

# The Conception, Regulations and Punitive Procedures of Peaceful Demonstrations Set by Egyptian and Algerian legislations; A Comparative Study

دراسة مقارنة لدلالة التظاهر السلمي وآلياته في القانونين المصري والجزائري

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**Date of send:**24/03/2021

**Date of acceptance:**01/06/2021

**Date of publication:**08/06/2021

## Abstract

The study aimed at investigating and comparing the conception, regulations and punitive procedures of peaceful demonstrations laid by Egyptian and Algerian legislations. The study used the descriptive comparative methodology to reach the targets in question. To gather the required data, a review of literature was administered. The study came to the conclusions that: first, the Egyptian Law stipulates that the authorities must be notified about the place and the date of the demonstration in advance whereas the Algerian Law stipulates that the notification is not enough and the demonstrations have to get an official licence to be made; second, the Algerian Law bans political demonstrations on public roads at day time, but the Egyptian Law entitles the administrative bodies to set the place and the time of demonstrations in the light of public interest; third, the Algerian Law penalises the illegal demonstrations only by dispersion, but the Egyptian Law imposes fining as a penalty; fourth, the Egyptian Law equalises the penalty of aiding and abetting violent demonstrations that results in its effects with that it doesn't, but the Algerian Law doesn't. It individualises the penalty; fifth, neither the Egyptian Law nor the Algerian Law pay due attention to protect the demonstrators from the misuse of power. The study recommended that the Egyptian and Algerian legislators ought to regulate articles that criminalise and penalise aggressive acts against the demonstrators.

**Keywords:** peaceful demonstrations, Egyptian and Algerian legislations,

## Introduction

Praise be to Allah and Peace and Blessings of Allah upon our Prophet Muhammad, his family, his companions and all who follow his guidance to the Day of Judgment.

(O, believers, be pious to Allah and care nothing but to die on Islam) <sup>(1)</sup>.

(O, people, be pious to Allah Who created all of you from a male and a female and who created the female from the male and created all humans from both of them. O, people, be pious to Allah Who you will stand before for Judgment and He will question you about what you have done with your relatives. Remember that Allah observes you all) <sup>(2)</sup>.

(O, believers, fear Allah and say what is right in order that Allah mend your deeds and forgive your sins. Whosoever obeys Allah and His Messenger shall win a great victory) <sup>(3)</sup>.

**To proceed** <sup>(4)</sup>:

Peaceful demonstration is one of the main human freedoms. It is an important means for popular supervision and an effective way for pushing the governments to keep to the right track to fulfill people's hopes <sup>(5)</sup>.

The international charters, bills, conventions and treaties draw due attention to the right of peaceful demonstration. One of which is the Universal Declaration for Human Rights in 1948 and the International Charter for Civil and Political Rights in 1966 which recognize the right for peaceful demonstration and ban restricting it except for what is legally taken to maintain the social order and the public peace <sup>(6)</sup>.

In response to this worldwide interest in the right for peaceful demonstration, questions have been how both Egyptian and Algerian legislations tackle the conception, regulations and punitive procedures of peaceful demonstration. This study is going to shed more light on this subject.

### The Problem of the Study

The study problem is put in the following main question;

**How do the Egyptian and Algerian legislations tackle the conception, regulations and punitive procedures of peaceful demonstration?**

This main question can be divided into the following subcategories;

1- What is the conception of peaceful demonstration according to the Egyptian and Algerian legislations and what are the related concepts?

2- What are the regulations of peaceful demonstration according to the Egyptian and Algerian legislations ?

3- What are the punitive procedures of peaceful demonstration according to the Egyptian and Algerian legislations?

### The Objectives of the Study

Based on the pre-raised questions, the study objectives are as follows;

1- Investigating and comparing the conception of peaceful demonstration according to the Egyptian and Algerian legislations and investigating the related concepts.

2- Investigating the regulations of peaceful demonstration according to the Egyptian and Algerian legislations.

3- Investigating the punitive procedures of peaceful demonstration according to the Egyptian and Algerian legislations.

### **The Importance of the Study**

The study importance is shown in two aspects;

#### First: Theoretically;

The study seeks to bridge the gap in the area of legal rights and freedoms to develop what previous studies have come to.

#### Second: Practically;

The study draws the attention of Egyptian and Algerian legislators to pay more attention to the conception, regulations and punitive procedures of peaceful demonstration.

### **The Methodology of the Study**

The study has used the comparative methodology to reach the targets in question. To gather the required data, a review of literature has been administered.

### **The Scheme of the Study**

The study has been planned as follows;

- An introduction.
- Chapter I.
- Chapter II.
- Chapter III.
- A conclusion.
- A bibliography.

The coming lines will tackle these points in further detail.

## **Chapter I**

### **The Conception of Peaceful Demonstration according to the Egyptian and Algerian Legislations and the Related Concepts**

This chapter sheds light on the conception of peaceful demonstration according to the Egyptian and Algerian legislations and the related concepts. This is going to be covered in three sections as follows;

#### **Section I**

##### **The Linguistic Conception of Peaceful Demonstration**

Demonstration linguistically means cooperation <sup>(7)</sup>. Peaceful means not involving war or violence <sup>(8)</sup> as in the Holy verse that says; "If they incline to peace, incline to it also, and put your trust in Allah. Surely, He is the Hearing, the Knowing" <sup>(9)</sup>; peace, in the Holy Verse, means a state or a period in which there is no war or a war has ended <sup>(10)</sup>. So, peaceful demonstration means a friendly public meeting or march protesting against something or expressing views on an issue.

## **Section II**

### **The Legal Conception of Peaceful Demonstration**

There are many definitions of peaceful demonstrations. Of which are the following;

#### **I. The Conception of Peaceful Demonstration from the viewpoint of the Egyptian Law:**

Peaceful demonstration from the viewpoint of the Egyptian Law is defined as: "an assembly of more than ten people held in a public place or a march on public roads and squares to express their views, demands or political protest" <sup>(11)</sup>.

In the light of this definition, assembling in private places, gathering of less than ten people in a public place, grouping of more than ten people in a public place using violence or expressing non-political views are not considered in this definition.

