



## All the President's MPs: The Egyptian Parliament's Role In Burying Human Rights and Silencing Dissent

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### SUMMARY

- Egypt's current parliament was formed by the fall 2015 elections, which were held under conditions of intense repression and amidst reports of extensive interference by security agencies. It is dominated by supporters of President Abdel Fattah al-Sisi.
- The parliament is more of a rubber stamp for the executive branch and more active in constraining citizens' rights and freedoms than any Egyptian legislature in decades. Security agencies reportedly play an active role in influencing the parliament.
- MPs have passed numerous laws expanding executive powers and curtailing human rights, often in the name of "national security," that are building the legal foundation of a new authoritarian system.
- The parliament's leadership has silenced even mild government criticism and debate. Members have lashed out against the media, human rights organizations, and Western governments.
- Egypt desperately needs a credible venue for debating public policies to address serious economic, social, and security challenges facing the country and a mechanism to channel citizen demands to decision-makers. Without such mediating institutions, an eruption of citizen frustration and unrest becomes more likely.
- The U.S. and European governments must avoid providing assistance such as training, equipment, or study tours for this parliament. When Egyptian parliamentarians travel abroad, Western officials should raise the issue of the parliament's shameful record and dangerous assault on human rights.

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### INTRODUCTION

In a February 2016 speech to Egypt's parliament, a month after its opening session, President Abdel Fattah al-Sisi declared,

From this place, under parliament's dome, the Egyptian people declare to the entire world that they have laid the foundation of a democratic system.<sup>1</sup>

His statement could not have been further from the truth. Elections in the Arab Republic of Egypt have almost never been free and the legislature always has been weak and subordinate to the executive branch. But al-Sisi's parliament is more devoid of opposition and more subservient to the presidency than any in the country's recent history. The fall 2015 elections, held

1 Mohamed Hashem, "Sisi: Egypt Has Completed a Democratic Transition," *Al-Jazeera*, February 13, 2016, <http://www.aljazeera.com/news/2016/02/sisi-egypt-completed-democratic-transition-doctors-protest-160213195244238.html>

in a deeply repressive environment and with turnout of just 28 percent, were engineered to create a body dominated by regime loyalists.<sup>2</sup> The parliament has been the object of scorn among some Egyptians for the “strange bills” legislators have proposed, such as virginity tests and fines for parents who give their children Western names.<sup>3</sup> But its role is far from frivolous. Al-Sisi’s parliament is building the legal framework of the new authoritarian system.

The parliament has, with few exceptions, rubber-stamped al-Sisi’s economic and political agenda. This paper describes in particular how—with security agencies active behind the scenes—Egypt’s legislators have voted overwhelmingly for numerous laws that severely curtail civil and political rights, have silenced even mild government criticism on these issues, and have lashed out against journalists, human rights groups, and Western governments.

### ALL THE PRESIDENT'S MEN

As a career army man, and former Minister of Defense (2012-2014), Field Marshall al-Sisi prefers to govern as a general above the civilian fray, without a specific ideology or political orientation, rather than as a politician subject to public accountability. He did not create a ruling party to replace deposed President Hosni Mubarak’s National Democratic Party (NDP), dissolved in 2011, nor did he offer a platform during his 2014 presidential campaign.



President Abdel Fattah al-Sisi at a celebration of the 150th anniversary of the Egyptian parliament in Sharm al-Sheikh, October 9, 2016. Photo credit: Egypt State Information Service

When it came to the 2015 parliamentary elections, the security apparatus managed a process designed to eliminate ideological pluralism and that relied heavily on reviving NDP electoral patronage networks.<sup>4</sup> In the prevailing repressive climate, there was no chance that the new legislature would represent the country’s different political trends. Following the military’s July 2013 ouster of Muslim Brotherhood President Mohamed Morsi, led by al-Sisi, the government banned the Brotherhood, the best-organized opposition force. Security forces worked overtime to crush the group and other opposition, to marginalize secular parties, and to suppress demonstrations and other dissent.<sup>5</sup> Even with this crackdown, the security agencies still expended much

2 Magdy Samaan, “Low Turnout in Egypt Parliament Poll Dominated by Pro-Government Candidates,” *The Telegraph*, December 4, 2015, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/12034610/Low-turnout-in-Egypt-parliament-poll-dominated-by-pro-government-candidates.html>

3 Shahira Amin, “Slew of Strange Bills Brings More Controversy for Egypt’s Parliament,” *Al-Monitor*, May 24, 2017, <http://www.al-monitor.com/pulse/originals/2017/05/egypt-parliament-controversy-bills-effective-economy-poor.html>

4 Hazem Abdel Azim, “A Testament to the Truth of the President’s Parliament,” *Masr al-Arabia* (Arabic), January 1, 2016, <http://bit.ly/2sx5u8Q>. Abdel Azim was an official with al-Sisi’s presidential campaign; in this article he describes the role of the General Intelligence Agency in the parliamentary elections.

5 Michele Dunne and Amr Hamzawy, *Egypt’s Secular Political Parties: A Struggle for Identity and Independence*, Carnegie Endowment for International Peace, March 31, 2017, <http://carnegieendowment.org/2017/03/31/egypt-s-secular-political-parties-struggle-for-identity-and-independence-pub-68482>

effort to ensure a rubber-stamp parliament.<sup>6</sup> They chose many candidates linked to the military and security bodies and to the NDP, and coordinated with wealthy businessmen to finance campaigns.<sup>7</sup>

Fixated on imposing political unity, al-Sisi initially wanted the parties authorized to run (that is, those that were pro-regime) to form a single electoral alliance.<sup>8</sup> This proved unrealistic, but the security agencies assembled a large number of pro-Sisi candidates under the “For the Love of Egypt” electoral coalition, which was coordinated by former intelligence official Sameh Saif al-Yazal.<sup>9</sup> As intended, these candidates won most of their races.

After the election, most of them joined a parliamentary bloc called “Support Egypt.” The bloc holds 53 percent of seats, or 317 seats out of the total 596. Two hundred and sixteen of these members of parliament (MPs) are independents—Egypt’s electoral system favors independents in order to weaken the role of parties. The rest are from pro-Sisi parties including the Nation’s

Future (53 seats), Protectors of the Nation (18 seats), the Republican People’s Party (13 seats), and the Conference Party (10 seats).<sup>10</sup> Not part of the Support Egypt bloc are the Free Egyptians Party, founded in 2011 by billionaire Naguib Sawiris (63 seats); the Wafd Party, Egypt’s oldest party (35 seats); and the Salafist Nour Party, which supported Morsi’s ouster and which, with the Brotherhood and its allies banned, is the sole Islamist party in parliament (11 seats).<sup>11</sup> Whether part of “Support Egypt” or not, vocal supporters of the regime dominate this parliament, which reportedly includes more than 70 former police, intelligence, and army generals.<sup>12</sup> Security agents—the “planners in the shadows”—exert significant influence over MPs, according to lawmakers themselves.<sup>13</sup>

#### FOR WHOM DOES SPEAKER ABDEL AAL SPEAK?

During their opening session on January 10, 2016, MPs elected Ali Abdel Aal as Speaker with a comfortable majority.<sup>14</sup> A 67-year-old constitutional law professor at the time,

