



# Developments of the policies and legislations related to human rights and the democratic transition

In Egypt

Egypt faces a critical and exceptional period in terms of repression and domination that enters the lives of Egyptians in all ways. The report focuses on the democratic transitional bar in Egypt which the Egyptian people aspired in their revolution, and the same bar written in the Egyptian constitution provided for the democratic state. But it faced a turning into a dictatorship interferes within the citizen's details of his daily life and the institutions of the authority if all its forms. Therefore, it is required to review the legal and constitutional framework related to democratic transition, and then the situation of human rights in Egypt will be reviewed secondly

Policies and legislations related to the democratic transition depend on the legal and constitutional frameworks structuring the transformation process. But the democratic transition is beaten through several ways which the report focused on one way of them under the control of the institutionalizing the military rule especially through controlling media in Egypt

It can be discussed in this level, the legal way of the regime's control over the state and the president's power over all authorities. Transition in Egypt is a transition towards clear dictatorship through several tools, starting with the massive law machine and its institutions then reaching to the regime's speech and promoting dominance.

The Egyptian constitutions passed with various amendments and revisions after the revolution in 2011 to 2019. This is the framework which was withing the monitoring, as the constitution remained the state's favorite tool for restructuring the poli-



## The popular referendum on the constitutional amendments

Turning out



11,17%

Less than 3 million

Approval



88,33%

More than 23 million

Participation



44,33%

More than 27 million

Egyptian state because of the complexity of its matter. But this report matters by ignoring the military state and militarize the regime of Egypt which is clear and obvious and passed peacefully. President Abdel Fattah Al-Sisi – the former military man- stated in his speech dated to the 25th of December 2019 that the military forces became responsible of safeguarding the constitution and democracy and preserving the civil nature of the state. And according to him, he aims to protecting the Egyptian state from facing a “second fall”. Previously in 2015, president Al-Sisi stressed that the Egyptian constitution was written by good intentions while countries as he stated are not build by good intentions but by the political will. But later it became clear that this will is the regime's will through its tools of security and army.

The coalition of support Egypt which is a pro-government dominant coalition in parliament submitted proposed amendments on the constitution. And the report of the constitutional and legislative committee in the house of the representatives revealed that 155 MPs signed the amendments' request. And finally, the amendments were approved by 531 MPs from 596 in the house of representatives which the overwhelming majority of its members support Al-Sisi while on the other hand 22 MPs voted against the amendments. And a transitional article allowed the extension of Al-Sisi's current presidency which he was elected in 2018 for four years extended to 6 years. And, allowed him to run for a third presidential period in 2024 on terms of the increase of the presidential period. And the amendments included creating A new upper house of parliament (senate) from 180 members as voters will choose two thirds of the members and the other one third will be directly chosen by the president. Besides the expansion in the article concer-

ning the power of the military forces, which included in addition to its functions in protecting the country, preserving its security and its territorial integrity other functions which are Safeguarding the constitution, democracy ,preserving the basic statehood, the civil nature of the state, the gains of the people, freedoms and rights of individuals.

Also, the amendments included Appointing a vice president or more, if needed. And according to the amendments empower the president to appoint the heads of judicial bodies, and the attorney-general from the candidates proposed these bodies. The constitutional amendments would create a quota for women, requiring that 25 % of all seats of the House be reserved for women.

The referendum on constitutional amendments was held in Egypt from 20th to 22nd of April 2019, and in 23rd of April the National Electoral Commission (NEC) announced the approval of the amendments with 88.83% and the refusal of 11.17% with the participation of more than 27 million of citizens according to the commission.

In that direction, the regime starts to reframe the electoral process which forms the house of the representatives and the legislature.

### Legislature:

It consists of the house of representatives and the Senate which isn't starting its functions yet.

According to Article number 102 of the Egyptian Constitution:

The number of the members of the house of representatives

tical life in Egypt and controlling the possibilities of change and transitions. The constitution represents “ the logical identity “ of the state, and it reflects the logic of its work , process, relationship with its environment and institutional regularity. It is noticed that the constitution in its final version after the amendment in 2019 identified the meaning of the civil state through a negative definition, or what's stated as the three noes by the speaker of the house of representatives dr Ali Abdel Aal which where “ no to secular state”, “ no to religious state” and “ no to police state”. And, away from the analysis of this definition and its context which was widely debated especially from the Islamic parties, it presents a different image of the Egyptian state's reality by the increase of police's repression and the religious and moral speech of the state especially for what's related to individual's freedoms and human rights. So that, in this analysis we can't talk about the significance of secularization in the

# The legal and constitutional framework related to the democratic transition

## The overall powers of the president of the republic

Some of this power are classic and common in presidential regimes but some of them were expanded, and because of the repressive nature of the regime, the scenarios are going to be worse.

### Legislature:

- The president of the republic may appoint a number of the members of the house of representatives not more than 5% and the one third of the Senate which hadn't started its work yet.
- The president of the republic calls the house of representatives to be held and also adjourns the session.
- The president of the republic has the right to issue laws or to object them.
- The right of dissolution of the house of representatives except when necessary, and with a reasoned decision and after a referendum.

### The executive authorities:

- The president is the head of the state and the Executive Branch who appoints the prime minister and he may exempt him from his office after the agreement of the people's assembly in both cases.
- The president of the republic may delegate some of his powers to the prime minister, deputies, the ministers and or governors.
- The President of the Republic may call the government to meeting to discuss important matters, and presides over the meetings that he attends.
- The President of the Republic, jointly with the Cabinet, sets the general policy of the state and oversees its implementation.
- The President may now appoint one or more deputies who may be delegated to perform some of his duties, may be relieved from their duties by the President at any time and accepts their resignations.
- The President of the Republic represents the state in foreign relations and concludes treaties and ratifies them after the approval of the House of Representatives.
- The President of the Republic is the Supreme Commander of the Armed Forces.
- The President of the Republic appoints civil and military personnel and diplomatic representatives and dismisses them, and confirms political representatives to

foreign countries and organizations.

- The President of the Republic declares, after consultation with the Cabinet, a state of emergency.
- The President of the Republic may issue a pardon or mitigate a sentence after consulting with the Cabinet. And In absence of the House of Representatives, the President of the Republic may issue decrees that have the force of law, provided that these decrees are then presented to the House of Representatives, discussed, and approved within 15 days from the date the new House convenes.
- The President of the Republic may call for a referendum on issues relating to the supreme interests of the country.

