EGYPT

Human Rights Developments

Egypt has been governed under emergency or exceptional law for most of the past 50 years and continuously since President Anwar Sadat's assassination in October 1981. In May 1991, emergency law was extended for three more years. One legacy of long-term exceptional law has been the institutionalization of the power of security forces to arrest and detain arbitrarily. Coupled with the longstanding practice of incommunicado detention, this situation has given rise to the systematic use of torture by security forces, often against blindfolded political suspects. The continued use of torture, including but not limited to electric shocks, and the refusal of the government of President Hosni Mubarak to acknowledge the problem, makes a mockery of the government's 1992 vow to the U.N. Human Rights Committee that "Egypt has been among the most active members of the international community diligently seeking to promote the principles of human rights and ensure that they are enjoyed by all the peoples of the world."

Nineteen ninety-two was the most violent year in Egypt since the 1981 assassination of President Anwar Sadat. Armed underground groups seeking to establish an Islamic state, most notably *al-Jama`a al-Islamiya* (the Islamic Group), have attacked tourists, killed policemen and security officials, gunned down Coptic Christians and, in June, assassinated a controversial Muslim writer who advocated secularism. The killings of 13 Christians in May in a village in Upper Egypt was the first sectarian massacre in Egypt since the turn of the century, according to the Cairo-based Egyptian Organization for Human Rights (eohr).

A September 1992 eohr report noted that since 1990 victims felled by radical Islamist groups' violence, including policemen and security officials, had increased dramatically. Between December 1991 and June 1992, 27 people were shot or stabbed to death by members of extremist groups. Of this total, 24 were killed by the Islamic Group, including 18 Christians.

In the same report, eohr noted that Egyptian security forces also use excessive force, and possibly summary executions, in confrontations with armed radical Islamists or suspected Islamists whom they seek to apprehend. In the early morning hours of December 25, 1991, three suspected members of the Islamic Group-Taha Lutfi al-Junaidi, Azz-al-Din al-Ashqar and Eid al-Shabrawi-were killed by security forces in a small apartment in Bassarta village, near Domyat on the Mediterranean coast. Prosecutors who investigated found that two of the men had been shot in the back, and the third was shot in the back and the front. Some considered the killings retaliation for the attempted assassination on December 19 of a security forces' officer by the

Islamic Group.

The government's response to the upsurge in violence by Islamist groups was a huge deployment of security forces in areas of the country that are their strongholds, massive search and arrest operations, controversial new "anti-terrorism" legislation enacted in July, and a wave of human rights abuses affecting not only suspected Islamists but also ordinary citizens. eohr reported that from the last week of June through September, in the Dayrut area of Upper Egypt, "houses are being searched without a warrant from theprosecution, the doors and furniture of houses are being smashed, and their residents occasionally beaten."

Torture is systematically used during the interrogation of political suspects while they are held incommunicado in the custody of State Security Investigation (SSI), the Ministry of Interior's elite internal-security unit. Abuse occurred in SSI offices and, in the Assyut area of Upper Egypt, in military camps of the Central Security Forces. The overwhelming majority of victims in 1992 were alleged members or supporters of Islamist groups, and those believed to have information about the whereabouts of militants in hiding. Contrary to extensive, reliable evidence, the government continued to deny flatly that torture takes place on a systematic basis or that SSI holds detainees incommunicado.

The Interior Ministry also uses its broad powers under the emergency law to hold political suspects, mostly Islamists, in long-term detention without charge or trial, despite court-ordered releases. Some of these detainees have been held continuously since 1990, although courts have repeatedly overturned the Interior Ministry's detention orders. Among those detained are Palestinians at Abu Za`bal Liman prison, including residents of the Israeli-occupied territories who entered Egypt seeking asylum because their names were on Israeli security forces' "wanted" lists and they feared being killed in the course of their arrest (see chapter on Israeli-occupied West Bank and Gaza).

