The quarterly report
on the state of freedom of expression in Egypt
First quarter (January - March 2017)
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The report team

The report sections were prepared by AFTE’s researchers:
Mostafa Shawky (Freedom of the press and the media), Hossam Fazola (Freedom of creativity), Mohamed Abdel Salam (Freedom of circulation of information – Academic freedom), Mohamed Nagy (Students’ rights and freedoms), Tamer Mowafy (The right to privacy - The right to freedom of digital expression)

The violations listed in the report documented by researcher Wesam Atta, officer of the monitoring and documentation unit

The material on lawsuits and investigations prepared by the legal unit’s team
Legal review: Hassan Al Azhari, head of the legal unit

The report editor: Mohamed Abdel Salam, researcher at the association

Publisher:
Association o Freedom of Thought and Expression

info@afteegypt.org
www.afteegypt.org

Cover Design: Amal Hamed
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Methodology of the report

The report was based on the presentation, analysis and evaluation of the state's public policies on freedom of expression issues, as well as highlighting the forms of legal support provided by the Association of Freedom of Thought and Expression (AFTE) and its usage to analyze the legal and judicial effects on the right to freedom of expression. The report depended on reviewing the violations documented according to the standards of AFTE, in the context of analyzing the impact of public policies of the state on the right to freedom of expression.

Introduction

There are increasing concerns about the right to freedom of expression in Egypt because of several reasons. First, freedom of expression is a necessary step in activating participation in public affairs and political activities, and in defending the rights and interests of different groups of citizens. Secondly, the growing repression of political groups has limited the potential of public work so that the expression of opinion is the maximum that can be used to influence public affairs. The current authority, for its part, refuses to limit itself to closing the political horizon, and strongly seeks to close any window that might allow citizens to express their opinion. These trends reflect the current authority’s belief in the danger of expressing opinions as a behavior in itself, regardless of its continued ability to manage the country in an authoritative manner.

State institutions continued to adopt policies restricting freedom of expression in various forms during the first quarter of 2017. In addition to the legal structure hostile to freedom of expression and the amendments introduced over the past three years to impose further restrictions on it, there is a state of fear that has been established due to the practices of the executive authority and the security apparatuses. For example, student activities are retreating significantly, and users of social media are increasingly concerned about security pursuits.

The patterns of violations associated with the power of the executive authorities and the interference of the security apparatuses are ongoing. Creators face great problems with Censorship of Artistic Works, and university professors face restrictions related to obtaining the approval of the security services before travel. There are also great doubts about the involvement of security apparatuses in leaking politicians and public figures’ phone calls. In the first quarter of 2017 state
institutions renounced their responsibility for providing information on dozens of North Sinai Christian families who had been internally displaced because of terrorist threats. With the exception of information provided by the churches to the media and press interviews with the victims, it was very difficult to know the plans of the concerned authorities in the state to address the crisis and how to ensure the return of those citizens to their city.

The parliament’s attack on freedom of expression intensified during the first quarter of 2017. The parliament filed a legal complaint against the writer Ibrahim Eissa, in addition to denouncing the coverage of the press and the media for the parliamentary sessions. This was extended to the universities, where a recommendation was issued by some parliamentary committees to dismiss the president of Mansoura University, Mohammed Al-Qenawi, which is likely to be a result of a dispute between the university president and one of the members of the House of Representatives.

The obstacles posed by the judicial system to freedom of expression have emerged in the first quarter of 2017. During the quarter new investigations were conducted with citizens because of expression of their opinions. Courts continued to consider the cases of creators, journalists, students and users of social media, and some of them were kept in pre-trial detention. These legal proceedings lead other citizens to impose self-censorship in order to avoid victimization and prosecution.

In general, we can say that concerns about the future of freedom of expression in Egypt are closely linked to state institutions’ practices, in addition to a very negative role by the parliament and a steady decline in justice in the courts. This is what the report monitored in its various sections, in a more detailed and diverse manner.
Violations of freedom of expression in Egypt
First quarter (January - March 2017)
Freedom of the press and the media:

The executive authorities’ attempts to nationalize the media landscape along with the private and state owned journalism, is a prominent feature of the state of press and media freedom. The executive authority uses means such as: confiscating newspapers or pressuring managements of television channels to stop programs critical of the current authority. A number of journalists face prison sentences and pre-trial detention, as they were arrested during performing their work. This hostile attitude towards the freedom of press and media turned to a clash in 2016, when a security force stormed the syndicate of journalists - for the first time in its history - and arrested two journalists from inside.

In the first quarter of 2017, Qasr Al-Nile Appeals Court issued a one-year suspended prison sentence against head of Egypt's Press Syndicate Yehia Kalash, former board member Khaled Al-Balashi, and current board member Gamal Abdel-Rahim. The verdict issued on March 25th, 2017, canceled a previous sentence of a two years imprisonment for all defendants. The pretext of the verdict is fabricated charges related to harboring fugitives and publishing false news about storming the journalists syndicate. On May 4th, 2016, journalists responded to a call by the board of the syndicate and held a general assembly that demanded an apology from the president for storming the syndicate, and the dismissal of the Minister of Interior. It seems that the executive authority considered this general assembly an unacceptable challenge. This explains the position of the public prosecution, which sided with the Ministry of Interior, and acquitted it of any violation of the law in the incident of storming the syndicate.

This situation has contributed to the increase in polarization within the syndicate between two groups. The first group supports the positions of the former board regarding the incident of storming the syndicate and its call for the independence of the syndicate. The second group sees the tension in the syndicate's relationship with various state institutions as a direct loss to its interests and its daily functioning, especially that the syndicate's budget depends primarily on state's allocations from the general budget. The negative impact extends, according to the second group, to daily journalistic work, as it depends on communication with various state institutions.

This polarization resulted in an unprecedented attendance of journalists in the midterm elections of the syndicate's board, which took place in mid March and recorded the attendance of approximately 4,700 journalists. Abdel Mohsen Salama was elected head of the syndicate with 2457 votes, while his closet rival Yehia Kalash got 1890 votes, which is a victory for the group that believes in the importance of rapprochement with state institutions. As for the election of board members -
members to be elected in the midterm - Gamal Abdul Rahim (1182 votes), Mohammed Kharaga (1152 votes), Hussein Al-Zanati (1165 votes) were elected for the above age seats. While Amr Badr (778 votes), Ayman Abdel Meguid (673 votes), and Mohamed Saad Abdel-Hafiz (831 votes) were elected for the underage seats.

