The quarterly report on the state of freedom of expression in Egypt
Second quarter (April – June 2017)
Quarterly report on the situation of freedom of expression in Egypt
Second quarter (April – June 2017)

Report team

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Report methodology

The report was based on the review, analysis and evaluation of the State’s public policies on freedom of expression issues, as well as the legal support provided by the Association for Freedom of Thought and Expression (AFTE) and its analysis of the legal and judicial effects on the right to freedom of expression. The report was based on violations documented by AFTE and an analysis of the impact of public policies on the right to freedom of expression.

Introduction

The situation of Freedom of Expression Report for the second quarter (April - June 2017) presents a general overview of the various developments witnessed by issues on which AFTE works. The report highlights the role of the House of Representatives in adopting extremely hostile laws and attitudes towards freedom of expression, whether concerning draft laws on electronic crimes, the use of social media or by obscuring the details of the draft law regulating press and media. In addition to security interventions in the work of journalists, artists, and the persecutions of social media users, sovereign bodies seek to obtain data of users from private communication companies in an incident that raises concern about the widespread violation of the right to privacy, especially if these efforts lead to forcing companies to transfer customer data to security services through a probably pending legislation on the pretext of protecting national security.

It also appears, in the sections of freedom of creativity and freedom of the press and the media that media entities and bodies formed during the past months focus on the exercise of wide roles of control and create additional restrictions on the media and creative works. The Supreme Council for Media Regulation is launching an open fight in defense of what is called “ethics and traditions”, which puts pressure on satellite
channels and an entity such as the media syndicate to impose its own restrictions on media and artists, to keep pace with this new policy adopted by the Supreme Council for Media Regulation. It is noteworthy that the council is trying to draft a law for circulation of information. It is not yet clear whether this draft will reflect the attitude of state institutions, which consider availability of information to constitute a threat to national security or whether it would respond to civil society and journalists’ initiatives defending a law that strengthens and protects the right to access information.

In general, violations continued at the judicial and disciplinary levels against sectors such as university professors, journalists, public television employees, students and users of social media, as documented in AFTE’s reports and the statistics. Judicial and disciplinary investigations are used to control the last space for freedom of expression, the Internet. The accusations directed in those cases refer to views published by users social network sites, indicating various forms of surveillance and monitoring by governmental and security bodies. This hostile attitude towards the internet reflected itself in the phenomenon of blocking press and media sites, which escalated sharply during the second quarter of 2017. Security sources did not deny the state’s connection to blocking these sites, but gave examples of countries such as China and North Korea, which do the same. This is another indication of unusual practices in Egypt to eliminate the last secure space for freedom of expression. The following graph shows the violations monitored by the report:
Press and media freedom

The executive authority’s quest to nationalize the media landscape as well as private and government press is one of the highlights of the situation of press and media freedom. To that end the executive authority uses measures such as: confiscating issues of newspapers or pressuring television channels managements to stop programs critical of the current regime. A number of journalists face prison sentences and pre-trial detentions, after arrest during their work. This hostile attitude towards media and press freedom reached the point of clash in 2016, when a security force stormed the syndicate of journalists - for the first time in its history - and arrested two.

The second quarter of 2017 witnessed new developments with regard to the media and press regulation bodies, decreed by the President, according to the provisions of the media regulating law and published in the Official Gazette No. 14bis (c) on 11 April 2017. Decree No. 158 stipulated the formation of the Supreme council for media regulation, involving all media sectors, including official and private ones, to be chaired by journalist and writer Makram Mohamed Ahmed and consisting of 12 other members, representing government bodies, the State Council, the Supreme Council of Universities and some public figures, as well as media and press representatives, all of whom are appointed by the president.

Decree no. 159/2017 regulates the formation of the board of the national press agency, an agency that is concerned with the management of state owned press, chaired by Karam Gabr. In addition to the chair it has 12 members, including public figures, a representative of the ministry of finance, the supreme council of universities in addition to representatives of national press and a representative of staff in press institutions.

Finally, decree no. 160/2017 regulates the formation of the board of the national media agency, an agency concerned with state owned media, chaired by Hussein Zein in addition to 12 members, which include in addition to public figures a representative of the State council, the supreme council of universities, the national agency for regulation of communication, the ministry of finance, the media syndicate, the general syndicate for workers in the press, publishing and media. Members of the boards of
both agencies are appointed by the president, and were sworn in front of parliament on 12 April 2017.¹

The Supreme council for media regulation held its first meeting on 13 April 2017, and discussed the formation of a committee to receive viewers’ complaints regarding media content.² Rapidly the council became a tool for violation of press and media freedom, through its decisions imposing financial fines on satellite channels that broadcast what the council considered obscene words,³ appointing itself thereby as a new oversight body. Also, in June 2017 the supreme media council decided to stop surveys by companies or private bodies to monitor outreach, views or listening, rationalizing its decision that most those surveys concerning soap operas and programs by several bodies are not scientifically based and lack accurate assessment of public opinion.⁴ The council jumped to the conclusion that opinion surveys are controlled by interests that might serve some and harm others, harm market laws and the safety of its trends. The council also decided that no further research is to be produced in that field except after adoption of its “criteria” and obtaining its permission before publishing. This decision raises many question marks concerning the council’s understanding of the regulation of the media, since it seems that it drives to the centralization of its decisions regarding all aspects of media work and productions, claiming quality assurance.

As for the media syndicate, which is still under registration, official statements focus on transgressions in TV programs as well as accusing TV drama of inciting hatred and violence. The secretary of the syndicate, Tarek Seda, in statements to El Watan newspapers said that Ramadan TV drama was disquieting and non inspiring from the start, that they all incite violence and hatred and rather than advocate moral values.⁵ The chair of the media syndicate, Hamdi Elqonaissy, criticized transgression in the first series of the “Ramez underground” TV program shown on MBC Masr channel because it bypassed all societal norms that call for respect of values and morality.⁶ Those developments

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raise concerns regarding the prevalence of a conservative attitude towards the performance and interests of the media syndicate, rather than concerning itself with its main role in preserving and defending the rights of media personnel, especially during the initial stage of registrations, which calls for continuous discussions of membership criteria, fees and organization of board elections. The media syndicate did not stop at expressing this hostility towards media freedom and freedom of creativity but went beyond that to express support for the block of press and media websites. The chair had made a statement on 13 June 2016 expressing the support of the syndicate of measures by the Egyptian state blocking a number of websites, which threaten national security, adding that such a measure is not a new invention nor is it a restriction on freedom.7

Regarding the law regulating the press and media, the parliamentary committee for cultural, media and monuments addressed the Supreme Media Council, the national press agency and the national media agency to send suggestions regarding the law during March 2017. The press syndicate sent its observations to the committee in June 2016. The committee held a hearing for the chair of the Supreme Council for the Regulation of the Media8 to discuss the parliamentary comments to the draft law. However, the draft was not made accessible by the committee which prevents journalists, media personnel and those concerned from information regarding the provisions of the law and thus were unable to communicate with MPs to present their views.

