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studies

22 MARCH
2021

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Dr. Essam Abdelshafy



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Bahçelievler, Yenibosna Mh 29 Ekim Cad. No: 7 A2 Blok 3. Plaza D: 64
Tel/Fax: +90 212 227 2262 E-Mail: info@eis-eg.org

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The Egyptian military institution has adopted many policies and practices, whether during the first transitional period that was led by the Supreme Council of the Armed Forces (from February 2011 to June 2012); or during President Mohamed Morsi's one year in power, where the SCAF used to run matters from behind the scenes; or after the coup of July 3, 2013, until January 2021 (as the time limit of this study), where SCAF directly controlled everything. The tasks, roles and functions carried out by the military over ten years since 2011 (subject of study) varied between policies for entrenching authoritarianism and despotism, legal codification of these policies, systematic violation of rights and freedoms, policies for domination and entire militarization of economy – to the extent that can be called “state ownership”, which reinforces the claim of some who describe the situation in Egypt as: “an army that owns a state”, rather than “a state that owns an army” – which this paper will address through the following four axes:

First: authoritarianism and despotism

Consolidation of authoritarian regimes requires establishment of recognized, predictable institutional rules to regulate the interaction between different groups within the state apparatus, as well as between the state and society. The consolidation of power stems from institutionalization of channels to represent interests subject to the state control and mediate between the state and society, especially the categories that the regime seeks to get their support.

Before the January 2011 revolution, this was achieved through the state affiliated trade unions that monopolized representation of the interests of the labor and business sector – such as the Egyptian Trade Union Federation (EUTF), the Federation Of Egyptian Industries (FEI) and the Federation of Egyptian Chambers of Commerce (FECC) – and also through the ruling National Democratic Party (NDP); where these bodies used to undertake distribution of the state care and mediated between the state and local communities and various social categories.

Consolidation of authoritarianism allows the regime to maintain its survival through reducing reliance on continued violent suppression of dissent and political opposition. In this way, the regime becomes less vulnerable to the social and political instability caused by the popular protests, mass

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demonstrations, strikes, and even coups that increase the risk of sudden changes in the state's power structure or political leadership composition.

Since the July 3, 2013 coup, the Sisi regime has not established or even maintained broad and solid social grassroots whose interests are closely linked to the regime's policies. Instead, to ensure its legitimacy and maintain social stability, the regime has relied on a sociopolitical alliance made up of the army, security forces, and classes of state bureaucracy and public sector employees that had been formed to oppose the January 2011 revolution against Hosni Mubarak.

After the 2013 coup, the army and security forces have participated in widespread repression campaigns to marginalize the main opposition groups, especially the Muslim Brotherhood and its Islamist allies, in addition to groups of activists such as the April 6 Youth Movement. During the few years following the coup, the army and security forces were able to regain a large part of the public sphere that was lost to the civil society and political opposition after the January 2011 revolution. Since then, further stringent security controls have been imposed on universities; funding and activities of civil society organizations and NGOs have been reduced and almost cancelled; and protests, strikes, and sit-ins in the public sphere have been outlawed.¹

The regime has also imposed formal and informal controls over public spaces and private media, where they were subjected to tight surveillance, forcing these outlets to express a pro-regime discourse and even practice self-censorship. Similar restrictions have been imposed on social media, where the authorities have arrested a number of activists because of the views that they had expressed on their Twitter or Facebook accounts.

The scope of the police crackdown has expanded and affected the regime's image and its domestic legitimacy, leading to straining relations with the bar, medical and press associations that had supported it while taking power. This police crackdown has been criticized by some Western countries that have strategic relations with the regime, as well as by many international governmental and non-governmental human rights organizations.

¹ Fatima Ramadan and Amr Adly, "Low-Cost Authoritarianism: The Sisi Regime and the Labor Movement Since 2013", (Beirut, Carnegie Middle East Center, September 17, 2015, accessed November 29, 2020, [link](#))

The regime has failed to create institutionalized channels for mediation and representation of the interests of the social groups it seeks to maintain receiving their support. Moreover, the regime has not been able to establish a ruling political party such as the ruling parties during the eras of Gamal Abdel Nasser, Anwar Sadat, or Hosni Mubarak.

Such approach followed by the ruling military regime in Egypt would undermine attempts to consolidate the foundations of authoritarian rule, enhance instability, and make it difficult for the regime to maintain the support it enjoys domestically, regionally and internationally. Moreover, the regime's ability to consolidate its power and return to the situation that prevailed during the Mubarak era – when the authoritarian rule was more institutional and flexible – would be almost impossible².

The Sisi regime is much more brutal and more ferocious against its opponents. It is a military regime that does not accept half-hearted support, change of positions, or neutrality, where it manages its foreign and domestic policies with the mentality of "either strongly with us or against us". There is a strong belief prevalent among the regime's figures and some of its leaders that Hosni Mubarak and Field Marshal Mohamed Hussein Tantawi had adopted lenient policies with the opposition, and therefore the Sisi regime must take stricter measures against opponents at home; and its foreign policy must be managed in a way that would prevent any international accountability or even regional criticism, even if the regime used tactics similar to the regimes of Muammar Gaddafi of Libya or Bashar al-Assad of Syria.

