

# EGYPT

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There is no transition in Egypt except towards military dictatorship through a clear form of repression. This repression bypasses institutions and legal texts as it creates a control system on the hands of Abdel Fattah Al Sisi, the head of the executive authority. It isn't possible to discuss that there is a balance among the three authorities. The judiciary rules under the regime's will to imprison activists and exclude opponents in elections. As for the legislative authority, it has put a set of laws that legalized the existence of Al Sisi and his regime beyond 2030. On November 19, 2020, president Sisi celebrated his 66th birthday to remain in power until he reaches eighty years. He is the military man who is only keen to build the military economy and its wealth in the frenzied institutionalization for the power of the military authority over the civil state





## 1-The policies and legislations related to the democratic transition:

This monitored period has witnessed the elections of the House of the Representatives and the Senate. These elections implemented the legal coup on the path of the desired democratic transition since the revolution as stipulated in the Egyptian Constitution. Elections reflected institutionalizing repression and the regime's dominance. There isn't any opposition as it is changed into a quiet national opposition which means that this opposition mustn't oppose the regime's views. However, it mustn't raise its voice to protest except for legalizing the regime's acts. Even in light of these imposed requirements by the regime, the latter worked to exclude the opposition from the legislative authority in its two chambers, as most of its symbols were absent in the previous parliament.

### The three powers and the balance among them

It is not possible to talk about such balance under the policies of the Egyptian regime. Balance remains a legal, procedural and human rights value in which the report criticizes the practices, policies and legislations, however they are totally absent from the mind of the dictatorial regime.

## 1-The legislative elections

### ● The elections of the Egyptian Parliament:

On October 5, 2020, the National Elections Authority, headed by Counselor Lashin Ibrahim, Vice President of the Court of Cassation, officially announced the final list of candidates for the House of Representatives elections, after completing the review of all judgments issued by the Supreme Administrative Court of the State Council.

### ● The first phase: October 21 and 23 for Egyptians abroad, and October 24 and 25 for Egyptians in 14 governorates



Counselor Lashin Ibrahim, Vice President of the Court of Cassation

Although this phase appeared without tensions, the actual control of the Nation's Future list on the electoral process was clear. It is a pro-regime list. However, some complaints have appeared and that confirmed the existence of grave violations of the integrity of the electoral process.

Dr. Mohamed Fouad, a MP and the candidate of the Egyptian Democratic Party for the Al Omraneyah and Talbiyyah constituency, submitted a memorandum to the Omraneyah Police Department regarding some grave violations that harm and disrupt the electoral process.

Fouad said in the speech: We direct your attention that we note that throughout the first day of the elections of the House of Representatives in 2020, there are grave violations that harm and violate the electoral process in Al Omraneyah constituency. These violations are recognized through several candidates and parties who established gathering areas and centers in separated regions in the constituency in order to mobilize voters to vote for them through using money. In these centers, they collect the citizen's personal identities, and distribute money and gifts in order to direct them to vote for them. In addition, exploiting some charity associations in mobilizing citizens who benefit from them by buying their electoral votes. This is considered a violations to the Constitution and the law regulating the exercise of political rights no.45 of 2014 and its amendments, in addition to the resolutions of the National Election Authority regarding the elections of the House of Representatives in 2020 which banned all these practices that affect the integrity and impartiality of the electoral process". 1.

However, as what was predicted, the National Election Authority in the statement for declaring the results of the first phase, declared that the first phase of the elections had passed without violations

### ● The second phase: The 7th and 8th of November of 2020:

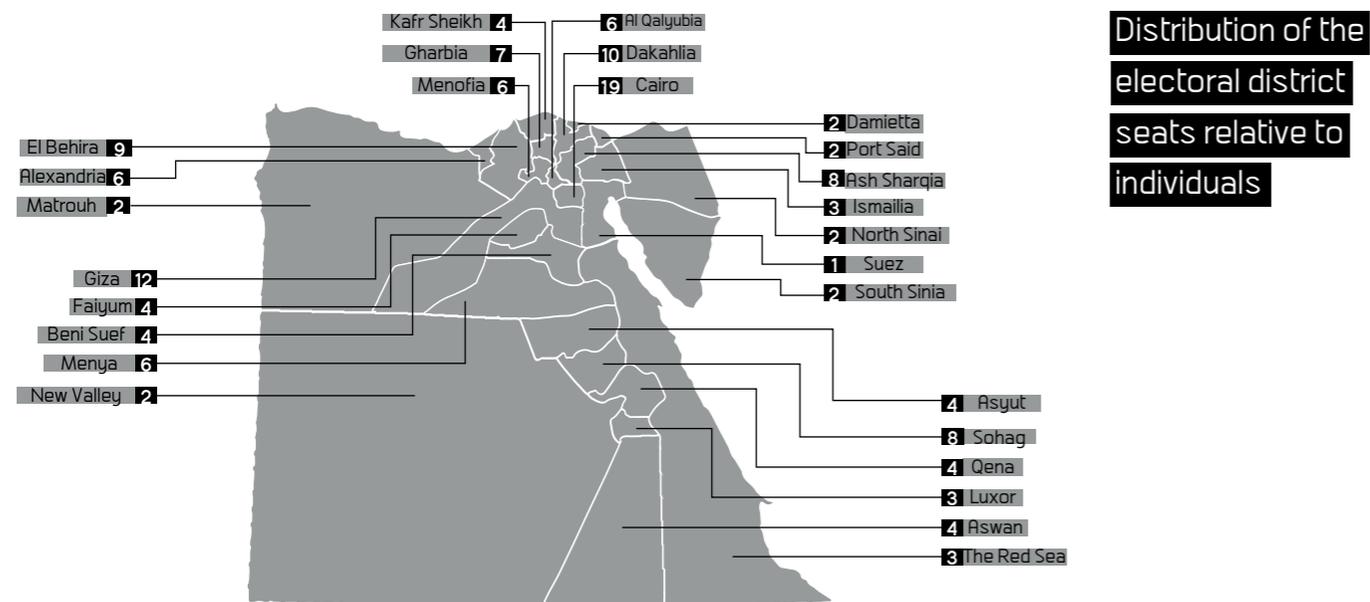
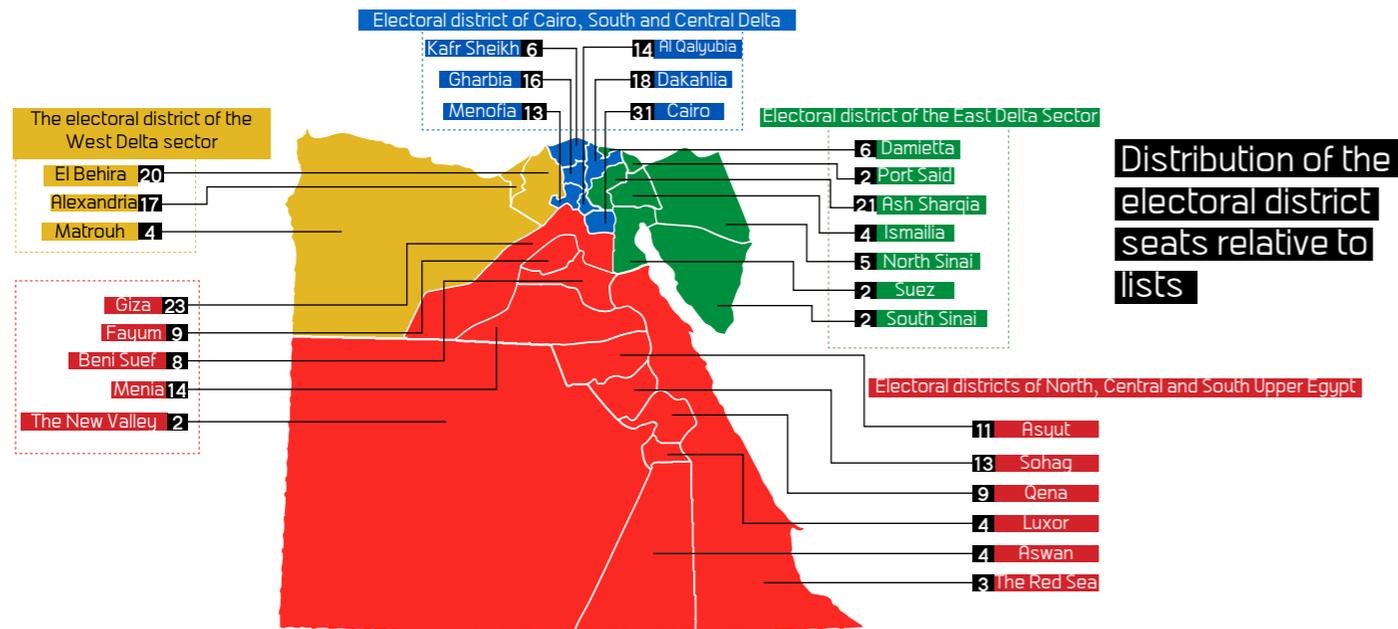
- 4032 candidates in the individual system
- 8 lists in the list system which includes 284
- 36 parties
- The number of the electoral circuits 143 circuits for individual seats and 4 circuits for lists.

