



Oppression with a Taste of Emergency

**The Sixth Annual Report on the Status
of Freedom of Expression in Egypt - 2018**

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Methodology

This report covers the situation of freedom of expression in Egypt during 2018. It is the sixth periodic report issued by AFTE in this regard. The report was based on an analysis of the nature of the violations that were monitored, documented and verified by the monitoring and documentation unit of the institution, as well as on the observations and follow-up by researchers of issues that AFTE works on throughout the year. The issues in question are freedom of expression, freedom of the press, media, academic freedom, student rights, free circulation of information, freedom of creativity and digital rights. The Monitoring and Documentation Unit relies on a specific methodology for monitoring violations as follows;

1- Collecting primary data

Is the stage where the task force gathers preliminary information from sources available to the working team, including:

- **Data Available with AFTE lawyers**

AFTE works to support and promote freedom of expression in Egypt through a number of mechanisms, including providing direct legal support to victims of freedom of expression in Egypt. In this context, it relies in part on case files and information collected through communication between the lawyers of the institution and the victims, or the access of lawyers to cases addressed by other organizations.

- **Data on the internet**

The organization collects primary data on violations of freedom of expression through a survey of news sites and social networks, monitoring news or publications of activists and users related to violations. The organization relies on the tools provided by the search engine Google and various social networking sites, especially digital spaces that collect the relevant categories of the work of the monitoring and documentation unit in the institution.

2- Organization of primary data

The Monitoring and Documentation Unit team organizes the initial information collected so that it is classified according to each of the topics on which the unit operates, and this is done as an organizational stage to begin to verify each violation on its own.

3- Validation of data

AFTE relies on a number of mechanisms to ensure the validity of the primary data:

- **Official documents:** Although it is often difficult to obtain official documents that can be relied upon as an evidence of violations, the organization's staff sometimes relies on official data from government agencies published in newspapers, news sites, official government websites and government accounts on social networks. Through the Legal Aid Team, the Foundation also works on

obtaining police records and legal case files related to violations monitored by the Monitoring and Documentation Team of the Foundation.

- **Testimonies of Victims:** AFTE seeks to communicate directly between the staff of the Monitoring and Documentation Unit and the victims from the target groups to document the violations committed against them. The testimonies are obtained either through direct interviews or by phone.
- **Eyewitnesses:** If a victim's testimony cannot be obtained directly from the victims, the team tries to obtain testimony from eyewitnesses, victims' families or their lawyers.
- **Digital verification tools:** The institution relies on some technical tools to verify the images and photographs published on the Internet, especially social networks, to ensure authenticity, especially verification of images of attacks or images of decisions or official data issued by a government agency.
- **Relevant human rights organizations:** The monitoring and documentation team of the institution often communicates with other human rights organizations working in the same areas to obtain information about the violations monitored by the team, particularly with regard to legal cases pending in the courts.
- **Multiple sources:** Sometimes documentation by verifying the data available to the staff is made from different press sources, particularly with respect to violations against groups, such as coverage by journalists and media professionals.
- **Monitoring blocked sites:** The institution relies on monitoring blocked sites in Egypt and to make sure of this through the ooniprobe software, a free software that acts as a network to detect the control and interference in data traffic on the Internet. The tool allows you to perform site blocking tests, as well as another spectrum of network tests, in addition to ensure the website performance by testing it via common browsers or browsers such as Tor.

4- Archiving of data

The monitoring and documentation unit organizes violations digitally, which have been verified, including materials relied upon in the verification, data, official documents in addition to direct testimony from victims or their discharge.

5- Definitions

- **Violation:** the reference in monitoring violations is based on international conventions on freedom of expression, such as article 19 of the International Covenant on Civil and Political Rights (ICCPR), which is the basic international framework that regulates this right is:

1-Everyone has the right to hold opinions without interference;

2-Everyone has the right to freedom of expression. This right includes freedom to seek, receive and impart information and ideas of any kind, regardless of frontiers, whether in written, printed, artistic or other forms of their choice;

3- The exercise of the rights provided for in paragraph 2 of this article entails special duties and responsibilities. Accordingly, they may be subject to certain restrictions but provided they are specified in the law and are necessary:

a. To respect the rights or reputations of others,

b. To protect national security, public order, public health or morals.

- Security agencies: include the Ministry of the Interior and the Ministry of Defence and regular forces, and also includes attacks by “civilian supporters” or “unknown” in the presence of regular forces.
- Private security: includes any private guard personnel, whether independent or affiliated to companies, and in the case of direct orders issued by the guardians (e.g. a government official) to commit the violation the aggressor will be considered “government officials.”
- Judicial bodies: include all civil and military judicial institutions.
- Private Egyptian channels: private channels based in Egypt.
- Multiple: includes several press or media bodies.
- Not verified: lack of access to the victim’s institution.
- Arrest: is the process of restricting the freedom of a journalist and taking him/her to the police section and making a report.
- Illegal detention: the process of restricting the freedom of a journalist, taking him to a place of detention and releasing him without any records
- A violation: Any violation that occurred to a person in a particular place and time. For example, if three journalists are arrested in a particular incident and one of them is beaten and another is assaulted, five violations will be counted in that case (3 cases of arrest for every journalist, a beating case for a journalist, a case in which a journalist is attacked).
- However, in the case of collective violation, such as the prevention of coverage, it was considered as a single violation because it was targeting journalists collectively and not a particular journalist, and also because of the problem of determining the number of journalists and their identities, especially that such violations occur almost daily in addition to the statistical problems that will cause an extremely high number of victims.
- Journalist: Any person who has been subjected to a violation for performing his journalistic work and provides AFTE with proof of his journalistic work as a member of the Syndicate of Journalists or a work permit or assignment to a press institution or press archive or a certificate by the Press Foundation through its media outlets or officials.
- Press Foundation: Each press outlet that has a website or produces hard copy publications.

Introduction

This report aims to address the situation of freedom of expression in 2018, a year of intensive political developments by President Sisi, on two levels; first, ensuring that there are no rivals in the presidential election of April 2018, and then winning a second term; the second was to prepare for an amendment to the constitution allowing the extension of the presidential term.

This suffocating political context included major attacks on freedom of expression, as the state sought to suppress any voice opposed to its authoritarian aspirations. The government has extended the emergency law for the whole year, which was reflected on two aspects. The first is the practice. The trial of citizens before exceptional judiciary (the military judiciary and the state security courts and prosecutors) has increased. The second aspect is legislation. It has full control over the expression of opinion in the press and the Internet. The Parliament issued three laws aimed at organizing of media, namely the Supreme Council of Information and Media Regulation Law, the National Press Agency Law and the National Media Authority. It also issued a law against the crimes of information technology, known in the media as the cybercrime law, which aimed at legalizing its earlier practices of blocking websites and surveillance of communication.

These laws, along with other executive decisions (to be mentioned in the body of the report), are implicated in the spirit of emergency in terms of their disregard of the fundamental rights and freedoms enshrined in the Constitution and international covenants.

This report is divided into two main parts. The first deals with the status of legislation in Egypt during 2018. We begin with the main features and then present the four laws relating to the press and the Internet as living examples of the state's legislation during 2018.

The second part of the report reviews the violations that the Foundation has been monitoring during 2018 in its various fields of work: freedom of expression, freedom of information, freedom of creativity, digital rights, student rights and academic freedom. This section also includes a special section for exceptional judiciary, due to the significant expansion of its use.

Chapter I

Emergency state legislations

2018 did not differ much from the years that preceded it with respect to the violation of fundamental rights and the restriction on public freedoms guaranteed by the Constitution, international covenants and treaties. However, this year has been marked by the fact that it is all under the Emergency Law. The state of emergency was imposed in the second quarter of 2017 and the government, in coordination with the parliament, has been renewing it until now. This exceptional situation, or which was supposed to be exceptional, was not only reflected in the arbitrary practices inherent in such laws, but also reflected heavily on the state of legislation in Egypt. The laws were enacted in the spirit of emergency, laws that do not regulate rights, but aim to obstruct and restrict them, depriving them of any content.

In this part of the report, we review the main features of the state of legislation in Egypt in 2018. We also present a number of laws that have been adopted and which reflect on the current situation.

Disintegrating social contract

Since his assumption of the post of President of the Republic, Abdel-Fattah al-Sisi has criticized the provisions of the Egyptian Constitution issued in 2014, describing it as the Constitution of Good Intentions¹, and despite the diligence of some public figures who participated in the drafting of the Constitution, to the heads of parties and jurists who tried to identify the president's objections to the provisions, they failed to obtain any results. However, there is a general consensus is that the executive authority aspires to amend the constitution.

Prior to the last presidential elections held in the first quarter of 2018, the constitutional amendment was put forward. The proposal focused on the extension of the president's mandate and constitutional powers. The discussion was reopened through the statements of some MPs and some journalists and media professionals close to the authority.

Apart from support campaigns or rejections of amendments to the articles relating to the President's term, our most important concern is the rights and freedoms section of the Constitution, which was effectively suspended as the state of emergency was introduced in the second quarter of 2017. The legislator violated the constitution's main provisions relating to the right to organize, the freedom of the media, the press and digital rights, as well as a reluctance in issuing laws that enact constitutional provisions

1. Alwatan, Sisi: Constitution of Good Will Not Build a Country, 14 September 2015 .<https://www.elwatannews.com/news/details/803798>

A careful reading of the laws issued and follow-up to the law enforcement authorities reveal that the disruption of the chapter on rights and freedoms in the Egyptian Constitution has become commonplace, and those parties do not find it objectionable to ignore its provisions or consider them with contempt or misinterpretation. The Egyptian parliament has not yet completed issuing a number of laws that complement the constitution². The law of freedom of access and circulation of information provided for in Article 68 of the Constitution is at the top of these laws. Although a committee has been formed by the Supreme Council for media regulation to draft a proposal of the law, and despite the committee's declaration that it has concluded the draft by the end of 2017 – a committee member had announced that the draft is with the cabinet and ready to be discussed in parliament - until the end of 2018 Parliament did not discuss the draft law nor did any of its committees include its discussion on its legislative agenda.

In mid-2018, the Egyptian Parliament passed the Media and Press Regulation Law, and ratified it in August of this year. The provisions of the law are very inconsistent with the provisions of the Egyptian Constitution that regulate media freedom, especially Articles 70 and 71. The law enforces the authority of the council in imposing clear censorship on the content and authorities in the issuance of licenses for websites and newspapers. It has loose and vague powers to impose penalties on the press sites, private accounts and private websites contrary to the provisions of the Constitution mentioned above, foremost the right to ownership and issuance of newspapers and creation of audio and visual media outlets, and prohibition of censorship on newspapers and Egyptian media, nor their confiscation, suspension or closure.

Also the Law on Combating Information Technology Crimes, known as “cybercrime”, was issued, introducing major amendments that altered established procedural concepts. It included vague definitions, the elaboration of which was referred to the executive regulations of the law, which has not yet been issued. The law legalizes the practices of website blocking, comprehensive and collective surveillance, the authority to access and keep user data, in addition to wide ill-defined authorities through which they can access and monitor the activities of users, and block sites and links for reasons of national security, in violation of the umbrella of constitutional protection provided for in Article 57 of the Egyptian Constitution, which stipulates the inviolability of private life, the inadmissibility of disabling, stopping or depriving citizens of it, arbitrarily.

The law also prohibits the right of citizens to free travel granted by the provisions of Article 62 of the Constitution when the Law on Combating Information Technology Crimes regulated the prohibition on travel under Article 9, which gave the Attorney General and the investigating authorities the right to prevent the defendant from traveling abroad or to put his name on checklists for a specific reason and a specific duration, linking the text to this administrative procedure to be applied when necessary, or when there is sufficient evidence of the seriousness of the charge of committing or attempting to commit any of the crimes provided for in this law, leaving the Public Prosecution with

2. Article 121 of the constitution states the complementary laws including laws organizing presidential, parliamentary, and local elections, political parties, judiciary and its various bodies and laws organizing rights and freedoms mentioned in the constitution. It also sets some criteria for the approval of such laws.

this broad and discretionary authority to assess the necessity. The Egyptian Parliament will also discuss comprehensive amendments to the Code of Criminal Procedure, which will reach the amendment of over 200 articles, including the amendment and addition of Article 155, which gives the Attorney General and the investigating judge the power to issue a travel ban or to put a name on watch lists In cases of felony and misdemeanour punishable by a year of imprisonment provided that there is sufficient evidence of the seriousness of the accusation and if dictated by the necessity of the investigations, and to ensure the implementation of the penalties that may be imposed for a specified period or periods not exceeding a total of two years.

As for the right to organize and peaceful assembly, which is subject to various forms of protection, Article 73 of the constitution protects the right of citizens to organize public meetings, processions and demonstrations and all forms of peaceful protests³, it was completely emptied of its content by the law of organization of public meetings and processions and peaceful demonstrations, and eliminated all manifestations of the full enjoyment of that right. The enforcement of this law sent a number of activists to prisons with penalties for up to five years.

As for the right to form associations, article 75 of the constitution granted associations the legal personality by mere notification and granted freedom of activity and prohibited interference by administrative bodies or their dissolution except by a court decision. However, the Egyptian legislator issued the civil association law, which was passed by a number of MPs without being discussed by any of the sectors concerned, whether human rights or development organizations. Even the ministry of social affairs, did not participate in the drafting of the law and its proposal has been completely ignored. The law managed to paralyze the activities of associations and foundations to a great extent in view of the possible wide interferences by administrative bodies, including approval of activities, funding etc.

It is clear from the above that most of the guarantees approved by the Egyptian Constitution are wasted by the legislator or practical implementation in front of the courts or through the daily practices of law enforcement agencies. The Constitution has no longer a legal binding value to the three authorities. Dealing with the constitution can be summarized in attempts to subvert it, while keeping the text for the aesthetics of it.

3. Law No. 107 of 2013 on the organization of the right to public meetings, processions and peaceful demonstrations, published in the Official Gazette No. 47, "bis", dated 24-11-2013, to be implemented from 25-11-2013, issued by President Adly Mansour, In the absence of the Egyptian Parliament as a form of legislation necessary under the special authority granted to the President of the Republic, was approved and ratified by the current parliament in the first session of the current parliamentary session.

Occasionally the president expresses opposition

There has been a lot of debate about the timing of the publication and processing of laws from the government to parliament and from parliament to the president on their way to ratification and the dates of publication in the official gazette, but things have gone too far and talking about them has become a farce in the absence of constitutional guarantees.

Abdel-Fattah Al-Sisi expressed his opposition to the Clinical Trials Law⁴. It has then been returned to parliament with the presidential comments. Parliament had finally approved the law in question in May of this year, and Sisi used his authority to challenge the law according to Article 123 of the current Constitution.⁵

The process of objection involves extensive comments and observations that are not related to the subject of the law but rather to the manner in which they were approved and how the President of the Republic used his constitutional powers. Therefore, the discussion here will deal with the “Clinical Trials Law” project as a case study revealing the manner by which various parties intervene during the process of passing legislations.

The President’s objection was announced by the Speaker of the Egyptian Parliament⁶ on 3 October 2018, which means that it has been almost five months between the approval of Parliament and the announcement of the President’s objection to the law, which raises the question of when the laws are being sent to the President for ratification? The question here is related to the constitutional text that gives the president the right to object within 30 days of receiving the approved law. “If the president of the republic objects to a proposed law approved by parliament, it has to be returned within 30 days after being informed by parliament thereof.”

The delay in the periods between approval by parliament and ratification by the president has long been an area of legislative ambiguity, since it provides the presidency with ample time to manipulate its position on the laws, and in turn leaves the lawmakers in a state of anticipation and waiting and sometimes hope that the intervention of the presidency would stop this stream of defective texts, which in the end leads to the absence of legal security and stability, especially since it is repetitive. For example, the enactment of the law regulating the work of associations and other institutions working in the civil field No. 70 of 2017 was approved by Parliament on November 29, 2016, while ratified by the President on 29 May 2017; still its executive regulations have not been issued by the end of 2018, although the law puts a time constraint which states that the issuance of the regulation should be within two months from the date of issuance of the law.

4. The Clinical Medical Research Act, known as the Clinical Trials Act, contains many articles for medical and clinical research on volunteer patients

5. Article 123 of the Egyptian Constitution issued in 2014 stipulates that “the President of the Republic has the right to issue or object to laws, and if the President of the Republic objects to a bill approved by the Council of Representatives, he shall reply to them within thirty days of being notified to the Council. If it is returned in the advanced time to the Council, and again approved by a two-thirds majority of its members, it shall be considered as law and issued. “

6. President al-Sisi sent a memorandum to the House of Representatives with a written objection to the law <https://bit.ly/2O2beWs>

The president's objection to the Clinical Trials Law included several contradictions. One of the most important of these relates to the relationship between the legislative and executive authorities. Despite the difference between the two authorities and the assumption that one of them exercises the supervisory role over the other, the practical reality always indicates harmony and agreement between them. Since the formation of the current House of Representatives at the end of 2015 until now, parliament has exercised its legislative role in line with the general wishes of the executive. The two authorities divide the roles between them in addressing the artillery of new legislations. When the proposed law encroaches on rights and freedoms, the president claims that the matter is in the hands of parliament and that he cannot interfere, deliberately forgetting his constitutional authority to object to these laws. The law of clinical trials was revealing of this relationship, after the President of the Republic sent his objections to the law, the speaker of the Egyptian Parliament said that «Well the president did use his constitutional right to object to the draft law, and I think that the researchers and academics in the Hall should be grateful to the President for his keenness that the law is in harmony with the Constitution, and we thank the President for using his right to return it to the Council »⁷. The response of the President to the Council was not understandable, since the law was in the hands of the Council for five months, and many parties had declared the same objections to the bill earlier, but were not taken into consideration at the time.

