The quarterly report on the state of freedom of expression in Egypt

Second quarter (April – June 2018)
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The report was based on the presentation and analysis of some issues related to the right to freedom of expression and freedom of information, in order to evaluate the general policies of state institutions in that regard. The report also includes a presentation of documented violations in accordance with AFTE standards. The report covers the period from 26 March 2018 to 25 June March 2018. It includes an analysis of patterns of violations in order to demonstrate the impact of state policies on the right to freedom of expression.

Introduction

The report deals with the period following the presidential elections in Egypt, and attempts to explain the context in which El-Sisi begins his second term. The report seeks to focus on the current policies and trends of the Authority, which has successfully eliminated opponents during the presidential election.

In addition, the report engages with legislative developments by providing a reading of the Electronic Crime Law passed by the Egyptian Parliament during the reporting period, as well as the Press and Media Regulation Act, which was approved by parliament in principle.

There is no doubt that these legislative developments will have a significant impact on the extent of violations, in terms of digital rights and media freedom, issues that the current authority is interested in restricting, especially in the attempt to amend the articles of the Egyptian constitution, allowing the current president to remain in power after the end of his second term; and also in order to enforce the economic measures associated with the IMF loan. This is what the report addresses in its first section.

In the second section, the report reviews patterns of violations in four areas: media freedom, digital rights, freedom of creativity and academic freedom, trying to draw general conclusions from the details of these violations, so that the reader can identify their motives and the authorities who impose those restrictions, foremost the Supreme
Council for media regulation, security bodies, administrations of universities and investigative bodies.

The documented violations prepared by the monitoring and documentation unit of the institution are of great importance in determining the state of freedom of expression. Therefore, in its annexes, the report provides the full details of these violations. The report ends with a number of recommendations made by AFTE to the concerned authorities in the country, as well as to the target groups and groups that are engaged in discussions with the Egyptian authorities to protect freedom of expression.

I. Review of the situation of freedom of expression

The first section of the report examines the situation of freedom of expression in the second quarter of 2018, through a number of pressing issues, through which policy developments and legislative trends can be understood in the area of freedom of expression. The report begins with the declaration of President Sisi’s victory in the presidential elections, examining the features that illustrate the trends of President Sisi in his second term.

- The second presidential term of El-Sisi: More suppression of freedom of expression

On April 2, 2018, the National Elections Commission announced President Abdel Fattah al-Sisi’s victory in the presidential elections after obtaining 97.08% of the valid votes. The Presidential elections witnessed several practices to prevent potential candidates from submitting their candidature, including candidates with a military background, while presidential elections were held in a climate restricted to freedom of expression. This was reported by AFTE in its report on the state of freedom of expression during the first quarter of 2018.¹

After the announcement of the victory of President El-Sisi, the current authority

continued its fierce attack to restrict the freedom of expression, whether through executive organs such as the Supreme Council for Media Regulation or security bodies, or through investigation bodies. Mohamed Sayed Saleh, editor in chief of the daily Al-Masry Al-Youm was removed, against the backdrop of a newspaper headline at the end of March 2018 titled “The State is mobilizing voters in the last days of the elections”, upon which the Supreme Council of Media referred the editor in chief and the editor of that piece of news to the investigation committee of the Journalists Syndicate, based on a complaint by the National Electoral Commission. Another complaint accused the newspaper of insulting was referred by the public prosecutor to Supreme State Security Prosecution, which summoned the ousted editor-in-chief of Al-Masry Al-Youm, in addition to 7 correspondents who contributed to the news. Later, the seven journalists were released, in addition to the editor of chief, who paid bail of 10,000 pounds. 2

The consequences of covering the presidential elections were not confined to Al-Masry Al-Youm, but also spread to the Masr El-Arabeya website, which was fined 50,000 pounds by the Supreme Council for Media Regulation, due to a complaint from the National Elections Commission, criticizing a translation of a New York Times report addressing with electoral briberies. Adel Sabri, editor-in-chief of the website, now in detention pending investigations, faces charges of publishing false news, incitement to disrupt constitutional provisions, joining a banned group and inciting demonstrations. In its second section, the report discusses in detail the status of media freedom during the second quarter of 2018.

Another manifestation of the ongoing offensive by the current authority to restrict freedom of expression has been the arrest of a number of activists and bloggers who publish critical views of Sisi's policies on the Internet, as well as citizens who have expressed anger over economic policies, which involved an increase in the cost of metro tickets, of whom 10 citizens were arrested in the Helwan metro station, on May 13, 2015, and were released by the prosecution two days later. 3

This arrest campaign involved, for example, political activist Hazem Abdul Azim, who was part of Sisi’s campaign in the 2014 elections, who was accused by the Supreme

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2. AFTE, Statement condemning the detention of an editor in chief and his expulsion from his post against the backdrop of election coverage. 11 April 2018, last visited 25 June 2018 [https://afteegypt.org/media_freedom/2018/04/11/15001-afteegypt.html](https://afteegypt.org/media_freedom/2018/04/11/15001-afteegypt.html)

3. AFTE, Release of 10 citizens after their arrest upon expressing their objection to the increase in the cost of metro tickets, 15 May 2018, last visited 25 June 2018, [https://afteegypt.org/law_unit/2018/05/15/15189-afteegypt.html](https://afteegypt.org/law_unit/2018/05/15/15189-afteegypt.html)
State Security Prosecution of helping a terrorist group achieve its goals and using social networking sites to promote the ideas of that terrorist group. He is in remand detention. The same legal status applies to activists Amal Fathi, Wael Abbas and Haytham Mohammaden, who were also charged of using social media to express their opinion. Activists Shadi al-Ghazali, Sharif al-Roubi, and freelance journalist Mohammed Oxygen, face charges in state security case no. 621.

