

## EGYPT: RESURGENCE OF THE SECURITY STATE

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Vast numbers of Egyptians took to the streets on June 30, determined to restore the goals of the January 25 revolution, undermined during the year of rule by Muslim Brotherhood President Mohamed Morsi. Protesters expressed overwhelming enthusiasm for the military, which sided with them as it had against Hosni Mubarak in February 2011. At the time, I expressed concern that the military, as an inherently authoritarian structure focused on national security, was a problematic vehicle to promote democratization. I also expressed concern that the interim president, who headed the supreme constitution court (SCC), merged executive, legislative, and judicial power in one person. There was also the risk that those who ousted the Brotherhood would gloat over their victory, rather than craft policies that acknowledged the political weight of Islamist trends and sought reconciliation.<sup>1</sup>

Unfortunately, those concerns have been borne out: Police are ruthless in the arrest and torture of critics, security is deteriorating, the new constitution reinforces the executive branch, the Supreme Council of the Armed Forces (SCAF) has anointed its senior officer as the next president and deepened the military's role within the civilian economy, the Brotherhood is demonized, and freedom of expression is circumscribed. Before July 3, Field Marshal Abdel Fattah El-Sisi had warned that the "army is a fire... Do not play against it and do not play with it"<sup>2</sup> and expressed concern that, once the military would intervene, it would remain entrenched for decades. But he also considered that the armed forces, playing its role as guardian of the nation, was compelled to intervene on July 3 to respond to the popular will and restore public order. Later, when there were vociferous calls for him to run for president, he proclaimed: "I cannot turn my back when the majority wants me to run for president."<sup>3</sup>

### WAR AGAINST THE BROTHERHOOD

Interior Minister Mohamed Ibrahim: *"We are in a war with the Brotherhood, and God willing we are [going] to win."*<sup>4</sup>

The removal of Morsi launched a massive crackdown on the Brotherhood, the bete noire of the military and security forces for sixty years. When El-Sisi called on the public to take to the streets to authorize him to act against violence and terrorism, enthusiastic crowds thronged the squares on July 26. The very next day police snipers killed nearly

<sup>1</sup> Ann M. Lesch, "A Second, Corrective Revolution?" Foreign Policy Research Institute (FPRI) E-Note, July 2013, <http://www.fpri.org/articles/2013/07/second-corrective-revolution>

<sup>2</sup> Lesch, "Playing with Fire: The Showdown in Egypt between the General and the Islamist President," FPRI E-note, March 2014, <http://www.fpri.org/articles/2014/03/playing-fire-showdown-egypt-between-general-and-islamist-president>

<sup>3</sup> "I cannot turn my back when majority wants me to run for president", says Egypt's El-Sisi," speech to an officers' graduation ceremony, MENA, March 4, 2014, <http://english.ahram.org.eg/News/95852.aspx>

<sup>4</sup> "Interior Minister denies torture in prisons," February 21, 2014, <http://www.egyptindependent.com/node/2434477>

eighty Brotherhood protesters on a street near their main sit-in in Cairo. And Interior Ministry troops killed nearly nine hundred people when they forcibly cleared the sit-ins on August 14, after ignoring the cabinet's request for a gradual dispersal.

Interim President Adly Mansour: *“Reconciliation with whom? The people are on one side and the [Brotherhood] group and its supporters are on the other. Is it OK to reconcile with a criminal? As a state, we reject that.”*<sup>5</sup>

The new regime aimed to eliminate the Brotherhood, even though its electoral victories in 2011-2012 and its million or more well-organized members indicated its substantial and deeply rooted support. On September 23, a court ruled the movement illegal: The government confiscated its assets and properties, and took over its schools, charities, medical facilities, and mosques. Jails became crowded with not only senior leaders but also thousands of mid-level leaders as well as the young people who protested weekly (and even daily) in the street and on university campuses. The cabinet declared the Brotherhood a terrorist organization on December 25, in a panicked reaction to a catastrophic suicide bomb attack the previous day. Thereafter, anyone associated with the Brotherhood or even possessing its literature could be arrested. Perhaps the aim was to “completely eliminate them as Mohamed Ali did in the massacre of the Mamlouks”<sup>6</sup> in 1811.

The crackdown strengthened the Brotherhood's narrative of persecution. Leaders stressed the need to restore Morsi's 'legitimate' government, try those who killed protesters, and purge corrupt police, judiciary, and media institutions. They insisted that the “Brotherhood does not...use violence [and]...condemns violence in all its forms and whatever its sources”<sup>7</sup> and that those who removed Morsi should be judged by courts, not attacked physically. Indeed, the movement issued condemnations after armed attacks on police, armed forces and civilians. But Brotherhood street demonstrations and protests on university campuses often degenerated into brawls with other students and by-standers and damage to public property, raising the temperature and deepening animosity against them.

Moreover, Deputy Supreme Guide Khairat al-Shater's warning to El-Sisi that the Brotherhood could not control terrorist attacks if Morsi were removed was reinforced by fiery speeches during the sit-ins that threatened to kill Christians and 'infidels' who backed the military. Speakers incited violence against churches, police stations and government institutions, lending weight to the charge that the Brotherhood condoned and, at times, sponsored armed violence. With the jailed leadership unable to meet and focused overwhelmingly on institutional self-preservation, the rank-and-file were left without clear direction. Some escalated street protests into violent confrontations; others shifted to armed jihad. In fact, some demonstrators challenged the movement's insistence that protests remain peaceful (*silmīyya*), changing the slogan “Our peacefulness is stronger *than* bullets” to “Our peacefulness would be stronger *with* bullets.”<sup>8</sup>

## THE JIHADIST OFFENSIVE

David Barnett: *“The government is so entrenched in the battle against the Brotherhood that they appear to be losing sight of the actual battle around them. The reality is that there is a real danger*

<sup>5</sup> “No reconciliation with Brotherhood, president urges,” MENA, November 20, 2013, <http://www.egyptindependent.com/node/2323971>

<sup>6</sup> Former Brother Mukhtar Nouh, quoted in Ahmed Fouad, “No reconciliation so far with Egypt's Muslim Brotherhood,” March 12, 2014, <http://www.al-monitor.com/pulse/originals/2014/03/egypt-brotherhood-potential-return-political-life.html> By mid-March 2014, the government took over 1,075 Brotherhood-affiliated NGOs and dozens of schools, and seized the assets of 710 members, including cars, agricultural land, and shares in companies: El-Sayed Gamal El-Deen, “State committee seizes 22 Muslim Brotherhood affiliated NGOs,” March 12, 2014, <http://english.ahram.org.eg/News/96507.aspx>

<sup>7</sup> “Muslim Brother Secretary General Mahmoud Hussein Refutes Hostile Media Myths,” November 25, 2013, <http://www.fjponline.com/article.php?id=31436>; MENA, “Egypt's Brotherhood, Islamist groups denounce Taba terrorist attack,” February 17, 2014, <http://english.ahram.org.eg/News/94520.aspx>; “Jamaa al-Islamiya, MB denounce killing of 6 military personnel,” March 16, 2014, <http://www.egyptindependent.com/node/2434958>

<sup>8</sup> Mostafa Hashem, “The Dangers of Alienating Egypt's Youth,” *Sada*, March 6, 2014, <http://carnegieendowment.org/sada/2014/03/06/dangers-of-alienating-egypt-s-youth>

*from the jihadi groups capable of carrying out attacks.”<sup>9</sup>*

Well before Morsi’s removal, violent jihadists had capitalized on long-standing grievances in Sinai. Bedouin were banned from jobs in tourism, the army, the police, and the Multinational Force and Observers (MFO), could not own land, and were denied adequate schools, health facilities, and piped water. Excluded from the formal economy, some smuggled drugs and grew hashish. In the mid-2000s armed groups attacked popular beach resorts, killing some 130 Egyptians and foreigners. Then, when Hamas gained power in the Gaza Strip in 2006-2007, Hamas coordinated an immense smuggling network that transported goods and guns through tunnels from Sinai into the Strip, and ultra-radical Palestinian militants slipped into Sinai to launch rockets at Israel.