On the other hand, the president's objections did not suggest anything new. The president's remarks related to chronic defects in Egyptian legislation, which have become a kind of legislative philosophy adopted by the Egyptian legislator and can be found in general in most recent legislations. The memorandum of objections issued by the President of the Republic: noted the following

- The disproportionality between penalties and crimes
- Some criminalized acts are unrealistic
- Multiple administrative and security approvals threaten academic life

The observations indicate that the punitive articles 28 to 35, since all these articles do not take into account the nature of the research and the violations are equal in all types of research regardless of the nature and design of the research, which may cause a state of panic and fear among researchers, which in turn may lead to avoidance of conducting scientific research in Egypt.

It also noted that it should be reviewed in accordance with the constitutional provisions, especially in relation to articles 4, 5, 9, 20 and 22, which contain texts requiring the approval of the Supreme Council of Universities and General Intelligence and the supervisory bodies for the search protocol and its inspection, and since medical research includes master's and doctorate theses and free and funded research in the faculties of medicine, science and pharmaceuticals, there will be a huge amount of research that will be impossible to monitor.

7. <https://www.almasryalyoum.com/news/details/1328846>

In his memorandum El Sisi said that the text banning analysis of samples of Egyptians abroad is unrealistic. “The law stipulates that sending of human samples abroad entails prison sentences and a fine so that Egyptian genes are not tampered with,” he said.

The question that comes to mind is, since El Sisi’s objections came to that result, why did he not use those authorities over the past four years regarding all the laws that have been issued in contradiction with the constitution, laws that carry the same problems and that exaggerate penalties and are unrealistic in criminalizing some acts. Those were always the comments made by Egyptian human rights organizations, such as the comments of organizations on the demonstration bill⁸, and the recent statement on the flawed texts contained in the “Information Technology Crimes Act”, in which AFTE and Access Now asked the parliament to withdraw the law.

Laws without regulations

Legislative developments that have taken place over the past few years have not only suffered from contradictions with the constitutional texts but also by shortcomings and lack of self-regulation. The legislator adopted a philosophy based on escaping the clarity of the legislative texts, leaving huge gaps for the executive regulations that amount to legal organization rather than clarification of how the law should be implemented, which constitutes a clear violation of the specific function of each authority, where the executive has been a partner in the process of legislation. This philosophy makes the parliamentary legislation an insufficient or aborted process leaving vast vagueness in the interpretation of the text.

The executive branch also used these spaces to circumvent the legislative and constitutional texts, which are more binding than the executive regulations. It has postponed the issuance of several executive regulations without justification. And although most laws set a timeframe for the issuance of the executive regulations, the current authority considers those non-binding or in a more precise sense will not result in procedural nullity in case of non-compliance.

The delay by the executive branch in the issuance of the executive regulations of the laws was a great concern for those who are being addressed by the laws. These delays succeeded in creating a confusing legal situation. This situation has brought together a number of elements, the most important of which is the weakness of the legal organization of legislation and insufficient texts for implementation. The absence of regulations, which gives the administrative authority wide manoeuvring space in the application of the provisions of the law.

The crisis of the absence of executive regulations was not limited to regulatory laws such as the law regulating the work of associations and other civil institutions, but extended to punitive laws such as electronic crime law.

8. https://afteegypt.org/law_unit/2013/10/31/5583-afteegypt.html

For example, Article 6 of the association law⁹ states that the Prime Minister shall issue the executive regulations of the law within two months from the date of its publication, and until such regulations are issued, the executive regulations and existing resolutions shall continue to be enforced as long as not in contradiction with its provisions. Although the law has been issued in May 2017, the executive regulations have not been issued yet. This means that for a year and a half associations and civil institutions work under a distorted legal organization organized by the provisions of an existing law and the executive regulations of an annulled law. This crisis reflected clearly on the work of a large number of associations and institutions, especially that this is not only about associations, but also about the have been meant to implement the law over the past year and a half.

The same has happened with the law regulating the press and the media¹⁰, since the executive regulation of the law has not yet been issued, despite the passage of the period specified in Article 5, which clarifies the issuance of the executive regulations of the law by a decision of the Prime Minister within three months from the date of its implementation. Before the three months have elapsed, the Supreme Council for Media Regulation issued a declaration that the procedures for legalizing the situation of companies owning websites should be completed. Although there are provisions in the law that specify the conditions for licensing sites, there was lack of clarity regarding the procedure and its nature in the absence of executive regulations, especially that the law in accordance with the provisions of Article 2, obliges the entities, institutions, press and media outlets and websites existing on the date of the operation of the provisions of the law to meet their conditions in accordance with its provisions and executive regulations within six months of the enforcement of the latter. In view of the absence of the regulation, there were no clear steps on how to implement the provisions of the law, which made procedures difficult for the owners of the sites, and even questioned the legality of the procedure in view of the absence of a published resolutions rationing and the absence of a mandatory time to carry out the legalization procedures within two weeks. The executive regulations have not been issued until the time of writing this report.

On the other hand, the law on combating cybercrime was issued in mid-August 2018. The law regulates modern procedural and objective rules on the legislative environment. The provisions of this law are ambiguous and inaccurate in the balance between crimes and penalties, as well as images and forms of crimes. The provisions of the law refer very important details to the executive regulations, even though the law is of penal nature, which means that its provisions must be sufficient in and of themselves. Among the most important texts referred to the Regulations are those referred to in Article 10 with regard to the rules, conditions and procedures for the registration of technical experts, as well as the provisions of Article 11 on technical conditions to be provided in evidence derived from equipment, tools, media or electronic supports, the information system or computer programs, or any other means of information technology to be subjected to the legal text; as well as the provisions of Article 29 on the measures and

9. Law No. 70 of 2017 on organizing the work of associations and other institutions working in the field of civil work

10. Law No. 180 of 2018, issuing the law regulating the press and the media, and the Supreme Council for Media Regulation.

reserves of insurance required by the person responsible for the administration of the site or private account or e-mail or information system, the non-fulfilment of which will result in penalties up to six months imprisonment or a fine of up to 100 thousand pounds. Despite the severe defect of referring these details to the executive regulations, it has not been issued so far despite the text of Article 44 of the law which requires that the Prime Minister issue the regulations within three months from the date of enforcement of the law.

Electronic crime law... a new tool for internet censorship

2018 witnessed the continuation of the state's attempts to control cyberspace after the completion of the control by some of its security apparatuses on the media and press space, and before that the stifling of freedom of assembly and the right to organize, which made cyberspace another and more difficult in the process of systematic shutting down of spaces followed by the Egyptian authorities since July 2013.

The state's systematic policies to restrict Internet freedom in general have taken several parallel paths. As the Internet siege and suppression of its users has become broader than the existing laws can contain (the Telecommunications Law, the Egyptian Penal Code, and the Anti-Terrorism Law) the state issued a special law to combat crimes of information technology known as the Cyber Crime Act.

Through this law of 45 articles divided into four sections, the State aims at complete control of the Internet, suppression of its users, the codification of State practices in controlling this space, blocking of websites and collective monitoring of communications.

The draft law has been circulated for three consecutive years, until it was passed by the Parliament on 5 June 2018, ratified by the President of the Republic and published in the Official Gazette to become effective from 18 August 2018.

1- Surveillance of communications

Article 2 of the crimes of information technology act regulates the comprehensive monitoring of communications in Egypt, where telecommunications companies are required to store and keep customer usage data for a period of 180 days. These include user-identifiable data, data on the content and nature of information system, and those relating to the circulation of use and devices used.

This means that telecom providers will have data that describes all user practices, such as phone calls and text messages, all data related to them, sites visited, and applications used on smartphones and computers.

In addition, the law requires telecommunications companies to comply with any "other data to be determined by a decision" from the NTRA board of directors. This means that telecommunication providers can subsequently be obliged to collect and retain data not provided for in the law once an NTRA administrative decision has been issued.

The article also gives national security authorities the right to view such data, and obligates telecommunications service providers to provide the technical facilities therefore. The law defines national security agencies as including “the presidency, the armed forces, the Ministry of Interior, the General Intelligence and the Administrative Control Authority”.

Article 2 does not address any details requiring an association of the surveillance with a court decision to disclose the involvement in a legally established crime. However, the article clearly requires comprehensive monitoring of all users in Egypt. Here, the legislator turned telecommunications companies into a repository of information related to users and obliged them to provide surveillance techniques, which is incompatible with Article 57 of the Egyptian Constitution, which states: “ The right to privacy may not be violated, shall be protected and may not be infringed upon. Postal, telegraphic and electronic correspondences, telephone calls, and other means of communication are inviolable, and their confidentiality is guaranteed. They may not be confiscated, revealed or monitored except by virtue of a reasoned judicial order, for a definite period, and only in the cases defined by Law.” Thus, article 2 of the Cybercrime Act infringes on the constitutional protection of communication data.

Although article 2 establishes comprehensive monitoring as a constant legal practice, article 6 of the law specifically refers to the possibility of issuing a temporary injunction issued by the competent investigative bodies to the competent judicial officers, for a period of not more than 30 days, renewable for one time, to monitor a person when it is useful in revealing the truth on the commission of a crime punishable under the provisions of this law.

2 -Strict penalties for breaches

One of the main features of the IT Crimes Law is the intensification and expansion of sanctions in a way that reflects the government’s intention to tighten an iron grip on the Internet and its users. The law follows satirical pages and accounts and pursues those responsible. The IT Crimes Act describes this type of accounts as “fabrication of sites, special accounts and e-mail”. Penalties under article 24 of the law range from a fine to imprisonment according to violations committed.

This article comes as an attempt to legalize attempts by security authorities and the Egyptian investigative bodies to persecute this type of accounts and pages. For example, the State Security Prosecution accused Amr Mohamed (known as Amr Socrates) of publishing false news that would disturb public peace and security through the use of social networks, because of his management of a page titled “Abdul Fattah al-Sisi.” Amr Socrates was held in custody for approximately 11 months.

The law also tends to punish individuals in view of their lacking technological know-how. For example, if an individual’s account, private blog or a site of which he is an administrator s subjected to hacking because he is not aware of how to protect his sites, or because there is a security gap in the system used, he would be subject to imprisonment. This approach does not suit the rate of technological developments, how

the Internet works, and the security of information systems.

According to Article 29 of the IT Crimes Act, those whose electronic account or sites have been compromised can be punished for not taking the necessary measures and precautions. The penalty of imprisonment shall be for a period of not less than 6 months and a fine not less than 10,000 pounds and not exceeding 100,000 pounds or either of these penalties

These are not the only punishments for site managers, who are defined by the IT Crimes Act as “anyone responsible for organizing, managing, following up or maintaining one or more websites, including access rights for different users of that site or its design, or generate or organize its pages or content or are responsible for it.” They are subject to multiple penalties between imprisonment and fines as a result of acts that AFTE does not see as proportional to the penalties.

For example, the law equates the definition of a site administrator with different responsibilities, since site content management is a different responsibility from the responsibility of securing it as well as for the responsibility of its design, development and programming. On the other hand, the law has imposed sanctions that are disproportionate to the extent of criminal offenses. There is also an absence of a legal logic behind the imposition of a deprivation of liberty because of the failure to protect the site or electronic account, because the legislator assumes that everyone has the same level of technical knowledge and skill, and ignores the nature of information systems regarding unknown gaps or the fact that there is no information system that is fully secure.

In addition to the penalties related to fines and freedom deprivation the law did not miss to include the penalty of a travel ban. In accordance with Article 9 of the IT Crimes Law, the Attorney General or his authorized representative and the competent investigative authorities may, when necessary, prohibit travel outside the country or place names on arrival alert lists for a temporary period of time and reasons thereof. The Public Prosecutor’s Office may, at any time, revoke the order issued by it, and may amend it by removing the name of the accused from the travel ban lists or arrival alerts for a specified period, if necessary. The travel ban ends one year after the date of issuance of the order, or by a decision that there is no basis for criminal proceedings or a final decision on acquittal, whichever comes first.

The law allows the appeal against travel ban or the decision to be placed on the waiting lists before the competent criminal court, within 15 days from the date of knowledge thereof. If the appeal is rejected, the person entitled to the decision has the right to file a new complaint. The court has to adjudicate the appeal within a period not exceeding 15 days from the date of its approval.

The Egyptian authorities had expanded the issuance of travel bans during the past three years towards activists, human rights defenders, journalists and writers. The legislator of the Information Technology Crimes Act establishes the use of travel ban as a punishment, as the Attorney General gives investigators the power to prevent travel, most likely to be used later to harass users of social media sites, journalists and activists.

3 -Website blocking, continued obsession with monopoly of information

The blocking of websites during 2018 focused on blocking press and media sites. Although the new laws codified the practice of blocking, the body responsible for blocking more than 500 sites is still unknown until now, despite lawsuits in front of the administrative judiciary in this regard.

The law to combat cybercrime is devoted to blocking websites, according to Article 7, where websites can be blocked in the event of the publication of any content that constitutes a crime under the law provided that it poses a threat to national security or jeopardizes the security of the country or its national economy, all of which are vague, loose terms usually used by the Egyptian legislator. The site is blocked in this case whether it is broadcasted from inside Egypt or from abroad. In previous periods, victims of violations of freedom of expression in Egypt faced similar charges, such as investigating nine journalists from Al-Masry Al-Youm on the background of the publication of a report entitled “The State Mobilizes the Voters”, accusing them of publishing false news that could harm security and the public interest.

The law grants investigating bodies and detectives (police) the authority to block sites directly, preceding a judicial control of such decisions, where investigators can request the blocking of websites if they believe that these sites constitute a threat to national security or the security of the country or put its national economy at risk, provided that the order of concealment is brought before a competent court within 24 hours, which issues its decision within 72 hours. In the event of urgency or imminent danger or damage, the police may request the NTRA, which in turn requests the providers to temporarily block a site, to implement this request immediately upon receipt, provided the matter is presented to investigation bodies within 48 hours, which in turn presents it to Court as mentioned above .

In addition to the “Cyber Crime” Law, Article 19 of the Press and Information Regulation Law was drafted in a vague and undefined form, giving the law enforcement authorities the discretion to block websites, without strict criteria. This is a regular legislative trend by the Egyptian Parliament, aimed at adapting issued laws to violate the rights of citizens. According to this article, a site may be blocked if it publishes or disseminates false news or promotes or incites a violation of the law, violence or hatred, discriminates against citizens, promotes racism or intolerance, defames individuals or slanders them, or carries an insult to the heavenly religions or religious beliefs. Most of the material in this article is loosely expressed and used against defendants for expressing their views, whether through digital media or otherwise, as in the case of blogger and activist Wael Abbas, who was accused of publishing false news on social networks.

Not only did the legislator block websites in the press and media regulating law, but also empowered the Supreme Media Council to block personal accounts on social networking sites, according to the text of Article 19 of the law, if an electronic account or website broadcast false news or called or incited violation of the law, violence, hatred, discrimination against citizens, racism or intolerance, or a challenge to public figures or their defamation or involved an insult to divine religions or religious beliefs; in those

cases the Supreme Media Council may stop or block the site or blog or site or a personal electronic account with 5000 or more followers or viewers.

The Supreme Council for Media Regulation has the power to block websites, as well as websites, accounts and personal blogs with more than 5,000 followers, according to the law governing the press and media.

The law requires telecommunications companies to implement the blocking decision immediately upon its receipt. In case of non-implementation (in accordance with Article 30), imprisonment shall be imposed for a period of not less than one year and a fine not less than five hundred thousand pounds and not exceeding one million pounds or one of these penalties. If the failure to implement the decision of the court results in the death of one or more persons or harming national security, the penalty shall be up to a maximum imprisonment and a fine not less than three million pounds and not exceeding twenty million pounds in addition to withdrawal of license.

The two laws regulate the process of appeal against the decision of blocking. According to the law of “cybercrime” if the issuing authority is the public prosecutor or investigating magistrate or a police station the affected person is entitled to appeal against the decision of blocking or the procedures of its implementation before the competent criminal court after the expiration of seven days from the date of issuance or the date of its implementation. If the appeal is rejected, a new grievance may be filed, every three months after the date of rejection. The court shall decide on the grievance within a period not exceeding 7 days.

In the case of the press and media regulation law, the decision to ban the media can be appealed before the Supreme Media Council and then the administrative court in case the appeal is refused by the former or no response was made within 60 days.

Referring to the reasons for the blocking of some press sites, it is clear that the Egyptian authorities want to silence any different voice and prevent any other account of events other than the official narrative that the state is trying to monopolize. Among those sites is the Lebanese newspaper Al-Akhbar, which has been [blocked](#) inside Egypt since Saturday, 20 January 2018, after covering the news of the sacking of the director of Egyptian intelligence, and Egyptian readers have not been able to access the newspaper again since that date.

The blocking of websites was not limited to press sites that address public or political affairs. It is no longer surprising to issue instructions to block a technical website that has nothing to do with politics, as punishment for publishing news that touches on a Saudi businessman or official, not even from the ruling family. This is exactly what happened with the site of an [Egyptian art company](#), “Sarmadi”, after the publication of the story of the [assault](#) by the Saudi businessman, the head of the General Authority for Sport, Turki Al-Sheikh, against Egyptian artist, Amal Maher, after news of their marriage was not confirmed by both parties. On the day [after the assault](#) and the release of an official record of the incident, the news was deleted from almost all the news sites. A statement by Amal Maher was published, in which she denied the news of the attack saying “that it was nothing more than a disagreement over some technical matters and that the news of the assault is totally devoid of the truth.” Then the site was completely blocked in

Egypt at eight o'clock on Monday, 19 March 2018.

It is also worth mentioning that a number of blocked websites in Egypt have been suspended and dismissed because of their inability to withstand the economic effects of the blockage, including the site of "Kateb" and the site of "Corrabia" and other press sites that issued press statements announcing that they stopped working, mourning press freedom in Egypt.

