forth the official state definitions for a terrorist, terrorist act, and terrorist financing using vague language that is subject to broad interpretation. Per the law, a terrorist act is defined as "the use of force, violence, threats or intimidation, at home or abroad to disturb the public order, to endanger the safety and security of the community ... to harm individuals ... to put the rights and liberties of individuals at risk ...



## IMPLICATIONS:

By writing into law a broad definition for terrorism and creating new prosecutorial and judicial mechanisms, the Counter-terrorism Law expands the scope of acts that can be tried as terrorism; subjects even nonviolent, constitutionally protected actions of everyday citizens, journalists, and rights defenders to possible prosecution under terrorism legislation; and contributes to a culture in which national security concerns automatically trump human rights and legal obligations.

## LEGAL CONTEXT:

The Counter-terrorism Law interacts with a number of preexisting pieces of legislation including:

- (1) Article 237 of the Egyptian Constitution, which empowers the state to fight all forms of terrorism and pass terrorism legislation;
- (2) the Egyptian Penal Code, which, prior to this law, provided the official definition of terrorism and certain punishments for various terrorist acts;
- (3) the Criminal Procedure Code, which includes a number of articles that establish terrorism as a crime;
- (4) the Terrorist Entities Law, which establishes the process by which a person is designated a terrorist; and
- (5) a number of substantively relevant national security laws, including, but not limited to, the amendment enabling military trials for attacks on public facilities.

## POLITICAL CONTEXT:

The law, which had been on the drafting table for months prior, was approved speedily by the cabinet within 24 hours of the funeral of Prosecutor-General Hisham Barakat—who was assassinated on June 29, 2015—at which President

## ADHERENCE TO LEGAL NORMS:

The international legal community recognizes the right of every nation to take effective counter-terrorism measures. While there is no definition for terrorism that is agreed upon internationally, broad and vague definitions have been found to violate international law.

The United Nations General Assembly has affirmed that states “must ensure that any measure taken to combat terrorism complies with their obligations under international law;” that any restrictions on derogable rights, such as freedom of assembly and expression, adhere to a strict set of guidelines; and that non-derogable rights, such as the rights to life and freedom from torture, cruel, or inhuman or degrading treatment, be respected under all circumstances. When implemented in a broad manner, the Counter-terrorism Law is very likely to implicate a number of rights, including but not limited to the rights to life, expression, assembly, privacy, due process, and freedom from torture, cruel, or inhuman or degrading treatment, thus raising questions on the country’s constitutional, regional, and international legal obligations.

On a procedural level, because the Counter-terrorism Law was ratified in the absence of a parliament and hastily approved without discussion when parliament was ultimately seated, the manner via which it was passed very likely violates Article 156 of the Egyptian Constitution.

## IMPLEMENTATION:

- There have been two particularly striking applications of the Counter-terrorism Law:
  - In April 2017, rights lawyer Mohamed Ramadan was sentenced in absentia over his personal Facebook posts to 10 years in prison on charges of insulting the president, misusing social media, and inciting violence per the Counter-terrorism Law; he was also sentenced to an additional five-year house arrest and a ban on the use of social media for the same length of time. Ramadan's appeal is currently on hold pending an ongoing constitutional challenge to the Counter-terrorism Law.
  - In October 2017, university student and leftist party member Andrew Nasif was sentenced to five years under the Counter-terrorism Law for reportedly promoting the commission of terrorist crimes on social media, making him the first Christian sentenced under the Counter-terrorism Law; in May 2018, Nasif was among those **pardoned** by Sisi.
- In addition to these two prominent sentences, there are a number of ongoing cases, including the Wilayat Sinai case, in which defendants face possible charges under the Counter-terrorism Law.

## TEXT OF THE LAW:

A full text of the law is available [here](#) in Arabic. An unofficial translation of the law is available [here](#) in English.

### ▶ TIMEP COVERAGE:

- "Yet Another Terrorism Law" by Mai El-Sadany
- "A Rights Lawyer: The Latest Target of Egypt's Terrorism Law in the Wake of the Palm Sunday Bombings" by Mai El-Sadany

# The Law Regulating the Press, Media, and the Supreme Council for Media Regulation



LAW



EGYPT

## BACKGROUND:

The Law Regulating the Press, Media, and the Supreme Council for Media Regulation (SCMR), Law No. 180 of 2018, went into effect after it was ratified by President Abdel-Fattah El Sisi and published in the Official Gazette edition dated August 27, 2018. Despite opposition from the Egyptian Syndicate of Journalists when it was still a draft **and** concerns regarding the constitutionality of the law set forth by the State Council, the House of Representatives **approved** the bill in its entirety in July 2018.

## SUMMARY:

The law, referred to subsequently as the SCMR Law, prevents press entities, media outlets, or websites from publishing or broadcasting content that violates the Egyptian Constitution, professional ethics, and public order or morals; calls for breaking the law; or incites discrimination, violence, racism, hatred, or extremism. It also allows the SCMR to prevent a publication from being issued or distributed from abroad if there are national security concerns. The SCMR Law prohibits press, media, and websites from publishing or broadcasting false news and allows the censorship of content found to be in violation of this prohibition. For the purposes of this false news prohibition, personal websites, blogs, and social media accounts with 5,000 subscribers or more are considered to be media outlets. In addition to these restrictions on media content, the SCMR Law furthers a regulatory scheme that subjects outlets to a number of licensing and oversight requirements, including but not limited to hefty requirements for a permit

process, a prohibition on journalists and media personalities from being able to collect donations for their work, and a provision that mandates the storage of any content issued by a media outlet for a period of at least 12 months, during which the SCMR will enjoy access to such content.

“The SCMR Law creates a restrictive media regulatory scheme that grants authorities broad discretion to censor or block content that is found to meet a number of vaguely phrased prohibitions.”

## SIGNIFICANCE:

The SCMR Law creates a restrictive media regulatory scheme that grants authorities broad discretion to censor or block content that is found to

meet a number of vaguely phrased prohibitions. Additionally, the scheme subjects media to a number of administratively burdensome requirements that make it difficult for them to be properly licensed as well as to function effectively. By furthering this scheme, Egyptian authorities severely constrain the ability of independent media outlets, citizen journalists, and even everyday citizens who are expressing their opinions on their personal social media accounts to speak freely and to express a narrative that may run contrary to that which the government has adopted.

## LEGAL CONTEXT:

In early 2017, Sisi ratified the Law Organizing Press and Media Institutions, a piece of legislation that had created three new media regulators; following this ratification, Egypt's parliament had been expected to pass a complementary law to govern more broadly the practice of journalism and the media field. Instead, however, the House of Representatives approved three entirely new media laws in July 2018 to overhaul the previous system: the SCMR Law, the National Press Authority Law, and the National Media Authority Law.

## POLITICAL CONTEXT:



The SCMR Law writes into law the government's continued crackdown against freedom of expression and the press. At the time of the law's passage, over 500 websites had been blocked and the government had even attempted to censor the BBC for publishing a [report](#) documenting forced disappearances in Egypt. Government officials and allies had consistently labeled media reports marginally critical of the government as "false news," attempting to limit their credibility and maintain control over the narrative.

## ADHERENCE TO LEGAL NORMS:

Egypt's domestic and international legal obligations mandate that it respect the rights of its citizens to freedom of thought and opinion, freedom of expression, freedom of the press, freedom of publication, and the right to privacy. A legal scheme that threatens to censor even private citizens for their social media posts, severely constrains the ability of independent media outlets to become licensed and effectively function across the country without harassment, and grants broad discretion for authorities to block content that it deems to threaten "national security" very likely occurs in violation of these legal obligations.

## IMPLEMENTATION:

Although implementing regulations for the SCMR Law have not yet been passed, the SCMR **announced** on October 21, 2018, that it would begin accepting licensing requests from websites for a period of two weeks. This period **was extended** by another two weeks on November 3, 2018. Those wishing to gain

“Those wishing to gain legal status for websites must register them by providing information about their purpose and ownership and paying a licensing fee of 50,000 Egyptian pounds.”

legal status for websites must register them by providing information about their purpose and ownership and paying a licensing fee of 50,000 Egyptian pounds. In November 2018, it was leaked to the media that the head of the SCMR's complaints committee had presented a draft by-laws proposal that, if implemented, would **set forth** a number of serious punishments for media violations. Since the leak, the SCMR has downplayed the news and emphasized that the document was a draft.

## TEXT OF THE LAW:

A link to the official text of the law in Arabic is available [here](#).

### ▶ TIMEP COVERAGE:

- “Egypt’s New Media Regulations: Legislating State Control over Information” (TIMEP commentary)
- “Press Freedom in Egypt” (TIMEP brief)

# Cybercrime Law



LAW

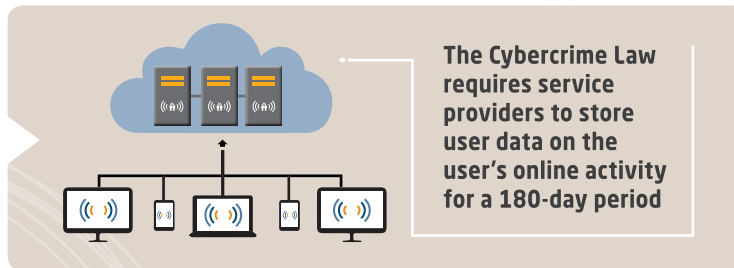


EGYPT

## BACKGROUND:

The Cybercrime Law went into effect after it was ratified by President Abdel-Fattah El Sisi and published in the Official Gazette edition dated August 14, 2018. Previously, the cabinet had approved the draft law and referred it to the House of Representatives in February 2018. The Communications Committee in the House debated the law for over one month before approving it in April 2018, prompting the entirety of the House to approve the draft law in June 2018.

## SUMMARY:



The Cybercrime Law requires service providers to store user data on the user's online activity for a 180-day period; authorities may request access to this data. Service providers that fail to comply with the data storage requirement may face punishments ranging from 5 million to 10 million Egyptian pounds (LE), while

companies that do not submit information to government authorities upon request may be imprisoned for up to three months and face fines between LE200,000 and LE1 million. Under the law, investigating authorities can submit a judicial request for an order to censor or block a website if the site has published content that constitutes a crime per the law and poses a threat to national security or compromises national security or the national economy. In more urgent cases, such requests can be made directly to the National Telecom Regulatory Agency. Service providers that do not adhere to a censorship request face fines ranging from LE500,000 to LE1 million and a one-year prison term. If national security is harmed because of a service provider's noncompliance in blocking a website, the fine is increased to a range between LE3 million and LE20 million.

## SIGNIFICANCE:

The law sets forth a legal structure through which authorities enjoy significant discretion in ordering the blocking of websites and the censorship of content more broadly. Additionally, the law places a number of privacy-implicating requirements to which service providers must now adhere, ultimately creating a mechanism through which authorities can conduct mass surveillance on the population via their internet usage.

## LEGAL CONTEXT:

The Cybercrime Law is Egypt's first piece of cybercrime legislation in the country's history. Its ratification occurs in the wake of a February 2018 decree from the prosecutor-general assigning prosecutors the responsibility of monitoring social media accounts and websites; identifying "false news, statistics,

or rumors” that “intend to harm public security, instill fear in individuals, or cause harm to the public interest of the Egyptian state;” and taking any necessary action toward criminal proceedings when such content is found. Entrenching language which similarly requires the storing of user data and information in a different context, a June 2018 law regulating ride-sharing companies like Uber and Careem **entails** comparable procedures regarding storing user data and information for a period of 180 days, as well as requirements that companies must submit the information to security authorities upon request.

## POLITICAL CONTEXT:

The Cybercrime Law was introduced at a time during the Egyptian presidential elections, when authorities were conducting an extensive crackdown on civil society and political opposition figures. Prior to the law’s drafting, over 500 websites, ranging from media outlets to the sites of prominent nongovernmental organizations, **were blocked** by Egyptian authorities as a result of a murky, nontransparent, and legally problematic process.

“It is very likely that implementation of the country’s new cybercrime legislation will occur in violation to the country’s domestic and international legal obligations.”

## ADHERENCE TO LEGAL NORMS:

Because of the Cybercrime Law’s imposition of a system of mass surveillance and its significant impact on the censorship of content under the pretense of vague terms like national security, it is very likely that implementation of the country’s new cybercrime legislation will occur

in violation to the country’s domestic and international legal obligations to protect the rights of individuals to privacy, freedom of thought, freedom of the press, and freedom of expression.