During the January revolution, groups such as *Al-Tawhid wal-Jihad* (monotheism and holy struggle) took advantage of the security vacuum to blow up the gas pipeline serving Jordan and Israel on February 5, 2011. By now the pipeline has been blown up 21 times, four times since Morsi’s ouster. The most recent attack on February 25 halted production at the factories in El Arish’s industrial zone. Meanwhile, al-Tawhid wal-Jihad declared an emirate in Sinai, rooted in God’s law, as it rejected elections based on man-made law. Jihadists flocked to Sinai, including some of the thousand or more that SCAF released from prison. Arms were easily smuggled from Libya, and there were many efforts to strike Eilat and border areas during 2011 and 2012.

Al-Tawhid merged with *Jama’at Ansar Beit al-Maqdis* (ABM: Group of the Adherents of the House of Holiness, meaning the Islamic holy places in Jerusalem). When Morsi and El-Sisi launched an all-out campaign against Sinai jihadists in August 2012, ABM began to attack Egyptian military officers and security facilities. Those attacks became more intense after the military ousted the president. Indeed, ABM warned El-Sisi: *“Vengeance is coming.”*<sup>10</sup>

ABM considers that its belief that an Islamic state can be achieved only through violence was vindicated by Morsi’s overthrow, which (from ABM’s perspective) proved that elections were a false route. The affiliated al-Furqan group (“the criterion”<sup>11</sup>) also criticized the Brotherhood for giving “legitimacy to the ballot boxes and not to Allah... The road for Allah’s word to be supreme is the ammunition box and not the ballot box.”<sup>12</sup> After July 3, when ABM issued a *fatwa* (religious edict) declaring the Egyptian army “infidels” unworthy of mercy, jihadists sought to attract people who were disillusioned with the Brotherhood and with electoral democracy. Subsequent fatwas warned soldiers and security personnel to defect – usually just before ABM’s next attack.

In Sinai, ABM targets military bases, checkpoints, and conscripts riding in buses, as well as the gas pipeline; it launches drive-by attacks on police officers and suicide bombs against security force buildings in Canal cities. Al-Furqan twice aimed rocket-propelled grenades (RPGs) at ships transiting the Suez Canal, “a safe passageway for the Crusader aircraft carriers to strike the Muslims, and...the artery of commerce of the nations of unbelievers and tyranny,”<sup>13</sup> from which Egypt gains \$5 billion a year in transit fees. On the third anniversary of the January revolution, ABM killed four soldiers on a military bus in a drive-by shooting and ratcheted up its operations by downing a military helicopter with a shoulder-launched missile. Then, on February 16, an ABM-operative detonated a bomb on a tourist bus parked in Taba, as “part of our economic war against this regime of traitors... which kills the innocent, destroys houses, ransacks properties and lays waste to the land on the border with the Zionist enemy.”<sup>14</sup> This devastated the tourist economy, as foreign vacationers fled.

<sup>9</sup> David Barnett, Foundation for Defense of Democracies, quoted in “Ansar Beit al-Maqdis poses serious security threat: an analysis,” Agence France Presse (AFP), February 2, 2014, <http://www.dailynewsegypt.com/2014/02/02/ansar-beit-al-maqdis-poses-serious-security-threat-analysts/>

<sup>10</sup> “Ansar Beit al-Maqdis poses serious security threat: an analysis,” AFP, February 2, 2014.

<http://www.dailynewsegypt.com/2014/02/02/ansar-beit-al-maqdis-analysts/>; David D. Kirkpatrick and Eric Schmitt, “Jihadist Return is Said to Drive Attacks in Egypt,” *The New York Times*, February 5, 2014.

<sup>11</sup> “Criterion” refers to a person who can explain the criteria for good and evil, and warns people to follow God’s path.

<sup>12</sup> Barnett, “Al-Furqan Brigades claim 2 attacks on ships in Suez Canal, threaten more,” *4 Threat Matrix*, September 7, 2013, with a link to Al-Furqan’s video of two men aiming RPGs at a container ship, [http://www.longwarjournal.org/threat-matrix-archives/2013/09/al\\_furqan\\_brigades\\_claim\\_two\\_a.php](http://www.longwarjournal.org/threat-matrix-archives/2013/09/al_furqan_brigades_claim_two_a.php)

<sup>13</sup> The RPG attacks were on July 19 and August 13. “Suez Canal, energy lifeline, seen vulnerable to jihadist attack,” January 17, 2014, [http://www.upi.com/Business\\_News/Energy-Resources/2014/01/17/Suez-Canal-energy-lifeline](http://www.upi.com/Business_News/Energy-Resources/2014/01/17/Suez-Canal-energy-lifeline)

<sup>14</sup> “Jihadist group claims bombing of tourist bus in Egypt,” AFP, February 18, 2014, <http://news.yahoo.com/jihadist-group-claims->

Al-Furqan expanded beyond the Canal Zone “after becoming fed up with criminal practices such as sieges of mosques, killing and displacement of Muslims, detentions of Muslim scholars, and the vicious attack by Egypt’s Crusaders on Islam and its people and mosques.”<sup>15</sup> It called on Egyptians to “rise for jihad...to fight the apostates.”<sup>16</sup> Its RPG attack on a satellite communications installation in Ma’adi, early on October 7, rattled nerves, as the perpetrators operated near a military checkpoint during the night-time curfew, videoed their attack, and departed without being caught.

ABM launched its operations in Cairo on September 5 when a former army major who had fought in Syria tried to kill the minister of interior. Operatives subsequently killed many security officers in the capital and the Delta, usually in drive-by attacks, and burned cars belonging to police and judges. ABM also targeted security directorates with car bombs. Sixteen people died and the Mansoura directorate was badly damaged on December 24; this attack triggered the decree that slapped the terrorist label on the Brotherhood. ABM hit another directorate in nearby Anshas on December 29, and a 750-kilo bomb tore apart Cairo’s central police headquarters on January 24. (Three other bombs exploded in Cairo on the same day, the eve of the revolution’s anniversary.)

New – apparently unaffiliated -- groups also attacked policemen, including throwing improvised bombs at Central Security forces on the Giza and Cairo University bridges. Among those, *Walaah* (to catch fire, glow with zeal) and *Ajnad Misr* (soldiers of Egypt) proclaimed that they resist the “oppressive state” and insisted that they did not target civilians. They urged policemen to defect, warning that security forces “are not safe from retribution.”<sup>17</sup> And ABM struck again on March 15, killing six military police conscripts at 5 am – some asleep and some at dawn prayer – at a checkpoint on the outskirts of Cairo, forty-eight hours after it released a video warning of new attacks. Soon after, a street sweeper found bombs next to a school wall in Giza and local residents discovered bombs near a power plant, proof of a dangerous increase in operations against civilian targets.

