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Against Terror, No Way Forward Without Respect for Human Rights

*Presentation given by Bahey eldin Hassan, Director of CIHRS
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Last week the student union at Ain Shams University's School of Engineering issued a statement announcing their resignation in protest at the killing of Islam Atito, one of their peers, by security forces. The Interior Ministry had just claimed Islam was suspected of having killed Colonel Wael Tahoun in April 2015, and had been hiding in the desert of a Cairo suburb; he had allegedly opened fire at security forces who had killed him in the resulting shoot-out. Yet eyewitnesses put Islam on the University campus, taking his final exams, when a school official and an unknown man entered the room and took his ID. The unknown man later accompanied him off the campus and they disappeared. The witnesses and Union members had no further news of Islam till the Interior Ministry statement came out the next day announcing his death.

This incident is very telling of how Egypt has become a republic of fear, in the total absence of a regime of checks and balances. The judiciary system has been politicized and dominated by security bodies; constitutional guarantees have been frozen and systematically undermined both by the executive and judiciary; and parliamentary elections have been postponed several times to an unspecified date.

King Abdullah II of Jordan recently told CNN that *"the Syrian regime was hitting everybody else, but not ISIS. ...They needed to get somebody out there that's worse."* The King failed to note the similarity with other Arab governments' approaches, including Egypt: striking at peaceful political opponents of any orientation who might win support. Terror attacks are exploited in order to secure the people's compliance, and the international community's silence on human

rights violations by Egyptian authorities; and to decree draconian legislation to facilitate the targeting of peaceful political dissent, be it liberal or Islamic.

The excessive security tactics used against peaceful engagement by Egyptian citizens have produced a political environment in which violence flourishes, a vacuum quickly filled with the voices of extremists. The narrative on the street quickly escalates due to the silencing of rational influences from those who seek peaceful means of expression but face arrest, harassment, and killing. The murder of human rights defender Shaimaa al-Sabbagh, shot by security forces as she attempted to lay flowers for the Revolution's martyrs in Tahrir Square, is a clear example of the killing of peaceful protestors in cold blood. Hundreds more have faced a similar fate, yet none have been sentenced for these crimes, including the death in August 2013 of 37 prisoners trapped in the back of a police van for six hours in hot weather and allegedly gassed to death.

Additionally, no senior officers have been convicted for the consistent use of unjustifiable lethal force and violation of citizens' right to life. Large-scale torture, abuse, neglect and collective punishment occur routinely in prisons and security facilities, resulting in an increasing number of deaths.

We fear that radicalization and the movement toward chaos could be swifter than expected. The existence of extremist and terrorist groups in the region and in Egypt is used by the government as an excuse for harsh policies. But already being present, they could also feed off violent State repression to expand, gaining space, sympathizers and new subgroups franchised to them.

The right to a free and fair trial has been trampled upon by the repeated issuing of shocking collective life sentences and mass death sentences, following trials violating a number of defendants' basic rights, labelled "a mockery of justice" in an official statement by UNHRC experts in 2014.¹ In spite of grave legal irregularities, such verdicts can lead to executions. Long jail terms have been handed down to secular and Islamic democracy activists and human rights defenders after unjustifiably prolonged detention, in ostensibly politically-motivated trials. In 2014, President Sisi decreed the expansion of military courts' jurisdiction; hundreds of civilians have since been referred to them.

The legislation recently enacted against "terrorist entities" adds another instrument to Egypt's legal arsenal, through expansive language allowing individuals, including human rights defenders, to be treated as suspected terrorists even if they belong to no organization and have committed no acts of violence. This adds to the erosion of guarantees afforded citizens by Egypt's Constitution and

¹ OHCHR, "Egypt: Mass death sentences – a mockery of justice" (statement by 8 experts following death sentence given to 529 defendants), 31 March 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14457&LangID=E>

international legal commitments. At the same time, the acute lack of impartiality and independence of the Egyptian judiciary, indicate its apparent failure as an institution. The rule of law in Egypt is becoming an ever-more-distant prospect. On April 28th, 2015 the Supreme Administrative court issued a ruling criminalizing strikes and penalizing striking public workers by forcing them into retirement, in contradiction with the Constitution but according to this Court's interpretation of Shari'a law.

Since July 2013, there has been an improvement in the official rhetoric on women and Coptic rights, however, nothing has been improved in reality. Freedoms of assembly and association have distinctly been rolled back. Rights NGOs' and human rights defenders' activities have been further curtailed, as the range of harassment measures to target them has broadened, from politically-motivated investigations for foreign funding, travel bans and defamation campaigns in the media, to threats against their lives, but also their homes, workplaces and ability to travel. In fact, since July 3rd 2013 several human rights defenders have been sentenced to prison and one was killed, which is unprecedented since the birth of the Egyptian rights movement thirty years ago. The right to peaceful protest has essentially been banned by a very restrictive new law, and pressure has been escalated on political opposition and critical mainstream media: the public sphere is in the process of being silenced. Since July 3rd 2013, all major secular young leaders of the January 2011 revolution have been sentenced to jail terms ranging from five years to life. Several prominent liberal media pundits and columnists have had to elect to either stay home or leave the country, as have some artists and human rights defenders. The appeal of acting underground and/or from abroad is gaining ground day by day among liberal activists.

Egypt is also moving further away from democratization. As parliamentary elections are repeatedly postponed, an environment of fear is being created, discouraging independent citizens from running for office. Minimum guarantees for holding free and fair elections at any date are absent.² Even trade union elections have been postponed indefinitely. There are no political counterweights to the executive and little means available inside the country to assert the principle of accountability.

As for economic recovery, no evidence has appeared to justify the claim that it will be enough to ensure political stability in post-2011 Egypt, no more than fighting terrorism through massive repression and rights violations can stabilize the country. The idea of a harsh but stable Egypt in the future, a stern and illiberal but strong State, firmly in control of its territory and acting as the keystone of a secure regional environment, is a myth. The Arab Spring is not behind the spread

² ...as noted by several international election monitoring organizations who declared it would be a waste of time and resources to observe Egyptian legislative elections.

of chaos and terror in this region, it is the absence of developed and professional State institutions, which were destroyed under decades of authoritarian regimes in Iraq, Syria, Libya, Yemen and Egypt.

There is no choice on the table between countering violent extremism and respecting basic rights. The choice—both before and after the Arab spring—is between seeking short-term stability or durable stability. There will be no end in sight, and certainly no victory in the fight against terror in this region, including Egypt, without addressing its root causes, including the extreme religious discourse disseminated by both governmental religious institutions and non-State actors.

Since January 2011, the EU has said several times that it would not turn a blind eye any more on massive human rights violations, and it would stick to European values. I am wondering how much weight those values have in guiding EU policy today. I very much appreciate several EU Parliament statements denouncing these violations, but these statements have no impact on the reality of EU bodies' day-to-day actions.