## IMPLEMENTATION:

At present, there are no reports regarding implementation of the law.

## TEXT OF THE LAW:

The full text of the law can be found in Arabic [here](#).

### ➡ TIMEP COVERAGE:

- “In the Era of ‘Fake News,’ Egypt Monitors and Silences” (TIMEP commentary)
- “Press Freedom in Egypt” (TIMEP brief)



# Law Governing the Treatment of Certain Senior Commanders of the Armed Forces



LAW



EGYPT

## BACKGROUND:

The Law Governing the Treatment of Certain Senior Commanders of the Armed Forces went into effect after it was ratified by President Abdel-Fattah El Sisi and published in the Official Gazette edition dated July 25, 2018. It had been submitted initially by the cabinet as a draft to the House of Representatives on July 2, 2018, then marked up and discussed in committee discussions on July 3. After being amended slightly, the draft law received preliminary approval in a vote that same afternoon. It was ultimately approved in a final vote on July 16; only eight parliamentarians **voted** against it.

“The law additionally protects the designated group of military officers from prosecution for all acts committed during the course of duty or as a result of it during the period of time between the suspension of Egypt’s constitution (July 3, 2013) and the first convening of the House of Representatives (January 10, 2016).”

## SUMMARY:

The law empowers the president to designate a group of high-ranking military officers with lifelong reserve status, granting them the benefits and rights afforded to a sitting minister, as well as any other rights decreed by the president or set forth by other pieces of legislation. The law additionally protects the designated group of military officers from prosecution for all acts committed during the course of duty or as a result of it during the period of time between the suspension of Egypt’s constitution (July 3, 2013) and the first convening of the House of Representatives (January 10, 2016). When traveling abroad, the designated group of military officers are also afforded the immunity enjoyed by heads and members of diplomatic missions.

## SIGNIFICANCE:

“With accountability for human rights violations central to any future reconciliation process in the country, this law eats away at the possibility of resolving some of the most deep-seated tensions in society and contributes to a systemic culture of impunity.”

The law empowers the president to designate a group of military officers with lifelong reserve status without any set guidelines, effectively allowing him to reward individuals who are loyal to him with the

promise of immunity and punish those who do not show sufficient allegiance. Once a designation is announced, any officers who are protected by it will enjoy lifelong immunity for the violations they may have committed during one of the country's most significant transitional periods, which includes events like the Republican Guard clashes and the dispersals of the Raba'a al-Adaweya and Nahda Square sit-ins. Per this law, a high-ranking officer who may have otherwise been tried for being involved in ordering the dispersal of the Raba'a sit-in, for example, would be protected from prosecution for a lifetime and afforded benefits that include diplomatic immunity. With

accountability for human rights violations central to any future reconciliation process in the country, this law eats away at the possibility of resolving some of the most deep-seated tensions in society and contributes to a systemic culture of impunity. An additional effect of the law is the bar that it places on military officers seeking to run against the president; although the law does not explicitly address the matter, a separate Egyptian law prohibits any military officers with active or reserve status from running in the presidential elections.

## LEGAL CONTEXT:

Impunity for violations committed by government and security sector officials continues, with prosecutions for such violations rare and **fact-finding committees** tending to absolve officials of any wrongdoing. Despite a clear constitutional requirement to do so, Egypt's parliament has not yet issued a law governing transitional justice.

## POLITICAL CONTEXT:

This law was introduced and voted on around the fifth anniversary of the period which witnessed the suspension of Egypt's constitution and the ousting of former president Muhammad Morsi, at a heightened time of nationalistic sentiment and continued support for the country's armed forces. Additionally, this law was passed in the wake of an **unsuccessful attempt** by Sami Anan, former chief of the general staff of the armed forces, to run against President Abdel-Fattah El Sisi in the 2018 presidential election.

## ADHERENCE TO LEGAL NORMS:

This law introduces **amnesties**—one of the most controversial mechanisms of transitional justice—to a select group considered to be the “victors” emerging from a period of transition and for a lengthy

“The blanket nature of this amnesty, its selective application, and the context in which it arises raises serious questions on Egyptian authorities’ commitment to justice.”

period of time without any caveats for even the most serious international crimes. The blanket nature of this amnesty, its selective application, and the context in which it arises raises serious questions on Egyptian authorities’ commitment to justice. By failing to grant amnesty to both military officers and civilians alike, the law violates the country’s international and domestic commitments to protect citizens from discrimination and to guarantee equality before the law. Further, by writing away the rights of victims

to hold certain military officers accountable for violations perpetrated against the victims, the law fails to honor the constitutionally guaranteed rights of victims to litigate.

## IMPLEMENTATION:

At present, there is no information available about implementation of the law.

## TEXT OF THE LAW:

A link to the official text of the law is available [here](#).

### ➡ TIMEP COVERAGE:

- [Egypt’s Authorities Co-opt Transitional Justice in New Draft Law” \(TIMEP commentary\)](#)

# Legislative Decree No. 18

## *Military Service Amnesty*



### BACKGROUND:

Legislative Decree No. 18 of 2018, which grants general amnesty to certain individuals accused of deserting or avoiding military service, was issued on October 9, 2018, by President Bashar al-Assad.

### SUMMARY:

Legislative Decree No. 18 grants general amnesty for the crimes of army desertion or avoiding military service per Articles 100 and 101 of *Legislative Decree No. 61 of 1950* (Penal Code and Essence of Military Trials) and its amendments, and for the crimes detailed in *Legislative Decree No. 30 of 2007* (Flag Service Law) and its amendments. To qualify

“Individuals who turn themselves in and are granted amnesty for previous desertion or draft dodging will still be expected to complete their military conscription in accordance with the law.”

for amnesty for violations of Decree No. 61 of 1950, fugitives must turn themselves in within four months if they are inside the country or within six months if they are outside of it. The amnesty for violations of Decree No. 30 of 2007 does not include fines intended to be a “civil compensation” to the state. Individuals who turn themselves in and are granted amnesty for previous desertion or draft dodging will still be expected to complete their military conscription in accordance with the law.

### SIGNIFICANCE:

While Legislative Decree No. 18 does provide respite for some individuals who have fled military conscription or deserted the army, its impact in ushering in the return of a significant number of refugees is likely to be narrow. The amnesty will not protect those who have fought against the Syrian regime as they are considered by the government to be “terrorists.” Additionally, the measure only covers the crimes of army desertion or avoidance of military service; thus, an individual who, for example, faces charges of army desertion, illegal protesting, and terrorism could turn himself in and still have to answer for the illegal protesting and terrorism charges. Finally, in light of *increasing reports* that individuals who have been signing reconciliation agreements with the Syrian regime have been tortured, detained, or even killed despite their commitment to these agreements, it is very likely that many—particularly those who consider themselves dissidents—*may not trust* the Syrian regime to honor its promise of amnesty.

## LEGAL CONTEXT:

Article 46 of the Syrian Constitution states that “compulsory military service shall be a sacred duty” and that “defending the territorial integrity of the homeland and maintaining the secrets of state shall be a duty of every citizen.” Under Syrian law, military service is compulsory for all men over the age of 18; while women are not required to serve, they do have the option to enlist voluntarily in military service. Certain legal provisions do allow the postponement of or exemption from military service, though a 2017 **change**

“Under Syrian law, military service is compulsory for all men over the age of 18; while women are not required to serve, they do have the option to enlist voluntarily in military service.”

in law has made it more difficult for university students to continue deferring their conscription. In **some cases**, an exemption fee can be paid; however, depending on the category of the individual seeking exemption, it may be quite costly. Men who fail to submit themselves to military service or who desert their military service face jail time. Legislative Decree No. 18 is not the first amnesty that the Syrian regime has issued since the beginning of the war; amnesties have been announced on multiple occasions, including in 2014, 2015, and 2016.

## POLITICAL CONTEXT:

As the war in Syria has continued, the Syrian regime has lost many of its soldiers to mass casualties, desertion, draft dodging, and defection. It has taken a number of steps to make up for its gutted military, including keeping some conscripts in the army despite the completion of their legally mandated 18-month service, calling in reservists who have previously completed and satisfied their military conscription, raiding homes in order to find individuals to forcibly conscript, setting up checkpoints across the country to catch those avoiding conscription, issuing numerous iterations of amnesties to entice deserters and draft dodgers to return without fear of prosecution, and **releasing propaganda**—including a March 2018 video titled “Braids of Fire,” which spotlights voluntary female conscripts in an attempt to “shame” men into enlisting. Although some men have fled the country or avoided military conscription simply because they do not want to fight in a war in which their lives may be at stake, others have defected from the army or avoided military service out of political conviction and in opposition to the Syrian regime. At times, family members of draft dodgers and deserters have faced retaliation by the Syrian regime in the form of pressure and arrest.

## ADHERENCE TO LEGAL NORMS:

With many Syrians hesitant or unwilling to join a military that has engaged in attacks against fellow citizens, at least a proportion of draft dodgers or deserters may be considered conscientious objectors. While Syria’s constitution and its international legal obligations do not explicitly recognize a right to conscientious objection, they do protect the right to freedom of thought, conscience, and religion—from

“Legislative Decree No. 18 sets forth an amnesty that is not available for all individuals, as it leaves out persons who oppose the Syrian regime, thus discriminating on the basis of political opinion and occurring in violation of international law.”

which conscientious objection has been argued to be a **derivative right**. A compulsory military conscription scheme in which individuals may find themselves forced to serve without alternative and in egregious extension of even the domestically established maximum time period for conscription likely occurs in violation of this right. Additionally, although an amnesty is meant to provide respite for individuals considered to be draft dodgers or deserters, Legislative Decree No. 18 sets forth an amnesty that is not available for all individuals, as it leaves out

persons who oppose the Syrian regime, thus discriminating on the basis of political opinion and occurring in violation of international law.

## IMPLEMENTATION:

On October 9, 2018, the grace periods of four months for internal escapees and six months for external escapees to turn themselves in began to go into effect. No reporting is available on the number of draft dodgers and deserters who have returned to Syria or are now encouraged to return in the wake of this amnesty. Little reporting is available on previous iterations of amnesties as well; however, **some organizations** do state that amnesties have not necessarily resulted in the return of refugees or escapees, particularly because such individuals would still be required to satisfy their military service.

## TEXT OF THE DECREE:

The official text of the decree is available in Arabic [here](#).

### ➡ TIMEP COVERAGE:

- “With New Law, Assad Tells Syrians Not to Come Home” (TIMEP commentary)
- “When Assad asks Syrians to come home, here’s what he really means” (external op-ed)



# Law No. 10 of 2018

## *Housing, Land, and Property*



### BACKGROUND:

Syria's Law No. 10 of 2018, which has significant implications for the property rights of Syrians, was ratified by President Bashar al-Assad on April 2, 2018, and, following widespread condemnation, amended on November 11, 2018.

### SUMMARY:

Law No. 10 contributes to a legal scheme intended to enable the Syrian government to designate land anywhere in the country for redevelopment. Per the law, when an area is designated for redevelopment by decree, authorities have one week to request a list of property owners from local real estate authorities and existing land registries; these authorities are to provide this list within 45 days. Property owners whose names do not appear on the list or are not included in land registries will have one year to make a claim of ownership for the purposes of compensation, as all property owners will be displaced from their properties as a result of the government's redevelopment plans. Family members "up to the fourth degree" can make claims on behalf of absent property owners. Property owners who are unable to make successful claims of ownership will lose their properties, allowing the government to repossess them. Before being amended, Law No. 10 had given property owners only 30 days to make a claim of ownership.

### SIGNIFICANCE:

With more than half of Syria's pre-war population displaced from their homes in areas across Syria and outside of it as well as factors preventing displaced persons from being able to safely return, Law No. 10 furthers a

“ Law No. 10 furthers a legal scheme that is likely to result in many Syrians' dispossession of their rightfully owned properties and the formalization of the forced displacement and population engineering initiated by the Assad regime and its allies during the war. ”

legal scheme that is likely to result in many Syrians' dispossession of their rightfully owned properties and the formalization of the forced displacement and population engineering initiated by the Assad regime and its allies during the war. Assuming that property owners even have documents to help prove their ownership—a fact that cannot be taken for granted amid displacement, war, and systematic **land registry destruction**—most displaced owners will be physically unable to return to make property claims.



Although allowing family members “up to the fourth degree” to make property claims may help create additional opportunities for displaced persons to gain access to and claim their land, some concerns remain regarding the way that land disputes will be settled in the absence of documentation. Further, those who remain wanted by the government may fear retaliation, arrest, or forced conscription and may hesitate to return or have family members submit property claims on their behalf.