The interior ministry claimed that it could track these groups, but most attacks were by two or three person squads operating from motorcycles, who disappeared before they could be caught. Even the police admitted that those who were caught were influenced by salafi sheikhs, not the Brotherhood.<sup>18</sup> Meanwhile, security forces seemed unable to protect military and police checkpoints, not to mention tourist sites, churches, police stations, and government offices. And heavy-handed military operations against Sinai villages, which relied on Apache helicopter rocket-fire, destroyed homes and terrified residents, while failing to catch elusive militants.

#### SECURITY FORCES RACHET UP REPRESSION UNDER COVER OF THE PROTEST LAW

A police major exclaimed: “*We are in constant fights on the street. That makes us tougher than the army and ruthless.*”<sup>19</sup>

Egyptians claimed their right to public space during the January revolution. City squares, streets and walls became places for self-expression, marches assembled after Friday prayers, and soccer fans chanted against the police in sports arenas. Afterwards, SCAF tried to restore state control. The generals forcibly expelled people from public squares and hauled thousands of protesters before military courts. A year later, the July 2013 ‘authorization’ to combat violence gave the police the excuse to wreak vengeance on both the Brotherhood and the youth who had challenged them during the revolution. The police resumed their Mubarak-era attitude toward the public and their Mubarak-era policing techniques: They beat detainees upon arrest, in the paddy-wagon, and upon arrival in the

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[bombing-tourist-bus-egypt-065640968.html](http://bombing-tourist-bus-egypt-065640968.html)

<sup>15</sup> Video, “Al-Furqan Brigades”, TRAC, n.d., <http://www.trackingterrorism.org/group/al-furqan-brigades>

<sup>16</sup> Barnett, “Al Furqan Brigades claims responsibility for recent shooting attacks in Egypt,” 4 Threat Matrix, November 30, 2013, [http://www.longwarjournal.org/threat-matrix/archives/2013/11-al\\_furqan\\_brigades\\_claims\\_responsibility](http://www.longwarjournal.org/threat-matrix/archives/2013/11-al_furqan_brigades_claims_responsibility)

<sup>17</sup> “Two militant groups claim responsibility for same attack in Egypt,” February 8, 2014, <http://english.ahram.org.eg/News/93726.aspx>

<sup>18</sup> For example, Egyptian security said that three people attacked a church in October Six City on January 28, 2014. One was a 27 year old house painter, influenced by salafi sheikhs in Egypt and Saudi Arabia and trained by Salafis in Sinai to mount operations to “help Islam” against “infidel rule.” “Volunteer jihadists pose security dilemma in Egypt,” February 7, 2014, <http://al-monitor.com/pulse/security/2014/02/egypt-security-dilemma-volunteer-jihadist.html>

<sup>19</sup> Asma Al Sharif and Yasmine Saleh, “Special Report - The real force behind Egypt’s ‘revolution of the state’,” October 10, 2013, <http://uk.reuters.com/article/2013/10/10/uk-egypt-special-report>.



police station or detention center, where detainees ran the notorious “welcoming committee” gauntlet.<sup>20</sup> Police administer electric shocks and prison officials beat detainees, their hands tied behind their backs. They have not altered their interrogation techniques, despite the new constitution’s provision that “torture in all its forms is a crime without a statute of limitations.” Crammed into filthy cells<sup>21</sup> or held in solitary confinement, with insufficient clothes and blankets, no beds, and poor quality food, detainees are deemed guilty-upon-arrival. They are often denied visits by lawyers and family. Indeed, prosecutors not only have the power to issue arrest warrants *after* the arrest but can also hold detainees indefinitely, prior to investigation and formal charges. Moreover, the “frenzied campaign to crush opposition”<sup>22</sup> so overtaxes the judiciary that court sessions take place (illegally) in security directorates, prisons and police stations, sometimes in the form of mass trials with identical charge sheets for scores of defendants.

Whereas in the past, foreigners were rarely arrested, they now experience alongside Egyptians the “welcoming committee,” beatings and harsh detention. For example, a Colombian photojournalist, arrested while reporting on demonstrations, was slapped and punched in the Dokki police station. “But their beating of me [he reported afterwards] was nothing compared to the young protesters who were aggressively beaten in front of my eyes” in order to scare him.<sup>23</sup> Similarly, 26-year-old freelance translator Jeremy Hodges and his Egyptian roommate, Hossam Eddin El-Menaai, were interrogated in their apartment on January 22 and taken to Dokki police station, where they were handcuffed to chairs and then placed in crowded cells with political prisoners, many of whom had been held since October 6. Hodge had to watch police beat Menaei four times and put a gun to Menaei’s head, threatening to kill him. Foreigners’ reports spread worldwide. Presumably, the police’s sense of impunity protects them from concern about self-incrimination, much less about tarnishing the Egyptian government’s reputation.

Legal cover was initially provided by the state of emergency, enforced until November 12. The minister of interior then drafted a Protest Law, which the cabinet endorsed and the interim president issued by decree on November 24, 2013.<sup>24</sup> The Protest Law reinstates the authoritarian concept that public space belongs to the state. Although the new constitution states that people merely “notify” the authorities about proposed demonstrations, marches and meetings, the Protest Law gives absolute power to the interior minister, governors and security forces. Police must approve gatherings in advance, with the organizing body providing details, including about organizers and participants. The government can forbid the gathering or change the location or route. No gatherings or marches can be held at or near houses of worship and they must not “impact on public services, transportation or the flow of traffic” or “stall production.” No one can wear a mask (presumably including the *niqab* face veil), bring items that could endanger people or buildings, or assault security forces. The law allows the police to use lethal force: First, they issue a warning and provide a secure path for people to leave the site, then use water cannons, batons and tear gas, followed by warning shots, rubber bullets and, finally, metal pellets.

The law was immediately tested by the “No to Military Trials” movement, which had already planned a protest against the draft constitution’s continuing to allow military courts to try civilians. The police enforced the new law with full force, but failed to provide a safe exit or ask them to leave before attacking. Police used water cannons and batons and dragged demonstrators along the ground before throwing them into police trucks. Some police hid behind masks, as did plainclothes *baltaguis* (thugs who assist the police), although the protest law bans both masks and *baltaguis*. The supposed ring-leaders received three year sentences and were forced to remain in prison during their appeal.

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<sup>20</sup> Islam Abu Ghazala, “An account of torture from Wadi al-Natrun prison,” February 14, 2014, <http://madamasr.com/content/account-torture-wadi-al-natrun-prison> He wrote that he and forty Brothers were taken to Wadi Natrun prison on November 11, which now holds 1200 political prisoners. “We were received by a large number of officers, soldiers and intelligence personnel who met us with a storm of swearing, carrying arms, sticks, hoses, belts and water pipes in a terrifying scene. They monstrously beat us up on every bit of our bodies.... They ordered us to call Mohamed Morsi the worst names... They strung up Maher Mohamed Morsi for having a similar name and beat and insulted him relentlessly.”