The success of journalists Amr Badr and Gamal Abdel Rahim is a very important sign, as both of them played an important role in the crisis of storming the syndicate. Amr Bader was staging a sit-in in the syndicate before being stormed by the police forces to arrest him because of accusations related to his defending the Egyptian sovereignty over the two islands Tiran and Sanafir. While Abdel Rahim fought this election despite a ruling by a first-instance court of a two years imprisonment with a bail of ten thousand pounds for suspension. Abdel Rahim received this verdict because he position refusing storming the syndicate by police forces.

Freedom of the press and the media was subjected to noticeable violations by the House of Representatives during the first quarter of 2017. On February 28th, 2017, the parliament plenary session witnessed a sharp attack against Al-Ahram Foundation and the Chairman of its Board of Directors. The speaker of the parliament Ali Abdel Aal, said: “We are a generation that grew up on the writings of the giants of that national institution, which produced most of the newspapers in Egypt and abroad. And for some person to become chairman of board of this institution and be negligent in taking action against those who make mistakes, this is the major disaster”. This statement came in response to the crisis that broke out between the parliament and Al-Ahram over the dismissal of MP Mohammed Anwar Sadat.

Parliamentary speaker filed a legal complaint against journalist Ibrahim Eissa, editor of “Al Maqal” newspaper, accusing him of insulting the parliament and its speaker. But on March 5th, 2017, Cairo appellate prosecutor released Eissa, after interrogating him. The legal complaint followed a discussion in the parliament plenary session, commenting on “Al Maqale”’s issue, dated 28th of last February, which carried some phrases, on its front page, that were considered by the MPs as an insult to the parliament. The majority of MPs decided to commission the parliamentary speaker to take legal action against Ibrahim Eissa as the editor in chief of the newspaper. However, the prosecution only released Eissa after interrogating him in another legal complaint accusing him of publishing false news with the aim of inciting sectarian strife, because Eissa addressed the issue of the church building law in an episode of his television program. Eissa left the prosecution office after paying a bail of EGP 5,000 over each compliant.
The parliament criticized Eissa’s TV program in a previous session in mid December 2016. Elissa announced the suspension of his program on the satellite channel “Al Kahera Wel Nas”, on the first of January 2017, hinting to pressures that he did not specify.

Concerning the trade union organization for media professionals, the official gazette published on March 7th, 2017, the Prime Minister’s Decree No. 573 of the year 2017, establishing an interim committee to undertake the procedures for establishing the media syndicate in accordance with the provisions of the Media Syndicate Act. The President issued the Media Syndicate Act No. 93 of the year 2016, after its adoption by the parliament, and it was published in the official gazette on January 3rd, 2017. The controversy over the media workers is coming to an end after decades of demands to join the journalists’ syndicate (which refused their joining more than once). As a result, media professionals started calling for the establishment of an independent syndicate for workers in the media field.

The committee was formed without disclosing the criteria for the selection of its members and its president. They were directly selected by the Prime Minister, and without nominations from the media field workers. In addition, the committee had an official nature, as only three of its eight members are working in private channels. In fact, this committee is the most important step in determining the nature of the composition of the syndicate and the form of its general assembly and the extent of being a real umbrella for all workers in this field. Hence, this composition raises a number of concerns about the future and independence of the media syndicate.

The first quarter of 2017 witnessed 57 violations, according to the monitoring and documentation unit of AFTE. On January 13th, 2017, photojournalist in Al-Badeel newspaper, Rim Al-Hawari, was arrested with her colleague in the same newspaper, journalist Ahmad Magdi, while filming in one of the Canal cities. They were surprised by a police car cutting their way, and pointing weapons to them. They were then taken to the police station, where they were interrogated by the evening prosecution, which ordered their release. But they were only released after they were questioned by an officer from the national security sector.

The biggest toll of violations was the prevention from work, which amounted to 32 violations distributed across different parts of the country, headed by the capital with 21 violations. The security authorities - as usual - was rated the first aggressor in the first quarter of 2017 by 15 violations.
Cases of violations against journalists and media professionals according to geographical scope

Cases of violations against journalists and media professionals according to the date
Cases of violations against journalists and media workers according to the victim’s job

Cases of violations against journalists and media personnel according to the victim’s workplace
Cases of violations against journalists and media personnel according to a classification of the type of violation

- Illegal detention
- Seizing equipment and breaking it or deleting the material
- Assault or injury
- Arrest
- Judicial decisions
- Prevention from work

Cases of violations against journalists and media professionals according to the classification of the assailters

- Security or special guard
- Security bodies
- Judicial bodies
- Parliament
- Civilians
- Government officials
AFTE provided legal support in the freedom of the press and the media file in the first quarter of 2017. The association continued to provide legal support to journalists in Al-Nabaa newspaper Ahmed Hassan, Usama Al-Beshbishi and Hamdi Mukhtar. The journalists have been in pre-trial detention since September 2016, on charges of dissemination of false news and possessing of means of recording, after arresting them during their work. The Criminal Court renewed their detention at the last hearing on March 19th, 2017. AFTE continued also to provide legal support to presenter, Azza Al-Henawi, who is facing disciplinary trial on charges of insulting the president in her program, which she presents in state owned TV. The last disciplinary hearing was held on March 9th, 2017.