With reports indicating that previous redevelopment schemes by the Assad regime have disproportionately **targeted** opposition strongholds, there is concern that Law No. 10 could similarly be used to punish members of the opposition for standing against the regime. Coupled with the lining of pockets that Assad regime cronies may enjoy as a result of being awarded redevelopment and reconstruction deals enabled as a result of Law No. 10, this legislation will have significant implications for housing, land, and property (HLP) issues in Syria.

## LEGAL CONTEXT:

Law No. 10 is not the first of its kind, nor the only HLP law that the Syrian regime has at its disposal to repossess and redevelop land. In 2012, the Syrian regime issued **Decree No. 66 of 2012**—the predecessor of Law No. 10—which allowed Syrian authorities to “redevelop areas of unauthorized housing and informal settlements” in two specifically designated locations in Damascus. Other relevant HLP laws **include** Decree No. 63, which authorizes the seizure and expropriation of moveable and immovable property

belonging to those deemed to be terrorists (defined per a vaguely worded counter-terrorism law); Decree No. 11 of 2016, which halts property registration in areas affected by the “emergency security situation;” and Law No. 3 of 2018, which governs the removal of “rubble,” a term that is not defined and which residents have stated has been improperly applied to areas not in need of demolition and reconstruction.

“ Law No. 10 is not the first of its kind, nor the only HLP law that the Syrian regime has at its disposal to repossess and redevelop land. ”

## POLITICAL CONTEXT:

Throughout the war, the Syrian regime employed siege, starvation, and bombardment tactics to forcibly displace Syrians from their homes. Numerous reports would then surface that **pro-government Syrian and Iranian settlers** would be **allowed** to informally and illegally take over homes in former opposition strongholds once the original civilian residents were forcibly displaced, contributing to a policy of forced demographic change and population engineering by the Assad regime. Additionally, and before Law No. 10 was issued, widespread reports of home demolitions and inadequate compensation for those dispossessed of their properties **were** systematically documented.

More recently, with the Assad regime attempting to frame itself as the victor of the war, it has **begun** announcing that the country is ready to reintegrate its displaced population and it has begun shopping around the world for reconstruction assistance. As part of its rhetoric, the Assad regime has **labeled** Law No. 10 as an “urban renewal law” that is meant to put together a war-torn country and rid the nation of

informal settlements, entirely refusing to recognize the significant implications that the law has for Syrian property rights.

## ADHERENCE TO LEGAL NORMS:

Under its obligations per the International Covenant on Economic, Social, and Cultural Rights, Syria is required to protect the right of an individual to adequate housing; the Universal Declaration of Human Rights further states that no one shall be arbitrarily deprived of his property. A legal scheme which threatens to justify the destruction and demolition of homes and to forcibly evict and dispossess individuals

““ Law No. 10 ‘has the potential to turn the process of reconstruction into a form of ethnic cleansing ... [and] appears to entrench breaches of international human rights law and international humanitarian law.’ ””

of their legally owned properties, while reinforcing and formalizing the impact of the egregious human rights violations and serious international crimes that have occurred throughout the Syrian war, is cause for significant concern. In the analysis of one group of **eminent jurists**, Law No. 10 “has the potential to turn the process of reconstruction into a form of ethnic cleansing ... [and] appears to entrench breaches of international human rights law and international humanitarian law.”

## IMPLEMENTATION:

Because there are numerous HLP laws which enable the Assad regime to demolish and redevelop areas, the precise law or decree under which a specific demolition and redevelopment takes place is not always clear. However, in November 2018, a regime official **announced** the schedule for the application and implementation of Law No. 10 in al-Qaboun, Barzeh, and Jobar, areas previously considered to be opposition strongholds. As legislation like Law No. 10 and other HLP laws begin to be implemented in areas of Syria now controlled by the Assad regime, **reports** in which property owners have been prohibited from visiting their properties or in which property ownership claims have been made subject to security clearances have surfaced.

## TEXT OF THE LAW:

An official text of the law, as originally passed, is available in Arabic [here](#); an official text of the amendment is available in Arabic [here](#).

### ➡ TIMEP COVERAGE:

- “With New Law, Assad Tells Syrians Not to Come Home” (TIMEP commentary)
- “When Assad asks Syrians to come home, here’s what he really means” (external op-ed)

# Law No. 19 of 2012

## *Counter-terrorism Law*



### BACKGROUND:

Law No. 19 of 2012, Syria's Counter-terrorism Law, was ratified by President Bashar al-Assad, published in the Official Gazette, and went into effect on July 2, 2012. It had been approved by the parliament on June 28, 2012.

### SUMMARY:

Syria's Counter-terrorism Law establishes the official definition of a terrorist act using broad language: "every act intended to create panic among people, disturb public security, damage the infrastructural or institutional foundations of the state, that is committed via the use of weapons, ammunition, explosives, flammable materials, poisonous products, or epidemiological or microbial instruments ... or via the use of any tool that achieves the same purpose."

The law also details a number of punishments for terrorism-related crimes and authorizes the state to freeze assets that it deems to be involved in terrorist activity. Defining a terrorist organization as an entity that intends to conduct a terrorist act and is made up of at least three individuals, the law enacts a punishment of between 10 and 20 years in prison (with hard labor) for those who establish, organize, or manage the organization and at least seven years in prison (with hard labor) for those who join a terrorist organization or force others to join. A more severe punishment can be set in cases in which the intent of the organization is to change the system of governance or the structure of the state. The law also sets forth a lifetime prison punishment (with hard labor) for those who commit a terrorist act that harms the infrastructural and institutional foundations of the state. Finally, the law criminalizes the distribution of publications or the storage of information intended to promote terrorist means or terrorist acts.

“By furthering an all-encompassing definition of terrorism, the Syrian regime equips itself with a legal tool that can be interpreted broadly as criminalizing not only horrific acts of terrorism but also peaceful human rights activity and dissent.”

### SIGNIFICANCE:

By furthering an all-encompassing definition of terrorism, the Syrian regime equips itself with a legal tool that can be interpreted broadly as criminalizing not only horrific acts of terrorism but also peaceful human rights activity and dissent; contributing to a climate of fear in which everyday citizens may hesitate to partake in constitutionally and internationally protected activities; and enabling the dispossession of individuals' rightfully owned properties as a result of a procedurally question-

able legal process. Because of the extent to which this law and other counter-terrorism measures were used throughout the Syrian war **against** civilians, fear remains that they may continue to be used long after the war ends, severely hampering the ability of some Syrians to return to their homes and others to remain in their country without fear of prosecution, arrest, and, in some cases, execution.

## LEGAL CONTEXT:

Syria's Counter-terrorism Law paved the way for numerous pieces of complementary counter-terrorism legislation to take hold. Ratified less than one month later, **Law No. 22 of 2012** established the Counter-terrorism Court (CTC) to hear terrorism cases implicating both civilians and military individuals; although the law grants a defendant's right to a defense, it also states that the CTC is not obligated to adhere to the regular trial and due process standards set forth by Syrian law. In September 2012, **Legislative Decree No. 63 of 2012** authorized authorities, before a case is referred to trial or a verdict is issued, to take measures including the seizure of an accused person's moveable and immovable property and the issuing of travel bans in cases involving crimes of national security and crimes under the Counter-terrorism Law.

## POLITICAL CONTEXT:

In April 2011, and following popular protests that began in mid-March that year, the Syrian regime **lifted** the state of emergency that had governed the country for 48 years; a decree one year later brought an end to the Supreme State Security Court. Despite these steps, Syrian intelligence and security officials

“In practice, Syria's historic state of emergency was effectively replaced by the 2012 Counter-terrorism Law.”

**continued** to subject tens of thousands of civilians to arbitrary arrest, egregious detention conditions and torture, and procedurally problematic legal and judicial processes. In practice, Syria's historic state of emergency was effectively replaced by the 2012 Counter-terrorism Law. The practices of security and intelligence officials **continue** today.

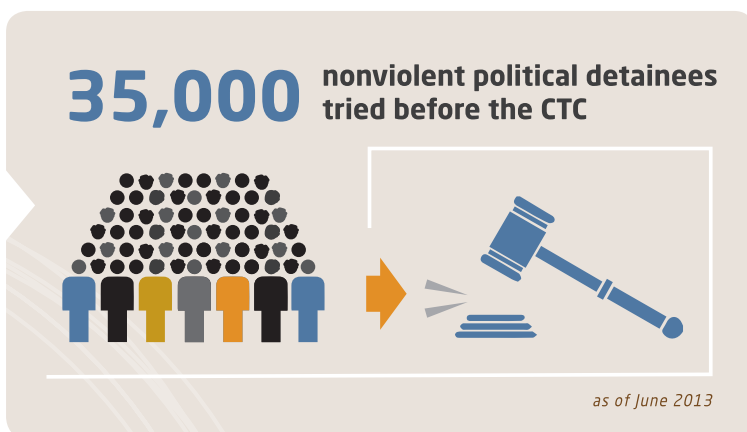
## ADHERENCE TO LEGAL NORMS:

International legal standards and norms recognize the right of a country to take effective counter-terrorism measures. However, vague and broadly worded definitions for terrorism have been found to be violative; as the Office of the United Nations High Commissioner for Human Rights **has stated**, “Too wide or vague a definition may lead to the criminalization of groups whose aim is to peacefully protect ... human rights.” Syria's Counter-terrorism Law, which adopts a broadly worded definition and has been used to prosecute peaceful dissent and human rights activity, clearly violates this standard. Speaking specifically about Syria's Counter-terrorism Law, the spokesperson for the High Commissioner **has described** the legislation as “broad and ill-defined.”

The U.N. General Assembly has further **affirmed** that states “must ensure that any measure taken to combat terrorism complies with their obligations under international law,” that any restrictions on derogable rights such as freedom of assembly and expression adhere to a strict set of guidelines, and that non-derogable rights such as the rights to life and freedom from torture be respected under all circumstances. Syria’s Counter-terrorism Law is regularly applied in legal proceedings that interpret the definition of a terrorist to also include the exercise of constitutionally and internationally recognized rights like freedom of assembly and expression, that rely on confessions brought about as a result of torture, and that produce severe punishments including the death penalty. This calls into question a number of derogable and non-derogable rights. Accordingly, Syria has enshrined and implemented its counter-terrorism legislation in a manner that contravenes both domestic and international law.

## IMPLEMENTATION:

Since 2012, there has been little documentation on the degree to which Syria’s Counter-terrorism Law and accompanying legislation have been used to prosecute individuals who have committed violent terrorist activity. The fact that the war continues, more than half of the country’s prewar population has been forced to flee, and the Assad regime **has not prioritized** militarily fighting terrorist groups like the Islamic State raises questions on how the law has been applied. There is, however, both qualitative



and quantitative data to indicate that the Syrian regime has regularly **used** the Counter-terrorism Law, along with Law No. 22 of 2012 and Legislative Decree No. 63 of 2012, against nonviolent civilians. As early as **June 2013**, 35,000 nonviolent political detainees were being tried before the CTC, according to one lawyer. One of the most prominent human rights defenders tried by the CTC was Mazen Darwish, head of the Syrian Center for Media and Freedom of Expression; he faced charges for

“publicizing terrorist acts” under the Counter-terrorism Law for his human rights monitoring and documentation work.

Individuals and organizations who have engaged with the CTC **explain** that lawyers are often prohibited from seeing their clients before a case begins—affecting their ability to adequately represent them—and that CTC judges—who do not enjoy immunity for actions taken during the course of their work—tend to act in a politicized manner. Observers of the court have noted that trials are not public, juveniles have been tried before the CTC, confessions brought about as a result of torture are admissible before the CTC, and individuals brought before the court **include** but are not limited to persons accused of participating in protests, writing statements on Facebook, and delivering aid to opposition-controlled areas.

As investigations and trials before the CTC have continued, so has the issuing of property seizure orders and travel bans in a **nearly automatic fashion**. As recently as 2018, individuals who had their property seized per Decree No. 63 of 2012 **had not been provided** with notice and had not been afforded an opportunity to challenge the decision. Syrian nongovernmental organizations **continue** to document cases of property seizures, many of which have targeted individuals who have opposed the Syrian regime and occur amid the application of a larger set of housing, land, and property laws that have collectively enabled the state to sell assets by auction, re-exert control over land, and pave the way for lucrative re-construction and investment deals.