### Judicial powers

- The President of the Republic selects the heads of judicial bodies and agencies from among their seven most senior members. Their joint affairs are administered by a Supreme Council of Judicial Bodies and Agencies headed by the President of the Republic
- The president of the republic appoints the Prosecutor by the decree of the President of the Republic from among three people nominated by the Supreme Judicial Council from among the deputies to the president of the Court of Cassation, the presidents of the courts of appeals, or the assistants.
- The President of the Republic selects the president of the Supreme Constitutional Court from among the five most senior deputies of the court.
- The President of the Republic appoints each deputy of the court from among two candidates, one of whom is proposed by the court's general assembly and the other by its president. And the president and members of the Commissioners' Authority are appointed by presidential decree based on a nomination by the president of the court and after considering the opinion of the Court's general assembly.
- The National Defense Council shall be established, headed by the President of the Republic.
- A National Security Council is established, headed by the President of the Republic.
- The President of the Republic appoints the heads of independent and Regularity bodies, and they show annual reports to the President of the Republic, the House of Representatives, and the Prime Minister one issuing.
- The President of the Republic may request the amendment of one or more articles of the constitution.



is 450 members who are elected through a direct secret ballot.

- Not more than 5% of the members are appointed by the president.

The electoral system and the division of districts are prescribed by law, taking into account equitable representation of the populations and governorates.

Also, according to the aforementioned article, it may take the individual or the list electoral system or the combination of any ratio between them.

### According to the article of the Egyptian constitution:

- The number of the members of the Senate is not less than 180 members.

The electoral process of the formation of the house of representatives based on four legal texts which are as follows:

The law of parties, law on the Regulation of the Exercise of Political Rights, the law of the house of representatives and the law on electoral constituencies.

[The law of the house of representatives \(no.64 of 2014\)](#)

The aforementioned law, related to the current house of

representatives since 2015 specifies the combination of the electoral system between the absolute closed list with 120 seats and 448 seats for the individuals with two rounds. Besides, it is allowed for parties and independent individuals have the right to run in each system. In addition to the 5% 28 members appointed by the president which the number of representatives reached 596.

There has been a debate concerning amending this system since December 2019, and this is planned by the intelligence service affiliated with President Sisi. The proposed amendment is about making the parliamentary elections by the combination of the closed list system with 75% and the individual system with 25% only.

Also, this amendment is directed to the following law:

[Law No. 45 of 2014 regulating the exercise of political rights](#)

That means a more control in the aspects of the political life through repress the opposition and its capabilities. Especially that this law regulates the limits of the role, tasks, and rights of all parties: the voter, candidate, and the Supreme Elections Committee.

### Electoral district law

These amendments tend to expand the electoral district boundaries hitting the opportunities for the recent MPs,

especially partisans who form their candidature based on a narrowed electoral district. According to sources inside the Egyptian parliament, this amendment will be submitted through a new law.

### Judiciary

Despite the importance of the constitutional and legal dimension in dealing with the Judiciary, but the violated cases, its frequencies, and the role of all levels of the courts concerning these violations imposing the discussion of some of its aspects in the relevant section of violating human rights.

### Institutionalizing the military rule: Media field

The attempts to control media in Egypt is not new, but it was a common policy among the Arab countries. And that has been noticed since 2008 connected to a document released by the Arab information ministers to control space media. This document was proposed by Ana El-Fekky the former information minister.

It was designed to exploit the ownership of the Nile sat satellite in addition to

the new document that the Egyptian authorities sought to add as an annex

for all previous contracts with satellite TVs, to hit all the voices of the opposition.

Inside Egypt, the policy of control and order became more severe and repressive especially after the 25th of February.

Reporters Without Borders organization (RSF) referred to this situation in its report about the ownership of the mass media during the last 8 years after the revolution. And here the semi-final report of the Support Center highlights the features of the official repressive and controlling machine through the element of controlling media then through samples of the promoted official speech.

### Controlling the media:

Egypt experienced a glimpse of freedom of Media after the 25th of January revolution which continued till the downfall of the late and former president Mohamed Morsi and his regime. But the regime of the president Abdul Fattah

**The working environment for Media in Egypt is vague and complicated in significant. As statements related to the resources of investments and title deeds or the following-up rates are not available for the public either because of legislative gaps or by the Egyptian bureaucracy the base of corruption**

Al-Sisi wouldn't allow such a freedom of expression especially as many of analysis that refer to the less margin of freedom which was allowed by the late president Mubarak was one of the important aspects in mobilizing the revolution against him. Besides, the intention of President Al-Sisi was clear since the first months of his rule after his famous statement in August 2014 saying that "Abdul Nasser was lucky, he was working while media was supporting him"

Then the new regime starts to control over mass media and limit the freedom of expression in general. That achieved by many ways as purchasing the mass media and directing it entirely, banning and restricting independent media. Together with many legislations which participated in that and especially by forming the supreme council for media regulation.

Two ways of controlling Media can be addressed as follows:

### 1st The nationalization of the mass

**The armed forces will remain the protective shield to the Egyptian people on a sacred mission to protect the capabilities of the nation and people**

**Mouhamed Ahmed Zaki - The minister of defence and military production**



**media:**

A study by the Reporters Without Borders (RSF) organization refers to the transference in the ownership of mass media in Egypt where most of media's platforms became under the control of the ruling regime. As it became directly subjected to the intelligence or under the ownership of wealthy people closed to the government. And in this regard, the Egyptian Media Group which controls the visual, auditory sector and especially the satellite channels bought more than 10 media institutions through mandatory sale operations since 2016. This group is under the control of the intelligence as its head was appointed by the president. And in the same context, Mohamed Abo Eleinen, the wealthy businessman, succeeded in preserving the mass media which is under his ownership and he was supporting the former president Hosny Mubarak and then declared his public support for Al-Sisi while the situation was in contrary for other businessmen who are less close to regime.

It's not known when the decision was made by mandating the sovereign authorities for almost directly acquisition over the majority of the main mass media that are with private ownership. However, the implementation of the decision started in the beginning of 2016, by founding the Egyptian Media Group company which the famous businessman Ahmed Abo Hashima was in the face and the chairman of the board of directors. The Egyptian Media Group company started implementing its mission by achieving its first acquisition when it bought On TV channels' group from Hawa's company owned to Naguib Sawiris in

May of the same year. Then, the aim of the acquisition appeared quickly with the changes happened on the channel, by the absence of some of its known and important faces or who is left, and in front of these faces was the talk-show host Lilian Dawood who as soon as she left the channel, she was deported from Egypt. That shows a previous clear harmony and coordination between the Egyptian Media Group and the authority.