During 2018, several press and media laws were discussed in the House of Representatives. Despite the criticisms of the draft laws at the time, both internationally and locally that they did not comply with international standards in guaranteeing the right to opinion and expression, they have been approved and ratified by the president a few months ago.

These laws have given a "legal" character to authoritarian practices exercised by the state and its authorities in order to tighten control over freedom of expression, the press and the media, as well as cyberspace, using measures such as prosecution, surveillance and blocking in its plan to fight "terrorism". They also permitted administrative and security intervention in the press and the media operations through the creation of bodies that were supposed to have a regulatory role but were granted wide powers of censorship violating freedom of expression.

The three press laws... media under control

The Press and Media regulating law and the law of the Supreme Council for Media Regulation, No. 180 of 2018, restricts the definition of a journalist or media person to those registered in the syndicate of journalists or media professionals. Given the highly complex registration conditions in the two unions, many journalists and media professionals will be denied access under the umbrella of the law and thus will not receive the necessary guarantees for the journalist.

On the other hand, the draft law on press and media regulation requires that the employees of the Syndicate of Journalists or the Media Syndicate of Journalists should be responsible for editing or managing the programs, which deprives those who are not registered of the right to obtain these posts, according to Articles (40) and (55). The law also stipulates that the percentage of those registered in the union's schedules shall not be less than 70% of the employees of the newspaper or the website, according to Article (42).

The law links the rights and obligations of journalists and media professionals with loose and vague terms such as national security or public morals. In the light of the articles of the Egyptian Penal Code concerning "spreading false news" and "defamation", the law will not provide real protection for them on the occasion of their assignment.

The law also gives the Supreme Council for Media Regulation the authority to prevent press items issued or broadcasted from abroad "for considerations that are required by national security." In the same article, it uses the expression "articles which address religions and religious doctrines which might disturb the general peace". In Article 5,

which defines the prohibition against licensing or revoking the license, the legislator used terms that allow the administrative authority to arbitrarily use its authority, including “regional intolerance”, “hostile activity against the principles of democracy”, “incitement to pornography.”

Regarding the laws of the National Press Commission no. 179/2018 and the national media commission no. 178/2018, article 7 of the latter stipulates that the President of the Republic shall choose three persons directly for the membership of the Commission, including the Chairman of the National Media Commission of the total of 8 Members. This means that the President directly appoints one third of the members of the National Information Commission. Article (7) gives the Ministry of Finance, the Council of State and the Telecommunications Regulatory Authority the authority to select a member for each of them separately, while the media union, the press union and the printing and media union and the bureau of the House of Representatives have to nominate one member for each of them, provided that each of these entities nominates twice the number required of them, so that the president chooses among them the required number. It is also required that the nominations be sent within three months of the request, and if not sent, the President of the Republic shall complete the names taking into account the category they represent, upon the nomination of the House of Deputies. This means that the executive authority directly controls through the President of the Republic the power to form a national media body, which challenges its independence.

Article (7) of the law of the National Press Commission deals with the formation of the Commission, which includes seven members from which the President directly selects three members, namely the Chairman of the Commission and two experienced and public figures, while the Council of the Journalists Syndicate has two members and each of the Chamber of Deputies and the Council of the General Union of Press, Printing and Information Workers has one nomination each, and these bodies must, in the last three months of the term of the Commission, nominate twice the number required for the President of the Republic to choose from them, and in the absence of nominations from these bodies, the president will directly appoint them. The Minister of Finance selects a member of the Authority as the representative of the Ministry of Finance, and the Supreme Council of Administrative Affairs of the State Council elects a Vice-Chairman of the Council of State for membership of the Commission. Thus, the President of the Republic has the upper hand in the formation of the National Press Agency, which undermines its independence from the executive branch.

Chapter II

The state continued to violate freedom of expression in 2018, although the frequency of violations was lower compared to last year. This decrease in the number of violations does not reflect a change in the state's policy toward freedom of expression, as much as it highlights the dire situation as a result of the deliberate strangulation by the state of this issue in previous years at all levels, legislative, judicial and security.

The Media... State censorship bodies tighten control

2018 saw 73 incidents involving 102 violations suffered by the press and media community in a clear decline from last year, which saw 242 violations.

The Supreme Council for the Regulation of Media is witnessing a growing role in monitoring the media compared to 2017, the year in which a decision was issued in the second quarter to form the Council. AFTE documented 43 violations by the Council, representing 42% of the violations during 2018, compared to 4 cases during 8 months in 2017, which may indicate the key role for which the Council was established, which is the full control of the media field.

One of the most prominent decisions of the Council this year was the suspension of the broadcast of the "LTC" channel on December 8 because of what the Council's statement¹¹ referred to as violations that misuse the media and exploit the freedoms granted to media professionals to commit media crimes in a blatant manner, an insult to the profession and disregard for laws and the constitution and an insult to the audience. The statement added that the channel violated the standards and codes issued by the Council and has received several warnings concerning incidents that happened in its programs. The statement added that the council had given the channel time to normalize its situation without response.

The Council also imposed a gag order¹² on 4 July 2018 in the case of the Children's Cancer Hospital 57357 until the end of the Ministerial Committee examined its position. The Council called on all parties to stop writing on the subject, to stop broadcasting the audio and video programs that deal with this subject, and to deal with any new information to be presented to the judicial authorities or the Commission of Inquiry or publication through the Council. The Council reversed this decision after the Attorney General issued a decision¹³ clarifying that the decision of the Council to stop publication is illegal, that a gag order does not fall within its mandate. This was followed by a call

11. Supreme Council for Media Regulation, Statement of the council banning the broadcast of LTC channel, 8 December 2018, Last visit: 18 December 2018, <https://bit.ly/2SjZmgF>

12. The official website of the Higher Council for Media Regulation, the Council imposes a gag order in the case of Hospital 57357 until the end of investigations by the Ministerial Committee, 4 July 2018, the date of last visit: 18 December 2018, <https://bit.ly/2BFhfQb>

13. Al-Waleed Ismail, Attorney General: Annuls decision by the media council to impose gag order in the case of the 57357 hospital, Al Watan portal, 7 July 2018, Last visit: 18 December 2018, <https://www.elwatannews.com/news/details/3502417>

of the President of the Supreme Council of Media Regulation to investigate the violation of the law by issuing this decision.

The Council's decisions in 2018 ranged from the suspension of programs and broadcasters, to referral of journalists or broadcasters for investigation by their unions.

Al Masry Al Youm... An interrogation because of a headline

“The state is mobilizing citizens for the last days of the elections.” This was the headline of Al Masry Al Youm newspaper on March 29. The newspaper was subjected to a large media attack, which was accompanied by a communication submitted by the National Elections Commission that the newspaper is accusing the state of mobilizing voters to vote, which casts doubt on the entire electoral process.

Following the communication, the Supreme Council of Media Organization referred editor-in-chief of the Egyptian newspaper Al-Masry Al-Youm, at the time, Mohamed Sayed Saleh, and editor of the news of the presidential candidate, Musa Mustafa Musa, casting his vote in the elections of 2108, on the website of the newspaper, to an investigation committee at the Syndicate of Journalists upon request of the National Electoral Commission¹⁴. The Supreme Council for Media Regulation decided to fine Al-Masry Al-Youm newspaper 150 thousand pounds and that the newspaper submit an apology to the National Elections Commission in the same place and the same area of the newspaper.

On March 29, Al-Masry published an explanation of the headline entitled “Al-Masry Al-Youm: The Positive Mobilization”¹⁵, in which it confirmed the positive nature of that mobilization. It also sent a message to the then-presidential candidate, Abdul Fattah al-Sisi, declaring its support for him and the state, in what it described as a misunderstanding of the headline, which some used to harm the newspaper.

On the 4th of April the board of the newspaper terminated¹⁶ the work of the editor in chief, to remain a main contributor to the newspaper and maintain his current salary, according to the decision, which did not mention any reason for the dismissal, although it is assumed to be a result of pressure upon the publication of the unwelcome headline.

The matter did not stop at that. On the 12th of April state security prosecution summoned the editor in chief and 7 newspaper correspondents in Qalubeya, Mohamed Mahmoud Khalil, Mansoura, Ghada Abdel Hafez, Menufeya, Hend Ibrahim, Kafr Elsheikh Magdai Abdel Salam, Beheira, Hamdi Qassem, Damietta, Emad El Shazli, and Gharbeya Mohamed Fayed upon a complaint by the national

14. The Supreme Council for Media Regulation, Editor of Al-Masry Al-Youm referred to an investigation and the fine of 150 thousand pounds, 1 April 2018, Last visit: 6 December 2108, <https://bit.ly/2LC0eL3>

15. Al-Masry Al-Youm, Editorial: Positive Mobilization, March 29, 2018, Last visit date, December 6, 2018, <https://www.almasryalyoum.com/news/details/1276368>

16. Masrawi, Termination of term of editor in chief of Al Masry Al Youm, 6 April 2018, last visit 6 December 2018. <https://bit.ly/2CADxnA>

election commission, where it accused them of publishing false news that may harm public interest, against the background of the newspaper's coverage of the elections. The prosecution decided to release the editor in chief with a 10-thousand-pound bail and the release of the other journalists, guaranteed by their residence in state security case no. 599/2018, after the journalists had submitted to the prosecution copies of the correspondents with their sources from which they derived their news. The prosecution later decided to close the case.

The decisions of the Supreme Council for Media Regulation were not the only ones regarding violations in 2018, where journalists were banned from entering Egyptian territory, and journalists were detained at the airport and later arrested. On November 5, Cairo airport security authorities banned a delegation of Iraqi journalists who participated in the Cairo Media festival from entering Egyptian territory after their detention without giving any reasons and then deporting them later. On May 25, airport security authorities prevented foreign journalist Nini Obini from entering Egyptian territory after being detained and interrogated at the airport about the reason for her arrival in Egypt and some articles she published during her previous period in Egypt before, according to Obini's post on Facebook¹⁷ and its translation into Arabic by Mada Masr.

The Times published a report on the deportation of its correspondent in Cairo, Bell Trew, after being stopped by the Egyptian authorities upon conducting an interview with a relative of a man who died on board a boat destined for Europe. The Times added that diplomatic sources told her that Trew had become an unwelcome person by the Egyptian authorities, which forced her to leave for London on 21 February last, without giving by the authorities any reasons for this action. The Times published an article in which Trew said that five men in civilian clothes stopped her while conducting an interview and then took her to an unnamed police station. In the article, Trew said she was interrogated for more than seven hours and threatened to be referred to a military trial.

In her article, Bell said that she was preparing a report on the boat and revealed that one of the cafe's visitors with whom she conducted the interview told her that security was investigating another boat that questioned the involvement of the Egyptian authorities in its sinking near Rasheed Beach in 2016.

On August 16, Cairo airport security authorities apprehended a photojournalist in Al Watan newspaper, Zeinab Abu Aouna while traveling to the Lebanese capital Beirut to attend a training workshop. Abu Aouna faces charges of joining a terrorist group and publishing false news, in state security case no. 441 of 2018.

On November 30, security authorities at the airport, detained Mada Masr journalist, Rana Mamdouh upon her return from the Jordanian capital of Amman after her participation in a conference organized by the ARIJ Foundation for Investigative Journalism. National Security at the airport interrogated the journalist and withdrew her passport and informed her that she was on the search checklists. Mamdouh said in a statement to

 17. <https://www.facebook.com/nina.hubinet/posts/10155209158511199>

Mada Masr that she had been held on her way to Jordan, her luggage was returned and re-inspected. This lasted for an hour and a half, during which the plane had taken off and she was not allowed to travel. “After the search, a brigadier told me that any time I wanted to travel I had to be at the airport at least three hours before the flight and to go to the officer’s office and tell him that I am on the search list”, Rana said. Rana added;

”I went back to the airport before the flight time and the procedures were more difficult and more complicated, where I was subjected to the same procedures and the search began this time for a paper or notebook; the customs officer looking for scraps of paper and read them. Rana says that the interrogation was focused on her work and topics she writes about and the reasons for travel to Jordan, what is the ARIJ conference and who finances it and how they choose journalists. “

The national security officer asked Rana to go to the National Security Office in Abbasiya to retrieve her passport and find out why she was placed on the search lists.

The journalist, member of the Syndicate of Journalists, submitted an official memorandum to the Journalists Syndicate and the members of the Syndicate Council regarding the series of violations committed during her travel, which included the seizure of her passport, the interrogation at the airport without reasons and the confiscation of her own notes.

On another level, on September 11, 2018, the Judicial Committee for the management of Muslim Brotherhood funds issued a decision to seize Al-Masryoun newspaper and its website, without giving reasons for that decision.

It is noteworthy that a force of members of the Committee to manage the funds of the group accompanied by a strong police force, raided the headquarters of the newspaper Al-Masrioun, on 24 September 2018, took custody of the headquarters and its contents and delegated its management to Akhbar Alyoum newspaper. The website of Al-Masryoun had been blocked in the website blocking campaign, which is being carried out by an unknown government agency.

At the level of disciplinary measures taken by media institutions towards their journalists, Al-Masry Al-Youm decided to dismiss journalist Hadeer Farghaly from her work at the institution on the basis of a complaint from her manager accusing her of being absent without the knowledge of the administration with subsequent harm to the work, according to her testimony to AFTE¹⁸. Farghali added that she did not know anything about these complaints and that she was not investigated to prove or deny the allegation. Once she learned of the decision, she filed grievances and complaints against her direct manager, in which she recounts the true facts of her absence from work. However, the Human Resources Department did not investigate, and issued a decision of her dismissal on 28 August 2018.

AFTE also documented the prevention of a journalist from performing her work in Port Said, where, Naiera Elgabry, correspondent of Al-Fajr in Port Said was prevented from

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entering the Egyptian club and covering its news. This came after her publishing a report addressing the non-payment of dues by the club to its team players and their reluctance to attend the training after receiving checks without a bank balance. Al-Gabri said;

"After the publication of the report I received threatening calls from a member of the Board of Directors of the Egyptian club, and the Board of Directors issued a decision to prevent me from entering the club or any of its branches, and prevented me from covering the news of the club and its different teams".¹⁹

Al-Gabri was not the only journalist who was prevented from entering the club. The board of directors of the Egyptian club issued a decision to ban the entry of Al Youm Al Sabe'e correspondent in Port Said, Ahmed Wadih, also without giving reasons. The journalist told AFTE that the reason is his writing about the administrative failure of the board and its interference in the work of the technical director of the Egyptian club, which negatively affected the level of the ball team in all competitions. Wagih added that his appearance in an episode on Al-Ahdath channel and the criticism of the Council on television had a significant impact on the decision. Wagih said:

"The council did not only stop me from entering the club, but issued a decision to all employees of the club and players not to deal with me, and ordered a fine of 10,000 pounds for any player who makes statements to me."

In a separate context, the investigations of the artistic works raided the headquarters of the Masr Elarabeya site of Egypt, one of the blocked sites, and arrested Adel Sabri, the chief editor of the site, two days after the decision of the Supreme Media Council on April 1, 2018. The site was fined 50,000 pounds due to a complaint filed by the National Elections Commission (NEC) because of the publication of a report entitled "The New York Times: The Egyptians Are Scouting for Elections for \$ 3". The prosecutor of Dokki ordered the detention of Adel Sabri, on the basis of case no. 4861 for the year 2018 Dokki misdemeanours, in which he was accused of publishing false news, incitement to disrupt the provisions of the constitution, joining a banned group and incitement to demonstrate.

Sabri was released on this case but was not set free since he was summoned for questioning under State Security Case 441 for the year 2018 on charges of joining a terrorist group and spreading false news. Sabri remains in custody until the time of writing this report.

On the other hand, the State Information Service, the official authority for granting work permits to foreign journalists and media, whether through official statements objecting to the content of foreign media reports, or through the campaign and internal propaganda led by the Chairman of the Commission, Diaa Rashwan who continuously appears on Satellite channels to denounce foreign media. He even took part in a television program entitled "Why is Foreign Media Targeting Egypt?" On 12 January 2018. The appearance

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of the head of the Information Service is accompanied by the feeding of xenophobia in Egypt, portraying them as part of a conspiracy against the stability of the state, and sometimes accusations made by program providers in channels in favor of the current authority amount accusing foreign journalists of supporting terrorism.

The State Information Service issued several statements during the first quarter of 2018, in which it criticized foreign media for deliberately publishing false information and making professional mistakes. The first was on January 7, 2018, in a statement against the New York Times, and a statement against the BBC on February 24, 2018, criticizing a BBC report that contained a series of interviews with victims and their relatives who were tortured and subjected to enforced disappearances. This is not the first time that the Information Service has accused BBC of falsifying facts and spreading false information. This happened last year in 2017 against the background of the oasis incident.

The head of the Information Service demanded a boycott of “the BBC” by officials until the station apologizes for what was published, against the background of a report published by the English network dealing with the issues of enforced disappearance and torture in Egypt. Therefore, the Egyptian authorities appear to be trying to send threats and harassment to the foreign media, the content of which is not under the control of Egyptian security unlike the local media. Large purchases of television channels and newspapers have taken place in Egypt, in addition to formation of new companies with suspicions of links to security agencies, and this led to the control by the current authority of the Egyptian media, in an unprecedented manner.

The press attack was joined by other press organizations. Hatem Zakaria, secretary-general of the Journalists Syndicate and a member of the Supreme Council for Media Regulation, said in an interview about the Egyptian authority’s crisis with the BBC that he would send letters to the channel’s office, and may summon the head of the office of interrogation. Zakaria explained that “the blocking of the site may be a solution to deal with such crises,” since Egyptian authorities are upset with what he described as the “false news” broadcast by the radio about the Egyptian state. He said that it affects its reputation and its image in front of the outside community, considering the approaching presidential elections and the “Egypt’s war against terrorists in North Sinai.”