6 Hossam Bahgat, “Anatomy of an Election,” *Mada Masr*, March 14, 2016, <http://www.madamasr.com/en/2016/03/14/feature/politics/anatomy-of-an-election/>; Ragab Saad, “Did Egypt’s Parliamentary Election Just Trump Citizens’ Rights?” *Arab Citizenship Review*, November 2015, [http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/euspring/publicationsnew/arabcitizenshipreviews1/arab\\_citizenship\\_review\\_n.12.pdf](http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/euspring/publicationsnew/arabcitizenshipreviews1/arab_citizenship_review_n.12.pdf)

7 Abdel Ghany Diab and Ahlam Hassanin, “Seventy-One Generals under Parliament’s Dome,” *Masr al-Arabia* (Arabic), December 4, 2015, <http://bit.ly/2qQQi5f>; Bahey Hassan, “NDP Members Reap 30 Percent of Seats in First Phase of Election,” *Al-Masry al-Youm* (Arabic), October 29, 2015, <http://www.almasryalyoum.com/news/details/835098>

8 Rami Galal, “Sisi Calls For Unifying Egypt’s Electoral Lists,” *Al-Monitor*, June 3, 2015, <http://www.al-monitor.com/pulse/tr/contents/articles/originals/2015/06/egypt-sisi-call-unify-electoral-lists-elections-parties.html>

9 Bahgat, “Anatomy of an Election.”

10 Mohamed Magdy al-Sisi, “Full List of ‘Support Egypt’ Members,” *Parlmany* (Arabic), May 9, 2016, <http://bit.ly/2qUiM26>. In Egypt’s complicated electoral system, independent (non-party affiliated) candidates compete for 448 single-member seats and independent and party candidates compete on lists for the remaining 120 seats. The president may appoint up to 28 additional members, for a total of 596 seats. See “Elections in Egypt, 2015 House of Representatives Elections: Frequently Asked Questions,” International Foundation for Electoral Systems, October 14, 2015, [https://www.ifes.org/sites/default/files/2015\\_ifes\\_egypt\\_hor\\_elections\\_faq\\_final.pdf](https://www.ifes.org/sites/default/files/2015_ifes_egypt_hor_elections_faq_final.pdf)

11 Parties that are part of the civil democratic (leftist) opposition are barely represented in this parliament. The Egyptian Social Democratic Party, founded in 2011 and considered the most well-organized left-of-center grouping, has four seats, and the Nasserist and Tagammu’ Parties, longstanding left-nationalist parties, have just one seat each. Free Egyptians, a party more on the right of the spectrum, competed as part of the “For the Love of Egypt” coalition, but declined to join the Support Egypt bloc. See “Elections Summary – Report,” Tahrir Institute for Middle East Policy, December 21, 2015, <https://timep.org/pem/elections-summary/elections-summary/> and Ahmed Ali, “Abdel Aal: There Are No Coalitions inside Parliament Except Support of Egypt,” *Masrawy* (Arabic), August 28, 2016, <http://bit.ly/2qQOXLS>

12 Diab and Hassanin, “Seventy-One Generals under Parliament’s Dome.”

13 Mahmoud Ramzy, “An Interview with MP al-Sadat: The Nation is Nostalgic and I Am Not Afraid,” *Al-Masry al-Youm* (Arabic), February 7, 2017, <http://www.almasryalyoum.com/news/details/1085787>

14 “Ali Abdel Aal...The Chief is Speaker of al-Sisi’s House,” *Al-Jazeera Encyclopedia* (Arabic), January 11, 2016, <http://bit.ly/2rXSb4o>

Abdel Aal had no public profile, no political background other than serving on a committee to prepare the 2014 constitution, and no previous electoral experience. Running as part of the “For the Love of Egypt” coalition, perhaps his main asset was loyalty to al-Sisi.<sup>15</sup>

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Abdel Aal's first duty was to ensure the rapid approval of the presidential decrees promulgated from July 2013 through December 2015 in the absence of a parliament. The Constitution states that if parliament does not approve presidential decrees within 15 days of its first session, they are automatically rescinded.<sup>16</sup> The decrees covered a wide range of economic, political, and social issues and

expanded many executive and presidential powers; those most relevant to rights and freedoms were the Demonstrations Decree (also known as the Protest Law), the Counter-Terrorism Decree, the Decree on Terrorist Entities, and a decree amending the penal code to allow extremely harsh punishments for receiving foreign funding.<sup>17</sup> They all feature exceptionally vague language that the state has exploited to repress human rights advocates and peaceful political opponents, and they do not conform with Egypt's Constitution or with some of its international obligations.<sup>18</sup> Abdel Aal carried out the regime's directions faithfully. MPs passed these and 337 other decrees, totaling hundreds of pages, into law in fewer than 29 hours of meetings, without amendments.<sup>19</sup> (The only decree they rejected was the civil service law; an amended version passed in August 2016.)

Abdel Aal brooks no dissent. He has silenced MPs who criticize the government and has warned legislators not to complain in the media about state policies.<sup>20</sup> He has prevented some MPs from attending sessions and has referred others to the ethics committee. He presided over decisions to end live television broadcasts of parliamentary sessions and security agencies' blocking of journalists from attending sessions.<sup>21</sup> Abdel Aal backed the MPs' vote to

15 “Meet the Newly-Elected Speaker of Egypt's Parliament, Ali Abdel Aal,” *Ahram Online*, January 10, 2016, <http://english.ahram.org.eg/NewsContent/1/164/180579/Egypt/Egypt-Elections-/Meet-newlyelected-speaker-of-Egypt-parliament-Ali.aspx>. Abdel Aal's resume is available in English here: [http://www.parliament.gov.eg/home/Parliament\\_President\\_CV\\_English.aspx](http://www.parliament.gov.eg/home/Parliament_President_CV_English.aspx)

16 See the Constitution of the Arab Republic of Egypt, 2014, [https://www.constituteproject.org/constitution/Egypt\\_2014.pdf](https://www.constituteproject.org/constitution/Egypt_2014.pdf)

17 Mai El-Sadany, “341 Laws in 15 Days: Parliament Reviews Presidential Decrees,” Tahrir Institute for Middle East Policy, February 3, 2016, <https://timep.org/commentary/341-laws-in-15-days-parliament-reviews-presidential-decrees/>; Ragab Saad, “The War on Egypt's Human Rights Defenders,” MENASource, Atlantic Council, April 10, 2015, <http://www.atlanticcouncil.org/blogs/menasource/the-war-on-egypt-s-human-rights-defenders>. See also “Egypt's New House of Representatives: Reform or Annul Presidential Decrees to Conform to International Human Rights Standards,” International Commission of Jurists, December 22, 2015, <https://www.icj.org/egypts-new-house-of-representatives-reform-or-annul-presidential-decrees-to-conform-to-international-human-rights-standards/>

18 “Legal Commentary on the Proposed Law on Terrorist Entities Urges President Not to Approve Bill,” Cairo Institute for Human Rights Studies, December 3, 2014, <http://www.cihrs.org/?p=10301&lang=en>. See also Egyptian Initiative for Personal Rights and the Cairo Institute for Human Rights Studies, “Latest Counterterrorism Law Encourages Extrajudicial Killing and Cements Impunity,” August 26, 2015, <http://www.cihrs.org/?p=17219&lang=en>