And in July of the same year, the Egyptian Media group possessed Al-Hayah channels' group which its ownership was transferred to falcon company which is connected to sovereign authorities. And, in September of the same year, the Egyptian Media bought 51% of the stock of the Future Media company which is previously owned to Mohamed Al-Amin who kept 49% of the stock, and by controlling that percentage. Besides, by controlling the same percentage, the Egyptian Media group included the ownership of CBC channels' group to its property.

On the side of press institutions and in the same time, the Egyptian Media group dominated Al-Youm Al-Sabe'a newspaper maybe through transferring some of Abo Hashima's ownership of its stock to the ownership of the group.

Also, the Egyptian Media group obtained a deal over controlling the website of Al-Youm Al-Sabe'a, other several websites related to it as Video 7, Infrad, Photo 7, Parliament and Cairo. And in July, the Egyptian Media group-controlled Dot Masr website and bought Sout Alomma and Ein newspapers which were still owned by Esam Ismael

Fahmy. And this was an opportunity to get rid of several journalists in the two newspapers. Also, these deals include a huge number of advertising, media production companies



and other assistant industries including the Egyptian Media academy in addition to a security services company.

After the Egyptian Media group and Abo Hashima as in its head succeeded in carrying out this large mission which would have required a massive financial resource to be achieved. And for an unknown reason, Eagle capital company which is owned to a special fund of the Egyptian Ge-

neral Intelligence dominated the Egyptian Media group. However, the reason of this deal wasn't transforming the ownership as the Egyptian Media was mostly owned by the General Intelligence, but the obvious goal was changing its management. As, on the head of Eagle capital company was Dalia Khorshid, the former investment minister, and the wife of Tareq Amer, the governor of the Central Bank of Egypt and who was renewed to continue in his office for another 4 years recently. Apparently, the goal of this procedure was making the department's share which was dominated by the Egyptian Media group at a close connection to the regime, and throwing out of Ahmed Abo Hashima.

Thus, the nationalization of the TV happened in that way to control these channels to work according to complicated security administrative system. As it if for the first time in the history of television, we found out that the channel is the one which chooses and nominates names who will join and inform them formally. While the situation in past was that workers apply for a job, then the process of screening of applications and contacting who are accepted. But

here the situation is different, as candidates for work in this group pass with a security check in order to exclude all who has a well-known political orientation or previously had an absolute support for January revolution or what followed it. Thus, we will find that all faces who will appear in these channels are non-politicized to ensure their loyalty and to introduce them to the crowds in a different way that doesn't

reflect prior orientations may affect in away or another what it presents to the masses.

Moreover, the area of the restricted fist over the media exceeded all what is above to drama and cinema, especially during the promotional seasons of dramas and cinema in the months of Ramadan, and the two feasts (eid Al-Fitr and Al-Adha). As in a report published in the New York Times newspaper by its reporter Declan Walsh, he said that the Egyptian president Abdel Fattah Al-Sisi is expanding now his iron fist to control a new area inside the Egyptian society which is the tv series. The report addressed that t the Media group company associated with the General Intelligence, established a major tv production company which bought numbers of the largest tv networks. While, it was stated from one of the leading directors, that the scenario script writers were ordered to follow some guidelines in their work as glorifying the army, attacking Muslim brotherhood, and encouraging the conservative family values which encourage the Egyptian youth to obey the elderly.

## 2nd the Supreme Council for the Regulation of Media:

According to article (211) of the Egyptian constitution, and dated to 26th of December 2016 a law no (92) of the year 2016 was launched which is the Law Organizing Press and Media Institutions. And this law provides that the Supreme council for regulating media by the president of the republic from thirteen members, that means the domination of the executive authority in forming the council, and choosing its members. As the executive authority chooses (6) members of the total of (13), while the press syndicate is represented by (2) members, the media syndicate (2) members, the judiciary by (1) member and the Legislature nominates (2) non-members with experience. But, the choice of all of these bodies remains a proforma choice, as their role stands at a limit of nominating individuals, as the head of the executive authority has the right to approve on the candidates or not. And besides, the representation of the press and media syndicate together is not exceeding 30% of the total members. And despite the broad powers that are given by Law No. 92 of 2016 to the Supreme Council for Media Regulation.

However, on August 27,2018, the law Regulating the Press, Media, and the Supreme Council for Media Regulation (SCMR), Law No.180 of 2018, was issued. That law repeals law No.92 of 2016 promulgating the Institutional Organization for Press and Media and also law No. 96 of 1996 regu-

lating the press. This new law aims to extend the competencies of the Supreme Council for Media Regulation, impose more dominance and restrictions on the various media, and to reduce the number of representatives of the press and media syndicates, as according to law no.180 of 2018,the Supreme Council for Media Regulation is formed Of nine members after what was 13 members.

The Supreme Council issued 86 punitive decisions during

**The expansion of the imposed iron fist on the media exceeded all what's highlighted to reach drama and cinema, especially during the promotional seasons of drama in the months of Ramadan and the two feasts (Eid Al-Fitr and Al-Adha**

its first two years, and the suspension decisions, whether for programs or presenters, were the largest percentage by 29 decisions, approximately 35% of the total decisions. And, in the second place, the referrals for the administrative investigation by 18 decisions approximately 21% of the total decisions. Then, the decisions to draw attention with a total of 14 decisions, and in the fourth place, the financial fines by 10 decisions of a number of mass media which are estimated at 550 thousand pounds. And, in the fifth place, the warning decisions by a number of 7 decision. Then, followed by 4 decisions to prevent appearing on the media, and followed by two decisions obligating newspapers to publish an apology, and in the last place , the decisions to block websites and judicial referral decisions by one decision for each of them, where the The council president, Makram Muhammed ahmed, sends a letter to the Attorney



General to investigate the publication of articles that raise «sectarian strife» in Al-Maqal newspaper in its article appeared in May 27, 2017 issue.

