



The Wrong Target: Egypt Imprisons Nonviolent Student Activist For Terrorism

Mahmoud Farouk

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SNAPSHOT

SUMMARY

- On October 15, Andrew Nasif, an Egyptian university student and leftist opposition party member, became the first Coptic Christian to be sent to prison under the country's draconian anti-terrorism law.
- The court ruled that Andrew promoted terrorist acts through Facebook posts, flyers, and petitions calling for political and economic rights.
- Andrew's lawyer describes his conviction as "truly frivolous" and "literally completely empty" of any evidence showing that he was involved in calling for violence.
- His case is the latest example of how the Egyptian authorities punish peaceful dissent as "terrorism," while the problem of actual violent militancy in Egypt grows worse.
- Genuine security in Egypt will come not through blanket repression, but through the rule of law, rights, justice, and strong and accountable institutions.

INTRODUCTION

On October 15, the Zagazig Criminal Court in al-Sharqia Governorate in Egypt's Delta region sentenced Andrew Nasif Noshi Saleeb to five years in prison for violating Law 94 of 2015, the anti-terrorism law.¹ The judge ruled that 23-year-old Andrew, a business student at Zagazig University, had promoted terrorism through pro-democracy

pamphlets, posts on Facebook, and a petition opposing President Abdel Fattah al-Sisi's economic policies.

Andrew's conviction is only the latest example of how the Egyptian authorities are using terrorism as a pretext to repress citizens who have nothing to do with the country's violent Islamist extremist threat, but who speak out against rising authoritarianism, injustice, and

1. Mo'men al-Kamel, "First Imprisonment of a Copt Convicted of Promoting 'Terrorist Acts,' *al-Quds al-Arabi* (Arabic), October 17, 2017, <http://www.alquds.co.uk/?p=809745>

economic hardship. Andrew's case, however, is unique in one respect. He is a Coptic Christian, and this is the first time a Copt has been tried and sent to prison, under Law 94.

THE ANTI-TERRORISM LAW

The Egyptian government issued the draconian Law 94 in August 2015 to enhance the state's security powers after the assassination of the Public Prosecutor, an important al-Sisi ally, that June. Officials claim they need such tough legislation to protect the state from severe threats. They deny that the government uses Law 94 against journalists or members of civil society organizations or to erode "constitutional freedoms." President al-Sisi himself said, "we won't use this law to oppress Egyptians or infringe on people's rights."²

But his regime crafted Law 94 to enable it to do exactly that. Terrorism, according to Article 2, encompasses an extremely broad range of activities, including speech, writing, and other peaceful dissent and civil disobedience that the authorities deem to "harm national unity, social peace, or national security" or "obstruct the enforcement of any of the provisions of the Constitution, laws, or regulations."³ The law's vague language is a tool the regime wields against actual terrorists and peaceful government critics alike.

ANDREW'S ARREST

Andrew is a member of the small left-wing Bread and Freedom Party, founded in 2013 by a number of activists, including Khaled



Andrew Nasif, shown here in an undated photo circulating on Twitter, was arrested from his home in a May 2017 raid.

Ali, a prominent human rights lawyer and former presidential candidate.⁴ Andrew was arrested from his home in al-Sharqia on May 17, 2017, in a dawn security raid described by his mother as "sudden, without arrest warrants or identification."⁵ It appears that Andrew was targeted for arrest after police surveillance of his social media accounts, a tactic heavily used by Egypt's security agencies against political activists. Shortly after Andrew was arrested, the Ministry of Interior warned on its Facebook page against "improper" use of social media, including by "terrorists."⁶

His detention came during a wave of arrests of dozens of activists and political party members.

2. Mohammad al-Gali, "Al-Sisi on the 'Terrorism Law': 'We Won't Use it to Oppress or Infringe on People's Rights,'" *al-Youm al-Sabi'* (Arabic), July 14, 2015, <http://bit.ly/2gFk21A>

3. Article 2, Law 94 of 2015. For an English translation, see: http://www.atlanticcouncil.org/images/EgyptSource/Egypt_Anti-Terror_Law_Translation.pdf

4. "New Socialist Party Launched in Egypt," *Ahram Online*, November 25, 2013, <http://english.ahram.org.eg/News/87434.aspx>. The party has not yet received legal recognition. Reportedly, Andrew previously was a member of the April 6 Youth Movement.