This definition is defected since it restricts the demonstration to be only of more than ten people. Any gathering of people less or more than ten expressing a public view or marching for a popular question can be considered.

This definition is not perfect either as it limits the conception of demonstration to the political issues. This is not the case in everyday life. People usually demonstrates for political and non-political concerns.

#### **II. The Conception of Peaceful Demonstration from the viewpoint of the Algerian Law:**

Peaceful Demonstration according to the Algerian Law is defined as: "licensed processions, shows or assemblies of people on public roads" <sup>(12)</sup>.

According to this definition, assemblies of people standing in a fixed public place or unlicensed demos are not to be taken into account in the conception of demonstration.

This definition is distinctive since it does not confine demonstration with a limited number of people as it is the case with the Egyptian equivalent. Demonstration can occur with any number of people gathering somewhere.

However, this definition is not inclusive as it covers the moving assemblies only. It should cover the assemblies that keep standing in a public place as well, as it is the case with demonstrations in public squares.

This definition is not perfect either as it stipulates a license for demonstration. It is undeniable that demonstration can occur without a license. Thus, this constraint is meaningless.

In the light of this, peaceful demonstration can be re-defined as; an assembly of people standing in a public place or marching on public roads and squares to peacefully express their views, demands or protests.

## **Section III**

### **The Related Conceptions to Peaceful Demonstration**

Peaceful demonstration is interrelated with public assembly and procession. This is to be clarified as follows;

### **I. The Relationship between 'Peaceful Demonstration' and 'Public Assembly':**

A public assembly means " A gathering of no less than ten people in a public place that any one can attend without an invitation to make a discussion or give opinions about a public issue" <sup>(13)</sup> ; as it is the case with

public meetings for presidential and parliamentary elections.

In the light of this definition, the meaning of public assembly is interrelated with that of peaceful demonstration since both of them is a public gathering of people in a public place to cover a public topic. Nonetheless, unlike demonstration, public assembly is usually held indoors and is intended for exchanging opinions and views. Demonstration, in contrast, is held outdoors and is intended to express opinions, demands as well as protests.

#### **I. The Relationship between 'Peaceful Demonstration' and 'Procession':**

A procession means: " a march of no less than ten people on a public road to peacefully express their opinions and views on non-political concerns" <sup>(14)</sup>.

In the light of this definition, it is evident that like a procession, a demonstration is a gathering of people in a public place to express a public opinion. But, unlike a procession, a demonstration can be a non-moving gathering in addition to a march and it seeks political as well as non-political targets.

### **Chapter II**

#### **The Regulations of Peaceful Demonstration according to the Egyptian and Algerian Legislations**

This chapter throws light on the regulations of peaceful demonstration according to the Egyptian and Algerian legislations. It covers these points in two sections as follows;

##### **Section I**

#### **The Regulations of Peaceful Demonstration according to the Egyptian Legislation**

The Egyptian Legislation determines stated regulations of peaceful demonstration as follows;

**First**, submitting a written notification of the demonstration to the local police office. Article 8 of Egyptian Demonstration Act prescribes that: "Whosoever decides to organize a demonstration ... has to notify in writing the local police office three working days at least and fifteen days at most in advance ... and this notification has to be submitted by hand or by a bailiff and it must include the following details;

1- The place of the demonstration.

2- The time the demonstration starts and finishes.

3- The topic, the purpose, the demands and the slogans of the demonstration.

4- The names and the identity of those who take charge of the demonstration as well as their place of residence and how to get in touch with them" <sup>(15)</sup>.

It is obvious that the legislator asks the organizing body of the demonstration to submit a notification not a license to the concerned authority to show that the purpose

of this notification is not to ask for their permission, but it is only to inform the local police station of the demonstration to take security steps to protect the demonstrators and citizens in case of violence.

**Second,** setting up a committee under the presidency of the chief of the police of every governorate to take measures for the security of the demonstration and decide how to deal with it stirs violence. Article 9 of the Egyptian Demonstration Act states that: "The Interior secretary issues an order to set up a permanent committee under the presidency of the chief of the police in every governorate to guarantee the security steps for the demonstration and to decide how to handle it in case of violence" <sup>(16)</sup>. This article delineates the role the police force ought to do to keep the demonstration on the right track.

**Third,** banning the demonstration, postponing it, moving it to another site or changing its route if there is evidence of threats to public peace. Article 10 of the Egyptian Demonstration Act states that: "It is permissible for the interior secretary or the chief of the police to ban the demonstration, postpone it or move it to another site or change its route if there is evidence of threats to public peace before the start of the demonstration and he has to notify those who are in charge of the demonstration twenty four hours at least before the due time of the demonstration. Those who are in charge of the demonstration have the right to complain about the decision of banning or postponing to the law court which must settle this matter as soon as possible" <sup>(17)</sup>.

The legislator does not set free the reigns for the interior secretary or the chief of the police to forbid the demonstration, put it off, move it to another site or change its route, but he gives them this authority only if there is evidence of threats to public peace. In addition, he stipulates that their decision has to be based on reason and the judge has to consider the complaint at this decision instantly.

In spite of this, the previous article is not satisfactory since it does not give those who are in charge of the demonstration the authority to complain at the decision of moving it and changing its route either. This legal gap can be misused so as to fail the demonstration and frustrate its aims.

**Fourth,** fixing a safe place for the demonstration. Article 14 of the Egyptian Demonstration Act prescribes that: "The minister of interior, in consultation with the governor, fixes a safe location for the demonstration in front of important places as presidential residence, parliamentary councils, international bodies, diplomatic missions, supervisory, security, military and governmental establishments, law courts, prosecuting authorities, hospitals, oil companies, educational buildings, museums, historic places and so on. The demonstrators are forbidden to go beyond the fixed place" <sup>(18)</sup>. Due to the probable misunderstanding that the previous article is intended for the capital city only, Article 15 of the same Act emphasizes that the other territories are included as well. It prescribes that: "The governor issues an order that fixes a safe place in the governorate ... specified for peaceful demonstration even if it is not in conformity with what is decided in the notification" <sup>(19)</sup>.

Despite the importance of specifying a safe location for the demonstration, setting the reigns free for the governor to decide this place is unacceptable because it gives him a chance to decide the place he desires even if it is at the expense of the demonstration itself.

