Killing them softly? Assessing Pre-emptive Repression in Russia and Egypt

Ilyas Saliba (WZB Berlin) and Edward Stoddard (University of Portsmouth)

Draft: Please do not cite or circulate

As well as reacting repressively to popular uprisings, autocrats increasingly use repressive mechanisms to pre-emptively manage risks emanating from civil society. However, despite the development of similar authoritarian technologies designed to do this, different authoritarian regimes show divergence in how they pre-emptively repress dissent. Based on an analysis of Russian and Egyptian repression of civil society, this paper offers a typology of 'hybrid' and 'conventional' pre-emptive repression and seeks to explain divergence in the strategies adopted by the Putin and Sisi regimes. Hybrid and conventional pre-emptive repression types differ across two factors: a) whether they rely predominantly on restricting/constraining regime opponents, or actions that outright block/eliminate them; and, b) whether leaders try to disguise repression as conforming to democratic norms, or not. This paper argues that the choice to use conventional or hybrid repression depends on: 1) the level of state capacity (relative to regime security threats); and, 2) differences in regime prior legitimacy claims. In Russia, high capacity means the risk from civil society can be moderated with a generally restrictive/constraining repression. Furthermore, previous legitimacy claims that present Russia as a modernising democratic state require that legal structures used for repression must be presentable in these terms (even if they do not do so in practice). In Egypt, lower state capacity makes it harder for authorities to retain control with more restrictive repression, and Egypt consequently relies more on the elimination/outright blocking of opponents. In turn, legitimacy claims based on restoring order and stability (post-Sisi coup) are not contradicted by, and may indeed promote, harsher repression and more overt contravention of international norms.

Introduction

What explains variation in the way that authoritarian states pre-emptively limit regime security risks emerging from civil society? Over the last few years, the ruling regimes in both Russia and Egypt have instigated, and subsequently expanded, a range of 'authoritarian technologies' that can be used to limit dissent (amongst other objectives). These include a series of new and updated laws and associated policies to regulate: a) protests; b) 'extremism/terrorism'; c) the operations of NGOs; and, d) online activity. However, despite this quite similar *range* of measures, considerable divergence can be seen in the way that the two states pre-emptively repress civil society. Based on Russian and Egyptian actions respectively, this paper: 1) offers a typology of 'hybrid' and 'conventional' pre-emptive repression to conceptualise these differences; and, 2) seeks to develop a theoretical explanation of this divergence.

Hybrid approaches to pre-emptive repression seek to disguise their repression by presenting it as conforming to democratic legal norms, and rely predominantly (but not exclusively) on restrictive and constraining actions to contain dissent rather than the outright blocking or elimination of opponents. This does not mean they will not resort to more extreme measures, but they tend to do so less in the first instance. By contrast, conventional pre-emptive repression seeks principally to deter future dissenters through a greater use of harsher elimination and outright blocking of opponents and exhibits minimal efforts to appeal to democratic standards. While these hybrid and conventional strategies are ideal types, as will be discussed below, Russia's strategy tends towards the former and Egypt's towards the latter. Indeed, Russia seeks to retain a pretence of applying democratic standards, whilst at the same time using legal means in a targeted and sophisticated way to repress anti-government dissent. In some areas, (such as clampdowns on NGOs) Egypt's approach takes a form not dissimilar from Russia. In other areas, by contrast, the Sisi Regime targets dissent in a wider and harsher form, with higher levels of outright blocking and elimination of opponents, and with little attempt to present such approaches as conforming to democratic norms.

What then explains this variation in the pre-emptive repression of civil society? The paper argues, mirroring a dominant assumption in the literature on *reactive* responses to mobilisation and uprisings, that both Egypt and Russia repress their respective civil societies in an effort to quell challenges to the regime (Davenport, 2007: 7-8; Frantz and Kendall Taylor, 2014). However, it suggests that variation in the type of pre-emptive repression strategy can be explained by a mixture of: a) state capacity relative to threat posed by different parts of civil society; and, b) the regime's previous legitimation claims. Whilst sitting somewhat uneasily with assertions of Russian 'distinctiveness', Russian claims of modernisation and the regimes promotion of a democratic image shape the quite sophisticated strategy that generally mimics legislation in Western democracies, but that differs in crucial ways so as to permit repression. The high capacity of the Russian state apparatus, in turn, means that such approaches remain effective in managing the risks posed civil society (so far). In Egypt, by contrast, the state is less inhibited by appeals to democratic standards (indeed it has openly rejected them) and a lower overall state capacity results in a mixture of blunter, cruder, less-sophisticated forms of control over civil society in areas where the threat is harder to manage.

While intra-regional responses to regime survival threats posed by civil society actors have received a good deal of attention in the authoritarianism literature, both *inter*-regional responses, and *variation in the pre-emptive* means that regime elites adopt to manage the challenge presented by sub-state threats have, by contrast, been relatively overlooked.

Through a new conceptualisation of pre-emptive repression types and a theoretical discussion of the variables that drive such approaches, this paper aims to contribute to this gap. Such an effort is needed as *pre-emptive* repression strategies have been difficult to explain (Arutunyan, 2016).

The paper comprises four sections. The first briefly sets out the literature on authoritarian repression and discusses the research gap that this paper hopes to contribute to. The second section outlines the theoretical parts of the argument highlighting the hybrid/conventional pre-emptive conceptual distinction, the prior legitimacy claims of both the Russian and Egyptian regimes and their relative state capacities. The next section examines these arguments in the use of four 'authoritarian technologies' that make up essential components of each states' pre-emptive repression strategy: NGO Laws; Protest Laws, Extremism/Terrorism laws; and control over the internet. The final section concludes.

Repression in Authoritarian States

Repression is one of the principal tools at the disposal of authoritarian states and a key means by which autocrats increase their hold on power (Josua & Edel, 2015). Gerschewski (2013) has describes repression as one of the three key pillars of authoritarian rule, alongside co-option and legitimacy. Others have suggested that repression substitutes for legitimacy in authoritarian states (Escriba-Folch, 2013). Indeed, some scholars suggest that repression becomes necessary when legitimacy is eroded (Reus-Smit, 2007). In practice, in most authoritarian states, modes of repression and legitimation (and co-option) co-exist, albeit in varying forms between states and varying forms at different times (Josua & Edel, 2015, p.291). While repression and legitimacy may be separate dimensions of authoritarian rule, as will be described below, they interrelate with one another significantly.

Repression comes in many types, and varies both in form and function (Josua & Edel, 2015, p.291). Some scholars differentiate between different types of repression depending on whether violence is used or not. This involves distinguishing between 'hard' forms of repression (i.e. those that entail violence) and 'softer' (i.e. non-violent) repression (Escriba-Folch, 2013; Josua & Edel, 2015, p.291). Others, such as Davenport (2007, p.487) focus on the functional *effects* of repression, distinguishing, for example, between 'civil liberty violations' and 'personal integrity violations'. The former concern "state or state-affiliated limitations, such as arrests, banning, and curfews, being placed on expression, association, assembly, and beliefs" (Davenport, 2007, p.487). The key functional effect here is to silence dissenters by restricting them. The latter, by contrast, refers to "state or state-affiliated activities which target the integrity of the person (i.e. which directly threaten human life) such as torture and mass killing" (Davenport, 2007, p.487). Here the key criterion is silencing opponents through physical violence, including death.

Repression can also be *reactive* or *pre-emptive*. One can make a conceptual distinction between acts of repression that respond to protests fundamentally threatening a regimes tenure in power (i.e. that are designed to stop regime removal) and longer term repression that is designed to pre-empt regime threats from developing in the first place, i.e. to increase regime resilience or the ability to be an uncontested power (see also Ritter and Conrad 2016: 86; Koesel & Bunce, 2013; Horvarth, 2011). In practice, the distinction between these two is sometimes blurred. A strong reaction against dissent can, for example, be used to signal the risks of dissent to future protestors. However, it is possible to make a distinction between reactive situations where autocrats have to respond to immediate pressures (often with force) and pro-active measures designed to limit the chance of such events happening in the first place. Pre-emptive repression has received less attention in the literature: Koesel and Bunce (2013) have discussed the diffusion proofing actions of Russia and China, which

includes the use of pre-emptive actions against civil society. Likewise, Flikke (2015) and Crotty, Hall and Ljubownikow (2014) have discussed restrictions on NGOs in Russia. Horvarth (2011) has discussed Putin's 'Preventative Counter Revolution' in the form of developing restrictions on NGO's, the establishment of counter movements (Nashi) and the promotion of counter-norms (sovereign democracy). Similarly, Gunitsky (2015) has assessed the role that information technology can play in bolstering regime resilience in Russia and China. Likewise, Elone (2010) and Yoder (2010) has discussed NGO restrictions in Africa and Russia and Latin America respectively. However, few of these analyses are comparative and even fewer seek to explain *variations* in the *pre-emptive* repression of civil society. This paper aims to address this gap.