Thus, it seems that the current authority seeks to expand the pursuit of journalists, activists and bloggers, despite winning the race for presidential elections. Sisi was sworn in as President of the country on 2 June 2018. The current authority has succeeded in bringing about continuous changes in the leadership structures of security authorities, the most recent of which was the dismissal of Defense Minister Sidqi Sobhi and Interior Minister Magdi Abdel Ghaffar, with the formation of the new government, on June 14, 2018. It should also be noted that the head of the General Intelligence was resigned in conjunction with the presidential elections, and replaced with Major General Abbas Kamel, director of the presidential office, on 28 June 2018. Also, Army Chief of Staff Mahmoud Hijazi, had been ousted the previous year.

It is likely that the continuation of this attack is aimed at preventing protests on economic decisions linked to the IMF loan and creating a climate for constitutional amendments that will pave the way for the president to continue to govern after the end of his second term, especially that the change in security leadership lead to a strengthening of Sisi’s control over state institutions. The report explains how the current authority uses legislation, security prosecutions and judicial charges to prevent citizens from expressing their views.

- Parliament’s approval of the Cybercrime Law: Legalization of Internet censorship

During the period covered by the report, Parliament passed the law against electronic crimes, known in the media as the Cyber Crime Act. The Egyptian government, as well as lawmakers in association with the authority, has been trying to pass this law for the past two years. The timing at which the parliament passed the law reflects the current
authority’s fear of the Internet as the last space used by its critics to disseminate their views and circulate information on developments in domestic politics in Egypt. The cybercrime law will increase the opportunities for the authority to target citizens because of their use of the Internet to express opinion with severe penalties, as well as monitoring users by requiring intermediaries and service providers to record their data for 180 days. The law gives the executive authority and judicial authorities the power to censor the Internet. Since May 24, 2017, the current authority has used a widespread practice of blocking websites, which is unprecedented in Egypt.

The law against the crimes of information technology includes 45 articles; it is a law submitted by the government, and approved by the House of Representatives on 5 June 2018. The law requires the signature of the President of the Republic to become valid, and if not signed by the President within 30 days, will be activated automatically. The articles of the law tend not to specify the meaning of the terms used, leaving them vague and subject to selective interpretation. For example, the law does not specify the term “public morals” in article 27, as well as article 35, which increases the penalty if the crime is committed for the purpose of disturbing public order, endangering national security or economic status of the country, preventing or obstructing the undertaking of their works by public authorities, disrupting provisions of the constitution, laws or regulations, or harming national unity and social peace.\(^5\)

Article 7 of the Cybercrime Act provides the investigating authorities with the power to issue a decision to block websites, when it considers that the content posted on these sites constitutes a crime or threat to national security or jeopardizes the security of the country or its national economy. The investigating authority shall submit this decision to the competent court within 24 hours. The court shall issue its decision within a period not exceeding 72 hours, either by acceptance or rejection. Article 7 thereby legalizes the blocking of websites. After the adoption of the law, the Egyptian authorities can rely on this article to control internet content.

According to the same article, competent authorities have the authority to issue decisions to block websites. They may inform NTRA, which in turn informs the ISP of...

temporary blocking of the site, link or content. The article obliges ISPs to implement the content of the notification immediately upon its receipt, in a “case of urgency for imminent danger or damage”. This means that the blocking decision will be subject to discretion, without specific criteria for describing the current or imminent damage, allowing the police to arbitrarily using the power granted them for blocking.

However, the law requires law enforcement authorities to submit the decision, after it has already been implemented, to investigative bodies within 48 hours, in order to present it to the competent court within 24 hours. The court shall, within a period not exceeding 72 hours, issue its decision either by acceptance or rejection. This means that investigation and control authorities have greater authority than interrogation authorities, whose decision is not valid and is implemented only after a judicial decision has been issued by the competent court, contrary to the authority given to the investigating authorities. The Electronic Crime Act defines the reasons for blocking Web sites by using loose and undisciplined terms such as the threat to national security, which the law defines as all that relates to the independence, stability, security, unity and territorial integrity of the nation, the presidency, the defense council, the council for national security, the armed forces and the ministry of military production, Ministry of Interior, the General Intelligence, the Administrative Oversight Authority and the organs affiliated to those institutions. Those same charges were previously used against many demonstrators and activists, whether in investigations or trials, against the background of the call for demonstrations, in cases of publication and in case 173 against civil society organizations. Also, whatever any of those authorities will consider criticism will also be considered a threat to national security.