## TEXT OF THE LAW:

An official text of the law is available in Arabic [here](#).

### ► TIMEP COVERAGE:

- “When Assad asks Syrians to come home, here’s what he really means” (external op-ed)
- “Legislative Decree No. 18: Military Service Amnesty” (TIMEP brief)
- “Law No. 10 of 2018: Housing, Land, and Property” (TIMEP brief)

# Christians in Egypt



ISSUE

## SUMMARY:

Egypt's Christians, who make up roughly 10 percent of the population, have long faced infringements on their rights and been marginalized from political and economic opportunities. Institutional and social discrimination, a problematic legal code, anti-Christian animosity, and sectarian violence all contribute to the Christian community's marginalization and continue today, despite public shows of support for the Christian community by President Abdel-Fattah El Sisi, including his attendance at Christmas mass.

## POLITICAL CONTEXT:

While religion is not reported in official census data, most estimates place Christians at about 10 percent of the population. The majority of Egypt's Christians are Coptic Orthodox, with some Catholics (a mixture of Eastern and Latin rites), Protestants, and other Orthodox. Despite this, Christians are not able to advance to senior positions in the military, are underrepresented in political life, and face other forms of discrimination at the hands of the state and fellow citizens. Although there were quotas put in place in the last parliamentary elections to attempt to mitigate political underrepresentation, only six percent of the legislature is Christian, with 16 of the House's 25 standing committees containing voting-eligible Christian members. Similarly, Sisi's recently installed cabinet and newly appointed governors combined include only three Christian officials, two from the cabinet and one Coptic governor; the cabinet consists of 30 ministers (seven percent Christian) while there are 27 governors nationwide (four percent Christian).

“Egypt's Christians, who make up roughly 10 percent of the population, have long faced infringements on their rights and been marginalized from political and economic opportunities.”

After the ouster of the Muslim Brotherhood-backed president, Muhammad Morsi, by Sisi (who was then defense minister) and the violent dispersal of pro-Morsi protest camps in August 2013, 115 incidents of sectarian violence were documented against the country's Christian population, including 82 attacks on churches. The reconstruction of these religious buildings became a major campaign pledge and talking point for Sisi and

his governments, and all of the destroyed churches have reportedly been reconstructed—the majority by the military and the remainder by the churches themselves. Pope Tawadros II, the patriarch of the Coptic Orthodox Church, aligned himself with Sisi since before Morsi's deposal, and the two share a closer relationship than any pope or president in memory.



Since Sisi's assumption of office, however, Christians continue to face sectarian violence. The government has increased security measures in churches, particularly prior to large Christian celebrations or religious ceremonies, though on Palm Sunday in 2017, simultaneous bombings in two cathedrals killed 47 people. In December 2017, a gunman attacked a Coptic Orthodox church and a Christian-owned shop near Cairo and killed 11 people before he was arrested. The Islamic State in Egypt claimed responsibility for those attacks, along with the December 2016 attack on St. Peter and St. Paul's Church on the main Coptic cathedral compound in Cairo. Since emerging in mainland Egypt, its four attacks on Christians have killed 96.

## “Sporadic sectarian violence flares up in addition to organized attacks.”

Sporadic sectarian violence flares up in addition to organized attacks. Such violence is often sparked by attempts to build churches, interfaith romances, or property disputes that become sectarian. In a recent example, on August 13, Copts in the village of Dimshaw Hashim in Minya were subject to sec-

tarian attacks by Muslim villagers, a common occurrence in the province, which has a high percentage of Christians. The incidents included chants of hostile slogans against Copts and the proposed construction of a church, the injury of two Copts, and damage, theft, and burning of several Copts' houses.

### LEGAL CONTEXT:

Although the Egyptian Constitution recognizes freedom of belief as absolute and protects the “freedom of practicing religious rituals and establishing places of worship for the followers of revealed religions”—i.e., Islam, Christianity, and Judaism—a number of legal and institutional provisions and policies contribute to discrimination against the country's Christian population. Egypt requires that its citizens carry national identification cards; these cards, which have a required religion field (though a recent change now allows a dash instead of selecting from Islam, Christianity, or Judaism), create room for possible discrimination against citizens who are stopped by the police or are attempting to get government services. Additionally, despite some calls for a unified law to govern the construction of all houses of worship, in August 2016, the House of Representatives passed the Church Construction Law, which maintains distinct construction procedures for churches and delegates the authority of approving building, renovation, and expansion permits to provincial governors, contributing to a number of procedural hurdles.

A disproportionate number of all blasphemy charges are brought against the country's Christian population. Article 98(f) of Egypt's Penal Code punishes “blasphemy,” which forbids “insulting or denigrating the heavenly religions.” A study by the Egyptian Initiative for Personal Rights found that 41 percent of all blasphemy cases brought between January 25, 2011, and December 31, 2012, were against Christian defendants; the same report found that sentences were significantly harsher in cases against Christian defendants. Blasphemy charges have continued to be brought during the Sisi presidency. In May 2015, for example, four Coptic students and their teacher were arrested and charged with blasphemy after making a video mocking the Islamic State. In February 2016, the Idku Criminal Court sentenced three of the students to five years in prison, the maximum sentence for blasphemy charges, and referred the fourth to a punitive juvenile institution. The teacher was sentenced to three years.

Accountability for much of Egypt's Christian population has been lacking. In numerous cases of sectarian violence against Christians, authorities have often opted to participate in **customary reconciliation sessions** rather than investigate and litigate the case before the official judicial system. Because of a lack of set procedures, these sessions have resulted in numerous due-process violations throughout the years; at times, rather than punish perpetrators of sectarian violence, these sessions have forced Christian victims to vacate a village in order to ease sectarian tension. In the official judicial system, justice has been elusive as well. In response to the October 2011 Maspero massacre, in which dozens of mostly Christian protesters were killed and hundreds injured, only two cases were brought to trial. One case before the military court system tried three officers, ultimately **sentencing** two of the men to two years in prison and one to three years. In the other case before the criminal court system, two Coptic men were **sentenced** to three years in prison for reportedly stealing weapons from the armed forces. Despite dozens of witness testimonies and video footage documenting armored vehicles running over protesters and the use of tear gas and live ammunition during the Maspero massacre, no high-ranking military or security officials have been held accountable.

## TREND ANALYSIS:

While public displays of support for Christians such as Sisi's attendance at **mass** and the **reconstruction** of churches destroyed in 2013 are welcome signs, the tangible situation for Christians has remained relatively unchanged in the past decade.

## IMPLICATIONS:

The marginalization and discrimination against Egypt's Christians not only represents a failure to adhere to constitutional obligations to protect freedom of religion but has also contributed to sectarian sentiments that are reflected in extremist ideology and violence against Christians. Without deep efforts to reform the legal framework and education system, ensure accountability for sectarian acts (whether committed by state or citizen), and allow for more opportunities for Christians in public and political life, it is unlikely that the situation will

“Without deep efforts to reform the legal framework and education system, ensure accountability for sectarian acts (whether committed by state or citizen), and allow for more opportunities for Christians in public and political life, it is unlikely that the situation will improve.”

improve. Additionally, an economic downturn and a constriction of public space inherently affects marginalized groups more negatively than others: Christian development organizations in Upper Egypt who serve the low-income community face the same constraints as civil society elsewhere, and ultimately it is the most vulnerable who will suffer. The alignment of the pope and certain segments of the Christian community who see Sisi as a better alternative to the Brotherhood has also led to divisions within the church and has posed an obstacle to addressing the aforementioned issues.

# Sectarian Violence



## SUMMARY:

While sectarian violence in Egypt became of more pressing international concern after a series of deadly attacks by Egyptian militants (including those affiliated with the Islamic State), the issue is longstanding and pervasive. Sectarian violence has been perpetrated by non-state militant groups, by the state itself, and by Egyptian citizens, and harm from acts of violence has been exacerbated by a sectarian legal system, hate speech in the media, and widespread discrimination. Finally, sectarian violence in Egypt has been documented against Christians, Shi'a, nonbelievers, and Sufi worshippers, as well as against and among ethnic minorities.

## POLITICAL CONTEXT:

Sectarian violence has taken many shapes in Egypt and ranges from coordinated terror attacks to mob assaults. The Islamic State has claimed at least 10 terror attacks on religious minorities in Egypt, including Christians and Sufis. In November 2018, the group claimed an attack on a bus of Coptic Christians in Minya, opening fire on the pilgrims as they were traveling and killing seven and injuring 14. The attack

“Sectarian violence has taken many shapes in Egypt and ranges from coordinated terror attacks to mob assaults.”

was the first for the Islamic State on the mainland in 2018 and was reminiscent of a similar attack that took place in May 2017, when the Islamic State in Egypt militants killed 28 pilgrims in the same location. The Islamic State's Wilayat Sinai (“Sinai Province”) also carried out a campaign of sectarian violence in North Sinai in early 2017, with multiple attacks on Christians

that caused a mass exodus of the province's Christian community. North Sinai was also the location of Egypt's deadliest sectarian attack, when gunmen killed 305 worshippers at the mosque in the village of Rawda in November 2017. While the Islamic State had previously warned worshippers at the mosque to stop performing Sufi rituals, the attack remains unclaimed.

Sectarian violence has also taken on more spontaneous forms, often driven by local and even prosaic concerns in areas with large Christian populations, such as the province of Minya. Attempts by Christians to build, expand, or renovate churches frequently leads to local opposition, which can turn violent. On August 13, 2018, Copts in the village of Dimshaw Hashim in Minya were subjected to sectarian attacks by Muslim villagers. The attacks included chants of hostile slogans, the injury of two Copts, and damage, theft, and burning of several Copts' houses. According to Bishop Macarius, the Coptic Orthodox archbishop of Minya, security forces had prior knowledge of the targeting of Copts by some villagers, yet they arrived four hours after the attacks. In July 2016, several Copts' houses in Abu Yacoub in Minya were set

on fire after a proposal of turning a kindergarten into a church. Inter-sectarian romances can also spark violence; in May 2016, an elderly Christian woman was dragged outside and stripped naked by Muslim villagers in al-Karm over her son's alleged affair with a Muslim woman. Property disputes and other personal problems also have turned into communal violence between Christians and Muslims.

Some violence is both political and highly local. More than 115 attacks against churches and Christian-owned homes and businesses were documented between August 12, 2013, and August 17, 2013, in the largest wave of such attacks, which occurred around the time of the violent dispersal of pro-Muslim

Brotherhood protest camps at Raba'a al-Adaweya and Nahda Squares.

“More than 115 attacks against churches and Christian-owned homes and businesses were documented between August 12, 2013, and August 17, 2013, in the largest wave of such attacks.”

The state itself has also perpetrated acts of sectarian violence, as was the case with the **Maspero massacre**, when security forces killed more than two dozen Christian protesters and injured at least 200 others, most of whom were Christian, when they demonstrated against the state's failure to respond to the destruction of an Aswan church at the hands of a mob.

Other, smaller religious minorities have also borne the brunt of attacks, though these are less frequently reported, both because of the relative size of the religious minorities and because of fears of further violence. In June 2013, a mob led by Salafist sheikhs burned and attacked Shi'a houses in Giza, killing four citizens and prominent Shi'ite figure Hassan Shehata. The lynching took place **after a rally** led by Sunni clerics in Cairo at which they called Shi'a "heretics, infidels, oppressors, and polytheists." In 2010, a makeshift bomb was unsuccessfully thrown at Cairo's main synagogue. The 12 remaining synagogues in Egypt, as well as Jewish grave sites, have been left in a state of disrepair and are occasionally targets for defacement or attempted destruction.

Atheists are frequently subject to violence from family members, the public, and the state. Mainstream religious leaders (both Muslim and Christian) and state officials have claimed that the spread of atheism is a threat to Egypt and its culture. Ahmed Harqan, one of Egypt's more outspoken atheists, was the target of an assassination attempt in Alexandria in 2014. When he reported the attack to the police, he and his wife were **beaten** in the police station before being arrested and charged with blasphemy. Bahá'ís are subject to discrimination and occasional violence, though incidents are not always reported.