The structural nature of the Sisi regime is also different from that of the Mubarak regime that stayed in power for about three decades through boosting its "legitimacy" through reliance on a political mobilization apparatus represented by the National Democratic Party, as well as security and military institutions and services that used to compete in suppressing the opposition, and where the presidency was the most powerful political actor within the whole regime³.

² Amr Adly, "The Egyptian Regime Faces an Authoritarian Catch-22", Beirut, Carnegie Middle East Center, July 21, 2016, accessed November 27, 2020, link: <https://carnegie-mec.org/2016/07/21/egypt-s-regime-faces-authoritarian-catch-22-pub-64135>

³ Omar Ashour, "Fall of Mubarak and Paths of Egyptian Revolution", Al-Jazeera Net, February 13, 2017, accessed November 25, 2020, [link](#)

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The coup power has expanded its use of direct repression tools and legal tools to forcibly displace citizens and close the public space with the aim of controlling the actors involved. The regime has restored the past experiences of the security siege of trade unions and student and labor movements; and scenes of security booby-traps of trade unions whose elected boards oppose official policies, raising artificial conflicts between elected councils and members of these trade unions known for affiliation to security and intelligence services; the police cordons surrounding the headquarters of trade unions and factories where demonstrations, sit-ins, or strikes erupt; and the rapid referral of activists and demonstrators to the civilian or military judiciary⁴.

The ruling military regime in Egypt applies a severe taxation policy against citizens, based on withdrawing from performance of social services, converting them into paid services; and accumulating huge external debts, and curbing it with financial bubbles that are also based on foreign borrowing⁵.

The performance of the regime in execution of such tax policy is characterized by brutality, as the tax policy targeted the daily livelihood sources of Egyptians such as energy, electricity, water and natural gas, that gradually expanded to reach citizens' homes through an arsenal of laws and legislations that were passed through a parliament that was originally formed by the security services, where it is no longer representing people, but representing those services.

The dangerous thing is that the state's tax orientation has become structural; because it has become governed by a number of foreign and domestic loans. Although the domestic debt can be addressed through the deficit management policies adopted since 2013, the external debt represents a source of tremendous pressure on the budget, and leads to escalation of the tax policies that target reducing liquidity in the market in order to control inflation, and then take control of likely "discontent"⁶.

⁴ Amr Hamzawy, "Egypt's Resilient and Evolving Social Activism", Beirut, Carnegie Middle East Center, April 5, 2017, accessed November 25, 2020, link: <https://carnegieendowment.org/2017/04/05/egypt-s-resilient-and-evolving-social-activism-pub-68578>

⁵ Mamdouh Al-Wali, Egypt's External Debt Exceeds \$124 Billion, Egyptian Institute for Studies, Economic Reports, December 14, 2020, accessed February 25, 2021, link: <https://en.eipss-eg.org/egypts-external-debt-exceeds-124-billion/>

⁶ Wessam Fauad, "Egypt: Protests to Set Limits for Gov. Policies", Egyptian Institute for Studies, Political Reports, 23 September 2020, accessed October 30, 2020, link: <https://en.eipss-eg.org/egypt-protests-to-set-limits-for-qov-policies/>

Second: Structure of laws and legislations

The coup authorities after 2013 have not stopped at repressive practices and hegemonic policies, but in the context of further entrenching tyranny and authoritarianism, they built an arsenal of legislations and laws to restrict freedoms and prevent any criticism or reservations about the regime's policies.

An official report issued by the Arabic Network for Human Rights Information (ANHRI), titled, "Legislations of Darkness - Examples of Laws Restricting Freedom (June 2013 - June 2020)"⁷ – has reviewed a number of these laws, including the following:

1- Decree/Law No. 107 of 2013 regulating the right to public meetings, processions and peaceful demonstrations:

The Law 107 of 2013 regulating the right to public meetings, processions and peaceful demonstrations imposes punitive provisions for those who advocate demonstrations, and sets impeccable conditions for organizing a demonstration, as well as placing opinion-holders who wish to express themselves under the control of the Ministry of Interior, which has the right to act as it pleases, whether by granting permission, rejecting the request, or granting permission and then withdrawing it, along with monitoring the gathering, which turns the rally into a security celebration par excellence.

2- Decree/Law No. 15 of 2014 amending the Law on Universities:

The law was passed in January 2014, and the amendment states that: "The university president may impose a penalty of dismissal on a student who carries out subversive acts (without defining what is meant by subversive acts) that harm or endanger the educational process. Or target university facilities, examinations, work within the university, assault on public and private persons or property, incite students to violence and use of force, or contribute to any of the above."

3- Law No. 45 of 2014 on the exercise of political rights:

⁷ The Arabic Network for Human Rights Information, "Legislations of Darkness - Examples of laws restricting freedoms in 7 years, June 2013 - June 2020", July 5, 2020, accessed December 5, 2020, link: <https://www.anhri.info/?p=17555>

Law No. 45 of 2014 was passed just before the presidential election, and deprived large sectors of citizens from voting, including vague definitions of persons who were banned from running for office to include some of the regime's victims who were confiscated or charged in cases of flimsy charges. The law also contained a number of provisions to limit press freedom and muzzle statements on vague charges such as spreading false news about elections, or criticizing the members of the Supreme Electoral Commission, and punish the perpetrator with imprisonment.