On another level, the Electronic Crime Act regulates the overall monitoring of communications. Article 2 of the Act requires telecommunications companies to save and store customer usage data for a period of 180 days. These data include those that enable the user to be identified, data relating to the content and substance of the information system used, the use pattern and the devices used. This means that telecom providers will have data showing all user practices, including phone calls, text messages, and all related data, sites visited by the user, and applications used on smart phones and computers. The same article also requires telecommunications companies to comply with any “other decreed data” by the NTRA board, which means that telecommunications service providers can subsequently be obliged to collect and
retain data not provided for in the law based on an administrative decision issued by the NTRA.  

Article 2 extends the authority to collect user data to agents and distributors of telecommunications service providers, who are intended to market the service. Article 2 also grants national security authorities the right to access such data, and obliges telecommunications service providers to provide the necessary technical facilities therefore. Thus, the electronic crime law has imposed a comprehensive control on all users in Egypt, rather than condition the monitoring of communications by permission from investigation bodies of specific crimes and for a specific period. The law also allows security authorities to obtain user data without complying with standards. It seems that Parliament is determined to restrict digital rights by using other legislation. The draft law governing the organization of press and media, which was approved in principle on 10 June 2018, contains an article imposing penalties on Internet users, although the law primarily regulates press and media affairs. This is what the report addresses in the next point.

- Draft law regulating press and media: a new blow to media freedom

The 2014 Egyptian constitution established the independence of media bodies. The provisions of the constitution are in line with demands of many experts to abolish the Ministry of Information and its central control over the media and the press. Since the election of the House of Representatives in 2015, laws regulating the work of the press and media have always been controversial both in and outside parliament. The current House of Representatives passed the Law on the Institutional Organization of the Press and Media in December 2016; it is a law that regulates the work of bodies responsible for the press and the media. Since then, the House of Representatives has not passed the required law regulating the press and media, and the rights of their respective employees.

In June 2018, some newspapers published a report by a joint parliamentary committee on the promulgation of the Press and Media Regulation Act. The report made a surprising development when it recommended the repeal of Law No. 92 of 2016 on the
Institutional Organization of the Press and Media. According to the report, the Joint Committee considered that the provisions of the Constitution issued in 2014 called for Parliament to work first to issue the law regulating the work of the Higher Council for Media Regulation, the National Press Authority and the National Information Authority - the Institutional Organization of Press and Information Law – to obtain the opinion of those entities regarding Press and Media Affairs. Since this objective has been achieved by these bodies giving their views on the draft law regulating the press and media, the joint parliamentary committee recommended the repeal of the institutional organization of the press and media law, and the issuance of three separate laws, the first for the National Press Authority, the second for the National Media Authority, while the third introduces the Supreme Council for Media Regulation. The Committee considered that these legislative changes would address the “practical gaps” that had emerged in the work of the National Press Agency and the National Information Authority - two bodies affiliated to the State-owned Media Administration.

The House of Representatives approved in principle the law regulating the press and media, including the articles on the work of the Supreme Council for Media Regulation, during its plenary session, on 10 June 2018. It also approved in principle the law of the National Press Commission and the National Media Commission in its plenary session on June 11, 2018. This step shows the extent of confusion in the performance of the Egyptian parliament. Before the election of parliament, the debate within the press community focused on the issuance of a unified law for the press and media. Indeed, a committee of 50 experts prepared a draft law. However, parliament did not take this draft into consideration during its 2016 discussions, claiming that priority must be given to the formation of the competent media and press affairs bodies. At the time, parliament was subjected to a lot of criticism.

The draft law regulating the press and the media and the Supreme Council for Media Regulation consists of 108 articles divided into seven sections, the most important of which are: Part Three, which deals with press institutions and the regulation of their

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ownership. The fourth section deals with media institutions and the regulation of their ownership. Article (19) of the draft law is different from the overall law philosophy. Article 1 of the draft law exempts from its provisions “the site or the means and the personal electronic account.” While Article 19 stipulates that the Supreme Council for Media Regulation shall impose sanctions on each personal website, electronic blog, or electronic account, having 5000 followers or more, if it publishes or spreads false news, incites violation of the law, violence or hatred, calls for discrimination among citizens, racism, or intolerance, or involves a defamation of an individual, insult to divine religions or religious beliefs. 

Article (19) allows the Supreme Council for Media Regulation to issue a decision to block a site, a blog or a personal account that violates the provisions of the law. Here, the Parliament seeks to make the Supreme Council for Media Regulation a body responsible for the comprehensive monitoring of Internet users, a power not provided for by the law of institutional organization of the media, which will be canceled upon the issuance of this law. The bill also aims to impose centralized control over online press sites by incorporating them into the media spectrum that is subject to its terms. The bill allows the competent court to block such sites as punishment for violating the nature of the licensed activity, according to Article 105.

The draft law regulating the press and the media and the Supreme Council for Media Regulation limits the definition of the journalist or media person to those registered in the syndicate of journalists or media professionals. Given the highly complex registration conditions in the two unions, many journalists and media professionals will be denied access under the umbrella of the law, and thus will not receive the guarantees they provide. On the other hand, the draft law on the regulation of the press and media requires that those registered with the Syndicate of Journalists or Media personnel should be responsible for editing or managing programs, thus depriving those who are not registered to occupy such posts, according to Articles (40) and (55). The law also stipulates that the percentage of those registered in the union shall not be less than 70% of the employees of the newspaper or the website, according to Article (42).