19 Samar Salama, “Parliament's Achievements...Approves 341 Laws in 29 Hours, the Plan and the ‘Primo’ Budget,” *Parlamany* (Arabic), September 7, 2016, <http://bit.ly/2qRk6if>

20 “Egypt Parliament Speaker Warns MPs Not to Criticize Monetary Policy,” *Al-Arabiya English*, May 23, 2016, <http://english.alarabiya.net/en/News/middle-east/2016/05/23/Egypt-parliament-speaker-warns-MPs-not-to-criticise-monetary-policy.html>

21 Ayah Aman, “Egypt's Parliamentary ‘Circus’ Will Not Be Going Live,” *Al-Monitor*, January 13, 2016, <http://www.al-monitor.com/pulse/originals/2016/01/egypt-parliament-decision-live-broadcast-circus-criticism.html>; Mohamed Saady, “Security Prevents Journalist Rana Mamdouh from Covering Today's Session,” *Parlamany* (Arabic), October 4, 2016, <http://bit.ly/2rXYzIY>

refer prominent journalist Ibrahim Eissa to the Public Prosecutor for his harsh review of the parliament's performance. And he disparaged the management of state-owned paper *al-Ahram* as "infantile" for the editor's defense of press freedom. Most notably, he oversaw the expulsion of two high-profile MPs in 11 months.<sup>22</sup>

### AN IMPOTENT "OPPOSITION"

In a break with the Mubarak regime, not even a token opposition exists in the current parliament. With the Muslim Brotherhood outlawed and other opposition groups suppressed, allowed in the parliament are just a handful of MPs who sometimes criticize certain government policies. Most of those raising rights and freedoms issues belong to the 25/30 Coalition, a group of about 30 lawmakers (the name refers to their loyalty to both the January 25, 2011 revolution and the June 30, 2013 mass demonstrations calling for Morsi's ouster). The 25/30 MPs generally have a leftist political coloration and supported Morsi's removal. They include such figures as Khaled Youssef, a famous film director who

joined one of al-Sisi's advisory committees, and Haitham al-Hariri and Ahmed al-Tantawi, young leftist-democratic politicians.<sup>23</sup>

Some 25/30 MPs have tried to persuade their fellow lawmakers to modify the draconian Demonstrations Law, and have called for the release of journalists and other political detainees—estimated by human rights groups to number tens of thousands of young Egyptians.<sup>24</sup> Some strongly opposed al-Sisi's controversial April 2016 decision to transfer the Red Sea islands of Tiran and Sanafir from Egyptian jurisdiction to Saudi Arabia.<sup>25</sup> But they have utterly failed to prevent the passage of a single repressive law, and, lacking any clear vision, they have not been consistent critics of the regime's relentless human rights violations—and even backed suppressive policies such as the April 2017 re-imposition of the emergency law. During the Mubarak regime, the parliament at least included vocal opponents of the emergency law.<sup>26</sup> Despite the marginal role of the 25/30 bloc, Abdel Aal has tried to suppress some of its MPs, referring al-Hariri to the ethics committee for example.<sup>27</sup>

22 "Parliament Refers Critical Journalist Ibrahim Eissa to Prosecution, Speaker Comes Under Fire for Comments," *Mada Masr*, March 1, 2017, <http://www.madamasr.com/en/2017/03/01/news/u/parliament-refers-critical-journalist-ibrahim-eissa-to-prosecution-speaker-comes-under-fire-for-comments/>. In addition to MP Mohammad Anwar al-Sadat, whose expulsion is discussed below, firebrand MP Tawfik Okasha was expelled, the stated reason being his attendance at a private dinner given by the Israeli ambassador; see Declan Walsh, "Egypt's Parliament Expels Lawmaker Who Dined With Israel's Ambassador," *New York Times*, March 2, 2016, <https://www.nytimes.com/2016/03/03/world/middleeast/egypts-parliament-expels-lawmaker-who-dined-with-israels-ambassador.html>

23 Ahmed Farouk, interview with MP Khaled Youssef, "The Idiots Insult Sabahi to Get Closer to al-Sisi...The Field Marshal's Campaign Volunteers Stain Him More Than His Enemies," *Al-Shorouk* (Arabic), May 1, 2014, <http://www.shorouknews.com/news/view.aspx?cdate=01052014&id=6e07b632-1bc9-4978-9bdc-2184e19b0ca7>; Mohamed Reda, "Ten Facts About the Expelled MP," *Parlamany* (Arabic), January 22, 2016, <http://bit.ly/2rXuedr>. Al-Hariri was a coordinator in Mohamed ElBaradei's campaign in Alexandria prior to the revolution, after which he joined ElBaradei's Dustour Party. He resigned in 2015, objecting to the party's decision to boycott the parliamentary elections. Al-Tantawi, a journalist, is one of the founders of the Egyptian Popular Current, a bloc founded by prominent Nasserist politician and two-time presidential candidate Hamdeen Sabahi. Al-Tantawi was elected to the parliament as an independent.

24 Sarah al-Sheikh, "Parliament to vote on Protest Law amendments amid dissatisfaction of some MPs," *Daily News Egypt*, March 29, 2017, <http://www.dailynewsegyp.com/2017/03/29/620295/>; Haitham al-Hariri, "We Will Call On al-Sisi to Release the Prisoners," video (Arabic), December 2015, <https://www.youtube.com/watch?v=2URUVFhThSA>.

25 Hisham Abdel Galil, "MP Ahmed al-Tantawi Attacks Speaker: He Misinterprets Constitution," *Youm7* (Arabic), June 30, 2016, <http://bit.ly/2qQZfeY>; Beesan Kassab and Jano Charbel, "Lawyers, MPs Say Tiran and Sanafir Are Egyptian," *Mada Masr*, January 11, 2017, <http://www.madamasr.com/en/2017/01/11/feature/politics/lawyers-parliamentarians-say-tiran-and-sanafir-are-egyptian/>

26 Safaa Essam al-Din, "Parliament Approves Declaration of State of Emergency and 25/30 Coalition Supports It," *Al-Manassa* (Arabic), April 11, 2017, <https://almanassa.com/ar/story/4338>

27 "Parliament Refers Haitham al-Hariri to Ethics Committee," *Al-Shorouk* (Arabic), March 26, 2017, <http://www.shorouknews.com/news/view.aspx?cdate=26032017&id=4418fb1b-201a-4a21-89c2-30976548e8d0>; "Egyptian MPs Referred to Disciplinary Committee for Publicly Opposing VAT," *Ahram Online*, August 28, 2016, <http://english.ahram.org.eg/NewsContent/1/64/241881/Egypt/Politics-/Egyptian-MPs-who-held-press-conference-condemning-.aspx>; Amira El-Fekki, "Parliament Speaker to Discipline Yet Another Opposition Member," *Daily News Egypt*, March 27, 2017, <http://www.dailynewsegyp.com/2017/03/27/620028/>

## THE TELLING TALE OF THE HUMAN RIGHTS COMMITTEE

The sad story of the Human Rights Committee, one of the 25 committees in parliament, exemplifies the intense hostility toward democratic values and human rights pervasive in this institution. In January 2016, the MPs selected Mortada Mansour, an avowed enemy of human rights, as interim committee chair. A wealthy criminal defense lawyer and the president of the Zamalek football club, Mansour is infamous for threatening demonstrators during the 2011 revolution by saying, "Whoever says 'down with the military regime' will be beaten with a shoe and his tongue will be cut off."<sup>28</sup> Following Morsi's ouster, Mansour called for the introduction of the emergency law and for the arrest of youth who expressed any opposition to al-Sisi. His main role as interim chair was to oversee the rushed approval of all the presidential decrees pertaining to rights and freedoms, a task that he completed effectively.<sup>29</sup>

In April 2016, Mohamed Anwar al-Sadat, president of the Reform and Development Party and the nephew of the late Egyptian president, became the permanent committee chair. Al-Sadat is a well-connected member of the political elite who served in parliament for a few years under Mubarak. Known for his longtime, strong support of civil society freedom, he runs an NGO to empower marginalized citizens. Some observers have described al-Sadat as an opposition figure, but he is part of the establishment. Still, many in the human rights community saw his selection as a positive development.