The circuits for lists

The approved redrawing of electoral districts sparked great controversy because it gave the opportunity to the pro-regime parties to work in large districts. On the other hand, individuals face electoral machines that support the pro-regime candidates which have a security approval or have a military or security background.

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1-The representative Mohamed Foad submitted a memorandum to Al Omraneyah Police Station regarding the violations that harm the electoral process. Look at the following link: <https://bit.ly/2XmQxHd>



**Immunity in the Egyptian Parliament:**

Chapter Two of Chapter Eleven of the Parliament's bylaw specified the details and types of immunity that deputies enjoy within the Parliament, and divided it into two branches: The first is substantive immunity, and the second is procedural immunity.

Article 355 stipulates that substantive immunity is that a Parliament's member should not be questioned for the opinions he expresses related to the performance of his work in the parliament or in its committees. The second section, regarding procedural immunity, stipulates in Article 356 that, except in cases of flagrante delicto, during the session of the House of Representatives, no criminal procedures may be taken against any of its members in matters of felony and misdemeanor, whether at the stage of investigation or referral to trial, without prior permission from the House in each of them. In case the council is not in session, the permission of the council office must be taken to take any of these measures, and the council shall be notified at the first meeting of the action taken in this regard.

The Egyptian House of Representatives previously lifted the immunity of some deputies because of bribery, corruption, forging the signatures of deputies in the parliament, and parliamentary normalization with Israel after the meeting of deputy Tawfiq Okasha with the Israeli ambassador at his home. On the other hand, immunity represented an evasion of accusations of many MPs, the most prominent of whom was Mortada Mansour, president of the Zamalek Club, as well as:

- Mohamed Abo Hamed
- Ahmed Al Tantawy
- Haitham Al Hariri
- Salah Hasabollah
- Tamer Al Shahawy
- Medhat Al Sherif
- Sahar Etman
- Hesham Abdel Wahed
- Ahmed El Khashb
- Al Sayed Hegazy
- Abdel Hamed Al Shikh
- Hamdy Bekhit
- Abdel Hamid Kamal
- Ihab Al Salab
- Mohamed Osama Abo El Magd
- Dina Abdel Aziz
- Eid Heikal
- Mohamed Abo El Magd Nassar

This previous list represents the details of the candidates who ran for the new Parliament, however they failed to have a new seat. However, a number of other MPs who are included in the demands to lift immunity or are persecuted for criminal crimes, didn't run for elections And they are the following:

- Alaa Abdel Moneim
- Hussain Eisa
- Mohamed Al swidy
- Magdy Morshed
- Mohamed Ali Yusuf

Parliamentary immunity represents a protection for many persons who engaged in politics under the ruling's relation which is based on political clientelism, favoritism and the interests of economic and financial influence. It is a problem which could be raised in the Senate that should work on its bylaws.

**The Egyptian Senate.**

After the elections of the Egyptian Senate on August, 2020 and what was monitored from using political money and the great support for the regime's loyal coalitions, President Abdel Fattah Al Sisi issued a resolution no.590 of 2020, appointing 100 members in the Senate according to his powers as stipulated in the Egyptian Constitution.<sup>2</sup> In the first session of the Senate, Chancellor, Abdel Wahab Abdel Razeq, the head of Nation's Future Party was elected as the Speaker of the Senate<sup>3</sup> Although this figure is a judge, it is expected to be the Speaker of the Senate as he is the head of the regime's loyal party and he issued rulings in favor of the regime's policies in Egypt.

**Who is Abdel Wahab Abdel Razeq?!**

He held judicial positions, including the judiciary of the State Council and the presidency of the Supreme Constitutional Court

<sup>2</sup>-Urgent, the Official Gazette publishes the President's resolution of appointing members in the Senate. Look at the following link: <https://bit.ly/3hUqd0G>  
<sup>3</sup>-The head of the Nation's Future Party won the presidency of the Senate. Look at the following link: <https://bit.ly/3bpANLA>

which one of its most prominent rulings, in March 2018, was to continue implementing the agreement to redraw the maritime borders between Egypt and Saudi Arabia, which included the ceding of Tiran and Sanafir islands.