In the same context, Hussein Zein, head of the National Information Agency, issued a decision to suspend any media cooperation with the “Pepsi” until further notice. The suspension includes all types of media cooperation protocols or agreements.

On the other hand, on February 28, 2018, the Attorney General issued a decree instructing public lawyers and heads of prosecution to continue monitoring the various media and social networking sites to control the news, statements and false rumors that would harm the public interest of the state. He requested the same regarding media and social media, making sure the respective prosecutions are informed.

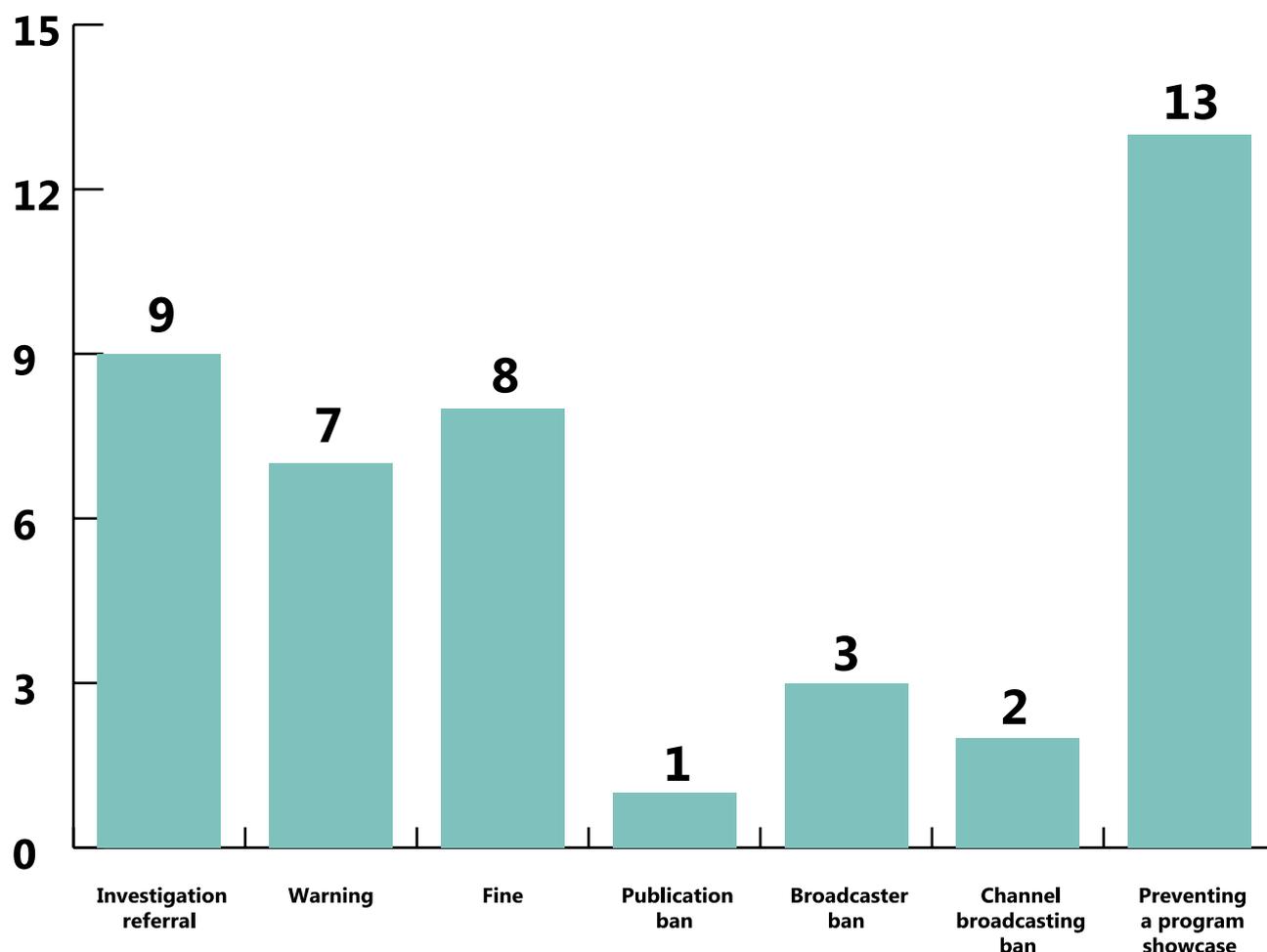
On March 12, 2018, the Public Prosecutor’s Office announced phone numbers through which citizens in all governorates could inform the prosecution of news and statements that harm the interests of the state.

The decision of the Public Prosecutor's Office came during the period of the presidential elections, and in parallel with several statements by El Sisi, who threatened the so-called "forces of evil" (the same expression used by the Public Prosecution in its statement). He considered that freedom of opinion does not include dealing with security institutions in the media and culture, which he considered to be an abuse.

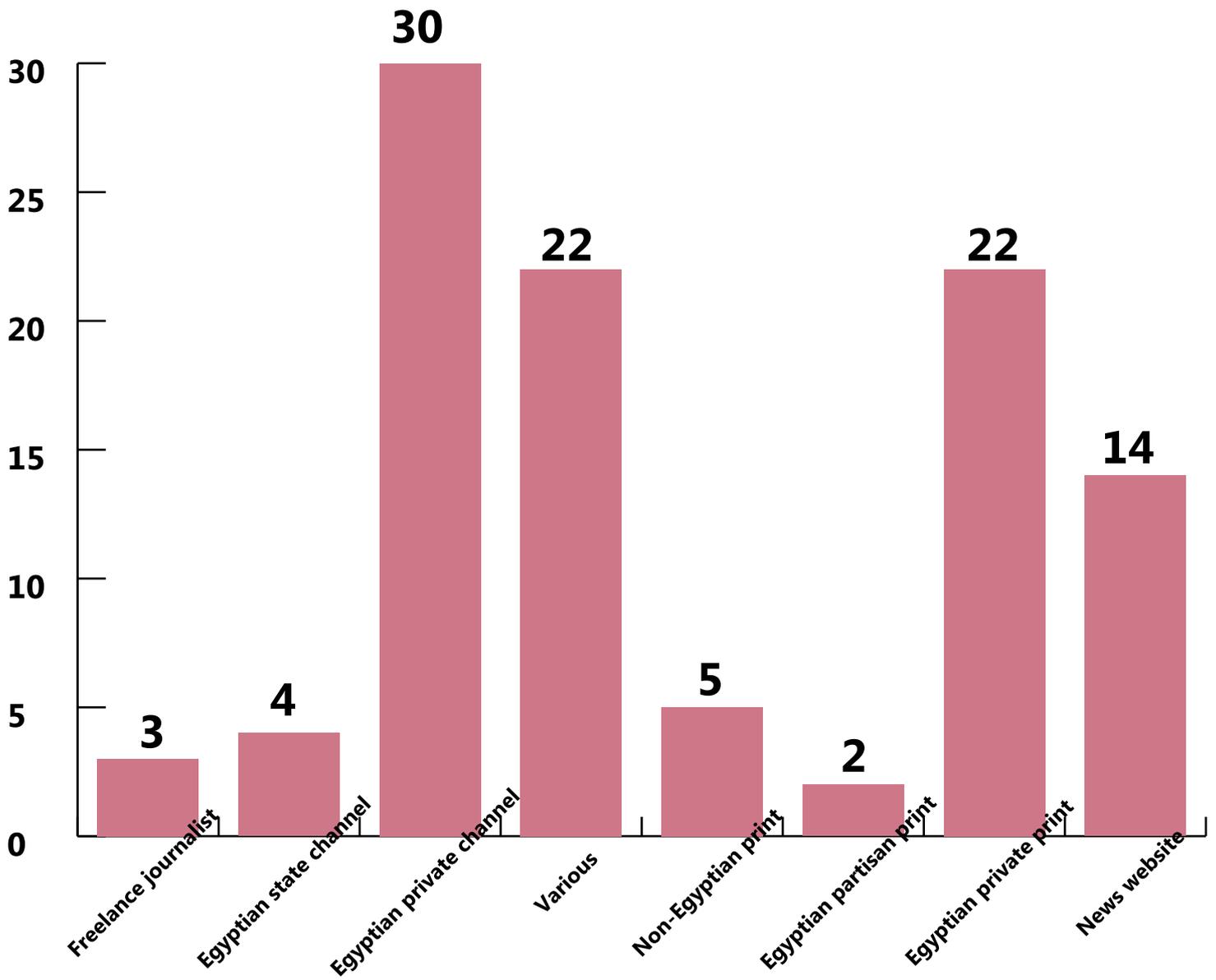
The decision of the Public Prosecutor's Office (following the means of social communication to control the news, statements and false rumors) is problematic, including the lack of clarity of terminology and the lack of connection to the law, as it is supposed to be issued by a judicial body. The decision and the subsequent availability of prosecution contact numbers make every expression a possible crime. Also, the prosecution as an investigative body, exceeded its legally defined role, so that it acts as a seizure and investigation body. The decision is likely to be the beginning of a legalization of censorship of social media users and the scrutiny of their opinions by both parties and citizens. The decision serves as a state of inquisition searching citizens' ideas and consciences, especially those who criticize the current authority.

For more details about the detained journalists in Egypt

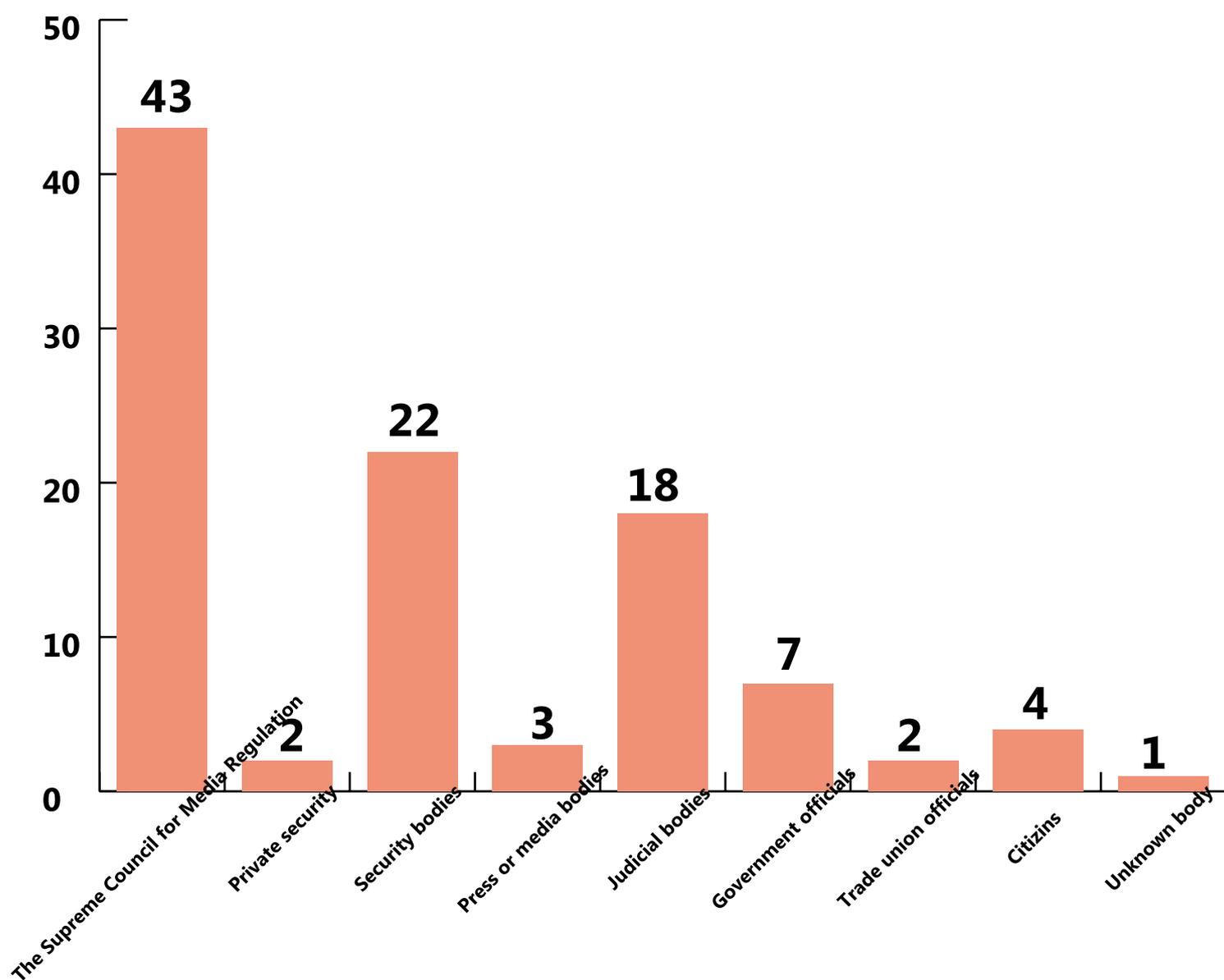
The Supreme Council for Media Regulation 2018



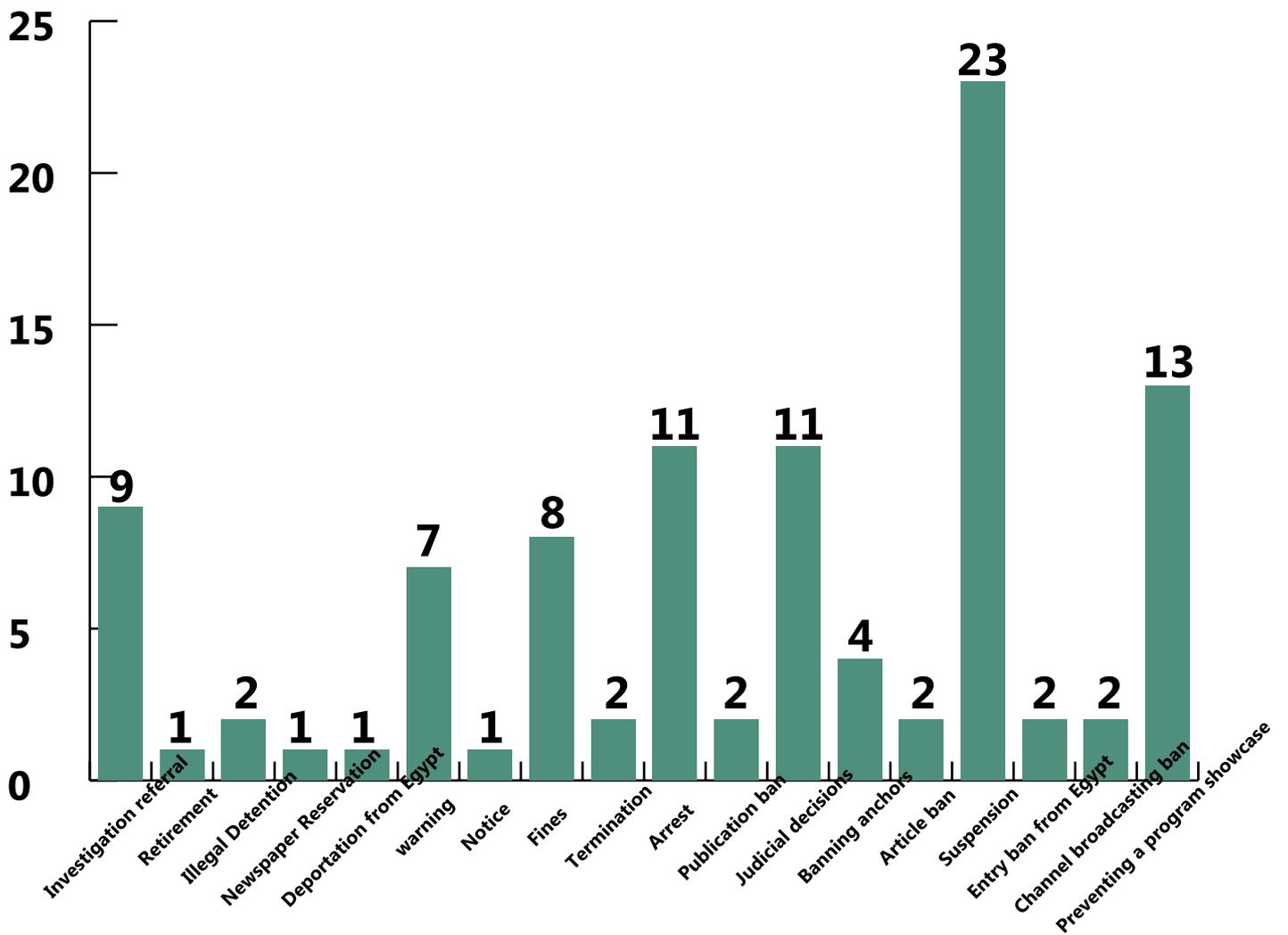
Violations against freedom of the press and media according to Victim classification 2018