During the second quarter of 2017, AFTE continued to provide legal aid, especially in disciplinary investigations of workers in the government TV (Maspero), including director Aly Abu Hmeila, who was accused in a disciplinary complaint no. 220/2016 of conduct not compatible with expected respect of the profession, breach of regulations, instructions and provisions of the law, crossed the boundaries of his duties when he wrote and published indecent comments on the president of the republic on his personal facebook page. In the disciplinary hearing Abu Hmeila insisted that everything he posts on his personal page on facebook is an expression of his personal opinion regarding a public matter, and is no way related to his job, and that he did not meant to insult the person of the president. These disciplinary measures draw a very negative picture

regarding the exercise of freedom of expression of opinion among employees of state owned media channels, in addition to the restrictions they face in their programs with the aim of preventing any criticism of the current regime.

In April 2017, the Cairo Appeal Prosecution investigated Al-Wafd newspaper reporter Alaa Al-Oreibi in complaint No. 16 of 2017 made by the Supreme Council of the Judiciary against the writer, regarding an opinion article published in Al-Wafd newspaper on 18 April 2017, entitled The Justice System. The Supreme Council of the Judiciary considered that the article contained statements that constitute an insult to the courts and the judiciary; the phrases were “the court subject the citizen to a judicial mechanism akin to a lame duck and move very slowly, in a way where time is nonexistent and of no value, as if all parties agreed to exit the circle of time.” The prosecution charged the writer with insulting the courts and the judiciary, and released him on bail of five thousand pounds. AFTE provided legal support to the writer during the investigation.
In the field of violations against freedom of press and media, the Association for Freedom of Thought and Expression (AFTE) monitored 108 cases of infringements. The month of June saw the highest number of such violations, which amounted to 59 cases, followed by May, which witnessed 34 violations, and April, which saw 13 violations. This appears in the following graph:
Concerning the victims of the aforementioned violations, the association documented 10 offences against journalists, 5 against photographers, 2 against media workers, and 10 other violations. Meanwhile, the association also documented 75 transgressions against websites, 3 against television channels, and 3 against newspapers, as shown in the following graph:

**Cases of violations against freedom of press during the second quarter of 2017, as per the victim**
On another note, the association’s statistics as to the different categories of victims, point out that the largest number of violations were against news websites, which marked 68 cases. The second highest number of violations were against private Egyptian websites and amounted to 16 cases. This is detailed in the following graph:

**Cases of violations against freedom of press during the second quarter of 2017, as per the categories and background of the victims**
Regarding the type of violation that took place against freedom of press and media, the website bans constitute the highest number of violations, numbering at 75 cases. Following that are work prohibitions and restrictions, which amounted to 16 cases, and physical assault, which consisted of 7 violations. This is illustrated in detail in the graph below:

Cases of violations against freedom of press during the second quarter of 2017, as per the classification of the type of violation
As for the classifications of the groups or bodies carrying out the infringements, an unidentified governmental body practiced 75 violations, followed by civilians who committed 10, and judicial bodies that inflicted 8 such violations. This appears in detail in the following graph:

Cases of violations against freedom of press during the second quarter of 2017, as per the classification of the groups carrying out the violation

Security Bodies  Press and Media Bodies  Judicial Bodies  Unidentified Governmental Bodies  Private Security Bodies  Civilians  Governmental Officials
Digital rights

The Internet and social networks are the remaining space for freedom of expression in Egypt, after Egyptian authorities have tightened control over various media platforms over the past years. In the second quarter of 2017, the Egyptian government continues its efforts to control freedom of expression on the Internet; while the first quarter of 2017 did not witness a large number of violations of digital rights in Egypt, the situation in the second quarter was much worse regarding the dealing by Egyptian authority with the constellation of rights and freedoms related to digital activity.

Violations of rights and freedoms related to digital rights have evolved with the accent of the current authority to power, beginning with press reports indicating that the Egyptian authorities are seeking surveillance software that may be used by the security services, up to proposals by members of the House of Representatives of draft laws to criminalize everyday practices of Internet users. The most obvious phenomenon in the government’s dealings with the Internet was the widespread practice of blocking websites, upon which users in Egypt were unable to access a large number of news sites. Although Egyptian authorities blocked social networking sites during the Egyptian revolution in 2011, blocking was not a common practice in Egypt. At the end of 2015, the site of Alarabi Algadid was blocked to be followed in May 2017 with the blocking of more than 100 different sites that differ in their orientations, and the nature of published content, in the absence of any official decision by any declared governmental body.

The number of websites blocked in Egypt until the end of the second quarter of 2017 - the period covered by the report - reached at least 113 sites, but the number continued to rise thereafter. Sites that provide journalistic and news content made up the majority of blocked sites, in addition to a number of websites of political organizations and movements, sites providing VPN services, Tor and its affiliated sites, AVAZZ, Medium, Open Whisper Systems developed for Signal, and Hidden Wiki. The block was lifted off a number of sites after a few days of blocking: such as the site of Sawt Al-Umma newspaper, VPN Facile and Open Whisper Systems, in addition to the Noon website,
a women’s group not involved in any way in politics, but was wrongly confused with another press website “noonpost”.

The Egyptian government blocked a set of websites in Egypt on May 24, 2017, without any official decision being made public by any government body or telecommunications companies. On May 24, the official Middle East News Agency (MENA) published a news story about the blocking of 21 websites, quoting what the agency called a “high-level security source”. Later, newspapers and Egyptian and foreign media tried to know the details of the ban, but no one could get to the truth. Reuters news agency quoted an official of the National Telecommunications Regulatory Authority (NTRA), who neither confirmed nor denied the news, but said “I have no information. But even if the news is true, where is the problem?”

