

United States Senate

WASHINGTON, DC 20510

January 16, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We urge you to immediately sanction the Egyptian government officials responsible for the unjust detention and death of American citizen Mustafa Kassem.

Mustafa Kassem's death was a needless tragedy, after years of unconscionable mistreatment at the hands of Egyptian authorities. He was arrested at a shopping center, beaten after showing his U.S. passport, detained, and denied critical access to medicine and medical care. He was in "pre-trial" detention for over five years before being convicted of trying to overthrow the Sisi government in a sham mass trial with 738 other defendants, violating all standards of due process.¹ Egyptian officials never presented any evidence implicating Kassem—because there was none. These actions against a U.S. citizen are particularly egregious, as the United States provides approximately \$1.4 billion in foreign assistance to Egypt annually.

On January 13th, Assistant Secretary for Near Eastern Affairs David Schenker pledged to "continue to raise our serious concerns over human rights and Americans detained in Egypt at every opportunity."² Respectfully, that is not enough. If that was not clear before an American citizen died alone in an Egyptian prison, 5,000 miles from his children, it should be clear now.

Senator Van Hollen raised Mustafa Kassem's case directly with Egyptian President Abdel Fattah el-Sisi this summer. Senator Leahy repeatedly called for Mr. Kassem's release. In addition, section 7031(c) of division J of the Further Consolidated Appropriations Act, 2020, which applies to all foreign countries, states that

"Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved, directly or indirectly, in...a gross violation of human rights shall be ineligible for entry into the United States"

¹ *Verdicts expected for 739 defendants in grotesque mass death penalty trial*. Amnesty International, June 29, 2018. Retrieved from: <https://www.amnesty.org/en/latest/news/2018/06/egypt-verdicts-expected-for-739-defendants-in-grotesque-mass-death-penalty-trial/>

² *Special Briefing*. David Schenker, Assistant Secretary, Bureau of Near Eastern Affairs, U.S. Department of State. January 13, 2020. Retrieved from: <https://www.state.gov/assistant-secretary-for-near-eastern-affairs-david-schenker-2/>

and Senate Appropriations Committee Report 116-26 includes the following requirement:

“Prohibition on Entry.--The Secretary of State shall apply subsection (c) to foreign government officials about whom the Secretary has credible information have been involved in the wrongful imprisonment of: (1) Mustafa Kassem, an American citizen imprisoned by the Government of Egypt and whose health is failing... In addition, the Secretary shall apply such subsection to officials of the Governments of Turkey, Egypt, or Saudi Arabia about whom the Secretary has credible information have been involved in the wrongful detention of locally employed staff of a U.S. diplomatic mission or a U.S. citizen or national.”

We therefore call on you to direct the Secretary of State to apply section 7031(c) accordingly.

Additionally, under the Global Magnitsky Human Rights Accountability Act,³ the President is granted the authority to deny entry to, revoke a visa from, block property of, and prohibit U.S. persons from entering into transactions with any foreign person he identifies as “responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights.”

We urge you to immediately impose the visa restrictions on Egyptian government officials involved in the detention—and now the death—of Mustafa Kassem. We further request that you make a formal determination that the Egyptian government’s treatment of Mr. Kassem constituted a gross violation of internationally recognized human rights and impose Global Magnitsky Act sanctions on the perpetrators.

At least six American citizens and two U.S. permanent residents remain unjustly detained in Egypt. Khaled Hassan, a limousine driver from New York, has been imprisoned since January 2018 on dubious charges of terrorism. Reem Mohamed Desouky, a teacher from Pennsylvania, has been imprisoned since last year on charges of administering social media accounts deemed critical of the government. Like Mustafa Kassem, they have been denied due process and their lives are in jeopardy.


You have repeatedly stated that your highest priority is the protection of American citizens, including in your letter accompanying the December 2017 National Security Strategy, in which you wrote, “I promised that my Administration would put the safety, interests, and well-being of our citizens first.” Yet U.S. efforts to secure the release of Mustafa Kassem, or other Americans detained in Egypt, are grossly undermined when you refer to President Sisi as a “good man” and your “favorite dictator.”⁴ Statements such as these, which contravene our nation’s values, embolden President Sisi to unlawfully detain and mistreat Americans, and engage in the brutal suppression of the rights of his own people.

³ NDAA 2017; P.L. 114-328; enacted December 23, 2016.

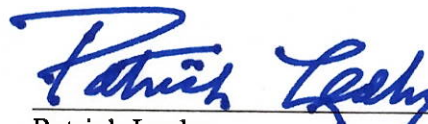
⁴ *Trump, Awaiting Egyptian Counterpart at Summit, Called Out for 'My Favorite Dictator'*. The Wall Street Journal, September 13, 2019. Retrieved from: <https://www.wsj.com/articles/trump-awaiting-egyptian-counterpart-at-summit-called-out-for-my-favorite-dictator-11568403645>

We urge you to take immediate steps to hold Egypt, one of the largest recipients of U.S. assistance, to account. We must send a clear and unequivocal message to President Sisi – and others around the world -- that the detention, abuse, torture, and death of American citizens will not be tolerated and will not go unpunished.

Sincerely,



Chris Van Hollen
United States Senator



Patrick Leahy
United States Senator