The draft law for the regulation of the press and the Supreme Council for Media Regulation contains loose terms, which is the approach adopted by the current

parliament in the legislation it issues. The draft includes terms such as National security and public morality, as in the text of Article 4, which allows the Supreme Council to prohibit the publication of press material produced or broadcasted from abroad “for considerations of national security”. The same article used terms such as “addressing religions and religious doctrines in a way that could disturb public peace”. In Article 5, which defines reason for denying licensing or revoking the license, the legislator used terms that allow the administrative authority to arbitrarily use its authority; such terms include “regional sectarianism”, “hostile activity against the principles of democracy”, “incitement to pornography”.

Four members of the Journalists Syndicate Council declared their rejection of these laws. They considered that the draft law regulating the press and media “is shocking and suspicious and does not represent journalists insofar as it represents specific bodies, national and private, that seek to control the press and silence it forever.”

Their objection extended to the law of the National Press Authority, which they said aims to “control the boards of directors and public associations of national newspapers, reducing the number of elected and raising the number of appointees from outside the institutions,” in reference to Article (35) of the draft law of the National Press Authority.

It seems that the House of Representatives is in the process of transforming the Supreme Council for Media Regulation into a body that conducts comprehensive monitoring of Internet users in Egypt, in addition to the Council’s powers in monitoring media content. This will increase violations by the Supreme Council for Media Regulation against freedom of information and creativity and digital rights especially that the Supreme Media Councils decisions establish the control of artistic works.

II. Presentation and analysis of patterns of violations of freedom of expression:

In this section, the report highlights violations of press and media freedom, digital rights, freedom of creativity, and academic freedom. The report presents the patterns of these violations and addresses the analysis their developments, both in relation to past practices of the present authority and in terms of the impact of the political context on their frequency.

- Press and Media Freedom

During the reporting period, AFTE documented 17 cases of violations of media freedom. This is intended to comprehensively examine the violations, so that the total facts are dealt with. We documented a total number of 27 violations.

The use by the current authority of judicial investigations to intimidate journalists was prominent in the second quarter of 2018. On 12 April 2018, the State Security Prosecutor summoned the editor-in-chief of Al-Masry Al-Youm and seven of the newspaper’s correspondents to investigate a headline in the paper during Election days. The prosecution decided to release the editor on 10,000 pounds bail and to release the seven correspondents who were the newspaper’s correspondents in the governorates of Dakahlia, Beheira, Qaliubia, Damietta, Kafr El-Sheikh, Gharbia and Menoufia. The National Electoral Commission (NEC) had filed the complaint, accusing journalists of publishing false news that would harm the public interest.

In its March 29, 2018 issue, Al-Masry Al-Youm had published the aforementioned headline. As a result, the Supreme Council for Media Regulation decided on April 1, 2018 to fine Al-Masry Al-Youm newspaper a sum of LE 150,000 for what the Council considered an accusation against the state. The Council also decided to compel the newspaper to publish an apology in the same place and space, based on a complaint filed by the National Elections Commission. The decision also included the referral of the then editor-in-chief of the newspaper, Mohamed Sayed Saleh, to an investigation by the Journalists’ Syndicate. On April 4, 2018, Al-Masry Al-Youm’s Board of Directors intervened indirectly, when it issued a decision to terminate the mandate of Mr. Mohamed Al-Sayed Saleh as editor of Al-Masry Al-Youm, while continuing to maintain
his current financial rank. The decision did not give a reason for the dismissal.
In the same vein, police raided the headquarters of Masr El-Arabiya, one of the blocked sites, and arrested Adel Sabri, the editor of the site. Two days after the decision of the Supreme Media Council on April 1, 2018, the website was fined 50,000 pounds due to a complaint filed by the National Elections Commission (NEC) because of the publication of a translation of a New York Times report titled: “Egyptians Are Scouting for Elections for $ 3”. Dokki prosecution ordered the detention of Adel Sabri, on the basis of record No. 4861/2018 Dokki misdemeanors, in which he was accused of publishing false news, incitement to disrupt the provisions of the constitution, joining a banned group, and incitement to demonstrate.

The second pattern of violations of media freedom revolves around disciplinary measures against national television employees. The Administrative Court of Justice issued a ruling expelling Ali Hassanein Abu Hamaila, director general of Egyptian television, from his post for what the court described as breaching public office requirements by writing statements on his personal Facebook account that constitute an insult to the president. Abu Hamila had written a critic of Egypt’s concession of the islands of Tiran and Sanafir. The disciplinary court also decided to refer a program manager in a state-owned channel - who declined to be named - to early pension for criticizing certain incidents, such as criticizing the killing of a citizen by a policeman and criticizing the one million-acre project. The administrative prosecution had accused him of publishing false news and insulting the military and police institutions.