4- Law No. 128 of 2014 (on other things):

Al-Sisi continued to expand the use of legislative power in the absence of an elected parliament, and passed in September Law No. 128 of 2014, amending Article 78 of the Penal Code, and transforming it into one of the most flexible and loose articles in the history of Egyptian legislation⁸.

5- Decree/Law No. 130 of 2014 on referring police recruits to the military judiciary:

Decree No. 130 of 2014 amended Article 94, paragraph 2, of the Police Service Law No. 109 of 1972, providing that "military judiciary shall be the exclusive jurisdiction of military courts to consider all crimes committed by the police force."

6- Law No. 136 of 2014 on the insurance and protection of vital and public enterprises

⁸ The amendment states: "Article 1: Article 78 of the Penal Code, which is amended by one of the most flexible and broad articles in the history of Egyptian legislation, if not the most extensive, shall replace the text of article (78) of the Penal Code as amended by Act No. 95 of 2003: Without prejudice to any heavier penalty provided for in the Penal Code or any other law "anyone who has requested by himself or otherwise requested through a mediator or accepted or took, at least by means of a foreign country, or who is acting in its interest, or of a person, ordinary or legal person, local or foreign organization, or any party, other a foreign State does not follow or act in its favor with liquid or movable funds, equipment, machinery, weapons, ammunition, or other things or promise of any kind with the intent to commit an act which is detrimental to a national interest, to the independence, unity, territorial integrity of the country or to carry out hostile acts against Egypt. The penalty is a life imprisonment and a fine of at least 500,000 L.E. or more than 500,000 and not more than he gave or promised. A penalty of death and a fine of at least 500,000 L.E. if the offender is a public official or public employee or a parliamentary member, or if the offense is committed in time of war or for the purpose of a terrorist. Any person who has been given, offered or promised some of the foregoing with the intent to commit an act detrimental to the foregoing paragraph shall be punished with the same penalty."

The law places civilian enterprises under the protection of the armed forces. It places civilians in the hands of the military courts, especially after the expansion of the definition of the vital enterprises, although many of them are ordinary civil or economic facilities⁹.

7- Law No. 3 of 2015 amending some provisions of the Law on Organization of Universities

In spite of the Egyptian regime's amendments in 2014 which granted the university rector a direct authority to dismiss a student in case he/she participates in the so-called "riot acts"; however, the Egyptian regime did not just pursue the students, moving on to chasing the university board and sieging them. The law punishes a university staff member by dismissal from his work if he/she participates in acts of incitement to violence, or practices partisan acts inside the university. It also punishes a staff member with dismissal if he/she commits any act that may harms the honor of staff membership, or harm his integrity, dignity of the job (without specifying what acts would harm the honor of staff membership).

8- Law No. 8 of 2015 on the lists of terrorist entities and terrorists:

The definitions of terrorist entities and terrorists are loose and lengthy, putting some opposition entities that aim to bring about peaceful change or expression of views under the fire of this law which provides for the confiscation of funds, the dissolution of entities, the arrest of leaders and members, and the imposition of maximum penalties of life sentence or hard labor imprisonment.

9- Law No. 94 of 2015 on counterterrorism:

This law was issued under the pretext combating terrorism but it included punishment and prosecution of opinion leaders, as it reproduces articles that had been previously ruled unconstitutional by the Supreme Constitutional Court, and allows the police to use lethal force and guarantees their impunity under vague and general charges such as public order, community safety, community interests, National unity, as well as the inclusion of a number of peaceful activities that

⁹ The law states that: The offenses committed on public installations, facilities and property referred to in article 1 of this resolution shall be subject to a law of military jurisdiction. The Public Prosecutor's Office must refer cases relating to such offenses to the competent military prosecution. This exposes civilians to further military trials in the event of any problem within or around a state facility.

political parties, protest movements, students, workers, media and civil society organizations may carry out, as terrorist activities.

The law also provides for punishment of those who express their opinion on social media or as provided by law, "propagating ideas and beliefs", calling for violence, without specifying the form of the intended violence; and it punishes the perpetrator with imprisonment for at least five years¹⁰. The law stipulates that police officers are not held accountable if they use weapons to confront terrorists, who are not precisely defined by law.

10- Decree/Law No. 100 of 2015 amending the Penal Code:

The amendment came through adding Article No. 102 to the Penal Code, which states that "A minimum sentence of imprisonment of one year and a fine of between EGP 20,000 and EGP 100,000 or one of these two penalties shall be imposed on anyone who learns of the offense of possession of explosives and does not rush to inform authorities." This puts civilians who are not involved in terrorist acts under charges of terrorism; and the average citizen is forced to behave like police informer, spying on and reporting his neighbor, colleague, or relative, so that he is not accused of concealing him.

11- Decree/Law No. 106 of 2015 amending the Prison Regulation Law:

The key amendments included: raising the fees for the furnished remand rooms to 15 pounds a day. Instead of 150 piasters in the previous law, as provided for in Article 14 of the law; raising the age of a child custody of the mother prisoner to four years instead of two years in the old law, according to Article 20. The amendment also granted the right of the prison director or prison officer to solitary confine the prisoner for a period not exceeding 15 days, instead of just a week in the old law, according to Article 44.