The association also continued to provide legal support in the lawsuit of photographer Mahmoud Abdel Nabi. At the last hearing on February 1st, 2017, only one defense witness attended and was heard despite the lawyer’s objection because prosecution witnesses must be heard before defense witnesses. The case dates back to July 4th, 2013, when Abdel Nabi was arrested during the coverage of protests in front of Sidi Bishr mosque in Alexandria against ousting of former president Mohamed Morsi. The prosecution renewed the detention of Abdel Nabi for 150 days and then referred him to trial in case No. 50666 of the year 2014 Montazah Awal Criminal. The first hearing was on August 23rd, 2014. Abdel Nabi is charged of joining a group founded against the law, promoting it, murder, blocking the road, and damaging private property. The case was adjourned several times for reasons related to changing the judicial panel, not bringing the defendants from their confinement, and sessions’ dates coinciding with official holidays. Pre-trial detention is an indirect sentence imposed on Abdel Nabi, who began his fourth year in pre-trial detention last summer.
Freedom of creativity:

The state of freedom of creativity reflects state institutions’ pursuit to shape the thoughts of citizens in line with its policies, using a set of red lines, notably religion, politics, sex and what is known as public morality. This contributes to increasing the violations of freedom of creativity, especially in light of the political changes since 2013. There is a contradiction between the constitution which protects freedom of creativity in article 67 (It states: No freedom restricting sanction may be inflicted for crimes committed because of the publicity of artistic, literary or intellectual product), and the laws and regulations that limit that freedom. There are a number of examples for such laws: protest law (which does not distinguish between demonstrations and artistic concerts if held in public places), the artistic works act (which established a regulatory body that oversees the art works before publishing), the artistic unions act (which turns unions from bodies to organize the profession to bodies that decide who is allowed to practice art), and the penal code (which considers “public decency” its reference, so this loose term sends each artist accused of “scratching” this decency to prison). This package of laws and other practices of the executive authority and security agencies restrict the work of creators and may lead to their incarceration.

The state of freedom of creativity in the first quarter of 2017 has become more complex than before. It is not enough here to deal with the violations that have occurred during this period only. We must first address the effects of the suppression of freedom of creativity over the past year, in which around 78 violations have been recorded. For example, in the past year, “Street Children” band has been prosecuted, which was considered a message to creators to stay away from politics. Thus, practices restricting freedom of creativity have led to the control of fear and caution over the orientation and work of creators. Graffiti artists are a remarkable example of this. Although the first quarter of 2017 did not witness any graffiti related violations, this does not mean that the police stopped chasing graffiti artists. Rather the absence of violations is related to the artists’ fear to continue creativity especially that last year witnessed the arrest of nine graffiti artists. It can be said that graffiti faces real risks of extinction, in light of the security pursuits to graffiti artists.

In regards to censorship of creative works, on February 23rd, 2017, the Censorship of Artistic Works decided to ban the screening of “18 Days” film. The film tackles the events of the period between January 25th, 2011, till the departure of former president Hosni Mubarak on February 11th, 2011. The film was banned on the pretext that it contains a lot of obscene words. This decision reflects the continuation of censorship intervention to prevent creative works associated with the memory of the January 25th revolution. “The Last Days of the City” is another film that faced
obstacles from the Censorship of Artistic Works, despite participating in prestigious international festivals such as Berlin, Bafici and Beirut Cinema Days. The Censorship did not issue a permit to screen the film during the first quarter of 2017, which led to the postponement of its screening in Egypt several times. The filmmakers still hope to obtain the screening permit.

The Censorship of Artistic Works also practices its authority on foreign films screened in Egypt. According to press reports, it decided to delete many scenes from Martin Scorsese’s “Silence” in February 2017, under the pretext of preserving Egyptian traditions and customs. These interventions use the laws that give the censorship body broad authority to restrict freedom of creativity, and to continue to prevent citizens from watching movies freely.

The artistic trade unions continued to prevent creators from working and to restrict the freedom of creativity. The Syndicate of Musicians canceled the membership of musician Sayed Ashmawi in January 2017, claiming that his reputation was no longer good, according to the union’s spokesman statement. The Syndicate of actors also refused to renew the membership of actor Hisham Abdel Hamid. These decisions are hampering the work of creators due to the nature of the role given to artistic trade unions by law. The law makes unions’ membership or obtaining a permit from them a condition for the practice of creative work.

Violations by the security apparatuses during the first quarter of 2017 indicate that the creators who criticize the political system continue to be threatened. On March 13th, 2017, the poet Ghazi Sami was imprisoned for criticizing President Abdel Fattah Al-Sisi in one of his poems. Sami had to surrender himself, after the police broke into his sister’s house and arrested his brother.

The Directorate of Combating the Crimes of Publications in the General Directorate of Artwork Investigations confiscated 5 Shiite books from the Cairo International Book Fair, considering that the existence of Shiite books is a crime in itself.

These violations are consistent with the policy of the executive authority and the security services in restricting the freedom of creativity, the use of all powers granted to them by law to intervene, and even resorting to security practices that have no legal basis. This casts a shadow over the courts, which are facing cases related to freedom of creativity. This is evident through the legal support provided by AFTE in the freedom of creativity file during the first quarter of 2017.

AFTE continued to provide legal support to novelist Ahmed Nagi after the suspension of the two-year prison sentence. On January 1st, 2017, the Cassation Court postponed the case and prohibited Nagy from travelling. The competent authorities have also filed more than one official record for the cultural space “Room art space”, for violating the licenses of artistic works and performing its activities without them. In the first official record, which was referred to Abdeen Misdemeanor
Court, the cultural space assigned AFTE to represent it legally, and was acquitted of the charge against it.

One of the most important legal developments in the first quarter of 2017, was the request of AFTE in the last hearing in the case of the film “Hot Desires”, on March 16th, 2017, to correct the form of the lawsuit to introduce a new opponent (the president of the Supreme Council of Culture), and to permit AFTE to obtain detailed reasons for the rejection of the scenario of the film. The lawsuit was adjourned to May 4th, 2017 to respond to AFTE’s requests. This lawsuit was filed before the Administrative Court of Cairo, at the end of December 2015, and carried No. 16647 of the year 70 juridical. It was filed against the Minister of Culture and the head of the Central Administration for Censorship over Audio and Audio/Visual Products. The case was referred to the commissioners’ authority to prepare the legal opinion. The proceedings of the case date back to October 7th, 2015, when the screenwriter submitted a request to the Central Administration for Censorship over Audio and Audio/Visual Products to license the scenario of the movie “Hot Desires”. The Central Administration received the script after fulfilling all the legal requirements. The screenwriter then headed to the competent department when he noticed the passage of more than one month (which is the legal period stipulated for the reply otherwise the license is considered granted) without informing him of the administration’s decision. But he was surprised to find out that the license was refused without informing him.
Freedom of circulation of information

A number of features help to address the state of freedom of circulation of information in Egypt. The most important of these is the fact that various state institutions block information from citizens and prevent them from receiving and circulating information, which have negative effects on the right to freedom of expression. These practices often occur under the pretext of protecting "national security", so that the state makes the circulation of information an exception, and the rule becomes the prevention. During the first quarter of 2017, there was no development in regards to the issuance of a law for the free circulation of information, because of the failure of the current House of Representatives to abide by the provisions stipulated by the constitution issued in 2014.