**Fifth**, taking measures for the security of the notified demonstration. Article 11 of the Egyptian Demonstration Act prescribes that: "The police force take sufficient steps for the security of the notified demonstration and the public as well as stated in Article 9 on condition that that does not result in hindering the demonstration to realize its objectives" <sup>(20)</sup>.

**Sixth**, stopping the demonstration if one of the demonstrators commits a crime or if it grows violent. Article 11 of the Egyptian Demonstration Act prescribes that: "If a demonstrator does a crime or if the demo goes violent, the police force, under the order of their commander, must stop the demo and arrest the offenders. Before stopping the demo, the field chief of the police is permitted to ask the interim relief judge of the Magistrate court to order a mandate to an envoy to bear witness to the state of violence the demo goes to ... the judge must settle the matter as soon as possible" <sup>(21)</sup>.

It is noted that the legislator makes precautions to safeguard the public from the demo in case it turns violent but he does not do the same thing to keep the demo safe from those who act aggressively on the demonstrators and try by all means to frustrate their hopes. He ought to meet people's expectations through making specific laws to criminalize and penalize acts of violence exercised against demonstrators.

**Seventh**, observing sequence when stopping the demo that breaks the law. Article 12 of the Egyptian Demonstration Act states that: "The police force that is ordered to stop the illegal demo has to follow the following steps:

1- Asking the demonstrators to stop and leave the place safely using repeated loud oral warnings.

2- If the demonstrators insist on going on and refuse to leave paying no attention to the repeated warnings, the police force stops them in the sequence that follows;

A- Using water hoses.

B- Using tear gases.

C- Using bats" <sup>(22)</sup>.

**Eighth**, observing sequence of force in case the previous steps do not work or the demonstrators grow violent. Article 13 of the Egyptian Demonstration Act states that: "In case the afore-mentioned steps have failed to stop the demo ... or the demonstrators commit acts of violence, the police force use power in the sequence that follows;

- Firing warning shots.

- Firing sound or smoke bombs.

- Firing rubber cartridges.

- Firing non-rubber cartridges.

If the demonstrators use guns, the police force has the right to defend themselves but without any misuse of power" <sup>(23)</sup>.

As shown above, it is evident that the Egyptian legislation decides certain procedures to regulate demonstrations, how to keep them safe and how to deal with them in case of violence.

## Section II

### The Regulations of Peaceful Demonstration according to the Algerian Legislation

The Algerian Legislation determines stated regulations of peaceful demonstration as follows;

**First;** banning organizing political demonstration on public roads except for daytime. Article 15 of the Algerian Demonstration Act states that: "It is not permissible to organize political demonstration on public roads except for daytime. It is permissible to organize other demonstration during daytime to nine o'clock p. m" <sup>(24)</sup>.

It is observed that the legislator shortens the timespan for political demonstration, but prolongs it for the non-political demonstration. This is possibly due to the belief that the political demonstration is usually accompanied by incidents of violence which result in cut off traffic particularly at nighttime. That's why, he limits the political demonstration to daytime. However, it is unwise to for the legislator to set a time for demonstration. This is the job of the concerned administration. It is which can set the suitable time for demonstration depending on different circumstances.

**Second;** banning organizing a demonstration on public roads if it results in traffic cut off. Article 16 of the Algerian Demonstration Act states that: " A-Tajamhur <sup>(25)</sup> on public roads <sup>(26)</sup> is banned if it results in traffic cut off" <sup>(27)</sup>.

It is understood from the previous article that 'A-Tajamhur' is permitted if it does not result in traffic cut off. However, the legislator criminalizes 'A-Tajamhur' in general as it the case with Article 19 of the same Act that says, "Any unlicensed demonstration is not permitted and it is considered "Tajamhur" <sup>(28)</sup>. The legislator contradicts with himself. He makes licensed 'Tajamhur' lawful in Article 16 although it criminalizes it in Article 19. Thus, it is recommended that he replaces the term of 'A-Tajamhur' with the term 'demonstration' to get rid of this contradiction.

**Third,** Getting a permit for a demo from the concerned authority. Article 17 of the Algerian Demonstration Act states that: "Having a license five days at least before the start of the demonstration is mandatory. The following data must be included in the license;

1- The first and last names and the addresses of the persons who are in charge of the demonstration.

2- Three of those who are in charge must be enjoying their civil and political rights <sup>(29)</sup> to sign the license document.

3- The purpose of the demonstration.



4- The name and the address of the association they belong to and the head of the association, the secretary or who represents any of them has to sign the license document in addition.

5- The way the demonstration is going to take.

6- The date of the demonstration.

7- The facilities provided for the demonstration.

Bearing in mind that the governor must get a copy of the license right away and this license must be revealed whenever necessary" <sup>(30)</sup>.

Article 19 of the same Act states that: "Any demonstration organized without getting a license is not permitted and it is considered "Tajamhur" <sup>(31)</sup>.

It is obvious that the legislator stipulates that getting a license for organizing a demo is mandatory. This means that to organize a demo depends on the approval of the concerned authority. In other words, demonstrating is not a right for the citizen, but a gift from the State which it grants to its will. As a result, demonstration gets inutile. No doubt that The purpose of demonstrating is to activate the civil surveillance over the government to keep the right track that leads to the common interest. If demonstrating is viewed as a gift from the government, this means that the popular control will be futile since the government has the upper hand and it is likely to direct it to what it sees not what should be.

That's why the Egyptian legislator has been so aware that he uses the term 'notification' not the term 'license' in Article 8 of the Egyptian Demonstration Act taking into consideration that demonstration is a right not a gift. If only the Algerian legislator followed in the footsteps of his Egyptian counterpart. That is, it is recommended that the Algerian legislator uses the term 'notification' instead of the term 'license' in the afore-mentioned article.

**Fourth**, the possibility of changing the way of the demonstration for the public common. Article 18 of the Algerian Demonstration Act states that; "It is permissible for the governor to ask those who are in charge of the demonstration to change its way and to suggest another that is good for the demonstration" <sup>(32)</sup>.