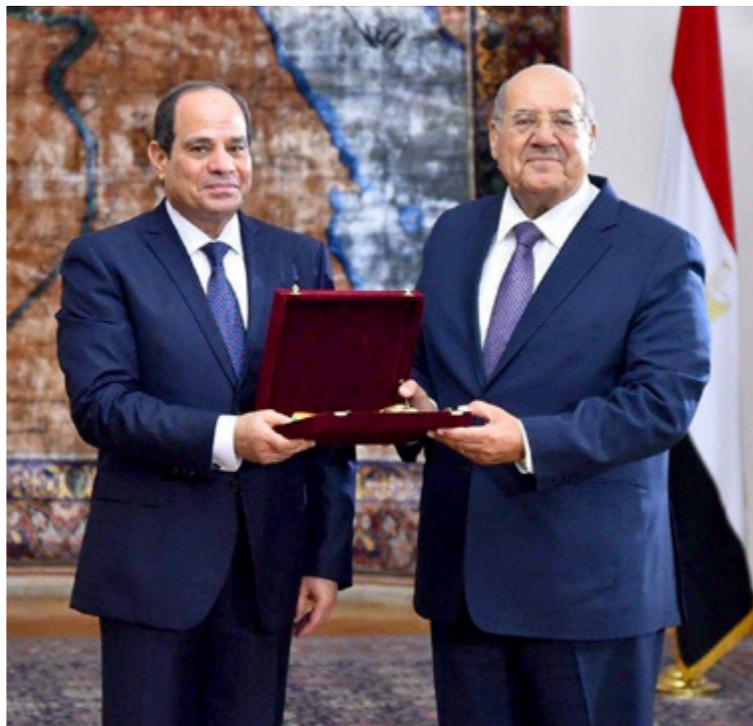
In the second half of October, Bahaa El-Din Abu Shoqa who is head of the Al-Wafd party, and Phoeby Fawzi Gerges who is a journalist from the Republican People's party, were appointed as the council's secretaries. Violations started in the Senate once it started. It is considered that appointing Abo shoqa violates article no.252 of the Egyptian Constitution which stipulated that "A Senate member cannot be a member of the House of Representatives at the same time". The Parliament's Bureau did not meet to decide on the request Resignation he formally submitted a few hours ago. Later, during November, his seat was declared vacant<sup>4</sup>

What links the elections of the Senate and the House of Representatives is consanguinity and family favoritism inside the two chambers of the legislative authority. In addition, the influence of political money and the control of the political regime on the elections together with repressing the opposition. <sup>5</sup> This was monitored

by several media and human rights sources. This fact is an evidence of the institutionalization of political dominance and the sustainability of non-democratic governance relations. Family and consanguinity have become one of the ruling's tools that are outside the democratic process and its requirements.

Here is a simple presentation of the known consanguinity in the political milieu:

- Bahaa El-Din Abu Shoka who was appointed as the Senate's secretary whose daughter Amira is running in the House of Representatives elections on the national list "For Egypt" in the northern, central and southern Upper Egypt sectors.
- Tayseer Matar, head of the (Generation's Will) - Eradat Gil party, a member of the Senate and his son Mohamed is running for the parliament elections within the Youth Parties' Coordination.
- The Artist Yahya Al Fakharani who was appointed to the Senate, his wife Lamis Jaber was a member of the outgoing House of Representatives.
- Mustafa Bakri who was a member of the outgoing parliament, his brother Mahmoud was among those appointed persons to the Senate.
- Ahmed Fouad Abaza who was a member of the outgoing House of Representatives from the Ash Sharkia governorate, his daughter Youstra was among those candidates who was elected in the Senate for the Nation's Future Party.
- Effat El Sadat who is a Senate's member and his nephew Sameh Al Sadat is also a Senate's member.



4-Egypt: Abo Shoqa combines the membership of the Parliament and the Senate in contradiction to the Constitution. Look at the following link: <https://bit.ly/3pWmeDj>

5-Fathers, sons and brothers in the "Parliament's tree" Blood and kinship ties between members of "House of Representatives" and "the Senate" Look at the following link: <https://bit.ly/3oq9jZZ>

- Ashraf Rashad who is the Secretary General of the Nation's Future Party, a member of the outgoing House of Representatives and the current candidate on the National List, his brother Muhammad is a Senate's member.
- Mohamed El Garhy who is a candidate for the National List in the Parliament's elections and his cousin, Abdul Qadir Al Garhy is a Senate's member and he is the secretary of the Nations' Future Party in Fayum governorate.
- Fakhri Al Tayel, a member of the outgoing parliament from Monufia. He ran with his sister, Sherine for the legislative elections on the national list.
- Mahmoud Al Dabaa, a member of the outgoing parliament from Qena, and his cousin, Ghada Al Dabaa, ran for the legislative elections through the National List.
- Yasser Zaki, the winner of a seat in the Senate on the National List. His brother, Hossam Zaki is a businessman and ran for the legislative elections through the Nation's Future Party in Cairo.
- The former MP Bakr Abu Ghraib ran for the Parliament's elections at Badrasheen and Ayat constituencies in Giza, while his wife, Nawasila Ismail, is running for Faqous in Ash Sharkia
- Murtada Mansour who is a former member of the outgoing parliament from Dakahlia, his son, former MP Ahmed Mortada, ran for the legislative elections at the districts of Giza, Dokki and Agouza.

In mid-2019, Egypt received the last \$ 2 billion in installment of the \$ 12 billion loan provided by the International Monetary Fund in 2016, successfully completing their agreed program. However, the final review of the International Monetary Fund on Egypt's reforms that formed the basis for approval of final disbursement was less than fully convincing. The Egyptian economy relies heavily on the military led public sector, which has proven unable to provide the long-term growth that is necessary to pull millions of Egyptians from poverty.<sup>6</sup>



**The special topic:**

**The economy of the military: Building Egypt or the regime's dominance**

In February 2020, Egypt's sovereign fund signed a cooperation agreement with the National Service Projects Agency, in

6- The Egyptian economy: In the clutches of the deep state - George El Abd, Malcolm Care - Carnegie Middle East Center October 26, 2020. <https://carnegie-mec.org/2020/10/26/ar-pub-83028>

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an attempt by the armed forces to prepare some of the agency's assets for local and foreign investment, and to expand their ownership base. The National Service Projects Organization of the Armed Forces was established during the era of the late President Anwar Al Sadat to ensure self-sufficiency in the needs of the armed forces, with surplus production being put on the local market and aid in the state's economic development projects, such as infrastructure projects and development projects in the border governorates. Under President Abdel Fattah El-Sisi, the authority's powers expanded and became the largest engine of the country's economy through its participation in all areas of life and its competition with the private sector. Through Law No. 177 of 2018, the fund which newly signed the agreement, is protected from civil appeals, in order to enhance the president's plans to create a secure military economy.

#### Law No. 177 of 2018

Law No. 177 of 2018 which President Sisi ratified, aims to develop state resources and make a benefit from its assets, including closed or untapped governmental companies and factories that achieve low profits. On December 26, 2018, the Egyptian Cabinet approved amendments to the law that give the President of the Republic the right to transfer ownership of any unused state-owned assets to the fund. While the appeals to the president's decisions are restricted to the owner or the fund that transfers ownership of that asset only - without Others. According to the amendments, no person is permitted to file claims for the invalidity of contracts entered into by the fund. The courts shall not accept appeals or claims related to these disputes. In addition, The fund has the right through a decision by the president, to own the company or factory in the newly transferred property, and sell it to any foreign investor without any difficulties. In other words, in case the ownership of any governmental company is transferred to the fund and then the fund sells the company to an investor or puts it on the stock exchange, no citizen has the right to object or appeal that.

The underground economy of the armed forces is not new. For decades, the military has business in unlimited secrecy surrounding its economic activity, regarding its profits, the extent of its tax payments, the size of its investments and its capital. What's more, no supervisory body has been able to challenge it, including the Central Auditing Organization which is the highest supervisory authority in Egypt. During a television interview in 2012, Counselor Hisham Geneina, the head of the Central Auditing Agency at the time, said that he was unable to monitor the

economic facilities of the armed forces that had nothing to do with national security and that did not require strict secrecy.