New "anti-terrorism" legislation enacted in July includes provisions that will only exacerbate these problems. It provides for incommunicado detention for up to 11 days without access to a lawyer or judicial supervision, and preventive detention for up to six months without any judicial review. Egyptian human rights advocates believe, and Middle East Watch concurs, that both measures legalize the continued use of past abusive practices. Human rights violations committed by the state are often cited by Islamist radicals in an attempt-however unjustified under domestic and international law-to defend their own violent activities and to garner public support. In June, the alleged commander of the military wing of the underground *Jihad* organization, Safwat Abdel Ghani, was asked by a reporter with the weekly *al-Ahali* whether he had threatened to assassinate President Mubarak, other senior government officials and Egyptian writers. He replied: "Yes. Because they torture and humiliate us in prison and the interior minister liquidates our organization's members. The ruler's violence is being reciprocated by `fiercer

violence' on our part." In an interview the following month, a leader of the Islamic Group in Assyut said: "Terrorism is practiced by the state. It kills, incarcerates, raids mosques, and denies us jobs. What we are doing is reacting to the state's terrorism. Violence only breeds violence." Following an attack on a tourist bus near Assyut on October 21 in which a British woman was killed, an Islamic Group spokesman told a Cairo news agency that the organization claimed responsibility, noting: "These disturbances will not stop unless the regime stops repeated detentions, frees all detainees immediately, stops torture and allows the call to God to resume."

Middle East Watch condemns this violence by Islamic groups. Even in the situation of armed conflict, international humanitarian law makes clear that violations by one side cannot justify abuses by another. No lesser standard should apply in the situation of internal strife in Egypt. However, that radical Islamic groups are able to cite government abuses to provide a rhetorical veneer of legitimacy to their own violent attacks underscores the counterproductive nature of the government's response. Official efforts to restore the rule of law by systematically flouting it are bound to fail.

In an interview in May 1992, Egypt's Interior Minister, General Abdel Halim Moussa, declared: "We are a democratic state that believes in dialogue, opinion, and debate." Despite his affirmation, the government has curbed freedom of expression and association and reinforced both political and religious intolerance, often with deadly results.

Actions by various Egyptian government authorities have had the effect of legitimizing such intolerance by singling out secularists-particularly writers-for punitive action, restricting their activities, and making them easy targets for propagandistic and physical attack. A week before the June assassination of Dr. Faraj Fouda-the outspoken Muslim writer who championedsecularism and wrote scathing attacks against Islamist radicals-a seminar of Islamic scholars from Cairo's prestigious al-Azhar issued a statement describing him as the follower of a non-religious trend at odds with Islam. Al-Azhar is a 1,000-year-old religious, educational and research institution that is regulated and subsidized by the government. After Fouda was gunned down by assassins in Cairo on June 8, the Islamic Group claimed responsibility. Its militants shamelessly defended the killing with references to the Azhar scholars' statement about Fouda. An Islamic Group leader in Assyut stated in a July interview with the Beirut newspaper *al-Safir* that the group was committed to "popular Islamic revolution." He readily admitted that the organization used violence and was "responsible for the assassination of a number of policemen and state officials, foremost of whom was former People's Assembly speaker Rif'at al-Mahjoub," who was assassinated in October 1990. Justifying Fouda's murder, he said: "He was killed in accordance with the *shari`a* ruling against apostates. A group of Muslim *ulema* [scholars], including al-Azhar mosque scholars, ruled that he reneged on Islam....Killing Faraj Fouda was our Islamic duty."

This was the first time that an Egyptian writer had been killed

by Islamist militants, and the incident sent shock waves through Egypt's intellectual community, some prominent members of which were put under around-the-clock armed guard by the Ministry of Interior. The assassination also had a chilling effect on public discourse, as some intellectuals avoided opportunities to discuss the Islamist challenge to secular society.

Through its Islamic Research Academy (ira), which has the legal right to review copies of the Holy Quran for the purpose of conformity to the authentic historic text, al-Azhar has acted against books not to its liking. On January 7, at the Cairo International Book Fair, a self-appointed committee from the ira confiscated five books by Judge Said al-Ashmawi, a prominent Islamic scholar and writer. Four days later, the committee confiscated two additional books by other authors. All seven books had been previously published in Egypt, and some of them had been reprinted several times.

The Arab Women's Solidarity Association (awsa), headed by writer and women's rights advocate Dr. Nawal el-Saadawi and legally registered with the government in 1985, was ordered dissolved in a decree dated June 15, 1991. In May 1992, Egypt's State Council Court upheld the order, ruling in part that awsa's activities "threatened the peace and political and social order of the state by spreading ideas and beliefs offensive to the rule of Islamic *shari`a* and the religion of Islam, a matter which forms a substantial violation of the law." El-Saadawi was one of the Egyptian intellectuals placed under armed guard by the government in the wake of the Fouda assassination.

