

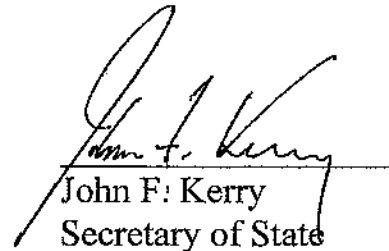
CERTIFICATION PURSUANT TO SECTION 7041(a)(6)(C) OF THE
DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED
PROGRAMS APPROPRIATIONS ACT, 2015 (Div. J, P.L. 113-235)

By virtue of the authority vested in me as Secretary of State pursuant to section 7041(a)(6)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. J, P.L. 113-235)(the "Act"), I hereby certify that it is important to the national security interest of the United States to provide assistance to Egypt under the headings "Foreign Military Financing," "International Military Education and Training," and "Economic Support Fund" in the Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs.

This determination shall be published in the Federal Register and shall be reported to Congress, along with the accompanying Memorandum of Justification.

MAY 12 2015

Date



John F. Kerry
Secretary of State

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MEMORANDUM OF JUSTIFICATION FOR CERTIFICATION UNDER
SECTION 7041(a)(6)(C) OF THE DEPARTMENT OF STATE, FOREIGN
OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2015
(DIV. J, P.L. 113-235)

It is important to the national security interest of the United States to provide assistance to Egypt under the headings “Foreign Military Financing,” “International Military Education and Training,” and “Economic Support Fund” in the State Department, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. J, P.L. 113-235) (SFOAA) and in prior Acts making appropriations for the Department of State, foreign operations, and related programs.

Egypt and the United States have common interests in countering transnational threats in an increasingly volatile region. These interests include continued Egyptian adherence to its peace treaty with Israel, counterterrorism and counter-proliferation cooperation, support for U.S. military operations and international peacekeeping, and the security of the Suez Canal. Egypt is the most populous Arab state with a long history of political, economic, cultural, and religious leadership in the region; its success or failure impacts the prospects of peace, stability, democracy, and economic growth across the Middle East and in key areas of Africa that are of vital importance to the United States from both an economic and a security perspective. Over the past year, Egypt has conducted persistent military operations against terrorist forces in Sinai that recently aligned with ISIL. It has additionally supported publicly the counter-ISIL coalition’s actions in Iraq and Syria. Bilateral counterterrorism cooperation is growing, and Egypt continues to provide the U.S. military with Suez Canal privileges and overflight approvals, including in support of counter-ISIL operations. Egypt has contributed to the U.S.-supported Saudi-led coalition in Yemen, tried to organize elements of the moderate Syrian opposition, and provided Sunni support for Iraq Prime Minister Abadi’s government in Baghdad. Egypt has embarked on economic reform measures, taking steps to cut subsidies, increase taxes, and improved its business climate, including for U.S. businesses.

As required by section 7041(a)(6)(C) of the SFOAA, this report sets forth the reasons why the requirements of section 7041(a)(6)(A) cannot be met.

While Egypt has implemented parts of its “democracy roadmap,” the overall trajectory of rights and democracy has been negative. A series of executive initiatives, new laws, and judicial actions severely restrict freedom of expression

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and the press, freedom of association, freedom of peaceful assembly, and due process, and they undermine prospects for democratic governance. Since July 2013, human rights NGOs and civil society activists describe a steadily shrinking space for peaceful dissent, leading some of them to self-censor many of their political activities that could be deemed controversial, or even leave the country. Except in rare instances, police and security forces have not been held accountable for alleged human rights violations.

According to the Egyptian security authorities' estimates in March, 16,000 persons were arrested between July 2013 and March 2015; many of those who have been detainees are accused of membership in the Muslim Brotherhood (MB) and/or violating a demonstration law that does not comport with international standards for protecting freedom of assembly.

Parliamentary Elections: Elections for a new parliament had been scheduled for March, but Egypt's Supreme Constitutional Court struck down as unconstitutional a redistricting law to apportion representation in the now larger unicameral parliament. Egypt President al-Sisi called for a quick redraft of the law to address the court's concerns; that process is ongoing. No new date for elections has been announced; however, continued restrictions on the exercise of freedoms of expression and association and press freedoms negatively influence the elections environment.

Constitutional Reform: In 2014, Egypt adopted a new constitution that abolished the upper house of parliament and significantly increased representation of women and Christians in a new unicameral legislature. For the first time, the constitution provides for the impeachment of a president. The constitution was approved by 98.1 percent of the vote, though international and domestic observers reported limits on freedom of expression and assembly "impaired" the process, but did not alter the ultimate results.

Freedom of Expression and Press: The government has investigated and prosecuted critics for inciting violence, and insulting religion, the judiciary, the military, and other public institutions or figures. At the end of 2014, at least 12 journalists remained in jail after being arrested on a variety of charges throughout 2013 and 2014. Australian Al Jazeera journalist Peter Grete was released in February after being detained since December 2013; two other Al Jazeera journalists are out on bail pending a retrial. The Egyptian government has also closed media outlets, whose coverage of events does not comport with its narrative, and censored stories that present it an unfavorable light.

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Freedoms of Association and Peaceful Assembly: In November 2013, then-interim President Mansour issued a revised demonstrations law, which the government has implemented aggressively. It included an expansive list of prohibited activities and gave the minister of interior the authority to prohibit or curtail planned demonstrations. Many activists contend the law violates constitutionally protected rights by effectively banning most forms of street protest. Implementation of this law led to a sharp increase in arrests and detentions of peaceful demonstrators.