A notable example is the fact that the armed forces rent out rooms for civilian activities, such as weddings and birthdays in exchange for money that lacks control. Geneina said: "It is unacceptable that the Central Auditing Agency (CAO) cannot monitor the wedding halls of the armed forces. Wondering! What is the relationship of the armed forces wedding halls to national security?"

Under Sisi, the economic empire of the army increased, and it now operates in the trade of dairy, medicine and transportation. Now it has nearly 2,300 projects in which 5 million civil employees work in the fields of heavy and specialized industries, the agricultural sectors, fish farms, quarries and mines, contracting, infrastructure and other mega projects in the country, according to the military spokesman for the armed forces, Colonel Tamer Al Rifai. Al-Sisi's insistence on the public offering, while knowing that this would be difficult to implement, indicates his desire to launder the reputation of the military establishment, clear it of accusations of corruption, squandering public money, and unaccountable control of the state's economy.<sup>7</sup>

The Carnegie Institution report, "Owners of the Republic: An Anatomy of Egypt's Military Economy"<sup>8</sup> explains "in detail how the intervention of the Egyptian Armed Forces in the economy underwent a shift in scope and size under President Abdel Fattah El-Sisi. This is partly due to the military's takeover of power in 2013, but it also reflects Sisi's lack of a clear economic blueprint, not to mention a sound understanding of market dynamics. His greater interest in generating capital while preserving the political system leads to the emergence of a new version of Egyptian state capitalism.

The shift in military, economic and commercial activity under Sisi reveals the features of this development. The military claims to employ 5 million people, however nearly all of them are employed by private civilian contractors working for the military. This suggests that Sisi's approach may help generate economic growth and improve fiscal efficiency, but it also strengthens the grip of the Egyptian state rather than fostering a free market economy.

The expansion of military economic activity in five areas serves the emerging Sisi administration model of state capitalism: Real estate development, establishment of industrial and transportation complexes, extraction of natural resources, relations with the private sector, and public sector capital increase through private investments. The first three fields reproduce aspects of the rentier economy under former President Hosni Mubarak, but the last two represent a more fundamental transformation. Sisi's approach does not reflect an integrated strategy. Rather, it indicates his determination to generate capital through the use of the concentrated power of the state, whose spear is the military establishment.

#### Real estate

Sisi has invested massive government resources in creating real estate to generate revenue, drive economic growth, and attract private investors. This effort includes building three "smart" cities. The name implies that they use digital technology to improve energy efficiency. These cities target upper-middle-class clients with luxurious beachfront residences, imitating the Dubai model. Other urban projects target less well-off middle-class families, and others target workers in the new industrial zones. The exact cost of these urban plans is not clear, but they come within a huge group of national projects that received 4 trillion Egyptian pounds (more than 200 billion dollars) in government funding from 2014 to 2019. The first phase of building the New Administrative Capital acquisition of nearly 10% of the total spending (300 billion Egyptian pounds, or 19.05 billion dollars) by January 2020, and the cost within five years is expected to reach 58 billion dollars by 2022.

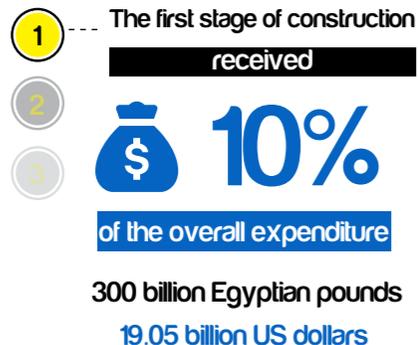
<sup>7</sup> The military economy in Egypt is expanding significantly at the expense of the private economy - Mahmoud Khaled, Aswaq Al Arab - March 28, 2020. <https://www.asswak-alarab.com/archives/19540>

<sup>8</sup> The Egyptian Military Establishment as the Spearhead of State Capitalism - Yazid Al-Sayegh, Malcolm Care-Carnegie Middle East Center October 26, 2020. <https://carnegie-mec.org/2020/10/26/ar-pub-83011>

## Infrastructure

In addition, The military economic spearhead aims to establish major areas and complexes for industry, transport and services, concentrated in the Suez Canal area along the Red Sea coast. The Armed Forces consider the Suez Canal and the Sinai Peninsula extremely important for national defense, and treat them as their exclusive economic woodlot . Therefore, half of the 600 billion Egyptian pounds (nearly \$ 40 billion) that the government spent on development in Sinai by April / April 2020 was administered by military agencies, including the National Service Projects Organization, affiliated with the Ministry of Defense.

The novel administrative capital .  
(as an example)



## Real estate projects



received 4 trillion Egyptian pounds ( surpasses 200 billion US dollars )  
(between 2014 and 2019)

The size of real estate and infrastructure projects confirms the importance of the Ministry of Defense controlling the use of all state land, which is estimated to include from 90 to 95% of the total area of Egypt. This is among the biggest obstacles to the activity of the private sector, however the Egyptian authorities are resisting reform. Al Sisi also granted the Ministry of Defense the right to full economic use over twenty-one inter-city highways and a 4-kilometer-wide strip next to them, which enables it to collect traffic fees, operate or grant commercial concessions (including roadside services and advertising), and establish and monitor wired communication networks. And wireless (including fiber optic cable). Violations, accidents or commercial disputes that occur on or related to these roads fall under the jurisdiction of military courts, as is the case with all military regions and installations.

## Extractive industries

The intensification of rentier activity highlights how state agencies have the advantage of utilizing natural resources over the private sector. The National Service Projects Organization has conducted greenhouse and fish farming projects in densely populated areas since 2014, using military recruits as laborers in a supposedly free market economy. In addition, the military enjoys unrestricted use of water raised from underground basins or transported through canals from Lake Nasser or the Nile, regardless of economic viability or environmental impacts. This enables the agribusinesses established by the Gulf investors, literally, to export water. Moreover, The fish farms of the National Service Projects Organization consume large quantities of fresh water.



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Under Sisi, the focus on rentier activities has extended to the military's involvement in the extraction of natural resources. Until 2014, military participation was mostly confined to bribes and illegal fees extracted by retired armed forces (as well as civilian officials) working in local administration departments to issue quarrying and mining licenses, but in 2015, a government decree required the approval of the Ministry of Defense to extract mineral wealth and authorize it to collect Fees on all outputs at production sites. In addition, The ministry obtained exclusive rights to retain revenues from the extraction and processing of raw materials from mines and quarries on lands controlled by the military.

Since then, the National Service Projects Organization (NSPO) has built marble and granite factories with a production capacity that exceeds the size of the total national production, which places them in a potential monopoly. The Organization has acquired a majority stake in the state company that controls Egypt's only black sand site, which produces heavy metals such as titanium and zirconium, with an expected export value of \$ 176 million annually. In addition, It acquired a stake in

gold exploration and expanded its role in the production and marketing of phosphates and fertilizers. The vast majority of the extraction sites are located in areas under military control, through which the military establishes the way for the state's share in these sectors and introduces itself in foreign trade.

### The Subdual of the Private Sector

The Sisi administration has realigned its relations with the private sector. The state is the only investor in public infrastructure and the source of a large share of total private sector business, especially for large and medium companies. The huge increase in public spending on public housing and infrastructure since late 2013 has amplified the centralization of political ties and patronage in securing public contracts, enabling the military to expand their profit margins more than usual.