The council also, stopped the activity of Al-Mashhad newspaper for 6 months on 21st of March 2019. And these decisions are issued according to the aggrieved entity or person, in a period of two years from its establishment. Moreover, the Supreme council media regulation also imposes moral guardianship on the mass media such as its decision to prohibit the appearance of homosexuals or the promotion of their slogans. Also, determining the form of clothing in which the presenter shall wear, and the characteristics of the tv shows presenter. And it is worth mentioning that the Supreme Council for Media Regulation is the first official authority to announce its responsibility for blocking a website. On Thursday, March 21, council issued its decision No. 20 of 2019 to block the website of the newspaper al-Mashhad for a period of six months, and to compel the newspaper to pay a fine of 50,000 within two weeks as violating public morals, code of honor, and the written standards and customs.

And, this decision is considered the first implementation of the Regulation of disciplinary penalties which was issued on Monday, the 18th of March, 2019. This decision is also considered as the 1st of its kind in which an official authority claims responsibility for blocking a website.

## 3rd the law regulating the press:

In complementing the security control q, Law 180 of 2018 was issued for regulating the press and media, and the Supreme Council for Media Regulation. This law, which was approved by the parliament on the 16th of July, by a major-

ity of two-thirds of its members, and this law is considered as one of the most serious legislations threatening freedom of expression in Egypt which was called by journalists as «the law of the execution of the press».

The law allows the council to have the right to issue a decision in terms of Confiscation and seizure of the newspapers' copies or deleting or blocking material that violates the instructions of the syndicate in case it is published in a newspaper, or website, or stop its broadcasting again on the media. This was objected to by a large number of members of the journalist group, because the special exception for war and the conditions of public mobilization are very vague. And it was previously used as a cover to block sites and stopping the activity of others. And despite the condemnation campaign that was within the press group and Syndicate, this did not deter the president from Promulgating it. Moreover, it is questionable that this law is similar in many of its contents to the law regulating the press issued by the late President Gamal Abdel Nasser on 24th of May, 1956 which was then introduced as “Nationalization of the Press” law. Although the president justified issuing the law by the chaos of the newspapers and publishing nude photos, but no one was convinced of that.

The cyberspace had been affected by this massacre too, as on May 2017, Egypt has witnessed a flood of blocking websites that exceeded 500 sites between media and rights in the first time in the world. This has aroused the anger of many defendants of media freedoms, inside and outside Egypt, because of the misty scene and the lack of sufficient information on the reasons for the blocking.

## Examples of the official discourse in the media:

This section is based on a number of official entities publications that outline the prevailing official discourse. It is a one-sided and authoritarian discourse that justifies violence in its ultimate. But this discourse is structured on specific perceptions of religious and national identity with a direct connection to the authority of the President and Supreme Commander of the Armed Forces. For example, the war on terror has a justification for repression against all. And, on another level, it is an ethical discourse which interferes into all the details of daily life, using what was previously explained about controlling the media.

In terms of content, however, it raises many questions and other indications about the dictatorship pattern in Egypt. And, it is worth recalling the latest statements of President Abdel Fattah El-Sisi concerning media. The Spokesman of the Presidency stated that the President directed to strengthen the role of the media in terms of the context of the state's efforts to build the Egyptian personality from all sides, especially the formation of awareness, the consolidation of values and constants of the society, the intellectual and cultural construction. Al-Sisi stated that during his meeting with the prime minister Mustafa Madbouly and the state minister of information Osama Haikal, whose appointment raised legal and constitutional problems since the beginning of 2020.

On this basis, two points will be mainly presented, the first is related to the lie of that the state power is the power of society, and the ethical statements of the public prosecution.

## The lie of that the state power is the power of society

The official pages of the Ministry of Defense, its YouTube site, and the spokesperson for the armed forces are full of the features of this promoted idea. The minister of defense stated that the armed forces shall remain the protective shield for the Egyptian people in a sacred mission to defend the homeland and the people.

And also, the summoning of the religious identity of the people the discourse of sacrifice and testimony that ascends the soldiers of the army as companions of the prophets and

the righteous. This is promoted in parallel with religious and national holidays, and terrorist incidents, or in the visits of the President Abdel Fattah El-Sisi to the families of soldiers.

Mainly, the promoted religious identity is structured on the basis of the idea of the Islamic religion. And it is accompanied by the images of children so that it is the meaning that is intended to be established and inherited. It comes in a general issue with a strong emotional power that provokes what is religious and patriotic towards all the news of the army in its confrontations against terrorist activities. But the relationship with the army passes through the president who is the supreme commander of the armed forces who



represents all the dimensions of the promoted discourse. This dimension can be noticed in the congratulating leaflets which are sent by the military commanders to the supreme commander on the occasion of religious and national holidays stating “ the soldiers of the armed forces, while congratulating you on this blessed feast, confirming their Fulfillment of the obligation of the tasks and responsibilities that they hold with all sincerity and honesty, affirming to your majesty their absolute loyalty to Egypt and its people, and their standing behind its commanders as faithful guards of the national responsibility which is entrusted to them by the great Egyptian people in defending the homeland, preserving the integrity of its lands, protecting its sacred lands

and ancient history”.

We cannot fail to mention the difference between religious identity and national identity, in that each of them has their own field. However, the relationship between them is strictly controlled, especially through the contradiction with political Islamism, which is criticized in all Egyptian mass media, and is linked to the Turkish- Muslim Brotherhood conspiracy. And, this means that there is a strict policy for expressing a specific religious identity that serves what is patriotic according to the regime. For example, this may be related to the religious discourse of the religious institutions of Al-Azhar. Despite some tensions in the relationship between Al-Azhar and the regime, it does not deviate from the pattern of the religious identity which is formulated in the mentality of the regime and its official circles. This issue goes beyond the aims of the report, but it must be referred to in order to understand the function of the repressive regime. The religious sphere in Egypt is controlled, which the regime has adopted within the framework of what President Sisi has stated about forming the Egyptian personality. The promoted conception of the religious identity does not justify the legitimacy of the conception itself . but rather it uses the power of the army and the security forces as tools of the legitimizing violence that preserve all what is sacred. And in this holy scheme, what is religious goes with the political nationalism.

The conception of linking the power of the state with the society is obvious, but it is a lie, as linking between them is not just authoritarian but a democratic nutitarianism, so the conception becomes authoritarian.