Explanations of variation and convergence in the regime repression of major dissent

The literature on repression has focused, understandably, on authoritarian responses to major regime survival events. One of the dominant (but not only) variable thought to drive variation in repression across autocratic countries is regime type (Davenport, 2007; Josua & Edel, 2015). Davenport has argued that state repression varies according to regime type (military dictatorship, personalist regimes and one-party states) finding that single party regimes are the least repressive form of autocracy (Davenport, 2007, p.500). More recently, scholars have sought to explain different responses to the Arab Spring uprisings, again focusing on regime characteristics. A number of scholars have identified in particular the 'monarchical exception' of Arab monarchies who fared much better that republics in the Arab Spring in terms of regime survival, in part because of regime characteristics, in particular the assertion that they might have higher legitimacy, higher access to rents, and traditional structures that shaped their responses and militated against radical change (Bank, Richter and Sunik, 2015). The focus on regime type is not ubiquitous however. Yom and Gause (2012) argue differently suggesting that foreign patronage, oil rents and cross-cutting coalitions explain the success of the strategies used by monarchies in their responses to the Arab Spring. Josua and Edel (2015) find that in responses to the Arab Spring, a mixture of regime type characteristics, state capacity and the level of the threat drive repression variations. Josua and Edel (2015) also suggest that states with higher capacity are more likely to repress their citizens, but less likely to respond to high intensity repression. The argument here is that states with larger and more capable security forces are better able to use low level repression that stops major challenges from arising. Similarly, states with higher intra-state cohesion are thought to be more likely to repress because they can better absorb the (second order) risks associated with repression. Bank and Edel (2015) suggest by contrast that the level of the threat posed and the particular habits of the regime can affect the repressive choices that state leaders take.

Most of the discussion on the repressive responses to the *colour revolutions* (rather than the Arab Spring) has focused not on variation in response but rather *convergence* (Finkel & Brudny, 2012). This is principally because much of the literature sees the responses of states in the FSU region as resulting from the diffusion of authoritarian technologies, and associated learning process, and the consequent regionalization of common responses (Ambrosio, 2008; Cooley, 2015; Chestnut, 2010). The states of the Former Soviet Union have all adopted a similar sets of measures to deal with colour revolutions including the use of regional organisations to defend against uprisings, the promotion of counter-norms to challenge Western democratization efforts, the restriction of NGOs, misuse of counter terrorism legislation and diversification of international patrons (Cooley, 2015, p.50). The inter-regional comparison conducted in this paper thus helps to shed light not just on the different types of strategy adopted in Russia and Egypt but also contributes to the wider regional-specific literature on responses to revolutionary politics in both regions. Few

studies have sought to analyse variation in response to the colour revolutions accept for variation between those that failed to react to revolt and those that adapted (Polese & Ó Beacháin, 2011).

In general, there are some limitations in the literature seeking to explain variation in repression. Firstly, the focus on regime type as a determinant of variation in repression is useful but, it is suggested here, requires more fine-grained analysis. This is in part because regime type is itself made up of a number of different variables (which maybe independently causal) and secondly (and consequently), regime type is in some ways a crude measure with many regimes in practice falling *between* two or more regime types (Pepinsky, 2014, p.18). While Russia is a competitive authoritarian regime, for example, the dominance of United Russia suggests *elements* of one-party statism and there are equally personalist elements to Putin's rule. Similarly, which Sisi's Egypt is a military dictatorship, it also shows competitive authoritarianism characteristics (holding elections etc.). We suggest below, that the legitimacy claims of the regime present a finer grained variable – albeit intrinsically linked to regime type - in our cases. Secondly, the literature to date has largely focused predominantly on the ad-hoc, reactive repression that autocrats have conducted in response to major waves of protest (i.e. to block perceived threats of regime removal). Indeed, the focus on pre-emptive, longer term development of authoritarian technologies aimed at *mitigating* the risk of regime survival events arising has received far less attention – especially in terms of variation between different responses. Such mechanisms are very important tools in the arsenals of autocrats and defy a number of categorizations discussed above (including distinctions between hard and soft repression). This paper aims to start filling this gap. In doing so it contributes to our understanding of drivers of variation in the use of pre-emptive repression, especially by focusing on how repressive capacities intermingle with efforts aimed at boosting legitimacy and resilience.

Diffusion and Congruence: Updating Legal Frameworks in Egypt and Russia

Our approach is based on a comparative qualitative case study research design (George and Bennet 2005). It is as much an endeavour of theory development as it is an exercise in testing the derived hypothesis. Our case selection is based on Russia and Egypt's respective positions as two central regional actors within their world regions. In line with Tarrow's argument on the advantages of paired comparisons, based on our two case studies we develop an analytical framework that might then be applied, falsified and refined in more case studies (Tarrow 2010: 245-246).

At first glance, the fact that both Russia and Egypt have both updated their laws on cyber-crimes, counter-terrorism, public protests and civil society since 2012 (see table-1 below) seems like a striking parallel. On the surface, the conjunct appearance of these legalisative changes mirror a broader, more global trend towards an adaptation of more restrictive laws not exclusively, but particularly, in autocracies (Crotty et al 2014; Yoder 2010). In the same vein the stepped-up cooperation between the two strongmen Putin and Sisi–has amplified the economic, military and diplomatic ties between in Moscow and Cairo over the past years.[1] In the recent context of large-scale mobilization challenging the authority of the political authorities and leaders in both countries (Russia in 2010 and Egypt throughout 2011 and in 2013) these pieces of circumstantial evidence for an increasing cooperation between the two autocrats let us to question and begin to examine whether the ostensible congruence of updated laws in several legal domains, indented to pre-emptively avoid threats from

---

[1] Russia is building Egypt's first nuclear power plant and has increased its weapons exports for Sisi's military. At the same time diplomatic state visits between the two presidents have intensified in recent years.

below, might be the result of diffusion processes, and in particular, a wider application of Russia's autocrat support strategy seen in the Former Soviet Union (Ambrosio 2010; Erdmann et al 2013; Vanderhill 2012; Koesel and Bunce 2013).

After taking a deeper look into the dynamics that drove these seemingly congruent developments one can be confident to conclude that to some extent the observed legal updates are likely the result of similar threats from below and are indented to constrain the ability of potential civil society challengers to mobilize and organize through raising the costs for any form of dissent identified as potentially threatening. However we could not find any evidence for forms of diffusion as processes of authoritarian learning (Heydemann and Leenders 2011; Bank and Edel 2015), emulation, competition or coercion (Gilardi 2012) in elite interviews conducted in Cairo between 2015 and 2016.

2Indeed, the observed legal updating is likely the result of similar risk perceptions amongst regime elites regarding the threats from below in both regimes ('convergent evolution' rather than convergence through diffusion). The laws are ultimately indented to constrain or block the ability of potential challengers to mobilize and organize through raising the costs for any form of dissent identified as potentially threatening.

Furthermore, despite the apparent superficial congruence and intensified cooperation, when taking a deeper look into the dynamics –as we will show in the two case studies–, on the implementation front of the new laws we observe greatly differing law enforcement and repressive strategies employed. This paper therefore does not to look just for the diffusion of certain legal 'illiberal' norms and laws amongst states but rather looks beyond the surface to analyze the practice of how such repressive laws are being exercised.

Table 1: *Implementation dates of new laws designed to curtail civil society*

Laws	Russia	Egypt
Protest	22.07.2014	24.11.2013
Counter-terrorism	25.06.2016	15.08.2015
Cyber crime	05.07.2016	Awaiting approval but online activities often persecuted with counter terrorism law.
NGO	21.11.2012	08.09.2016

Explaining Variation: State Capacity and Legitimacy Claims in Egypt and Russia

This section is outlining the dependent and independent variables investigated in our paper. Our *dependent variable* is the difference between hybrid and conventional forms of preemptive repression strategies designed to curtail civil society as used as a crucial instrument to prevent organization and mobilization of dissent. Respectively employed by the Egyptian and the Russian regime, hybrid and conventional preemptively repressive strategies vary across two conditions: a) the extent to which they predominantly use measures that restrict, but still permit, rather then outright block or eliminate regime opponents; and, b) the extent to which regimes disguise their preemptive repressive measures by presenting them as conforming to democratic norms. Conventional preemptive repression relies first and foremost on blocking and eliminating opponents and the anti-regime information they disseminate, rather than restricting and constraining the capacity of

opponents (but still permitting dissent within limits) as is characteristic of hybrid repression. Hybrid approaches limit but generally do not block the actions of dissenters and thus manipulate, restrict and subvert anti-government dissenters and the information they seek to distribute. Conventional preemptive repression is usually not disguised as adhering to international norms but rather is in some cases is explicitly designed to 'send a message' and deter regime opponents. Hybrid approaches appear to meet (or can be presented as meeting) democratic standards, but do not actually conform to them in practice.