It is noted that the Algerian legislator does not entitle the administrative authority the right to stop the demonstration or to defer it as it is the case with Article 10 of the Egyptian Demonstration Act. He only empowers it to ask to change the demo's direction and suggest another that serves the demo not to hold it back. Too, in the light of the previous article, it is understood that those who are in charge of the demo have the right to accept and refuse what is asked and what is suggested. This reflects how distinctive the Algerian legislation is. It puts limits on the authority in order not to abuse power.

**Fifth**, confirming the civil liability of those who are in charge of the demo about any offences done by the demonstrators. Article 20 of the Algerian Demonstration Act prescribes that: "Civil liability of those who are in charge of the demonstration is confirmed according to what is stated in Article 17 concerning any offence committed by the demonstrators" <sup>(33)</sup>.

Article 17 of this Act concentrates on revealing the personal data of those who are responsible for organizing the demo. But Article 20 comes to show that the purpose from revealing the identity of those who are in charge is to confirm their civil liability to any crime committed by the demonstrators. This does not mean that the perpetrators are not to bear any responsibility, but it means that those who are in charge are to share this responsibility for what has been committed by the people who act and behave under their control.

As it is previously discussed, most of the regulations stated by the Algerian legislation revolve on the license of the demo and the civil liability of the men in charge of it. And, like its Egyptian equivalent, it is noticed that the Algerian legislation does not consider the security measures that ought to be taken to protect the demonstration from those who seek to disrupt it as it does to protect the public from violence that might erupt at the hands of the demonstrators.

### **Chapter III**

#### **The Punitive Procedures of Peaceful Demonstration according to the Egyptian and Algerian Legislations**

This chapter highlights the punitive procedures of peaceful demonstration according to the Egyptian and Algerian legislations. It covers these points in two sections as follows;

##### **Section I**

#### **The Punitive Procedures of Peaceful Demonstration according to the Egyptian Legislation**

The Egyptian legislation states certain penalties for the violation of peaceful demonstration. These penalties vary according to the crime committed as follows;

##### **First; the penalty of possessing or holding a gun, explosives, ammunitions, burning or firing substances during a demonstration:**

The Egyptian legislator imposes a penalty on possessing or holding a gun, explosives, ammunitions, burning or firing substances during a demonstration. Article 17 of the Egyptian Demonstration Act prescribes that: "Whosoever possesses or holds a gun, explosives, ammunitions, burning or firing substances during a demonstration shall receive rigorous imprisonment <sup>(34)</sup> for a period of less than seven years and a fine <sup>(35)</sup> of less than a hundred thousand Egyptian pounds and no more than three hundred thousand Egyptian pounds or by one of the two" <sup>(36)</sup>.

According to the previous article, there are three penalties possessing or holding a gun, explosives, ammunitions, burning or firing substances during a demonstration shown as follows;

- Rigorous imprisonment for a period of less than seven years and a fine of less than a hundred thousand Egyptian pounds and no more than three hundred thousand Egyptian pounds.
- Rigorous imprisonment for a period of less than seven years.
- A fine of less than a hundred thousand Egyptian pounds and no more than three hundred thousand Egyptian pounds.

It is noticed that the legislator stipulates the penalty for just possessing or carrying a weapon regardless of the intention.

It is also noted that the legislator equalizes between the possessor and the holder in punishment. This may be owing to the legislator's caution to take all the possible steps to keep the demo safe and to protect the society from disruption.

**Second; the penalty of getting money and advantages to organize demonstrations to disturb the public peace, to disrupt the social order, or to aid and abet:**

The Egyptian legislator prohibits giving or taking money, or facilitating or asking to facilitate services to organize demonstrations to disturb the public peace, to disrupt the social order, to aid and abet or to commit any of the crimes mentioned in Article 7 of the Egyptian Demonstration Act <sup>(37)</sup>. Article 18 of the same Act prescribes that: " Whosoever gives or takes money, or facilitates or asks to facilitate services to organize demonstrations to disturb the public peace, to disrupt the social order, to aid and abet, to intercede or to commit any of the crimes mentioned in Article 7 of the Egyptian Demonstration Act shall receive imprisonment and a fine of no less than a hundred thousand Egyptian pounds and no more than two hundred thousand Egyptian pounds or by one of the two" <sup>(38)</sup>.

According to the above-mentioned article, there are three stated penalties for this crime as follows;

- Imprisonment and a fine of no less than a hundred thousand Egyptian pounds and no more than two hundred thousand Egyptian pounds.

- Imprisonment.

- A fine of no less than a hundred thousand Egyptian pounds and no more than two hundred thousand Egyptian pounds.

Imprisonment here is always provisional. The legislator gives room for the judge of the subject to consider the appropriate term in the light of the circumstances of the crime.

**Third; the penalty of disturbing public peace, disabling production processes, frustrating justice or public utilities, acting aggressively against lives, public or private property during demonstrating.**

According to Article 7 of the Egyptian Demonstration Act, the demonstrators are forbidden to do any of the following <sup>(39)</sup>;

- Disturbing public peace.

- Disrupting public security.

- Disabling or call to disable production processes.

- Frustrating the citizens' needs, hurting them, risking their lives, preventing them from practicing their rights and doing their work.

- Hampering justice.

- Obstructing public utilities.

- Cutting off roads and sea and air transport.

- Blocking traffic.

- Acting aggressively against lives, public or private property, or risking the citizens' lives.

The legislator states punishment for these crimes in Article 19 of the Egyptian Demonstration Act which says, "Whosoever commits any of the crimes stated in Article 7 of this Act shall receive imprisonment <sup>(40)</sup> for a period of no less than two years and no more than five years and a fine of no less than fifty thousand Egyptian pounds and no more than a hundred thousand Egyptian pounds or by one of the two" <sup>(41)</sup>.

According to the above-mentioned article, there are three stated penalties for the mentioned crime as follows;

- Imprisonment for a period of no less than two years and no more than five years and a fine of no less than fifty thousand Egyptian pounds and no more than a hundred thousand Egyptian pounds.

- Imprisonment for a period of no less than two years and no more than five years.

- A fine of no less than fifty thousand Egyptian pounds and no more than a hundred thousand Egyptian pounds.

It is noted that the legislator prescribes these penalties as a preventive strategy to inhibit from doing crimes.