12- Law No. 92 of 2016 on regulating the press and the media

¹⁰ Law Publications: Anti-Terrorism Law, April 2017, accessed February 22, 2021, link: <https://manshurat.org/node/14679>

Pursuant to this law, the Supreme Council for Press and Information has been established, acting as a watchdog over the press and freedom of expression, and serving as a moral police, as well as a security agency that reviews press and media content, and that closes, bans, and prohibits press and media personnel. Among the provisions of this law and characterizing the functions of the Supreme Council for Information are: Ensuring that media and press adhere to the requirements of "national security", including any criticism of the political performance of the Egyptian regime.

13- Law No. 11 of 2017 amending certain provisions of laws:

Some articles giving absolute power to the Public Prosecutor have been added to expand the suspicion of terrorist crimes, expand his powers to confiscate and retain money, and to summons and arrests, and others. The amendments provided that all civil and legal activities under any name are listed, to bring all civil society institutions under security control.

14- Law No. 12 of 2017 on amending emergency provisions:

The amendments stipulated that: "When a state of emergency is declared a reservation to all those who have been made available, they may be found guilty of a felony or misdemeanor, as well as to what may be held in their own home or in places where any dangerous or explosive substances are suspected of being hidden Except for other provisions of the laws, and the Public Prosecutor's Office shall be notified within 24 hours of the detention. After the Public Prosecutor's Office is been ordered to detain him for a period not exceeding seven days to complete the collection of inferences, the investigation with him shall commence during this period," which legitimizes the forced disappearance perpetuated by the Egyptian security services.

15- Law No. 14 of 2017 amending the Demonstration Law:

The amendment to Article 10 provides that: "The Minister of the Interior or the competent security manager in case the security authorities get, and before the deadline set for starting the general meeting, procession or demonstration, according to serious information or indications, to submit to the judge of the primary court to cancel or postpone or change the place of the meeting, procession or demonstration. The judge shall issue a reasoned decision upon the application to him, and shall notify the administrative body of the notifying the applicant immediately after the issuance of the

notification. The concerned may appeal against the decision in accordance with the rules established by the Civil and Commercial Procedure Law.”

16- Law No. 13 of 2017 on selection of heads of judicial bodies:

The law allows the President of the Republic to go beyond the seniority principle in appointing the heads of judicial bodies, and to choose as the our leading judicial bodies (the Supreme Council of the Judiciary, the Supreme Council of the Administrative Prosecution, the Supreme Council of the State issues and the General Assembly of the Councilors of the State Council) nominate the seven eldest judges and the chairpersons should be chosen by the President.

16- Law No. 70 of 2017 on NGOs:

The law provides that all entities exercising civil work as defined by the accompanying law, whatever their legal designation, shall reconcile their status in accordance with its provisions within one year of the date of operation, or the competent court may order their dissolution.

Article 3 of the Law stipulates that: “Associations operating in border provinces must obtain the approval of the Governor, and then the approval of the Prime Minister.”

The law also states that “associations may not practice activities similar to those of parties, trade unions or workers or having a political nature”.

18- Law No. 218 of 2017 on regulating youth organizations:

The law allows placing youth bodies under the full control of the government and security, as Article 13 states that: “The competent minister may include, for the Board of Directors, at most three experienced members, including a woman, in the event of not electing one to the Board and they shall have all the rights and obligations of the Board membership.” The law gives imprisonment punishment to any person who carries out “activity contrary to what the association was established for,” without defining those activities or “holds parties and gatherings contrary to the law”.

19- Law No. 175 of 2018 on information technology crimes

This law was issued to pursue all users of social media sites, and the electronic network as a whole by monitoring user data and information and allowing their disclosure; expanding the judiciary seizure and granting them to those who are not qualified; and blocking sites under the pretext of threatening national security with decisions from the prosecution authorities and in case of urgency by the investigation and control authorities.

20- Law No. 180 of 2018 on the regulation of the press and the media:

It contains a list of taboos and a list of the sanctions that undermine the freedom of the press and journalists and places significant restrictions on their work. The law restricts the press and media, as it provides for the creation of the Supreme Council for Press and Information, which monitors all press releases, electronic or paper, and widens the charge of incitement to terrorism, libel, and defaming and provides penalties such as imprisonment, closing, and blocking.

21- Law No. 178 of 2018:

The National Media Authority Law stipulates that all state-owned entities, institutions, media and electronic media sites, established on the date of this Law, to adjust their status with the provisions of the law within one year of the date of coming into force.

22- Law No. 22 of 2018:

This law regulates the procedures for seizing, restricting, managing and disposing of the funds of "terrorist groups and terrorists," and stipulates the establishment of an independent committee of a judicial nature, to undertake all procedures related to the execution of judgments issued as "a group, entity or person belonging to a terrorist group; especially the procedures for seizure, management and disposal of their money, as an exception to the provisions of the Civil and Commercial Procedure Law.

23- Law No. 179 of 2018:

The National Press Authority Law No. 179 of 2018 contains several definitions for each of the press institutions, the organization, the chairman of the syndicate, the newspaper, and the journalist, and explicitly provides for the editorial policy of each newspaper.

24- Resolution No. 16 of 2019:

It states a list of "Sanctions Regulation and Administrative and Financial Procedures that may be signed on law-abiding bodies of 180 of 2018, including personal accounts on social networking sites with more than 5,000 followers. The list consists of 29 articles that monitor a number of professional violations, sanctions and punishments, and these sanctions range from attention, blocking, stopping broadcasting, and a fine of LE250,000 against the media, whether read, heard or visible. If any of the offenses you have identified have been committed.