On May 25, 2017, Al-Masry Al-Youm published a report issued by a “sovereign authority”, which presents the experiences of blocking sites in Arab and foreign countries in order to justify blocking in Egypt. It should be noted that no official body denied the report’s validity. The report considered that “State censorship of social networks is a legitimate legal right.” The report explicitly recognizes the blocking of 21 sites, but did not mention any provisions of the Constitution and Egyptian law that could justify the ban.

The report presents experiences of site blocking in some countries such as China, Iran, Pakistan, Saudi Arabia, North Korea and Turkey, all of which are countries that are considered to be the most hostile to the Internet. A section of the report titled “The top 10 countries in which the Internet is under surveillance”, where North Korea came as the world’s top Internet watchdog, Saudi Arabia came fourth, Iran was the fifth, and China was the sixth. The report reviews reasons for blocking of sites in the countries of the world and restricts them to the following: terrorism, prostitution, illegal immigration, money laundering, while the vast majority of sites blocked in Egypt are mainly news and information sites.

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9. Decree by an unidentified body regarding the blocking of websites in Egypt, AFTE, 4 June 2017. https://goo.gl/kw3Eoo
On the level of confronting the ban, AFTE filed a lawsuit before the Administrative Court appealing the Egyptian government’s blocking of dozens of websites, most of which are of a news nature, without prior decision or clarification of the body that took the decision and its legal basis. In its lawsuit, AFTE said that this conduct by the state will limit the news and information to sources approved by the Egyptian government, which indicates an element of abuse of authority, as well as in violation of the Telecommunications Regulatory Law, which states that communication services should be based on public information and protection of the rights of users, which has not been fulfilled in the decree subject to the appeal.

AFTE based its claim on the violation by the decision of Article 57 of the Constitution, which stated that it is not permissible to disable or stop the means of communication or to arbitrarily deprive citizens of them. It was also based on the violation of a number of administrative and Supreme Constitutional Court rulings, as well as the Universal Declaration of Human Rights and a number of resolutions and charters to which the Egyptian government is committed.

On June 6, 2017, Mada Masr filed a lawsuit against the chair of NTRA and the Minister of Communications, challenging the negative decision by the administrative authority to refrain from disclosing the decision of blocking the site, as well as not disclosing the technical reasons for the inability of users, including the company of Mada Masr - the owner of the site - to access the site. The complaint came after the site administration addressed the administrative authorities mentioned through the registered letters, to explain the reason for blocking the site; however these authorities did not respond to the request. The complaint carried the number 51294/71, which will be heard before the second chamber of the Administrative Court, which set the date for the first session on the first of August 2017 to consider the first hearing of the case.

Regarding the electronic crime law, MP Ahmed Badawi, the Under-Secretary of the Communications and Information Technology Committee, submitted an urgent statement in April 2017, in which he demanded speedy issuance of the Cyber Crime Act. The MP announced that the Committee would complete the draft e-Crime Bill in

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13. Amin Saleh, statement by the Speaker of the house demanding rapid issuance of electronic crimes law to persecute terrorists, Al Youm Al Sabe’e, 10 April, 2017. https://goo.gl/EcEpZi
May. MP Ahmed Zidan, secretary of the Communications and Information Technology Committee in the House of Representatives, said that there was coordination between several committees in the House of Representatives: the Communications Committee, the Constitutional and Legislative Affairs Committee and the Committee for Defense and National Security to discuss four bills submitted by MPs and the government to choose the best among them. 14

News reports on cybercrime draft laws have been circulating since mid-2016, after MP Tamer El-Shahawy, a member of the Egyptian parliament, submitted a bill of 30 articles that do not aim to combat cyber crimes as much as it aims to aimed at controlling the Internet and users of social networks, as well as drive users to impose self censorship, through intimidating harsh penalties of normal daily practices by most users of social networks. The draft requires communication companies to collectively monitor the all its users, by taking all technical measures and procedures necessary to save and store contents of the information system, or any means of information technology, as well as the saving and storage of data traffic for a period of six months. The proposed law provides investigation and arrest authorities with the authority to monitor the Internet and search for what may constitute a threat to national security, which is considered arbitrary surveillance of the Internet by the security bodies. Investigating authorities and the criminal court may then issue an order to block the sites within 24 hours.

The draft also includes a package of articles that criminalize freedom of expression using unclear terms, to penalize users with freedom restricting penalties for expressing their views on the Internet. The draft used terms such as disrupting public order, endangering the safety and security of society, preventing and obstructing the work of public authority, obstructing the enforcement of provisions of the Constitution, laws and regulations, harming national unity and social peace, and contempt for holy religions, all of which are the same terms used in judicial rulings against artists and citizens who expressed their views15.

Members of the House of Representatives did not stop at trying to restrict digital rights

through the cybercrime law, but it spread to social networks; their recommendations extended to social networks. In April 2017, one of the deputies submitted a draft bill of 6 articles requiring NTRA or Telecom Egypt to establish a website with a registration form to be filled by individuals who wish to apply for a permit to use social media. The form includes the full name of the applicant, ID number, and email address used for registration, whether a real or pseudonym. The applicant should also specify the application for which a permit is requested. Any breach of the law is punishable by a 6 months sentence and/or a 5000 LE fine.\textsuperscript{16} In April 2017, deputies from the Egyptian parliament called for the enactment of a law that requires users of social networks in Egypt to pay a monthly fee for their use of Facebook. The deputy submitting the proposal specified a monthly subscription of LE 200 or at a price determined by the state, even if only nominal.\textsuperscript{17}

\textsuperscript{16}Ibid.
\textsuperscript{17}Mahmud Elemary, MPs call for imposing a monthly 200 LE fee for visitors of media channel users to face inciters of violence, Al Youm Al Sabe'e, 15 April 2017. https://goo.gl/2oVJwc
At the level of violations, AFTE documented 56 cases of violations against victims because of their use of social networks and the Internet, including 55 cases in which Egyptian users were subjected to security and judicial persecution because of their digital activity, in addition to one administrative investigation. The organization also documented the blocking of more than 100 of sites exceeded the hundred, and the number is constantly increasing.