Ambiguities prevail over the policies of the state at the level of a number of files that severely affect the interests of citizens, especially with regard to cooperation relations, the conclusion of major deals with western governments and companies, and the economic programs. There is not enough information available to experts, political parties, and civil society to study such deals and programs and discuss their feasibility. At the level of combating corruption, there are still considerable restrictions on the regulatory bodies which prevent disclosing details of corruption in government bodies to public opinion. Security interventions to prevent the circulation of information are an additional limitation on the media and civil society. This is evident is the case of North Sinai as there are no information about the situation there in the light of the ongoing confrontations between the military and the terrorist groups.

The controversy continues over the information announced by former head of the Central Auditing Organization (CAO) Hisham Genina about the cost of corruption in the state administrative apparatus. This information led to his dismissal from his post by the president last year, and he was referred to trial. In July 2016, Genina was sentenced to one year in prison, LE10,000 bail, and a fine of LE20,000. In December 2016, the New Cairo Court of misdemeanor appellate confirmed the previous sentence with a three years suspension on charges of publication of false news concerning the cost of corruption. There is no doubt that these verdicts constituted a strong blow to the attempts of regulatory officials to disseminate the information available to them in the media.

During the first quarter of 2017, the Administrative Court refused to accept Genina's lawsuit number 52052 of the year 70 juridical, to overturn the president's decision to dismiss him from his post as head of (CAO). The court refused the lawsuit because of the demise of the interest requirement. Thus, the former president of (CAO) lost his legal endeavors to counter the arbi-
trary actions he was subjected to for revealing corruption cases. During the first quarter of 2017, (CAO) issued no new information about its reports on corruption in state institutions, and public opinion lacked statements issued by (CAO) to help combat corruption and highlight its various dangers to the interests of citizens.

The risks that the citizens of North Sinai are subject to increased during the first quarter of 2017 after Christian citizens were killed, as ISIS is targeting Christians in Egypt. Despite the internal displacement of dozens of families from North Sinai, most of whom were concentrated in Ismailia governorate, the information provided by the ministries and official bodies was very limited. Until this report was issued, the official authorities did not provide any information about the future of these families, and their possible return to North Sinai. Observers relied on information provided by the churches in Ismailia, and few activists in northern Sinai.

The executive authority is applying tight security measures and obscuring the facts of what is happening in Sinai, hence, journalists are not able to do their work freely in investigating information and facts within the governorate. There is considerable ambiguity in relation to the battles that take place there between the army forces and the terrorist groups. This lack of information coming from North Sinai leads to the exclusion of public opinion from the problems of citizens. It also negatively impacts the interaction of political parties and civil society with these problems, and their ability to help in addressing them.

As for the major projects promoted by the executive authority, uncertainty and conflict prevail over the new administrative capital project. Since the announcement of the project two years ago, the public opinion was not presented with a clear plan for implementing this project. The executive authority has promoted the entry of an Emirati company to implement the project, and later announced the failure of negotiations with it. A Chinese company was then promoted, and also the failure of negotiations was announced, especially in the implementation of government facilities. In March 2017, the Minister of Housing revealed that the new administrative capital project is being financed by the sixth chapter of the budget allocated for water, sanitation and health and education projects, which is an affiliate of the new Urban Communities Authority. This is contrary to what was announced in advance of the presence of funding from international companies to complete the project. The Minister of Housing did not explain the effect of deductions from the budget on the implementation of the prior plans of the Urban Communities Authority. It can be said that the various executive authorities deliberately ignore providing citizens with information, in addition to the confusion and ambiguity surrounding the available information, which raises much more questions than answers.
AFTE provided legal support in the freedom of circulation of information file during the first quarter of 2017. The Administrative Court set May 2nd, 2017, for the first hearing in the case No. 16543 of the year 70 juridical, related to broadcasting of parliamentary sessions. On March 20th, 2017, AFTE demanded setting a hearing after the commissioners’ report was issued. The report of the commissioners’ authority agreed with the lawsuit argument that the decision to prevent the broadcast of parliamentary sessions is a non-legislative and non-parliamentary action, which means acceptance of the lawsuit. However, the report differed in the adaptation of the right contained in the provisions of the constitution in Article 68 concerning the freedom of circulation of information and the interpretation of Article 120 of the constitution, which states that parliamentary sessions should be made public. The report concluded that publishing in daily newspapers and different media, means public disclosure without the need for live streaming of sessions.

On 21st February, 2017, the Administrative Court held the first hearing of the lawsuit of blogger and activist Alaa Abdel Fattah concerning his right to read and receive information and correspondence in his prison. In the lawsuit No. 20107 for the year 71 juridical, dated December 28th, 2016, AFTE demanded to seize implementing the minister of interior’s decision to refrain from allowing the scientific periodicals related to the Abdel Fattah’s profession. In the lawsuit AFTE demanded the admittance of two daily newspapers at the expense of the appellant, to deliver all correspondence regularly to the appellant, and to force the ministry of interior to disclose the reasons why it withholds communications, books and publications from the prisoner. The lawsuit was based on the violation by the administrative body of the provisions of the Prisons Regulation Law and its executive regulations, in addition to the constitutional provisions that guarantee citizens free access to information.
Students’ rights and freedoms

The state of students’ rights and freedoms is characterized by a number of features, most notably the gradual decline in the activity of students’ movement in universities since the ousting of former president Morsi in the summer of 2013, compared to the great activity following the revolution of January 25th, 2011. The executive authority has worked over the last three years to pass new legislations and amendments, to enable university administrations to impose more penalties on active students, and minimize students’ freedoms. In addition, the universities have witnessed security interventions that led to the killing of at least 21 students during the suppression of student protests. Hundreds of students were put in pre-trial detention and sentenced to prison for participating in protest activities during the last three years.

These restrictions on students’ rights and freedoms have reduced the scope of protest activities of student movements. It also reduced interest in political activity among college students, to avoid disciplinary sanctions and many risks. This has been evident recently in the level of documented violations in universities, which is low compared to previous years, according to AFTE’s documentation.