Prevention of coverage is one of the most prominent types of violations of media freedom during the second quarter of 2018, amounting to 7 cases. The head of the union of engineers prevented reporters from covering the press conference called for by some members of the union council to protest against the chair’s decisions. The Giza Criminal Court prevented journalists from covering the trial of a police officer, a son of a former parliamentarian and two others in the case of the murder of child Youssef al-Arabi. The Cairo Criminal Court also banned journalists from covering the retrial of the Muslim Brotherhood leader and others in the case known as the “Masged El Fath case.

The Governor of Aswan also prevented journalists from covering the visit of the South Valley Development Committee to the Aswan General Hospital. The head of the East Mansoura neighborhood also prevented the correspondent of El-Wafd newspaper from
entering the public gardens in the city to cover the celebrations of Sham Al Naseem. The media spokesman for the Ministry of Health, Khalid Megahed, prevented El-Fagr newspaper correspondent, Abdulrahman Salah, from covering the ministry’s news as well as called for a boycott of the paper on the pretext of attacking the minister and focusing only on the mistakes within the ministry. The accusation was based on an intervention made by Salah on a satellite channel where he attacked the minister and accused him of giving preference to his colleagues at Ain Shams university by seeking their help various committees, according to him.

Regarding foreign journalists, Egyptian authorities appear determined to continue their deportation. In the AFTE report of the first quarter of 2018, we focused on the deportation of Times correspondent in Egypt, Bel Trew. During the second quarter of 2018, the same treatment was received by French journalist Nina Obini, who was prevented by the Egyptian authorities from entering Egypt and deported. In a testimony posted on her personal account on Facebook Obini said that the reason for the ban from entering Egypt goes back to an article published in December 2013 deals with issues in El-Nuba. She wrote that “during her termination of her entry procedures, she was stopped by a passport control officer who told her she was on the list of those forbidden to enter Egypt; she was then taken by a policeman to meet another officer, who asked her several questions relating to the period she spent in Egypt, whethr she had been to Tahrir, spoken with demonstrators or not.” She was deported after the French embassy contacted her, informing her that the Egyptian authorities would not back down from the deportation decision. It should be noted that the French journalist came to Egypt for a short vacation, not to do a press job.

The report monitors developments in the situation of imprisoned journalists during the period covered by the report, as follows:

- **Samhi Mustafa, Mohammed Al-Adli, and Abdullah Al-Fakhrani:**
  
  On April 14, 2018, the Court of Cassation upheld the sentence of the Criminal Court to five years’ imprisonment on charges of joining a group established contrary to the law, joining the group knowing their purposes as described in the investigations, participating in a criminal agreement intended to try to overthrow the state constitution and its government by force, the deliberate destruction of buildings and public properties allocated to government institutions and to facilities and public institutions, broadcast
news and statements and false rumors abroad about the internal situation of the country by a broadcast through the internet and some satellite channels videos, pictures and false news, possession of cordless phones and transmitters without obtaining the permission from the competent authorities with the aim to harm national security.

The three journalists were arrested from a flat in Maadi on August 25, 2013, and were assigned to the case known as “Raba’a El-Adaweya operation room”.

**Mohamed Hassan Mustafa, Hamdi Mokhtar Ali, and Osama Gaber Mohammed:**

On 6 June 2018, the Criminal Court ordered the release of Beladi news agency, Osama Gaber Mohamed, on precautionary measures. The prosecution appealed the court’s decision, but the court rejected the appeal and supported the decision to release the journalist. Osama Gaber was arrested along with two journalists working for Al Nabaa newspaper, Hamdi Mokhtar Ali and Mohamed Hassan Mustafa, while filming a report with a number of citizens in the Qasr El Nil neighborhood. The prosecution charged them with joining a terrorist group, spreading false news, damaging national unity and social peace, and calling for demonstrations without a permit.

A week after the release of the journalist Osama Gaber, the Criminal Court ordered the release of journalists Hamdi Mokhtar and Mohamed Hassan with precautionary measures. The prosecution appealed the decision, and its appeal was rejected on 13 June 2018.

**Ismael al-Sayed Mohamed Tawfiq, aka. Ismail al-Iskandarani:**

Al-Shorouq newspaper published a report on May 23, 2018, quoting lawyers, that the military court sentenced the journalist and researcher Ismail al-Iskandarani, while the news was not confirmed by any official body. Reporters Without Borders said it had contacted the military spokesman, who in turn denied the report. However, the position of Iskandarani is still vague until the moment, as the military court did not issue any statements to deny or confirm the news, and refuses to give his lawyer any information.

Iskandarani was arrested upon his arrival at Hurghada airport from Germany in November 2015, and transferred to the Supreme State Security Prosecution on charges of belonging to a banned group and publishing false news and statements about the situation in the Sinai. In January 2018, the case was referred to military prosecution for investigations.
● **Adel Sabri - added to the list of imprisoned journalists in the second quarter of 2018:**

He was arrested on April 1, 2018, and has been held in custody throughout the three months the report covers, in accordance with record no. 4861 of the year 2018 Dokki misdemeanors, in which he was accused of spreading false news, inciting to disrupt the provisions of the constitution, joining a banned group and inciting to demonstrate. During the investigation, he was informed of the existence and seizure of an arrest warrant in another case, 441 State security, but has not yet been investigated.