Cases of violations against freedom of digital expression and cases of website bans in the period between 26 March to 25 June 2017

The body carrying out the attack/the type of attack:
During the period covered by the report, from 1 April to 25 June 2017, AFTE documented the block of 113 sites. However, it should be noted that the number is increasing and until the issuance of this report the number increased to at least 124 sites.\textsuperscript{18}

\textsuperscript{18}. Decree by an unidentified body regarding the blocking of websites in Egypt, AFTE, 4 June 2017. https://goo.gl/kw3Eoo
The violations extended over a geographic area of at least 16 governorates.
Freedom of circulation of information

State institutions refrain from providing information to citizens and prevent them from seeking, receiving and circulating information, which has negative effects on the enjoyment of the right to freedom of expression. These practices often come under the pretext of protecting “national security”, so that the state makes the circulation of information an exception, and the ban becomes the rule. During the second quarter of 2017, the House of Representatives remained reluctant to discuss the issuance of the Information Exchange Act, bypassing the commitment to the 2014 constitutional entitlements. However, there is a development in the level of interest of some officials of government bodies to discuss the need to issue the law of information circulation. Ambiguities prevail over the policies of the state at the level of a number of files that strongly affect the interests of citizens, especially with regard to cooperation relations and the conclusion of major deals with Western governments and companies, economic programs, which are not available to experts or political parties and civil society organizations to study or discuss. At the level of combating corruption, there are still considerable restrictions on regulatory bodies to prevent disclosure of details of corruption in government bodies to public opinion. Security interventions to prevent circulation of information are an additional restriction on media and civil society, mostly at the level of counter-terrorism policies.

The discussion revolved again around the law on circulation of information. The Chairman of the Supreme Council for Media Regulation, Makram Mohammed Ahmed, referred to the importance of issuing the Freedom of Information Act for the benefit of journalists and media as well as the people, during a meeting with the Culture and Media Committee of the House of Representatives on May 8. On the same day, on the sidelines of a symposium at the Supreme Council of Culture, the head of the State Information Service at the time, Salah Abdel-Sadeq noted the delay in the discussion of the law of circulation of information, adding that openness and transparency call for its discussion and issuance. This concern by officials reveals the depth of the crisis

20. Mentat Allah Alabyad, head of the general information agency criticizes delay in issuing law for circulation of information and emphasizes: we
resulting from the absence of the law and its impact on the work of groups such as journalists, and government agencies such as the State Information Service. There seems to be an attempt to pressure for its release. We cannot ignore the concerns and fears of an additional law limiting, rather than protecting and promoting, the right to freedom of information.

At the level of announcing the legislative agenda of the House of Representatives, priorities that govern the work of the Legislative Parliament during the session have not been announced, with consequent deprivation of its members from thorough preparation for the discussion of certain legislations, as well as deprivation of citizens and civil society who are left with a short span to lobby their MPs regarding draft laws and other issues. Specifically stated the, which deprives deputies of the opportunity to prepare well to discuss specific legislation, as well as categories of citizens and civil society who face the short time available to them to communicate and gain support Deputies in draft laws and others. The Tiran and Sanafir Agreement, approved by the House of Representatives in June 2017, is a prominent example of the confusion in defining the agenda of the House of Representatives. In April 2017, the Speaker of the House of Representatives announced that the agreement was sent to the Constitutional and Legislative Affairs Committee for discussion. Suddenly, in June 2017, media reports discussed Parliament intention to discuss the agreement. A report by Al-Shorouq newspaper reported that the Deputy Chairman of the Egypt Support coalition, Hussein Issa, said that the coalition has received no information from the legislative committee to discuss the agreement on a specific date, and that the deputies learned from the press that the agreement will be discussed in the second week of June 2017. 21 This is what actually happened. The agreement was presented to the Constitutional and Legislative Affairs Committee on 11 June 2017. Within three days, four hearings were held on the agreement. The final vote was taken in a plenary on 14 June 2017. Thus, again the House of Representatives failed to make its agenda available to the public and its members as well, indicating a wish to weaken the discussion of legislations by the House of Representatives, citizens and civil society organizations alike.

The House of Representatives also continues to prevent the live and complete broadcast

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of its sessions to citizens through a website, a practice that contributes, together with the neglect of announcing the legislative agenda, results in disruption of legal security, and is meant to stabilize the legal status and situation of those addressed by the law and the ability of masses of citizens to understand and predict legal changes and developments, which would require a constant declaration of legislative developments and agendas, criteria for preference among the various legislative options and the implications of their enforcement on citizens. AFTE has filed lawsuit no. 16534/70, in front of the first chamber, rights and freedoms, of the administrative court against the President of the Republic, the Minister of Legal and Parliamentary Affairs and Secretary General of the Council of Representatives, demanding to compel the House to broadcast its plenary sessions and the establishment of a specialized website to periodically publish, disseminate and archive sessions and minutes of parliament, making them accessible to the public.

On May 2, 2017, the case was adjourned to the hearing of August 29, 2017, to inform the administrative body, and to comment on the report by the Committee of State Commissioners. The court also allowed AFTE to contest the Speaker of the House in its claim. AFTE requested that the Speaker of the House be included in the opponents in response to the commissioners’ report, explaining that the correct legal adaptation of the claim calls for inclusion of the Speaker in his official capacity and demanding his compliance with the requests contained in the lawsuit.

Regarding economic decisions, June 2017 witnessed other noteworthy conflicting information. On 27 June 2017, Minister of Petroleum, Tariq Al-Mulla, denied setting a date for moving fuel prices. He explained that his meeting with the Prime Minister dealt with the provision of petroleum products during holidays and on highways. However, the following day the same minister announced that fuel prices had increased since the morning. Thus, the Minister had refrained from disclosing information related to the increase in fuel prices, such as the beginning of the implementation of the decision, the rate of price increases, the expected effects on citizens. He also misled citizens by giving false information, which was explained by sources that spoke to Al-Masry Al-Youm that the government depends in the issuance of a number of important decisions

Government and House of Representatives practices strongly affect citizens’ interests and their right to information, and increase concerns about decisions and policies of political, economic and social importance. Discussions on the law of information circulation may be a last hope for progress in obligating official authorities to make information available.