Explaining pre-emptive repression types

We suggest, that two key independent variables intersect to explain the variation in Russian and Egyptian preemptive repression strategies: State capacity-threat balance and legitimacy claims. In the following paragraphs the two variables and how we expect those to influence the varying responses are outlined.

Independent variable - 1: State capacity/threat balance

We suggest that state capacity in relation to the challenge posed by opponents is a key factor for two reasons. Firstly, with higher capacity in state institutions a regime can manage a higher level of threat with a lower level of repression (i.e. restrictions rather than blocking/eliminating). Indeed, the level of threat faced by an authoritarian regime is relative to its capacity to deal with that threat. We suggest that Russia has a higher capacity and coherence than Egypt and can thus contain significant levels of dissent with a sophisticated strategy than involves less out-and-out repression than is seen in Egypt. Overall, with lower capacity exacerbated by an absolute higher level of dissent, we expect that Egypt will struggle to manage such as sophisticated system as Russia and will therefore rely on more severe repression.

However, suggesting that Russia has a higher capacity and therefore can operate at a lower level of repression does not mean *that they will.* Likewise, the fact that Egypt has a lower capacity does not necessary explain the extremely high levels of repression seen. Rather, to fully capture the variation between the two we suggest that one needs to consider how the level of repressive responses of both states are shaped by the legitimacy claims made by the regimes.

Independent variable - 2: Prior legitimacy claims shaping repression

As noted above, appeals to legitimacy are a core feature of authoritarian rule that intersect with other pillars of rule, notably repression. We suggest that Russian and Egyptian repression is shaped, along with capacity, by each regime's prior legitimacy claims. Prior legitimacy claims restrict types of possible repression, as to go against these claims would result in undermining the governments wider legitimation strategy – something regime leaders will generally prefer to avoid in all but the most extreme regime survival situations.

Russia exhibits a complex politics of legitimacy. During the late 1990s/2000s the Putin Regime legitimized itself on a mixture of material progress, economic development and modernization. The country experienced a period of economic chaos in the early and mid-1990s and a high level of internal disorder. Putin derives a good deal of support from a perception that he has brought stability to the country (Judah, 2013). Importantly, however, the Russian elite also defines itself in its relation to the West in terms of legitimacy. In the early post-Cold War period and the earlier of Putin's presidencies, this formed a process of somewhat tentative mimicry of the West. Russia claimed to be a democracy and modernizing – both of which were defined in relation to Western countries which are

(arguably) the gold standard in both criteria. However, living up to the West's exacting democratic standards is obviously a dilemma for the leaders of 'competitive authoritarian' regimes such as Russia. While the country claims to meet Western standards and to be equal to the West (the leadership could hardly claim otherwise), it clearly has to deviate from these norms to stay in power. To deal with this tension, the later Putin presidency has been accompanied by a 'conservative and nationalist turn' that has challenged Western conceptions of democracy and instead focuses on conservative Russian values and national greatness (Smyth and Sobolova, 2014: 261). In practice, however, this has not been accompanied by a relinquishment of the fact that Russia is supposed to be a democracy and that it should be aiming towards a modern political and legal system. Rhetorically, in Russia democracy is still the only game in town and few suggest a return to Soviet or Tsarist governance structures.

In Egypt the situation is somewhat different. President Sisi has repeatedly stated that he despises human rights standards being applied to Egypt, as he sees them as weakening his country in a war against terrorism and wider forces that are fighting the Egyptian state. When confronted with criticism regarding the deteriorating human rights situation in Egypt Sisi has emphasized that establishing security, upholding public order and protecting the state are the priority for the country and that in this light human rights abuses might occur and should not stain his efforts to lead Egypt to a more prosperous and democratic future. In a meeting with a US congressional delegation visiting Cairo in May 2016 president Sisi said 'Western human rights' couldn't be applied in the same way in Egypt and North Africa due to 'differences in domestic and regional conditions'[2]. In reference to the right to protest he recently outlined 'I'm not saying protesting is rejected, but what about those 90 million who want to eat, drink, live and feel secure about their future.'[3]

The Sisi Regime thus does even purport to adhere to Western principles of human rights or democracy. In a Hobbesian manner Sisi openly dismayed these norms as being not suitable for Egypt that had to struggle with severe security threats and economic decline. His often employs conspirational and xenophobic rhetoric that feeds into legitimacy claims that rest on him having to defend the state against enemies from within and outside that conspire against the Egyptian people and seek to instigate chaos. Put differently he claims output legitimacy through providing stability and security and does not claim legitimacy in terms of Western/democratic standards.

Overall therefore, in Russia, prior legitimacy claims that present Russia as a democracy dictate that the regime must be able to maintain a pretense of adherence to these standards in its legal frameworks (even if in practice they do not conform to them). In Egypt by contrast, the governments principal claim to legitimacy is the return of stability and order. This does not place the same type of restrictions on Egyptian actions that Russian legitimacy claims do on the Putin regime. Indeed, it may encourage harsher repression if it is seen to further these prior stability-restoring legitimation claims. In sum, the Russian regime can operate effectively at a lower level of repression and is encouraged to do by a desire not to contradict its prior legitimacy claims. Egypt by contrast requires a higher level of repression than Russia because of its limited capacity and has a series of legitimacy claims that, if anything, encourage this higher level of blocking/eliminating repression.

---

[2] http://www.independent.co.uk/news/world/africa/human-rights-egypt-western-perspective-president-sisi-a7014756.html

[3] http://www.smh.com.au/world/student-amr-nohan-jailed-for-three-years-over-mickey-mouse-meme-of-egypt-president-abdel-fattah-alsisi-20151220-glsa6o.html

Hybrid and Conventional Pre-emptive Repression: Analysing Four Authoritarian Technologies in Russia and Egypt

This section compares the implementation of new laws in Egypt and Russia in four areas: NGO laws, protest laws and restrictions on the freedom of assembly, the surveillance of civil society and terrorism/extremism laws. In all cases it shows how these laws have been used to crack down on civil society actors and pre-emptively manage the risk that civil society groups pose to each regime. In all cases however, as discussed below, conventional pre-emptive repression has been harsher, less targeted and more draconian in Egypt. In Russia by contrast, the government has developed a more hybrid approach that seeks to present all of these various 'technologies' as being in line with international/Western standards.

Restricting Civil Society: 'NGO Laws': Russia

In 2006 the Russian Parliament approved the 'On Introducing Amendments into Certain Legislative Acts of the Russian Federation (2006)' Law, more often referred to as the 'NGO law' (Crotty, Hall & Ljubownikow, 2014, p.1254). This was a major shakeup to the environment for NGOs in Russia, and driven in part by fears that NGOs were active in undermining the government and challenging political stability in the country (Horvath, 2011, p.3). While directed at all NGOs the Law has the most profound implications for foreign and foreign-funded NGOs that were the most critical of the Putin regime (Ambrosio, 2011, p.238). The Law restricts NGOs in a number of ways that increases state leverage over them, but does not ban them outright.

Firstly, it increases the administrative burden on NGOs with more restrictive and time-consuming administration and forces them to register as Russian entities if from abroad (Crotty, Hall & Ljubownikow, 2014, p.1254; Ambrosio, 2011, p.238). More fundamentally however, it vastly increased the states' capacity to monitor and restrict the activities of NGO's through requiring reporting on all members and founders, strict reporting on sources of income (especially from overseas) and the activities on which this money is spent (Carothers, 2006; Crotty, Hall & Ljubownikow, 2014, p.1254). The Law also allows for state representatives to attend NGO meetings including those regarding policy and activity planning. Such stipulations amount to a significant reduction in NGO autonomy. The Law was amended in 2009 reducing the burden on small NGOs (those with less than $100,000 of annual revenue) but it was strengthened in 2012 with the amendments to define political NGOs with overseas funding as 'Foreign agents' (Foreign Agents Law) which requires more stringent quarterly reporting on finances and expenditure (Crotty, Hall & Ljubownikow, 2014, p.1254).