● **Mohamed Radwan Mohamed Ibrahim, aka “Mohamed Oxygen – Added to the list of journalists imprisoned in the second quarter of 2018”:**

Police arrested the blogger and journalist Mohammed Radwan Mohamed Ibrahim, the famous blogger of Oxygen Egypt News, from his home on 7 April 2018. Oxygen was referred to the State Security Prosecution in record no. 621 of 2018 for charges of spreading false news, and joining a banned group.

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**Digital Rights**

It can be argued that the current practices of the Authority with regard to violations of digital rights are governed by two basic principles: violation of the freedom of digital expression and censorship of the Internet. In addition, during the second quarter of 2018, the role of the Supreme Administrative Court in online censorship emerged, which is a remarkable development. On May 26, 2018, the Supreme Administrative Court issued its ruling on appeals against the ruling of the Administrative Court of Justice in February 2013 banning YouTube for a month and blocking and banning all links and websites displaying a video that was considered offensive to the Prophet. The Supreme Administrative Court approved the decision to ban YouTube for one month. The ruling concluded that there is a lack of regulations for blocking process in Egyptian legislation, including the Telecommunications Regulatory Law. However, this does not undermine the right of government agencies and the NTRA to block certain websites on the Internet when there is prejudice to national security according to the ruling. The ruling argued that the offensive film on YouTube and other websites had the most impact on internal national security. The state represented by the National Telecommunications Regulatory Authority (NTRA) had to hasten to block this offensive film immediately.
and if this was not possible, as reported by the National Telecommunications Authority report, it had to block the entire YouTube site and any site which could grant access to this offensive film.

The report examines the increased frequency of targeting of activists and bloggers during the second quarter of 2018 in cases of digital freedom of expression by arresting them and issuing warrants for remand detention. We documented the arrests of 8 activists and bloggers. The most prominent of these cases, high state security Case No. 621 of 2018, includes a number of activists arrested from different places and on different dates, joined by the charges brought by the prosecution, including joining a terrorist group, the dissemination of false news and the use of social networks to disseminate ideas of that terrorist group. Included in the case are Mohammed Oxygen, a blogger and journalist, Sherif al-Roubi, a member of the April 6 Movement, and Shadi al-Ghazali Harb, a political activist, all of whom are still in pre-trial detention until writing of this report.

The case also involves Amal Fathi, wife of Mohamed Lotfi, executive director of the Egyptian Commission for Rights and Freedoms, whose house was raided by security forces on May 11, 2018, at 2:30 am. She and her husband and their 3-year-old son were arrested. Later, Lotfi and the child were released. The police filed a record against Amal Fathi because of a video posted on Facebook where she recalls an incident of sexual harassment she suffered in an Egyptian bank. The Maadi prosecution accused Amal Fathi of broadcasting a video on Facebook to incite for the overthrow of the regime, and spreading false rumors and misuse of social media in case No. 1997 of 2018 Maadi misdemeanors. A decision was made to release Fathi on a 10,000 pounds bail in this case, but she is still in custody in high state security Case 621/2018.

Fathi was not the only one to be imprisoned because of a video broadcasted on social media sites. Lebanese actress Mona Mathbouh was arrested on May 31, 2018, for a video in which she announced her dissatisfaction with some of the incidents to which she was exposed in Egypt. Later, the prosecution referred her for an urgent trial on charges including broadcasting rumors that would harm the community, the infringement on religions, and the manufacture and display of a content that harms public modesty on her Facebook page.

In May, three activists faced charges in various cases. On May 17, 2018, security forces arrested lawyer Haitham Mohammadin and charged him with involvement in the
activities of a terrorist group, demonstrations and incitement to demonstrate through social media in high state security case no. 718/2018. On May 23, 2018, blogger Wael Abbas, who was accused of collaborating with a terrorist group in achieving its goals, was arrested for publishing false news and using social networking sites to promote the ideas of that terrorist group in Case No. 441 of 2018. On the basis of case No. 734 of 2018, activist Hazem Abdel Azim was arrested on charges of participating in a terrorist group, spreading false news, and using social networking sites to promote the ideas of this terrorist group after he was arrested by security forces on 26 May 2018 from his home. These activists are still in remand detention.

On the level of online censorship, the report monitored, during the second quarter of 2018, the blocking of 4 Web sites, bringing the number of blocked websites in Egypt to at least 503 sites. Egyptian authorities began extensive blocking of sites in May 2017. In a significant development, El-Kateb website was blocked only 9 hours after its launch. The website belongs to the Arabic Network for Human Rights Information (ANHRI); its editor in chief is Khaled al-Balashi. It is noteworthy that El-Bedaya website, also headed by journalist Khaled al-Balashi, was blocked in June 2017. The website of the Arabic Network for Human Rights Information (ANHRI) was blocked in August 2017.

– Freedom of creativity

The most prominent feature of the violations of freedom of creativity in the second quarter of 2018 is the prevention and stop of theater performances on public university theaters. The report documents the suspension of performance of 4 plays in different universities, some for political reasons, some for religious reasons, and sometimes without giving reasons.