Freedom of Creativity

The state of creative freedom reflects the quest of the political system to shape citizens’ thinking in line with its policies, using a combination of red lines, most notably religion, politics, sex, and what is known as public morality. This contributes to the increasing violations of freedom of creativity, especially in light of political changes since 2013. The contradiction between the Constitution’s protection of freedom of creativity in article 67 states, which states that “No penalty shall be imposed for freedom in crimes committed publicly because of artistic, Intellectual” and the laws and regulations that limit that freedom, such as: the demonstration law\(^{25}\), which does not distinguish between demonstrations and art concerts if held in public places; and the law artistic arts\(^{26}\), which established a regulatory body to review works of art before they are made public; the law of art trade unions\(^{27}\), which transforms unions from bodies that organize the profession to those which decide which art is permissible; and the Penal Code\(^{28}\), which is based on the principle of “public decency,” a loose term that puts every artist accused of scratching this modesty behind bars. This package of laws and other practices by the executive and security authorities constrains the work of creative artists and may lead to their imprisonment. This situation continued to decline in the second quarter of 2017, which confirmed state intention to complete its war against each new outlet and

\(^{24}\) Mohsen Abdel Razek, Minister of petroleum denies increased fuel prices in the evening and announces them the following morning, A; Masry Al Youm, 29 June 2017. http://bit.ly/2vbrNTa

\(^{25}\) Law no. 107/2017 concerning the regulation of the right to public meetings, marches and peaceful demonstrations.

\(^{26}\) Law no. 430/1955 concerning oversight of cinema reels, TV, songs, dramas, single performances, records and audio tape recordings.

\(^{27}\) Law no. 35/1978 of the formation of federation of acting, cinematic and musical professions.

\(^{28}\) Egyptian penal code no. 58/1937.
or space of freedom of opinion and its expression.

During the month of Ramadan in 2016, the Consumer Protection Authority appeared for the first time as a regulatory body, preventing the broadcast of four ads, claiming they show “disrespect for public taste and community traditions and constitute a violation of personal dignity.” This intervention contrasts with the authority’s powers to protect consumers against economic harms, since the only body authorized to censor auditory and audiovisual works is the agency for censorship of artistic works. In Ramadan of this year - June 2017 - the Consumer Protection Authority did not interfere with censorship of television works, but only because of the emergence of a new authority of censorship, known as the Supreme Council for Media Regulation, which was established by law No. 92 of 2016 for the institutional regulation of the press and media. It held its first session on April 13, 2017 under the chairmanship of writer Ahmed Mohammed Makram. At that meeting, members of the Council approved 10 terms of reference for the mandate of Council,29 all of which concerned the administrative regulation of the press and media, and did not include any item related to works of art or media or creative substance.

However, the Supreme Council for Media Regulation, in its meeting held on 7 June 2017, issued a report entitled “Monitoring the excesses of Ramadan series and programs from 27 May to 6 June 2017”, and decided to apply a fine of 200 thousand pounds on each satellite channel, and one hundred thousand pounds on the radio, for every term that the Council deems offensive or transgressing public morals, provided that 10% of the fine is allocated as a reward to every citizen who monitors these words. Thus, every citizen can be a censor and policeman of ethics and earn a return from it. In case the respective channel fails to pay, its license would be suspended, and then completely withdrawn if the breach is committed three times. This decision is neither based on a legal imposition of such sanctions, nor on a legislation delegating censorship authority to the Council.

The first oversight report of the Supreme Council for Regulation of the Media monitored more than 35 “obscenities” in the series, programs and advertisements during the first

ten days of Ramadan, including expressions such “search for the wrong and do it”, “spoiled brat”, “on the life of your mother” and did not clarify the criteria by which it considers those terms to be obscene. The Council also objected to the appearance of some insults obscured by a whistle in some programs, in addition to its objection to some scenes that did not contain words, but contained immoral ideas, such as advertisements of stockings, and scenes indicating adultery of a character against his wife in one of the series, in addition to scenes, which the council considers violent or explains drug abuse or electronic hacking.

The report proceeded to monitor what it considered to be historical errors, including a scene in one of the series showing theft of a mobile phone in 1998, where the Council noted that mobile phones were not widely used at the time, a note that is merely based on a subjective estimation of the censor and has nothing to do with history. Then the report continues to present what it considers political projections, such as the scene of a man in a male camp unable to properly read his speech. This report is a clear demonstration of all censorship rationalizations that could be made and applied to any artistic work. There is also insult to a certain profession if one of the characters belonging to that profession is shown to be corrupt; and the defamation of Egypt’s reputation because of pranks of renowned figures from other countries. The report concluded by describing some advertisements of being vulgar and disgusting, promising the audience another report by the end of the month.

Maybe officials of the censorship authority later felt embarrassed, prompting the head of the authority to file reports against seven works of art, including two series and a play, for being shown despite its rejection of them, and two programs for lack of obtaining permission in addition to three television commercials. Some channels began to comply with the instructions of this report such as DMC, Al-Nahar, and CBC channels, when they banned some commercials and several scenes from series, including a scene from “the sun does not burn out” which showed “CC a traitor” graffiti, indicating opposition to president el Sisi. Some production companies exercised self censorship with great caution. The DMC channel had adopted an initiative of “purging drama content of obscene words” where it practiced daily monitoring and purging of its programs.  

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30. First use of a mobile phone took place in 1973, i.e. 25 years before the year mentioned in the statement.
In addition to the prosecution by the censorship authority of the seven works of art mentioned above, the authority exercised its usual role parallel to the supreme media council, banning the screening of three TV series, a movie and a song. The Al-Azhar Foundation has played a major role in the practice of censorship in recent months. As for Al-Azhar institution, it played a major role in exercising surveillance over the past months. The Grand Sheikh of Al-Azhar suspended the *Zakat* commercial, after the council considered it to imply “criticism of the continued state efforts to improve drinking water”; in addition, Al-Azhar prevented more than seven books from entering Egypt for unknown reasons, indicating that Customs Department is using Al-Azhar as a primary regulatory body for books imported from abroad.

As a result of years of state hostility towards freedom of creativity and the establishment of its need to control through its superficial moralistic terms, this period witnesses also the rise of community censorship which appeared at its worst when lawsuits were filed and complaints were made by civilians against 15 individuals because of their artistic works. The complaints and legal claims were based on the penal code, accusing productions such as Egypt’s Theater and the series “Whiff of the Lady” as defaming Islam and Christianity and advocating homosexuality as well as ridiculing certain professions.

