

# Egypt after the 2013 military coup: Law-making in service of the new authoritarianism

*Philosophy and Social Criticism*

2017, Vol. 43(4-5) 392–405

© The Author(s) 2017

Reprints and permission:

[sagepub.co.uk/journalsPermissions.nav](http://sagepub.co.uk/journalsPermissions.nav)

DOI: 10.1177/0191453717695367

[journals.sagepub.com/home/psc](http://journals.sagepub.com/home/psc)**Amr Hamzawy***The American University, Cairo, Egypt and the Carnegie Endowment for International Peace, Washington, DC, USA***Abstract**

The military coup was staged in the summer of 2013. In the intervening period, Egypt's ruling generals have succeeded in handcuffing the public space and bringing back fear as an everyday feature of life in a country that is still in dire straits. By various repressive measures, civilians have learned to fear the consequences of free expression and peaceful opposition. To this end as well, Egypt's ruling generals have also adapted legal and legislative tools to persecute political enemies and eradicate the existence of autonomous civil society organizations. However, far less attention has been paid to the details surrounding the legal and legislative tools utilized by Egypt's generals, and even less to the concerning implications these tools carry regarding notions of justice and the populace's faith in the neutrality of public institutions. A thorough explanation and analysis are necessary to understand fully the functioning of the new authoritarianism. It is also of paramount importance to highlight the fact it is impossible to search for ways to restore a democratic transition in Egypt without a structured thinking about how to dismantle the legal and legislative framework of the new authoritarianism.

**Keywords**

civil space, closure of public space, Egypt, law-making, new authoritarianism

Between staging the military coup in the summer of 2013 and today, Egypt's ruling generals have managed to handcuff the public space and to reintroduce fear as a daily constant for a country still in dire straits.

**Corresponding author:**

Amr Hamzawy, 4 Arafat Street, Eldokki, Cairo 12311, Egypt.

Email: [amr@hamzawy.org](mailto:amr@hamzawy.org)

*A version of this article was presented at the Reset DOC Istanbul Seminars 2016 ("Religion, Rights and the Public Sphere") that took place at Istanbul Bilgi University from May 24–28, 2016.*

Various repressive measures have been employed to induce civilian fear of the consequences of free expression and peaceful opposition. The eventual end-goal here is to evacuate citizens away from the public space, to eliminate the autonomy of civil society organizations, to marginalize political parties dissonant with the security and intelligence services, and to establish a new authoritarian government after the brief democratic experiment 2011–13. Egypt's ruling generals have also adapted legal tools to systematically persecute political enemies, both real and imagined.

The disastrous human rights record of the new authoritarianism has been documented objectively by numerous local and international NGOs. Mass killings, torture and forced disappearances are all too common.<sup>1</sup> On the other hand, far less attention has been paid to the details surrounding the legal tools utilized by Egypt's generals, and even less to the worrying implications these tools carry regarding notions of justice and the populace's faith in the neutrality of public institutions. This may be due to the technical nature of these tools, and it may also be associated with the wide-scale human rights violations, as no single day passes without injustices or abuses of rights and freedoms. However, a thorough explanation and analysis of Egyptian law-making since 2013 is necessary to fully understand the workings of the new authoritarianism.

## I The Protest Law

In this context, the first law worth affording special attention was issued on 24 November 2013, by the interim president, Adly Mansour. Making use of his temporary legislative prerogatives, Mansour issued a law on Organizing the Right to Public Meetings, Processions and Peaceful Demonstrations.<sup>2</sup> Not only should this law, known locally as the Protest Law, be scrutinized because it justifies the usurpation of the freedom of a large number of Egyptian youths, students, workers, Muslim Brotherhood affiliates and others, but it has also created a citizen diaspora, a hunted community outside of the public space, pursued by a government that does not shy away from sponsoring violence and legalizing repression.<sup>3</sup>

The Protest Law recognizes citizens' right to 'organize a meeting, or conduct a procession or protest'. It requires notification to be given at least 3 days and no more than 15 days in advance of such actions.

Yet, the law as originally drafted gives the security services absolute power to cancel or postpone a demonstration, change its location and modify its path based on 'serious information or evidence' regarding the existence of threats against security and peace. In its 10<sup>th</sup> article, the law effectively eliminates citizens' rights of peaceful assembly and demonstration. It also does not include any guarantees that demonstrators will not undergo surveillance or be subjected to threats.

This set-up makes the security services the proverbial judge, jury and executioner. It essentially allows police forces to conduct themselves – potentially committing abuses – without any oversight, any control, or a framework for objective evaluation of their actions.

The only check on security services in the law is weak. Article 10, as originally drafted, allows citizens to air their grievances concerning the prevention of demonstrations or the delay of decisions in front of a judge. This only means, however, that citizens can file a complaint, with no indication of the potential outcomes of such action.