<sup>21</sup> The Cairo prosecutor found 32-35 suspects crammed into each of eight cells in Dar Es-Salaam police station, although each cell should hold no more than 16 persons. “Fourth suspect dies in Dar al-Salam police station,” March 13, 2014, <http://www.egyptindependent.com/node/2434935>

<sup>22</sup> Eric Cunningham, “Egyptian authorities detain thousands amid crackdown on dissent,” *The Washington Post*, March 10, 2014, [http://www.washingtonpost.com/world/middle\\_east/egyptian-authorities-detain-thousands](http://www.washingtonpost.com/world/middle_east/egyptian-authorities-detain-thousands)

<sup>23</sup> Mohamed Mansour, “Hossam Menaai’s release: Not yet time to celebrate,” February 10, 2014, <http://www.egyptindependent.com/node/243397>

<sup>24</sup> Text of Presidential Decree on Protests, November 24, 2013, <http://english.ahram.org.eg/News/87375.aspx>.

The law allows as many as seven years' prison for illegal gatherings, in contrast to the often-criticized British-decreed law on assembly (1914), in which the maximum was six months. So far, sentences of about two years' prison and LE50,000 (\$7,200) in fines have been meted out to people who participate in marches, protest outside court houses, or carry implements to paint graffiti – and even to Ultras soccer fans, who gathered informally in a public park during the constitutional referendum to plan activities on the anniversary of the revolution. Indeed, on that anniversary, there were 1079 arrests and 108 deaths. Many arrests seem random, such as the Christian teenager beaten in a Cairo police station and charged with membership in the Brotherhood and the nineteen year old pregnant woman who was arrested on January 14 as she walked near a Brotherhood protest on her way to a doctor's appointment. Held in El Amiriya police station, she gave birth on February 13 at Zaitun hospital: Photos showed her handcuffed to the hospital bed and unable to breastfeed her baby, who lay beside her on the mattress. Activist Ahmed Maher, in a letter smuggled out of prison, opined: "Arrest people randomly and treat them like terrorists who have no rights... That is an excellent way to turn someone who is not a terrorist [or their angry relatives] into one."<sup>25</sup>

Another point of tension involved soccer (football) matches, as the interior minister continues to ban fans from attending matches. This infuriates Ultras and makes them even more prone to confront police on the streets. An Ultra shouted: "This is Sisi's Egypt: Protesters go to jail and the police can do whatever they want. This is what shaped us under Mubarak. This is what is shaping us now."<sup>26</sup> In this case, Ultras have proposed using private security companies to secure matches, as the police presence catalyzes violence. The interior ministry may accept this proposal, which would be a significant measure to defuse tensions.

The clampdown extended to arresting administrators of websites for inciting violence, dismissing 55,000 mosque preachers for "inciting violence and using mosques to spread religious extremism and promote Islamist groups,"<sup>27</sup> requiring all imams to address government-approved themes in their Friday sermons, placing all mosques under the Ministry for Religious Endowments, and continuing to prosecute Shi'a on blasphemy charges. Security even barred a young singer, who had represented Egypt at festivals in Italy and Lebanon, from performing in front of Mansour and El-Sisi at an arts festival. And mysterious hackers called the Electronic Egyptian Army jammed satirist Bassam Youssef's recently resumed TV program. Free speech has also been curtailed by (for example) raiding a publishing house in order to confiscate a just-off-the-press human rights report, charging renowned academic and politician Amr Hamzawi with "insulting the judiciary" for a tweet criticizing the conviction of employees of pro-democracy organizations, and threatening to arrest the scholar Emad El-Din Shahin for espionage. Intended to instill fear and silence critics, such threats are likely to be counterproductive. Professor Shahin subsequently warned: "Mubarak's regime was aging... so there was room for dissent. This regime is very brutal and trying to consolidate power and assert its control over the political arena."<sup>28</sup>

The new constitution protects freedom of thought and opinion and specifies that no one shall be imprisoned for "crimes committed by way of publication or the public nature thereof." And yet the crackdown on journalists is more intense than Mubarak's era, as police raid offices and homes and freely round up Egyptian and foreign correspondents. On January 15, alone, police detained nineteen journalists. Even when correspondents show their press IDs, they are liable to arrest and assault. Covering protests and interviewing dissidents is equated with inciting violence and airing false news. Meanwhile, government and private TV channels whip up public hostility against anyone who questions the effectiveness of the "war on terror" and spread rumors about spies and conspiracies.

The most publicized case involves three Al-Jazeera English journalists detained on December 29, four days after the president declared the Brotherhood a terrorist organization. Rather than simply charging them with working without permits (which they had tried to get, but for which the channel had not received a response), the prosecutor

<sup>25</sup> Blog, March 7, 2014, <http://mahervoice.wordpress.com>, via Merrit Kennedy, "Letters from An Egyptian Prison." February 5, 2014, <http://www.wbur.org/npr/271139556/letters-from-an-egyptian-prison>

<sup>26</sup> James M Dorsey, "Egyptian autocrats struggle with soccer's political pros and cons," <http://mideastsoccer.glogspot.sg/2014/02/egyptian-autocrats-struggle-with.html>; "Interior Ministry welcomes Ultras demand not to secure matches," March 11, 2014, <http://www.egyptindependent.com/node/2434869>

<sup>27</sup> Haitham el-Tabei, "Egypt tightens grip on mosques to curb Islamist dissent," March 4, 2014, <http://news.yahoo.com/egypt-tightens-grip-mosques-curb-islamist-dissent-210705957.html>

<sup>28</sup> Ursula Lindsey, "Concern Grows Over Academic Freedom in Egypt," February 23, 2014, [www.nytimes.com/2014/02/24/world/middleeast/concern-grows-over-academic-freedom-in-egypt.html](http://www.nytimes.com/2014/02/24/world/middleeast/concern-grows-over-academic-freedom-in-egypt.html)

charged them with using their suite in the Marriott Hotel as a meeting point and broadcast center for the Brotherhood where they created “false images” intended “to assist the terrorist group to fulfill its goals in influencing public opinion abroad.”<sup>29</sup> The Egyptians were also charged with membership in a “terrorist organization.” And a Dutch journalist, who had merely interviewed one of them two weeks’ earlier, also faced the same charge; with help from her embassy, she managed to flee Egypt. Letters that the journalists smuggled out of prison record their solitary confinement in Tora prison in horrendous conditions. Conditions improved marginally after supporters mounted protests world-wide.

## THE NEW CONSTITUTION REINFORCES THE STATE’S POWER

In this highly polarized atmosphere, with many people welcoming the police crackdown and demonizing critics, voters endorsed a new constitution by 98 percent. Only a year and a month earlier, Egyptians had voted for another constitution, drafted by a committee largely composed of Muslim Brothers and Salafis, which had gained 64 percent approval with only a 33 percent turnout. In 2014, the referendum on January 14-15 witnessed only a slightly higher rate of participation for a constitution drafted by a fifty-member committee that included only one Islamist, representing the Nour Party. The overwhelming endorsement expressed support for El-Sisi, expected to be the leading candidate for president.

Whereas in 2012 there was vigorous public debate over the terms of the constitution, with public calls to vote “no”, in 2014 anyone advocating “no” was labeled a traitor. The Strong Egypt party had campaigned for “no” in 2012, but this time several Strong Egypt members were jailed when they posted “no” placards. Their three-year jail sentences reflected the deeply anti-democratic atmosphere of the referendum, as they were charged with “propagat[ing]... the call for changing the basic principles of the constitution... when the use of force or terrorism or any other illegal method is noted during the act,” involvement in terrorism, and attempting to overthrow the government.<sup>30</sup> Shocked, the party stopped its campaign, not wanting to put its members in harm’s way.