**Fourth, the penalty of wearing masks or covers to hide the face intending to commit a crime during a demonstration:**

The Egyptian legislator penalizes those who wear masks or covers to hide their faces with the intention of doing a crime during a demonstration. Article 20 of the Egyptian Demonstration Act prescribes that: "Whosoever wears masks or covers to hide their faces with the intention of doing a crime during a demonstration shall receive imprisonment of a period of no more than a year and a fine of no less than thirty thousand Egyptian pounds and no more than fifty thousand Egyptian pounds or by one of the two" <sup>(42)</sup>.

In the light of the previous article, it is evident that the legislator decides three penalties for the crime mentioned as follows:

- Imprisonment of a period of no more than a year and a fine of no less than thirty thousand Egyptian pounds and no more than fifty thousand Egyptian pounds.

- Imprisonment of a period of no more than a year.

- A fine of no less than thirty thousand Egyptian pounds and no more than fifty thousand Egyptian pounds.

It is noticed that the legislator states these penalties to take precautions against those who intend to commit a crime using the crowdedness of the demonstration to hide and keep out of sight so as not to be revealed by the security service.

**Fifth, the penalty of breaching the prohibition concerning demonstrating in the places of worship and going past the fixed place for demonstrating:**

The Egyptian legislator prohibits demonstrating in places of worship, courtyards and annexes. Article 5 of the Egyptian Demonstration Act articulates that:

"Demonstrations are forbidden in places of worship, courtyards and annexes" <sup>(43)</sup>. Going beyond the specified place for demonstrating is also banned. Article 14 of the Egyptian Demonstration Act states that: " The minister of interior, in consultation with the governor, makes a decision specifying a safe location for the demonstration in front of important places as presidential residence, parliamentary councils, international bodies, diplomatic missions, supervisory, security, military and governmental establishments, law courts, prosecuting authorities, hospitals, oil companies, educational buildings, museums, historic places and so on. The demonstrators are forbidden to go beyond the fixed place" <sup>(44)</sup>.

The legislator penalizes those who break the inhibition mentioned in Articles 5 and 14 of the Egyptian Demonstration Act. Article 20 of the same Act prescribes that: "Whosoever breaches the ban mentioned in Articles 5 and 14 of this Act shall receive imprisonment for a period of no more than a year and a fine of no less than thirty thousand Egyptian pounds and no more than fifty thousand Egyptian pounds or by one of the two" <sup>(45)</sup>.

According to the afore-mentioned text, it is clear that the Egyptian legislator penalizes the ban concerning demonstrating in places of worship and going beyond the specified location of demonstrating by one of the three following penalties;

- Imprisonment for a period of no more than a year and a fine of no less than thirty thousand Egyptian pounds and no more than fifty thousand Egyptian pounds.

Imprisonment for a period of no more than a year.-

- A fine of no less than thirty thousand Egyptian pounds and no more than fifty thousand Egyptian pounds.

The legislator states these penalties in order to protect these sacred places from various forms of violation that may be brought into by some irresponsible demonstrators. However, penalizing demonstrations that start from mosques is not right. Mosques are the center for enjoining good and forbidding bad deeds. So, they are expected to play the key role in the track of change for a better world. No doubt that getting started from the mosque will make the demo effective and fruitful. Thus, the legislator is asked to reconsider this article bearing in mind how to put the mosque into focus in order to resume its role in making the desirable change.

#### **Sixth, the penalty of organizing a demonstration without a notification:**

The Egyptian legislator imposes a penalty on any person organizes a demo without getting the authority notified. Article 21 of the Egyptian Demonstration Act prescribes that: " Whosoever organizes a demonstration without notifying the authority as shown in Article 8 of this Act shall receive a fine of no less than ten thousand Egyptian pounds and no more than thirty thousand Egyptian pounds" <sup>(46)</sup>.

It is evident from the previous article that the fine of no less than ten thousand Egyptian pounds and no more than thirty thousand Egyptian pounds is the prescribed penalty for this crime.

The Egyptian legislator does not decide the afore-mentioned penalties as shown above, he prescribes one more penalty. This penalty is confiscation <sup>(47)</sup>. That is,

officially taking away all the money and facilities used in a demonstration to disturb the public peace as punishment. Article 22 of this law prescribes that: "Whatever used, money or what is like, to commit a crime shall be confiscated" <sup>(48)</sup>.

Furthermore, the legislator stipulates that the harsh penalty mentioned in the Penal Law or any other law concerning the above mentioned crimes has to be taken into account" <sup>(49)</sup>. Undoubtedly, the legislator goes this way to protect the public peace and the social order from violence and disruption.

## **Section II**

### **The Punitive Procedures of Peaceful Demonstration according to the Algerian Legislation**

The Algerian legislation states certain penalties for the violation of peaceful demonstration. These penalties vary according to the crime committed as follows;

#### **First, the penalty of violating the ban concerning organizing a political demonstration on the public road beyond the specified time;**

The Algerian legislator prohibits organizing demos on public roads except only in daytime. Article 15 of the Algerian Demonstration Act states that: " No political demonstration on public roads allowed except only in daytime and other demonstration is allowed until 9 pm" <sup>(50)</sup>.

The legislator penalizes those who violate this ban in Article 21 of the Algerian Demonstration Act. It articulates that: "Whosoever violates the rulings of Article 15 of this Act shall receive imprisonment for a period from one month to three months and a fine from two thousand Algerian dinars to ten thousand Algerian dinars or by one of the two, and follow-up is not affected in case of committing a Jinaya or a Junha <sup>(51)</sup> during demonstration as it is stated in the Penal Law" <sup>(52)</sup>.

According to the previous article, the punishment of this crime is one of the following three penalties:

- Imprisonment for a period from one month to three months and a fine from two thousand Algerian dinars to ten thousand Algerian dinars.
- Imprisonment for a period from one month to three months.
- A fine from two thousand Algerian dinars to ten thousand Algerian dinars.

It is clear that the Algerian legislator states this punishment to protect the society from the negative effects such as traffic jam that might arise from organizing political demonstrations on public roads in a time other than specified.