The first quarter of 2017 witnessed remarkable developments in relation to the new financial and administrative regulations to regulate the formations and activities of student unions. Former Minister of Higher Education Ashraf Al-Shehhi issued a decree in December 2017 to form a supreme committee to work on drafting a new regulation. The former minister based this decree on the argument that there are several comments from various bodies concerned with universities on the regulations, which requires study and financial and legal treatment, in order to reach the best possible form of this regulation to enable students to exercise their rights and activities to the best. The committee is headed by the President of Ain Shams University, Abdul Wahab Ezzat. There are only seven students in the committee, including graduates, of a total of 15 members. The remaining members are university and legal leaders.

Students’ criticism of the formation of the committee escalated, as this formation was not clear to students since the beginning of its work. Also student unions were not consulted when choosing the graduate members. The student unions objected to the way in which the committee receives proposals. The committee addressed university administrations, not student unions directly, and the Egyptian Students’ Union was ignored because the Ministry of Higher Education refused to recognize its election. A member of the committee - the institution withholds his identity at his
request - says that they have sent to all student unions asking for their proposals regarding the financial and administrative regulations, and they received several proposals from different universities. The committee member indicated that they completed the first draft of the regulation, and sent it for legal and linguistic review, provided that the proposal remains confidential until the end of the amendments, and then a student referendum will be held before approving the new regulation.

The decision to amend the financial and administrative regulation is related to another decision taken by the Supreme Council of Universities in mid November 2016, to postpone holding student elections until a new regulation is issued. It seems that the executive authority, represented by the Ministry of Higher Education feared the repetition of what happened in the recent student elections, when independent and opposition students won a majority of seats. This has greatly affected the role of student unions, which have not renewed their seats since the last elections, and are facing obstacles in continuing their work, by university administrations. Canceling student elections is not new, as it has already been done in the academic years 2013/2014 and 2014/2015.

During the first quarter of 2017, the intensity of violations receded due to strict procedures and restrictions on students’ activity. This does not mean violations ended completely, as Hussain Mohamed Lutfi, a student at Cairo University’s Faculty of Media, was dismissed for a semester in February 2017 after being referred for investigation. He was charged of sending letters to the dean of the college and his deputy that included swearwords. Later, the Higher Disciplinary Board dropped the punishment after a wide solidarity campaign with him after proving that the account from which the messages were sent did not belong to him. Hussein Bondoq, student at Cairo University, was also referred for investigation because of his writings on Face book. Yomna Mohammed, a student at the Faculty of Science at Alexandria University, was dismissed for two months for eating food in the lecture hall, an arbitrary punishment that does not commensurate with the student’s behavior and lacks legal basis.

At the University of Tanta, the Faculty of Dentistry decided to drop the membership of the students union completely and prevent its members them from running in the upcoming student elections. The administration claimed that this is due to the violation of the unions’ regulations, because of holding elections for the students of the first year, without notifying the college administration. Some student unions were trying to hold elections for new students, due to the decision to cancel the student elections for the current academic year 2016/2017. The student union tried more than once to negotiate with the college administration to contain these differences and to continue its work, but these attempts failed, according to student Ahmed Al-Shall, Acting President of the University Students Union.
AFTE provided legal support in the students’ rights and freedoms file during the first quarter of 2017. University administrations continued to issue arbitrary decisions against active students, despite the decline of students’ activities. The association provided legal support to the students, Wissam Al-Bakri and Ahmed Tareq, by filing a complaint against the decision of their dismissal for one year. The two students received at the end of December 2016, their dismissal decision from the administration of Helwan University because of participating in students’ activities three years ago. The investigations were also reopened in the case of the students of Misr International University. The prosecution summoned some students to investigate the complaints submitted by the university administration, accusing them of damaging some of the university’s facilities, in an incident that dates back to the year 2013 during some students’ protests.

The association provided legal support to the student at the Faculty of Agriculture - Cairo University, Mahmoud Shehata Ibrahim, who is serving a seven years prison sentence in case No. 26123 for the year 2014, Bulaq El Dakrour criminal, known as the cutting of Nahia Road events. Shehata began serving his sentence in Wadi Al-Natroun prison since October 2014, and the student is subject to severe intransigence from both Cairo University and the Egyptian Prison Service in responding to his request to sit for his exams.

Therefore, AFTE filed a lawsuit in front of the Administrative Court in Cairo, with the number 37746 of the year 71 juridical, challenging the negative decision of Cairo University and the Egyptian Prison Service to refrain from enabling the student to take the exam. The lawsuit was filed against president of the Egyptian Prison Service, the Minister of Higher Education and the President of Cairo University. The association explained that this decision contradicts the principles established by the Egyptian Constitution concerning non-discrimination between citizens, in addition to the provisions of the Egyptian Prisons Regulation Law, which stated that prisoners have the right to study, memorize and perform examinations.
Academic freedoms:

The state of academic freedoms in Egypt is characterized by a set of features, which are a key to understanding developments within this file. The most prominent feature is the lack of legal texts that directly provide for the protection of academic freedom, although the provisions of the constitution and the law provide protection for important aspects of academic work and university autonomous. Universities and colleges’ administrations exert great pressure on the freedom of faculty members to teach, research, and express their opinions. In order to do so, the law is violated whenever the opportunity arises. The interventions of university administrations in research work contradict the perception, among some, of the association of arbitrary decisions toward members of the academic community with their political activity only. Faculty members, students and researchers, especially in the fields of social and political sciences, are subjected to interventions and pursuance by security and executive apparatuses. Foreign researchers face obstacles and prosecutions resulting from the security agencies’ perception that their work in Egypt is a threat to “national security.” As a result of these pressures and interventions, a wide range of faculty members prefer to impose self-censorship on their work to avoid troubles.

The first quarter of 2017 witnessed some developments in the issues of security clearance for travel, investigation into the murder of Julio Regini, and universities’ autonomy. The decisions taken by the executive authority and the parliament played the greater part in these developments. There are significant barriers to access a large number of violations, due to staff members’ fear of being subjected to arbitrary sanctions.