## The ethical statements of the Egyptian public prosecution:

Some of the Public Prosecution statements

“The Public Prosecution” orders the transfer of the accused Haneen Hossam and Mawada Eladhm and three others to the criminal trial, while continuing their imprisonment. That happened after the accused Haneen Hossam was re-imprisoned after confronting her with a new evidence that appeared through the examination of her seized electronic devices. This is because the two girls are accused of violating the family principles and values in Egyptian society, creating and managing their private accounts via the information network to commit that crime. Besides the participation of the rest of the accused with them in the

two aforementioned crimes, and one of them accused of illegally owning programs designed without the permission from the «Communications Regulatory Authority (CRA)». For the purpose of using it to facilitate committing of these crimes, and one of the two girls used it to help her escaping from the judiciary despite knowing that she was summoned in front of the public prosecution. Also, hiding evidence of the crime, and publishing matters that would influence the public opinion in the interest of one party of the case. And The “Public Prosecution” continues its investigations of the aforementioned accusations of the accused in crimes of human trafficking.

The Public Prosecution orders the imprisonment of the accused “Sharifa” nicknamed “Sherry Hanem” - and “Nora” nicknamed “Zumurda” under the accusations of:

- violating family principles and values in the Egyptian society
- violating the right to privacy in life, and publishing photos and video clips that violates the public decency, with the intention of sharing and posting them
- Declaring an invitation that includes a temptation of prostituting and drawing attention to it.
- Practicing prostitution for one of them, while the other one was inciting her, assisting and facilitating her deeds
- Establishing, managing, and using private accounts via the information network with the aim of committing these crimes.

These aforementioned statements were related to arrests during monitoring the accused girls, such as Haneen Hossam which is considered the first model of ethical politics relevant to the religious direction. The 1st statement asserted reminding of the family values and principles in the Egyptian society which reminds us of the conception announced by the president Abdel Fattah Al-Sisi concerning the formation of the Egyptian personality and the consolidation of principles and values. These Approaches do not respect the necessary distinction between controlling public order and individual freedoms. Thus, the Public Prosecution has become here a moral prosecution, which plays an essential role in repressing rights and freedoms by pushing freedom fighters and activists in prisons. The arrests continue in this direction for the users of social media, by using a permanent and strict control which characterizes Egypt during the previous period.



# The political and legislative development related to human rights

Law in Egypt is considered as a tool of repression, but violence is one of its characteristics. And in principle, Law is considered as a tool of legal violence that guarantees its achievement. However, the Egyptian regime uses the law to justify all forms of inhuman violence. And in an obvious breaching of the Egyptian constitution and the international laws related to human rights, all the institutions of the state, starting with the three authorities, then reaching the law enforcement agents engage in a systematic repression.

And as violating one of the rights, other violations of human rights in Egypt is followed. And while violating of the right to protest and gathering, enforced disappearance, torture, verbal and moral violence start.

The 1st sin is breaching the law in order to violate the rights of the Egyptian people. In the following presentation of a number of human rights violations in Egypt, it becomes clear that the most severe repression that Egypt suffers is under the role of president Abdel Fattah Al-Sisi.

The Egyptian people participated in a large demonstration in 20th of September, 2019 demanding the departure of Al-Sisi and it is noticed as the first time since demanding the departure of the previous presidents which also responded to on the anniversary of the January 25 revolution in which the Egyptian regime

ignored. The Egyptian revolution was only mentioned by the pre

sident during the 68th celebrations of the police day at the police academy as he stated that " Today coincides with the anniversary

of the 25th of January revolution with its noble demands to achieve a decent livelihood for the Egyptian citizen. The Egyptian contractor, Mohamed Ali, renewed his calls to the Egyptians to demonstrate on the ninth anniversary of the revolution, after previous calls for mobilizing March of Millions against the Egyptian President, Abdel Fattah El-Sisi, had failed during the past months, before he retracted and announced his retirement from political work.

On the government side, the anniversary of the revolution was increasingly attacked in the pro-regime media, which are completely controlled by the security bodies. As the revolution was described as a conspiracy from the state's enemies and caused the deterioration of the national economy and the spread of chaos in a number of Arab countries. And it was remarkable that the media focused on celebrating the Police Day, and ignored the anniversary of January revolution. As the private and official pro-regime tv channels put a congratulatory logo on its screen celebrating the 68th anniversary of the police day.

## The largest campaign of arrests during Al-Sisi era

From protesters to activists, lawyers, politicians and journalists:

The European Parliament voted on a decision condemning the Egyptian regime. Its statement contained many im-

portant and essential points that reflect the human rights situation in Egypt. The representatives of the parliament condemned the killing of 3,000 people without real trials, including children, from the start of the Egyptian President Abdel Fattah El-Sisi's rule. Also, the representatives criticized the arrests that followed the 20th of September demonstrations that demanded the departure of Al-Sisi which reached to 4300 demonstrators and opponents. The European Parliament condemned the excessive use of violence against demonstrators, and the detention of activists and journalists arbitrarily. Besides, about of 111 children among the detainees aged 11 to 17 years, and many of them have been subjected to forced disappearance for periods ranging for a period of two and ten days.

The UN High Commissioner for Human Rights the Office held Cairo the responsibility of launching a widespread campaign of arrests that blatantly violates the right to protest and express. During this period, the capital, Cairo, witnessed a complete closure of the routes leading to the protest yards, especially Al-Tahrir Square, and an intense security presence in order to disperse the protesters. As many faced violence and severe beating, but then many of them were gradually released during October the Supreme State Security Court released nearly 394 persons in mid-October, and many were transmitted to trial while Thousands are still awaiting 8 trials until mid-October.

Esraa Abdel Fattah who is on of the most prominent de-



tainees, was accused of «collaborating with a terrorist organization», «defamation and the spread of false news» and «misusing social media». It is a package of charges ready for all detainees and opponents in Egypt. she reportedly was beaten for refusing to unlock her mobile phone. She was also allegedly forced to stand facing a wall for seven

hours. The UN mission statement stated that Esraa was tortured physically since her arrest on 29th of September. While opponents and freedom fighters face continuous arrest campaigns, including Gamal Eid, the executive director of the Arabic Network for Human Rights Information (ANHRI). As it is stated that the executive director faced a new assault by officers and security persons who were stalking him near his house, and beating him before dousing him in paint at the end of December.