*Mohamed Anwar al-Sadat, who was expelled from the parliament in February 2017. Photo credit: Al-Sadat Official Blog*

As chair, al-Sadat quickly emerged as a distinctive voice and a thorn in Abdel Aal's side by consistently raising human rights issues, by pressing for an improved NGO law, and by speaking out against detentions of activists.<sup>30</sup> In a speech he even discussed the sensitive issue of increases in military officers' pensions at a time of fiscal austerity.<sup>31</sup>

Yet despite heading a high-profile committee, al-Sadat was largely alone, lacking power and support from any parliamentary bloc. When he spoke out about the serious problem of the intervention of the security services in parliament's work, no one rose to defend him. His isolation did not prevent Abdel Aal and other senior parliamentarians from sharply rebuking him. Frustrated, al-Sadat resigned

28 Mostafa al-Hawi, "Head of Human Rights in Parliament Denounces January Youth As Traitors, Calls for Imprisonment of al-Sisi's Critics," *Tahrir News* (Arabic), January 12, 2016, <http://bit.ly/2saAUor>

29 Bahey Hassan and Fatma Mohamed, "Mortada Mansour Does Not Recognize Human Rights," *Al-Masry al-Youm* (Arabic), January 13, 2016, <http://www.almasryalyoum.com/news/details/873112>

30 Rana Mamdouh, "What Has Happened to the NGO Law?" *Mada Masr*, January 8, 2017, <http://www.madamasr.com/en/2017/01/08/feature/politics/what-has-happened-to-the-ngo-law/>; Amr Abdullah, "Al-Sadat Calls for Release of Tiran and Sanafir Agreement Opponents," *Masr al-Arabia*, (Arabic), June 21, 2016, <http://bit.ly/2qRqRR7>

31 Mostafa Yaquot, "Disputes Between the Speaker and al-Sadat," *Masrawy* (Arabic), August 8, 2016, <http://bit.ly/2qUBVRF>

after just a few months. Responding to reports given by security agents to Speaker Abdel Aal about him, al-Sadat said:

I have been singled out for my clear stance regarding the activities of some security agencies, namely, their interference in many state institutions and control over their decision-making, among them the parliament...we should not acquiesce to the infiltration of state institutions by the security services...<sup>32</sup>

His conflict with Abdel Aal escalated and in January 2017, the Speaker referred him to the ethics committee for expulsion, alleging that he forged signatures on two draft laws and provided “foreign organizations”—that is, Western governments and NGOs concerned with civil society freedoms—information on parliament’s internal affairs, specifically details on a controversial draft NGO law.<sup>33</sup> During the February expulsion hearing, Abdel Aal chastised al-Sadat, saying, “You know that any communication, positive or negative, with a foreign entity is forbidden.”<sup>34</sup> Al-Sadat explained it was part of his role as

chair to respond to donors’ queries on such an important bill. On February 27, the parliament voted overwhelmingly to expel him. Only eight MPs voted against the measure, and four abstained.<sup>35</sup> The 25/30 Bloc failed to give him clear support.<sup>36</sup>

In a May 2017 television interview, al-Sadat revealed that a member of the Public Prosecution Office had told him that the charges used as the basis of his expulsion were fabricated.<sup>37</sup> El Sadat posed no real threat to the regime’s interests, but the planners in the shadows wanted to demonstrate that this regime will not repeat what it considers Mubarak’s fatal error of tolerating any critical voices.

The new chair of the Human Rights Committee is Alaa Abed, a Mubarak-era police officer dogged by reports that he was involved in detainee torture.<sup>38</sup> Abed represented the NDP in the last parliament of the Mubarak regime. Today he is a staunch al-Sisi supporter.<sup>39</sup> Abed has rejected all reports of mass human rights violations documented by Egyptian and international watchdog organizations. He has

32 Mahmoud Ramzy, “An Interview with MP al-Sadat: The Nation is Nostalgic and I Am Not Afraid.”

33 Gamal Essam El-Din, “Egyptian Parliament’s Ethics Committee Recommends MP El-Sadat Be Stripped of Membership,” *Ahram Online*, February 12, 2016, <http://english.ahram.org.eg/NewsContent/1/64/258067/Egypt/Politics-/Egypt-parliaments-ethics-committee-recommends-MP-E.aspx>

34 Nura Fakhry, “Abdel Aal to al-Sadat: All Communication with Foreign Entities, Positive or Negative, Is Prohibited,” *Youm7* (Arabic), February 27, 2017, <http://bit.ly/2qUZARL>

35 Rana Mamdouh, “Parliament Expels Outspoken Government Critic Mohamed Anwar al-Sadat,” *Mada Masr*, February 28, 2017, <http://www.madamasr.com/en/2017/02/28/feature/politics/parliament-expels-outspoken-government-critic-mohamed-anwar-al-sadat/>; See also al-Sadat’s last speech in the House of Representatives (Arabic), February 27, 2017, <https://www.youtube.com/watch?v=b20v4MRjtw>.

36 The members of the 25/30 bloc did not attend the vote on the expulsion of al-Sadat. They described their absence as an attempt to prevent parliament from reaching the quorum necessary to approve the proposed disciplinary action. This is not a plausible explanation as a quorum requires 398 members. Their absence left al-Sadat alone against an overwhelming parliamentary consensus to punish him harshly.

37 “Special Meeting with Former MP Anwar al-Sadat,” video on “Bitawqit Masr” program (Arabic), May 12, 2017, <https://www.youtube.com/watch?v=WO2BYgEpLQ>

38 Laila Abdel Baset, “Human Rights Defenders Condemn Abed’s Chairmanship of Human Rights Committee due to Accusations of Torture,” *Al-Shorouk* (Arabic), October 19, 2016, <http://www.shorouknews.com/news/view.aspx?cdate=19102016&id=c9584fb9-3caf-453a-86b2-1714f7211d77>; Ahmed al-Bardini, “MP Abed: I Was Not Involved in Any Torture During My Police Work,” *Al-Shorouk* (Arabic), October 19, 2016, <http://www.shorouknews.com/news/view.aspx?cdate=19102016&id=0f2d8855-4610-4a4f-a170-ae6b2c732f79>

39 Safaa Essam al-Din, “Head of Parliamentary Bloc of the Free Egyptians Party: al-Adly was a Demigod, the 2010 Elections were the Worst in Egypt’s History,” *Al-Shorouk* (Arabic), February 6, 2016, <http://www.shorouknews.com/news/view.aspx?cdate=06022016&id=b0123900-0027-4468-aa6f-fbe4c81569f7>

asserted that under al-Sisi's rule Egypt has become a "leading defender" of human rights.<sup>40</sup>

### A YEAR OF ACTION AGAINST RIGHTS AND FREEDOMS

A year and a half into their five-year term, members of this parliament already have voted in overwhelming numbers to pass many undemocratic laws and have castigated advocates of human rights. At the same time, they have failed to pursue urgently needed legal and political reforms.