Like el-Saadawi, novelist Alaa Hamed is under armed guard at his Cairo home to protect him against possible attack by Islamist extremists. In December 1991, Hamed was sentenced to an eight-year prison term by a state security court because his novel, *A Distance in a Man's Mind*, was found to have threatened "national unity" and "social peace" through the dissemination of "extremist ideas," including heresy and contempt of religion. Muhammed Madbouli, the publisher of the book, and Fathi Fadl, it printer, were similarly sentenced. All three men are awaiting ratification of the court's sentence by Egypt's prime minister.

Communal strife in 1992 often had a cyclical character, as abuse by one side triggered retaliatory abuse by the other. On June 19, in the town of Sanabu-located near Dayrut in Upper Egypt-two Islamists were killed in a shoot-out with the police. According to Agence France-Presse, the incident began when police "opened fire to disperse around 200 fundamentalists in Sanabu village...after the crowd tried to attack houses and shops belonging to Coptic Christians." The next day, the Islamists responded with four separate attacks that left four Christians and three policemen dead.

But there was also evidence to suggest that Islamists' violence against Christians was ignored by some local authorities. This passivity increased the sense of vulnerability and fear among Egypt's six to eight million-strong Christian minority. The events leading up to the May 4 massacre in the village of Manshiet Nasser, near Dayrut in Upper Egypt, are illustrative. As

one villager told *The New York Times* after the massacre: "People are terrified. The Muslim militants do what they want in our villages and the Government doesnothing to stop them."

An investigation by eohr prior to the massacre documented a reign of terror in Manshiet Nasser carried out by The Islamic Group. All commercial transactions by Christians, including the sale of property, had to be approved by the organization, and Christians were forced to pay a tax (*jizia*) to the Group for each transaction. Christian residents were prohibited from public celebration of religious rituals and social events, such as weddings. They also were forbidden to play religious tapes in their homes if the sound carried outdoors. Repairs to the village church were not allowed to continue, and workers were attacked. Edicts of the Islamic Group were backed up by force; those who did not comply were punished with the breaking of their two legs and right arm.

A member of the Islamic Group was killed on March 9 in a dispute that reportedly escalated into exchanges of gunfire after a Christian farmer, who had refused to sell land to a member of the organization, was attacked with chains and clubs. Following the incident, which also took the lives of one Christian and a Muslim bystander, The Islamic Group named four Christians it would kill to avenge its member's death. The first person on the list, Badr Abdallah Massoud, was shot dead on April 14. The group also ordered that all Christian men in the village remain in their homes. The Christian residents appealed to the authorities for help in lifting this edict, sending telegrams and letters to the Interior Minister and the provincial governor as well as to local officials in nearby cities. eohr wrote three times to the authorities about the situation; a letter hand-delivered to the Ministry of the Interior on April 18 noted "the laxity of the local security bodies in performing their duty to protect citizens and forestall the possible eruption of new waves of sectarian violence." Nothing was done.

On the morning of May 4, members of the Islamic Group killed 12 Christians: ten farmers in their fields, a teacher in his classroom, and a doctor at his home. A Christian child injured by gunfire in the fields died the next day. One Muslim was also killed by a stray bullet.

The Egyptian authorities are accountable for their apparent lack of readiness to uphold the rule of law in an even-handed fashion to protect the lives of a beleaguered minority. But Interior Minister Moussa downplayed the massacre and ignored its context, including the security authorities' own complicity in permitting a pattern of illegal, often-violent actions to go unchecked. In an interview with *al-Musawwar* published on May 22, the Interior Minister described the events as "nothing more than a feud over a house between two families (one Muslim, the other Christian) that was exploited by known extremist elements belonging to the family that initiated the incident. Some extremist elements from one of the families tried to give the feud a sectarian dimension." Islamist militants characterized the rampage similarly. "We are not killing Christians," one Islamic Group leader told *al-Safir*.

"Some Christians were killed by the public in vendetta actions, something that is a common practice in Upper Egypt."