The rationale behind the NGO law is focused on a number of objectives. On the one hand the have been governance issue concerning NGOs in Russia in the past with some NGOs being a front for criminal enterprises and others being run in an unscrupulous fashion (Crotty, Hall & Ljubownikow, 2014, p.1254). However, the principal drive to curtail NGO activity was driven by a perception of them as an increasing the threat to stability as part of a broader trend of 'colour' revolution (Horvath, 2011, p.3). Foreign-backed NGOs had played a clear and central role in the uprisings in both Georgia and Ukraine. The timing of the Law coming in late 2005 on the back of the revolutions Ukraine and Georgia (and ratified in January 2006) indicates its response to these challenges (Ambrosio, 2007, p.238), and the 2012 modifications came on the back of Putin's re-election and the subsequent protests seen in Russia. The Law's implications are a strengthening of the state in relation to NGO's, diminution of overseas funds and growing reliance on the state as a source of funding for the NGO sector.

In practice restricting NGOs is relatively straightforward as they are fixed entities and can be easily subject to laws. Given that they operate openly (and increasingly must be very transparent) the Russian (and Egyptian governments) face little challenge in restricting them. The same cannot be said for wider protest movements, which operate sometime clandestinely and are far less predictable in their actions.

In justifying its new laws, the Russian government has tried to draw a (false equivalence) with laws in the West (Bidder, 2012). Russian TV stations and Putin himself have both sought to downplay the new laws and present them as similar to those in Western countries (Kara-Murza, 2013). In particular, the regime has sought parallels between the Russian Foreign Agents Law and the USA's Foreign Agent Registration Act (FARA) which was established in 1938 to limit the promotion of Nazi and Communist propaganda and is still in force (in modified form) (Bidder, 2012). Putin has drawn a direct comparison between the two and questioned why the US law is still in place given that there is no Nazi threat today (Kara-Murza, 2016). Despite, sounding similar, in practice, the two policies are quite different. The US law requires that the government proves that a 'foreign agent' is under the control of a 'foreign principal' and acting under their instructions – in essence it is targeted against foreign intelligence and terrorist organisations. Perhaps most importantly, in terms of the comparison made, is the fact that no NGOs are restricted under the FARA and the law has explicit exemptions against restrictions on NGOs working on 'religious, scholastic, academic, or scientific pursuits or [in] the fine arts' (Kara-Murza, 2016). The Russian legislation does not contain the concept of 'working for a foreign principal' but rather the more diffuse notion of 'political activities, *including* in the interests of foreign sources' (Kara-Murza, 2016). Similarly, the former kremlin spokesman Dimitry Peskov has suggested publically that that the 'US' funds NGO's involved in political processes in Russia and that the reverse (Russian sponsorship of NGOs) in the US or Britain would be impossible (RT, 2012b). The attempt in both examples to draw a parallel between Russia's repressive apparatus and that of the West (or present Russia as more tolerant) is clear.

Restricting Civil Society: 'NGO Laws': Egypt

In Egypt, the 2002 Mubarak-era civil society law (law 84) is still the basis for any third sector organizations that operate in Egypt. The implementation of the law by state bodies changed considerably after the 2014 coup however. This became obvious when the ministry of social solidarity (MOSS) announced a deadline for all Non-governmental institutions (NGOs) (domestic and international) working in Egypt to register with a newly formed administrative body at the ministry that also includes officers from the security services until November 2014 in order to attain approval for their operations. The announcement came with a blunt warning that a failure to register would result in an NGO being closed and that the individuals involved could face a jail sentence of up to six months. In the same vein minister Ghada Wali announced that the government would then seize the assets of non-registered organizations, as authorities had done with the banned Muslim Brotherhood's charities, clinics and schools before.

Although on paper the need for registration existed before many NGOs could operate in Egypt without having to register and give information on their employers or members during the Mubarak-era. Many registered as either law firms, companies, clinics or not at all, which allowed ways to escape ministerial control (see: Grimm 2015; Lesch 2016 for a more detailed account of different registration strategies by NGOs in Egypt).

According to law 82 the MOSS has to approve the formation of an NGO, agree to its board of directors, the procedures of its meetings, and monitors all its finances and records. The ministry can dissolve any NGO for technical violations or receiving funds from foreign organizations without prior permission. Article 17 explicitly forbids the acceptance of

foreign funding for civil society organizations if they have not been previously approved. A number of Egyptian NGOs are currently being investigated for their use of foreign funds as the law is also retrospectively applied. Under article 78 of the amended penal code receiving external funds illegally can even lead to prison sentences of up to 25 years. According to Mohamed Zaree, director of the CIHRS office in Cairo, "The aim of the government with the foreign funding case is not only to eliminate civil society today but to make sure that we will not be able to build up even ten years from now" (cited by Lesch 2016).

After the closure and persecution of most Muslim brotherhood affiliated organizations, more recent persecution of violations of the NGO law seems to be targeting primarily organizations that are active in the fields of Human Rights. (Lesch 2016) Monitoring and controlling foreign funding for civil society organizations seems to be one of the most effective means at the disposal of the current authorities in Cairo limiting the space for non-governmental organizations in order to ensure the 'stability of the state' and 'national unity'.

In addition, article 11 of the NGO law states that the registration of civil society organizations will be withdrawn if the public order or morale is effected or the national unity is undermined due to minority or sub-group interests (Grimm 2013: 6). Again, the vagueness of the above mentioned articles is likely not a coincidence and leads to a wide discretionary powers of the law enforcement and the judiciary when dealing with NGOs (Brown & Bentivoglio, 2014). It also corresponds to the legitimacy claims of the Sisi Regime. Due to the politicized nature of the judiciary the NGO sector witnessed a wave of persecution of civil society organizations that usually fulfill critical tasks as a controlling and monitoring government actions. Due to the closing space for NGOs and the legal harassment Egyptian civil society has been trimmed down since the coup in 2013.

Table 2: *Containing NGOs*

Feature	Russia	Egypt
Mandatory registration	Yes	Yes
Increased reporting on financing and spending	Yes	Yes
State attendance at meetings	Yes (if requested)	No (but inform about meetings)
Designation of 'foreign' status	Yes	No
Can ban NGOs for small violations	Yes	Yes

Table 3: *Hybrid or Conventional?*

	Level of capacity relative to challenge? (state to opposition)	Appealing to international norms enhances / contradicts legitimacy?	Outcome
Russia	High	Enhances	Hybrid
Egypt	Relatively high	No effect	Hybrid

Protest law and the right to assembly: Russia

Protest in Russia is regulated under the 2004 law on 'assemblies, meetings, demonstrations, rallies and pickets' (the 'Assembly Law') which came into force on the 19 June 2004. In 2012, in the midst of a wave of popular protests, Putin amended protest laws to make protest much more difficult, but ultimately still possible. Amongst a series of measures, these amendments raised fines for participating in an unsanctioned demonstration from 5000 roubles to 300,000 roubles (or 200 hours' community service) and organising a protest from 5000 roubles to 1 million roubles (Earle, 2012). Such measures appear to have had the desired effect with protests in Moscow alone halved between 2012 and 2013 (Amnesty International, 2014, p.4). Under the 2004 Law, all protests in Russia require prior *notification* (not approval) of the authorities. However, the 2012 the law had been applied more stringently, with notification becoming a de facto approval process and most 'approved' protests have been only permitted in remote public spaces sometimes not designated for public assembly and often unsuited to protest (Amnesty International, 2014, p. 6). Pro-government protests face few restrictions by contrast. Indeed, pro-government protests are often permitted to take place in locations where opposition protests are banned. In the wake of the invasion of Crimea in 2014, Putin further amended existing protest laws. Protestors whose actions might violate the 'territorial integrity of Russia' (which by this point included Crimea from Moscow's perspective) could now face up to four years in prison (five years if their statements or actions took place online) (Demirjian, 2014). Here we see increasing restrictions and growing recognition of the online threat posed in terms of protest (see below). While protests are permitted in Russia they are significantly curtailed when sanctioned, and generally illegal if not sanctioned.