#### Ignoring Transitional Justice

Article 241 of the Constitution requires that in its first session parliament commit to issuing a transitional justice law that "ensures revealing the truth, accountability, proposing frameworks for national reconciliation, and compensating victims, in accordance with international standards." Parliament has ignored this obligation. Its neglect is intended to protect the numerous regime officials, past and present, who are accused of serious human rights violations.

#### Rejecting European Concerns about the Regeni Killing

On March 10, 2016, the European Parliament issued a resolution criticizing Egypt's deteriorating human rights situation, condemning the abduction, torture, and murder

of young Italian doctoral researcher Giulio Regeni a few weeks earlier, and hinting at the involvement of the security agencies.<sup>41</sup> Rather than opening an inquiry into Regeni's killing, MPs rushed to the government's defense with a press release criticizing the resolution and denouncing interference in Egypt's affairs.<sup>42</sup> In his own statement, Abdel Aal rejected "the European Parliament's exploitation of this issue to give itself the right to intervene in the internal affairs of other countries."<sup>43</sup> He also dispatched a parliamentary delegation to Brussels to defend the government's human rights record.<sup>44</sup> Delegation head MP Ahmed Said described the visit as aiming to end the "campaign of distortion waged against Egypt by the Muslim Brotherhood."<sup>45</sup>

#### Failing to Protect Coptic Rights

The current regime claims it is a protector of Egypt's Coptic Christian citizens, but MPs have shown no interest in passing laws to give them full rights or to combat rising threats to their security. In keeping with a long state tradition, the parliament deals with 'Coptic issues' only through the Coptic Orthodox Church, today under the care of pro-regime patriarch Pope Tawadros.

This exclusionary approach was evident in August 2016, when the parliament swiftly approved a draft law on the construction and renovation of churches. The policy of stringent government restrictions on church building

40 "Alaa Abed: Egypt in the Era of al-Sisi Has Become a Leader in Human Rights," *Youm7* (Arabic), February 23, 2017, <http://bit.ly/2rXL4J5>

41 Joint Motion for a Resolution by the European Parliament, March 9, 2016, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2016-0338&format=XML&language=EN>; Ruth Michaelson and Stephanie Kirchgassner, "A Year on, Giulio Regeni Death Casts Shadow Over Italy-Egypt Relations," *The Guardian*, January 25, 2017, <https://www.theguardian.com/world/2017/jan/25/giulio-regeni-death-italy-egypt-libya-cambridge-student>

42 "The House of Representatives Rejects the Decision of the European Parliament on the Regeni Case," Egyptian State Information Service (Arabic), March 14, 2016, <http://www.sis.gov.eg/Story/118052?lang=ar>

43 Gamal Essam El-Din, "Egyptian MPs, Speaker Slam EU Parliament's 'Interference,'" *Ahram Online*, March 12, 2016, <http://english.ahram.org.eg/NewsContent/1/64/190780/Egypt/Politics-/Egyptian-MPs,-speaker-slam-EU-parliaments-interfer.aspx>

44 Mohamed Magdy al-Sisi, "Final Report of the Egyptian Delegation's Visit to the European Parliament," *Youm7* (Arabic), April 19, 2016, <http://bit.ly/2rMT2E9>; Samah Abdel Hamid and Mohamed Abo Awad, "Parliament's Battalion Completes Its European Mission," *Parlamany* (Arabic), April 14, 2016, <http://bit.ly/2qRheSr>

45 "Brussels Committee Recommends House Continue Investigating Regeni Case... Sa'id: 'We Explained to the Europeans the Truth of the Lies Published by the Brotherhood,'" *Al-Bedaiah* (Arabic), April 20, 2016, <http://albedaiah.com/news/2016/04/20/111541>



and repairs has long been a major bone of contention between Copts and the state. Before passing the law, MPs held a private discussion with the Church, but avoided consultations with independent Coptic activists or human rights and religious freedom groups that also have a stake in the issue. According to local and international rights organizations, the new law continues longstanding religious discrimination by retaining obstacles in the way of church building and by giving security bodies an exclusive mandate to approve construction.<sup>46</sup>

Parliament, along with the rest of the state, also has failed to respond effectively to the wave of violence against Copts since 2013. The regular deadly attacks range from vicious sectarian incidents in the countryside, to horrific terrorism against civilians at churches and other holy sites, to jihadist violence against Copts living in the Sinai Peninsula, where the Islamic State (IS) is waging an insurgency. Rather than enacting legislation to end systemic discrimination against Copts and genuinely to improve security, parliament has responded to these attacks with hollow expressions of grief and by consistently denying the problems of pervasive intolerance and damaging security failures. For example, in a speech after the December 2016 bombing claimed by IS of Cairo's Botroseya Church, Abdel Aal reaffirmed the regime's stance that terrorists do not target Coptic Christians.<sup>47</sup> And after the April 2017 bombings of two churches in Tanta and Alexandria, also claimed by IS, the General Committee of Parliament initially

## PARLIAMENT, ALONG WITH THE REST OF THE STATE, HAS FAILED TO RESPOND EFFECTIVELY TO THE WAVE OF VIOLENCE AGAINST COPTS.

wanted to summon the Minister of Interior for questioning over apparent security lapses, but retracted its call after al-Sisi declared that there had been no security failure.<sup>48</sup> Abdel Aal and other MPs habitually praise the performance of the police and the army, instead of calling for accountability for mistakes or for the reform of Egypt's counterterrorism strategy.<sup>49</sup>

### Passing a Draconian NGO Law

The regime seems convinced that Egyptian and foreign civil society groups, especially independent human rights organizations, were instrumental in spurring the 2011 revolution against Mubarak. Therefore it is intent on eradicating independent civic activity to try to forestall any future citizen mobilization. Parliament took a decisive step toward this goal in November 2016, when it passed the controversial Law of Civil Associations,

46 "Egypt: New Church Law Discriminates Against Christians," Human Rights Watch, September 15, 2016, <https://www.hrw.org/news/2016/09/15/egypt-new-church-law-discriminates-against-christians>; "Church Construction Law Legitimises Religious Discrimination, Says Study," *Aswat Masriya*, November 2, 2016, <http://en.aswatmasriya.com/news/details/17942>; Ishaq Ibrahim, "Closed on Security Grounds: Tensions and Sectarian Attacks Due to the Construction and Restoration of Churches, Egyptian Initiative for Personal Rights (Arabic), October 2016, [https://eipr.org/sites/default/files/reports/pdf/closed\\_on\\_security\\_grounds.pdf](https://eipr.org/sites/default/files/reports/pdf/closed_on_security_grounds.pdf)