5. Safaa' Suruur, "Andrew's Tragedy is a Political Farce...the First Christian Convicted Under the 'Terrorism Law,'" *Al Manassa* (Arabic), October 25, 2017, <https://almanassa.com/ar/story/6874>

6. A Ministry of Interior statement discusses the efforts of security services to surveil and seize control of social media profiles, including those of five alleged "terrorists." For the full text of the statement, see <https://www.facebook.com/MoiEgy/photos/a.181676241876047.36036.181662475210757/1419890761387916/?type=3>. For more information on the security campaign, and an analysis of the ministry statement, see "Successive Waves of Arrest against the Opposition in Egypt" Committee for Justice, May 24, 2017, <https://www.cfjustice.org/portal/2017/05/24/successive-waves-of-arrest-against-the-opposition-in-egypt/>

The crackdown was seen to be aimed at silencing opposition in the run-up to the June 2017 ratification of al-Sisi's controversial decision to transfer two Red Sea islands in Egyptian territory, Tiran and Sanafir, to Saudi Arabia.⁷ Al-Sisi's April 2016 announcement of the deal with Egypt's Gulf patron had sparked much online criticism, legal challenges (led by Khaled Ali), and even rare protests, called for by the Bread and Freedom Party among others.⁸ (There is no indication that Andrew was part of these protests.) The islands deal also raised hackles within the nationalist establishment, including the regime-aligned parliament, making the matter even more sensitive for al-Sisi.⁹

ANDREW'S CASE FILE
SHOWS THE SURREAL
NATURE OF THE STATE
CHARGE THAT HE WAS
PROMOTING TERRORISM.

During his pretrial detention, Andrew was housed with inmates accused of violent crimes such as murder. The police often punish political activists by lumping them in with dangerous felons. Reportedly, one inmate threatened him with a knife and others harassed him

due to his Christian identity.¹⁰ According to his cousin, Andrew and other prisoners slept standing up because the cell was so crowded.¹¹ Andrew's lawyer requested that he be moved into a cell with other political detainees, but the authorities refused. His sister wrote to the Public Prosecution and the National Council for Human Rights asking for his release, or even for improved detention conditions, but got no response.¹² Instead he was moved to solitary confinement.

THE STATE'S SURREAL
TERRORISM CASE

Andrew's case file, which served as the basis for his prosecution and conviction, shows the surreal nature of the state charge that he was promoting terrorism.¹³ According to the notes of his interrogation, the general prosecutor focused on probing Andrew's political beliefs, such as his views on the January 25 revolution and the current government; he responded cautiously and with no statements incriminating him in any support for or involvement in violence. When asked his opinion of Egypt's present and past presidents, Andrew replied, "I knew about them from history textbooks, which say that they were all good." When the interrogators asked him, "What do you think of June 30 [the 2013 mass demonstrations against the Muslim Brotherhood-led elected government that preceded al-Sisi's ouster of President Mohamed Morsi]?" Andrew said, "I was not following what was happening at that time because my church was under attack [by

7. "28 Activists and Youth Party Members from Numerous Governorates Arrested in Security Campaign Due to Facebook," *Mada Masr*, May 18, 2017, <http://bit.ly/2ib4qU3>

8. Mustafa Mohie, "Parties announce joint protests against Parliament debate on Tiran and Sanafir handover," *Mada Masr*, June 12, 2017, <https://www.madamasr.com/en/2017/06/12/news/u/parties-announce-joint-protests-against-parliament-debate-on-tiran-and-sanafir-handover/>. For more on the Tiran and Sanafir case, see Daniel Leone, "The Tiran and Sanafir Islands Deal: A Political Test for al-Sisi," POMED, July 7, 2017, <http://pomed.org/blog-post/uncategorized/the-tiran-and-sanafir-islands-deal-a-political-test-for-al-sisi/>