The ambiguity of the legal and regulatory framework that governs investment in projects which are established jointly with the military or in strategic areas controlled by the Ministry of Defense discourages local companies from investing in them. The military's exemption from the jurisdiction of civilian courts means that commercial disputes in which the military is a party do not go to arbitration. In addition, Poor contract enforcement and concerns about tax benefits for the armed forces are discouraging foreign companies from investing in Egypt.

In theory, state investment would allow investment capital to open and develop new economic sectors. However Al Sisi also rebuked private sector companies for failing to invest in Sinai, ignoring obstacles to investment, the absence of consultation with those companies, and the absence of feasibility studies. Instead of opening new investment fields, military companies aggressively expanded into tradable goods sectors, inflicting heavy losses on private producers and transferring their market share to military companies. The military justified its investment decisions by saying that it would break monopolies (that do not exist in reality) and ensure stable supply and prices, but the most obvious factor is that it seeks to ensure that its own production is marketed.

The Sisi administration seeks private sector investments, but only on its terms. This administration considers that generating income and providing goods at reasonable prices to selected societal groups is of great political importance, and it employs state control over land, foreign trade and natural resources to achieve the maximum of these ends. For example, in 2019, Sisi placed the lands surrounding the main tourist destination in Hurghada and forty-seven islands in the Red Sea under the control of the Ministry of Defense. The Minister of Tourism later justified this, accusing the private tourism companies of "not putting pounds in subsidizing tourism."

### Beautifying state capitalism

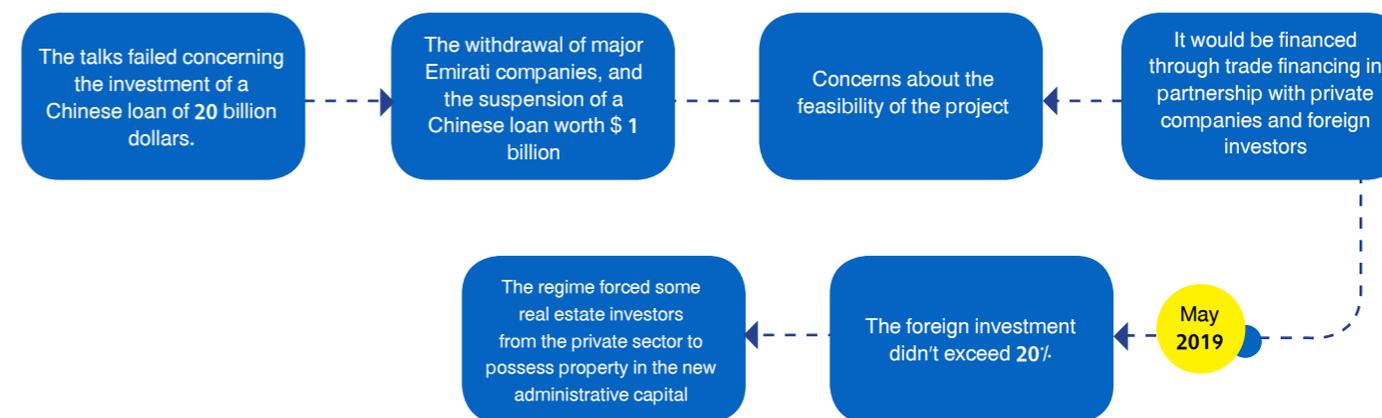
The Sisi administration blames private investors as part of its focus on capital-intensive state-led activities. The government has drastically cut spending on energy and food subsidies, and public sector wages, and cut the ratio of bad loans. In addition, The House of Representatives also approved the sale of state-owned companies that incur losses of more than half of their capital. These measures were insufficient to generate capital of the size the president was seeking, forcing the government to borrow and raising the public debt-to-GDP ratio to 90.3% by June 2019 and the external debt to \$ 112.7 billion by December. Sisi has sought to attract private sector capital to state-led projects. The prime minister boasted in 2015 that the new administrative capital would not cost the Egyptian state "a single penny," as it would be funded through trade finance in partnership with private companies and foreign investors.

Then concerns about the viability of the project led to the withdrawal of major UAE companies, the suspension of a \$ 3 billion

Chinese loan, and the failure of talks on a \$ 20 billion Chinese investment. By May 2019, the proportion of investments coming from abroad had not exceeded 20%. The military establishment and the presidency had to persuade and even coerce some of the country's most famous real estate investors from the private sector to acquire in the new capital.

The Egypt Sovereign Fund (Thara'a) has emerged as the president's preferred tool for bringing private sector investment into public entities and projects, while giving the state the upper hand. The fund was established in 2018 and is supposed to be an accelerator to put selected government assets under partial control of the private sector, but according to one market analyst, this makes it a "sovereign holding company," not a sovereign wealth fund.

### ! The new administrative capital will not cost the Egyptian state a millieme Egypt president abdel fattah el-sisi



Once again the military is leading this approach. The Administrative Capital for Urban Development has revealed its intention to transfer ownership of assets worth 50 billion pounds to Tharaa Fund, which guarantees the relevant military authorities to obtain future profits from real estate. In February 2020, Thara'a Fund also approved the inclusion of ten companies affiliated with the National Service Projects Authority in an asset portfolio for promotion and investment, excluding extremely inefficient companies affiliated with the Ministry of Military Production, indicating the fund's emergence as a tool to attract private investment in ways that maintain state control over assets. It keeps its true financial resources opaque.

### A familiar animated cup game

Investment tools such as a wealth fund do little to bring about paradigm shifts in manufacturing, technological integration, or service upgrades and increased exports of goods. Instead, Sisi's model of state capitalism is a kind of moving cup game: It transfers capital from the private sector to the state, and from both sectors to institutions established or preferred by him, most notably the Long Live Egypt Fund, Thara'a Fund and the military establishment. This approach provides higher efficiency, but the Sisi administration remains unable to attract foreign direct investment except at a rate the World Bank describes as "slow." Even this limited investment is directed mainly to the energy sector, which leaves other productive sectors in Egypt to suffer,

and it has also decreased sharply since 2017.