47 Abdel Latif Sobh, "Abdel Aal's Speech After the Botroseya Church Bombing," *Parlamany* (Arabic), December 12, 2016, <http://bit.ly/2qZ9aOW>

48 "Egypt: Horrific Palm Sunday Bombings," Human Rights Watch, April 12, 2017, <https://www.hrw.org/news/2017/04/12/egypt-horrific-palm-sunday-bombings>; Mohamed Abdel Qader, Mohamed Ghareeb, Mahmoud Gawish, and Khaled Elshamy, "House Approves Emergency Declaration without Debate," *Al-Masry al-Youm* (Arabic), April 11, 2017, <http://www.almasryalyoum.com/news/details/1116928>; Rana Mamdouh, "Parliament Retracts Summons of Interior and Justice Ministers," *Mada Masr* (Arabic), April 10, 2017, <http://bit.ly/2rEakkU>

49 Mahmoud Hussein, "Ali Abdel Aal: We are Grateful for Efforts of Police, Army in Combatting Terrorism," *Parlamany* (Arabic), December 14, 2016, <http://bit.ly/2rElmXl>

Foundations, and Organizations Performing Civil Activities. This legislation is even more repressive than the much-criticized NGO law it replaced, Law 84 of 2002.

Since 2011, various drafts of a new NGO law had been proposed and discussed by the cabinet and by MPs, but no final legislative action had been taken. Suddenly in November 2016, Chairman of the Social Solidarity Committee and Support Egypt member Abdul Hadi al-Qasabi, with the backing of 204 MPs, introduced yet another version. This bill, which was not circulated publicly before it went to the parliament, was even harsher on NGO freedoms than the version that the cabinet had discussed.<sup>50</sup> MPs overwhelming passed al-Qasabi's bill just two days later, over vocal objections from civil society organizations, some political parties, and Western governments. The surprise text and hasty passage raised suspicions that security agencies were directly in charge of the legislation. Prominent nationalist MP Mustafa Bakry defended the law as protecting Egypt against what he and others describe as "fourth-generation warfare" waged by civil society groups against national security.<sup>51</sup>

The new law effectively nationalizes civil society. It subjects both Egyptian and international NGO activities and funding to strict control by the security agencies

and imposes harsh penalties, including imprisonment, for activities such as conducting field research and publishing reports without state approval.<sup>52</sup> Independent human rights groups describe the law as "the most repressive in Egypt's history."<sup>53</sup> A UN Special Rapporteur warned that the legislation would "devastate the country's civil society for generations to come."<sup>54</sup> Even some pro-regime Egyptians who run NGOs have complained about the law.<sup>55</sup> Al-Sadat was by far its most outspoken critic in the parliament, a factor that surely contributed to his expulsion.

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THE LEGISLATION.

After its approval by parliament, the law mysteriously was shelved for six months, perhaps in response to strong criticism from the U.S. Senate. Al-Sisi finally ratified it in late

50 Mohamed Hamama, "Parliament Approves Secretly Drafted NGO Law," *Mada Masr*, November 16, 2016, <https://www.madamasr.com/en/2016/11/16/feature/politics/parliament-approves-secretly-drafted-ngo-law/>

51 Rokaya Gamal, "Bakry: NGOs Are Part of Fourth-Generation Warfare Against National Security," *Al-Fagr* (Arabic), November 30, 2016, <http://www.elfagr.org/2369967>

52 "Egypt: Six Political Parties and 22 Civil Society Organizations Reject the New Associations Law," Cairo Institute for Human Rights Studies, November 15, 2016, <http://www.cihrs.org/?p=19227&lang=en>

53 "Egypt: A Letter and Legal Memorandum to the President; Demanding the Repeal of the NGO Law, Press Release from Egyptian Political Parties, Civil Society Organizations and Public Figures," Cairo Institute for Human Rights Studies, December 4, 2016, <http://www.cihrs.org/?p=19328&lang=en>

54 "Egypt NGO Bill Threatens to 'Devastate' Civil Society, UN Expert Warns," The Office of the United Nations High Commissioner for Human Rights (OHCHR), November 23, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20920&LangID=E#sthash.AuNhxBRH.dpuf>; "The Dangers of Egypt's NGO Law," Project on Middle East Democracy, March 2017, <http://pomed.org/pomed-publications/dangers-of-egypts-pending-ngo-law/>

55 Mostafa al-Hawi, "Mohamed Sobhi Attacks Parliament's NGO Law," *Tahrir News* (Arabic), November 28, 2016, <http://bit.ly/2sKF4zN>

May 2017. “The law was cooked up in four hours and took six months to be approved,” complained 25/30 MP al-Hariri.<sup>56</sup>

### Tightening the State's Grip on the Media

Even after the regime silenced many independent media outlets and tightened control over both private and public media, al-Sisi still chastises the media as too critical of the government (and of him).<sup>57</sup> He has complained that he does not get the consistently supportive (fawning) coverage that President Gamal Abdel Nasser enjoyed.<sup>58</sup> Parliament has tried to address the president's concerns by enacting legislation to make the media even more regime-friendly and by lashing out at journalists who do not fall in line with state policies.

After an unprecedented incident in May 2016 when police stormed the headquarters of the Journalists Syndicate and arrested its head, Abdel Aal backed the Ministry of Interior and condemned the syndicate.<sup>59</sup> In December 2016, parliament approved new legislation to expand al-Sisi's power over the media.<sup>60</sup> The Law for the Establishment of Press and Media Organizations establishes three bodies called for in the Constitution: the Supreme Council for the Media, which sets criteria that media



Speaker of parliament Ali Abdel Aal addressing a conference of the Arab Inter-parliamentary Union, March 20, 2017. Photo credit: Egypt State Information Service

must follow to “protect national security”; the National Press Organization, which manages state-owned publications; and the National Media Organization, which oversees the broadcast media. The president chooses the heads and several members of each body, ensuring their loyalty. In passing the legislation, parliament paid no attention to input from the Journalists Syndicate or to a draft law prepared by dozens of journalists after a long debate with government representatives. The head of the Journalists Syndicate condemned the law as the executive branch's attempt to dominate the media sector.<sup>61</sup> Alaa Abed defended it as “eliminating chaos.”<sup>62</sup>

56 “Egypt Issues NGO Law, Cracking Down on Dissent,” *Reuters*, May 29, 2017, <http://www.reuters.com/article/us-egypt-rights-idUSKBN18P1OL>; Rana Mamdouh, “Sisi Approves NGO Law Over Six Months After It Receives Parliament's Approval,” *Mada Masr*, May 29, 2017, <http://www.madamasr.com/en/2017/05/29/feature/politics/sisi-approves-ngo-law-over-6-months-after-it-receives-parliaments-approval/>

57 “Egypt: One of the World's Biggest Prisons for Journalists,” *The 2017 World Press Freedom Index*, Reporters without Borders, <https://rsf.org/en/egypt>

58 Mohamed Abbas, “Al-Sisi: Abdel Nasser Was Lucky,” *Al-Masry al-Youm* (Arabic), August 5, 2014, [www.almasryalyoum.com/news/details/495094](http://www.almasryalyoum.com/news/details/495094)