In another stipulation, the law essentially gives the security services and other executive-affiliated bodies the capacity to bar civilians from protesting in front of public

offices. It endows the security services with the authority to delineate ‘secure zones’ surrounding public institutions and facilities, in which demonstrations and rallies are not prohibited. The security services have expanded their use of the term ‘secure zones’ to prevent any protest against legislative, executive and judicial institutions that are responsible for public actions – institutions that across the world draw the attention of citizens with grievances and constituencies harmed by public policies. The same stipulation has also been employed to disperse marches on police stations, governors’ offices and municipalities that have quotidian interactions with the public and often marginalize society’s weakest groups.

The law outlines a range of financial sanctions, as well as imprisonment, for those who violate its rulings. The most serious of these punishments is a draconian ban imposed in article 7 on various types of protests. It prohibits participation in meetings, rallies, marches and demonstrations that the government classifies as disturbing societal peace and as potentially resulting in the damage of public and private property, blocking roads and inhibiting other citizens from exercising their rights. Article 7 outlaws peaceful rallies, strikes and sit-ins that could potentially damage state-owned means of production or individual businesses. This draconian ban negates the constitutionally enshrined and internationally sanctioned right to protest peacefully in streets and squares, and to conduct strikes and sit-ins in work sites.

The tools available to the security services to virtually abolish the citizens’ rights to protest are outlined in other articles of the Protest Law as well. Articles 11 through 13 grant police forces the authority to use batons as well as rubber and non-rubber bullets to disperse meetings, rallies, marches and demonstrations they deem not in accordance with the peaceful nature of citizens’ protests. The law does not include an adequate definition of what constitutes a ‘departure from the peaceful nature’. It authorizes ‘dispersion by force’, which has led to a massive increase in the use of violent dispersal tactics.<sup>4</sup>

There has been some movement against this law since it was passed. On 3 December 2016, the Supreme Constitutional Court (SCC) struck down article 10.<sup>5</sup> The court ruled that granting the security services the power to regulate and prevent demonstrations was unconstitutional. The demonstrators’ constitutional rights and the principle of separation of powers require that demands by the security services regarding restricting demonstrations and other protest activities are referred to a court to adjudicate the matter.

The most significant aspect of the SCC ruling is that the court decided that the requirement for citizens to notify the security services of their intentions to demonstrate is designed to compel the government to accept a constitutional right, not to restrict it. The ruling says that only a competent court in accordance with due process could apply such a restriction. This could have implications in areas other than demonstrations, most notably non-governmental organization (NGO) registration. It could force the government to go to court to prevent an organization from gaining official status rather than the current practice of rejecting registration applications and forcing the applicants to engage in lengthy litigation to reverse the decision.

If the security services are determined to restrict demonstrations, other components of the Protest Law that will survive the SCC ruling give them wide-ranging legal powers to undermine the rights of demonstrators. For instance, they can ask a court to ban peaceful demonstrations in squares, roads and work sites, or demand that citizens be barred from

peacefully protesting bad policies or human rights abuses close to state buildings and public offices. And the provisions regarding the use of force still stand.<sup>6</sup>

## II Laws targeting non-governmental organizations

Since 2013, the government has been characterizing civil society actors, especially human rights organizations and legal assistance organizations, as seditious elements in Egypt. On the one hand, this is to juggle public awareness and to keep people from listening to those who are not subject to the new authoritarianism's direct control. On the other hand, this is a way to justify referring civil society actors to trial for their actions. To that end, legal tools have been adapted extensively.

One problematic piece of legislation already on the books was the NGO Law (Law no. 84 of 2002), which included several portions restricting the establishment of non-governmental organizations, subjecting operating NGOs to heavy bureaucratic control – represented by the Ministry of Social Solidarity – imposing draconian limits on funding and generally compromising the independence of civil society. Equally problematic were clauses that endowed the executive authority – represented by the security and intelligence services – with extensive tools for surveillance, interfering with and disrupting civil society activities. Following their coup, the generals initially made no attempt to amend this law.

In the winter of 2016, however, the legislature – the House of Representatives – replaced law no. 84 of 2002 with a new piece of legislation targeting civil society.<sup>7</sup> The draft legislation was put forward by a pro-government member of parliament; very few adjustments to the draft were made,<sup>8</sup> and there was virtually no debate about it in parliament. This has re-emphasized the rubber-stamp role of parliament as an enabler of the new authoritarianism in Egypt and is yet another attempt to eliminate the freedom of association enshrined in the constitution. Upon final approval by the president and subsequent enactment as a law,<sup>9</sup> this legislation will enable the government to increase its pressures on civil society.

The legislation acknowledges the right of NGOs to register with the Ministry of Social Solidarity by notification. However, it also gives the ministry the power to decline registration without judicial approval for a litany of reasons. Some of these reasons are technical, such as the lack of application data pertaining to the founders. Others, however, are malleable, such as 'involvement of founders in prohibited or punishable activities', according to the Penal Code or any other law.