Although the new constitution removes the Islamist provisions of the 2012 constitution and prohibits discrimination on the basis of “religion, belief, gender, origin, race, color, language, disability, social class, political orientation or any other reason,” its overall thrust reinforces the power of the state over the citizens. It cements the autonomous powers of the military and security as sovereign authorities, shielded from presidential and parliamentary oversight. The defense minister must be a general and he – rather than the president – heads SCAF, which must approve his appointment for the next eight years. The minister of interior must be a senior officer, approved by the Supreme Police Council. That council and the military-dominated National Defense Council control policymaking in their domains and determine (or block) sectoral reform. Neither the government nor the parliament exert oversight over those institutions’ single-figure budgets. Both institutions (including intelligence officers) are shielded from legal action in civilian courts, while retaining the power to try civilians before military courts. Similarly, the judiciary is self-governing, with its budget a single-figure in the annual state budget. In principle, judiciary autonomy is beneficial to a country, but in practice, establishing autonomy before undertaking judicial reform entrenches the old guard with its often corrupt practices. (Indeed, the Central Auditing Organization is prevented, in practice if not by law, from auditing the interior ministry and the powerful judges’ club and thereby disclosing and rectifying financial violations.)

The constitution makes the president much more powerful than the prime minister and the parliament. (The vice presidency and upper house have been eliminated.) The president (not the council of ministers) confirms the ministers of defense, interior and justice (selected by those institutions); exercises authority directly, not only through the prime minister and council of ministers; and nominates candidates for prime minister. If, after two candidates are proposed, consecutively, the parliament does not support them, the parliament is dissolved. This contrasts with the 2012 constitution, in which the parliament could form a government without presidential involvement and parliament could only be dissolved by a public referendum. In addition, the 2014 constitution

<sup>29</sup> Australian Peter Greste, Cairo bureau chief Mohamed Fahmy, and producer Baher Mohamed. “Egypt: High Price of Dissent,” Human Rights Watch, February 19, 2014, <https://www.hrw.org/news/2014/02/19/egypt-high-price-dissent>; Kirkpatrick, “Egypt Extends Crackdown on Its Critics to Journalists”, *The New York Times*, February 21, 2014; Lindsey, “On Being a Journalist in Egypt,” February 24, 2014, <http://arabist.net/blog/2014/2/24/on-being-a-journalist-in-egypt>.

<sup>30</sup> “Egypt: Activists Arrested for ‘No’ Campaign,” Human Rights Watch, January 13, 2014, <http://www.hrw.org/news/2014/01/13/egypt-activists-arrested-no-campaign>.

allows the president to decree a state of emergency after merely consulting the cabinet, and he can renew it beyond three months if he obtains majority support from parliament. (The 2012 constitution required a public referendum for any extension of a state of emergency.) Moreover, the president appoints five per cent of the parliament's members, fewer than in the past, but still an infringement on the separation of powers. Parliament's only real power is to remove the president by a two-thirds vote.

Provisions for electing the House of Representatives are vague. The constitution eliminates seats for workers and farmers, but leaves to the (interim) president the decision to base elections on individual seats, party lists, or a mix. This is extremely important, as the individual seat system benefits wealthy candidates and weakens party structures.

Overall, the constitution retains a highly centralized system, in which the president appoints all governors and local officials are accountable to the central ministries rather than to the local councils or governors. Local and municipal councils are elected, and the constitution restores the election of mayors, which Mubarak had canceled. However, the central government can reject a council's choice of mayor and can block a local council's effort to withdraw confidence in its mayor. As democracy cannot be nurtured without local level self-rule and officials' accountability to their constituents, the constitution deliberately retains the top-down system essential to maintaining the power of autocratic rulers.

## GOVERNANCE DURING THE INTERIM PERIOD

The constitutional referendum set the stage for elections that would mark the end of the transitional roadmap. During the ten-month (or more) transition, Egypt has been nominally ruled by the interim president and cabinet. Real power lies with the National Defense Council. According to human rights analyst Bahay Eldin Hasan, even Prime Minister Hazem El-Beblawi admitted that the state "is run by the security bodies, who control the presidency, cabinet, media and judiciary."<sup>31</sup> The interior minister rehired notorious state security officers who had been cashiered after the January revolution, unleashed the central security forces, authored the Protest Law, and pressed for the Brotherhood to be declared terrorist. The minister of local government, a former police general, appointed military generals to most of the governorships, ensuring Cairo's centralized command-and-control. Indeed, there is evidence that some governors have reverted to the pre-2011 practice of banning social service oriented NGOs, even if the social solidarity, health or education ministries support the NGOs' programs.<sup>32</sup>

El-Sisi's inner circle comprises fellow intelligence officers, such as his successor as head of military intelligence Mahmoud Hegazy (whose daughter is married to one of El-Sisi's sons) and his mentor and predecessor General Mohamed Farid El-Tohamy, who became head of general intelligence. Western diplomats commented – off the record – that "Tohamy has emerged as the leading advocate of the lethal crackdown on Mr. Morsi's supporters in the Muslim Brotherhood, in a drive to eviscerate the movement.... He was the most hard-line, the most absolutely unreformed.... He talked as if the revolution of 2011 had never happened."<sup>33</sup>

These officials managed the propaganda war against the Brotherhood, in part by winning over the businessmen who control the private media. In a leaked video, El-Sisi discussed with other officers how to persuade the "twenty or twenty-five businessmen" who own the media to report favorably: "It takes a long time before you're able to affect and control the media. We are working on this and we are achieving more positive results, but we have yet to achieve what we want."<sup>34</sup> Tohamy later met with fifty media stars for four hours, flattering them that their efforts were on the front line of the battle against terror.

The armed forces took advantage of its powerful position (and the end of competition with Gamal Mubarak's business clique) to deepen its hold over the economy. Nearly all the Gulf-funded projects were awarded to the

<sup>31</sup> Bahay Eldin Hassan, Director, Cairo Institute for Human Rights, "Pharaohs, Caliphs and Field Marshals," *The New York Times*, February 13, 2014, <http://www.nytimes.com/2014/02/13/opinion/pharaohs-caliphs-and-field-marshals>.

<sup>32</sup> For example, the Cairo governorate is closing Nebny Foundation's after-school reading, writing and math classes for children in the desperately poor Manshiyat Nasser slum, even though the Ministry of Social Solidarity licenses the NGO and it works closely with the Ministry of Education. Zeinab Al Guindy, "Nebny Foundation vs Cairo Governorate," March 13, 2014, <http://english.ahram.org.eg/News/96350.aspx>

<sup>33</sup> Kirkpatrick, "Ousted General in Egypt Is Back, as Islamists' Foe," *The New York Times*, October 30, 2013.

<sup>34</sup> Borzou Daragahi, "Recording reveals Sisi's political ambitions in Egypt," *Financial Times*, October 16, 2013, <http://www.ft.com/intl/coms/s/0/e5c8f42e-359b-11e3-952b-00144feab7de.html>.



armed forces, including \$1 billion for bridges, tunnels, train level crossings, housing, and projects in Sinai. The lack of transparency and accountability of military projects – where there is no competitive bidding, the military budget is secret, conscript labor is used, and the military controls all desert land – makes an assessment of the viability of these projects impossible. El-Sisi also announced a \$40 billion agreement between the military corps of engineers and Dubai-based Arabtec Holding Company to construct a million middle-class houses, with the armed forces offering land for free and the Emirati government providing initial financing. El-Sisi even revived the controversial El Daba'a nuclear energy project in Marsa Matruh, which Mubarak had shelved in 1986 after the Chernobyl nuclear disaster, even though the environment minister and many officials urge long-term planning that would include investment in renewable energy.