59 Margaret Suter, “Everything You Need to Know About the Raid on Egypt's Press Syndicate,” *MENASource*, Atlantic Council, May 11, 2016, <http://www.atlanticcouncil.org/blogs/menasource/everything-you-need-to-know-about-the-raid-on-egypt-s-press-syndicate>; Gamal Essam El-Din, “Egypt MPs Attack Press Syndicate in its Dispute with Interior Ministry,” *Ahram Online*, May 8, 2016, <http://english.ahram.org/NewsContent/1/64/208369/Egypt/Politics-/Egypt-MPs-attack-press-syndicate-in-its-dispute-wi.aspx>

60 “New Egyptian Law Gives President Authority to Pick a Media Regulator,” *Newsweek*, December 26, 2016, <http://www.newsweek.com/egypt-media-freedom-press-freedom-speech-abdel-fattah-al-sisi-536394>; “Head of Press Syndicate: House Passed Press Regulation Law without our Input,” *Mada Masr* (Arabic), December 14, 2016, <http://bit.ly/2qZmKBP>; Ragab Saad, “In Egypt, Journalism is a Crime,” *Tahrir Institute for Middle East Policy*, March 16, 2016, <https://timep.org/commentary/in-egypt-journalism-is-a-crime/>

61 Aya Nader, “Why Some are Worried about Egypt's New Media Law,” *Al-Monitor*, December 22, 2016, <http://www.al-monitor.com/pulse/en/originals/2016/12/sisi-press-speech-freedom-worst.html>; “Head of Journalists' Syndicate: MPs Issued Media Law without Our Input,” *Mada Masr* (Arabic), December 14, 2016, <http://bit.ly/2qZmKBP>

62 Bassem Elzaabalawy, “Alaa Abed: Press Regulations Contribute to Elimination of Media Chaos,” *Al-Bawaba* (Arabic), December 19, 2016, <http://www.albawabnews.com/2280013>

### Maintaining the Repressive Demonstrations Law

Parliament also has ignored demands from local human rights groups and some political parties to rescind or even simply to amend the repressive demonstrations law, which has been directly responsible for the imprisonment of tens of thousands of Egyptians in the past three and a half years.<sup>63</sup> Even al-Sisi has acknowledged that innocent Egyptians are imprisoned under this law and has called for it to be amended.<sup>64</sup> But parliament has shown no political will to take this step. In December 2016, after the Supreme Constitutional Court invalidated one of the law's articles, MPs pointedly declined to use this as an opportunity to bring the entire law into conformity with international human rights standards. In April 2017 they fixed just that article, keeping the rest intact.<sup>65</sup>

A few lonely MPs have called for a comprehensive review and for the release of those arrested under the law's provisions, but have gotten no traction. Abdel Aal described such calls as part of "a plot that aims to overthrow the state."<sup>66</sup> The regime does not want to release innocent prisoners or to change the security agencies' system of controlling the public sphere through constant arrests.

THE REGIME DOES NOT WANT TO RELEASE INNOCENT PRISONERS OR TO CHANGE THE SECURITY AGENCIES' SYSTEM OF CONTROLLING THE PUBLIC SPHERE THROUGH CONSTANT ARRESTS.

### Imposing a State of Emergency

In the immediate aftermath of the April 2017 church bombings, al-Sisi declared a nationwide state of emergency, and parliament approved his declaration (as the Constitution requires) just two days later.<sup>67</sup> There was no dissent, despite the law's deleterious consequences for human and civil rights and its questionable ability to prevent terrorism.<sup>68</sup> Parliament concurrently amended the Emergency Law (as well as a host of other laws) to give the state additional powers that violate citizens' rights. The amendments allow police to arrest without a warrant anyone

63 The Constitution Party, the Egyptian Social Democratic Party and Egypt Freedom Party all called for these amendments. Alaa Sarhan, "Eight Parties Demand Quick Decision on Constitutionality of Demonstration Law," *Al-Masry al-Youm* (Arabic), June 21, 2016, <http://www.almasryalyoum.com/news/details/468244>. See also "On the Parliamentary Agenda: Nine Issues to Anchor Democracy and the Rule of Law," Cairo Institute for Human Rights Studies, January 9, 2016, <http://www.cihrs.org/?p=17871&lang=en>

64 Mostafa Mahmoud, "Al-Sisi Calls on Government to Weigh Amendments to Demonstrations Law," *Al-Wafd* (Arabic), October 27, 2016, <http://bit.ly/2sLg4bD>

65 El-Sayed Gamal El-Din and Hadeer El-Mahdawy, "Egypt's Supreme Constitutional Court Deems Article 10 of Protest Law 'Unconstitutional,'" *Ahram Online*, December 3, 2016, <http://english.ahram.org.eg/NewsContent/1/64/251238/Egypt/Politics-/Egypt%E2%80%99s-Higher-Constitutional-Court-deems-Article-.aspx>; Ahmed Gad, "An Altercation Between Ali Abdel Aal and Khaled Youssef in Parliament," *Tahrir News* (Arabic), March 27, 2017, <http://bit.ly/2saB3rD>; Sarah El-Sheikh, "Parliament to Vote on Protest Law Amendments Amid Dissatisfaction of Some MPs," *Daily News Egypt*, March 29, 2017, <http://www.dailynewsegypt.com/2017/03/29/620295/>

66 Abdel Latif Sobh, "Abdel Aal Responds to Demands Protest Law be Amended: Plot Against the State Still Threatens," *Youm7* (Arabic), March 27, 2017, <http://bit.ly/2sb4R7A>

67 Nathan J. Brown, "Egypt is in a state of emergency. Here's what that means for its government," *The Washington Post*, April 13, 2017, [https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/13/egypt-is-in-a-state-of-emergency-heres-what-that-means-for-its-government/?utm\\_term=.30e071f1d49b](https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/13/egypt-is-in-a-state-of-emergency-heres-what-that-means-for-its-government/?utm_term=.30e071f1d49b); "Egypt: Horrific Palm Sunday Bombings...State of Emergency Risks More Abuses," Human Rights Watch, April 12, 2017, <https://www.hrw.org/news/2017/04/12/egypt-horrific-palm-sunday-bombings>

68 "Parliament Approves Emergency Law Amendment, Permitting Indefinite Detention," *Mada Masr*, April 11, 2017, <http://www.madamasr.com/en/2017/04/11/feature/politics/parliament-approves-emergency-law-amendment-permitting-indefinite-detention/>

suspected of a crime, and prosecutors to hold certain detainees indefinitely.<sup>69</sup>

Abdel Aal has confirmed that the emergency law will apply to all forms of media, including television, newspapers, and social media. This means that the authorities can bring criminal charges against citizens based on what they publish in the press, say on television, or post on social media.<sup>70</sup> Also in April, MP Reyad Abdel Sattar of the Free Egyptians Party circulated a draft law to enable government surveillance over all forms of Internet communication and to require Egyptians to register with the government in order to use Facebook and other social media platforms; those who fail to register could be referred to trial.<sup>71</sup>

### Subjugating the Judiciary

Following the June 2015 assassination of Prosecutor General Hisham Barakat, al-Sisi angrily contended that the judiciary, in fact highly supportive of the regime, was too slow and was failing to prosecute those charged with terrorism quickly enough. The president called for amendments to sections of the Code of Criminal Procedures dealing with due process rights to enable prosecutors and judges to serve as “the prompt hand of justice.”<sup>72</sup> In April 2017, after the two church bombings, parliament approved the amendments, which give the courts the right to dispense with

hearing witness testimony in some cases and impose other restrictions on civil liberties.<sup>73</sup>

AL-SISI VIEWS THE COURTS AS TOOLS THAT MUST NOT EVER RULE CONTRARY TO HIS WISHES, AND THE PARLIAMENT AGREES.