The new legislation adds other restrictions as well. Non-governmental organizations that engage in activities reserved for political parties have traditionally been banned; such activities include encouraging citizens to join a specific political party, pushing for a certain candidate in an election, or raising funds for a specific election campaign. The new legislation also includes a ban on organizations that 'intrude' on the domains of labor and trade unions as well as professional syndicates. And it bars organizations from forming in domains that are labeled 'harmful' to the nation.

These stipulations aim to separate NGOs from labor and trade unions in need of civil society support to defend the rights and freedoms of their members. This leaves the unions more vulnerable to repressive measures if they oppose official policies.<sup>10</sup>

Furthermore, civil society actors are not permitted to engage with professional syndicates, such as the journalists' and doctors' syndicates, that resist the grip of the new authoritarianism; such action is criminalized in the new legislation. This means that the NGO legislation undermines opportunities for rights groups such as the Egyptian Center for Social and Economic Rights and the House of Association and Labor Services to register as NGOs and to operate legally.

Violations come with hefty administrative penalties, fines and periods of imprisonment. And those violations remain legally unspecified – as is the case with engagement in 'harmful' activities. The lack of objective legal definitions creates additional avenues for repression and it subjects civil society activists to permanent threats of bans, criminalization of their practices, and other punishments. All of this contributes to civil society actors' prevailing sense of fear of being targeted.

Additional articles are designed to eliminate the autonomy of NGOs and to subject them to full-scale security control. These efforts have pushed civil society in Egypt to the brink of extinction. The legislation includes a new governmental body called the National Agency for Organizing the Operation of Foreign NGOs. This agency is dominated by high-profile ministers, including the ministers of defense, the interior, justice and foreign affairs, as well as other potentially concerned ministries. A number of high-profile organizations also have representatives in the agency, including the General Intelligence, the Egyptian Central Bank and the Administrative Control Authority. The agency has jurisdiction over matters concerning foreign non-governmental organizations – approving the establishment of foreign NGOs in Egypt or authorizing their activities – and it could be on the way to becoming the government's most important body in administering the affairs of both domestic and foreign NGOs.

The jurisdiction of the agency extends beyond domains related to foreign NGOs and their cooperation with domestic counterparts. It has oversight capacity over all financial transactions of both domestic and foreign NGOs. The agency oversees the transfer of funds from international NGOs to their offices in Egypt, the receipt of foreign funds by domestic NGOs, and donations to NGOs from groups and individuals both in Egypt and abroad. It requires NGOs to provide a 'confirmation of expenditure' of funds to ensure that approved funds are spent for the approved purposes. This adds a second layer of financial scrutiny because NGOs were already overseen by the Central Auditing Agency.

The government seems to have invented this agency to legally enshrine full-scale security control over NGOs. It also serves to concentrate the government's administration of NGOs in the hands of the security-dominated agency and in so doing sidelines bureaucracies such as the Ministry of Social Solidarity. Among other things, the agency is notified by the Ministry of Social Solidarity of foreign and domestic NGOs' requests to receive funding. The agency can veto such requests outright, and if it approves the requests, it retains the right to retract them later, ensuring the full control of funds both retroactively and proactively.

Because of these gate-keeping roles, the National Agency for Organizing the Operation of Foreign NGOs has become a rogue authority, one that will likely discourage Egyptian citizens from donating to Egyptian NGOs. In this way, the new authoritarianism can diminish the funds with which domestic NGOs can perform the economic, social, developmental and charitable functions on which wide segments of the

population depend. The agency threatens NGOs with surveillance, penalties and criminalization at all levels: registration, planning and execution of activities, domestic and foreign fund-raising, and donation collections. NGOs can be targeted at any of these levels if their actions do not align with the interests of the security services.

The NGO legislation virtually eliminates freedom of association and threatens the survival of civil society as a foundational pillar of stability and prosperity in society. And it is on track to drive what few foreign NGOs remain in Egypt out of the country and freeze what is left of the cooperative relationship between them and their domestic counterparts.

Prior to the new NGO legislation, the government had enacted a bundle of legal and administrative measures to increase the pressure on civil society. The government compiled and used a list of NGOs that may have their licenses to operate revoked based on dubious claims of violating administrative terms and conditions. For example, it revoked the license of the Nadim Center for the Rehabilitation of the Victims of Violence and Torture, one of the most active rights groups in Egypt, citing administrative violations.<sup>11</sup> Other NGOs faced dissolution due to unsubstantiated accusations that they are affiliated with the Muslim Brotherhood.<sup>12</sup> Organizations charged with Brotherhood connections had their funds and financial assets confiscated in accordance with a 2014 law establishing a governmental confiscation committee under the name of the Committee for the Confiscation and Management of the Muslim Brotherhood's Funds.<sup>13</sup>

### III Amending the Penal Code

Of all the presidential decrees that have emerged since 2013 to increase the pressure on civil society, the amendment of article 78 of the Egyptian Penal Code carries the most indiscriminate implications.