25- Law No. 149 of 2019 on regulating the work of NGOs:

The law prohibits a civil society from carrying out any "political or party" activities, according to article 15, which prevents some human rights organizations from talking, for example, about prison conditions, detainees' cases or election fraud, as this is considered by the State to be a political act. The article prohibits the conduct of surveys, publication, making available their results, conducting field research or presenting their results before approval by the Central Agency for Public mobilization and Statistics to ensure their safety, neutrality and association activity. This puts all surveys and statistics under government control. No independent information is available to citizens without passing through the Government.

26- Law No. 77 of 2019 on judicial bodies and appointment of their heads:

Law No. 77 of 2019 allows amending the laws of reorganization of the Administrative Prosecution Authority, the State Law Board, the Judiciary and the Council of State, by a decision of the President of the Republic, out of seven of the oldest deputy of the Court or the deputy of the Authority. This is for four years or for the remainder until retirement age is reached, whichever is earlier and for one time for the duration of his employment.

27- Law No. 78 of 2019:

Law No. 78 of 2019 on amending the method of selection of the President of the Supreme Constitutional Court providing that "the President of the Republic shall select the President of the Supreme Constitutional Court from among the five oldest deputies of the Court. The President of the

Republic appoints the Deputy President of the Court from among two candidates, one of whom is the General Assembly of the Court and the other is the President of the Court.

Law No. 77 and Law No. 78 of 2019 give the President broad authority to choose the presiding officers of the judicial bodies, regardless of any other considerations.

28- Law No. 14 of 2020 on terrorist entities:

Law No. 14 of 2020 stipulates that the list of charges that fall under terrorism are: Obstructing the public authorities, judicial bodies, government interests, local units, worship houses, hospitals, science institutions or other public facilities, diplomatic and consular missions or regional and international organizations and bodies in Egypt from carrying out or exercising their functions for all or some of their activities; Or to resist, disrupt, prevent, obstruct or endanger public or private transportation by any means or to advocate by any means a breach of public order, endanger the safety or interests of society or otherwise, or disrupt the provisions of the Constitution or laws or prevent an institution of the State or a public authority to conduct its acts, the assault on the personal liberty of a citizen or other public freedoms and rights guaranteed by the Constitution and the law, or the damage to national unity, social peace or national security. This applies to those persons and entities mentioned when they have practiced, targeted or intended to carry out any such acts, even if they are not directed at the Arab Republic of Egypt¹¹.

Third: the systematic violation of rights and freedoms

Political violence in Egypt unprecedentedly escalated on August 14, 2013, when Sisi along with his military and security commanders decided to disperse two massive sit-ins in the squares of Rabaa in Cairo and Nahda in Giza, where opponents gathered to protest against removal of Egypt's first elected President Dr. Mohamed Morsi. The dispersal of the two sit-in was the worst mass killing incident in Egypt's modern history and a crime against humanity.

¹¹ The Arabic Network for Human Rights Information, "Legislations of Darkness - Examples of laws restricting freedoms in 7 years, June 2013 - June 2020", July 5, 2020, accessed December 5, 2020, link: <https://www.anhri.info/?p=17555>

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The July 3 coup and the repressive measures that followed it have affected the security situation both in Egypt and abroad. Three crises have been exacerbated as direct consequences of the coup: the armed insurgency in Sinai, people's disbelief in civil resistance, and the flare-up of war against democrats and democracy.

A key declared reason behind the July 2013 coup was to confront violence and potential terrorism; but one of its main consequences was the escalation of violence and real terrorism. While the security situation is unprecedentedly exacerbated, there are no indications of a political or security desire to calm the situation, review the eradication policies, or even reduce the war on democracy¹².

The human rights file has witnessed many disastrous transformations in Egypt since the military coup, starting with many massacres committed by the military that left thousands of people dead, the most brutal of which was the Rabaa massacre that occurred on August 14, 2013, and was described by the [Human Rights Watch](#) as "one of the world's largest killings of demonstrators in a single day in recent history" and "probably amounts to crimes against humanity".

The Rabaa massacre and the massacres that preceded it following the coup of 3 July 2013, such as the massacre of the Republican Guard massacre (2) on July 8, 2013, in which more than 50 people were killed: the Manassa Memorial massacre on July 27, 2013, where about a hundred people were killed, and the massacre of Al-Nahda Square on August 14, 2013 that left about a hundred people dead.

The [Rabaa massacre](#) was a milestone on the way of the peaceful January revolution, as the prospects for the success of the democratic transformation in Egypt were temporarily frozen, after the military exaggerated in the bloodshed, and failed to legalize the political conflict and control it through ballot boxes, constitutional articles, negotiations, mutual concessions, and avoiding political violence and the use of weapons. Rather, the military continued its destructive approach to institutions in Egypt,

¹² Omar Ashour, "The Security Harvest of Sisi's Coup, Al-Jazeera Net, July 5, 2016, accessed December 6, link: <https://bit.ly/35ZySdL>

and brutal repression of opponents, which might give legitimacy to more forms of political violence, starting from military coups up to terrorism¹³.