Universities continue to require security clearance from faculty members before traveling abroad in scientific missions. And according to various sources from the universities, what is known as the security form is not suspended. There has been a remarkable development in this regard, as media reports referred to copies of official letters issued by the first assistant minister of higher education for cultural relations and missions, asking the Ministry of Foreign Affairs not to allow faculty members in government universities and research centers to travel abroad without a ministerial decision or approval by the Minister Higher Education and Scientific Research. Since January 2017, the Universities of Alexandria and Tanta have begun to send faculty members’ travel requests to the Ministry of Foreign Affairs for approval in accordance with the instructions of the Ministry of Higher Education.
In a letter sent to the Ministry of Higher Education in February 2017, the Ministry of Foreign Affairs, in turn, stressed the need for a ministerial decision to implement these procedures. These procedures impose new restrictions -in contradiction to the law- on travel of faculty members. Hence, universities are required to obtain the approval of the Ministries of Foreign Affairs and Higher Education, before faculty members can travel. This is a violation of the autonomy of universities in managing academic affairs, and may be it indirectly allows the security services to continue to interfere in the travel of faculty members, away from the controversy over security forms.

The Ministry of Higher Education has not officially commented on these reports. But “Al Youm 7” newspaper quoted a source at the Ministry of Higher Education confirming that news in this regard is incorrect.

On the issue of the murder of Italian doctoral student Julio Regini, Egyptian TV broadcasted on January 24th, 2017, a video of Regini talking with the head of street vendors union about a grant to support the union. The head of the union confirmed the validity of the video, saying that he recorded it before Regini was killed and handed it over to the police for believing that Regini is a spy. The video sparked controversy over the Egyptian police's relationship with Regini’s murder. On January 22nd, 2017, the Egyptian Attorney General approved the request of the Italian prosecution to send experts from the German company specialized in retrieving the surveillance cameras data to retrieve and analyze data from Dokki underground Station. However, during the first quarter of 2017, no new conclusions in the investigation or direct links between the security services and Regini's death were announced. According to AFTE, there are still restrictions on the work of foreign researchers, most notably the requirement that they obtain security approval prior to attending universities in Egypt.

Concerning the issue of universities' autonomy, the official gazette published on January 9th, 2017, the Egyptian Ministry of Higher Education's decree to form a committee concerned with the nomination of university leaders, and the guidelines for its work. The decree grants the Minister of Higher Education new authority to challenge the nominations of the committees and to repeat the nomination process. This development is added to the executive authorities' interventions in the selection of university leaders, since the president was granted, in 2014, the authority to appoint university leaders and to cancel the electoral system.

A parliamentary committee composed of the committees of education, scientific research and health affairs, recommended on March 27th, 2017, to dismiss Mansoura University President Mohamed El-Qenawi from his post for alleged administrative irregularities. Although the parliament does not have the power to dismiss university leaders, the MPs insisted on this recommendation, which they considered part of the parliament's supervisory role. This recommendation
contravenes the principles of university autonomy and makes the parliament a lobbying body against university leaders. The provisions of the law on organizing universities do not allow the Parliament to make such recommendations. The Supreme Council of Universities rejected this intervention by the parliament and stressed on the continuation of the President of Mansoura University in his post. Universities’ autonomy affects the state of academic freedom, thus it has been mentioned in this section.

AFTE provided legal support in the academic freedom file during the first quarter of 2017. The association continued to provide legal support in cases related to the security clearance before the travel of faculty members abroad. On February 9th, 2017, the case of Khulood Saber was held for ruling, as the report of the commissioners authority was issued, which means that the different parties in the case finished their defense. The lawsuit was filed by Khuloud Saber Barakat against Cairo University, with the No. 3163 for the year 63 juridical, challenging the decision of the Cairo University to terminate the appellant's scientific mission, due to issuance of a security decision denying her travel. The decision was issued after she had already traveled and started her studies. The lawsuit was referred to the state commissioners’ authority since the session held on April 18th, 2017. In the same context, no date has yet been set for the issuance of the commissioners’ report in the case of Dr. Nabil Labib Yousef, Professor at the Faculty of Science, Cairo University, which bears the number 64605 for the year 69 juridical, and contest the decision of Cairo University to reject the travel of the appellant to supervise a PhD thesis in Hungary.

The association requested in the session held on March 9th, 2017, to amend the form of case No. 81283 for the year 688 juridical. The case it related to the ministerial decree governing the work of the committees for the nomination of university leaders, and AFTE demanded to include the new ministerial decision -referred to in the previous part of the report- in the case. The court approved AFTE's requests, and postponed the case to the hearing of May11th, 2017 to correct the form of the lawsuit. The Egyptian president has issued an amendment abolishing the system of electing university leaders and granting himself the right to appoint them after receiving nominations from specialized committees. The amendment granted the Minister of Higher Education the authority -after the approval of the Supreme Council of Universities- to issue a decision on the rules of work of the committees and the conditions for nomination. AFTE filed this appeal against the decision of the Minister of Higher Education in 2014, on behalf of a number of university professors, notably Dr. Abdel Gelil Mustafa and Dr. Hani Al Husseini.
The right to privacy:

There are many contradictions facing the right to privacy. In spite of the constitutional provision that emphasizes the protection of the inviolability of private life, and the existence of laws that penalize wiretapping without judicial authorization, yet the legal framework is still limited in the area of protecting the right to privacy. It can be argued that the right to privacy may be the least crystallized right in laws and practices as well as in public debates. The widespread use of the Internet, particularly social networking applications and sites, has led to significant challenges. The laws, regulations and customary practices still cannot face these challenges, and guarantee the rights of individuals. In addition, there may be a violation of the right to privacy as a result of the belief that freedom of expression protects this behavior. This adds challenges represented in defining the lines between the right to privacy and freedom of expression. This debate is not raised in the present climate, which is witnessing a significant deterioration in the state of human rights.

Almost all of the violations in the first quarter of 2017 are limited to leaking personal phone records. These calls were broadcasted through TV shows presented by people well known for their support of the ruling political system, as well as their constant attack on opponents of the regime, especially politicians and activists who emerged during the January 25th revolution. The good relations between those presenters and some security agencies may have a role in obtaining records of phone calls of activists and politicians. Dr. Mohamed El-Baradei, former vice president of Egypt, and former director general of the International Atomic Energy Agency, is one prominent victims of such leaks of private calls.

