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Research Report

Political prisoners in Sisi's Egypt: Arbitrary detention as an obstacle to German stabilisation efforts

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SWP Comment

NO. 49 SEPTEMBER 2021

Political Prisoners in Sisi's Egypt

Arbitrary Detention as an Obstacle to German Stabilisation Efforts

Patricia Jannack and Stephan Roll

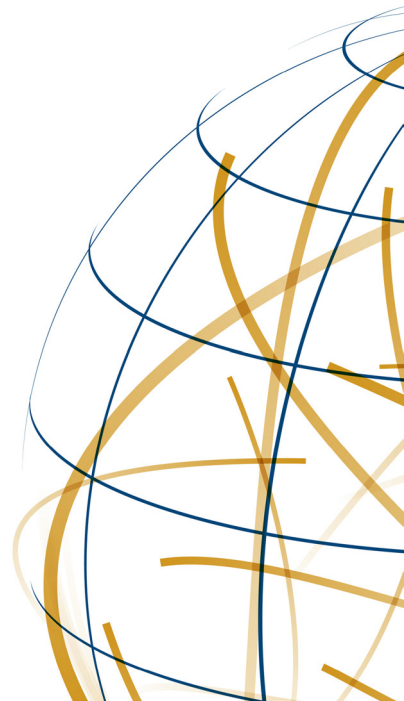
Thousands have been imprisoned for their political and ideological views in Egypt since the 2013 military takeover and Abdel-Fatah al-Sisi's subsequent rise to the presidency. This policy has dramatic humanitarian consequences, but also increasingly promotes radicalisation, strengthens rejection of state institutions, and hinders development of the country's civil society and economy. It also undermines Germany's efforts to use financial aid and development cooperation to stabilise Egypt, the Mediterranean's most populous country. The German government should therefore increase its pressure on Egypt's leaders and call for far-reaching amnesty. In doing so, it is important to emphasise the personal responsibility of the president and to tie future loans and debt rescheduling to concrete steps that end arbitrary detentions.

In recent months, isolated releases of political prisoners have been witnessed in Egypt. Most recently, six prominent activists and journalists were released in July 2021 and three others at the end of August. Still, considering new arrests and the continuation of politically motivated trials, it seems premature to expect an end to the policy of arbitrary imprisonment of dissidents. Moreover, individual releases are only a drop in the bucket when compared to the number of political prisoners. Human rights organisations report that up to 65,000 people have been detained for political reasons since 2013. Most are charged with supporting terrorist activities and spreading false news — arbitrary accusations that are used to justify pre-trial detentions, in some cases for several years. Prisoners are held in the country's detention centres under inhu-

mane conditions, which have worsened in recent months due to the Coronavirus pandemic. Nonetheless, the policy of arbitrary detention is not only a problem from the humanitarian point of view.

Radicalisation and Rejection of State Institutions

Reports show that Egypt's completely overcrowded prisons serve as a recruiting ground for militant groups on the Islamist-jihadist spectrum. Prisoners often have to share their cells with supporters of the so-called Islamic State (IS) and members of other militant Islamist groups. It is easy for such groups to promote their radical ideology in this environment, and the government apparently sees them as less of a threat



than the moderate Islamist Muslim Brotherhood, against which it battles uncompromisingly. Many of the leading cadres of the Brotherhood were sentenced to death in mass trials that did not adhere to rule-of-law standards; they are now awaiting execution.

Outside of the prisons, anger and despair within the prisoners' social circles contribute, if not to radicalisation, then at least to the rejection of state and political institutions among parts of the population. This reinforces a trend that has been apparent in Egypt for some time. Even though opinion polls must be treated with caution in authoritarian contexts, surveys as recent as 2018 show that trust in state institutions is waning for many Egyptians.

These developments do not bode well for the country's security situation or stability. It is true that through the use of mass repression the government has succeeded in preventing major attacks on population centres since 2019. However, the situation in parts of the Sinai Peninsula shows that a high potential for violence remains. In the north of Sinai, civil war-like conditions have prevailed for years, failing to be brought under control despite considerable efforts by the security apparatus. Since the beginning of 2021 alone, there have been over 80 attacks and more than 40 clashes, which together have claimed at least 175 lives. The influx of insurgents appears unchecked. Arbitrary mass arrests could also contribute to the Egyptian military's inability to count on local support for its anti-terrorist operations, with parts of the local population even joining armed militias.

Weakening Civil Society and the Economy

Politically motivated imprisonment is also a central obstacle to the development of a vibrant civil society. Young, well-educated Egyptians who are socially active must fear state repression, including imprisonment, to a particularly high degree. Many of them therefore seek to leave the country. Indeed,

when members of the middle and upper classes go abroad to study or work, it is not uncommon for them to do so because they fear becoming victims of the excessive arrest campaign. Such worries are justified because people who study or research in Europe and then travel to their Egyptian homeland for vacation have repeatedly been arrested.

The country's economic development, in turn, suffers from the fact that members of the state bureaucracy and the private sector are imprisoned for political reasons. For example, the head of the Egyptian Court of Accounts was imprisoned for pointing out irregularities in the state budget in 2015. Against this backdrop, it is no longer feasible to conceive of a politically independent fight against corruption. The country's largest milk producer was also imprisoned, much to the dismay of other businessmen. There are serious indications that the entrepreneur is now being forced to hand over his flourishing business to the public sector. Market observers see this as a significant obstacle to private investment.