In the aftermath of the coup, all entities and institutions concerned with the human rights file have been increasingly targeted, on many levels, including:

1- Judicial level: Criminal investigations have started in the largest case that targeted leaders and members of more than 37 human rights organizations, with charges of receiving foreign funds without approval of authorities, and working illegally without a license, in addition to other charges related to harming public security and communicating with foreign bodies. In the context of this case, travel was banned for dozens of the most prominent human rights male and female defenders, and the funds and personal and institutional property of some of them were seized¹⁴.

Prosecutions, criminal investigations and media distortion campaigns related to this case started in the second half of 2011, focusing in the first phase on international human rights organizations operating in Egypt, which resulted in issuance of prison sentences ranging from one to five years against 43 foreigners and Egyptians working in these organizations in the country in June 2013, on charges of receiving foreign funding without permission and operating unlawfully without a license¹⁵.

Egyptian human rights organizations continued to denounce such charges and expose the attempts of the counter-revolutionary forces to circumvent the democratization process in Egypt, and to maintain crimes and human rights violations during the various transitional stages that followed the revolution in 2011, up to Sisi's access to power in June 2014, which led the military and security services to make a strategic decision to besiege and end independent human rights activity in the

¹³ Omar Ashour, "On the anniversary of the massacre ... Rabaa and its political dimensions, Al-Jazeera Net, August 18, 2016, accessed on November 14, 2020, link: <https://bit.ly/2JO2ceC>

¹⁴ Miller, Elissa. And Sutter, Margaret, Case No.173: The State of Egypt's NGOs'. The Atlantic Council, March 29, 2016, accessed December 6 2021, Link: <https://bit.ly/3rQyRBs>

¹⁵ Human Rights Watch. (2013) 'Egypt: Unjust Verdict in Rights Workers' Trial', 4-6-2013, link: <https://bit.ly/39CK966>

country, restructure it and control its outputs; and create a new sector of human rights organizations to support the state and justify its discourse¹⁶.

2- The legislative level: The restrictions regulating the work of non-governmental organizations have been tightened; penalties for receiving foreign funding have been intensified; and a large number of activists, media professionals, lawyers, trade unionists and others interested in defending human rights have been subjected to long-term arbitrary arrests and politicized trials. The campaign against human rights activists has reached direct death threats against some of them, both at home and abroad, as well as tracking their activities, movements and contacts inside and outside the country.

A sector within human rights organizations responded to this situation through taking measures to adapt to the new security and legislative changes, with the aim of resistance to restore spaces within the public domain by devising various tactics to protect institutions and their workers, while providing support to victims, documenting, monitoring and exposing violations, albeit on a limited scale, and distributing roles among members of these organizations both inside and outside the country.

Some other human rights organizations have tended to completely freeze their public activities, while their leaders and members were keen to maintain a level of coordination, dialogue and informal cooperation between the leaders of these organizations and the rest of the human rights activities in Egypt and abroad; and some organizations that have officially frozen their work inside the country have kept a limited work team there, while moving their entire activity outside the country, in pursuit of freedom and independence of movement.

Recent years have also witnessed establishment of new human rights organizations abroad that include activists and cadres from inside the country as members. A limited sector of human rights organizations continued to operate openly, bearing all the risks and threats as a price for such difficult choice.

¹⁶ Hamzawy, Amr, 'Legislating Authoritarianism: Egypt's new Era of Repression'. Carnegie Endowment for International Peace, MARCH 2017, link: <https://carnegieendowment.org/2017/03/16/legislating-authoritarianism-egypt-s-new-era-of-repression-pub-68285>

The procedures targeting human rights organizations made it difficult for human rights organizations to coordinate joint positions and actions; and accordingly, the level of coordination declined significantly, in light of the reluctance of many associations to publicly join statements and reports that may expose their members to more reprisals, or due to changes in the political orientations of some organizations, and their different political reading of the events that Egypt witnessed after the 2013 coup, their different positions regarding the deterioration of the human rights situation. Also, the level of coordination and communication between human rights organizations and opposition political forces of the left wing and liberals, especially with the reluctance of many of these forces to condemn the practices of the ruling authority on many occasions.

On the other hand, some human rights organizations have maintained a good level of coordination in public positions, especially with the access of new youth associations that include cadres from inside and outside Egypt, amid the continued establishment of limited initiatives and coordination entities, organization of trade union activities in support of freedoms, and issuance of joint statements from time to time.

Overseas extensions of some human rights organizations have also emerged to facilitate their work and management, and to ensure their field and human presence at home continues in various ways; where some new organizations and alliances that have recently been launched from abroad are the product of agreement and joint work between teams both at home and abroad.

This requires development of the tools that would ensure maintaining communication and coordination between activists inside and outside Egypt, and continue employment of Egyptian activists overseas as energy of change to maintain the movement itself and avoid the interruption that other countries witnessed amid continuation of the authoritarian regime¹⁷.

Fourth: Militarization of economy and state ownership

The radical transformation of the military economy during the era of Abdel Fattah al-Sisi has not been the result of a political economy that is increasingly dominated by the military side, but rather an

¹⁷ Dr. Moataz El-Fejairi, Duties of Defending Human Rights in Egypt in the Context of the Crisis, Ruwaq Arabi website, January 15, 2019, accessed January 12, 2020, link: <https://bit.ly/36xMNI9>

outcome of a hierarchy of officers seeking to extort the largest possible privileges during Sisi's reign in power. The inconsistency, informality, and general lack of data on the economic operations of the Egyptian armed forces made it difficult to compare it with other military institutions that have economic portfolios.