Most of the cabinet – a mix of technocrats and liberal politicians – was relegated to economic and social policy. But their hands were tied as they could not develop long-term policies or renew discussions with the International Monetary Fund. Moreover, the security crisis and hostile propaganda against foreigners made it impossible to restore tourism and investor confidence. The economy stagnated. Exports and imports shrank and tourism dropped precipitously. Meanwhile, the burden on the government for subsidized goods and services soared; fuel subsidies alone consume 20 percent of the state budget.

The government has relied on petroleum and stimulus packages from Saudi Arabia, the United Arab Emirates and Kuwait to (temporarily) reduce the deficit and pay bills to foreign and domestic creditors. The UAE's \$9 billion, for example, covers fuel shipments, repairs by military engineers to railway crossings, development projects (particularly along the Suez Canal), and the connecting of residential units to the natural gas pipe system. UAE also underwrote the long-demanded rise in the minimum wage to \$170 a month. In fact, the government's most significant achievement was the wage increase for nearly five million workers, teachers and public sector office staff, the shifting of thousands of part-time teachers to full time status, and the provision of regular contracts to many temporary employees. But the cabinet's failure to include all public sector employees in the new wage structure triggered strikes, especially by postal workers and bus drivers. Although the military tried to provide alternative transportation in greater Cairo, the governor quickly gave in to the 42,000 bus company employees. In addition, 20,000 textile workers in Mahalla al-Kubra renewed strikes over delays in receiving quarterly bonuses and reforming company management. And doctors, dentists, pharmacists and veterinarians employed at public hospitals also struck, frustrated that their numerous protests against conditions in the hospitals had not achieved any tangible results.

El-Sisi invoked the doctors' patriotism to convince them to end the strike. Speaking to newly graduated military physicians, he emphasized the "extremely difficult" economic situation and asked doctors to "think more" of their country and "give without waiting for a return."<sup>35</sup> This call to patriotism did not sit well with those who had struggled for a long time to confront mismanagement and unfulfilled promises. The doctors' strike committee challenged El-Sisi by requesting a significant increase in the budget for healthcare, improvements in facilities and equipment at public hospitals, a ban on officials from traveling abroad for medical care and on their treatment at private hospitals, publication of the salaries of high officials in the health ministry, making scholarships available to state sector doctors (not just to military physicians), and opening military hospitals (now confined to officers and their families) to the public for free. Bus company employees wondered why they had to struggle for a raise when police and army officers received huge pay increases: "Does it mean that this is the country of the army and police only?"<sup>36</sup> And low-ranking police officers, banned from striking, grumbled that they were paid less than the new minimum.

The entire cabinet was abruptly fired on February 24. This took the public – and virtually all the members of the cabinet—by surprise and provided further proof of the opacity of the top-level decision-making process. Deputy Prime Minister and Minister of International Cooperation Ziad Bahaa Eddin had already resigned on January 27, angry at the Protest Law and angry that the declaration of the Brotherhood as terrorist ruled out reconciliation. Prime Minister Beblawi may also have dissented from those moves and may have resigned due to pressure on him to quell strikes. The jingoistic media blamed Beblawi – and the other liberals in the cabinet – for the security

<sup>35</sup> "The love of country is not manifested in talking but in hard work: El-Sisi," March 6, 2014, <http://english.ahram.org.eg/News/90652.aspx>

<sup>36</sup> Heba Saleh, "Strikes sweep Egypt as economy struggles," *Financial Times*, March 2, 2014, <http://www.ft.com/intl/coms/s/0/bf47558e-9fb8-11e3-b6c7-00144feab7de.html>

failures, over which they had no control. All the liberals were removed in the shake-up.

New Prime Minister Ibrahim Mehleb – housing minister in Beblawi’s cabinet, former CEO of the Arab Contractors construction firm, and former member of Gamal Mubarak’s powerful Policy Committee – was an ardent supporter of El-Sisi’s candidacy for president. He may have been elevated in order to manage the worker protests and/or so that El-Sisi could have his preferred cabinet in place before the presidential election. Mehleb, in his first public address, invoked “the battle that Egypt is waging against the forces of evil and terror” and called on workers to “stop all kinds of sit-ins, protests and strikes. Let us start building the nation.... Your demands will be taken very seriously, but I also know how much you love your country and your desire to build and elevate it.”<sup>37</sup>

Although Mehleb stresses the importance of redistributing wealth, providing equal access to services, and directing subsidies to those who need them, some of his ministerial appointments point in a different direction. New Housing Minister Mostafa Madbuly, for example, is an urban planner who developed the Mubarak-era “Cairo 2050” master plan that expanded luxury gated communities on the desert fringes of the capital and sought to evict thousands of lower-class residents from their homes in central Cairo, to be replaced by high-end business complexes. Madbuly was also responsible for the “Egypt 2052 Regional Plan,” prepared with no input from the affected communities. Similarly, new Manpower Minister Nahed Al-Ashry had worked for two decades in the ministry’s Dispute Resolution Bureau, where she developed a reputation for trampling on labor rights in the process of privatizing public sector companies. When appointed, she said she would discuss labor issues with the governmental trade union federation but not with the independent trade union movement that flourished after the revolution, and for which her predecessor as minister had been a prominent advocate. Although Al-Ashry claimed to support extending the new minimum wage to the private sector as well as to all government and public sector workers, her appointment deepened workers’ concerns about how their protests against corruption and mismanagement – as well as wages – would be handled.

#### SCAF ANOINTS FIELD MARSHAL EL-SISI FOR PRESIDENT

Once the constitution was endorsed on January 15, the next step was to plan elections. The interim president used his power to decide on the order of the elections. He decreed that presidential elections would be held before those for parliament. He elevated El-Sisi to Field Marshal on January 27, making El-Sisi the highest rank officer. Hours later, El-Sisi chaired the SCAF meeting that empowered him to run for president. The 23 generals declared: “SCAF can do nothing except to regard with utmost respect the wishes of the people to nominate him for the presidency, which is the call of duty.”<sup>38</sup> El-Sisi, in turn, thanked SCAF for giving him the “right to respond to the call of duty.”<sup>39</sup> With this formal investiture, the state institutions lined up behind him.