On 21 September 2014, President al-Sisi amended article 78 using his interim legislative prerogative in the absence of Parliament.<sup>14</sup> The amendment essentially criminalizes the public and peaceful activity of individuals and NGOs that the new authoritarianism classifies as enemies and conspirators, thereby revoking their freedom of association as well as their rights to operate legally.<sup>15</sup>

The article of concern is vague, stipulating the criminalization of specific acts without defining them in an objective legal manner. The first paragraph provides an example:

She/he, – who requests for her/himself or for other, or who accepted or took, even through a medium, from a foreign country, or from those who are working for its benefit, or from a natural or a of legal-nature person, or from a local or foreign organization, or any other entity that is not affiliated with a foreign country and does not work in its favor, liquid or transferred money or hardware/machinery, or equipment or weapons or ammunition or the like or other things; or promised something of these matters, to intentionally commit any act that harms the national interest or jeopardizes the independence of the country or its unity or the safety and security of its lands or to commit any acts of hostility against Egypt or to breach public peace and order – is penalized with life imprisonment and a fine of not less than five hundred thousand pounds and not more than what she/he was given or promised.<sup>16</sup>

The criminalization of the receipt of funds, hardware/machinery, equipment, weapons and ammunition is both normal and expected if these items are collected with the intent of jeopardizing the security of the country or carrying out hostile acts. And even in this case, further discussion would be needed about the legal definition of jeopardizing the security of the country and the nature of hostile actions. However, the same cannot be said when the amended text criminalizes acts that could ‘harm the nation’s interest’ or ‘breach public peace and order’. These concepts are inherently undefinable in an objective manner, and result in legal ambiguities that are used as a tool of repression by the government.

Equally legally unorthodox is the lack of an objective, substantive definition of the contraband addressed in article 78. Instead, the legislation relies on ambiguous phrasing, such as ‘or other things’. Terms that allow for a wide range of interpretations by the government are codified throughout the amended text in additional vague statements, such as: ‘the same penalty shall apply to her/him, who gave or offered or promised something with the intention of committing a harmful act’. And in the third paragraph, harsh penalties – including the death penalty – are imposed in cases of ‘mediating in harmful acts’, without any definition of what constitutes mediation.

Article 78 blurs lines in many ways. It subjects NGOs working on rights and freedoms to the same surveillance and criminalization as proven participants in acts of terror, violence and espionage. There are no clear-cut and substantial differences between acts of terrorism and violence rightfully classified as hostile acts on the one hand and the legitimate activities of rights groups documenting human rights abuses and defending victims on the other. The lines between the criminal receipt of weapons and ammunition with the purpose of committing acts of violence and the receipt of computers and printers that are needed by NGOs to manage their activities have also disappeared.

#### **IV The Terrorism Law**

The government’s adoption and subsequent exploitation of laws did not stop at the Protest Law and the Penal Code changes. A terrorism law was also issued, in addition to several amendments designed to augment the jurisdiction of the military court system in a manner that undermines the rule of law and threatens safeguards of basic rights and freedoms. The Terrorism Law further promotes the government’s elimination of citizens’ rights and freedoms and the criminalization of NGOs.

On 24 February 2015, in the temporary absence of the legislature, President al-Sisi issued the presidential decree law no. 8 of 2015, known as the ‘Law of Organizing the Lists of Terrorist Entities and Terrorists’. This law too includes vague wording that further enables the government to legally surveil and penalize those individuals and organizations who peacefully oppose official policies and practices.

It creates an environment in which accusations of ‘terrorism’ can be used without legal restraint against opponents of the new authoritarianism. This is because the law is drafted using the same vague terms and concepts that have come to be the main feature of law-making since the 2013 coup and systematically conflate crimes committed by violent groups with citizens’ and NGOs’ activities when their use of freedom of expression and freedom of association collide with official policies. The phrasing ‘breaches to

public order' is used to describe these inherently different acts, and the classification as so-called hostile entities as terrorist entities does not end where violence stops. The law specifically defines a terrorist entity in its article 1:

...the associations, organizations, groups or gangs or cells or other gatherings in whatever legal or factual form, whenever it exercised or was intended to call for – by any means, inside or outside the countries –, the harm of individuals and the spreading of panic among them, or to put their lives or freedoms, or rights or security into danger or to do harm to the environment or the natural resources or the monuments or the communications or land, air or seas transportation or the funds or buildings or public and private property or to occupy them or to prevent or obstruct the public or the judicial and governmental bodies and authorities or the local units or the houses of worship or the hospitals or the sciences institutions or other public facilities, or the diplomatic and consular missions, or the regional and international organizations in Egypt from carrying out their work and exercising some or all of their activities or resisting them, or disrupting public or private transportation or preventing or hindering its progress or its endangerment by any means; or was it intended to call by any means for the breaching of public order or the endangerment of the society's safety or putting its interests and nation at risk, or for disabling the provisions of the constitution of the laws or for preventing any state's institutions or authorities from carrying out its activities, or for attacking the citizen's personal freedom or other public freedoms and rights which were guaranteed by the constitution or for harming national unity or social peace or national security.<sup>17</sup>

Additionally, the law regulates the procedures by which individuals come to be included on 'terrorist lists'. Article 3 includes a provision delegating jurisdiction over this process to one or more criminal circuit courts in Cairo's Court of Appeals following a formal request by the state prosecutor. The criminal circuit courts are required to adjudicate requests within 7 days of the date of the state prosecutor's filing the necessary paperwork.