Eid published, through his own private account on the Facebook site, that cars without numbers and officers with pistols assaulted him and doused him in “paint”, and that happened next to his house. Adding that “Al-Sisi’s ministry of interior has become a gang. Calling for the Downfall of the police state ». And on the 31st of October, the Arabic Network for Human Rights Information stated that a security agency destroyed a lawyer’s car who is a member in the Arab Network at dawn, that happened days after a brutal attack on the Network’s executive director, they robbed his car, and then the arrest of the lawyer Amr Imam. Also, the ANHRI added in a statement at the time, “A security body stole the car that was used by the director of the Arab

Network, Gamal Eid, a few weeks ago, as a threat message. And when the work of the network continued to expose the severe violations committed by the security bodies, they physically assaulted him, causing a break in his ribs.

In October 11, Mr. Eid alleged that he had been attacked by a person, and was subjected to a robbery attempt of his cell phone, and was assaulted followed by an encounter with individuals who claimed to be policemen in Al-Basateen police station in Cairo. Then they tried to lure him into a car to report what happened. Later, after he went to the police station to write a report of the assault, he found that these were not officers, and that the aim of the robbery was not the cell phone, but rather they were trying to steal his briefcase.

It is obvious that the Public Prosecution devoted impunity. as Al-Basateen Prosecution had closed the investigation concerning the first incident despite the gravity of the crime. Then it carried out investigations that were not completely serious, which leads the victim to lose his rights and makes it easier for criminals to escape from punishment despite of their brutal crimes. This same treatment always continues against lawyers, including the incident of arresting Muhammed Al-Baqir who is a human rights lawyer and director of the Adalah Center for Rights and Freedoms and also, he is the lawyer of Alaa Abdel Fattah, the blogger and leftist activist. While in September 2019, the prominent human rights lawyer Al-Baqir was attending investigations at the Supreme State Security Prosecution with the political acti-

Case  
930



#Freedom for Ziad El-Elaimy  
#Freedom for Hope

## Zyad El-Elaimy

A Former Member of Egyptian Parliament



24 June 2019

Zyad was kidnapped by persons attributed to National Security forces who wore civilian outfits. This arrest took place while a new civil alliance for participating in elections was formed and was going to be announced.



Rejection of providing his medical reports



Critical health condition



September 2019

The German Parliament included Zyad in its campaign to Protect Parliamentarians. And MP Tobias Pflüger sent several messages to Zyad but the Egyptian forces rejected to let him know about that decision.



Challenging the President

A new legal case against Zyad in addition to the case known as hope’s legal case: Trying Zyad after receiving a report charging Zyad with challenging the President and postponing the trial to **February 25**.



vist Alaa Abdel Fattah who was arrested at the beginning of the week after he performed surveillance inside the police station. Then, the prosecution ordered that he is detained and that he is under the same case, so he was arrested on the same baseless charges originally directed against his client. These charges include “belonging to a terrorist group, and publishing false news that undermines national security”. The prosecution investigated him about the work of his or-

ganization, and did not provide any evidence against him except a report of an investigation of the National Security Agency, which he and his lawyer were not allowed to see.

The repressive machine continues moving against human rights, especially freedom of expression and political action against the opposition and human rights activist Ziad Al-Alimi, who has been in prison since 2019. As He was sen-

tenced on the 10th of March, 2020 to one year in prison and a fine of 20,000 pounds in the case no.694 of 2020, known as the misdemeanor of challenging the president. The former MPs Al-Alimi suffered from health neglect and health deterioration in prison, as did Mahienour Al-Masry and Es-  
raa Abdel Fattah. This situation is a real threat to their lives considering the deaths in prison due to medical negligence. On Monday evening, the 13th of January, Mustafa Qasem who was an Egyptian American died in Tora Liman prison. He was sentenced to 15 years in the media well known case as “Rabaa Dispersal Case”. Qassem was suffering from diabetes and his health deteriorated after he entered a hunger strike to protest his deteriorating conditions.

He was subsequently transferred to El-Manial Hospital two days before his death. And On 8th of January, Alaa El Din Saad (56 years old) died in Burj Al Arab Prison, and on the 4th of January, 2020, Mahmoud Abdel Majid Mahmoud Saleh (46 years) died in his detention in Scorpion Prison (Al-Aqrab) as a result of medical negligence and denial of treatment. This prompted a number of Scorpion detainees on January 7 to announce, in a statement, that they had entered an open hunger strike to protest being deprived from jogging and being in the sun. And the policy of starvation and stripping the cells of their basic needs, especially covers and heavy clothing, demanding the intervention of the international community to protect them from death in prison.

### The rotating machine ( charging the prisoner in many cases) in the repressive system:

One of the outstanding cases that grabbed the Public Opinion attention is the situation of Alaa Abdel-Fattah, who was arrested again on September 29, 2019, while he was performing surveillance daily from six am to six pm inside Al-Dokki police station, and after leaving the station when he finished his daily surveillance

during the latest crackdown launched by the authorities, from the Dokki Police Department after leaving the section where he is serving the police surveillance Daily from 6 pm to 6 am. He was arrested because of his sentence as a result of the Shura Council demonstrations in 2013, and later the State Security Prosecution imprisoned them for 15 days on remand in case no.1365 of 2019 together with the two lawyers Mahienour Al-Masry and Sahar Ali, who were arrested after attending investigations with a group of detainees from the events of September 20. Later Alaa Ab-

del-Fattah was transferred to Tora High Security Prison 2. It is a notorious prison in Egypt with a bad reputation and

## The argument of the security and freedom is the best exploitation favored by the oppressive regime in Egypt.

also is known as “Scorpion prison 2). In that prison, he was blindfolded and stripped of his clothes by the prison officers who beat and kicked him for several times, threatened and insulted him, and a police officer told him that “the prison was made for you” ,and added that he would remain in prison for the rest of his life. Also, one of the officers from the National Security Sector declared that he would be subjected to further torture if he reported the abuse he had suffered.

Among the victims of the rotating machine is the former presidential candidate Abdel Moneim Abul-Fotouh, the head of the Strong Egypt Party (Masr Al-Kawaya), who faced accusation in a new case. As nearly two years after his arrest since mid-February 2018. Abul-Fotouh was listed in case No. 1781 of 2019, on the charges of “taking command in a terrorist group and committing a financial crime” based on investigations of the National Security Service of the Ministry of Interior. The State Security Prosecution Attorney detained Abul-Fotouh for 15 days in custody pending investigations in the new case, in which he is also accused of “committing crimes of joining a group established in contravention of the provisions of the law”.