In February, President al-Sisi approved a new terrorist entities law, which establishes a process for the government to designate groups and individuals deemed a “threat to national unity” as terrorists. Critics argue the law’s broad definition of terrorism to include non-violent acts could be used to stifle all forms of opposition, including peaceful dissent. In March, the public prosecutor ordered the listing of eighteen prominent MB leaders as “terrorists.”

Islamist Parties: The government declared the MB a terrorist organization, jailed most of its leadership, and disbanded many of its social welfare institutions; the courts outlawed the MB’s political wing, the Freedom and Justice party. MB leader Mohamed Morsy faces five indictments, three of which carry a potential death penalty. Salafist Islamic parties, including the Al Nour and Watan parties, have not been disbanded and are free to participate in parliamentary elections. However, although theoretically free to compete, the leadership of the Al Wasat party and other smaller Islamist parties have been detained along with the MB.

Secular Activists: An unknown number of secular activists remain incarcerated for participation in peaceful protest activities, including some of the leaders of the April 6 movement. Recently, approximately 400 low-level activists have been quietly released by the public prosecutor. Nevertheless, the April 6 movement – which played a critical role in the protests that ousted former President Hosni Mubarak – was banned in 2014, and a number of secular political parties have threatened to boycott upcoming parliamentary elections due to perceptions of government interference.

NGOs/Civil Society: The current law governing NGO activities has been in effect since 2002, but has been unevenly enforced. The government did not enforce a November 2014 deadline for all civil society organizations to register, which many human rights organizations and activists feared would lead to a further crackdown on civil society. NGOs report ongoing informal harassment by the authorities, and

seven human rights NGO leaders left the country in October believing they were targeted for arrest; some have since returned.

Egypt's October 2014 Foreign Funding Law increased the possible criminal penalty to death for individuals found guilty of receiving foreign funds for activities that endangered the state. NGOs, including many USAID implementing partners, are concerned the provisions are overly broad and could be applied to funding for normal civil society activities.

On June 4, 2013, an Egyptian court sentenced 43 NGO employees, including 17 U.S. citizens, to prison for illegally operating an unlicensed NGO. To date, these judicial rulings stand.

Women's Rights: The government has taken steps to protect and advance the rights of women, but religious and cultural barriers continued to limit women's political participation and there remain high levels of violence against women, sexual harassment, and female genital mutilation. Newly instituted quotas will guarantee the new house of representatives will include at least 56 women out of 592 seats, a substantial increase over the 2012 parliament – which included 11 women. President Al-Sisi implemented a new law against sexual harassment, and at least nine police officers were arrested in 2014. Harsher penalties for rape were also enacted, although human rights groups argue the legislation's narrow language makes it nearly impossible to prosecute rape under the new law.

Protection of Religious Minorities: The government has taken steps to protect and advance the rights of religious minorities, although these protections are limited to the Abrahamic faiths – Judaism, Christianity, and Islam. The new constitution requires parliament pass a law facilitating the construction and renovation of Christian churches; President al-Sisi won praise from the Coptic community for being the first Egyptian president to attend Coptic mass and for approving the building of a church in the village of thirteen Coptic victims of the ISIL-affiliated beheadings in Libya. There have been some convictions for anti-Christian violence, which is almost without precedent. However, the government continues to prosecute individuals for "denigrating religions," and accountability for former sectarian crimes remains problematic.

In a January speech, President al-Sisi appealed to the religious establishment of Al Azhar for a "religious revolution" and the "renewal of the religious discourse" to counter violent extremism.

Due Process Restrictions: A pervasive lack of respect for international due process standards and other fair trial safeguards has been evident in an uptick in mass summary trials and the issuance of a decree that expanded the jurisdiction of military courts to try civilians. According to human rights organizations, up to 3,000 civilians have been tried in military courts since the decree was issued. An unknown number of individuals accused of various crimes have spent extended periods in pretrial detention without charge. Conditions in prisons and detention centers are harsh due to overcrowding, physical abuse, inadequate medical care, and poor ventilation. Egyptian courts have issued hundreds of mass death sentences – mostly to MB supporters – in proceedings that failed to meet Egypt’s international human rights obligations, though the Court of Cassation has so far overturned all but one. In October 2014, President al-Sisi issued a decree authorizing the military to assist the police in “securing public and vital facilities,” and granting military courts jurisdiction over any crimes committed against these facilities.

Accountability: Impunity remains a serious problem in Egypt. Government forces have committed arbitrary or otherwise unlawful killings during dispersal of demonstrators, of persons in custody, and during military operations in the northern Sinai Peninsula. The government has not held accountable any individuals or government entities for violence associated with the clearing operations of the Raba’a al-Adawiya and al-Nahda Squares in June 2013, which left at least 1,000 dead. At least 22 people were killed outside a soccer stadium last Friday when the police fired into overflowing crowds. While some of the fans have been arrested for precipitating a stampede, no security officials have been charged in the incident. In March, President al-Sisi fired his minister of interior, who had been widely criticized by human rights activists. The new minister of interior has ordered an investigation into torture and called on Egyptians to report abuses on an official website.

American Citizen Prisoners: There are 15 U.S. citizens in jail in Egypt, most of whom are incarcerated on criminal charges. Four are dual nationals whose cases potentially have political overtones, including the case of American-Egyptian Mohamed Soltan, charged with membership in an outlawed organization (MB), publicizing false information, and inciting violence. Mohamed Soltan was convicted and sentenced to life in prison April 11 on charges we deem political in nature. He has been on a partial-hunger strike since January 2014. The Administration has repeatedly pressed the Egyptian government for Soltan’s release on humanitarian grounds.