## LEGAL CONTEXT:

Personal status laws, a discriminatory law on **church construction**, and numerous incidents of media incitement against minorities have **contributed** to a legal and institutional culture across Egypt which enables and allows sectarian violence to occur with impunity and without sufficient response from the state. Justice for victims of sectarian violence, particularly ad hoc incidents, has been rare. Authorities prefer to react to incidents of sectarian violence by emphasizing the importance of "national unity" and bringing such incidents before **informal reconciliation sessions**, contributing to a parallel form of justice

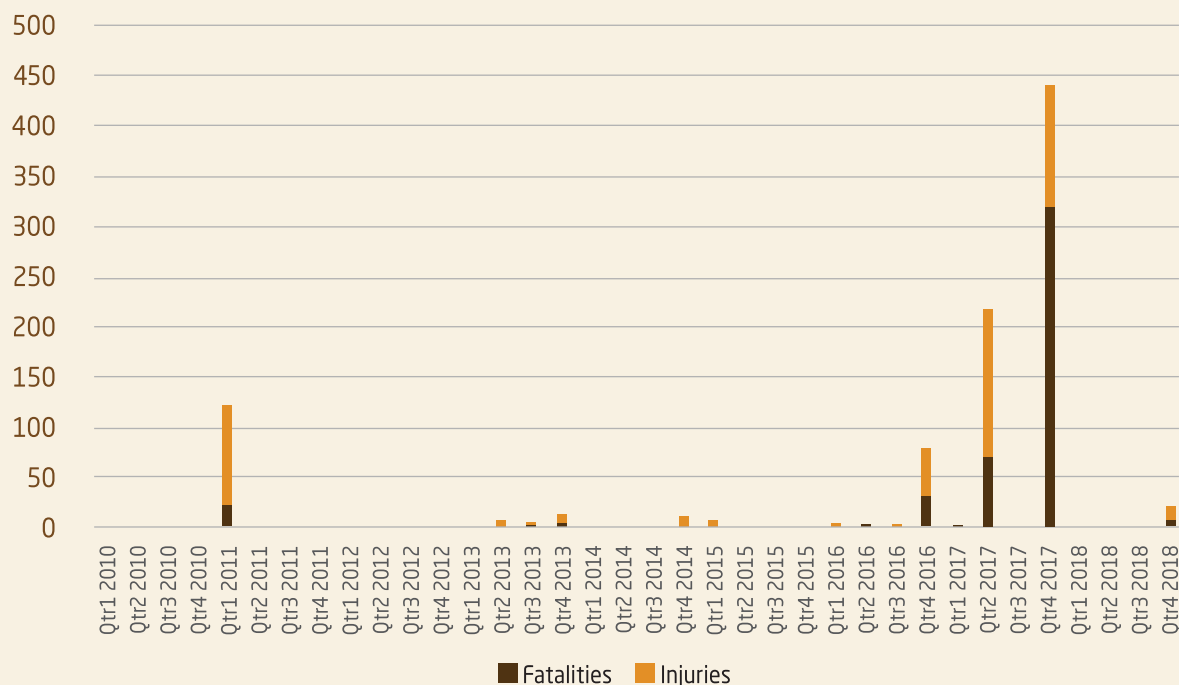
that eats away at the standing of the traditional court system and rarely results in appropriate punishment for perpetrators or sufficient compensation for victims. In the Maspero massacre case, members of the armed forces were tried for manslaughter despite extensive documentation supporting a murder charge; they were ultimately sentenced to two to three years in prison. In the case of the December 2010 Two Saints Church bombing, the Ministry of Interior has entirely **failed** to file the appropriate paperwork for the case to proceed, leaving victims with little recourse nearly eight years later.

In cases involving more recent incidents of sectarian violence perpetrated by terrorists or terrorist organizations, hearings have occurred before the traditional and military court systems and punishments have tended to be more severe, as they occur in the context of the country's "war on terror" and amid an expansive set of anti-terrorism legislation and a state of emergency. In October 2018, for example, a military court **sentenced** 17 defendants to death and 19 to life in prison, among others, for charges involving the targeting of two churches in 2016 and 2017 and an attack on a police checkpoint.

## TREND ANALYSIS:

After a massive uptick in sectarian violence after late 2013, at which time over 400 incidents were reported from August 2013 to October 2015, sectarian incidents have been reported far less often, with under eight reported per month since then. Yet sectarian violence in Egypt remains a serious concern, particularly with regard to the increasing deadliness of sectarian attacks by terrorist actors such as the Islamic State. While fewer sectarian attacks have occurred in the past two years than in 2013, more civilians are being killed in them.

### Casualties in Sectarian Violence



Source: TIMEP's Egypt Security Watch project, Eshhad

## IMPLICATIONS:

Sectarian violence in Egypt has caused severe physical harm and even death but also psychological and emotional trauma that harms the country's most vulnerable populations. The state's attempts to address sectarianism by appealing to national unity and through statements or symbolic gestures of respect for the country's Christian population neglect the real impacts of sectarian violence on the citizens who experience the brunt of them. In addition to immediate protection for vulnerable minority groups, comprehensive efforts are needed to prevent future acts of sectarian violence. Equitable systems of justice that hold perpetrators of sectarian violence or promoters of hate speech to account; the protection of civil society organizations that support interfaith dialogue, advocate on behalf of minorities, and provide services to citizens of all faiths and none; and the reform of legal and educational systems with sectarian elements are necessary to curb and eventually halt sectarian violence.

### ➡ TIMEP COVERAGE:

- "Bigger Than a Bomb: Structural Sectarianism in Egypt" (TIMEP Commentary)
- "Bombing at Chapel near St. Mark's Cathedral" (TIMEP Special Briefing)
- "Killings in Arish: Rising Sectarianism in Sinai" (TIMEP Special Briefing)
- "Palm Sunday Bombings" (TIMEP Special Briefing)
- "Attack at Rawda Mosque" (TIMEP Special Briefing)
- "Christians in Egypt" (TIMEP Brief)



# Sinai Tribes in Egypt's War on Terror



## SUMMARY:

Egypt's war on terror has intersected in many ways with the engagement of Sinai's Bedouin tribespeople, who number about 250,000 in the region: Bedouin have been not only the victims and perpetrators of terror violence in the province but active participants in combating it. Efforts taken by the underground **Battalion 103** in Sheikh Zuweid, the Sinai Tribes Union—an unofficial tribal confederation—in the peninsula's northeast, and the government-sponsored **Abdel Salam group** in central Sinai have directly and indirectly aimed to counter Wilayat Sinai's ongoing insurgency.

## POLITICAL CONTEXT:

The 1979 Egypt-Israel Peace Treaty ceded the Sinai Peninsula from Israel to Egypt and the Sinai tribes fell under the purview of Cairo's authority. Since then, the Bedouin have contended with issues of economic inclusion, land ownership, and arbitrary detention. After the ouster of President Muhammad Morsi and his government, Abdel-Fattah El Sisi, then defense minister, escalated the security approach in

“Bedouin have been not only the victims and perpetrators of terror violence in the province but active participants in combating it.”

North Sinai in an effort to contain the growing terrorist threat there, where the number of terror attacks had increased from 2.5 attacks per month in 2012 to nearly 12 attacks per month by 2014. But the government was slow to engage the tribes in these efforts, stemming from residual suspicions over tribes' pre-1979 Israeli links and the fact that many of the new ranks of the terror groups in the province were Bedouin.

By 2015, some elements of some tribes began to take a more active role in security issues, seeking to align with the state. On May 10, 2015, the Sinai Tribes Union, an unofficial organization which claims to coordinate activities among Sinai's 24 tribes, **offered** 11 recommendations to the Egyptian government related to counter-terrorism, linking increased security cooperation with increased state integration. The group is not known to have participated in any combat operations, though it has published videos purporting to show **training operations** and recently reported that it had apprehended alleged Wilayat Sinai militants and turned them over to security officials. The union is led by a member of the Tarabin tribe, Ibrahim Ergani. Ergani—who, as chairman of the Misr Sinai Development and Investment Company, has drawn ire for his business dealings with the government and alleged role in financing tribal militias—has had his Cairo home and other property specifically targeted by Wilayat Sinai. Ergani is a member of the Tara-



bin, Sinai's largest tribe, and by mid-2016 tensions between the Tarabin and Wilayat Sinai had **escalated significantly**. Tarabin began targeting Wilayat Sinai members in the wake of a tribesman's kidnapping and after the tribe **clashed** several times with the Islamic State affiliate throughout April and **May 2017**. Throughout 2016 and 2017, other tribal elements began **collaborating** with the military and **participating** in a series of special operations: Battalion 103 **emerged** in Sheikh Zuweid and is reported to have covertly executed special operations while providing security forces with intelligence. More recently, reports emerged in 2018 of the Egyptian government **equipping** tribespeople in central Sinai with direct counter-insurgency capacities. In addition to providing direct combat support, tribesmen collaborating with the military have provided intelligence and forward scouting.

However, the relationship between many of the tribespeople and the government has been strained by continued insecurity in the province and restrictive environment put in place there. In one instance, the Ministry of the Interior claimed to have killed 10 "militants," but local residents claimed six of the dead were youth who had been in police custody at the time of the attack they were accused of perpetrating. The incident prompted **nonviolent reprisal** from tribal communities, who carried out civil disobedience to demand a fair investigation into the killings. Shortly thereafter, a number of tribes, including the Ramailat, Sawarka, and Tarabin, **issued** a statement rejecting the calls for a strike and affirming their position standing by the military.

## LEGAL CONTEXT:

The 1979 Egypt-Israel Peace Treaty continues to have a significant impact on the rule of law in Sinai. The treaty mandated that Israel withdraw its armed forces and civilians from the Sinai Peninsula. Egypt then assumed control over the peninsula and its Bedouin population. Ever since, Egypt has struggled to integrate the peninsula's residents and their local customs into its own legal system. In the relative absence of state legal institutions, Bedouin legal traditions **inform** how justice is administered in Sinai.

In addition, the Egyptian government declared a state of emergency for the Sinai Peninsula. This imposed a curfew and placed restrictions on movement. The local state of emergency was replaced in 2017 by a nationwide variant, which was declared in the wake of the Palm Sunday bombings in Tanta.

Further, Egypt has numerous legal provisions which equip it to combat terrorism and which govern counter-terrorism operations, including terrorism law, the Terrorist Entities Law, and various penal code provisions.

## TREND ANALYSIS:

Although a media blackout throughout the North Sinai province makes it difficult to evaluate the Sinai tribes' participation in counter-terror operations directly, reports on tribes' collaboration with the military indicate the relationship is expanding in scope and area. While previously limited to the northeast part of the province, **reports** of a new group, the Abdel Salam group, operating in the center of the peninsula suggest that the military has been more directly arming and outsourcing its operations to the tribes.

Wilayat Sinai has also regularly reported having killed or captured Sahwa' tribe members. Casualties among those who collaborated with the Egyptian government began in earnest in 2016, following the announcement of Operation Martyr's Right, as Wilayat Sinai claimed 25 casualties related to tribal informants. The casualty counts fell slightly to 20 in 2017, even as the November 2017 mosque attack in Rawda, North Sinai, prompted the tribes to pledge a **more direct role** in fighting Wilayat Sinai. Through

September of this year, violence against the tribes is down to just six reported instances, in line with fewer reports of Wilayat Sinai activity overall.

## IMPLICATIONS:

While arming the Sinai tribes does allow counter-terrorism operations to gain valuable local intelligence and capitalize on local knowledge of terrain and fighters' movements, the Egyptian government cannot exert command and control over tribal militias as it would with conventional military units. Militias operating in the Sinai have also been linked to extrajudicial killings, with no subsequent efforts to

“A more robust and holistic counterinsurgency must include more effective and participatory development efforts.”

investigate or hold those responsible to account. These dynamics undermine rule of law in the province and underscore the imperative that Cairo's engagements with tribes include plans to disarm, demobilize, and reintegrate armed tribal elements if and when the conflict subsides.

Although some of the increased restrictions put in place in the province earlier in 2018 have eased, the overall approach to countering insurgency in North Sinai remains decidedly focused on kinetic activity, mostly via destructive air and ground campaigns that destroy property and agricultural land. The Egyptian government's attempts to develop the Sinai, both from **internal** and **external** sources, have ultimately fallen short, and often benefits are concentrated only in certain tribes or families. A more robust and holistic counterinsurgency must include more effective and participatory development efforts that provide equitable opportunities for North Sinai citizens and more concerted efforts to address the social and political marginalization of the Bedouin tribes.

### ➡ TIMEP COVERAGE:

- “Sinai Residents Stuck Between the State and an Insurgency” (TIMEP Commentary)
- Five Year's of Egypt's War on Terror (TIMEP Report)
- “Wilayat Sinai” (TIMEP Non-state Actor Profile)

'Sahwa, or “awakening,” is the term Wilayat Sinai uses to refer to tribe members who collaborate with the Egyptian military. The designation is borrowed from the term used for local Iraqi opposition to al-Qaeda in Iraq in 2006–2007.