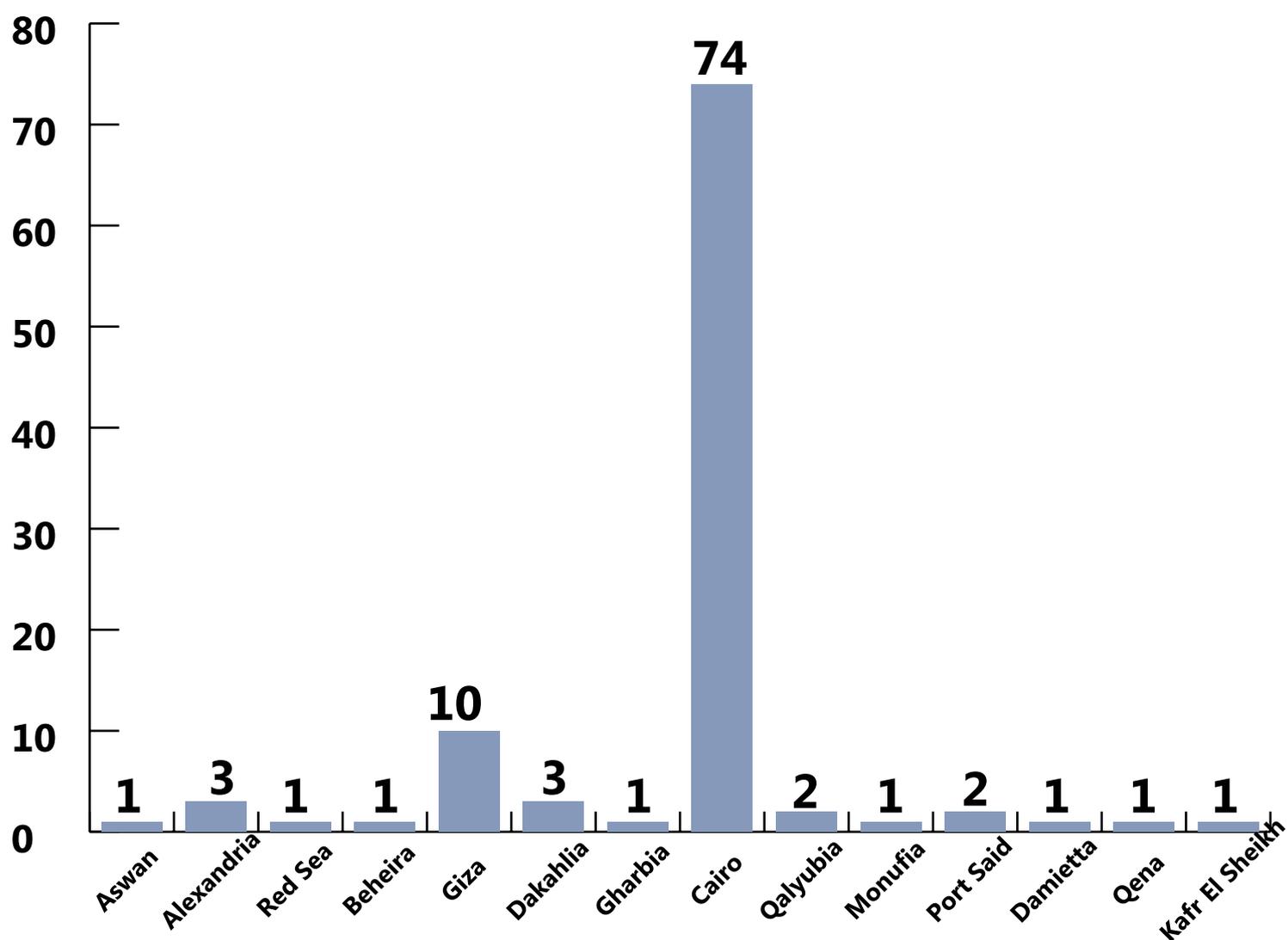
Violations against freedom of the press and media according to violators classification 2018

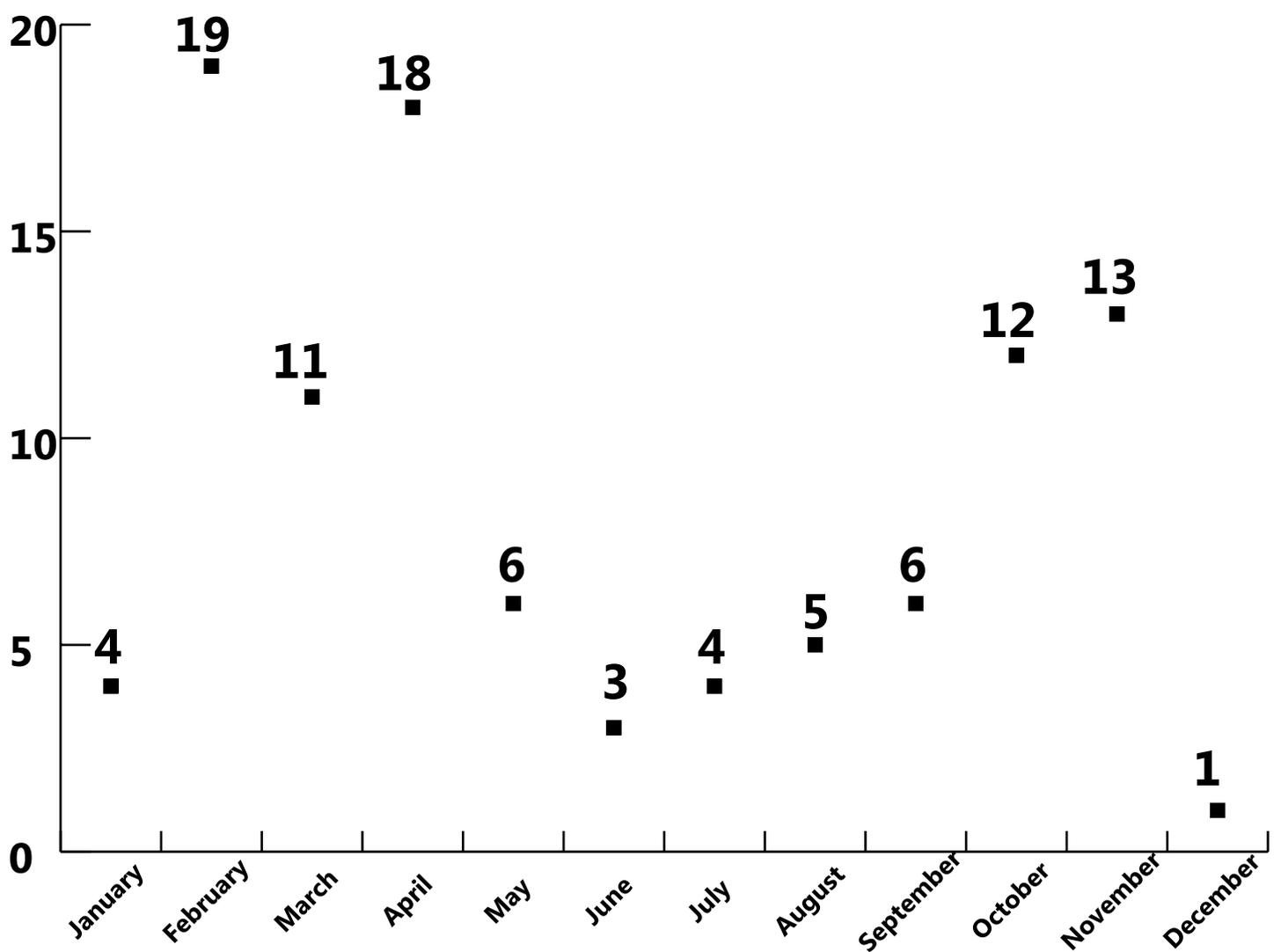


Freedom of press & media violations in accordance with violation type 2018



Freedom of press & media violations in accordance with geographical scope 2018



Freedom of press & media violations in accordance with the timeline 2108

Creativity... The state targets the margins

During the year 2018, AFTE documented 23 incidents involving 43 violations ranging from preventive detention to prison sentences, blocking of the public performances, and preventing entry or deportation of creative artists. The highest number of violations was led by the judiciary, which was responsible for 17 violations, followed by government institutions represented by the Supreme Council of Media Regulation and the Control of Artistic Works (9 violations), and the military judicial bodies and the security forces were accused of committing seven violations.

The most common violation was preventive detention which affected 10 individuals in 3 different incidents, including the imprisonment of satirical blogger Shady Abu Zeid, who was arrested by security forces from his home in the early hours of 6 May 2018. He was presented to the high state security prosecution which ordered his preventive detention pending state security case no. 621/2018, accusing him of dissemination of false news and joining an illegal group. Abu Zeid, former correspondent for Ala Fahita remains in remand detention. On the 4th of September the ministry of interior published on its official facebook page a statement by the Cairo directorate²⁰ where it announced the arrest of 8 individuals who were filming a video clip in violation of the law without permit. The statement claimed they were on drugs and dealing in them, propagating them in the internet.” The statement added that the security sector has put together a joint research team with the Cairo criminal investigation who collected information and identified the above mentioned individuals. The prosecution accused them of shooting a video clip, showing a scene of being arrested for dealing in drugs in Cairo, with the aim of getting famous without prior permissions from security bodies, in addition to possession of firearms and white weapons. The investigative magistrate in Dar El Salam court of misdemeanour decided to keep them in detention pending investigations

The persecution of creative artists was not limited to the civil judiciary. 2018 witnesses the escalation of the rate of referring artists to military judiciary, which convicted defendants in two cases. The first is the famous Shooting Club case where all 6 defendants received a suspended 6 months’ prison sentence on the 25 July. The second was the case of poet Galal El Beheiry and his unpublished poetry collection, where the military court decided on 31 July to sentence him and the owner of the publishing house to three years and a fine of 10 thousand pounds.

to prosecute the creators, but the year witnessed the escalation of the trial of two creators before the military judiciary, the military court sentenced the conviction in two facts, the first is the famous case of “play fishing club”, which issued a decision against all six defendants with a two-month suspended sentence On July 25, in the case of the unnamed poet Jalal al-Beheiri and his unpublished case, the military court decided on July 31 to imprison him and the owner of the publishing houses for three years and fined them 10,000 pounds.

20. Official page of the Ministry of Interior, General security sector/Cairo security directorate, 4 September, last visit 18 December 2018

<https://bit.ly/2UUjqIc>

The shooting club theatre... some arts upset the president

“Do not permit these insults. If someone insults the army or the police this is something harmful to all Egyptian.. this is no longer freedom of opinion” thus El Sisi addressed the media and state institutions to drive them to challenge any insult to the army or the police, using the law, because this would otherwise be by “High Treason”.²¹

The occasion was a speech by the president in Matrouh governorate on the 1st of March 2018. On the same day lawyer Samir Sabry filed three urgent complaints with the public prosecutor, the high state security prosecution and the military prosecutor against a poetry collection by Galal el Beheiry titled “The best women on earth” and a song by artist Rami Essam titled “Balaha” and a play titled “Soliman Khater” written and directed by Ahmed El Garhi for their insult of the president and the armed forces²². The military court issued a sentence in two of the complaints.

On the 31st of July, in military case no. 4/2018, the military prosecutor ordered the imprisonment of poet Galal Elbeheiry and the owner of the publishing house that released the poetry collection for 3 years and a fine of 10 thousand pounds each. As for the case known in the media as the “shooting club play” the crew was sentenced to a suspended two years in military case no. 12/2018.

The case of the Shooting Club dates back to mid-February 2018 when a band performed a play about Sulaiman Khater, a member of the Egyptian Central Security Forces, who was sentenced by a military court to hard labour for an incident that occurred in the mid-1980s during his enlistment. The play was planned to be shown for three days, but the last performance was cancelled after some complaints by club members who considered it offensive to the armed forces escalated. In a television interview with Ahmed Moussa, Ahmed al-Garhi, the director of the play, denied his intention to abuse the army, and confirmed that some sections of the play were cut and were used out of context to appear as an insult²³. The play was shown two years ago at the Culture Palace of Anfushi in Alexandria at a festival of the Ministry of Culture.

A few days after Al-Garhi’s intervention, on March 1, he was arrested and Walid Atef, the author, along with four other participants in the play. They were accused of publishing false news and wearing military uniforms without permission. The team was put on trial for a period of time before being referred to the court, which sentenced them to two suspended years.

21. President Sisi: An insult to the army and police is a great betrayal .. I will not allow anyone to insult

<https://www.youtube.com/watch?v=ooKwL6hdIVI>

22. Samir Sabri reports against Rami Issam and the play “Sulaiman Khater”: <https://bit.ly/2E3rG2Q>

23. The director of the play insulting the army is trying to change its position .. And Ahmed Moussa refuses to repeat the humiliating sentences on air. <https://www.youtube.com/watch?v=0J-tstSq8Hc>

The Supreme Council for Media Regulation continued its interference in everything on the screens. The Council decided to suspend the SNL program in Arabic. According to a statement posted on the official website of the Council on February 11, the decision was taken because the program “used words, phrases and sexual references that are not appropriate for viewers and violating ethical and professional standards.”²⁴

The censorship authority on artistic works refused to give a permit to the movie “The unknown sweet potato vendor”, which was due to be shown within the activities of the Zawya Short Film Festival. Zawya’s official page of the Cinema angle carried a statement saying “We apologize for not showing the film “The unknown sweet potato vendor today within the schedule of the short film festival because it didn’t receive a permit from the censorship authority, but it still within the competition and the chosen films and is qualified to win any of the awards.”²⁵The censorship authority had denied film maker Ruchdie Ahmed the permit to show his film in the festival.

One of the most prominent features of the year, was the prevention and stop of theatrical performances on the theatres of public universities. AFTE documented the suspension of 4 plays in different universities, some for political reasons, some for religious reasons, and sometimes without giving any reasons.

One day before the performance of the play “Mirath al-Rih”, and with the final preparations for the Alexandria College of Science Theatre team before participating in the festival held at the university each year, the theatre team learned that their show had been cancelled because it “arouses religious feelings and sectarian strife” according to a student, who preferred to withhold his name has been told by the Faculty of Science deputy dean²⁶. After the theatre team got all the necessary approvals and signatures, the management of the college and the Dean refused the performance of the play on 22 April 2018 because it contains some sentences about the Christian religion. Despite promises received by the team, still their work was banned from public performance.

Also, the play titled “they are playing music” by the theatre group of the faculty of agriculture in Saba Basha in Alexandria, was cancelled because of the intransigence of some individuals from the college administration, and despite obtaining all the necessary permits from the youth care department. Still their show was cancelled without giving reasons²⁷. In the Faculty of Specific Education at Tanta University, the play “The Wall” was also cancelled despite the approval of the text by the administration of the college. Days before the play was shown, the College decided to withdraw the approval because the play includes political content related to the Palestinian cause.

Egyptian security refused to grant a visa to the Syrian film team “The Day I Lost My Shadow”, which was to be shown at the second session of the El Gouna Festival. Security forces deported Ali Suleiman on September 19 from Hurghada airport after he arrived in Egypt to participate as a jury for long feature films in the same festival.

24. <https://bit.ly/2EtxMcY>

25. Official page of Zawa cinema, Zawya short film festival, 2 February 2018, last visit 17 December 2018, <https://bit.ly/2SX8XKu>

26. Testimony by a member of the theater group – wanted to remain anonymous

27. Testimony by a member of the theater group – wanted to remain anonymous

Suleiman posted on his personal Facebook page:

"Unfortunately, the officer in charge at the airport dealt with me inhumanly and I was deported on the same plane on which I arrived from Istanbul without giving me the right to ask why I was prevented from entering my beloved Egypt."

On November 8, while the singer Hamo Bika and his band were preparing for a concert on a beach, Hani Shaker, the head of the musical professions union, filed a complaint No. 13812 of the year 2018 at the Dekheila police station against Hamo Beka, accusing him of singing without a license and tarnishing public taste²⁸. According to the complaint, a force from the Alexandria Security Directorate cancelled the ceremony. On December 5, the Syndicate of Musicians published a statement banning another concert that was due to take place in Ismailia because Bika was not a union member and also "in order to preserve the public taste."²⁹

On the other hand, what characterizes this year in relation to the freedom of creativity is the tendency of the authority to suppress the marginal and remote areas of the center, as well as areas of limited financial production through the creation of new committees and supervisory bodies. In March 2018, the Ministry of Culture decided to establish branches for the central on artistic works in 7 new governorates in the palaces of culture to control regions away from the center. Since the issuance of the decree on the establishment of branches for the control of works of art, in March 2018, the Ministry has not yet officially announced any details or mechanisms for the implementation of the decision, and did not publish it in the Official Gazette. The Ministry's lack of information on these decisions, which directly affect the work of creators, is in line with the State's policy of monopolizing information, which makes it impossible for us to understand the consequences of the decision in detail.

However, Al Youm Al Sabe'e newspaper, close to the current authority, after communicating with specialists within the Ministry of Culture, published a report, citing sources on the terms of reference of the work of branches, and mechanisms of work within the new branches of censorship. According to the report, the censorship will have the jurisdiction to organize films, songs, plays, monologues, CDs and audio tapes according to the law. The report added that the culture palaces in the seven provinces announced by the Minister of Culture, will allocate special offices to control works, and that Cairo employees may be delegated to those offices or use some of the staff of the cultural palaces to carry out the work. It said the ministerial decision came to facilitate the work of censorship in the governments instead of the exclusive dependent on the central office in Cairo.

The state also tightened its grip on amateur theatres, narrowed cultural palaces in the governorates, and required any party to organize a ceremony to be a company with a

28. Al Masry Al Youm, Cancellation of the concert by Hammo Bika and the chair of the union accuses him of impersonating a singer, 9 November 2018, last visit 18 December 2018 <https://bit.ly/2A356ob>

29. Hany Abdel Rahman, Mohamed Mahmoud Radwan, «Musical Professions» refuses to hold a ceremony for Hamo Beka Ismailia: In order to preserve the public taste, Al Masry Al Youm, on 5 December 2018, the last visit 18 December 2018, <https://bit.ly/2QCDh07>

minimum capital of half a million pounds, according to the permanent committee formed by a decree by the prime minister to manage festivals and public performances.

On August 31, 2018, a security force of 4 members of the Civil Protection Forces stormed the theatre of the Beni Suef Cultural Palace, claiming that usual inspection of requirements of security and safety precautions was carried out. The preparations for the carnival of Arabic music and singing were also stopped, which was scheduled for the evening of the same day.

The testimonies obtained by AFTE confirm that the Civil Protection Force (CFP) refused to reveal its identity to the staff at the Culture Palace. The director of the Beni Suef Culture Palace was also held at the Civil Protection headquarters. The Civil Protection Force also conducted a criminal investigation of a bearded worker claiming he was a member of a “terrorist” group. The force also pressed the director of the Beni Suef Cultural Palace to sign a statement that the Beni Suef Palace was not safe to carry out any of its activities or receive visitors. All despite the fact that the palace administration had obtained all necessary permits before.