Crucially, the Terrorism Law does not require the government's accusations of terrorist involvement to be proven through transparent judicial proceedings before individuals are placed on the list. Rather, the process of list enrollment under the law has become a kind of cooperative administrative effort between two judicial destinations, the state prosecutor's office and the criminal circuit courts.

Another danger here is that the law does not clearly identify the paperwork necessary for requesting the enrollment of an entity or individual as a terrorist. It does not allow the concerned entities and individuals to appeal their placement on the list until after listing, and it designates the Court of Cassation (the court's criminal circuit) as the body responsible for adjudicating the appeals without specifying a time period for issuing decisions. This deprives the entities and individuals placed on the lists of the constitutional and legal right to fair trial prior to conviction.

The law presents a wide spectrum of potential effects that enrollment on terrorist lists could have on listed entities and individuals. They include confiscating organizational and financial assets, revoking licenses of NGOs, banning enrolled individuals from travel and seizing or annulling their passports, stipulating that these individuals have legally lost the 'good reputation' necessary to hold office and based on that barring them



from running for public and parliamentary positions. The wording of the law mandates that these effects take place immediately following placement on the terrorist lists.<sup>18</sup>

## **V The military court law**

Another law passed has led to an unprecedented expansion of the role of the military court system and the referral of civilians to military tribunals.<sup>19</sup> President al-Sisi issued law no. 136 of 2014 by presidential decree.

The law stipulates that the army shall assist the police forces in securing and protecting public institutions, offices and facilities. It then justifies the mandate of the army by stating that these sites – which include public universities and government-owned industrial facilities – as well as all activities unfolding in and around them fall under the jurisdiction of the military court system for the duration of the protection period, which is left unspecified and can therefore be extended endlessly.

The main mechanism of intimidation associated with the law has been civilian referrals to military tribunals, which are infamous for their lack of transparency and safeguards for fair litigation. In the official use, peaceful public assemblies, rallies, demonstrations, sit-ins and other protest activities happening in public sites protected by the army have systematically been conflated with acts of violence.<sup>20</sup> And this conflation has provided grounds for referral of university students, industrial workers, and labor activists participating in peaceful protest to military tribunals.

Civilian referrals to military tribunals contradict the constitutionally enshrined right of each citizen to be tried by his or her natural judge – that is, in a civilian tribunal. And as there is no judicial body that can rein in military jurisdiction, prosecuted individuals are deprived of the safeguards of their rights and freedoms that are part of litigation in civilian tribunals.

More than 7,000 civilian cases were referred to military courts between 2014 and 2015.<sup>21</sup> This is a drastic increase from the already elevated rates of civilian referral to military courts from 2011 to 2014, which amounted to approximately 11,000 cases, and it is evidence of how law-making has been adapted to the needs of the new authoritarianism.<sup>22</sup> Similar to the Protest Law, the changes in the Penal Code and the Terrorism Law, the expansion of the jurisdiction of the military court system subjects citizens and NGOs to the constant threat of surveillance and punishment. It adds to the legal tools at the disposal of the new authoritarianism to close the public space and implement repressive policies.

## **VI A submissive legislature**

During its first parliamentary session, which ran from early 2016 to September of the same year following the parliamentary elections of 2015, the House of Representatives ratified the protest and terrorist laws, and the amended military court law, and it approved the amendments of the Penal Code, including article 78. In fact, the House of Representatives approved without revision or even substantial discussion 342 out of 343 presidential decree laws issued by interim president Adly Mansour and by the current president, al-Sisi. These acts of submission to the executive branch of

government run counter to the spirit of the oversight prerogatives bestowed upon the legislature in the 2014 constitution, which calls for serious deliberations prior to the ratification of presidential decree laws.<sup>23</sup>

The only law rejected by a majority of the legislature was the presidential decree law of civil service (law no. 18 of 2015).<sup>24</sup> Even in this case, the law was amended slightly and passed at the end of the parliament's first session,<sup>25</sup> again with consideration given to very few details. These moves indicate that the legislature is loyal to the executive, a loyalty that was imposed by the dominant role that the military establishment as well as the security and intelligence services played in managing the parliamentary elections in 2015 and manipulating their results.<sup>26</sup>

What is more, the unwillingness of the legislature to exercise its constitutional right to legislative review demonstrates the house's complicity in curtailing the rights and freedoms of Egypt's citizens. The speaker of the House of Representatives – a legal expert by training – lauded his parliamentarians for ratifying 342 presidential decree laws in a record time, not exceeding 15 days.<sup>27</sup> Further undermining any notion of legislative autonomy, he praised the house for its 'high care' of the presidential preferences.<sup>28</sup>