# Right to Housing in Egypt



## SUMMARY:

The right to housing in Egypt has been marred by issues of access to adequate housing, with at least **40 percent** of housing in informal areas, as well as forced eviction, at the hands of both the government and other citizens. Reports of inadequate access to services in areas of relocation are made and most

often either ignored or repressed. Furthermore, civil society members and housing activists have endured reprisals for their efforts, most recently following engagement with the United Nations special rapporteur on the right to housing during her country mission to Egypt.

**AT LEAST 40% IN INFORMAL AREAS**

➔ Issues of access to adequate housing

## POLITICAL CONTEXT:

Evictions by the government have occurred both in the name of establishing security, as was the case with the displacement of **thousands of families** during the creation of a buffer zone on the border of Gaza, and in the name of economic development, as with displacements where the government has planned massive development and modernization projects. When relocation by the government has occurred in the wake of such projects, many families have suffered from a lack of appropriate **compensation** for dispossessed property and have not been provided **adequate access** to services in their new communities.

In June 2016, President Abdel-Fattah El Sisi opened the first and second stages of the **Tahya Masr** housing project, which is aimed at transferring the population in "areas of risk" in Greater Cairo to al-Asmarat neighborhood. In 2017, the government began attempting to clear one of these areas, al-Warraaq

island, of its inhabitants to promote new development initiatives and housing projects. Residents of the **island** contested the government's plans, which would **force** them from their homes and **cause** significant economic hardship. Sisi has **asserted** that the island is unauthorized for legal residency and forced evictions continue. After a June 2018 government decision to establish new development on the island, an ongoing legal battle **ensued** and residents have **continued** to mobilize.

“Many families have suffered from a lack of appropriate compensation for dispossessed property and have not been provided adequate access to services in their new communities.”

Prime Minister Mustafa Madbouli issued a decree in November 2018 designating “100 meters around both sides of the Rod al-Farag Bridge in the Warraq island area” and “areas located in the 30-meter range of the island’s perimeter will be expropriated to establish a corniche” for public use—a decision that will likely result in the demolition of homes and displace current residents in the area. Similarly, in the summer of 2018, residents of Cairo’s Maspero neighborhood (which had in 2013 been the site of participatory development plans generated through collaboration between local residents, nongovernmental organizations, government ministries, and urban development firms) were forced from their homes as part of a similar government redevelopment program. Homes and businesses in Maspero were razed and most residents were relocated to temporary housing in al-Asmarat.

The al-Asmarat construction works, which include about 11,000 housing units to be financed by the Tahya Masr fund, are carried out in cooperation between the fund, Cairo governorate, and the Armed Forces Engineering Authority (it is not uncommon for the armed forces to benefit from such develop-

“At times, authorities have used force to displace families or cut off services in an area to pressure its residents to move.”

ments and housing projects). Since the opening of the project, some 8,000 families have moved from the areas of Maspero, Manshiyet Nasser, Duweiq, Ezbet Khairallah, and Istibl Antar to al-Asmarat. Some of these relocations have been criticized for failing to provide housing appropriate for a larger family structure (many have been moved to

homes that can only accommodate a family of four) and for the means through which such relocation has taken place; at times, authorities have used force to displace families or cut off services in an area to pressure its residents to move. Additionally, because al-Asmarat is an isolated area, its new residents often lack proper access to nearby public schools, hospitals, shops, and transportation.

New housing projects, including those at Maspero and al-Warraq, fall under the authority of Egypt’s Ministry of Housing, and specifically the New Urban Communities Authority (NUCA). NUCA, which has a legal mandate to develop and sell land, has also been charged with developing Cairo’s New Administrative Capital, which is being financed with at least \$1.1 billion in Chinese capital. NUCA has many times come under investigation over corruption and mismanagement allegations, most recently after serious flooding in April 2018 revealed poor planning. A 2016 report on corruption from the country’s Central Auditing Organization report described NUCA as having mismanaged funds directly to its leaders benefit; the head of the auditing body, Hisham Geneina, was fired from his post soon after the report was issued and later sentenced to five years in prison, while the head of NUCA at the time, Mustafa Madbouli, was promoted to the position of housing minister and is now the country’s prime minister.

Additionally, the issue of housing in Egypt at times reflects sectarian and discriminatory elements. In 2017, at least 150 Coptic families fled their homes in Arish following the assassination of several Coptic citizens, and a large number of Coptic families have been forcibly evicted by Muslim families in Upper Egypt. Similarly, despite constitutional protections guaranteeing the right to return to ancestral homelands, Egypt’s minority Nubian population continues to be deprived of this right as well as their general right to housing, a result of measures such as Decree No. 444 of 2014, which classifies a number of Nubian villages as military zones and prohibits residents from remaining there. Nubian activists demanding their rights to return are currently facing charges in emergency courts.

## LEGAL CONTEXT:

Article 78 of the Egyptian Constitution guarantees “the right to decent, safe, and healthy housing, in a way that preserves human dignity and achieves social justice.” However, the same article additionally indicates that “the state shall also regulate the use of state lands and provide them with basic facilities, as part of a comprehensive urban planning framework for cities and villages and a population distribution strategy.” Article 35 governing the right to private property suggests that property may not be confiscated “except for the public good and with just compensation that is paid in advance as per the law.” Finally, Article 41 outlines the state’s responsibility with regard to housing to “[achieve] balance between population growth rates and the resources available, maximizing investment in human energy, and improving its features, within the framework of achieving sustainable development.”

Although the previous constitutional articles reveal what may be a tension between the state’s responsibility to protect citizens’ rights to housing and its responsibility to provide housing as part of a development strategy, the constitution is clear on the issue of forced migration: “all forms of arbitrary forced migration of citizens are forbidden. Violations of such are a crime without a statute of limitations.” Victims may file complaints to the Public Prosecution against the police in cases of forced evictions, based on Article 370(1) of the penal code regarding violations of “residency sanctity” or based on Article 129 regarding “the use of cruelty.” However, these complaints are rarely investigated because of difficulty identifying the actual perpetrator within the police force. Challenging the government’s decision to evict and demolish can be done in the administrative court system by filing a petition; however, favorable verdicts are rare and may take years to be issued, allowing the government extensive time to execute eviction and demolition plans in the interim.

Finally, and in addition to the aforementioned domestic provisions, per its international obligations in the *International Covenant on Economic, Social, and Cultural Rights*, *African Charter on Human and Peoples’ Rights*, and *interpretations of international law*, Egypt is also mandated to recognize the right of its people to an adequate standard of living, including the right to housing, and to take appropriate steps to ensure the realization of this right.

## TREND ANALYSIS:

While the right to housing has long been an issue of concern to Egyptians, the matter has become increasingly troubling, as the government has prioritized new developments over ensuring access to services and protection of rights for existing residents since new development plans were announced in 2015. While housing rights advocacy movements were spawned with great political development in 2011, these effectively could not continue after 2014, when members were arrested or new government officials refused meetings. These planned advocacy efforts have given way to spontaneous demonstrations (as at al-Warraq island in August 2017), often resulting in violence.

Reprisals against housing activists reached unprecedented levels following U.N. Special Rapporteur on the Right to Housing Leilani Farha’s country mission to Egypt in September and October 2018. Individuals who engaged with Farha on her visit faced **numerous** serious reprisals, including threats and harassment, arbitrary arrest, and home demolitions, which Farha publicly condemned in a December 2018 statement that also recommended that no future special rapporteur visit Egypt.

## IMPLICATIONS:

Through NUCA, the Egyptian government has positioned itself as a primary real estate developer, providing new housing financed by foreign investments. Even where they are framed as “modernization” projects, these developments have mostly come at the expense of the existing residents, who are often forcibly evicted with little protection offered. The economic implications of these dynamics have furthered a scheme that lends itself to corruption (particularly within NUCA), as well as inflated the market price of new housing units and may risk a housing bubble and thus economic instability. In the mean-

“Increasingly little recourse exists to seek redress through the law or public advocacy efforts.”

time, tens of thousands of Egyptians are left with inadequate access to housing, a basic right protected in the constitution and per Egypt’s international legal obligations, and which new urban centers have historically proven unfit to provide. Finally, increasingly little recourse exists to seek redress through the law

or public advocacy efforts, as the government has stifled corruption investigations, violently repressed protests demanding housing rights, and carried out reprisals against those who engage with independent monitors.

## ➔ TIMEP COVERAGE:

- “How Egypt Deals with Informal Areas” (TIMEP commentary)
- “The IMF’s Overly Optimistic Review of Egypt,” section on land allocation (TIMEP blog post)
- “From Community Participation to Forced Eviction in the Maspero Triangle” (TIMEP commentary)
- “Visions or Illusions? State Development Plans and Violence in al-Warraq” (TIMEP commentary)
- “Christians Flee North Sinai Violence” (TIMEP commentary)





ISSUE

# Grand Ethiopian Renaissance Dam

## SUMMARY:

The Grand Ethiopian Renaissance Dam, a 6,500-megawatt hydroelectric power plant being constructed in Ethiopia, has been a major point of contention between Egypt and its southern neighbors, as the completion of the dam poses serious threats to Egypt's dwindling water supply and food security. Built along the Blue Nile in Ethiopia, the megaproject is viewed by Egyptians as a major challenge to Egypt's historical claim to the Nile. Egypt's agriculture sector has declined significantly in recent months, as Egypt reduced the amount of arable land nationwide for water-intensive crops and faced a shortage of crop production. This decline can be attributed to water insecurity and relations between Egypt, Ethiopia, and Sudan remaining in a wavering position as the dam is built.

## POLITICAL CONTEXT:



Ethiopia began construction on the dam in 2011 in an endeavor to become the region's primary energy exporter. The uncertainty surrounding the megaproject, specifically **contention** over the timeline in which the dam will be filled, has become a focal point of relations between Egypt, Ethiopia, and Sudan. Former president Muhammad Morsi **asserted** with regard to the dam: "If our share of Nile water decreases, our blood will be the alternative." While relations between the three countries normalized over the past five years, negotiations hit a snag when Sudan **recalled** its ambassador from Cairo in January 2018 after Egypt's rhetoric soured as the dam construction continued, though the ambassador **returned** to Egypt two months later after tensions cooled. Despite normalizing relations, ongoing disputes regarding military alliances and Sudan's growing relationship with Qatar continue to **plague** relations between Egypt and Sudan. In April 2018, Ethiopia appointed a new prime minister, Abiy Ahmed, who has been touted as a reformer. Negotiations reached an important breakthrough in May 2018 with a tripartite agreement regarding the dam. Though other agreements had been signed previously, political officials in each country **hailed** the May 2018 deal as the most significant to date. Under the deal, each country **agrees** to meet every six months on a rotating basis in their respective capital cities to discuss recent developments with the dam. A tripartite fund for the purpose of development projects was also **established** and a scientific research group was **formed** to study the impact of the dam on water resources.

tating basis in their respective capital cities to discuss recent developments with the dam. A tripartite fund for the purpose of development projects was also **established** and a scientific research group was **formed** to study the impact of the dam on water resources.



“Egypt’s water insecurity coupled with the threat of a filled dam has led to additional crop imports, especially those that are water-intensive in production.”

Geopolitics aside, construction on the dam has stalled over the **apparent** suicide of the dam’s project manager, **strikes** by workers protesting insufficient wages, and the **replacement** of contracting companies because of delayed progress, which have all occurred as Abiy attempts to implement reforms. Although the date of completion remains unknown, Egypt’s classification as water-insecure raises additional political implications hampering the negotiations process. Political officials have **declared** a state of water insecurity, which environmental experts have **attributed** to climate change, outdated irrigation techniques, and overpopulation. Egypt’s water insecurity coupled with the threat of a filled dam has led to additional crop **imports**, especially those that are water-intensive in production. In a two-month stretch (August and September 2018), the General Authority for Supply and Commodities with the Ministry of Trade **announced** multiple **agree-**

**ments** with Russia and Ukraine to import over one million **tons** of wheat, **maintaining** Egypt’s status as one of the top importers of wheat worldwide. Similarly, private-sector companies in Egypt intend to **import** 38,000 tons of rice from China in response to new domestic growing regulations **reducing** the amount of arable land for rice cultivation by 25 percent.

