

**LIFTING THE STATE OF EMERGENCY
WITHOUT RESTORING RIGHTS TO
PRISONERS OF CONSCIENCE IS POINTLESS**



Introduction

Like previous steps taken by the government, such as launching a human rights strategy that blames citizens and their lack of awareness in an attempt to find justification for human rights violations without mentioning the practices carried out by the security services and the Public Prosecution undermining the law and freedoms, and such as the formation of the National Council for Human Rights which consists of members many of whom tend to appease the regime and turn a blind eye to these violations, announcing the abolition of the state of emergency, which was issued under the exceptional and notorious Law No. 162 of 1958- although it has gained contentment and assurance, psychologically and intellectually, among people, especially those who yearn for freedom- it unfortunately remains contingent on the cessation of the wide range of powers granted by the emergency law with its harsh provisions that obstruct and curb public and personal freedoms.

The crisis is: Constitutionalizing the state of emergencies

With a quick peek at recent years, and without entering into complex legal details, we can monitor the issuance of manifold legislation that followed in the footsteps of the anti-freedom emergency law, including:

- Anti-protest Law
- The law discriminating between the Egyptian and foreign accused
- Terrorism law and the regulation of the "terror" lists
- The Law on Combating Information Technology Crimes
- Legislation aimed at regulating the work of some bodies, such as the Supreme Council for Media Regulation (SCMR) but mainly aimed at controlling the freedoms of journalistic and media work

It is immediately noted that suspending the implementation of the emergency law will not establish a democratic sphere or protect human rights from the grave violations committed by the security services, but we can rather assert that the provisions and purport of the emergency law have infiltrated and penetrated into the other laws, in what law experts call "the constitutionalization of emergencies"; meaning that their provisions are integrated and merged into the legislative structure in a way that governs the citizens' ordinary lives without the actual existence of a state of emergency or the enforcement of its law.

The impact of lifting the state of emergency on the freedom of prisoners of conscience:

- According to the provisions of Articles 19 and 20 of the Emergency Law, the trials presided over by the "Emergency State Security" remain ongoing without change.
- As for the defendants who have not been referred to trial, they will be brought before the ordinary courts.
- The only positive effect may be represented in: halting of the exceptional "State Security" trials in which the accused is denied the right to appeal since they are one-degree courts.

Changes to be made after lifting the state of emergency:

When the Egyptian President announced, in the evening of 25 October, that he will not extend the state of emergency, many breathed a sigh of relief, but this glimmer of hope has quickly dissipated when it is revealed that even with the abolition of the state of emergency, security, personal rights and public freedoms are still threatened without achieving any real change on the ground.

- For example, suspending the implementation of the emergency law would have required an immediate cancellation of censorship and confiscation of newspapers and publications, as well as unleashing the freedom to establish newspapers and news websites. But this matter will not happen under the laws that grant the three bodies in charge of the media in Egypt wide powers to practice this censorship and issue decisions to block websites and personal pages of ordinary citizens. This is legalized upon the latest version of the Press Law under vaguely-worded phrases such as "national security requirements", which can be used to imprison journalists in violation of the Constitution.

- With regard to freedoms such as the freedoms of the right to a fair trial before a natural judge or the preservation of the right to life, things will remain as they are. The conditions of exceptional terrorism courts and military courts have also been codified, and that the total number of personal rights such as the right to privacy will no longer have the protection that was violated by the emergency law, as there is a law 175, which gives the national security agencies absolute powers without any legal controls to access all the data on the information system that belong to any of the citizens or public or private institutions, which expressly means wasting the privacy screen and all this will be done without a judicial order or permission from an investigation authority .

- With respect to freedoms, such as those pertaining to the right to a fair trial before a natural judge or the right to life, things will remain the same; as long as the conditions of exceptional terrorism and military courts are being legalized, and as long as personal rights, such as the right to privacy, are not being protected, but rather violated under laws similar to the emergency law. Example of these laws is: Law No. 175 which grants the National Security agencies absolute powers to access, under no legal controls or regulations, all the data on the information system that may belong to citizens or public or private institutions, in a flagrant violation of the right to privacy, and without a judicial order or permission from an investigation authority.

The conclusion is that: the abolition of the state of emergency is of no use

In view of the above considerations, we can conclude the truth that the abolition of state of emergency and the non-implementation of its law will not maintain a more spacious or safer space for citizens, nor will it lead to any significant amount of democratic transformation. This is because the legislative structure in Egypt has become, especially in recent years, very authoritarian that criminalization and punishment depends only on vaguely-worded phrases and loose words that are subject to several interpretations; in light of the very expanded powers granted to the security services to distance their members from accountability even if the matter is related to the killing of people under the pretext of fighting terrorism and extremism.

The final say is that any sincere political will to open new horizons for democracy must be reflected through concrete practical measures on the ground, and this can be achieved by: releasing prisoners of conscience and those convicted because of their peaceful political activity, lifting the illegal blocking of websites and online newspapers (whose number exceeded 600), and issuing a decision to refer cases being considered before the Emergency State Security Courts to the natural judiciary, among other ways through which the political regime can express its desire to open the public sphere for citizens. But as long as we ignore and remain silent towards the practices carried out by the security services, the Public Prosecution and the Public Prosecutor, in addition to the exceptional laws and trials, and the wide powers granted to the security services to censor or block journalistic and media work or detain its practitioners, any talk of a breakthrough in the human rights file in Egypt, any decisions or steps taken will remain just a matter of formality, while the reality is strife of violations and pain suffered by citizens and those concerned with public affairs.