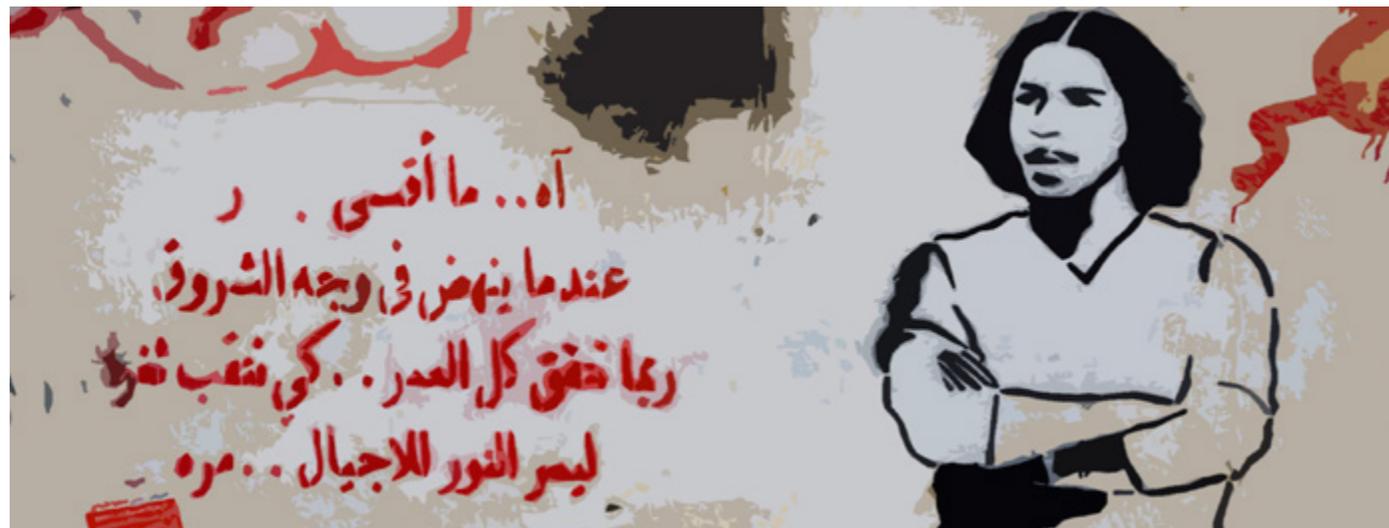
There is a possibility that Egypt may move gradually, intermittently, and even unintentionally towards a situation in which the maintenance of a state-controlled economy becomes untenable. But at the present time, nothing Sisi is doing changes the reality of what a report issued by the International Monetary Fund in 2019 on Egypt described as "persistent problems of weak governance, the search for rent, the risks of corruption and the massive presence of the state in the economy." Without a fundamental change in the structure of economic entry points and opportunities, Sisi and everyone who succeeds him in the presidency will remain permanently vulnerable to competitive rent seeking among the state apparatus on which his power depends.




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## 1-The development of policies and legislations related to human rights

Legislation and laws almost ends from the report due to the grave violations against activists in the Egyptian civil society, opponents and all voices that dare to criticize and reject what is present. Under a systemic and structural domination, equally citizens face oppression. Every individual, minority, and organization has its share of violence, mailing, enforced disappearance, torture and rotation in prisons.

### 1-The second Maspero massacre: The condition of religious minorities in Egypt

This incident raised problems and questions about the situation of religious minorities in Egypt. The problem of religious discrimination continues despite the fact that some legal guarantees in Egypt to ensure their participation in public life exist. As it was stipulated that the presence of Christians in the candidate lists for the elections. However, they are limited and superior measures. Minorities live in a difficult situation in Egypt, facing the religious majority, where they are subjected to threats, violence and even murder. This justified the multiple calls for the issuance of a bill protecting the rights of the Coptic Christian minority in Egypt, which did not notice any official effort or action to promulgate it.

To confront this locally closed situation, 25 public figures and 13 international, regional and Egyptian human rights organizations sent a letter to the members of the Foreign Affairs Committee of the US House of Representatives urging them to proceed with the bill to protect the rights of this minority in Egypt, which enjoys broad support from both American parties and a number of Participating sponsors. It is a fact that confirms the difficult situation of religious minorities.

On the judicial level, the Cairo Criminal Court imposed a sentence of 15 years imprisonment, and another accused with 10 years imprisonment and acquitted three others in the second case of the Maspero events. This judgment related to an incident that occurred in July 2013. It led to the destruction of several places of worship, the killing and violence of Christian citizens.

The prosecution had charged the detainees in the incident with: Gathering, committing premeditated murder, displaying force, assaulting public and private facilities, assaulting citizens, and brandishing violence, in a manner that disrupts public peace.

What could be observed is the absence of accommodation for attacks on the basis of attacks against minorities in the absence of an appropriate legal framework. This law is considered important in view of the frequent bloody incidents, violence, and messaging against the Christian minority. The organizations representing Copts in Egypt have always referred to systematic discrimination and structural discrimination against them, which is emanating from the state and citizens alike. It shares this with the other minorities such as Shiites, Quranists, and atheists.

It could be said that this situation violates the principles of international law and violates the obligations of the Egyptian state towards citizens of minorities. It cannot be said that the state protects the physical integrity of the Christian minority nor does it work to reduce the structural and systematic discrimination against them. Rather, judicial decisions and the frequency of attacks send implicit messages of the possibility of assault and the possibility of impunity. The political participation of Christians remains limited to the authorities' exploitation of the religious file for a year. Meanwhile, accusations of contempt of religion and beliefs continue, as the Public Prosecution has launched an investigation with Yusef Hani on charges of contempt of Islam after the Monitoring and Analysis Unit at the Attorney General's office monitored a wide circulation on social media of a picture of a text conversation attributed to him bearing insult to the Messenger, The Attorney General ordered an urgent investigation into the incident. The Ismailia Prosecutor's Office has expedited the investigation into the incident, which was registered with No. 4165 for the year 2020, the third administrative department of Ismailia.<sup>9</sup> Later, the Ismailia Court released Yusef Hani, known as "Joe Hani," after he apologized before the court.<sup>10</sup> Religion remains a malleable tool in the hand of the political authority, taking advantage of popularizing concepts of freedoms and rights and striking its supporters.

### 2-Restrictions on civil society:

A year and two months after President Abdel Fattah El-Sisi ratified the Law on the Practice of Civil Society, the Cabinet agreed, in principle, to issue the executive regulations of the law, without announcing its articles, as agreement would be reached between the relevant ministries regarding some of the articles for the final approval of the bylaws, according to a statement by the Cabinet.<sup>11</sup>

Law no.70 of 2018 It is the oldest version of the law regulating civil society in Egypt. And it raised a great controversy in the human rights community, especially regarding

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9- Youssef Hany was arrested. The story of a Hashtag that reached to the Public Prosecutor Look at the following link: <https://bit.ly/2LJAaSJ>

10- Releasing "Joe Hany" who is accused of insulting Islam, from Ismailia. Look at the following link: <https://bit.ly/3imCDOU>

11- The government agrees "in principle" to issue the executive regulations for "civil society" Look at the following link: <https://bit.ly/3osD8ZZ>

its negative punishments. In addition to a set of administrative complications and long procedures. The Egyptian regime faced international pressures. One of the prominent pressures was from the US Congress. In addition, international and local associations and organizations strongly rejected this law

The aforementioned law came after a long period of procrastination, especially the ignorance of the initiatives of civil society which its prominent was the bill prepared by a committee of representatives of civil society which was commissioned by the Ministry of Social Solidarity. The regime chose to make amendments to the aforementioned law in light of a pressing political context between 2018 and 2019. The regime's initial orientation was to reject any amendment. It is the first criticism of the subsequent amendment process.

