

The Ibrahim Case and U.S.-Egypt Policy: Toward a More Robust Approach

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Sep 6, 2001

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Brief Analysis

Recent events should give Washington the opportunity to pursue the Ibrahim case more vigorously.

In a glimmer of hope for Egyptian-American democracy advocate Saad ed-Din Ibrahim and five of his colleagues -- sentenced to prison in May -- Egypt's Court of Cassation last week set an October 17 hearing for a petition to suspend their sentences while the verdict is under appeal. This news, along with the arrival in Cairo of a new U.S. ambassador, should give the United States the opportunity to pursue the Ibrahim case more vigorously, despite the tension this may add to U.S.-Egyptian relations at a time of regional conflict.

Background

Dr. Ibrahim, 62, is a noted sociologist and founder of Cairo's Ibn Khaldun Center, a leading Arab democracy organization. He and twenty-seven Center employees were arrested in June 2000 and detained without charge for six weeks; the Center was closed shortly thereafter. Ibrahim and his colleagues were later charged with embezzlement, receiving foreign funds illegally, defaming Egypt's reputation, and bribery. To most observers, the charges represented the regime's reaction to Ibrahim's writing and speaking on off-limits issues such as the integrity of elections and the status of Egypt's Coptic Christian population.

The accused were tried in Cairo's Supreme State Security Court for "harming society's interests, values and laws." On May 21, after just ninety minutes of deliberation, the judges found the defendants guilty and meted out sentences ranging from one to seven years; twenty-two defendants received suspended sentences. Ibrahim, whose health is poor, was convicted on the first three charges and sentenced to seven years hard labor. He and five colleagues are now in prison, waiting for the Court of Cassation to hear their appeal in December. The court can review the appeal only on procedural grounds; if it rules for a mistrial, it must send the case back to another state security court.

Reaction inside Egypt

Although the arrest, trial, and verdict attracted considerable Western media and diplomatic attention -- virtually all sympathetic to the accused -- support inside Egypt has been minuscule. Despite a handful of supportive editorials and statements by public figures, the main thrust of coverage in the national media, especially the state-backed press, has been defamatory. For example, the editor of al-Usbaa declared after the announcement of the verdict, "Those who ally themselves with foreign quarters to harm Egypt's national security are crossing the red line and should be executed in a public square."

The case illustrates the increasing vulnerability of Egyptian human rights and democracy organizations. Once the Arab world's standard bearers, they now find themselves in a more politically precarious position than their counterparts in Morocco or Lebanon. Although a restrictive legal and security environment hamstring all of Egyptian civil society, most groups like the Ibn Khaldun Center cannot even obtain permission to operate as nongovernmental organizations (NGOs), in contrast to Egypt's 14,000 registered private voluntary organizations. Following the arrest and trial, some groups shifted from domestic human rights to "safer" issues such as the Palestinian intifada or humanitarian conditions in Iraq; others are freezing their activities, reluctant to accept foreign grants. Despite the marginality of these organizations in Egyptian society, the regime evidently sees them as a threat. This stance only emboldens illiberal elements in Egypt, who are delighted to see the Center's message of "pro-Western" tolerance snuffed out.

The Ibrahim case also highlights competing forces within the Egyptian judiciary, which is neither as "fully independent" as Egyptian officials claim nor as submissive as detractors assert. State security courts -- the main venue for high-profile cases such as Ibrahim's or the current trial of fifty-two alleged homosexual youth -- fail to meet an internationally recognized standard for due process, as Amnesty International and others have noted. On the other hand, the Court of Cassation, like the Supreme Constitutional Court (SCC), is a pocket of liberalism. Both courts have bravely issued rulings against the executive branch (the SCC last July ordered full judicial supervision of elections). In July, in a potentially positive development for the Ibrahim appeal, the Court of Cassation struck down the use of Military Order No. 4 of 1992 -- under which Ibrahim was convicted of receiving foreign "donations" illegally -- in nonemergency situations. (Revealingly, this decree, originally enacted to combat foreign funding of Islamist extremists, is now used against human rights groups.) But however independent these courts are, the executive branch holds the preponderance of power and can ignore their rulings.

U.S. Policy -- Not Daring To Speak Out

So far, the U.S. administration's public reaction to the Ibrahim case has been restrained. After last summer's arrests, a U.S. embassy spokesman explained, "[W]e are interested in due process. . . . We cannot say the man should not be in jail. They have charged him based on Egyptian law." This legalistic approach does not take into account the broader issue at stake: that is, the very use of emergency laws and military decrees against democracy advocates. Following the verdict, the official U.S. position became more critical, though still muted. State Department spokesmen said that the U.S. was "concerned" by the trial and "deeply troubled" by the outcome, and expressed the hope that the appeals process would provide recourse. Although newly installed U.S. ambassador to Egypt David Welch stated in his June Senate confirmation hearing that "the Administration is taking [the case] quite seriously, raising it at all levels," there is no record of a senior official -- president, vice president, or secretary of state -- making public reference to the case. Nor is there an indication that the matter was raised during Egyptian president Hosni Mubarak's visit to Washington in April.

This quietist approach is especially perplexing given that the U.S. government has, over the past decade, made Egyptian NGOs the focal point of one of its largest democracy programs worldwide, spending more than \$30 million

to "strengthen civil society." Although this aid has provided good technical assistance to thousands of Egyptian NGOs, the investment has not paid off vis-à-vis the implicit larger goal: helping the civil-society sector become an effective, independent force for peaceful change. Impediments include the control that the Egyptian Ministry of Social Affairs exercises over the form and targets of U.S. assistance, and the U.S. administration's failure to link such aid to an improved political and legal environment for NGOs.

Some argue that given the current anti-American mood in Egypt, a too-strident U.S. public stance may be counterproductive to the cause of Ibrahim and his colleagues. Yet, the restrained U.S. response has not been especially effective either. Now, it seems, is the time for the administration to adopt a more assertive public position on behalf of the convicted, emphasizing the importance that Americans attach to the values of free speech and association and the need for Egypt to review the use of emergency laws in clearly nonemergency situations. In addition, this is an opportune time to review the provision of civil-society assistance within the context of U.S. aid to Egypt. Specifically, the United States should consider tying a portion of aid to an improved legal framework for civil society. If this linkage is too blunt an instrument, then perhaps civil-society reform should be tied to the special financial benefits that Egypt enjoys beyond the aid allotment (e.g., early disbursement).

In sum, the Ibrahim case is as much a test for Washington as it is for Cairo. If the Bush administration hesitates to pursue vigorously either the specifics of the Ibrahim case or the larger problem of the Egyptian government's reluctance to permit adequate civil-society autonomy, then it should not be surprised that democracy is slow to develop in the Arab world's most populous and powerful country.

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