As with the NGO law, the Russian government has (domestically) sought to present protest laws as being in line with, or similar to, laws in the West. Putin has justified the law in relation to events in the West discussing the 2012 riots in the UK and noted that "as the society guarantees the right to express their opinion, including by street events, to some of the citizens, it must protect other citizens and the society as a whole from radicalism" (RT, 2012a). Similarly, Putin's former Spokesman Peskov has stated on the BBC that "there is law in Russia. If you violate the law, if you gather the crowd, and if you start to address the crowd in a way that contradicts the law and regulations, you have to be locked up" (RT, 2012b). Putin has also however sought to present the laws as tolerant and compatible with freedom of expression. At a conference for justice officials in 2012 Putin told the audience that they should "apply the new law in such a way that it does not limit the citizens' right for expression over any issue of internal or external politics, including street marches, events and rallies" (RT, 2012b). Adding an air of toleration to the discussion, the regime has also presented the law as a 'work in progress' with Putin suggesting that it can be amended if

necessary, and the Law's sponsor Irina Yarovaya highlighting that both democracy and the opposition are 'young' in Russia (RT, 2012a).

Protest law and the right to assembly: Egypt

The new protest law (law 107), introduced after the coup in November 2013, made all critical protests practically impossible by forcing organizers to obtain a permit from a newly established authority for any protest a week ahead. Organisers also have to inform authorities about the size, the route name of the persons responsible. However, the new protest law goes beyond this. Article 7 of the law states, that any protests that violates the "[…] general security, public order, or production are prohibited […]." Furthermore the same article specifies that any actions "[…] which could impact public services, transportation or the flow of traffic […]" are forbidden (Ahram, 2013). Formulations, such as 'violating public order' and 'general security' can be considered intentionally vague and opaque, in order to increase the leeway of law enforcement officials and the judiciary in restricting, countering and persecuting any organized mobilization of dissent (Grimm 2015: 4; Brown & Bentivoglio 2014). In practice, and unlike Russia, this approval process means that critical dissent is entirely forbidden.

In the same vein the penal code was updated, so that the punishments for participating in illegal protests were lifted severely, with draconian jail sentences of up to ten years for participating in non-authorized protests. In November 2015 five activists were arrested for illegal protests leading to a two-year prison sentence. They were charged for illegal protest referring to the group standing alongside the 6th of October Nile bridge with signs commemorating the deaths of the Mohamed Mahmoud street clashes in 2011, demanding the release of political prisoners (Amnesty International, 2015). Additionally since October 2014 a presidential decree established that, anyone who demonstrated outside a civilian government building – such as a university, ministry or factory – could be tried before the rather notorious military judiciary.

De facto the new protest law led to the criminalization of nearly all protests in Egypt. However, protests have still taken place under Sisi (Holmes & Baoumi 2016). Although more decentralized and often in residential areas rather than in front of public institutions and relatively small in scale. Large trans-sectoral mobilization has not occurred since the new protest law was put in place. The only larger protests since the new protest legislation has been staged in April 2016 and was sparked by outrage over the negotiated transfer of two uninhabited Red Sea islands to Saudi Arabia. The protests mobilized around 2000-3000 protesters in central Cairo that gathered around the press syndicate and 500 in Alexandria near a railway station (Samaam, 2016). Later in May two Egyptian courts sentenced more than 150 people to prison under the new protest law (more than a 100 received a five year prison sentence and 50 a two year sentence) (Guardian, 2016). Overall the authorities arrested 1277 people during April in relation to the Red island protests (Amnesty, 2016).

Table 4: *Containing protest*

Feature	Russia	Egypt
Critical protest permitted (de jure/de facto)	De Jure: Yes/ De Facto: Yes	De Jure: Yes/De Facto: No
Mandatory approval required?	No, but must notify authorities for protest in designated spaces (outside these spaces need specific approval)	Yes
Increased restrictions on protests	Yes (Fewer than Egypt)	Yes (more than Russia)
Typical punishment for illegal protest	Fines and shorter prison sentences.	Most upwards of 2 years in prison, as much as 5 years. High likelihood of torture.

Table 5: *Hybrid or Conventional?*

	Level of capacity relative to challenge? (state to opposition)	Appealing to international norms enhances / contradicts legitimacy?	Outcome
Russia	High	Enhances	Hybrid
Egypt	Relatively low	No effect/contradicts	Conventional

Surveillance of civil society online: Russia

The Russian government has also stepped up controls on internet based communication over the last few years to contain civil society. In the face of these challenges the government has developed effective measures to restrict free speech on the internet. These include crude 'first generation' techniques such as blocking access to websites, servers and banning the use of keywords. These type of techniques are applied in Russia, but are more commonly and more widely used by Post-Soviet neighbours (such as Turkmenistan and Uzbekistan) (Diebert & Rohozinski, 2010, p. 22). More sophisticated second generation techniques are more extensive and (in the form of covert measures) more difficult to attribute to the government (Diebert & Rohozinski, 2010, p. 24). Second generation techniques include covert Distributed Denial of Service Attacks (DDSO) which can take down websites as well as more overt restrictions on what can and cannot be said in the internet space through the application of wider laws restricting speech to the internet (see below) (Diebert & Rohozinski, 2010, p. 24). The third generation of techniques is more complex still and aims, not at denying access to the internet, but rather better equipping authorities with the capacity to outcompete political rivals and challengers in the information space (Diebert & Rohozinski, 2010, p. 27). This includes increasing national jurisdiction over internet traffic, the bolstering of state surveillance and launching online campaigns aimed at cognitive change (Diebert & Rohozinski, 2010, p. 27).

The most significant (known) tool for enacting online surveillance in Russia is the SORM system. The Russian government has implemented a form of the 'SORM' (System for Operations Investigative Measures) since the 1990s. SORM originates from the early Post-Soviet period (when it was applied to telephones) but now exists in its mark II and III forms that apply to internet communications (Borogan & Soldatov, 2015). SORM is effectively a back door to the internet that requires all Internet Service Providers to install (and pay for expensive) devices that allow government officials access and monitor internet traffic (Freedom House, 2015, p.12). The system requires a court order to be accessed, but ISPs are not required to see it meaning that intelligence agencies have access to internet data effectively at will.

Further measures have been introduced as and political activism has increasingly moved online. The July 2014 'Data Localisation Law' required that all foreign internet companies host Russian data in Russia itself and that any website that had more than 3000 daily hits be described as 'Mass Media' and registered with the government (Freedom House, 2015, p.11). The former was justified in light of the Snowden revelations where it was suggested that Russian data could be better protected from the NSA on Russia-based servers. In practice however such measures make it much easier for Russian authorities to monitor foreign user accounts. The government has not had its all its own way however. Indeed, internet filtering tools have been circumnavigated through the use of Tors (anonymising user information) and plans to get major tech firms to move their servers to Russia was blocked by companies refusing to do so (Soldatov, 2016). As in other parts of the world, governments have to content with large internet giants over whom they have little leverage and tech-savvy populations adept at avoiding restrictions.

In 2016 the Russian government moved to bring in a new set of regulations that would further boost the capacity of officials to monitor internet communications. New plans will require internet companies to record and keep the content of online communications and phone records for 6 months and the meta-data associated with them for three years (Soldatov, 2016). Furthermore, the second part of new proposals is for all 'information distribution organisations' (i.e. social media sites) to provide decoding keys for officials so that they can decrypt user communications (on services such as WhatsApp).

The Russian laws again here appear, at first glance, to mirror policies in the West and invocation of the Snowden case is instructive as a means of comparing Russia to the US. However Russian measures are more repressive because they provide full access for Russia's secret services to *all* data. The US government wants *companies*, not the government, to collect all data and for the secret services only to be able to access it with a court order. The Russian system in effect gives the Russian intelligence services blanket access with the technology being such that there is no way of companies (or even less individuals) knowing that it has been accessed (Seddon, 2016). Similarly, like Western states, Russia also makes a significant number of formal requests to Google to have websites blocked. However, if one assesses the frequency of requests and the break down of why requests are made one sees that, unlike Western states, Russia makes a significantly large number of requests and often makes requests that websites targeting the government are taken down.

Surveillance of civil society online: Egypt

In its efforts to step up resilience to vertical challenges the Egyptian regime has identified surveillance and monitoring a primary tool to control and monitor activities of any online activities that could potentially threaten the current regime. President Sisi himself stated in Al Watan newspaper (March 28, 2015) that: 'the internet is a new terrorist threat, and we seek to implement general principles for its use'. Stemming from the experiences of the 2011

revolution and the attested importance of social media for mobilization, many security officials identified the lack of online surveillance capacity and technical know-how by state authorities as a crucial and worrisome condition.[4]

While the Egyptian authorities up till now do not engage in filtering or limiting access to online content[5], increasing attention to the online world by law enforcement authorities has become evident through the purchase of new surveillance software packages by security institutions and leaks related to a tender comprising the objectives to build a surveillance system, named "Social Networks Security Hazard Monitoring system".[6] The purpose of this system is to "conduct wide searches on various networks to find everything that is a violation of the law, the spreading of destructive ideas that help spreading chaos, tensions and corruption in society (Egyptian Ministry of Interior, 2014)."