9. A subsequent wave of arrests is detailed in "Rights Monitor: Police have arrested 60 opponents of the Tiran and Sanafir agreement," *Mada Masr*, June 16, 2017, <https://www.madamasr.com/en/2017/06/16/news/u/rights-monitor-police-have-arrested-60-opponents-of-the-tiran-and-sanafir-agreement/>

10. Bassel Basha, "A Statement from the Sister of the Imprisoned Andrew Nasif to the Human Rights Council and Parliament: He Suffers Assaults and Discrimination from Prisoners," *al-Bedaiah* (Arabic), June 3, 2017, <http://albedaiah.com/news/2017/06/03/136658>

11. Suruur, "Andrew's Tragedy."

12. Ibid.

13. The file, dated May 16, 2017, includes the police report, notes from the prosecution's interrogation, the "evidence" against Andrew, and the prosecution's referring order to the court.

Brotherhood supporters] and I had to go and protect it.”¹⁴

The rest of the material in the case file is composed of posts allegedly from Andrew’s Facebook page and pamphlets allegedly found in his home during the raid. There is a Facebook post that states, “Demand freedom and talk about every oppressed person in this country, whether you know him or not.” There are pamphlets that bear the slogan “January 25 Again” and the logo of the now-banned April 6 Youth Movement along with the phrase, “Free Egypt.” Another pamphlet, titled “Wake Up,” calls on Egyptians to claim their rights as they sought to do on January 25. Also in the file is a petition allegedly found in Andrew’s possession, titled “You Starved Us,” that calls on signatories to reject austerity and price hikes.¹⁵ Egypt’s living standards have deteriorated further since this petition was first circulated in 2014. Following last fall’s currency devaluation and subsidy cuts mandated by the International Monetary Fund (IMF), inflation has reached nearly 30 percent, increasing hardship in a country where almost 30 percent of citizens already live below the poverty line.¹⁶

On the basis of this “evidence,” prosecutors argued that Andrew supported terrorism because the Facebook posts, pamphlets, and petition amounted to terrorism in the form of “calling for the use of violence and the disruption of state institutions.” The court agreed. It ruled that Andrew’s actions fell under Article 28

of Law 94, which states that “any person who promotes or prepares to promote, directly or indirectly, the commission of a terrorist crime... whether through writing, speech, or any other medium...shall be imprisoned for five years.”¹⁷ By proclaiming his support for the ideals of the 2011 revolution, and by advocating for political rights and economic justice, Andrew was found guilty of the “indirect promotion of a terrorist crime.” Again, nothing in his case file or at the trial pointed to any call for any sort of violence. Indeed, Andrew’s lawyer, Abdel Aziz Yousef from the Association for Freedom of Thought and Expression (AFTE), described the case as “truly frivolous, literally completely empty.”¹⁸ The harsh verdict shocked Andrew’s family and friends, who say that the young man had never been arrested before and does not like confrontation.¹⁹

PART OF WIDE REPRESSION

Andrew’s case is just one of many examples of how al-Sisi’s authoritarian regime punishes the peaceful expression of dissenting political views as “terrorism.” In April, for instance, the Alexandria Criminal Court sentenced human rights lawyer Mohamed Ramadan to 10 years in prison for insulting the president, to be followed by five years of house arrest—and by an unprecedented five-year ban on using social media.²⁰ The court cited the anti-terrorist law in its ruling, concluding that Ramadan’s posts not only insulted the president

14. For an analysis of the security situation facing Copts in the wake of Morsi’s removal, see Jason Brownlee, “Violence against Copts in Egypt,” Carnegie Endowment for International Peace, November 14, 2013, <http://carnegieendowment.org/2013/11/14/violence-against-copts-in-egypt-pub-53606>