**On August 19, 2019, the new NGO Law No. (149) of 2019 was issued, and the President ratified the decision to publish it. Its bylaws were supposed to be issued within six months, according to Article 7 of the law, however it took a year and two months to issue it.**

The executive regulations of the law didn't meet the expectations. After establishing the association, every procedure becomes linked to the bureaucracy of the Ministry of Social Solidarity. As for example:



- Changing the association's headquarters is subject to the bylaws of the aforementioned law, with a notice of three months.
- Every activity of the civil work is subject to obtaining a permit from the administrative authority specifying the documents to be submitted to obtain the permit and the rules to be followed by the executive regulations

- A notification that does not fulfill the data is not a notification
- The requirement that the association's bylaws must be consistent with the form of the statute specified by the executive regulations
- The statute must include personal data related to members, such as electronic applications

In addition, The bureaucracy has acquired a supreme hand on associative work, given the broad powers that allow it to interfere in its work. This doesn't differentiate from the pre-revolutionary authoritarian approach under the regime of Hosni Mubarak. Several restrictions were created by the Ministry of Social Affairs, which changed its name to the Ministry of Social Solidarity after the revolution. Despite the change of names, the content is almost the same, and its powers are still wide and enable it to impose its grip on association activities. It is reported that the authorities have exploited the law issued during the reign of Hosni Mubarak which is the Civil Society Law No. 48 of 2002, in the case known in the media as the case of foreign funding before the issuance of Law No. 70.

### **From the aspects of the Ministry's interference, we could find the following:**

- The law gave the administrative authority the right to present to the Attorney General a request to compel banks to disclose the confidentiality of accounts of civil society institutions and entities
- The Prohibition of concluding an agreement in any form with a foreign party inside or outside the country prior to the approval of the administrative body, as well as any amendment to it
- Considering NGOs' funds in the ruling of public funds, in applying the provisions of Chapter Four, Book Two of the Penal Code
- The law gave the administrative body the right to verify and verify that the association's actions conform to the law and its commitment to spend the funds of the authorities in the aspects and expenses specified for them
- The relevant minister has been given the right to suspend the association's activity for a period not exceeding one year in the event of violating Articles 25 pertaining to the authorization to collect money and Article 27 regarding foreign financing after warning the association.
- The administrative authority may implement the decision to suspend activity and may request the dissolution of the association or the dismissal of the board of directors. The Public Prosecutor's Office issues a decision against the hand of the Board of Directors until a judicial decision to dissolve is issued (Article 29)
- The law gave the right to the representatives of the administrative body the right to enter the headquarters of the civil work institutions after being notified to ensure their compliance with the law, and their entry is without notification in the event of an official complaint and this right includes entities that have not reconciled themselves
- The law gives the administrative body the right to object to the decisions of the association in the event that it violates the provisions of the law or the statute of the association and it has the right to request the withdrawal of the decision within a period of 30 days, and the association has the right to clarify its point of view within a period of 7 days following the objection, if that period elapsed without withdrawing it or not accepting The administrative authority Clarification The decision of the administrative authority is considered enforceable and it may take the measures stipulated in the law according to the violation
- The administrative body has the authority to exclude candidates for the board of directors due to lack of conditions for candidacy, and everyone concerned may refer the matter to the competent court
- The law gave the competent minister to issue a temporary decision suspending the association for a period not exceeding one year and closing its headquarters in 5 cases
- The law grants the employees working in the central unit and the sub-units to be specified by a decision of the Minister of Justice based on the proposal of the Competent Minister, the status of judicial police officers

Perhaps the security authorities do not seem to be controlling the front, except that the bureaucracy of employees with wide powers while enabling them to have the status of judicial police officers, so that a set of procedures and powers are authorized to them to investigate and search for breaches of public order, which will increase the security grip. This reflects the existence of an acute approach to civil work based on considering it a source of threat and danger, rather than a field to advance the role of the state and society. It is the approach of the current political system in Egypt, which is reflected in the systematic policy of suppressing activists and associations currently operating. The argument for organizing and framing civil work seems meaningless under this oppressive policy

### **The revolving doors and permanent policies: The preconceived charges of terrorism and exceptional trials target human rights**

It is considered that the accusation of protesting, spreading false news, joining a banned group, misusing Social Media websites and joining a terrorist group in achieving its goals, are the mainstream charges. In addition, the accusation of terrorism is a generalized concept that doesn't exclude anyone as you could be a leftist or liberal, however that doesn't preclude being in an Islamist Terrorist group. The regime's logic in that is to collect those persons who stand against it in one basket (prison) The "Alliance of Hope" joined the lists of terrorist entities earlier in the summer of 2020, a coalition that included members of parliament, party leaders, youth and journalists, aiming to prepare for the parliamentary elections. This judgment becomes consistent with the judicial rulings which are based on the aforementioned ready-made accusations.

On the basis of these accusations, the imprisonment of several activists has been renewed several times, and they are mentioned as follows:

- The Supreme State Security Prosecution decided to renew the imprisonment for 15 days against hundreds of detainees in case No.880 of 2020 by the State Security which were known as "the incidents of September 20". 12
- The human rights lawyer Amr Imam, Mohamed Samir, the blogger Radwa Mohamed, the journalist Ahmed Shaker, the journalist Sulafa Magdy, the student Muhammad Fadi, the student Omar Khaled and the lawyer Mahienour El Masry
- The Journalist and researcher Shaima Sami by the Supreme State Security Prosecution without appearing before the prosecution. Then her detention was renewed again alongside the activist Nermin Hussein for 45 days in Case No. 535 of 2020 by the Supreme State Security
- The Journalist Islam Al Kahli
- The labor activist Khalil Rizk Khalil
- The researcher Ibrahim Ezz El-Din
- The Journalist Basma Mustafa 15 days on the sidelines of her coverage of the events of the village of Awamiya, and after her forcible disappearance, she appeared later before the Supreme State Security Prosecution. This is part of the policy of restricting the freedom of the press.13
- The journalist Sayed Abd Allah in Case No. 1338 of 2019 High State Security Survey, and journalist Badr Badr Muhammad in Case No. 1360 of 2019 by the Supreme State Security. 14
- The lawyer Ziyad Al-Alimi and journalists Hisham Fouad and Hussam Moa'nis were imprisoned for 45 days pending case

12 The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19225>  
 13 After her disappearance in Luxor The Public Prosecutor announces the release of an Egyptian Journalist Look at the following link: <https://arbne.ws/39COxQV>  
 14 The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19288>



**930 of 2019 of State Security** which is known as the "Hope Alliance". **15**

- The imprisonment of dr. Abdel Moneim Abul-Fotouh for **45 days** pending Case No. **440 of 2018**, despite his pretrial detention exceeding the two-year which is the maximum period of pretrial detention in the law

- The Worker Yasser Antar Abdul Latif

Mohab Yusri Al-Ibrashi, the lawyer, Hussein Khamis Muhammad, Hassan Mustafa Abdel-Fattah, and Islam Adel Muhammad

- The lawyer Mohamed Al-Baqer

- The activist and blogger Alaa Abdel Fattah and the activist Mohamed Oxygn

In addition to the renewal of imprisonment, precautionary measures continue to assist it in restricting activists. And it included many names. Including:

- Hazem Hosney in case no.**488 of 2019** The Supreme State Security Prosecution decided to imprison dr.Hazem Hosny for **15 days** pending investigations in Case No.**855 of 2020** of the State Security after the Criminal Court decided to release him on the **31st** of October.

- The human rights lawyer Haitham Muhammadin, the lawyer Amr Nohan and Abdel Hamid Hamdy

- The photojournalists Mohamed Gibril and Abdul Rahman Al Wardani in Case **1365 of 2018** State Security Survey.