However, endorsement by the most powerful state institution made it impossible to imagine a level playing field and unbiased management of the voting process. Running against El-Sisi could be framed as unpatriotic, even treasonous – just as those who wanted to vote ‘no’ on the constitution were framed as traitors and terrorists. Even billionaire Coptic businessman Naguib Sawiris wondered if El-Sisi would accept criticism, implement democracy, and collaborate with a wide range of political forces: “We hope the next President would know that he is elected by the people and is subject to the supervision of the people and that he will not bring us back to the much dreaded past and dictatorship.”<sup>40</sup>

More pointedly, Ahmed Shafiq – who had nearly won the presidency in July 2012 after a long career in the armed forces and a brief stint as prime minister in February 2011 – expressed dismay that SCAF had directly entered the political arena. Shafiq found SCAF’s endorsement of El-Sisi “unimaginable and unacceptable” as it “contradicts all the rules and the traditions that stipulate the armed forces’ complete distance from the electoral process.... Is it a fair fight?... They will fix everything for him... This is going to be a comedy show.”<sup>41</sup> Shafiq worried that SCAF had

<sup>37</sup> Hamza Hendawi, “Egypt: New Premier Urges End to Protests,” March 2, 2014, <http://www.statesman.com/ap/ap/top-news/egypt-new-premier-urges-end-to-protests/nd4M2>

<sup>38</sup> “Update: Sisi Thanks SCAF for Allowing Him to Respond to the Call of Duty,” January 27, 2014, <http://www.madamasr.com/content/update-sisi-thanks-scaf-allowing-him-respond-call-duty>

<sup>39</sup> “Egypt’s SCAF empowers Field Marshal El-Sisi to run for president,” January 27, 2014, <http://english.ahram.org.ed/News/92757/asp>

<sup>40</sup> “Sawiris backs El-Sisi for Egypt’s presidency,” February 12, 2014, <http://english.ahram.org.ed/News/94099.aspx>

<sup>41</sup> “Sisi gets Ahmed Shafiq’s support for Egypt top post,” March 3, 2014, <http://www.middle-east-online.com/english/?id=4817>;

displaying a “strange lack of experience” and would lose credibility and popularity by nominating its leader to that burdensome post.

On the opposite end of the political spectrum, labor activist Khalid Ali denounced the draconian protest law and called on the generals to stay away from politics: “We want an army that is elevated above political disputes and protects but does not rule, as its intervention in politics is dangerous to everyone.... We will not take part in a farce... Shut down the puppet theater.”<sup>42</sup> And former presidential candidate Abdel Moneim Aboul Fotouh was equally concerned that SCAF’s delegation of “one of its commanders to run in the presidential elections was a strong blow to democracy... Now any potential presidential candidate is standing against the armed forces and all the state’s institutions.”<sup>43</sup> “The elections are just for show and the matter is already settled,” he added. “This is especially true since the idea that he is the savior and redeemer has been widely propagated.”

El-Sisi seemed to expect that the majority of Egyptians would simply anoint him president. He had confided to a newspaper editor that certain politicians were considering running for president only because he had not yet announced his intentions. He specifically mentioned Hamdeen Sabbahi, who had come in third in the first round of the 2012 election with 4.8 million votes, as having assured the general that he would drop out if El-Sisi ran.<sup>44</sup> And he confided to the same editor that he had long dreamt that he would be president: In one dream, “I was with Sadat... and he told me, ‘I knew that I would be the president of the republic.’ And I said to him, ‘I also know that I’m going to be the president of the republic.’”<sup>45</sup> Running unopposed would restore the eras of Nasser, Sadat and Mubarak, when voters had the choice of ‘yes’ or ‘no’ for the sitting president; the only contested elections in sixty years were in 2005 and 2012. Curiously, the new electoral regulations drafted by the interim president’s legal team and revised by the State Council conveniently provided that, if there was only one candidate, only five per cent of registered voters need participate.

The depth of the political vacuum – and absence of a middle ground – was evident in a recent Baseer poll that found that 51 percent of the respondents would vote for Sisi, with 48 percent undecided and only one percent supporting Sabbahi – the only announced candidate, who had received twenty percent of the votes only two years earlier.<sup>46</sup> No other political figure or party has, as yet, stood for election, even though many worry that the vacuum will enable old-regime, business and security interests to become entrenched.

Nour Party is in an awkward situation, having criticized Morsi and backed the June 30-July 3 transformation, but then criticized El-Sisi’s call for a mandate to fight terrorism and witnessed its Sharia-oriented perspective removed from the constitution. Nour could lose grassroots followers if it supports El-Sisi but, given the demonizing of Islamists, it cannot risk backing anyone with a religious orientation.

The Tamarod movement that galvanized the June 30 protests is sharply divided: Although spokesman Mahmoud Badr asserted that “We demand all Egyptians to elect Field Marshal El-Sisi as a national and popular agreed-upon candidate”<sup>47</sup> and Tamarod distributed petitions to endorse him, other members dissent, arguing that Sabbahi better reflects their values.

Only Strong Egypt has announced that it will boycott the presidential elections. Its leader, Dr. Abdel Moneim Aboul-Fotouh, had come in fourth (just after Sabbahi) in the 2012 presidential elections and had criticized both the 2012 and 2014 constitutions. As noted, members of the party were arrested when they tried to criticize the new constitution, and so the party concluded that it must boycott both the referendum and the presidential election, and

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Kirkpatrick, “Former Egyptian General Calls Promise of Free Elections a ‘Farce’,” *The New York Times*, March 13, 2014.

<sup>42</sup> “Khalid Ali will not run for president, says election is farce,” March 16, 2014, <http://www.egyptindependent.com/node/2434966>

<sup>43</sup> Zeinab El-Guindy, “Egypt’s Aboul-Fotouh will not run for president,” February 9, 2014, ,

<http://english.ahram.org.eg/News/93799.aspx>; “Aboul Fotouh justifies decision to boycott Egypt elections,” February 21, 2014,

<http://www.al-monitor.com/pulse/originals/2014/02/abdel-moneim-aboul-fotouh-interview-boycott-egypt-elections.html>

<sup>44</sup> Daragahi, “Recording reveals...,” *op. cit.*

<sup>45</sup> December 13, 2013, <http://www.karmamole.com/septic/english-translation-of-el-sisis-new-leak/>

<sup>46</sup> “51 percent are willing to vote for El-Sisi: Baseera,” March 16, 2014, <http://english.ahram.org.eg/News/95815.aspx>

<sup>47</sup> Zeinab El Guindy, “Political Groups react to SCAF’s El-Sisi statement,” January 29, 2014,

<http://english.ahram.org.eg/News/92963.aspx>; “Egypt’s Tamarod split widens,” February 22, 2014,

<http://english.ahram.org.eg/News/94026.aspx>; “Tamarod: We are part of Sisi’s campaign,” February 25, 2014,

<http://www.egyptindependent.com/node/2434584>

focus on subsequent parliamentary and municipal elections.

Despite El-Sisi's prediction that Sabbahi would not challenge his candidacy, Sabbahi insisted on competing: "Now the state is clearly offering a candidate, there is an atmosphere that everyone has to support this candidate. This is detrimental to the country and its natural development, hence the importance of having other candidates in the elections."<sup>48</sup> Sabbahi proposes that he and El-Sisi conduct televised debates on substantive issues. Concerned that state institutions will be biased during the elections, he wants the European Union to monitor the polls, and he plans to challenge any irregularities. However, there is a risk that Sabbahi's running will enable El-Sisi to claim that the elections are not rigged, not a farce. In the only competitive election under Mubarak (2005), his two challengers received a combined ten percent share of the vote. The president and ruling party could not tolerate even that amount: They slapped a prison sentence on one candidate and engineered internal divisions in the other party. Sabbahi's campaign will test whether a candidate who is not endorsed by the state can compete freely, despite the constrained political environment.

## THE PROBLEMATIC ELECTION PROCESS

The law on election procedures was supposed to be issued in mid-February in order to facilitate elections in April. However, wrangling within the judiciary over key provisions delayed its issuance until March 8. As the interim president is still the head of the Supreme Constitutional Court (although on leave) and the current deputy head of the SCC chairs the Presidential Elections Commission (PEC), the views of the interim president and SCC judges were decisive.