In that same month, parliament approved changes to several laws on the judiciary, including the Judicial Authorities Law and the State Council Law. The amendments undermine judicial independence by giving the president direct control over key judicial appointments. For instance, the president now has “powers to select the heads of judicial bodies, including the heads of the Court of Cassation, the State Council, the Administrative Prosecution Authority and the State Lawsuits Authority.”<sup>74</sup> Previously, the Supreme Judicial Council selected the heads and the president simply affirmed its choice. Members of the judiciary spoke out against

69 “Egypt: Horrific Palm Sunday Bombings, State of Emergency Risks More Abuses,” Human Rights Watch, April 12, 2017, <https://www.hrw.org/news/2017/04/12/egypt-horrific-palm-sunday-bombings>

70 Mohamed Abdel Qader, Mohamed Ghareeb, and Mahmoud Gawish, “Speaker of the House: Emergency Law will be Applied to Facebook and Twitter,” *Al-Masry al-Youm* (Arabic), April 10, 2017, <http://www.almasryalyoum.com/news/details/1116107>

71 Kieron Monks, “Egypt Plans New Controls on Social Media,” CNN, May 16, 2017, <http://edition.cnn.com/2017/05/16/africa/egypt-social-media/index.html>; Taha Sakr, “Parliament Considers Social Media Draft Law, Would Refer Unmonitored Facebook Users to Trial,” *Egypt Independent*, April 30, 2017, <http://www.egyptindependent.com/parliament-considers-social-media-draft-law-would-refer-unmonitored-facebook-users-trial>

72 “Egypt: Top Prosecutor’s Killing a New Risk for Rule of Law,” Human Rights Watch, June 30, 2015, <https://www.hrw.org/news/2015/06/30/egypt-top-prosecutors-killing-new-risk-rule-law>

73 Ahmed al-Nobi, “Al-Sisi Issues Amendments to Criminal Procedure Code after Parliament’s Approval,” *Dot Masr* (Arabic), April 27, 2017, <http://bit.ly/2sazn1r>; Mohamed Hamama, “Legal Amendments: Accelerating Litigation or Changing its Context?” *Mada Masr* (Arabic), May 2, 2017, <http://bit.ly/2sa9EXa>

74 “New Legislation Threatens Judicial Independence in Egypt,” Amnesty International, April 27, 2017, <https://www.amnesty.org/en/latest/news/2017/04/new-legislation-threatens-judicial-independence-in-egypt/>

the amendments, but MP Ihab Ghattati of the Support Egypt bloc rebuffed their criticism as “a call for foreign intervention.”<sup>75</sup> Al-Sisi views the courts as tools that must not ever rule contrary to his wishes, and the parliament agrees.

### **Punishing Citizens Who Criticize the State, Online and Offline**

MPs are now discussing legislation that would clamp down harshly on “blasphemers,” or those who are deemed to “insult state figures and institutions.” A draft law introduced in May 2017 by the chairman of the Defense and National Security Committee, Kamal Amer, amends two articles of the Penal Code to stipulate that those convicted of insulting the president can be imprisoned for up to three years and fined up to EGP 100,000 (~\$5,500). Insulting parliament, the army, the courts, or any other “state symbols” would lead to similar prison terms and fines. According to a report in the Egyptian press, “a number of MPs said the aim of such punitive measures is to prevent the unprecedented waves of humiliation directed towards state icons and officials.”<sup>76</sup>

This escalation in parliament is part of a new wave of repression sweeping Egypt in recent weeks. Prominent opposition politician and human rights lawyer Khaled Ali was detained. Nearly three dozen young pro-democracy activists have been arrested in different parts of the country, and some have been charged with insulting the president on Facebook. Analysts believe that this latest crackdown comes as some political forces are starting to debate whether to put forward a candidate to run against al-Sisi in the 2018 presidential election.<sup>77</sup>



*The exterior of the Egyptian Parliament building, downtown Cairo, July 22, 2016. Photo credit: Egypt State Information Service*

### **CONCLUSION**

Since Mubarak’s ouster, Egypt’s military and security leaders have worried about a repeat of the disastrous (in their eyes) events of the January 2011 uprising. Under al-Sisi’s regime especially, they have exploited the need for Egypt to counter a genuine terrorist threat as a justification to suppress political parties, civil society, independent media, and youth initiatives, painting peaceful opposition groups and human rights defenders as traitors and foreign agents in the process. Egypt’s current parliament has played a central role in these efforts, and the regime therefore may consider its performance a great success.

But a legislature that excludes all opposition voices, that rubber stamps most authoritarian directives from the president, and that stifles debate over important issues may pose risks. As Egypt faces a constellation of dangerous security, economic, and social crises, it desperately needs a venue to discuss policies

75 Mostafa Sayyed and Tamer Ismail, “Parliament to State Council: We Won’t Tolerate Infringements upon Judiciary and Escalation against Judicial Authorities Law Is Unwarranted,” *Youm7* (Arabic), April 27, 2017, <http://bit.ly/2sar4Tu>

76 Taha Sakr, “MP Suggests Bill to Put ‘Blasphemers’ of Egypt’s President, Parliament in Jail for Three Years,” *Egypt Independent*, May 9, 2017, <http://marsad-egypt.info/en/2017/05/09/mp-suggests-bill-put-blasphemers-egypts-president-parliament-jail-three-years/>

77 Mostafa Mohie, “Arrests of Political Opposition Continues, Former Presidential Candidate Khaled Ali Summoned for Questioning,” *Mada Masr*, May 22, 2017, <http://www.madamasr.com/en/2017/05/22/feature/politics/arrests-of-political-opposition-continues-former-presidential-candidate-khaled-ali-summoned-for-questioning/>

to confront these crises, and a forum in which citizen demands can be raised by fairly elected representatives of the people. That is to say, Egypt desperately needs mediating institutions between citizens and the state. Instead, al-Sisi is hollowing out or destroying all such bodies. As occurred in tyrannical systems such as Libya under Muammar Gaddafi's and Syria under Assad family rule—and as happened even in Mubarak's autocracy—without mediating institutions and safety valves, an eruption of citizen frustration and sustained unrest becomes more likely.

There is not much that the international community can do in the short-term with

regard to the situation of Egypt's parliament, which is just one manifestation of the nationalist and intolerant climate prevailing in the country since 2013. But the United States and European governments must avoid providing foreign assistance or other donor support (such as training, capacity-building, equipment, or study tours) to this parliament. Such aid risks granting legitimacy to a repressive institution and strengthening nondemocratic actors. And when delegations of Egyptian MPs travel overseas to visit other legislatures, as they frequently do, officials in the United States, Europe, and elsewhere must raise the Egyptian parliament's shameful record and its dangerous assault on human rights.



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