## LEGAL CONTEXT:

The tension over the dam dates to the 1959 Nile Waters Agreement signed by Egypt and Sudan, which is based on the 1929 Anglo-Egyptian Treaty regarding the Nile. Under the 1959 agreement, Egypt is **granted** 55.5 billion cubic meters of water in the river as measured in Aswan, while Sudan is **granted** 18.5 billion cubic meters under the same conditions. Ethiopia, being excluded from the original agreement, has dismissed the pact in negotiations regarding the dam calling it outdated, while Sudan asserts that the agreement does not reflect its country’s current needs; meanwhile, Egypt has promoted the pact as its primary legal defense during discussions with the other two countries. Ethiopia, along with other Nile River basin countries, **signed** the Cooperative Framework Agreement in 2010 to establish formal governance over the river’s water distribution, but the agreement was **rejected** by both Egypt and Sudan as an attempt to reduce their respective water supplies. On a domestic level, Egypt safeguards the 1959 agreement through Article 44 of its constitution, which states, “The state commits to protecting the Nile River, maintaining Egypt’s historic rights thereto, rationalizing and maximizing its benefits, not wasting its water or polluting it. The state commits to protecting its mineral water, to adopting methods appropriate to achieve water safety, and to supporting scientific research in this field.”

## TREND ANALYSIS:

Sudan has increasingly aligned itself with Ethiopia to reap the economic benefits of the dam and increase its stake to the Nile. Though progress in the negotiations stalled following Sudan’s decision to recall its ambassador in January 2018, tripartite discussions regarding the dam have improved in recent months, primarily because of Ethiopia’s new prime minister. Abiy and Egyptian officials have cooperated beyond extents of his predecessor, and this increased coordination led to the countries agreeing to the May 2018 deal. Abiy’s status as a reformist and the May 2018 tripartite agreement shed a positive light for future negotiations.

## IMPLICATIONS:

The most prominent implications of the dam for Egypt pertain to Egypt's agricultural sector and international relations. Though the dam is not yet complete, Egypt's agriculture industry has already felt the effects of the megaproject coupled with its ongoing status as water-insecure: The government has **reduced** the amount of arable land for water-intensive crops by 25 percent and the country's wheat harvest **fell** 350,000 tons short of its expected yield in 2018. These agricultural trends are expected to worsen once the dam becomes operational, as some experts **predict** that up to 60 percent of arable land in Egypt will no longer be suitable for agriculture after the dam is filled. Coupled with Egypt's growing population and outdated irrigation methods that **create** overly salient water unfit for agricultural usage, the Grand Ethiopian Renaissance Dam may pose disastrous effects for the country's agriculture sector.

While the dam poses pressing concerns for Egypt on a geopolitical level, these risks are overblown compared to the domestic problems associated with Egypt's water insecurity. Under its current irrigation system, Egypt **loses** three billion cubic meters of water annually. Before attributing its water insecurity to Ethiopia to the dam, Egypt must address its outdated irrigation systems to yield more transparent negotiations between involved parties. However, the dam poses major economic implications for the region, as Ethiopia and Egypt both vie to become prominent regional exporters of energy resources, though Egypt has relied on nonrenewable resources such as natural gas compared to renewable hydroelectric power generated by the dam.

### ➡ TIMEP COVERAGE:

["Ethiopia's Dam and Egypt's Water Woes" \(TIMEP Commentary\).](#)

["Pulling Back the Curtain: Dynamics and Implications of Egypt's Elections Period – Phase III: Voting and Reactions" \(TIMEP Brief\).](#)

# Situation in Syria's Idlib Province



ISSUE



SYRIA

## SUMMARY:

Syria's northwestern Idlib province represents one of the last remaining territories where President Bashar al-Assad's regime has failed to regain control. Idlib has emerged as a hub for a variety of groups and institutions that include some of the country's most robust and independent secular civil society but also a militarily dominant jihadist presence. Roughly half of the three million current inhabitants of the Idlib province are internally displaced from other regions, while the remainder of the population consists of Idlib's original residents and armed groups. Idlib's civil society and governance structures are threatened by the potential resurgence of conflict, which has been kept tenuously at bay through a recently negotiated cease-fire, the deterioration of which may result in humanitarian disaster and give rise to a new wave of jihadist activity.

## POLITICAL CONTEXT:

Militarily, Idlib represents the opposition's stronghold in Syria since the jihadist-led Jaish al-Fatah coalition first **assumed control** over the territory in March 2015. Turkey remains a key backer of the opposition and has been tied to the National Liberation Front (NLF), a coalition of armed opposition groups that formed in May 2018, and **previously** the al-Qaeda-linked Hayat Tahrir al-Sham (HTS), which has about 10,000 members and is now in opposition to the NLF. Al-Qaeda loyalists Hurras al-Din also operate out of Idlib, with a force of about 2,000.



The presence of these groups have made Idlib a focal point for **Russian and Syrian** air strikes—and **civilian casualties**—ever since. In addition to deadly conventional bombardment, Idlib was the site of an April 2017 sarin attack and a February 2018 **chlorine attack**. Following the 2017 attack, fearing Western intervention, the Russian-led peace talks in Astana, Kazakhstan, began to gain more traction and the sixth round of the Astana talks in September 2017 **demarcated** Idlib as one of

four de-escalation zones. Although the de-escalation zones were originally intended to protect civilians, the Assad regime leveraged them to **concentrate** its forces in other parts of the country. In September 2018, Russian President Vladimir Putin and Turkish President Recep Tayyip Erdogan **agreed** to establish a demilitarized zone (DMZ) in the Idlib province and to abstain from military action in the area as of October 15, 2018, requiring groups to have ceded heavy weaponry by October 10, at which time the Iranians forward deployed some units in preparation to conduct offensive operations. To date, both the **Turkish** and **Russian** governments have been satisfied with adherence to the agreement, despite the regime's sporadic **shelling** of Idlib's eastern suburbs and the **maneuvering** of HTS in the province's south.



In terms of governance, **local governance structures** have emerged throughout Idlib province, enabling civil society practices and institutions to thrive while also providing **essential services**. The Idlib province's 156 local councils exist in a wide range of sizes and serve as an experiment in the type of participatory politics that were unavailable before the war, although there is great **variation** in their selection process. Some nominees are selected by larger or smaller councils or by consensus of local families and organizations through indirect elections, and sometimes seats are won through wealth, nepotism, and influence, rather than merit. Unfortunately, many of these councils are unable to raise revenue outside of international aid, meaning that council members often work on a volunteer basis and public services

“Local governance structures have emerged throughout Idlib province, enabling civil society practices and institutions to thrive while also providing essential services.”

are unsustainable. Furthermore, international actors are hesitant to provide funding to some of these local organizations that may be affiliated with militant groups. The **Service Administration Commission**, for example, was founded by a member of Ahrar al-Sham (now part of the NLF) to coordinate local councils and public services. Likewise, the Public Service Administration founded by Fatah al-Sham (now part of HTS) **manages** service provision or cooperates with local councils to strengthen

the group's position of influence and relationship with the populace. Bodies such as these are larger in size and scope than local governments, and some local councils are often unable or unwilling to decline the militants' resources and protection.

Although Idlib was once regarded as one of Syria's more traditional provinces socially, wartime conditions and a shrinking male population have empowered women with **increased opportunities** such as participation in civil defense, job training, and education. **Law** and **teachers'** organizations have withstood the war and, through lapses in fighting, **peaceful protests** take place on a weekly basis. Strengthening civil society has **enabled** Syrians to more actively oppose not only the regime but also the presence of HTS in their communities. These activities come with great **security risks**, as was recently highlighted by the assassination of activist Raed Fares and photojournalist Hamoud Juneid, who had reported facing threats from both the Syrian government and extremist groups.

## LEGAL CONTEXT:

According to the Charter of the United Nations, the U.N. Security Council can legally “authorize the use of force when there is a threat to international peace and security ....” Russia and China, however, have **hampered** the Security Council from taking any real action against the Assad regime; Russia has **vetoed** 12 separate resolutions on Syria, including resolutions on the use of force, the application of economic sanctions, and International Criminal Court referrals.

In the fall of 2013, Syria **acceded** to the Chemical Weapons Convention and declared its chemical weapons stockpile to the Organization for the Prohibition of Chemical Weapons. While the declared stockpile was announced to have been destroyed by January 2016, most international observers doubted that Syria's entire stockpile had been fully disclosed. The Syrian regime has continued to commit chemical weapons attacks in violation of the convention and international law.

From a legal perspective, Syria is currently **engaged** in a number of armed conflicts, during which provisions of international humanitarian and human rights law apply. Despite this, the U.N., citizen journalists and reporters, and rights organizations have documented a number of mass atrocities, war crimes, and crimes against humanity, including but not limited to the use of chemical weapons, indiscriminate air strikes, the targeting of civil centers and hospitals, forced displacement of civilians, and the torture of dissidents; the vast majority of violations have been committed by the **Assad regime** and its allies, though rebel groups have also been implicated.

## TREND ANALYSIS:

The standoff in Idlib marks the latest theater of the regime's offensive to retake Syria, and Assad himself has declared that establishing a DMZ is but a temporary measure before he reasserts control. An immediate breakdown in the DMZ resulting in conflict between Turkish proxies, jihadist actors, and regime forces will likely fail to be decisive, further escalating the conflict in the medium term. Whether or not the DMZ holds, looking farther out, eastern Syria will likely serve as the **next point of contention** as the regime sets its sights on the United States-backed Kurdish zone of control.

## IMPLICATIONS:

Groups that have **complied** with cession of heavy weaponry (which include the NLS and HTS) are placed at disadvantage militarily and position factions that **reject** the DMZ (possibly including the remnants of the Islamic State or Huras al-Din, among others) as the strongest opposition forces.

Changes in the security dynamics stand to be accompanied by disastrous humanitarian fallout. Mark Lowcock, head of the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), predicted that fighting in Idlib could displace up to another 800,000 people—many of whom have been displaced by earlier violence in the war—and **has** the potential to become “the biggest loss of life of the twenty-first century.” Additionally, and in the areas that the Assad regime has reclaimed elsewhere in Syria, the government has resorted to punitive measures, including forced conscription, detention and torture, and extrajudicial killings of those perceived to be even peaceful dissidents. Should Idlib fall, similar human rights abuses are expected to follow.

### ➔ TIMEP COVERAGE:

- “ISIS Is Poised to Make a Comeback in Syria” (external commentary by TIMEP Senior Fellow Hassan Hassan)
- “Mapping Attacks on Women and Children’s Healthcare in Syria” (report by Alessandria Masi, Tomás Pfeffer, and Ella Pfeffer as part of Syria Deeply partnership with TIMEP)
- “For Many Syrian Women, Healthcare is a Matter of Geography” (report by Florence Massena and Youmna al-Dimashqi as part of Syria Deeply partnership with TIMEP)

# U.S. Release of \$195 Million in Military Assistance to Egypt



POLICY



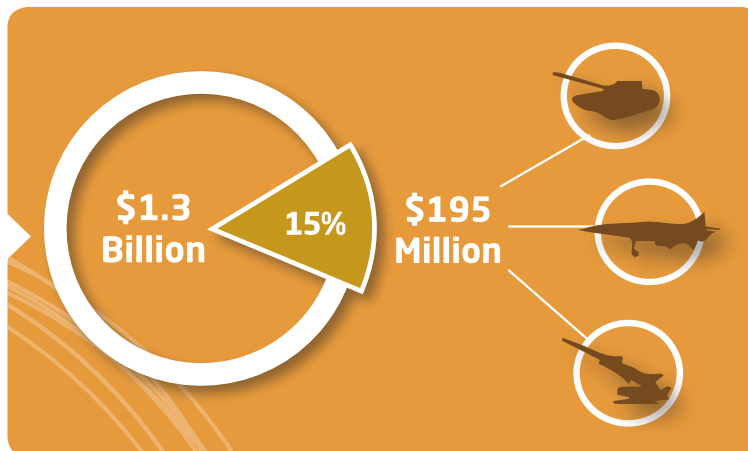
EGYPT

## ISSUE:

U.S. release of \$195 million in withheld military assistance to Egypt

## SUMMARY:

In August 2018, the United States Department of State released \$195 million in fiscal year 2016 military assistance to Egypt. The sum had been withheld in August 2017 on the basis of Egypt's law on nongovernmental organizations, relations with North Korea, and the unresolved 2012–13 NGO trial, with release of the funds contingent upon Egypt's progress on each.



