

**Conditioning Aid to Egyptian Military:
A Statement by the Working Group on Egypt**

November 17, 2011

Nearly ten months since the start of the Egyptian revolution, the Supreme Council of the Armed Forces (SCAF) has yet to take basic steps towards establishing a human rights-respecting, democratic, civilian government. On the contrary, in many areas Egypt is witnessing a continuation or return of Mubarak-era tactics of repression, as well as increasingly obvious efforts by SCAF to extend and even increase its own power in the government well beyond the scheduled parliamentary elections. The SCAF is also resisting calls to schedule a presidential election in an effort to hold on to executive power while a new constitution is written. These policies risk placing Egypt's rulers in conflict with its people once again--an outcome that would be terrible for Egypt and for the United States. The U.S. should make clear its support for a genuine democratic transition that will require an end to military rule in Egypt, and use all the leverage it has to encourage this goal, including the placing of conditions on future aid to the Egyptian military.

Despite repeated promises to do so before elections, the SCAF has yet to lift Egypt's state of emergency and has instead expanded its scope beyond what it was under Mubarak. It has kept a tight control on the reins of government, limiting the authority of civilian officials. It has violated the due process rights of more than 12,000 Egyptian citizens, including activists, bloggers and protesters, who have been subjected to unfair trials in military courts. It has given orders restricting media freedom.

While recognizing that the existing Law of Associations is deeply flawed and must be reformed, the government has simultaneously initiated criminal investigations into the foreign funding of many of the most prominent and effective civil society organizations in the country. Units of the military have been involved in torture, sexual abuse, and outright killings, as occurred on October 9 when 27 Coptic Christians and one military officer were killed in the Maspero area of Cairo after members of the military ran over protesters using several military vehicles. In each of these situations the military has either failed to investigate its own crimes, or refused to disclose any information about such investigations. The SCAF has failed to carry out police reform during 9 months in power, leading to a dangerous rise in crime and sectarian violence, excessive and illegal use of force by the riot police in policing demonstrations, and ongoing cases of torture and police abuse. And Egypt's economy is continuing to deteriorate, due to a pervasive sense of insecurity and uncertainty about the political transition and weakness of the rule of law.

The SCAF is also seeking to protect its special privileges and increase its influence over any future civilian government. On November 1, the SCAF-appointed Deputy Prime Minister issued a document of "supraconstitutional principles" that would shield the military from civilian oversight. It would also give the military the power to overrule legislation and control selection of the members of a constituent assembly. While public opposition seems to have led SCAF to state it is willing to discuss these demands, the military's anti-democratic intentions are clear.

Today, the outcome of the revolution remains mired in doubt, and it is far from clear that the SCAF is willing to truly give up the reins of power.

President Obama has rightly stated that "the United States supports a strong, peaceful, prosperous and democratic Egypt that responds to the aspirations of its people." In a recent phone call to head of the SCAF, he urged Egypt to "lift the emergency law and end military trials for civilians." But while this

message is important and must be repeated by other senior US officials, it appears to have had little immediate effect on the SCAF's actions.

In large part, this may be because of the administration's stated reluctance to touch the \$1.3 billion in military aid that it gives to Egypt every year, and which makes up as much as a quarter of the Egyptian military's yearly budget. The SCAF has a huge stake in ensuring that this money, and the access to U.S. military advice and technology that comes with it, continues to flow. In fact, precisely because of the lack of civilian oversight of the military – and its budget – in Egypt, it becomes all that more important that the United States, including the U.S. Congress, effectively use the leverage they have over the Egyptian military.

The Senate version of the 2012 Foreign Operations Appropriations bill includes a modest provision requiring the Secretary of State to certify that “the Government of Egypt has held free and fair elections and is implementing policies to protect the rights of journalists, due process, and freedoms of expression and association.”

These are very basic standards that get to the heart of what needs to happen in Egypt if the country is to emerge as a stable, democratic country. They are not difficult to satisfy, and give the Department of State flexibility in analyzing the situation in Egypt. But they also send a strong message to the Egyptian military about the consequences they could face should they decide to sabotage the transition and keep the country in its current undemocratic, repressive state. The Egyptian military needs to understand that the close cooperative relationship it currently enjoys with the U.S. military will inevitably suffer if it continues on a path of obstructing democratic progress in Egypt.

The United States Congress should adopt these conditions, and the Obama administration should welcome them.

The Working Group on Egypt is a nonpartisan initiative bringing substantial expertise on Egyptian politics and political reform, and aimed at shaping an effective U.S. policy response to Egypt's transition.