According to article 46 of the new counter-terrorism law, based on primary suspicion law enforcement authorities are allowed to spy on and record phone calls, electronic messages and any communication means used, monitor private and company finances, and transactions, intercept postal mail and record what happens in the suspects private space with the use of video and audio recording technology for indefinitely renewable 30-day periods without a court order. Previously, investigating judges held the power to order home inspections and surveillance. The law also establishes undefined special courts within the normal judiciary to handle terrorism cases (Human Rights Watch, 2015). The counter-terrorism law also punishes anyone who uses a website for the purpose of "promoting ideas or beliefs advocating the commission of terrorist acts" with at least five years in prison. Due to the increased criminalization of free speech in the online sphere self-censorship is more widespread now than it has been before the introduction of the law.

A new cyber crime law is also on the way but still discussed in a parliament committee.[7] According to a recent leak it entails multiple articles that would increase the authority of law enforcement agencies to seize information and data on individuals and organizations they suspect of criminal cyber activity and establish the authority to block and censor online content.[8] According to a recent freedom house freedom of the net report on Egypt for example article 98f of the proposed law could be used to persecute dissenters on the bases of publishing news, information or false rumours if found to disturb public security, insulting the president, mocking monotheistic religions, harming national unity and social peace.[9]

The step-up in persecution for online crimes has been evident through a number of recent trials in Egypt targeting individuals for sharing content deemed illegal. Most prominently law student and former soldier Amr Nohan has been sentenced for three years in jail after posting a meme depicting president Sisi with Mickey Mouse ears on Facebook.[10] Rather tha Russia, which has sophisticated means of monitoring the internet, Egypt has relied on the cruder methods of outright blocking (during the revolution in 2011), harsh restriction on online activity (through prosecutions) and direct monitoring by forcing dissidents to log on

---

[4] This has been mentioned by multiple former and current security officials in interviews conducted throughout spring 2016 in Cairo.
[5] According to Freedom House report Freedom of the Net in Egypt 2015. Available at:
https://freedomhouse.org/report/freedom-net/2015/egypt
[6] https://www.privacyinternational.org/node/441
[7] http://www.dailynewsegypt.com/2016/07/24/cybercrime-bill-the-internet-under-siege/
[8] ibid
[9] https://freedomhouse.org/report/freedom-net/2015/egypt
[10]http://www.smh.com.au/world/student-amr-nohan-jailed-for-three-years-over-mickey-mouse-meme-of-egypt-president-abdel-fattah-alsisi-20151220-glsa6o.html

to their respective social media accounts. Indeed, despite the increased efforts to quickly and systematically build surveillance and monitoring capacities inside the security apparatus up until this point the capacity of the regime still seems limited. This is apparent due to the prevailing practice to ask suspects to open social media software on their phone or computers during recent house raids/arrests (El-Fekki, 2016).

Table 6: *Containing online activity*

Feature	Russia	Egypt
Block websites/key terms	Yes	No
DDSO attacks	Yes	No
Means to monitor internet	Sophisticated use of surveillance technology	Crude methods. Forcing individuals to open their own Facebook accounts etc. More sophisticated methods in development.
Nationalisation of data	Yes	No
Specific online versions of other crimes (extremism /support for terrorism)	Yes	Yes
Registration with government of well-followed blogs as mass media	Yes	No
Mandatory collection of data by companies	Yes (content six months/meta data 3 years)	No
Mandatory disclosure of encryption information by platforms	Yes	No

Table 7: *Hybrid or Conventional?*

	Level of capacity relative to challenge? (state to opposition)	Appealing to international norms enhances/contradicts legitimacy?	Outcome
Russia	High	Enhances	Hybrid
Egypt	Relatively low	No effect/contradicts	Conventional

(Mis)Use of Extremism/Terrorism Legislation: Russia

In addition to the measures above, the Russian government has increased in the use of 'extremism' legislation to restrict free speech – especially online. The legal basis for these actions derive principally from the Federal Law on Combatting Extremism signed into legislation in 2002 (SOVA, 2010), amended several times over the last few years. The crime of extremism in Russian law is determined largely by the perceived *motivation of an action* (not means or outcome) and is applied regardless of the consequences and level of public danger, opening up the use of such legislation for the punishment of, what elsewhere, would be seen as very minor crimes (Library of Congress, 2015). The definition of exactly what constitutes extremism is in turn broad and ill-defined meaning that it can be applied in a number of areas including to those who criticise public officials (Library of Congress, 2015). The Extremism Law itself has been widely criticised including by the Council of Europe's Venice Commission.

Legal amendments between 2012 and 2013 permit the Russian authorities to block access to websites on the basis of 'extremism' and calls for un-approved public protests (Freedom House, 2015). Whilst the law does permit restriction on dangerous materials (what might be though of in the west as genuine extremism i.e. calls to violence), research by the SOVA centre in Russia in 2015 found 15 cases of restrictions placed on opposition websites that were unwarranted (Kravchenko & Verkhovsky, 2016).

As noted above, the regime has sought to present extremism as being in line with Western standards and norms. While Putin has stressed that extremism is a geo-political tool that Russia needs to be defended *against* (i.e. from the West), he has also argued that the fight against extremism must not turn into a campaign against dissidents (RT, 2014a). At a meeting with members from Russia's Upper House he argued that "we should not fall into any sort of euphoria and create the environment [as a result of extremism laws] that would not be acceptable for the civil society and for protection of the citizens' rights. The citizens must always understand that they have a set of lawful means and methods with which they could issue claims against the authorities, including rallies, meetings and marches" (RT, 2014a). He added, "We must react to the events in the protest movement and information sphere but I call upon you not to use this occasion and make a lot of decisions that would significantly limit the civil freedom and the citizens' right for expression" (RT, 2014a). Again in the context of extremism, the law and use of the law are shaped so that regime officials can maintain a semblance of Western norms in tackling extremism (as they actively seek to do), whilst at the same time using the law to target dissent.

(Mis)Use of Extremism/Terrorism Legislation: Egypt

After a car bomb assassinated the then general prosecutor General Hisham Barakat in June 2014 president Al-Sisi was quick to blame the Muslim Brotherhood for the attack and rushed to introduce a new counter-terrorism law (Human Rights Watch, 2015). The new legislation introduced special courts for suspected militants and increased the punishments for support, membership or creation of 'terrorist' organizations. Inciting violence or spreading terrorist messages online or offline now also leads to yearlong prison sentences.

Egypt's new counter-terrorism law (law 95 of 2015), enacted by president Al-Sisi in February 2015, expands the definition of terrorist groups to all groups that "through any means inside or outside the country, seek to call for the disabling of laws, or prevent state institutions or public authorities from functioning, or seek to attack the personal liberty of citizens, or other freedoms and rights granted [to citizens] by the law and constitution, or to harm national unity or social peace" (Ahram, 2015). Officially geared to face the growing challenge by

islamist insurgents in Sinai and elsewhere the new legislation has also been used by authorities to crack down on non-islamist and non-violent civil society organizations and political groups. Other civil society organizations have also increasingly come under threat of being judged as contradicting national unity or the public order as part of the recent campaign by the regime to crack down on critical voices (Grimm 2015; Lesch 2016).

However, the Egyptian Muslim brothers have been the primary target of the fight against terrorism by the Egyptian law enforcement and judiciary. The organization that has an islamist ideological bases was not only a political and religious movement but also provided a wide range of services such as health care and social services for its members. Officially, the brotherhood still defies violence in all forms but calls for non-violent resistance against the current authorities. After the military coup which saw the Muslim Brotherhood leader Mohammed Mursi deposed as president, the new regime was quick to label the brotherhood and its affiliated organizations as terrorist groups. This label put the brotherhood, its activities and its members under the auspices of the security apparatus.

Overall more than 40.000 Egyptians have been arrested and detained since the ousting of President Mursi (Stork, 2015). Most of the arrests were related "illegal protests" and support of terrorist organizations. Many members and supporters of the Muslim Brotherhood were amongst those arrested in the early aftermath of the coup. Several of the Muslim Brotherhood leaders have been sentenced to death by Egyptian courts. The number of death sentences sparked from 109 in 2013 to more than 500 in 2014 as a result of several mass trials (Death Penalty Worldwide, n.d.).