In the same context, security forces stopped the first festival of Sawasia for short films and documentaries in Suez, one hour before the start of the festival. A security force entered the Cinema Renaissance, and filed a complaint official informing the cinema to prevent the screening of any films on its screens and not to host the festival, again without mentioning the reasons for the ban. The festival management decided to transfer the event to one of the wedding halls in Suez. Security forces intervened again, cutting off the electricity from the hall in conjunction with the opening speech of the festival, which was delivered by MP Abdul Hamid Kamal. The MP completed his speech and announced the conclusion of the festival activities. The committee handed the prizes to the winning films using flashlights of mobile phones.

Following the cancellation of the festival, the official page of the festival “Sawasia” issued a statement confirming that the festival received the necessary security approvals and permits, which included the statement of the Central Authority for the Supervision of Artistic Works for each film submitted to the competition, where the censorship of works of art allowed the screening of seventeen films, while excluding one film. The statement stressed the coordination from the beginning with Dr. Inas Abdel Dayem, Minister of Culture and Chairman of the Supreme Committee to organize festivals and celebrations.

Stopping the activities of Sawasiya Film Festival is the second implementation of the decision of the Prime Minister to form a permanent high committee to organize the concerts and festivals which we will address later. While the first case was the ban of the festival “Oscar Egypt for feature and short films “ after the release of a report from the Department of censorship of works of art against the festival organizers to hold periodic film festivals without a license from the Supreme Committee for festivals.

The official gazette had on 11 July 2018 published a decision by the prime minister no. 1238/2018 concerning the organization of festivals or celebrations. The decision included new restrictions on the freedom of artists.

The mandate of the committee exposes its role in censorship of creativity. It is not an administrative committee that only coordinates procedures. Article 4 of the prime minister decree outlines the mandate of the committee, including review of requests for the organization of festivals and celebrations, monitoring their implementation and evaluation and submitting periodic reports concerning each event including recommendations to the minister of culture.

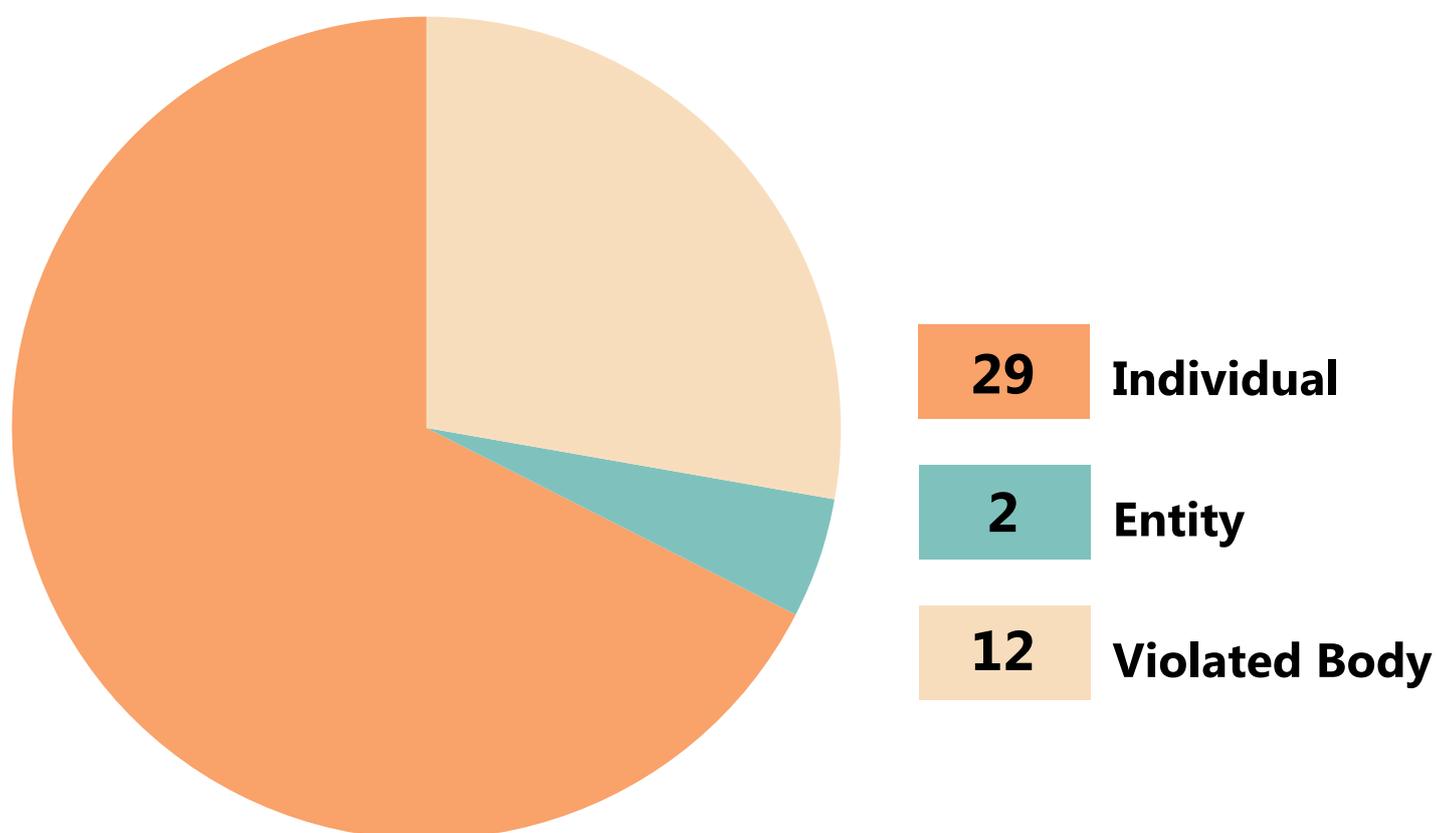
The decision of the Prime Minister prohibits the organization or establishment of any festivals or celebrations, except after the organizers have obtained a license from a committee headed by the Minister of Culture. It includes at least 15 members representing various ministries and parties, namely foreign affairs, interior, finance, tourism and archaeology, civil aviation, youth and the representatives of the General Secretariat of the Council of Ministers, as well as the presidents of the three technical unions (the Syndicate of Music Professions, the Syndicate of Cinematic Professions, the Syndicate of Representative Professions) and the heads of literary unions.

The decision sets forth conditions relating to the content presented at the celebration or festival, as well as the requirements of the legal procedures governing the application for the license. The decision contains a general condition that the applicant for the license is a body established in accordance with the Egyptian laws, has the necessary licenses to carry out its activity. This means that individuals who are not represented by legal entities are not entitled to apply for a license to hold festivals or celebrations. In addition to this general condition, the decision includes two further conditions; the first of which concerns NGOs, where it stipulated that the civil society should have a tangible activity to serve the community in the field of specialization of the festival to be licensed.

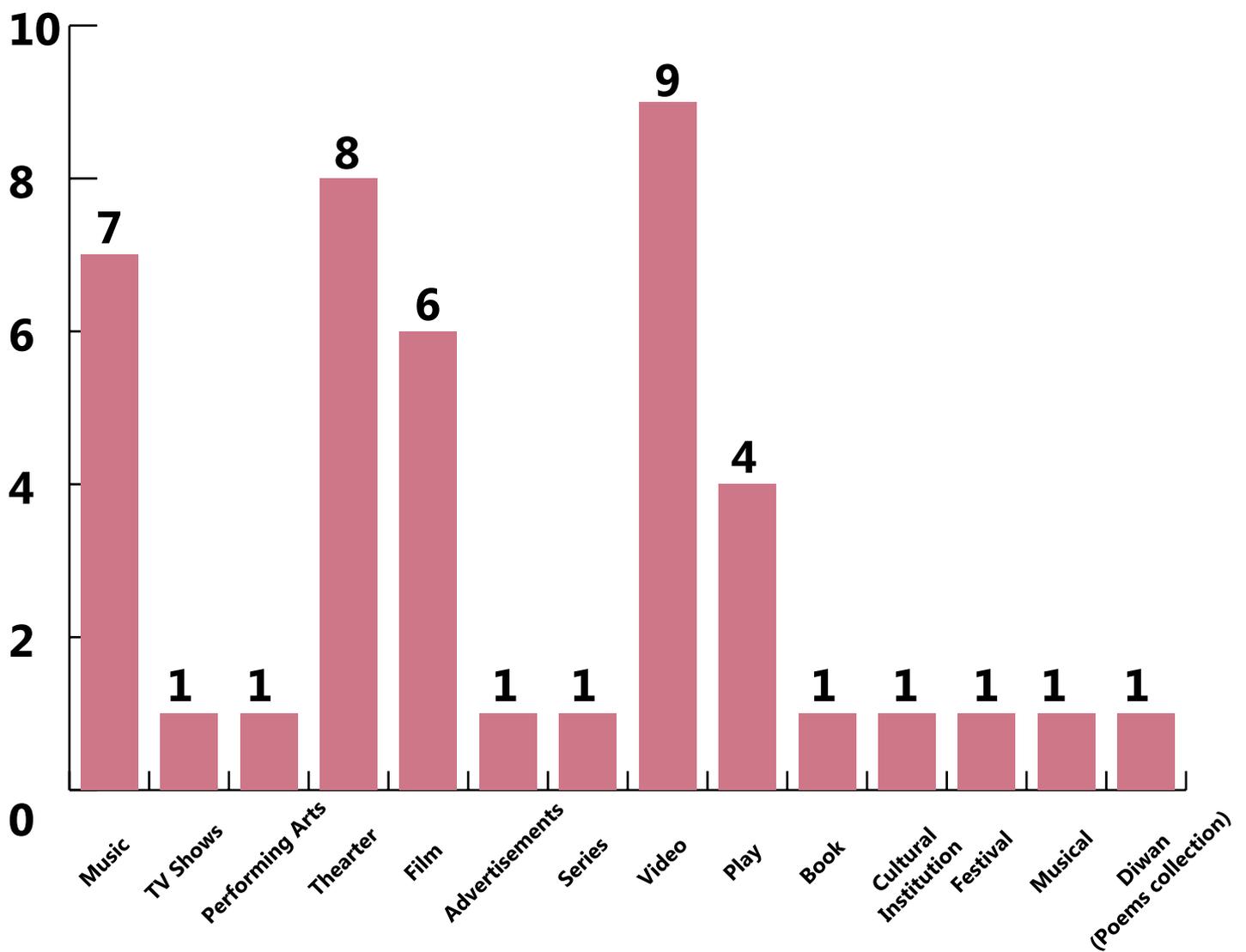
This provision allows the Supreme Committee of Festivals to refuse to grant licenses to members who do not engage in continuous activities in the field of the festival they intend to organize. The second controller concerns companies, which stipulated that the capital of the company organizing the festival or the celebration should be no less than 500 thousand pounds. The decision omitted the extreme variation in the quality and costs of festival organization, equating decision between different forms of arts and cultural activities, without regard to the actual cost of festivals aimed at a small audience or based on low-cost activities.

On the other hand, the role of the Drama Committee, formed by the Higher Media Council, has emerged over the course of 2018, when wide powers exercised restraint on television drama especially during the month of Ramadan. In addition to the moral statements of its members, the drama committee published several reports - from four other committees - which monitored the irregularities of the television drama. The committee also imposed fines on the violators and demanded that the scenes be deleted.

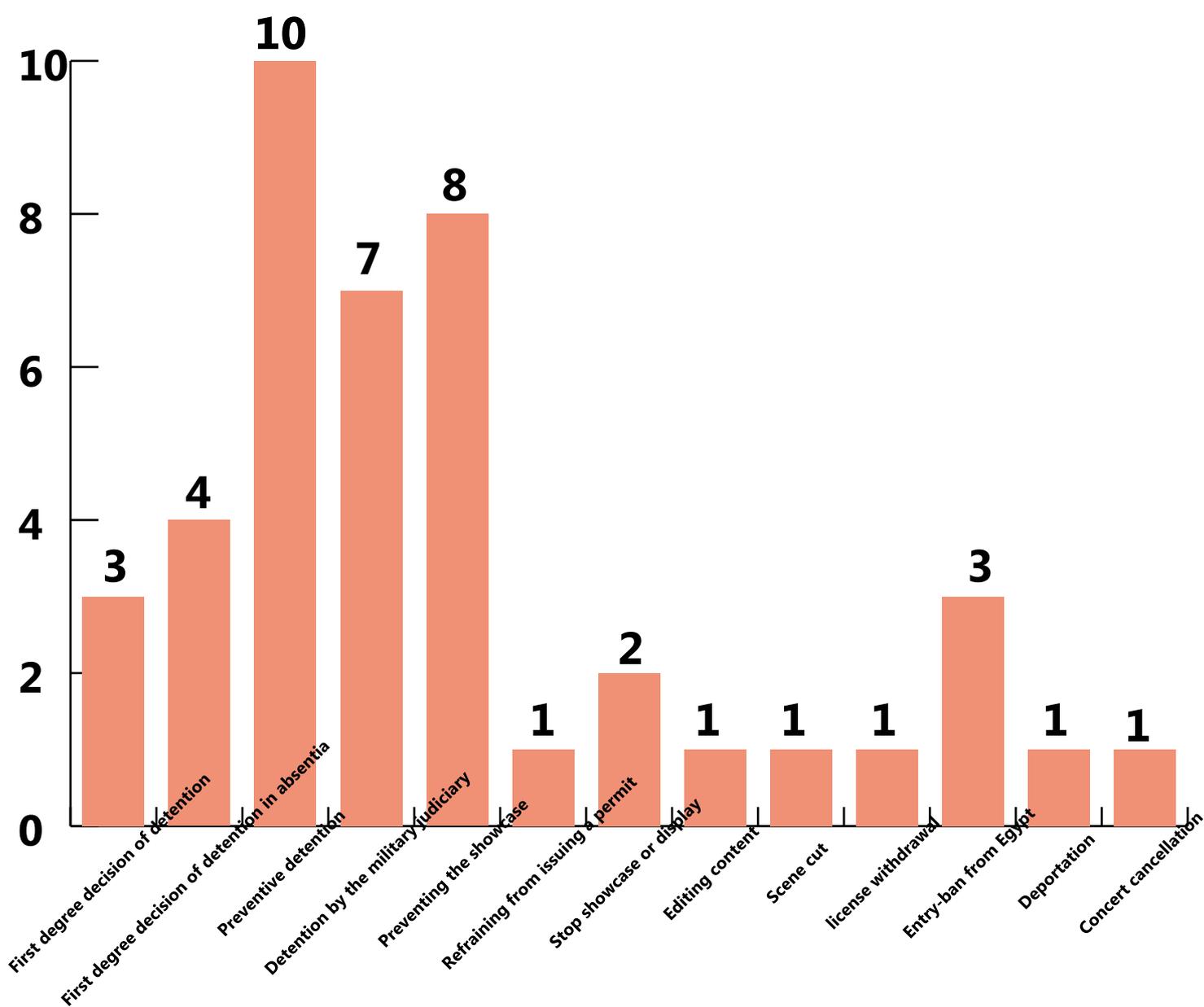
The Supreme Media Council faced a crisis after the drama committee submitted its resignation last June. The resignation of the committee came as an objection to the non-implementation of the sanctions it had requested on the violating acts in Ramadan. Despite the Council's acceptance of the resignation of the committee and announcing a new formation early last July, the completion of the task was not possible sine all those nominated refused membership because of the anger raised by the Mohammed Fadel Committee and its practices against creative artists.

Violations of freedom of Artistic creation according to Violation Classification Per Body 2018

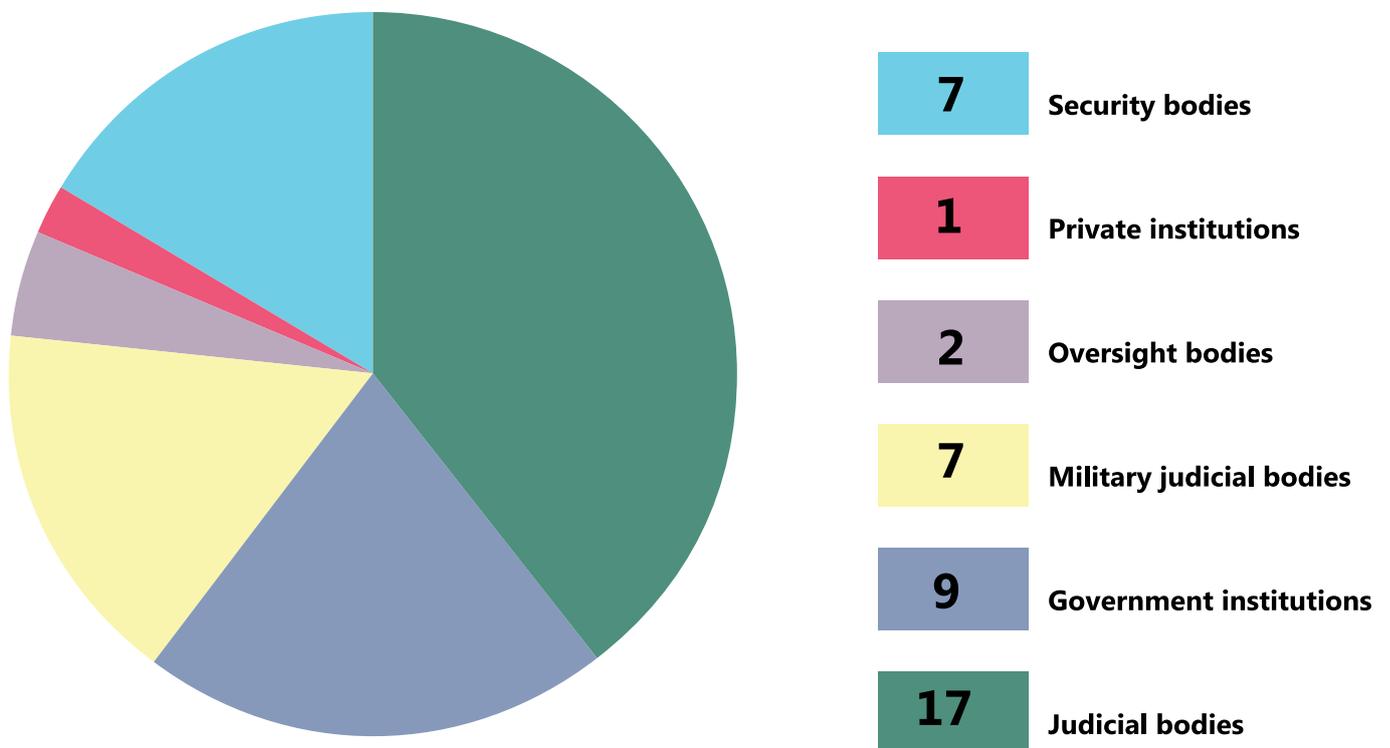
Violations of freedom of Artistic creation according to ContentType 2018



Violations of freedom of Artistic creation according to Violations 2018



Violations of freedom of Artistic creation according to Violating Bodies 2018



Digital Rights... Oppression in the virtual space

AFTE documented 20 incidents during which 20 individuals were punished by prison or expulsion from work because of their expression of their views on social media, whether in writing or by posting videos throughout 2018. 17 of them have been subjected to preventive detention, some have been releases and others are still in prison until the time of writing this report. Courts have issued prison sentences against two women in two different cases and recently an employee of the TV and radio union has been fired from his work. High state security prosecution came on top of the list of violators (12 violations)

“Abuse of social media and dissemination of false news”

These two charges led to the arrest of several political activists in various cases that have in common similar charges by the High State Security Prosecution for the defendants to punish them for expressing their views through social media. This began with the first quarter of the year, and did not stop until the fourth quarter, where new defendants were arrested from their homes and others from their workplaces.