On April 22, 2018, the administration of the Faculty of Science at Alexandria University rejected the play “The Heritage of the Wind”, which was performed by the theater team at the college to participate in the annual university theater festival. The representative of the Faculty of Science told the theater team that the show “stimulates religious feelings and sectarian strife” because of some sentences related to the Christian religion. The Vice Dean of the Faculty of Arts at Mansoura University canceled the play “The Last Days of the Earth” by the faculty theater team on April 20, 2018, which was preparing to present it within the activities of the university theater festival of 2018. The decision was made on the grounds of a content that incites sectarian strife and
constitutes a threat to the security of the country. It was decided to withdraw the ban after members of the theater team of the Faculty of Arts went to the Dean of the College, who approved the show, after the formation of a committee of professors in different sections to evaluate the theme of the play. The Department of the Faculty of Agriculture - Saba Pasha- University of Alexandria prevented the play “They are playing music” on 5 April 2018, without giving reasons. Also, the Faculty of Specific Education at Tanta University, cancelled the show of the play “The Wall”, despite the fact that the text has been approved by the College administration. A few days before the opening the administration rejected the play for containing political content related to the Palestinian cause.

At the level of drama, the Supreme Media Council decided to address satellite channels to delete the scenes, which the Council considered to be a violation of the standards in the series that were shown in Ramadan. The Council committed the channels to delete 6 scenes from 4 series: “Ded Maghoul”, “Ayoub”, “Fawq Elsahab” and “Manou’e eliqtirab wal taswir”. It should be noted that the Supreme Media Council had previously formed a drama committee working on monitoring pieces of drama, and setting what it described standards that drama producers should abide with.

The Supreme Council for Media Regulation continued its interference in what is being shown on the screens, issuing “standards and media codes for newspapers, channels and drama works,” which included the standards that must be fulfilled before they are shown on screens or broadcasted on radio stations. These standards includes content that the Council prefers to be presented to the viewer, such as “making room for historical and religious drama and biographies of popular heroes”, and in another article “to stop dealing with issues that enshrine superstition and religious extremism as a solution to worldly problems or as a means to confront evils.” Penalties ranged from a warning and paying a fine, to referral to investigation and making a public apology, and finally a “temporary stop of the broadcasting of infringing programs, or closing chapters or pages that committed the offense.”

In the case of cinematography, the agency for censorship of works of art issued a

13. Ibid.
decision to withdraw the license of the film *Karma*\(^\text{14}\), by director Khaled Youssef, on June 11, 2018, a few days before its release to the public, even though the film had all the necessary licenses and permits. In protest against the withdrawal of the license, the Cinema Committee of the Supreme Council of Culture submitted its collective resignation to Dr. Inas Abdel-Dayem, Minister of Culture. Less than 48 hours later, director Khaled Youssef published a video\(^\text{15}\) on his personal account on Twitter announcing the end of the crisis and withdrawal of the censorship decision on works of art, and that he obtained the license again without deletion. Yusuf announced that he had contacted sovereign authorities who authorized the release of the film, and attributed the censorship decision to instructions issued by parties he did not specify. Regarding creative artists, the police arrested Shadi Abu Zaid, a blogger, on May 6, 2018 from his home, where he was presented to the Supreme State Security Prosecution, which held him in custody under case No. 621 of 2108. He was charged with publishing false news and joining a group established against the law.

Violations of freedom of creativity in the second quarter of 2018, reflect the continuation of the interference by the Supreme Council of Media Regulation in theater performances in view of the growing role of its Drama Committee. Violations of theater groups in universities are in line with state institutions’ recent tendency to control and limit amateur productions.

### Academic Freedom

Violations of academic freedom increased in the second quarter of 2018, most notably the case of researcher Walid Salem al-Shobaki, a doctoral researcher at the University of Washington. Walid Shobaki disappeared on May 23, 2018, following an interview with a university professor as part of his doctoral research. Later on May 27, 2018, he appeared in State Security Prosecution, as a defendant in case 441 state security, charged with publishing false news and belonging to a terrorist group. Since then, Walid al-Shubaki has been in custody\(^\text{16}\). This situation once again raises the question of

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\(^{15}\) Al-Arabiya YouTube channel, Director Khaled Youssef reveals the details of the crisis of the film Karma, 12 June 2018, Last visit: 4 July 2018, [https://www.youtube.com/watch?v=Syge41up1sQ](https://www.youtube.com/watch?v=Syge41up1sQ)

\(^{16}\) AFTE legal unit
whether security services authorities monitor researchers during their work in Egypt. It seems that they have traced the researcher during his interviews with judges and university professors, after which it held him in forced disappearance for a few days.

At the level of Egyptian universities, on May 15, 2018, the President of the University of Suez decided to expel Dr. Mona El-Prince from her post while retaining her pension and bonus, following the decision by the Disciplinary Board upon accusations of publishing a video on her Facebook account, where she danced in her home, and her appearance in the media without the approval of the University administration. This issue raised great controversy, as the Ministry of Higher Education and the University of Suez considered the conduct of the professor unacceptable and contrary to what it described as the customs and traditions of the university. This decision indicates that university administrations are monitoring Facebook accounts of faculty members, as well as interfering in their private lives and violating their privacy, to the extent that private matters have become subject of investigation by the university.