In the context of the military's escalating domination of the state's economic capabilities in various sectors, a set of basic considerations and indicators emerge, including:

1- In the context of the pursuit of economic development, the military regime in power since 2013 finds itself trapped in many areas; and it is unlikely that its bad relationship with the private sector may allow it to adopt policies that can help relaunch the wheel of economic growth. The regime's reluctance to anger the grassroots supporting it in the state's bureaucratic apparatus made it unable to implement reforms deemed very necessary due to the financial constraints in Egypt.

The regime's response to these challenges was an attempt to promote growth by increasing the economic role of companies owned by the army, to appease the army and enable it to dominate projects of public works. The army expanded its economic activity in infrastructure projects and public utilities through direct partnership with Arab companies and foreign countries, not only with the of increasing profits or gaining a greater share of the market, but more importantly, for supporting the re-establishment of the authoritarian state¹⁸.

2- Expansion of companies owned by the army to access the real estate sector and the land development sector, and granting the army a wide margin to make political decisions may lead to abuse of power. This also creates a potential conflict of interest; because while the military's oversight of public land development should focus on promoting the public good, its role as a market actor is primarily aimed at maximizing profits for military-owned companies.

3- Even though economic activity by the military may generate some growth, it is unlikely to constitute a sustainable strategy for economic recovery given that Egypt's private sector is too big to ignore, or to do without. The channeling of future private investment into the economy through ill-defined

¹⁸ Yezid Sayigh, "Chasing Egypt's Economic Tail", Beirut, Carnegie Middle East Center, January 28, 2016, accessed November 29, 2020, link: <https://carnegie-mec.org/2016/01/21/chasing-egypt-s-economic-tail-pub-62546>

partnerships with the military may also prove risky, as it will be highly dependent on the military's political role, which is subject to uncertainty, with the potential for the misallocation of scarce public resources to gain popularity or appease key constituencies¹⁹.

4- The Egyptian economy depends heavily on the public sector, led by the military, which has proven its inability to achieve long-term growth, although the post-coup regime has implemented many reforms demanded by the International Monetary Fund, which have long been difficult for previous Egyptian governments to achieve, such as liberalization of the exchange rate (floatation of the local currency), reducing fuel and food subsidies, implementing certain austerity measures, and raising interest rates to offset the inflationary effect of devaluation of the Egyptian pound; in addition to steps to reform the business environment by updating some laws and regulations. However, these reforms have not stopped the significant decline of the Egyptian economy, compared to its counterparts in emerging countries.

The International Monetary Fund and the international financial markets view the Egyptian program as successful because it helped reduce the severity of imbalances and distortions at the macroeconomic level and in stabilizing financial conditions. However, it failed to achieve the main and most important goal, that is to stop the dependence of the Egyptian economy on the public sector, or to transform it into an economy driven by market forces and led by the private sector, a goal that requires a gradual reduction of the direct role of the military institution entrenched in important sectors of the Egyptian economy²⁰.

However, Sisi's government ignored the issue entirely and proceeded to expand the scope of the military institution's role in economy in a clear and explicit way, where the (alleged) reforms were executed at the expense of citizens and the rest of the economic components of society.

5- The military economy is based on the ability of the Egyptian armed forces to benefit from their primary official role of defending the homeland, and the formal and informal powers they enjoy within

¹⁹ Amr Adly, "The Egyptian Regime Faces an Authoritarian Catch-22", Beirut, Carnegie Middle East Center, July 21, 2016, accessed November 27, 2020, link: <https://carnegie-mec.org/2016/07/21/egypt-s-regime-faces-authoritarian-catch-22-pub-64135>

²⁰ Yezid Sayigh, Owners of the Republic: An Anatomy of Egypt's Military Economy, program on Civil-Military Relations of the Arab States (CMRAS) of the Carnegie Middle East Center, November 18, 2019, accessed December 6 2020, [link](#)

the Egyptian state, which has been anchored in laws, executive regulations, presidential decrees, and other legislation authorizing the Ministry of Defense and its affiliated bodies, the Ministry of Military Production, and the Arab Organization for Industrialization to engage in various forms of economic activity outside the narrow and specific sphere of military production.

6- During the past four decades, and specifically immediately after the signing of the peace accord with Israel, the military institution has acquired the right to grant commercial contracts and make major investments; and to present financial or other material "gifts", such as land, bridges, highways, and food, to other governmental bodies, quasi-governmental organizations and to the public in general, without the need for prior or subsequent approval from any other authority. Likewise, military agencies do not have to coordinate with any government agency responsible for economic management or planning when designing or implementing their own commercial, production and investment strategies, forming commercial partnerships, or disposing of revenues.

7- The ability of the military institution to hide its activities in the name of national security has exacerbated ambiguity of information related to financial transactions, which contributed to creating an environment amenable to domestic trade, diverting state resources and violating laws away from any control. The bulk of the formal military economic sector does not fall within the purview of Egypt's audit and anti-corruption bodies. Also, the most powerful oversight body, the Administrative Control Authority, is headed and staffed by a large number of former officers from the armed forces, which guarantees additional protection from inspection²¹.