On October 14, 2018, a force of four policemen arrested dentist Walid Shawqi from his clinic in the neighborhood of Sayeda Zeinab. A few days later, on October 18, Ayman Abdel-Moati was arrested from his workplace at the Al-Maraya publishing house in the center of Cairo. Both Shawqi and Abdulmuti were locked up in the case no. 621 for the same charges as a long list of defendants, including political activist Shadi al-Ghazali Harb, video blogger Shadi Abu Zeid, April 6 member Sherif al-Roubi and others still in preventive custody.

Security forces arrested a number of political activists on charges of inciting demonstrations through their accounts on the social media. The prosecution decided to imprison the writer Ibrahim al-Husseini in the investigation of Shubra al-Khayma case No. 15216 of 2018, after his home was raided and searched by state security forces, before he was arrested in the early hours of 9 December 2018.³⁰

El Husseini was not the only one to be punished for allegedly “inciting” demonstrations which did not take place. One day after his arrest security forces arrested Alexandrian lawyer Mohamed Ramadan from the street. He was presented to the prosecution and accused of “possession of 5 yellow jackets to call for demonstrations against the ruling regime mirroring the demonstrations in France, joining a terrorist organization and disseminating its ideas, dissemination of false news and using social media to propagate the ideas of the terrorist group”, in Montaza I prosecution case no. 16576/2018. Ramadan had been sentenced in absentia to 10 years and house arrest for 5 years as well as prohibition of using the internet for 5 years, back in April 2017.

30. Mada Masr, detention of writer Ibrahim al-Husseini for 15 days for investigation into “incitement to demonstrate”, on December 11, last visit date December 17, 2018, <https://bit.ly/2UT4IB9>

Weal Abbas... Arrested for internet activity

“I am being arrested” was the last thing written by journalist and blogger Weal Abbas on his personal Facebook account in the early hours of 23rd of May 2018. The following day he was accused by the prosecution of joining a terrorist group in achieving its objectives, publishing false news, misuse of social media, in state security case no. 441/2018. It is the same case that involves other activists and journalists, including journalist Adel Sabry, editor in chief of Masr Elarabeya website and journalist Hassan Elbanna and others.

Wael Abbas is a journalist, blogger and activist with many awards, including the Knight Award from the International Center for Journalists in Washington in 2007 and the Helman Hamt Award for Human Rights from Human Rights Watch in 2008. Abbas began the “Egyptian Awareness” blog in 2004, posting pictures and videos of the torture of citizens in places of detention in the Mubarak era. The blog was famous in 2006 when Abbas published videos of the torture of a citizen in the Bulaq position, which was known as the “torture of Imad al-Kabir”, which sentenced the torturers to 3 years’ imprisonment to be released after serving three quarters of their term.

On the morning of the 23rd day, a number of security forces stormed the house of Wael Abbas while he and his mother were in the house. They searched the house and took him blindfolded to security vehicles. The prosecution did not show either a search or arrest warrant, according to a family member³¹. During his presentation to the prosecution, Abbas was confronted with a number of evidences obtained by the security forces from the house, including “a number of mobile phones, a number of cameras, two laptops, a music player, two books, both written by Abbas. The prosecution asked him about the content of the books, his social origins, orientations and political positions, especially about the events of 25 January and 30 June, according to the AFTE lawyer who attended the investigation with Abbas.

Abbas is suffering from heart problems and the organization’s lawyer has submitted a number of requests to transfer Abbas to the prison hospital or an outside hospital, even at the expense of his own family. This continued for more than seven hearings in front of the prosecution. “The prison administration has refused to carry out the prosecution’s decision for a long time, but Abbas has recently been examined by a prison doctor, although a number of medical examinations remain to be done, according to a family member.

On the 1st of December the Giza criminal court decided to release Abbas with precautionary measures pending the case. He has to visit the police station of his district twice weekly for 45 days. The following day the prosecution contested the appeal decision. On the 3rd of December the Giza criminal court confirmed the release and rejected the appeal by the prosecution.

31. Phone interview with family member

On June 20, 2018, the Court of Administrative Justice sentenced Ali Hassanein Abu Hamaila to dismissal from his job at the Radio and Television Union as the director of foreign registrations at the Nile Drama Channel, accusing him of breaking the requirements of the public office by writing statements on his personal Facebook page. Prosecutors have charged the defendant in case No. 176/58J with charges of conduct that does not conform to due respect for the job, violation of the rules, instructions and provisions of the law, and out of duty activity by writing and publishing insulting and inappropriate statements against the President of the Republic on his personal page on social media, commenting on the border demarcation agreement between Egypt and Saudi Arabia, and Egypt's concession of the islands of Tiran and Sanafir. Ali Abu Humaila also filed an appeal before the Administrative Court against the decision to transfer him from his post, following an investigation into the Radio and Television Union because of his publications on Facebook.³²

Egyptian authorities continued their blocking of websites, which began in May 2017. AFTE documented the blocking of 44 websites, including press sites, technical news sites and sites that are meant to bypass the block.

On February 3, users in Egypt found difficulty in accessing a large number of websites via mobile phones. This was the result of the Egyptian government's blocking of AMP, with up to 25 million websites³³. The government decided to withhold service when several blocked sites resorted to it to bypass the block. Later the ban was lifted on the service, while the sites that tried to use it remained blocked.

Authorities blocked some sites after their publishing certain news not favored by the state. El Khalig Algadid was blocked after publishing on 17 January 2018 that "El Sisi removed head of general intelligence after the leak scandals". The Lebanese Akhbar site was also blocked on the same day after publishing that "El Sisi removes head of intelligence: failure in the Palestinian and media portfolio".

Other sites were blocked shortly after their launch such as Elkatib, which was blocked less than 9 hours after its launch on 24 June 2018, as well as Geem that was blocked one month after its launch on the 29th of July 2018.

On the other hand, technical reports revealed the Egyptian government's use of the Pegasus spy software produced by the Israeli company NSO, and the software is working to deceive the target person to click on a malicious and dedicated link, which once pressed, tries to exploit a series of unknown gaps "zero-day" to penetrate the digital protection features on the phone and download "Pegasus" without the user's knowledge or permission. Once Pegasus is loaded on the phone, it starts dialing C&C to receive and execute operator commands, and sends the data of the operator, including private information, passwords, contacts, calendar, text messages, and direct voice calls from Mobile Messaging applications. The operator can even operate the phone camera and

 32. AFTE, ruling on the dismissal of a Director-General of the Radio and Television Union for his objection to the "Tiran and Sanafir" Agreement, dated 20 June 2018, last visit date 17 December 2018, https://afteegypt.org/media_freedom/2018/06/20/14596-afteegypt.html

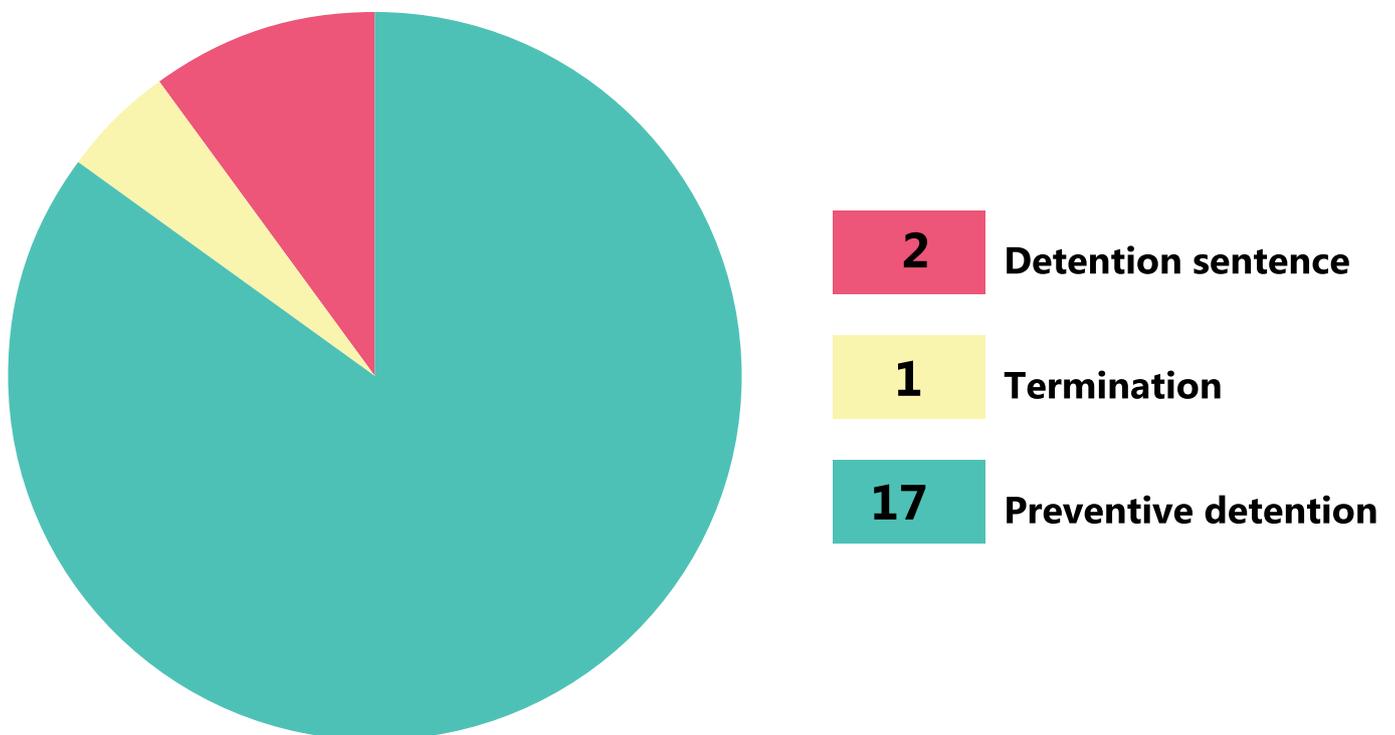
33. Mohamed Eltaher, closing the windows .. Internet censorship in Egypt, 19 February 2018, last visit 16 December 2018, https://afteegypt.org/digital_freedoms/2018/02/19/14648-afteegypt.html

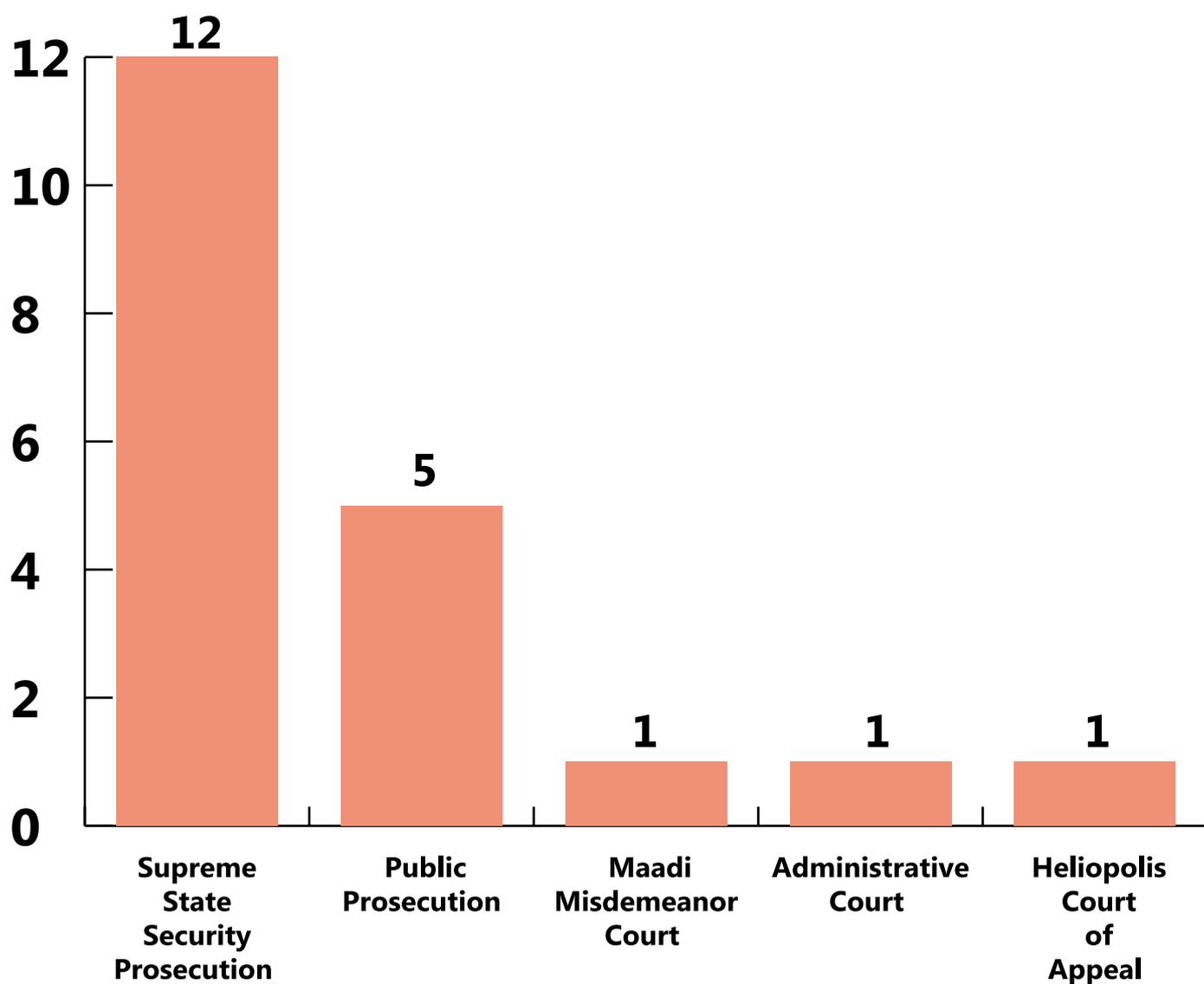
microphone to capture and record activity in the surroundings of the phone.

We also monitored the use of the SandvinePacketLogic device, where middle boxes were found to use Deep Packet Inspection technology on one of the Egyptian telecommunications networks. These devices have been used to redirect many users of Internet service providers to digital currency advertisements and scripts.