The Right to Monitor

The Mubarak government's record toward local and international human rights groups was mixed in 1992. The independent eohr is permitted to operate freely from its Cairo office, but the group lacks official legal status because its request for registration with the Ministry of Social Affairs has been denied. This pretext is used effectively to bar eohr from developing a working relationship with the authorities, despite the organization's high profile with foreign diplomats and the international human rights community. eohr's numerous written complaints about specific human rights problems sent to Egyptian government officials are routinely ignored. Only in extremely rare cases has the Ministry of Interior or the Prosecutor General's office acknowledged an eohr letter.

The government does not interfere with the work of international human rights organizations who conduct fact-finding in Egypt, and high-ranking officials have met with these organizations' representatives. But, as in the case of eohr, Middle East Watch's letters to senior government officials about specific human rights cases are consistently ignored. In 1991, and again in 1992, Middle East Watch never received a reply to a letter concerning anindividual case.

In an important breakthrough, in February 1992 the government invited Middle East Watch to inspect Egyptian prisons of its choice, pursuant to a request first made in 1990. It provided full cooperation in facilitating visits to six prisons that month. However, local human rights monitors continue to be denied permission to inspect prisons. Middle East Watch's request to include Egyptian lawyers and human rights advocates in its prison visits was refused by the authorities.

U.S. Policy

The poor human rights record of Egypt, the closest U.S. regional ally after Israel, has persistently escaped close scrutiny by administration policymakers and members of Congress, despite the $2.26 billion in assistance annually given by the U.S. government and the December 1990 cancellation of $6.7 billion of Egypt's military debt. In remarks on June 24 before the House Subcommittee on Europe and the Middle East, Assistant Secretary of State for Near Eastern and South Asian Affairs Edward Djerejian hailed the Mubarak government's "active role in the [Middle East] peace process" and its "vigorous and healthy" bilateral relationship with the United States, but made no mention of human rights abuses in Egypt. Continued public silence by senior administration officials is increasingly indefensible, particularly given the State Department's own frank and largely negative assessment of human rights practices in Egypt in its *Country Reports on Human Rights Practices in 1991*, issued in January 1992.

The Bush Administration's fiscal year 1993 request for aid to

Egypt is at the same level as its fiscal year 1992 assistance: $1.3 billion from the Foreign Military Financing program; $1.8 million in International Military Education and Training program funds; $815 million in Economic Support Funds; and $150 million in food assistance. As in past years, no strings are attached to Egypt's receipt of security assistance, despite a proven pattern of torture and long-term detention without charge or trial: two gross human-rights violations that under U.S. law should trigger either a cutoff of aid or an explanation of the "extraordinary circumstances" that warrant its continuation.

The Work of Middle East Watch

In 1992, Middle East Watch's work on Egypt focused on the investigation of torture and long-term detention without charge or trial; prison conditions; and restrictions on freedom of association. In January and February, a Middle East Watch delegation visited Egypt to investigate torture and detention without charge, traveling to six cities around the country. Senior government officials-the Interior Minister, the Prosecutor General and the director of the Prisons Administration-met with members of the delegation in February. A 219-page report on the mission's findings, *Behind Closed Doors: Torture and Detention in Egypt*, was publicly released at a press conference in Cairo in July. The report provided detailed documentation of torture and long-term detention without charge, and identified systematic deficiencies in the authorities' investigation of torture complaints. It also provided specific recommendations for addressing the problem of torture, and for establishing mechanisms and procedures to ensure accountability in cases of abuse. The report received extensive press coverage.

In contrast to the cooperation received earlier, no senior official was available to meet with Middle East Watch representatives in Cairo to discuss the report's conclusions and recommendations. However, the delegation did meet with U.S. Ambassador Robert Pelletreau as well as diplomatic representatives from the European Community.

While the February mission was in progress, Egyptian government officials informed Middle East Watch that its representatives could visit any prison they wished. The delegation accepted the invitation and inspected six prisons that then housed over 27 percent of Egypt's prison population; these included two maximum-security prisons and two prisons that held 1,100 of the country's 1,441 women prisoners. A separate report on prison conditions in Egypt will be published in January 1993.

Middle East Watch also continued to monitor developments in an importantcase involving freedom of association in Egypt: the government's closure in 1991 of awsa, described above. Middle East Watch issued two newsletters about developments in the case, one in December 1991 and the other in June 1992, and joined with the Women's Rights Project of Human Rights Watch to publicize awsa's plight widely.

In September, Middle East Watch testified about human rights abuses in Egypt before the House Foreign Affairs Subcommittee on

Europe and the Middle East and the Subcommittee on International Organizations.