



14 March 2012

RE: No US certification of Egypt government on human rights

The Honorable Hillary Rodham Clinton  
Secretary of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Clinton,

Amnesty International USA is deeply concerned about the ongoing repression of the Egyptian people by the Supreme Council for the Armed Forces (SCAF) in Egypt. Given the human rights violations in Egypt, the US State Department cannot in good faith certify to the US Congress that the Egyptian government is protecting human rights. We urge you not to make such a certification, and we also oppose any waiving of this certification requirement. Making such a certification would undermine the brave struggle of the Egyptian people for a society founded on respect for human rights and the rule of law. Waiving the certification requirement would forfeit a key form of pressure for the advancement of human rights.

**Background:**

On December 23, 2011, President Obama signed into law the 2012 Consolidated Appropriations Act. The law requires that the Secretary of State shall certify to the US Congress that the Government of Egypt is “implementing policies to protect freedom of expression, association, and religion, and due process of law.”

Without such certification, the US Government may not provide \$1.3 billion in military aid to the Egyptian government under the Foreign Military Financing Program. Because of the Egyptian government’s human rights record, Amnesty International opposes the funding, transfer, or sale of weapons, ammunition, military

equipment, and military vehicles that can be used by Egypt's government to suppress human rights. Any such items financed by the US Foreign Military Financing program should be halted immediately. We do not have a position on military equipment funded under FMF that falls outside of these categories.

One year after the resignation of former President Hosni Mubarak, the ruling Egyptian military council has engaged in a wave of repression that has broken the promise of the uprising that began in January 2011 for a new future for the country. Egyptian security forces have killed numerous civilians, and the Egyptian government has demonstrated a systematic failure to rein in security forces and stop the attacks on Egyptian and foreign non-governmental organizations (NGOs) working in Egypt. Given this reality, the US Government should take strong action to show its support for human rights in Egypt.

These human rights violations demonstrate a continuing pattern by the Egyptian military council of failing to meet its international human rights obligations. Amnesty International bases its position on documentation collected during several research missions to Egypt since the fall of the Mubarak regime.

### **Specific Evidence of Ongoing Human Rights Abuses:**

- **Egypt's security forces continue to kill protesters with the same brutal tactics used in Hosni Mubarak's last days in power.**

Egyptian military and security forces have killed more than 100 protesters in the past five months. These protesters were, for the most part, peacefully demonstrating and chanting. In the particularly gruesome Maspero incident, Egyptian security forces used military vehicles to literally run over Coptic Christian protestors.

Amnesty International has repeatedly called for reform of the security forces and an end to the impunity that they enjoy in dealing with protests. Yet, one year later, no clear instructions seem to have been given to the security forces, including military

personnel, to uphold the right to peaceful assembly and to police demonstrations in line with international standards. Authorities also refuse to conduct public, impartial investigations into incidents leading to the killing or severe injury of protesters.

- **Egyptian women have been excluded from government decision-making and attacked by security forces.**

Since it assumed power, the SCAF has subjected women protesters to forced “virginity testing” and other forms of ill-treatment and torture during demonstrations, including beatings and sexual abuse. Women are systematically excluded at almost every level of decision-making. When a committee was chosen to propose constitutional amendments, it consisted of eight male jurists and not a single woman. The SCAF also cancelled the quota law guaranteeing women seats in the parliament, without replacing it with any measures to ensure equal participation by women in political life.

Further, the SCAF has not taken steps to end discrimination and accord equal legal status to men and women. Legal provisions discriminating against individuals on the basis of sex, sexual orientation, and gender identity must be brought in line with international law and standards and therefore abolished.

- **Amnesty International has documented the reckless use of tear gas by security forces in assaulting protesters.**

We are particularly concerned that some of the weaponry used in these assaults bears markings of being made in the United States. Some US-made tear gas canisters in Suez bore a manufacture date of August 2011, suggesting they were part of a recent US shipment of tear gas delivered to Egypt in November. In December 2011 Amnesty International called on global arms suppliers to halt the transfer of tear gas, small arms, ammunition and other repressive equipment to the Egyptian military and security forces.

Amnesty International delegates have witnessed riot police relentlessly firing tear gas at groups of anti-SCAF protesters who were standing in Cairo's Mansur Street and Mohamed Mahmoud Street, near the Ministry of Interior.

Riot police used tear gas disproportionately in instances when protesters did not represent an imminent danger to safety. They never gave notice before firing tear gas canisters. In addition, volunteer doctors and witnesses in both Cairo and Suez reported that riot police aimed tear gas directly at the very field hospitals that provide first aid treatment to protesters suffering from tear gas inhalation and other injuries. In Suez, some media workers for TV 25 were also targeted directly with tear gas, causing respiratory difficulties.

- **The military council has failed to fulfill its promise to end the notorious State of Emergency laws. In fact, the military council has expanded the old Mubarak regime practice of trying civilians before military courts.**

In September of 2011, Egyptian military authorities said that some 12,000 people had been prosecuted by the military or been brought before military courts over the course of the year. Often times, civilians were prosecuted by military courts for crimes that included “thuggery” or “breaking curfew.” While many have been released since then, thousands remain detained. These trials violate basic human rights, specifically the right to a fair trial and the right to appeal to a higher tribunal. Furthermore, these trials have allowed evidence gathered from the prisoner following beatings or other acts of torture. The trials clearly implicate the Egyptian military in serious human rights abuses.

- **The ongoing trial of NGO staff on spurious charges is just one incident in a broader pattern of the new Egyptian regime continuing the old Mubarak practice of muzzling civil society.**

Amnesty International has called on the military council to stop holding NGOs hostage, to drop all charges against NGO staff and to eliminate repressive laws on civil society registration and funding.

While Amnesty International has demanded that the charges against staff of the US and Egyptian NGOs be dropped, it shouldn't be forgotten that Egyptian NGOs have faced this type of repression for decades. The conditional release of the Americans charged in the trial is welcome, but it is imperative that the US Government retain its focused attention to this issue.

**Summary:**

The facts outlined above point to a persistent pattern of human rights abuses by the Egyptian military and demand that the US Government recognize this as such. Until the Egyptian military shows strong evidence that it has reined in and reformed the security forces, ended the violence against peaceful protesters and ensured accountability for past human rights abuses, Amnesty International believes that you should not certify the government of Egypt as “implementing policies to protect freedom of expression, association, and religion, and due process of law.” We also oppose the waiving of this requirement, because doing so would forfeit a key form of pressure for the advancement of human rights.

Furthermore, we call on the State Department to cease the funding, transfer, licensing, or sale of weapons, ammunition, military equipment, and military vehicles that can be used by Egypt's government to suppress human rights. Any such funding derived from the US Foreign Military Financing program should be halted immediately.

Thank you for giving this matter your urgent attention. Please contact Sanjeev Bery, Advocacy Director on Middle East / North Africa affairs, with questions and concerns. He can be reached at [sbery@aiusa.org](mailto:sbery@aiusa.org) or (202) 675-8755.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Adotei Akwei', written in a cursive style.

Adotei Akwei  
Managing Director for Government Relations