## Conclusion

These government tactics and efforts amount to an unprecedented crackdown. According to various human rights organizations, the number of those detained and imprisoned between the years 2013 and 2016 is almost 60,000. To accommodate them, the Egyptian authorities have begun construction work on more than 10 new prisons.<sup>29</sup> Forced disappearances have been thoroughly documented by local and international human rights organizations, and their reports estimate the rate of disappearance at an average of 3 to 4 cases per day.<sup>30</sup> There have been mass killings,<sup>31</sup> and local human rights organizations reported 326 murders outside the law committed by the security and intelligence services in 2015, a number which rose to 754 cases in the first half of 2016 alone.<sup>32</sup> In August 2016, the Egyptian Coordination of Rights and Freedoms released a report on prison conditions in Egypt, documenting 1,344 incidents of torture (including direct evidence of torture and intentional medical neglect) in detention facilities and prisons between 2015 and 2016.<sup>33</sup> Several international human rights organizations have confirmed the same findings.<sup>34</sup> The government is using its new legal tools to achieve these ends. And the circle of enemies subject to these tactics includes actors considered long-time adversaries as well as new opposition voices.

Beside the legal siege, the new authoritarianism has ensnared activists and civil society in Egypt by propagating outright lies about their objectives and roles. State-owned media have been mandated to present a false or distorted image of various civil society associations and organizations which do not acquiesce to the injustice and oppression perpetuated by the new authoritarianism. Civil society has been falsely defamed as an ever-present de-stabilizing force, pro-democracy activists as agents of chaos and state collapse. This, in turn, justifies the repression of NGOs and gives the government carte blanche to silence voices of dissent through slander campaigns.

Because it has managed to legally handcuff the public space, the repression of Egypt's new authoritarianism comes at a low cost for the ruling generals. To prevent

unsatisfied citizens from translating their malcontent into a true push for an alternative, the generals frequently employ statements that ridicule civilian politics, describing it as sophistry. Politicians are sometimes accused of giving up to the lure of private interests and rewards. Other times, they are accused of being incapable of familiarizing themselves with the requirements needed for ‘national salvation’ and for defending the ‘stability’ of the state. Even more, they are accused of taking ‘wrong decisions’ which fall to the ultimate savior, the current president, for correction in order to mitigate their negative effects.

## Notes

1. For an analytical overview, see Amr Hamzawy, ‘How Can a Democratic Revolution Fail to Improve Human Rights Conditions?’, in Anthony Tirado Chase (ed.) *Routledge Handbook on Human Rights and the Middle East and North Africa* (London: Routledge, 2017), ch. 34.
2. Accessed 18 March 2017, accessible @: <http://www.almasryalyoum.com/news/details/346065>
3. Accessed 18 March 2017, accessible @: <https://www.youtube.com/watch?v=S91Qv5HErYQ>  
<http://www.elwatannews.com/news/details/361832>  
<http://albedaiha.com/news/2015/11/27/101365>  
<http://onaeg.com/?p=1748773>  
<http://www.youm7.com/story/2014/10/26/%D8%A7%D9%84%D8%AC%D9%86%D8%AD-%D8%AA%D9%82%D8%B6%D9%89-%D8%A8%D8%AD%D8%A8%D8%B3%D8%B3%D9%86%D8%A7%D8%A1-%D8%B3%D9%8A%D9%81-%D9%8822-%D8%A2%D8%AE%D8%B1%D9%8A%D9%86-3-%D8%B3%D9%86%D9%88%D8%A7%D8%AA-%D8%A8%D9%82%D8%B6%D9%8A%D8%A9/1923110>  
<http://arabic.cnn.com/middleeast/2016/05/14/egypt-jails-51-protesting-against-saudi-islands-deal>  
<http://arabic.cnn.com/middleeast/2016/04/15/egypt-protest-tiran-sanafir>
4. The massive increase in the use of violent dispersal tactics was noticeable as soon as the protest law was issued. In 2014, 49 citizens were killed in the demonstrations commemorating the 3rd anniversary of the January Revolution. In 2015, 18 citizens were killed on the 4th anniversary of the revolution. In February 2015, 19 citizens were killed in the police dispersal of a gathering of soccer fans. Similar incidents have been occurring repeatedly. Accessed 18 March 2017, accessible @: <http://www.skynewsarabia.com/web/video/719401/%D9%85%D8%B5%D8%B1-18-%D9%82%D8%AA%D9%8A%D9%84%D8%A7-%D8%A8%D8%B0%D9%83%D8%B1%D9%89-%D8%AB%D9%88%D8%B1%D8%A9-25-%D9%8A%D9%86%D8%A7%D9%8A%D8%B1>  
 Also accessed 18 March 2017, accessible @: <http://arabic.cnn.com/middleeast/2014/01/26/egypt-violence>  
 Also accessed 18 March 2017, accessible @: [http://www.bbc.com/arabic/middleeast/2015/02/150209\\_egypt\\_football](http://www.bbc.com/arabic/middleeast/2015/02/150209_egypt_football)
5. Accessed 18 March 2017, accessible @: <https://www.madamasr.com/ar/2016/12/03/news/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D9%84%D9%8A%D8%A7-%D8%AA%D9%8F%D8%A8%D8%B7%D9%84-%D8%A7%D9%84%D9%85%D8%A7%D8%AF%D8%A9-10-%D9%85%D9%86-%D9%82%D8%A7/>
6. Accessed 18 March 2017, accessible @: <http://www.almasryalyoum.com/news/details/346065>

