

# Saad ed-Din Ibrahim on Trial:

## Background and Implications

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### Brief Analysis

The trial of prominent Egyptian democracy activist Dr. Saad ed-Din Ibrahim and twenty-seven of his associates is scheduled to open on November 18 in Cairo. The charges include illegally accepting foreign funds and harming Egypt's reputation abroad. This trial will be closely watched as a litmus test of the Egyptian regime's toleration of pro-democracy voices who speak out on controversial issues.

Background Dr. Ibrahim, a dual U.S.-Egyptian citizen, is a respected academic, the director of the Ibn Khaldoun Center, and a favorite of international donors. His many activities include monitoring the 1995 parliamentary elections, writing on human rights conditions in Egypt, and participating in exchanges with Israeli scholars.

Dr. Ibrahim and seventeen colleagues were arrested on June 30, and held at Cairo's infamous Tora Prison. The trigger for the arrest was thought to be the Center's plans for civic awareness activities for the Fall 2000 parliamentary elections, which apparently made the authorities uneasy. While the detainees languished, they were investigated for embezzling donor funds, harming the state's reputation, and forging voting cards (allegedly prepared for an educational film encouraging Egyptians to vote). Meanwhile, the pro-government press unleashed a vitriolic campaign against Dr. Ibrahim, questioning his "dual loyalty" and insinuating that he spied for the United States. Following an intensive international campaign and behind-the-scenes diplomatic efforts, Dr. Ibrahim was released on bail on August 10 (others remain incarcerated).

Any hope that the case would quietly fade away ended on September 24. On that day, the Prosecutor General formally charged Dr. Ibrahim and twenty-seven associates of the Center (ten of whom are still at large) with illegally accepting and then embezzling foreign funds, forging official documents, bribing employees of state-owned television to air their educational film, and harming Egypt's reputation with false information. These charges carry a minimum sentence of seven years imprisonment, and a maximum of life in prison.

Settling of Accounts? The Ibn Khaldoun Center has been a thorn in the Egyptian regime's side since the radical Islamist threat receded in the mid-to-late 1990s, when it and similar organizations began to focus more on the government's lack of democratic reform than on Islamist extremist violence. The Center's activities have been carefully monitored for some time; in January 2000, the authorities ordered its journal, Civil Society, to cease publication.

Nonetheless, Dr. Ibrahim's arrest stunned the local and international human rights communities because his

relatively mild views and close ties to the West made him a seemingly unlikely focus for what appears to be a government-sanctioned effort to constrain civil society. Along the political spectrum in Egypt, he is a moderate (he supports normalization with Israel, promotes civil discourse, and is anti-extremist); the Center's extensive Western sponsorship was thought to provide additional protection. In fact it was probably Dr. Ibrahim's perceived invulnerability that made him an appealing target, since his arrest would throw the entire human rights community off-balance.

**Prospects for a Free Trial** The trial will take place in the Supreme State Security Court, considered less draconian than the military courts that have tried most cases involving Islamist extremists. The security courts are staffed with regular civilian judges and have exercised some autonomy from the regime (e.g., they have acquitted some high-profile Islamist defendants). Nonetheless, the security courts are widely seen as failing to provide due process: they have fewer procedural safeguards regular courts, and the defendant has no right of appeal (the President either approves the verdict or orders a retrial). A lack of either written notification of the indictments or confirmation of the court date have hindered the defense team's preparations. The defense team has also been refused access to files seized from the Ibn Khaldoun Center.

**A Broader Message** The Saad ed-Din Ibrahim case has so far achieved its apparent purpose — namely, to further intimidate Egypt's once burgeoning human rights and pro-democracy scene. This has been a key aspect of the regime's strategy of privileging economic development over democratic reform. During most of the 1990s when the priority was eradicating the radical Islamist threat, the regime was somewhat lenient towards the secular "political" organizations, especially when they monitored extremist abuses more vigorously than government transgressions. As this threat receded, the government moved to bring the most outspoken human rights organizations under control. At the same time, it tolerated and sometimes encouraged the growth of thousands of apolitical "service" nongovernmental organizations (NGOs) that it hopes will assist development efforts in an era of shrinking state services.

In May 1999 the government strengthened its control with the passage of a new NGO law (Law 153, replacing Law 32 of 1964) that made the legal existence of "political" NGOs more difficult and placed severe restrictions on foreign funding, upon which all such NGOs depend. On June 3, 2000, however, the government suffered a setback when the Supreme Constitutional Court overturned this new law on a technicality. Many observers believe that the regime was quickly looking for another means to achieve the same goal, and found it in the arrest of Dr. Ibrahim. Indeed, the arrest, detention, and upcoming trial have scared already jittery activists into silence. There was no effective independent monitoring of the recent parliamentary elections, and several well-known NGOs have declined to receive foreign funding (causing a suspension of activities) or have simply disbanded.

**Egyptian Reaction** The fact that this case has elicited little sympathy in Egypt, even while it has attracted significant attention in the West, illustrates the insecure position of democracy activists in the Arab world. Egyptians are generally either unaware of the Ibn Khaldoun Center's work (such NGOs are sometimes faulted for neglecting the concerns of ordinary citizens), or regard figures like Dr. Ibrahim with suspicion due to his ties to the United States and the European Union. As the pro-government paper *Akhbar el-Yom* stated, "He...deserves to be stoned . . . we know he is . . . loyal to those who pay him lots of money in return for information . . . in which he defames Egypt's reputation."

**Outlook** Coming on the heels of the regime's stumble in the recent parliamentary elections, in which some ruling party stalwarts suffered ignoble defeats and the Muslim Brotherhood made unexpected gains, no one is sure how the authorities want the case to be handled. Some predict that the court will be encouraged to take a harsh stance and convict the accused to avoid another setback for the regime. Others expect leniency, figuring that the very fact of the arrests and trial have already sent a sufficiently strong message about the limits of pro-democracy activity. The

court, eager to maintain a modicum of autonomy and emboldened by the judiciary's impressive performance overseeing voting in the elections, might still acquit the defendants. In any event, it is unlikely that the pall that the case has cast over independent voices in Egypt will be lifted anytime soon. In the meantime, the U.S. government needs to monitor this case vigilantly, send observers to the trial, and speak out against the silencing of civil society in Egypt.

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