Security authorities continued to express their hostility against the art of graffiti; a journalist and graffiti artist were arrested and accused by the Agouza prosecution in misdemeanor no. 11130/2017 of vandalism of public property and writing on the walls without permission. This is a new use of a charge. Although vandalism of public property is a crime in the penal code, and the availability of a mural permit to be obtained from the respective governorate, there is no law that criminalizes drawing on the walls without permission. Graffiti artists were frequently accused of other charges that are not directly related to the painting. It is noteworthy that what the two had written on the wall was “did you hug your son today?” The prosecution released them by guarantee of their place of residence.
On the level of violations against freedom of creativity, AFTE documented 44 cases of infringements throughout the second quarter of 2017. These included judicial decisions against creative people, which amounted to 24 cases, followed by the prohibition of shows or confiscations, which marked 11 cases, and removal or editing of creative content, which numbered 11 cases.

**Cases of violations against freedom of creativity during the second quarter of 2017, as per the type of violation**

- Security or Judicial movement against the creator of the work
- Removal or editing of the creative content
- Banning of display or confiscation of publication
According to classification of different types of art, the violations that took place in the past three months were: 30 cases that have to do with TV shows, and 8 cases of literary work.

This is illustrated in detail in the following chart:

Cases of violations against freedom of creativity during the second quarter of 2017, as per the body of surveillance
In terms of the bodies and groups carrying out the creative censorship, ministries and governmental institutions were at the forefront, with 20 cases of infringements. Civilians were second, and practiced 16 cases of violations, while private institutions were responsible for 7 cases. This appears in the graph below:
As for the publicized reasons behind the surveillance and censorship, religion was used to justify 15 violations, followed by ethics and public morals, which included 12 cases, and finally the lack of license or permits, for 8 cases. This is displayed in the graph below:

Cases of violations against freedom of creativity during the second quarter of 2017, as per the publicized reason for censorship
In the second quarter of 2017, a relative state of calm prevailed over the activities of the student movement, in extension of the same situation during the first quarter of the same year. This was reflected in the state of violations in universities, which witnessed a significant decline, according to the monitoring by AFTE of disciplinary sanctions and security violations. However, this calm situation does not mean the end of discussions of student rights and freedoms. In the course of the work of the committee drafting financial and administrative bylaws and regulations – established by the former minister of higher education, several student activities emerged to engage with the process of drafting, to the extent that one of the student alliances had put forward a full proposal for the students’ bylaws and submitted it to the Chairman of the Committee, Dr. Abdel Wahab Ezzat. However, representatives of this coalition considered that their activities and proposals were ignored by the Committee. Also, some press sites also published a leaked draft of the bylaws, which seems to be the concluding draft of the committee.

On June 19, 2017, the official Al-Ahram newspaper published a draft of the bylaws prepared by the committee which was set up by the former Minister of Higher Education, Ashraf Al-Shehhi. Al-Ahram quoted the Chairman of the Committee as saying that the linguistic and legal wording of the draft administrative and financial regulations of the student bylaws have been finalized, and have been raised to the Minister of Higher Education. Al-Ahram also quoted a spokesman of the Ministry of Higher Education that the final version of the student bylaws will be finalized, and that university student elections will resume in the next academic year.

In view of the leaked version of the bylaws, restrictions imposed on nomination remained almost the same. Article (5) of the article on the conditions of nomination states that “the candidate should not belong to any terrorist organization or group that is criminalized by law.” This article does not specify the mechanism by which the university can decide the affiliation of a student to one of these groups, thus leaving a loophole to prevent students from running for elections. Item (4) stipulates that “the...
nominee should not have a history of any disciplinary or criminal sanctions throughout university years, unless redressed”, which means the prevention of nomination of dozens of students who have been politically active in universities in previous years and who have been subject to disciplinary measures for their political activities.

The amendment had only one positive aspect, which is item (2) which conditions that the nominee must have paid the union activity fees, an item which remained obscure in previous drafts, since it was not clear whether the condition involved tuition fees or only union fees; in the case of preconditioning payment of tuition fees many students were not able to nominate themselves in previous student's elections. However, the most important chance in the new bylaws is the cancellation of Egypt’s student union and of course Faculties' student unions, both being backward steps to the 1979 bylaws, which had cancelled the Egypt's student union.

The Student Union of Egypt had returned to exist – upon repeated students’ demands - after the January revolution, where it was organized by the student bylaws issued in January 2013, by former Prime Minister Hisham Qandil. It also remained in all later amendments of the bylaws, whether by former minister of higher education Sayed Abdelkhaleq or Ashraf Elshihi.

We cannot address the amendment by the Committee to abolish the Union of Egyptian students without linking it to the current political situation in universities, where for more than three years, the State has sought to exercise full control on universities and the student movement. The state tried to assert this control during the last elections, but its attempts failed, when a student trend, which can be described as opposition, won a majority of the seats of the student unions at all levels, including the level of the Egyptian student union elections. This occurred despite the imposition of many restrictions by the state on nomination for elections, and many students mentioned state attempts to influence the outcome of the elections. These attempts ended with state refusal to recognize the outcome of the elections, which the Minister of Higher Education refused to ratify, resulting in a practically frozen student union. All these indicators lead us to the view that the state has found it preferable to rid itself of any national student entity, which may result in a movement that the state does not wish to exist.
During the work of the above-mentioned Committee, there was a parallel student effort to defend the presence of a genuine student voice in the process of drafting the bylaws; however all these student efforts were in vain. The Ministry of Higher Education and the bylaws drafting committee received an integrated proposal drafted by members of the elected student unions and members of various student movements, including students of the Bread and Freedom party, as well as the April 6 movement students, Strong Egypt party and Revolutionary Socialists students, which however was completely ignored by the ministry and the committee, according to Farah Nader, member of the students bureau of the Bread and Freedom party and one of the students active in the drafting of the student bylaws. In addition, several student movements and members of elected student unions launched a campaign under the name of “Our University” which aims mainly at developing a student proposal for the bylaws and pressing the committee to take it into account in the new draft.