7. Accessed 18 March 2017, accessible @: <http://www.youm7.com/story/2016/11/29/%D8%A7%D9%84%D9%86%D8%B5-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84-%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AC%D9%85%D8%B9%D9%8A%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%87%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%AC%D8%AF%D9%8A%D8%AF-%D8%A8%D8%B9%D8%AF-%D9%85%D9%88%D8%A7%D9%81%D9%82%D8%A9-%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86-%D8%AD%D8%B8%D8%B1/2989287>
8. Accessed 18 March 2017, accessible @: <http://www.al-monitor.com/pulse/ar/originals/2016/12/egypt-law-regulate-civilorganization-activities-funding.html>
9. Accessed 18 March 2017, accessible @: <http://www.masralarabia.com/-1339897/الحياة-السياسية-خيراء-تصريحات-السياسي-تشير-لأمكنية-عدم-تصديقه-على-القانون-الجمعيات-الاهلية>
10. One of the most repressive tools used by the Egyptian government to silence labor activism is the jurisdiction enshrined in various laws of the military prosecutor and the supreme state security prosecutor over cases in which labor activists and elected union members organize to protest official policies or demand better working conditions and wage increases. Accessed 18 March 2017, accessible @: <http://www.madamasr.com/ar/2016/11/15/news/u/-اليوم-ما-بين-السجن-والبطالة-عمال-التر>
11. Accessed 18 March 2017, accessible @: <http://www.madamasr.com/ar/news/politics/%D8%A7%D9%84%D9%86%D8%AF%D9%8A%D9%85-%D9%81%D9%8A-%D8%B1%D8%AF%D9%87-%D8%B9%D9%84%D9%89-%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%B5%D8%AD%D8%A9-%D8%A7%D9%84%D8%A5%D8%BA%D9%84%D8%A7%D9%82-%D9%84%D9%8A%D8%B3-%D8%A8%D8%B3%D8%A8%D8%A8-%D9%85%D8%AE%D8%A7%D9%84%D9%81%D8%A9-%D8%A7%D9%84%D8%AA%D8%B1%D8%AE%D9%8A%D8%B5>
12. Accessed 18 March 2017, accessible @: <http://www.dotmsr.com/details/%D9%86%D9%86%D8%B4%D8%B1-%D8%A3%D8%B3%D9%85%D8%A7%D8%A1-%D8%A7%D9%84%D8%AC%D9%85%D8%B9%D9%8A%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%87%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D9%86%D8%AD%D9%84%D8%A9-%D8%A8%D9%82%D8%B1%D8%A7%D8%B1-%D9%85%D9%86-%D8%BA%D8%A7%D8%AF%D8%A9-%D9%88%D8%A7%D9%84%D9%8A>
13. Accessed 18 March 2017, accessible @: <http://www.albawabhnews.com/648271>  
Also accessed 18 March 2017, accessible @: <http://www.aswatmasriya.com/news/details/64952>
14. The House of Representatives convened in January 2016.
15. Accessed 18 March 2017, accessible @: <http://eastlawacademy.com/ForumPostView.aspx?I=500>
16. Accessed 18 March 2017, accessible @: *ibid.*
17. Accessed 18 March 2017, accessible @: [http://www.masrawy.com/News/News\\_Egypt/details/2015/2/24/466462/%D9%86%D9%86%D8%B4%D8%B1-%D9%86%D8%B5-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%83%D9%8A%D8%A7%D9%86%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8%D9%8A%D8%A9-%D8%A7%D9%84%D8%B0%D9%8A-%D8%A3%D8%B5%D8%AF%D8%B1%D9%87-%D8%A7%D9%84%D8%B3%D9%8A%D8%B3%D9%8A-%](http://www.masrawy.com/News/News_Egypt/details/2015/2/24/466462/%D9%86%D9%86%D8%B4%D8%B1-%D9%86%D8%B5-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D9%83%D9%8A%D8%A7%D9%86%D8%A7%D8%AA-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8%D9%8A%D8%A9-%D8%A7%D9%84%D8%B0%D9%8A-%D8%A3%D8%B5%D8%AF%D8%B1%D9%87-%D8%A7%D9%84%D8%B3%D9%8A%D8%B3%D9%8A-%)

D9%88%D9%8A%D8%A8%D8%AF%D8%A3-%D8%A7%D9%84%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%BA%D8%AF%D8%A7-

18. Accessed 18 March 2017, accessible @: <https://arabi21.com/story/979185/-هذه-هي-قائمة-الإرهاب-المصري-بأكملها-1536-اسما>.