#### **Second, the penalty of organizing a demonstration without a license:**

The Algerian legislator criminalizes organizing demonstrating without getting a license from the authority concerned. Article 19 of the Algerian Demonstration Law prescribes that: "Any demonstration organized without a license is forbidden" <sup>(53)</sup>.

The legislator penalizes organizing demonstration without obtaining a license from the authority concerned. Article 22 of the Algerian Demonstration Act prescribes that: "The Demonstration mentioned in Article 19 of this Act shall be stopped according to Article 97 of the Penal Law" <sup>(54)</sup>, <sup>(55)</sup>.

In the light of the previous Article, stopping is the penalty decided for demonstration without a license. The stopping has to be done according to the rulings of Article 97 of the Penal Law. In the light of this article, stopping a demonstration has to be graded as follows <sup>(56)</sup>:

1- Warning those who are in charge of the demonstrations using a strong sound or light signal.

2- Warning the demonstrators using microphones, a strong sound or light signal.

3- Directing a second similar warning if the first does not bear fruit.

What is surprising is that the legislator states stopping only as punishment for an unlicensed demo. He also decides how a demo is to be stopped. This reflects his belief that punishment is to be appropriate for a crime and is to care for human dignity. Stopping is an adequate penalty for an unlicensed demo as it frustrates its hopes and discourages what it seeks after.

**Third, the penalty of organizing a demonstration with a fake license or before the getting the due one:**

The Algerian legislator imposes punishment on those who organizes a demo with a fake license or before holding the due one. Article 23 of the Algerian Demonstration Act prescribes that: "Whosoever organizes or participates in a demonstration with a fake license or before the due one shall receive imprisonment for a period from three months to a year and a fine from three thousand Algerian dinars to fifteen thousand Algerian dinars or by one of the two" <sup>(57)</sup>.

It is shown from the previous article that the punishment for these crimes is one of three penalties as follows;

- Imprisonment for a period from three months to a year and a fine from three thousand Algerian dinars to fifteen thousand Algerian dinars.

- Imprisonment for a period from three months to a year.

- A fine from three thousand Algerian dinars to fifteen thousand Algerian dinars.

The legislator decides this punishment not only for those who organizes a demo without a license but for the accomplices as well. He entitles the judge of the subject to decide the appropriate penalty.

**Fourth, the penalty of inciting to violating peaceful demonstrating:**

The Algerian legislator criminalizes and penalizes inciting to breaking peaceful demonstrating. Article 24 of the Algerian Demonstration Act states that: "Whosoever incites verbally or in writing to a violent demonstration shall be subject to the penalties prescribed in Article 100 of the Penal Law" <sup>(58)</sup>.

As shown in the afore-mentioned text, the legislator refers the punishment of this crime to Article 100 of the Algerian Penal Law. This Article states that: "Whosoever directly and publicly incites verbally, in writing or in print to unlicensed demonstration shall receive imprisonment from a period of two months to a year if it bears fruit and if it doesn't, he shall receive imprisonment from one month to six months and a fine from two thousand Algerian dinars to five thousand Algerian dinars or by one of the two. If it is for violent demonstration, he shall receive

imprisonment from a year to five years on condition that it bears fruit and if it doesn't, he shall receive imprisonment from three months to a year and a fine from two thousand Algerian dinars to ten thousand Algerian dinars or by one of the two" .

According to the pre-mentioned article, the punishment for unlicensed demonstration that does not bear fruit is one penalty only which is imprisonment from two months to a year. But in the case of unlicensed demonstration that bears fruit, the punishment is one of three penalties as follows;

- Imprisonment from one month to six months and a fine from two thousand Algerian dinars to five thousand Algerian dinars.
- Imprisonment from one month to six months.
- A fine from two thousand Algerian dinars to five thousand Algerian dinars.

In the case of incitement to violent demonstration that does not bear fruit, the punishment is one penalty which is imprisonment from a year to five years.

But in the case of incitement to violent demonstration that does not bear fruit, the punishment is one of three penalties as follows;

- Imprisonment from three months to a year and a fine from two thousand Algerian dinars to ten thousand Algerian dinars.
- Imprisonment from three months to a year.
- A fine from two thousand Algerian dinars to ten thousand Algerian dinars.

The legislator decides this punishment to protect the society from violence particularly at the present time that witnesses a growing current fallacy among youth that violence is more fruitful in achieving aspired goals <sup>(59)</sup>.

The legislator hits the mark since he differentiates in punishment between who incite to violent demonstration and those who don't, and inciting that bears fruit and that it doesn't. This stabilizes justice of punishment. If only the Egyptian legislator would follow in the footsteps of the Algerian counterpart in differentiating punishment in the case of incitement to unlicensed demonstration. This gap in the text of Article 18 of the Egyptian Demonstration Act ought to be bridged.

#### **Fifth, the penalty of possessing or holding a weapon or what is like during a demonstration:**

The Algerian legislator dictates a penalty on any person possesses or carries a weapon or a dangerous device during a demo. Article 25 of the Algerian Demonstration Act states that: "Whosoever is arrested holding an unconcealed or concealed weapon or any dangerous tool shall receive imprisonment for a period from six months to three years and a fine from six thousand Algerian dinars to thirty thousand Algerian dinars and heavier penalties in the rulings of the Penal Law concerning demonstrations are not to be affected <sup>(60)</sup>" <sup>(61)</sup>.

As shown above, it is obvious that any person arrested holding a concealed or unconcealed weapon or what is like shall receive the penalty of imprisonment from six months to three years and fining from six thousand Algerian dinars to thirty thousand Algerian dinars. The legislator stipulates that those tougher penalties



mentioned in the rulings of the Penal Law concerning this crime are not to be affected for the purpose making the punishment stricter to protect the society from violence and destruction.

### **Conclusion**

This study aimed at investigating how the Egyptian and Algerian legislations tackle the conception, regulations and punitive procedures of peaceful demonstration. The study came to the following findings:

**First;** The Egyptian Law stipulates that a notification of the demo has to be submitted to the authority, but the Algerian equivalent requires a license not a notification. No doubt that what the Egyptian Law goes to is better since demonstration is a right for the citizen not a gift. The term 'license' implies that demonstrating is a gift from the State that it endows it to who it desires and deprives it from it doesn't do.