And publishing false news about the political and economic conditions in the country with the intention of destabilizing public security. Abul-Fotouh, together with a group of prisoners re-accused in other cases under the repressive rotation machine system. Like Mohamed Al-Kas

sas who is his vice president in the party who was listed in the same case after had an issued decision to release on 8th of December 2019, after 2 years of solitary confinement.



The Egyptian Public Prosecution is flouting the law concerning the decision to release of the accused prisoners by fabricating a new case. During the first five months of the accused in custody, the custody renewal is through the State Security Prosecution every 15 days. Then the custody renewal is through the criminal court which sometimes release the accused or replace imprisonment with precautionary measures such as police surveillance.

In the few cases of releasing the prisoner by the prosecution, the prosecution uses the detention methods of the emergency law which was used before the revolution to charge the prisoner in a second case with the same accusations but with changing the case number. Then the cycle of calculating the custody renewal starts again, and the prisoner enters the cycle from the beginning.

And as for the second method in the Egyptian re-imprisoning people who have been arbitrarily detained, instead of complying with court orders to release them, so they wait for the end of the judgment period that the court ruled to prepare other charges for the prisoner to be listed in a second case. It is what happened with the activist Alaa Abdel-Fattah and Abdel-Rahman Tariq, who had served a 5-year prison sentence in the well-known Shura Council case and suddenly they were put in custody during serving their police surveillance and re-imprisoned in a State Security case. The same happened to April 6th movement activist Mohamed Adel, who had been sentenced to 3 years and other 3 years of police surveillance. And after completing serving the police surveillance, he was accused by the State Security Prosecution and he is re-imprisoned again.

And from the examples of the cycle of re-imprisonment, what the human rights defender and activist Mahienour Al-Masry faces:

She was charged with the accusations of participating with a terrorist group to achieve its goals with knowledge of its

September  
2019

Mahienour Al-Masry was arrested and appeared a day later at the Supreme State Security Prosecution, and after being investigated in case no.488 of 2019, a decision was issued by the prosecution to imprison her for 15 days pending investigations.

October  
2019

The Supreme State Security Prosecution decided to renew her detention, for 15 days, pending investigations.

October  
2019

she was brought before the Supreme State Security Prosecution, and the prosecution decided to renew her detention for 15 days, pending investigations.

November  
2019

The Supreme State Security Prosecution decided to renew her detention, for 15 days, pending investigations.

November  
2019

The Supreme State Security Prosecution decided to renew her detention, for 15 days, pending investigations.

November  
2019

She completed the 6th presentation in front of the Supreme State Security Prosecution, and the prosecution decided to renew her detention for 15 days, pending investigations.

January  
2020

January 2020: Renewal of detention for another 15 days.

**Mahienour Al-Masry is still in prison until today**

purposes, publishing and announcing false news for destabilizing the security and stability of the country, and misusing social media. It is a set of prepared charges in the hands of the Public Prosecution against every free voice. And since her arrest, the re-imprisoning machine has started its regular work to ensure that her voice is suppressed in the prisons. The 'legal' Egyptian re-imprisoning machine is inhuman because it punishes the families of the accused in the cycle of following up the cases of their sons and that is accompanied by insults, physical and moral violence which increases the mental crisis of the prisoner himself. And that is related to the custody renewal or the re-imprisonment in cases with groundless charges.

The intensity of death sentences in Egypt since the beginning of 2020

The argument of the security and freedom is the best exploitation favored by the oppressive regime in Egypt.

Totalitarian regimes favor ambiguity and confusion which are considered as its preferred work space to exploit what is necessary to breach law and right. In the name of terrorism, repression is increasing in Egypt, so that activists and jurists are treated as criminals of public rights and aggressors against the security of the Egyptian people and their homeland. On behalf of terrorism, repression is increasing in Egypt, so that activists and jurists are treated as criminals of public rights and aggressors against the security of the Egyptian people and their homeland.

According to the Egyptian Initiative for Rights and Freedoms, within two months of the beginning of this year, 22 prisoners were executed in 12 criminal cases. Some of the cases were of a political nature, including one case that was in front of a military court. The Criminal Court also sentenced 43 prisoners in 22 cases to death - all of these sentences are lower court's sentences (initial verdicts) only during the months of January and February. Besides, the papers of 124 defendants in 48 cases to the were referred to the grand mufti to approve their execution as under Egyptian law the grand mufti must offer his opinion. In other words, within only two months, Egyptian courts issued separate death sentences for nearly 200 people, although most of them are still subject to appeal in the court of cassation, but it is considered as unprecedented escalation compared to the past three years when courts began to use the death penalty in this excessive manner.

## Recommendations

### The Executive Authority:

a milestone in the transition towards dictatorship

- The executive authority, the security and intelligence bodies shall not interfere in the legislative and judicial authorities. Especially that the first weapon in the hands of the regime has become the Public Prosecution which became the first violator of the rights of detainees and works to renew their imprisonment by previously fabricated charges, such as participation in a terrorist group and publishing false news.
- The need to respect the principles of human rights and release nearly 60,000 political prisoners in Egypt, especially from the revolution's youth, such as Alaa Abdel Fattah, Mahienour Al-Masry, Shady Ismail Harb and other politicians such as Ziad Al-Alimi, Patrick George and Esraa Abdel Fattah.
- The necessity to stop violating the law and the constitution, and to misuse it as a tool to consolidate the power of the regime that is represented by the president.

The president, as a former military commander and the recent Supreme Commander of the Armed Forces, continues to militarize the regime, especially after the amendment of article 200 in the constitution which gave the armed forces for the first time the tasks of "safeguarding the constitution and democracy, maintaining the foundations of the state and its civilian nature, the gains of the people, and the rights and freedoms of the individual." in other words, that article makes the Military above all authorities and gives it the power to determinant player in the political life. The new amendments created a dangerous paradox for the fate of the political system in Egypt under the pretext of preserving the civil state through militarizing the governance.

keeping the regime's hand away from media and press institutions, and websites. And to stop using security and intelligence policy in controlling media content. As now, a single post from any citizen or a newspaper article is enough to make the prison doors wide open.

### Legislature:

- The re-amendment of the legal framework for the elections of the house of representatives, starting with the electoral districts and the law for regulating the Exercise of Political Rights.