15. “You Starved Us’ Petition Combats Price Hikes during al-Sisi’s Reign,” *Oxygen Egypt* (Arabic), July 22, 2014, https://x2oegypt.blogspot.com/2014/07/blog-post_22.html. Translated from Arabic, the petition text reads, “I am the Egyptian citizen who doesn’t have anything except her meager income, and I won’t let anything deprive me of it and starve my children. They said they would protect us, not starve us, and now they let the rich get richer at my expense?! They said they would give us a raise and all they did was raise prices, and if you complain they’ll call you a traitor and an agent who isn’t taking the country’s circumstances into account. Enough is enough! The time for silence is over. If you’re silent today, don’t complain tomorrow. I reject austerity and price hikes.”

16. Tarek El-Tablawy and Ahmed Feteha, “Egypt Inflation Rate Surges to Record After Subsidy Cuts,” *Bloomberg News*, August 10, 2017, <https://www.bloomberg.com/news/articles/2017-08-10/egypt-urban-inflation-rate-surges-to-record-after-subsidy-cuts>; “27.8 percent of Egyptian population lives below poverty line: CAPMAS,” *Aswat Masriyya*, July 27, 2016, <http://www.egyptindependent.com/278-percent-egyptian-population-lives-below-poverty-line-capmas/>

17. Article 28, Law 94 of 2015.

18. Suurur, “Andrew’s Tragedy.”

19. Ibid.

20. “Alexandrian Rights Lawyer Gets 10-Year Jail Term, Five-Year Ban on Internet Use in Terrorism Conviction,” *Ahram Online*, April 13, 2017, <http://english.ahram.org.eg/NewsContent/1/64/262892/Egypt/Politics-/Alexandrian-rights-lawyer-gets-year-jail-term,-five.aspx>

but also incited violence.²¹ In November 2015, security officials arrested Ismail Iskandarani, an independent researcher and journalist who wrote critically about the situation in the Sinai Peninsula, where a jihadist insurgency has been underway for several years. The authorities do not tolerate reports on Sinai that challenge the official narrative.²² They charged Iskandarani with being a member of a terrorist group (the Muslim Brotherhood) and spreading false news about Egypt. He is still languishing in pre-trial detention.

THE GOVERNMENT HAS IMPRISONED OTHER JOURNALISTS AND ACTIVISTS UNDER THE ANTI-TERRORISM LAW AND THE RELATED TERRORIST ENTITIES LAW.

The government has imprisoned other journalists and activists under the anti-terrorism law and the related terrorist entities law (Law 8 of 2015).²³ They are among the reported tens of thousands of political prisoners locked up in abusive conditions—mostly Islamists but

also members of the secular democratic “civil current” and others. Al-Sisi denies that Egypt has any political prisoners.²⁴

In addition, in recent months the regime has taken the unprecedented step of blocking more than 400 websites of civil society organizations; bloggers; Egyptian, regional, and foreign publications; and research centers in the United States and Egypt.²⁵ Many of these websites publish critical research and analysis about Egypt’s political and economic challenges and its human rights crisis. Press reports have cited unnamed security officials as contending that the websites support terrorism because they “disseminate content that harms national security and community peace.”²⁶ The government has provided no evidence or legal justification for the action, however, and no agency has even claimed responsibility.

A SECURITY STATE WITH ELUSIVE SECURITY

President al-Sisi’s defenders often argue that his authoritarian rule is required to protect Egypt’s security in a chaotic region. Certainly, the region is chaotic, but under al-Sisi, Egypt faces growing internal threats from local affiliates of the Islamic State in Iraq and al-Sham (ISIS) and other violent Islamist groups in the country. In the latest such attack on October 20, unidentified militants ambushed a convoy of security forces in the Western Desert; Egyptian

21. Mai El-Sadany, “A Rights Lawyer: The Latest Target of Egypt’s Terrorism Law in the Wake of the Palm Sunday Bombings,” Tahrir Institute for Middle East Policy, April 14, 2017, <https://medium.com/@TIMEP/a-rights-lawyer-the-latest-target-of-egypts-terrorism-law-in-the-wake-of-the-palm-sunday-bombings-2d36c3d2ab85>