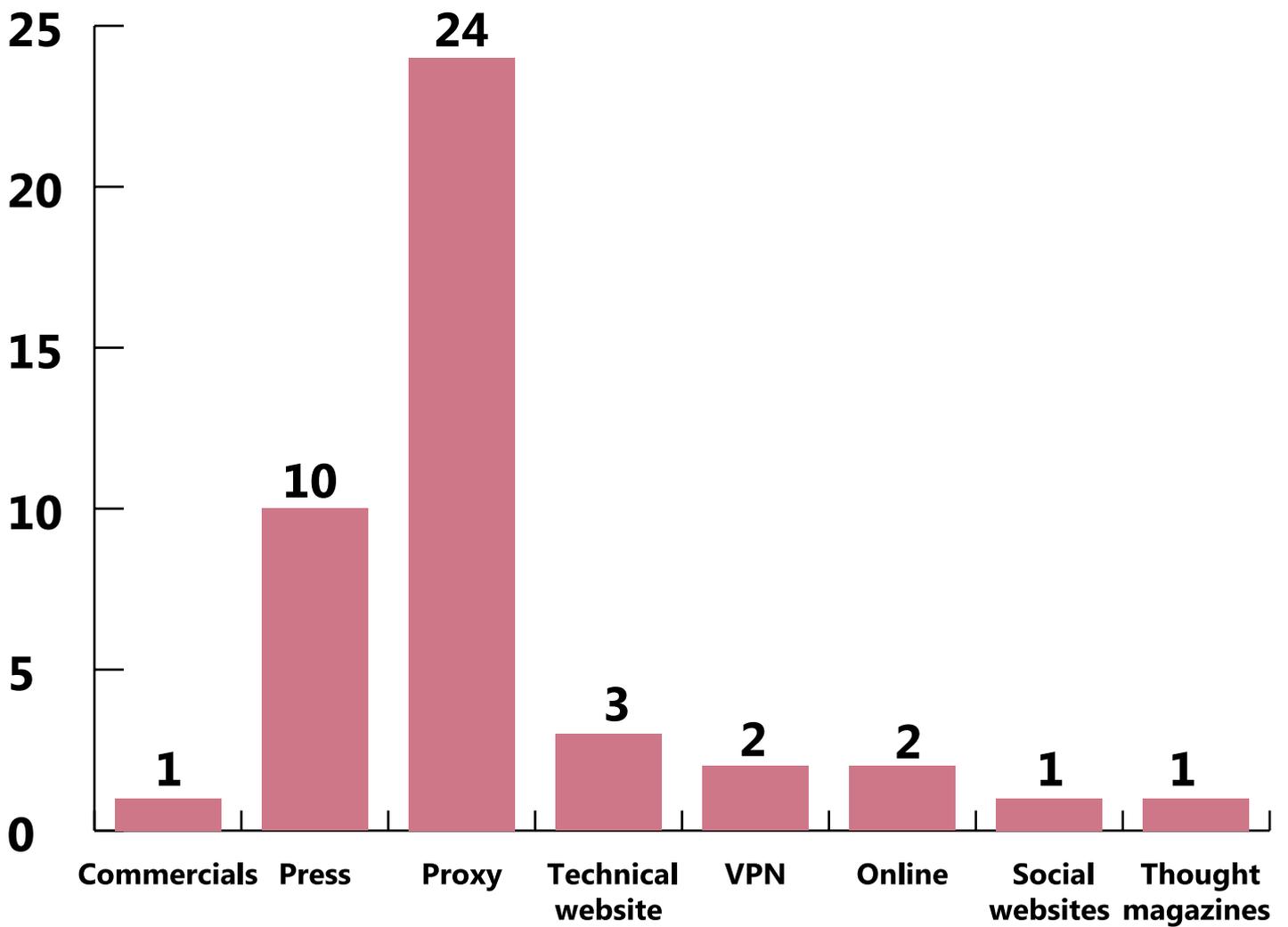
The Supreme Council for Media Regulation, the government body responsible for organizing the media sector in Egypt, formed a committee called “Follow-up Committee for Social Networking Sites”, a committee responsible for the daily follow-up of social networking pages to reveal trends among the various social groups, different social classes and the daily monitoring of changes and developments that occur in the prevailing ideas on those pages.

Violations of Digital expression, year 2018, in accordance to type of Violation



Violations of Digital expression, year 2018, in accordance Violating body

Blocked websites classification



Academic Freedom... Egyptian Universities deprived of independence

A number of faculty members of Egyptian universities have been exposed to violations related to freedom of expression - academic freedom and the independence of the university in particular - in at least four cases in the universities of Cairo, Helwan, Damanhour and Suez.

In Suez, the university president issued a decision to expel³⁴ Dr. Mona Prince, a teacher in the Department of English Language Faculty of Arts from her job while retaining the pension and reward, according to a decision of the Disciplinary Board authorized to investigate Prince and issued on 13 May 2018.

The university administration had referred Prince to administrative investigation and suspended her job until the investigations were completed on April 5, 2017. The university said in a statement that Prince had “posted clips and pictures on her account on social networking sites (video), noncompliance with the curriculum of the faculty of education, appearing in several television programs without the permission of the university, and making statements contrary to the traditions and values of university and public order and ethics and morality, which is contrary to the role of a university professor, and finally delay in the delivery of her tasks to the control department.

Thus, in addition to its involvement in the private life of the professor, the university added new charges related to her academic work. Maher Mesbah, the former president of Suez University, tried to divert attention from the university’s interference in private life by saying that Mona El-Prince was referred to the investigation before the video was published on her personal account, against the background of professional abuses related to her lack of abidance with the agreed lecture frames and other problems related to correction of exam papers and delivering their results. The Ministry of Higher Education issued a statement stating that “the personal freedom of faculty members is protected by the Constitution and the law, but it is not at the expense of the norms and ethics of the university.”³⁵

Dr. Mona Elprince appealed the decision of her suspension from university in front of the high administrative court.

At the University of Damanhour, the administrative investigation with Dr. Ahmed Rashwan, a teacher of modern and contemporary history at the Faculty of Education, University of Damanhour, ended with directing of blame, according to the AFTE lawyer, Mohab Said. The president of the University of Damanhour, Dr. Saleh Obeid, referred Dr. Rashwan to investigation against the background of the latter’s words and descriptions of Sheikh Sharaoui and Amr Khaled, which some saw as insulting “the greatest evildoers in the history of modern Egypt,” in his book (Studies in the history of contemporary Arabs)

34. Attached is a photocopy of the decision by the president of Suez university to suspend Elprince.

35. Mohammed Nagi (editor), More than the power of repression .. On freedom of expression in Egypt, 14 February 2018, https://aftegypt.org/publications_org/2017/02/14/12819-aftegypt.html

which he teaches to third years' students in the History Department.

The investigation took place on Wednesday, 2nd of May 2018 by the deputy dean of the faculty of law, Tanta university and the legal consultant to the president of Damanhour university, Dr. Ashraf Weeha. The investigator decided to suspend Dr. Rashwa from work for three months. The dean of the faculty decided that Dr. Rashwan is not to enter the university until the end of the investigation³⁶. On the 2nd of May the department council decided to ban him from participating in this year's exams³⁷.

In view of the wide attacks that the faculty member experienced as a result of his book, he withdrew his opinions and said "I greatly respect Sheikh Al-Shaarawi and all the religions of Islam, Christianity, Judaism and all the symbols of religions". He added "The chapter has basically not been studied at all, I do not know why the issue was raised, and I was surprised by a great opposition and I have cancelled the chapter as soon as I realized it could be a problem."³⁸

In Cairo University, the university administration was reluctant to renew the third academic year leave for doctoral researcher Kholoud Saber, who is currently studying at the Catholic University of Louvain, Belgium, where she linked the renewal of the leave with the opening of a file in the Department of Missions at the Ministry of Higher Education.

Saber had received a letter from the university stating the approval of the Council in its meeting held on 27 February 2018 to renew the leave provided that the researcher submitted papers to the missions. The researcher received another letter from the university administration requesting the management of the missions to submit a request to open a file with the administration, noting that it should submit all the documents required to open the file, including security approvals until the renewal of leave.

The researcher submitted all the required papers to open a file in the management of missions, but she refused to submit security approval forms. She said in a letter addressed to the university administration, "after reference to the law of the organization of universities No. 49 of 1972 I did not find anything referring to the need for approval by any security authorities as a condition to renew the academic leave for members of associates or faculty members. I believe in the principle of independence of universities, which recognizes the right of the university in managing its affairs without any outside party - especially non-academic – having the right to intervene in university affairs, announced my reluctance to submit a questionnaire to the opinion of the security authorities, especially after informing me orally that the security authorities had informed the university before that they objected to my travels without giving any reasons. I am completely willing to submit any papers or documents specific to my position required by the university or the Faculty of Arts, or the management of missions.

36. Telephone call with Dr. Rashwan, May 9, 2018 / Interview with Dr. Rashwan, May 15, 2018

37. Interview with Dr. Rashwan, May 15, 2018.

38. Hamdi Qassem, Al-Masry Al-Youm, "the Crisis of Shaarawi at Damanhur University": "I was wrong and I am one of his fans", May 1, 2018, <https://www.almasryalyoum.com/news/details/1286807>.

The Administrative Court is still considering the case No. 3163 for the year 63 judicial filed by the researcher against Cairo University on the renewal of study leave. The court has asked the researcher to submit papers to the missions in the hearing of 10 September 2018, according to AFTE lawyer, Mohab Said. The court will continue to hear the case at the January 8 hearing.

Students also on terrorism lists

On the twenty-second of February of this year, the Egyptian Chronicle published an appendix to the Official Gazette with the decision of the Criminal Court of Cairo, Section 25 of the Criminal Proceedings of South Cairo, in the case of the Public Prosecution No. 440 of 2018, upon decree No. 1 of 2018, to include the head of Masr Alqaweya party, Dr. Abdel Moneim Abul Fotouh and 15 others on terrorism lists.

It appears at first glance that this action comes within the security campaign against the party during that period, which consisted of the arrest of the president of the party and his deputy, Muhammad al-Qassas, and a number of close associates of the party's president. However, the court decision included also 4 graduates who are defined on the list of accusations by their former student union positions, including former president of the Tanta university student union (the minister of higher education later cancelled the student elections and appointed replacements), his deputy, Moaza Sharkawy, former president of Sohag University Students Union, Adham Kadri. The decision also included the name of the secretary of Masr Elqaweyaa student group, Amr Khattab, faculty of engineering, Ain Shams university.

The ruling accused the head of the party of recruiting youth elements, especially university students, to carry out terrorist plots. The ruling added that Abu Al-Fotouh began to form groups under the name of the "strong students of Egypt" and choose who would fit him after preparing the armed wing of the organization in order to implement a terrorist scheme. Among them were Adham Kadri, Amr al-Hilu, and Mu'adh al-Sharqawi, as well as the secretary of Egypt's strong student movement, Amr Khattab. Among the charges against those mentioned are to work to disrupt the provisions of the constitution and laws, and to prevent state institutions and public authorities from carrying out their responsibilities, attacking them, sabotaging them and undermining them, and concluding with the destruction of the state itself and spreading chaos and terror through acts of violence, vandalism, according to the court. Subsequent to the ruling the above mentioned would be banned from travel and their funds seized.

It seems strange that the names of these students are listed with their former elected positions in the university, despite the graduation of two of them, which confirms that the investigations relied upon by the judgment of the Criminal Court are very inaccurate and that they were used for the purpose of punishment for their activity during their tenure.

Despite the fact that their names are included in the lists of terrorism, none of the students was arrested for several months after the publication of the ruling in the official gazette, except for the vice president of the Tanta University Student Union, the graduate of the Faculty of Arts, Moaz al-Sharqawi. He was arrested in Dahab, Sharm El Sheikh, on the nineteenth of September this year, during a trip with one of the tourist groups of the province of South Sinai on a trip organized by the tourist company in which he works. Although he was arrested in front of more than 50 people, the Ministry of Interior denied he was in its custody.

Al-Sharqawi's family sent several complaints to the Attorney General and the Ministry of the Interior in the hope that the Interior Ministry would disclose the whereabouts of Sharqawi, but no one responded to the family's requests. It continued to deny his presence in any of the police detention centres or any prosecution offices until he appeared on the 14th of October, after more than 25 days of his disappearance. His lawyer had received information that he was seen in the Fifth Court of Assembly - the headquarters of the investigations of the State Security Prosecution.

Muaz presented in front of State Security Prosecution on October 13, without the presence of any lawyer. The prosecution ordered his detention for 15 days in case No. 440 of 2018. The state security prosecutor charged him with joining a terrorist group. The State Security Prosecution continues to renew al-Sharqawi's detention until the time of writing of this report.

Exceptional Judiciary... A constitution of “good intentions” in a long slumber

One of the most prominent features of the past year is the extensive expansion of investigations and trials before exceptional courts, where the State Security Prosecution has conducted investigations centrally through its headquarters in Cairo. There is, of course, no public announcement of the number of cases considered by the State Security Prosecution. However, according to the case codes, the number of cases considered by State security in 2018 has exceeded one thousand and five hundred, in addition to ongoing issues.

Cases seen before the State Security Prosecution are varied, but the nature of the specific issues that the prosecution has begun to investigate is strange. Investigations before the State Security Prosecution used to deal with issues of terrorist organizations and other cases related to crimes that harm the security of the country, currently it has been involved in prosecuting members of political parties, political movements and activists, such as activist Shadi Ghazali Harb and Abdul Moneim Abul-Fotouh, head of the Masr Alqaweyya Party and Dr. Hazem Abdel-Azim, former adviser to El Sisi's electoral campaign.

In addition, journalists became permanent guests before the prosecution in view of their journalistic work or their activity as reporters or opinion writers. Investigations were conducted on specific cases called “media cell” cases, the most important of which were cases 441 and 977, which included a large number of media and press personnel. The number of defendants in cases related to freedom of expression through the Internet has also increased, where a number of bloggers and social media activists were investigated such as Islam Rifai (aka Khorm), blogger Wael Abbas and blogger Mohammed Oxygen.

In summary of the previous presentation, the issues of freedom of opinion and expression have become a main item on the list of charges that are being investigated before the State Security Prosecution. The prosecution charges with joining groups that were established contrary to the law or joining a terrorist group without mentioning the group's name or nature, or sources of funding, as well as traditional accusations of publication, such as the dissemination of false news and the abuse of social media. The State Security Prosecution uses the charges of joining illegal organizations to open the door of jurisdiction to investigate these (ordinary) cases, in addition to its jurisdiction under the Prime Minister's decision to refer new cases in some of the crimes stipulated in the various laws to emergency state security courts, which have been active throughout the Republic since April 10, 2017, and which is extended by circumventing the text of the Egyptian Constitution, which prevents the continuation of the declaration of a state of emergency. The law gives the authority to the special judiciary to investigate and prosecute crimes related to the law of protest, the law of gathering, the anti-terrorism law, the criminalization of attacks on freedom of work and the destruction of facilities, crimes related to terrorism and the violation of state security, intimidation and bullying, obstruction of public transport, all of which are included in the penal code.

“La welnabi ya Abdo” (No please don’t Abdo)

Ahmad Ali Abdel Aziz, a journalist and member of the Revolution Tomorrow Party, was arrested on November 22, 2017 for publishing an online campaign called “No by the Prophet don’t Ya Abdo” on his Facebook page. The State Security Prosecution, during the investigations conducted without the presence of a lawyer, charged him and eight others of belonging to a group established contrary to the provisions of the Constitution and the law aimed at disrupting the provisions of the Constitution and the law and preventing state institutions from performing their work and harming national unity and social peace. Upon referral to the Emergency State Security Court additional charges were made of promotion of the ideas of this group, while accusing others of financing the group.

Ahmed Abdel Aziz and other defendants are now being tried by the Emergency State Security Court in New Cairo in case No. 1 of 2018. The investigations attached to the case papers indicate that the accused are talking about the formation of the Egyptian Council for Change and its central and subcommittees. According to the state security officer this is an alliance between members of the brotherhood who fled Egypt, and a few members of the opposition who refuse the current regime (opposing elements). They aim to provoke chaos and end the rule of the military, questioning the institutions of the state and restoring the rule of the Brotherhood. The Council is headed by Hossam Shazli, a visiting professor for change management and strategic planning at Cambridge University, Switzerland. In order to achieve this, contacts have been made with organizations, embassies and members of the US Congress to create international pressure on the Egyptian government, as well as to work with human rights organizations to show human rights violations, “enforced disappearance, extrajudicial killings” and deliberate publication of false news on their facebook page, all of which are charges punishable by 5 years.

Periods of pre-trial detention extends pending cases to be investigated before the State Security Prosecution without the existence of serious investigations. Most preliminary investigations conducted by State Security Prosecution include a search in the motivations of activists and their orientation, which is closer to being a means to gather information and torture activists using a fragile legal umbrella. This is in addition to difficulties working in the foreseeable issues faced in front of the State Security Prosecution of difficulty facing the lawyers to access state security prosecution offices, where defendants are usually questioned for the first time in the absence of their lawyers, after varying periods of forced disappearance, and it is difficult, if not impossible, to photocopy the investigation papers and the accompanying reports.

The situation also extended to military judiciary, an exceptional judiciary, where creative artists have been charges because of their works, which is considered an exceptional procedures and constitutes a major development in the nature of cases heard by the military.

Poet Galal El Beheiri – Best Women on Earth poetry collection

”The first defendant, Galal al-Bahiri, wrote poetry in the colloquial Egyptian dialect and called it “the best women on earth” and through it deliberately distributed false news and rumours about the Egyptian armed forces. He pointed out through his black pages that the military sold the Nile, and questioned the victories of the Egyptian army and its failure to protect the country, all of which could have disturbed public security and cause harm to public interests, he used indecent language and insulted the army... Instead of enumerating the heroic actions of martyrs in Sinai and those on alert all over Egypt, he verbally harassed them, while they are the ones who allowed him to enjoy security and safety. May his hand be stopped which transgressed the best soldiers of the earth and presented his foolish poetry.”

From the verdict by the military prosecutor in case no. 4/2018

Poet Galal al-Beheiri and one of the owners of publishing houses were sentenced to three years and a fine for each of ten thousand pounds because of one of a creative work, a poetry book, that did not even get published. He was accused of spreading false news and rumours by writing a book entitled “the best women on earth” that contains false news and data about the Egyptian armed forces, and that he insulted the Egyptian army.

Although the poetry book has not been distributed or published until the date of the trial, national security investigations have reported that the accused Galal al-Bahiri has written a book that insults the military establishment and the armed forces and claims that they cannot protect the country and that all the achievements that are announced are lies and have no basis in the truth.

Recommendations

- 1- AFTE calls on the Parliament to review the three press laws, which establish strict control and censorship by the state of the press and media work in Egypt. As well as the Cyber Crime Act, which legislates arbitrary practices against cyberspace, such as blocking websites and monitoring communications in Egypt.
- 2- Cancellation of the emergency state
- 3- Reconsideration of all exceptional trials and interrogations that took place during 2018 whether in military judiciary or state security courts.
- 4- Lifting the ban on all blocked sites in Egypt since May 2017
- 5- Cancellation of the drama committee of the supreme media council in view of its interference in creative works
- 6- The State Information system should end all restrictions on foreign press institutions working in Egypt and their journalists.
- 7- Put an end to the import of spyware and surveillance equipment and to the government's violation of citizen privacy