- Review laws that violate the constitution and international laws, especially the Law Regulating the Press, Media, and the Supreme Council for Media Regulation (SCMR). This law gives the Supreme Council for Media Regulation the upper hand to control websites as it puts a system of prior and difficult licenses and a list of huge financial penalties. Moreover, this is accompanied by an expanded policy of censorship and blocking by the security and intelligence bodies.

- This also applies to the anti-terrorism law, as the United Nations previously stated that the strict new regulations imposed by the comprehensive anti-terrorism law in Egypt lead to a further erosion of the basic human rights, to more arbitrary detentions and allegations of torture. And to a wider repression of freedom of expression, thought, establishing associations and peaceful assembly. The foregoing requires the abolition of Terrorism Circuit Courts, considering them an exceptional judiciary.

- In addition to the above, the following laws shall be revised:

- The Code of Criminal Procedure regarding the power of the prosecution to remand detainees in custody.
- Information Technology Crimes Law (Electronic Crime)
- (Labor Law) especially with regard to legalizing the right to strike action
- The law Regulating the Exercise of Civil Work
- The law of Associations
- Political Parties Law
- The law of counter terrorism (terrorist entities)
- The law of emergency
- The need to legislate a law to counter racism

### The Judiciary

- It should be recalled that the judiciary in Egypt was the first line of struggle against dictatorship in the past, but

today it faces a very difficult situation. The regime exerts all kinds of pressures on judges, and the latest attempts of the regime are the one in which the Supreme Judicial Council in Egypt surrounded to the regime's pressures. As after nearly a year of trying to elude and circumvent the agreement to recruit the successful candidates of class graduate 2016 who are graduates of faculties of law, sharia and law, after personal interviews in preparation for work at the Public Prosecution and in the National Training Academy.

- The latter is subject to the supervision of the Presidency of the Republic and the Ministry of Justice. This explains the increasing role of the Public Prosecution in Egypt in violating the rights of detainees, especially activists, oppositions and civil society.

- The demand for the independence of the judiciary is more urgent than ever. And if the matter continues, what was previously honored by the people in general will be rejected as part of the system of repression.

## Resources:

The Constitutional and legal framework related to the democratic transition

Al-Sisi: The armed forces became responsible of preserving the constitution path and the civil nature of the state in Egypt. <https://bit.ly/2y7JDN4>

Al-Sisi: The Egyptian Constitution was written with good intentions, but nations cannot be built with good intentions alone. <https://bit.ly/2Zb1jTb>

The representatives of «Support Egypt coalition» and some independents in the parliament announce that tomorrow they will submit a request to amend number of articles of the constitution. <https://bit.ly/2BfTHow>

Representatives of the Parliament announce their approval of amending the constitution by an overwhelming majority ... 485 MPs voted in favor of the amendment... and Abdel-Al specifies 6 tasks for the legislative committee to discuss the amendments:

We are following proper procedures ... The support of the representatives of the Salafist Al-Nour party ... and oppose the article of the civil nature of the state. <https://bit.ly/3e9WKwM>

Egypt ... Highlights of the controversial constitutional amendments

<https://bitly/3htsKyh>

The National Elections Commission: 88.83% approval for the constitutional amendments. <https://bit.ly/3d81UYO>

Law no.45 of 2014 was issued to regulate the exercise of political rights.

<https://bit.ly/3fPthf>

The Institutionalization of Military Governance: The Media pillar

Al-Sisi: «Abdel Nasser was lucky» <https://bit.ly/37GmGh9>

Egypt: Mass media is almost under a complete control

Reporters Without Borders (RSF), January 25

<https://bit.ly/2UU0TgK>. 2019

The deportation of Lilian Daoud from Egypt outraged many people.

<https://bbc.in/2UVqOoy>

Dismantling the Egyptian media during the reign of Al-Sisi

The Egyptian Institute for Studies, January 22

<https://bit.ly/2N3SjrK> .2020

Details of the General Intelligence's acquisition of Egyptian Media Group, Mada Masr, December 20 <https://bit.ly/3hvzE5X> .2017

How did the Egyptian media fall under the control of the Sisi regime?

Noon Post, April 8 <https://bit.ly/3fs1Cha> .2019

The Supreme Council for Media Regulation

“On the anniversary of founding of the Supreme Council for Media Regulation ... two years of imposing control,” – The Egyptian observatory for Press and Media. <https://bit.ly/2N3STWs>

The lie of that the state power is the power of society

The song named Salam-Salam from the official page of the military spokesman of the armed forces <https://bit.ly/2zDK-sOf>

How did the Egyptian media fall under the control of the Sisi regime?

Noon Post, April 8 <https://bit.ly/3fs1Cha> .2019

The Armed Forces congratulates the President on the occasion of the feast al-Fitr

1441 AH

<https://bit.ly/2YIjBJ>

The largest campaign of arrests during Al-Sisi era

Al-Sisi: The demands of the January 25th of January revolution are noble.

<https://bit.ly/2XQw9PG>

The anniversary of the 25th of January revolution ... between calls for demonstrations and Police Day celebrations.

<https://bbc.in/2AsQtO9>

For the first time ... the Egyptian 25th of January Revolution without events. <https://bit.ly/2zlo9wC>

Egypt: The largest wave of mass arrests since president Abdel Fattah Al-Sisi came to power

<https://bit.ly/3cQXt4D>

Egypt ... arrests to curb the demonstrations and Cairo is closed.

<https://bit.ly/3cZa5Hb>

Figures on arrests.

<https://bit.ly/2zkUPq2>

The official page of Gamal Eid. <https://bit.ly/3cU1cy>

A new assault on the Egyptian human rights defender Gamal Eid with beating and painting.

<https://bit.ly/2MP6NLL>

Egypt: 35 violations against human rights defenders in three months.

<https://bit.ly/2Uz2yrW>

Video link –

<https://www.facebook.com/645566339/videos/10157937788116340>

Egypt: Alaa Abdel Fattah's family celebrates his 38th anniversary in front of the prison. <https://bit.ly/2zrRcyO>

«I complain to God» ... Abul-Fotouh is the latest victim of re-imprisoning detainees in Egypt.

<https://bit.ly/3dSwDu9>

For more information about the role of the State Security Prosecution. See the report of the Support Center: “The Ten Sins of the State Security Prosecution”. <https://bit.ly/37jCYfG>

The Egyptian Initiative for Rights and Freedoms.

<https://bit.ly/30u9Lx>