The president of the University of Damanhour issued a statement on May 1, 2018, in which he rejected criticism by professor of the Faculty of Education Ahmad Rashwan of Shaykh al-Shaarawi - a late Muslim cleric. He decided to refer Rashwan for investigation because of a book written by him, in which he criticized the late cleric. Dr. Ahmed Mahmoud Rashwan, a teacher of modern and contemporary history at the Faculty of Education, University of Damanhour, has written statements and descriptions of Sheikh Shaarawi and Amr Khaled in his book “Studies in the History of Contemporary Arabs” describing them as “the biggest jugglers in Egypt’s modern history”.

Rashwan attended the investigation on 2 May 2018. He learned that he had been suspended from work for three months and sent to a disciplinary board. He also learned that the dean of the college had issued a decision to prevent him from entering the university until the completion of the investigation. Dr. Rashwan attended the department meeting at the Faculty of Education before attending the investigation, and the Board decided that he would be excluded from the examinations and their marking.

As a result of the great pressures that Rashwan suffered, he denounced his ideas and confessed to being at fault. In a press statement he said: “I have great respect for Sheikh Al-Shaarawi and all the religions of Islam, Christianity, Judaism and all the symbols of
religions.” He added, “This chapter in my book was not taught to the students in the first place and I do not know the reason behind raising the issue. Was taken aback by a surge of anger, and I cancelled the chapter as soon as I realized it might cause a problem.”

Egyptian universities appear to be still committed to violating freedom of expression and academic freedom, and the use of disciplinary sanctions to harass faculty members, practices that violate all international standards for the protection of academic freedom. There is growing concern that security authorities will pursue researchers registered in foreign universities during their work in Egypt after the arrest of researcher Walid al-Shobaki.

The report, based on developments in the second quarter of 2018, aims to provide the target groups, stakeholders and organizations with clear recommendations to present to Egyptian authorities.
Violations of Freedom of Expression
2nd quarter (April – June 2018)

Freedom of Media

One incident that includes 27 violations

The violating bodies
- Supreme Council for Media Regulation: 6
- Security bodies: 4
- Media and press bodies: 1
- Legislative bodies: 12
- State officials: 3
- Syndicates officials: 1

Victims of the violations
- Non-Egyptian newspaper: 1
- Private Egyptian TV channel: 2
- State Egyptian TV channel: 2
- Different media and press outlets: 6
- News blog: 1
- Publication of a political party: 1
- Private publication: 11
- News website: 3

The type of violation
- Administrative Investigation: 3
- Forced retirement: 1
- Prosecution investigation: 8
- Termination of a TV show: 1
- Fine: 2
- Dismissal of employee: 1
- Arrest: 2
- Ban from entering Egypt: 1
- Prevent the publication of an article or news piece: 1
- Prevent the coverage of an incidents: 7

Freedom of Artistic creation

Nine incidents of ten violations

Type of violation
- Ban of screening: 5
- Deletion of a scene: 1
- Termination of a permit: 1
- Arrest: 1

The violating body
- Universities administrations: 4
- Security bodies: 1
- Al-Hayat TV channel: 1
- Censorship of Artistic Work Authority: 1
- State Security Prosecution: 1

Digital Freedoms

Six internet users have been arrested for expressing their opinions on social media

Blocking
- News website: 1
- Online streaming website: 2
- Other websites: 1
III. Recommendations regarding the protection of freedom of expression

1) Egyptian authorities should immediately withdraw the law against information technology crimes, known as the Cyber Crime Act, in order to abide by the provisions of the Egyptian constitution and to preserve the rights of Egyptian citizens in digital expression, privacy and access to information.

2) Investigating authorities should stop the detention of activists, journalists and bloggers who face charges against the backdrop of expressing their opinion, particularly in the State Security cases no. 441 and 621.

3) The Supreme Council for Media Regulation should abolish the drama committee it formed in the past because of its interference in censorship of drama works, in violation of Egyptian laws, under which censorship of works of art plays this role.

4) The House of Representatives, while legislating for press and media institutions, must abide by the provisions of the Egyptian Constitution which prohibits monitoring of citizens; it should also take into considerations objections made to articles that restrict media freedom.

5) University administrations must stop their abusive practices towards faculty members, whether at the level of freedom of academic work or freedom of expression.

Conclusion

The report reviewed patterns of violations in the second quarter of 2018 in order to identify developments in the practices of Egyptian authorities regarding issues of freedom of expression. The report also focused on legislative developments, which have recently become more serious, particularly with regard to media freedom and digital rights.

Through these periodic reports, AFTE seeks to stimulate and encourage various efforts in order to provide the necessary guarantees for Egyptian citizens to express their
views freely. AFTE calls upon all interested parties to continue to work on the Egyptian authorities’ commitment to international standards, which are constitutionally guaranteed to protect and promote freedom of expression. In this regard, AFTE has made its recommendations, to be used by groups and stakeholders involved in dialogue with Egyptian authorities.