PEC issued executive regulations for the elections on March 17, but these were still incomplete: They did not state the day for the election or indicate if the election might take place over more than one day (as was the case in 2012). The next step will be for candidates to collect endorsements, over a three-week period. Each candidate must be endorsed by at least 25,000 citizens from at least 15 governorates, with a minimum of 1,000 from each. (This is more onerous than in 2012, when candidates needed 20,000 endorsements from ten governorates.) The campaign itself lasts only three weeks, not long enough for candidates to make campaign stops in all 27 governorates or to convey their messages in depth to voters.

Moreover, the terms of the Protest Law apply to the campaign, which means that candidates need permission from the police for meetings and rallies. The election law bans slogans that have religious content, harm national unity, and damage the personal lives of other candidates. Given the elasticity of the concept of "harming national unity," this could silence many voices.

The most hotly debated issue was whether candidates and voters could go to court to challenge PEC decisions. Not surprisingly, the president, SCC and PEC all wanted to immunize PEC decisions. Given PEC's comprehensive authority – ranging from supervising the registration process, receiving nominations, checking endorsements, preparing the final list of candidates, and fixing the election date to supervising and monitoring the vote and announcing the results – there were serious concerns that bias or irregularities could taint the outcome. Although the constitution specifies that all citizens have the right to file appeals against administrative orders, a court had ruled that PEC was a judicial – not an administrative – body, meaning that its decisions could be immunized. Mansour argued that filing challenges with local courts could delay the transfer of power to a new president for many months. That delay would lead Egypt into a "dark tunnel," given the political and security problems.<sup>49</sup> However, counter-proposals to send appeals directly to the High Administrative Council would avoid such delays: Only candidates could appeal, within two days, and the Council would issue a final verdict within five (or at most ten) days. The SCC judges' assembly and PEC members themselves attacked these proposals, perhaps due to turf-war between different branches of the judiciary. In the end, the president decreed that candidates can only file complaints with PEC itself, making PEC the judge for cases taken against its own actions. Khaled Ali decided not to compete, in part because of this law, whereas Sabbahi continued his campaign, even though he viewed the

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<sup>48</sup> Omar Saeed and Mistafa Bassiouni, "Sabahi running for president to protect the revolution," February 21, 2014, <http://www.al-monitor.com/pulse/originals/2014/02/hamdeen-sabahi-egypt-presidential-elections.html> ; "Sabbahi calls for candidate debate with El-Sisi ahead of Egypt's presidential poll," February 15, 2014, <http://english.ahram.org.eg/News/94321.aspx>.

<sup>49</sup> Gamal Essam El-Din, "Egypt's president fights for support to limit appeals in presidential poll, March 12, 2014; <http://english.ahram.org.eg/News/96534.aspx>



immunization as a threat to the stability of Egypt's political system. He pledged to fight "politically and judicially" against it.<sup>50</sup>

## RESTORING DEMOCRACY?

El-Sisi is methodically preparing for the presidency, apparently wishing to shape Egypt's future in a way that will ensure that the Brotherhood never regain power. That vision includes rooting out terrorists and reconstructing the economy so as to stabilize and improve citizens' lives. His 300-page electoral platform,<sup>51</sup> drafted by the engineering department of the armed forces, focuses on infrastructural and development projects designed to improve living conditions, increase access to electricity, fuel, and safe transportation, and enhance employment opportunities.

El-Sisi has reshuffled key military positions, notably the commanders of the Suez Canal/northern Sinai zone and the southern military zone, in preparation for stepping down as minister of defense. All that remains is SCAF's approving his resignation and appointing a new defense minister. Then El-Sisi can announce his candidacy and unveil the platform. He appears to be preparing for a long period of military-supported rule, fulfilling his prediction that, once the military would intervene, it would not leave power for thirty or forty years.<sup>52</sup>

Assuming that El-Sisi becomes president, he will wield both executive and legislative power until the House of Representatives is elected. He will have the authority to decide if elections should be based on individual (winner-take-all) constituencies or a mixed system that incorporates party-lists. There is also a strong possibility that, in the current political vacuum, a new political party – or at least a political alliance – will emerge to support El-Sisi's platform. Such a party or alliance of individual candidates could sweep the elections, given the absence of the Brotherhood, the confusion in Nour, and the weakness of liberal and left parties. This would produce a new version of Mubarak's National Democratic Party, designed to support the president while also enhancing its members' individual interests.

The current, exclusively security-oriented way of dealing with the Brotherhood will complicate El-Sisi's ambitious plans. Already, ongoing Brotherhood protests on university campuses and in the streets and, especially, the spread of jihadist attacks from Sinai to the Nile Valley undermine El-Sisi's goals of restoring order and stabilizing the economy. An approach that focuses solely on police-action could take Egypt down the road towards the Algeria of the 1990s. Indeed, an army officer expressed concern that attacks are likely to increase, as militants will conclude that Egypt is "officially run by a military regime... This will be the biggest challenge to Sisi's rule."<sup>53</sup> But there are no signs that El-Sisi will embrace an inclusive approach along the lines of Tunisia, or that he will restrain and reform the security forces, an enormous challenge that is essential for stability in the long run.

Relying on the armed forces to rebuild the country's infrastructure and create jobs will be problematic, given the secrecy shrouding its economic empire, its lack of accountability, and its reliance on conscript labor. The negative effect of a lack of transparency was already evident in March, when military intelligence announced – with great fanfare—the invention of devices to detect and cure HIV/AIDS and Hepatitis C. Even after the doctor was exposed as a charlatan, the military remained mute. Should the military fail in far more significant tasks, it will not be able to avoid taking responsibility.

Moreover, the relationship between the armed forces and the business and labor communities will be complex to manage. Businessmen hope El-Sisi achieves the stability essential for investment, although some worry that military-led development will limit investment opportunities for the private sector. Workers are concerned that their right to strike may be curtailed and that changes in subsidies will harm them. Restructuring subsidies is urgently needed, but any changes will test El-Sisi's popularity and authority, given the volatility of that issue.

Will El-Sisi understand that ruling does not mean imposing order, but means being accountable? I will leave Hala Shukrallah, newly elected head of the Destour Party, to ask the essential questions:

<sup>50</sup> "Sabbahi will run despite 'unconstitutional' ban on appeals," March 14, 2014, <http://english.ahram.org.eg/News/96628.aspx>

<sup>51</sup> "Ashton calls on Sisi to declare stance toward elections," March 18, 2014, <http://www.egyptindependent.com/node/2435000>

<sup>52</sup> Bassem Sabry, "Why Only Democracy Can Save Egypt," May 19, 2013, <http://www.al-monitor/pulse/originals/2013/05/democracy-egypt-future.html>, citing <https://www.youtube.com/watch?v=cidge5ztGQE>

<sup>53</sup> "Egyptian militants outwit army in Sinai battlefield," Reuters, March 16, 2014, <http://www.egyptindependent.com/node/2434954>.

**“We forget that...the people have a right to question, hold [their leaders] accountable and withdraw confidence when they don’t see their rights being implemented.... Are we going to face yet again someone who will not be subject to questioning, accountability and withdrawal of confidence even though these are included in the constitution? Will he be put above the law and the constitution? These are all risks which we must vocalize out loud. We must demand guarantees if Field Marsal Sisi does run for president.”<sup>54</sup>**

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<sup>54</sup> Asma Al Sharif and Mahmoud Mourad, “Egypt’s liberal party leader voices fears for democracy,” Reuters, February 25, 2014; <http://uk.reuters.com/article/2014/02/25/uk-egypt-politics-idUKBREA1O1O20140225>.