Members of the campaign tried to meet the head of the committee, Dr. Abdel Wahab Ezzat, but they were not successful; they also contacted the Minister of Higher Education by telephone, and he referred them back to the committee, which they were unable to communicate with, according to student Farah Nader. However, members of the campaign did not stop mobilizing around the bylaws after the leak of the draft, submitting some proposals to amend some of the proposed articles, and sent their suggestions to the President of the University of Menoufia.

At the level of violations, the rate of disciplinary sanctions has markedly declined. We documented three cases of a dismissal of male students and one case of dismissal of a female student the Suez Canal University for charges of “immoral act,” where a student carried a banner at the university apologizing to her colleague and expressing her love. University administrations deal with disciplinary sanctions in an increasingly arbitrary way to maintain vague concepts such as morality and general traditions. On the other hand, the legal unit of the institution noted an increased rate of indirect dismissal, where former political students detainees face dismissal from the university. AFTE engaged with several cases, most notably the case of Yahya Mahmoud Sayed Ahmed Ghozlan, who was imprisoned for six months on grounds of demonstrating on campus. When he was released, he found expelled without appeal, a penalty granted by the recent amendment of the Law Organizing Universities,
in particular Article 184 bis., which enabled the head of university to directly and definitively dismiss students without recourse to a preliminary disciplinary board. AFTE provided legal support to the student by submitting an appeal against the decision of the university administration to hold an appeals disciplinary council meeting, but the application was rejected. AFTE then filed lawsuit No. 6953/62 in front of the Supreme Administrative Court, which ruled that the issue does not fall within its jurisdiction. AFTE responded that the new amendment was legally and constitutionally flawed since it undermines the right to litigation, where article 184 bis has made the only way to challenge the decision of dismissal to be to the Supreme Administrative Court, which means depriving the student of one of the degrees of litigation to the administrative court. AFTE submitted to the court documentation of the student’s grievance against the decision and the university’s rejection thereof, which means that the court has jurisdiction in the case. The appeal was adjourned to the 28 August 2017 hearing.

**Academic freedom**

The state of academic freedom in Egypt is characterized by a set of features, which are key to understanding developments within this file. The most prominent of these features 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 the independence of universities. University and faculty exercise great pressures on the freedom of faculty members to teach, research and express opinion. In order to do so, the law is breached and violated whenever the opportunity arises. The interventions of university administrations in research work contradict the perception among some that associated arbitrary decisions against academics with their political activity only. The second quarter of 2017 saw developments in the investigation of the case of Italian researcher Julio Regini, who was killed in Egypt, as well as violations of academic freedom and the right to free expression of a professor at Suez Canal University, in addition to involving private lives in administrative investigations.
The English literature teacher at the Faculty of Arts at the Suez Canal University, Mona Prince, published a video showing her dancing on the roof of her house on her personal Facebook account on March 30, 2017. Some websites published the dance video, upon which she was subject to attacks on some TV programs. The administration of the Suez Canal University decided to refer her to an administrative investigation and her work was suspended until the completion of the investigations on 5 April 2017. The administration accused her of “publishing clips and pictures on her account social media networks (video), non-adherence to teaching the scientific curriculum at the Faculty of Education, appearing in several television programs without university permission, and making statements contrary to the traditions and values of the university, public order, morality and ethics, which is contrary to the role of a university professor, and finally of delay in receiving and submitting exam papers.”

It seems that the university administration did not want to accuse her only of publishing the video, but introduced other administrative and academic charges to justify her referral to an interrogation without being accused of interfering in her personal life. Dr. Maher Mesbah, President of the Suez Canal University, said that the faculty member was referred to an investigation on April 2, 2017 before posting the video on her personal page, in view of professional breaches related to going beyond the boundaries of her lectures, failure to comply with the legal times of attendance and other problems related to correction of exams and their results. It is to be noted that Prince had posted the video on March 30, 2017, i.e. before her referral to the investigation contrary to claims by the president of the university, that she is being interrogated for reasons other than the video.

On the other hand, the Ministry of Higher Education, issued regarding Prince on April 5, 2017, in which it said that it was following the matter, stating that “the personal freedom of faculty members is protected by the Constitution and the law, but not at the expense of the university norms and ethics”. It indicated the importance of respecting the morality and values of the university, and that a good reputation is the basis for appointment of university staff, as well as the basis for remaining in that position.
On May 21, 2017, Prince was interrogated by a professor at the Faculty of Law at Menoufia University. AFTE submitted a legal memo responding to the accusations, stating that personal freedom is protected according to the Constitution and the law, and that the law does not stipulate restriction of the freedom of faculty members in their homes, according to AFTE lawyer Mahab Said. With regard to the second charge related to non-compliance with teaching of curriculum, represented by a comparison between the two literary writers John Milton and Naguib Mahfouz, Prince argued that he adhered to the curriculum, but that she adopted a known academic methodology in comparative literature, opening opportunities for reflection and criticism among students, that does not squeeze them into rigid molds. By accusing Prince of those charges, the university violates the academic freedom of faculty members, since it denies them their right to freely adopt a teaching method they consider appropriate. Academic freedom in its simplest form refutes the imposition of restrictions on faculty members concerning what they teach, whether by the government, the university administration or society.

In her reply to the third accusation, she said that no one from the university had told her that she must not obtain permission to appear in the media, nor were there any internal memos distributed in that. Finally, with regard to the non-receipt and delivery of the control and correction material, she reported that she had delivered all but one of the subjects, the deadline for which was left open while she was on another panel exam. And when the exam ended the control section had closed, and so she was not able to correct the papers, upon which the university administration asked her to correct the papers during the summer vacation, which she refused to get her leave for preparation for the next semester. No decision has been reached in the case of Mona El-Prince until now.

The Suez Canal University, behind it the Ministry of Higher Education, flagrantly interferes in the private life of one of its faculty members and uses personal details to punish her in response to community pressure, which followed the posting of those personal clips. In this regard, the university is abusing legal provisions of vague and ill defined wordings such as public morals, traditions and university norms to harass a faculty member. The university did not stop at this point, but used other administrative
measures to harass her. It also openly violated her academic freedom in teaching what
she deems appropriate in the best scientific manner she sees fit.