On top of the judicial persecution of brotherhood leaders, shortly after the coup an unprecedented level of state orchestrated violence by the security forces was launched, reaching a peak in August 2013 with the clearing of Rabaa and Nahda Square in Cairo, killing at least 817 Muslim brotherhood supporters occupying the squares in solidarity with the deposed government of Mohammed Mursi (Shakir, 2014). This extremely high level of state perpetrated violence against civilians was later legitimized by the authorities with the need to reinforce public order and stability against elements that want undermine the Egyptian state – again in line with Sisi's legitimation claims. Nationalist ideals and conspirational beliefs were intertwined in an attempt to legitimize the mass killing of protesters. Arguably the message by the security establishment was: There is zero-tolerance for any opposition against the coup. Framing the protesters as belonging or supporting to the Muslim Brotherhood – by then labelled a terrorist organization enabled the authorities to justify the violent dispersal.

In order to prevent any contradicting or critical media coverage Cairo's counter-terrorism legislation also provides means to curtail the media. Journalists, that report on attacks contradicting the official military authorities account of events risk enormous fines.

Table 8: *(Mis)using extremism/terrorism legislation*

Feature	Russia	Egypt
Threshold for extremism/terrorism	Defined by authorities analysis of motivation (easier to make a case against someone than when defined by outcome)	Defined by authorities as they wish
Targeting?	More discretion. - use of extremism allows more discrimination in targeting at lower levels of dissent	Just terrorism means less discrimination in targeting
Punishments	Several years in prison for extremism, life for terrorism	Life or death penalty
Increased punishments for online actions	Yes	Yes

Table 9: *Hybrid or Conventional?*

	Level of capacity relative to challenge? (state to opposition)	Appealing to international norms enhances / contradicts legitimacy?	Outcome
Russia	High	Enhances	Hybrid
Egypt	Relatively low	No effect/Contradicts	Conventional

Conclusions

Few scholars have sought to evaluate comparatively, and explain variation in, the pre-emptive forms of repression increasingly adopted by authoritarian states. This paper has sought to contribute to this literature through a comparative analysis of Russian and Egyptian pre-emptive repression. While both states employ similar types of authoritarian technology to prevent regime survival challenges from below, they have shown divergence in the way that they use these tools.

The paper outlined a distinction between 'hybrid' and 'conventional' pre-emptive repression. The difference between the two rests on two factors: when repressing pre-emptively, do regimes use predominantly restrictive and constraining tools or do they, ban, block and kill their opponents? Secondly, do states seek to present the legal means of repression in terms of meeting international standards (or do they eschew international standards)? This paper has argued that Russia tends towards a 'hybrid' model of repression and Egypt towards a conventional approach. In practice neither conforms perfectly to these ideal types – Russia will at times resort to jailing and blocking opponents (and potentially,

and allegedly, even killing them), whereas Egypt's policy towards NGOs is relatively similar to Russia's hybrid approach. However, overall Russia presents a more hybrid strategy and Egypt a more conventional one. Why?

The paper has argued that it is an intersection of regime capacity and regime legitimation that drives the type of pre-emptive repression adopted. Russian elites justify themselves in relation to the West (sometimes differentiating themselves and other times mimicking or seeking to out do the West) and present the Russian state as a modernising, developed nation. Correspondingly, it seeks to justify its repression in terms of international standards (even if these actions vary quite significantly from Western standards in practice). In turn Russia has the capacity to conduct a hybrid strategy and still maintain a lid on the threats from civil society. Egypt by contrast relies on a more conventional approach involving higher levels of blocking and eliminating. In turn however, the Sisi regime's legitimation rests on claims of returning order and stability to Egypt following the coup that ousted Mohammed Morsi. Even very repressive actions can fit within this approach to bolstering legitimacy, and as such the regimes' legitimation strategy encourages a more conventional approach.

In providing a new typology of pre-emptive repression and accounting for the drivers of each, this paper has sought to make a contribution to the wider literature on repression (and legitimacy) in autocratic states. This is a valuable exercise, given the fact that Russian (and other's) pre-emptive repression has proven difficult to explain (Arutunyan, 2016). Further comparative inter-regional and intra-regional research could be conducted to assess the wider validity of the arguments made and to identify additional ideal-types of pre-emptive repression.

Bibliography

Ahram Online. (2013, November 25). *Full English translation of Egypt's new protest law.* Retrieved from the Ahram Online website, http://english.ahram.org.eg/News/87375.aspx.

– (2015, February 24). *Egypt's Sisi signs law defining 'terrorist entities'.* Retrieved from the Ahram Online website, http://english.ahram.org.eg/News/123810.aspx

Ambrosio, Thomas (2010). *Constructing a Framework of Authoritarian Diffusion: Concepts, Dynamics, and Future Research.* International Studies Perspectives 11 (4): 375–92.

– (2008). *Catching the 'Shanghai spirit': how the Shanghai Cooperation Organization promotes authoritarian norms in Central Asia. Europe-Asia Studies*, 60(8), 1321-1344.

– (2007). *Insulating Russia from a Colour Revolution: How the Kremlin Resists Regional Democratic Trends.* Democratization, vol.14, no.2 (April 2007): 232-252.

Amnesty International. (2015, December 21). *Egypt: Five Activists Sentenced To Two Years In Prison.* Retrieved from Amnesty International website, https://www.amnesty.org/en/documents/mde12/3119/2015/en/.

– (2014). *A Right, Not A Crime: Violations Of The Right To Freedom Of Assembly In Russia.* Retrieved from https://www.amnesty.de/files/A_Right_Not_A_Crime.pdf.

– (2016, June 23). *Egypt: Civil Society Faces Existential Threat.* Retrieved from Amnesty International website, https://www.amnesty.org/en/documents/mde12/4314/2016/en/.

Arutunyan, A. (2016). *In Search of Russia's Elusive Repression Strategy.* Retrieved from: http://www.ecfr.eu/article/commentary_in_search_of_russias_elusive_repression_strategy_6021

Bank, A., and Mirjam E. 2015. *Authoritarian Regime Learning: Comparative Insights from the Arab Uprisings.* GIGA Working Papers 274.

Bank, A., Richter, T., & Sunik, A. (2014). *Durable, yet different: Monarchies in the Arab spring.* Journal of Arabian Studies, 4(2), 163-179.

George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences.* Cambridge, MA, and London: MIT Press.

Bidder, B. (2012, July 5). *Putin vs. the NGOs: Kremlin Seeks to Brand Activists 'Foreign Agents'.* Spiegel Online. Retrieved from: http://www.spiegel.de/international/world/russian-draft-law-seeks-to-label-ngos-and-activists-foreign-agents-a-842836.html

Borogan, I. & Soldatov, A. (2015). *Putin Can't Stop the Internet.* Retrieved from: http://www.slate.com/articles/technology/future_tense/2015/10/putin_can_t_stop_the_russian_internet.html

Brown, N. & Bentivoglio, K (2014). *Egypt's Resurgent Authoritarianism: It's a Way of Life.* Available at: http://carnegieendowment.org/2014/10/09/egypt-s-resurgent-authoritarianism-it-s-way-of-life-pub-56877

Chestnut, S. (2010). *Regime Security and Counter-Diffusion: Sources of Authoritarian Learning and Adaptation.* Democracy & Society, 7(2), 5-8.

Cooley, A. (2015). *Countering democratic norms.* Journal of Democracy, 26 (3), 49-63.

Crotty, J., Hall, S. M., & Ljubownikow, S. (2014). *Post-soviet civil society development in the Russian Federation: The impact of the NGO law.* Europe-Asia Studies, 66(8), 1253-1269.

Davenport, C. (2007). *State repression and the tyrannical peace.* Journal of Peace Research, 44 (4), 485-504.

Death Penalty Worldwide. (n.d*.). Death Penalty Database: Egypt.* Retrieved from the Death Penalty Worldwide website, https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Egypt.

Deibert, R., & Rohozinski, R. (2010). *Beyond denial: introducing next-generation information access controls.* Access controlled: The Shaping of Power, Rights, and Rule in Cyberspace. Ed. by

Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain. The MIT Press, Cambridge, Massachusetts & London, England.

Earle, J. (2012, June 9). *Putin Throws Down Gauntlet for Protesters.* The Moscow Times. Retrieved from http://old.themoscowtimes.com/sitemap/free/2012/6/article/putin-throws-down-gauntlet-for-protesters/460109.html.

Egyptian Ministry of Interior. (2014). *Social Networks Security Hazard Monitoring Project Booklet.* Retrieved from https://docs.google.com/document/d/1ALAgi9fQz-X_94F6gSDIeHitkJKuRYkhsrMAF-rvbuA/mobilebasic.