**Second,** the Egyptian Law entitles the administrative authority the right to specify a place for demonstrating. The Algerian legislator, on the contrary, entitles this right to those who organize the demo. It is better to settle this question in consultation with each other and the right of complaining is not affected.

**Third,** the Egyptian legislator empowers the administrative authority the right to cancel and postpone the demo if there is evidence of threats to public peace and social order. The Algerian legislator empowers it the right to ask to change its direction and to suggest another if it is appropriate for the demonstration. The Algerian legislator outmatches its Egyptian equivalent in this point as it takes precautions against abuse of power especially in the developing countries.

**Fourth,** the Algerian legislator bans organizing political demonstration on public roads except in daytime. Conversely, the Egyptian counterpart entitles the administrative authority the right to set the appropriate time bearing in mind the public interest. What the Egyptian legislator states is advisable because the right time is changeable and it depends on circumstances. What is suitable in summer is not so in winter and vice versa. Thus, it is better to entitle the administration concerned to fix it according to changes.

**Fifth,** the Egyptian legislator criminalizes organizing demonstrations in places of worship, but his Algerian equivalent makes no mention of it. In spite of the importance of what the Egyptian legislation goes to, he does not put it right. The mosque is the fortress for facing oppression. Thus, it is reasonable to be the center from which the demo starts on condition that the demonstrators abide by Islam teachings.

**Sixth,** the Egyptian legislator stipulates the gradual use of force in case the measures taken to stop the demo failed or the demonstrators go violent. The legislator reveals the steps that have to be taken to stop the demonstration in this case. But the Algerian legislator makes no mention of this unfortunately.

**Seventh,** the Algerian legislator prescribes stopping the unlicensed demonstration as punishment, but his Egyptian equivalent imposes fining. What the

Algerian goes to reflect his belief that punishment ought to be appropriate for the crime. Thus, he imposes stopping the unlawful demo. This penalty is adequate since it frustrates the demo's objectives.

**Eighth**, the Egyptian legislator equals in punishment between incitement to unlawful demonstrating that bears fruit and that it doesn't. Conversely, the Algerian legislator differentiates in penalty between incitement to unlawful demonstrating that bears fruit and that it doesn't. What the Algerian legislator states is right since it consolidates justice in punishment.

**Ninth**, both Egyptian and Algerian legislators take precautions to safeguard the society in case the demonstration goes violent. However, they do not do the same to protect the demo from those who seek to disrupt it. In the light of these findings, the study recommends that the Egyptian legislator amends Articles 10, 14, 15, 18 and 20 of Act 107 for the year 2013 concerning organizing demonstrations as follows;

- Both the administrative authority and those who are in charge of the demonstration contribute to specifying a safe place for demonstrating taking into consideration the common good and those who are in charge have the right to complain at any misuse of power.

- Both the administrative authority and those who are in charge of the demonstration discuss, in consultation, if it is better or not to cancel, postpone, move or to change the demonstration's direction in case there is evidence of threats to the public.

- It is permissible to lead a demonstration from a mosque on condition that it abides by Islam teachings.

- Stopping the unlicensed demonstration is an appropriate and sufficient penalty.

- Incitement to unlawful demonstrating that bears fruit is not equal in punishment to that it doesn't.

The study also recommends that the Algerian legislator amends Articles 15, 17 and 22 of Act 89-28 for the year 1989 concerning organizing demonstrations as follows;

- Whosoever desires to organize a demonstration has to notify the administrative authority in writing three days before.

Both the administrative authority and those who are in charge of the demonstration contribute to specifying the appropriate place and time for demonstrating taking into consideration the common good.

- Using force gradually in case that the measures taken to stop the demonstration failed or the demonstrators act aggressively.

In addition, the Egyptian and Algerian legislators ought to pay due attention to criminalization and penalization of acts of aggression against demonstrators.

Furthermore, people ought to be aware of the conception, the regulations and punitive procedures of peaceful demonstration so as to activate the role of civil monitoring and to protect the society from violent and disruptive demonstrating.

#### Notes

- 1) Surat Al-Imran (The Family of Imran) III, verse: 102.
- 2) Surat An-Nisaa (The Women) IV, verse: 1.
- 3) Surat Al-Ahzab (The Confederates) XXXIII, verse: 70.
- 4) Al-Albany, **Sahih Al-Targheeb wa Tarheeb**, edit. 1, p.3.
- 5) Ben Essa Ahmed, **A-Damanat A-Dawlia wa A-Dostoria le- Horriat A-Tazahur A-Selmi**, p. 35.
- 6) Bara' Munzer Kamal, **Haqq Al-Insan fe A-Tazahur A-Selmi Bain A-Tajreem wa Al-Ibaha fe Zell Al-Hikama A-Rahida**, pp. 94.
- 7) A-Razi, Zain A-Din, Abu- Abdullah, **Mokhtar A-Sahah**, edit. 5, vol. 1, p. 197.
- 8) A-Razi, Zain A-Din, Abu- Abdullah, **Mokhtar A-Sahah**, edit. 5, vol. 1, p. 153.
- 9) Surat Al-Anfal (The Spoils), verse 61.
- 10) Al-Qortoby, Abo Abdullah, **Al-Gamie' Le-Ahkam Al-Qura'n**, edit.2, vol. 8, p. 39.
- 11) Article 4, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 12) Article 15, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 13) Article 2, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 14) Article 3, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 15) Article 8, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 16) Article 9, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 17) Article 10, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 18) Article 14, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 19) Article 15, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 20) Article 11, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 21) Article 11, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis,