El Baradei’s numerous leaked phone calls and the period covered by these calls reveal that they were probably the result of a long systematic eavesdropping on his phone, raising doubts about the involvement of security apparatuses in the wiretapping. This opens the door to a number of questions about those who eavesdrop on telephone calls in violation of the constitution and the law, and the means that enable them to do so. Eavesdropping has criminal liability for those involved.

While Egyptian law, as mentioned above, criminalizes wiretapping without the prior authorization of the Public Prosecutor’s Office for specific purposes, the aforementioned phone calls were not automatically dealt with legally except through legal complaints by those affected. The Public Prosecutor’s Office did not, in any case, initiate the investigation. It should be noted that even in cases where investigations have been conducted as a result of legal complaints; the charges of receiving recorded calls without the prosecution’s authorization were directed to the person who
broadcasted them, while the source was not tracked. This ignores the practical impossibility that the person accused himself has eavesdropped on such amount of calls.

Eavesdropping and broadcasting phone calls is the most prominent and serious phenomenon in recent violations of the right to privacy. The seriousness of this phenomenon is due to the continuous increase in the number of broadcasted calls, and the frequency broadcasting. This reflects a systematic behavior of media professionals and the entities that provide them with these calls, in order to violate the right to privacy and use illegal methods to attack opponents. Also the link between the presenters of programs broadcasting the calls and security apparatuses indicates the possibility of a consensus on this behavior with the executive authority. This phenomenon reflects a dysfunction in the performance of the public prosecution in protecting the rights and liberties contained in the constitution. In cases where the victims filed legal complaints, the prosecution and the courts did not address the issue of the entities responsible for wiretapping.

Concerning user data protection, “Te Data” for internet services -an affiliate of the state owned telecommunications company- announced on March 14th, 2017, that its systems had been hacked to manipulate subscribers’ data and modify the details of their accounts. This incident casts doubts on the efficiency of the data protection systems used by this company (the largest in terms of the number of customers). At the same time, the current legal environment lacks any legislation that protects the right of customers to know whether their accounts and their data have been violated, and their right to compensation in case this happens. In addition, the company’s customers cannot know what data the company maintains, whether personal or internet-related, nor can users know whether the company allows a third party access to this data, in certain cases or permanently, with or without judicial permission.

AFTE provided legal support in the right to privacy file, during the first quarter of 2017. On February 28th, 2017, the Administrative Court ruled that the case No 63055 for juridical year 68 (monitoring social networks) is inadmissible because it is filed by an irrelevant entity. The lawsuit was filed by AFTE on behalf of Mustafa Hussein Hassan, demanding the cancelation of the Minister of the Interior’s decision to tender the limited practice No. 22 of the year 2014, known as the Security Risk Monitoring Project for Social Networks.

The State Commissioners Authority’s report in this case dismissed AFTE’s concerns related to violations to the right to privacy, freedom of expression, and freedom of information circulation. Further the report supported the decision of the Minister of Interior to conduct the tender, arguing that there is a link between freedom of expression and the need to regulate its use to prevent psychological and physical damage to individuals or state institutions, especially with the escalation of the phenomenon of the use of social networks. The report referred to the spread of many
pages on social media sites that incite the Egyptian state and its institutions, which represents a serious damage to Egypt's national security. The report did not respond to arguments about the effects that would result from the activation of a collective control system, including the lack of supervision over its use, as the Ministry of Interior does not issue data or statistics explaining their potential and capabilities. Moreover, there are no bodies or committees to monitor the performance of these programs. The alleged existence of risks that necessitate the use of this system makes it obligatory to explain the need to resort to it and its relation to the rights and freedoms, and this is not shown in the report.

**Freedom of digital expression:**

The general environment, both political and legal, has not witnessed major developments regarding the freedom of digital expression during the first quarter of 2017. The general climate remains hostile to the use of Internet and social media applications and sites to express opinion, especially if it is representative of opinions opposing or critical of the ruling regime. In addition to representatives of the political authority and its supporters in the media, representatives of other social groups, such as religious institutions, trade unions and public figures, have expressed hostile attitudes towards the exercise of freedom of digital expression. The pretext of their attitude is the widespread of voices which they consider a threat either to the religious or moral identity of society. This rhetoric spreads a general perception that the Internet is an arena for foreign plots that threat national security.

Five violations of the freedom of digital expression were monitored during the first quarter of 2017. While this number represents a marked decrease compared to violation rates in previous years, there is no evidence that this decrease resulted from a change in the practices of the security services. On the contrary, with regard to the rhetoric at the different levels of both the representatives of the legislature and the executive authorities, there is a tone of questioning the intentions and objectives of those who use social media to express critical or opposing views of the ruling authority.

These monitored violations are examples of patterns that have been repeated in previous periods. These include two cases of arrest, one involving views published through a personal page, and the
other managing a public page, both on the Facebook. The third violation relates to the closure of a group of pages on the same site. There is also a case of a student who was referred to investigation, and another student was dismissed. Justifications in these cases are an extension of the same arguments used over the past three years, including the dissemination of extremist ideas, incitement to violence, and abuse of state institutions.

On the other hand, it was not possible to make sure that the Egyptian government resorted to any of the providers of personal content services on the Internet (Facebook, Twitter, Google, Microsoft, Yahoo) to obtain personal data for any Internet user during the first quarter of 2017. These companies’ transparency reports for the first quarter are not issued yet. The Egyptian government probably does not seem inclined to use this route, preferring direct control granted by its full control over the Internet infrastructure in Egypt and through local service providers.

AFTE provided legal support in the freedom of digital expression file in the first quarter of 2017. On March 14th, 2017, the Road Al-Farag court of misdemeanors (misdeemans terrorism) sentenced Abdel Aziz Abdel Aziz Mahmoud, with 3 years in prison. He is charged with inciting against the state system, calling for changing the constitution, insulting the president, and spreading false news through social networks. In the first session of the trial, the court ignored AFTE’s requests presented by its lawyers. AFTE requested to postpone the case to obtain an official copy of the lawsuit papers, to hear the prosecution witnesses, and to assign a technical committee from the faculty of computers and information to prepare a technical report on the incident under indictment.