In another context, new developments have emerged in the case of the killing of Italian
researcher Julio Regeni, where the Italian side is accusing Egyptian security of his
kidnap, torture to death and disposal of his body in the desert. According to press
reports, the Italian investigators sent to the Egyptian side a list of ten names believed
to be involved in the killing of Regeni.

According to Mada Masr - a news website recently blocked by the Egyptian government-
an Italian source linked to the case file said on April 4, 2017, that Italian investigators
had compiled a list of 26 names they considered to be defendants in the case, after
exclusion of names of politicians affiliated to sovereign-executive bodies, and that some
of them stood responsible for their knowledge of the crime by virtue of their official
positions. Also names of those who were involved in the file were excluded, leaving a
list of ten names responsible for kidnapping, torture and disposal of the body. 36

The Italian source accused Egyptian authorities of not being serious about investigating
the case, saying “Cairo did not show the same degree of cooperation with Rome,
starting from trying to blur the truth or by making moral accusations against Giulio,
trying to fabricate the case against five people who had nothing to do with the case and
killing them in cold blood on the streets of the capital, and up to obstruction of the
work of the German company, which was supposed to download surveillance camera
tapes located in the subway stations”.37 The Egyptian and Italian investigation teams
met in Cairo on May 17, 2017. The Egyptian side handed the Italian side the first batch
of documents requested by the Italian prosecution. A statement issued by the meeting
said that “before the end of May, an agreement will be signed to begin the retrieval of
the contents of the hard drives of the surveillance cameras in the Cairo metro stations.”
38 However, no further news of joint cooperation and the development of investigations
has yet been made public.

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37. Ibid.
Right to privacy

The Constitution emphasizes the protection of the inviolability of private life. Despite the existence of laws that penalize wiretapping and surveillance of phones, wireless correspondence and mail without judicial authorization, the legal framework remains largely flawed regarding the protection of the right to privacy because of the inaccurate definition of the right to privacy and the scope of its protection, as well as the absence of a law to protect personal data. On the other hand, the widespread use of the Internet, particularly applications and social networking sites, has led to the emergence of new challenges that laws, regulations and customary practices still fail to address to 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 to the additional challenges of defining the lines between the right to privacy and freedom of expression. This debate does not appear to exist in the current climate of severe deterioration in the situation of human rights. The executive authority violates the right to privacy in its daily practices, while there is no debate about how to protect it in the public sphere. Recently, eavesdropping on phone calls and their public broadcast are the most frequent practices of violation of the right to privacy.

During the second quarter of 2017, The New York Times published a report on sovereign bodies seeking data of users of Uber and Karim - two companies operating in the field of passenger transport. Uber uses a program called Heaven, which provides live data about customers and drivers, as well as tracks the journey through a comprehensive digital map. Karim also has a similar program to track journeys. The New York Times reports that Uber officials have confirmed discussions with government officials to try to exchange data, on the sidelines of discussions of the law regulating the work of private carriers. The report quoted a spokesman for the company that his company did not provide governments with such data before, and will continue to defend the privacy of its customers.

The report quoted an official at the Karim company that in a meeting with officials of sovereign bodies, an offer was made to Karim, whereby the army company “MSA Dahab” receives 5% of Karim’s shares to hosts its servers; the army affiliated company will assisting Karim in negotiations with the government authorities.

The information of this press report appears to be consistent with the way, in which state institutions work to pass a law regulating the work of passenger transport companies using private vehicles. On 10 April 2017, the Egyptian government approved a draft law “Organizing land transport services in private cars using Information technology”\textsuperscript{40}, a bill that would involve the work of Uber and Karim. The parliamentary Communications Committee also held a meeting with representatives of the two companies in April 2017 to consider the status of the two companies and the problems that may occur to customers and how to evaluate the service.\textsuperscript{41} A few days after the meeting, Nedal Elsaid, head of the committee said that the two companies, Uber and Karim have a large database of customers, describing it as “a matter of national security”.\textsuperscript{42}

State institutions may seek to subject the two companies, Uber and Karim, to their interventions to obtain data of customers and the trips they make in the vehicles of the two companies. State institutions use the legislative framework to pressure the two companies. In case they don’t get a response, they can coerce the companies to submit this information to security authorities under the pretext of protecting national security.

This attempt by Egyptian authorities to violate the privacy of private transport service users reflects the increased frequency of collective surveillance, as well as legislative flaws in protecting user data, and preventing companies or security agencies from analyzing them. This is in violation of the provisions of Article 57 of the Constitution, which stipulates that “Private life is inviolable. Telegraph, postal, and electronic correspondence, telephone calls, and other forms of communication are inviolable, their confidentiality is guaranteed and they may only be confiscated, examined or monitored by causal judicial order, for a limited period of time, and in cases specified

\textsuperscript{40} Hend Mokhtar, government approves law regulating private transport by Uber and Karim, Al Youm Al Sab’ee, 10 April 2017. \url{http://bit.ly/1TfVSLs}
\textsuperscript{41} Noura Fakhry, parliament communication committee demands Uber and Karim to pay taxes and insurance, Al Youm Al Sab’ee, 27 April 2017. \url{http://bit.ly/1Z2Syf}
\textsuperscript{42} Oura Fakhry, head of parliament communication committee warns from the possession by Uber and Karim of citizens data, Barlamani, 4 May 2017. \url{http://bit.ly/2v9CRIK}
by the law. The state shall protect the rights of citizens to use all forms of public means of communication, which may not be arbitrarily disrupted, stopped or withheld from citizens, as regulated by the law.” To date, no draft laws have been put forward to protect user data.

**Conclusion**

The report reviewed the most prominent developments during the second quarter of 2017, which came in seven sections, addressing the files on which AFTE works. The report focused on highlighting the diversity of obstacles and problems faced by different groups of citizens, as well as the commonalities between the various issues presented. This detailed review of the situation of freedom of expression is intended to provide a periodic and updated evaluation of the right to freedom of expression. AFTE believes that such periodic reporting is a very important tool to encourage all those concerned with freedom of expression issues to make more effort to promote and protect the right to freedom of expression and to contribute to changing policies restricting freedom of expression.

On the level of violations against freedom of creativity, AFTE documented 44 cases of infringements throughout the second quarter of 2017. These included judicial decisions against creative people, which amounted to 24 cases, followed by the prohibition of shows or confiscations, which marked 11 cases, and removal or editing of creative content, which numbered 11 cases.