- The journalist Islam Adel Hasan in Case No. **467 of 2020** by State Security.**16**

- The imprisonment of **22** defendants during the second week of November **2020** for **15 days** pending investigation in Case No. **1056 of 2020**. Thus the total number of persons whose imprisonment was renewed after being released by the Cairo Criminal Court in a session on November 3, raised to **96** defendants.

The Prosecution re-imprisoned **15** other accused persons pending investigations in Case No.**1021 of 2020** after releasing them on the 3rd of November of **2020**. The same scenario was repeated with the blogger, Mohamed Oxygn, the political activist, Sameh Saudi, the member of Bread and Freedom Party, Ziad Abu El Fadl and Mohamed Mamdouh who is known as (Karaoke) by including them in Case No **855 of 2020** which is considered one of the cases that is used to reimprison the political activists, journalists and human rights defenders such as the lawyers Mahinour El Masry, Mohamed El Baker And Amr Imam, in addition to the journalist Esraa Abdel Fattah, Solafa Magdy, her husband Hossam El Sayad and the professor of political science, Hazem Ahmed Hosney.

### Targeting the Egyptian Initiative for Personal Rights

The executive director of the Egyptian Initiative for Personal Rights, Gasser Abdel Razek, joined his colleagues who are being held in pretrial detention, after the Supreme State Security Prosecution decided to imprison him for **15 days** pending investigations in Case No. **855 of 2020**. International and local condemnations continued for the security crackdown on the "Initiative" team. It is noteworthy that this crackdown was launched gradually and systematically through targeting the employees then the Executive Director.

The prosecution charged Abdel Razek with a set of pre convicted accusations. Previously, the prosecution decided to imprison Mohamed Basheer, the administrative director of the human rights organization and Karim Annara, the director of the Criminal Justice Unit in the organization for **15 days** pending investigations in the same case. The local and international human rights condemnations didn't stop which escalated with arresting Abdel Razeq. Ravina shamdasani who is the official spokesperson for the UN Human Rights Office, issued a detailed statement on the arrest and interrogation of the initiative members.

<sup>15</sup> The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19400>

<sup>16</sup>- The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19867>

The statement described the use of anti-terrorism laws and vague accusations to criminalize human rights defenders' work as "inconsistent with Egypt's international obligations towards international human rights law." In addition, **50** human rights organizations around the world declared in a joint statement their solidarity with the Egyptian Initiative's team and demanded the immediate release for the arrested members. Moreover, six Egyptian human rights organizations published a joint statement calling on "the defenders of democracy and human rights in Egypt, including individuals, organizations, associations, parties, and unions, to show solidarity with Egyptian human rights organizations against a fierce security attack aimed at harming the ability of civil society to confront totalitarian rule". On December **3, 2020**, the three members of the Initiative was released from Tora prison one day after the Egyptian security forces raided the home of the family of Hossam Bahgat, the founder and acting director of the Egyptian Initiative, without finding him.

### The Egyptian "Floyd" Owais Al Rawy

**T**he **He is 38 years old whos is an employee in the International Hospital and a father for two children while waiting the birth of the third. One last Wednesday at dawn, he was murdered by an officer in a security force of the Investigation Department and the Central Security in front of his house. Owais's murder came after a series of incidents which started by the participation of persons in Al Awamiyah town in September protests.**



security forces seized Al Awamiyah town in Luxor for days amid an intense security presence after clashes between people and security forces which escalated after the murrder of Owais Abdel Hamid Al Rawy. He is **38** years old whos is an employee in the International Hospital and a father for two children while waiting the birth of the third. One last Wednesday at dawn, he was murdered by an officer in a security force of the Investigation Department and the Central Security in front of his house. Owais's murder came after a series of incidents which started by the participation of persons in Al Awamiyah town in September protests. Thus the Security Forces started launching daily arrest crackdowns on the town's citizens. According to two citizens, the number of the arrested persons from the town ranges between **14 to 18** persons which their place of detention isn't unknown till now.

During one of the arrest campaigns, a security force went to the Al Raw's family house on September **30** searching for his nephew who is called Diao Al Rawy. Once the forces didn't find him, they decided to arrest the young brother of Owais who is called Al Rawy Al Rawy. The family tried to discourage the force from arresting the young person, however they refused and accompanied him outside. According to the story of two neighbors, one of them was in front of the house once hearing the shooting. Owais left his home behind them and after a verbal clash between him and one of the officers, the officer held his

gun and fired four bullets which one of them hit Owais's head.

After the accident and according to three sources that spoke to "Mada Masr", a number of angered young persons in the town abducted three police secretaries for at least some hours protesting the murder of Owais and the abduction of his corpse. After negotiations, this situation ended by releasing the policemen and delivering the corpse.

The people gathered in the following 2 hours from the incident One of Al Rawy's neighbour says that One of the people estimated the number with thousands On Wednesday evening September 30, 2020, the corpse reached to Al Sanaia square while people were waiting for the funeral and it was accompanied by an ambulance, a police car and an armored vehicle. Before delivering the corpse, the armored vehicle shot tear gas canisters to disperse the people, according to 3 sources who attended the funeral. After the funeral, security forces locked down the town, then clashes took place between protesters who used Molotov and bricks, and security forces who used tear gas canisters<sup>17</sup> Al Awamiyah town is considered a model in describing the regime's treatment with the repercussions of the protests of the first anniversary of September 2019 protests. This matter indicates the level of people's frustration due to difficult living conditions for the Egyptian citizen.

## Recommendations

It seems that the Egyptian regime led by president Abdel Fattah Al Sisi would continue its policies in the path of controlling the rest of authorities Thus, in order to achieve that, he used all the available institutional, legal and constitutional frameworks. In order to make his power prevail, he misused his powers to change:

- Law on Redrawing Electoral Constituencies
- Law on the Exercise of Political Rights
- The National Elections Authority Law of 2017, especially the principle related to the abolition of judicial supervision of elections and referendums
- Civil Associations Law No. (149) of 2019
- Laws relating to the Armed Forces, newly amended: Law No. 232 of 1959 regarding conditions of service and promotion for officers of the armed forces, Law No. 4 of 1968 regarding command and control of defense affairs of the state and the armed forces, and Law No. 20 of 2014 establishing the Supreme Council of the Armed Forces.

■ The president's constitutional power to appoint 28 members to the Parliament and 100 members to the senate.

Appointing judges to political institutions and positions and deliberately involving them in the power's conflict

- The use of security services in settling political scores and party work, and supporting their henchmen within the parties.

This is what happened in the Egyptian Wafd Party

Using the Public Prosecution, the investigation authorities and judges to stifle civil activists and opponents.

- A comprehensive militarization of the economy in a way that effectively prevents any real transparent reform
- It is necessary in light of this dark picture imposed by the Egyptian regime to:
- Stop following activists and targeting them
  - Stop the exploitation of pretrial detention, which is considered an exceptional measure in the first place, and converting it to an original punishment that prolongs the activists' imprisonments
  - Stop using precautionary measures to perpetuate the daily targeting of activists and their families

Release immediately activists and opponents from the Egyptian prisons.

- Leave the bureaucratic system of the Ministry of Social Solidarity on local and international organizations, in addition to using security and intelligence against them to liquidate, target and close them.