**15 percent of the \$1.3 billion in military assistance allocated to Egypt in FY16**

## PROCESS:

The \$195 million corresponds with 15 percent of the \$1.3 billion in military assistance allocated to Egypt in FY16 that Congress automatically withheld pending the secretary of state's certification of Egypt's compliance with democracy and human rights conditions. According to the FY16 appropriations act, in the event that the secretary of state does not certify, he is permitted to exercise a national security waiver for the fund's release. Although the Trump administration exercised this waiver, it continued to hold the funds until August 2018 on the basis of its own conditions.

## IMPLICATION:

At the time of the release, Egypt had made little to no progress:

- Egypt has done little more than reduce the size of the North Korean embassy in Cairo.
- Despite assurances from the Egyptian government that the NGO law has yet to be implemented pending regulations, the law remains a threat to NGOs' ability to function.



- The 2012–13 NGO trial remains unresolved, with only 16 defendants receiving retrial on dubious terms, and the second phase of the case—opened in March 2016 and targeting local actors—continues to yield asset freezes, interrogations, and travel bans on an increasing number of local NGO workers and human rights defenders.

## ANALYSIS:

The release of the \$195 million in FY16 military assistance indicates a change from former secretary of state Rex Tillerson to the current secretary, Mike Pompeo. Under Tillerson, North Korea was a particularly hot-button issue, with the U.S. taking a staunch position against those countries maintaining bilateral relations with North Korea. This has since changed, with the U.S. and North Korea signing an agreement in June 2017. Egypt's NGO law was similarly a high priority for Tillerson, but democracy and human rights issues under Pompeo have also taken a back seat. Even if Pompeo had chosen to follow up on the NGO law, the U.S. remains bound by regional dynamics. Amid wars in Yemen and Syria and a widening rift in the Gulf, Egypt continues to pursue a noncommittal foreign policy, marked by the absence of loyalty to any one power—an asset within an increasingly destabilizing region.

“The release of the \$195 million in FY16 military assistance indicates a change from former secretary of state Rex Tillerson to the current secretary, Mike Pompeo”

The release also coincided with the presence of an Egyptian “white paper” military delegation of security and defense officials in Washington. The group’s primary aims were to secure the release of withheld military aid, address the severity of Egypt’s war on terror and showcase the government’s successes, and push for the reinstatement of aid policies ended

by the Obama administration, such as cash-flow financing, which allows the Egyptian military to buy equipment on credit.

The U.S. has released these funds in the wake of the Egyptian government’s escalating crackdown on human rights and civil society, as evidenced by a series of recent arrests targeting a wide range of secular civil society actors on charges of disrupting national security and having affiliation with terror groups. With the crackdown already intensifying prior to the funds’ release, it is unlikely that the U.S. will see much progress on the conditions that the former secretary set in August 2017, or effectively exercise leverage over the Egyptian government for its continued and increasingly repressive measures.



# Fiscal Year 2019 Appropriations to Egypt



POLICY

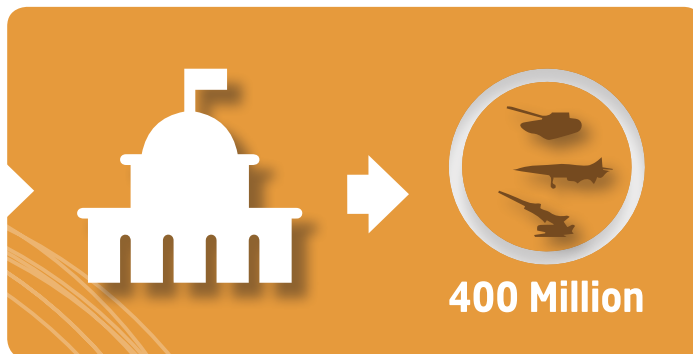


EGYPT

## SUMMARY:

In recent years, the United States Congress and the Senate in particular have, through a series of hearings, statements, and appropriations bills, raised their concerns over the effectiveness of U.S. assistance to Egypt, focusing on end-use monitoring and human rights vetting of U.S. equipment, the Egyptian government's intensifying crackdown on human rights and civil society, and scorched-earth counter-terror tactics, among other issues.

In August 2017, President Donald Trump's administration withheld and reprogrammed nearly \$300 million in foreign assistance to Egypt (including \$195 million in military assistance for fiscal year 2016 withheld on the basis of democracy and human rights conditions), citing Egypt-North Korea relations and human rights as the primary reason.



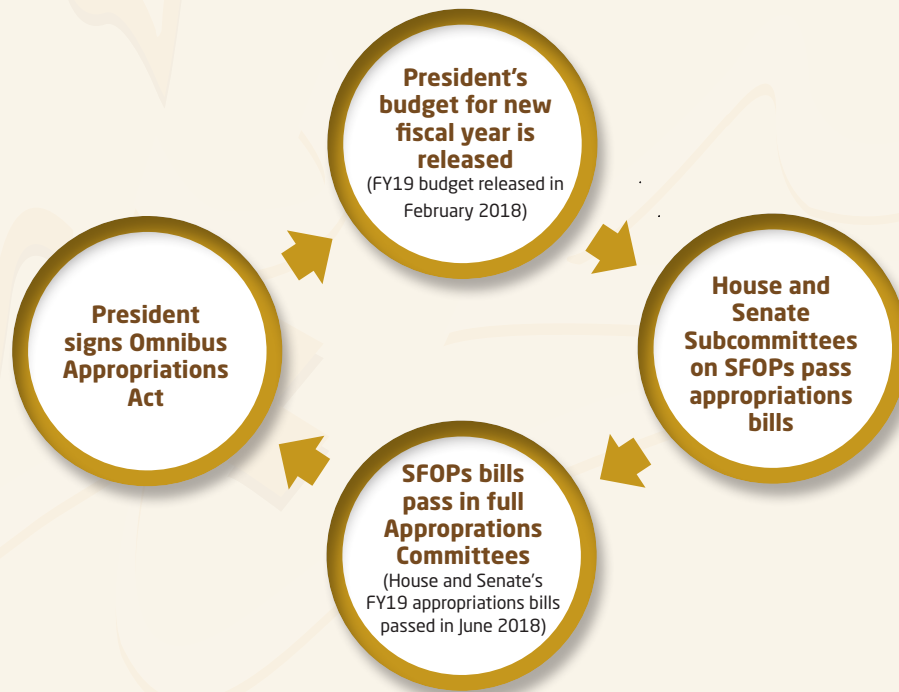
**The administration released \$400 million in military assistance**

By May 2018, Congress and the Trump administration appeared to be potentially on the same page, with Egypt at risk of its FY17 military assistance falling below \$1 billion for only the second time since 1983 because \$65.7 million of it was reprogrammed in August 2017 and another \$105 million was withheld by the Senate, as well as because of the possibility that Secretary of State Mike Pompeo decide withhold another \$195 million in conditional aid tied to democracy and human rights conditions. However, in August 2018 alone, the administration released nearly \$400 million in withheld military assistance (\$195 million in FY16 and \$195 million in FY17).

This indicates that the Trump administration is not making democracy and human rights issues a priority in its relations with Egypt, while the Senate is, thus far, continuing to take action pursuant to its concerns, yielding the significance of the FY19 appropriations process.

## PROCESS:

The figure (on the following page) details the appropriations process. At this point, the Senate and House appropriations bills have passed and will be reconciled as part of the Omnibus Appropriations Act.



## FY19 AID ALLOCATIONS AND CONDITIONS

At the time of the release, Egypt had made little to no progress:

- Egypt has done little more than reduce the size of the North Korean embassy in Cairo.
- Despite assurances from the Egyptian government that the NGO law has yet to be implemented pending regulations, the law remains a threat to NGOs' ability to function.
- The 2012–13 NGO trial remains unresolved, with only 16 defendants receiving retrial on dubious terms, and the second phase of the case—opened in March 2016 and targeting local actors—continues to yield asset freezes, interrogations, and travel bans on an increasing number of local NGO workers and human rights defenders.

## THE SENATE

Egypt's allocations, conditions, and reporting requirements in the Senate Appropriations bill:

- Allocations
  - \$75 million in ESF and \$1 billion in FMF
- Conditions
  - Congress withholds \$300 million in military assistance pending the secretary of state's certification that Egypt is taking steps to (1) release political prisoners and provide detainees with due process, (2) hold Egyptian security forces accountable for human rights violations, (3) investigate and prosecute extrajudicial killings and forced disappearances, (4) provide regular access for U.S. officials to monitor such assistance, and (5) comply with United Nations Security Council Resolution 2270 regarding North Korea.

- If the secretary determines it to be in the interest of national security to release these funds in spite of Egypt's noncompliance with these conditions, he or she may exercise a national security waiver for their release.
- Reporting Requirement
  - The secretary of state shall assess the efforts by the government of Egypt to provide fair compensation to U.S. citizen April Corley for injuries and losses sustained during an attack by Egyptian armed forces on her tour group on September 13, 2015.

## SENATE COMMITTEE REPORT

The **committee report** is a supplemental document to the bill which includes additional context and requirements.

- Requires the secretary of state to consult with committee on implementation of the April 2016 U.S. Government Accountability Office report recommendation on the need to strengthen end-use monitoring and human rights vetting of U.S. equipment.
- Supplements second FMF condition on political prisoners by directing the secretary of state to “consider” the cases of detained American citizen Mustafa Kassem, Ola al-Qaradawi, and her husband, Hosam Khalaf. Qaradawi’s father is Yusuf al-Qaradawi, an Egyptian citizen on the Egyptian government’s terrorist list who lives in exile in Qatar.

## THE HOUSE

Egypt’s allocations, conditions, and reporting requirements in the House Appropriations **bill**:

- Allocations
  - \$150 million in ESF and \$1.3 billion in FMF
- Conditions
  - The House has made zero percent of Egypt’s military assistance conditional, instead noting many of the conditions the Senate has set, within a reporting requirement in its committee report.

## HOUSE COMMITTEE REPORT

The **committee report** is a supplemental document to the bill which includes additional context and requirements

- The secretary of state is “directed” to issue a report to the subcommittee on the Egyptian government’s efforts to address many of the Senate’s democracy and human rights conditions on military aid, including North Korea relations, security forces being held accountable, and the dismissal of “unfounded charges and convictions in democracy-related cases,” among others.
- The subcommittee’s report also notes the incident in which the Egyptian army attacked the tour group in 2015 and in which Corley was injured; without mention of her name, the report urges the secretary of state to “press” Egypt to resolve the “claims arising from” the incident.
- The report also notes that funds for Egypt that have been withheld and “directs” the secretary of state to update the committee regularly on what is required for the funds’ release.

## TREND ANALYSIS

### Points of Contention

In recent years, an increasing number of voices in Congress have raised concerns over the effectiveness of U.S. aid to Egypt. Specific issues of concern (particularly in the Senate) include but are not limited to:

- End-use monitoring and human rights vetting of U.S. equipment
- The Egyptian government's crackdown on civil society and human rights
- Counter-terror practices that entail human rights violations
- Government's resistance to working with implementing partners of ESF programs

## CHANGES

In late 2017 and early 2018, it appeared that both the administration and the Senate were taking action pursuant to these concerns.

- In August 2017, the Trump administration **withheld** \$195 million in FY16 military assistance and reprogrammed an additional \$65.7 million in FY17 military aid on the basis of human rights issues, and Egypt's relations to North Korea may have given the Senate cause to take bolder steps pursuant to its concerns.
- The Senate's FY18 bill raised democracy and human rights conditions from 15 percent to 25 percent, and dropped the FMF allocation to \$1 billion.
- The FY18 Omnibus raised conditions on military aid to \$300 million, or 23 percent.

But although the Senate continued along this trajectory in 2018, the Trump administration reversed its course.

- In May 2018, it was reported that Senator Patrick Leahy, vice-chair of the Senate Appropriations Committee, held up \$105 million in FY17 military aid.
- As noted, the Senate's FY19 raise FMF conditions to 30 percent and explicitly mention end-use monitoring and the case of Corley.
- In a span of one month, the Trump administration moved not only to release the \$195 million in withheld FY16 aid (in spite of Egypt's failure to meet any of the requirements it set), but to exercise the national security waiver necessary for the **release** of \$195 million in FY17 military assistance given Egypt's failure to meet democracy and human rights conditions.

### ➡ TIMEP COVERAGE:

- [TIMEP Brief: U.S. Release of \\$195 Million in Military Assistance to Egypt](#)
- [TIMEP Special Briefing: Developments in U.S.-Egypt Aid Relationship](#)