Responsibility of the President

It is up to President Sisi alone to end the policy of arbitrary detention. Contrary to what Cairo officially likes to claim, the country does not have an independent judiciary at all. This is due in particular to the state of emergency that was extended for the 16th time in a row in July 2021. It effectively abolishes the separation of powers and grants the president far-reaching powers. In addition, Sisi has been able to directly influence how high offices in the judiciary are filled, not least since the constitutional amendments of 2019. Moreover, more recent amendments to the law, which were made under the pretext of fighting the pandemic, have further increased the powers of the military judiciary, even over civilians. The president therefore exerts just as much influence on the progression of politically motivated trials as on the arbitrary prolongation of pre-trial detentions,

which are systematically practiced. Above all, however, he can bring about an extrajudicial solution to existing cases by making use of “presidential pardons,” an instrument provided by Article 155 of the constitution. To enact a general amnesty, he would need to involve parliament, which is controlled by his supporters. Sisi would also barely need to take the security apparatus in account; thanks to clever personnel decisions within the military leadership and intelligence services, he is now the undisputed leader of the regime.

Sisi’s willingness to change this policy is likely to be limited, however, because his rule lacks legitimacy. His popular support is dubious. His “re-election” in 2018 was marked by empty polling stations and massive repression of potential rivals. In 2019, socioeconomic imbalance in the country even caused massive anti-regime protests that could only be contained through the use of widespread police violence and thousands of arrests. Most recently, the questionable management of the Coronavirus pandemic, the consequences of which many Egyptians are currently suffering, is unlikely to have increased the president’s approval ratings.

Time for Germany to Increase Pressure

Bilaterally and together with its European partners, the German government has been trying for years to stabilise Egypt, the most populous country in its southern neighbourhood with a population of over 100 million. With loans totalling over \$2.8 billion, Germany is one of Egypt’s largest creditors. From the military coup of 2013 to the end of 2019, Cairo has received around one billion euros in financial support from Berlin. Since then, however, arbitrary detentions have also continued apace. This policy clearly runs counter to the long-term stabilisation of the country due to the consequences described above. The German government should therefore exert significantly more pressure on the Egyptian

leadership to achieve a change of course in Cairo — not only for reasons related to human rights and humanitarian principles, but also with a view to goals in the realm of development policy in terms of crisis and conflict prevention.

The present moment favours this course of action for three reasons. First, President Sisi is currently aiming to improve Egypt’s image, and thus also that of his rule, as part of an aggressive nation-branding campaign. Under the slogan “New Republic,” he is trying to portray the country and its leadership as modern, economically ambitious and open to the world. Large-scale development projects, such as the construction of a new capital city and a “progressive” interpretation of Islam from above, serve this purpose. The announcement of a “national human rights strategy” and the selective release of prisoners are intended to counter international criticism. Germany should make it clear that such symbolic cosmetics will not be effective. As long as there are no serious efforts to change policy in Cairo, criticism should be intensified to the degree that Berlin levelled in March 2021 together with European and international partners, including the United States, before the UN Human Rights Council. In the process, President Sisi’s responsibility as the ultimate decision-maker should be strongly emphasised and gestures of his political upgrading, for example through high-level state visits, should be forgone.

Second, Egypt’s government will likely need to start new negotiations on financial aid with the country’s creditors in coming months. The needs of the heavily indebted country are considerable. Its budget deficit in fiscal year 2020/21 amounted to 7.8 per cent of gross domestic product, or more than \$30 billion. Over the past six years, the deficit could only be covered by extensive programs run by the International Monetary Fund (IMF) with the participation of other lenders. The last program expires in June 2021. However, Sisi’s ambitious development plans cannot be realised without new external aid. Germany will not only be directly involved in such negotiations — as

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one of the most important creditors — but also indirectly through its voting rights at international financial institutions and European development banks. The German government should use this position to demand the Egyptian side to engage in constructive negotiations with human rights organisations and prisoners' representatives on the release of prisoners. Many prisoners, not least those from the spectrum of the Muslim Brotherhood, would be willing to make far-reaching concessions for their release, even to the extent of recognising President Sisi's legitimacy. Nevertheless, the government has so far categorically rejected any talks. Further financial aid and the re-scheduling of loans should be made contingent upon the commencement and progress of such negotiations. To evaluate Egyptian policy, the German government can rely on the monitoring of human rights organisations such as the Arabic Network for Human Rights Information, which has been documenting arbitrary detentions in detail for years with the help of databases.

And third, US policy toward Egypt is currently in flux. Under President Joe Biden, criticism of the human rights situation in the country, and especially of the policy of arbitrary detention, has increased noticeably in Washington. It is to be feared that Biden, like his predecessor, will not lay a finger on the United States' extensive military aid to Cairo. If this is the case, Biden may need to adjust his Egypt policy in other areas, otherwise he may face a considerable loss of credibility among the ranks of his own Democratic Party. The US administration could therefore be an important partner to the German government both in exercising criticism within international forums and in exerting pressure in future multinational financial aid negotiations.

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