Also accessed 18 March 2017, accessible @: <https://www.hrw.org/ar/news/2017/01/24/299232>

19. Accessed 18 March 2017, accessible @: <http://www.almazdar.com/6379>

20. Accessed 18 March 2017, accessible @: <http://www.nomiltials.org/2014/11/blog-post.html>

Also accessed 18 March 2017, accessible @: <http://www.parlmany.com/News/9/2006/%D8%A7%D9%84%D9%86%D8%B5-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84-%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%AA%D8%A3%D9%85%D9%8A%D9%86-%D9%88%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D9%86%D8%B4%D8%A2%D8%AA-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9-%D9%88%D8%A7%D9%84%D8%AD%D9%8A%D9%88%D9%8A%D8%A9-%D8%B1%D9%82%D9%85-136>

Also accessed 18 March 2017, accessible @: <http://www.shorouknews.com/news/view.aspx?cdate=28102014&id=b7555eb7-cb96-43e9-833a-56dc8b419d77>

21. Accessed 18 March 2017, accessible @: <https://www.hrw.org/ar/news/2016/04/13/288747>

22. Accessed 18 March 2017, accessible @: <http://eipr.org/pressrelease/2014/10/30/2256>

23. Accessed 18 March 2017, accessible @: <http://dostour.eg/2013/topics/regime/Government-163-5/>

And article 156 states the following:

If an event happened, not during a session in the House of Representatives, and it necessitates urgent measures that could not be delayed, the President calls for the convening of an emergency session to consider the event/matter. And if the House of Representatives does not exist yet, the President is allowed to issue law-decrees, on condition that they are discussed within 15 days from the convening of the new council, and in case they were not represented or discussed, or in case they have but not have been approved by the council, its law-effects are removed retrospectively, with no need to issue a decree which states that, unless the council approves their validity for the preceding period, or settles its implications.

24. Accessed 18 March 2017, accessible @: [http://www.ad.gov.eg/ar/Staticpages.aspx?page\\_id=3013](http://www.ad.gov.eg/ar/Staticpages.aspx?page_id=3013)

25. Accessed 18 March 2017, accessible @: <http://www.parlmany.com/News/4/120509/%D8%AC%D8%B1%D9%88%D8%AD-%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86-%D8%A7%D9%84%D9%85%D9%81%D8%AA%D9%88%D8%AD%D8%A9-%D9%81%D8%B6-%D8%AF%D9%88%D8%B1-%D8%A7%D9%84%D8%A7%D9%86%D8%B9%D9%82%D8%A7%D8%AF-%D8%AF%D9%88%D9%86-%D8%A5%D9%82%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%AE%D8%AF%D9%85%D8%A9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A%D8%A9>

26. Accessed 18 March 2017, accessible @: <http://www.madamasr.com/ar/2016/03/08/feature/سياسة/هكذا-انتخب-السياسي-برلمانته>.

27. According to the constitution of 2013, the House of Representatives was given the task of discussing and approving or rejecting the law decrees that were stipulated by the interim president or the current president with an interim legislative competence. Although the constitutional text has set a deadline of 15 days for the completion of this task, the House of Representatives could have succeeded in prolonging the period of time by beginning the

- discussion of all the law decrees before the period ends and then employing its usual regulatory tools to continue with the discussion.
28. Accessed 18 March 2017, accessible @: <http://www.shorouknews.com/news/view.aspx?cdate=06092016&id=b558d838-960d-4c9b-a3a9-4f02dd5152ab>.
  29. Since the 2013 coup, 11 prisons have been built, according to local and regional sources. Accessed 18 March 2017, accessible @: <http://www.aljazeera.net/news/humanrights/2016/6/14/بناء-السجن-ال-11-بمصر-في-3-سنوات>.
  30. Accessed on 18 March 2017, accessible @: <https://www.amnesty.org/en/documents/mde12/4368/2016/en/>
  31. Accessed 18 March 2017, accessible @: <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>
  32. Accessed 18 March 2017, accessible @: <http://bigstory.ap.org/article/93213a0d737a45ab878d20da8b14159f/egypt-rights-group-says-754-extrajudicial-killings-2016>
  33. Accessed 18 March 2017, accessible @: <http://almesryoon.com/%D8%AF%D9%81%D8%AA%D8%B1-%D8%A3%D8%AD%D9%88%D8%A7%D9%84-%D8%A7%D9%84%D9%88%D8%B7%D9%86/910433-1344-%D8%AD%D8%A7%D9%84%D8%A9-%D8%AA%D8%B9%D8%B0%D9%8A%D8%A8-%D9%81%D9%8A-%D8%A7%D9%84%D8%B3%D8%AC%D9%88%D9%86>
  34. Accessed 18 March 2017, accessible @: <https://www.hrw.org/news/2016/09/28/egypt-serious-abuses-scorpion-prison>