On February 19th, 2017, the defendant Abdul Aziz Abdul Aziz Mahmud was arrested. An arrest warrant was issued from Matriyah Prosecution, based on the investigations of the Ministry of Interior’s Department of Technology and Information. These investigations indicate that the defendant manages the page “soldiers against the coup” on Facebook, incites against the institutions of the state (Interior ministry, army, and judiciary), and insults the president. These accusations were based on the monitoring of the Public Follow-up Unit at the Ministry of Interior. The defendant was questioned by Al-Amiriya prosecution without the presence of his lawyer or enabling him to inform his family, which is a violation of the constitution and the law. The prosecution detained the defendant for 15 days pending investigations, and before the end of his detention, he was referred to urgent trial.

Amr Mohamed Mahmoud Mostafa, known as “Amr Socrates”, was arrested from a cafe in Mohamed Mahmoud Street, downtown, on February 8th, 2017. He was questioned by the State Security Prosecution in case No. 265 of the year 2017, and charged with posting false news via Facebook.
book. To date, he is still in pre trial detention. On March 8th, 2017, the Madynet Nasr Awal Court of Misdemeanors sentenced Mohamed Rabie Abdel Aziz for one year in prison in case No. 57002 for the year 2015, Madynet Nasr Awal Misdemeanors.

The defendant was arrested from his workplace in Nasr City district, and the prosecution charged him with protesting without permission, publishing and broadcasting false news and information via Face book and administrating pages inciting against state institutions. Investigation No. 10031 Al-Sahel misdemeanors of the year 2016, in which Mohammed Essam Moawad, was closed. Moawad was charged with promoting an act of terrorism and publishing false news in the case known as “the admin of Revolutionary Socialist page”.

**Conclusion:**

The report reviewed the most prominent developments witnessed in the first quarter of 2017, in seven sections, representing the files on which AFTE works. The report focused on highlighting the diversity of obstacles and problems faced by various groups of citizens, as well as the similarities between the freedoms of speech files presented. This detailed reading of the state of freedom of expression is intended to provide periodic and updated content, assessing the right to freedom of expression. AFTE believes that such periodic reporting is a very important tool to encourage all those interested in freedom of expression issues to make more efforts to promote and protect the right to freedom of expression and to contribute to changing policies restricting it.
مذكرة
للعرض على المجلس الأعلى للجامعات

الموضوع: تشكيل لجنة عليا للواجبات الطلابية تتولى إعداد مسودة كاملة لللائحة الاتحادات الطلابية تراعى ما جاء في جميع اللوائح السابقة صدورها حتى تاريخه.

العرض:

- تنص المادة (33 مكررًا) المضافة إلى مواد اللباب الثامن من اللائحة التنفيذية لقانون تنظيم الجامعات الصادرة بقرار رئيس الجمهورية رقم 809 لسنة 1975 بموجب قرار رئيس مجلس الوزراء رقم 23 لسنة 2012 على أن: يصدر وزير التعليم العالي la lائحة الإدارية والمالية المنظمة لعمل الاتحادات الطلابية بناءً على المقترحات المقدمة من اتحاد طلاب مصر.

وفقاً لأحكام تلك المادة فقد سبق أن صدر قرار وزير التعليم العالي رقم 1990 بتاريخ 20/11/1431 بشأن اللائحة المادية والإدارية المنظمة لعمل الاتحادات الطلابية، ومن قرار وزير التعليم العالي رقم 1307 بتاريخ 10/10/1436، بتعديل بعض مواد هذه اللائحة.

- ولم تكن التدريب العملية من واقع النشاط الطلابي خلال الفترة الماضية قد أثبت أن اللائحة المادية والإدارية المنظمة لعمل الاتحادات الطلابية بمقترحاتها الحالية وردت بشأنها ملاحظات من مختلف الجهات المعنية بالجامعات تستوجب الدراسة والراجع المادية والقانونية، حرصاً على الوصول لأفضل صيغة ممكنة لهذه اللائحة لتتمكن أبناؤنا الطلاب من ممارسة حقوقهم وأنشطتهم على الادicted

فإن الأمر يطلب تشكيل لجنة عليا لإعداد مسودة كاملة لللائحة المالية والإدارية للاتحادات الطلابية تراعى ما جاء في جميع اللوائح السابقة صدورها حتى تاريخه تمهدًا لإصدارها، ويقترح تشكيل اللجنة على النحو التالي:

رئيس جامعة عين شمس
نائب رئيس الجامعة العليا لرعاية الطلاب واتحادات العلماء وجمعيات الطلاب
نائب رئيس جامعة الزقازيق الأسبق لشؤون التعليم والطلاب
وزير التعليم العالي ومنشأة لشؤون التعليم والطلاب
وزير التعليم العالي ومنشأة لشؤون التعليم والطلاب
مستشار رئيس جامعة حلوان لشؤون التعليم والطلاب
مستشار مجلس الدولة
المستشار القانوني للمجلس الأعلى للجامعات
رئيس اتحاد طلاب جامعة عين شمس السابق

أ. محمد صبري حسنين
أ. حامد القطان
أ. طارق راشد حلمي
أ. جمال شكري
المستشار / محمد المشتاري
أ. صبري السنوسي
الخريج / محمد أحمد الحكيم
الوزير

الخريج/ محمد حمد الطالب/ أحمد رضا علي منصور الطالب/ إسلام ساهر سليمان الطالبة/ فاطمة الزهراء حمدي عبد الرحمن الطالب/ هشام عبد الله يوسف سعيد الطالب/ أحمد محمد فتحي أحمد السيد/ محمود جمال الدين محمود

رئيس اتحاد طلاب جامعة دمياط السابق
عضو اتحاد طلاب جامعة قناة السويس
عضو اتحاد طلاب جامعة الزقازيق
عضو اتحاد طلاب جامعة جنوب الوادي
عضو اتحاد طلاب جامعة الإسكندرية
عضو اتحاد طلاب جامعة أسوان
مدير رعاية الشباب جامعة الإسكندرية

وال أمر معروض على المجلس الأعلى للجامعات للنظر في الموافقة على تشكيك هذه اللجنة.

وزير التعليم العالي والبحث العلمي
رئيس المجلس الأعلى للجامعات

أ. د. أشرف محمد الشيخ

[ลายات]

2012