- year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 22) Article 12, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 23) Article 15, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 24) Article 16, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 25) 'A-Tajamhur' means illegal gathering of people in a public place. Refer to; Ibn Manzur, **Lisan Al-Arab**, edit. 3, vol. 4, p. 149.
- 26) The public roads are meant to refer to wide ways leading from one place to another as well as streets, lanes and avenues that are used for public traffic. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 27) Article 16, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 28) Article 19, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 29) Enjoying civil rights means that the person is not prevented from the right of making a family, the right of ownership or the right of financial contracting because of insanity or interdiction. Whereas enjoying political rights means that the person is not prevented from the right to vote or to be voted for because of being convicted of committing crimes. Refer to: Jameel Al-Sharkawy, **Drous fe Usul Al-Kanon; Al-Madkahal Ledrasat Al-Kanon**, edit. 2, pp. 227-235 and Wael Abd-Al-aa'l, **Netaq Tabeek Al-Mahkama Al-Dostouria Al-Olia Llmada A-Thania Men A-Dostour, Drasa Tahlelia Mocarana**, edit. 1, p. 549.
- 30) Article 17, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 31) Article 19, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 32) Article 18, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 33) Article 20, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 34) The penalty of imprisonment has two types;
- a- life imprisonment: in which the sentenced spends all his life in prison , but if he or she is on good behavior, they are set free as long as they spend twenty years at least.
- b- Rigorous Imprisonment: in which the sentenced spends a period not less than three years and no more than fifteen years in prison. For further detail, refer to: Mamoun Salamah, **Qanon Al-Okobat; Al-Qesm Al-Aam**, edition 3, p. 648 and Mohamed Zakki Abu-Amer, **Qanon Al-Okobat; Al-Qesm Al-Aam**, no edition, pp. 505-508.
- 35) The fine penalty means that the sentenced has to pay a particular sum of money through administrative ways. For further detail, refer to: Mamoun Salamah, **Qanon Al-**

**Okobat; Al-Qesm Al-Aam**, edition 3, p. 663, Mohamed Zakki Abu-Amer, **Qanon Al-Okobat; Al-Qesm Al-Aam**, no edition, p. 521 and Raouf Ebeid, **Mabadei Al-Qesm Al-A'm Men A-Tashree' Al-Iqabi**, edit. 4, p. 865.

36) Article 17, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

37) Article 7, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations, prescribes that: "It is forbidden to disturb the public peace or the public order, disrupt or call to disrupt production, put off the citizens' interests, hurt or endanger their lives, prevent them from practicing their rights or jobs, pervert the course of justice or the public utilities, obstruct roads, public transport, road, sea or air transport, block traffic, act aggressively to people, destroy public or private property or endanger it. Refer to: Article 7, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

38) Article 18, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

39) Refer to Article 7, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

40) The penalty of imprisonment is the least custodial sanction. The Egyptian legislator defines it as: "detaining the sentenced person in one of the central or public prisons for the sentenced term". Imprisonment has two types; first, simple imprisonment; second, imprisonment with labor. Imprisonment with labor is compulsory in two cases: first, if the sentence term is for a year or more; second, if it is less than a year as in the crimes of theft, hiding the stolen things, animal extermination and crops ravage. But it is optional in the case of offences and felonies in which clemency is taken into consideration. Refer to: Mamoun Salamah, **Qanon Al-Okobat; Al-Qesm Al-Aam**, edition 3, p. 648 and Mohamed Zakki Abu-Amer, **Qanon Al-Okobat; Al-Qesm Al-Aam**, no edition, pp. 508-511.

41) Article 19, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

42) Article 20, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

43) Article 5, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

44) Article 14, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

45) Article 20, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

46) Article 21, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.

- 47) Confiscation means taking or seizing one's property with authority. What distinguishes it us that it is a tangible penalty. That is, seizing one's property for the Public interest with no return. Confiscation is a financial penalty. Confiscation, unlike fining, is a supplementary penalty only and it is never imposed as a main penalty. It is imposed as a supplementary penalty for offences and felonies. Refer to: Mamoun Salamah, **Qanon Al-Okobat; Al-Qesm Al-Aam**, edition 3, p. 681, Mohamed Zakki Abu-Amer, **Qanon Al-Okobat; Al-Qesm Al-Aam**, no edition, pp. 521-530 and Raouf Ebeid, **Mabadei Al-Qesm Al-A'm Men A-Tashree' Al-Iqabi**, edit. 4, p. 868.
- 48) Article 22, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 49) Article 16, Act no, 107, year 2013, relating regulating the right of public gatherings, processions and peaceful demonstrations. Refer to; **The Egyptian Official Gazette**, issue 47 bis, year fifty six, 10<sup>th</sup> of Moharram, 1435 H. – 24<sup>TH</sup> of November 2013.
- 50) Article 16, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 51) 'Al-Junha' linguistically means a sin and legally means an offence that punished by custody and/or fining of no more than a hundred Egyptian pounds. This is unlike 'Al-Jinaya' which is a felony punished by death, life hard labor, interim hard labor or imprisonment. It is noteworthy that 'Al-Junha' and 'Al-Jinaya' are two of three types of the crime in the Law literature. The third type is 'Mokhalafa', i. e., infringement, which is less grave than the two other types of the crime and punished by fining of no more than a hundred Egyptian pounds only. Refer to: Ibn Manzur, **Lisan Al-Arab**, edit. 3, vol. 1, pp. 696-698 and Moawaad Abd Al-Tawwab, **Qanun Al-Uqubat Mo'allaqan Aliah Bi-Ahkam Mahkamat A-Naqd Minz Inshaeha wa Hatta A'm 1987**, no edition, vol. 1, p. 43.
- 52) Article 21, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 53) Article 19, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 54) Article 97 of the Algerian Penal Law prescribes that: "armed demonstrations are forbidden and non-armed demonstrations which result in disturbing public peace is banned. The armed demonstration is that in which one of the demonstrators carry a concealed, unconcealed weapon or weapon-like tool. It is permissible for the police force who are ordered to end the demonstration to defend themselves using force whenever necessary. Refer to the Algerian Penal Law.
- 55) Article 22, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 56) Refer to the Algerian Penal Law, Article 97.
- 57) Article 23, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 58) Article 24, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.
- 59) BelHawwari Al-Haj, **Al-Harakat Al-Ihtijajia be Al-Jazaer men A-Tazahur A-Selmi ila Al-ihitaj Al-Aneef**, p. 92.

60) Refer to the Algerian Penal Law, Articles 97, 98, 99, 100, 101.

61) Article 55, Act 89-28, 3<sup>rd</sup> Jomada A-Thania, 1410 H. – 31<sup>st</sup> December, 1989, relating public gatherings and demonstrations. Refer to: **The Algerian Official Gazette**, issue 4, 27<sup>th</sup> Jomada A-Thania, 1410 H.