22. “Update: Detained Journalist Ismail Alexandrani’s Interrogation Postponed, Lawyers Denied Access,” *Mada Masr*, December 3, 2015, <https://www.madamqr.com/en/2015/12/03/news/u/update-detained-journalist-ismail-alexandrani-interrogation-postponed-lawyers-denied-access/>

23. “2016 Prison Census: 259 Journalists Jailed Worldwide,” Committee to Protect Journalists, <https://cpj.org/imprisoned/2016.php>; for an English translation of the Terrorism Entities Law, see here: <https://static1.squarespace.com/static/554109b8e4b0269a2d77e01d/t/554b9198e4b0fa935ae8c959/1431015832457/Terrorist+Entities+Law-English.pdf>

24. “No Political Prisoners in Egypt; Sisi Says During France Visit,” *Egyptian Streets*, October 24, 2017, <https://egyptianstreets.com/2017/10/24/no-political-prisoners-in-egypt-sisi-says-during-france-visit/>

25. “Egypt Blocks Human Rights Watch Website,” Human Rights Watch, September 7, 2017, <https://www.hrw.org/news/2017/09/07/egypt-blocks-human-rights-watch-website>; “Decision from an Unknown Body: On Blocking Websites in Egypt,” Association for Freedom of Thought and Expression (AFTE), June 4, 2017, https://aftegypt.org/right_to_know-2/publicationsright_to_know-right_to_know-2/2017/06/04/13069-aftegypt.html?lang=en

26. “Egypt Blocks News Websites for their ‘Support of Terror,’” BBC Arabic (Arabic), May 25, 2017, <http://www.bbc.com/arabic/middleeast-40045922>

security sources told the *New York Times* that at least 59 police and security officials were killed.²⁷ (Official government statements contend that only 16 were killed.) Wilayat Sinai, the ISIS affiliate in the Sinai Peninsula, regularly attacks military and police forces as well as civilians in the area.²⁸ In mainland Egypt, ISIS has claimed four major attacks against Copts in the past 12 months alone, with more than 100 fatalities.²⁹

Protecting the country from these threats should be the state's priority, but the regime directs a large amount of resources (including resources allocated to combat terrorism) to

repress peaceful activists like Andrew. Al-Sisi's regime rules through control, repression, and spreading fear, while the country remains vulnerable to terrorism and violence.

Genuine security is based on the rule of law, rights, justice, and strong and accountable institutions. As long as Egypt remains a country that imprisons young people calling for human rights, political reform, and social justice on Facebook, that blocks the websites of human rights groups and newspapers, and that equates a nonviolent Coptic Christian with ISIS militants, it will be neither safe nor secure.

27. Declan Walsh and Nour Youssef, "Militants Kill Egyptian Security Forces in Devastating Ambush," *The New York Times*, October 21, 2017, <https://www.nytimes.com/2017/10/21/world/middleeast/egypt-ambush-hasm.html>

28. Sudarsan Raghavan, "Egypt's Long, Bloody Fight against the Islamic State in Sinai is Going Nowhere," *Washington Post*, September 15, 2017, https://www.washingtonpost.com/world/middle_east/egypts-long-bloody-fight-against-the-islamic-state-in-sinai-is-going-nowhere/2017/09/15/768082a0-97fb-11e7-af6a-6555caeb8dc_story.html

29. Joe Sterling, Faith Karimi, Mohammed Tawfeeq, and Hamdi Alkhshali, "ISIS Claims Responsibility for Palm Sunday Church Bombings in Egypt," CNN.com, April 10, 2017, <http://www.cnn.com/2017/04/09/middleeast/egypt-church-explosion/index.html>



MAHMOUD FAROUK is a program associate at the Project on Middle East Democracy (POMED). He is a lawyer, the founder and former executive director of the Egyptian Center for Public Policy Studies (ECPSS), and a recipient of the Civil Society Leadership Award. He is on Twitter as @MahmoudFarouk06.

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