8- Legislation passed in 2014 and renewed in 2016 placed all "public and vital facilities" under military jurisdiction until 2021, when the law will likely be renewed. The role of the military in exploiting public lands (and in regulating private sector access to such lands) was further strengthened, expanding opportunities for rent-seeking and large-scale corruption²².

²¹ Yezid Sayigh, Owners of the Republic Op. Cit. – In May 2011, after the fall of Mubarak, the ruling Supreme Council of the Armed Forces (SCAF) issued a decree transferring the authority to determine whether EAF officers accused of unlawful gains should be tried in military or civilian courts to the Ministry of Defense Public Prosecution, even if the suspects had left service.

²² George T. Abed, The Egyptian Economy - In the Clutches of the Deep State, Carnegie, October 26, 2020, accessed November 22, 2020, link: <https://carnegie-mec.org/2020/10/26/egyptian-economy-in-clutches-of-deep-state-pub-83027>

9- In addition to the direct economic control of the military institution, important sectors of economy have remained under the indirect influence of security and military institutions through a wide network of retired senior officers who hold senior management positions or serve as members of corporate boards of directors in all branches of the sprawling public institutions as well as in parts of the private sector. Likewise, most local authorities in provinces and almost all public bodies (maritime transport, aviation, railways, and the Suez Canal) are headed by former generals or retired high-ranking officers, where this network helps ensure that economic policies and strategic decisions of private sector companies remain within the standards set by the military institution²³.

10- Appointments to boards of directors of companies, administrative positions in major companies, assignment of advisory tasks to public bodies and private companies, and communication with international companies in major projects are among the advantages of the ruling class and constitute the basis of its influence that works like a typical ruling class, where control over capital is the basis for the continuous accumulation.

11- Army officers on active duty as well as retirees have permeated the state bureaucracy, especially since 2011, when new government contracts and control of huge investment flows from the Gulf started to drive the expansion of the military economy. The symbiotic networks of privilege are also a key feature of the ruling class that has exploited the high spending on defense, billions in foreign military aid, and the set of institutional concessions granted by the state.

12- The military economy functions as a privilege incubator for the ruling class. Military officers have unequal capabilities to obtain subsidies, acquire political and economic deals, and rotate in and out of government agencies and private companies to benefit from their personal relationships and access to restricted information. Often times, officers are paid by private companies to work in public relations or government affairs positions because they can speed up licensing, regulatory exemptions, and other government services.

13- Military decisionmakers see their institution as a source of structural change, and public support and institutional pride rather than profit, driving the Egyptian Armed Forces to provide basic

²³ Reuters, From war room to boardroom. Military firms flourish in Sisi's Egypt. May 16, 2018. Visit website: 28-11-2020, [Link](#)

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commodities and medical care at below-market rates. The military can continue to garner support from the mass of Egyptians because its delivery of collective goods such as infrastructure, basic commodities, and healthcare is much more visible to the public than the military's corruption, fraud, and waste. This has created a class of ultrawealthy Egyptians whose continued privilege depends on a poorly run state that cannot tax the rich, prevent illicit capital outflow, enforce labor or environmental protections, or otherwise interfere with wealth accumulation²⁴.

14- The size of real estate projects and infrastructure confirms the importance of the Ministry of Defense control of the use of all state lands, estimated at 90 to 95% of the total area of Egypt. Also, Al-Sisi granted the Ministry of Defense the right to full economic use of twenty-one highways between cities and a 4-kilometer-wide strip next to them, which enables it to collect tolls, operate or grant commercial concessions (including roadside services and advertising), and set up and monitor wired and wireless communication networks (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 it is the case with all military regions and enterprises.

15- The military institution enjoys unrestricted right to use water pumped from underground basins or transferred through channels from Lake Nasser or the Nile River, regardless of any economic feasibility or environmental impacts. The military dominance also extended to the extraction of natural resources, where a government [decree](#) issued in 2015 required the approval of the Ministry of Defense for the extraction of mineral wealth, and authorized it to collect fees on all outputs at production sites. The defense ministry also obtained exclusive rights to retain revenues from the extraction and processing of raw materials extracted from mines and quarries on lands controlled by the military.

The Armed Forces' National Service Projects Organization (NSPO) has established marble and granite factories with a production capacity exceeding the size of the total national production, which places them in a potential monopoly. The NSPO also acquired a majority stake in the state company that controls the only black sand site in Egypt that produces heavy metals such as titanium and zirconium. It also acquired a stake in gold exploration and expanded its role in the production and marketing of

²⁴ Shana Marshall, Egypt's Emerging Ruling Class, Beirut, Carnegie Middle East Center, October 26, 2020, accessed November 26, 2020, link: <https://carnegie-mec.org/2020/10/26/egypt-s-emerging-ruling-class-pub-83025>

phosphates and fertilizers. As the vast majority of the extraction sites are located in areas under military control, the military institution paves roads for the state's share in these sectors and imposes itself in foreign trade.

Instead of opening new investment areas, military companies expanded in sectors of tradable goods, which inflicted heavy losses on private producers and transferred their market share to military companies. 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 Defense²⁵.



²⁵ Yezid Sayigh, "Egypt's Military as the Spearhead of State Capitalism", Beirut, Carnegie Middle East Center, October 26, 2020, accessed November 27, 2020, link: <https://carnegie-mec.org/2020/10/26/egypt-s-military-as-spearhead-of-state-capitalism-pub-83010>