El-Fekki, A. (2016, April 22). *Nationwide security raids ahead of 25 April protests.* Daily News Egypt. Retrieved from Daily News Egypt website, http://www.dailynewsegypt.com/2016/04/22/420973/.

Elone, J. (2010). *Backlash against democracy: The regulation of civil society in Africa.* Democracy and Society, *7*(2), 13-16.

Erdmann, Gero, André Bank, Thomas Richter, and Bert Hoffmann. 2013. *International Cooperation of Authoritarian Regimes: Toward a Conceptual Framework.* GIGA Working Papers.

Escribà-Folch, A. (2013). *Repression, political threats, and survival under autocracy.* International Political Science Review, November 2013, 34 (5), pp. 543-560.

Flikke, G. (2016). Resurgent Authoritarianism: The Case of Russia's new NGO Legislation. *Post-Soviet Affairs*, *32*(2), 103-131.

Finkel, E., & Brudny, Y. M. (2012). *No more colour! Authoritarian regimes and colour revolutions in Eurasia.* Democratization, 19 (1), 1-14.

Freedom House. (2015). *Freedom on the Net 2015: Russia.* Retrieved from https://freedomhouse.org/report/freedom-net/2015/russia

Gerschewski, J. (2013). *The three pillars of stability: legitimation, repression, and co-optation in autocratic regimes.* Democratization, 20(1), 13-38.

Gilardi, Fabrizio (2012*). Transnational Diffusion: Norms, Ideas, and Policies*. In Handbook of International Relations, edited by Walter Carlsnaes, Simmons Beth, and Thomas Risse, 453–77. Thousand Oaks: SAGE Publications.

Grimm, J. (2015). *Repressionen gegen Ägyptens Zivilgesellschaft,* SWP-Aktuell no. 60, July 2015

Gunitsky, S. (2015). *Corrupting the cyber-commons: Social media as a tool of autocratic stability.* Perspectives on Politics, 13 (01), pp. 42-54.

Heydemann, Steven (2016). *The Political Ecology Of Authoritarian Learning*. Project on Middle East Political Science. Retrieved from http://www.pomeps.org/2016/08/11/the-political-ecology-of-authoritarian-learning/

Heydemann, Steven, and Reinoud Leenders (2011). *Authoritarian Learning and Authoritarian Resilience: Regime Responses to the 'Arab Awakening'*. Globalizations 8 (5): 647–53.

Holmes, A. and Baoumi, H. (2016) *Egypt's Protests by the Numbers.* Available at: http://carnegieendowment.org/sada/?fa=62627

Horvath, R. (2011). *Putin's 'preventive counter-revolution': Post-Soviet authoritarianism and the spectre of Velvet revolution*. Europe-Asia Studies, 63(1), 1-25.

Human Rights Watch. (2015, August 19). *Egypt: Counterterrorism Law Erodes Basic Rights.* Retrieved from Human Rights Watch website, https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights.

Josua, M., & Edel, M. (2015). *To repress or not to repress – regime survival strategies in the Arab spring.* Terrorism and Political Violence, 27(2), 289-309.

Judah B. (2013). *Fragile Empire: How Russia Fell in and Out of Love with Vladimir Putin*. New Haven: Yale University Press.

Kara-Murza, V. (2013, May 9). *FARA and Putin's NGO Law: Myths and Reality*. Institute of Modern Russia. Retrieved from http://www.imrussia.org/en/politics/455-fara-and-putins-ngo-law-myths-and-reality.

Kendall--Taylor, A., & Frantz, E. (2014). *How autocracies fall.* The Washington Quarterly, 37(1), 35-47.

Koesel, K. J., & Bunce, V. J. (2013). *Diffusion-proofing: Russian and Chinese responses to waves of popular mobilizations against authoritarian rulers.* Perspectives on Politics, 11(03), 753-768.

Kravchenko, M. & Verkhovsky, A. (2016). *Inappropriate Enforcement of Anti-Extremist Legislation in Russia.* Retrieved from the SOVA website: http://www.sova-center.ru/en/misuse/reports-analyses/2016/06/d34694/

Lesch, A.M. (2016, August 23). *Egypt's Crackdown on the Human Rights Community*. Foreign Policy Research Institute. Retrieved from http://www.fpri.org/article/2016/08/egypts-crackdown-human-rights-community/#_ftn1.

Library of Congress (2016). *Legal Provisions on Fighting Extremism: Russia*. Retrieved from: https://www.loc.gov/law/help/fighting-extremism/russia.php

Ó Beacháin., &, Polese, A. (2011). *The Color Revolution Virus and Authoritarian Antidotes Political Protest and Regime Counterattacks in Post-Communist Spaces*. Demokratizatsiya, The Journal of Post-Soviet Democratization, 19:3, 111-132.

Pepinsky, T. (2014). *The institutional turn in comparative authoritarianism*. British Journal of Political Science, 44 (03), pp. 631-653.

Reus-Smit, C. (2007). *International crises of legitimacy*. International Politics, 44 (2), pp. 157-174.

Ritter, E. H., & Conrad, C. R. (2016). *Preventing and responding to dissent: The observational challenges of explaining strategic repression.* American Political Science Review, 110 (01), pp. 85-99.

RT. (2012a). *Putin Signs New Anti Rally Law*. Retrieved from https://www.rt.com/politics/putin-anti-rally-law-384/

– (2012b). *'No one Afraid of Protestors' – Putin's Spokesman*. Retrieved from https://www.rt.com/politics/peskov-putin-opposition-protests-078/

– (2016, June 3). *Putin signs NGO bill exempting charities from Russia's 'foreign agents law'*. Retrieved from https://www.rt.com/politics/345286-bill-on-ngos-political-activity/.

Russian Digital Rights. Article 19. (n.d.). *Digital Rights in Russia*. Retrieved from https://russiadigitalrights.org/.

Samaan, M. (2016, April 15). *Egypt: Thousands Protest Against Sisi's Decision to Give Islands to Saudi Arabia*. The Telegraph. Retrieved from the Telegraph website: http://www.telegraph.co.uk/news/2016/04/15/egypt-thousands-protest-sisis-decision-to-give-islands-to-saudi/.

Seddon, M. (2016, July 11). *Russian Telecoms groups mounts fight against Anti-Terror Law*. Financial Times. Retrieved from http://www.ft.com/cms/s/0/84874c38-46af-11e6-8d68-72e9211e86ab.html#axzz4ILRvjN54.

Shakir, O. (2014, August 12). *All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt*. Human Rights Watch. Retrieved from Human Rights Watch website, https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt.

Smyth R & Soboleva I. (2014). *Looking Beyond the Economy: Pussy Riot and the Kremlin's Voting Coalition.* Post-Soviet Affairs 30 (4), pp. 37–41.

Soldatov, A. (2016). *Russia Wants to force Internet Companies to Cooperate with its Surveillance System*. Retrieved from: http://www.slate.com/blogs/future_tense/2016/06/23/russia_wants_to_make_internet_companies_cooperate_surveillance.html

SOVA. (2010). *The Structure of Russian Anti-Extremism Legislation.* Retrieved from http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201011/201 01129_3_10sova_en.pdf

Stork, J. (2015). *Egypt's Political Prisoners*. Retrieved from https://www.hrw.org/news/2015/03/06/egypts-political-prisoners

Tarrow, Sidney. (2010). *The Strategy of Paired Comparison: Toward a Theory of Practice.* Comparative Political Studies 43 (2): 230–59

The Guardian. (2016, May 15). *Egyptians jailed after Red Sea island protests.* Retrieved from the Guardian website, https://www.theguardian.com/world/2016/may/15/egypt-protesters-jailed-red-sea-islands-demonstrations-cairo.

Vanderhill, Rachel (2012). *Learning to Be Bad: How Autocratic Leaders Adopt Strategies from Abroad to Maintain Power.* SSRN Scholarly Paper ID 2108791. Rochester, NY: Social Science Research Network. http://papers.ssrn.com/abstract=2108791.

Venice Commission. (2012, June 20). *Opinion On the Federal Law On Combating Extremist Activity of the Russian Federation.* Retrieved from http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)016-e

Yoder, B. (2010). *Importing Intimidation: The Spread of Repressive Strategies to Repress Civil Society in Latin America.* Democracy and Society, 7 (2), pp. 29-31

Yom, S. L., & Gause III, F. G. (2012). *Resilient royals: How Arab monarchies hang on*. Journal of Democracy, 23 (4), pp. 74-88.